# AGENDA
# Planning Commission

**6:30 PM - Thursday, June 6, 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 - 4 | 1. May 16, 2019 Meeting Minutes<br>View Meeting Minutes | |
| | **PUBLIC COMMENT - NON AGENDA**<br>*3 minutes per person / 5 minutes if representing an organization* | |
| | **OLD BUSINESS** | |
| 5 - 139 | 2. Shoreline Master Program Periodic Review and Joint Public Hearing<br>View Agenda Item | |
| | **ADJOURNMENT** | **8:30 pm** |
| | **LONG TERM CALENDAR** | |
| 140 | 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.*

Draft

# MINUTES
# Planning Commission

**6:30 PM - May 16, 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
Planning Manager Kellye Hilde

## 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 May 16, 2019 meeting agenda as distributed.**
Motion carried with no objections

## APPROVAL OF THE MINUTES

**Motion to approve the May 2, 2019 meeting minutes as distributed.**
Motion carried with no objections

## PUBLIC COMMENT - NON AGENDA

No Public Comment was given.

## OLD BUSINESS

Draft

Jeff Thomas, Director, Kellye Hilde, Planning Manager, and the City's consultant Ian Scott with the Davey Resource Group gave a presentation to the Planning Commission on the proposed draft of the Urban Forest Management Plan.

**MOTION: Eric Brooks moved to move to extend the meeting to 8:45 pm. Roisin O'Farrell seconded. Motion carried unanimously 7-0.**

**MOTION: Larry Crandall moved to move to extend the meeting to 9:00 pm. Eric Brooks seconded. Motion carried unanimously 7-0.**

**PUBLIC COMMENT - AGENDA**

Cheryl Wagner
20035 SE 27th Pl, Sammamish, WA 98074

Mary Wictor
408 208th Ave NE Sammamish, WA 98074

Paul Stickney
22626 NE Inglewood Hill Rd Sammamish, WA 98074

Karen Hering
23684 SE 32nd Sammamish, WA 98074

Mary Johnson
1429 212th Ave NE Sammamish, WA 98074

Sharon Stinebus
24933 SE 14th Street Sammamish, WA 98074

**ADJOURNMENT**

**MOTION: Roisin O'Farrell moved to adjourn. Eric Brooks seconded. Motion carried unanimously 7-0.**

The meeting adjourned at 8:46 PM

# Agenda Bill

**Planning Commission Regular Meeting**
**June 06, 2019**

| | |
|---|---|
| **SUBJECT:** | Shoreline Master Program Periodic Review and Joint Public Hearing |
| **DATE SUBMITTED:** | May 30, 2019 |
| **DEPARTMENT:** | Community Development |
| **NEEDED FROM COMMISSION:** | ☑ Action ☐ Direction ☐ Informational |
| **RECOMMENDATION:** | Hold a Joint Public Hearing with Washington State Department of Ecology. Close the Public Hearing and recommend the City Council adopt the proposed code changes to SMC 25 as presented in Exhibit 3 and proposed code change to SMC 21A.15.1240 to mirror WAC 222-16-030 as proposed by the Snoqualmie Indian Tribe in Exhibit 5. |
| **EXHIBITS:** | Exhibit 1 Written Public Comments<br>Exhibit 2 Shoreline Goals and Policies<br>Exhibit 3A Proposed SMP Changes 05292019<br>Exhibit 3 Proposed SMP Changes 05292019<br>Exhibit 4 SMP Periodic Review Checklist<br>Exhibit 5 Stream Typing Definition Memo and Tribe Letter |

**BUDGET:**

**Total dollar amount**
**Fund(s)**

☐ **Approved in budget**
☐ **Budget reallocation required**
☑ **No budgetary impact**

**WORK PLAN FOCUS AREAS:**

☐ Transportation
☐ Community Safety
☐ Communication & Engagement
☐ Community Livability
☐ High Performing Government
☐ Culture & Recreation
☐ Environmental Health & Protection
☐ Financial Sustainability

## NEEDED FROM COMMISSION:

Should the Planning Commission recommend the City Council adopt amendments to the Shoreline Master Program?

## KEY FACTS AND INFORMATION SUMMARY:

**Background.** The Shoreline Management Act (SMA) requires each city and county to review, and, if necessary, revise their Shoreline Master Program (SMP) at least 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 period review schedule, the City is required to complete a periodic review of the SMP in 2019. A study session was held at the May 2, 2019 Planning Commission meeting. Staff provided background on the City of Sammamish SMP and the State mandated periodic SMP review process and requirements. Staff also received oral public comments and feedback from the Planning Commission. Public comments were accepted from May 7, 2019 to June 6, 2019 (30-day period) providing opportunities for additional written comments (**Exhibit 1**). A joint public hearing with the City of Sammamish Planning Commission and Washington State Department of Ecology is to be held on June 6, 2019. Ecology Staff will attend the hearing, and City staff will take the lead role in the hearing.

**Proposed Motion:** The Planning Commission recommends the City Council adopt the proposed code changes to SMC 25 as presented in **Exhibit 3** and proposed code change to SMC 21A.15.1240 to mirror WAC 222-16-030 as proposed by the Snoqualmie Indian Tribe in **Exhibit 5**.

**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.

**Shoreline Master Program.** 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. Not only must the local SMP be adopted by the local jurisdiction (e.g. the City), it must also be reviewed and adopted by the Washington State Department of Ecology (Ecology). Ecology is the final authority on SMP's. A City cannot independently adopt, amend, or eliminate its 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.** Shorelines of the State are generally defined as rivers and streams with flow volumes of greater than 20 cubic feet per second 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. Upon incorporation the City of Sammamish inherited that portion of the King County Shoreline Master Program that was applied within the newly formed City of Sammamish City Limits. The City initiated the comprehensive process of developing its own SMP in 2009 that was formally adopted by the City Council in 2011 under Ordinance O2011-308 and finally approved by the Ecology in 2011. This process was very intensive. Thousands of public comments were received, and a lot of public meetings were held. Since the City of Sammamish original SMP adoption in 2011, the City has not completed a State mandated periodic SMP 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. 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 2**. The implementing regulations are found in the Sammamish Municipal

Code (SMC) as Title 25 and are included as **Exhibit 3 and Exhibit 3A (with proposed amendments in strike-draft or highlighted).**

**Sammamish Shoreline Uses.** The Act establishes the concept of preferred shoreline use. These uses are consistent with controlling pollution, preventing damage to the natural environment, or are unique to or dependent upon use of Washington's shorelines. Preferred uses include in order of preference:

- Single-family residences
- Ports
- Shoreline recreational uses
- Water-dependent industrial and commercial developments
- Other developments providing public access opportunities

As much as possible, shorelines should be reserved for "water-oriented" uses, including those that are "water-dependent," "water-related," and for "water-enjoyment." Pursuant to WAC 173-26-231, local governments are encouraged to prepare master program provisions that distinguish between shoreline modifications and shoreline uses.Shoreline modifications are generally related to construction of a physical element such as a single-family residence, bulkhead, or dock. Shoreline modifications usually are undertaken in support of or in preparation for a preferred shoreline use; for example, a private residential dock (shoreline modification) is allowed as an accessory structure subordinate to residential use (the existing single-family residence) which is listed as a preferred shoreline use under the Act.

**Sammamish Shoreline Master Program Update**

A periodic review is a State mandated review of the City's SMP for conformance with the current State SMP requirements. Changes to the City's SMP are not required if the City reaches a finding of adequacy with State requirements, although the City may include desired changes to address local issues. 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.

**State Periodic Review Checklist.** A checklist is provided by the State Department of Ecology for use by cities conducting the "periodic review" of their SMPs. 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. Environmental Science Associates (ESA) was brought under contract to assist in completion of the City's State mandated SMP periodic update. ESA has recommended that the City's SMP, with minor changes, is compliant with State SMP requirements. ESA's findings (complete checklist) are included as **Exhibit 4**.

**Local Issues Identified.**

#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 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. Draft SMP amendments (draft code changes) that address this local issue and are included as **Exhibit 3**.

Based on the comments and feedback that staff received during the public comment period and the May 2 Planning Commission meeting, staff have made further code changes. The City's SMP is a unique part of City regulations. The City is responsible under state laws and policies to ensure that shorelines of the state are developed in a manner which will result in a no-net-loss of ecological functions. One issue with the current SMP is that one type of shoreline uses is not property defined and listed in the

shoreline permitted use table – Private Beach Park Use. As stated above, local governments are encouraged to prepare master program provisions that distinguish between shoreline modifications and shoreline uses. Shoreline modification usually are undertaken in support of or in preparation for a preferred shoreline use. Three categories of private lakeside recreational use are summarized below:

A. One single family residence with a private residential dock on a shoreline property. The dock and associated structures/improvements are considered as modifications in support of single-family residential use which is a preferred shoreline use under the Act. This is an allowable use and regulated in the current SMP. No code change is proposed for this category.

B. Private Homeowners' Association (HOA) lakeside recreational use lot with a shared use dock. The private HOA lakeside recreational use lot is owned and managed by an established HOA. The HOA development is located in the upland area and in a walkable distance to the lakeside recreational use lot. The HOA establishes its Declaration of Covenants, Conditions, and Restrictions to regulate the lakeside recreational use for exclusive, shared use by the HOA homeowners. The dock and associated structures/improvement are considered as modifications in support of the existing single-family residences in the upland area within an established HOA. Examples for this type of use are TJ Square HOA shared use dock, Burnstead HOA shared use dock, and Eagle Shore HOA shared use dock. This is an allowable use and regulated in the current SMP. No code change is proposed for this category.
(**Note:** A&B listed above are preferred water-oriented and water dependent use that is given priority in both the SMA and the SMP. These docks are considered as subordinate to the existing single-family residences)

C. New/Expanded Private Beach Park Use. The shoreline within the City of Sammamish is characterized primarily by single family residential uses, with a predominantly established development pattern consistent with R-4 zoning. Within this pattern of existing single-family residential shoreline properties, several legally established undersized parcels on the Lake Sammamish shoreline are undevelopable with reasonable sized single-family residences. Dimensional limitations include a combination of small parcel size (typically less than 3,000 square feet), and narrow depth from the shoreline edge to the landward property line (generally ranging from 40 to 80 linear feet).

Without opportunity for single family residential development (preferred use under the Act), a number of these parcels have been used as "private beach parks" by property owners. The City has also seen an intensification of use at several of the private landside recreational use lots, with ownership shared between multiple owners who are not associated with or subordinate to single family residential use. Reference to this use category is currently missing and not properly defined in the SMP. The proposed definition of "Private Beach Park Use" as *privately owned shoreline properties used by an owner (or an ownership or membership group) for water-oriented recreational activities that are not associated with or subordinate to residential use, with associated facilities necessary for access, active use of shorelands, and allowances for private docks, floats, and mooring buoys*. This type of use will require a shoreline conditional use permit with the following requirements:

- Provide a site access plan demonstrating reasonable vehicular and/or pedestrian access is available to accommodate the intensity level of the anticipated uses; and
- Provide a site management plan demonstrating the proposed amenities are adequate to accommodate the intensity level of the anticipated uses; and
- Provide a vegetation enhancement planting and maintenance plan demonstrating no net loss of ecological functions will occur with the proposed uses.

(**Note:** Existing private beach park uses shall be considered conforming. These lots shall be allowed to maintain existing condition. However, a shoreline conditional use permit will be required if uses are proposed to be intensified.)

<u>#2 – Fish Bearing Stream Definition.</u> This issue was raised in a letter received from the Snoqualmie Tribe. The Tribe has requested 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 fish bearing 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 protection aquatic habitat for all fish species. The letter received from the Tribe and a memo outlining this issue are included as **Exhibit 5**.

## Tracy Cui

**Subject:** RE: 2019 SMP Revisions

**From:** Christie Malchow
**Sent:** Thursday, May 9, 2019 10:11 PM
**To:** Dan Adams <daoly30@yahoo.com>
**Cc:** Jeffrey Thomas <jthomas@sammamish.us>; David Pyle <dpyle@sammamish.us>; Aaron Antin <aantin@sammamish.us>
**Subject:** Re: 2019 SMP Revisions

Mr. Adams,

I have cc'd staff members here to comment on the insurance side of things relative to the change cited. I am hopeful staff can provide information on this subject to help inform Council on this.

Thank you for bringing this to my attention.

Sincerely,

Christie Malchow - Mayor
Sammamish City Council (206)247-4507
cmalchow@sammamish.us
Sent via mobile, please excuse typos or dictation errors.

On May 9, 2019, at 4:04 PM, Dan Adams <daoly30@yahoo.com> wrote:

> Hi Mayor Christie,
> I am writing to you over concern for the language for properties with legally built homes that under the original SMP were classified as grandfathered as conformance. Now the language has been changed to non-conformance. This means getting insurance for these older homes will now be difficult at best & more likely impossible. Please reconsider the changes to non-conformance. Our house on Beaver Lake was built in 1941 & is on the Sammamish Historical Register. This change will make keeping it insured hard.
> Thanks,
> James Daniel Adams. (Dan)
>
> Sent from my iPad

## Tracy Cui

**From:** Jeffrey Thomas
**Sent:** Monday, May 13, 2019 9:33 PM
**To:** Tracy Cui; David Pyle
**Subject:** Fwd: Shoreline Regulations

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

---------- Forwarded message ----------
From: Aaron Smith <wakeboardsamm@gmail.com>
Date: May 13, 2019 7:44 PM
Subject: Shoreline Regulations
To: Planning Commission <PlanningCommission@ci.sammamish.wa.us>
Cc:

Planning Commission,

While watching the City staff presentation in regards to the Shoreline Master Plan update I found the following items troubling:

- The presentation included incredibly detailed information from helicopter surveys of the shoreline vegetation being trampled down, but yet the City staff hadn't walked the trail and visited these lots? Staff pretended to be unaware of very obvious things involving the ability of residents to comply with impossible requests of providing parking and bathrooms.
- The Sammamish Landing Park does not provide parking or bathrooms on the water front portion of the City's park. The City's bathrooms are located in between the trail and East Lake Sammamish Pkwy located in the King County Trail Right Away. Does City Staff anticipate that the County will grant recreational lot owners the same right to construct bathrooms in the same such manner?
- The Fecal Coliform concerns are overstated and exaggerated in regards to recreational lot users.

As stated by the Water District in last months Council Meeting, the Fecal Coliform levels in Laughing Jacobs Creek are currently being measured at alarmingly high levels at or around 900 (Measured In February not during summer months!). Many of the streams flowing into Lake Sammamish (all year round), have high levels of Fecal Coli-form most likely attributed to the numerous septic systems found throughout the City. The streams flow into the lake 24 hours a day 365 days a year. If the City wants to focus on fecal coli-form, the septic systems found throughout the would be a good place to start. Attributing high fecal coli-form levels to recreation lot users is very misleading and without scientific basis. Please consider that recreational lot users only use the lake a few months out of the year during daylight hours.

- In the most recent meeting, City Staff repeatedly stated that during dock construction, lot owners were utilizing a "loop hole" to construct docks without doing any re-vegetation of the shoreline. This is simply not true. Dock construction requires a JARPA permit processed by the Army Core of Engineers. The JARPA permit requires extensive replanting of the shoreline. Such replanting also must be monitored for 5 years after the dock installation. Please ask the City Staff to share these requirements with you as part of their presentation. Once again there is NO LOOPHOLE allowing residents to construct a dock without re-vegetating the shoreline.

- Homes are now a preferred use of the shoreline instead of intermittent recreational use on heavily treed and vegetated lots? The last few homes to be constructed along the shoreline necessitated the removal of numerous significant trees and vegetation. These were mature trees that removed carbon dioxide from the atmosphere 365 days a year. They also provide shade for the lake and have a root base which keeps the shoreline in tact. Please view aerial maps of the shoreline using google maps and see for yourself the environmental impact of homes built on Lake Sammamish vs the undeveloped recreational lots. Many of the homes have fertilized lawns and carved out private beaches abutting the lake while the recreational lots (shared by many) are left undisturbed with tree cover left intact. Once again there is no scientific basis that recreational lots are any damage to the lake in fact they actually preserve the lake with recreational impacts being minimal when compared to a single family home being built in within the Shoreline.
- Many recreational lots already provide Portable Bathrooms which are serviced weekly.
- Re-fueling service is available on the lake for boat owners who have a dock and a boatlift.
- Many of the rec lot owners under state law, have the right to moor their boats on buoys in front of their property. An argument could be made that refueling a boat from a dock is better for the environment. Perhaps the City should promote the construction of a docks when considering the re-fueling argument rather than limit their construction.
- Recreational Users walk from their nearby homes to their rec lots. The comments regarding rec lots parking all over the parkway were unfounded and without merit.
- The Sammamish Landing Parking situation is the only place along the parkway which contributes to unsafe parking conditions. Does the City staff plan to remedy such unsafe conditions as part of the SMP update and provide more parking for it's users.
- Allowing Rec Lot users to make responsible use of their frees up capacity for an already over crowded Landing Park.

Thanks

Aaron

## Tracy Cui

**From:** Karen Walter <KWalter@muckleshoot.nsn.us>
**Sent:** Wednesday, May 22, 2019 2:40 PM
**To:** Tracy Cui
**Cc:** maria.sandercock@ecy.wa.gov; David Pyle
**Subject:** RE: City of Sammamish Shoreline Master Program Periodic Review Amendment Joint Local-State Public Comment Period - May 7, 2019 to June 6, 2019 at 5 p.m.

Tracy,

Thank you for sending us the City of Sammamish's proposed changes to its Shoreline Master Program under WDOE's periodic review process. We have reviewed this information and offer the following comments:

We commented on the City's complete SMP update via a letter dated September 10, 2009. In this letter, we requested that a policy should be added that reads as follows:

Tribal notification

> *"All shoreline permit applications shall be sent to the affected tribes, including, applications for shoreline variances, exemptions, conditional use, and substantial development permits."*

The reason for this request is that in-water projects can adversely affect Muckleshoot Indian Tribal members' ability to access its fisheries resources by displacing fishing areas, creating boating traffic that may interfere with or damage Tribal fishing gear, as well as negatively affect fish habitat. As a result, projects within the ordinary high water mark should always be coordinated early with the MITFD so that the Tribe can provide the City with input and recommendations about how to avoid, minimize, or mitigate adverse impacts to treaty fishing rights.

Fish Passage Barriers and stream typing

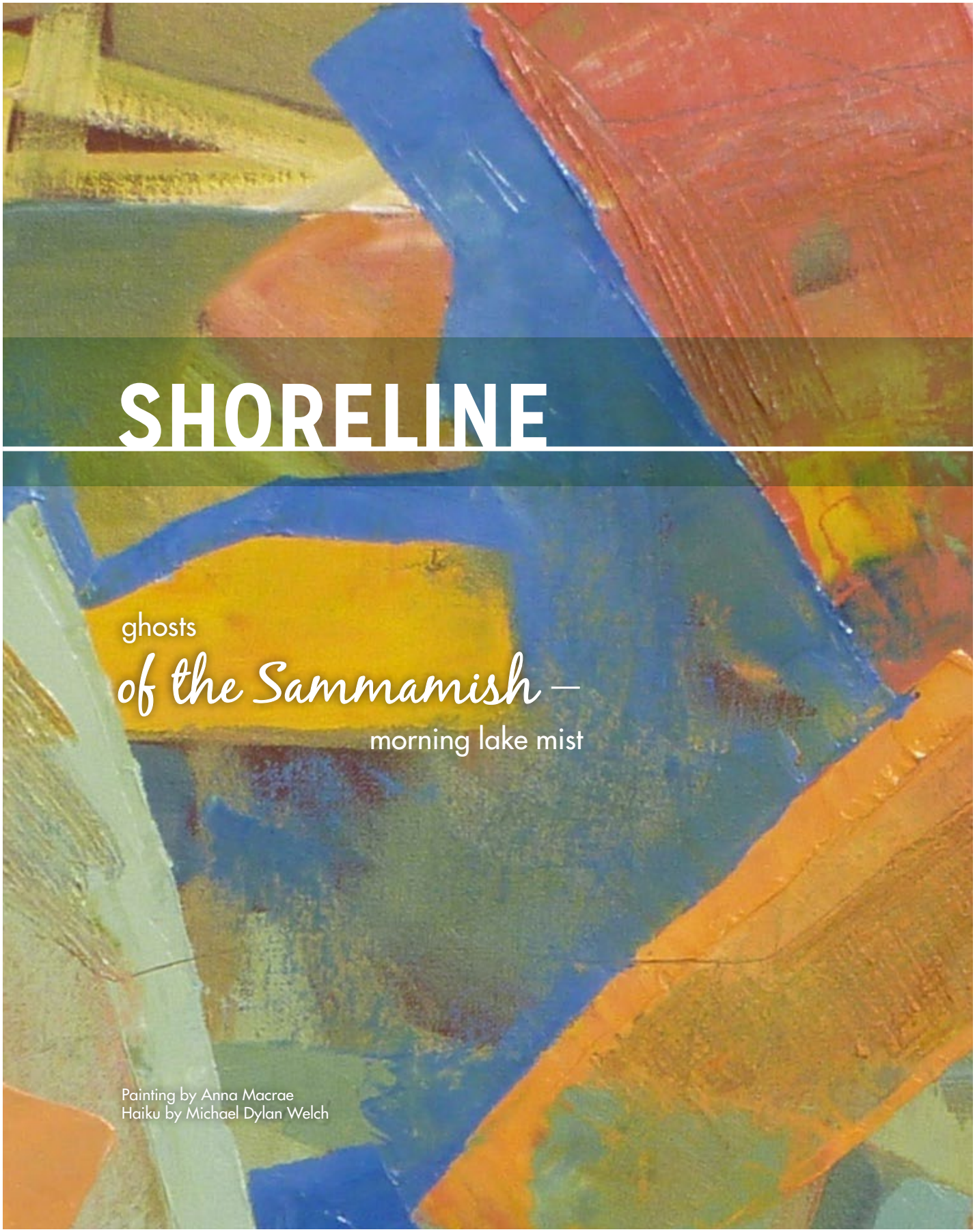
In our 2009 comments, we requested the City provide a definitive plan and timeframe to fix the fish passage barriers originally identified in Table 6 of the Shoreline Restoration Plan. To our knowledge this has not been completed. The City of Sammamish should assess barrier culverts on areas within the SMP jurisdiction (and beyond) to determine where fish passage barriers exist and a plan to fix them. As you know, the City replaced culverts on Zackuse Creek and salmon should have access from Lake Sammamish on the stream up through the highest natural or artificial barrier.

As part of the fish passage barrier assessment, the City of Sammamish needs to determine potential fish-bearing streams using the physical criteria from WAC 222-16-031. The City's definition of fish habitat under SMC 21A.15.1240 fails to consider the existing of artificial barriers which prevent or limit fish access, thus use by salmon. The City needs to take a more conservation approach used by tribes, state agencies (i.e. WDNR, WDOE, WDFW, etc.) and federal agencies regarding presumed fish habitat and reflected in WAC 222-16-031. Several other local governments have modified their Critical Areas Code to include presumed fish habitat based on physical criteria from the WAC. Sammamish should do the same.

We appreciate the opportunity to review this proposal and look forward to the City/WDOE's responses to these concerns.

Best regards,
Karen Walter
Watersheds and Land Use Team Leader

*Muckleshoot Indian Tribe Fisheries Division*
*Habitat Program*
*39015-A 172nd Ave SE*
*Auburn, WA 98092*
*253-876-3116*


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

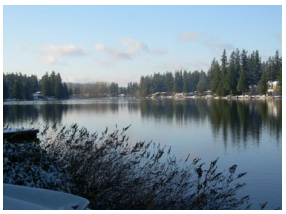
# SHORELINE

## 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.

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

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.



*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 archaeological, 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 archaeological, 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.*

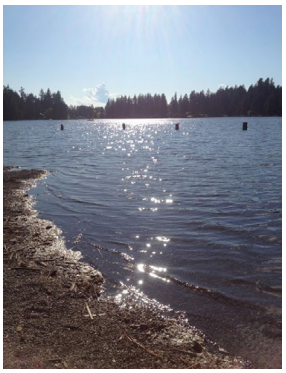
### Transportation and Public Facilities

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



*Pine Lake*

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.*

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.*

*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.*

*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*

*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 MANAGEMENT[1]

**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 Folio[2]**
**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 5/29/2019

# 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.

(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))

## 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. "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.

(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) 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) 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.

(63) 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.

(64) 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.

(65) 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)

(66) 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.

(67) 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 Beach Park Use. “Private beach park use” means privately owned shoreline properties used by an owner (or an ownership or membership group) for water-oriented recreational activities that are not associated with or subordinate to residential use, with associated facilities necessary for access, active use of shorelands, and allowances for private docks, floats, and mooring buoys.

(69) 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.

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

(71) 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.

(72) 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).

(73) 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.

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

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

(76) 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).

(77) 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.

(78) 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.

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

(80) 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).

(81) 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).

(82) 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.

(83) 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.

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

(85) 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).

(86) 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.

(87) 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)).

(88) 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.

(89) 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)).

(90) 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.

(91) 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).

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

(93) 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.

(94) 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.

(95) 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).

(96) 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).

(97) 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).

(98) 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).

(99) 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).

(100) 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).

(101) 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 GOALS[1]

[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 POLICIES[1]

[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, for public uses and public development in the urban conservancy environment, or for private beach park 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, 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) | Reduction Criteria<br>• 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.<br>• 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.<br>• 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.

(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 |

| 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 beach park use and structures (25.07.130) | C | C | C | C |
| Public recreational use and structures (25.07.090) | P | P | P | P |
| Utilities, primary land use | P | P | P | P |

| 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** | | | | |
| (25.07.110) | | | | |
| 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** | | | | |
| 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 |

| | Lake Sammamish Shoreline Residential | Lake Sammamish Urban Conservancy | Pine and Beaver Lakes Shoreline Residential | Pine and Beaver Lakes Urban Conservancy |
|---|---|---|---|---|
| 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 |

(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 park uses as regulated by 25.07.130, and private joint access parcels associated with residential use as allowed by 25.07.080 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 private beach park facilities.

(a) Each individual residential lot or private beach park 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 within (2)(a) of this section.

(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) Lots providing moderate to high intensity private beach park use, as allowed by 25.07.130, shall be be allowed one additional boat lift and one additional personal watercraft lift or two additional personal watercraft lifts in addition to the allowances within (2)(a) of this section.

(e) Maximum overwater area coverage for private docks accessory to residential use on Lake Sammamish, including any float coverage but 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.

(f) Maximum overwater coverage for private docks accessory to private beach park uses on Lake Sammamish, including any float coverage but excluding canopy coverage, shall be consistent with the intensity of the use as regulated under 25.07.130, and shall not exceed:

(i) Four hundred eighty square feet for low intensity private beach park uses, which shall always include private beach park uses serving only one owner; or

(ii) No more than one thousand square feet for private beach park uses with moderate to high intensity of use agreement. The overwater coverage of the proposed private dock shall be the minimum necessary to support the proposed use, as approved by the director.

(g) Docks shall be no wider than four feet, except an additional two feet of width can be allowed without a variance, where associated with a residential property owner or private beach park member 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..

(h) Ells, fingers and deck platforms can be no closer than 30 feet waterward of the ordinary high water mark.

(i) The first set of pilings for a dock shall be located no closer than 18 feet from the ordinary high water mark.

(j) 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.

(k) 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.

(l) One boat canopy per private dock is allowed; provided, that private docks providing moorage for two or more users through joint residential use or private beach park use may be allowed a maximum of two boat canopies per private dock. All boat canopies shall be 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.

(9) Private Joint Access Beach Parcels. Private joint access parcels associated with and subordinate to adjacent residential lots shall be allowed, provided that all applicable standards of 25.06 and this section are implemented such that there is no net loss of shoreline ecological functions. Joint use private docks, floats, and mooring buoys shall be allowed at private joint access parcels consistent with standards in 25.07.070.

(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 beach park use regulations

(1). To manage private beach park uses along the Lake Sammamish shoreline, this SMP establishes standards for lots providing private recreational access and use, consistent with the definition of private beach park use included in 25.02. All new development under this use category shall require a conditional use permit in addition to a substantial development or exemption permit.

(2) New private beach park development and associated structures shall be allowed with conditional use permit approval 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 beach park uses shall be consistent with standards in SMC 25.07.050.

(d) Where any new private beach park development activity is proposed, including a new or expanded dock and/or float accessory to the private beach park use, the applicant shall be required to provide the following use plans consistent with the scale and intensity of the proposed use:

(i) Site access plan, ensuring that reasonable vehicular and/or pedestrian access is available that will accommodate the intensity of proposed private beach park use and not result in unreasonable negative impacts to adjacent public parks and trails or to adjacent private residential uses.

(ii) Site management plan, including identified approach for garbage and recycling disposal, and for meeting restroom facility needs.

(iii) Plan for establishment and maintenance of the required vegetation enhancement area consistent with SMC 25.06.020(10), including allowance for an active use area extending to the shoreline, that demonstrates no net loss of ecological function will occur with the proposed development and future private beach park use.

(e) As part of shoreline conditional use review, the director may require submittal of documentation to verify the proposed intensity of private beach park use is accurately characterized, and may condition approvals as necessary to meet standards of this SMP and to ensure that the proposed development and use will result in no net loss of ecological functions.

(5) Existing private beach park uses 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 beach park use 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.

(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))

# Title 25
# SHORELINE MANAGEMENT[1]

**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 Folio[2]**
**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 5/29/2019

# 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.

(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))

## 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.~~ "Nonconform~~an~~ing use~~ce~~" 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).~~

(5~~6~~8) 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.

(5~~7~~9) 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.

(6~~0~~3) 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.

(64~~1~~) 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.

(65~~2~~) 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)

(6~~3~~6) 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.

(64~~7~~) 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 Beach Park Use. "Private beach park use" means privately owned shoreline properties used by an owner (or an ownership or membership group) for water-oriented recreational activities that are not associated with or subordinate to residential use, with associated facilities necessary for access, active use of shorelands~~, site access and use~~, and allowances for private docks, floats, and mooring buoys.

(69~~5~~) 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.

(70~~66~~) Provisions. "Provisions" means policies, regulations, standards, guidelines, criteria, or environment designations (WAC 173-26-020).

(71~~67~~) 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.

(72~~68~~) 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).

(73~~69~~) 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.

(74~~0~~) Repair. "Repair" means to restore to a state comparable to the original condition after deterioration or partial destruction.

(75~~1~~) Replacement. "Replacement" means to rebuild using new materials.

(76~~2~~) 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).

(77~~3~~) 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.

(78~~4~~) 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.

(79~~5~~) Sediment. “Sediment” is material settled from suspension in a liquid medium.

(80~~76~~) 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).

(81~~77~~) 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).

(82~~78~~) 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.

(83~~79~~) 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.

(84~~0~~) Shoreline Jurisdiction. “Shoreline jurisdiction” means all shorelines of the state and shorelands as defined by this program and Chapter 90.58 RCW.

(85~~1~~) 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).

(86~~2~~) 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.

(87~~3~~) 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)).

(8~~4~~) 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.

(8~~5~~) 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)).

(90~~86~~) 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.

(91~~87~~) 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).

(92~~88~~) Substantial Development. “Substantial development” means any development that meets the requirements of RCW 90.58.030(3)(e).

(93~~89~~) 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.

(94~~0~~) 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.

(95~~1~~) 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).

(96~~2~~) 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).

(97~~3~~) 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).

(98~~4~~) 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).

(99~~5~~) 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).

(100~~96~~) 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).

(101~~97~~) 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 GOALS[1]

[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 POLICIES[1]

[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~~beach park 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) | Reduction Criteria<br>• 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.<br>• 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.<br>• 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.

(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 |

| 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~~ |

| 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** | | | | |
| ~~HOA of 9 or fewer owners (25.07.130)~~ | | | | |
| ~~Private lakeside recreational use providing joint access for adjacent HOA of 10 or more owners (25.07.130)~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ |
| Private beach park use and structures (25.07.130) | 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** | | | | |
| Height | 35 feet | 35 feet | 35 feet | 35 feet |
| Footprint maximum | None | None | None | None |

| | Lake Sammamish Shoreline Residential | Lake Sammamish Urban Conservancy | Pine and Beaver Lakes Shoreline Residential | Pine and Beaver Lakes Urban Conservancy |
|---|---|---|---|---|
| **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 |

(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 park uses as regulated by 25.07.130, and private joint access parcels associated with residential use as allowed by 25.07.080 ~~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~~private beach park facilities.

(a) Each individual residential lot or private beach park 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~~within (2)(a) of this section.

(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) Lots providing moderate to high intensity private beach park use, as allowed by 25.07.130, shall be be allowed one additional boat lift and one additional personal watercraft lift or two additional personal watercraft lifts in addition to the allowances within (2)(a) of this section.

(e~~d~~) Maximum overwater area coverage for private docks accessory to residential use on Lake Sammamish, including any float coverage but 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.

(f) Maximum overwater coverage for private docks accessory to private beach park uses on Lake Sammamish, including any float coverage but excluding canopy coverage, shall be consistent with the intensity of the use as regulated under 25.07.130, and shall not exceed:

(i) Four hundred eighty square feet for low intensity private beach park uses, which shall always include private beach park uses serving only one owner; or

(ii) No more than one thousand square feet for private beach park uses with moderate to high intensity of use agreement. The overwater coverage of the proposed private dock shall be the minimum necessary to support the proposed use, as approved by the director.

(g~~e~~) Docks shall be no wider than four feet, except an additional two feet of width can be allowed without a variance, where associated with ~~for~~ a residential property owner or private beach park member 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~~.

(h~~f~~) Ells, fingers and deck platforms can be no closer than 30 feet waterward of the ordinary high water mark.

(i~~g~~) The first set of pilings for a dock shall be located no closer than 18 feet from the ordinary high water mark.

(j~~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.

(k~~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.

(l~~j~~) One boat canopy per ~~residential lot~~private dock is allowed; provided, that private docks providing moorage for two or more users through joint residential use or private beach park use may be allowed a maximum of two boat canopies per private dock. All ~~the~~ boat canopies~~y~~ shall be~~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.

(9) Private Joint Access Beach Parcels. Private joint access parcels associated with and subordinate to adjacent residential lots shall be allowed, provided that all applicable standards of 25.06 and this section are implemented such that there is no net loss of shoreline ecological functions. Joint use private docks, floats, and mooring buoys shall be allowed at private joint access parcels consistent with standards in 25.07.070.

(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 beach park use regulations

(1). To manage private beach park~~lakeside recreational~~ uses~~e~~ along the Lake Sammamish shoreline, this SMP establishes standards for ~~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 and use, consistent with the definition of private beach park use included in 25.02. ~~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~~beach park development and associated structures shall be allowed with conditional use permit approval 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~~ beach park uses shall be consistent with standards in SMC 25.07.050.

(d) Where any new private ~~lakeside recreational use~~beach park development activity is proposed, including a new or expanded dock and/or float accessory to the private beach park use, the applicant shall be required to provide the following use plans consistent with the scale and intensity of the proposed use:

(i) Site access plan, ensuring that reasonable vehicular and/or pedestrian access is available that will accommodate the intensity of proposed private beach park use and not result in unreasonable negative impacts to adjacent public parks and trails or to adjacent private residential uses.

(ii) Site management plan, including identified approach for garbage and recycling disposal, and for meeting restroom facility needs.

(iii) Plan for establishment and maintenance of the ~~establish a~~ required vegetation enhancement area consistent with SMC 25.06.020(10), including allowance for an active use area extending to the shoreline, that demonstrates no net loss of ecological function will occur with the proposed development and future private beach park use.

(e) As part of shoreline conditional use review, the director may require submittal of documentation to verify the proposed intensity of private beach park use is accurately characterized, and may condition

approvals as necessary to meet standards of this SMP and to ensure that the proposed development and use will result in no net loss of ecological functions.

~~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~~beach park uses 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~~beach park use 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 Municiple 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 C\hecklist 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.<br><br>***OPTIONAL*** Update to include OFM cost threshold for substantial development. | No change made |
| **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".<br><br>Update per Ecology's recommended language. | Updated |
| **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 maintainance and safety improvements.<br><br>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). | Updated (25.08.010 – 7) |
| **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.<br><br>Implement minor update per DOE recommended language. | Updated |
| **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 | Updated |

| 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**. | 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.<br><br>Update per Ecology's recommended language.<br><br>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". | 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**. | 2011 SMP does not state the scope and process for conducting periodic reviews of SMPs required by RCW 90.58.080(4).<br><br>Not necessary to include these provisions in local SMP. | 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. | 2011 SMP does not address the details of the optional SMP amendment process; however does not have to.<br><br>***OPTIONAL*** Reference to SMP amendment process could be | 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.<br><br>***OPTIONAL*** Reference to SMP amendment submittal guideliines could be added. | No change made |
| 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. | No change made |
| 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. | No change made |
| 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<br><br>***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). | No change made |
| 2014 | | | |
| a. | The Legislature raised the cost threshold for requiring a | No change neeeded - 2011 SMP 25.08.020 cites the RCW | No change made |

| 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. | NA |
| 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. | No change made |
| 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. | No change made |
| **b.** | Ecology adopted rules for new commercial **geoduck aquaculture**. | Not applicable - There are no marine shorelines in the city. | NA |
| **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. | NA |
| **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".<br><br>The City should consider if there are any existing structures (not conforming to current SMP dimensional requiremetns) that warrant designation as 'conforming' per this authorization (WAC 173-26-241(3)(j)). | No change made |

| 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.<br><br>Referenced CAO includes State guidance to "assure no net loss of shoreline ecological function". | No change made |
| 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.<br><br>***OPTIONAL*** Add new language to this section with reference to WAC about Requests for Relief from Shoreline Regulations if needed. | Updated |
| **b.** | Ecology adopted a rule for certifying **wetland mitigation banks**. | No change necessary - 2011 SMP references CAO which authorizes use of certified mitigation bank. | No change made |
| **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 motatoria requriements adopted by WAC still apply. | No change made |
| 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. | No change made |
| **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. | No change made |

| 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. | No change made |

City of Sammamish Washington

*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 Trible 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 Trible 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

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(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,

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

# PLANNING COMMISSION AGENDA CALENDAR

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