



## City Council, Regular Meeting

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# AGENDA

September 15, 2009

6:30 pm – 9:30 pm  
Council Chambers

### **Call to Order**

### **Roll Call/Pledge of Allegiance**

### **Public Comment**

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

### **Approval of Agenda**

### **Presentations/Proclamations**

- Proclamation: Mayor's Month of Concern for the Hungry

### **Consent Agenda**

- Payroll for pay period ending August 31, 2009 for pay date September 5, 2009 in the amount of \$262,334.06
1. Approval: Claims for period ending September 15, 2009 in the amount of \$2,502,671.25 for check No. 24453 through check No. 24593
  2. Resolution: Accepting The Pine Lake Park Phase IIb Site And Shoreline Construction Project As Complete.
  3. Resolution: Setting A Public Hearing Date To Consider The Vacation Of A Portion Of Unopened Thomas Alexander Road (County Road No. 867)
  4. Resolution: Approving Certain Expenditures From The Regional Coalition For Housing Trust Fund For 2009/2010
  5. Approval: Sween House Lease Agreement

City Council meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.

6. Resolution: Adopting Evans Creek Preserve Master Plan

### **Unfinished Business**

7. Ordinance: Adopting The 2009 Sammamish Shoreline Master Program And Replacing The King County Shoreline Master Program Adopted By King County Ordinance 3688; Amending The City Of Sammamish Comprehensive Plan; Adopting Shoreline Maps; And Codifying The Shoreline Master Program Into Title 25 Of The Sammamish Municipal Code
8. Ordinance Of The City Of Sammamish, Washington, Amending Chapter 21a.50 (Environmentally Critical Areas), Of The Sammamish Municipal Code

### **New Business - None**

### **Council Reports**

### **City Manager Report**

**Executive Session** – Potential Litigation pursuant to RCW 42.30.110 (1)(i)

### **Adjournment**

**AGENDA CALENDAR**

<b>Sept 2009</b>			
Mon 09/14	6:30 pm	Study Session	Discussion: Ordinance: Modifying Terms of Parks Commissioners Sammamish Landing Master Plan Preferred Alternative Evans Creek Preserve Master Plan Discussion: Ordinance: Modifying Terms of Parks Commissioners Six Year Transportation Improvement Plan
Tues 09/15	6:30 pm	Regular Council Meeting	Proclamation: Mayor's Month of Concern for the Hungry Shoreline Master Plan Resolution: Adopting Evans Creek Preserve Master Plan (consent) Resolution: Final Acceptance Pine Lake Park Phase II (consent) ARCH 2009 Funding Allocation (consent) Change Order: 2009 Pavement Management Project/Watson (consent) Approval: Lease Agreement/Sween House (consent) Resolution: Setting Public Hearing Date for Street Vacation (consent) Executive Session: Potential Litigation
<b>October 2009</b>			
Tues 10/6	6:30 pm	Regular Council Meeting	Quarterly Reports: DCD/Admin/Police/Fire Ordinance: First Reading Modifying terms of Parks Commissioners Resolution: Six Year Transportation Plan
Tues 10/13	6:30 pm	Study Session	Sustainability TDR Update: 2008 ICMA Performance Measures Report Updating Public Works Standards
Mon 10/19	6:30 pm	Study Session	
Tues 10/20	6:30 pm	Regular Council Meeting	Presentation: GFOA Budget Presentation Award Quarterly Reports: Parks/PW/Finance Ordinance: Public Hearing/Emergency Public agency exemption Ordinance: Second Reading Modifying terms of Parks Commissioners Ordinance: First Reading ISD/LWSD/SVSD Impact Fees Interlocal Agreement: Impact Fee Collection/ISD/LWSD/SVSD
<b>November 2009</b>			
Tues 11/03	6:30 pm	Regular Council Meeting	Ordinance: Second Reading/Emergency Wireless Public Agency exemption Ordinance: Public Hearing/Emergency Wireless Hierarchy siting Resolution: ELSP Project Acceptance Ordinance: First Reading ISD/LWSD/SVSD Impact Fees
Tues 11/10	6:30 pm	Study Session	Commission Interviews 2009 Budget Adjustments Updating Public Works Standards
Mon 11/16	6:30 pm	Study Session	Commission Interviews Discussion: Beaver Lake Park Master Plan Preferred Alternative Discussion: District Court/Jail
Tues 11/17	6:30 pm	Regular Council Meeting	Ordinance: Public Hearing/First Reading 2009-2010 Budget Adjustments Ordinance: Public Hearing/First Reading 2010 Property Tax Levy Resolution: 2010 Salary Schedule Ordinance: First Reading Updating Public Works Standards Ordinance: Second Reading Emergency Wireless Hierarchy siting Bid Award: Maintenance & Operations Facility Bid Award: SE 20 <sup>th</sup> Street Project
<b>December 2009</b>			

Tues 12/01	6:30 pm	Regular Council Meeting	Commission Appointments Ordinance: Second Reading 2009-2010 Budget Adjustments Ordinance: Second Reading 2010 Property Tax Levy Ordinance Ordinance: First Reading 2010 Property Tax Levy Ordinance 2 (IPD) Second Reading Updating Public Works Standards
Tues 12/08	6:30 pm	Special Meeting (tentative)	Planning Commission Handoff – Town Center Development Regulations Financial Sustainability Ordinance: Second Reading 2010 Property Tax Levy Ordinance 2 (IPD)
Mon 12/15	6:30 pm	Regular Meeting	SE 24 <sup>th</sup> Street Wetland Monitoring Report Neighborhood Traffic Management Plan
Tues 12/21	6:30 pm	Study Session	

To Be Scheduled	To Be Scheduled	Parked Items
<b>Approval:</b> Non-Motorized Project Priority List Street Lighting Standards Revision Code Enforcement Code Amendments Presentation: Draft Town Center Stormwater Master Plan Ordinance: Second Reading Puget Sound Energy Franchise Resolution: Master Fee Schedule Resolution: Adoption Thompson Basin Study Resolution: Adoption Inglewood Basin Study	Code Blocks (second round) CAO Sunset Removal Interlocal: SE 20 <sup>th</sup> Street Construction/SPWS Amendment: Interlocal/LWSD Connectivity Discussion Ordinance: Amending Wireless Code Approval: Sammamish Landing Master Plan Resolution: Final Acceptance SE 20 <sup>th</sup> Street Project Authorization: Contract Award Crack Seal	

[Home » Events](#)**Events**<< [August](#)**September 2009**[October](#) >>

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1 6:30 p.m. <b>City Council Meeting</b>	2 4 p.m. <b>Sammamish Farmers Market</b> 4 p.m. <b>Sustainable September</b>	3 6 p.m. <b>Planning Commission Meeting</b> 6:30 p.m. <b>Beaver Lake Park Master Plan - Public Meeting #3</b>	4	5
6	7 8 a.m. <b>Labor Day</b> City offices closed	8 5:30 p.m. <b>City Council Special Meeting</b>	9 4 p.m. <b>Sammamish Farmers Market</b> 6:30 p.m. <b>Parks and Recreation Commission Meeting</b>	10	11	12
13	14 6:30 p.m. <b>City Council Study Session</b>	15 6:30 p.m. <b>City Council Meeting</b>	16 4 p.m. <b>Sammamish Farmers Market</b> 6 p.m. <b>Sari Exhibit Reception</b> 6 p.m. <b>Sammamish Youth Board</b>	17	18	19 9 a.m. <b>Sammamish Walks! See link for times/locations</b>
20	21 6:30 p.m. <b>Art Commission Re-scheduled to September 28th</b>	22	23 4 p.m. <b>Sammamish Farmers Market</b>	24 5 p.m. <b>Planning Commission Meeting</b>	25	26 9 a.m. <b>Fall Recycling Event</b>
27	28 6:30 p.m. <b>Arts Commission Meeting</b>	29	30 4 p.m. <b>Sammamish Farmers Market</b>			

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## Events

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[<< September](#)

### October 2009

[November >>](#)

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 6 p.m. <b>Planning Commission Meeting</b>	2	3
4	5	6 6:30 p.m. <b>City Council Meeting</b>	7	8 6 p.m. <b>Planning Commission Meeting</b>	9	10 10 a.m. <b>Art Fair</b>
11 10 a.m. <b>Art Fair</b>	12	13 6:30 p.m. <b>City Council Study Session</b>	14 6:30 p.m. <b>Parks and Recreation Commission Meeting</b>	15 6 p.m. <b>Planning Commission Meeting</b>	16	17
18	19 6:30 p.m. <b>Arts Commission Meeting</b> 6:30 p.m. <b>City Council Study Session</b>	20 6:30 p.m. <b>City Council Meeting</b>	21 6 p.m. <b>Sammamish Youth Board</b>	22	23	24
25	26	27	28	29	30	31

[List View](#)[To Top](#)

City of Sammamish, M - F, 8:30 am - 5 pm  
 801 228th Ave SE, Sammamish, WA 98075, Phone: (425) 295-0500, Fax: (425) 295-0600

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Last updated Sep 10 2009

## PROCLAMATION

### MAYOR'S MONTH OF CONCERN FOR THE HUNGRY

WHEREAS, our Cities of Kirkland, Redmond, Bellevue, Issaquah, Sammamish, and Mercer Island, recognize adequate nutrition as a basic goal for each citizen; and

WHEREAS, no parent should have to send a child to school hungry, no baby should be without the comfort of the feedings needed for mental and physical growth, no elderly person's health should be jeopardized by lack of appropriate foods; and

WHEREAS, food banks, emergency and hot meal programs working with our cities, local churches, social service agencies, and hundreds of volunteers are striving day in and day out to stem the rising tide of hunger, but still need more help; and

WHEREAS, we believe that when the citizens who are not involved hear of the especially desperate needs of the hungry as winter approaches and their low incomes must stretch to cover increasing fuel, electricity and rental costs—leaving even less money for monthly food purchase, an outpouring of community assistance will follow; and

WHEREAS, the Emergency Feeding Program of Seattle & King County coordinates an annual food drive to help support the efforts of their program and the area's food banks in fighting hunger which will be held at grocery stores throughout King County on Saturday, September 26, 2009; and

WHEREAS, the Cities of Kirkland, Redmond, Bellevue, Issaquah, Sammamish, and Mercer Island would like to launch a Month of Concern for the Hungry, beginning on September 26, 2009;

NOW, THEREFORE, I, Mayor Don Gerend, on behalf of the Sammamish City Council, do hereby proclaim September 26 - October 24, 2009 as

#### **East King County Month of Concern for the Hungry**

and strongly urge all citizens to join the Emergency Feeding Program, Hopelink, Renewal Food Bank, Issaquah Food Bank, Mercer Island Food Bank and the A.R.A.S. Foundation to nourish those who are hungry.

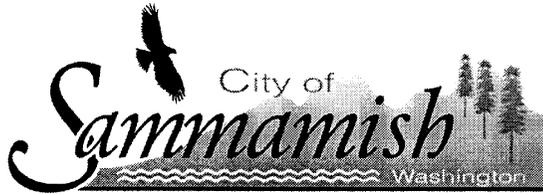
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Mayor Donald L. Gerend

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Date





## MEMORANDUM

**TO:** Melonie Anderson/City Clerk  
**FROM:** Marlene/Finance Department  
**DATE:** September 10, 2009  
**RE:** Claims for September 15, 2009

	\$	7,474.33
		14,100.94
		138,510.26
		128,499.27
		698,279.73
		1,504,072.02
		11,734.70
		007
		2,502,671.25 *

**TOTAL \$ 2,502,671.25**

Check # 24453 through #24593

<u>Check</u>	<u>Date</u>	<u>Vendor No</u>	<u>Vendor Name</u>	<u>Amount</u>	<u>Voucher</u>
24453	08/28/2009	BROTHERS	Brothers From Different Mother	1,200.00	000000
24454	08/28/2009	LIVESOUN	Live Sound & Recording Co, LLC	3,504.00	000000
24455	08/28/2009	M&MBALLO	M&M Balloon Co	520.33	000000
24456	08/28/2009	RECESS	Recess Monkey	600.00	000000
24457	08/28/2009	WINGIT	Wing-It Productions	1,200.00	000000
24458	08/28/2009	ZERO&SOM	Zero & Somebuddy	450.00	000000
				-----	
<b>CHECK TOTAL:</b>				<b>\$7,474.33</b>	

City of Sammamish  
marlene

Accounts Payable  
Computer Check Register Totals

Bill #1

Printed: 08/28/09 10:34

<u>Check</u>	<u>Date</u>	<u>Vendor No</u>	<u>Vendor Name</u>	<u>Amount</u>	<u>Voucher</u>
24459	08/28/2009	US BANK	U. S. Bank Corp Payment System	14,100.94	000000
				-----	
<b>CHECK TOTAL:</b>				<b>\$14,100.94</b>	

City of Sammami  
marlene

Accounts Payable  
Computer Check Register Totals

Bill #1

Printed: 09/02/09 10:38

<u>Check</u>	<u>Date</u>	<u>Vendor No</u>	<u>Vendor Name</u>	<u>Amount</u>	<u>Voucher</u>
24460	09/02/2009	CECCANTI	Ceccanti, Inc	138,510.26	000000
				-----	
<b>CHECK TOTAL:</b>				<b>\$138,510.26</b>	

<u>Check</u>	<u>Date</u>	<u>Vendor No</u>	<u>Vendor Name</u>	<u>Amount</u>	<u>Voucher</u>
24461	09/04/2009	ANI	ANI Administrators NW Inc	1,869.94	000000
24462	09/04/2009	AWCMED	AWC Employee BenefitsTrust	80,801.78	000000
24463	09/04/2009	ICMA401	ICMA 401	30,040.67	000000
24464	09/04/2009	ICMA401x	ICMA401	4,757.89	000000
24465	09/04/2009	ICMA457	ICMA	10,744.09	000000
24466	09/04/2009	PREPAIDL	Pre-Paid Legal Services, Inc	284.90	000000
				-----	
<b>CHECK TOTAL:</b>				<b>\$128,499.27</b>	

<u>Check</u>	<u>Date</u>	<u>Vendor No</u>	<u>Vendor Name</u>	<u>Amount</u>	<u>Voucher</u>
24467	09/15/2009	ACCURINT	Accurint	50.00	000000
24468	09/15/2009	ACE	Ace Hardware, LLC	1,165.10	000000
24469	09/15/2009	ADVANTAG	Advantage Building Services	9,753.62	000000
24470	09/15/2009	APA	APA	255.00	000000
24471	09/15/2009	APSINC	APS (Formerly Pac Mail)	626.75	000000
24472	09/15/2009	AUDIOAM	Eddie Bishop dba Audio Amigo Video Services	43.75	000000
24473	09/15/2009	BECK	R. W. Beck	2,876.69	000000
24474	09/15/2009	BELLCITY	City Of Bellevue	11,547.00	000000
24475	09/15/2009	BLUEK	Blue K Development LLC	2,436.00	000000
24476	09/15/2009	BLUM	Blumenthal Uniforms & Equip	28.36	000000
24477	09/15/2009	BUTKUS	Pete Butkus	185.75	000000
24478	09/15/2009	CALPORT	CalPortland Company	2,353.51	000000
24479	09/15/2009	CASCADED	Cascade Diesel & Truck Repair	147.19	000000
24480	09/15/2009	CASCADIA	Cascadia Consulting Group Inc	2,291.52	000000
24481	09/15/2009	CDW	CDW Govt Inc	339.12	000000
24482	09/15/2009	COCHRAN	Cochran Inc	8,830.07	000000
24483	09/15/2009	COSTCO	Costco Wholesale	294.51	000000
24484	09/15/2009	EAGLE	Eagle Press & Supply	5,161.46	000000
24485	09/15/2009	EASTFIRE	Eastside Fire & Rescue	434,824.58	000000
24486	09/15/2009	ENGBUS	The Wide Format Company	353.14	000000
24487	09/15/2009	EUREKA	Eureka Group	166.00	000000
24488	09/15/2009	EVANS	David Evans & Associates, Inc	15,614.12	000000
24489	09/15/2009	FCS	FCS Group Inc.	2,000.00	000000
24490	09/15/2009	GORE	Wm. A. Gore Company, Inc	213.53	000000
24491	09/15/2009	GREGORY	Anne Gregory	624.00	000000
24492	09/15/2009	HDFOWL	H. D. Fowler Company	243.82	000000
24493	09/15/2009	HENNESSE	Steve Hennessey	95.00	000000
24494	09/15/2009	HERTZ	Hertz Equipment Rental	168.63	000000
24495	09/15/2009	HOMEDE	Home Depot	896.31	000000
24496	09/15/2009	ICMA	ICMA	5,550.00	000000
24497	09/15/2009	IRONMT	Iron Mountain	62.50	000000
24498	09/15/2009	ISSAQ1	Issaquah Press, Inc.	1,350.00	000000
24499	09/15/2009	ISSCITY	City Of Issaquah	6,151.86	000000
24500	09/15/2009	ISSIGNS	Issaquah Signs	93.08	000000
24501	09/15/2009	JACOBSON	Jacobson Law Group PLLC	200.00	000000
24502	09/15/2009	KACE	Kace Networks, Inc	1,900.00	000000
24503	09/15/2009	KCRADIO	King Cty Radio Comm Svcs	80.49	000000
24504	09/15/2009	KINGFI	King County Finance A/R	36,701.46	000000
24505	09/15/2009	KINGWAT	King County Finance Water & Land Division	60,460.12	000000
24506	09/15/2009	KLEINFEL	Kleinfelder, Inc.	15,375.40	000000
24507	09/15/2009	LIUYAN	Yan Liu	10.00	000000
24508	09/15/2009	LOSFLACO	Tim Wetmiller	250.00	000000
24509	09/15/2009	LUNDE	Devany Lunde	67.38	000000
24510	09/15/2009	MAILPO	Mail Post	350.88	000000
24511	09/15/2009	MATTHIAS	Michael Matthias	57.75	000000
24512	09/15/2009	MINUTE	Minuteman Press	1,244.80	000000
24513	09/15/2009	MOBERLY	Lynn Moberly	7,500.00	000000
24514	09/15/2009	NAPA	Napa Auto Parts Inc.	621.64	000000
24515	09/15/2009	NC MACH	NC Machinery Co	1,460.02	000000
24516	09/15/2009	NELSONCO	Walter E. Nelson Company	261.71	000000
24517	09/15/2009	NESAM	NE Sammamish Sewer & Water	1,523.18	000000
24518	09/15/2009	NEXTEL	Nextel Communications	2,399.29	000000
24519	09/15/2009	NWENVIRO	NW Environmental Consulting LL	270.00	000000
24520	09/15/2009	PACE	Pace Engineers, Inc.	215.00	000000
24521	09/15/2009	PACSOIL	Pacific Topsoils, Inc	1,430.25	000000
24522	09/15/2009	PARAME	Parametrix, Inc.	20,172.26	000000

<u>Check</u>	<u>Date</u>	<u>Vendor No</u>	<u>Vendor Name</u>	<u>Amount</u>	<u>Bill #1 Voucher</u>
24523	09/15/2009	PIEDMONT	Piedmont Directional Signs	175.00	000000
24524	09/15/2009	POA	Pacific Office Automation	97.58	000000
24525	09/15/2009	PSE	Puget Sound Energy	7,104.31	000000
24526	09/15/2009	ROSSCARO	Carol Ross	71.86	000000
24527	09/15/2009	ROTARSAM	Rotary Club of Sammamish	91.00	000000
24528	09/15/2009	SAM	Sammamish Plateau Water Sewer	727.49	000000
24529	09/15/2009	SB&MAC	Stewart Beall & MacNichols	4,120.00	000000
24530	09/15/2009	SEATIM	Seattle Times	643.76	000000
24531	09/15/2009	SHANNONW	Shannon & Wilson Inc	100.00	000000
24532	09/15/2009	SONITROL	Sonitrol Pacific	759.30	000000
24533	09/15/2009	STAPLES	Staples Business Advantage	2,301.69	000000
24534	09/15/2009	STOECKL	Jane C. Stoecklin	105.00	000000
24535	09/15/2009	STVIN	St Vincent DePaul	2,500.00	000000
24536	09/15/2009	TRINITY	Trinity/ERD	1,626.90	000000
24537	09/15/2009	VAN NOST	Maren Van Nostrand	2,457.00	000000
24538	09/15/2009	VERIZON	Verizon Wireless	80.27	000000
24539	09/15/2009	VOYAGER	Voyager	4,904.04	000000
24540	09/15/2009	WAECOL	Wa State Dept of Ecology	398.03	000000
24541	09/15/2009	WATERSH	The Watershed Company	672.90	000000

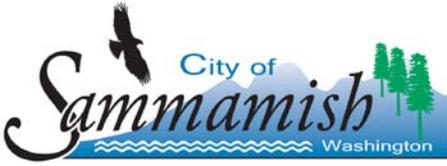
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**CHECK TOTAL:           \$698,279.73**

<u>Check</u>	<u>Date</u>	<u>Vendor No</u>	<u>Vendor Name</u>	<u>Amount</u>	<u>Voucher</u>
24542	09/15/2009	ADVANTAG	Advantage Building Services	8,975.32	000000
24543	09/15/2009	AGRI	AgriShop	385.77	000000
24544	09/15/2009	ANDRESEN	Scott Andresen	207.16	000000
24545	09/15/2009	APEXHOME	Apex Home Services	985.50	000000
24546	09/15/2009	ARTECHE	Emily Artech	15.49	000000
24547	09/15/2009	ASC	Action Services Corp	13,642.04	000000
24548	09/15/2009	BILLINGS	Wendy Billingsley	207.16	000000
24549	09/15/2009	BLESSUM	Julie Blessum	207.16	000000
24550	09/15/2009	CODY	Debbie Cody	250.00	000000
24551	09/15/2009	ENVIROSP	Envirospect	250.00	000000
24552	09/15/2009	EWINGIRR	Ewing Irrigation	1,318.05	000000
24553	09/15/2009	FEILER	Sherry Feiler	250.00	000000
24554	09/15/2009	FINCH	Jessica Finch	120.00	000000
24555	09/15/2009	GAGLIARD	Joseph C. Gagliardi	207.16	000000
24556	09/15/2009	GRANDEVE	Grand Event Rentals	127.00	000000
24557	09/15/2009	HOGAN	D. A. Hogan & Assoc., Inc	6,803.39	000000
24558	09/15/2009	HUGHES	Ritchie Hughes	720.00	000000
24559	09/15/2009	HWA	HWA GeoSciences, Inc	5,600.00	000000
24560	09/15/2009	IJH	Inglewood Jr High School	140.00	000000
24561	09/15/2009	INTHEZON	InThe Zone Promotions	153.30	000000
24562	09/15/2009	ISD	Issaquah School District	1,093.78	000000
24563	09/15/2009	ISSAQ1	Issaquah Press, Inc.	337.50	000000
24564	09/15/2009	JETTER	Jeffrey Jetter	250.00	000000
24565	09/15/2009	KHAKI	Kanize Khaki	250.00	000000
24566	09/15/2009	MARPAC	Marpac Construction	128.00	000000
24567	09/15/2009	MIKULCIK	Ryan Mikulecik	207.16	000000
24568	09/15/2009	NWCASC	Northwest Cascade, Inc.	2,403.00	000000
24569	09/15/2009	NWLSVC	NW Landscape Service	23,039.90	000000
24570	09/15/2009	OSS	On Site Security Services LLC	1,043.47	000000
24571	09/15/2009	PLATT	Platt Electric	81.83	000000
24572	09/15/2009	QWEST	QWEST	40.99	000000
24573	09/15/2009	SAM	Sammamish Plateau Water Sewer	13,721.86	000000
24574	09/15/2009	SCI	SCI Infrastructures, LLC	1,408,839.90	000000
24575	09/15/2009	SEQUOYAH	Sequoyah Electric, LLC	2,236.01	000000
24576	09/15/2009	SHEIE	Eva Sheie	250.00	000000
24577	09/15/2009	SPRAGUE	SPRAGUE	91.98	000000
24578	09/15/2009	STACK	Stack Plumbing, INC	448.95	000000
24579	09/15/2009	TLC	Total Landscape Corp	7,270.48	000000
24580	09/15/2009	ULTRA	UltraBac Software	969.09	000000
24581	09/15/2009	UNITRENT	United Rentals NW, Inc	770.18	000000
24582	09/15/2009	VERIZNW	Verizon Northwest	33.44	000000

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**CHECK TOTAL: \$1,504,072.02**







## CITY COUNCIL AGENDA BILL

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**Subject:**

Resolution: Pine Lake Park Phase IIB Site and Shoreline Improvements, Contract C2008-141; Final Project Acceptance

**Meeting Date:** September 15, 2009

**Date Submitted:** September 8, 2009

**Originating Department:** Parks and Recreation

**Clearances:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> <b>City Manager</b> | <input type="checkbox"/> <b>Police</b>              |
| <input type="checkbox"/> <b>Public Works</b>            | <input type="checkbox"/> <b>Fire</b>                |
| <input type="checkbox"/> <b>Building/Planning</b>       | <input checked="" type="checkbox"/> <b>Attorney</b> |

**Action Required:**

Accept construction of the Pine Lake Park Phase IIB Site and Shoreline Improvements by Ohno Construction Company as complete.

**Exhibits:**

1. Resolution of Project Acceptance

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**Budgeted Amount:** A total amount of \$1,616,400 was budgeted for the Phase II Improvements at Pine Lake Park in the 2007-2008 Amended Budget. An additional \$632,500 was allocated in the Parks CIP as capital contingency.

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**Summary Statement:**

Ohno Construction Company was selected for the Site and Shoreline Improvements at Pine Lake Park (Phase IIB). The contract was for the revitalization of the shoreline area including beach renovation, reforestation, ADA access improvements, and construction of a picnic terrace between the beach and restroom building.

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

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

**Background:**

The contract for the Pine Lake Park Phase IIB Site and Shoreline Improvements was awarded by City Council on July 21, 2008 to Ohno Construction Company in the amount of \$766,030.20. Work began on the project in September 2008 and was substantially complete by April 17, 2009. The project has been successfully completed and City staff are ready to close out the project.

**Financial Impact:**

None.

**Recommended Motion:**

Move to approve resolution for acceptance of the construction of the Pine Lake Park Phase IIB Site and Shoreline Improvement Project by Ohno Construction.

**CITY OF SAMMAMISH  
WASHINGTON  
RESOLUTION NO. R2009-\_\_\_\_\_**

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**A RESOLUTION OF THE CITY OF SAMMAMISH,  
WASHINGTON, ACCEPTING THE PINE LAKE PARK PHASE  
IIB SITE AND SHORELINE CONSTRUCTION PROJECT AS  
COMPLETE.**

WHEREAS, at the Special Council meeting of July 21, 2008, the City Council authorized the City Manager to enter into a contract with the lowest bidder for the Pine Lake Park Phase IIB Site and Shoreline Construction Project; and

WHEREAS, the City Manager entered into contract C2008-141 with Ohno Construction Company; and

WHEREAS, the project was substantially completed by the contractor on April 17, 2009;

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

Section 1. Acceptance of the Pine Lake Park Phase IIB Site and Shoreline Construction Project as Complete. The City of Sammamish hereby accepts the Pine Lake Park Phase IIB Site and Shoreline Construction Project as complete.

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

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

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE 15<sup>th</sup> DAY OF SEPTEMBER 2009.**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Melonie Anderson, City Clerk

Approved as to form:

\_\_\_\_\_  
Bruce L. Disend, City Attorney

Filed with the City Clerk: September 10, 2009

Passed by the City Council:

Resolution No.: R2009-\_\_\_\_\_



## CITY COUNCIL AGENDA BILL

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**Subject:**

Resolution establishing a Public Hearing for consideration of a request to vacate a portion of unopened Thomas Alexander Road (County Road No. 867) Right of Way adjacent to property located at approximately 1200 East Lake Sammamish Parkway SE, King County Assessor's Parcel No. 0624069047.

**Action Required:**

City Council adoption of the attached Resolution establishing a date for the Public Hearing to consider this street right of way vacation request.

**Exhibits:**

1. Resolution Setting Public Hearing Date
2. Map Showing Location of Proposed Right of Way Vacation Request.

**Meeting Date:** September 15, 2009

**Date Submitted:** September 9, 2009

**Originating Department:** Public Works

**Clearances:**

- |  |  |
|--|--|
| <input type="checkbox"/> City Manager            | <input type="checkbox"/> Police              |
| <input checked="" type="checkbox"/> Public Works | <input type="checkbox"/> Fire                |
| <input type="checkbox"/> Building/Planning       | <input checked="" type="checkbox"/> Attorney |

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**Budgeted Amount: Not Applicable**

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**Summary Statement:**

The City has received a petition from the owners of King County Assessor's Parcel No. 0624069047, located at approximately 1200 East Lake Sammamish Parkway East SE, requesting that the City vacate the portion of unopened Thomas Alexander Road (County Road # 867) right of way that runs across their property frontage as shown on the attached map. The applicant has submitted a complete street vacation request petition and all necessary supporting information as required by Chapter PWS 05 of the City's Interim Public Works Standards, "Street and Alley Vacation Procedures".

**Background:**

Section PWS 05.070 of the City's Interim Public Works Standards states as follows: "If the petition has been signed by two-thirds of the adjacent property owners, the petition shall be forwarded to the City Council which, shall, by resolution, fix a time when the petition will be heard and determined by the City Council, or committees of the Council."

Per the Public Works Standards requirements, “This hearing shall be not more than 60 days nor less than 20 days after the date of adoption of the resolution.” In compliance with these requirements, staff is recommending that the City Council establish a Public Hearing date of October 20, 2009 to receive input on and consider this street vacation request. This date is between 20 and 60 days following adoption of the resolution, meeting the hearing date requirements contained in the Interim Public Works Standards.

**Financial Impact:**

None at this time. If the City Council ultimately decides in favor of this street right of way vacation request, the applicant will be required to purchase the vacated right of way for one-half of its appraised value.

**Recommended Motion:**

Move to adopt Resolution No. R2009-\_\_\_\_ scheduling a Public Hearing date of October 20, 2009 for the purpose of receiving testimony and deciding on the request to vacate the portion of unopened Thomas Alexander Road (County Road No. 867) right of way that runs across the frontage of King County Assessor’s Parcel No. 0624069047 located approximately 1200 East Lake Sammamish Parkway SE.

**CITY OF SAMMAMISH  
WASHINGTON  
RESOLUTION NO. R2009 - \_\_\_\_\_**

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**A RESOLUTION OF THE CITY OF SAMMAMISH,  
WASHINGTON, SETTING A PUBLIC HEARING DATE TO  
CONSIDER THE VACATION OF A PORTION OF  
UNOPENED THOMAS ALEXANDER ROAD (COUNTY  
ROAD NO. 867)**

WHEREAS, a petition signed by the owners of more than two thirds of the property located adjacent to a portion of unopened Thomas Alexander Road (County Road No. 867) lying adjacent to the property located at approximately 1200 East Lake Sammamish Parkway SE (and more particularly known as King County Assessor's Parcel No. 0624069047) was filed with the City Clerk of the City of Sammamish for vacation of the above described property; and

WHEREAS, as required by the City of Sammamish Interim Public Works Standards, the Public Works Director of the City of Sammamish has returned a Certificate of Sufficiency for the referenced street vacation petition; and

WHEREAS, the City's Interim Public Works Standards (PWS.05.070) and Washington State Law (RCW 35.79.010) require a public hearing on such petition and require that the date of such Hearing shall be fixed by Resolution of the City Council;

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

October 20, 2009 at 6:30 pm at the Sammamish City Council Chambers, 801 228<sup>th</sup> Avenue SE, Sammamish, Washington shall be fixed as the date, time and place for the Public Hearing and determination by the Sammamish City Council of said street right of way vacation request and petition.

**PASSED BY THE SAMMAMISH CITY COUNCIL AT A REGULAR MEETING  
THEREOF ON THE 15<sup>th</sup> DAY OF SEPTEMBER 2009.**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

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Melonie Anderson, City Clerk

Approved as to form:

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Bruce L. Disend, City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Effective Date:

September 9, 2009  
Date of Publication:

EAST LAKE SAMMAMISH PKWY SE

Requested Right-of-way  
vacation area

Subject Parcel  
PIN #: 0624069047

SE 14TH ST



0 50 100  
Feet

RIGHT-OF-WAY VACATION REQUEST  
**Sammamish View Holdings LLC**







## CITY COUNCIL AGENDA BILL

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**Subject:**

Resolution approving the contribution of budgeted funds to ARCH for the Housing Trust Fund

**Meeting Date:** September 15, 2009

**Date Submitted:** September 10, 2009

**Originating Department:** Community Development

**Clearances:**
**Action Required:**

Consider and approve resolution

City Manager

Police

Public Works

Fire

Building/Planning

Attorney

**Exhibits:**

1. Resolution
2. Housing Trust Fund project Memo
3. Allocation of Project Budget

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**Budgeted Amount:** \$100,000

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**Summary Statement:**

The city's adopted 2009 portion of the 2009/2010 biennial budget includes funds reserved for projects recommended through the ARCH Housing Trust Fund in the affordable housing account line of the Social and Human Services Department. The ARCH Executive Board has recommended that up to \$100,000 be used to fund a project proposed by the YWCA to build a 47-unit affordable housing development located in Issaquah on a site donated by the City of Issaquah. This amount is currently included in the existing budget. The intent of this resolution is to further specify what project(s) the \$100,000 budgeted funds are to be spent.

**Background:**

Staff recommends that the City Council approve the recommendation of the ARCH Executive Board for authorizing budgeted funds for the YWCA Issaquah project. Once authorized, the City Manager will execute the necessary documents.

**Recommended Motion:**

Adopt

**CITY OF SAMMAMISH  
WASHINGTON  
RESOLUTION NO. R2009 -**

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**A RESOLUTION OF THE CITY OF SAMMAMISH CITY  
COUNCIL APPROVING CERTAIN EXPENDITURES FROM  
THE REGIONAL COALITION FOR HOUSING TRUST  
FUND FOR 2009/2010.**

WHEREAS, the City of Sammamish has adopted a comprehensive plan containing a housing element which meets the requirements of the State Growth Management Act (GMA); and

WHEREAS, the King County Regional Coalition for Housing (ARCH) has assisted the City in meeting its GMA objectives in the development and implementation of the housing element of the comprehensive plan; and

WHEREAS, the City of Sammamish, has entered into an Interlocal Agreement with ARCH to be a member of the coalition and receive the benefits of membership; and

WHEREAS, ARCH has submitted to the City Council a work-program and budget for 2009/2010 which required and received the City's concurrence; and

WHEREAS, ARCH seeks authorization for the use of Housing Trust Funds in order to provide affordable housing as described in the attached documents;

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

The City of Sammamish City Council hereby:

1. Approves the use of ARCH Housing Trust Funds in order to provide affordable housing as described in the attached documents. The City Manager will execute the necessary documents.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE 15<sup>th</sup> DAY OF SEPTEMBER, 2009.**

CITY OF SAMMAMISH

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Mayor Don Gerend

ATTEST/AUTHENTICATED:

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Melonie Anderson, City Clerk

Approved as to form:

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Bruce L. Disend, City Attorney

Filed with the City Clerk: September 10, 2009  
Passed by the City Council: September 15, 2009  
Resolution No. R2009 -





Family Resource Center Campus  
 16225 NE 87<sup>th</sup> Street, Suite A-3 ♦ Redmond, Washington 98052  
 (425) 861-3677 ♦ Fax: (425) 861-4553 ♦ E-MAIL: arch-housing@ci.bellevue.wa.us

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TO: City of Bellevue Council Members  
 City of Issaquah Council Members  
 City of Kirkland Council Members  
 City of Mercer Island Council Members  
 City of Redmond Council Members  
 City of Newcastle Council Members  
 City of Kenmore Council Members  
 City of Sammamish Council Members  
 City of Woodinville Council Members  
 City of Clyde Hill Council Members  
 City of Medina Council Members  
 Town of Yarrow Point Council Members  
 Town of Hunts Point Council Members

FROM: Steve Anderson, Chair, and ARCH Executive Board

DATE: September 10, 2009

RE: Spring 2009 Housing Trust Fund (HTF) Recommendation

The ARCH Executive Board has completed its review of the three applications applicable to the Spring funding round of the 2009 Housing Trust Fund. The original recommendations total \$1,050,000 of local funding, though one project is not proceeding at this time, so formal approvals are currently only being sought for \$750,000. The proposed levels of funding from each City are summarized in the attached chart. . The actual amount will depend on final action by the City Councils.

Following is a summary of the application, the recommendation and rationale, and recommended contract conditions. Also enclosed is an economic summary for the two project seeking funding, leveraging charts, project summary table, and a summary of funded projects to date.

### **1. YWCA – Corner of Highlands Drive and NE High Street, Issaquah**

Funding Request:	\$750,000 (Loan)
Executive Board Recommendation:	\$750,000 Contingent Loan

### Project Summary:

YWCA is proposing to build a 47-unit development located in Issaquah on a site donated by the City of Issaquah for the purpose of providing affordable housing. The City of Issaquah has taken significant steps to show its local support and encourage additional public support, including providing donated land and fee waivers that, combined, approximate an \$8 million dollar development cost savings. They have spent years planning for this development. This project would be integrated with Phase I, a 98 unit project previously approved for funding from the ARCH Housing Trust Fund.

The project will include 47 units of affordable housing, one manager's unit, and a 3,500 square foot community building with management offices and community space. The project's unit mix will include approximately 18% 1 bedroom, 78% 2 bedroom, and 4% 3 bedroom units. The project will provide housing affordable at 50% and 60% of median income.

While these units are intended to be for permanent affordable housing, and residents who do not have need for any explicit support services, due to the property's location within the larger Family Village at Issaquah, residents will have access to services provided through the YWCA Eastside Regional Services Center. The services center includes community meeting space and community kitchen and will offer a variety of services such as employment services, training, parenting classes, domestic violence support, and mental health programs. In addition, the Family Village is planned to include a child care center operated by Bright Horizons that will include a number of spaces at subsidized rates.

In addition to typical public funding, the YWCA includes a campaign to raise \$12 million, approximately \$3.5 million of which will be used to help pay costs related to Phase II.

Construction of the first phase is projected to start in late 2009, and finishing in mid 2011. Phase II would start several months after Phase I and be completed in mid-late 2011.

### Funding Rationale:

The CAB supported the intent of this application for the following reasons:

- There would be 47 units of affordable housing serving a range of income levels.
- The site is centrally located and located close to transit, retail and employment.
- Is a project the City has been planning for affordable housing, and city has strongly supported by providing land at no cost, and significant reductions in building and impact fees. Creates opportunity for increasing housing diversity in this new community.
- Part of larger effort that incorporates YWCA regional services, child care and community space.
- The YWCA has a strong track record
- The proportionately low ARCH funding versus other funders provides a good opportunity when considering the number of units provided.

**Proposed Conditions:**

1. The funding commitment shall continue for twelve (12) months from the date of Council approval and shall expire thereafter if all conditions are not satisfied. An extension may be requested to City staff no later than sixty (60) days prior to the expiration date. At that time, the applicant will provide a status report on progress to date, and expected schedule for start of construction and project completion. City staff will consider an extension only on the basis of documented, meaningful progress in bringing the project to readiness or completion. At a minimum, the applicant will demonstrate that all capital funding has been secured or is likely to be secured within a reasonable period of time. City staff will grant up to a 12 month extension. If necessary a second extension of up to 6 months may be requested by following the same procedures as the first extension.
2. Funds will be in the form of a contingent loan. Loan terms will account for various factors, including loan terms from other fund sources and available cash flow. Final loan terms shall be determined prior to release of funds and must be approved by City Staff. Based on the preliminary development budget, it is anticipated that loan payments will be based on a set repayment schedule, and begin in the year after repayment of the deferred developer fee, with 1% interest. The terms will also include a provision for the Agency to request a deferment of a payment if certain conditions are met (e.g. low cash flow due to unexpected costs). Any requested deferment of loan payment is subject to approval by City Staff, and any deferred payment would be repaid from future cash flow or at the end of the amortization period.
3. Until such time as the deferred developer fee is fully repaid, all cash flow after payment of operating expenses and debt service, shall be used to repay the deferred developer fee.
4. A covenant is recorded ensuring affordability for at least 50 years, with affordability as shown in the following table. There will be no set-aside units for particular populations, unless otherwise approved by City Staff. Affordability levels will be defined using the requirements for tax credits, and utility costs will be based on King County Housing Authority allowances, unless otherwise approved by City Staff.

Median Income Level	Studio	1 BD	2 BD	3 BD	Total
Low Income 31-50% AMI	0	7	27	2	36
Moderate Income 51-60% AMI	0	1	10	0	11
Total	0	8	37	2	47

- **The manager's unit will not be income restricted**

5. Submit documentation of the City's approval of the provision of parking for residents. If required, submit a copy of the parking management plan for City review and approval.

6. Submit evidence of the Agency's ability to access the funds necessary to complete the project, which is expected to include funds raised through the organization's capital campaign and/or a corporate guarantee prior to ARCH funding. Provide update on status of capital campaign on a quarterly basis. Additionally, submit evidence of the YWCA's endowment or other form of commitment to provide the necessary operating support for the regional YWCA office to be located in Issaquah Highlands prior to occupancy of the affordable units.

7. The Agency shall submit a property management plan prior to release of funds for review by City staff for consistency with funding conditions. At a minimum, the property management plan will address:

- Resident selection procedures including marketing and outreach process, including local targeted marketing outreach to local business and community organizations such as community centers and churches;
- A short and long term strategy for covering operating expenses.
- Use of community space for residents, YWCA programs, and Issaquah Highlands community-wide use;
- A description of the duties of the resident services coordinator;
- Management procedures to address resident needs, a description of the relationship of residents to the program and services; and
- A description of services available to residents include services available through the regional headquarters,
- Ongoing communication with the broader Issaquah Highlands community,
- Overall transportation program (e.g. transit education, bus passes) including explicitly management policies related to parking for residents, on-site staff, day care and community members.
- A summary of the City affordability requirements and annual monitoring procedures,

Also include a description of the facilitated process used for establishing a management structure including results of discussion related to need for a resident association or other approaches to engage residents into the community.

8. Funds shall be used by the Agency toward project construction, appraisal, architecture and engineering design fees, construction project management, construction technical assistance, and construction monitoring, or other development costs, as approved by City Staff. Funds may not be used for any other purpose unless city staff has given written authorization for the alternate use.

9. The Agency shall submit evidence of funding commitments from all proposed public and private sources. In the event commitment of funds identified in the application cannot be secured in the time frame identified in the application, the Agency shall immediately notify city staff, and describe the actions it will undertake to secure alternative funding and the timing of those actions

subject to city staff's review and approval. Prior to initiating construction, the Agency shall submit evidence of all public and private resources needed to complete the project.

10. The Agency shall provide a revised development budget based upon actual funding commitments, which must be approved by City staff. If the Agency is unable to adhere to the budget, City staff must be immediately notified and a new budget shall be submitted by the Agency for the City's approval. The City shall not unreasonably withhold its approval to a revised budget, so long as such new budget does not materially adversely change the Project. This shall be a continuing obligation of the Agency. Failure to adhere to the budgets, either original or as amended, may result in withdrawal of the City's commitment of funds.

11. The Agency shall maintain documentation of any necessary land use approvals and permits required by the City. Unless otherwise approved by the City of Issaquah, the plans shall include a community center.

12. In the event federal funds are used, and to the extent applicable, federal guidelines must be met, including but not limited to: contractor solicitation, bidding and selection; wage rates; and Endangered Species Act (ESA) requirements. The Agency shall also provide evidence that the project is subject to Davis Bacon Residential Rates.

13. Submit monitoring reports quarterly through completion of the project, and annually thereafter. Submit a final budget upon project completion. If applicable, submit initial tenant information as required by the City.



**ARCH HOUSING TRUST FUND (HTF) APPLICATIONS  
SPRING 2009**

<b>Applicant</b>	<b>Funds Requested (Grant/Loan) / Recommendation</b>	<b>Housing Type/ # of units/ bdrms</b>	<b>Income Served</b>	<b>Project Location</b>	<b>Duration of benefit</b>	<b>Total cost per unit</b>	<b>HTF cost per aff. unit</b>	<b>Project completion</b>
YWCA - Family Village at Issaquah Phase II	<u>Request</u> \$750,000 (Deferred Loan)  <u>Recommendation</u>  \$750,000 Deferred Loan	New Construction  48 Total  1 Mgr Unit Community, Room Property Management Office	36 at 50% 11 at 60%  Within complete project of 146 units there will be 10 units dedicated to those transitioning out of homelessness	Corner of Highlands Drive and NE High Street  Issaquah	50 Years	\$344,145	\$15,950	June 2011
Tessera (formerly NW Academy) – Tessera Homes I	<u>Request</u> \$330,000  Not proceeding at this time	2 Existing Homes – 6 beds total	6 @ < 30% AMI, developmental disabilities	Woodinville / nearby cities	50 Years	\$214,600	\$55,000	Acquisitions in late 2009/ early 2010. Occupancy 6 months later.

# ARCH HOUSING TRUST FUND, SPRING 2009

## Leveraging Funds - -

	<b>YWCA Family Village Phase II</b>	
<b>ARCH</b>	\$ 750,000	4%
Local Public Loan Repayment - Historic	\$3,503,497	19%
King County HOF/HOME/CDBG 2060/2163 Veterans/Human Services Other	\$1,500,000	
<b>KC TOTAL</b>	\$ 1,500,000	8%
WA HAP WA HTF WA HFC (Equity Fund) WA Homeownership	\$2,000,000	
<b>WA TOTAL</b>	\$ 2,000,000	11%
Federal/HUD Section 811 McKinney Other (VA Per Diem)		
<b>FEDERAL TOTAL</b>	\$ -	0%
<b>Tax Credits</b>	\$4,401,881	23%
<b>TCAP</b>		0%
<b>Bonds</b>	\$2,800,000	15%
<b>Bank Loans</b>		0%
<b>Deferred Developer Fee</b>		0%
<b>Private</b>	\$3,559,521	19%
<b>Other</b>	\$250,000	1%
<b>TOTAL COST</b>	\$ 18,764,899	100%

**SPRING 2008 HOUSING TRUST FUND: PROPOSED FUNDING SOURCES**

SOURCE	PROJECT	
	YWCA Family Village Phase 2	
<b>Request</b>		\$ 750,000
<b>CAB Recommendation</b>		
Current Funding		\$ 750,000
<b>Current Funding</b>		
Sub-Regional CDBG		
Bellevue		
CDBG		
General Fund		\$ 190,070
Issaquah		
General Fund		\$ 150,000
Kirkland		
General Fund		
Mercer Is.		
General Fund		\$ 40,000
Redmond		
General Fund		\$ 150,000
Newcastle		
General Fund		\$ 70,000
Kenmore		
General Fund		
Sammamish		
General Fund		\$ 100,000
Woodinville		
General Fund		
Clyde Hill		
General Fund		\$ 30,000
Medina		
General Fund		\$ 15,000
Yarrow Point		
General Fund		\$ 2,430
Hunts Point		
General Fund		\$ 2,500
<b>TOTAL</b>		\$ 750,000
	CDBG	\$ -
	General Fund	\$ 750,000

**FIGURE 1**  
**ARCH: EAST KING COUNTY TRUST FUND SUMMARY**  
 LIST OF PROJECTS FUNDED (1993 - Fall 2008)

Project	Location	Owner	# Units/Beds	Funding	% of Total Allocation	Distribution Target
<b>1. Family Housing</b>						
Andrews Heights Apartments	Bellevue	St. Andrews	24	\$400,000		
Garden Grove Apartments	Bellevue	DASH	18	\$180,000		
Overlake Townhomes	Bellevue	Habitat of EKC	10	\$120,000		
Glendale Apartments	Bellevue	DASH	82	\$300,000		
Wildwood Apartments	Bellevue	DASH	36	\$270,000		
Somerset Gardents (Kona)	Bellevue	KC Housing Authority	198	\$700,000		
Pacific Inn	Bellevue *	Pacific Inn Assoc.	118	\$600,000		
Eastwood Square	Bellevue	Park Villa LLC	48	\$600,000		
Chalet Apts	Bellevue	St Andrews	14	\$163,333		
St Margarets	Bellevue	St Andrews	10 /11	\$387,500		
YWCA Family Apartments	K.C. (Bellevue Sphere)	YWCA	12	\$100,000		
Highland Gardens (Klahanie)	K.C. (Issaquah Sphere)	St. Andrews	54	\$291,281		
Crestline Apartments	K.C. (Kirkland Sphere)	Shelter Resources	22	\$195,000		
Parkway Apartments	Redmond	KC Housing Authority	41	\$100,000		
Habitat - Patterson	Redmond	Habitat of EKC	24	\$446,629		
Avon Villa Mobile Home Park	Redmond **	MHCP	93	\$525,000		
Terrace Hills	Redmond	St. Andrews	18	\$442,000		
Village at Overlake Station	Redmond **	KC Housing Authority	308	\$1,645,375		
Summerwood	Redmond	DASH	166	\$1,198,034		
Habitat - Bothell Site	Bothell	Habitat of EKC	8	\$170,000		
Habitat - Newcastle Site	Newcastle **	Habitat of EKC	12	\$240,837		
RoseCrest (Talus)	Issaquah	St. Andrews	40	\$918,846		
Mine Hill	Issaquah	St. Andrews	28	\$450,000		
Clark Street	Issaquah	St Andrews	30	\$355,000		
Lauren Heights (Iss Highlands)	Issaquah ***	SAHG/SRI	45	\$657,343		
Habitat Issaquah Highlands	Issaquah ***	Habitat of EKC	10	\$200,000		
Issaquah Family Village	Issaquah ***	YWCA	90	\$4,646,700		
Greenbrier Family Apts	Woodinville **	DASH	50	\$286,892		
Plum Court	Kirkland	DASH	61 /66	\$1,000,000		
Kenmore Court	Kenmore **	LIHI	33	\$452,321		
Homeowner Downpayment Loan	Various	KC/WSHFC/ARCH	60 est	\$415,000		
<b>SUB-TOTAL</b>			<b>1763</b>	<b>\$18,457,092</b>		61.6% (56%)
<b>2. Senior Housing</b>						
Cambridge Court	Bellevue	Resurrection Housing	20	\$160,000		
Ashwood Court	Bellevue *	DASH/Shelter Resources	50	\$1,070,000		
Evergreen Court (Assisted Living)	Bellevue	DASH/Shelter Resources	64 /84	\$1,280,000		
Vasa Creek	K.C. (Bellevue Sphere)	Shelter Resources	50	\$190,000		
Riverside Landing	Bothell **	Shelter Resources	50	\$225,000		
Kirkland Plaza	Kirkland	St. Andrews	24	\$610,000		
Heron Landing	Kenmore	DASH/Shelter Resources	50	\$65,000		
Ellsworth House Apts	Mercer Island	St. Andrews	59	\$900,000		
Greenbrier Sr Apts	Woodinville **	DASH/Shelter Resources	50	\$131,192		
<b>SUB-TOTAL</b>			<b>417</b>	<b>\$4,631,192</b>		15.4% (19%)

**FIGURE 1**  
**ARCH: EAST KING COUNTY TRUST FUND SUMMARY**  
 LIST OF PROJECTS FUNDED (1993 - Fall 2008)

Project	Location	Owner	# Units/Beds	Funding	% of Total Allocation	Distribution Target
<b><u>3. Homeless/Transitional Housing</u></b>						
Hopelink Place	Bellevue **	Hopelink	20	\$500,000		
Chalet	Bellevue	St Andrews	4	\$46,667		
Kensington Square	Bellevue	Housing at Crossroads	6	\$250,000		
St Margarets	Bellevue	St Andrews	30	\$1,162,500		
Dixie Price Transitional Housing	Redmond	Hopelink	4	\$71,750		
Avondale Park	Redmond	Springboard (EHA)	18	\$280,000		
Avondale Park Redevelopment	Redmond **	Springboard (EHA)	60	\$1,502,469		
Petter Court	Kirkland	KITH	4	\$100,000		
Rose Crest (Talus)	Issaquah	St. Andrews	10	\$229,712		
Lauren Heights (Iss Highlands)	Issaquah ***	SAHG/SRI	5	\$73,038		
Issaquah Family Village	Issaquah ***	YWCA	10	\$516,300		
Kenmore Village	Kenmore **	HRG	10	\$280,000		
<b>SUB-TOTAL</b>			<b>163</b>	<b>\$5,012,435</b>		<b>16.7% (13%)</b>
<b><u>4. Special Needs Housing</u></b>						
My Friends Place	K.C.	EDVP	6 Beds	\$65,000		
Stillwater	Redmond	Eastside Mental Health	19 Beds	\$187,787		
Foster Care Home	Kirkland	Friends of Youth	4 Beds	\$35,000		
FOY New Ground	Kirkland	Friends of Youth	6 Units	\$250,000		
DD Group Home 4	Redmond	Community Living	5 Beds	\$111,261		
DD Group Homes 5 & 6	Redmond/KC (Bothell)	Community Living	10 Beds	\$250,000		
United Cerebral Palsy	Bellevue/Redmond	UCP	9 Beds	\$25,000		
DD Group Home	Bellevue	Residence East	5 Beds	\$40,000		
AIDS Housing	Bellvue/Kirkland	Aids Housing of WA.	10 Units	\$130,000		
Harrington House	Bellevue	AHA/CCS	8 Beds	\$290,209		
DD Group Home 3	Bellevue	Community Living	5 Beds	\$21,000		
Parkview DD Condos III	Bellevue	Parkview	4	\$200,000		
IERR DD Home	Issaquah	IERR	6 Beds	\$50,209		
Oxford House	Bothell	Oxford/Compass Ctr.	8 Beds	\$80,000		
Parkview DD Homes VI	Bothell/Bellevue	Parkview	6 Beds	\$150,000		
<b>SUB-TOTAL</b>			<b>111 Beds/Units</b>	<b>\$1,885,466</b>		<b>6.3% (12%)</b>
<b>TOTAL</b>			<b>2454</b>	<b>\$29,986,185</b>		<b>100.0%</b>

\* Funded through Bellevue Downtown Program

\*\* Also, includes in-kind contributions (e.g. land, fee waivers, infrastructure improvements)

\*\*\* Amount of Fee Waiver still to be determined

**ECONOMIC SUMMARY: YWCA Issaquah Highlands Phase II**

1. Applicant/Description: Issaquah Highlands / New construction of 47 affordable rental units.  
 2. Project Location: Corner of Highlands Drive and NE High Street, Issaquah  
 3. Financing Information:

Funding Source	Funding Amount	Commitment
ARCH	\$ 750,000	Applied for Spring 2009
King County	\$ 1,500,000	Apply for 2009
State HTF	\$ 2,000,000	Committed
State Building Community Fund	\$ 250,000	Pending
Tax Credits	\$ 4,401,881	Apply for in 2009
Private Debt	\$ 2,800,000	Pending
YWCA	\$ 3,559,521	Committed
City of Issaquah Land Donation	\$ 2,590,000	Committed
City of Issaquah Fee Waivers	\$ 913,497	Committed
<b>TOTAL</b>	<b>\$ 18,764,899</b>	

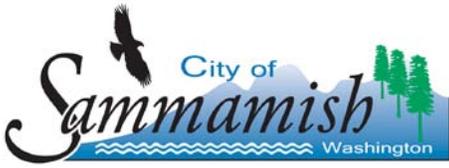
4. Development Budget:

ITEM	TOTAL	PER UNIT	HTF
Acquisition	\$2,603,655	\$54,243	
Construction	\$11,233,494	\$234,031	\$750,000
Design	\$1,241,856	\$25,872	
Consultants	\$378,000	\$7,875	
Developer fee	\$1,020,000	\$21,250	
Finance costs	\$664,363	\$13,841	
Reserves	\$300,000	\$6,250	
Permits/Fees/Other	\$1,323,531	\$27,574	
<b>TOTAL</b>	<b>\$18,764,899</b>	<b>\$390,935</b>	<b>\$750,000</b>

5. Debt Service Coverage: Debt service payments will be finalized upon commitment. Basic terms will include a 50 year amortization, deferral of payments for a period of between 10 and 15 years, 1% interest, and ability to request a deferral of annual payment to preserve economic integrity of property.

6. Security for City Funds:

- A recorded covenant to ensure affordability and use for targeted population for 50 years.
- A promissory note secured by a deed of trust. The promissory note will require repayment of the loan amount upon non-compliance with any of the loan conditions.



## CITY COUNCIL AGENDA BILL

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**Subject:**

Lease Agreement with Youth Eastside Services  
for use of the Sween House

**Meeting Date:** September 15, 2009

**Date Submitted:** September 9, 2009

**Originating Department:** Parks and Recreation

**Clearances:**

**City Manager**

**Police**

**Public Works**

**Fire**

**Building/Planning**

**Attorney**

**Action Required:**

Authorize the City Manager to execute a lease agreement with Youth Eastside Services for use of the Sween House to provide counseling services to the Sammamish Community.

**Exhibits:**

1. Lease Agreement
- 

**Budgeted Amount:** N/A.

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**Summary Statement:**

This is a lease agreement with Youth Eastside Services (YES) for use of the City-owned House, also known as the Sween House, located at 22414 SE 42<sup>nd</sup>. YES will use the facility to provide youth and family counseling services to the Sammamish Community.

These types of human services partnerships are very common. In fact, YES is currently providing youth counseling services at the Forbes House in Kirkland, under a lease agreement with the City of Kirkland. The Forbes House lease served as a model for development of the Sween House lease.

A summary of the key elements of the lease is provided below:

- **Term:** This is a 10-year lease with an option to renew at the end of the lease for an additional 10-year period. Both parties agreed to a termination clause, requiring one-year notice be given to the other party in the event of termination. Furthermore, at the end of the lease if YES no longer desires to use the space, the City agrees to give Friends of Youth first priority on a building lease.

- **Rental:** This is a zero-dollar lease. Upon entering into this lease, YES agrees to provide counseling services to youth and families in the Sammamish community.
- **Utilities:** All utilities will be paid by YES.
- **Maintenance:** The City will be responsible for maintaining the structural components of the building and the mechanical, plumbing and electrical systems. The City will also continue to maintain the grounds under existing maintenance contracts, which includes the parking area. YES will be responsible for providing daily maintenance, including custodial service, and repair and maintenance of the interior.

Upon approval by City Council and the YES Board of Directors, the lease will commence upon completion of the remodel project, but no sooner than January 1, 2010. YES will complete move-in, tenant improvements, and solidify agreements with their partner agencies, with the intent of beginning services at the Sween House in early 2010.

**Addition Background Information:**

City Council awarded a contract on September 1, 2009 to Elite Commercial Contracting to complete the remodel and upgrades necessary for occupancy at the Sween House. The Phase II Parking and Access project at the Lower Sammamish Commons is also underway. Both projects are expected to be complete by the end of 2009.

The Sween House structure consists of a basement (481 sf) and main floor (2,284 sf). The main floor will be used as office space. The existing garage will be converted to a conference room. The basement will continue to be used for storage by the City's maintenance department.

**Financial Impact:**

In consideration of the value of YES's contribution to the human service needs of residents of the City, YES shall pay no rent during the term of this lease.

The City will continue to provide grounds maintenance to the site as it is an extension of the Lower Sammamish Commons Park. Future expenses may be incurred as related to structural issues, or electrical, plumbing or mechanical repairs.

**Recommended Motion:**

Move to authorize the City Manager to execute a lease agreement with Youth Eastside Services for use of the Sween House to provide youth and family counseling services to the Sammamish Community.

## AGREEMENT

**THIS LEASE AGREEMENT** is between Youth Eastside Services, a nonprofit corporation organized under the laws of the state of Washington ("YES"), and the City of Sammamish, a municipal corporation of the state of Washington ("City").

WITNESSETH:

### SECTION 1: PREMISES

- 1.1 The City hereby leases to YES, upon the terms and conditions set forth in this Agreement, the following portions of the real property, commonly known as the Sween House, located at 22414 SE 42<sup>nd</sup>, Sammamish, WA 98074 and legally described on the attached Exhibit A. The premises consist of: the entire main floor of the Sween House, the attached garage; and the adjacent parking area (collectively, the "Premises").
- 1.2 The basement of the Sween House will be used by the City of Sammamish and is excluded from the Premises.

### SECTION 2: USE OF PREMISES

- 2.1 The Premises shall be used by YES for operation of youth and family counseling and for the general business activities incident thereto and for no other purpose without the prior written consent of the City.
- 2.2 YES is expressly subject to the following conditions and limitations which shall be strictly observed in YES's use and occupancy of the Premises:
  - A. Keep the premises neat, clean and in sanitary condition;
  - B. Post the hours of operation on an external sign;
  - C. After completion of the initial improvements to be completed by the City, YES will occupy the Premises in compliance with the requirements of the International Building Code for occupancy;
  - D. After completion of the initial improvements to be completed by the City, YES will occupy the Premises in compliance with all City Zoning Code provisions related to parking and signage;
  - E. Keep the Premises free of litter and garbage; and
  - F. YES shall provide the City of Sammamish a quarterly report generally describing the types of services provided and specifying the number of Sammamish residents served.

### **SECTION 3: TERM**

- 3.1 This lease shall be for an initial term of ten (10) years. The Lease term shall commence on the date YES takes possession of the Premises which shall not be before January 1, 2010 nor after March 1, 2010. The City shall have completed the renovations to the Premises and the Premises shall be ready for occupancy no later than five (5) days before YES takes occupancy. YES shall notify the City no later than January 1, 2010 if YES will not take occupancy by January 1, 2010. If YES so notifies the City, YES will state the planned occupancy date and Premises shall be ready for occupancy by five (5) days before the stated date unless the City notifies YES of a later date on which the renovations will be completed, which date must be prior to February 23, 2010. Prior to commencement of the Lease or at any time after the end of the first year of the lease term, either party may terminate this Lease without a default under the Lease by giving prior written notice to the other party. If the notice is given after the lease term begins, the notice shall be give at least one year prior to the date of termination. If YES or the City terminates the Lease, and if the Premises are still available for lease, the City agrees that it will offer Friends of Youth the right to lease the Premises before making an offer to lease it to another person or entity.
- 3.2 If neither YES nor the City has terminated the Lease and if the Premises are still available for occupancy at the end of the initial term, YES shall have the option to renew the Lease for a second ten-year term on the same terms and conditions as this lease so long as no later than ninety days before expiration of the initial term of the Lease, YES provides written notice to the City of its intent to exercise its renewal option. In order to exercise its option, YES shall not be in default hereunder on the date it gives notice of exercise or on the date of expiration of the initial term.
- 3.3 Upon the occurrence of any event of default described in this Lease Agreement, the City or YES may terminate this Lease Agreement by giving thirty (30) days written notice of the default. If the default is not cured within the thirty-day notice period, (or, if the default cannot reasonably be cured within thirty (30) days, if the defaulting party does not commence a cure within thirty days and continue it with diligence to completion) on the thirty-first day after notice, the Lease shall be terminated and YES and its Subtenant shall have thirty days after notice of termination in which to vacate the Premises and leave them in the condition in which they were at the commencement of the tenancy, ordinary wear and tear and casualty loss excluded.

### **SECTION 4: RENTAL**

- 4.1 In consideration of the value of YES's contribution to the human service needs of residents of the City, the tenant improvements of the Premises, the maintenance and operations of the Premises, and subject to the terms of this Agreement, YES shall pay no rent for the Premises during the term of this agreement.

- 4.2 YES will meet an existing and important need of the City and its residents by providing the youth and families of the City with easily accessible, conveniently located, professional counseling services. These counseling services will be of the type YES provides to its clients throughout the Eastside and may include mental health counseling drug and alcohol counseling, family support counseling and other areas of counseling needed in the community served by the City as determined by YES.

## **SECTION 5: UTILITIES**

YES shall be responsible for entering into agreements with the providers and paying for all utilities serving the Premises, including, but not limited to: water, storm sewer, garbage, electricity, natural gas, internet access and telephone.

## **SECTION 6: MAINTENANCE BY CITY**

- 6.1 The City shall maintain in good condition and repair, the structural components and systems and exterior components of Premises which include, but are not limited to: the roof; exterior walls; foundation; beams; siding; stairs; and all load bearing members of the structure. The City shall also maintain the mechanical, electrical and plumbing systems of the Premises (except as set forth in section 7.2) and shall maintain the parking lot, sidewalks, paths and grounds around the Premises in an attractive, safe and clean condition. In the event of any damage to the Premises or its grounds or if any of the elements described above needs repair or maintenance, YES shall notify the City and the City will timely repair all such damage unless the damage. If the damage is caused in whole or in part by YES or its clients, YES shall pay its share of the cost of the required repair as follows:
- (1) YES shall notify the City of the required repair. If YES believes that YES or its clients are responsible for any of the damage, YES shall so notify the City in writing describing the portion of the damage for which YES believes it is responsible.
  - (2) Within ten business days of receipt of the Notice, if the repair is not an emergency repair, the City shall complete the repairs. If the situation poses a health or safety threat, the City shall complete the repair within 24 hours of receipt of notice.
  - (3) If YES has claimed responsibility for some or all of the damage, the City shall notify YES of the estimated cost of repair within five (5) business days of receipt of the Notice that a repair is needed. Unless YES objects within five (5) business days thereafter, the City shall make the repair and invoice YES for the cost.
  - (4) If the City believes that YES is responsible for some of the repairs and YES did not claim responsibility or if the City disagrees with the percentage of the damage for which YES has claimed responsibility, the City shall so notify YES in writing

of the claimed difference and the increased cost that will be incurred by YES as a result of the City's revised estimate. The City's notice shall be delivered within five business days of receipt of the notice from YES. Within five business days of the date YES receives the Notice, YES shall approve or disapprove in writing the estimated cost of the repair. The City shall complete the repair within five business days of YES agreeing to the estimated cost but no later than fifteen business days after the initial notice from YES.

(5) YES will be charged for the actual cost of the City's time and materials for the repair but in no event will YES be charged for more than 5% of the estimated cost.

(6) In the event the City and YES cannot agree on how much of the repair should be allocated to YES or on the cost of the repairs, the City shall complete the repair within ten days of the date it is notified of the damage and the allocation of the cost of the repairs shall be decided by mediation as set forth in section 16.1.D. in which case the timeframes for repairs to be completed by the City shall be negotiated.

6.2 Notwithstanding the foregoing provision of this Section, in the event the Premises are destroyed or damaged to such an extent that the City deems that it is not economically feasible to restore the same, then the City may terminate the Lease as of the date of the damage or destruction by giving YES written notice to that effect.

## **SECTION 7: ALTERATIONS, REPAIRS, AND MAINTENANCE**

7.1 YES shall make no structural changes, improvements or alterations to the Premises without the prior written consent of the City. YES may make cosmetic improvements to the Premises prior to commencement of the Lease, provided such improvements have been approved, in advance, by the City. All such changes, improvements and alterations and repairs, if any, made by YES shall remain in the Premises and shall become the property of the City upon expiration or sooner termination of this Lease. Prior to vacating the Premises, YES will remove any removable items provided by them, including furniture, supplies, removable fixtures, and shall repair any damage caused by their removal.

7.2 YES is responsible for daily maintenance and repair of the interior of the Premises which shall include, tenant improvements, telephone equipment, lighting fixtures, kitchen and bathroom plumbing drain and trap down to the junction with the line into the wall or floor. YES's janitorial and routine maintenance responsibilities shall include timely repair or replacement of interior light fixtures or bulbs, electrical switches or controls; and interior and exterior cleaning of windows, and any damage caused by tenant, (i.e., broken windows) and any other daily maintenance and repair that the parties agree is necessary.

- 7.3 The City shall pay for and be responsible for renovating the building and the Premises to make them ADA compliant. The City shall partition the Premises, replace the roof, modernize the bathrooms, upgrade the electrical, provide computer and telephone cabling and do such other renovation and improvements as agreed upon by the parties. YES shall pay for and be responsible for agency signage but otherwise the City shall provide the Premises to YES in a condition ready for occupancy.
- 7.4 YES may design and install, at its own expense, such signage identifying the agencies that it deems appropriate so long as all signage is approved in advance by the City Parks Department, which approval shall not be unreasonably withheld, and is in compliance with all applicable city and governmental codes and regulations. The City will provide directional signage that is consistent with its other signage on the property. All agency signage installed by YES must be removed by YES prior to termination of the Lease and YES shall repair any damage arising from the installation or removal of the signage

## **SECTION 8: TAXES**

YES shall pay, before delinquency, all taxes, levies, and assessments of whatever kind or nature are imposed or become due during the term of this Lease and arise from any activity on or use of the Sween House pursuant to this Lease. As the Sween House is publicly owned property, the Lease is subject to a leasehold excise tax under Ch. 82.29A RCW. Upon taking possession, YES shall complete the necessary paperwork to receive an exemption from the leasehold excise tax. In the event the State of Washington makes any demand upon the City for payment of any tax resulting from YES's use or occupancy of the Sween House, including but not limited to any leasehold interest created thereby under RCW 82.29A, YES shall indemnify the City for all sums expended by the City or withheld by the State from the City in connection with such taxation.

## **SECTION 9: INDEMNIFICATION**

YES shall defend, indemnify and hold harmless the City, its officers, officials, employees, licensees and volunteers from and against any and all claims, suits, actions or liability for injury or death of any person, or for loss or damage to property, which arises out of YES's use and occupancy of the Premises or from YES operations or from any activity, work or thing done, permitted or suffered by YES in or about the Premises, except YES shall not be liable for and shall not have any obligation of defense or indemnity for any such injury, loss or damages to property or injury or death of any person caused by or arising from the sole negligence or willful act of the City or its officers, officials, employees, licensees or volunteers. In the event of concurrent negligence, YES and the City shall each be liable to the other to the extent of the negligence of each and each shall defend, indemnify and hold the other harmless as to that percentage of the negligence attributable to each to them. For example, if the City were determined to be 30% negligent for injury to a person and YES were determined to be 70% negligent, YES would be responsible for 70% of the loss and would indemnify the City for that 70%; the City would be responsible for 30% of the loss and would indemnify YES for that 30%.

## SECTION 10: INSURANCE

- 10.1 YES shall, at YES's expense, procure and maintain for the duration of this Lease, insurance against claims for death or injuries to persons or loss or damage to property which may arise from or in connection with YES's operation and use of the Premises.
- A. Scope of Coverage.  
YES shall obtain insurance of the types described below:
1. Commercial General Liability insurance shall be written on Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover premises and contractual liability. The City shall be named as an insured on YES General Liability insurance policy using ISO Additional Insured-Managers or Lessors Premises Form CG 20 11 or a substitute endorsement providing equivalent coverage.
  2. Property insurance shall be written on an all risk basis.
- B. Minimum Amounts of Insurance.  
YES shall maintain the following insurance limits:
1. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
  2. Property insurance shall be written covering the full value of YES's property and improvements.
- 10.2 The insurance policies are to contain, or be endorsed to contain, the following provisions for Commercial General Liability Insurance:
- A. YES's insurance coverage shall be primary insurance as respects to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be in excess of YES's insurance and shall not contribute to it.
  - B. YES's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
- 10.3 Insurance to be placed with insurers with a current A.M. Best rating of not less than A:VII.
- 10.4 YES shall furnish the City with the original certificate or a copy, and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of YES.

- 10.5 YES and City hereby release and discharge each other from all claims, losses and liabilities arising from or caused by any hazard covered by property insurance on or in connection with the Premises. This release shall only apply to the extent that such claim, loss or liability is covered by insurance.
- 10.6 City shall provide, during the term of the Lease, all-risk property insurance for the Premises for its full replacement value without any coinsurance provisions.( Since we are releasing each other from liability for items not covered by insurance, we need an affirmative covenant by the City that it will purchase and maintain property insurance. I am sure the City has it on all of its buildings so I don't know why this was deleted.) All City property is insured. YES may purchase their own insurance if they do not believe the City's coverage is adequate.
- 10.7 YES shall require that any Subtenant, authorized by the City to sublease the Premises, shall carry similar insurance that meets the standards set forth above and the Subtenant shall deliver a copy of the certificate of insurance and all amendatory endorsements to the City and YES including, but not limited to, the additional insured endorsement evidencing the insurance requirements set forth above.

#### **SECTION 11: ASSIGNMENT**

Obligations or rights of YES under this Lease may not be assigned, subleased, or otherwise transferred by YES without the prior written consent of the City, which consent shall not be unreasonably withheld; provided, the parties recognize that YES may assign the Lease to a supporting organization of YES that is completely under the control of YES and that provides similar counseling services to the youth and families of the City. YES also intends to share the Premises with Friends of Youth ("FOY") pursuant to a sublease. FOY shall provide similar counseling services to the youth and families of the City as YES.. The sublease, if executed, will require that FOY comply with all the terms of this lease. Both YES and FOY shall be responsible for the Premises and YES shall be the contact for the City. The City hereby approves such sublease to FOY and assignment to the supporting organization of YES.

#### **SECTION 12: COMPLIANCE WITH LAWS**

YES and City shall comply with all federal, state, and local laws, statutes, ordinances, codes and regulations in the performance of their obligations under this Lease, including all codes and regulations regarding health and safety.

#### **SECTION 13: CHOICE OF LAW**

This Lease shall be governed by and construed in accordance with the laws of the State of Washington. The venue of any suit or arbitration arising under this Lease shall be in King

County, Washington.

#### **SECTION 14: NOTICES**

- 14.1 Any notice, demand, document, or other communication that is required by this Lease to be given shall be in writing and shall be deemed to have been given when delivered, if delivered in person, to the City or YES, as appropriate, or three days after mailing if sent by registered or certified mail, return receipt requested, addressed as follows:

If to the City:

Attn: Parks & Recreation Director  
801 - 228<sup>th</sup> Avenue SE  
Sammamish, WA  
425-295-0500

If to YES:

Attn: Executive Director  
999 164<sup>th</sup> Avenue NE  
Bellevue, WA  
425-747-1937

- 14.2 This Lease and any amendments shall be executed in three counterparts. Each such counterpart shall be deemed to be an original instrument. All such counterparts together will constitute one and the same Lease.

#### **SECTION 15: DEFAULT**

- 15.1 The following events shall constitute a default and material breach of this Lease:

- A. The failure to comply with any of the terms of this Lease regarding insurance;
- B. The material violation of any law, ordinance, rule or regulation which, after notice and reasonable time to cure, remains uncured;
- C. The abandonment or vacating of the Premises for a period of thirty (30) days or more;
- D. The assignment or transfer of this Lease without prior written consent of the City except as described in Section 11 of this Lease; and
- E. The failure to perform any other term, condition or covenant of this Lease where such failure in performance is not remedied within the time allowed by this Lease, or such other reasonable period for remedial action as may be designated by the City.

- 15.2 Neither the City nor YES shall be in default unless such party fails to perform an obligation required of it within (30) days after written notice from the aggrieved party specifying the particular obligation that the other has failed to perform. If the cure cannot reasonably be completed within such thirty day period, the defaulting party shall commence a cure within thirty days and diligently pursue the cure to completion.

## **SECTION 16: REMEDIES UPON DEFAULT AND MATERIAL BREACH**

Upon the occurrence of any event of default, the other party shall have the option to pursue any one or more of the following remedies:

- A. Terminate this Lease. In the event the Lease is terminated, YES shall immediately surrender the Premises to the City;
- B. If YES fails to immediately surrender the Premises upon lawful termination of this Lease, the City may enter and take possession of the Premises and expel or remove YES and any other person who may be occupying the Premises or any part thereof by any suitable proceeding at law; and/or
- C. Commence a legal action to recover the amount of all loss and damage that the non-defaulting party may suffer by reason of such default.
- D. Notwithstanding the foregoing, if a dispute arises regarding the Lease, and if the allegedly defaulting party contests that it is in default, the parties may mutually agree that the dispute shall be mediated before the exercise of any of the remedies provided in the preceding subsections.
- E. If litigation is commenced to enforce any of the provisions of this Lease, the prevailing party shall, in addition to its other remedies, be entitled to recover its reasonable attorneys' fees and costs. Each party shall pay its own fees and costs if they use an attorney to help with mediation.

## **SECTION 17: REMEDIES CUMULATIVE**

The rights under this Lease are cumulative; the failure to exercise promptly any right recognized hereunder shall not operate to forfeit any such right. The use of one remedy shall not be taken to exclude the right to use another.

## **SECTION 18: AMENDMENT OR WAIVER**

This Lease may not be modified nor amended except in writing. No course of dealing between the parties or any delay in exercising any rights hereunder shall operate as a waiver of any rights of any party. No term or provision of this Lease shall be deemed waived and no breach excused unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented. No consent by any party to, or waiver of, a breach by the other whether express or implied, shall constitute a waiver of or consent to any other breach. No amendment or supplement to this Lease shall be effective unless approved in writing by the City and signed by both parties.

**SECTION 19: MEMORANDUM OF LEASE**

The City agrees to execute and deliver to YES a Memorandum of Lease in the form attached as Exhibit B simultaneously with the execution of this Lease. YES may, at its expense, record the Memorandum of Lease in the real estate records of King County, Washington.

**SECTION 20: ENTIRE AGREEMENT**

This Lease contains the entire agreement and understanding of the City and YES with respect to the subject matter hereof, and supersede all prior or contemporaneous oral or written understandings, agreements, promises or other undertakings between the parties.

IN WITNESS WHEREOF the parties hereto have executed this document as of the day and year first above written.

**CITY OF SAMMAMISH**

**YOUTH EASTSIDE SERVICES**

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Executive Director



**EXHIBIT A  
LEGAL DESCRIPTION OF PROPERTY ON WHICH SWEEN HOUSE IS LOCATED**

**PARCEL 1:**

**LOTS A AND B, CITY OF SAMMAMISH BOUNDARY  
LINE ADJUSTMENT NUMBER BLA001001, RECORDED  
UNDER RECORDING NUMBER 20010514900004**

**PARCEL 2:**

**THE WEST HALF OF THE NORTHWEST QUARTER OF  
THE SOUTHEAST QUARTER OF THE SOUTHEAST  
QUARTER OF SECTION 33, TOWNSHIP 25 NORTH,  
RANGE 6 EAST, W.M.  
EXCEPT THE NORTH 30 FEET FOR COUNTY ROAD;  
EXCEPT THE WEST 147 FEET;  
AND EXCEPT THE NORTH 355 THEREOF**

**TOGETHER WITH AN EASEMENT FOR INGRESS AND  
EGRESS OVER THE EAST 10 FEET OF THE WEST 147  
FEET OF THE NORTHWEST QUARTER OF THE  
SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 25  
NORTH, RANGE 6 EAST, W.M.**

**EXHIBIT B**

**MEMORANDUM OF LEASE**

Filed at Request of:

<b>DOCUMENT TITLE</b>	Memorandum of Lease Agreement
<b>REFERENCE NO. OF DOCUMENTS ASSIGNED/ RELEASED</b>	
<b>GRANTOR (Lessor)</b>	City of Sammamish
<b>GRANTEE (Lessee)</b>	Youth Eastside Services
<b>DESCRIPTION</b>	Portion of W ½ of NW ¼ of SE ¼ of Sec.33, Twsp 25N, WM, as more fully described on Exhibit A.

MEMORANDUM OF LEASE

Youth Eastside Services, a Washington non-profit Corporation and the City of Sammamish, a municipal corporation have entered into a Lease for the Premises known as the Sween House and located at 22414 SE 42<sup>nd</sup>, Sammamish, WA 98074. The Lease has a term of ten years commencing January 1, 2010 and ending December 31, 2019.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2009.

**LESSOR: City of Sammamish**

**LESSEE: Youth Eastside Services**

By: \_\_\_\_\_  
Ben Yazici, City Manager

By: \_\_\_\_\_  
Patti Skelton, Executive Director

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2009, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, came Patti Skelton, personally known or having presented satisfactory evidence to be the Executive Director of Youth Eastside Services, the non-profit corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute the said instrument on behalf of said corporation.

WITNESS MY HAND and official seal the day and year in this certificate first above written.

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Notary Public in and for the  
State of Washington, residing at  
\_\_\_\_\_  
Expiration Date: \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2009, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, came Ben Yazici, personally known or having presented satisfactory evidence to be the City Manager of the City of Sammamish, the municipal corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument on behalf of said corporation.

WITNESS MY HAND and official seal the day and year in this certificate first above written.

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Notary Public in and for the  
State of Washington, residing at  
\_\_\_\_\_  
Expiration Date: \_\_\_\_\_

**EXHIBIT A TO MEMORANDUM OF LEASE**

**LEGAL DESCRIPTION OF PROPERTY ON WHICH SWEEN HOUSE IS LOCATED**

**PARCEL 1:**

**LOTS A AND B, CITY OF SAMMAMISH BOUNDARY  
LINE ADJUSTMENT NUMBER BLA001001, RECORDED  
UNDER RECORDING NUMBER 20010514900004**

**PARCEL 2:**

**THE WEST HALF OF THE NORTHWEST QUARTER OF  
THE SOUTHEAST QUARTER OF THE SOUTHEAST  
QUARTER OF SECTION 33, TOWNSHIP 25 NORTH,  
RANGE 6 EAST, W.M.  
EXCEPT THE NORTH 30 FEET FOR COUNTY ROAD;  
EXCEPT THE WEST 147 FEET;  
AND EXCEPT THE NORTH 355 THEREOF**

**TOGETHER WITH AN EASEMENT FOR INGRESS AND  
EGRESS OVER THE EAST 10 FEET OF THE WEST 147  
FEET OF THE NORTHWEST QUARTER OF THE  
SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 25  
NORTH, RANGE 6 EAST, W.M.**





## CITY COUNCIL AGENDA BILL

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**Subject:**

Resolution of the City of Sammamish adopting the Evans Creek Preserve Master Plan.

**Meeting Date:** September 15, 2009

**Date Submitted:** September 9, 2009

**Originating Department:** Parks & Recreation

**Clearances:**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> <b>City Manager</b> | <input type="checkbox"/> <b>Police</b>              |
| <input type="checkbox"/> <b>Public Works</b>            | <input type="checkbox"/> <b>Fire</b>                |
| <input type="checkbox"/> <b>Building/Planning</b>       | <input checked="" type="checkbox"/> <b>Attorney</b> |

**Action Required:**

Adopt the Resolution

**Exhibits:**

1. Resolution (Exhibit A)
  2. Master Plan Graphics (Exhibits B1, B2, B3 see September 14, 2009 Study Session packet)
- 

**Budgeted Amount:** N/A

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**Summary Statement:**

Evans Creek Preserve consists of roughly 179-acres of undeveloped open space located on the northern side of the City (outside City limits). The site includes a segment of Evans Creek, large areas of wetlands, steep slopes and open meadow areas. Evans Creek Preserve is one of the largest and most complex park planning efforts undertaken by the City since incorporation.

The complete 20-year long-term strategy is broken out into eight phases and includes upper and lower parking lots, restroom facilities, a maintenance building, picnic shelters, and a play area. The rest of the park will be maintained as a natural area containing ADA accessible trails, pin-pile boardwalks, viewing platforms, and a potential equestrian trail along the west side of 224<sup>th</sup>, extending to the southeast edge of the property.

The Evans Creek Preserve Master Plan includes some of the following specifics:

- Vehicular access to the Preserve via 224th Ave. NE (off of Highway 202).
- Parking lot with maximum 40 stalls - to be constructed in phases.
- A network of pedestrian trails/boardwalks throughout the preserve.
- View decks/viewpoints on hillside, creek and wetlands.

- Future equestrian trail when a trail connection is made to the south.
- Group picnic shelter and individual picnic tables.
- Restroom facilities.
- Tool shed for use by Parks Department and for volunteer restoration efforts.
- Enhanced wildlife habitat with opportunities for interpretive experiences.
- Informal play meadow.
- Small natural play area adjacent to the picnic shelter.

A vast majority of park development and access to the park will occur during Phase I. Specific improvements will likely include construction of a small upper parking lot (10 spaces), a pedestrian bridge crossing Evans Creek (independent of the old farm bridge), closing of the existing farm bridge with a fence (while maintaining it in place), construction of a small loop trail around the meadow and in the vicinity of the future lower parking lot, installation of a sani-can enclosure (at the upper lot), a larger trail loop which would be constructed in partnership with the Washington Trails Association, demolition of existing houses/buildings, and mitigation for wetland and stream buffer impacts.

Anticipated timeline for Phase I work:

Phase I Construction Documents: Winter/Spring 2009/2010

Phase I Permitting – Summer/Fall 2010

Phase I Bid – Winter 2010

Phase I Construction – Spring 2011

**Background:**

The City purchased the 174-acre Galley property, now known as Evans Creek Preserve for \$1.5 million in 2000. With the addition of the nearby Department of Natural Resources property, the site now totals approximately 179 acres.

The City's Model Master Plan Process was conducted May to September 2007 to arrive at a preferred long-term strategy for Evans Creek Preserve. A web-based community survey and three public meetings on June 6, July 18 and September 5, were conducted. The Master Plan was reviewed by the Parks Commission and the City Council consecutively after each of the public meetings.

At the request of Council, a traffic analysis was completed to respond to issues raised during the public involvement process. The outcome of the study revealed that the traffic impacts of the proposed improvements would not result in any adverse level of service conditions or safety conditions at the intersection of SR 202 and either potential access road (220<sup>th</sup> Ave NE or 224<sup>th</sup> Ave NE). No traffic mitigation is required at SR 202 for either road.

The study also confirmed that the existing culvert across Evans Creek could be utilized if a 20-foot-wide paved road section without the 4-foot shoulders will be allowed by King

across Evans Creek does not meet current design standards for vehicular or pedestrian traffic. The draft long-term strategy plan was therefore revised and presented again to Council in December 2008. The revised plan added a small upper parking lot (10 spaces), with only pedestrian access extending south of this parking lot, proposed for Phase I.

The City of Sammamish served as the lead agency for the SEPA review process. A determination of non-significance was issued in June.

**Financial Impact:**

None at this time.

A total of \$1,070,000 was allocated in the 2007-2008 Budget for Evans Creek Preserve to including planning and construction. Of this amount, \$925,000 carried forward to the 2009-10 budget for completion of the Master Plan and Phase I construction.

Approximately \$855,000 remains (uncommitted funds) in the 2009 budget for the Evans Creek Preserve project. Remaining funds will be used for Phase I construction, which includes preparation of construction drawings, permitting, construction administration, and actual project construction.

**Recommended Motion:**

Approve Resolution of the City of Sammamish adopting the Evans Creek Preserve Master Plan.





## CITY COUNCIL AGENDA BILL

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**Subject:** Shoreline Master Program Update and Associated  
Critical Areas Amendments  
Second Reading

**Meeting Date:** September 15, 2009

**Date Submitted:** September 10, 2009

**Originating Department:** Community  
Development

**Action Required:**

Continue deliberations  
Motion to adopt the SMP and associated CAO amendments

**Clearances:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> City Manager      | <input type="checkbox"/> Police              |
| <input type="checkbox"/> Public Works                 | <input type="checkbox"/> Fire                |
| <input checked="" type="checkbox"/> Building/Planning | <input checked="" type="checkbox"/> Attorney |

**Exhibits:**

1. Ordinance and Attachment A-SMP  
City Council Draft SMP  
<http://www.ci.sammamish.wa.us/files/document/5782.pdf>  
Designation Maps  
<http://www.ci.sammamish.wa.us/files/document/5776.pdf>  
<http://www.ci.sammamish.wa.us/files/document/5777.pdf>  
<http://www.ci.sammamish.wa.us/files/document/5778.pdf>  
<http://www.ci.sammamish.wa.us/files/document/5779.pdf>
2. Table A-completed items
3. Table A-for decision on September 15<sup>th</sup>
4. Table B-updated
5. Sammamish Homeowners SHO with staff margin notes
6. Ordinance and Attachment A-Critical Areas Amendments
7. Requests for re-designation table
8. Staff Memorandum future action items

Associated Maps

<http://www.ci.sammamish.wa.us/SMP/CCRedesignationRequests.aspx>

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**Budgeted Amount:** N/A

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**Summary Statement:**

The City's Shoreline Master Program (SMP) is proposed to be amended for compliance with State Shoreline Management Act Guidelines as set forth in the Washington Administrative Code 173-27. All jurisdictions in the State of Washington with state

shorelines (lakes with surface areas greater or equal to 20 acres and streams with flow of 20 cubic feet per second) are required to undertake this process. The city's shorelines are

currently regulated under the existing SMP, which has been in place with King County since 1978 and with the City of Sammamish since its incorporation. Companion amendments to the Critical Areas Ordinance are included for consistency with the update.

**Background:**

After an extensive public process, the Planning Commission recommended adoption of amendments. The City Council public hearing was convened on March 17, 2009, and additional public hearing sessions were held on June 2, 2009, September 1, 2009, and September 8, 2009. The public hearing concluded on September 8<sup>th</sup> setting forth Council deliberations. The City Council Review Draft includes additional amendments to the plan to be consistent with council direction.

**Financial Impact:**

N/A

**Recommended Motion:**

Motion to adopt the SMP--and associated CAO--amendments.

**DRAFT**  
**CITY OF SAMMAMISH**  
**WASHINGTON**  
**ORDINANCE NO. O2009 - \_\_\_\_**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ADOPTING THE 2009 SAMMAMISH SHORELINE MASTER PROGRAM AND REPLACING THE KING COUNTY SHORELINE MASTER PROGRAM ADOPTED BY KING COUNTY ORDINANCE 3688; AMENDING THE CITY OF SAMMAMISH COMPREHENSIVE PLAN; ADOPTING SHORELINE MAPS; AND CODIFYING THE SHORELINE MASTER PROGRAM INTO TITLE 25 OF THE SAMMAMISH MUNICIPAL CODE**

WHEREAS, the City incorporated in August of 2009;

WHEREAS, the City Council adopted the City's Comprehensive Plan on September 16, 2003, and the City has enacted zoning consistent with the comprehensive plan; and

WHEREAS, the City Council adopted the Sammamish Municipal Code on October 7, 2003 and subsequent revisions have been made since that time; and

WHEREAS, the City has not adopted a Shoreline Master Program to replace the King County Shoreline Master Program, originally adopted by King County Ordinance 3688 on May 1, 1978; and

WHEREAS, the State of Washington passed the Shoreline Management Act of 1971 governing the adoption of Shoreline Master Programs, as currently set forth within Chapter 58 of Title 90 of the Revised Code of Washington, and subject to the Washington State Department of Ecology's administrative rules contained within Title 173 of the Washington Administrative Code; and

WHEREAS, the City applied for, and obtained a grant from the Washington State Department of Ecology in March of 2006 to assist in the preparation and adoption of a 2009 Sammamish Shoreline Master Program; and

WHEREAS, the City has completed the preparation of supporting information and background material for the 2009 Shoreline Master Program; and

WHEREAS, the City Council adopted lake buffers and other protections associated with Lake Sammamish, Pine Lake, and Beaver Lake as part of Ordinance O2005-193; and

WHEREAS, the new Shoreline Master Program provides for protection and development standards on Lake Sammamish, Pine Lake, and Beaver Lake that are equivalent to, or

provide greater protection than, the protection and development standards contained within Ordinance O2005-193; and

WHEREAS, the City Council intends to repeal those portions of Ordinance O2005-193 that provide for the lake buffers and other protections associated with Lake Sammamish, Pine Lake, and Beaver Lake concurrent with the adoption of the 2009 Sammamish Shoreline Master Program; and

WHEREAS, development applications are reviewed for compliance with these regulations; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non Significance for the proposed 2009 Shoreline Master Program and associated SMC 21A.50 (Critical Areas) amendments was issued on August 26, 2009; and

WHEREAS, in accordance with WAC 365-195-620, a notice of intent to adopt the proposed Sammamish Shoreline Master Program was received by the State of Washington Department of Community, Trade and Economic Development on August 11, 2009; and

WHEREAS, the public process for the proposed amendments has provided for extensive public participation opportunities at more than twenty public meetings and hearings before the Planning Commission and City Council as well as a number of public open houses, and dialogue sessions between June of 2007 and July of 2009; and

WHEREAS, the Planning Commission held public meetings and public hearings in 2007 and 2008 and forwarded a recommend Sammamish Shoreline Master Program to the City Council on January 6, 2009; and

WHEREAS, the City Council considered the proposed Sammamish Shoreline Master Program at a City Council public hearing on March 17, 2009, which was continued on June 2, 2009, and September 1, 2009; and

WHEREAS, the City Council considered the Planning Commission's recommendation, public comment, and other available information.

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

**Section 1. Adoption of the Shoreline Master Program.** The 2009 Sammamish Shoreline Master Program set forth in Attachment "A" to this ordinance is hereby adopted.

**Section 2. Repeal of Title 25 of the Sammamish Municipal Code.** Title 25 of the Sammamish Municipal Code, which contains portions of the King County Shoreline Master Program adopted by King County Ordinance 3688, is hereby repealed.

**Section 3. Codification of the Shoreline Master Program.** The City Council authorizes the Community Development Director and City Clerk to codify the regulatory provisions of the Sammamish Shoreline Master Program within Title 25 of the Sammamish Municipal Code for ease of use and reference.

**Section 4. Interpretation.** The City Council authorizes the Community Development Director to administratively interpret these provisions as necessary to implement the intent of the Council.

**Section 5. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 6. Effective Date.** This ordinance shall be published in the official newspaper of the City, and shall be transmitted to the Washington State Department of Ecology for review and approval. This ordinance shall become effective on the date that the Department of Ecology issues formal approval of the ordinance.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON  
THE \_\_\_\_ DAY OF \_\_\_\_\_ 2009.**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Melonie Anderson, City Clerk

Approved as to form:

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Bruce L. Disend, City Attorney

Filed with the City Clerk: August 26, 2009  
Public Hearing: September 1, 2009  
First Reading: September 1, 2009  
Public Hearing: September 8, 2009  
Second Reading: September 15, 2009  
Passed by the City Council:  
Date of Publication:  
Effective Date:

**Table A -- Completed Items**

This table contains decisions made on September 8, 2009.

Row	Section/page	Description	Staff comment
<b>Topic 1: Nonconformance/Shoreline Setback</b>			
A	25.08.100 and 25.06.020	Setback line: <ul style="list-style-type: none"> <li>Trace around the footprint of legally constructed homes that exist within the proposed setback; and</li> <li>Allow movement of structure that doesn't increase non-conformance</li> </ul>	Not adopted
B	25.08.020 (8) and (11)	Add language that ensures the 200 foot exemption is not used more than once	Adopted
<b>Topic 2: Setback Uses (including structures)</b>			
A	25.02.010	Change definition of structure to match definition from the Sammamish development code rather than WAC definition;	Not adopted
B	25.02.010	Use state definitions for consistency and to reduce ambiguity	Adopted
C	25.06.020(7)	Only water dependant uses, shore access, and uses that can only be located in the shoreline setback unless there is a hardship that justifies a reduction in width should be allowed;	Not adopted
D	25.06.020(7)	Delete "water-oriented" to allow accessory structures within the setback such as picnic tables and barbeque pits.	Adopted
E	25.06.020 and 25.07.080	Ensure that accessory structures may be located inside the Vegetation Enhancement Area but only within the active use area	Adopted
F	25.07.080	Create a specific allowance for concrete paths within the setback.	Not adopted
<b>Topic 3: Vegetation Enhancement Area/Shoreline Setback –All Lakes</b>			
A	25.06.020 (8) and (11)	All lakes: <ul style="list-style-type: none"> <li>Maintain a minimum shoreline setback of 30 feet, after</li> </ul>	Not adopted

Dark text = Adopted items  
Light text = Not adopted items

NOTE: Items have been re-numbered, and wording and code citations corrected for clarity

**Table A -- Completed Items**

This table contains decisions made on September 8, 2009.

Row	Section/page	Description	Staff comment
		<p>applying all reductions (including those for planting, bulkhead removal, and inclined fill)</p> <ul style="list-style-type: none"> <li>• Ensure that all new development or expansion within shoreline jurisdiction is subject to VEA requirements.</li> <li>• Do not allow VEA relocation or reduction except for active use area allocation.</li> </ul>	
B	25.06.020(11)	Pine & Beaver: Ensure that all new development or expansion within the shoreline jurisdiction is subject to VEA requirements	Not adopted
C	25.06.020(11)	Pine & Beaver: Encourage, rather than require, a 15 foot VEA	Adopted
D	25.06.020(11)	<p>P&amp;B: If a 15 foot VEA is retained</p> <ul style="list-style-type: none"> <li>○ decrease width to 5 feet; and</li> <li>○ allow expansion of homes partially in the setback to expand outside the setback without a VEA; and</li> <li>○ allow VEA relocation at a 1:1 ratio;</li> </ul>	Not adopted
E	25.06.020(11)	P&B: offer a variety of mitigation options (LID, reduced impervious surface) for reduction of VEA to 5 feet	Not adopted
F	25.06.020(9)(a)	Replace “feasible” with “reasonable”	Adopted
<b>Topic 10: Citywide CAO/other revisions</b>			
A	No SMP reference	Consider a City-wide ban on phosphorus fertilizer	Adopted
B	25.08.100(1)(e)(i)	Change to two years: The owner(s) submit a complete application within <del>twenty-four (24) twelve (12)</del> months of the date the damage occurred;	Adopted

Dark text = Adopted items  
Light text = Not adopted items

NOTE: Items have been re-numbered, and wording and code citations corrected for clarity

**TABLE A – for decision on September 15**

Row	Section/page	Description	Staff comment
<b>Topic 3: Vegetation Enhancement Area / Shoreline Setback – All Lakes</b>			Futurewise, SHO, Scontrino, Stakeholder’s mtg, Brown,
3-f	25.06.020(9) and Table 1	<p>Lake Sammamish setback reductions</p> <ul style="list-style-type: none"> <li>• Delete requirement to remove bulkhead first if feasible, and instead place VEA at top of list, and</li> <li>• Revise language as in SHO draft</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• Use list from current CAO where any combination of techniques if allowed</li> </ul>	3-f: Removing bulkheads (where feasible and appropriate) is best step for improving shoreline ecology
			Staff/Stakeholder’s mtg.
3-g	25.06.020(10)	<p>Modify tree retention on Pine and Beaver Lakes to allow 50% reduction if trees are replaced at a 2:1 ratio (as in Planning Commission draft).</p> <p>Modification of tree retention:</p> <ul style="list-style-type: none"> <li>• ensure retention of more significant trees within the shoreline setback; and</li> <li>• limit reduction in retention to that necessary for construction of a new home</li> </ul>	3-g: Staff support some amount of reduction to allow needed flexibility for new development
3-h	25.06.020(10)		3-h & 3-i: Consistent with current CAO
3-i	25.06.020(10)		
3-j	21A.85.XXX	The LID bonus of reducing tree retention requirements on lots within the shoreline jurisdiction should be eliminated	Staff not clear on purpose or effect of this amendment

**TABLE A – for decision on September 15**

Row	Section/page	Description	Staff comment
<b>Topic 4: Docks and Moorage Structures/Boat Launches</b>			SHO; Scontrino; Douglas
4-a	25.07.050(2)	<ul style="list-style-type: none"> <li>• Increase private dock size to 600 sq ft (LS)</li> <li>• Increase joint-use dock size to 800 sq ft (LS)</li> <li>• Change dock length to COE standard (LS)</li> </ul>	Inconsistent with Council direction (7/07/09)
4-b	25.07.050(2)		
4-c	25.07.050(2)		
4-d	25.07.050(3)	<ul style="list-style-type: none"> <li>• Increase private dock size to 600 sq ft (P/B)</li> <li>• Change dock length to 8-foot depth or 80 feet length (P/B)</li> </ul>	Inconsistent with Council direction (7/07/09)
4-e	25.07.050(3)		
4-f	25.07.050(1)	<ul style="list-style-type: none"> <li>• Eliminate 15 ft side setback requirement for docks, lifts, buoys, floats</li> </ul>	Inconsistent with Council direction (7/07/09)
4-g	25.07.050(1)	Add similar threshold as in the PC draft: If the total value of addition or reconstruction is greater than 75% of the existing value, the property owner(s) would need to conform with all provisions for new construction of this Program.	Inconsistent with Council direction
			Futurewise; staff
4-h	25.07.050 (1)	Require joint use docks for new subdivisions in Urban Conservancy designation;	4-h: Council direction left out of CC Draft
4-i		OR Require joint use docks for all new subdivisions (UC and SR)	
			Stakeholder mtg
4-j	25.07.050	Recommend that a no net increase in dock area be adopted. If it is not adopted, then the adverse impacts of new and larger docks should be mitigated.	4-j: Staff believe that WDFW requirements for docks and size limits are sufficient

TABLE A – for decision on September 15

Row	Section/page	Description	Staff comment
<b>Topic 5: R4 instead of SMP (see Development Regulations below)</b>			SHO – priority list
5-a	25.07.080(4)	Use city code (R4) for shoreline interior setbacks rather than 15% lot width setback requirement for Lake Sammamish	Inconsistent with Council direction (6/16/09)
5-b	25.07.080(5)	Use city code (R4) for fence height regulation, eliminating height limit of 6 ft in shoreline jurisdiction;	Council direction (6/2/09) limits fence height within shoreline jurisdiction to 6 feet
<b>Topic 6: Other</b>			SHO – priority list; Cross
6-a	25.01.090 <i>p6</i>	Delete Liberal Construction (SHO)	Check with City Attorney
6-b	25.08.050(6) <i>p 69</i>	Allow residents to apply for shoreline variances when a use/development is prohibited by SMP (SHO)	Contrary WAC 173-27-170(5)
6-c	25.02.010(52)	Remove the reference to “mean high water mark” from the definition of Ordinary High Water Mark (Cross)	Changes state definition RCW 90.58.030(1)(b)
6-d	25.02.010(18)	Add “revetments” into definition of bulkhead alternative: (Bulkhead alternatives) may consist of large rocks <u>or</u> <u>revetments</u> integrated with vegetation and other materials	Staff concern that revetments may not provide sufficient ecological value
<b>Topic 7: Public Access/Public Recreation</b>			Futurewise; Stakeholders
7-a	25.06.030(2)	Change to ensure public access complies with state law: <ul style="list-style-type: none"> <li>• New physical public access is <del>not</del> required for new single-family residential subdivisions <u>that will create more than four lots and residential developments of more than four housing units; and</u></li> <li>• <u>Commercial and other nonresidential uses shall provide physical public access.</u></li> </ul>	Inconsistent with Council direction
7-b		OR <ul style="list-style-type: none"> <li>• New <del>physical</del> public access is not required for new single-family residential subdivisions.</li> </ul>	
			SHO Revision
7-c	25.06.030	Delete: Requirements for overwater public access facilities to be	Staff support current language

**TABLE A – for decision on September 15**

Row	Section/page	Description	Staff comment
		constructed of light penetrating and non-contaminating materials	for ecological benefits
<b>Topic 8: Impervious Surface and LID</b>			
<b>Topic 9: Designations – Urban Conservancy</b>			Staff/Whitten
9-a	25.07.010	Reconsider requirements for UC such as subdivision limitation, dock spacing, increased setbacks	Staff observes that there is little distinction between the requirements for SR and UC.
9-b	Various	Offer a menu of options for increased protection of Urban Conservancy designated lots including: <ul style="list-style-type: none"> <li>• Impervious surface reduction</li> <li>• Setbacks enlargement</li> <li>• Vegetation beyond base requirement</li> <li>• LID</li> </ul>	This is consistent with incentive-based approach but will need staff work to develop specific language
<b>Topic 10: Citywide CAO/other revisions</b>			Futurewise
10-a	21A.50.290	Adopt wetland buffers consistent with one of Ecology’s recommended alternatives in Appendix 8-C: Guidance on Widths of Buffers and Ratios for Compensatory Mitigation for Use with the Western Washington Wetland Rating System.	Guidance taken into account during CAO process in 2005. CAO buffers would not change with SMP.
<b>Topic 11: Council Member Amendments not otherwise included</b>			
11-a	25.07.080(4)	Allow an access easement across a subdivided lot for parcels created landward from the new 12,500 sq ft lot: <ul style="list-style-type: none"> <li>• For lots fronting directly on the OHWM, the lot width circle shall touch the OHWM; <del>provided that an access easement shall not be included within the circle.</del></li> </ul>	Such easements are not allowed in lot circle elsewhere in city. Staff recommends code consistency citywide. Ped-only access easement in circle could be allowed however.
<b>Topic 12: Introduction/Applicability</b>			

**TABLE A – for decision on September 15**

Row	Section/page	Description	Staff comment
<b>Topic 13: Critical Areas Regulations</b>			SHO revision
13-a	25.01.070	<p>Delete: <del>(1)The Sammamish Critical Areas Ordinance codified in SMC 21A.50 as amended on / / (ordinance number) is hereby adopted as a part of this Program.</del></p> <p><del>(2)Uses, alterations and developments within the shoreline jurisdiction that are subject to the Reasonable Use Exception provisions of SMC 21A.50.070(2) shall also be subject to the shoreline variance requirements in this Program.</del></p> <p>Replace with: Shorelines of the state shall not be considered critical areas except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(5) and have be designated as such by the Sammamish Critical Areas Ordinance, SMC 21A.50. (RCW 36.70A.480(5)). All critical areas within the shoreline jurisdiction shall be regulated by the Sammamish Critical Areas Ordinance SMC 21A.50.</p>	City Attorney review. Staff supports original language in (1). If CAO is adopted in entirety, then (2) is unnecessary.
<b>Topic 14: Definitions not in other sections</b>			SHO – CC Draft revision
14-a	25.02.010 (new)	<p>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; or</p> <p>Grading means any excavation, filling, removing the duff layer or any combination thereof (SMC 21A15.565).</p>	City attorney review.
<b>Topic 15: Goals and Policies not in other sections</b>			SHO – CC Draft revision
15-a	25.03.030(1)	Change existing and add new goal: Provide opportunities for	City attorney review. Staff

TABLE A – for decision on September 15

Row	Section/page	Description	Staff comment
	Public Access Goals	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, <del>private property rights, and/or neighboring uses.</del> <u>(5) Protect private shoreline property owners from damage or liability related to public or other private access or use of the shorelines.</u>	concerned about city taking on additional and un-attainable duties. Original language developed with input from PW and Parks.
15-b	25.04.040(1) Public Recreation Goals	Change existing and add new goal: 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, <del>private property rights, and/or neighboring uses.</del> <u>(5) Protect private shoreline property owners from damage or liability related to public or other private access or use of the shorelines.</u>	City attorney review. Staff concerned about city taking on additional and un-attainable duties. Original language developed with input from PW and Parks.
15-c	25.04.010(4)(b) Public Access Policies	Change: The design of all public shoreline access areas should <del>attempt to minimize potential impacts to</del> <u>not infringe on</u> private property <u>rights</u> .	Ask city attorney. WAC citation reads: "Local government should use a process [to develop SMP policies and regulations] designed to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights."  WAC 173-26-186(5)

TABLE A – for decision on September 15

Row	Section/page	Description	Staff comment
<b>Topic 16: Jurisdiction and Environmental Designations &amp; General Shoreline Regulations - Environmental Protection and Conservation</b>			SHO – CC Draft revision
16-a	25.06.020(5) Mitigation	Change: Property owners proposing new shoreline use or development <u>within the shoreline setback</u> shall mitigate adverse environmental impacts in accordance with this Program.	Inconsistent with Council direction. Mitigation may be required even for development outside of shoreline setback.
16-b	25.06.020(5) Mitigation	Delete: <del>Mitigation measures shall be implemented in the sequence prescribed in SMC 21A.50.135, and mitigation provisions in SMC 21A.50.140 and SMC 21A.50.145 shall apply.</del>	Standards in SMP must be as protective as those in CAO, so staff do not support proposed change
16-c	25.06.020(7) Shoreline Setback	A shoreline setback is established for Lake Sammamish, Pine Lake, and Beaver Lake. The shoreline setback area is the area extending forty-five (45) feet <del>(or as reduced by SMC 25.06.020(10))</del> landward from the OHWM.	Unnecessary extra wording
16-d	25.06.020(8)(a)	Revise language to allow for partial exemptions (see SHO draft or DM table).	See staff generated proposal at end of Table A
16-e	25.06.020(9)(c) Lake Sammamish Reduced Shoreline Setback	Reduction measures shall be installed, monitored, maintained and city inspected. <del>The monitoring period shall be five (5) years. Mitigation provisions in SMC 21A.50.140 and SMC 21A.50.145 shall apply and financial guarantees pursuant to SMC 21A may be required.</del>	Staff does not support this change. Mitigation and monitoring should be the same for every proposal.

**TABLE A – for decision on September 15**

Row	Section/page	Description	Staff comment
16-f	25.06.050(1) Restoration regulations	Change – additions of “new”: (1) <del>Shoreline</del> <u>New shoreline</u> uses and developments (and their related construction processes) shall incorporate <del>all</del> known, available, and reasonable methods of preventing, controlling, and treating stormwater  (3) To avoid water quality degradation by malfunctioning or failing septic systems located in the shoreline jurisdiction, <u>new</u> on-site sewage systems shall be located, designed, and maintained to meet all applicable water quality, utility, and health standards.  (4) <del>Structures</del> <u>New structures</u> 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.	Staff recommend retaining the word “all” as it is consistent with other code provisions. Other edits are ok.
<b>Topic 17: Use/Development Regulations</b>			<b>SHO- CC Draft revision</b>
17-a	25.07.020 Dredging Regulations	Change: Dredging may be permitted when necessary to support the following: <del>Bio-engineered shoreline stabilization projects, including bio-engineered shoreline stabilization</del> associated with private residential developments.	Dredging strongly limited in WAC and RCW; proposed change would be inconsistent with state requirements and ecological goals of SMP. Staff recommends no change to original language.

TABLE A – for decision on September 15

Row	Section/page	Description	Staff comment
17-b	25.07.030(5)(c) & (new) Filling Regulations	Change: Filling waterward of the OHWM shall <del>only</del> be allowed when necessary to support one or more of the following: (c) <del>Bio-engineered</del> Shoreline stabilization projects, including <del>bio-engineered shoreline stabilization</del> associated with private residential developments. (new) <u>When associated with a state approved water-related development or use</u>	New fill strongly limited in WAC and RCW. Original language consistent with ecological goals of SMP. Staff recommends strike-through's not be adopted. Staff proposes the following alternative to underlined sentence: "When associated with a permitted or conditional use and as required by state or federal agencies."
17-c	25.07.030(6)	Delete: <del>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.</del>	New fill and excavation strongly limited in WAC and RCW. Original language is consistent with ecological goals of SMP. Staff recommends no change.
17-d	25.07.070(1) (e) Shoreline Stabilization	Change: No gabions <u>subject to corrosion</u> , motor vehicles, appliances, structure demolition debris, or solid waste of any kin shall be used for shoreline stabilization.	Gabions of any kind are not recommended. Staff supports original language.
17-e	25.07.070(2)	Change: Such alternatives (bulkhead alternatives and bio-stabilization) include large rocks, <del>logs</del> <u>revetments</u> , and other natural materials integrated with native vegetation to prevent erosion of land into the lakes.	Logs are commonly included in bio-engineering projects, so staff does not support this change
17-f	25.07.070(4)	Change that eliminates technical assessments for bulkhead alternative and bioengineered shoreline stabilization: To comply with regulation SMC 25.07.070(2) <del>and</del> (3) of this section, the property owner shall provide technical reports	OK

**TABLE A – for decision on September 15**

Row	Section/page	Description	Staff comment
17-g	25.07.080(6) subdivision	Change: In addition, landward portions of <del>all lots</del> <u>the shoreline lot</u> created through subdivision shall have a minimum size of twelve thousand five hundred (12,500) square feet	Current SMP requires a minimum lot size for all lots within shoreline jurisdiction. This change would allow more lots than was analyzed. Without additional analysis, change not recommended.
17-h	25.07.100(8) Transportation regulation	Change: Parking facilities shall be located and designed to minimize adverse environmental impacts, <del>including, but not limited to</del> <u>and consider the following:</u> (a) Stormwater runoff; and (etc)	Staff support original language as consistent with rest of city code
<b>Topic 18: Permit Criteria</b>			<b>SHO- CC Draft revision</b>
18-a	25.08.010(4)	Change: A new use or development that is <del>unlisted or</del> 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.	Inconsistent with WAC 173-27-160(3)
18-b	25.08.030(3) Permits – exemptions from a Substantial Development Permit	Change: Exemptions shall be construed narrowly. Only those developments that meet the <del>precise terms</del> <u>intent</u> of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.	Inconsistent with WAC 173-27-040(1)(a)

**TABLE A – for decision on September 15**

Row	Section/page	Description	Staff comment
18-c	25.08.050(5) Permits – exemptions from a Substantial Development Permit	Delete: <del>Proposals that qualify as a Reasonable Use Exception pursuant to SMC 21A.50.070(2) shall require a shoreline variance.</del>	Check with City Attorney
18-d	25.08.050(6) Permits – exemptions from a Substantial Development Permit	Delete: <del>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 and processes or other users.</del>	Required by WAC 173-27-170(4)
<b>Topic 19: Shoreline Jurisdiction/Designations</b>			<b>SHO- CC Draft revision</b>
19-a	Designation maps	Change: Nelson, Barrett, Pizzo, Kaczynski, Renbarger, Pascal, Lo, Wiggers, and Pine Brook Meadows properties from Urban Conservancy to Shoreline Residential	See staff table
19-b	25.05.010(2)	Change: The OHWM shall be determined based on site-specific observation and assessment using accepted protocols and criteria <del>established by the Department of Ecology defined by RCW 98.58.030(2)(b).</del>	Staff proposes that sentence simply end at the word “criteria.” RCW does not contain protocols and criteria for study, only OHWM definition.
19-c	25.05.020(3)	Change: The map does not necessarily identify or depict the <del>lateral</del> <u>landward</u> extent of shoreline jurisdiction or all associated wetlands.	Instead of “lateral” or “landward” staff suggest “actual”

**TABLE A – for decision on September 15**

Row	Section/page	Description	Staff comment
19-d	25.08.050 (5)(6)(6)(9)	<p>Delete: Proposals that qualify as a Reasonable Use Exception pursuant to SMC 21A.50.070(2) shall require a shoreline variance.</p> <p>Delete: Consideration to the cumulative environmental impact of additional requests when granting shoreline variances.</p> <p>Change: Allow application for variance for use/development that is specifically prohibited</p>	<p>Check with City Attorney</p> <p>Required by WAC 173-27-170(4). No change.</p> <p>Staff concerned that applicants will spend fees needlessly. No change.</p>

***Proposed language regarding partial exemptions  
-for consideration by the Council on September 15, 2009***

**21A.50.060XXX Partial exemptions – critical areas.**

(1) The following developments, activities and uses are exempt from the review process of this chapter and the Shoreline Master Program where applicable, except for the notice on title provisions, SMC [21A.50.180](#) and [21A.50.190](#), and the frequently flooded areas provisions, SMC [21A.50.230](#), and provided such exempt activities are otherwise consistent with the purpose of this chapter 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.

(a) 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, ~~lakes~~, 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.

(b) Structural modification of, addition to or replacement of legally created single detached residences and improvements constructed on existing associated legally created impervious surfaces in existence before November 27,

## TABLE A – for decision on September 15

1990, which do not meet the building setback or buffer requirements for wetlands, streams, ~~lakes~~, 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 or, if the existing residence is in the critical area, extends farther into the critical area.

(c) 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.

(d) Select Vegetation Removal Activities. The removal of the following invasive vegetation is allowed with hand labor and/or light equipment; provided, that the appropriate erosion-control measures are used and the area is replanted with native vegetation according to a restoration or enhancement plan that has been approved by the City of Sammamish:

(i) Noxious weeds as identified by Washington State or King County noxious weed lists;

(ii) Himalayan blackberry (*Rubus discolor*, *R. procerus*);

(iii) Evergreen blackberry (*R. laciniatus*);

(iv) Ivy (*Hedera* spp.); and

(v) Holly (*Ilex* spp.), laurel, Japanese knotweed (*Polygonum cuspidatum*), or any other species on the King County noxious weed list.

Removal of any native vegetation or woody debris from a critical area is prohibited unless the action is part of an approved alteration.

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

(i) 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

(ii) 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.

(2) Existing and ongoing agriculture and grazing of livestock is exempt from the provisions of this chapter and any administrative rules promulgated thereunder, except for the livestock restriction provisions, SMC [21A.50.290](#) and [21A.50.330](#), and any animal density limitations established by law, if the agriculture or grazing activity was in existence before November 27, 1990.

## TABLE A – for decision on September 15

(3) A permit or approval sought as part of a development proposal where previous critical areas review has been completed is exempt from the provisions of this chapter and any administrative rules promulgated thereunder, except for the notice on title provisions, SMC [21A.50.180](#) and [21A.50.190](#), if:

- (a) The City previously reviewed all critical areas on the site;
- (b) There is no material change in the development proposal since the prior review that would affect a critical area;
- (c) There is no new information available that is important to any critical area review of the site or particular critical area;
- (d) No more than five years have lapsed since the issuance of the permit or approval under which the prior review was conducted; provided, that the director may allow a longer time period if new review would be unlikely to provide new information about the critical area; and
- (e) The prior permit or approval, including any conditions, has been complied with. (Ord. O2005-193 § 1; Ord. O99-29 § 1)

### **25.XX.XXX Partial exemptions – Sammamish Shoreline Master Program.**

(1) The following developments, activities and uses are exempt from the review process of the Shoreline Master Program provided such exempt activities are otherwise consistent with the purpose of the Shoreline Master Program and other applicable regulations and state law. The director may apply conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions of the Shoreline Master 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 Shoreline Master program, which do not meet the applicable 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, addition to or replacement of legally created single detached residences and improvements constructed on existing associated legally created impervious surfaces in existence before the effective date of the Shoreline Master program, which do not meet the applicable shoreline setback or building setback, 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 shoreline or building setback area by more than 1,000 square feet over that existing before the effective date of the Shoreline Master program, and no portion of the modification, addition or replacement is located closer to the Ordinary High Water Mark.

TABLE A – for decision on September 15

(c) Select Vegetation Removal Activities. The removal of the following invasive vegetation is allowed with hand labor and/or light equipment; provided, that the appropriate erosion-control measures are used and the area is replanted with native vegetation according to a restoration or enhancement plan that has been approved by the City of Sammamish:

- (i) Noxious weeds as identified by Washington State or King County noxious weed lists;
- (ii) Himalayan blackberry (*Rubus discolor*, *R. procerus*);
- (iii) Evergreen blackberry (*R. laciniatus*);
- (iv) Ivy (*Hedera* spp.); and
- (v) Holly (*Ilex* spp.), laurel, Japanese knotweed (*Polygonum cuspidatum*), or any other species on the King County noxious weed list.

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

- (i) 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 shoreline setback or vegetation enhancement area; and
- (ii) Restoration and enhancement of shoreline setback or vegetation enhancement area; provided, that actions do not alter the location, dimensions or size of the shoreline setback or vegetation enhancement area; that actions improve and do not reduce the existing quality or functions of the shoreline setback or vegetation enhancement area; and that actions are implemented according to a restoration or enhancement plan that has been approved by the City of Sammamish.



Row	Section/page	Description	Staff comment
<b>Topic 1: Nonconformance/Shoreline Setback</b>			
B-1	25.06.020(7)(g) <i>p 37</i>	Insert CAO provision that allows non-conforming structures to be moved to area of least impact	OK
B-2		Clarify the definition of Replacement: Replacement means to rebuild using new materials.	OK
B-3	25.07.070	Add a new subsection that specifically allows for the in-kind repair and maintenance of existing stairs on the water-ward side of existing bulkheads.	OK
<b>Topic 2: Structures in setbacks</b>			
B-4	25.01.060(2) <i>p 6</i>	Replace new text regarding prioritization of definitions with original text from PC draft	OK
B-5	25.07.080(2)(b)(i) <i>p 59</i>	Change size of accessory structures from 150 sf to 200 sf	OK
B-6	25.07.080(2)(b)(i) <i>p 59</i>	Clarify that landscaping features (such as rocks, esp. as part of bulkhead alternative, birdhouses, benches) are excluded from accessory structure square footage	OK
<b>Topic 3: Vegetation Enhancement Area / Shoreline Setback (all lakes)</b>			
B-7	25.06.020(14)	Change: Notice on Title. Any lot required to maintain a vegetation enhancement area shall record a notice on the title <del>consistent with SMC 21A.50.180.</del>	OK
B-8	25.06.020(11)9a)(i)	Delete partial exemption language specific to Lake Sammamish and add language necessary for 200-1000 sf allowance	OK

Row	Section/page	Description	Staff comment
<b>Topic 4: Docks and Moorage Structures/Boat Launches</b>			
B-9	25.08.100(1)(a) <i>p 60</i>	<ul style="list-style-type: none"> <li>Add new word as shown: Reconstruction, <u>replacement</u>, or expansion of an existing...</li> </ul>	OK; Replacement already allowed under non-conforming. Staff will clarify language.
B-10	25.04.020(2)(b)	Change: <del>Private</del> <u>New private</u> docks, floats, and lifts should not be placed in locations where they will impact critical habitats where alternative locations are available.	OK
B-11	25.07.040(1)	Change: Existing legally established launch ramps and rails associated with private residential development may be maintained and repaired <del>provided the repair and maintenance meet all of the requirements of this section and the non-conforming use provisions in SMC 25.08.100.</del>	OK
<b>Topic 5: R4 instead of SMP (see Development Regulations below)</b>			
<b>Topic 6: Other</b>			
B-12	25.01.050(b)	Delete and change: By including policies and regulations that require mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. <del>The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in</del> in a manner that is <u>consistent with</u> WAC 173-26-201(2)(e)(i);	OK
B-13	25.07.030	Add: (4) Fill shall be permitted.. <u>(g) When associated with a state approved water-related development or use.</u>	OK
<b>Topic 7: Public Access/Public Recreation</b>			
B-14	25.07.100(6)	Ensure that parking for a regional trail is allowed within the shoreline jurisdiction.	OK
B-15	25.04.040(4) Recreational Use	Change from feasible to reasonable: <ul style="list-style-type: none"> <li>Public recreational development should use low impact</li> </ul>	OK

Row	Section/page	Description	Staff comment
	Policies SHO p29	development stormwater management techniques and other methods that protect, enhance, and restore shoreline ecological functions where <del>feasible</del> <u>reasonable</u> .	
<b>Topic 8: Impervious Surface and LID</b>			
<b>Topic 9: Designations – Urban Conservancy</b>			
<b>Topic 10: Citywide CAO/other revisions</b>			
B-16	21A.50.060 (a) and (b)	"lakes" need to be removed; the word is not used later in the document in this context. "Lakes and Ponds" is replaced by "Ponds" and "Other Lakes and Ponds" in replaced by "Naturally Occurring Ponds" in 21A.50.351.	OK - Partial exemption language to be inserted in SMP
B-17	21A.50.060	"areas, or shoreline setbacks required by the Sammamish Shoreline Master Program," which was inserted, needs to be removed. The 21A.50.060 (a) and (b) text should be moved into the SMP and modified to clearly state how it applies to lakes. For example, the 1000 sq ft addition allowed by (b) should not be allowed to be closer to the lake.	OK - Partial exemption language to be inserted in SMP
B-18	21A.50.400	21A.50.400 should not be eliminated by this update. The sunset clause was put into the CAO to revisit all of the setbacks, not just those proposed for the shoreline.	OK
<b>Topic 11: Council Member Amendments not otherwise included</b>			
B-19	25.07.080	Increase the maximum total footprint and height, excluding landscaping features, of a water-oriented accessory structure: <ul style="list-style-type: none"> <li>• from 150 to 200 square feet</li> <li>• and from a height of 8 feet to 10 feet</li> </ul>	OK
<b>Topic 12: Introduction/Applicability</b>			

Council Amendment Table: City Council SMP Update  
City Council SMP Update  
**TABLE B - updated**

Row	Section/page	Description	Staff comment
B-20	25.01	Change introduction: The overarching goal is <del>to protect and enhance the shoreline environment upon which the region’s aesthetic and environmental values depend</del> <u>meant to strike a balance among private ownership, public access, and public protection of the State’s shorelines.</u>	OK
B-21	25.01	Change: New uses and developments ( <i>will be</i> ) designed to avoid and/or mitigate for impacts to the environment	OK
B-22	25.01	Change: Existing legally established uses and developments <del>generally</del> are allowed to continue as “grandfathered.”	OK
B-23	25.01	Change: The SMA Guidelines require that an SMP result in “no net loss” of shoreline ecological functions. This SMP accomplishes that requirement <del>systematically</del> through <u>its</u> goals, policies, and regulations noted above <del>as well as a</del> providing restoration <u>program and enhancement</u> incentives to offset the cumulative impacts of <u>new</u> shoreline uses and developments over time.	OK
B-24	25.01.030(4)	Change: insert “new” - Existing lawfully established uses and developments are not subject to regulations of this Program until or unless there is a change in use or <u>new</u> development <del>proposal</del> .	OK
<b>Topic 13: Critical Areas Regulations</b>			
<b>Topic 14: Definitions not in other sections</b>			
B-25	25.08.010(45)	Change: Moorage structure. Moorage structure means any <del>fixed</del> <u>structure or device</u> , including but not limited to docks, <del>piers,</del> moorage piles, and buoys, <del>and boat lifts</del> placed at or below the OHWM and designed to provide for the moorage of boats or other watercraft or vessels.	OK
B-26	25.02.010(76)	Change: Shoreline stabilization. Shoreline stabilization means actions taken to prevent or mitigate erosion impacts to property,	OK

Row	Section/page	Description	Staff comment
		dwelling, 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 <del>and walls</del> , <u>bulkhead alternatives</u> and nonstructural approaches such as bio-engineering.	
<b>Topic 15: Goals and Policies not in other sections</b>			
B-27	25.03.060(New) Restoration and Enhancement Goals	Add: <u>Restore natural ecological or shoreline functions, to the extent reasonable, while pursuing shoreline use goals set forth in sections 25.03.040 and 25.03.050.</u>	OK
B-28	25.03.010(2)(d) Critical Areas and Environmental Protection Policies	Change: In assessing the potential for net loss of ecological functions <del>or processes</del> , both project-specific and cumulative impacts should be considered in accordance with WAC 173-26-186(8)(d).	OK
B-29	25.04.010(7)(b) Vegetation Conservation Policies	Change: Clearing and thinning <del>for view corridors</del> should be limited to minimize adverse impacts on ecological functions and values and protect slope stability.	OK
B-30	25.04.010(9)(a) Views and Aesthetic Policies	Change: New shoreline uses and developments should be <del>designed and maintained</del> 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.	OK
B-31	25.04.020(2) Docks (etc) Policies	Change: (a) <del>Public</del> <u>New public</u> 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 processes and functions. (b) <del>Private</del> <u>New private</u> docks, floats, and lifts should not be placed in locations where they will impact critical habitats where alternative locations are available.	OK

Row	Section/page	Description	Staff comment
		(c) <del>Shared</del> <u>New shared</u> or joint-use docks <del>and floats</del> are preferred over single-user docks <del>where feasible</del> .	
B-32	25.04.020(5)(c) Shoreline stabilization Policies	Change: 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 <u>over time</u> . Probable effects of proposed shoreline stabilization on ongoing shoreline processes and functions should be fully evaluated for consistency with this Program <del>so that appropriate measures can be identified and implemented</del> .	OK
B-33	25.04.050(1) Transportation	Change: 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 <del>or</del> public uses.	OK
<b>Topic 16: Jurisdiction and Environmental Designations &amp; General Shoreline Regulations - Environmental Protection and Conservation</b>			
B-34	25.06.020(6)(d) Building Setback	Change: (The following may be allowed) Impervious ground surfaces, such as driveways and patios, <del>provided that such improvements may be subject to special drainage provisions adopted for all critical areas;</del>	OK
B-35	25.06.020(8)(a) (i) Lake Sammamish VEA	Property owners shall be required to establish and maintain the vegetation enhancement area:  (i) If they propose to construct or expand the footprint of a residential structure that is located entirely or partially in the standard shoreline setback <u>such that the expanded footprint within the shoreline setback will increase</u> by more than two hundred (200) square feet <u>of footprint</u>	OK

Council Amendment Table: City Council SMP Update  
City Council SMP Update  
**TABLE B - updated**

Row	Section/page	Description	Staff comment
		including when using the partial exemption <del>process of SMC 21A.50.060(1)(a) or (b)</del> 25.06.020(8);	
B-36	25.06.020(8)(a) (ii) Lake Sammamish VEA	(ii) If they propose to construct or expand <del>a</del> <u>an existing</u> bulkhead or other stabilization structure by more than ten percent (10%).	OK
B-37	25.06.020(8)(a) (iii) Lake Sammamish VEA	(iii) Excluded from this requirement are changes to a structure that do not expand the <u>envelope footprint of the structure, such as reroofing, interior remodel, and landscape maintenance or pruning trees.</u> Also excluded from this requirement is rebuilding in the same footprint plus <u>up to two hundred (200) square feet of additional footprint area within the shoreline setback providing the additional footprint area is not closer to the lake.</u>	OK
B-38	25.06.020(8)(b) Lake Sammamish VEA	The vegetation enhancement area, <u>excluding the active use area,</u> shall be planted or maintained with at least seventy-five percent (75%) <u>by area</u> of the vegetation consisting of native trees, shrubs, and groundcover designed to improve ecological functions. Up to twenty-five percent (25%) <u>by area</u> of the vegetation in the vegetation enhancement area may be composed of non-native or ornamental plantings.	OK
B-39	25.06.020(9)(a) Lake Sammamish Reduced Shoreline Setback	Lake Sammamish Reduced Shoreline Setback. The Lake Sammamish shoreline setback may be reduced in accordance with this Program and as shown in the Table 1 below. <del>The reduced shoreline setback must provide equal or greater protection of lake functions than the standard shoreline setback.</del>	OK
<b>Topic 17: Use/Development Regulations</b>			
B-40	25.07.010(1) Summary of Uses	Add and Delete: <u>Table 3 summarizes the dimensional standards for each lake.</u> <del>Uses not addressed in the program shall be conditional uses.</del> <del>Specific regulations for each use/development are provided in the</del>	OK

Row	Section/page	Description	Staff comment
		<del>subsequent section.</del>	
B-41	25.07.050(2) Lake Sammamish	The following requirements apply to all <u>new</u> private docks, floats, and lifts on Lake Sammamish, including shared/joint-use facilities and beach club facilities. <del>These apply in addition to the regulations in SMC 25.07.050(1).</del>	OK
B-42	25.07.050(3) Pine and Beaver Lakes	Each individual residential lot on Pine and Beaver Lake shall be allowed <del>no more than one (1) of each of the following moorage structures:</del> one (1) residential dock, and one (1) float.	OK
B-43	25.07.080(6) subdivision	Change: Divide run on sentence into two sentences.	OK
<b>Topic 18: Permit Criteria</b>			
B-44	25.08.050(9) Permits – exemptions from a Substantial Development Permit	Delete: <del>The burden of proving that a proposed shoreline variance meets these conditions shall be on the applicant; absence of such proof shall be grounds for denial of the application.</del>	OK
<b>Topic 19: Shoreline Jurisdiction/Designations</b>			
B-45	25.08.040	Change: addition of reference for formal appeal process	OK
B-46	25.08.050(9)	Delete: The burden of proving that a proposed shoreline variance meets these conditions shall be on the applicant; absence of such proof shall be grounds for denial of the application.	OK

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*City of Sammamish*  
**Shoreline Master Program Update**

CITY COUNCIL REVIEW DRAFT  
August 7, 2009

Revised by  
**Sammamish Homeowners (SHO)**  
September 1, 2009

Proposed Revisions to the Sammamish Comprehensive Plan  
and Title 25 of the Sammamish Municipal Code

Department of Ecology Grant #G0600310



September 8, 2009



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## Chapter 25.01 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 to protect and enhance the shoreline environment upon which the region’s economic, aesthetic and environmental values depend 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 and regulations designed to avoid and/or mitigate for impacts to the environment while protecting property rights. Existing legally established uses and developments generally are allowed to continue as “grandfathered.”

The SMA Guidelines require that an SMP result in “no net loss” of shoreline ecological functions. This SMP accomplishes that requirement systematically through its goals, policies, and regulations noted above as well as 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.

### 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 the Revised Code of Washington (RCW) 90.58, and the State Shoreline Guidelines in Washington Administrative Code (WAC) 173-26.
- (3) To maintain the ecological functions of Sammamish’s shorelines.

**Comment [CLA1]:** WA Supreme Court ruling stating intent of RCW90.58.020 - Futurewise v Anacortes 2008).

**Comment [CLA2]:** Goals and policies establish regulations that must be followed.

**Comment [CLA3]:** This word implies that some existing legally established uses and developments will be not allowed.

**Comment [CLA4]:** There is no restoration program within this SMP.

OK - THIS LINE

**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.'

**25.01.030 Applicability**

(1) All proposed uses and developments, as defined in SMC 25.02 (the definitions chapter of this Program) occurring within the shoreline jurisdiction (see SMC 25.05 for a description of the jurisdiction) shall comply with this Program and RCW 90.58. 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~~ the effective date of the Program.

OK

Comment [CLA5]: The actual date cannot be written into the document.

(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 developments that are consistent with this Program and RCW 90.58. Such uses/developments 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 SMC 25.07 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 RCW 90.58 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 SMC 25.02 and RCW 90.58.03030. 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 SMC 25.02; and

OK

(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 new development proposal. 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.

Comment [CLA6]: Proposal is not defined in this document.

(5) The provisions of this Program shall not apply to lands held in trust by the United States for Indian Nations, tribes or individuals.

**25.01.040 Authority**

This Shoreline Master Program is adopted under the authority granted by RCW 90.58 and WAC 173-26.

**25.01.050 Governing Principles**

(1) The goals, policies and regulations of this Program are informed by the Governing Principles in WAC 173-26, and the policy statements of RCW 90.58.

(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.

← OK

(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 WAC 173-26. 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 of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. ~~The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in~~ in a manner that is consistent with WAC 173-26-201(2)(e)(i).

← OK\*

(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.

the RCW and

\* WITH STAFF SUGGESTED EDITS

**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 (RCW 90.58), the Growth Management Act (RCW 36.70A), State Environmental Policy Act (RCW 43.21C and WAC 197-11), and other local, state and federal laws.

← OK

(2) ~~This Program shall be implemented according to the definitions contained in RCW 90.58, WAC 173-27, and SMC 25.02. Where definitions contained in this Program conflict or differ from definitions contained in other sections of the SMC, the definitions, in order of preference, in RCW 90.58, WAC 173-27, and SMC 25.02 shall prevail.~~ This Program shall be implemented according to the definitions contained in SMC 25.02. Where definitions contained in this Program conflict or differ from definitions contained in other sections of the SMC, these definitions shall prevail.

← OK

(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. ~~codified in SMC 21A.50 is hereby adopted as a part of this Program.~~

**Comment [CD7]:** Replaced new text with text from the original PC version. Definitions exist in documents to explain the use of words within the document. Definitions in the RCW and WAC are usually more general in nature because they describe the law at a higher level. When regulations at the local level are being written, definitions need to be more specific for clarity.

**Comment [CA08]:** In general, the more restrictive provisions should apply, not just those in SMC 21A.50.

**25.01.070 Critical Areas Regulations Incorporated by Reference**

(1) ~~The Sammamish Critical Areas Ordinance codified in SMC 21A.50 as amended on -- (ordinance number) is hereby adopted as a part of this Program.~~

OK

(2) ~~Uses, alterations and developments within the shoreline jurisdiction that are subject to the Reasonable Use Exception provisions of SMC 21A.50.070(2) shall also be subject to the shoreline variance requirements in this Program.~~

← LEGAL

Shorelines of the state shall not be considered critical areas except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by RCW 36.70A.030(5) and have be designated as such by the Sammamish Critical Areas Ordinance, SMC 21A.50. (RCW 36.70A.480(5)). All critical areas within the shoreline jurisdiction shall be regulated by the Sammamish Critical Areas Ordinance SMC 21A.50.

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**Comment [CA09]:** Shorelines in-and-of-themselves are not critical areas; ESHB1933, RCW90.58.030, and RCW36.70A.480(5). Critical areas within the shoreline jurisdiction are regulated by the CAO.

**25.01.080 Effective Date**

This Program and all amendments thereto shall become effective immediately upon final approval by the Department of Ecology.

**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.

← LEGAL

**Comment [CD10]:** RCW 90.58.900 applies to the SMA, not SMPs created to implement the SMA. It is not in the best interests of the Council, City staff or residents for goals, policies, and especially regulations to be liberally construed.

**~~25.01.10025.01.090~~ 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.

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**Chapter 25.02 Definitions**

← LEGAL

**25.02.010 Definitions**

(1) ~~Act.~~ Act means ~~chapter RCW 90.58-RCW~~, the Shoreline Management Act of 1971, as amended; (also known as the SMA).

(2) Active use area. Active use area means the portion of a vegetation enhancement area that is ~~not required to be maintained in a naturally vegetated condition~~ has no specific vegetation requirements.

← OK

(3) Amendment. Amendment means a revision, update, addition, deletion, and/or re-enactment of the Sammamish SMP.

(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 ~~existing~~ grade level means the average elevation of the natural or existing topography of the portion of the lot, parcel, or tract of real property ~~which~~ that 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).

← OK - BOTH

(6) Backfill. Backfill means the placement of earth material behind a retaining wall or structure.

(7) Bank. Bank means a steep rise or slope at the edge of a body of water or water course.

← OK

(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) **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.

← OK

(14) **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 as stand-alone structure.

(15) **Breakwater.** Breakwater means an off-shore structure, either floating or not, which 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.

← OK

(16) **Buffer.** Buffer means a critical area buffer as designated by regulations in SMC 21A.50.

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Comment [CLA11]: Buffer is used in this document.

(17) **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.

← OK

(18) **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.

(19) **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).

← WAC\*

Comment [CLA12]: Revetments do not meet the definition of bulkheads and are a preferable alternative to them. Similar to vegetation, they absorb wave energy and do not cause scouring.

(20) **Buoy, Mooring.** Mooring Buoy means a floating object anchored to the bottom of a water body that provides tie-up capabilities for vessels.

(21) **Clearing.** Clearing means removal of vegetation or other organic plant matter by physical, mechanical, chemical, or any other means.

(22) **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.

(23) **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.

\* WAC 173-26-231(3)(ii)

(24) Covered Moorage/Canopy. Covered Moorage means boat or other vessel moorage, without walls, that has a roof or canopy to protect the vessel(s).

(25) Critical habitat. Critical habitat means those areas in the City that are wetlands, streams, and fish and wildlife habitat conservation areas.

(26) Development. Development means the construction or expansion 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 (RCW 90.58) at any state of water level (WAC 173-27-030(5)).

← OK  
←

(27) Director. Director means, unless otherwise specified, the director of the City of Sammamish Department of Community Development or the ~~director's~~ Director's designee.

(28) 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.

(29) 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.

(30) Ecological functions or shoreline functions. Ecological functions or shoreline functions means work performed or the 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)).

(31) 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.

(32) Excavation. Excavation ~~is~~ means the removal of earth material from other than within a waterbody.

(33) Exempt Development. Exempt Development means a use or development activity that is not required to obtain a shoreline substantial development permit under RCW 90.58.030(3)(e) and WAC 173-27-040, but which must otherwise comply with applicable provisions of the Act and this Shoreline Master Program and which in some cases must obtain a statement of exemption from the Director per SMC 25.01.020(1)(a). Conditional Use, Variance, or other permits may also still be required even though the activity does not require a Shoreline Substantial Development Permit.

← OK  
←  
←

(34) 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.

(35) Feasible. Feasible means that a proposed development:

- (a) Can be accomplished with technologies and methods that have been successfully used in the past in similar circumstances; or
- (b) Uses technologies and methods that are currently available and testing in similar circumstances indicates that such approaches will likely achieve the intended results (see reasonable alternative).

(36) Fill. Fill means any solid or semi-solid material including but not limited to soil, sand, rock, gravel, wood chips, mining overburden, earth retaining structure, or other material from mining or other excavation activities, and materials used to create any structure or infrastructure, that when placed, changes the grade or elevation of the receiving site.

(37) Float. Float means a structure or device, that is moored, anchored, or otherwise secured in a water body and which is not connected to the shoreline.

Comment [CLA13]: Removed "devices". Buoys are devices, floats are structures.

(38) Floodplain. Floodplain means the total area subject to inundation by the base flood. Floodplain is synonymous with one hundred-year flood plain and means that land area susceptible to inundation with a one percent (1%) chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method that meets the objectives of the Act.

OK

(39) 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 storm water 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.

(40) 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.

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(41) 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.

Comment [CLA14]: Replaced definition from original PC draft.

(42) 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.

(43) Hearings Board. Hearings Board means the Shoreline Hearings Board established by the SMA.

(44) Height of a structure. Height of a structure means the difference in elevation from the average existing grade level within the footprint of the structure to the highest point of the structure, exclusive of television antennas, chimneys, and similar appurtenances. Temporary construction equipment is also excluded in this calculation (WAC 173-27.030(9)).

← OK

(45) 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.

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

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

← OK

(48) Moorage structure. Moorage structure means any ~~fixed structure or device, including but not limited to docks, piers, moorage piles, and buoys, and boat lifts placed at or below the OHWM and designed to provide for the moorage of boats or other watercraft or vessels.~~

Comment [CLA15]: Moorage means securing while afloat.

(49) 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.

(50) 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.

(51) Natural or existing topography. Natural or existing topography means the surface configuration of the lot, parcel, or tract of real property prior to any site preparation or grading, including excavating or filling.

(52) Nonconformance or non-conforming use. Nonconformance 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~~ Program due to changes in the ~~program~~ Program or its application to the subject property (SMC 21A.15.800).

← OK

(53) Non-water-oriented uses. Non-water-oriented uses means those uses that are not water-dependent uses, water-related uses or for-water-enjoyment uses, and which have little or no relationship to the shoreline. Examples of non-water-oriented uses include professional offices, automobile sales or repair shops, mini-storage facilities, department stores, and gas stations, and athletic fields.

← OK

**Comment [CLA16]:** All of these are basically structures. Structures are not the only uses that may or may not be water-dependent, what about athletic fields?

(54) 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, but are not limited to, garages, decks, walkways, utilities, fences, septic tanks and drainfields.

(55) 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)).

(56) Personal watercraft. Personal watercraft means a vessel of less than sixteen feet in length that uses a water jet pump as its primary source of motive 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.

← OK

(57) 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.

(58) Preferred shoreline use. A 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)

(59) 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.

(60) 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 (WAC 173-27-030(25)).

(61) 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.

(62) Provisions. Provisions means policies, regulations, standards, guidelines, criteria, or environment designations.

(63) 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.

(64) 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.

(65) 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 ~~which~~ 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.

← OK

(66) Reasonable alternative. Reasonable alternative means an action or proposal that is capable of being carried out, taking into consideration the overall project purposes, needs and objectives. In determining what is a "reasonable alternative" to a proposed development, alteration or activity, the department may consider the purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the alternative action or proposal.

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

(68) Replacement. Replacement means to rebuild using new materials.

(69) Restoration, or ecological restoration. 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(2)).

← OK

(70) Revetment. Revetment means a sloped wall constructed of rip-rap 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.

(71) 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.

(72) Sediment. Sediment is material settled from suspension in a liquid medium.

(73) 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).

← OK

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

← OK

(75) Shoreline conditional use. Shoreline conditional use means a use specifically designated as a shoreline conditional use in the shoreline master programSMP or a use that is not classified within the SMP.

(76) 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.

(77) Shoreline jurisdiction. Shoreline jurisdiction means all 'shorelines of the state' and 'shorelands' as defined by this Program and RCW 90.58.

(78) 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 dock, pier, weir, bulkhead, or other structure. Actions, such as clearing, grading, or application of chemicals can also be considered shoreline modifications (WAC 173-26-080(31)).

← OK

(79) **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 and walls, bulkhead alternatives and nonstructural approaches such as bio-engineering.

(80) **Shorelines.** Shorelines means the borders of all of the water areas within the City of Sammamish, including reservoirs, and their associated wetlands together with the lands underlying them; except:

(a) 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;

(b) Shorelines on lakes or reservoirs less than 20 acres in size and wetlands associated with such lakes or reservoirs (RCW 90.58.030(2)(d)).

← OK

(81) **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. These are this is a distinct subcategory of Shorelines of the State.

←

(82) **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 (SMC 25.02.010(9580)) and Shorelines of the Statewide Significance (SMC 25.02.010(9681)) (RCW 90.58.030(2)(c)).

← OK

(83) **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.

(84) **Structure** means a permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels (WAC 173-27-030(15)). 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.

**Comment [CD17]:** SMC 21A.15.1255. The WAC definition is too general to be applied to structure as the word is used in this SMP.

(85) **Substantial development.** Substantial development means any development that meets the requirements of RCW 90.58.030(3)(e).

(86) **Transportation uses.** 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, non-motorized travel corridors, trails, and similar features.

(87) ~~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 (25%) by area of preserved and/or restored vegetation can be comprised of non-invasive, non-native vegetation.

(88) ~~Vessel. Vessel includes~~ means ships, boats, barges, personal watercraft, or any other floating craft that ~~are~~ is designed and used for navigation and ~~do~~ does not interfere with the normal public use of the water.

(89) ~~Water-dependent use. Water-dependent use means a use or portion of a use which that~~ cannot exist in a location that is not adjacent to the water and ~~which 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.15.138(5)).

(90) ~~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 fosters shoreline enjoyment (SMC 21A.15.138(6)).

(91) ~~Water-oriented use. Water-oriented use means a use that is water-dependent, water-~~related, or water-enjoyment, or a combination of such uses (SMC 21A.15.138(7)).

(92) ~~Water-related use. Water-related use means a use or portion of a use which 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 (SMC 21A.15.138(8)).

(93) ~~Water quality. Water quality means the physical chemical, aesthetic, and biological~~ characteristics of water.

(94) ~~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 waterbody, 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.

## **Chapter 25.03 Master Program Element Goals**

### **25.03.010 Archaeological, Historical and Cultural Resources Goals**

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.

### **25.03.020 Conservation Goals**

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 does not contribute to the degradation ~~achieves no net loss~~ of ecological or shoreline functions.

(8) Achieve no net loss of ecological functions of Sammamish shorelines.

#### 25.03.030 Public Access Goals

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 ~~adjacent 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.

(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.

(5) Protect private shoreline property owners from damage or liability related to public or other private access or use of the shorelines.

OK

Comment [CLA18]: See separate goal (5) below.

LEGAL

Comment [CLA19]: Separate goal implementing words struck out of (1) above.

#### 25.03.040 Public Recreation Goals

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.~~

Comment [CLA20]: See separate goal (5) below.

(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.

(5) ~~Protect private shoreline property owners from damage or liability related to public or other private recreational use of the shorelines.~~

← LEGAL

Comment [CLA21]: Separate goal implementing words struck out of (2) above.

#### 25.03.050 Shoreline Use Goals

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

(1) Give first preference to single-family residential uses and water-dependent uses including public recreational uses that provide public access to shorelines. Secondary preference should 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 areas jurisdiction~~ is consistent with the Program, the City's Comprehensive Plan and the Washington State ~~Growth Shoreline~~ Management Act (RCW 36.70A.90.58).

← OK - ALL

Comment [CLA22]: Only the SMA applies to the shoreline jurisdiction.

(5) Ensure that shoreline uses satisfy the economic, social, and physical needs of the citizens of Sammamish.

#### 25.03.060 Shoreline Restoration and Enhancement Goals

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 25.03.040 and 25.03.050.

**Comment [CLA23]:** States the balance between the environment and the uses as required by the SMA.

**25.03.070 Transportation and Public Facility Goals**

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 areas-jurisdiction to those that serve permitted and/or preferred shoreline uses.
- (4) Encourage shoreline circulation systems that provide alternative routes and modes of travel, including non-motorized travel.

← OK

**Chapter 25.04 Shoreline Management Policies**

**25.04.010 General Policies**

**(1) Archaeological, Historic and Cultural Resources Policies**

- (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.

**(2) Critical Areas and Environmental Protection Policies**

- (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.
- (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.

← OK

(c) New shoreline uses and developments should be designed and conducted in accordance with the regulations of this Program to minimize 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.

OK - ALL

(d) In assessing the potential for net loss of ecological functions ~~or processes~~, both project-specific and cumulative impacts should be considered in accordance with WAC 173-26-186(8)(d).

**(3) Flood Hazard Reduction Policies**

(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.

**(4) Public Access Policies**

(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 not infringe on private property rights.~~

**Comment [CLA24]:** The design may impact private property, but cannot be allowed to infringe on private property rights; e.g., a private owner may object to the change of view, but views are NOT a private property right. See 25.01.050(3).

**(5) Restoration and Enhancement Policies**

(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, and processes as well as shoreline and/or features and should that meet the needs of important plant, wildlife and fish species such as Kokanee and other native salmonid species.

(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 and objectives contained in the restoration element of this Program.

OK

Comment [CLA25]: There are only goals, no objectives.

**(6) Shoreline Use Policies**

(a) The following uses/developments should be given preference for locating on the within the shoreline jurisdiction when they are consistent with City zoning regulations and located, designed, and maintained in a manner that minimizes adverse ecological impacts consistent with this Program:

← OK - ALL

(i) Single-family residences, and

(ii) Water-dependent and water-related public recreational use/development; and

(iii) Uses Public uses and developments that provide physical and/or visual access to the shoreline for substantial numbers of people.

Comment [CLA26]: These uses should not apply only to the public.

← OK

(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.

**(7) Shoreline Vegetation Conservation Policies**

(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 and processes 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.

(b) Clearing and thinning for view corridors 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.

Comment [CLA27]: The reason for clearing and thinning is not important.

**(8) Site Planning Policies**

(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.

← OK

(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.

**(9) Views and Aesthetics Policies**

(a) New shoreline uses and developments should be designed and maintained 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.

Comment [CLA28]: There are no requirements in the RCW or WAC to justify minimization of design or maintenance for views.

(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.

**(10) Water Quality, Stormwater and Nonpoint Pollution Policies**

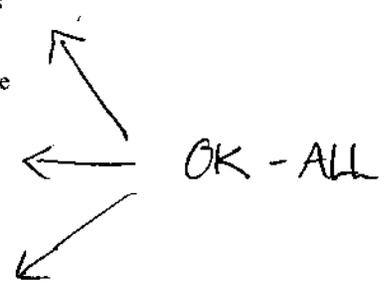
(a) New shoreline uses and developments are encouraged to be located, constructed, operated, and maintained to prevent water quality and storm water quantity impacts that would adversely affect shoreline ecological functions, or cause significant impact to shoreline aesthetics or recreational opportunities.

(b) New shoreline uses and developments should incorporate comprehensive strategies to control total phosphorus loading to shoreline 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 and values.

(d) New shoreline uses and developments are encouraged to minimize impervious surface and incorporate low impact development stormwater management techniques where feasible 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.



OK - ALL

## **25.04.020 Shoreline Modification Policies**

### **(1) Boat Launch Ramps and Rails Policies**

(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(13).

(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.

### **(2) Docks, Floats, Mooring Buoys and Boat/Watercraft Lift Policies**

(a) ~~Public~~<sup>New public</sup> 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 processes and functions.

(b) ~~Private~~<sup>New private</sup> docks, floats, and lifts should not be placed in locations where they will impact critical habitats where alternative locations are available.

(c) ~~Shared~~<sup>New shared</sup> or joint-use docks and floats are preferred over single-user docks where feasible.

(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.

### **(3) Dredging Policies**

(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.

**(4) Filling and Excavation Policies**

(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. ← OK

(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 below the waterward of OHWM shall be considered dredging and shall be subject to the dredging policies and regulations of this Program. ← OK

**(5) Shoreline Stabilization Policies**

(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 ~~armor~~ ~~stabilization~~ should be discouraged. Bulkhead alternatives that implement bioengineering and bio-stabilization methods should be used where ~~feasible~~ ~~reasonable~~. ← OK

(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 so that appropriate measures can be identified and implemented.

(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 ~~nor~~ ~~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 and processes should be restored using bulkhead alternatives.

(h) The City should facilitate voluntary enhancement and restoration projects that replace ~~hard structural shoreline armoring stabilization~~ with bulkhead alternatives and bio-engineered approaches. The City should provide technical assistance, education, and regulatory incentives for ~~bulkhead hard structural shoreline stabilization removal and renovation~~ restoration.

> OK

(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.

**25.04.030 Residential Use Policies**

(1) Single-family residences and their normal appurtenant structures are a preferred shoreline use. 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.

(2) 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.

(3) New residential developments ~~are~~ should be encouraged to protect, enhance, and restore shoreline ecological functions using low impact development stormwater management techniques and other conservation measures.

← OK

**25.04.040 Recreational Use Policies**

(1) 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.

(2) 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.

(3) 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.

(4) Public recreational development should use low impact development stormwater management techniques and other methods that protect, enhance, and restore shoreline ecological functions where ~~feasible~~reasonable.

← OK

**25.04.050 Transportation Use Policies**

(1) New public transportation uses and facilities should be located outside of the shoreline jurisdiction unless alternative ~~non-shoreline~~ locations are infeasible or the transportation facility is required to serve water-dependent or public uses.

← OK -  
(keep "or")

(2) When required, new transportation uses and facilities should be planned to fit the topographical characteristics of the shoreline ~~as much as possible~~ and to minimize alterations to the shoreline environment.

(3) 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.

(4) Public transportation development should use low impact development stormwater management techniques and other methods that protect, enhance, and restore shoreline ecological functions where reasonable.

← OK

**Comment [CLA29]:** LID should be encouraged for all development.

**25.04.060 Utility Use Policies**

(1) New public or private utilities should be located inland from the land/water interface, preferably outside of shoreline jurisdiction, unless:

- (a) They have a water-dependent component such as a water intake or outfall; or
- (b) Water crossings are unavoidable; or
- (c) Other locations are infeasible; or
- (d) They are required for authorized shoreline uses consistent with this Program.

(2) Utilities should be located and designed to avoid public recreation and public access areas and significant natural, historic, archaeological or cultural resources.

(3) Development of pipelines and cables, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance ~~which that~~ would disrupt shoreline ecological functions, should be discouraged except where no other ~~feasible-reasonable~~ alternative exists.

OK

(4) 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.

(5) Public utility development should use low impact development stormwater management techniques and other methods that protect, enhance, and restore shoreline ecological functions where reasonable.

OK

Comment [CLA30]: LID should be encouraged for all development.

## Chapter 25.05 Jurisdiction and Environment Designations

### 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 SMC 25.02 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 (see SMC 25.08.040 for Statements 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 established by the Department of Ecology defined by 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 SMC 25.02 and RCW 90.58.

OK  
Comment [CLA31]: DOE is currently using a draft document that extends the law beyond the intent of the RCW.

### 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 SMC 25.07.020 (1) shall apply to

the land and water areas subject to shoreline jurisdiction as defined in SMC 25.02 and RCW 90.58. 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 lateral-landward 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 approximate, 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 SMC 25.08.

**25.05.030 Shorelines of Statewide Significance – Lake Sammamish**

(1) 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:

- (a) Recognize and protect the statewide interest over local interest;
- (b) Preserve the natural character and wildlife habitat of the shoreline;
- (c) Result in long term over short term benefit;
- (d) Protect the resources and ecology of the shoreline;
- (e) Increase public access to publicly owned areas of the shoreline;
- (f) Increase recreational opportunities for the public in the shoreline environment.

### Chapter 25.06 General Shoreline Regulations

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 SMC 25.05. Additional regulations pertaining to specific uses and development activities are contained in SMC 25.07.

#### 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).
- (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 and shall require a site investigation to determine the significance of the discovery. Based upon the findings of the site investigation and consultation with the historic preservation officer and the Washington State Department of Archaeology and Historic Preservation, the Director may require that an immediate site assessment be conducted or may allow stopped work to resume.

#### 25.06.020 Environmental Protection and Conservation Regulations

- (1) **Restoration.** Restoration of native vegetation shall consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions.
- (2) **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 threatened or restricted by their presence. Control shall occur in conformance with ~~SMC 25.05 and applicable state and/or federal regulations.~~ **local**
- (3) **Clearing and Grading.** The amount of ~~vegetation 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.~~
- (4) **Light and Glare.** Exterior lighting shall not shine directly onto the water. Exterior lighting fixtures shall include full cut off devices such that no glare or direct illumination extends across property lines or onto the lake.

OK\*

~~SMC 25.05 and applicable state and/or federal regulations.~~

Comment [CMB2]: Not applicable.

\* With staff-suggested edit.

**NO** → (5) **Mitigation.** Property owners proposing new shoreline use or development within the shoreline setback shall mitigate adverse environmental impacts in accordance with this ~~program~~ **Program** and other applicable regulations whether or not the use/development requires or is exempt from a shoreline substantial development permit. Mitigation measures are listed in SMC 25.06.020(10) in the table showing shoreline setback reductions. ~~Mitigation measures shall be implemented in the sequence prescribed in SMC 21A.50.135, and mitigation provisions in SMC 21A.50.140 and SMC 21A.50.145 shall apply.~~ **OK**

(6) **Building setback.** A five (5) foot-wide building setback shall be established from the landward edge of the shoreline setback required in SMC 25.06.020(7). The following may be allowed in the building setback subject to the square footage limits of SMC 25.07.08:

- (a) Landscaping;
- (b) Uncovered decks that are less than eighteen (18) inches above grade;
- (c) Building overhangs if such overhangs do not extend more than eighteen (18) inches into the building setback area;
- (d) Impervious ground surfaces, such as driveways and patios, ~~provided that such improvements may be subject to special drainage provisions adopted for all critical areas;~~ **KEEP**
- (e) Trails. **OK**

(7) **Shoreline Setback.** A shoreline setback is established for Lake Sammamish, Pine Lake, and Beaver Lake. The shoreline setback area is the area extending forty-five (45) feet (or as reduced by SMC 25.06.020(10)) landward from the OHWM. The following regulations shall apply:

- (a) Accessory water oriented uses and structures are allowed as specified in this ~~program~~ **Program**;
- (b) Non-water dependent shoreline uses and developments, including residential developments, shall be located landward of the shoreline setback unless otherwise specified by this Program;
- (c) Docks, floats, and shoreline stabilization structures shall be allowed within the shoreline setback as specified in this ~~program~~ **Program**; **OK**
- (d) Public access structures, picnic areas, boat launches, docks, floats, and shoreline stabilization structures shall be allowed within the shoreline setback as specified in this ~~program~~ **Program**;

**Comment [CA033]:** CAO mitigation does not apply.

**Comment [CA034]:** This belongs in the CAO, not the SMP.

(e) Transportation facilities shall be allowed within the shoreline setback as specified in this ~~program~~Program;

(f) Utilities shall be allowed within the shoreline setback as specified in this ~~program~~Program.

(g) For existing, legally established primary structures whose footprint falls partially or completely within the shoreline setback plus building setback (is less than 50 feet from OHWM), the shoreline setback shall be redefined as follows. Where the shoreline setback intersects the footprint on either side of the structure, or in the case of a footprint entirely within the shoreline setback, where it intersects the landward projection (“shadow”) of the structure, the shoreline setback shall be redefined as extending waterward at those points and traveling around the footprint plus building setback on the waterward side of the structure. This redefined shoreline setback shall remain in effect until the primary structure is moved completely outside the shoreline and building setbacks or abandoned, at which time the standard building and shoreline setbacks shall again apply as defined in 25.06.020 (6) and (7), respectively.

~~The partial exemption(s) of SMC 21A.50.060(1) (a) and (b) shall apply with the establishment and maintenance of the vegetation enhancement area of SMC 25.06.020(8) (Lake Sammamish) or SMC 25.06.020(11) and (12) (Pine and Beaver Lakes).~~

(8) Partial Exemptions. The following developments, activities, and uses are exempt from the review process of this Program, except for the notice on title provision, SMC 25.06.020(14) provided such exempt activities are otherwise consistent with the purpose of 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 Program.

(a) Structural modification of, addition to, or replacement of existing legally created structures, except single detached residences in existence before November 27, 1990, that do not meet the building and shoreline setback requirements, if the modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described building or shoreline setback area.

← OK  
←

**Comment [C035]:** This was added to allow the building and shoreline setbacks to go around legally established primary residences. This is similar to the language that Bellevue uses to define buffers around existing homes.

(b) Structural modification of, addition to, or replacement of legally created single detached residences and improvements constructed on existing associated legally created impervious surfaces in existence before November 27, 1990, that do not meet the building and shoreline setback requirements, 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 building or shoreline 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 OHWM or, if the existing residence is in the building or shoreline setback area, extends farther into the area.

**Comment [CA036]:** Text moved from CAO with appropriate modifications.

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(9) **Lake Sammamish Vegetation Enhancement Area.** The fifteen (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) If they propose to construct or expand the footprint of a residential structure that is located entirely or partially in the standard shoreline setback such that the expanded footprint within the shoreline setback will increase by more than two hundred (200) square feet of footprint including when using the partial exemption of SMC ~~21A.50.060(1)(a) or (b)~~ 25.06.020(8), or

**Comment [CA037]:** References text in SMP.

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

(iii) Excluded from this requirement are changes to a structure that do not expand the ~~envelope footprint of the structure, such as reroofing, interior remodel, and landscape maintenance or pruning trees.~~ Also excluded from this requirement is rebuilding in the same footprint plus up to two hundred (200) square feet of additional footprint area within the shoreline setback providing the additional footprint area is not closer to the lake.

**Comment [CLA38]:** The examples are not necessary.

**Comment [CLA39]:** Exclusion should not apply to expansions toward the lake.

(b) The vegetation enhancement area, excluding the active use area, shall be planted or maintained with at least seventy-five percent (75%) by area of the vegetation consisting of native trees, shrubs, and groundcover designed to improve ecological functions. Up to twenty-five percent (25%) by area of the vegetation in the vegetation enhancement area may be composed of non-native or ornamental plantings.

(c) An area of up to twenty-five percent (25%) of the vegetation enhancement area and no less than fifteen (15) feet of the lot width parallel to the lake shoreline 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% 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.

← OK

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

(10) **Lake Sammamish Reduced Shoreline Setback.** The Lake Sammamish shoreline setback may be reduced in accordance with this Program and as shown in the Table 1 below. ~~The reduced shoreline setback must provide equal or greater protection of lake functions than the standard shoreline setback.~~

**Comment [RC40]:** This is not a regulation; perhaps a goal? The "greater" protection violates no net loss.

(a) ~~Reductions 1a through 1e~~ of the table shall be utilized first, if feasible, before the other reductions may be applied.

**Comment [RC41]:** Establishment of the VEA provides the most environmental value and thus should be required before other reductions may be taken.

**Table 1. Shoreline Setback Reductions.**

Reduction	Number of feet the standard Lake Sammamish shoreline setback may be reduced	Reduction Criteria
1	10 feet	For establishment of a 15-foot VEA along the shoreline.
12	15 feet	<p>Reductions may be cumulative, but in no case shall the resulting shoreline setback be less than the required fifteen (15) foot shoreline vegetation enhancement area.</p> <p>Planting in accordance with VEA requirements.</p> <p>(a) For establishment of the vegetation enhancement area and removal of an existing bulkhead located at, below, or within five feet landward of the lake's ordinary high water mark (OHWM) and subsequent restoration of the shoreline to a natural or seminatural state, including the restoration of topography, soil composition, and vegetation; or,</p> <p>(b) For establishment of the vegetation enhancement area and restoration of the shoreline to a natural or seminatural state if no bulkhead is present, but other existing unnatural shoreline contours are present; or,</p> <p>(c) For establishment of the vegetation enhancement area and preservation of the existing natural shoreline conditions if no bulkhead or other unnatural shoreline features are present.</p>
23	10 feet	For establishment of the vegetation enhancement area and establishment of at least a 5-foot width of native vegetation along the entire waterward side of a modified bulkhead in accordance with Army Corps of Engineer guidance and in compliance with all WDFW and other appropriate agency regulations. For creation of a durable inclined fill of gravel/small rock against the waterside of an existing bulkhead and restoration of native vegetation along the inclined fill.
4	5-10 feet	For limiting lawn area to no greater than 20 percent of the lot area in combination with limiting impervious surface area. Reduction of 5 feet for impervious surface coverage 10 percent less than city standard or 10 feet for coverage 20 percent less than city standard.
5	1-10 feet	For establishment of the 15-foot wide VEA and for preservation or establishment of additional native vegetation landward of, and adjacent to, the VEA. 1-foot reduction (up to 10-foot maximum reduction) for every 50 square-foot of native planting area added landward of, and adjacent to, the VEA.
65	5 feet	For preservation of existing native vegetation or restoration of native vegetation, as necessary, in a minimum 5-foot wide nearshore area below the lake's ordinary high water mark (OHWM).
76	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 as needed to protect lake water quality.

Comment [RC42]: 2nd COE and NMFS recommended option for bulkhead mitigation.

OK

Comment [RC43]: Reductions changed to reflect the wording in the SHO draft per direction of the City Council.

(b) The partial exemption(s) of SMC ~~21A.50.060(1)(a) or (b)~~ 25.06.020(8) may be utilized for modifications, replacements and additions up to or equal to that do not expand the footprint by more than one thousand (1,000) square feet within the shoreline setback in lieu of the reductions authorized in Table 1 with establishment and maintenance of the vegetation enhancement area. Establishment of the vegetation enhancement area is encouraged but not required for expansions of two hundred (200) square feet or less.

Comment [CA044]: References text in SMP.

← OK, ALL

(c) Reduction measures shall be installed, monitored, maintained and city inspected. The monitoring period shall be five (5) years. ~~Mitigation provisions in SMC 21A.50.140 and SMC 21A.50.145 shall apply and financial guarantees pursuant to SMC 21A may be required.~~

Comment [CLA45]: Same monitoring period required by Army Corps of Engineers for dock mitigation.

Comment [CA046]: CAO mitigation does not apply.

(11) **Pine Lake and Beaver Lake Tree Retention.** Eighty percent (80%) of the significant trees within the shoreline jurisdiction must be retained. This requirement shall not apply to documented hazard trees.

(12) **Pine and Beaver Lakes Vegetation Enhancement Area.** A vegetation enhancement area immediately landward of the OHWM is encouraged.

Comment [CD47]: CAO requires a setback with no vegetation enhancement. No science has been identified to justify a 5 or 15-foot VEA regulation.

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(13) ~~Pine and Beaver Lakes Vegetation Enhancement Area.~~ The fifteen (15) foot-wide portion of the shoreline setback immediately landward of the OHWM is reserved as a vegetation enhancement area. The following regulations apply:

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

(i) ~~If they propose to expand the footprint of an existing residential structure that is located entirely or partially within the shoreline setback by more than two hundred (200) square feet including when utilizing the partial exemption of SMC 21A.50.060(1)(a) or (b); or~~

(ii) ~~If they propose to construct or expand a bulkhead or other stabilization structure by more than ten percent (10%).~~

(iii) ~~Excluded from this requirement are changes to a structure that do not expand the envelope of the structure, such as reroofing, interior remodel, and landscape maintenance or pruning trees. Also excluded from this requirement is rebuilding in the same footprint plus two hundred (200) square feet of additional footprint area.~~

(u) ~~The vegetation enhancement area shall be planted and maintained with at least seventy-five percent (75%) of the vegetation consisting of native trees, shrubs, and groundcover designed to improve ecological functions. Up to twenty-five percent (25%) of the vegetation in the vegetation enhancement area may be composed of non-native or ornamental plantings.~~

(v) An area of up to twenty-five percent (25%) of the vegetation enhancement area and no less than fifteen (15) feet of lot width parallel to the lake shoreline 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.

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

**(13) Pine and Beaver Lakes Partial Relocation of Vegetation Enhancement Area.**

The standard vegetation enhancement area may be reduced along the OHWM and partially relocated when the addition/modification of a structure that is located partially within the shoreline setback occurs in the area outside of the shoreline setback. The partial relocation shall be by the addition of or retention of native woody vegetation plantings not otherwise required to be maintained elsewhere on the lot. The partial relocation must provide equal or greater functions and values. In no case, shall the vegetation enhancement area be less than five (5) feet wide immediately landward of the OHWM. The following regulations shall apply to a partial relocation proposal:

(x) Additional vegetated areas must be located elsewhere within the shoreline jurisdiction on the property at a rate of one hundred fifty percent (150%) of the area reduced. For example, to reduce the vegetation enhancement area by five hundred (500) square feet, a minimum of seven hundred fifty (750) square feet must be planted or retained elsewhere on the lot.

(y) Relocated vegetated areas should be located and retained adjacent to areas of increased hydrologic or wildlife habitat function if available.

(13) **Critical Areas within Shoreline Jurisdiction.** Where critical areas including wetlands, streams, frequently flooded areas, geologically hazardous areas, or other fish and wildlife habitat conservation areas designated in SMC 21A.40 occur in the shoreline jurisdiction, the SMC 21A.50 buffer or shoreline setback that provides the greatest protection shall prevail.

(14) **Notice on Title.** Any lot required to maintain a vegetation enhancement area shall record a notice on the title consistent with SMC 21A.50.190.

**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 physical public access is not required for new single-family residential subdivisions.

Comment [CD48]: No longer necessary.

OK  
Comment [CA049]: RCW 36.70A.028 (5) defines what qualifies as a critical area.

Comment [CA050]: Shoreline setback cannot override a CAO buffer.

Comment [CA051]: Notice of title does not need to be consistent with the CAO.

OK

(2) ~~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.~~

Comment [CLAS2]: This does not relate to shoreline public access.

(3) 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.

(4) No new right or covenant shall be construed as being granted through or across private property under these regulations.

LEGAL  
Comment [CLAS3]: Protects private property from public access regulations. See 25.01.050 (3), also 123 Wn.2d 550, Pierce v. Northeast Lake Washington Sewer and Water District, Mar 1994.

**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 setback 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 ~~must~~ should result in a net improvement to the functions of the lake ecosystem.

OK, ALL

(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 ~~may~~ shall be credited toward shoreline setback reductions in accordance with this ~~program~~ Program.

**25.06.050 Water Quality, Stormwater, and Nonpoint Pollution Regulations**

(1) ~~Shoreline~~ 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 SMC 15.05 (Surface Water Management), requirements of SMC 21A.50 and other applicable laws.

(2) Best Management Practices (BMPs) for controlling erosion and sedimentation and preventing pollutants from entering ~~shoreline~~-lakes shall be implemented for all new uses and developments (and their related construction processes).

← OK

(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) ~~Structures~~ 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.

**Chapter 25.07 Use/Development Regulations** ← OK

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 SMC 25.06.

**25.07.010 Summary of Uses, Approval Criteria, and Process**

The following Table 2 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. ← OK

Table 3 summarizes the dimensional standards for each lake.

(1) Uses not addressed in the program shall be conditional uses.

(1) Specific regulations for each use/development are provided in the subsequent section.

**Table 2 Permitted Uses:**

Use (SMP Section)	Lake Sammamish Shoreline Residential	Lake Sammamish Urban Conservancy	Pine and Beaver Lakes Shoreline Residential	Pine and Beaver Lakes Urban Conservancy
<b>P = Permitted; C = Conditional Use; X= Prohibited</b>				
Dredging (25.07.020(1))	P	P	P	P
Dredging (25.07.020(2))	C	C	C	C
Fill and excavation and grading (25.07.030)	P	P	P	P
New private boat launches (25.07.040)	X	X	X	X
Maintenance and repair of existing private boat launches	P	P	P	P
Public boat launches	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 and 25.07.060)	P	P	P	P
Public docks, floats, and mooring buoys (25.07.060)	P	P	P	P
Shoreline Stabilization bulkheads and bio-engineered	P	P	P	P

Use (SMP Section)	Lake Sammamish Shoreline Residential	Lake Sammamish Urban Conservancy	Pine and Beaver Lakes Shoreline Residential	Pine and Beaver Lakes Urban Conservancy
<b>P = Permitted; C = Conditional Use; X= Prohibited</b>				
solutions (25.07.070)				
Repair, replacement and maintenance of shoreline stabilization (25.97.070)	P	P	P	P
Breakwaters, corroding 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	P	P	P	P
Subdivision (25.07.080)	P	P	P	P
Houseboats and floating homes (25.07.080)	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
Utilities, primary land use (25.07.110)	P	P	P	P
Utilities, accessory to a single family (25.02.010) and (25.07.080)	P	P	P	P

**Table 3 Dimensional Standards**

	Lake Sammamish Shoreline Residential	Lake Sammamish Urban Conservancy	Pine and Beaver Lakes Shoreline Residential	Pine and Beaver Lakes Urban Conservancy
<b>Single Family Residential (SMC 25.07.080 ) (SMC 25.06.020)</b>				
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	Minimum setback 5 feet	Minimum setback
Fences	6 feet	6 feet	6 feet	6 feet
<b>Accessory structures (not ADU) (SMC 25.07.080 in shoreline setback)</b>				
Height	8 feet	8 feet	8 feet	8 feet
Maximum footprint	150-200 sf	150-200 sf	150-200 sf	150-200 sf

**Comment [CD54]:** R4 regulations should apply.

**Comment [CD55]:** R4 regulations should apply.

**Comment [CD56]:** Council direction?

	Lake Sammamish Shoreline Residential	Lake Sammamish Urban Conservancy	Pine and Beaver Lakes Shoreline Residential	Pine and Beaver Lakes Urban Conservancy
<b>Other structures outside shoreline setback</b>				
Height	35 feet	35 feet	35 feet	35 feet
Footprint Maximum	None	None	None	None
<b>Docks</b>				
<b>Private Residential Docks</b>				
Length	Average of the docks on either side and no more than 1/4 of the distance to the opposite shoreline. Determined by COE. Also see SMC 25.07.050(2)	Average of the docks on either side and no more than 1/4 of the distance to the opposite shoreline. Determined by COE. Also see SMC 25.07.050(2)	Average of the docks on either side, but at least 8 feet water depth and no more than 80 feet or 1/4 of the distance to the opposite shoreline. Also see SMC 25.07.050(3)	Average of the docks on either side, but at least 8 feet water depth and no more than 80 feet or 1/4 of the distance to the opposite shoreline. Also see SMC 25.07.050(3)
<b>Dock Area</b>				
One owner	480-600 sf	480-600 sf	480-600 sf	480-600 sf
2 to 9 owners	700-800 sf	700-800 sf	700 sf	700 sf
10 or more owners	1,000 sf	1,000 sf	700 sf	700 sf
Width	Up to 50% of lot width	Up to 50% of lot width	Up to 50% of lot width	Up to 50% of lot width
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
<b>Canopy</b>				
Area Coverage	25 x 15 feet	25 x 15 feet		
Maximum Height above OHW	10 feet	10 feet		
<b>Public Recreational Docks</b>				
Length	No limit	No limit	No limit	No limit
Dock Area	3,000 sf	3,000 sf	3,000 sf	3,000 sf
Shoreline setback	45 ft	45 ft	45 ft	45 ft
Building setback	5 ft	5 ft	5 ft	5 ft
Vegetation enhancement area (VEA)	15 ft	15 ft	15 ft - partial relocation possible Encouraged	15 ft - partial relocation possible Encouraged
Active use area	25% of VEA	25% of VEA	25% of VEA (at shoreline) N/A	25% of VEA (at shoreline)

Comment [CD57]: COE regulations

Comment [CD58]: Pine/Beaver lake request

Comment [CD59]: Council direction?

Comment [CD60]: VEA is not required.

	Lake Sammamish Shoreline Residential	Lake Sammamish Urban Conservancy	Pine and Beaver Lakes Shoreline Residential	Pine and Beaver Lakes Urban Conservancy
Area Minimum area	12,500 sq ft	12,500 sq ft	12,500 sq ft	12,500 sq ft
Lot Minimum lot width	50 ft	50 ft	50 ft	50 ft

> OK

**25.07.020 Dredging Regulations**

- (1) Dredging may be permitted when necessary to support the following:
  - (a) Public sponsored ecological restoration or enhancement projects; or
  - (b) City-approved restoration and mitigation projects that involve bulkhead removal and/or shoreline vegetation enhancement; or
  - (c) ~~Bio-engineered s~~Shoreline stabilization projects, including bio-engineered shoreline stabilization associated with private residential developments.
  - (d) 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.
- (2) Dredging for any purpose other than listed in SMC 25.07.020(1) 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 processes 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 (WAC 173-23126(3)(f)).
- (5) Dredge material shall be disposed of in legally established upland locations away from the shoreline and should be coordinated with appropriate agencies.

← OK

**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 RCW 90.58.030 WAC 173.27.040(2).

(4) Fill shall be permitted only above the landward of OHHW, except as allowed in 25.07.030 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) Filling waterward of the OHHW 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) Bio-engineered shoreline stabilization projects, including bio-engineered shoreline stabilization associated with private residential developments;
- (d) Publically sponsored non-restoration 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; or
- (f) Expansion or alteration of public transportation facilities currently located in the shoreline where there is no feasible reasonable alternative;
- (g) When associated with a state approved water-related development or use.
- (h) Fill waterward of the OHHW for any other purpose 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.~~

OK  
OK

OK  
Comment [CLA61]: COE requires 2 cubic yards of fill to anchor boat lifts to the lake bottom.

OK

Comment [CLA62]: This appears to conflict with (c) above.

**25.07.040 Boat Launches - Ramps and Rails Regulations**

(1) Existing legally established launch ramps and rails associated with private residential development may be maintained and repaired ~~provided the repair and maintenance meet all of the requirements of this section and the non-conforming use provisions in SMC 25.08.100.~~

← OK

**Comment [CLA63]:** Unnecessary clause; no regulation in the SMP can be taken out of context of the total document.

(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) ~~When allowed in accordance with this section,~~ New launch ramps and rails shall be designed as follows:

↗ OK  
↙

(a) ~~Launch~~ New launch ramps or rails shall be anchored to the ground through the use of tie-type construction. ~~Asphalt, concrete, or other~~ New ramps which ~~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 sixty (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.

**25.07.050 Private Docks, Floats, Mooring Buoys and Boat/Personal Watercraft Lift Regulations**

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

(a) No new dock or float shall be wider than fifty percent (50%) of the lot width at the waterfront edge.

(b) ~~No new dock, lift (Lake Sammamish only), mooring buoy, or float shall be located closer than fifteen (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.~~

**Comment [CLA64]:** Separate regulations for Lake Sammamish and Pine/Beaver Lakes.

(c) Mooring buoys shall be limited to the number allowed pursuant to Washington State Department of Natural Resources requirements.

(d) No new float shall ~~exceed~~ cover more than one hundred fifty (150) square feet of surface ~~are~~ the lake.

← OK

(e) No dwelling unit or building may be constructed on a dock, float or other moorage structure.

(f) 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.

(g) New private docks, floats and/or lifts (lifts allowed on Lake Sammamish only) shall be designed and constructed using WDFW-approved methods and materials.

(h) ~~New~~ The top surface of new private docks shall not exceed five (5) feet in height above the OHWM.

(i) Existing legally established private docks and floats may be repaired and maintained.

(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. ~~These apply in addition to the regulations in SMC 25.07.050(1).~~

(a) Each individual residential lot on Lake Sammamish shall be allowed ~~no~~ more than one (1) of each of the following moorage structures: one (1) residential dock, one (1) float, two (2) boat lifts, and two (2) personal watercraft lifts. In lieu of the two (2) boat lifts and two (2) personal watercraft lifts, four (4) personal watercraft lifts may be permitted.

(b) Contiguous lots using shared/joint-use docks shall be allowed one (1) additional boat lift and one (1) additional personal watercraft lift or two (2) additional personal watercraft lifts in addition to the allowances noted above for an individual lots.

(c) Lots that provide shared/joint-use for more than nine (9) residential homes shall be allowed one (1) additional dock for service of existing legally established launch ramps and rails, provided that the total area of overwater coverage does not exceed the maximum overwater area coverage allowed by this section.

(d) Maximum overwater area coverage for private docks on Lake Sammamish, excluding canopy coverage:

(i) ~~Four Six~~ hundred and eighty (480~~600~~) square feet for private residential docks serving one lot; or

(ii) ~~Seven Eight~~ hundred (700~~800~~) square feet for private residential docks serving two (2) to nine (9) lots in a joint use agreement; or

(iii) One thousand (1,000) square feet for private residential docks serving more than nine (9) lots in a joint-use agreement.

← OK

Comment [CA65]: Unnecessary statement.

← OK

Comment [CD66]: Council Direction?

Comment [CD67]: Council Direction?

(c) No new dock, mooring buoy, or float shall be located closer than fifteen (15) feet from the side property line extended.

← OK

(f) No boat lift shall be located closer than five (5) feet from the side property line extended. New boat lifts installed between five (5) and fifteen (15) feet of the side property line extended must be installed perpendicular to the shoreline.

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← OK

Comment [CD68]: This allows boat lifts to be closer to property lines provided that the lift is installed to protect the shoreline.

(g) Maximum length of private docks. The maximum waterward extent of any new dock or other in-water/overwater moorage structure shall be no greater than the average length of the nearest docks on either side as measured perpendicularly from OHWM. If either of the nearest two docks is less than 10 feet long or smaller than 150 square feet in size, the length of the next nearest dock exceeding these dimensions may be used to determine allowable length. Any new dock or other in-water/overwater moorage structure shall not extend further waterward than adjacent moorage structures and must not interfere with navigation as assessed by the Army Corps of Engineers.

Comment [CD69]: COE controls the maximum length of docks on Lake Sammamish.

(h) One boat canopy per residential dock lot is allowed provided that the canopy is made of translucent (light penetrating) material. Canopies may be a maximum of twenty-five (25) feet in length, 15 (fifteen) feet in width, and 10 (ten) feet in height above the OHWM at the highest point over ordinary high water.

OK, ALL

(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. These apply in addition to the regulations in SMC 25.07.050(1).

Comment [CLA70]: Unnecessary comment.

(a) Each individual residential lot on Pine and Beaver Lake shall be allowed ~~no~~ more than one (1) of each of the following moorage structures: one (1) residential dock, and one (1) float.

(b) Maximum overwater coverage area for private docks on Pine and Beaver Lake:

(i) ~~Six hundred and eighty (480600)~~ square feet for private residential docks serving one lot.

Comment [CD71]: Council Direction

(ii) Seven hundred (700) square feet for private residential docks serving two (2) or more lots in a joint-use agreement.

(c) New boat lifts and canopies are not permitted on Pine and Beaver Lakes. Existing lifts and canopies may be maintained.

(d) No new dock, mooring buoy, or float shall be located closer than five (5) feet from the side property line extended.

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Comment [CD72]: Request from Pine/Beaver lake residents.

(e) The maximum waterward extent of any new dock or other in-water/overwater moorage structure shall be no greater than the average length of the nearest docks on either side as measured perpendicularly from OHWM. If either of the nearest two docks is less than 10 feet long or smaller than 150 square feet in size, the length of the next nearest dock exceeding these dimensions may be used to determine allowable length. However, if this maximum length does not allow eight (8) feet of water depth at the end of the dock during summer months, the dock may be extended. In no case shall the maximum length exceed eighty (80) feet or one-quarter (1/4) of the width of the lake.

**Comment [CD73]:** Consensus opinion from Pine/Beaver lake residents.

**25.07.060 Public Docks and Floats Regulations**

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

- (a) Public recreational docks shall be designed and constructed using WDFW-approved methods and materials; and
- (b) No public recreational dock shall exceed 3,000 square feet in surface area.

**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 mitigated such that there is no net loss of shoreline ecological functions or processes. 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 ~~feasible~~ reasonable, and constructed and maintained in a manner that does not degrade the water quality of affected waters; and

← OK

(e) No gabions ~~subject to corrosion~~, 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

OK

(g) The shoreline stabilization on shores exposed to significant wave action shall be designed to dissipate wave energy and scouring; and

Comment [SS74]: Missing requirements from PC draft

(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 Bulkheads with Existing Single Family Residential Uses or Expansion of Existing Bulkheads. Property owners proposing to construct a new bulkhead, concrete wall, or similar hard structure or expand an existing bulkhead, wall, or similar structure must demonstrate all of the following. New or expanded hard structural stabilization may be permitted only when bulkhead alternatives are determined to be infeasible or insufficient, and when required:~~

(a) ~~The bulkhead or wall is needed to protect the an existing primary residential structure from shoreline erosion caused by currents or waves (and not caused by normal sloughing, vegetation removal, or poor drainage) and when there is a significant possibility that the primary structure will be damaged within three (3) years as a result of shoreline erosion in the absence of armoring measures.~~

(b) ~~There is a significant possibility that the primary structure will be damaged within three (3) years as a result of shoreline erosion in the absence of armoring measures; and~~

(c) ~~Bulkhead alternatives, bio stabilization will not provide adequate or sufficient protection or are infeasible; and~~

(d) ~~The structural stabilization is necessary for purposes of For projects whose primary purpose is remediating hazardous substances pursuant to RCW 70.105; and~~

(e) ~~The structural stabilization is on public land and is required in order to facilitate public shoreline access for substantial numbers of people.~~

(4) To comply with regulation SMC 25.07.070(2) and (3) of this section, the property owner shall provide technical reports that: 1) evaluate the need for structural shoreline stabilization, and; 2) 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 SMC 20.05 (Procedures for Land Use Permit Applications, Public Notice, Hearings and Appeals) and the critical area study requirements of SMC 21A.50.130.

(5) Stairs may be built into shoreline stabilization but shall not extend waterward of #OHWM.

(6) Replacement of Existing Legally Established Bulkheads. When there is a need for an existing legally established bulkhead to be replaced, it may be done with

Comment [SS75]: Bulkhead alternatives are for erosion protection from storms during high water.

OK, ALL

Comment [SS76]: Restored wording from PC draft; "all of the following" does not make sense.

OK, ALL

OK

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Comment [SS77]: These requirements were moved for clarification.

OK

Comment [SS78]: Bulkhead alternatives should not require extensive technical reports.

Comment [CL487]: Inconsistent with other items in the list.

OK

Comment [CL480]: Inconsistent with other items in the list.

bulkhead alternatives or bio stabilization. An existing bulkhead or similar stabilization structure may only be replaced with a structure of similar dimension and location, and material when bulkhead alternatives are demonstrated to be infeasible or inadequate to protect the primary residential structure and the following criteria are met:

OK, BOTH

Comment [SS81]: Material may be inappropriate; e.g., creosote-treated wood.

~~(a)~~ (c) 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)~~ (d) 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)~~ (4) 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)~~ (5) ~~Repair and Maintenance of Existing Legally Established Bulkheads~~ 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 ten percent (10%), it shall be treated as a new/replacement bulkhead hard shoreline stabilization structure and the City may require mitigation in accordance with this Program.

Comment [CL82]: Inconsistent with other items in the list.

OK, ALL

~~(9)~~ (6) 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)~~ (7) Breakwaters, jetties, rock weirs, groins and similar structural modifications shall be prohibited.

~~(11)~~ (8) New bulkheads on vacant lands are prohibited.

**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.

(b) New water-oriented accessory 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, excluding landscaping features such as individual rocks, benches, and bird houses, is not more than ~~one~~ two hundred ~~fifty~~ (150) square feet; and,

**Comment [CD83]:** Landscaping features should not count against the maximum footprint.  
**Comment [CD84]:** Council Direction

(ii) The maximum height is not more than eight (8) feet above existing average grade level; and

(iii) The structure is located outside of wetlands, streams, other ecologically sensitive areas and associated buffers.

(c) Up to twenty-five percent (25%) of the vegetation enhancement area, and ~~no less than fifteen (15) feet of the lake frontage~~ may be used for active use. If this 25% 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.

← OK

(3) **Expansion of Existing Legally Established Residential Use.**

OK, IF \*

(a) **Lake Sammamish.** An existing legally established residential structure may be expanded or reconfigured. Expansion/modification shall be subject to the requirements of SMC 25.06.020. Expansion shall be allowed in accordance with ~~SMC 21A.50.060(1)(a) and (b) 25.06.020(8)~~. The minimum distance between the OHWM and the waterward edge of the footprint of the expansion (not including a maximum of eighteen (18) inches of overhanging eaves) of an expanded or reconfigured residential structure shall be at least ~~fifteen~~ twenty (1520) feet in accordance with SMC 25.06.020. ~~(See Figure 1 for examples of how the regulations affect expansion or reconfiguration).~~

**Comment [CA055]:** [Illegible]

← OK, ALL

\* 21.A LANGUAGE - MOVE INTO SMP

(b) **Pine and Beaver Lakes.** An existing legally established residential structure may be expanded or reconfigured. Expansion into the shoreline setback shall occur only as allowed in SMC ~~21A.50.060(1)(a) and (b)~~ 25.06.020(8). Expansion/modification shall be subject to the requirements of SMC 25.06.020 ~~(See Figure 2) for examples of how the regulations affect expansion or reconfiguration.~~

Comment [CA086]: Reference text in SMP.

OK, IF \*

OK

(4) **Interior setbacks.**

~~(f) Projections and structures are allowed in interior setbacks in accordance with SMC 21A.25.190.~~

~~(g) **Lake Sammamish.** Interior setbacks within shoreline jurisdiction shall total fifteen percent (15%) of the width of the lot, with a minimum setback of five (5) feet on either side of the lot.~~

~~(h) **Pine and Beaver Lakes.** Interior setbacks within shoreline jurisdiction will have a minimum setback of five (5) feet on either side of the lot.~~

Comment [CD87]: Council decision to use R4 or special shoreline regulation.

~~(2) **Fences.** No portion of any fences within shoreline jurisdiction shall exceed six (6) feet in height, as measured from the existing ground elevation along the proposed fence alignment, and shall not be located within wetlands, streams, or SMC 21A.50 buffers.~~

OK

Comment [CD88]: Council decision to use R4 or special shoreline regulation.

(4) **Subdivision.** Shoreline lots may be subdivided in accordance with SMC Title 19. The minimum lot width required for subdivision within shoreline jurisdiction shall be fifty (50) feet as measured by scaling a circle of the applicable diameter within the boundaries of the lot, and for lots fronting directly on the OHWM, the lot width circle shall touch the OHWM; provided, that an access easement shall not be included within the circle. In addition, landward portions of all lots ~~the shoreline lot~~ created through subdivision shall have a minimum size of twelve thousand five hundred (12,500) square feet, provided that all other applicable regulations are met, including this Program, SMC 21A.25 and the King County Department of Health, (septic system siting standards).

\* IF MOVE 21.A LANG. INTO SMP

**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 SMC 21A.10, 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 wetlands and or stream stream buffers, or in, on or over water and that no structure exceeds ten (10) feet above existing average grade level.

← OK

(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 non-motorized 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, non-invasive, self-sustaining vegetation.

**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, non-motorized facilities and parking facilities. Transportation use regulations shall not apply to residential access drives, which that are accessory to residential use. ~~The transportation regulations of this section apply to all shoreline areas jurisdictions.~~

← OK, WITH\*

(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).

← OK

(3) New transportation and storm water facilities and improvements to existing

\* Staff-suggested edit to delete sentence

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 SMC 21.50 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 ~~feasible~~reasonable.

(6) Parking ~~within the shoreline areas-jurisdictions~~ shall be limited to parking facilities which ~~that~~ directly serve a permitted shoreline use, including on-street parking where otherwise allowed in SMC Title 14 (Public Utilities and Transportation) and Title 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 ~~feasible~~reasonable.

(8) Parking facilities shall be located and designed to minimize adverse environmental impacts, ~~including, but not limited to~~ and consider 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 SMC 21A.50.

(9) Parking is prohibited on structures located in, on or over water.

Figure 2. THIS FIGURE WAS NOT UPDATED TO REFLECT CHANGES.

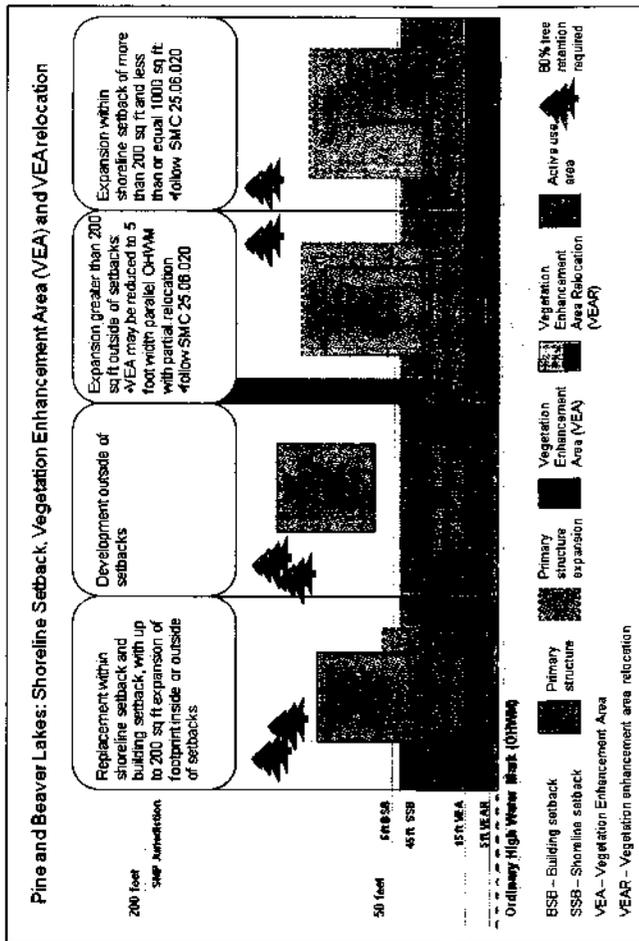
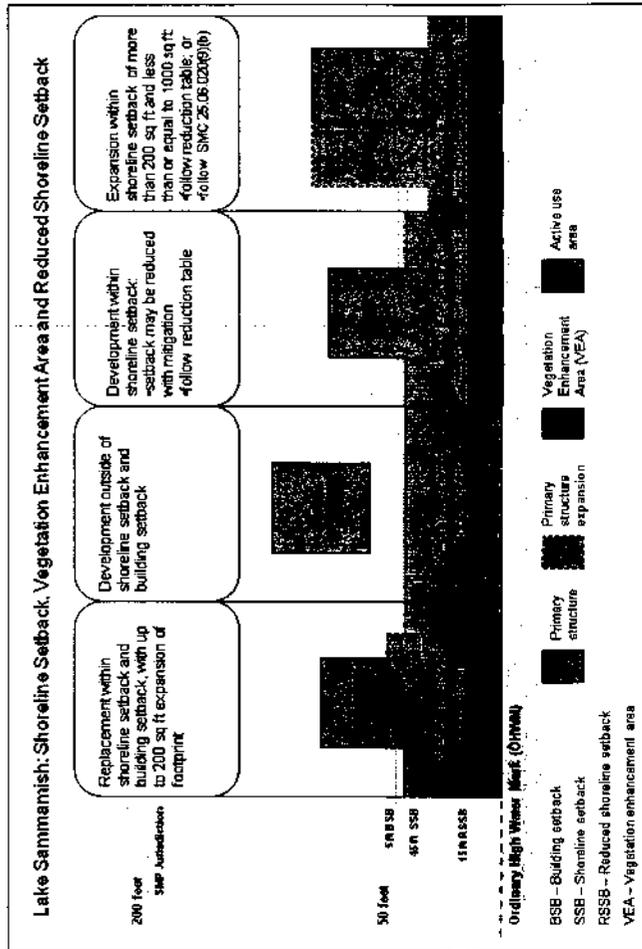


Figure 1. THIS FIGURE WAS NOT UPDATED TO REFLECT CHANGES.



**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. ~~The utility use regulations of this section apply to all shoreline areas jurisdictions.~~

(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 use would unduly interfere with utility operations, endanger public health and safety, or create a significant and disproportionate liability for the owner.

(3) When ~~feasible~~ 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 areas 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 ~~feasible~~ 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.

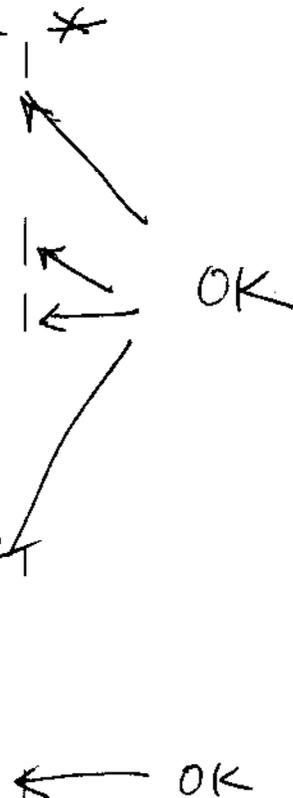
(7) All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, except in situations where no other ~~feasible~~ reasonable alternative exists. In those limited instances when permitted, automatic shut-off valves shall 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 reasonable alternative exists; and

(b) The functions of the lake and related buffer 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



\* Delete sentence.

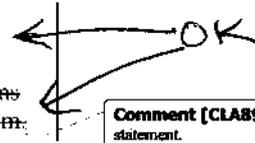
consistent with the requirements of City stormwater management regulations.

## Chapter 25.08 Permit Criteria and Administrative Standards

### 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. Any development subsequently authorized by the City shall be subject to the same terms and conditions which apply to the development authorized 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 (WAC173-27-040(1)(a)).

(4) A new use or development that is ~~enlisted 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.

### 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 RCW 90.58 or by WAC 173-27.

(2) The Director may grant a substantial development permit only when the development proposed is consistent with the policies and procedures of RCW 90.58; the provisions of WAC 173-27; and this Program.

### 25.08.030 Permits – Exemptions from a Substantial Development Permit

(1) Uses and developments that are not considered substantial developments

pursuant to RCW 90.58 and WAC 173-27 shall not require a substantial development permit but shall conform to the policies and regulations of this Program.

(2) If any part of a proposed development is not eligible for exemption as defined in RCW 90.58 and WAC 173-27, 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~~ intent 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~~ proposing the use or development action. ← OK

(5) The holder of a certification from the Governor pursuant to RCW 80.50 shall not be required to obtain a substantial development permit under this Program.

#### 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 s/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. ← OK

(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.

**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) Proposals that qualify as a Reasonable Use Exception pursuant to SMC 21A.50.070(2) shall require a shoreline variance.~~

~~(6) 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 and processes or other users.~~

(5) A variance from City development code requirements shall not be construed to mean a shoreline variance from shoreline master program SMP use regulations and vice versa.

(6) Variances may not be used to permit a use or development that is specifically prohibited.

~~(9) The burden of proving that a proposed shoreline variance meets these conditions shall be on the applicant; absence of such proof shall be grounds for denial of the application.~~

**Comment [CA090]:** While this may be true for some properties, it is not generally true. It depends on the reason for the exemption.

**Comment [CLA91]:** This is part of the state regulations for requesting a shoreline variance. It should not be in the SMP.

**Comment [CD92]:** Residents should not be precluded from requesting a shoreline variance.

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**Comment [CLA93]:** This is a restatement of (4) above without quoting the WAC.

OK

**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.

**25.08.070 Administration – General Standards**

(1) Unless otherwise stated, this Program shall be administered according to the standards and criteria in RCW 90.58 and WAC 173-27.

**25.08.080 Permit Process – Land Use Decisions**

(1) Shoreline substantial development permits, statements of exemption, shoreline variances and shoreline conditional use permits shall be subject to all of the applicable requirements of SMC 20.05.

**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) 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.

**25.08.100 Non-conforming Use and Development – Alteration or Reconstruction**

**(1) Non-conforming Structures**

(a) Reconstruction or expansion of the exterior envelope-footprint of an existing, legally established non-conforming structure is allowed provided that the addition or reconstruction does not increase the degree of non-conformity except as allowed in SMC 25.07.080. ← OK

(b) Existing structures that were legally established but which are non-conforming 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 non-conformity 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 except as specifically allowed in SMC 25.07.080. ← OK

~~(e) Existing legally established structures that are non-conforming as to SMC 21A.50 buffer requirements for wetlands, streams, ponds, or landslide hazard areas and their building setbacks may be modified, expanded, and/or replaced according to SMC 21A.50.060, sections (1)(a) and (1)(b). Structure non-conformity for any reason other than SMC 21A.50 buffer requirements for wetlands, streams, ponds or landslide hazard areas and their building setbacks must comply with the regulations of this section.~~

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(a) Interior remodels, reconstruction, and renovations shall not require a shoreline permit. Approval may be required through a city building permit.

Comment [CA094]: This is a CAO regulation.

Comment [CA95]: Shoreline permits do not exist.

(c) If a non-conforming structure 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 provided that all of the following criteria are met:

OK

(i) The owner(s) submit a complete application within twelve (12) months of the date the damage occurred; and

(ii) All permits are issued within two years of initial application submittal of the complete application, and the restoration is completed within two (2) 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

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

OK

(d) A non-conforming structure which that is moved outside the existing footprint must be brought into conformance with this Program and RCW 90.58.

(e) ~~Dock or float~~ If the repair or maintenance activity of a non-conforming dock changes the location of the structure or alters any dimension of the structure by more than ten percent (10%), it shall be subject to the regulations for new/replacement.

(2) **Non-conforming lots**

(a) An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM which 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 if permitted by other land use regulations. Such development shall conform to all other requirements of this Program.

**(3) Non-conforming uses**

(a) Uses that were legally established prior to the adoption or amendment of this Program - and are non-conforming with regard to the use regulations of this Program may continue as legal non-conforming 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 non-conforming use and may be continued subject to the provisions of this section without obtaining a conditional use permit.

(c) If a non-conforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming unless in compliance with

~~25.08.100(f)~~ *this program.*

← OK\*

Comment [CLA96]: This reference does not exist. What is the intent?

**25.08.110 Rules of Director**

(1) The Director is authorized to adopt ~~such 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.

← OK

**25.08.120 Enforcement, Violations and Penalties**

(1) 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 WAC 173-27.

**25.08.130 Initiation of Development**

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

**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 ~~that which is~~ 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.

← OK

(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

\* with edit above

proposed changes. The City shall review and process the request in accordance with the requirements of WAC 173-27-100.



**DRAFT**  
**CITY OF SAMMAMISH**  
**WASHINGTON**  
**ORDINANCE NO. O2009 - \_\_\_\_**

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**AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, AMENDING CHAPTER 21A.50 (ENVIRONMENTALLY CRITICAL AREAS), OF THE SAMMAMISH MUNICIPAL CODE**

WHEREAS, the City Council adopted the City's Comprehensive Plan on September 16, 2003, and the City has enacted zoning consistent with the comprehensive plan; and

WHEREAS, the City Council adopted the Sammamish Municipal Code on October 7, 2003 and subsequent revisions have been made since that time; and

WHEREAS, the adopted City of Sammamish Comprehensive Land Use Plan supports the protection of environmentally critical areas through the adoption of development regulations; and

WHEREAS, the City Council adopted Ordinance O2005-193, which amended the Sammamish Municipal Code to update the City's environmentally critical area regulations to meet the requirements of RCW 36.70A.020, RCW 36.70A.172, and WAC 365-195-900 through 925; and

WHEREAS, prior to adopting Ordinance O2005-193, the City Council undertook an extensive Best Available Science (BAS) review and public process in accordance with the requirements of the GMA, developed Sammamish Municipal Code amendment drafts, prepared environmental documents in accordance with the requirements of the State Environmental Policy Act (SEPA), and held meetings and hearings throughout the code development process; and

WHEREAS, the City Council intends to adopt a new Shoreline Master Program on September 15, 2009, consistent with the requirements of RCW 90.58, WAC 173-26, and WAC 173-27; and

WHEREAS, the new Shoreline Master Program provides for protection and development standards on Lake Sammamish, Pine Lake, and Beaver Lake that are equivalent to, or provide greater protection than, the protection and development standards contained within Ordinance O2005-193; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non Significance for the proposed 2009 Shoreline Master Program and associated SMC 21A.50 (Critical Areas) amendments was issued on August 26, 2009; and

WHEREAS, in accordance with WAC 365-195-620, a notice of intent to adopt the proposed Sammamish Shoreline Master Program was received by the State of Washington Department of Community, Trade and Economic Development on August 18, 2009; and

WHEREAS, development applications are reviewed for compliance with these regulations; and

WHEREAS, the public process for the proposed amendments has provided for public participation opportunities; and

WHEREAS, the City Council considered the proposed amendments at a City Council public hearing conducted on September 1, 2009.

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

**Section 1. Amendments to the Municipal Code.** The municipal code amendments set forth in Attachment "A" to this ordinance are hereby adopted.

**Section 2. Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 3. Effective Date.** This ordinance shall be published in the official newspaper of the City, and shall be transmitted to the Washington State Department of Ecology for review and approval. This ordinance shall become effective on the date that the Department of Ecology issues formal approval of the ordinance.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2009.**

CITY OF SAMMAMISH

\_\_\_\_\_  
Mayor Donald J. Gerend

ATTEST/AUTHENTICATED:

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Melonie Anderson, City Clerk

Approved as to form:

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Bruce L. Disend, City Attorney

Filed with the City Clerk:	August 26, 2009
Public Hearing:	September 1, 2009
First Reading:	September 1, 2009
Public Hearing:	September 8, 2009
Second Reading:	September 15, 2009
Passed by the City Council:	
Date of Publication:	
Effective Date:	



**ATTACHMENT A**

- SMC 21A.50.060(1) - Partial Exemptions.
- SMC 21A.50.210 - Building Setbacks.
- SMC 21A.50.290(2) - Wetlands – Development Standards.
- SMC 21A.50.351 - Lakes and ponds – Development standards.
- SMC 21A.50.352 - Lake Sammamish buffer – Permitted alterations.

“Plain Text” is existing code language

“~~Strikethrough Text~~” is existing language that will be deleted

“Underline Text” is code language that will be added

**21A.50.060 Partial exemptions.**

- (1) The following developments, activities and uses are exempt from the review process of this chapter, except for the notice on title provisions, SMC 21A.50.180 and 21A.50.190, and the frequently flooded areas provisions, SMC 21A.50.230, and provided such exempt activities are otherwise consistent with the purpose of this chapter 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.
- (a) 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, lakes, ponds, ~~or~~ landslide hazard areas, or shoreline setbacks required by the Sammamish Shoreline Master Program, 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.
  - (b) Structural modification of, addition to or replacement of legally created single detached residences and improvements constructed on existing associated legally created impervious surfaces in existence before November 27, 1990, which do not meet the building setback or buffer requirements for wetlands, streams, lakes, ponds, ~~or~~ landslide hazard areas, or shoreline setbacks required by the Sammamish Shoreline Master Program 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 or, if the existing residence is in the critical area, extends farther into the critical area.
  - (c) 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.
  - (d) Select Vegetation Removal Activities. The removal of the following invasive vegetation is allowed with hand labor and/or light equipment; provided, that the appropriate erosion-control measures are used and the area is replanted with native vegetation according to a restoration or enhancement plan that has been approved by the City of Sammamish:
    - (i) Noxious weeds as identified by Washington State or King County noxious weed lists;
    - (ii) Himalayan blackberry (*Rubus discolor*, *R. procerus*);
    - (iii) Evergreen blackberry (*R. laciniatus*);
    - (iv) Ivy (*Hedera* spp.); and
    - (v) Holly (*Ilex* spp.), laurel, Japanese knotweed (*Polygonum cuspidatum*), or any other species on the King County noxious weed list.

Removal of any native vegetation or woody debris from a critical area is prohibited unless the action is part of an approved alteration.
  - (e) Conservation, Preservation, Restoration and/or Enhancement.

- (i) 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
- (ii) 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.

...

**21A.50.210 Building setbacks.**

Unless otherwise provided, buildings and other structures shall be set back a distance of 15 feet from the edges of a critical area buffer. ~~The setback from the Lake Sammamish buffer shall be five feet; provided, that the setback shall not be less than required by this chapter or the shoreline master program, whichever is greater.~~ The following may be allowed in the building setback area:

- (1) Landscaping;
- (2) Uncovered decks;
- (3) Building overhangs if such overhangs do not extend more than 18 inches into the setback area;
- (4) Impervious ground surfaces, such as driveways and patios; provided, that such improvements may be subject to special drainage provisions adopted for the various critical areas; and
- (5) Trails.

**21A.50.290 Wetlands – Development standards.**

...

~~(2) Wetlands located entirely waterward of the ordinary high water mark of a lake or pond shall be regulated by the buffer and development standards provided for lakes and ponds in SMC 21A.50.351 and 21A.50.352, and by the adopted shoreline master program.~~

...

**21A.50.351 Lakes and Ponds – Development standards.**

~~A development proposal on a parcel or parcels containing a lake, pond or associated buffer or setback shall meet the following requirements:~~

- ~~(1) Lake Sammamish Buffer. A 45-foot standard buffer shall be established from the ordinary high water mark, as defined by the Shoreline Management Act, of Lake Sammamish; provided, that up to 25 percent, or no less than 15 feet, of the lake frontage may be used for shoreline access.~~
- ~~(2) Increased Lake Sammamish Buffers. The department may require the Lake Sammamish buffer to be increased when necessary to protect other fish and wildlife habitat conservation areas. Where the lake exists adjacent to a stream or wetland located~~

~~landward of the ordinary high water mark, the standards that provide greater protection shall prevail. Where the lake buffer includes a landslide hazard area, the buffer width shall be the greater of either the lake buffer or 25 feet beyond the top of the landslide hazard area.~~

~~(3) Lake Sammamish Buffer Reduction. The Lake Sammamish buffer may be reduced when buffer reduction impacts are mitigated using any combination of the following mitigation options and result in equal or greater protection of lake functions. In no case shall the buffer be less than 15 feet. The Lake Sammamish buffer may be reduced by:~~

~~(a) Fifteen feet for:~~

~~(i) Removal of an existing bulkhead located at, below, or within five feet landward of the lake's ordinary high water mark (OHWM) and subsequent restoration of the shoreline to a natural or seminatural state, including restoration of topography, soil composition, and vegetation;~~

~~(ii) Restoration of shoreline to a natural or seminatural state if no bulkhead is present, but other existing unnatural shoreline contours are present; or~~

~~(iii) Preservation of existing natural shoreline conditions if no bulkhead or other unnatural shoreline features are present;~~

~~(b) Ten feet for preservation of existing trees and native vegetation or restoration of native vegetation, as necessary, in the remaining Lake Sammamish buffer to be retained along at least 75 percent of the site's lake frontage. Up to 25 percent by area of preserved and/or restored vegetation can be comprised of noninvasive, nonnative vegetation. Up to 25 percent, or no less than 15 feet, of the lake frontage may be used for shoreline access; provided, that access areas are located to avoid areas of greater sensitivity and habitat value. Restoration of native vegetation shall consist of a mixture of trees, shrubs and groundcover and be designed to improve habitat functions;~~

~~(c) Five feet for preservation of existing native vegetation or restoration of native vegetation, as necessary, in the minimum five-foot wide nearshore area below the lake's ordinary high water mark (OHWM);~~

~~(d) Five feet for preparation of, and agreement to adhere to, a shoreline vegetation management plan that includes appropriate limitations on the use of fertilizer, herbicides, and pesticides as needed to protect lake water quality; and~~

~~(e) Five feet for limiting lawn area to no greater than 20 percent of the lot area. Landscaped areas outside of the lawn and buffer areas shall be maintained or planted in noninvasive vegetation.~~

~~(4) Other Lakes and Naturally Occurring Ponds – New Residence Setback and Tree Retention.~~

~~(a) A 50-foot building setback for new residences shall be established from the ordinary high water mark (OHWM), as defined by the Shoreline Management Act, for lakes and naturally occurring ponds, that are and is other than Lake Sammamish not otherwise regulated by the Sammamish Shoreline Master Program.~~

~~(b) On lots abutting a lake or pond or containing the 50-foot setback area, 25 percent of existing significant trees shall be retained on-site. Half of the significant trees to be retained shall be located within the 50-foot building setback area. Where~~

half of the trees to be retained are not present within the setback area, the remaining number may be retained elsewhere on-site.

**~~21A.50.352 — Lake Sammamish buffer — Permitted alterations.~~**

~~Alterations to the Lake Sammamish buffers are not allowed, except as provided for by complete exemptions, partial exemptions and exceptions in this chapter or as allowed for by this section.~~

- ~~(1) — New development and uses shall be prohibited from the Lake Sammamish buffer, except as provided for in this chapter. Developments associated with water dependent and water enjoyment uses allowed by the shoreline master program are not required to meet the required buffer; provided, that the placement of structures, storage, and hard surfaces within the buffer shall be limited to the minimum necessary for the successful operation of the use. In no case shall surface parking be allowed within the lake buffer;~~
- ~~(2) — Surface water management activity or facility, such as an energy dissipater and associated pipes, is allowed in the Lake Sammamish buffer only if the applicant demonstrates, to the satisfaction of the department, that:
 
  - ~~(a) — No reasonable alternative exists; and~~
  - ~~(b) — The functions of the lake and related buffer are not adversely affected;~~~~
- ~~(3) — Public and private trails are allowed in the Lake Sammamish buffer consistent with the standards and requirements in this chapter, development standards in Chapter 21A.30 SMC, and requirements elsewhere in the SMC. Proposals for constructing viewing platforms, associated access trails, and spur trails must be reviewed by a qualified professional and a critical areas study may be required;~~
- ~~(4) — A dock, pier, moorage, float, or launch facility may be allowed, subject to the provisions of SMC Title 25;~~
- ~~(5) — Enhancement and Restoration. Lake buffer enhancement or restoration not associated with any other development proposal may be allowed if accomplished according to a plan for its design, implementation, maintenance and monitoring prepared by and carried out under the direction of a qualified professional. Restoration or enhancement must result in a net improvement to the functions of the lake ecosystem;~~
- ~~(6) — Restoration Required. Restoration shall be required when the lake buffer is altered in violation of law or without any specific permission or approval by the City. A mitigation plan for the restoration shall conform to the requirements of this chapter; and~~
- ~~(7) — Development may be further regulated by the adopted shoreline master program. (Ord. 02005-193 § 1)~~

Name/Lake (Click for map)	Address, Parcel Number and Lake	Current KC SMP Designation/ Planning Commission Recommendation	Request
<b>Donald Barnett/Lake Sammamish</b>	2920 East Lake Sammamish Pkwy NE, 2025069041 (house is on 2025069016 on the east side of East Lake Sammamish Parkway)	Conservancy/Urban Conservancy.	Shoreline Residential
<b>Staff comments</b>	The Urban Conservancy Designation was based on the significant high quality habitat and hydrological functions. The property contains a treed shoreline and a salmon-bearing stream with restoration potential. Areas to the north are designated UC.		
<b>Beth Nelson (Hughes Property)/Lake Sammamish</b>	Vacant no address. 2025069071 and 2025069085-	Conservancy/Urban Conservancy	Shoreline Residential
<b>Staff comments</b>	Property currently vacant with a home directly to the south. High quality beach and vegetation. Areas to the north and south are proposed to be UC.		
<b>Michael Pizzo/Lake Sammamish</b>	3123 E.Lake Sammamish Pkwy NE, 2025069042	Conservancy/Urban Conservancy	Shoreline Residential
<b>Staff comments</b>	Property has a residence. Owner was originally concerned that UC restriction would not allow 2nd story addition. (Note-This was addressed in the Council Draft SMP) The areas to the north and south are designated UC.		
<b>Walter Kaczynski/Beaver Lake</b>	1310 West Beaver Lake Dr SE, 0124069021	Conservancy/Urban Conservancy	Shoreline Residential
<b>Staff comments</b>	Owners concern is over limits on subdivision and docks. (Note-This was addressed in the Council Draft SMP) Beaver Lake Preserve is immediately to the west. There is a wetland on the Preserve above ordinary high water which is believed to extend on to this property. Areas to the east and west are proposed to be UC.		
<b>Donald Renbarger/Beaver Lake</b>	1302 W.Beaver Lake Drive 0124069022-	Conservancy/Urban Conservancy	Shoreline Residential
<b>Staff comments</b>	The subject parcel is one parcel east of the Beaver Lake Preserve. Wetland on the Preserve is suspected to extend on to this property as well.		
<b>Alan Pascal/Beaver Lake</b>	1501 East Beaver Lake Dr SE, 0124069007-Beaver Lake	Conservancy/Urban Conservancy	Shoreline Residential
<b>Staff comments</b>	Concern over ability to subdivide (Note: The applicant recorded a short plat on this property in March of 2008). (Note-This was addressed in the Council Draft SMP) The property has a stream tract to the west and a wetland tract along the lake above OHWM.		
<b>Derald Lo/Pine Lake</b>	21520 SE 28th Lane, 0924069129	Rural/Urban Conservancy.	Shoreline Residential
<b>Staff comments</b>	Owner's concern that the proposed designation is arbitrary. His parcel is the only one of the three on Pine lake with a house on the west end of Pine Lake.		

Property is located on a Class 1 wetland and has significant environmental features.

<b>Boris Wiggers/Pine Lake</b>	Vacant. No address. 0924069102(Wiggers communal tract)	Rural/Urban Conservancy.	Shoreline Residential
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**Staff comments**

Concerned that UC will not allow construction of a dock because of the proposed 200 foot spacing of docks. (Note-This was addressed in the Council Draft SMP). Property is located on a Class 1 wetland and has significant environmental features.

<b>Pine Brook Meadows subdivision open space (Howard Edson and Lori Walters)/Pine Lake</b>	Vacant. 6790700460	Rural/Urban Conservancy	Shoreline Residential
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**Staff comments**

Concerned that UC will not allow construction of a dock because of the proposed 200 foot spacing of docks. (Note-This was addressed in the Council Draft SMP). Property is located on a Class 1 wetland and has significant environmental features.

**To Top**

City of Sammamish, M - F, 8:30 am - 5 pm  
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 Last updated Aug 27 2009





## Memorandum

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**Date:** September 10, 2009  
**To:** City Council  
**From:** Kamuron Gurol  
**Re:** Future action items

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During the council deliberations on September 8, 2009, discussion of several items were identified for potential future action.

The first item identified a possible city-wide code amendment to extend the time in which a property owner must submit an application to rebuild (in-kind) a non-conforming structure that is damaged by casualty or natural disaster. The current application period is one year. The proposed application period is two years. The two year time frame would be included in the SMP for shoreline non-conformances. (See Council Draft SMP section 25.08.100 (1)(e)(i)).

The second item is a city-wide ban on phosphorus containing fertilizers. This item is proposed for future inclusion in the SMP.

The staff identifies one additional item for the Council to consider. Although the SMP and associated City of Sammamish Final Restoration Plan (January, 2008) encourage voluntary restoration efforts, an additional mechanism might be needed to assist the City in meeting the no net loss standard, and in improving the shorelines over time. This would be a mechanism that provides technical and/or funding assistance to individual or groups of property owners interested in vegetation enhancement efforts on the lakes. At council's direction, the staff would investigate grant opportunities and technical assistance that may be available to implement such a program. A link to restoration plan is included below for your reference.

<http://www.ci.sammamish.wa.us/files/document/4294.pdf>