



AGENDA

Planning Commission

6:30 PM - Thursday, May 2, 2019

City Hall Council Chambers, Sammamish, WA

Page		Estimated Time
	CALL TO ORDER	6:30 pm
	ROLL CALL	
	APPROVAL OF AGENDA	
	APPROVAL OF THE MINUTES	
3 - 5	1. April 18, 2019 Meeting Minutes View Meeting Minutes	
	PUBLIC COMMENT - NON AGENDA <i>3 minutes per person / 5 minutes if representing an organization</i>	
	NEW BUSINESS	
6 - 119	2. Shoreline Master Program (SMP) Periodic Review View Agenda Item	
	PUBLIC COMMENT - AGENDA <i>7 minutes per person</i>	
	ADJOURNMENT	8:30 pm
	LONG TERM CALENDAR	
120	3. View Calendar	

Note: This is an opportunity for the public to address the Planning Commission. For non-agenda items, three (3) minutes are granted per person, or five (5) minutes if

representing the official position of a recognized community organization. Seven (7) minutes are granted per person for agenda items.

If you are submitting written material, please supply 8 copies (7 for Planning Commission; 1 for the record). If you would like to show a video or PowerPoint, it must be submitted or emailed by 5pm the day of the meeting to Sara Estiri at sestiri@sammamish.us. Please be aware that Planning Commission meetings are videotaped and available to the public.

The City of Sammamish Planning Commission is appointed and is the advisory board to the City Council on the preparation and amendment of land use plans and implementing ordinances such as zoning. Planning Commissioners are selected to represent all areas of the City and as many "walks of life" as possible. The actions of the Planning Commission are not final decisions; they are in the form of recommendations to City Council who must ultimately make the final decision.

THE COMMISSION MAY ADD OR TAKE ACTIONS ON ITEMS NOT LISTED ON THIS AGENDA.

Planning Commission meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request.

Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.

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MINUTES

Planning Commission

6:30 PM - April 18, 2019

City Hall Council Chambers, Sammamish, WA

Commissioners Present:

Eric Brooks, Planning Commissioner, Position 1
Larry Crandall, Planning Commissioner, Position 5
Josh Amato, Planning Commissioner, Position 4
Mark Lewis, Planning Commissioner, Position 3
Roisin O'Farrell, Planning Commissioner, Position 2
Mark Baughman, Planning Commissioner, Position 6
Rituja Indapure, Planning Commissioner, Position 7

Commissioners Absent:

Staff Present:

Director of Community Development Jeff Thomas
Management Analyst Miryam Laytner
Management Analyst Sara Estiri

CALL TO ORDER

Chair Baughman called the Sammamish Planning Commission meeting to order at 6:30 PM.

ROLL CALL

Roll was called.

APPROVAL OF AGENDA

Motion to approve the April 18, 2019 meeting agenda as distributed.

Motion carried with no objections.

APPROVAL OF THE MINUTES

March 21, 2019 Meeting Minutes

Motion to approve the March 21, 2019 minutes as distributed.

Motion carried with no objections.

PUBLIC COMMENT - NON AGENDA

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Mary Wictor
 408 208th Ave NE Sammamish WA 98074
 Topic: Request information about the Urban Forest Management Plan

Paul Stickney
 22626 NE Inglewood Hill Rd Sammamish WA 98074
 Topic: Citizen for Sammamish meeting

OLD BUSINESS

Public Hearing and Deliberation: Title 24A - Comprehensive Plan and Development Regulation Amendment Procedures.

Jeff Thomas, Director of Community Development and Miryam Laytner, Management Analyst gave a brief presentation on Title 24A - Comprehensive Plan and Development Amendment Procedure.

PUBLIC HEARING OPENED

Paul Stickney
 22626 NE Inglewood Hill Rd Sammamish WA 98074
 Topic: Title 24A

Mary Wictor
 408 208th Ave NE Sammamish WA 98074
 Topic: Tile 24A

PUBLIC HEARING CLOSED

COMMISSION BEGAN DELIBERATION

MOTION: Rituja Indapure moved to add "taking into account the fiscal impact" after "(3) The amendment is in the greater public interest and represents an action that best serves the entire community; and" and eliminate "(4) The amendment will not have an adverse fiscal impact on the City." (Section 24A.10.030) Mark Baughman seconded. Motion carried unanimously 7-0.

MOTION: Roisin O'Farrell moved to remove "...the goals and policies of the Comprehensive Plan" before "the Sammamish Comprehensive Plan". (Section 24A.05.010(3)) Eric Brooks seconded. Motion carried unanimously 7-0.

MOTION: Roisin O'Farrell moved to change "Placement of a docket request on the Annual Docket does not mean it will be approved by the City Council. The City Council may deny, approve, or modify the docket request at its discretion." to: "The City Council may deny, approve, or modify the docket request at its discretion. Placement of a docket request on the Annual Docket does not mean the amendment request will be approved by the City Council." Mark Lewis seconded. Motion carried unanimously 7-0.

MOTION: Mark Baughman moved to change "(1) The amendment is consistent with the GMA, the Countywide Planning Policies, and the other provisions of the Comprehensive Plan; and" to: "(1) The amendment is consistent with the GMA, the King County CPPs, the Sammamish Comprehensive Plan, the Office of Financial Management's population projections, the Puget Sound Regional Council's Vision 2050, King County's Urban

Draft

Growth Capacity Study, and the Washington State Department of Commerce's Review & Evaluation Program; and" (Section 24A.10.030(1)) Larry Crandall seconded. Motion carried unanimously 7-0.

MOTION: Roisin O'Farrell moved to recommend to City Council the adoption of a new Title 24A Comprehensive Plan and Development Regulations Amendment Procedures as drafted in Exhibit 1 and further amended by the Planning Commission in Exhibit 2 of the April 18, 2019 packet materials. And, further amended by the four amendments discussed at the April 18th meeting. Rituja Indapure seconded. Motion carried unanimously 7-0.

ADJOURNMENT

MOTION: Rituja Indapure moved to adjourn the March 21, 2019 Planning Commission meeting at 8:11 PM. Eric Brooks seconded. Motion carried unanimously 7-0.

Agenda Bill

Planning Commission Regular Meeting
May 02, 2019



SUBJECT:	Shoreline Master Program (SMP) Periodic Review	
DATE SUBMITTED:	April 25, 2019	
DEPARTMENT:	Community Development	
NEEDED FROM COMMISSION:	<input type="checkbox"/> Action <input type="checkbox"/> Direction <input checked="" type="checkbox"/> Informational	
RECOMMENDATION:	Planning Commission workshop to provide background on the City of Sammamish Shoreline Master Program (SMP) and study the State mandated periodic SMP review. This is an informational workshop. No action is required.	
EXHIBITS:	Exhibit 1 Shoreline Goals and Policies Exhibit 2 Proposed SMP Changes 04242019 Exhibit 3 SMP Periodic Review Checklist Exhibit 4 Recreation Lots Memo 04242019 Exhibit 5 Stream Typing Definition Memo and Tribe Letter	
BUDGET:		
Total dollar amount	<input type="checkbox"/> Approved in budget	
Fund(s)	<input type="checkbox"/> Budget reallocation required	
	<input type="checkbox"/> No budgetary impact	
WORK PLAN FOCUS AREAS:		
<input type="checkbox"/> Transportation	<input type="checkbox"/> Community Safety	
<input type="checkbox"/> Communication & Engagement	<input type="checkbox"/> Community Livability	
<input type="checkbox"/> High Performing Government	<input type="checkbox"/> Culture & Recreation	
<input type="checkbox"/> Environmental Health & Protection	<input type="checkbox"/> Financial Sustainability	

NEEDED FROM COMMISSION:

An informational workshop to provide the Commission with background on the City of Sammamish Shoreline Master Program (SMP) and study the State mandated periodic SMP review.

KEY FACTS AND INFORMATION SUMMARY:**May 2, 2019 Planning Commission Meeting Objectives**

The Shoreline Management Act requires each city and county to review, and, if necessary, revise their Shoreline Master Program (SMP) at least once every eight years following a benchmark comprehensive update. The City of Sammamish completed the required benchmark update with the adoption of the current SMP in 2011. According to the State mandated periodic review schedule, the City is required to complete a periodic review of the SMP in 2019. The May 2, 2019 Planning Commission meeting is a workshop to provide the Commission with background on the City of Sammamish Shoreline Master Program (SMP) and study the State mandated periodic SMP review process and requirements. This is an informational workshop; no action is required.

State Shoreline Management Act and Sammamish Shoreline Master Program

Shoreline Management Act. The Washington State Shoreline Management Act (the “Act” AKA “SMA”) was adopted and enacted in 1972 in response to uncoordinated and piecemeal development. According to RCW 90.58.020 “shorelines of the state are among the most valuable and fragile of its natural resources and....there is great concern throughout the state relating to their utilization, protection, restoration, and preservation.” The Act was enabled through the passing of RCW 90.58 and the subsequent administrative rules found in Title 173 WAC.

Sammamish Shorelines of the State. Shorelines of the State are generally defined as rivers and streams with flow volumes of greater than 20 cubic feet per second (CFS) or lakes with a surface area of greater than 20 acres PLUS the upland area extending 200 feet landward of these waters. Lake Sammamish, Pine Lake, and Beaver Lake constitute the City’s shorelines of the state. The City’s shoreline jurisdiction (or shoreline overlay) includes these areas plus all lands 200 feet landward and jurisdictional areas of Lake Sammamish (shared by Bellevue, Redmond, Issaquah, State Parks, and State Department of Natural Resources). Lake Sammamish is further uniquely identified as a shoreline of statewide significance pursuant to SMC 25.02.010 (84), SMC 25.05.030, and RCW 90.58.020 due to its size and character.

Shoreline Master Program Required. Under the Act, each city and county with shorelines of the state must complete a local planning process that includes preparation and adoption of locally appropriate Shoreline Master Program (the City’s “SMP”) that is based on state laws and rules but is tailored to the specific geographic, economic and environmental needs of the community. The local SMP is essentially a shoreline-specific combined comprehensive plan, zoning ordinance, and development permit system. Not only must the local SMP be adopted by the local jurisdiction (e.g. the City), it must also be reviewed and approved by the Washington State Department of Ecology (Ecology). Ecology is the final authority on SMP’s. A City cannot independently adopt, amend, or eliminate it’s SMP without approval by Ecology. Further, SMP’s are subject to periodic review requirements imposed by the Act’s enabling legislation.

Sammamish Shoreline Master Program. Upon incorporation the City of Sammamish inherited that portion of the King County Shoreline Master Program (County SMP) that applied within the newly formed City of Sammamish City Limits. The City followed the guidance of the prior County SMP until the City completed the comprehensive process of developing its own SMP that was formally adopted by the City Council in 2011 under Ordinance O2011-308 and finally the State Department of Ecology

also in 2011. The City's SMP and associated development regulations were most recently updated through a locally initiated update in 2016 under Ordinance O2016-410 and in 2017 under Ordinance O2017-431. The 2016 and 2017 SMP updates were uniquely related to integration of the City's Critical Areas Ordinance (CAO) into the SMP, as required by EHB 1653 and SB 5726. Since the City of Sammamish original SMP adoption in 2011, the City has not completed a State mandated periodic review of the SMP, as directed by RCW 90.58.080 and WAC 173-26-090, which directs that a periodic SMP review must be complete by June 30, 2019 for King, Snohomish, and Pierce Counties and the Cities within. Amendments made in 2016 and 2017 were locally initiated (initiated by the City not in response to a State mandated schedule) in response to changes made to the City's Critical Areas rules as part of the CAO update process. These changes were very narrow, targeted, and only associated with items such as the wetland rating system. None-the-less Ecology approval was still required with these locally initiated updates. The City of Sammamish Shoreline Master Program goals and policies, which reside as a chapter in the City's Comprehensive Plan, are attached as **Exhibit 1**. The implementing regulations are found in the Sammamish Municipal Code (SMC) as Title 25 and are included as **Exhibit 2**.

Sammamish Shoreline Uses and Regulation. The Act establishes the concept of preferred uses of shoreline areas. The Act requires that "uses shall be preferred which are...unique to or dependent upon use of the states' shorelines..." Under the Act, "preferred" uses include single family residences, ports, shoreline recreational uses, water dependent industrial and commercial developments and other developments that provide public access (including public-private) opportunities. To the maximum extent possible, through local planning efforts shorelines should be reserved for "water-oriented" uses, including "water-dependent," "water-related," and "water-enjoyment" uses. Pursuant to SMC 25.01.030 all proposed uses and development defined in Chapter 25.02 SMC, that occur within the shoreline jurisdiction shall comply with the City's SMC, Chapters 173-26 and 173-27 WAC, and Chapter 90.58 RCW.

The SMP and SMC 25.05.030 state that the City shall manage shorelines to give preference to uses and developments that:

1. Recognize and protect the statewide interest over local interest;
2. Preserve the natural character of the shoreline;
3. Result in long term over short term benefit;
4. Protect the resources and ecology of the shoreline;
5. Increase public access to publicly owned areas of the shorelines;
6. Increase recreational opportunities for the public in the shoreline environment.

The SMA and SMP also provide that: 1) uncoordinated and piecemeal development should be prevented along the shoreline, 2) there shall be no net loss of ecological functions of the shoreline, and 3) visual and/or physical access to the shoreline for the benefit of the public should be provided.

Shoreline Master Program Update

Different Processes. The two different processes used to review and update the City's SMP are:

1. **Locally Initiated Update:** A locally initiated update is an update to the City's SMP that is in response to a change in local conditions or in response to a change in partner regulations that

are being updated through a City-wide process (such as CAO rewrite). The extent of the changes under a locally initiated update are dependent on the City's scope of the project, are not State mandated, and are not on a State specified/mandated timeline. Locally initiated updates can occur at any time deemed necessary by the City and require City and State approval.

2. **Periodic Review:** A periodic review is a State mandated review of the City's SMP for conformance with current State SMP requirements. Changes to the SMP are not required if the City reaches a finding of adequacy with State requirements, although the City may include desired changes to address a local condition or issue. The periodic review process requires both City and State approval even if no changes to the City's SMP are proposed and a finding of adequacy is made by the City and accepted by the State. **The process currently underway is a State mandated periodic review.**

State Required Periodic Review. The Shoreline Management Act requires each city and county to review, and, if necessary, revise their SMP at least once every eight years following a benchmark comprehensive update. The City of Sammamish is required to complete a periodic review of the Sammamish SMP, adopted in 2011, by June 30, 2019 (RCW 90.58.080 and WAC 173-26-090). Local legislative action is required to complete the review followed by State action, even when a local government determines no changes are needed.

The purpose and scope of the periodic review as established by the Act is to assure that the master program complies with applicable law and guidelines in effect at the time of the review and to assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements. The periodic review is distinct from the comprehensive updates required by RCW 90.58.080(2). The presumption in the comprehensive update process (2011) was that all master programs needed to be revised to comply with the full suite of ecology guidelines. By contrast, the periodic review addresses changes in requirements of the Act and guidelines requirements at the State level since the comprehensive update or the last periodic review, and changes for consistency with revised comprehensive plans and regulations, together with any changes deemed necessary to reflect changed circumstances, new information or improved data. There is no minimum requirement to comprehensively revise shoreline inventory and characterization reports or restoration plans that were wholly created with the comprehensive update.

Within the structure of the State's required periodic review, it is contemplated as possible that no changes to the City's adopted SMP are necessary and the City's SMP may be found to be 'adequate'.

State Periodic Review Checklist. A checklist is provided by the State Department of Ecology for use by cities conducting the "periodic review" of their SMP. The checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2017 that may trigger the need for local SMP amendments during periodic reviews. The checklist is used to determine if SMP amendments are needed, or if the current SMP is consistent with current state law, rules and applicable updated guidance. If only minor changes are needed to demonstrate consistency, a finding of adequacy is issued. If substantive or extensive changes are required to bring the SMP into conformance with current state law, rules and applicable updated guidance, then a finding of adequacy is not appropriate and the SMP must be amended for consistency. Analysis supported by the checklist

is only specific to consistency with current state law, rules and applicable updated guidance. Local issues identified during the review process are addressed below.

Local Issues. With the scheduled periodic SMP review, local governments should also incorporate changes deemed necessary to address changing local circumstances or implementation challenges that have arisen since the comprehensive SMP update. Examples of local issues that are appropriate to address within the structure of the scheduled periodic SMP update are insights learned from pressures or demands on use of shoreline properties or permit review issues.

Joint Review Process. Changes to the SMP are not required if the City reaches a finding of adequacy with State requirements, although the City may include desired changes to address a local condition or issue. The periodic review requires both City and State approval even if no changes to the City's SMP are proposed and a finding of adequacy is made by the City and accepted by the State. The joint review process consolidates the local and state public comment periods, speeding up the approval process. The joint review process can be used for any locally initiated SMP Amendments or for the scheduled Periodic Reviews required under RCW 90.58.080(4). Sammamish has notified the Washington State Department of Ecology of intent to use the optional joint review process. A joint public hearing with the Planning Commission and Washington State Department of Ecology is tentatively proposed to be held on June 6, 2019.

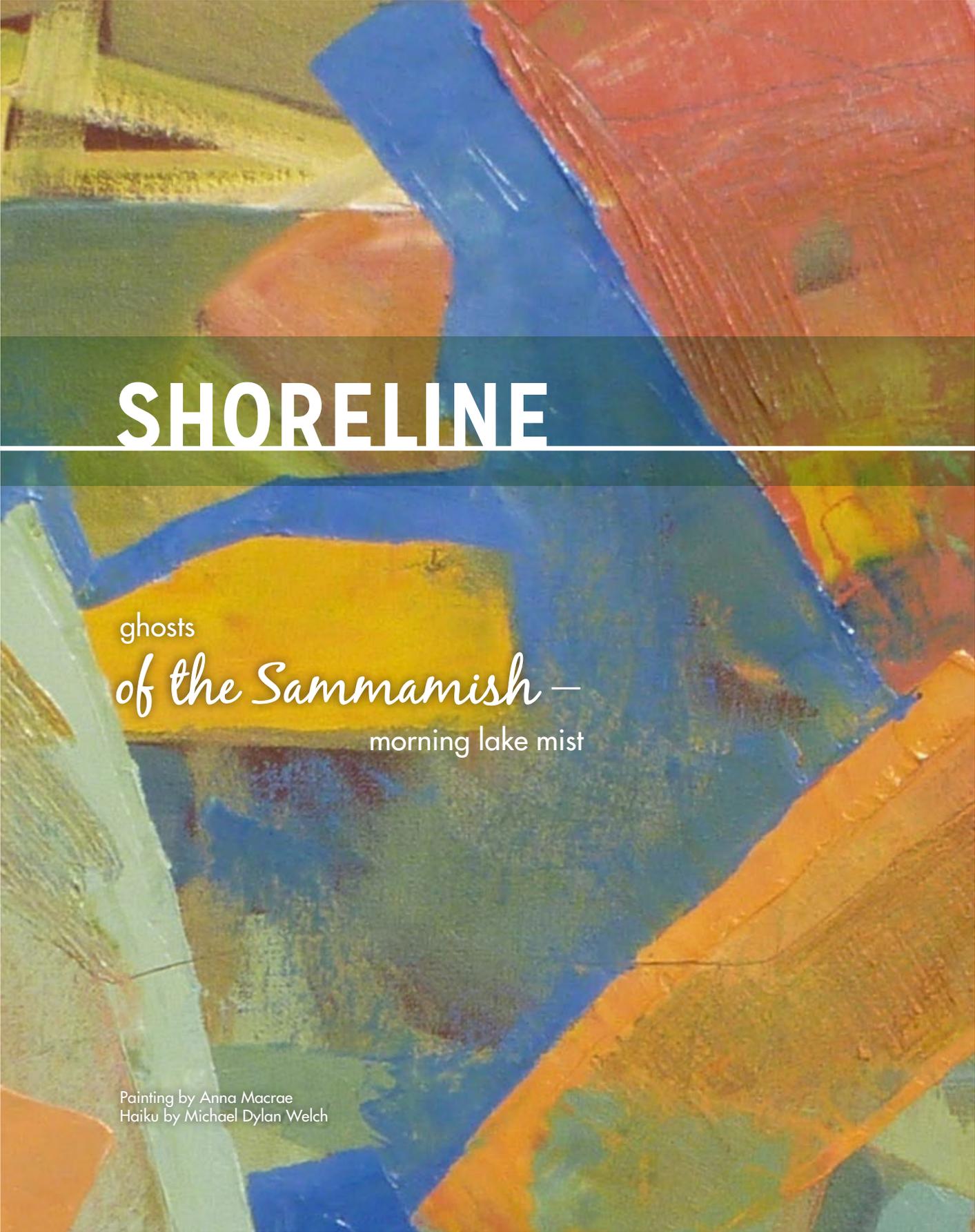
Periodic Review – Checklist Findings and Local Issues

Findings. Environmental Science Associates (ESA) was brought under contract to assist in completion of the City's State mandated SMP periodic update. ESA was tasked with review of the City's SMP, completion of the State periodic review checklist, and recommendation on SMP changes needed to demonstrate consistency with State SMP requirements. ESA has recommended that the City's SMP, with limited/targeted SMP amendments, is compliant with State SMP requirements. ESA's findings (complete checklist) are included as **Exhibit 3**. ESA's proposed SMP changes (draft code changes) are included as **Exhibit 2**.

Local Issues Identified. In addition to the City's obligation to analyze the content of the SMP for consistency with State SMP requirements, the periodic review process also encourages cities to identify and incorporate changes deemed necessary to address changing local circumstances or implementation challenges that have arisen since the comprehensive SMP update. City staff, in cooperation with interested citizens and counterpart agencies, have identified two issues that warrant consideration with this periodic update:

1. **Local Issue #1 - Recreational Lot Uses.** The City of Sammamish has recently seen an increase in the intensity of recreational development on undersized lots abutting Lake Sammamish. Parcels zoned as R-4 and intended primarily for single family residential (SFR) use are being used by multiple owners as mooring sites for boats and as private beach parks. The City is concerned that such development damages shoreline ecological functions and enjoyment of the shorelines on adjacent properties and by the public in general. Staff have consulted with ESA regarding this local issue and ESA has provided analysis summarizing the problems, included as **Exhibit 4**. ESA has also provided draft SMP amendments (draft code changes) that address the topic and are included with **Exhibit 2**.

2. **Local Issue #2 – Fish Bearing Stream Definition.** This issue was raised in a letter received from the Snoqualmie Tribe. The Tribe has asked that the City consider modifying this definition to better protect aquatic resources. The City’s definition of a Type F fish bearing stream is inconsistent with WAC 222-16-030. The current City Type F stream definition, SMC 21A.15.1240(1)(b) is based on the stream’s use by salmonids or potential to support the use of salmonids. This is inconsistent with the intent to protect aquatic habitat for all fish species. The letter received from the Tribe and a memo outlining this issue and a proposed revised draft definition of fish bearing Type F stream is included as **Exhibit 5**.

An abstract painting featuring thick, expressive brushstrokes in a variety of colors including blue, red, orange, yellow, green, and grey. The composition is layered and textured, with some areas appearing more saturated than others. A dark blue horizontal band is overlaid across the middle of the painting, serving as a background for the title text.

SHORELINE

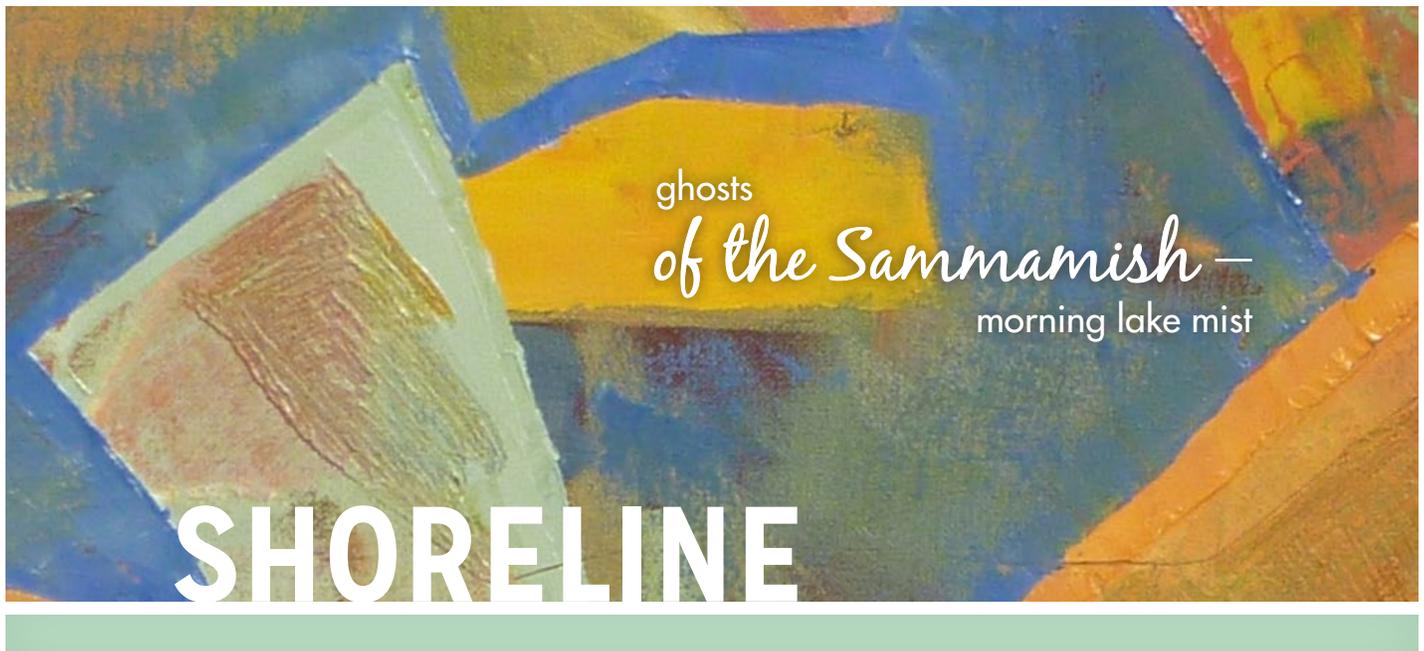
ghosts
of the Sammamish —
morning lake mist

Painting by Anna Macrae
Haiku by Michael Dylan Welch

Shoreline Goals

This chapter contains shoreline goals which address the following topics:

- Archaeological, Historical and Cultural Resources
- Conservation
- Public Access
- Public Recreation
- Shoreline Use
- Shoreline Restoration and Enhancement
- Transportation and Public Facilities



Introduction

The goals and policies of the Shoreline Element are taken from, and must be consistent with, the City's Shoreline Master Plan (SMP), a set of goals, policies, and regulations developed by the City as required by the state's Shoreline Management Act (SMA). The SMA addresses shoreline use, environmental protection of shoreline areas, and public access to these areas. In Sammamish, our SMP sets goals and policies pertaining to the shores of Lake Sammamish, Pine Lake, and Beaver Lake.

The SMA was established in 1972 to protect specified water bodies (marine waters, streams and rivers, and lakes over 20 acres), as well as lands 200 feet landward from the edge of these waters, and wetlands and floodplains associated with them. Current standards for SMPs require that there be "no-net-loss of shoreline ecological functions", meaning that impacts from shoreline development should be avoided or minimized. The Shoreline Element supports this by including policies to acquire, preserve and enhance shoreline areas, improve and restore shoreline function, and to ensure new development is consistent with the state Shoreline Management Act and the City's Shoreline Management Program.

Please look for this icon for goals and policies that focus specifically on sustainability and healthy communities.



Pine Lake

Shoreline Goals

Archaeological, Historical and Cultural Resources

The following goals address protection and restoration of buildings, sites and areas having historic, cultural, scientific, and/or educational value.

- 1 *Designate, retain and protect shoreline areas having archeological, historic, cultural, scientific or educational value, locally, regionally, statewide or nationally.*
- 2 *Maintain finite and irreplaceable links to the past by identifying, preserving, protecting, and restoring archeological, historic and cultural sites.*
- 3 *Protect historic and cultural sites and buildings that are listed on county, state or national historic registers, or are eligible for such listing, from destruction or alteration and from encroachment by incompatible uses.*
- 4 *Acquire archeological, historical and cultural sites through purchase or gift.*
- 5 *Foster a greater appreciation for shoreline management, environmental conservation, natural history, and cultural heritage using signage and other interpretive tools as appropriate.*
- 6 *Ensure that tribal governments and the State Department of Archaeology and Historic Preservation are involved in the review of projects that could adversely affect such resources.*
- 7 *Protect from intrusion or harm any newly discovered or suspected significant sites until their value for retention is determined.*
- 8 *Ensure that the educational and scientific values of archeological, historic, and cultural resources are considered when evaluating proposed shoreline developments and uses.*
- 9 *Participate in cooperative restoration programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners.*



*Deer at Beaver
Lake (credit: Maren
Van Nostrand)*



Conservation

The following goals address the preservation of natural resources, scenic vistas, aesthetics, and vital shoreline areas for fisheries and wildlife and for the benefit of present and future generations.

- 1 *Acquire (i.e., through purchase, easements, donation or other agreement), and maintain as open space, shorelines with unique or valuable natural attributes for public benefit.*
- 2 *Preserve, enhance and/or protect shoreline resources (i.e., wetlands and other fish /wildlife habitats) for their ecological functions and values, and aesthetic and scenic qualities.*
- 3 *Maintain natural dynamic processes of shoreline formation and sustainability through effective stewardship, management, and use of shorelines*
- 4 *Where feasible, enhance or restore areas that are biologically and/or aesthetically degraded while maintaining appropriate use of the shoreline.*
- 5 *Maintain or enhance shoreline vegetation to protect water quality, fish and wildlife habitat, and other ecological functions and processes.*
- 6 *Implement policies that can help reverse impacts caused by existing or past development activities that adversely affect ecological or shoreline functions such as untreated stormwater discharges.*
- 7 *Manage the City's programs, services, and operational infrastructure in a manner that achieves no net loss of ecological or shoreline functions.*
- 8 *Achieve no net loss of ecological functions of Sammamish shorelines.*



Beaver Lake



Dock at Sammamish Landing

Public Access

The following goals address the ability of the public to reach, touch, view, and travel on the shorelines of the state and to view the water and the shoreline from public locations.

- 1 *Provide opportunities for physical and visual public access to public shorelines when such access can be reasonably accommodated without human health, safety, and/or security risks, while minimizing adverse effects on shoreline functions and processes, private property rights, and/or neighboring uses.*
- 2 *Acquire (i.e., through purchase, easements, donation or other agreement) property to provide public access to the water's edge in appropriate and suitable locations.*
- 3 *Ensure that public utility and transportation rights-of-way, including street ends that abut the shoreline, are made available for public access and use where appropriate (see RCW 35.79.035).*
- 4 *Ensure that public shoreline recreational facilities and other public access points are connected by trails, pathways, waterways, and other access links where public access and use will not interfere with private property rights.*

Public Recreation

The following goals call for providing and expanding water-oriented public recreational opportunities including, but not limited to, parks and ecological study areas.

- 1 *Provide additional public water-oriented recreation opportunities that are diverse, convenient, and adequate for people of different ages, health, family status and financial ability.*
- 2 *Locate public recreational uses in shoreline areas that can support those uses without risks to human health, safety, and/or security, while minimizing effects on shoreline functions and processes, private property rights, and/or neighboring uses.*
- 3 *Plan for future public shoreline recreation needs, and to acquire (i.e., through purchase, donation or other agreement) shoreline areas that provide active and/or passive recreation opportunities.*
- 4 *Support other governmental and non-governmental efforts to acquire and develop additional shoreline properties for public recreational uses.*



Playing in the water
at Pine Lake Park

Shoreline Use

The following goals address the general distribution, location, and extent of all uses within shoreline jurisdiction.

- 1 *Give first preference to water-dependent use including public recreational uses that provide public access to shorelines. Preference should also be given to water-related and water-enjoyment uses.*
- 2 *Ensure that shoreline use patterns are compatible with the ecological functions and values, and with the surrounding land use, and that they minimize disruption of these functions and values.*
- 3 *Encourage uses that allow or incorporate restoration of shoreline areas that have been degraded as a result of past activities.*
- 4 *Ensure that all new development in the shoreline jurisdiction is consistent with the Program, the City's Comprehensive Plan and the Washington State Shoreline Management Act RCW 90.58.*
- 5 *Ensure that shoreline uses satisfy the economic, social, and physical needs of the citizens of Sammamish.*



Beaver Lake is stocked
with trout for fishing



Shoreline Restoration and Enhancement

The following goals address re-establishment, rehabilitation and improvement of impaired shoreline ecological functions and/or processes.

- 1 *Improve and restore shoreline functions and processes over time through regulatory, voluntary and incentive-based public and private programs and actions.*
- 2 *Encourage cooperative restoration programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners.*
- 3 *Integrate restoration efforts with other parallel natural resource management efforts including, but not limited to, salmon conservation, basin management, and water cleanup plans.*
- 4 *Restore natural ecological or shoreline functions, to the extent reasonable, while pursuing shoreline use goals set forth in sections SMC 25.03.040 and 25.03.050.*

Transportation and Public Facilities

The following goals address the general location and extent of existing and proposed thoroughfares, transportation/circulation routes, as well as other public utilities and facilities.

- 1 *Develop efficient circulation systems in harmony with the topography and other natural characteristics of the shoreline and in a manner that assures the safe movement of people and goods while minimizing adverse effects on shoreline use and development or on shoreline ecological functions and processes.*
- 2 *Provide and/or enhance physical and visual public access to shorelines along public roads (i.e. turnouts and viewpoints) in accordance with the public access goals.*
- 3 *Limit circulation systems in the shoreline jurisdiction to those that serve permitted and/or preferred shoreline uses.*
- 4 *Limit transportation infrastructure in shoreline jurisdiction to the minimum necessary to accomplish its purpose.*

Shoreline Policies

General Policies

Archaeological, Historic and Cultural Resources

- a *The City should work with tribal, state, federal and other local governments to identify significant local historic, cultural and archaeological sites consistent with applicable state and federal laws protecting such information from general public disclosure. Such sites should be protected, preserved and/or restored for study, education and/or public enjoyment to the maximum extent possible.*
- b *When a new use or development is proposed adjacent to an identified historic, cultural or archaeological site, it should be designed and operated to be compatible with continued protection of the historic, cultural or archaeological site.*
- c *Owners of property containing identified historic, cultural or archaeological sites should coordinate with appropriate tribes, and agencies such as the King County Cultural Resources Division for locally-held information and the Washington State Department of Archaeology and Historic Preservation. Ample time should be allowed to assess the site and make arrangements to preserve historical, cultural and archaeological values.*
- d *Shoreline use and development should not significantly and negatively impact, destroy, or damage any site having historic, cultural, scientific or educational value.*
- e *Development plans for public open spaces, trails, or recreation lands should incorporate measures for historic, cultural and archaeological resource preservation, restoration, and education whenever compatible and possible.*



Pine Lake



Critical Areas and Environmental Protection

- a *This Program should provide a level of protection to critical areas within the shoreline jurisdiction that is at least equal to the protection provided by the City's critical areas regulations (SMC 21A.50) adopted pursuant to the Growth Management Act and the City's Comprehensive Plan.*

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Samamish Comprehensive Plan
Shoreline Element
October 2015

*Wetland area
near Allen Lake*



- b New shoreline uses and developments should occur in a manner that maintains existing natural shorelines, assures no net loss of shoreline ecological functions and processes and protects critical areas and associated buffers within the shoreline jurisdiction as designated in SMC 21A.50.*
- c New shoreline uses and developments should be designed and conducted in accordance with the regulations of this Program to avoid, minimize and mitigate damage to the ecology and environment. These regulations are designed to protect shoreline ecological functions and processes. Shoreline ecological functions that should be protected include, but are not limited to, fish and wildlife habitat, conservation and recovery of threatened or endangered species, food chain support and water temperature maintenance. Shoreline processes that should be protected include, but are not limited to, water flow; infiltration; groundwater recharge and discharge; sediment delivery, transport, and storage; organic matter input; and nutrient and pathogen removal.*
- d In assessing the potential for net loss of ecological functions, both project-specific and cumulative impacts should be considered in accordance with WAC 173-26-186(8)(d).*



Flood Hazard Reduction

- a *Flood hazard reduction should be managed through the City's Stormwater Management Plan, Comprehensive Plan, and development regulations in SMC 25.05, SMC 15.10 and frequently flooded areas regulations in SMC 21A.50.*
- b *New development within the floodplains associated with the City's shorelines that would individually or cumulatively increase the risk of flood damage should be discouraged.*
- c *Non-structural flood hazard reduction measures should be given preference over structural measures. When necessary, structural flood hazard reduction measures should be accomplished in a manner that assures no net loss of ecological functions and ecosystem-wide processes. Non-structural measures include setbacks, land use controls prohibiting or limiting development in areas that are historically flooded, stormwater management plans, or biomechanical measures.*
- d *Where possible, public access should be integrated into publicly financed flood control and management facilities on public lands.*

Public Access

- a *Physical and/or visual access to shorelines should be incorporated into all publicly sponsored shoreline development projects when public health and safety concerns can be adequately addressed and when shoreline ecological functions and/or processes can be adequately protected.*
- b *The design of all public shoreline access areas should attempt to minimize potential impacts to private property.*



Visual access to Lake Sammamish from Lake Sammamish Parkway NE



Restoration and Enhancement

- a *The City should participate in cooperative restoration efforts and programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to improve shorelines with impaired ecological functions and/or processes.*
- b *Restoration actions should improve shoreline functions, processes and/or features that meet the needs of important plant, wildlife and fish species such as kokanee and other native salmonid species.*

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Sammamish Comprehensive Plan
Shoreline Element
October 2015



A reconstructed stream channel and shoreline restore habitat to the mouth of George Davis Creek—Kokanee salmon now spawn at the restored site (credit: The Watershed Company)



- c *Restoration should be integrated with and should support other natural resource management efforts in King County, Water Resource Inventory Area 8, and in the greater Puget Sound region.*
- d *Priority should be given to restoration actions that meet the goals contained in the restoration element of this Program.*

Shoreline Use

- a *The following uses/developments should be given preference consistent with the priority listed below for locating within the shoreline jurisdiction when they are consistent with City zoning regulations and located, designed, and maintained in a manner that is consistent with this Program:*
 - i *Water-dependent and water-related use/development; and*

- ii *Public uses and developments that provide physical and/or visual access to the shoreline for substantial numbers of people, and*
 - iii *Single-family residences developed consistent with the policies of 25.04.030(1).*
- b *The City should reserve areas for protection and restoration of ecological functions to control pollution, protect public health, and prevent damage to the environment*
- c *Non-water-oriented uses/developments should be limited to those shoreline locations where water-oriented uses are inappropriate.*
- d *Non-water-oriented uses/developments should be allowed only when they demonstrably contribute to the objectives of the Shoreline Management Act.*



Picnic bench at Beaver Lake Park (credit: Eric Willhite)



Shoreline Vegetation Conservation

- a *New shoreline uses and developments should be planned and designed to retain or replace shoreline vegetation with the overall purpose of achieving no net loss of the ecological functions performed by the vegetation. Important functions of shoreline vegetation include, but are not limited to:*
 - i *Providing shade necessary to maintain water temperatures required by salmonids and other aquatic biota; and*
 - ii *Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macro invertebrates; and*
 - iii *Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence/severity of landslides; and*
 - iv *Reducing sediment input into lakes by minimizing erosion, aiding infiltration, retaining runoff, and managing stormwater from roads and upland areas; and*
 - v *Improving water quality by preventing wind mixing, and facilitating infiltration and vegetative uptake of nutrients and pollutants; and*
 - vi *Providing habitat for wildlife, including connectivity for travel and migration corridors.*

Youth volunteering
at Pine Lake Park



- b Clearing and thinning should be limited to minimize adverse impacts on ecological functions and values and protect slope stability. Vegetation conservation is encouraged to protect shoreline ecological functions and aesthetics.*



Site Planning

- a New shoreline uses and developments should be designed in a manner that directs land alteration to the least sensitive portions of the site to maximize vegetation conservation; minimize impervious surfaces and runoff; protect riparian, nearshore and wetland habitats; protect fish and wildlife and their habitats; protect archaeological, historic and cultural resources; and preserve aesthetic values.*
- b Low Impact Development (LID) stormwater management practices are encouraged where site conditions allow in order to minimize impervious surface area and surface runoff in accordance with the Low Impact Development: Technical Guidance Manual for Puget Sound, by Puget Sound Action Team and WSU 2005, SMC 21A.85 and the city's adopted stormwater management policies and regulations.*
- c Where geologic conditions are conducive to infiltration, the City encourages infiltration systems for stormwater that mimic the natural infiltration and ground water interflow processes as long as the infiltration will not create or exacerbate slope instability or degrade water quality.*
- d New shoreline uses and developments should not deprive other uses and users of reasonable access to navigable waters and/or restrict access of treaty tribes to their "usual and accustomed" areas.*

Views and Aesthetics

- a *New shoreline uses and developments should be encouraged to minimize obstructions of the public's visual access to the water and shoreline from public lands, rights-of way and other public property.*
- b *New shoreline uses and developments should not significantly detract from shoreline scenic and aesthetic qualities that are derived from natural or cultural features, vegetative cover and historic sites/structures.*



Public visual access to Lake Sammamish from Lake Sammamish Parkway NE



Water Quality, Stormwater and Nonpoint Pollution

- a *New shoreline uses and developments are encouraged to be located, constructed, operated, and maintained to prevent water quality and storm water quantity impacts that would adversely affect shoreline ecological functions, or cause significant impact to shoreline aesthetics or recreational opportunities.*
- b *New shoreline uses and developments should incorporate strategies to control phosphorus loading of lakes over the long term.*
- c *New shoreline uses and developments should be designed and operated to minimize the need for chemical fertilizers, pesticides or other chemical treatments to prevent contamination of surface and ground water and/or soils and minimize adverse effects on shoreline ecological functions.*
- d *New shoreline uses and developments are encouraged to minimize impervious surface and incorporate low impact development stormwater management techniques where reasonable to minimize surface water runoff and prevent water quality degradation.*
- e *Point and non-point source pollution should be managed on a comprehensive, basin-wide basis to protect water quality and support the efforts of shoreline property owners to maintain shoreline ecological functions.*

Shoreline Modification Policies

Boat Launch Ramps, Boating Facilities, Docks, Floats Mooring Buoys, and Boats/Watercraft Lifts



Pine Lake Park dock
(credit: Eric Willhite)

- a *The City should assess regional needs for public boat launches so they can be co-located with other compatible water-dependent uses. The City should review proposals for new motorized boat launch facilities with regional recreation providers, including the Washington State Parks Department, adjacent cities, and King County, to avoid duplication and to minimize adverse impacts to shoreline ecological functions and processes. This policy is not intended to limit new locations for the public to launch human powered watercrafts (such as kayaks and canoes) as long as the developments do not result in the construction of additional launches as defined in (SMC 25.02.010(14)).*
- b *New or expanded public launch ramps and rails should only be sited where they have no negative impact on critical areas or habitat with which priority species have a primary association.*
- c *New private boat launch ramps and rails should be discouraged.*
- d *Private beach clubs, associations of five (5) or more residences with existing facilities, and jointly owned waterfront parcels may have docks, mooring buoys, and floats consistent with the Policies in this section*



Private dock on Beaver Lake

Docks, Floats, Mooring Buoys and Boat/Watercraft Lift (including Boating Facilities)

- a *New public and private docks, floats, mooring buoys and lifts should be designed and constructed with appropriate mitigation as required by this Program to ensure no net loss of ecological functions.*
- b *New private docks, floats, and lifts should not be placed in locations where they will impact critical habitats where alternative locations are available.*

Dock at
Sammamish
Landing





Pine Lake
Park dock



Private dock on Lake
Sammamish

- c *New shared or joint-use docks are preferred over single-user docks.*
- d *The type, design, and location of docks, floats, mooring buoys and lifts should be consistent with applicable state and federal regulations and compatible with the area in which they are located. The City should consider shoreline characteristics, shoreline functions and processes, wind and wave action, water depth, aesthetics, and adjacent land and water uses when assessing compatibility.*

Dredging

- a *Dredging should only be allowed in the following circumstances:*
 - i *When needed to facilitate ecological restoration or enhancement;*
 - ii *When needed to construct facilities for public access or water-oriented public recreation.*
- b *New development should be sited and designed to avoid the need for maintenance dredging.*
- c *When allowed, dredging should be planned and operated to minimize adverse impacts to shoreline ecology, to existing shoreline uses, and to minimize interference with navigation.*
- d *Dredging for the primary purpose of obtaining fill material to create uplands is not allowed.*

Filling and Excavation

- a *Fill and excavation should be allowed only in association with a permitted use/development and where allowed should be the minimum necessary to accommodate the proposed use.*
- b *Filling and excavation should not be allowed where structural shoreline stabilization would be needed to prevent the fill from eroding.*
- c *The perimeter of fill and excavation activities should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial fill and excavation activities and over time.*
- d *When allowed, filling and excavation should be conducted so that water quality, habitat, hydrology, and drainage patterns are not adversely affected.*
- e *Excavation waterward of the ordinary high water mark shall be considered dredging and shall be subject to the dredging policies and regulations of this Program.*



Logs and boulders protect the shoreline along Pine Lake (credit: Eric Willhite)

Shoreline Stabilization

- a *New developments should be designed and located to avoid the need for new stabilization measures.*
- b *Bulkheads and other forms of hard structural shoreline stabilization should be discouraged. Bulkhead alternatives that implement bioengineering and bio-stabilization methods should be used where reasonable.*
- c *Shoreline stabilization including bulkheads and bulkhead alternatives should be located, designed, and maintained to minimize adverse effects on shoreline ecology, including effects on the project site and adjacent properties over time. Probable effects of proposed shoreline stabilization on ongoing shoreline processes and functions should be fully evaluated for consistency with this Program.*
- d *Shoreline stabilization should be located and designed to fit the physical character of a specific shoreline reach, which may differ substantially from adjacent reaches.*
- e *Shoreline stabilization should not interfere with existing or future public access to public shorelines or with other appropriate shoreline uses.*

- f *Shoreline stabilization projects on public lands should be designed to accommodate multiple use, restoration, and/or public access, provided that safety and ecological protection are fully addressed.*
- g *Failing, harmful, unnecessary, or ineffective shoreline stabilization structures should be removed, and shoreline ecological functions should be restored using bulkhead alternatives.*
- h *The City should facilitate voluntary enhancement and restoration projects that replace hard structural shoreline stabilization with bulkhead alternatives and bio-engineered approaches. The City should provide technical assistance, education, and regulatory incentives for hard structural shoreline stabilization removal and restoration.*
- i *Where existing legally established bulkheads are substantially repaired or replaced, property owners should make reasonable efforts to incorporate bioengineering and fisheries habitat enhancement design elements to minimize adverse effects on shoreline functions*

Residential Use

- a *Single-family residences and their normal appurtenant structures including accessory dwelling units, are a preferred shoreline use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment. New residential development in the shoreline jurisdiction should be located and designed to minimize adverse effects on shoreline process and functions. Residential development should not be allowed to result in a net loss of shoreline ecological functions.*
- b *New structures for uses accessory to residential development should minimize impervious surface and vegetation clearing, be visually and physically compatible with adjacent shoreline features, and be reasonable in size and purpose.*
- c *New residential developments should be encouraged to protect, enhance, and restore shoreline ecological functions using low impact development stormwater management techniques and other conservation measures.*
- d *Dwelling units should not occur over water.*



Home on Beaver Lake

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October 2015

*Stairs from shelter at pocket
beach at Sammamish Landing
(credit: Mike Collins)*

**Recreational Use**

- a Public recreational development should be located on public lands to facilitate the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline.*
- b Public recreational development should incorporate public education regarding shoreline ecological functions and processes, the effect of human actions on the environment and the role of the public in shoreline management.*
- c Public recreational development should be located where existing infrastructure (utilities and roads) is adequate, or may be provided without significant damage to shoreline features commensurate with the number and concentration of anticipated users.*
- d Public recreational development should use low impact development stormwater management techniques and other methods that protect, enhance, and restore shoreline ecological functions where reasonable.*

Transportation Use Policies

- a *New public transportation uses and facilities should be located outside of the shoreline jurisdiction unless alternative locations are infeasible or the transportation facility is required to serve water-dependent public uses.*
- b *When required, new transportation uses and facilities should be planned to fit the topographical characteristics of the shoreline and to minimize alterations to the shoreline environment.*
- c *When existing public transportation uses and facilities located within shoreline jurisdiction require maintenance or other improvements to address public health and safety, the maintenance/improvement should be designed and implemented to minimize additional impacts on the shoreline environment and consideration should be given to correcting past impacts caused by the transportation facility.*
- d *Public transportation development should use low impact development stormwater management techniques and other methods that protect, enhance, and restore shoreline ecological functions where reasonable.*

Utility Use

- a *New public or private utilities should be located inland from the land/water interface, preferably outside of shoreline jurisdiction, unless:*
 - i *They have a water-dependent component such as a water intake or outfall; or*
 - ii *Water crossings are unavoidable; or*
 - iii *Other locations are infeasible; or*
 - iv *They are required for authorized shoreline uses consistent with this Program.*
- b *Utilities should be located and designed to avoid public recreation and public access areas and significant natural, historic, archaeological or cultural resources.*
- c *Development of pipelines and cables, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance that would disrupt shoreline ecological functions, should be discouraged except where no other reasonable alternative exists.*

- d When existing utilities located within shoreline jurisdiction require maintenance or other improvements to address public health and safety, the maintenance/improvement should be designed and implemented to minimize additional impacts on the shoreline environment and consideration should be given to correcting past impacts caused by the utility.*
- e Public utility development should use low impact development stormwater management techniques and other methods that protect, enhance, and restore shoreline ecological functions where reasonable.*
- f When new utilities are to be located within shoreline jurisdiction, they should be installed in such a manner to achieve no net loss of ecological function. City of Sammamish Shoreline Master Program*

Agricultural Use

- a New agricultural operations should be discouraged.*
- b Existing agricultural operations may continue consistent with the goals, policies and regulations of this Program.*

Title 25 SHORELINE MANAGEMENT¹

Chapters:

- 25.01 Introduction**
- 25.02 Definitions**
- 25.03 Master Program Element Goals**
- 25.04 Shoreline Management Policies**
- 25.05 Jurisdiction and Environmental Designations**
- 25.06 General Shoreline Regulations**
- 25.07 Use/Development Regulations**
- 25.08 Permit Criteria and Administrative Standards**
- Appendix A Shoreline Inventory and Characterization Report and Map Folio²**
- Appendix B Final Restoration Plan**
- Appendix C Cumulative Impact Analysis**

¹ The 2009 Sammamish Shoreline Master Program was adopted by Ord. O2009-265 and amended by Ord. O2011-308 after input from the Department of Ecology.

² The appendices to this title can be found on the City's website at <http://www.ci.sammamish.wa.us/departments/communitydevelopment/smp/Default.aspx>.

Proposed 2019 Periodic Update, Draft 4/24/2019

Chapter 25.01 INTRODUCTION

Sections:

25.01.005	Introduction.
25.01.010	Purpose and intent.
25.01.020	Title.
25.01.030	Applicability.
25.01.040	Authority.
25.01.050	Governing principles.
25.01.060	Relationship to plans, policies and regulations.
25.01.070	Critical areas regulations incorporated by reference.
25.01.080	Effective date.
25.01.090	Liberal construction.
25.01.100	Severability.

25.01.005 Introduction.

The Sammamish shoreline master program (SMP) update fulfills the requirements of the Washington State Shoreline Management Act (SMA) and associated guidelines “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.” The SMP balances local needs, interests and character with the general public’s interests in protecting key shoreline environments and important resources. The overarching goal is meant to strike a balance among private ownership, public access, and public protection of the state’s shorelines.

The SMA establishes a broad policy preference for shoreline uses that protect water quality and the natural environment, that depend on proximity to the shoreline, and preserve and enhance public access and public recreational opportunities. New uses and developments will follow regulations established by a set of goals and policies designed to avoid and/or mitigate for impacts to the environment while protecting property rights. Existing legally established uses and developments are allowed to continue as “grandfathered.” (SMC 25.08.100)

The SMA guidelines require that an SMP result in “no net loss” of shoreline ecological functions. This SMP accomplishes that requirement through its goals, policies, and regulations noted above providing restoration program and enhancement incentives to offset the cumulative impacts of new shoreline uses and developments over time. The SMP is an amendment to the Sammamish comprehensive plan and to associated development regulations in the Sammamish Municipal Code. (Ord. O2011-308 § 1 (Att. A))

25.01.010 Purpose and intent.

The purposes of this shoreline master program are:

- (1) To promote the health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development, use, and restoration of Sammamish’s shorelines; and
- (2) To manage shorelines in a positive, effective, balanced and equitable manner consistent with requirements established by the Shoreline Management Act (the Act) contained in Chapter 90.58 RCW, and the State Shoreline Guidelines in Chapter 173-26 WAC; and
- (3) To maintain the ecological functions of Sammamish’s shorelines. (Ord. O2011-308 § 1 (Att. A))

25.01.020 Title.

This document shall be known and cited as “the Sammamish shoreline master program,” referred to herein as the “SMP” or the “program.” (Ord. O2011-308 § 1 (Att. A))

25.01.030 Applicability.

(1) All proposed uses and development, as defined in Chapter 25.02 SMC (Definitions) occurring within the shoreline jurisdiction (see Chapter 25.05 SMC for a description of the jurisdiction) shall comply with this program, Chapters 173-26 and 173-27 WAC and Chapter 90.58 RCW. This program regulates all uses and developments within the shoreline jurisdiction whether or not a shoreline permit is required. This program will regulate all development proposed after the effective date of the program.

(2) For purposes of this SMP, shoreline uses and developments shall be classified as follows:

(a) Permitted Uses and Developments. These are allowed uses and development that are consistent with this program and RCW 90.58.030. Such uses/development shall require a shoreline substantial development permit, a shoreline conditional use permit, a statement that the use/development is exempt from a shoreline substantial development permit, or a determination that an exempt use/development is consistent with this program during land use/building permit review (see Chapter 25.07 SMC for a list and description of exempt uses/developments and exemption criteria). Development within the shoreline jurisdiction that does not meet the standards of this program shall require a shoreline variance.

(b) Prohibited Uses and Developments. Uses and developments that are inconsistent with this program and/or Chapter 90.58 RCW and which cannot be allowed through any shoreline permit or variance.

(3) This program shall apply to:

(a) All of the lands and waters of Sammamish that meet the definition of “shorelines of the state” in Chapter 25.02 SMC and RCW 90.58.030. This includes all areas waterward of the OHWM extending to the City’s legal in-water jurisdictional boundary and any areas landward of the OHWM that meet the definition of “shorelands” in Chapter 25.02 SMC; and

(b) Every person, individual, firm, partnership, association, organization, local or state governmental agency, public or municipal corporation, or other entity proposing or undertaking any new use and/or development in the Sammamish shoreline jurisdiction.

(4) Existing lawfully established uses and developments are not subject to regulations of this program until or unless there is a change in use or development. Shoreline property owners are encouraged to consult the City community development department to determine if a proposed use or development activity requires review under this program.

(5) The provisions of this program shall not apply to lands held in trust by the United States for Indian nations, tribes or individuals. (Ord. O2011-308 § 1 (Att. A))

25.01.040 Authority.

This shoreline master program is adopted under the authority granted by Chapter 90.58 RCW and Chapter 173-26 WAC. (Ord. O2011-308 § 1 (Att. A))

25.01.050 Governing principles.

(1) The goals, policies and regulations of this program are informed by the governing principles in Chapters 173-26 and 173-27 WAC, and the policy statements of Chapter 90.58 RCW.

(2) Any inconsistencies between this program and the Act must be resolved in accordance with the Act.

(3) Regulatory or administrative requirements of this program must not unconstitutionally infringe upon private property rights or result in an unconstitutional taking of private property.

(4) The territorial jurisdictions of the SMP planning function and regulatory function are legally distinct. The planning function may, and in some circumstances must, look beyond the territorial limits of the shoreline jurisdiction.

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(5) The policies and regulations established by the program must be integrated and coordinated with the Sammamish Comprehensive Plan and the development regulations in the Sammamish Municipal Code (SMC).

(6) Protecting the shoreline environment is an essential statewide policy goal, consistent with other statewide policy goals in Chapter 173-26 WAC. This program protects shoreline ecology from impairments in the following ways:

- (a) By including regulations and regulatory incentives designed to protect shoreline ecological functions, and restore impaired ecological functions where such functions have been identified; and
- (b) By including policies and regulations that require mitigation sequencing to avoid, then minimize, and then apply mitigation of adverse impacts not otherwise avoided or mitigated by compliance with this program and other applicable regulations in a manner that ensures no net loss of shoreline ecological functions consistent with Chapter 90.58 RCW and WAC 173-26-201(2)(e)(i).
- (c) By including policies and regulations that require consideration of cumulative impacts of anticipated and reasonable future development in a manner that ensures no net loss of shoreline ecological functions. (Ord. O2011-308 § 1 (Att. A))

25.01.060 Relationship to plans, policies and regulations.

(1) Uses, alterations and developments regulated by this program are subject to applicable provisions of the Sammamish Municipal Code (SMC), the Sammamish Comprehensive Plan, the Shoreline Management Act (Chapter 90.58 RCW), the Growth Management Act (Chapter 36.70A RCW), State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC), and other local, state and federal laws.

(2) This program shall be implemented according to the definitions contained in Chapter 25.02 SMC. Where definitions contained in this program conflict or differ from definitions contained in other sections of the SMC, these definitions shall prevail.

(3) Unless otherwise stated, where this program makes reference to any RCW, WAC, or other federal, state or local law or regulation, the most recent amendment or current edition shall apply.

(4) In the event the regulations of this program differ from other applicable City policies or regulations, the more restrictive provisions shall apply.

(5) The following provisions of the Sammamish Municipal Code are adopted as part of this SMP, and attached herein: SMC Title 13 (Surface Water Management, adopted by Ord. 2011-304 on May 16, 2011), SMC 21.10.120 (Historic resources – Review process, adopted by Ord. 2008-240 on Dec. 16, 2008) and sections of the City’s critical areas ordinance as described within SMC 25.01.070 (adopted by Ord. 2005-193 on December 20, 2005, and revised by Ord. 2009-264 on October 6, 2009, Ord. 2009-274 on December 1, 2009, and Ord. O2013-350 on July 9, 2013). (Ord. O2016-410 § 1 (Att. A); Ord. O2011-308 § 1 (Att. A))

25.01.070 Critical areas regulations incorporated by reference.

Provisions of the Sammamish critical areas ordinance codified in Chapter 21A.50 SMC, exclusive of SMC 21A.50.050 (Complete exemptions), 21A.50.070 (Exceptions), 21A.50.320(1) (isolated wetlands) and 21A.50.320(3) (isolated wetlands – pilot program) are considered part of this SMP. (Ord. O2017-431 § 3 (Att. C); Ord. O2016-410 § 1 (Att. A); Ord. O2011-308 § 1 (Att. A))

25.01.080 Effective date.

This program and all amendments thereto shall become effective 14 days from the date of the Department of Ecology’s written notice of final approval. (Ord. O2016-410 § 1 (Att. A); Ord. O2011-308 § 1 (Att. A))

The Sammamish Municipal Code is current through Ordinance O2018-468, passed September 18, 2018.
[Proposed 2019 Periodic Update, Draft 4/24/2019](#)

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25.01.090 Liberal construction.

In accordance with RCW 90.58.090, this program is exempt from the rule of strict construction; therefore, this program shall be liberally construed to give full effect to its goals, policies and regulations. (Ord. O2011-308 § 1 (Att. A))

25.01.100 Severability.

If any section or provision of this program is declared invalid such declaration shall not affect the validity of this program as a whole. (Ord. O2011-308 § 1 (Att. A))

Chapter 25.02 DEFINITIONS

Sections:

25.02.010 Definitions.

25.02.010 Definitions.

- (1) Accessory Dwelling Unit. "Accessory dwelling units" are separate living quarters contained within, or detached from, a single-family dwelling on a single lot.
- (2) Accessory Use. An "accessory use" is a use associated with the principal use on a shoreline property that is subordinate to the principal use and minor in nature. In order to be classified as an accessory use, a use must commonly occur in the immediate vicinity and in the same shoreline environment. "Accessory use" includes normal appurtenances.
- (3) Amendment. "Amendment" means a revision, update, addition, deletion, and/or re-enactment of the Sammamish SMP (WAC 173-26-020).
- (4) Archaeological Resource/Site. "Archaeological resource/site" means a site or feature that meets the criteria of a historic resource pursuant to SMC 21.10.020 (Historic Preservation Ordinance).
- (5) Average Grade Level. "Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure; in the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure (WAC 173-27-030).
- (6) Backfill. "Backfill" means the placement of earth material behind a retaining wall or structure.
- (7) Bank. "Bank" means a rise or slope at the edge of a body of water or water course.
- (8) Beach Club. "Beach club" means a private waterfront lot owned in common by two or more individuals/entities for purposes of providing shared recreational beach access for the exclusive use of the property owners.
- (9) Benthic. "Benthic" refers to the sediment surface and subsurface layers providing habitat for the micro-organisms of a stream or lake bottom.
- (10) Berm. "Berm" means a constructed area of compacted earth that has been artificially mounded or placed against a wall or structure.
- (11) Bioengineering or Bio-stabilization. "Bioengineering" or "bio-stabilization" means the practice of using natural materials to stabilize shorelines and prevent erosion as an alternative to bulkheads. This may include use of rocks, bundles of stems, root systems, or other living plant material, fabric, or other soil stabilization techniques. Bioengineering projects often include fisheries habitat enhancement measures in project design (e.g., anchored logs, root wads, etc.). Such techniques may be applied to creeks, rivers, lakes, and reservoirs. Bioengineering may also be applied in upland areas away from the immediate shoreline. See "bulkhead alternative" definition.
- (12) Boathouse. "Boathouse" means a structure designed for the storage of vessels and not used as a residence or dwelling unit. Boathouses are to be distinguished from houseboats.
- (13) Boating Facilities. "Boating facilities" means docks, floats, buoys and accessory structures which are associated with a private noncommercial recreational beach jointly owned by upland property owners serving five or more residences. "Boating facilities" excludes facilities serving four or fewer single-family residences.

- (14) Boat Launch or Boat Ramp. “Boat launch” or “boat ramp” means a slab, pad, rail, or graded slope specifically constructed and used for launching boats or other vessels.
- (15) Boat Lift. “Boat lift” is an in-water structure used for the dry berthing of vessels above the water level and lowering of vessels into the water periodically. A boat lift is used to berth and launch a single vessel, suspended over the water’s surface. A boat lift is generally a manufactured unit and may be placed in the water adjacent to a dock or stand-alone structure.
- (16) Breakwater. “Breakwater” means an off-shore structure, either floating or not, that may or may not be connected to the shore, such structure being designed to absorb and/or reflect back into the water body the energy of the waves.
- (17) Buffer. “Buffer” means a critical area buffer as designated by regulations in Chapter 21A.50 SMC.
- (18) Building Setback. “Building setback” means the minimum required distance between a structure and a lot line, easement, or shoreline setback, into which space a structure or the foundation of a building shall not extend.
- (19) Bulkhead. “Bulkhead” means a vertical or nearly vertical structure placed parallel to the shoreline at or near the OHWM for purposes of armoring the shoreline and protecting structures from effects of erosion caused by wind or waves. Bulkheads generally consist of concrete, timber, steel, rock, or other material resistant to erosion.
- (20) Bulkhead Alternative. “Bulkhead alternative” means a measure to achieve shoreline stabilization other than a wall or solid structure, erected at or above OHWM. Bulkhead alternatives provide for beach restoration and protection of property during storms, and may consist of large rocks or revetments integrated with vegetation and other materials (see also “bio-engineering”/“bio-stabilization”).
- (21) Buoy, Mooring. “Mooring buoy” means a floating object anchored to the bottom of a water body that provides tie-up capabilities for vessels.
- (22) Clearing. “Clearing” means removal of vegetation or other organic plant matter by physical, mechanical, chemical, or any other means.
- (23) Compatible. “Compatible” means uses or activities capable of existing together or in the vicinity of one another without disharmony or without generating effects or impacts that are disruptive to the normal use and enjoyment of surrounding property.
- (24) Conservation. “Conservation” means the careful, prudent, and planned management of a natural resource to preserve ecological and shoreline functions and to prevent exploitation, destruction, or neglect.
- (25) Covered Moorage/Canopy. “Covered moorage” means boat or other vessel moorage, without walls, that has a roof or canopy to protect the vessel(s).
- (26) Critical Habitat. “Critical habitat” means those areas in the City that are wetlands, streams, and fish and wildlife habitat conservation areas.
- (27) Development. “Development” means the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature that interferes with the normal public use of the surface of the waters overlying lands subject to the SMA (Chapter 90.58 RCW) at any stage of water level (WAC 173-27-030). “Development” does not include dismantling or removing structures if there is no other associated development or re-development.
- (28) Director. “Director” means, unless otherwise specified, the director of the City of Sammamish department of community development or the director’s designee.
- (29) Dock. “Dock” means a fixed or floating platform structure anchored in and/or floating upon a water body and connected to land to provide moorage or landing for waterborne vessels and/or water-dependent recreation uses.

- (30) Dredging. “Dredging” means the removal, displacement, and/or disposal of unconsolidated material such as sand, silt, gravel or other submerged materials, for purposes of modifying the bottom elevation of a water body, ditch, or wetland.
- (31) Ecological Functions or Shoreline Functions. “Ecological functions” or “shoreline functions” means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline’s natural ecosystem. See WAC 173-26-201(2)(c) (WAC 173-26-020).
- (32) Ecosystem-Wide Processes. “Ecosystem-wide processes” means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions (WAC 173-26-020).
- (33) Excavation. “Excavation” means the removal of earth material from other than within a water body.
- (34) Exempt Development. “Exempt developments” are those set forth in WAC 173-27-040 and RCW 90.58.030(3)(e), 90.58.140(9), 90.58.147, 90.58.355, and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program (WAC 173-27-030). Conditional use, variance, or other permits may also still be required even though the activity does not require a shoreline substantial development permit.
- (35) Fair Market Value. “Fair market value” (synonymous with “replacement cost”) of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials (WAC 173-27-030).
- (36) Feasible. “Feasible” means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:
- (a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
 - (b) The action provides a reasonable likelihood of achieving its intended purpose; and
 - (c) The action does not physically preclude achieving the project’s primary intended legal use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action’s infeasibility, the reviewing agency may weigh the action’s relative public costs and public benefits, considered in the short- and long-term time frames (WAC 173-26-030).
- (37) Fill. “Fill” means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land (WAC 173-26-020).
- (38) Float. “Float” means a structure that is moored, anchored, or otherwise secured in a water body and which is not connected to the shoreline.
- (39) Floodplain. “Floodplain” is synonymous with “100-year floodplain” and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area is based upon flood ordinance regulation maps or a reasonable method that meets the objectives of the Act (WAC 173-26-020).
- (40) Flood Hazard Reduction. “Flood hazard reduction” refers to actions taken to reduce risk of flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, including but not limited to setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures,

and stormwater management programs; and of structural measures intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

(41) Footprint. "Footprint" means a two-dimensional outline of a structure or building where it intersects or covers the ground surface, including upper story eaves and cantilevers where they cover or overhang the ground surface.

(42) Grading. "Grading" means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land (WAC 173-26-020).

(43) Geotechnical Report or Geotechnical Analysis. "Geotechnical report" or "geotechnical analysis" means a scientific study or evaluation conducted by a qualified expert that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

(44) Hard Structural Shoreline Stabilization. "Hard structural shoreline stabilization," also referred to as "shoreline armoring" or "bulkhead," refers to the use of a solid, essentially vertical wall constructed of concrete, wood, or other material for the purpose of resisting shoreline erosion caused by wind or waves.

(45) Hearings Board. "Hearings Board" means the Shoreline Hearings Board established by the SMA.

(46) Height. "Height" is measured from average grade level to the highest point of a structure; provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included; provided further, that temporary construction equipment is excluded in this calculation (WAC 173-27-030).

(47) Houseboat. "Houseboat" means a vessel that is designed or used as a place of residence without a means of self-propulsion and steering equipment or capability.

(48) Landward. "Landward" means to or toward the land in a direction away from the water body.

(49) Maintenance. "Maintenance" means those usual acts to prevent a decline, lapse or cessation from a lawfully established condition or use.

(50) Marina. "Marina" means a facility offering dockage and other service for small water craft but excluding boating facilities as defined in this program, facilities serving four or fewer single-family residences, and accessory uses to public lands.

(51) Moorage Structure. "Moorage structure" means any structure or device, including but not limited to docks, moorage piles and buoys placed at or below the OHWM and designed to provide for the moorage of boats or other watercraft or vessels.

(52) Multifamily Residential Development. "Multifamily residential development" means a dwelling, apartment (SMC 21A.15.355), townhouse (SMC 21A.15.370) and similar structures containing two or more attached residential units. "Multifamily" shall not include cottage housing or accessory dwelling units.

(53) Native Shoreline Vegetation. "Native shoreline vegetation" means vegetation comprised of plant species, other than noxious weeds, that are indigenous to the Pacific Northwest and that reasonably could have been expected to naturally occur on the site.

(54) Natural or Existing Topography. “Natural or existing topography” means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling (WAC 173-27-030).

(55) Nonconforming Development. “Nonconforming development” or “nonconforming structure” means an existing structure that was lawfully constructed at the time it was built but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the master program, except for such existing development that is defined as conforming development consistent with section 25.08.100 of this program.

(56) Nonconforming Lot. “Nonconforming lot” means a lot that was legally established at the time it was recorded with King County, but now contains less than the required width, depth or area due to currently effective development code (SMC Title 21A) requirements and/or requirements of this program.

(57) Nonconforming Use. ~~Nonconformance or Nonconforming Use.~~ “~~Nonconforming use~~” means an existing shoreline use that was lawfully established prior to the effective date of this program, but which does not conform to the range of uses permitted in the site’s current zone and/or shoreline environment designation due to subsequent changes to this program, means any use, improvement or structure established in conformance with the City’s shoreline master program in effect at the time of establishment that no longer conforms to the range of uses permitted in the site’s current zone and/or designation or to the current development standards of the program due to changes in the program or its application to the subject property (SMC 21A.15.800).~~–~~

(58) Non-Water-Oriented Uses. “Non-water-oriented uses” means those uses that are not water-dependent uses, water-related uses or water-enjoyment uses (WAC 173-26-020). Examples of non-water-oriented uses include professional offices, automobile sales or repair shops, mini-storage facilities, department stores, gas stations, and athletic fields.

(59) Normal Appurtenance. “Normal appurtenance” means a structure, site improvement, or use that is necessarily connected to the use and enjoyment of a principal use and is located landward of the OHWM. Normal appurtenances include a garage, deck, driveway, utilities, fences, septic tanks and drainfield, and grading which does not exceed 250 cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark. As authorized in WAC 173-27-040(2)(g), an accessory dwelling unit is considered a normal appurtenance.

(60) ~~58~~ No Net Loss. The concept of “no net loss,” as used herein, recognizes that any development has potential or actual, short-term or long-term impacts and that through application of appropriate development standards and employment of mitigation measures in accordance with the mitigation sequence, those impacts will be addressed in a manner necessary to assure that the end result will not diminish the shoreline resources and values as they currently exist. Where uses or development that impact ecological functions are necessary to achieve other objectives of RCW 90.58.020, master program provisions shall, to the greatest extent feasible, protect existing ecological functions and avoid new impacts to habitat and ecological functions before implementing other measures designed to achieve no net loss of ecological functions.

(61) ~~59~~ Ordinary High Water Mark (OHWM). “Ordinary high water mark (OHWM)” means the mark on all lakes and streams that will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in all ordinary years as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as that condition existed on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department of Ecology; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water (RCW 90.58.030(2)(b)).

(62) Owner. “Owner” means individuals holding legal title to real property; members in a limited liability company, shareholders or members in a corporation, partners in a partnership that hold legal title to real property; or a public agency or public or private utility that owns right-of-way or other easement rights in real property.

(603) Personal Watercraft. “Personal watercraft” means a vessel of less than 16 feet in length that uses a water jet pump as its primary source of motor power and that is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(644) Personal Watercraft Lift. “Personal watercraft lift” means a structure used for the dry berthing of personal watercraft above the water level and lowering of the personal watercraft into the water periodically. A personal watercraft lift is generally a manufactured unit without a canopy cover and may be attached to a dock, placed in the water adjacent to a dock, or erected as a stand-alone structure.

(652) Preferred Shoreline Use. “Preferred shoreline use” is identified in the Act as a use that is unique to or dependent upon a shoreline location. Water-dependent, water-related, and water-enjoyment and single-family residential developments are preferred shoreline uses according to the Act. (RCW 90.58.020)

(636) Primary Structure. “Primary structure” means the structure associated with the principal use of the property. If more than one structure is associated with the principal use of the property, the one with the highest assessed value shall be considered the primary structure.

(647) Priority Species. “Priority species” means any species designated by the Washington Department of Fish and Wildlife (WDFW) as requiring protective measures for their survival due to population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance, often but not exclusively referring to salmonid species. Priority species include state endangered, threatened, sensitive, and candidate species; animal aggregations (e.g., heron colonies, bat colonies) considered vulnerable; and species of recreational, commercial, or tribal importance that are vulnerable. See WAC 173-26-020.

(68) Private Lakeside Recreational Use. “Private lakeside recreational use” means privately owned shoreline properties used by an owner (or an ownership or membership group) for water-oriented recreational activities, with associated facilities necessary for active use of shorelands, site access and use, and allowances for private docks, floats, and mooring buoys.

(695) Protective Bulkhead Common to Single-Family Residences. “Normal protective bulkhead common to single-family residences” means a bulkhead constructed on a lot zoned to permit one single-family residence and containing one single-family residence.

(7066) Provisions. “Provisions” means policies, regulations, standards, guidelines, criteria, or environment designations (WAC 173-26-020).

(7167) Public Access. “Public access” means the public’s ability to get to and use the state’s public waters, the water/land interface and associated public shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by scenic roads and overlooks, viewing towers and other public sites or facilities.

(7268) Public Interest. “Public interest” means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development (WAC 173-27-030).

(7369) Public utility. “Public utility” means the facilities of a private business organization such as a public service corporation, or a governmental agency performing some public service and subject to special governmental regulations, the services that are paid for directly by the recipients thereof. Such services shall include but are not limited to: water supply, electric power, telephone, cablevision, natural gas and transportation for persons and freight. The term also includes broadcast towers, antennas and related facilities operated on a commercial basis.

(740) Repair. “Repair” means to restore to a state comparable to the original condition after deterioration or partial destruction.

(754) Replacement. “Replacement” means to rebuild using new materials.

(762) Restoration, or Ecological Restoration. “Restoration” or “ecological restoration” means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. “Restoration” does not imply a requirement for returning the shoreline area to aboriginal or pre-European-settlement conditions (WAC 173-26-020).

(773) Revetment. “Revetment” means a sloped wall constructed of riprap or other suitable material placed on stream banks or other shorelines to retard bank erosion and minimize lateral stream movement. A revetment typically slopes away from the water and has a rough or jagged face. These features differentiate it from a bulkhead, which is a vertical structure.

(784) Riprap. “Riprap” means a layer, facing or protective mound of angular stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used.

(795) Sediment. “Sediment” is material settled from suspension in a liquid medium.

(8076) Setback. “Setback” means the minimum required distance between a structure and a specified line such as a lot, easement or buffer line that is required to remain free of structures (SMC 21A.15.1070).

(8177) Shorelands. “Shorelands,” also referred to as “shoreland areas,” means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the OHWM; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes, and tidal waters that are subject to the provisions of this program; the same to be designated as to location by the Department of Ecology (RCW 90.58.030).

(8278) Shoreline Conditional Use. “Shoreline conditional use” means a use specifically designated as a shoreline conditional use in the SMP or a use that is not classified within the SMP.

(8379) Shoreline Environment Designation. “Shoreline environment designation” means the categories of shorelines of the state established by this program to differentiate between areas whose features imply differing objectives regarding their use and future development.

(849) Shoreline Jurisdiction. “Shoreline jurisdiction” means all shorelines of the state and shorelands as defined by this program and Chapter 90.58 RCW.

(854) Shoreline Modifications. “Shoreline modifications” means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals (WAC 173-26-020).

(862) Shoreline Stabilization. “Shoreline stabilization” means actions taken to prevent or mitigate erosion impacts to property, dwellings, businesses, or structures caused by shoreline processes such as currents, floods, tides, wind or wave action. Shoreline stabilization includes but is not limited to structural armoring approaches such as bulkheads, bulkhead alternatives and nonstructural approaches such as bioengineering.

(873) Shorelines. “Shorelines” means all of the water areas within the City of Sammamish, including reservoirs, and their associated shorelands together with the lands underlying them; except:

- (a) Shorelines of statewide significance;
- (b) Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and
- (c) Shorelines on lakes less than 20 acres in size and wetlands associated with such lakes (RCW 90.58.030(2)(d)).

~~(884)~~ Shorelines of Statewide Significance. “Shorelines of statewide significance” means those shorelines described in RCW 90.58.030(2)(e) that are within the City of Sammamish. Lake Sammamish is a designated shoreline of statewide significance. This is a distinct subcategory of shorelines of the state.

~~(895)~~ Shorelines of the State. “Shorelines of the state” are the total of all shorelines and shorelines of statewide significance within the City of Sammamish. Please also see definitions for “shorelines” (subsection (83) of this section) and “shorelines of the state” (RCW 90.58.030(2)(c)).

~~(9086)~~ Shoreline Variance. “Shoreline variance” is a means to grant relief from the specific bulk, dimensional or performance standards in the SMP. A shoreline variance is not a means to vary a use of a shoreline.

~~(9187)~~ Structure. “Structure” means anything permanently constructed in or on the ground, or over the water, excluding fences six feet or less in height, uncovered decks less than 18 inches above grade, uncovered paved areas, and structural or nonstructural fill (SMC 21A.15.1255).

~~(9288)~~ Substantial Development. “Substantial development” means any development that meets the requirements of RCW 90.58.030(3)(e).

~~(9389)~~ Transportation Use. “Transportation use” means a use whose primary purpose is the movement and circulation of people, goods, and services. This includes but is not limited to public roads, rails, parking areas, nonmotorized travel corridors, trails, and similar features.

~~(949)~~ Vegetation Enhancement Area. “Vegetation enhancement area” means an area immediately landward of the OHWM in which existing trees and native vegetation are preserved or native vegetation is restored and in which up to 25 percent by area of preserved and/or restored vegetation can be comprised of noninvasive, nonnative vegetation.

~~(954)~~ Vessel. “Vessel” includes ships, boats, barges, personal watercraft, or any other floating craft that are designed and used for navigation and do not interfere with the normal public use of the water (WAC 173-27-030).

~~(962)~~ Water-Dependent Use. “Water-dependent use” means a use or portion of a use that cannot exist in a location that is not adjacent to the water and that is dependent on the water by reason of the intrinsic nature of its operations. Water-dependent uses are preferred uses of the shoreline according to the Act (SMC 21A.15.1385).

~~(973)~~ Water-Enjoyment Use. “Water-enjoyment use” means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that foster shoreline enjoyment (WAC 173-26-020) (SMC 21A.15.1386).

~~(984)~~ Water-Oriented Use. “Water-oriented use” means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses (WAC 173-26-020) (SMC 21A.15.1387).

~~(995)~~ Water-Related Use. “Water-related use” means a use or portion of a use that is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- (a) The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- (b) The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient (WAC 173-26-020) (SMC 21A.15.1388).

~~(10096)~~ Water Quality. “Water quality” means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term “water quantity” refers only to development and uses regulated

under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. “Water quantity,” for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340 (WAC 173-26-020).

(10197) Wetland, Associated. “Associated wetland” means wetlands that are in proximity to lakes, rivers or streams that are subject to the Shoreline Management Act and either influence or are influenced by such waters. Factors used to determine proximity and influence include but are not limited to: location contiguous to a shoreline water body, presence of a surface connection including through a culvert or similar device, location in part or whole within the 100-year floodplain of a shoreline, periodic inundation, and/or hydraulic continuity. (Ord. O2011-308 § 1 (Att. A))

Chapter 25.03 MASTER PROGRAM ELEMENT GOALS¹

¹ Chapters 25.03 and 25.04 of the shoreline master program amend the Sammamish Comprehensive Plan and have been omitted from the code at the request of the City. Refer to the Sammamish Comprehensive Plan, copies of which are on file at City Hall, for information on shoreline goals and policies.

Chapter 25.04 SHORELINE MANAGEMENT POLICIES¹

¹ Chapters 25.03 and 25.04 of the shoreline master program amend the Sammamish Comprehensive Plan and have been omitted from the code at the request of the City. Refer to the Sammamish Comprehensive Plan, copies of which are on file at City Hall, for information on shoreline goals and policies.

Chapter 25.05 JURISDICTION AND ENVIRONMENT DESIGNATIONS

Sections:

- 25.05.010 Shoreline jurisdiction.
- 25.05.020 Shoreline environment designations.
- 25.05.030 Shorelines of statewide significance – Lake Sammamish.

25.05.010 Shoreline jurisdiction.

(1) The policies and regulations of this program shall apply to Lake Sammamish, Pine Lake and Beaver Lake and their adjacent shorelands and any other areas that the City may annex that qualify as shorelines as defined in Chapter 25.02 SMC and RCW 90.58.030.

(2) The City determines the extent of shoreline jurisdiction on a case-by-case basis in conjunction with a development proposal, permit request, or request for statement of exemption. The landward extent of shoreline jurisdiction is measured from the OHWM and includes associated wetlands. For Lake Sammamish, the waterward extent of shoreline jurisdiction, as measured from the OHWM toward the western city boundary, shall be governed by the regulations pertaining to the adjoining shoreland area and all such uses shall be considered accessory to the primary use. For Pine and Beaver Lakes, the waterward extent of shoreline jurisdiction, as measured from the OHWM toward the center of each lake, shall be governed by the regulations pertaining to the adjoining shoreland area and all such uses shall be considered accessory to the primary use. The OHWM shall be determined based on site-specific observation and assessment using accepted protocols and criteria in accordance with RCW 98.58.030(2)(b).

(3) No streams meeting the definition of “shoreline” are included within the City limits as of the date of adoption of this program. If the City annexes unincorporated areas that include Patterson Creek or other shorelines or shorelands as defined by this program, shoreline jurisdiction will be determined based on the criteria and definitions in Chapter 25.02 SMC and Chapter 90.58 RCW. (Ord. O2011-308 § 1 (Att. A))

25.05.020 Shoreline environment designations.

(1) Shorelines shall be assigned one of the following environment designations:

(a) Shoreline Residential Environment (SR). The purpose of the shoreline residential environment is to accommodate residential development and accessory structures that are consistent with this program. This designation shall apply to shorelines that do not meet the criteria for urban conservancy and that are characterized by single-family or multifamily residential development or are planned and platted for residential development.

(b) Urban Conservancy Environment (UC). The purpose of the urban conservancy environment is to protect and restore relatively undeveloped or unaltered shorelines to maintain open space, floodplains, or habitat, while allowing a variety of compatible uses. This designation shall apply to shorelines that retain important ecological functions, even if partially altered. These shorelines are suitable for low intensity development, uses that are a combination of water-related or water-enjoyment uses, including single-family residential use, or uses that allow substantial numbers of people to enjoy the shoreline.

(2) The shoreline environment designations established in subsection (1) of this section shall apply to the land and water areas subject to shoreline jurisdiction as defined in Chapter 25.02 SMC and Chapter 90.58 RCW. Uses and developments that occur waterward of the OHWM shall be governed by the regulations pertaining to the adjoining shoreland area and all such uses shall be considered accessory to the adjacent primary use.

(3) Shoreline environment designations are delineated on a map, hereby incorporated as a part of this program (Appendix A), that shall be known as the official shoreline map. The official shoreline map is for planning purposes

only. The map does not necessarily identify or depict the actual extent of shoreline jurisdiction or all associated wetlands. The lateral extent of the shoreline jurisdiction shall be determined on a case-by-case basis based on the location of the OHWM, floodway and/or the presence of associated wetlands. The landward extent so determined may extend beyond that depicted on the official shoreline map.

(4) Undesignated and/or unmapped shorelines shall be designated urban conservancy in accordance with WAC 173-26-211(2)(e).

(5) If disagreement develops as to the exact location of a shoreline environment designation boundary line shown on the official shoreline map, the following rules shall apply:

- (a) Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.
- (b) Boundaries indicated as approximately following roads shall be construed to follow their centerlines.
- (c) Boundaries indicated as approximately parallel to or extensions of lots lines or roads shall be so construed.
- (d) Whenever existing physical features are inconsistent with boundaries on the official shoreline map, the director shall interpret the boundaries.
- (e) Appeals of such interpretations may be filed pursuant to the applicable appeal procedures described in Chapter 25.08 SMC. (Ord. O2011-308 § 1 (Att. A))

25.05.030 Shorelines of statewide significance – Lake Sammamish.

In accordance with RCW 90.58.020, the following policies are hereby adopted for Lake Sammamish, which is a shoreline of statewide significance. The City shall manage Lake Sammamish to give preference to uses and developments that:

- (1) Recognize and protect the statewide interest over local interest;
- (2) Preserve the natural character and wildlife habitat of the shoreline;
- (3) Result in long-term over short-term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shoreline;
- (6) Increase recreational opportunities for the public in the shoreline environment. (Ord. O2011-308 § 1 (Att. A))

Chapter 25.06 GENERAL SHORELINE REGULATIONS

Sections:

- 25.06.005 Generally.
- 25.06.010 Archaeological, historic and cultural resources regulations.
- 25.06.020 Environmental protection and conservation regulations.
- 25.06.030 Shoreline public access regulations.
- 25.06.040 Restoration regulations.
- 25.06.050 Water quality, stormwater, and nonpoint pollution regulations.

25.06.005 Generally.

The general regulations in this chapter shall apply to all new development and uses within the Lake Sammamish, Pine Lake, and Beaver Lake shoreline jurisdictions unless otherwise stated. These regulations shall only apply within the shoreline jurisdiction, and shall not apply to portions of lots extending further landward than the landward extent of shoreline jurisdiction, as specified by Chapter 25.05 SMC. Additional regulations pertaining to specific uses and development activities are contained in Chapter 25.07 SMC. (Ord. O2011-308 § 1 (Att. A))

25.06.010 Archaeological, historic and cultural resources regulations.

- (1) Upon receipt of application for a shoreline permit or request for a statement of exemption for a development proposal located on or adjacent to a City of Sammamish historic, cultural, or archeological resource, the application or request shall be additionally processed pursuant to the requirements of SMC 21.10.120 (Historic resources – Review process).
- (2) Whenever historic, cultural or archaeological sites or artifacts are inadvertently discovered during shoreline development, work on that portion of the development site shall be stopped immediately, the site secured and the discovery reported as soon as possible to the director. Upon notification of such find, the property owner shall notify the Washington State Department of Archaeology and Historic Preservation, and the director shall notify the historic preservation officer, all affected tribes and shall require a site investigation and archaeological study to determine the significance of the discovery. (Ord. O2011-308 § 1 (Att. A))

25.06.020 Environmental protection and conservation regulations.

- (1) All development projects shall include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with this program and other applicable regulations. Where required, mitigation measures shall be applied in the following order:
 - (a) Avoiding the impact altogether by not taking a certain action or parts of an action;
 - (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
 - (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - (d) Reducing or eliminating the impact over time by preservation and maintenance operations;
 - (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
and
 - (f) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

(2) Restoration. Restoration of native vegetation shall consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions.

(3) Aquatic Bed Wetlands. Wetlands located entirely waterward of the ordinary high water mark of a lake shall be regulated by the development standards provided for in the program, including this section. Where a wetland area extends landward of the shoreline's OHWM boundary, additional wetland buffer protections pursuant to SMC 21A.50.290 may apply.

(4) Aquatic Weed Control and Noxious Weed Control. Aquatic weed control and noxious weed control may occur when the health and sustainability of native plant communities and associated habitats are threatened or when a water dependent use is restricted by their presence. Control with hand labor and/or light equipment is allowed; provided, that the appropriate erosion control measures are used and the area is replanted with native vegetation. Control shall occur in conformance with applicable local, state and/or federal regulations.

(5) Clearing and Grading. The amount of clearing and grading shall be limited to the minimum necessary to accommodate the allowed use/development. This minimum shall include clearing and grading necessary for landscaping and establishment of a vegetation enhancement area, if required or desired.

(6) Light and Glare. Exterior lighting shall not shine directly onto the water. Exterior lighting fixtures shall include full cutoff devices (light shields) such that glare or direct illumination onto the lake is minimized.

(7) Mitigation. Property owners proposing new shoreline use or development shall include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with this program and other applicable regulations. Where required, mitigation measures shall follow mitigation sequencing principles described in subsection (1) of this section and other applicable regulations whether or not the use/development requires or is exempt from a shoreline substantial development permit. Shoreline setback reductions are listed in subsection (10) of this section.

(8) Building Setback – Pine and Beaver Lakes. A five-foot-wide building setback shall be established from the landward edge of the shoreline setback required in subsection (9) of this section for Pine and Beaver Lakes. The following may be allowed in the building setback subject to the square footage limits of SMC 25.07.080:

- (a) Landscaping;
- (b) Uncovered decks that are less than 18 inches above grade;
- (c) Building overhangs if such overhangs do not extend more than 18 inches into the building setback area;
- (d) Impervious ground surfaces, such as driveways and patios;
- (e) Trails.

(9) Shoreline Setback. A shoreline setback is established for Lake Sammamish, Pine Lake, and Beaver Lake. The shoreline setback area for Lake Sammamish is the area extending 50 feet (or as reduced by Table 25.06.020) landward from the OHWM. For Pine and Beaver Lakes, the shoreline setback area is the area extending 45 feet landward from the OHWM.

The following regulations shall apply:

- (a) Non-water-dependent shoreline uses and developments, including residential developments, shall be located landward of the shoreline setback unless otherwise specified by this program;
- (b) Two hundred square feet maximum of residential accessory structure is allowed as specified in SMC 25.07.080(2) and subsection (9)(d) of this section;
- (c) Docks and shoreline stabilization structures shall be allowed within the shoreline setback as specified in this program;

(d) Public access structures, picnic areas, boat launches, docks and shoreline stabilization structures shall be allowed within the shoreline setback as specified in this program;

(10) Lake Sammamish Vegetation Enhancement Area. The 15-foot-wide portion of the shoreline setback immediately landward of the OHWM is reserved as a vegetation enhancement area. The following regulations apply:

(a) Property owners shall be required to establish and maintain the vegetation enhancement area:

(i) As part of any new development or (exterior) redevelopment project that displaces or affects applicable shoreline setbacks. For developments or additions of less than 500 square feet, the landscaping requirement shall be proportional (1:1) to the area of disturbance or redevelopment; or

(ii) If they propose to construct or expand an existing bulkhead or other stabilization structure by more than 10 percent.

(iii) Excluded from this requirement are changes to a structure that do not expand the footprint.

(b) The vegetation enhancement area, excluding the active use area, shall be planted or maintained with at least 75 percent by area of the vegetation consisting of native trees, shrubs, and groundcover designed to improve ecological functions. The VEA planting plan shall include one tree for every 500 square feet, one shrub for every 25 square feet, and 100 percent groundcover within the VEA. Note: Illustrations of the code will be included in the User Guide.

(c) An area of up to 25 percent of the vegetation enhancement area may be used as an active use area consistent with the requirements of this program; provided, that the active use area is located to avoid areas of greater sensitivity and habitat value. If this 25 percent limitation would not allow a corridor extending back from the lake measuring at least 15 feet parallel to the lake, a 15-foot-wide corridor may be used.

(d) Structures, decks and paved areas within the vegetation enhancement area may only be located within the limits of the active use area as specified within this program.

(e) When the establishment of the vegetation enhancement area is required, the final installation shall be approved by the city.

(11) Lake Sammamish Reduced Shoreline Setback. The Lake Sammamish shoreline setback may be reduced in the shoreline residential environment ~~or~~ for public uses and public development in the urban conservancy environment, or for private lakeside recreational use in any environment. All proposals for shoreline setback reduction must be completed in accordance with mitigation sequencing principles (subsection (1) of this section) and setback reductions as shown in Table 25.06.020.

(a) Reduction measures shall be installed, monitored, maintained and City inspected. Mitigation provisions in SMC 21A.50.140 and 21A.50.145 shall apply and financial guarantees pursuant to SMC Title 27 may be required.

(b) When setback reductions of Table 25.06.020 are utilized such that the resulting setback is 20 feet ~~and~~ the residence or recreation structure directly abuts the vegetated area, ~~house access and~~ maintenance activities necessary for the residence or recreation structure may occur as needed. However, damage, disruption, or removal of required vegetation shall be restored immediately upon completion of the maintenance activities.

Table 25.06.020: Lake Sammamish Shoreline Setback Reductions

Adopted Alternative

Reduction	Setback Reduction (feet)	<p style="text-align: center;">Reduction Criteria</p> <ul style="list-style-type: none"> • Reductions from the 50-foot standard setback may be cumulative, but in no case shall the resulting shoreline setback be less than 20 feet from OHWM. Planting shall be installed and maintained in accordance with VEA requirements. • Reductions must be utilized in the following priority order: Reduction 1, Reduction 2 or 3 if a bulkhead is present, Reduction 4*, and Reduction 5. After Reductions 1 – 5, then Reductions 6, 7, and 8 may be utilized in any order. • Significant trees within the 50-foot setback area shall be retained, with the exception that the minimum necessary significant tree removal may occur for allowed development in order to utilize setback reductions. Removed significant trees shall be replanted at a 2:1 ratio.
1	15 feet	For establishment of a 15-foot vegetation enhancement area landward and immediately adjacent to the OHWM and planting of 250 square feet of additional native vegetation planting area added landward and adjacent to the VEA.
2	15 feet	For removal of an existing bulkhead located at, below, or within five feet landward of the lake's OHWM and subsequent restoration of the shoreline to a natural or semi-natural state, including the restoration of topography, soil composition, and vegetation.
3	10 feet	For creation of a durable inclined fill of gravel/small rock against the waterside of an existing bulkhead and planting, enhancement, or restoration of at least a 5-foot width of native vegetation along the entire inclined fill, as part of an Army Corps of Engineers-approved plan and in compliance with all WDFW and other appropriate agency regulations.
4	5 feet	For a reduction in the active use area, from the allowed 25 percent of the shoreline setback to 15 percent, and additional planting in that area.
5	5 feet	For planting, enhancement, or restoration and subsequent preservation of existing native vegetation, as necessary, in a minimum 5-foot-wide near-shore area below the lake's OHWM, excluding the area below the active use area.
6	5 feet	For reduction of impervious surface coverage by 10 percent less than the city standard as allowed by SMC 25.07.080(2)(c) or (d).
7	5 feet	For limiting lawn area to no greater than 20 percent of the shoreline jurisdiction area.
8	5 feet	For preparation of, and agreement to adhere to, a written shoreline vegetation management plan that includes appropriate limitations on the use of fertilizer, herbicides, and pesticides to protect lake water quality.

*This reduction is optional if it would result in an active use area that is less than 15 feet wide

(12) Pine Lake and Beaver Lake Tree Retention. Eighty percent of the significant trees within the shoreline jurisdiction must be retained. This requirement shall not apply to documented hazard trees.

(13) Pine and Beaver Lakes Vegetation Enhancement Area. A vegetation enhancement area immediately landward of the OHWM is required as compensatory mitigation for any new or expanded development that is proposed within applicable shoreline setback or buffer areas. For developments or additions of less than 500 square feet the landscaping requirement shall be proportional (1:1) to the area of disturbance of the development or redevelopment.

(a) The vegetation enhancement area when required, excluding the active use area, shall be planted or maintained with at least 75 percent by area of the vegetation consisting of native trees, shrubs, and groundcover designed to improve ecological functions. The VEA planting plan shall include one tree for every 500 square feet, one shrub for every 25 square feet, and 100 percent groundcover within the VEA.

(b) An area of up to 25 percent of the vegetation enhancement area may be used as an active use area consistent with the requirements of this program; provided, that the active use area is located to avoid areas of greater sensitivity and habitat value. If this 25 percent limitation would not allow a corridor extending back from the lake measuring at least 15 feet perpendicular to the lake, a 15-foot-wide corridor may be used.

(14) Critical Areas within Shoreline Jurisdiction. Where critical areas including wetlands, streams, frequently flooded areas, geologically hazardous areas, or fish and wildlife habitat conservation areas designated in Chapter 21A.50 SMC occur in the shoreline jurisdiction, the Chapter 21A.50 SMC buffer or shoreline setback that provides the greatest protection shall prevail.

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(15) Allowed Activities within Critical Areas within Shoreline Jurisdiction. The following activities are allowed subject only to compliance with best management practices and procedural requirements of this program:

(a) Emergencies.

(b) Public water, electric, and natural gas distribution, public sewer collection, cable communications, telephone utility, and related activities undertaken pursuant to City-approved best management practices.

(16) Notice on Title. The owner of any property required to maintain a vegetation enhancement area on which a development proposal is submitted or any property on which mitigation is established as a result of development, except a public right-of-way or the site of a permanent public facility, shall file a notice approved by the City with the King County records and elections division. The required contents and form of the notice shall be determined by the director. The notice shall run with the land. (Ord. O2011-308 § 1 (Att. A))

25.06.030 Shoreline public access regulations.

(1) Physical and/or visual access should be made available to the public through public parks, rights-of-way and other public lands.

(2) New public access is not required for new single-family residential subdivisions of nine lots or residential units or less.

(3) Development of public access facilities in, on or over the water shall be constructed using materials that allow light penetration and do not contaminate water. Facilities in, on or over the water shall be of non-reflective materials that are compatible in terms of color and texture with the surrounding area. The underside of over-water facilities should incorporate reflective materials where necessary to reduce the effects of shadowing.

(4) Public access should be located adjacent to other public areas, accesses and connecting trails, and connected to the nearest public street end or other public access point. (Ord. O2011-308 § 1 (Att. A))

25.06.040 Restoration regulations.

(1) Ecological restoration projects shall be carried out in accordance with a City-approved restoration plan, and in accordance with the policies and regulations of this program.

(2) Voluntary enhancement and restoration of the shoreline not associated with any other development proposal is encouraged and should be accomplished according to a City-approved plan for its design, implementation, maintenance, and monitoring. Restoration or enhancement should result in a net improvement to the functions of the lake ecosystem.

(3) Voluntary establishment of vegetation enhancement areas is encouraged to restore shoreline ecological function. Previously established and City-approved vegetation enhancement areas or buffer reductions shall be credited toward shoreline setback reductions in accordance with this program. (Ord. O2011-308 § 1 (Att. A))

(4) The City may grant relief from development standards and use regulations within this program that result from Shoreline Restoration Projects that cause a landward shift in the extent of shoreline jurisdiction; such relief must be provided consistent with criteria and procedures in WAC 173-27-215.

25.06.050 Water quality, stormwater, and nonpoint pollution regulations.

(1) New shoreline uses and developments (and their related construction processes) shall incorporate all known, available, and reasonable methods of preventing, controlling, and treating stormwater to protect and maintain surface and ground water quantity and water quality in accordance with Chapter 15.05 SMC (Surface Water Management), requirements of Chapter 21A.50 SMC and other applicable laws.

- (2) Best management practices (BMPs) for controlling erosion and sedimentation and preventing pollutants from entering lakes shall be implemented for all new uses and developments (and their related construction processes).
- (3) To avoid water quality degradation by malfunctioning or failing septic systems located in the shoreline jurisdiction, new on-site sewage systems shall be located, designed, and maintained to meet all applicable water quality, utility, and health standards.
- (4) New structures installed below OHWM or that regularly and frequently come in contact with water shall be constructed of Washington Department of Fish and Wildlife (WDFW)-approved materials. (Ord. O2011-308 § 1 (Att. A))

Chapter 25.07 USE/DEVELOPMENT REGULATIONS

Sections:

- 25.07.005 Generally.
- 25.07.010 Summary of uses, approval criteria, and process.
- 25.07.020 Dredging regulations.
- 25.07.030 Filling and excavation regulations.
- 25.07.040 Boat facilities and boat launches – Ramps and rails regulations.
- 25.07.050 Private docks, floats, mooring buoys and watercraft lift regulations.
- 25.07.060 Public docks and floats regulations.
- 25.07.070 Shoreline stabilization regulations.
- 25.07.080 Residential use regulations.
- 25.07.090 Public recreational use regulations.
- 25.07.100 Transportation regulations.
- 25.07.110 Utilities regulations.
- 25.07.120 Agricultural use regulations.

25.07.005 Generally.

These regulations apply to all new development and uses within the Lake Sammamish, Pine Lake, and Beaver Lake shoreline jurisdictions. These regulations shall only apply within the shoreline jurisdiction and shall not apply to portions of lots extending further landward than the landward extent of shoreline jurisdiction, as specified by SMC 25.05.010. Regulations pertaining to general requirements are contained in Chapter 25.06 SMC. (Ord. O2011-308 § 1 (Att. A))

25.07.010 Summary of uses, approval criteria, and process.

Table 25.07.010-1 summarizes the permitted, conditional, and prohibited uses for each lake. All permitted and conditional uses may not appear in the table. In cases where uses are not listed, or conflicts exist with other section(s) of the program, the text provisions shall control. Table 25.07.010-2 summarizes the dimensional standards for each lake.

Table 25.07.010-1: Permitted Uses

Use (SMC Section)	Lake Sammamish Shoreline Residential	Lake Sammamish Urban Conservancy	Pine and Beaver Lakes Shoreline Residential	Pine and Beaver Lakes Urban Conservancy
P = Permitted; C = Conditional Use; X= Prohibited				
Agriculture (25.07.110)	C	C	C	C
Aquaculture	C	X	C	X
Boating facilities	P	P	P	P
Dredging (25.07.020(1))	P	P	P	P
Dredging (25.07.020(2))	C	C	C	C
Fill and excavation and grading landward of the OHWM (25.07.030)	P	P	P	P
Fill waterward of the OHWM, except for ecological restoration	C	C	C	C

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Use (SMC Section)	Lake Sammamish Shoreline Residential	Lake Sammamish Urban Conservancy	Pine and Beaver Lakes Shoreline Residential	Pine and Beaver Lakes Urban Conservancy
P = Permitted; C = Conditional Use; X= Prohibited				
(25.07.030)				
Fill waterward of the OHWM for ecological restoration (25.07.030)	P	P	P	P
Forest practices (25.07.035)	C	C	C	C
New private boat launches (25.07.040)	X	X	X	X
Maintenance and repair of existing private boat launches (25.07.040)	P	P	P	P
Public boat launches (25.07.040)	P	P	P	P
Private docks, floats, mooring buoys (25.07.050)	P	P	P	P
Canopies and lifts (25.07.050)	P	P	X	X
Maintenance and repair of docks, lifts, mooring buoys and floats (25.07.050)	P	P	P	P
Public docks, floats, and mooring buoys (25.07.060)	P	P	P	P
Shoreline stabilization bulkheads and bio-engineered solutions (25.07.070)	P	P	P	P
Repair, replacement and maintenance of shoreline stabilization (25.07.070)	P	P	P	P
Breakwaters, gabions, jetties, rock weirs, groins and other similar structures (25.07.070)	X	X	X	X
Single-family residences and appurtenances (accessory structures) (25.07.080)	P	P	P	P
Accessory dwelling units (25.07.080(7))	P	P	P	P
Subdivision (25.07.080(6))	P	P	P	P
Houseboats and floating homes (25.07.080(2)(a))	X	X	X	X
Transportation uses and facilities (25.07.100)	P	P	P	P
Parking, accessory to a permitted shoreline use (25.07.100)	P	P	P	P
Parking as a primary use (25.07.100)	X	X	X	X
Parking in, on or over water (25.07.100)	X	X	X	X
Private lakeside recreational use - single owner with no parties under agreement for shared use (25.07.130)	P	P	P	P
Private lakeside recreational use providing joint access for adjacent	P	P	P	P

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Use (SMC Section)	Lake Sammamish Shoreline Residential	Lake Sammamish Urban Conservancy	Pine and Beaver Lakes Shoreline Residential	Pine and Beaver Lakes Urban Conservancy
P = Permitted; C = Conditional Use; X= Prohibited				
<u>HOA of 9 or fewer owners (25.07.130)</u>				
<u>Private lakeside recreational use providing joint access for adjacent HOA of 10 or more owners (25.07.130)</u>	C	C	C	C
<u>Private lakeside recreational use providing joint access to 2 or more owners that are not all residents within an adjacent HOA (25.07.130)</u>	C	C	C	C
Public recreational use and structures (25.07.090)	P	P	P	P
Utilities, primary land use (25.07.110)	P	P	P	P
Utilities, accessory to a single-family normal appurtenance (25.02.010 and 25.07.080)	P	P	P	P
Water-oriented commercial development (25.02.010)	C	C	X	X
Non-water-oriented commercial development (25.02.010(56))	X	X	X	X
Water-dependent industry (25.02.010(92))	X	X	X	X
Non-water-dependent industry (25.02.010(56))	X	X	X	X
Mining	X	X	X	X
Marina (25.02.010)	X	X	X	X

Table 25.07.010-2: Dimensional Standards

	Lake Sammamish Shoreline Residential	Lake Sammamish Urban Conservancy	Pine and Beaver Lakes Shoreline Residential	Pine and Beaver Lakes Urban Conservancy
Single-Family Residential (SMC 25.06.020 and 25.07.080)				
Height	35 feet	35 feet	35 feet	35 feet
Setbacks	15% of lot width, minimum setback 5 feet	15% of lot width, minimum setback 5 feet	R-4	R-4
Minimum yard area	45%	60%	45%	60%
Fences	6 feet	6 feet	6 feet	6 feet
Accessory structures (not ADU) (SMC 25.07.080)				
Height	10 feet	10 feet	10 feet	10 feet
Maximum footprint	200 square feet	200 square feet	200 square feet	200 square feet
Other structures outside shoreline setback				

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	Lake Sammamish Shoreline Residential	Lake Sammamish Urban Conservancy	Pine and Beaver Lakes Shoreline Residential	Pine and Beaver Lakes Urban Conservancy
Height	35 feet	35 feet	35 feet	35 feet
Footprint maximum	None	None	None	None
Docks: Private Residential (SMC 25.07.050)				
Length	Dock length of 80 feet maximum or length necessary to reach a depth of 8 feet. No dock shall be more than 1/4 the distance to the opposite shoreline.	Dock length of 80 feet maximum or length necessary to reach a depth of 8 feet. No dock shall be more than 1/4 the distance to the opposite shoreline.	Dock length of 80 feet maximum or length necessary to reach a depth of 8 feet. No dock shall be more than 1/4 the distance to the opposite shoreline.	Dock length of 80 feet maximum or length necessary to reach a depth of 8 feet. No dock shall be more than 1/4 the distance to the opposite shoreline.
Area: One owner	480 square feet	480 square feet	480 square feet	480 square feet
Area: Two to nine owners	700 square feet	700 square feet	700 square feet	700 square feet
Area: 10 or more owners	1,000 square feet	1,000 square feet	700 square feet	700 square feet
Width	4 feet within 30 feet of OHWM, 6 feet when more than 30 feet from OHWM	4 feet within 30 feet of OHWM, 6 feet when more than 30 feet from OHWM	4 to 6 feet within 10 feet of OHWM. Total of the platform area and walkway area are not to exceed 480 square feet or 700 square feet for joint use docks.	4 to 6 feet within 10 feet of OHWM. Total of the platform area and walkway area are not to exceed 480 square feet or 700 square feet for joint use docks.
Placement	At least 15 feet from property line	At least 15 feet from property line	At least 15 feet from property line	At least 15 feet from property line
Subdivision (SMC 25.07.080)	Shared use docks are required (see above for shared use dock allowances).	Shared use docks are required (see above for shared use dock allowances).	Shared use docks are required (see above for shared use dock allowances).	Shared use docks are required (see above for shared use dock allowances).
Canopy (SMC 25.07.050)				
Coverage	25 x 15 feet	25 x 15 feet	N/A	N/A
Height above OHWM	10 feet	10 feet	N/A	N/A
Docks: Public Recreational (SMC 25.07.060)				
Length	No limit	No limit	No limit	No limit
Area	3,000 square feet	3,000 square feet	3,000 square feet	3,000 square feet
Width	6 feet	6 feet	6 feet	6 feet
Setbacks (SMC 25.06.020)				
Shoreline setback	50 feet	50 feet	45 feet	45 feet
Building setback	N/A	N/A	5 feet	5 feet
Vegetation enhancement area (VEA)	15 feet	15 feet	15 feet as specified in the program	15 feet as specified in the program
Active use area	15 – 25% of VEA	15 – 25% of VEA	25% of VEA	25% of VEA
Subdivision (SMC 25.07.080(6))				
Minimum area	12,500 square feet	12,500 square feet	12,500 square feet	12,500 square feet
Minimum lot width	50 feet	50 feet	50 feet	50 feet

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(Ord. O2016-410 § 1 (Att. A); Ord. O2011-308 § 1 (Att. A))

25.07.020 Dredging regulations.

Dredging shall be the minimum necessary to accomplish its purpose, and projects shall be designed to minimize or eliminate the need for future dredging.

- (1) Dredging may be permitted when necessary to support the following:
 - (a) Construction of a public dock for public water-dependent recreational use; provided, that the dredging is limited to the minimum needed to accommodate the public dock and then only when there is no feasible alternative; or
 - (b) Public sponsored ecological restoration or enhancement projects; or
 - (c) City-approved restoration and mitigation projects that involve bulkhead removal and/or shoreline vegetation enhancement; or
 - (d) Bioengineered shoreline stabilization projects, including bioengineered shoreline stabilization associated with private residential developments.
- (2) Dredging for any purpose other than listed in subsection (1) of this section may be permitted with a conditional use permit.
- (3) When permitted, dredging activities must comply with all of the following standards:
 - (a) Alternatives to dredging are infeasible; and
 - (b) The dredging is timed to minimize damage to shoreline ecological functions and aquatic life; and
 - (c) Unavoidable impacts of dredging are mitigated as required by this program.
- (4) Dredging for the purpose of public transportation is not permitted.
- (5) Dredge material shall be disposed of in legally established upland locations away from the shoreline and should be coordinated with appropriate agencies. (Ord. O2011-308 § 1 (Att. A))

25.07.030 Filling and excavation regulations.

- (1) All filling and excavation activities in the shoreline jurisdiction shall comply with the provisions of this program and all other applicable City and state requirements.
- (2) Fill and excavation is allowed only in association with a permitted use. Where allowed, fill and excavation shall be the minimum necessary to accommodate the development.
- (3) Development that involves fill or excavation within the shoreline jurisdiction shall obtain a shoreline substantial development permit unless exempt by WAC 173.27.040(2).
- (4) Fill shall be permitted landward of the OHWM and as allowed in subsection (5) of this section as a permitted or conditional use, and only where it is demonstrated that the proposed action will not result in ecological damage to water quality, fish, and/or wildlife habitat; or adversely alter natural drainage patterns.
- (5) Fill shall not be used to alter the OHWM, except as part of an approved restoration project. Filling waterward of the OHWM shall only be allowed when necessary to support one or more of the following:
 - (a) Public sponsored ecological restoration or enhancement projects;

- (b) City-approved restoration and mitigation projects that involve bulkhead removal, shoreline vegetation enhancement and/or shoreline restoration;
 - (c) Bioengineered shoreline stabilization projects, including bioengineered shoreline stabilization associated with private residential developments;
 - (d) Publicly sponsored nonrestoration projects that provide public access or improve access to the shoreline for a substantial number of people;
 - (e) Construction of public docks for public water-dependent recreational use; provided, that the filling and/or excavation are limited to the minimum needed to accommodate the public dock;
 - (f) Expansion or alteration of public transportation facilities of statewide significance currently located in the shoreline on the date of adoption of this SMP where there is no feasible alternative;
 - (g) When associated with a permitted or conditional use and as required by state or federal agencies;
 - (h) Fill waterward of the OHWM for any other purpose than ecological restoration shall require a shoreline conditional use permit.
- (6) Fill or excavation shall not be located where structural shore stabilization will be required to maintain materials placed or removed. Disturbed areas shall be immediately stabilized and revegetated, as applicable. (Ord. O2011-308 § 1 (Att. A))

25.07.035 Forest practices.

Forest practices, as defined by SMC 21A.15.520, that only involves timber cutting are not considered development under this program and do not require a shoreline substantial development permit or a shoreline exemption. Forest practice activities other than timber cutting shall be considered development under this program, and shall require a conditional use permit.

25.07.040 Boat facilities and boat launches – Ramps and rails regulations.

- (1) Existing legally established launch ramps and rails associated with private residential development may be maintained and repaired.
- (2) Public launch ramps and rails associated with public recreational uses shall be allowed on public land along the Lake Sammamish, Pine Lake, and Beaver Lake shorelines.
- (3) New launch ramps and rails shall be designed as follows:
 - (a) New launch ramps or rails shall be anchored to the ground through the use of tie-type construction. New ramps that solidly cover the water body bottom are prohibited; and
 - (b) No portion of a launch ramp or rail shall be placed or extend more than 60 feet waterward of the OHWM; and
 - (c) A launch ramp or rail shall be not be placed or extend to a depth greater than eight feet below the OHWM.
- (4) New launch ramps and rails associated with private residential development are prohibited.
- (5) Private beach clubs, associations of five or more residences with existing facilities, and jointly owned waterfront parcels may have docks, mooring buoys, and floats consistent with the regulations in SMC 25.07.050.
- (6) Structures accessory to the docks, mooring buoys, and floats may be constructed on the upland parcels with a shoreline substantial development permit issued consistent with this program, specifically SMC 25.06.020 and 25.07.080(2)(e). (Ord. O2011-308 § 1 (Att. A))

25.07.050 Private docks, floats, mooring buoys and watercraft lift regulations.

(1) All Lakes. The following regulations shall apply to private docks, floats, mooring buoys and lifts:

- (a) No new dock, mooring buoy, or float shall be located closer than 15 feet from the side property line extended, except that joint-use docks, lifts and floats may abut or cross property lines for the common use of adjacent property owners when mutually agreed to by the property owners in an agreement recorded with King County. Lifts (Lake Sammamish only) may be located within five feet of property lines consistent with subsection (2)(i) of this section.
- (b) Mooring buoys shall be limited to the number allowed pursuant to Washington State Department of Natural Resources requirements.
- (c) No new float shall cover more than 150 square feet of the lake. The area of the float shall be counted as part of the overall dock area.
- (d) No dwelling unit or building may be constructed on a dock, float or other moorage structure.
- (e) The use of fill to construct new docks, floats, and/or lifts (lifts allowed on Lake Sammamish only) shall only be allowed pursuant to the requirements of SMC 25.07.030.
- (f) New private docks, floats and/or lifts (lifts allowed on Lake Sammamish only) shall be designed and constructed using WDFW-approved methods and materials.
- (g) The top surface of new private docks shall not exceed five feet in height above the OHWM.
- (h) Docks, and platform lifts must be fully grated or contain other materials that allow a minimum of 40 percent light transmission through the decking material. If float tubs for docks preclude use of fully grated decking materials, then a minimum of two feet of grating must be installed down the center of the entire float.
- (i) Pilings or moorage piles shall not be treated with pentachlor chlorophenol, creosote, chromate copper arsenate (CCA) or comparable toxic compounds.
- (j) Existing legally established private docks and floats may be repaired or replaced consistent with the following standards provided within this chapter and listed below.
- (k) Repair or replacement of an existing residential dock shall be administered as follows:
 - (i) Repair proposals which replace 75 percent or greater of the existing dock support piles, cumulatively over the lifetime of the dock, are considered replacement docks and must comply with requirements for replacement docks (below); and
 - (ii) On Lake Sammamish, repair proposals which replace between 25 and 75 percent of the existing dock support piles, cumulatively over the lifetime of the dock, must achieve the minimum 18-foot spacing to the extent allowed by site-specific engineering or design considerations and shall install deck grating on all areas of replaced decking; and
 - (iii) All proposed replacement piles shall be the minimum size allowed by site-specific engineering or design considerations.
- (l) A replacement of an existing private dock shall be consistent with the following requirements:
 - (i) A proposal to replace the entire dock, or 75 percent or more of the dock support piles, cumulatively over the lifetime of the dock, must meet the dimensional, decking, and design standards for new docks as described above in subsections (1)(a) through (l) of this section, except the City may administratively approve an alternative design as provided in subsection (1)(m) of this section.

(m) Alternative Design. The City shall approve the following modifications to a dock or pier replacement proposal that deviates from the dimensional standards required by this chapter subject to approval by other permitting agencies such as the U.S. Army Corps of Engineers, or the Washington State Department of Fish and Wildlife.

In addition, the following requirements and all other applicable provisions of the chapter shall be met:

- (i) State and Federal Agency Approval. U.S. Army Corps of Engineers or the Washington Department of Fish and Wildlife have approved the proposal; and
- (ii) Materials. Use of grated decking consistent with this chapter; and
- (iii) Maximum Area. No larger than existing dock; and
- (iv) Minimum Water Depth. No shallower than authorized through state and federal approval.

(2) Lake Sammamish. The following requirements apply to all new private docks, floats, and lifts on Lake Sammamish, including shared/joint-use facilities and beach club facilities.

- (a) Each individual residential lot on Lake Sammamish shall be allowed: one residential dock, one float, two boat lifts, and two personal watercraft lifts. In lieu of the two boat lifts and two personal watercraft lifts, four personal watercraft lifts may be permitted.
- (b) Contiguous lots using shared/joint-use docks shall be allowed one additional boat lift and one additional personal watercraft lift or two additional personal watercraft lifts in addition to the allowances noted above for an individual lot.
- (c) Lots that provide shared/joint-use for more than nine residential homes shall be allowed one additional dock for service of existing legally established launch ramps and rails; provided, that the total area of overwater coverage does not exceed the maximum overwater area coverage allowed by this section.
- (d) Maximum overwater area coverage for private docks on Lake Sammamish, excluding canopy coverage, shall not exceed:
 - (i) Four hundred eighty square feet for private residential docks serving one lot; or
 - (ii) Seven hundred square feet for private residential docks serving two to nine lots in a shared use agreement; or
 - (iii) One thousand square feet for private residential docks serving more than nine lots in a joint-use agreement.
- (e) Docks shall be no wider than four feet, except an additional two feet of width can be allowed without a variance, for a property owner with a condition that qualifies for state disabled accommodations. The City can also allow without a variance, up to two feet of additional dock width limited to areas more than 30 feet waterward of the OHWM, if approved by other permitting agencies, such as the U.S. Army Corps of Engineers or the Washington Department of Fish and Wildlife. Otherwise docks shall not exceed four feet in width. The area of the float shall be counted as part of the overall dock area.
- (f) Ells, fingers and deck platforms can be no closer than 30 feet waterward of the ordinary high water mark.
- (g) The first set of pilings for a dock shall be located no closer than 18 feet from the ordinary high water mark.
- (h) Maximum Length of Private Docks. The maximum waterward extent of any new dock or other in-water/overwater moorage structure shall be no longer than 80 feet or the length needed to reach a depth of eight feet (measured from ordinary high water), whichever is greater. No dock shall be more than one-quarter the distance to the opposite shoreline.

- (i) No boat lift shall be located closer than five feet from the side property line extended. New boat lifts installed between five and 15 feet of the side property line extended must be installed perpendicular to the shoreline.
 - (j) One boat canopy per residential lot is allowed; provided, that the canopy is made of translucent material. Canopies may be a maximum of 25 feet in length, 15 feet in width, and 10 feet at the highest point over ordinary high water.
- (3) Pine Lake and Beaver Lake. The following requirements apply to all new private docks and floats on Pine Lake and Beaver Lake, including shared/joint-use facilities and beach club facilities.
- (a) Each individual residential lot on Pine and Beaver Lake shall be allowed: one residential dock, and one float.
 - (b) Maximum overwater coverage area for private docks on Pine and Beaver Lake:
 - (i) Four hundred eighty square feet for private residential docks serving one lot.
 - (ii) Seven hundred square feet for private residential docks serving two or more lots in a joint-use agreement.
 - (c) Docks shall be no wider than four feet, except:
 - (i) Dock width may be increased from four feet to six feet if the platform area and the total area of the walkway do not exceed 480 square feet or 700 square feet for joint use docks.
 - (ii) The maximum square footage of platforms (ells, Ts, etc.) at the end of the dock is 250 square feet.
 - (iii) Between OHWM and the platform the walkway shall be no wider than six feet for a minimum distance of 10 feet.
 - (d) New boat lifts and canopies are not permitted on Pine and Beaver Lakes. Existing lifts and canopies may be maintained.
 - (e) The maximum waterward extent of any new dock or other in-water/over-water moorage structure shall be no longer than 80 feet or the length needed to reach a depth of eight feet (measured from ordinary high water), whichever is greater. No dock shall be more than one-quarter the distance to the opposite shoreline. (Ord. O2011-308 § 1 (Att. A))

25.07.060 Public docks and floats regulations.

New public recreational docks and floats on public lands shall comply with the following:

- (1) Public recreational docks shall be designed and constructed using WDFW-approved methods and materials; and
- (2) With the exception of total over-water coverage, public recreational docks shall comply with design standards required for private docks listed in SMC 25.07.050(1)(a) through (l).
- (3) Consistent with SMC 25.07.050(2)(e) and (3)(c), the width of public recreational piers and docks should be minimized, but can be authorized up to six feet in width subject to Army Corps of Engineers and/or Washington Department of Fish and Wildlife approval;
- (4) No public recreational dock shall exceed 3,000 square feet in surface area. There is no dock length limit for public recreational docks; however, public piers and docks shall not interfere with navigation. (Ord. O2011-308 § 1 (Att. A))

25.07.070 Shoreline stabilization regulations.

This section describes the types of shoreline stabilization permitted on all shorelines in Sammamish.

- (1) When allowed pursuant to this program, shoreline stabilization and permitted alternatives, including new, expanded, or replacement bulkhead alternatives and bulkheads, must meet all of the following requirements:
- (a) The impacts must be first avoided, then minimized and then mitigated through compliance with this program and other applicable regulations such that there is no net loss of shoreline ecological functions. This is achieved by maintaining the required vegetation enhancement area in a vegetated condition, or planting the shoreline vegetation enhancement area in accordance with this program; and
 - (b) The size of shoreline stabilization structure shall be limited to the minimum necessary to protect the primary structure; and
 - (c) The shoreline stabilization is designed by a state licensed professional geotechnical engineer and/or engineering geologist and constructed according to applicable state and federal laws; and
 - (d) The shoreline stabilization is designed and constructed to incorporate natural vegetation and habitat elements wherever reasonable, and constructed and maintained in a manner that does not degrade the water quality of affected waters; and
 - (e) No gabions, motor vehicles, appliances, structure demolition debris, or solid waste of any kind shall be used for shoreline stabilization. Any such objects that may be remnant from replaced shoreline stabilization must be removed from the shoreline and shoreline setback unless doing so would cause damage to the environment; and
 - (f) The shoreline stabilization shall be designed and constructed with gravel backfill and weep holes so that natural downward movement of surface or ground water may continue without ponding or saturation; and
 - (g) The shoreline stabilization on shores exposed to significant wave action shall be designed to dissipate wave energy and scouring; and
 - (h) Shoreline stabilization shall be placed landward of associated wetlands and buffers.
- (2) Bulkhead alternatives and bioengineered shoreline stabilization (also known as bio-stabilization) are the preferred method for stabilizing shorelines and shall be permitted with proof of demonstrated need provided in a technical report prepared by a Washington state licensed engineer and/or a qualified biologist as appropriate. Such alternatives include large rocks, logs, revetments and other natural materials integrated with native vegetation to prevent erosion of land into the lakes.
- (3) New or expanded hard structural stabilization may be permitted only when bulkhead alternatives are determined to be infeasible or insufficient and when required:
- (a) To protect an existing primary residential structure from shoreline erosion caused by currents or waves (and not caused by normal sloughing, vegetation removal, or poor drainage) when there is a significant possibility that the primary structure will be damaged within three years as a result of shoreline erosion in the absence of armoring measures.
 - (b) For projects whose primary purpose is remediating hazardous substances pursuant to Chapter 70.105 RCW.
 - (c) For stabilization on public land to facilitate public shoreline access for substantial numbers of people.
- (4) To comply with subsection (3) of this section, the property owner shall provide technical reports that:
- (a) Evaluate the need for structural shoreline stabilization; and
 - (b) Describe alternatives to structural approaches and analyze the environmental effects of each alternative. Geotechnical analysis shall address the necessity of bulkheads or other armoring by estimating time frames and

rates of erosion and report on the urgency associated with the specific situation. The geotechnical reports and alternatives analysis shall be prepared by a Washington state licensed engineer, engineering geologist and/or a qualified biologist as appropriate. The reports shall meet the application requirements of Chapter 20.05 SMC (Procedures for Land Use Permit Applications, Public Notice, Hearings and Appeals) and the critical areas study requirements of SMC 21A.50.130.

- (5) Stairs may be built into shoreline stabilization but shall not extend waterward of OHWM. Stairs on the waterward side of existing bulkheads may be maintained and repaired in kind.
- (6) When there is a need for an existing legally established bulkhead to be replaced, it may be done with bulkhead alternatives or bio-stabilization. An existing bulkhead or similar stabilization structure may only be replaced with a structure of similar dimension and location when bulkhead alternatives are demonstrated to be infeasible or inadequate to protect the primary residential structure and the following criteria are met:
- (a) There is a demonstrated need to protect the primary residential structure from erosion caused by currents or waves and not caused by normal sloughing, vegetation removal, or poor drainage; and
 - (b) The replacement structure shall not encroach waterward of the OHWM or the existing stabilization structure unless the primary use being protected is a residence that was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the landward side of the existing shoreline stabilization structure.
- (7) Existing shoreline stabilization structures that are being replaced shall be removed unless removing the structure will cause more environmental harm than leaving it in place.
- (8) An existing legally established bulkhead or similar hard shoreline stabilization structure may be repaired and maintained. If the repair or maintenance activity changes the location of the structure or alters any dimension of the structure by more than 10 percent, it shall be treated as a new/replacement hard shoreline stabilization structure and the City may require mitigation in accordance with this program.
- (9) Subdivisions shall be designed to assure that future development of the established lots will not require armoring. Use of a bulkhead, wall, or similar structure to protect a platted lot where no structure presently exists shall be prohibited.
- (10) Breakwaters, jetties, rock weirs, groins and similar structural modifications shall be prohibited.
- (11) New bulkheads on vacant lands are prohibited. (Ord. O2011-308 § 1 (Att. A))

25.07.080 Residential use regulations.

- (1) Preferred Use. Single-family residential use is a preferred shoreline use and shall be permitted when consistent with this program and the Act, including the goal to ensure no net loss of shoreline ecological functions.
- (2) New Residential Development. New residential development and normal appurtenances shall be located sufficiently landward of the OHWM to preclude the need for new structural shoreline stabilization and/or flood protection for the useful life of the structure in accordance with the following:
- (a) New residential development and normal appurtenances shall be located landward of the shoreline setback, or if applicable the reduced shoreline setback, or as otherwise allowed, in accordance with this program. Houseboats, live-aboards, or other dwelling units are prohibited overwater.
 - (b) Residential structures shall be located to avoid the need for future shoreline stabilization.
 - (c) For shoreline residential areas, 45 percent of the lot shall be yard area. For purposes of this section, "yard" is any surface area that is not structured or hardened. Yard areas may be landscaped, contain uncovered decks of less than 18 inches above grade, or artificial turf, but do not include areas covered by pervious concrete or other similar materials.

(d) For urban conservancy areas, the minimum amount of yard shall be no less than 60 percent of the lot area above OHWM. For purposes of this section, "yard" is any surface area that is not structured or hardened. Yard areas may be landscaped, contain uncovered decks of less than 18 inches above grade, or artificial turf, but do not include areas covered by pervious concrete or other similar materials.

(e) New structures, excluding accessory dwelling units, may be located waterward of the shoreline setback; provided, that all of the following criteria are met:

- (i) The maximum total footprint is not more than 200 square feet; and
- (ii) The maximum height is not more than 10 feet above existing average grade level; and
- (iii) The structure is located outside of wetlands, streams, other ecologically sensitive areas and associated buffers; and
- (iv) Potential impacts are managed consistent with the provisions of this program. Where environmental impacts not otherwise avoided or mitigated by compliance with the program and other applicable regulations are identified, mitigation sequencing (i.e., avoid, minimize, and then mitigate), including identification of appropriate mitigation to offset any anticipated impacts resulting from the project, shall be utilized.

(f) New accessory dwelling units may be located landward of the shoreline setback; provided, that all of the applicable zoning requirements and provisions of this program are met.

(3) Expansion of Existing Legally Established Residential Use.

(a) All Lakes. An existing legally established residential structure may be expanded or reconfigured consistent with the substantive requirements of this program.

(4) Interior Setbacks.

(a) Lake Sammamish. Interior setbacks within shoreline jurisdiction shall total 15 percent of the width of the lot, with a minimum setback of five feet on either side of the lot.

(5) Fences. No portion of any fences within shoreline jurisdiction shall exceed six feet in height, as measured from the existing ground elevation along the proposed fence alignment, and shall not be located within wetlands, streams, or Chapter 21A.50 SMC, buffers.

Fences should be located outside of the shoreline setback upland of the OHWM, in an effort to minimize disruption of wildlife migration along shoreline areas. Fences may be located within the shoreline setback upland of the OHWM when needed to serve their primary function. When located within the shoreline setback the fence height shall not exceed 42 inches, and nonsolid materials shall be utilized.

(6) Subdivision. Shoreline lots may be subdivided in accordance with SMC Title 19.

- (a) The minimum lot width required for subdivision within shoreline jurisdiction shall be 50 feet as measured by scaling a circle of the applicable diameter within the boundaries of the lot. For lots fronting directly on the OHWM, the lot width circle shall touch the OHWM. An access easement may be included in the lot width circle; and
- (b) Landward portions of all lots created through subdivision shall have a minimum size of 12,500 square feet; provided, that all other applicable regulations are met, including this program, Chapter 21A.25 SMC and the King County department of health (septic system siting standards); and
- (c) All new subdivisions shall be allowed one additional shared use dock. A dock existing prior to subdivision application may remain for either shared use or use by one lot in the subdivision.

(7) Accessory Dwelling Unit (ADU). Only one accessory dwelling is allowed per primary single detached dwelling unit. An ADU is only allowed in the same building as the primary dwelling unit when the lot is less than 10,000 square feet in area or when there is more than one primary dwelling on a lot. One of the dwelling units shall not exceed a floor area of 1,000 square feet except when one of the dwelling units is wholly contained within a basement or attic. A detached ADU shall be located outside of all critical area buffers and/or shoreline setback areas and shall not be subject to any shoreline setback reductions or variances.

(8) Accessory Utilities. For single-family residences accessory utilities include electrical, gas, water, cable, telephone, and public sewer connections to the primary utilities, and also installation of septic tank and drainfields. (Ord. O2016-410 § 1 (Att. A); Ord. O2011-308 § 1 (Att. A))

25.07.090 Public recreational use regulations.

(1) Public recreational development on public land is a preferred shoreline use and is permitted when consistent with underlying zoning pursuant to Chapter 21A.10 SMC, this program, and the Act, including the goal to ensure no net loss of shoreline ecological functions.

(2) New public recreational activities and facilities proposed within shoreline jurisdiction shall be water-oriented, and shall provide physical and/or visual access to the shoreline.

(3) The following water-oriented public recreational structures are permitted waterward of the shoreline setback and building setback:

(a) Public docks, and/or floats allowed pursuant to SMC 25.07.060; and

(b) Public picnic shelters and similar facilities for water enjoyment uses; provided, that such structures are not located in wetland or stream buffers, or in, on or over water and that no structure exceeds 15 feet above existing average grade level.

(4) Non-water-oriented public recreational development, including parking, restrooms and similar facilities, shall be located landward of the shoreline setback where feasible.

(5) Public recreational developments shall provide for public nonmotorized connectivity between existing public roads, trails and said development on the shoreline (e.g., pedestrian and/or bicycle paths), unless such access is infeasible due to public health and safety considerations.

(6) Public recreational developments shall include landscaping that uses native, self-sustaining vegetation. (Ord. O2011-308 § 1 (Att. A))

25.07.100 Transportation regulations.

(1) The following regulations for transportation use shall apply to any use or development where transportation infrastructure is, or is proposed to be, a primary land use, including new or expanded roadways, trails, nonmotorized facilities and parking facilities. Transportation use regulations shall not apply to residential access drives that are accessory to residential use.

(2) New transportation development shall be carried out in a manner that maintains or improves water quality for receiving waters through implementation of state and City stormwater regulations (see SMC 25.07.110).

(3) New transportation and stormwater facilities and improvements to existing transportation facilities, not including trails, shall be located outside of the shoreline setback and any required building setback unless there is no feasible alternative. Adverse impacts shall be mitigated according to the mitigation requirements of Chapter 21.50 SMC and other applicable regulations.

(4) New roads shall be developed to minimize impacts to surface waters and new culverts shall meet applicable City and state standards.

- (5) New transportation facilities shall be located and designed to preclude the need for shoreline stabilization where reasonable.
- (6) Parking within the shoreline jurisdictions shall be limited to parking facilities that directly serve a permitted shoreline use, such as waterfront regional trails, including on-street parking where otherwise allowed in SMC Titles 14A and 21A. Parking as a primary use shall be prohibited.
- (7) To the extent possible, vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading and alteration of topography and natural features. Roadway and driveway alignment shall follow the natural contours and minimize width to the maximum extent reasonable.
- (8) Parking facilities shall be located and designed to minimize adverse environmental impacts including, but not limited to, the following:
- (a) Stormwater runoff; and
 - (b) Water quality and shoreline habitat; and
 - (c) Visual qualities; and
 - (d) Public access; and
 - (e) Lake management districts regulated by Chapter 21A.50 SMC.
- (9) Parking is prohibited on structures located in, on or over water. (Ord. O2011-308 § 1 (Att. A))

25.07.110 Utilities regulations.

- (1) Utility regulations shall apply to any use or development where utility infrastructure is required to support the primary land use.
- (2) Utility facilities shall provide for multiple use of sites and rights-of-way (i.e., trail corridors along underground utility rights-of-way), except in instances where multiple uses would unduly interfere with utility operations, endanger public health and safety, or create a significant and disproportionate liability for the owner.
- (3) When reasonable, new utility lines shall use existing rights-of-way, corridors and/or bridge crossings and shall avoid duplication and/or construction of new or parallel corridors in all shoreline jurisdictions.
- (4) Conveyance utilities shall be placed underground or alongside or under bridges except where the presence of bedrock or other obstructions make such placement infeasible. Stormwater conveyance facilities may be open ditch where appropriate and beneficial to water quality.
- (5) New transmission and distribution facilities shall avoid shoreline setbacks and shoreline jurisdiction wherever possible. Otherwise, such facilities shall only cross areas of shoreline jurisdiction by the shortest, most direct route reasonable, unless such route would cause significant environmental damage.
- (6) Utility developments shall be located and designed so as to avoid or minimize the need for current or future structural shoreline stabilization.
- (7) All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, except in situations where no other reasonable alternative exists. In those limited instances when permitted, automatic shutoff valves shall be provided on both sides of the water body.
- (8) Surface water management facilities, such as an energy dissipater and associated pipes, are allowed in the Lake Sammamish, Pine Lake, and Beaver Lake shoreline setbacks only if the applicant demonstrates, to the satisfaction of the department, that:
- (a) No feasible alternative exists; and

- (b) The functions of the lake and related VEA are not adversely affected or are appropriately mitigated.
- (9) Clearing of vegetation for the installation or maintenance of utilities shall be minimized and disturbed areas shall be restored following project completion consistent with the requirements of City stormwater management regulations.
- (10) Utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are non-water-oriented, shall not be allowed in shoreline areas, unless it can be demonstrated that no other feasible option is available.
- (11) Accessory Utilities. For single-family residences accessory utilities include electrical, gas, water, cable, telephone, and public sewer connections to the primary utilities, and also installation of septic tank and drainfields. (Ord. O2011-308 § 1 (Att. A))

25.07.120 Agricultural use regulations.

- (1) New agricultural operations are not permitted within the shoreline jurisdiction; this applies to all three lakes.
- (2) Existing agricultural operations on all three lakes may be continued. Expansion or modification of existing agricultural operations or facilities may be permitted as a shoreline conditional use. (Ord. O2011-308 § 1 (Att. A))

25.07.130 Private lakeside recreational use regulations

(1). To manage private lakeside recreational use along the Lake Sammamish shoreline, this SMP establishes four categories of this use as detailed here and in SMC 25.07.010-1:

(a) The first private lakeside recreational use category includes those lots providing private recreational access for one owner (one party). All new development under this use category shall be permitted as a substantial development or exemption.

(b) The second private lakeside recreational use category includes those lots (or access tracts) providing private shoreline recreational access for an adjoining residential homeowners' association serving nine lots or less in a shared use agreement; the City may consider a home owners' association that includes lots abutting the landward side of the East Lake Sammamish Trail and East Lake Sammamish Parkway Corridor as 'adjoining'. All new development under this use category shall be permitted as a substantial development or exemption.

(c) The third private lakeside recreational use category includes those lots (or access tracts) providing private shoreline recreational access for an adjoining residential homeowners' association serving ten lots or more in a shared use agreement; the City may consider a home owners' association that includes lots abutting the landward side of the East Lake Sammamish Trail and East Lake Sammamish Parkway Corridor as 'adjoining'. All new development under this use category shall require a conditional use permit in addition to a substantial development or exemption permit.

(d) The fourth private lakeside recreational use category includes those lots providing private recreational access for two or more owners that are not private access lots or tracts for an adjoining residential development homeowners' association. All new development under this use category shall require a conditional use permit in addition to a substantial development or exemption permit.

(2) All New Private Recreational Development. New private recreational development and associated structures shall be allowed on the Lake Sammamish shoreline on private lots within the urban residential zone (all zoned R-4 per SMC Title 21A) in accordance with the following:

(a) All structures shall be located to avoid the need for future shoreline stabilization.

(b) Except as reasonable to provide shoreline and/or dock access and to accommodate water-dependent recreation activities within the allowed active use area per SMC 25.06.020(10), all structures and impervious

surfaces shall be located landward of the shoreline setback, or if applicable the reduced shoreline setback in accordance with this program. Proposed new water-dependent structures located waterward of the shoreline setback shall be limited to not more than 200 square feet in total coverage, shall not have a maximum height of more than 10 feet above existing average grade level, and shall be located outside of ecologically sensitive areas and associated buffers.

(c) Maximum combined overwater area allowed for private docks and floats accessory to private lakeside recreational uses shall be consistent with standards in SMC 25.07.050.

(d) Where any new private lakeside recreational use development activity is proposed, the applicant shall be required to establish a vegetation enhancement area consistent with SMC 25.06.020(10), including allowance for an active use area extending to the shoreline. In addition to these standards, plans for a vegetation enhancement area associated with a private lakeside recreational use shall include:

(i) Completion of a landscaping plan that specifies reasonable improvements for recreational use within the active use area and further landward on to the property. The landscape plan shall show that improvements necessary to support intended shoreline and/or dock recreational access and use are provided such that potential for encroachment into the vegetation enhancement area is minimized.

(ii) Required landscaping shall include a split rail or peeler-pole fence, or other landscaped barrier approved by the director, installed to demarcate the boundaries between the vegetation enhancement area and areas intended for active access and use. No fencing shall be required along the portions of the vegetation enhancement area that adjoin the Lake's OHWM.

(iii) Proposed clearing of existing native vegetation throughout the rest of the site outside of the vegetation enhancement area, including within the active use area, shall be minimized as reasonable while still allowing for the intended recreational use of the property. All development activity shall be completed consistent with the City's Tree Development Standards in SMC Chapter 21A.37.

(e) If not already included as part of the development proposal, the applicant shall provide reasonable plans for site access, garbage and recycle disposal, and accommodation of bathroom facility needs.

(3) Any New Private Recreational Development Requiring Conditional Use Permit. Any proposal for new development supporting private lakeside recreational use that requires a conditional use permit shall additionally be required to meet the following criteria:

(a) Parking. A minimum of 2 off-street parking spaces shall be provided. 1 additional off-street parking space shall be provided where the proposal would accommodate 5 or more owners/members. Required parking shall be provided onsite. In limited instances where vehicular access constraints or other site conditions makes on-site parking infeasible, privately owned off-site parking spaces within 1,000 feet of the lakeside recreational use site may be allowed.

(b) Garbage and recycle. An on-site location for garbage and recycle bins shall be provided consistent with standards for single family detached homes in SMC Chapter 21A.30. For sites requiring walk-in access, the director may allow for location of garbage and recycle bin storage at the site of designated off-street parking.

(c) Restroom facilities. Reasonable accommodation for restroom facilities shall be provided as follows:

(i) Any proposal for development at a private lakeside recreational use lot serving between 2 and 3 owners that are not party to an adjoining residential homeowners association shall be required to provide bathroom facilities consistent with anticipated use intensity; at minimum, this shall include seasonal placement of a portable restroom (i.e. porta-potty) within a designated enclosure.

(ii) Any proposal for development at a private lakeside recreational use lot serving 4 or more owners that are not party to an adjoining residential homeowners' association shall be required to provide an on-site bathroom with public utility hook-up, including water and sanitary sewer.

(iii) Any proposal for development at a private lakeside recreational use lot serving 10 or more owners of an adjoining residential homeowners' association shall be required to provide an on-site bathroom with public utility hook-up, including water and sanitary sewer.

(iv) Required bathroom facilities shall always be located landward of the required Lake Sammamish shoreline setback and required side-yard setbacks.

(4) The City may investigate membership / ownership status of any private lakeside recreational use, whether or not a development proposal has been issued. During shoreline development proposal review, the City may require submittal of ownership/membership records to ensure compliance

(5) Existing private lakeside recreational lots in existence prior to XXXXX (the effective date of this Program, as updated) shall be considered conforming. These lots shall be allowed to maintain existing condition. However, any existing private lakeside recreational lots shall not be allowed to further expand without demonstrating compliance with this section. (Ord. XXXX)

Chapter 25.08 PERMIT CRITERIA AND ADMINISTRATIVE STANDARDS

Sections:

25.08.010	Permits – General regulations.
25.08.020	Permits – Substantial development.
25.08.030	Permits – Exemptions from a substantial development permit.
25.08.040	Permits – Statements of exemption.
25.08.050	Permits – Shoreline variances.
25.08.060	Permits – Conditional use.
25.08.070	Administration – General standards.
25.08.080	Permit process – Land use decisions.
25.08.090	Permit process – Appeals.
25.08.100	Existing development.
25.08.110	Rules of director.
25.08.120	Enforcement, violations and penalties
25.08.130	Initiation of development.
25.08.140	Permit revisions.

25.08.010 Permits – General regulations.

(1) To be authorized under this program, all uses and developments shall be planned and carried out in a manner that is consistent with SMC and this program regardless of whether a shoreline substantial development permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required.

(2) The City shall not issue any permit for development within the shoreline jurisdiction until approval has been granted pursuant to this program.

(3) When a development or use is proposed that does not comply with the bulk, dimensional and/or performance standards of this program, such development or use may only be authorized by approval of a state-issued shoreline variance even if the development or use does not require a substantial development permit (WAC 173-27-170).

(4) A new use or development that is unlisted or listed as a conditional use pursuant to this program must obtain a conditional use permit even if the development or use does not require a substantial development permit.

(5) Issuance of a shoreline substantial development permit, shoreline variance or shoreline conditional use permit does not constitute approval pursuant to any other federal, state or City laws or regulations.

(6) The fee(s) that shall accompany an application for a shoreline development (including applications for shoreline substantial development permits, statements of exemption, shoreline variances, or shoreline conditional use permits) shall be determined by the City council.

(7) Those development activities codified in WAC 173-27-044 are not required to obtain a shoreline permit and do not require review by the City for compliance with this program. (Ord. O2011-308 § 1 (Att. A))

25.08.020 Permits – Substantial development.

(1) Substantial development as defined by RCW 90.58.030 shall not be undertaken by any person on the shorelines of the state without first obtaining a substantial development permit from the director, unless the use or development is specifically identified as exempt from a substantial development permit per Chapter 90.58 RCW or by Chapter 173-27 WAC.

(2) The director may grant a substantial development permit only when the development proposed is consistent with the policies and procedures of Chapter 90.58 RCW, the provisions of Chapter 173-27 WAC, and this program. (Ord. O2011-308 § 1 (Att. A))

25.08.030 Permits – Exemptions from a substantial development permit.

(1) Uses and developments that are not considered substantial developments pursuant to Chapter 90.58 RCW and Chapter 173-27 WAC shall not require a substantial development permit but shall conform to the policies and regulations of this program (WAC 173-27-040).

(2) If any part of a proposed development is not eligible for exemption as defined in Chapter 90.58 RCW and Chapter 173-27 WAC, then a substantial development permit is required for the entire proposed development project.

(3) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.

(4) The burden of proof that a development or use is exempt from a substantial development permit is on the applicant or property owner proposing the use or development action.

(5) The holder of a certification from the Governor pursuant to Chapter 80.50 RCW shall not be required to obtain a substantial development permit under this program. (Ord. O2011-308 § 1 (Att. A))

25.08.040 Permits – Statements of exemption.

(1) The director shall have the authority to require a statement of exemption for any proposed development or use if she/he has cause to believe a substantial question exists as to qualifications of the specific use or development for the exemption or there is a likelihood of adverse impacts to shoreline ecological functions.

(2) No written statement of exemption is required for emergency development pursuant to WAC 173-14-040(1)(d).

(3) In accordance with WAC 173-27-040, statements of exemptions may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of the program and Act.

(4) A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. In accordance with SMC 20.50.020(1)(a), the director's decision to deny an exemption is not subject to administrative appeal. See SMC 25.08.090 for the formal appeal process.

(5) Whenever the exempt activity potentially requires a hydraulic project approval from the Washington State Department of Fish and Wildlife (WDFW), a copy of the written statement of exemption shall be sent to the applicant/property owner and WDFW.

(6) Whenever the exempt activity also requires a U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899, or a Section 404 permit under the Federal Water Pollution Control Act of 1972, a copy of the written statement of exemption shall be sent to the applicant/property owner and Department of Ecology pursuant to WAC 173-27-050. (Ord. O2011-308 § 1 (Att. A))

25.08.050 Permits – Shoreline variances.

(1) The director is authorized to grant a shoreline variance from the performance standards of this program only when all of the criteria enumerated in WAC 173-27-170 are met.

(2) The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this program would impose unnecessary hardships on the applicant/property owner or thwart the policies set forth in RCW 90.58.020.

- (3) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.
- (4) The burden of proving that a proposed variance meets the criteria in WAC 173-27-170 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.
- (5) In the granting of all shoreline variances, consideration shall be given to the cumulative environmental impact of additional requests for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances should also remain consistent with the policies of RCW 90.58.020 and should not produce significant adverse effects to the shoreline ecological functions or other users.
- (6) A variance from City development code requirements shall not be construed to mean a shoreline variance from SMP use regulations and vice versa.
- (7) Variances may not be used to permit a use or development that is specifically prohibited. (Ord. O2011-308 § 1 (Att. A))

25.08.060 Permits – Conditional use.

- (1) The director is authorized to issue shoreline conditional use permits only when all the criteria enumerated in WAC 173-27-160 are met.
- (2) The burden of proving that a proposed shoreline conditional use meets the criteria in WAC 173-27-160 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.
- (3) The director is authorized to impose conditions and standards to enable a proposed shoreline conditional use to satisfy the conditional use criteria. (Ord. O2011-308 § 1 (Att. A))

25.08.070 Administration – General standards.

Unless otherwise stated, this program shall be administered according to the standards and criteria in Chapter 90.58 RCW and Chapter 173-27 WAC. (Ord. O2011-308 § 1 (Att. A))

25.08.080 Permit process – Land use decisions.

Shoreline substantial development permits, statements of exemption, shoreline variances and shoreline conditional use permits shall be subject to all of the applicable requirements of Chapter 20.05 SMC. (Ord. O2011-308 § 1 (Att. A))

25.08.090 Permit process – Appeals.

- (1) Appeals of the final decision of the City with regard to shoreline management shall be governed by the provisions of RCW 90.58.180.
- (2) Appeals to the Shoreline Hearings Board of a decision on a shoreline substantial development permit, shoreline variance or shoreline conditional use permit may be filed by the applicant/property owner or any aggrieved party pursuant to RCW 90.58.180.
- (3) [Projects that require conditional use permits or variances shall be mailed by the City simultaneously to the Department of Ecology and the Office of the Attorney General with any substantial development permit for the project. The effective date of the City's decision shall be the date of filing with the Department of Ecology as defined in RCW 90.58.140. \(Ord. O2011-308 § 1 \(Att. A\)\)](#)

(4) The effective date of the City's decision shall be the date of filing with the Department of Ecology as defined in RCW 90.58.140. The Department of Ecology will notify the City and the applicant/property owner of the date of filing by telephone or electronic means followed by written communication. (Ord. O2011-308 § 1 (Att. A))

25.08.100 Existing development.

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

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

(i) Structural modification of, addition to or replacement of existing legally created structures, except single detached residences in existence before November 27, 1990, which do not meet the building setback or buffer requirements for wetlands, streams, ponds or landslide hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described building setback area, critical area or buffer.

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

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

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

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

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

(C) Existing and ongoing agriculture and grazing of livestock is allowed subject to any limitations established by law, if the agriculture or grazing activity was in existence before November 27, 1990.

(b) Structures Not Meeting Current Regulations Other Than Critical Areas Requirements.

(i) Reconstruction, replacement, or expansion of the exterior footprint of an existing, legally established structure not meeting current regulations is allowed; provided, that the addition or reconstruction does not increase the noncompliance to current regulations.

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

(iii) Existing structures that were legally established but which are not meeting current regulations with regard to the setback, area, bulk, height or density standards established by this program may be maintained, reconstructed, or repaired; provided, that the maintenance/reconstruction/repair does not increase the extent of noncompliance with current regulations by encroaching upon or extending into the building setback area or shoreline setback or other area where new construction or use would not be allowed.

(iv) If a structure not meeting current regulations is damaged by fire, explosion, or other casualty and/or natural disaster, it may be reconstructed to match the footprint that existed immediately prior to the time the damage occurred or in accordance with subsection (1)(b) of this section; provided, that all of the following criteria are met:

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

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

(C) If a structure not meeting current regulations is damaged by fire, explosion, or other casualty and/or natural disaster and these criteria are not met, the City may require the applicant to plant the vegetation enhancement area with native trees and shrubs in accordance with SMC 25.06.020.

(v) A structure not meeting current regulations that is moved outside the existing footprint must be brought into conformance with this program and Chapter 90.58 RCW, except as allowed by subsection (1)(b) of this section.

(vi) Allowances. The following developments, activities and uses are allowed, provided such activities are otherwise consistent with this program and other applicable regulations and law. The director may apply conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions of the program.

(A) Structural modification of, addition to or replacement of existing legally created structures, except single detached residences, in existence before the effective date of the program, which do not meet the current shoreline setback or building setback requirements if the modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described shoreline setback or building setback area.

(B) Structural modification of, or replacement of legally created single detached residences in existence before the effective date of the program, that do not meet the current shoreline setback or building setback, if:

(1) The modification, addition, replacement or related activity does not increase the existing total footprint of the residence and associated impervious surface lying within the shoreline or building setback area more than 200 feet over that existing before the effective date of the program; and

(2) No portion of the modification, addition or replacement is located closer to the OHWM. This allowance may only be used once.

(3) Mitigation proportional (1:1) to the setback area impacted is required through planting of the VEA in accordance with the standards of this program.

(C) Structural modification of, or replacement of legally created single detached residences in existence before the effective date of the program, which do not meet the current shoreline setback or building setback, if:

(1) The footprint expansion extends landward (to the rear) from the existing structure footprint and maintains the same interior lot line setback distances up to the shoreline setback line (known as the “shadow” of the existing structure).

(2) Mitigation proportional (1:1) to the setback area impacted is required through planting of the VEA in accordance with the standards of this program. If the area impacted is over 500 square feet, the entire 15-foot VEA shall be vegetated with the exception of the allowed active use area.

–(2) Nonconforming Lots. An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM that was legally established prior to the effective date of this program, but which does not conform to the present lot size standards, may be developed subject to conformance to other applicable requirements of this program.

(3) Nonconforming Uses.

(a) Uses that were legally established prior to the adoption or amendment of this program and are nonconforming with regard to the use regulations of this program may continue as legal nonconforming uses.

(b) An existing use designated as a conditional use that lawfully existed prior to the adoption or amendment of this program and which has not obtained a conditional use permit shall be considered a legal nonconforming use and may be continued subject to the provisions of this section without obtaining a conditional use permit.

(c) If a nonconforming use is discontinued for 12 consecutive months or for 12 months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming unless in compliance with this program. (Ord. O2011-308 § 1 (Att. A))

25.08.110 Rules of director.

The director is authorized to adopt administrative rules as are necessary and appropriate to implement this program. The director may prepare and require the use of such forms as are necessary to its administration. (Ord. O2011-308 § 1 (Att. A))

25.08.120 Enforcement, violations and penalties.

The director is authorized to enforce the provisions of this program, including any rules and regulations promulgated thereunder, pursuant to the enforcement and penalty provisions of Chapter 173-27 WAC. (Ord. O2011-308 § 1 (Att. A))

25.08.130 Initiation of development.

Development pursuant to a shoreline substantial development permit, shoreline variance, or shoreline conditional use shall not begin and shall not be authorized until 21 days after the date of filing or until all appeal proceedings before the Shoreline Hearings Board have terminated. (Ord. O2011-308 § 1 (Att. A))

25.08.140 Permit revisions.

(1) A permit revision is required whenever the applicant/property owner proposes substantive changes to the design, terms or conditions of a use or development from those as approved in the existing and approved permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the existing and approved permit, this program or the Act. Changes that are not substantive in effect do not require a permit revision.

(2) An application for a revision to a shoreline permit shall be submitted to the director. The application shall include detailed plans and text describing the proposed changes. The City shall review and process the request in accordance with the requirements of WAC 173-27-100. (Ord. O2011-308 § 1 (Att. A))



CITY OF SAMMAMISH

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist

Introduction

Consistent with Ecology guidance, this checklist document was used by the City of Sammamish (City) to conduct a the “periodic review” of the currently adopted Shoreline Master Program (SMP). The City has codified the SMP as Title 25 within the Sammamish Municipality Code (SMC). This review is intended to keep the SMP current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the Shoreline Management Act (SMA) at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2017 that may trigger the need for SMP amendments during the City’s current periodic review. This City Review Draft version (submitted to the City on December 18, 2018) was prepared by Environmental Science Associates (ESA) consistent with Ecology guidance.

Ecology Guidance - How to use this checklist

See Section 2 of Ecology’s [Periodic Review Checklist Guidance](#) document for a description of each item, relevant links, review considerations, and example language.

At the beginning: Use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

At the end: Use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.



Row	Summary of change	Review	Action
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	2011 SMP references statute. OPTIONAL Update to include OFM cost threshold for substantial development.	<u>No change made</u>
b.	Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.	2011 SMP does not clarify that removing structures does not constitute “development”. Update per Ecology’s recommended language.	<u>Updated</u>
c.	Ecology adopted rules that clarify exceptions to local review under the SMA .	SMP does not specifically call out these situations consistent with State law: 1) Remedial actions, 2) Boatyard improvements to meet NPDES requirements, and 3) WSDOT facility maintenance and safety improvements. Update per Ecology’s recommended language, or provide reference to applicable Ecology rules (reference is recommended approach, as these exceptions to local review are not likely to occur in the City).	<u>Updated (25.08.010 – 7)</u>
d.	Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.	2011 SMP says “date of filing” and references WAC. SMP does not require concurrent filing of permits and it does not mention Ecology’s notification process. Implement minor update per DOE recommended language.	<u>Updated</u>
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA	2011 SMP requires a conditional use permit; minor update needed to clarify that forest practices that only involve timber cutting are not	<u>Updated</u>



Row	Summary of change	Review	Action
	"developments" and do not require SDPs.	SMA "developments" requiring SDPs; however still would require conditional use permit per City's SMP.	
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	Not applicable - No lands with exclusive federal jurisdiction within city limits.	NA
g.	Ecology clarified "default" provisions for nonconforming uses and development .	<p>2011 SMP combines nonconforming "use" and nonconforming "structure" under the definition of nonconforming use. It also incorporates the definition of nonconforming lots into the regulation.</p> <p>Update per Ecology's recommended language.</p> <p>Recommend creating a separate definition for", nonconforming "structure" and moving the definition of nonconforming "lots" to the definition section. Also recommend updating and creating separate sections for nonconforming "structure", nonconforming "lots", and nonconforming "use".</p>	Updated – integrated Ecology language while maintaining 'existing development' approach in SMC 25.08.100.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	<p>2011 SMP does not state the scope and process for conducting periodic reviews of SMPs required by RCW 90.58.080(4).</p> <p>Not necessary to include these provisions in local SMP.</p>	No change made
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	<p>2011 SMP does not address the details of the optional SMP amendment process; however does not have to.</p> <p>OPTIONAL Reference to SMP amendment process could be</p>	No change made



Row	Summary of change	Review	Action
		added to the SMP or land use code.	
j.	Submittal to Ecology of proposed SMP amendments.	2011 SMP does not include reference to WAC requirements for City submittal of proposed SMP amendments; however does not have to. OPTIONAL Reference to SMP amendment submittal guidelines could be added.	<u>No change made</u>
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act .	No change necessary - SMC 25.08.030 references WAC 173-27-040 and Chapter 90.58 RCW.	<u>No change made</u>
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	No change necessary - The city's Critical Areas Ordinance incorporates Ecology's new rating system and other clarifications. 2011 SMP incorporates updated CAO standards by reference, and this current update provides opportunity to verify use of 2014 system within shoreline jurisdiction.	<u>No change made</u>
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	2011 SMP does not include this provision or reference to 90-day target OPTIONAL Update per Ecology's recommended language to establish the 90-day target (may not be warranted as there is very little state highway occurring in Sammamish).	<u>No change made</u>
2014			
a.	The Legislature raised the cost threshold for requiring a	No change needed - 2011 SMP 25.08.020 cites the RCW	<u>No change made</u>

Shoreline Master Program Periodic Review Checklist - prepared for City of Sammamish
Based on Ecology SEAP Guidance; 12/18/2018 City Review Draft

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Row	Summary of change	Review	Action
	Substantial Development Permit (SDP) for replacement docks on lakes and rivers to \$20,000 (from \$10,000).	for exemptions; therefore, the threshold is automatically included.	
b.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	Not applicable - The city does not have any floating on-water residences and they are prohibited in all shoreline environments.	<u>NA</u>
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	No change needed - 2011 SMP does not include or reference SMP appeal process.	<u>No change made</u>
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved federal wetland delineation manual .	No change needed - 2011 SMP requires delineation using the approved federal wetland delineation manual.	<u>No change made</u>
b.	Ecology adopted rules for new commercial geoduck aquaculture .	Not applicable - There are no marine shorelines in the city.	<u>NA</u>
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	Not applicable - There are no floating homes in the city, and new floating homes are not allowed.	<u>NA</u>
d.	The Legislature authorized a new option to classify existing structures as conforming .	2011 SMP 25.08.090 clarifies the existing rights and allowances for nonconforming uses but doesn't change the legal status to "conforming". The City should consider if there are any existing structures (not conforming to current SMP dimensional requirements) that warrant designation as 'conforming' per this authorization (WAC 173-26-241(3)(j)).	<u>No change made</u>



Row	Summary of change	Review	Action
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.	2011 SMP 25.01.080 describes the effective date as 14 days from Ecology’s final action. Referenced CAO includes State guidance to “assure no net loss of shoreline ecological function”.	<u>No change made</u>
2009			
a.	The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	2011 SMP 25.06.040 applies to restoration projects. OPTIONAL Add new language to this section with reference to WAC about Requests for Relief from Shoreline Regulations if needed.	<u>Updated</u>
b.	Ecology adopted a rule for certifying wetland mitigation banks.	No change necessary - 2011 SMP references CAO which authorizes use of certified mitigation bank.	<u>No change made</u>
c.	The Legislature added moratoria authority and procedures to the SMA.	OPTIONAL Current regulations do not address SMP Moratoria Authority. If no update is made, the SMA moratoria requirements adopted by WAC still apply.	<u>No change made</u>
2007			
a.	The Legislature clarified options for defining “floodway” as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	No change needed - 2011 SMP does not define “floodway” but references RCW 90.58.030 in the definition of “shorelands”. Additionally, no floodway areas occur within the City.	<u>No change made</u>
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	No change needed - 2011 SMP lists and maps Lake Sammamish, Pine Lake, and Beaver Lake.	<u>No change made</u>



Row	Summary of change	Review	Action
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	No change needed - 2011 SMP 25.08.030 references WAC 173-27-040.	<u>No change made</u>



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memorandum

date April 24, 2019

to City of Sammamish

from Aaron Booy and Amanda Brophy

subject City of Sammamish 2018-2019 SMP Periodic Review: Lakeside Recreational Lot Impact Analysis memo

attached References

The City of Sammamish has recently seen an increase in the intensity of recreational development on undersized lots abutting Lake Sammamish. Parcels zoned R-4, zoning intended primarily for single family residential (SFR) use, are being used by multiple owners as mooring sites for boats. The City is concerned that such development damages shoreline ecological functions and enjoyment of the shorelines on adjacent properties and by the public in general. This memorandum reviews the potential extent of the issue, applicable policies and regulations, and potential impacts, and makes recommendations for changes to regulations to appropriately manage these uses.

Introduction

The Lake Sammamish shoreline within the City of Sammamish (City) is characterized primarily by SFR uses, with a predominantly established development pattern consistent with R-4 zoning. Within this pattern of existing SFR shoreline properties, several legally established parcels on the Lake Sammamish shoreline are undevelopable with SFR structures due to inconsistency with the current Development Code (Sammamish Municipal Code [SMC] Title 21A) and Shoreline Master Program (SMP; codified as SMC Title 25) requirements. Dimensional limitations include a combination of small parcel size (typically less than 3,000 square feet), narrow depth from the shoreline edge to the landward property line (generally ranging from 40 to 80 linear feet), and lack of vehicular access.

Without opportunity for SFR development and use, a number of these parcels have been used as private “lakeside recreational lots” by property owners. These private recreational lots generally do not have dedicated parking, restrooms, or other improvements. For some of the properties, owners have private docks and/or floats and mooring buoys, and the City has recently seen an increase in shoreline development applications for new docks and/or larger ‘joint use’ docks on these properties. The City has also seen an intensification of use at several of the private recreational lots, with ownership shared between two or more parties, all with rights of access and use for shoreline access, boating, and other lakeside recreational activities.

2018 – 2019 City of Sammamish SMP Periodic Review
Lakeside Recreational Lot Impact Analysis
April 2019

The goal of this analysis is to characterize the recreational use pattern, associated impacts, and potential future extent of private lakeside recreational lots along the Lake Sammamish shoreline. Based on this analysis, recommendations for focused SMP updates to ensure adequate management of future private lakeside recreational use are provided.

Extent of the Issue

Current and potential future private lakeside recreational lots were identified by City Community Development Department staff and ESA through queries of the City's tax parcel dataset. Parcels along the Lake Sammamish shoreline with less than \$100,000 in assessed improvements were identified, with additional queries focused on lot size and ownership. Small, undeveloped lots are dispersed along the Lake Sammamish shoreline.

To support this analysis, City staff identified six existing lots where the lakeside recreational use pattern is occurring. These lots are concentrated in the northern portion of the Lake Sammamish shoreline, extending from near the northern city limits to just south of the intersection of East Lake Sammamish Parkway NE and NE Inglewood Hill Road. Staff additionally identified seven other lots where some activity consistent with lakeside recreational use patterns is occurring and is anticipated to intensify in the future. These additional lots overlap slightly with the existing lots along the northern Lake Sammamish shoreline, and extend south to the East Lake Sammamish Parkway SE and SE 32nd Street intersection.

Along with these 13 City staff identified lots, the shoreline parcel dataset shows an additional 26 undeveloped lots under 4,000 square feet in areas that are privately owned. These lots are distributed along the shoreline, but tend to be clustered where the parcel depths between the lake shoreline and the East Lake Sammamish Trail corridor are narrow. In total, private lakeside recreational lot use patterns could extend across 35 to 40 lots.

Analysis Approach

This memo identifies current Shoreline Management Act (SMA) and City SMP policy and standards relevant to management of private lakeside recreational uses, including allowances for docks and other recreational boating facilities, and for upland areas.

ESA reviewed conditions at a subset of lots currently supporting private lakeside recreational uses, and a subset of undeveloped lots with minimal current use where future lakeside recreational uses could occur. ESA compared oblique shoreline photos (accessed from Ecology's Coastal Zone Atlas) and aerial imagery taken in 2007 and 2016 (Ecology, 2018) for each lot to identify any changes regarding vegetation and landscaping, shoreline/bank condition, development of new docks or other structures, and any other indications of the intensity of recreational use. The shoreline photo series were taken at similar times of year – late June of 2007 and late July of 2016. For lots currently supporting private lakeside recreational uses, ESA also reviewed recent permit records provided by City staff.

Based on identified conditions within this subset of lots, along with additional context provided through communications with City staff, ESA characterized patterns of use, common modifications, and potential impacts associated with private lakeside recreational lots. Potential impacts are organized around ecological impacts to shoreline functions, use impacts to adjoining existing and encouraged uses, and potential cumulative impacts.

*2018-2019 City of Sammamish SMP Periodic Review
Lakeside Recreational Lot Impact Analysis
April 2019*

Within the context of the City's current SMP standards, this memo concludes with recommendations to ensure that future private recreational lot development requests and associated uses occur consistent with SMA guidelines and City SMP policy.

SMA Policy and Relevant Standards from Current SMP

SMA Policy

SMA guidelines direct cities and counties to establish SMP policies and regulations that allow for appropriate uses, and where necessary, reasonable shoreline modifications to support allowed uses. The SMA requires that all allowed shoreline development must be managed to ensure that 'no net loss of shoreline ecological functions' occurs over time.

Within Sammamish and elsewhere, shoreline setbacks and riparian protections (referred to as buffers) are commonly used to protect shoreline ecological functions. A setback is the distance that a proposed structure or development must be placed from the shoreline. Buffers are the portion of the setback that are required to be maintained predominantly in natural vegetation. Vegetated shoreline setbacks play a large role in maintaining shoreline ecological functions, including fish and wildlife habitat and water quality. These functions are vital to public health for citizens recreating and residing along the shoreline.

SMA guidelines require that all new and expanded docks and other overwater and in-water structures be managed through local SMP policies and regulations to ensure compatibility with allowed adjacent upland uses and mitigation of all impacts. Guidelines direct that SMPs must include standards that all pier and dock structures be built to the minimum size possible to meet the needs of the proposal. Other mitigation measures must also be provided, including design and siting to avoid ecological impacts to the greatest extent feasible, and mitigation for unavoidable impacts.

Existing, legally established structures and associated ongoing uses and activities are allowed to be maintained. Even if nonconforming to current SMP standards, SMA guidelines direct jurisdictions to allow for ongoing use, maintenance, and repair of existing structures and developments. This only applies to ongoing and active uses and developments; if a development is abandoned or if a new use is proposed, any new use must conform to the current regulations if it is to be brought back into use (Ecology, 2017).

Currently Adopted Sammamish SMP

The following sections summarize relevant standards from the City's currently adopted SMP, which is codified as Sammamish Municipal Code (SMC) Chapter 25.06.

25.06.020 - Environmental protection and conservation regulations: Property owners that propose new shoreline use or development are required to include measures to mitigate environmental impacts that would not otherwise be avoided or mitigated.

The Lake Sammamish shoreline setback is the area that extends 50 feet landward from the ordinary high water mark (OHWM). Uses such as docks, boat launches, public access structures, shoreline stabilization structures, and picnic areas are allowed within the shoreline setback.

The City requires that the 15-foot-wide portion of the shoreline setback immediately landward of the OHWM be reserved as a vegetation enhancement area (SMC 25.06.020.10). Vegetation enhancement areas are established and maintained by property owners as part of a new development, exterior redevelopment project, or the construction or expansion of an existing shoreline stabilization structure. All portions of the vegetation enhancement area must be planted with native trees, shrubs, and groundcover, except for allowances for an ‘active use area’ providing access from the developed portion of the property down to the lake shoreline. Existing legally established structures (whether residences, or accessory structures) and landscaping may be maintained, even if such existing development extends into the shoreline setback and/or vegetation enhancement area.

The City’s policy for removal of existing vegetation that is not associated with any development activity is not stated within the SMP; however, provisions of the City’s Environmentally Critical Areas standards (SMC Chapter 21A.50) are integrated with the SMP, and they limit vegetation removal within critical areas – in instances where lake fringe wetlands occur along the lake shoreline, then these critical areas provisions would apply. Environmentally Critical Areas regulations allow for “normal and routine maintenance of existing lawns and landscaping” as exempt from regulation (SMC 21A.50.050), and “select vegetation removal activities” (21A.50.060) are allowed where occurring within critical areas and buffers. Based on the lack of specificity in the SMP and the complex interpretation of Environmentally Critical Areas regulations, it is unlikely that consistent understanding and compliance with vegetation protection standards occurs for shoreline property owners.

SMC 25.06.050 - Water quality, stormwater, and nonpoint pollution regulations: All new shoreline uses and developments must incorporate “methods of preventing, controlling, and treating stormwater” (SMC 25.06.050.1). It is unlawful for any person to discharge any contaminants, including petroleum products and sediment, into surface water, stormwater, and groundwater. Best management practices (BMPs) must be implemented for all new uses and developments to prevent pollutants from entering the lake, including measures to control upland erosion resulting in sedimentation. Any new structure installed waterward of the OHWM, or that regularly and frequently come in contact with water, must be constructed of materials that have been approved by the Washington Department of Fish and Wildlife (WDFW). Finally, adequate facilities should be provided to minimize impacts from any proposed regular ongoing activities with potential for water quality contamination.

SMC 25.07.040 – Standards for boat facilities and boat launches: This section of the SMP prohibits new private boat launches, even where proposed for joint use. Existing legally established private boat launches can be maintained and repaired.

This section clarifies that regulations in SMC 25.07.050 do apply to “private beach clubs, associations of five or more residences with existing facilities, and jointly owned waterfront parcels.” Finally, this section states that “structures accessory to the docks, mooring buoys, and floats may be constructed on the upland parcels” only with a Shoreline Substantial Development Permit (SSDP) and when otherwise consistent with the SMP.

SMC 25.07.050 –Standards for private docks, floats, mooring buoys and watercraft lifts: While these standards are primarily intended for private docks associated with a residential lot or joint-use by two or more adjoining residential lots, they also apply to jointly owned waterfront parcels and private beach clubs. No new private docks, floats, mooring buoys or lifts can “be located closer than 15 feet from the side property line” (SMC

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25.07.050.1.a). This excludes joint-use docks, lifts and floats that “abut or cross property lines for the common use of adjacent property owners when mutually agreed” (SMC 25.07.050.1.a) upon.

“New private docks, floats and/or lifts” must “be designed and constructed using WDFW-approved methods and materials” (SMC 25.07.050.1.f). The top surface of new private docks must be grated and not exceed a height of five feet above the OHWM. “Existing legally established private docks and floats may be repaired or replaced” (SMC 25.07.050.1.j); however, construction methods and materials for replaced components must be consistent with SMC 25.07.050 to further minimize ecological impacts of new piles and decking.

Each individual residential lot on Lake Sammamish can have “one residential dock, one float, two boat lifts, and two personal watercraft lifts” (SMC 25.07.050.2.a); or four personal watercraft lifts in lieu of the two boat lifts. Adjacent lots using shared/joint-use docks are allowed “one additional boat lift and one additional personal watercraft lift”; or two additional personal watercraft lifts if no additional boat lift is desired. “Lots that provide shared/joint-use for more than nine residential homes are allowed one additional dock for service of existing legally established launch ramps and rails” (SMC 25.07.050.2.c).

Docks must be less than 4 feet in width and less than 80-feet in length. The first set of pilings for a dock must be located no closer than 18 feet from the OHWM. The maximum allowed total overwater coverage for private docks depends on the number of residential lots served:

- 480 square feet for private residential docks serving one lot;
- 700 square feet for private residential docks serving 2 – 9 lots in a joint-use agreement; or
- 1,000 square feet for private residential docks serving more than 9 lots in a joint-use agreement.

Where proposed, floats must be counted as part of the overall dock area.

Review of Lakeside Recreational Lots

The following assessment of existing private lots relies on representative examples of properties where private lakeside recreational use pattern is occurring, and undeveloped properties where the lakeside recreational use pattern could occur in the future.

Example Lots where Lakeside Recreational Use Pattern is Occurring

Example A – Private HOA Lakeside Recreational Lot with Existing Dock

The 3,920 square foot homeowners’ association lakeside recreational lot is located within the 2000 block of East Lake Sammamish Parkway NE. Adjacent land use includes residential properties containing concrete and rock bulkheads with docks along the shoreline.

Current Conditions

The parcel is dominated by large deciduous trees with low shrubs and herbaceous vegetation on the north and south ends of the lot. The shoreline and entrance to the water is unvegetated bare earth. The East Lake Sammamish Trail block bulkhead with an access stairway is present on the east side of the property. The photo of the property on the King County Property Report shows chairs, kayaks, a fire pit, a picnic table, a bench, firewood, a dock, and buoys present on the parcel (King County, 2016). Boats are anchored near the shoreline, but

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it is not known if they are associated with the property. No upland structures, besides site access stairs and informally cleared areas, are visible in the shoreline photos.

A 2018 vegetation survey of the property identified garden loosestrife (a regulated Class B noxious weed) along the shoreline (King County, 2018).

WDFW SalmonScape maps an intermittent (ephemeral) stream running through the property (WDFW, 2018). That said, presence of the mapped stream is only marginally evident from review of shoreline oblique photos; however, potential riparian characteristics are present on the north side of the property near the dock, and it appears that a stream mouth might be located very near the existing dock.

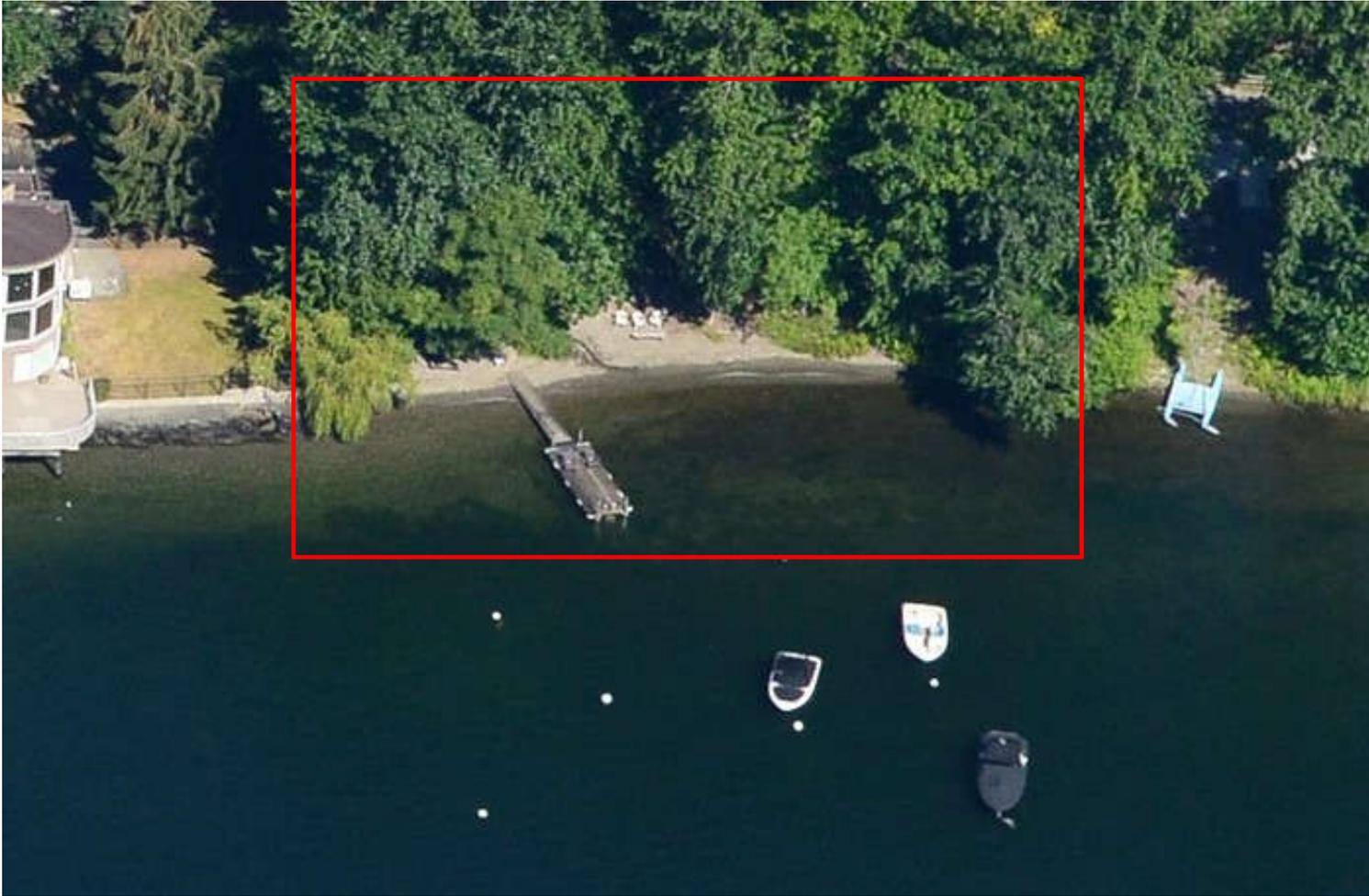
Change in Conditions between 2007 and 2016

According to aerial imagery, in 2007, chairs, non-motorized boats, and the dock are visible on the property; however, objects, such as the picnic table and fire pit, are hard to identify based on the 2016 shoreline photos. An in-water boat cover evident in 2007 was not present in 2016. The approximately 40-foot-long dock on the property was removed in 2014 but is present again in the 2016 shoreline photos. The buoys identifying the property's shoreline were approximately 100 feet from the OHWM in both 2007 and 2016. The potential stream running through the property appears to flow from the east and enter Lake Sammamish under the dock in the 2007 shoreline photos, while the stream alignment appears to have migrated over the years and drains just south of the dock in 2016.



Source: Ecology, 2018 – photo dated June 2007

Photo 1
Example A Lakeside Recreational Lot in 2007
Sammamish, Washington



Source: Ecology, 2018 – photo dated July 2016

Photo 2
Example A Lakeside Recreational Lot in 2016
Sammamish, Washington

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Example B – Private Lakeside Recreational Lot with Existing Dock

This lakeside recreational use lot has an existing private dock. It is located along the 1100 block of East Lake Sammamish Parkway NE. Adjacent land use includes residential properties and recreational properties with docks along the shoreline.

Current Conditions

The parcel is dominated by large deciduous trees, including big leaf maple (*Acer macrophyllum*), with low shrubs and herbaceous vegetation on the east end of the lot along East Lake Sammamish Trail. The shoreline is unvegetated bare earth. A small structure is present on the east side of the lot near the gated entrance from East Lake Sammamish Trail (Google Maps Street View, 2018). The lot also has an approximately 60-foot-long dock.

Change in Conditions between 2007 and 2016

The dock has an attached boat lift in 2007 that is no longer present in the 2016 shoreline photos.



Source: Ecology, 2018 – photo dated June 2007

Photo 3
Example B Lakeside Recreational Lot in 2007
Sammamish, Washington



Source: Ecology, 2018 – photo dated July 2016

Photo 4
Example B Lakeside Recreational Lot in 2016
Sammamish, Washington

Example C - Private Lakeside Recreational 'Park'

The 0.5-acre private lakeside recreational lot is located along East Lake Sammamish Trail, just north of 3233 East Lake Sammamish Shore Lane SE. Of the reviewed properties, this example private lakeside recreational lot shows the highest level of improvements, with parking, a boat ramp including launch dock, an additional dock, extensive landscaping, and a formal beach and swim area. The parking lot and entrances to the recreational lot are located within King County Parks property. Adjacent land use includes residential properties containing concrete and rock bulkheads with docks along the shoreline.

Current Conditions

The parcel is dominated by lawn grasses and a few small trees with a large parking area and boat launch area on the south end of the property. The shoreline contains a rock bulkhead adjacent to the water that ends at the boat launch area. A dock with two piles is located at the boat launch. A second relatively large dock is located just north of the boat launch and is associated with six freestanding piles that, along with the dock, provide moorage for multiple boats. Five additional piles and two small floating docks outline the property's swimming area and associated beach along the shoreline. Non-motorized boats, barbeques, picnic tables, benches, firewood, a dumpster, a small structure and many other objects are all present on the parcel.

Change in Conditions between 2007 and 2016

All in-water and upland structures remained the same between 2007 and 2016. Objects, such as picnic tables, barbeques, benches, and non-motorized boats, remained on the property as well. In the 2016 shoreline photo, 4 motorized boats are parked at the large dock, 4 cars are parked within the parking lot, and a boat trailer is parked in the grass, while no motorized boats, cars, or trailers were present in the 2007 shoreline photo.



Source: Ecology, 2018 – photo dated June 2007

Photo 5
Example C Lakeside Recreational Lot in 2007
Sammamish, Washington



Source: Ecology, 2018 – photo dated July 2016

Photo 6
Example C Lakeside Recreational Lot in 2016
Sammamish, Washington

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Example Lots where Future Lakeside Recreational Use Pattern Could Intensify

The following three examples of largely undeveloped lakeside properties detail current conditions on these lots and the surrounding shoreline, highlighting anticipated future implications of additional recreational use. These example lots were identified with support from City staff, and for all three relatively recent permit requests for new joint use docks suggest likely intensification of private lakeside recreational use.

Example D - Private Shared Use Recreational Lot with Proposed Shared Use Dock

This private lakeside recreational lot with recently proposed and approved shared use dock is located to the west of the East Lake Sammamish Trail in the vicinity of addressed parcels in the 2800 block of East Lake Sammamish Parkway NE. Adjacent land use includes residential properties containing concrete bulkheads and docks along the shoreline. In 2018, the owners of this recreational lot submitted an application for a SSDP to build a shared use dock, shared by four upland residential lots according to submittal information, along the shoreline of the property. The permit was approved with conditions, such as mitigation plantings within the required 15-foot-wide vegetation enhancement area along the shoreline, in May 2018.

Current Conditions

The 1,740 square foot property is dominated by deciduous trees and herbaceous cover. Trees, with a bare understory, begin near the OHWM and continue northeast for approximately 70 feet until the property intersects the driveway for an adjoining residential property. A narrow, informal walking trail runs northeast from the shoreline through the property. From review of oblique photography, the trail has been present since at least 2007. Bare ground with patches of herbaceous vegetation are present along the shoreline in both 2007 and 2016. No structures appear to occur on the property based on review of shoreline photos.

Change in Conditions between 2007 and 2016

The understory contained denser herbaceous vegetation in 2007, with much more area of bare ground coverage along the shoreline and informal trail in 2016; decrease in herbaceous vegetation cover could be due to more active clearing, or intensification of recreational use in more recent years. Chairs and other objects are present in the cleared areas just landward of the shoreline in 2016 that were not present in 2007. A boat is on the mooring buoy in 2016; however, in both photos a mooring buoy is present fronting the property's shoreline. In aerial imagery from 2017 and 2018, dirt is seen tracked from the property's dirt walking path across the driveway of the adjoining residential property (Google Earth Pro, 2018).



Source: Ecology, 2018 – photo dated June 2007

Photo 7
Example D Lakeside Recreational Lot in 2007
Sammamish, Washington



Source: Ecology, 2018 – photo dated July 2016

Photo 8
Example D Lakeside Recreational Lot in 2016
Sammamish, Washington

Example E - Private Shared Use Recreational Lot with Proposed Shared Use Dock

This private lakeside recreational lot is associated with a nearby homeowners' association, providing shared access near the intersection of East Lake Sammamish Parkway NE and NE 33rd Place. Adjacent land use includes other private recreational use lots, several of which contain docks along the shoreline. Approximately two years ago the homeowners' association submitted a SSDP application to build a 520 square foot shared use dock, shared by six residential lots. The permit was approved by the City with conditions in 2017; however, the dock has not been built as of May 2018 based on aerial imagery (Google Earth Pro, 2018).

Current Conditions

The 870 square foot parcel is dominated by deciduous trees with little or no understory. A low rock retaining wall and the East Lake Sammamish Trail block bulkhead are present on the northeast side of the property. WDFW PHS maps a stream running from the northeast to the southwest just north of the property and draining to Lake Sammamish. According to Wetland Resources, Inc., four wetlands associated with a Type F stream and the Lake Sammamish shoreline are north, east, and south of the parcel; however, no streams or wetlands were observable in the 2016 shoreline photo. A fire pit, picnic table, barbeque, and other objects are present throughout the property, as well as a float and multiple boats anchored along the shoreline. No upland structures appear to be on the property based on shoreline photos.

Change in Conditions between 2007 and 2016

In a comment letter from a nearby neighbor, a 1997 photo of the parcel was presented showing a highly vegetated shoreline including emergent bulrush. The emergent vegetation and low-lying shrubs also show in the 2007 shoreline photo of the site but are gone in the 2016 shoreline photo (Ecology 2018). In 2016, a relatively wide informal path of bare ground is present along the previously vegetated area immediately landward of the shoreline that is not present in 2007. In 2007, tarps and other hard-to-identify objects can be seen scattered across the property; however, the picnic table, barbeque and other recreational objects (including the boats in the water) present on the lot in 2016 are not present in the 2007 shoreline photo.



Source: Ecology, 2018 – photo dated June 2007

Photo 9
Example E Lakeside Recreational Lot in 2007
Sammamish, Washington



Source: Ecology, 2018 – photo dated July 2016

Photo 10
Example E Lakeside Recreational Lot in 2016
Sammamish, Washington

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Example F - Private Shared Use Recreational Lot with Proposed Shared Use Dock

This private recreational lot is located near the intersection of East Lake Sammamish Parkway NE and NE 49th Place. Adjacent land use includes other undeveloped lots that do not have docks (but are considered additional potential future private lakeside recreational lots). The ownership group submitted for a SSDP to build a shared use dock. Application materials show that the property is shared by six upland residential properties, with proposed improvements that include a soft access trail, access stairway, protective boundary fencing, and mitigation plantings. The permit was approved with conditions in 2016. The proposed 698 square foot dock has not been built as of May 2018 based on aerial imagery (Google Earth Pro, 2018). The soft surface access trail on the property and access stairway along the East Lake Sammamish Trail were completed based on 2018 Google Maps imagery.

Current Conditions

The 1,740 square foot parcel is predominantly forested, and appears to be dominated by deciduous trees with a limited shrub understory. Emergent vegetation occurs along the shoreline and is associated with a lake-fringe wetland present onsite. The East Lake Sammamish Trail retaining wall is present on the east side of the property. As reported in permit submittals, the lot has been used as a lakeside picnic area with tables and chairs present (Wetland Resources, Inc. 2016). A chain-link fence, approximately 3 feet in height, lines the property boundary, including along the length of the shoreline. Fences are required to be located outside of the OHWM and shoreline setback of 50 feet; it is likely that the current fence paralleling the shoreline is inconsistent with allowances in the SMP (SMC 25.07.080.5). No upland structures appear to be present on the property based on review of shoreline photos.

A 2018 vegetation survey of the property identified garden loosestrife (*Lysimachia vulgaris*), a regulated Class B noxious weed, along the shoreline (King County 2018).

Change in Conditions between 2007 and 2016

In 2007, a platform or at-grade patio area, possibly made of concrete, was present along the shoreline that is not as visible in the 2016 shoreline photo. Between 2007 and 2016, it also appears that additional understory vegetation was allowed to grow in the area immediately landward of the shoreline. No other changes in conditions are apparent from reviewed oblique and aerial photos.



Source: Ecology, 2018 – photo dated June 2007

Photo 11
Example F Lakeside Recreational Lot in 2007
Sammamish, Washington



Source: Ecology, 2018 – photo dated July 2016

Photo 12
Example F Lakeside Recreational Lot in 2016
Sammamish, Washington

Potential Impacts Associated with Lakeside Recreational Lots

Ecological Impacts to Lake Sammamish Shoreline Conditions and Functions

Based on the review of example lakeside properties and input from City staff, there are unintended shoreline ecological impacts that are likely resulting from intensification of recreational use on these properties. The majority of the undeveloped properties are predominantly covered with deciduous forest and do not have existing bulkheads. Understory vegetation and lake-fringe emergent communities are also common. Most of these undeveloped properties are in the northern portion of the Lake Sammamish shoreline and occur predominantly in segments that the SMP designates as Urban Conservancy shoreline environments. Conditions provide important fish and wildlife habitat, and serve as a buffer from the East Lake Sammamish Parkway and East Lake Sammamish Trail corridors to the east. With increasing recreational use of these properties, impacts to understory shrub communities and lake-fringe emergent vegetation has been documented and is expected to increase into the future. For most properties, it appears that informal shoreline access is resulting in bare ground ‘pathways’ and unvegetated shoreline beach areas through the length of the reviewed properties. The incremental removal of shoreline vegetation to maintain and improve access to the shoreline of these lots was not part of any permit application and could adversely affect water quality, wildlife and habitat. If an increase in the use of the recreational use of these lots was to occur, it is likely that unapproved vegetation removal would increase.

Loss of shoreline vegetation is likely also resulting in increased shoreline/bank erosion, both from upland use and from increased exposure to wave energy. Over time, it is likely that this circumstance may result in more requests for new shoreline armoring. While this has not been documented currently, except at the most developed of the identified joint use beach/community beach areas, bulkheads are commonplace along developed residential shoreline properties. Additional hardening of the Lake Sammamish shoreline would further degrade habitat for salmonids and other fish and wildlife species. The installation of bulkheads often reduces the amount of vegetation on the shoreline and displaces the shallow areas of the lake that are used as habitat by out-migrating salmonid populations and other fish and wildlife species (Kahler 2000).

Intensification of use within private lakeside recreational properties is also likely resulting in new sources of pollution to the lake. The lack of restroom and washing facilities and solid waste disposal services could result in some contamination at all undeveloped lots used seasonally for recreation; however, these impacts would be of a higher intensity at multi-user recreational lots. With the decrease of shoreline vegetation, the runoff of pollutants has higher potential for adverse effects on water quality and fish and wildlife. The increased use of boats and personal watercraft could also contribute to impacts on water quality. They have the potential to introduce exotic species to the area as well as pollutants from refueling activities, engine leaks, and emissions. Based on input from City staff, it is likely that in-water refueling of boats and personal watercraft from gas cans is a normal practice (wading in from beach with watercraft located in shallow water), which poses a relatively high risk of fuel spillage and lake contamination.

The building of piers, docks, and other in-water and over-water structures can have adverse effects on fish habitat. Docks and piers have the potential to create shade, having the effect of reducing the quantity of light that is able to be absorbed by phytoplankton. This could decrease the amount of primary productivity, which could cause a decrease in the total invertebrate and fish diversity (Kahler, 2001).

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Use Impacts on the Public and Neighboring Properties – will include implications for ELST and park users, as well as neighboring residences

Based on review of example lots and input from City staff, private lakeside recreational lots and associated use is currently resulting in impacts to public enjoyment of the shoreline and to neighboring properties. Increasing intensity of use on these lots is anticipated to increase the intensity of use impacts. Use impacts identified in this section include lack of access and dedicated private parking, lack of restrooms and waste disposal facilities, and environmental noise impacts to adjacent noise-sensitive uses. This could result in encroachment onto neighboring properties.

The large majority of the identified lakeside recreational properties do not have on-property parking or vehicular access. Many of them can only be accessed on foot or bicycle from the East Lake Sammamish Trail. According to communication with City staff, the lack of parking and access to these lots is resulting in some increased demand for on-street parking, and could result in increased parking on streets if intensification of these uses continues. This could have adverse effects on adjacent property owners, as additional cars parked on relatively narrow residential access roadways could make driveway access and availability of on-street parking challenging. In addition, many of the walk-in recreational lots require stairs adjacent to East Lake Sammamish Trail to access individual properties. This reliance on the East Lake Sammamish Trail has potential for causing disruption to trail users, through temporary day storage of belongings, such as wheeled carts, along the trail shoulder.

Within identified private recreational lots and undeveloped lots that could be used more intensively as private recreational lots in the future, there are no restroom facilities. This could have the impact of increasing reliance on nearby public facilities (for example, at Sammamish Landing Park), and will likely result in users of private recreation lots relieving themselves outdoors or while swimming in the lake. Lack of restroom facilities is anticipated to have negative impacts for adjoining residential and public park/trail properties, and may result in water quality and public health concerns depending on the routines and intensity of private lakeside recreational activity.

A lack of proper garbage and recycling facilities could result in an increased litter and trash present in the recreational lots and adjoining properties – including the East Lake Sammamish Trail corridor. This may impact the aesthetics of the area as the presence of trash would disrupt visual enjoyment. An increased presence of trash, particularly food waste, also has the potential to attract scavenger wildlife such as crows, raccoons, rats, and squirrels. The presence of these animals could become a nuisance to people using both private and public recreational areas and surrounding property owners.

All activities that take place on the lots are outdoors, resulting in noise that could impact the adjacent private residential properties. Noise may be from the presence of people boating, swimming and using these recreational lots. The higher the intensity of use (in terms of the number of users present at any given time) the more noise will be produced. This noise could be disruptive to users of adjoining properties, including residences, users of other recreational lots, and users of the East Lake Sammamish Trail.

Consideration of Anticipated Cumulative Impacts

Consistent with Ecology SMA guidance, cumulative impacts to the shoreline must also be examined. Cumulative impacts would occur as the number of lots in private lakeside recreational lot use increases, and as the intensity of use on these lots increases. If recreational lot use continues to grow in intensity and frequency, clusters of these

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uses could become a more prevalent pattern in portions of the shoreline. Depending on the number of owners or users associated with each potential private lakeside recreational property, the intensity of seasonal recreational use could grow significantly. The extent of cumulative impacts is also likely to be driven by the number of currently undeveloped, privately owned properties that could become shared-use private lakeside recreational lots in the future. Quantifying to what extent this will occur across the 35-40 potential lots identified was not attempted. As the number of shared-use private recreational lots increases, the intensity of this use pattern is anticipated to result in more prevalent ecological and use impacts consistent with those characterized by this memo.

Recommendations for SMP Updates and/or Other Shoreline Management Measures

ESA recommends that the City update the SMP to clearly define private lakeside recreational activities occurring on Lake Sammamish shoreline properties as a distinct use. By defining this use, the City will be able to consistently review and condition permits for associated development activities, and will be able to establish and enforce limits on the number of users (recreational lot owners or members) that may be associated with any one private lakeside recreational lot in the future. This will ensure that adequate measures are provided to mitigate shoreline ecological impacts, and ensure that developments occur with necessary appurtenances to support the intensity of recreational use. The following details specific recommendations for updating the City's SMP.

Defining Private Lakeside Recreation as a New Shoreline Use: We recommend that the SMP be updated to define and regulate 'Private Lakeside Recreational Use'. This new use should be added to the Permitted Uses Table (SMC 25.07.010-1), and a new section could be provided under SMC Chapter 25.07 (SMP Use/Development Regulations). The following is a proposed definition:

“Use of existing privately owned shoreline properties for use by owners (or an ownership group) for water-oriented recreational activities, with associated facilities necessary for active use of shorelands, site access and use, and allowances for private docks, floats, and mooring buoys.”

Recommended Approval Criteria: We recommend that private lakeside recreational use be a permitted use (P) when providing private recreational access for one owner (one party), and when proposed as a private shoreline access tract for an immediately adjacent residential development/homeowners' association (which could include a development / home owners' association that is immediately landward of the East Lake Sammamish Trail) serving nine lots or less in a shared use agreement. For these instances, the intensity of use and associated impacts occurring from the private lakeside recreational property is anticipated to be low. This extends to a lakeside recreational access tract shared by immediately adjoining residences, as the adjoining location of parking, bathrooms, and other facilities for the private users of the tract provides additional opportunity to minimize potential for water quality and use impacts.

For any future proposed private lakeside recreational use that would serve two or more owners (or association members) and that is not a private access tract for an immediately adjoining development, we recommend that the use be a conditional use (C). This requirement would allow for City staff to complete a more rigorous review and apply higher standards for minimum facility improvements, and would also build in review support and approval from Ecology. Similarly, for development proposals establishing or improving a private shoreline access tract that would serve 10 or more lots of an immediately adjacent residential development/homeowners' association, we recommend that this higher intensity use be a conditional use (C).

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Recommended Minimum Standards for All New or Expanded Private Lakeside Recreational Uses: Any proposal for a new or enlarged dock, or for new or expanded shoreline stabilization on a privately owned parcel without a residence would require review per these suggested private lakeside recreational use criteria. Likewise, proposals for new structures and/or non-exempt clearing on the upland portion of such a property would also require review per these suggested criteria:

- Maximum overwater area (from docks/floats) consistent with standards in SMC 25.07.050
- Any proposed development would be required to establish a ‘vegetation enhancement area’ (VEA) consistent with requirements in SMC 25.06.020 (10), including allowance for an active use area extending to the shoreline.
- Minimum requirements for establishing the natural VEA and differentiating between VEA areas and areas of active use should be clarified in the SMP. At minimum, this should include:
 1. Placement of split rail or peeler-pole fencing or other acceptable landscaping barrier be installed (lateral to the shoreline) to demarcate the boundaries between the VEA and areas intended for access use;
 2. Completing a landscaping plan that specifies reasonable improvements for recreational use within the active use area and further landward on the property. By requiring a landscaping plan, the City can ensure that areas necessary for intended recreational use are provided (and minimize potential for encroachment into other areas).
- Proposed clearing of native vegetation throughout the rest of the site outside of the VEA, including within the active use area, must be minimized as reasonable (and consistent with the City’s Tree standards in SMC Chapter 21A.37) while still allowing for the intended recreational use of the property.
- If not already included as part of the development proposal, the City should require the applicant to provide reasonable plans for site access, garbage/recycle disposal, and accommodation of bathroom facility needs.

Recommended Additional Standards for New/Expanded Private Lakeside Recreational Uses that Require a Conditional Use Permit: Any proposal requiring a conditional use permit (per criteria recommended above) would additionally have to provide the following:

- **Parking:** Proposals must provide a minimum of 2 off-street parking spaces, plus 1 additional space for proposed private lakeside recreational lots with five or more owners/members.
- **Garbage and Recycle:** On-site location must be provided for garbage and recycle bins consistent with standards for single family detached homes in SMC Chapter 21A.30
- **Restroom facilities:** Any private lakeside recreational use serving between 2 and 3 owners/members (parties) should be required to provide a plan for reasonable accommodation of bathroom facility needs; at minimum, this should include seasonal placement of a portable restroom (i.e. porta-potty) within a designated enclosure. Any new or expanded private lakeside recreational use that would serve four or

*2018 – 2019 City of Sammamish SMP Periodic Review
Lakeside Recreational Lot Impact Analysis
April 2019*

more owners/members (parties) should be required to provide an on-site restroom (toilet and sink) with public utility hook-up including water and sanitary sewer. Restroom facilities should be located landward of the required Lake Sammamish shoreline setback and required side-yard setbacks.

- **Limit on Number of Owners / Members:** No new or expanded private lakeside recreational lot requiring a conditional use permit should be allowed to have ownership / membership above [nine? – City input / perspective needed] parties.

If you have any questions, please do not hesitate to call me at (206) 789-9658.

*2018-2019 City of Sammamish SMP Periodic Review
Lakeside Recreational Lot Impact Analysis
April 2019*

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Planning Commission

801 228th Avenue SE ■ Sammamish, WA 98075 ■ phone: 425-295-0500 ■ fax: 295-295-0600 ■ web: www.sammamish.us

To: Planning Commission

From: Tracy Cui, AICP, Senior Planner, Community Development

Re: Summary Memo – Meeting with Snoqualmie Tribe dated April 10 – Water Typing

On April 10, 2019, City staff held a meeting at the City Hall with Snoqualmie Indian Tribe Environmental & Natural Resources Department. The representatives from the Tribe include Water Quality Manger, Matthew Baerwalde, and Habitat Restoration Program Manager, David Steiner; the representatives from the City include ESA Natural Resources Specialist, Aaron Booy (City's Third-Party Consultant), Deputy Director of Community Development, David Pyle, and Senior Planner, Tracy Cui.

The meeting was to discuss the City's approach to water typing and the inconsistency between the City's Critical Areas Ordinance (CAO) stream typing definitions and WAC/State requirements. The goal of this meeting was to establish clarity about the City's code and practices as pertaining to water typing in the context of the Growth Management Act (GMA) and Shoreline Management Act (SMA).

The Tribe would like to see a targeted amendment to Stream Definition in the CAO, and correspondingly through incorporation by reference in the Shoreline Master Program (SMP), that would create consistency with WAC 222.16.030 and would regulate a Type F stream as any stream that has FISH or provides FISH HABITAT (Water Typing definition from Forest Practices Title – WDNR rules) as opposed to only regulating Type F streams for salmonids (current).

City staff have suggested the Tribe prepare a comment letter which will be helpful in 'tightening up' some of the regulations related to the City's periodic review of the SMP, outlining the desired change in stream typing in the City's CAO and correspondingly the SMP. An official letter from the Tribe is attached and will be presented to the Planning Commission.



April 24th, 2019

David Pyle
Deputy Director
Department of Community Development
City of Sammamish

Via email to: dpyle@sammamish.us

Re: Upcoming City of Sammamish Shoreline Master Program update

Dear Mr. Pyle,

It is our understanding that the City of Sammamish (City) will soon embark on a periodic review and update of its Shoreline Master Program (SMP). In anticipation of that work, please accept the following comments from the Snoqualmie Indian Tribe (Tribe) Environmental and Natural Resources Department. Thank you for the opportunity to provide comments.

The City's SMP references definitions found elsewhere within City code. For example, the definition of a stream is addressed at Sammamish Municipal Code (SMC) 21A.15.1240 Streams. The City's current classification of streams regarding which streams constitute fish habitat, or Type F waters, does not follow the state definition, and endangers fish habitat within the Shoreline Environment. Unfortunately, this situation is not unique to Sammamish. Due to changes in state law and state recommendations over time, local codes have not always been able to keep up, and state guidance on how local jurisdictions define fish habitat has not always been clear, although there have been some recent efforts to remedy that. We request that the City use its upcoming SMP update as an opportunity to revise its definition of fish habitat and improve how the City protects fish and fish habitat within its jurisdiction.

SMC 21A.15.1240 limits fish habitat to being associated with salmonids, a small subset of the many fish species native to the City of Sammamish. Contrast this with the broader state definition of "fish habitat" at WAC 222-16-030, which "means habitat which is used by any fish at any life stage at any time of the year, including potential habitat likely to be used by fish which could be recovered by restoration or management and includes off-channel habitat." We recommend that the City use the verbiage from WAC 222-16-030 to define Type F waters (fish habitat). Additionally, in 2018, the Washington Department of Commerce (Commerce) published an update to its Growth Management Critical Areas guidance



(<https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/critical-areas/>). Chapter 2 in the Commerce guidance also instructs local jurisdictions to refer to WAC 222-16-030 regarding what constitutes fish habitat.

The Tribe would like to note one example of how the City's current inconsistency with state law and state recommendations has resulted in environmental degradation and the loss of opportunity to restore fish habitat. SSDP2018-00482 was a City of Sammamish Shoreline Permit for construction of a dock at a private residence. Within the buffer of this dock lies a stream that flows directly into Lake Sammamish. This stream was previously categorized as not being fish habitat, despite meeting the physical habitat criteria that the state uses (based on Best Available Science) to define fish habitat or Type F waters. The confluence of this stream was long ago anthropogenically altered by the construction of a concrete flume, impassable to fish. Since the stream was not passable to fish when it was assessed, it was classified as not being fish habitat, but if the state code had also been Sammamish code, it would have been identified as potential fish habitat, the stream buffer would have been protected, and the confluence could have been restored, potentially increasing spawning or other habitat for migratory fish like kokanee and other species.

We point out again that while this situation is unfortunately not uncommon, the City can fix this inconsistency with a change to one definition, which would be a minor point of clarification, as opposed to a larger content amendment. We urge the City to use its SMP update as an opportunity to better protect streams, fish, and fish habitat within the Shoreline Environment by updating its stream classification definition at SMC 21A.15.1240 to echo the language in WAC 222-16-030.

Thank you for the opportunity to comment. If you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Baerwalde", followed by a long horizontal line extending to the right.

Matt Baerwalde
Water Quality Manager
Snoqualmie Indian Tribe
425-363-2008

PLANNING COMMISSION AGENDA CALENDAR

Date	Time	Type	Staff	Topics
May 2	6:30 PM	Regular Meeting	David Pyle Tracy Cui	Work Session: Shoreline Master Program Update
May 16	6:30 PM	Regular Meeting	Jeff Thomas Kellye Hilde	Work Session: Urban Forest Management Plan
June 6	6:30 PM	Regular Meeting	David Pyle Tracy Cui	Public Hearing / Deliberation: Shoreline Master Program Update
June 20	6:30 PM	Regular Meeting	Jeff Thomas Kellye Hilde	Public Hearing / Deliberation: Urban Forest Management Plan
July 4	Cancelled	Regular Meeting		
July 18	6:30 PM	Regular Meeting	Jeff Thomas Kellye Hilde Kellye Hilde	Deliberation: Urban Forest Management Plan Public Hearing / Deliberation: Comprehensive Plan Amendments – Urban Forest Management Plan
August		No Meetings		