AGENDA

City Council
Regular Meeting
Revised

6:30 pm – 9:30 pm

January 6, 2009
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

Student Liaison Reports
- Eastlake High School
- Skyline High School

Presentations/Proclamations

- State of the City Address
- Elections: Mayor and Deputy Mayor for 2009
- Out Going Mayor Presentation

Consent Agenda
1. Approval: Claims for period ending January 6, 2009 in the amount of $1,228,769.55 for check No. 22487 through 22600
2. Resolution: Final Acceptance Pine Lake Park Dock Demolition Project/Harbor Asphalt
3. Contract: Development Review Services/Roth Hill
4. Amendment: Shoreline Master Plan Update/ESA Adolfson
5. Approval: Minutes for December 2, 2008 Regular Meeting
6. Approval: Minutes for December 15 Special Meeting/Study Session
7. Approval: Minutes for December 16, 2008 Regular Meeting

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.

City of Sammamish

Public Hearings

8. Ordinance Of The City Of Sammamish, Washington Adopting Interim Regulations Exempting Certain Public Emergency Communications Facilities From Compliance With SMC Chapter 21A.55; Declaring An Emergency; Providing For Severability; And Establishing An Effective Date

Unfinished Business - None

New Business

9. Shoreline Master Plan Update – Planning Commission Recommendation

10. Resolution: Placing The Glenn Comprehensive Plan Amendment And Rezone On The 2009 Comprehensive Plan Docket

11. Resolution: Related To The Proposed Rizzo 2009 Comprehensive Plan Docket Request

Council Reports

City Manager Report

Executive Session – If necessary

Adjournment

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.

AGENDA CALENDAR

January 2009			
Tues 01/06	6:30 pm	Regular Council Meeting	Elections: Mayor and Deputy Mayor Public Hearing: Emergency Ordinance amending Wireless Code Planning Commission Recommendation: Shoreline Master Plan Resolution: Final Acceptance Pine Lake Park Dock Demolition/Harbor Asphalt (consent) Amendment: Shoreline Update/EAS Adolfson (consent) Contract: Development Review/ Resolution: 2009 Comprehensive Plan Amendments
Tues 01/13	6:30 pm	Study Session	Discussion: Eastside Fire & Rescue
Mon 01/19			**Martin Luther King Day (City Offices Closed)**
Tues 01/20	6:30 pm	Regular Council Meeting	Annual Growth Report/King County PH: Ordinance Second Reading Code Interpretation PH: Ordinance Second Reading Minor Code Amendments PH: Ordinance Second Reading Code Blocks Public Hearing: First Reading Condemnation Ordinance Resolution: ETP Partnership agreement Contract: Maintenance Facility Design/TCF Architects
Jan 22-24		Council Retreat	
February 2009			
Tues 02/03	6:30 pm	Regular Council Meeting	Second Reading Condemnation Ordinance
Tues 02/10	6:30 pm	Study Session	
Mon 02/16			**President's Day (City Offices Closed)**
Tues 02/17	6:30 pm	Regular Council Meeting	
March 2009			
Tues 03/03	6:30 pm	Regular Council Meeting	Public Hearing/First Reading Annexation of Camden Park Public Hearing/First Reading Shoreline Master Plan Update
Tues 03/10	6:30 pm	Study Session	Sammamish Landing: Review of Preferred Master Plan Presentation: City Hall Clock
Mon 03/16	6:30 pm	Study Session	Joint Meeting with Planning Commission
Tues 03/17	6:30 pm	Regular Council Meeting	Public Hearing/Second Reading Shoreline Master Plan Update
April 2009			
Tues 04/07	6:30 pm	Regular Council Meeting	
Tues 04/14	6:30 pm	Study Session	
Mon 04/20	6:30 pm	Study Session	
Tues 04/21	6:30 pm	Regular Council Meeting	
May 2009			
Tues 05/05	6:30 pm	Regular Council Meeting	
Tues 05/12	6:30 pm	Study Session	
Mon 05/18	6:30 pm	Study Session	
Tues 05/19	6:30 pm	Regular Council Meeting	
June 2009			
Tues 06/02	6:30 pm	Regular Council Meeting	
Tues 06/09	6:30 pm	Study Session	
Mon 06/15	6:30 pm	Study Session	
Tues 06/16	6:30 pm	Regular Council Meeting	

July 2009			
Tues 07/07	6:30 pm	Regular Council Meeting	
Tues 07/14	6:30 pm	Study Session	
Mon 07/20	6:30 pm	Study Session	
Tues 07/21	6:30 pm	Regular Council Meeting	

To Be Scheduled	To Be Scheduled	Parked Items
Resolution: Adopting Evans Creek Preserve Master Plan **Approval**: Non-Motorized Project Priority List Street Lighting Standards Revision Storm Drainage Manual Update	**Resolution:** Pine Lake Water Quality Plan **Contract:** Louis Thompson Basin Plan Design (Jan 2007) **Contract**: NPDES Phase II Permit Gap Analysis **Public Hearing Second Read**: Ordinance Code Interpretation Amendment **Resolution:** Acceptance South Pine Lake Route Project	

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Events

[**Add Event**]

<< December **February >>**

January 2009

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 8 a.m. **New Year's Day**	2	3
4 6 p.m. **City Council Special Meeting**	5	6 6:30 p.m. **City Council Meeting**	7	8 6 p.m. **Planning Commission Meeting**	9	10
11	12	13 6:30 p.m. **City Council Study Session**	14 6:30 p.m. **Parks and Recreation Commission Meeting**	15	16	17
18	19 6:30 p.m. **Arts Commission Holiday** **City offices closed**	20 6:30 p.m. **City Council Meeting**	21 6 p.m. **Sammamish Youth Board Meeting**	22 6 p.m. **Planning Commission Meeting**	23	24
25 12 p.m. **Arts Commission Meeting**	26	27	28	29	30	31

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[**Add Event**]

<< January **March >>**

February 2009

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 6:30 p.m. **City Council Meeting**	4 6:30 p.m. **Sammamish Landing Public Meeting #3**	5 6:30 p.m. **Planning Commission Meeting**	6	7
8	9	10 6:30 p.m. **City Council Study Session**	11 6:30 p.m. **Parks and Recreation Commission Meeting**	12	13	14
15	16 8 a.m. **President's Day** **City offices closed** 6:30 p.m. **Arts Commission Meeting**	17 6:30 p.m. **City Council Meeting**	18	19 6:30 p.m. **Planning Commission Meeting**	20	21
22	23	24	25 6 p.m. **Sammamish Youth Board Meeting**	26	27	28

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City of Sammamish Washington

MEMORANDUM

TO: Melonie Anderson/City Clerk

FROM: Marlene/Finance Department

DATE: December 31, 2008

RE: Claims for January 6, 2009

0.00	+	$ 250.00
250.00	+	46,048.75
46,048.75	+	9,491.82
9,491.82	+	1,070,569.82
1,070,569.82	+	60,278.94
60,278.94	+	13,543.06
13,543.06	+	28,587.16
28,587.16	+	
008		
1,228,769.55	*	

TOTAL **$1,228,769.55**

Check # 22487 through #22600

Check	Date	Vendor No	Vendor Name	Amount	Voucher
22487	12/17/2008	WABRB	Wa State BRB for King County	250.00	000000
			CHECK TOTAL:	**$250.00**	

City of Sammami
marlene

Accounts Payable
Computer Check Register Totals

Bill #1
Printed: 12/19/08 09:37

Check	Date	Vendor No	Vendor Name	Amount	Voucher
22488	12/19/2008	ANI	ANI Administrators NW Inc	1,323.46	000000
22489	12/19/2008	ICMA401	ICMA 401	28,071.36	000000
22490	12/19/2008	ICMA401x	ICMA401	4,444.95	000000
22491	12/19/2008	ICMA457	ICMA	12,208.98	000000
			CHECK TOTAL:	**$46,048.75**	

City of Sammami
marlene

Accounts Payable
Computer Check Register Totals

Bill #1
Printed: 12/19/08 14:03

Check	Date	Vendor No	Vendor Name		Amount	Voucher
22492	12/19/2008	WAREV	Wa State Dept of Revenue		9,491.82	000000
				CHECK TOTAL:	**$9,491.82**	

Check	Date	Vendor No	Vendor Name	Amount	Voucher
22493	01/06/2009	AAASTRIP	AAA Striping & Legends, Inc	1,144.50	000000
22494	01/06/2009	ABBEY	Abbey Party Rents	1,774.21	000000
22495	01/06/2009	AMERICAW	America West Env Supplies Inc	6,479.05	000000
22496	01/06/2009	AMES	Todd Ames	300.00	000000
22497	01/06/2009	ANI	ANI Administrators NW Inc	140.00	000000
22498	01/06/2009	ASSISTAN	Assistance League Of the Eastside	5,000.00	000000
22499	01/06/2009	ATWORK	At Work!	550.00	000000
22500	01/06/2009	BARKERLA	Barker Landscape Architects PS	8,680.17	000000
22501	01/06/2009	BERGERPA	Berger Partnership	7,735.55	000000
22502	01/06/2009	BOARDERS	Boarders For Christ	250.00	000000
22503	01/06/2009	BOGDAN	Advantage Building Services	5,319.50	000000
22504	01/06/2009	BROMJON	Jonathan Bromberg	1,121.19	000000
22505	01/06/2009	BUILDERS	Builders Exchange of WA	50.00	000000
22506	01/06/2009	CARTRIDG	Cartridge World	656.79	000000
22507	01/06/2009	CDW	CDW Govt Inc	1,716.27	000000
22508	01/06/2009	CHILDCAR	Child Care Resources	1,287.70	000000
22509	01/06/2009	COCHRAN	Cochran Inc	2,446.98	000000
22510	01/06/2009	COMCAST	Comcast Cable Comm Inc	99.95	000000
22511	01/06/2009	CROSSROA	Crossroads Software	15,650.00	000000
22512	01/06/2009	EAGLE	Eagle Press & Supply	2,481.98	000000
22513	01/06/2009	FELLINGE	Lee Fellinge	112.54	000000
22514	01/06/2009	GALT	John E. Galt	2,698.30	000000
22515	01/06/2009	HARTOFF	Hartman Office Equipment Inc	926.50	000000
22516	01/06/2009	HEALTHY	North & Eastside Healthy Start	875.00	000000
22517	01/06/2009	IKONNW	Ikon Office Solutions	224.57	000000
22518	01/06/2009	IMPACT	Impact Studio Pro	300.00	000000
22519	01/06/2009	INTEGRA	Integra Telecom	3,818.09	000000
22520	01/06/2009	ISSAQ1	Issaquah Press, Inc.	427.50	000000
22521	01/06/2009	ISSAUTO	Issaquah Auto Tech, Inc	1,599.34	000000
22522	01/06/2009	JKASSOC	J & K Associates	2,400.09	000000
22523	01/06/2009	JOHNSTOS	Susan Johnston	125.00	000000
22524	01/06/2009	KENYON2	Kenyon Disend PLLC	13,581.21	000000
22525	01/06/2009	KINGFI	King County Finance A/R	215,694.38	000000
22526	01/06/2009	KINGLUM	King Luminaire Co. Inc	1,584.00	000000
22527	01/06/2009	KINGSH	King County Sheriff's Office	627,806.30	000000
22528	01/06/2009	KINGWAT	King County Finance Water & Land Division	19,988.83	000000
22529	01/06/2009	LUIZZO	Dalton Luizzo	99.60	000000
22530	01/06/2009	MAILPO	Mail Post	2,810.11	000000
22531	01/06/2009	MICRO	Microflex, Inc.	118.32	000000
22532	01/06/2009	MOBERLY	Lynn Moberly	7,500.00	000000
22533	01/06/2009	NAMI	NAMI Eastside	1,000.00	000000
22534	01/06/2009	NELSONCO	Walter E. Nelson Company	129.62	000000
22535	01/06/2009	NEXTEL	Nextel Communications	2,195.18	000000
22536	01/06/2009	NINTEMAN	Sara Ninteman	16.38	000000
22537	01/06/2009	OVERHEAD	Overhead Door of Seattle	200.56	000000
22538	01/06/2009	PACE	Pace Engineers, Inc.	2,469.00	000000
22539	01/06/2009	PARAME	Parametrix, Inc.	13,448.16	000000
22540	01/06/2009	PLATT	Platt Electric	1,072.70	000000
22541	01/06/2009	PSE	Puget Sound Energy	9,321.19	000000
22542	01/06/2009	QWEST	QWEST	40.61	000000
22543	01/06/2009	REDBOYS&	Redmond Sammamish Boys & Girls Club	400.00	000000
22544	01/06/2009	ROTH	Roth Hill Engineering Partners	4,282.84	000000
22545	01/06/2009	SAM	Sammamish Plateau Water Sewer	346.86	000000
22546	01/06/2009	SAMCITIZ	Sammamish Citizen Corps Councl	2,128.62	000000
22547	01/06/2009	SB&MAC	Stewart Beall & MacNichols	4,480.00	000000
22548	01/06/2009	SITE	Site Workshop	24,145.00	000000

Check	Date	Vendor No	Vendor Name	Amount	Voucher
22549	01/06/2009	SMITH	Jane Marie	32.97	000000
22550	01/06/2009	STAPLES	Staples Business Advantage	1,223.87	000000
22551	01/06/2009	TAGS	Tags Awards & Specialties	41.73	000000
22552	01/06/2009	TCF	TCF Architecture	10,629.34	000000
22553	01/06/2009	TRAFFICW	Trafficware	2,799.10	000000
22554	01/06/2009	TUKWILA	City Of Tukwila	3,241.37	000000
22555	01/06/2009	UNITRENT	United Rentals NW, Inc	1,295.50	000000
22556	01/06/2009	VAN NOST	Maren Van Nostrand	2,301.60	000000
22557	01/06/2009	WAAUDIT	Wa State Auditor's Office	10,420.20	000000
22558	01/06/2009	WAPAT	Wa State Patrol	10.00	000000
22559	01/06/2009	WAPOL	Wa Assoc Sherriffs & Pol Chief	300.00	000000
22560	01/06/2009	WATERSH	The Watershed Company	4,476.48	000000
22561	01/06/2009	WSU	Washington State University	47.42	000000
22562	01/06/2009	YES	Youth Eastside Services	2,500.00	000000

			CHECK TOTAL:	**$1,070,569.82**	

Accounts Payable
Computer Check Register Totals

Check	Date	Vendor No	Vendor Name	Amount	Voucher
22563	01/06/2009	AAASTRIP	AAA Striping & Legends, Inc	654.00	000000
22564	01/06/2009	ADOLFSON	ESA Adolfson	4,420.62	000000
22565	01/06/2009	ALLCITY	All City Fence Co.	1,456.24	000000
22566	01/06/2009	ASC	Action Services Corp	20,329.22	000000
22567	01/06/2009	ATTLONG	AT&T	73.54	000000
22568	01/06/2009	BUILDERS	Builders Exchange of WA	471.75	000000
22569	01/06/2009	CADMAN	Cadman, Inc.	3,017.22	000000
22570	01/06/2009	CASTURF	Cascade Turf	1,353.02	000000
22571	01/06/2009	CURRY	Kathy Curry	35.98	000000
22572	01/06/2009	EVANS	David Evans & Associates, Inc	4,481.55	000000
22573	01/06/2009	FASTENAL	Fastenal Industrial Supplies	84.63	000000
22574	01/06/2009	GUROL	Kamuron Gurol	25.98	000000
22575	01/06/2009	HORIZON	Horizon	1,954.81	000000
22576	01/06/2009	ISSAUTO	Issaquah Auto Tech, Inc	260.71	000000
22577	01/06/2009	KCRADIO	King Cty Radio Comm Svcs	196.33	000000
22578	01/06/2009	MAKERS	Makers Architecture & Urban	8,462.50	000000
22579	01/06/2009	NWCASC	Northwest Cascade, Inc.	965.44	000000
22580	01/06/2009	PETERSEN	Petersen Brothers Inc	3,693.00	000000
22581	01/06/2009	PHOINIX	Phoinix Equipment LLC	326.70	000000
22582	01/06/2009	PSE	Puget Sound Energy	2,071.12	000000
22583	01/06/2009	QWEST	QWEST	120.79	000000
22584	01/06/2009	REDMOND	City Of Redmond	140.02	000000
22585	01/06/2009	SAM	Sammamish Plateau Water Sewer	4,073.02	000000
22586	01/06/2009	SERVICE	Service Paper Co	1,101.62	000000
22587	01/06/2009	TAGS	Tags Awards & Specialties	40.65	000000
22588	01/06/2009	WATERSH	The Watershed Company	300.63	000000
22589	01/06/2009	WAWORK	Washington Workwear LLC	167.85	000000
			CHECK TOTAL:	**$60,278.94**	

City of Sammami
marlene

Accounts Payable
Computer Check Register Totals

Bill #1
Printed: 12/31/08 11:39

Check	Date	Vendor No	Vendor Name	Amount	Voucher
22590	01/06/2009	CASEPOWE	Case Power & Equipment	2,318.30	000000
22591	01/06/2009	IKONNW	Ikon Office Solutions	28.67	000000
22592	01/06/2009	KINGFI	King County Finance A/R	1,508.34	000000
22593	01/06/2009	MYERSNOR	Myers Norris Penny Ltd	800.00	000000
22594	01/06/2009	PSE	Puget Sound Energy	8,887.75	000000
			CHECK TOTAL:	**$13,543.06**	

-2009-

Bill #1

City of Sammami
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Accounts Payable
Computer Check Register Totals

Printed: 12/31/08 12:05

Check	Date	Vendor No	Vendor Name	Amount	Voucher
22595	01/06/2009	GUARDIAN	Guardian Security	72.00	000000
22596	01/06/2009	HERMOSA	Hermosa Mexican Foods	1,643.54	000000
22597	01/06/2009	NWWeath	NW Weathernet	275.00	000000
22598	01/06/2009	SONITROL	Sonitrol Pacific	714.60	000000
22599	01/06/2009	SPRING	Springbrook Software, Inc.	22,382.02	000000
22600	01/06/2009	SYMPRO	Sympro, Inc	3,500.00	000000

			CHECK TOTAL:	**$28,587.16**	

CITY COUNCIL AGENDA BILL

Subject:
Pine Lake Park Phase II Dock Demolition – Final Project Acceptance

Meeting Date: January 6, 2009

Date Submitted: December 29, 2008

Originating Department: Parks and Recreation

Clearances:

☒ **City Manager** ☐ **Police**

☐ **Public Works** ☐ **Fire**

☐ **Building/Planning** ☒ **Attorney**

Action Required:
Accept construction of the Pine Lake Park Phase II Dock Demolition by Harbor Asphalt as complete.

Exhibits:
1. Resolution

Budgeted Amount: NA

Summary Statement:

Harbor Asphalt was selected to complete the demolition of the existing dock at Pine Lake Park. The contract included demolition and removal of the existing wood and concrete float dock structure at Pine Lake Park in preparation for the construction of a new dock, under a separate contract.

All work on the dock demolition 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 II Dock Demolition Project was awarded by City Council on October 21, 2008 to Harbor Asphalt in the amount of $33,982.00. The project has been successfully completed and City staff is ready to closeout the project.

Financial Impact:

None.

Recommended Motion:

Approve resolution for acceptance of the demolition of the dock at Pine Lake Park by Harbor Asphalt.

CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO. R2009-____

A RESOLUTION OF THE CITY OF SAMMAMISH, WASHINGTON, ACCEPTING THE "PINE LAKE PARK PHASE II DOCK DEMOLITION PROJECT" AS COMPLETE

WHEREAS, at the regular City Council meeting on October 21, 2008, the City Council authorized the City Manager to enter into a contract with the lowest bidder, Harbor Asphalt, for construction of the Pine Lake Park Phase II Dock Demolition Project; and

WHEREAS, the City Manager entered into a contract with Harbor Asphalt on October 22, 2008; and

WHEREAS, the project was completed on November 28, 2008.

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

Section 1. Acceptance of the Pine Lake Park Phase II Dock Demolition Project as complete. The City of Sammamish hereby accepts as complete the Pine Lake Park Phase II Dock Demolition Project performed by Harbor Asphalt.

Section 2. Authorization of Contract Closeout Process. The City of Sammamish City Manager and City Clerk are hereby authorized to complete the contract closeout process upon receiving appropriate clearances from the Department of Revenue and the Department of Employment Security.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF JANUARY, 2009

CITY OF SAMMAMISH

_____
Mayor

ATTEST/AUTHENTICATED:

_____
Melonie Anderson, City Clerk

Approved as to form:

_____
Bruce L. Disend, City Attorney

Filed with the City Clerk: December 29, 2008
Passed by the City Council:
Resolution No.: R2009-_____

CITY COUNCIL AGENDA BILL

Subject:
Professional engineering on-call services for development review.

Meeting Date: January 6, 2009

Date Submitted: December 29, 2008

Originating Department: Public Works

Clearances:

☒ **City Manager** ☐ **Police**

☒ **Public Works** ☐ **Fire**

☐ **Building/Planning** ☒ **Attorney**

Action Required:
Authorize the City Manager to execute a contract with Roth Hill Engineering Partners, LLC, to provide professional engineering services for development review on an on-call basis.

Exhibits:
1. Agreement for Services
2. Exhibit A – Scope of Services
3. Exhibit D – Schedule of Fee Rates

Budgeted Amount: Money for these services is budgeted in the General Fund (001-040-532-20-41-02) within the Public Works Engineering Program. The 2009 adopted budget contains a total of $80,000 appropriated for Engineering services.

Summary Statement:

The Public Works Department anticipates that there may be a need to have on-call professional engineering services to address peaks in the development processing workload. The proposed on-call contract is necessary to address not only peaks in workload, but also, in light of the cyclical nature of the housing market, allow the City the flexibility to provide basic, timely response to land development applications while eliminating the need to hire additional permanent staff. This on-call contract would only be used when necessary to offset peaks in workload and to meet commitments.

Background: At the July 25, 2006 City Council meeting, Council reviewed and approved a plan to address resource deficiencies within the Public Works and Community Development Departments to handle the workload. In Public Works, the ability for the Department to hire on-call professional engineering services was approved to handle peaks in the workload. On-call professional services will allow the City the

most flexibility in providing service to the development community without having to consider additional staff once the housing market improves.

Financial Impact:

All consultant costs associated with the on-call development review will be borne by the applicant for whom the review is performed and will not impact currently budgeted City program funds. The City will also bill all administrative costs associated with managing this on-call contract directly to the applicants.

Recommended Motion:

Move to authorize the City Manager to execute a contract with Roth Hill Engineering Partners, LLC, to provide professional engineering services for development review on an on-call basis in an amount not to exceed **$60,000**.

CITY OF SAMMAMISH
AGREEMENT FOR SERVICES

Consultant: Roth Hill Engineering Partners, LLC

This Agreement is entered into by and between the City of Sammamish, Washington, a municipal corporation, hereinafter referred to as the "City," and Roth Hill Engineering Partners, LLC, hereinafter referred to as the "Consultant."

WHEREAS, the City desires to have certain services performed for its citizens; and

WHEREAS, the City has selected the Consultant to perform such services pursuant to certain terms and conditions;

NOW, THEREFORE, in consideration of the mutual benefits and conditions set forth below, the parties hereto agree as follows:

1. **Scope of Services to be Performed by Consultant.** The Consultant shall perform those services described in Exhibit "A" of this agreement. In performing such services, the Consultant shall comply with all federal, state, and local laws and regulations applicable to the performance of such services. The Consultant shall perform services diligently and completely and in accordance with professional standards of conduct and performance.

2. **Compensation and Method of Payment.** The Consultant shall submit invoices for work performed using the form set forth in Exhibit "B".

   The City shall pay Consultant:

   [Check applicable method of payment]

   _X_ According to the rates set forth in Exhibit "D"

   _X_ A sum not to exceed $60,000

   ___ Other (describe): _____

   _____

   The Consultant shall complete and return to the City Exhibit "C," Taxpayer Identification Number, prior to or along with the first invoice submittal. The City shall pay the Consultant for services rendered within ten days after City Council approval.

3. **Duration of Agreement.** This Agreement shall be in full force and effect for a period commencing upon execution and ending December 31, 2009, unless sooner terminated under the provisions of the Agreement. Time is of the essence of this Agreement in each and all of its provisions in which performance is required.

4. **Ownership and Use of Documents.** Any records, files, documents, drawings, specifications, data or information, regardless of form or format, and all other materials produced by the Consultant in connection with the services provided to the City, shall be the property of the City whether the project for which they were created is executed or not

5. **Independent Contractor.** The Consultant and the City agree that the Consultant is an independent contractor with respect to the services provided pursuant to this Agreement. The Consultant will solely be responsible for its acts and for the acts of its agents, employees, subconsultants, or representatives during the performance of this Agreement. Nothing in this Agreement shall be considered to create the relationship of employer and employee between the parties hereto.

6. **Indemnification.** The Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the negligent acts, errors or omissions of the Consultant, in performance of this Agreement, except for injuries and damage caused by the sole negligence of the City.

7. Insurance.

A. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

Minimum Scope of Insurance

Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Contractor's Commercial General Liability insurance policy with respect to the work performed for the City.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Professional Liability insurance appropriate to the Consultant's profession.

Minimum Amounts of Insurance

Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of $1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than $1,000,000 each occurrence, $2,000,000 general aggregate.

3. Professional Liability insurance shall be written with limits no less than $1,000,000 per claim and $1,000,000 policy aggregate limit.

Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Consultant's insurance shall not be cancelled by either party except after thirty (30) days prior written notice has been given to the City

Verification of Coverage

Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

8. Record Keeping and Reporting.

A. The Consultant shall maintain accounts and records, including personnel, property, financial, and programmatic records, which sufficiently and properly reflect all direct and indirect costs of any nature expended and services performed pursuant to this Agreement. The Consultant shall also maintain such other records as may be deemed necessary by the City to ensure proper accounting of all funds contributed by the City to the performance of this Agreement.

B. The foregoing records shall be maintained for a period of seven years after termination of this Agreement unless permission to destroy them is granted by the Office of the Archivist in accordance with RCW Chapter 40.14 and by the City.

9. Audits and Inspections. The records and documents with respect to all matters covered by this Agreement shall be subject at all times to inspection, review, or audit by the City during the performance of this Agreement.

10. Termination.

A. This City reserves the right to terminate or suspend this Agreement at any time, with or without cause, upon seven days prior written notice. In the event of termination or suspension, all finished or unfinished documents, data, studies, worksheets, models, reports or other materials prepared by the Consultant pursuant to this Agreement shall promptly be submitted to the City

B. In the event this Agreement is terminated or suspended, the Consultant shall be entitled to payment for all services performed and reimbursable expenses incurred to the date of termination.

C. This Agreement may be cancelled immediately if the Consultant's insurance coverage is canceled for any reason, or if the Consultant is unable to perform the services called for by this Agreement.

D. The Consultant reserves the right to terminate this Agreement with not less than fourteen days written notice, or in the event that outstanding invoices are not paid within sixty days.

E. This provision shall not prevent the City from seeking any legal remedies it may otherwise have for the violation or nonperformance of any provisions of this Agreement.

11. Discrimination Prohibited. The Consultant shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Consultant under this Agreement, on the basis of race, color, religion, creed, sex, age, national origin, marital status, or presence of any sensory, mental, or physical handicap.

12. Assignment and Subcontract. The Consultant shall not assign or subcontract any portion of the services contemplated by this Agreement without the prior written consent of the City.

13. Conflict of Interest. The City insists on the highest level of professional ethics from its consultants. Consultant warrants that it has performed a due diligence conflicts check, and that there are no professional conflicts with the City. Consultant warrants that none of its officers, agents or employees is now working on a project for any entity engaged in litigation with the City. Consultant warrants that for 2 years following termination of this contract, no officer, agent or employee of Consultant will enter into any contract or agreement with any entity that is currently engaged in litigation with the City or which is in the future engaged in or has threatened litigation with the City. It is the Consultant's duty and obligation to constantly update its due diligence with respect to conflicts, and not the City's obligation to inquire as to potential conflicts. This provision shall survive termination of this Agreement.

14. Confidentiality. All information regarding the City obtained by the Consultant in performance of this Agreement shall be considered confidential. Breach of confidentiality by the Consultant shall be grounds for immediate termination.

15. **Non-appropriation of funds.** If sufficient funds are not appropriated or allocated for payment under this Agreement for any future fiscal period, the City will so notify the Consultant and shall not be obligated to make payments for services or amounts incurred after the end of the current fiscal period. This Agreement will terminate upon the completion of all remaining services for which funds are allocated. No penalty or expense shall accrue to the City in the event that the terms of the provision are effectuated.

16. **Entire Agreement**. This Agreement contains the entire agreement between the parties, and no other agreements, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or bind either of the parties. Either party may request changes to the Agreement. Changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

17. **Notices**. Notices to the City of Sammamish shall be sent to the following address:

City of Sammamish
801 228th Avenue SE
Sammamish, WA 98075
Phone number: (425) 295-0500

Notices to the Consultant shall be sent to the following address:

Roth Hill Engineering Partners
2600 116th Avenue NE, Suite 100
Bellevue, WA 98004

18. **Applicable Law; Venue; Attorneys' Fees.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorneys' fees and costs of suit, which shall be fixed by the judge hearing the case and such fee, shall be included in the judgment.

19. **Severability.** Any provision or part of this Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon the City and the Consultant, who agree that the Agreement shall be reformed to replace such stricken provision or part with a valid and enforceable provision that comes as close as reasonably possible to expressing the intent of the stricken provision.

CITY OF SAMMAMISH, WASHINGTON	CONSULTANT
By:_____	By:_____
Title:_____	Title: Exec VP / Member
Date:_____	Date: 12/30/08

Attest/Authenticated:	Approved As To Form:
_____	_____
City Clerk	City Attorney

EXHIBIT A – SCOPE OF SERVICES

General Scope of Work

The CONSULTANT agrees to furnish all labor, materials, equipment and supplies to perform the following services:

1) Plan checking and design review of development application documents for compliance with CITY requirements:

    a) Perform review of plans and supporting documents submitted to the CITY in conjunction with development applications for compliance with the CITY Standard Specifications and Details for Public Works Construction, Clearing, Grading and Stormwater Management Technical Notebook, ordinances, special project conditions and other adopted criteria indicated by the CITY and made available to the CONSULTANT.

    b) Provide to the CITY, within two weeks of receipt, plan redlines and written comments, as appropriate to indicate non-conformance items or issues.

    c) Meet to discuss review comments with CITY representative and/or development proponents as necessary.

    d) Respond to telephone inquiries from CITY staff, developer's engineer, or others as necessary.

    e) Review and provide subsequent plan review redlines and written comments, as necessary, to indicate non-conformance items or issues of re-submittals within two weeks of receipt.

    f) Advise CITY in writing at such time as plans are in compliance with those aspects of the development documents under review by the CONSULTANT.

    g) Meet with CITY staff periodically to evaluate process and performance of CONSULTANT.

    h) Provide feedback to CITY staff relative to adequacy, appropriateness, and thoroughness of CITY standard specifications and details.

    i) Perform other incidental engineering services in connection with plan checking.

2) On-call engineering and surveying services including, but not limited to, the following services: project definition and scope development; project management; preliminary and final designs for small capital projects; preparation of probable construction and project costs; studies; feasibility analysis'; and boundary and topographic surveying. Services shall be completed as per a specific Task Order approved by the CITY and invoiced in a manner to allow related costs to be identified.

Consultant will be paid on a time and materials basis in accordance with the rates presented in Exhibit D

It is anticipated that the task assignments may vary in scope, complexity and location. Specific scopes of work will be developed as individual task assignments are requested.

Authorization of Work

Work requested by the CITY shall be issued in writing. The request by the CITY should include the following information, which may be furnished in coordination with the CONSULTANT:

1. Task Order title (project name)
2. Technical approach to the task (if complex enough to require this)
3. Specific deliverables
4. Schedule with milestones and deliverables
5. Cost/hour estimate
6. Due date of work

All of the above items may be brief, but will be sufficiently detailed to understand the work being authorized and the amount it will cost.

The CITY will review and approve the CONSULTANT'S submittal for any work requested, or at the CITY'S option, negotiate various elements of the work requested prior to authorizing work to begin and issuing a Notice to Proceed. If, after work has begun, the CONSULTANT cannot meet the agreed schedule or cost, the CONSULTANT shall immediately notify the CITY. Authorization of additional time or cost for approved work will be at the sole option of the CITY and will be made in writing. New budgets for any new requests or extensions of previous work will be approved in writing by the CITY prior to beginning new work.

Work may begin when the Notice to Proceed is sent to the CONSULTANT by the CITY, except that emergency actions requiring a 24-hour response can be handled by an oral authorization. Such oral authorization shall be followed up with a written confirmation within 24 hours with the information listed above included.

EXHIBIT B
City of Sammamish
Billing Invoice

To: City of Sammamish
801 228th Avenue SE
Sammamish, WA 98075
Phone: (425) 295-0500
FAX: (425) 295-0600

Invoice Number: _____ Date of Invoice: _____

Consultant: Roth Hill Engineering Partners, LLC

Mailing Address: 2600 116th Avenue NE
Bellevue, WA 98004

Telephone: (425) 869-9448

Contract Period: _____ Reporting Period: _____

Amount requested this invoice: $_____

Attach itemized description of services provided.

Specific Program: _____

_____
Authorized signature

For Department Use Only

BUDGET SUMMARY

Total contract amount	
Previous payments	
Current request	
Balance remaining	

Authorization to Pay: $
Account Number:
Date:
Approval:

Approved for Payment by: _____ Date: _____

EXHIBIT C
CITY OF SAMMAMISH
486 228th Avenue NE
Sammamish, WA 98074
Phone: (425) 898-0660
FAX: (425) 898-0669

TAX IDENTIFICATION NUMBER

In order for Consultant receive payment from the City of Sammamish, the Consultant must have either a Tax Identification Number or a Social Security Number. The Internal Revenue Service Code requires a Form 1099 for payments to every person or organization other than a corporation for services performed in the course of trade or business. Further, the law requires the City to withhold 20% on reportable amounts paid to unincorporated persons who have not supplied us with their correct Tax Identification Number or Social Security Number.

Please complete the following information request form and return it to the City of Sammamish prior to or along with the submittal of the first billing invoice.

Please check the appropriate category:

X____ Corporation _____ Partnership _____ Government Consultant

_____ Individual/Proprietor _____ Other (explain)

TIN No.: 91-2149132

Social Security No.: _____

Print Name: Dawn Gonzales

Title: Accounting Assistant

Business Name: Roth Hill Engineering Partners, LLC

Business Address: 2600 116th Avenue NE,
Bellevue, WA 98004

Business Phone: (425) 869-9448

_____ _____

Date Authorized Signature (Required)

Exhibit 3

EXHIBIT D
SCHEDULE OF HOURLY RATES

Roth Hill Engineering Partners, LLC. fee schedule by staff and reimburseable expense classification as of October 01, 2008. Rates are subject to modification.

Staff Time

Classification	Hourly Billing Rate Range		
EIT / Sr. Designer	$85.00	-	$113.00
Civil Specialist	$80.00	-	$151.00
Engineer	$141.00	-	$164.00
Project Manager	$154.00	-	$166.00
Planner	$94.00	-	$120.00
Technician	$70.00	-	$73.00
CAD (includes mapping and GIS)	$96.00	-	$106.00
Construction Representative	$97.00	-	$109.00
Surveyor	$55.00	-	$103.00
Project Surveyor (PLS)	$125.00	-	$139.00
Administrative	$41.00	-	$86.00
Administrative Lead	$100.00	-	$149.00
Director / Principal / Sr. Engineering Consultant	$162.00	-	$194.00

DIRECT NON-SALARY REIMBURSABLE EXPENSES

All reimbursable expenses are at cost without mark-up

- Outside Reproduction Fees
- Courier Fees
- Materials and Supplies

Mileage at $0.585/mile or the current approved IRS rate.

Subconsultant fees are at cost and will be marked up 15%

Exhibit 3

EXHIBIT D
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Engineer	$141.00	-	$164.00
Project Manager	$154.00	-	$166.00
Planner	$94.00	-	$120.00
Technician	$70.00	-	$73.00
CAD (includes mapping and GIS)	$96.00	-	$106.00
Construction Representative	$97.00	-	$109.00
Surveyor	$55.00	-	$103.00
Project Surveyor (PLS)	$125.00	-	$139.00
Administrative	$41.00	-	$86.00
Administrative Lead	$100.00	-	$149.00
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All reimbursable expenses are at cost without mark-up

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- Courier Fees
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Mileage at $0.585/mile or the current approved IRS rate.

Subconsultant fees are at cost and will be marked up 15%

CITY COUNCIL AGENDA BILL

Subject:
ESA Adolfson Environmental Consulting
Contract Supplemental Agreement
Shoreline Management Update

Meeting Date: January 6, 2009

Date Submitted: December 20, 2008

Originating Department: Community Development

Clearances:

☒ **City Manager** ☐ **Police**

☐ **Public Works** ☐ **Fire**

☒ **Building/Planning** ☒ **Attorney**

Action Required:
Authorize the City Manager to sign the Supplemental Agreement.

Exhibits:
1. Supplemental Agreement and Attachment A

Budgeted Amount: **$**30,309 from Community Development 2009 professional services.

Summary Statement: This Supplemental Agreement will increase the existing ESA Adolfson Contract for the Shoreline Management Update to accommodate an increased scope of work. This will allow ESA Adolfson to continue consulting services through the Council and Ecology approval processes. The revised scope of work is attached as Exhibit A to the amendment.

Financial Impact: The $30,309 contract amendment for the Shoreline Update is included in the Community Development professional services budget.

Recommended Motion: Authorize the City Manager to sign the contract amendment.

Exhibit 1

SUPPLEMENTAL AGREEMENT

Amendment Number: Amendment #3	Date: December 19, 2008
Project: Shoreline Master Program Update: Consulting Services for additional meetings and ongoing support of the SMP Update during the local adoption and Ecology review phases.	City Project number: C2006-147
Consultant: ESA Adolfson Margaret Clancy, Project Manager	Contract Number: funding number 001-058-558-60-41-00

The City of Sammamish desires to amend the agreement with ESA Adolfson for additional meetings and ongoing support of the SMP Update during the local adoption and Ecology review phases. This amended would go into effect upon completion of the tasks identified in the existing contract. All provisions in the basic agreement remain in effect except as expressly modified by this amendment.

1) Add additional scope of work, attached as Exhibit A.
2) Add 30,309 to the agreement, for a total contract amount not to exceed $195,394
3) Extend end date of contract to June 30, 2010.

Original Contract Amount:	**Current Contract Amount**	**Net Change This Amendment**	**Estimated Contract Total After Change**
$ 69,958	$165,085	$30,309	$195,394

Lloyd Skinner Lloyd Skinner 12-19-08 (Consultant Name) Date SR VP	Approved: City of Sammamish Date

Exhibit 1
Exhibit A, Supplemental Scope of Work
Contract Amendment #3 12/19/2008
City of Sammamish/ESA Adolfson
Shoreline Master Program Update

Under this amendment ESA Adolfson will participate in the following additional meetings:

- City Council - Four one-hour Work Sessions, two hearings, one deliberations meeting, and one adoption meeting, plus two additional meetings as needed.
- Staff - four, three-hour meetings at City Hall.

In addition, ESA Adolfson will assist the City in making up to three rounds of additional minor edits to the City Council Recommended Draft SMP (for sending to Ecology), and provide up to 24 hours of on-going advice and technical guidance to staff and the City Council concerning potential policy/regulatory changes.

The City may also require additional technical support and periodic memos regarding issues related to the latest NMFS/FEMA memo, integration of CAO and other issues as may arise. These services would be authorized on a task-specific time and materials basis according to the existing contract terms. This amendment includes up to 40 hours of additional support for these services.

PAYMENT shall be amended in accordance with the consultant fee at the current hourly billing rate for ESA Adolfson staff (no increase from 2008 labor rates).

	Staff Name	Clancy	Booy	Masterson	Leech	Bjork			
	Staff Title	PM	Scientist/ Planner	Principal	GIS	Admin			
	Burdened Rate	$170.42	$69.68	$183.18	$112.64	$91.96	**TOTAL LABOR**	**ODCs**	**TASK TOTAL**
Task name									
Council meetings (10 meetings)		60	35		5		$13,227	$200	$13,427
Staff meetings (4 meetings)		16	8				$3,284	$60	$3,344
Edit SMP (3 revisions)		4	20		4	8	$3,262	$150	$3,412
Consultation		8	10	6			$3,159	$100	$3,259
Additional technical support		40					$6,817	$50	$6,867
	Total Hours	**128**	**73**	**6**	**9**	**8**	$29,749	$560	$30,309

Total Labor:	**$29,749**
Total Expenses:	**$550**
Work Order Total:	**$30,309**

COUNCIL MINUTES

Regular Meeting
December 2, 2008

Mayor Lee Fellinge called the regular meeting of the Sammamish City Council to order at 6:30 pm.

Councilmembers present: Mayor Lee Fellinge, Deputy Mayor Don Gerend, Councilmembers Jack Barry, Kathleen Huckabay, Michele Petitti and Nancy Whitten.

Staff present: City Manager Ben Yazici, Deputy City Manager Pete Butkus, Public Works Director John Cunningham, Community Development Director Kamuron Gurol, Parks & Recreation Director Jessi Richardson, Administrative Services Director Mike Sauerwein, City Attorney Bruce Disend, and City Clerk Melonie Anderson.

Roll Call/Pledge

Roll was called. Admiral Bump led the Pledge of Allegiance.

Mayor Fellinge suggested the public hearing for Camden Park and the surrounding area annexation be moved to be the first item to accommodate the residents at the meeting. Council agreed to the change.

Public Hearing

Ordinance: First Reading Annexing The Camden Park, Camden Park Estates, Devereux And The Trails At Camden Park Neighborhoods And Additional Adjacent Areas To The North

Chris Toombs, Camden Park resident, gave a short PowerPoint presentation *(Available upon request of the City Clerk)*.

Public Hearing opened at 6:49.

Mike Murphy, NE 26th Street, He said that no one on his street is in agreement with the annexation. They moved to the area to be in the country. None of the residents on 26th Street want to annex to the City.

Public Hearing closed at 7:50 pm.

Director of Community Development Kamuron Gurol explained that this is the first reading of the ordinance. No action is required.

Public Comment

Jerry Norman, 21161204th Avenue NE, He is unhappy that the utilities along East Lake Sammamish Parkway will not be put underground as part of the road widening project. The current locations of the poles are blocking his view of the lake. He requested staff come and look at the poles to see if there is something that can be done to underground the utilities.

Michael O'Connell, 436 226th Lane NE he gave a PowerPoint presentation outlining his opposition to the East Lake Sammamish Parkway Project*(this presentation is available upon request of the City Clerk).*

Sherie Valderrama, 20235 NE 18th Pl, She submitted written comments on behalf of her and her husband opposing the East Lake Sammamish Parkway Project. They think the project is ill conceived and is too expensive given the current economic conditions. She asked Council to postpone the project *(A copy of the written statements are available upon request of the City Clerk).*

Charlie Goodrich, 22328 NE 2nd Street, He agrees that the Parkway project should be delayed, especially the contract award. There are too many unanswered questions and this decision should not be made during the busy holiday season. He also feels there is not enough communication between the Council and the residents. He suggested forming a citizen's advisory council to make recommendation on future projects.

Lori Barnett, 22332 SE 32nd Street, She feels the East Lake Sammamish project should be postponed for at least one year due to the deteriorated economic situation.

John Stilz, 2008 East Lake Sammamish Parkway NE, The country is in a financial crisis, and there is no immediate need to improve the Parkway at this time. He pleaded with the Council to delay the project.

John Galvin,432 228th Avenue SE, Gave a PowerPoint presentation *(this presentation is available upon request of the City Clerk.).* He suggested reducing staff and services, delaying projects and raising taxes could help the city balance the budget.

Michael Rutt,22832 SE 1st, He thinks this project should be delayed because most people are not in favor of this project. He thinks that Council needs to change the way they make decisions. He wants the Council to listen to the residents.

Nancy Sinclair,2914 230 Avenue NE, She submitted written comments that were generally in agreement with the previous speakers *(comments available upon request of the City Clerk).*

Approval of Agenda

MOTION: Councilmember Whitten asked to removed Item 12. Councilmember Huckabay requested Item 4 be moved to follow Item 2. Councilmember Petitti moved to approve the agenda as revised. Councilmember Huckabay seconded. Motion carried unanimously 7-0.

Student Liaison Report

Skyline Student Liaisons
Girls Soccer won the State Championship. The football team will face Issaquah High School in the State Championship on Friday. Students are planning a blood drive and a food drive next week.

Eastlake Student Liaison
Tomorrow is the Battle of the Bands. The event is open to all schools. The funds raised will offset the cost of Senior Prom. She encouraged everyone to attend the school's basketball games. Tolo is coming up. The Black and White Dance is next week. The music concert is on December 10.

Unfinished Business

Ordinance: Second Reading Adopting The 2009-2010 Biennial Budget

Assistant City Manager/Finance Director Lyman Howard gave the staff report and a short PowerPoint presentation.

Deputy Mayor Gerend said that there will have to be careful consideration given on how to proceed with a future parks bond. Councilmember Cross pointed out that most of the increased costs in the budget are caused by increases in the Police and Fire contracts, which the City really has no control over. Councilmember Huckabay thinks that the budget needs to be cut by reducing the amount of money being spent on capital projects. She feels in these hard economic times, money may be better spent elsewhere. For these reasons, she is not advocating raising taxes and will not approve this budget as presented. While Councilmember Whitten thinks the overall budget is good, it could be tightened and reduced more. She is not happy that the tax levy rate would be raised. She also feels that the East Lake Sammamish Parkway project is too expensive.

MOTION: Councilmember Whitten moved to approve the ordinance for the 2009/2010 budget. Councilmember Petitti seconded. Motion carried 5 to 2 with Councilmember Huckabay dissenting and Councilmember Whitten abstaining.

Council recessed from 8:45 pm to 8:50 pm.

Ordinance: Second Reading Relating To The Levying Of Taxes And Establishing The Amount To Be Raised In 2009 On The Assessed Valuation Of The Property Within The City

MOTION: Councilmember Whitten moved to approve the ordinance setting the 2009 Levy Rate and establishing the amount to be raised in 2009. Councilmember Petitti seconded. Motion carried 6 to 1 with Councilmember Huckabay dissenting.

Consent Calendar

- Payroll for pay period ending November 15, 2008 for pay date November 20, 2008 in the amount of $232,627.79

1. Approval: Claims for period ending December 2, 2008 in the amount of $724,433.01 for check No. 22276 through 22319

2. Resolution: Adopting The City Of Sammamish Salary Schedule For Fiscal Year 2009
3. Bid Award: Pine Lake Park Dock Replacement/Pacific Pile and Marine
4. Amendment: Customer Service Consultant/Performance Journeys
5. Contract: Janitorial Services/ABS
6. Contract: Domestic Violence Advocate/Kimberly Leyton
7. Contract: Public Defender Legal Services/Stewart, Beall, McNichols
8. Contract: Recycling Events/Olympic Environmental

MOTION: Councilmember Huckabay moved to approve consent calendar as amended. Councilmember Petitti seconded. Motion carried unanimously 7-0.

New Business

Resolution: Relating To Interfund Loans And Temporary Cash Overdrafts In Some City Funds During The Fiscal Year

Mr. Howard gave the staff report, explaining that this was a housekeeping resolution that was recommended by the Auditor.

MOTION: Councilmember Petitti moved to approve the resolution authorizing the interfund loans and temporary cash overdrafts in some city funds. Deputy Mayor Gerend seconded. Motion carried unanimously 7 to 0.

Interlocal: Use of Wetland Mitigation Bank/Sammamish Plateau Water and Sewer District

Senior Project Engineer Jed Ireland gave the staff report. He explained the purpose of wetland mitigation and why it was necessary for the 244th construction project.

MOTION: Councilmember Petitti moved to approve the resolution to use the wetland mitigation bank. Councilmember Cross seconded. Motion carried unanimously 7 to 0.

Ordinance: First Reading Amending City Code Chapter 16.05.030 Hours Of Construction

Public Works Director John Cunningham gave the staff report. Passage of this ordinance could help to shorten the overall duration of construction projects by allowing the City manager to grant variances to the city code regarding construction hours.

Councilmember Huckabay expressed concern that residents would be disturbed by long term variances to the hours of construction. Councilmember Whitten requested that some criteria be developed regarding when the variances could be granted. City Manager Yazici said some criteria will be added to the ordinance before the second reading. Councilmember Cross said that before the variances take place that the police are notified and a notice should be posted on the city's website.

Contract: Prosecution Services/Lynn Moberly

MOTION: Deputy Mayor Gerend moved to authorize the City Manager to sign a contract with Lynn Moberly for Prosecution Services. Councilmember Cross seconded. Motion carried 6 to 0 with Councilmember Whitten excusing herself from the room and not participating in the vote.

Council Reports

City Manager Report - None

Executive Session – If Necessary

Meeting adjourned at pm

_____ _____

Melonie Anderson, City Clerk Lee Fellinge, Mayor

COUNCIL MINUTES

Study Session/Special Meeting

December 15, 2008

Open Study Session

Topics

- **Commission Interviews –** Council interviewed 1 applicant for the Beaver Lake Advisory Board, 6 candidates for the Parks & Recreation Commission and 9 applicants for the Planning Commission. Appointments will be made at the December 16, 2008 Regular Meeting.

- **Update: Code Interpretation Ordinance –** Community Development Director Kamuron Gurol gave the staff report and a short PowerPoint presentation (available on the City Website at www.ci.sammamish.wa.us).

- **Discussion: SE 20th Street –** Project Engineer/Development Review Tawni Hoang gave the staff report and PowerPoint Presentation (available on the city website at www.ci.sammamish.wa.us). She explained that staff is looking for direction on the design tonight. She presented Council with several options for the sidewalk, the bike lane and planter strips. The current recommendation was for a concrete sidewalk on the north side of the street, a bike lane and no planter strip, if there was no budget for maintenance of the planter strip, or a planter strip if budget is provided for maintenance. Ms. Hawn clarified that Sammamish Plateau Water & Sewer will not be installing sewer lines at the same time as these improvements are made. Councilmember Huckabay supported asphalt sidewalks and swales instead of planter strips. Councilmember Whitten thinks the environmental report should be completed before the design elements are decided. Councilmember Cross was supportive of a sidewalk on the north side and rain gardens instead of planter strips. He also requested additional information on the costs for different types of storm water treatment. City Engineer Laura Philpot explained that a raised curb will provide separation between pedestrians and bikers. City Manager Ben Yazici explained that a non-motorized project does not require a complete environmental checklist. This would only be done if Council requested it. Council requested that staff bring back some more detailed cost estimates on drainage options and some different design concepts. Council was supportive of a separated sidewalk on the north side of the street. Mayor Fellinge favored a concrete sidewalk. Councilmember Whitten asked if any of the Pine Lake Plan recommendations were taken into consideration in the design of this project and if not, they should be. Deputy Mayor Gerend was not supportive of additional environmental analysis than is already required. Councilmember Barry was also in agreement that the environmental analysis is sufficient.

Close Study Session

Mayor Lee Fellinge called the regular meeting of the Sammamish City Council to order at 10:10 pm.

Councilmembers present: Mayor Lee Fellinge, Deputy Mayor Don Gerend, Councilmembers Jack Barry, Mark Cross, Kathleen Huckabay, Michele Petitti and Nancy Whitten.

Staff present: City Manager Ben Yazici, Public Works Director John Cunningham, Community Development Director Kamuron Gurol, Parks & Recreation Director Jessi Richardson, Administrative Services Director Mike Sauerwein and City Clerk Melonie Anderson.

Roll Call/Pledge

Roll was called. Councilmember Whitten led the pledge.

Public Comment

Timothy O'Neill Dunn, Representing Swan Ridge, He questioned why the Council was spending money to improve SE 20th Street, when there are other projects that are more in need of improvement. He cited 244th Avenue as an area where sidewalks are more necessary due to the amount of school children walking along the street. He recommended Council abandon the review of SE 20th Street Project and concentrate instead on 244th Avenue.

Michael O'Connell, Representing the Citizens for Sammamish. This group is committed to improving the decision making of the City Council. This includes listening to public comment and basing Council decisions on it.

Michael Rutt, 22832 SE 1st, He feels there is a lack of diversity on the current Planning Commission. He hopes that the Council makes a better decision on filling the current vacant position of the Planning Commission.

Approval of Agenda

MOTION: Councilmember Whitten moved to approve the agenda. Councilmember Cross seconded. Motion carried unanimously 7-0.

1. Eastlake Sammamish Parkway Project

Mayor Fellinge proposed a change to tomorrow's agenda regarding the East Lake Sammamish Parkway Project. He explained there are competing interests regarding this project and based on public input and recommendations from staff he is recommending reducing the physical limits of the project. This will reduce the cost of the project while serving the needs of concurrency as well as satisfy the public.

MOTION: Mayor Fellinge moved to amend the December 16, 2008 regular City Council meeting agenda, Item No. 27, to read as follow: "Bid Award Authorization : East Lake

Sammamish parkway Project, or Reduced Scope of East Lake Sammamish parkway Project". Councilmember Cross seconded. Motion carried unanimously 7-0.

Councilmember Cross requested that staff provide maps showing the original design of the project and a map showing the reduced scope along with pictures of the intersection design.

Council Reports

City Manager Report - None

Meeting adjourned at 10:35 pm

Melonie Anderson, City Clerk	Lee Fellinge, Mayor

COUNCIL MINUTES

Regular Meeting
December 16, 2008

Mayor Lee Fellinge called the regular meeting of the Sammamish City Council to order at 6:30 pm.

Councilmembers present: Mayor Lee Fellinge, Deputy Mayor Don Gerend, Councilmembers Jack Barry, Kathleen Huckabay, Michele Petitti and Nancy Whitten.

Staff present: City Manager Ben Yazici, Deputy City Manager Pete Butkus, Public Works Director John Cunningham, Community Development Director Kamuron Gurol, Parks & Recreation Director Jessi Richardson, Administrative Services Director Mike Sauerwein, City Attorney Bruce Disend, and City Clerk Melonie Anderson.

Roll Call/Pledge

Roll was called. Sammamish Youth Board Member Teresa Lin led the pledge.

Approval of Agenda

MOTION: Deputy Mayor Gerend moved to amend the agenda by moving Item #27_Bid Award East Lake Sammamish Parkway Project (ELSP) to follow Student Liaison Reports, delete Item #26 – Resolution adopting the design for the SE 20th Street Project and delete Item #28 – Contract for construction management for ELSP project, due to the changes to the ELSP issue. Councilmember Huckabay seconded. Motion carried unanimously 7-0.

Public Comment

Robert Nielson, 2311 277th Avenue SE, Fall City, He spoke regarding the potential annexation of the Aldarra Park neighborhood.

Chris Toombs, Representing the Camden Park neighborhood. He is looking forward to Council action on the annexation of the Camden Park neighborhood that is on the agenda for tonight.

Chris Bede, Darrell Paxman, Ried Backstrom, representing Eastlake High School, The school is requesting an exemption from the ordinance which prohibits electronic reader boards. They would like to replace their current sign with an electronic reader board sign. The school has made this request numerous times in the past. They are disappointed that this request had not been added to the City's 2009 work program and requested Council to add it. An electronic reader board would be safer, quicker, and communication would be improved.

Michael J. O'Connell, 436 226 Lane NE, Representing Citizens for Sammamish, Their mission is to engage in meaningful communication with the Council. They will support reelection or

election of Councilmembers who work with their organization. They will also engage in community outreach to find the issues that are important to the residents. He was glad to see that the Council was scaling back the East Lake Sammamish Parkway project as this demonstrates the Council's willingness to meet the needs of the residents.

John Galvin, 432 228th Avenue SE, He hopes that everyone involved in the Town Center project will work collaboratively to plan the center and deal with the current economy.

John Stilz, Eastlake Sammamish Parkway, He is a member For the Citizens of Sammamish Club. He says the club is growing quickly. They want to work with the City Council. They want the Council to begin really listening to the public and showing honest concern and acknowledgement.

Mr. Yazici said that staff will add Eastlake High School's request for an electronic reader to the 2009 work program.

Student Liaison Report

Sammamish Youth Board Student Liaison *(Teresa Lin)*

The Holiday event was a great success. They had a much larger turn out than in past years. They will host a teen feed in January to feed homeless teens. The group is planning a Benefit Concert.

Bid Award Authorization: East Lake Sammamish Parkway Project or Reduced Scope East Lake Sammamish Parkway Project.

Senior Transportation Engineer Jeff Brauns gave the staff report and reviewed the history of the project in a PowerPoint presentation (presentation is available on the City website at www.ci.sammamish.wa.us).

Public Comment

Charles Goodrich, 22328 NE 2nd Street, He requested Council not approve the original design proposal for the bid award. He likes the reduced project. He feels safety issues should be addressed, but would not like to see the whole project completed by breaking into pieces.

Mike Mandela, 21334 SE 3rd Street, He feels the reduced scope of the project is just a deferment of the entire project. He feels that the project is still too expensive. He feels the Council is just trying to rationalize their decisions.

Jerry Norman, 1661 204th Avenue NE, He is unhappy with the large utility poles that have been moved to allow for the East Lake Sammamish Parkway project. He asked the Council to reconsider this action. He feels the utilities should be put underground. He was unhappy that the Council was not able to consider the electronic reader board at the high school.

Kathy Norman, 1661 204th Avenue NE, She is unhappy with the utility pole placement along East Lake Sammamish. One of the poles is right in front of a picture window in her home.

Marian Thorkelson, 20337 NE 15th Place, She feels the Council is not responsive to public input. She feels that public input at the very beginning of the ELSP project indicated that undergrounding utilities was their highest priority. She requested the Council not take action on the reduced project.

Reid Thorkelson, 20337 NE 15th Place, He did not think it would be prudent to move forward with a piece of the project without further study and information being provided to the public.

Joe Trombly, 2919 230th Avenue NE, He would like information on the new project from an independent source. He asked Council to not move forward on this project.

John Stilz, 208 East Lake Sammamish SE, He feels that the public has not had enough time or been given enough information on the proposed reduced project. He does not feel there is any reason for sidewalks on the project as they could be dangerous for cyclists.

Ilene Stahl, 21556 SE 28th Lane, She does not feel the improved water quality that will result from the ELSP project is worth the cost of the project. She feels safety concerns could be addressed much more cheaply.

Ron Cornwall, 716 245 Avenue NE, He addressed the issues of water quality and said this issue has not been adequately addressed for the 244th Street Project.

Craig Williamson, 1650 204 Avenue, He expressed support for the City Council and acknowledged the competing values they need to address. He encouraged them to continue open communication with the public.

Paul Powers, He stated the current configuration of the Parkway, without sidewalks, is the safest street for bicycle travel. Sidewalks constrain his escape route.

Dave Sharp, Spoke regarding how the City is dealing with water quality and drainage issues.

Michael O'Connell, spoke previously, He suggested that the Council could easily fix the problem of the utility poles on East Lake Sammamish Parkway. He feels this would prove that the Council is listening to the public.

Michael Rutt, 22832 SE 1st, He hoped there will be a new method for communication between the public and Council next year.

Renata Bloom, 2626 Eastlake Sammamish Parkway SE, She does not like the utility poles on the Parkway.

Terry Sinclair, 2914 230 Avenue NE, He thinks money could be better spent on widening 228th. He requested Council not make a decision about the project tonight.

Heinz Mein, 803 198th, He doesn't like the utility poles along the Parkway. He feels they should be undergrounded. He feels we should invest in more police officers.

Council recessed from 8:25 pm to 8:35 pm

MOTION: Deputy Mayor Gerend moved to authorize the City Manager to revise the construction plans, obtain bids, award and execute a contract for the East Lake Sammamish Parkway NE project, as follows: The City Manager is to revise the construction plans to limit the project to Inglewood Hill Road and just north of Northeast 18th Place. This would be phase 1A of the East Lake Sammamish Parkway Project, with phases 1B, 2 and 3 to follow at some future time when and if determined by the City Council. The City Manager will inform potential bidders of the plan revisions and obtain bids for the same. The City Manager is authorized to award and execute a contract with the lowest responsible bidder for construction of the Reduced Scope East Lake Sammamish Parkway Project NE project for an amount not to exceed $12,500,000 and administer a construction contingency for an amount not to exceed $1,250,000. Councilmember Whitten seconded. Motion carried unanimously 7-0.

Public Works Director John Cunningham explained that it would cost the city about $1,000,000 per mile to underground the utilities along East Lake Sammamish Parkway. Since the City has already requested that PSE relocate the current poles, they would probably require the City to reimburse them for the relocation costs, about $600,000 along with substantial reconversion costs. Plus, they would not have the design for underground utilities for about one year. Staff will look into solving the problem of the utility poles.

Executive Session – To Evaluate the Qualifications of Applicants pursuant to RCW 42.30.110(1)(g)

Council retired to Executive Session at 10:00 pm and returned at 10: 30 pm after discussing potential candidates for the Parks and Recreation and Planning Commission and the Beaver Lake Management Board. Those appointments will be made later in the meeting.

City Manager Ben Yazici stated that he proposed to change the agenda again by moving Annexation of Camden Park and Open the Public Hearings and do the commission appointments last. Council agreed with the changes.

Unfinished Business

Ordinance: Second Reading Annexing The Camden Park, Camden Park Estates, Devereux And The Trails At Camden Park Neighborhoods And Additional Adjacent Areas To The North

Community Development Director Kamuron Gurol gave a short PowerPoint outlining the process that the City has conducted regarding the proposed annexation *(PowerPoint presentation is available on the City website at www.ci.sammamish.wa.us.)*

MOTION: Councilmember Whitten moved to adopt the ordinance approving the annexation of the Camden Park, Camden Park Estates, Devereux, and the Trails at Camden Park neighborhoods and additional adjacent areas to the north. Councilmember Petitti seconded. Motion carried unanimously 7-0 (O2008-246).

Approval: A portion of the December 16, 2008 Regular Meeting Minutes pertaining to the Annexation of Camden Park

MOTION: Deputy Mayor Gerend moved to approve an excerpt of the December 16, 2008 meeting minutes regarding the adoption of the annexation ordinance. Councilmember Huckabay seconded. Motion carried unanimously 7-0.

Consent Calendar

Payroll for pay period ending November 30, 2008 for pay date December 5, 2008 in the amount of $219,807.90

Approval: Claims for period ending December 16, 2008 in the amount of $1,373,453.17 for check No. 22320 through 22486

Approval: 2009/2010 Human Services Grants

Contract: Sports Field Maintenance/Northwest Landscaping

Contract: Parks Custodial Maintenance Services/ABS

Contract: Parks Landscape Maintenance/Total Landscape

Contract: Legal Services/Kenyon Disend

Interlocal: Lake Monitoring Services/King County

Interlocal: Hazardous Waste Grants/King County

Resolution: Cities Insurance Association of Washington Membership (R2008-354)

Interlocal: Cities Insurance Associates of Washington

Interlocal: Sammamish Plateau Water & Sewer/NE Sammamish Sewer and Water Amendment: Law Enforcement Interlocal/King County

Approval: Minutes of November 4, 2008 Regular Meeting/Study Session

Approval: Notes of November 17th Study Session

MOTION: Councilmember Huckabay moved to approve consent calendar. Councilmember Cross seconded. Motion carried unanimously 7-0.

Public Hearing

Public Hearings were opened at 10:45 pm

Ordinance: Second Reading Adding A New Chapter To The Sammamish Municipal Code Relating To The Protection And Preservation Of Landmarks

Public Comment - None

MOTION: Councilmember Petitti moved to adopt Ordinance O2008-239 adding a new chapter to the Sammamish Municipal Code relating to the Protection and Preservation of Landmarks. Councilmember Huckabay seconded. Motion carried unanimously 7-0.

Ordinance: First Reading Amending Section 21A.05 Of The Sammamish Municipal Code To Refine And Clarify Administrative Procedures Related To The Issuance Of Interpretations Of The Development Code, And Amending Certain Other Chapters Of The City Of Sammamish Municipal Code For Consistency With Section 21A.05

Public Comment

Ilene Stahl, spoke previously, She thanks staff for putting this ordinance together and she feels it will help the public get clarification and interpretation of the Sammamish Municipal Code.

Ordinance: First Reading Amending Titles 16, 20, 21A, And 23 Of The Sammamish Municipal Code

Public Comment - None

Ordinance: First Reading Amending Sections 21A.25.210 (Lot Divided By Zone Boundary), 21A.50.225 (Erosion Hazards Near Sensitive Water Bodies-Special District Overlay), And 21A.260 (Landslide Hazard Areas-Development Standards), Of The Sammamish Municipal Code

Public Comment

Jim Osgood, 19661 SE 24th Way, He does not believe the amendments go far enough in dealing with the issues that need to be addressed. They would like to short plat their property, but are unable to because their property lies within the "no disturbance area". They had previously requested that there be some exceptions to these regulations but this did not happen. They proposed adding the following amendment (i) Subdivision of an existing lot within the special overlay district and within the no-disturbance area shall be permitted only for property where the following conditions are met:

(A) The area subdivided for building lots has an average slope of 15% or less,

(B) A report that meets the requirements of SMC 21A50.130 shows that development of subdivided lots will not subject the area to any greater risk of landslide or erosion than if the subdivision of such lot were not permitted.

Ilene Stahl, spoke previously, She feels that the overlay restrictions should apply to all development as the cumulative effects of allowing exemptions could be dangerous to the environment. Perhaps Low Impact Development techniques could compensate for additional stormwater run-off if exemptions are granted.

An Ordinance Of The City Of Sammamish, Washington, Amending Section 20.15 Of The Sammamish Municipal Code (State Environmental Policy Act Procedures) To Revise SEPA Flexible Exemption Threshold Levels For Minor New Construction

Public Comment - None

The public hearing for adding the historic preservation section to the Sammamish Municipal Code was closed at 11:00 pm

The public hearings for the last three ordinances will be held open until the next regular meeting.

Unfinished Business (continued)

Ordinance: Second Reading Amending City Code Chapter 16.05.030 Hours Of Construction

MOTION: Councilmember Petitti moved to adopt the ordinance amending the hours of construction. Deputy Mayor Gerend seconded. Motion carried unanimously 7-0 (O2008-247).

New Business

City Clerk Melonie Anderson gave the staff report. Council then voted by ballot to select members to appoint to the Parks and Recreation Commission, the Planning Commission and the Beaver Lake Advisory Board (Ballots are available for review by contacting the City Clerk.)

Resolution Of the City of Sammamish Washington Appointing One Member to the Beaver Lake Management District Board

MOTION: Councilmember Whitten moved to appoint Dennis O'Neill to the Beaver Lake Management District Advisory Board with a term ending December 31, 2011. Councilmember Huckabay seconded. Motion carried unanimously 7-0 (R2008-353).

A Resolution Of The City Of Sammamish City Council Appointing Five Members To The Park And Recreation Commission.

MOTION: Deputy Mayor Gerend moved to appoint the following members to the Parks and Recreation Commission.

Gail Stacy Michelman	Term Expires 12/31/2010
Mary Doerrer	Term Expires 12/31/2011
Randy Jackson	Term Expires 12/31/2011
John James	Term Expires 12/31/2011
Hank Klein	Term Expires 12/31/2011

Councilmember Huckabay seconded. Motion carried unanimously 7-0 (R2008-351).

A Resolution Of The City Of Sammamish Washington Appointing One Member To The Sammamish Planning Commission

MOTION: Councilmember Huckabay moved to appoint Mahbubul Islam to the Planning Commission with a term ending December 31, 2009. Councilmember Whitten seconded. Motion carried unanimously 6-0 (Councilmember Petitti was absent) (R2008-352)

Council Reports - None

City Manager Report - None

Meeting adjourned at 11:35 pm.

_____ _____

Melonie Anderson, City Clerk Lee Fellinge, Mayor

CITY COUNCIL AGENDA BILL

Subject: Public Hearing following change in the Sammamish Municipal Code dealing with Wireless Communication Facilities (WCF).

Meeting Date: January 6, 2009
Date Submitted: December 22, 2008

Originating Department: City Manager

Clearances:

☐ **City Manager** ☐ **Police**

☐ **Public Works** ☐ **Fire**

☐ **Building/Planning** ☐ **Attorney**

Action Required:

Receive public input and consider changes to the adopted ordinance, if any.

Exhibits:
1. Adopted Ordinance

Budgeted Amount:

Summary Statement: The Council, at the request of staff, modified the WCF requirements. A Public Hearing is required prior to or within a certain time period following such an action. This Public Hearing is to comply with the hearing requirement.

Background: The Council, at the request of staff, has provided for an exemption for the proposed City Emergency AM Radio system. This gives the City-owned system the same exemption from the provisions of the WCF as exists for amateur (ham) radios, CB radios and small dish antennas.

Financial Impact: None

Recommended Motion: No motion is required. If the Council has direction for the staff, this would be an appropriate time to provide that input.

Exhibit 1

CITY OF SAMMAMISH
WASHINGTON

ORDINANCE NO. O2008-239

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON ADOPTING INTERIM REGULATIONS EXEMPTING CERTAIN PUBLIC EMERGENCY COMMUNICATIONS FACILITIES FROM COMPLIANCE WITH SMC CHAPTER 21A.55; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the purpose of Chapter 21A.55 of the Sammamish Municipal Code ("SMC"), entitled Wireless Communication Facilities ("WCF"), is to provide general requirements, siting hierarchy, design standards, and evaluations in exchange for public benefits to help achieve reasonable location of wireless communication facilities; and

WHEREAS, the City desires to install, on City-owned property, communications facilities for the purpose of supporting emergency communications and warning systems in the event of state, local, or national emergencies or disasters; and

WHEREAS, emergency communications and warning systems provide early alert and critical information exchange paths before, during, and after a disaster; and

WHEREAS, rapid and reliable emergency communications and warning systems are essential for warning the public and local governments of an impending emergency or disaster and for allowing emergency response personnel to communicate during an emergency or disaster to share information and coordinate response actions; and

WHEREAS, the City does not currently have in place a local emergency communications and warning network to inform citizens of events and actions, and has, therefore, appropriated funds for the acquisition, installation, and operation of such a local network; and

WHEREAS, the City Council has awarded a bid for installation of emergency radio communication facilities upon City-owned property that will be part of the local emergency communications and warning network; and

WHEREAS, the City Council finds that the installation of such facilities before the winter storm season is necessary to protect and enhance the public health, safety, and welfare; and

WHEREAS, the existing WCF standards, as codified at SMC Chapter 21A.55, establish certain exemptions from compliance with the WCF for radio facilities but not for publicly-owned emergency communications and early warning facilities on publicly-owned lands; and

WHEREAS, the City Council finds that it is in the best interest of the citizens and governmental efficiency to, on an interim basis, allow City emergency communications and early warning facilities located on public land to be exempt from compliance with WCF standards; and

WHEREAS, the installation and operation of City-owned communication and early warning equipment is necessary to protect the public health, safety, and welfare; and

WHEREAS, the Council finds that an emergency exists, and it is in the interest of the public health, safety, and welfare to adopt an emergency ordinance implementing interim changes that will exempt installation of City-owned emergency communications and early warning facilities located on public property from the requirements of the WCF, and more specifically SMC Section 21A.55.030; and

WHEREAS, more permanent revisions to SMC Chapter 21A.55 are currently being prepared for public review and consideration by the Planning Commission and City Council;

NOW, THEREFORE, the City Council of the City of Sammamish, Washington, do ordain as follows:

Section 1. Amendment of SMC 21A.55.030, Exemptions. Sammamish Municipal Code Section 21A.55.030 is hereby amended by adding a new subsection 4 and renumbering existing subsections 4, 5, and 6 as subsections 5, 6, and 7, respectively, to read as follows:

21A.55.030 Exemptions.

The following are exempt from the provisions of this chapter:

(1) Amateur radio antenna operated by a federally licensed amateur radio operator as part of the amateur or business radio service.

(2) Citizen band or two-way radio antenna including any mast.

(3) Satellite earth stations (satellite dish) that are one meter (39.37 inches) or less in diameter in all residential districts and two meters or less in all other zoning districts and which are not greater than 20 feet above grade in residential districts and 35 feet above grade in all other zoning districts.

(4) Public agency communications systems of the City of Sammamish, without limitation, when the facility or facilities are on lands owned by the City and all other building and land development regulations are complied with. Any such facility constructed and operated under this section shall comply with all

federal regulations including, but not limited to site location, aircraft warning, station power level, and frequency allocation.

(5) A temporary commercial wireless communications facility, for the purposes of providing coverage of a special event such as news coverage or sporting event, subject to approval by the City, except that such facility must comply with all federal and state requirements. Said wireless communications facility may be exempt from the provisions of this chapter up to one week after the duration of the special event.

(6) In the event a building permit is required for any emergency repair, notification in writing to the director of community development shall occur within 24 hours of identification of the needed repair; filing of the building permit application shall be done in compliance with the City's adopted building code. (In the event a building permit is required for nonemergency maintenance, reconstruction, repair or replacement, filing of the building permit application shall be required prior to the commencement of such nonemergency activities.)

(7) Antenna modifications, provided:

(a) There is no increase in the number of antennas; and

(b) There is no increase in the height of the antenna support structure.

Section 2. Finding of Emergency/Effective Date. The above "Whereas" clauses of this Ordinance constitute specific findings of fact by the Council in support of passage of this Ordinance as an interim emergency ordinance. The Council does hereby find that an emergency exists and that immediate action is necessary. This Ordinance shall be effective immediately upon passage by five (5) or more votes.

Section 3. Public Hearing. The City Clerk is directed to schedule a public hearing within sixty days of the date of adoption of this Ordinance in accordance with RCW 35A.63.220.

Section 4. Effective Six Months. This Ordinance shall be effective for a period of six months from the date of enactment unless sooner terminated by action of the Council or renewed for one or more additional six-month periods as provided by state law.

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.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 4th DAY OF NOVEMBER, 2008.

CITY OF SAMMAMISH

Lee Fellinge, Mayor

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

Bruce Disend, City Attorney

Filed with the City Clerk:	October 27, 2008
First Reading:	November 4, 2008
Passed by the City Council:	November 4, 2008
Date of Publication:	November 7, 2008
Effective Date:	November 4, 2008

CITY COUNCIL AGENDA BILL

Subject:
Draft Shoreline Master Program (SMP) Update
Planning Commission Recommendation

Meeting Date: January 6, 2009

Date Submitted: December 29, 2008

Originating Department: Community Development

Clearances:

☒ **City Manager** ☐ **Police**

☐ **Public Works** ☐ **Fire**

☒ **Building/Planning** ☐ **Attorney**

Action Required:
Transmittal of recommendation from planning commission, no action required

Exhibits:

1. Memo from Planning Commission Chair to City Council, December 4, 2008
2. Planning Commission-Recommended Draft Shoreline Master Program, including Use Table and Maps (maps available on-line)
3. Public Participation Summary: Process and Findings
4. Minority Report, November 18, 2008

Summary Statement: The Planning Commission recommends the attached Draft Shoreline Master Program for review and adoption by the City Council.

Background: The City of Sammamish Shoreline Master Program Update has been in process since early 2006 and is required by the State to be completed by December of 2009. The City's grant agreement with the Department of Ecology (DOE) sets a June 2009 submittal date to DOE. After detailed review and a high level of public participation, the planning commission has recommended council approval of the attached draft Shoreline Master Program Update.

Note that the draft shoreline designation maps are available in the on-line version of the council packet where they can be viewed in color. Printed versions are available upon request.

Financial Impact: n/a

Recommended Motion: Transmittal of recommendation from planning commission, no action required.

Exhibit 1

Erica Tiliacos

City of Sammamish Washington

Planning Commission

Date: December 4, 2008

To: Sammamish City Council

From: Erica Tiliacos, Chair, and Tom Vance, Co-Chair, Planning Commission

Re: Planning Commission Recommended Draft Shoreline Master Program

The Planning Commission is pleased to recommend the *Planning Commission Recommended Draft Shoreline Master Program.* We look forward to discussing these recommendations with you at an upcoming Council meeting.

Background

The Shoreline Master Program update has been in process since early 2006, and is in response to the State of Washington's requirement that all jurisdictions containing "shorelines of the state" update their existing SMP to meet the State's Shoreline Management Act guidelines of 2003. The City has been using the 1978 King County SMP. Once updated, the SMP will more clearly help the City balance shoreline development with the preservation of shoreline ecology in a way that is tailored to our local needs while meeting the requirements of the Act.

The goal of the SMA is *"to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."* The Act establishes a broad policy giving preference to shoreline uses that: protect the quality of water and the natural environment, depend on proximity to the shoreline ("water-dependent uses"), and preserve and enhance public access or increase recreational opportunities for the public along shorelines. The 2003 State Guidelines impose an additional requirement that jurisdictions adopt shoreline programs that result in "no net loss" of shoreline ecological functions, and that programmatically address the cumulative impacts of potential developments over time.

The SMP process has produced three primary documents to date. They include 1) the *Shoreline Inventory and Characterization Report* which informs the community about local shoreline characteristics and serves as a baseline upon which to evaluate progress, 2) the *Restoration Plan* which identifies opportunities for improving shoreline ecological functions, and 3) the actual *Shoreline Master Program* which includes goals, policies and regulations for implementing the program.

This *Planning Commission Recommended Draft Shoreline Master Program* is the result of numerous Planning Commission meetings, outreach efforts, public hearings and deliberations. A Public Review Draft SMP was published and distributed in September, 2008, and a month-long public comment period drew 95 written and verbal public comments. In all, we have received nearly 500 comments provided verbally, by email, regular mail or in comment forms. They have been summarized and addressed in a comment matrix that has been actively maintained throughout the update process. Staff has also compiled numerous reference articles and regularly updated the SMP web page. A summary of our efforts is provided in the attached *Public Participation Summary 2006-2008.*

Planning Commission Recommendation

The packet accompanying this memo includes the *Planning Commission Recommended Draft Shoreline Master Program* and the *Public Participation Summary 2006-2008.* This version of the Draft SMP is red-lined so that you can see where the Commission responded to public testimony and/or new information during our formal public input process. The SMP update can be thought of as a "stand-alone" policy and regulatory document because SMP regulations apply within parcels subject to shorelines jurisdiction. The SMP is also proposed to be adopted as a replacement Chapter 25 in the Sammamish Municipal Code, and to work in conjunction with adopted critical area regulations (Chapter 21A.50) and other applicable codes.

This recommendation is made by a majority of Commissioners, and I want to recognize the contributions from all our members in this process. A minority report is also included in your packet. Thank you for the opportunity to present our recommendations. We are looking forward to the Council's review and adoption of an updated Shoreline Master Program.

If you have any questions, please contact Kamuron Gurol, Community Development Director at 425-295-0520 or kgurol@ci.sammamish.wa.us.

Exhibit 2

CITY OF SAMMAMISH

Shoreline Master Program Update
Proposed Revisions to Title 25 of the Sammamish Municipal Code

PLANNING COMMISSION RECOMMENDED
DRAFT

November, 2008

(Revised 9/23/08 and 11/06/08)

Ecology Grant #G0600310

Exhibit 2

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Planning Commission Recommendation

Exhibit 2

Chapter 25.01 Purpose and Intent

25.01.010 *Purpose and Intent*

The purposes of this Shoreline Master Program are:

(1) To promote the public 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, and equitable manner; and

(3) To further assume and carry out the responsibilities established by the Shoreline Management Act, and to adopt and foster the policies contained in the Revised Code of Washington (RCW) 90.58, the State Shoreline Management Act, for shorelines of the State.

~~(3)~~(4) To achieve the goal of no net loss to the ecological functions of Sammamish Shorelines.

25.01.020 *Applicability*

(1) All proposed uses and development, as defined in 25.02 (the definitions chapter of this Program) occurring within the shoreline 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. Uses and developments shall be classified as follows:

(a) Permitted uses and developments – These are uses and development that are consistent with this Program and RCW 90.58. Such uses/development shall require a shoreline substantial development permit, a shoreline conditional use permit, or a statement that the use/development is exempt from a shoreline substantial development permit. Permitted uses and developments that do not meet the bulk or dimensional standards of this Program shall require a shoreline variance.

(b) Prohibited uses and developments – These are uses and development that are inconsistent with this Program and/or RCW 90.58 and which cannot be allowed through any shoreline permit or variance.

(2) Classification of a use or development as permitted does not necessarily mean the use/development is allowed in all cases. It means the use/development may be permitted subject to review and approval by the City and/or the Department of Ecology. Many permitted uses/developments, including those that do not require a substantial development permit, can individually or cumulatively affect adjacent properties and/or natural resources and therefore must comply with the Program in order to avoid or minimize such adverse impacts.

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(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 RCW 90.58.030; and

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

(c) All non-federal uses and developments undertaken on federal lands and on lands subject to non-federal ownership, lease, or easement, even though such lands may fall within the external boundaries of federally owned lands.

(d) Federal agencies are subject to this Program and RCW 90.58, as provided by the Coastal Zone Management Act (Title 16 United States Code §1451 et seq.; and the Washington Administrative Code (WAC) 173-27-060(1)).

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

25.01.030 ***Title***

This document shall be known and cited as 'The Sammamish Shoreline Master Program.' This document ~~may be~~will be referred to herein as the 'SMP,' or the 'Program.'

25.01.040 ***Authority***

Authority for enactment and administration of this Shoreline Master Program is the Shoreline Management Act of 1971, RCW 90.58, also referred to herein as 'the Act.'

25.01.050 ***Governing Principles***

The following principles along with the policy statements of RCW 90.58.020 establish basic concepts that underpin the goals, policies and regulations of this Program.

~~(1)~~Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.

(1) Ensuring that all uses and developments, including preferred uses and uses that are exempt from a shoreline substantial development permit, will not cause a net loss of shoreline ecological function.

(2) The policies of this Program ~~may be~~are achieved by diverse means, one of which is regulation. Other means, authorized by the Act, include but are not limited

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to: acquisition of lands and/or easements by purchase, or gift; and implementation of capital facility and/or non-structural programs.

(3) Regulation of private property to implement Program goals such as public access and protection of ecological functions and processes must be consistent with all relevant constitutional and other legal limitations.

(4) Regulatory or administrative actions contained herein must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.

(5) The regulatory provisions of this Program are limited to shorelines of the state, whereas the planning functions of this Program may extend beyond the designated shoreline boundaries.

(6) The planning policies and regulatory provisions of this Program shall be integrated and coordinated with the Comprehensive Plan and local development regulations.

(7) Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. The policies and regulations of this Program are intended to protect shoreline ecological functions by:

(a) Requiring that current and potential ecological functions be identified and understood when evaluating new uses and developments;

(b) Requiring adverse impacts to be mitigated in a manner that ensures no net loss of shoreline ecological functions. Mitigation, as defined in Sammamish Municipal Code (SMC) 25.02, shall include first avoiding the impacts, then minimizing the impacts, and then replacing/compensating for lost functions and/or resources;

~~(c)Ensuring that all uses and developments, including preferred uses and uses that are exempt from a shoreline substantial development permit, will not cause a net loss of shoreline ecological functions.~~

25.01.060 *Reference to Plans, Regulations or Information Sources*

(1) Uses and development regulated by this Program are subject to applicable provisions of the SMC, the Sammamish Comprehensive Plan, the Washington State Shoreline Management Act (RCW 90.58), Growth Management Act (RCW 36.70), Environmental Policy Act (RCW 43.21C and WAC 197-11), and other local, state and federal laws. Project proponents are responsible for complying with all applicable laws prior to commencing any use, development or activity.

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(2) 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 SMC, these definitions shall prevail.

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

(4) In the event this Program conflicts with other applicable City policies or regulations, all regulations shall continue to apply, and unless otherwise stated, the more restrictive provisions shall prevail.

25.01.070 *Critical Areas Regulations Incorporated by Reference*

(1) The Sammamish Critical Areas Ordinance SMC 21A.50 (Ordinance 02005-193, as adopted in December 2005) is hereby adopted as a part of this Program, except that the permit (SMC 21A.110), non-conforming use (SMC 21A.70), ~~public agency and utility exception (SMC 21A.50.070(1)),~~ appeal (SMC 21A.50.030) and enforcement (SMC 21A.115) provisions of SMC 21A.50 and SMC Title 21A shall not apply within shoreline jurisdiction. The provisions of SMC 21A.50 shall apply to any use, alteration or development within shoreline jurisdiction whether or not a shoreline permit or written statement of exemption is required.

(2) All references to SMC 21A.50 in this Program are to the version adopted in December 2005.

(3) Non-conforming uses and improvements within the shoreline jurisdiction shall be subject to this Program and not SMC 21A.50, 21A.70, or 21A.110.

(4) Uses and developments within the shoreline jurisdiction that meet the Reasonable Use Exception provisions of SMC 21A.50.070(2) shall require a shoreline variance in accordance with this Program.

(5) Activities that are exempt or partially exempt from critical areas regulation per SMC 21A.50.050, 21A.50.060 and 21A.50.070 shall comply with this Program. Such activities may require a shoreline substantial development permit, shoreline variance, or shoreline conditional use permit unless this Program and RCW 90.58.030(3)(e) specifically indicate the activity is exempt from the shoreline substantial development permit requirements.

25.01.080 *Effective Date*

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

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25.01.090 ***Liberal Construction***

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.

25.01.100 ***Severability***

If any section or provision of this Program is declared invalid it shall not affect the validity of this Program as a whole.

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Chapter 25.02 Definitions

25.02.010 *Definitions*

(1) Abandon. Abandon means to terminate the use of a structure by an affirmative act, such as changing to a new use; or to cease, terminate, or vacate a use or structure through non-action.

(2) Act. Act means chapter 90.58 RCW, the Shoreline Management Act of 1971, as amended. (Also known as the SMA).

(3) Active use area. Active use area means the portion of a shoreline buffer that is not required to be maintained in a naturally vegetated condition but can be used for recreational activities normally associated with single family residential development. The active use area shall remain free of structures and impervious surfaces except for accessory structures and impervious surfaces expressly allowed by this Program.

(4) Alteration. Any human activity that results or is likely to result in an impact upon the existing condition of a shoreline is an alteration. Alterations include, but are not limited to, grading, filling, dredging, draining, channelizing, applying herbicides or pesticides or any hazardous substance, discharging pollutants except stormwater, grazing domestic animals, paving, constructing, applying gravel, modifying for surface water management purposes, cutting, pruning, topping, trimming, relocating or removing vegetation or any other human activity that results or is likely to result in an impact to existent vegetation, hydrology, fish or wildlife, or fish or wildlife habitat. Alterations do not include walking, fishing, or any other passive recreation or other similar activities.

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

(6) Applicant. Applicant means a property owner or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement pursuant to RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval.

(7) Archaeological Resource/Site. Archaeological Resource/Site means a site that meets the criteria of a historic resource pursuant to SMC 21.10.020 (Historic Preservation Ordinance).

(8) Associated Wetland. Associated Wetlands 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

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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.

(9) Average existing grade level. Average existing grade level means the average of the natural or existing topography at the center of all exterior walls of a building or structure to be placed on a site; provided, that in the case of structures to be built over water, average grade level shall be the elevation of ordinary high water.

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

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

(12) Beach nourishment. Beach nourishment means the artificial replenishing of a beach by delivery of materials dredged or excavated elsewhere.

(13) Benthic. Benthic refers to the sediment surface and subsurface layers providing habitat for the micro-organisms of a stream or lake bottom.

(14) Berm. Berm means a constructed area of compacted earth.

(15) Bioengineering (also referred to as Bio-stabilization). Bioengineering or bio-stabilization means the practice of using natural vegetative materials to stabilize shorelines and prevent erosion. This may include use of bundles of stems, root systems, or other living plant material, soft gabions, fabric or other soil stabilization techniques, and limited rock toe protection where appropriate. 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.

(16) 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 (see 50).

(17) Boat launch. Boat launch or boat ramp means a slab, pad, plank, rail, or graded slope specifically constructed and used for launching boats by means of a trailer, hand, or mechanical device.

(18) Boat Lift. Boat Lift is an in-water structure used for the dry berthing of vessels and personal water craft 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 without a

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canopy cover and may be placed in the water adjacent to a dock or as stand-alone structure.

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

(20) Buffer. Buffer means a zone, strip, or area of natural vegetation designed to separate incompatible uses or activities. Buffers separate and protect shorelines and critical areas from adverse impacts associated with adjacent land uses. Shoreline buffers are measured from the Ordinary High Water Mark (OHWM) except for projects affected by an approved Habitat Restoration Project that has altered the historic shoreline. In this situation, the shoreline buffer will be measured from the OHWM location in place prior to implementation of the restoration project.

(21) Building setback. Building setback means a line which establishes a definite point as determined by the minimum required distance between a structure and a specified line such as a lot, easement or buffer line, beyond which the foundation of a building shall not extend. For purposes of this Program, the building setback shall be 5 feet as measured from the landward edge of the shoreline buffer.

(22) Bulkhead. Bulkhead means a wall, embankment or other structure erected at or within ten feet of the OHWM and roughly parallel to the shoreline that retains or prevents sliding or erosion of land or protects land from wave or current action. Walls and other similar hard structures within 10 feet of the Ordinary High Water Mark shall be considered bulkheads.

(23) Clearing. Clearing means limbing, pruning, trimming, topping, cutting or removal of vegetation or other organic plant matter by physical, mechanical, chemical, or any other means.

(24) Cluster development. Cluster development means a site development technique that groups or clusters buildings in specific areas on a site rather than spread evenly throughout the parcel as in a conventional lot-by-lot development. The remaining land is to remain undeveloped in perpetuity and used for recreation, common open space, and/or preservation of critical areas.

(25) 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 which are disruptive to the normal use and enjoyment of surrounding property.

(26) Conservation. Conservation means the prudent management of rivers, streams, wetlands, wildlife and other environmental resources in order to preserve and

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protect them. This includes the careful use of natural resources to prevent depletion or harm to the environment.

(27) Covered Moorage/Canopy. Covered Moorage means boat moorage, ~~with or~~ without walls, that has a roof to protect the vessel(s).

(28) Development. Development means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which 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.

(29) Development regulations. Development regulations means the controls placed on development or land uses including, but not limited to, zoning ordinances, critical areas ordinances, all portions of a shoreline master program other than goals and policies approved or adopted under chapter 90.58 RCW, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto.

(30) Director. Director means, unless otherwise specified, the director of the city department of community development or the director's designee.

(31) Dock. Dock means a fixed platform structure anchored in and/or floating upon a water body and connected to land to provide moorage or landing for waterborne pleasure craft and/or water-dependent recreation uses.

(32) 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.

(33) 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).

(34) 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.

(35) Environment or shoreline environment. Environment or shoreline environment means the categories of shorelines established by the City of Sammamish Shoreline Master Program to differentiate areas whose features imply differing objectives regarding their use and future development.

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(36) Excavation. Excavation is the removal of earth material.

(37) Exempt Development. Exempt Development means a use or development activity that is not required to obtain a 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 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 Substantial Development Permit.

(38) Fair market value. Fair market value 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.

(39) Feasible. Feasible means that a development proposal:

(a) Can be accomplished with technologies and methods that have been successfully used in the past in similar circumstances; and

(b) Has a reasonable likelihood of achieving its intended purpose.

(40) Fill. Fill means any solid or semi-solid material such as 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.

(41) Filling. Filling means the act of transporting or placing by any manual or mechanical means fill material from, to, or on any soil surface, including temporary stockpiling of fill material.

(42) Float. Float means a structure or device, which is moored, anchored, or otherwise secured in the waters of Sammamish, and which is not connected to the shoreline.

(43) Flood plain. Floodplain means the total area subject to inundation by the base flood. Flood plain is synonymous with one hundred-year flood plain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood

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ordinance regulation maps or a reasonable method which meets the objectives of the Act.

(44) Flood hazard reduction. Flood hazard reduction refers to actions taken to reduce flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, such as 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.

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

(46) 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.

(47) Hazard tree. Hazard tree means any tree that meets the criteria on SMC 21A.15.586. The City may require documentation by a certified arborist of the damaged, diseased, dead, or other hazardous condition.

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

(49) Height. Height is measured from average existing grade level to the highest point of a structure, exclusive of television antennas, chimneys, and similar appurtenances. Temporary construction equipment is also excluded in this calculation.

(50) 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.

(51) Impervious surface. Impervious surface for purposes of this Program, means any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle at natural infiltration rates including,

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but not limited to, roofs, swimming pools, and areas that are paved, graveled or made of packed or oiled earthen materials such as roads, walkways, or parking areas and excluding landscaping, surface water flow control, and water quality treatment facilities, access easements serving neighboring property and driveways to the extent that they extend beyond the street setback due to location within an access panhandle or due to the application of requirements to site features over which the applicant has no control.

(52) Landward. Landward means to or toward the land.

(53) Launch Ramp. See boat launch.

(54) Landslide. Landslide means an episodic downslope movement of a mass that includes but is not limited to soil, rock or snow.

(55) Littoral drift. Littoral drift means the natural movement of sediment along marine or lake shorelines by wave action in response to prevailing winds.

(56) Lot. Lot means any tract or parcel of land shown on an officially recorded short plat or long plat or a parcel of land officially recorded or registered as a unit of property and described by platted lot number or by metes and bounds and lawfully established for conveyancing purposes on the date of recording of the instrument first referencing the lot.

(57) Moorage Structure. Any fixed device, including but not limited to docks, piers, moorage piles, buoys, and boat lifts placed at or below the OHWM and designed to provide for the moorage of boats or other watercraft.

~~(57)~~(58) Multifamily Residential Development. Includes 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.

~~(58)~~(59) Native shoreline vegetation. Native shoreline vegetation means vegetation comprised of plant species, other than noxious weeds, which are indigenous to the coastal region of the Pacific Northwest and that reasonably could have been expected to naturally occur on the site.

~~(59)~~(60) Natural or existing topography. Natural or existing topography means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavating or filling.

~~(60)~~(61) Non-conforming use or development. Nonconforming use or development means a shoreline use or development which was lawfully constructed or established prior to the effective date of the Act or the applicable SMP, or

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amendments thereto, but which does not conform to present regulations or standards of this SMP.

(62) Non-water-oriented uses. Non-water-oriented uses means those uses that are not water-dependent, water-related or water-enjoyment 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.

(63) Normal appurtenance. Normal appurtenance means a structure or use that is necessarily connected to the use and enjoyment of a principal use and is located landward of the ordinary high water mark. Normal appurtenances include, but are not limited to, walkways, utilities, fences, septic tanks and drainfields, and grading which does not exceed two hundred fifty (250) cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.

~~(61)~~(64) Normal maintenance. Normal maintenance includes interior and exterior repairs and incidental alterations. Normal maintenance and repair may include, but is not limited to, painting, roof repair and replacement, plumbing, wiring and electrical systems, mechanical equipment replacement and weatherization. Incidental alterations may include construction of nonbearing walls or partitions.

~~(62)~~(65) Normal protective bulkhead common to single-family residences. Normal protective bulkhead common to single-family residences means a bulkhead constructed on a building site zoned to permit one single-family residence and containing one single-family residence.

~~(63)~~(66) No Net Loss. No Net Loss means the maintenance of the aggregate total of the City's shoreline ecological functions. The no net loss standard requires that the impacts of shoreline development and/or use, whether permitted or exempt, be identified and mitigated such that there are no resulting adverse impacts on ecological functions or processes. Each project shall be evaluated based on its ability to achieve the no net loss standard.

~~(64)~~(67) 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. In any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining freshwater shall be the line of mean high water

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(68) Personal Watercraft. Personal watercraft means a vessel of less than sixteen feet that uses a motor powering a water jet pump as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

~~(65)~~(69) Pier. See dock.

~~(66)~~(70) 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 uses are preferred shoreline uses. Single-family residential development is also a preferred use according to the Act.

~~(67)~~(71) 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.

~~(70)~~(72) Priority Species. Priority species means any species designated by 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.

~~(69)~~(73) Provisions. Provisions means policies, regulations, standards, guidelines, criteria, or environment designations.

~~(70)~~(74) 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.

~~(71)~~(75) 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.

~~(72)~~(76) 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

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services which 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.

~~(73)~~(77) Reasonable alternative. Reasonable alternative means any alternative that meet the criteria in SMC 21A.15.948.

~~(76)~~(78) Restoration, or ecological restoration. Restoration means, in the context of 'ecological restoration,' the re-establishment 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, and placement of such shoreline stabilization features such as anchored logs and rootwads. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

~~(75)~~(79) 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 waterward and has a rough or jagged face. The slope differentiates it from a bulkhead, which is a vertical structure.

~~(76)~~(80) 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.

~~(77)~~(81) Sediment. Sediment is material settled from suspension in a liquid medium.

~~(78)~~(82) Significant tree. Significant tree means a tree that is a coniferous tree with a DBH of eight (8) inches or more, or a deciduous tree with a DBH of twelve (12) inches or more, where DBH means the diameter of a tree as measured at breast height (54 inches above the ground).

~~(79)~~(83) 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 ordinary high water mark; 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 are subject to the provisions of this chapter; the same to be designated as to location by the Department of Ecology.

~~(80)~~(84) Shoreline armoring. Shoreline armoring refers to bulkheads and hard structures installed along the shore to stabilize the bank and prevent erosion. See shoreline stabilization.

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~~(81)~~(85) Shoreline conditional use. Shoreline conditional use means a use specifically designated as a shoreline conditional use in the shoreline master program or a use that is not classified within the SMP.

~~(82)~~(86) Shoreline environment designation. Shoreline environment designation means the categories of shorelines of the state established by the City of Sammamish Shoreline Management Program to differentiate between areas whose features imply differing objectives regarding their use and future development.

~~(83)~~(87) Shoreline jurisdiction. Shoreline jurisdiction means all 'shorelines of the state' and 'shorelands' as defined by this Program and RCW 90.58.

~~(84)~~(88) 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 shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

~~(85)~~(89) Shoreline stabilization. Shoreline stabilization means actions taken to prevent or mitigate erosion impacts to property, dwellings, businesses, or structures caused by natural shoreline processes such as currents, floods, tides, wind or wave action. Shoreline stabilization includes structural armoring approaches such as bulkheads and revetments and nonstructural approaches such as bio-engineering.

~~(86)~~(90) Shorelines. Shorelines means 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 less than 20 acres in size and wetlands associated with such lakes.

~~(87)~~(91) 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.

~~(88)~~(92) Shorelines of the State. Shorelines of the state are the total of all 'shorelines' and 'shorelines of statewide significance' within the City of Sammamish.

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~~(89)~~(93) Shoreline variance. Shoreline variance is a means to grant relief from the specific bulk, dimensional or performance standards in the SMP, but not a means to vary a use of a shoreline.

~~(90)~~(94) Soft-shore bank stabilization. See bioengineering.

~~(91)~~(95) 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. It does not include vessels.

~~(92)~~(96) Substantial development. Substantial development means any development with a total cost or fair market value of five-thousand seven hundred and eighteen dollars ($5,718.00) or more that requires a shoreline substantial development permit. The threshold total cost or fair market value of $5,718.00 is set by the state office of financial management and may be adjusted in the future pursuant to SMA requirements, as defined in RCW 90.58.030(3)(e) as now or hereafter amended.

~~(93)~~(97) Substantially degrade. Substantially degrade means to cause significant ecological impact.

~~(94)~~(98) 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.

~~(95)~~(99) Vegetation conservation area. Vegetated conservation area means a protected area adjacent to the shoreline that contain elements of both aquatic and terrestrial habitats that mutually influence each other. Vegetation in this area is to be generally conserved to protect ecological functions of the shoreline.

~~(96)~~(100) Vessel. Vessel includes ships, boats, barges, personal watercraft, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

~~(97)~~(101) Water-dependent use. Water-dependent use means a use or portion of a use which cannot exist in a location that is not adjacent to the water and which is dependent on the water by reason of the intrinsic nature of its operations. Water-depended uses are preferred uses of the shoreline according to the Act.

~~(98)~~(102) 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

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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.

~~(99)~~(103) Water-oriented use. Water-oriented use means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses.

~~(100)~~(104) Water-related use. Water-related use means a use or portion of a use which 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.

~~(101)~~(105) Water quality. Water quality means the physical chemical, aesthetic, and biological characteristics of water.

~~(102)~~(106) Wetland. Wetland means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

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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 or regionally.

(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 state or national historic registers, eligible for such listing, or identified in the City's Comprehensive Plan 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, 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.

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(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 adverse impacts caused by existing/past shoreline development.

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 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, and without 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) Provide incentives to private shoreline property owners to provide public access.

(4) Ensure that new developments minimize visual and physical obstruction of the water from shoreline roads and upland areas.

(5) Ensure that utility and transportation rights-of-way, including street ends that abut the shoreline, are made available for public access and use where appropriate.

(6) Ensure that shoreline recreational facilities and other public access points are connected by trails, pathways, waterways, and other access links where appropriate.

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25.03.040 *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 water-oriented recreation opportunities that are diverse, convenient, and adequate for people of different ages, health, family status and financial ability.

(2) Locate recreational uses in shoreline areas that can support those uses without risks to human health, safety, and/or security, and without adverse effects on shoreline functions and processes, private property rights, and/or neighboring uses.

(3) Plan for future 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.

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 avoid disruption of natural shoreline processes.

(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 shoreline areas is consistent with the City's Comprehensive Plan and the Washington State Growth Management Act (RCW 36.70A).

(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.

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(1) Improve 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.

25.03.070 ***Transportation and Essential 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 without 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 shoreline areas 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.

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Chapter 25.04 General Shoreline Management Policies

25.04.010 *Archaeological, Historic and Cultural Resources*

(1) Public or private uses, activities, and development should be prevented from destroying or damaging any site having historic, cultural, scientific or educational value as identified by the appropriate authorities and deemed worthy of protection and preservation.

(2) The City should work with tribal, state, federal and other local governments as appropriate to identify significant local historic, cultural and archaeological sites in observance of 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.

(3) Site development plans for public lands should incorporate measures for historic, cultural and archaeological resource preservation, restoration, and education with open space or recreation areas whenever compatible and possible.

(4) Owners of property containing identified historic, cultural or archaeological sites are encouraged to make development plans known well in advance of application so that appropriate agencies, such as the Washington State Department of Archaeology and Historic Preservation, and others, may have ample time to assess the site and make arrangements to preserve historical, cultural and archaeological values as applicable.

(5) If development is proposed adjacent to an identified historic, cultural or archaeological site, then the proposed development should be designed and operated to be compatible with continued protection of the historic, cultural or archaeological site.

25.04.020 *Critical Areas and Environmental Protection*

(1) This Program should provide a level of protection to critical areas within 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.

(2) Shoreline use/development 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 designated in SMC 21A.50.

(3) Permitted uses should be designed and conducted to minimize, in so far as practical, damage to the ecology and environment. Shoreline ecological functions that should be protected include, but are not limited to, fish and wildlife habitat,

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conservation and recovery of ESA-listed species, food chain support and water temperature maintenance. Shoreline processes that should be protected include, but are not limited to, water flow; erosion and accretion; infiltration; groundwater recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; and nutrient and pathogen removal.

(4) 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).

25.04.030 *Flood Hazard Reduction*

(1) 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.

(2) Development within the floodplains associated with the City's shorelines that would individually or cumulatively increase the risk of flood damage should be discouraged.

(3) Non-structural flood hazard reduction measures should be given preference over structural measures. Structural flood hazard reduction measures should be avoided whenever possible. When necessary, they 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.

(4) Where possible, public access should be integrated into publicly financed flood control and management facilities.

25.04.040 *Public Access*

(1) 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.

(2) The design of all public shoreline access areas should minimize potential impacts to private property.

(3) Incentives for public access improvements such as density or bulk and dimensional bonuses shall be provided when consistent with applicable zoning and subdivision regulations.

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25.04.050 *Restoration and Enhancement*

(1) This Program recognizes the importance of restoring shoreline ecological functions and processes and encourages 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.

(2) Restoration actions should restore shoreline ecological functions and processes as well as shoreline features and should be targeted towards meeting the needs of sensitive and/or locally important plant, fish and wildlife species as well as the biological recovery goals for salmonid species, habitat and populations.

(3) Restoration should be integrated with and should support other natural resource management efforts in King County and in the greater Puget Sound region.

(4) Priority should be given to restoration actions that meet the goals and objectives contained in the restoration element of this Program.

25.04.060 *Shoreline Use*

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

(a) Single-family residences, and

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

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

(2) Appropriate areas should be reserved for protecting and restoring ecological functions to control pollution and prevent damage to the natural environment and public health.

(3) Non-water-oriented uses/developments should be limited to those shoreline locations where water-oriented uses are inappropriate.

(4) Non-water-oriented uses/developments should be allowed only when they demonstrably contribute to the objectives of the Shoreline Management Act.

25.04.070 *Shoreline Vegetation Conservation*

(1) All shoreline developments and uses should be planned and designed to retain or replace shoreline vegetation with the overall purpose of achieving no net loss of

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the ecological functions and processes performed by the vegetation. Important functions of shoreline vegetation include, but are not limited to:

(a) Providing shade necessary to maintain water temperatures required by salmonids, and other aquatic biota.

(b) Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macro invertebrates.

(c) Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence/severity of landslides.

(d) Reducing fine sediment input into the aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff.

(e) Improving water quality by preventing wind mixing, and facilitating infiltration and vegetative uptake of nutrients and pollutants.

(f) Providing a source of large woody debris.

(g) Providing habitat for wildlife, including connectivity for travel and migration corridors.

(h) Using native plants.

(2) Shoreline developments and uses should be planned and designed to promote retention and installation of native shoreline vegetation. The retention and installation of native shoreline vegetation should be preferred over retention and installation of non-native shoreline vegetation.

(3) Clearing and thinning for limited view corridors should only be allowed where it does not adversely impact ecological and/or aesthetic values, and/or slope stability[1]. Vegetation conservation should be preferred over the creation or maintenance of views to protect shoreline ecological functions and aesthetics.

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[1] Limbing is allowed per the CAO. This policy is not intended to contradict the CAO standards, which would apply, but merely states a preference for minimizing such activities.

25.04.080 ***Site Planning***

(1) Shoreline use/development 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.

(2) Low Impact Development (LID) ~~techniques~~ practices should be ~~encouraged~~ incorporated where site conditions allow in order to minimize impervious surface area and surface runoff in accordance with the Technical Guidance Manual for Puget Sound and the City's LID Ordinance (SMC 21A.85).

(3) Where geologic conditions are conducive to infiltration, the City encourages infiltration systems for stormwater to 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.

(4) Shoreline uses 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.

25.04.090 ***Views and Aesthetics***

(1) Shoreline use and development should be designed and maintained to minimize obstructions of the public's visual access to the water and shoreline.

(2) Shoreline use and development should not significantly detract from shoreline scenic and aesthetic qualities that are derived from natural or cultural features, vegetative cover and historic sites/structures.

25.04.100 ***Water Quality, Stormwater and Nonpoint Pollution***

(1) New shoreline uses and developments should 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 aesthetic qualities or recreational opportunities.

(2) New shoreline uses and developments should incorporate comprehensive and aggressive strategies to control total phosphorus loading to shoreline lakes over the long term.

(3) 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 avoid adverse effects on shoreline ecological functions and values.

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(4) New shoreline uses and developments and uses should minimize impervious surface and incorporate low impact development techniques where feasible to minimize surface water runoff and prevent water quality degradation.

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Chapter 25.05 Shoreline Modification Policies

25.05.010 *Boat Launch Ramps and Rails*

(1) Regional needs for public boat launches should be coordinated with park and recreation plans and co-located with other compatible water-dependent uses. Review of launch facilities for motorized boats or large watercraft should be coordinated with recreation providers, including the Washington State Parks Department, adjacent cities and King County to avoid unnecessary duplication and to efficiently provide recreational resources while minimizing adverse impacts to shoreline ecological functions and processes. This policy is not intended to limit new launches for human powered watercraft such as kayaks.

(2) New or expanding public launch ramps and rails should only be sited where suitable environmental conditions are present and should avoid sensitive or critical habitat and areas with which priority species have a primary association.

(3) Private boat launch ramps and rails should be discouraged when they increase impervious surface area in the shoreline jurisdiction and/or require clearing of shoreline vegetation.

25.05.020 *Docks, Piers, Floats, Boat Lifts, and Mooring Buoys*

(1) As an alternative to continued proliferation of individual private docks and piers, mooring buoys are preferred over docks and piers. Shared or joint-use docks are preferred over single-user docks where feasible, especially where water use conflicts exist or are predictable.

(2) New moorage designed and used as a facility for access to watercraft should only be allowed as an accessory to water-dependent uses or for public access. Moorage accessory to a single-family residence should be allowed only where there is a demonstrated need and where mooring buoys and joint-use facilities are not feasible.

(3) Public and private piers, docks, floats, 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. Piers, docks, floats, and lifts should not be placed in locations where they will impact critical habitats.

(4) The type, design, and location of docks, piers, floats and lifts should be consistent with state and federal regulations and compatible with the area in which they are located. In assessing compatibility, shoreline characteristics, shoreline functions and processes, wind and wave action, water depth, aesthetics, and adjacent land and water uses should be considered.

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25.05.030 *Dredging, Filling and Excavation*

(1) Dredging should only be allowed to facilitate ecological restoration or enhancement, provide public access, or provide water-oriented public recreation.

(2) New development should be sited and designed to avoid the need for new maintenance dredging.

(3) When allowed, dredging, filling and excavation should be planned and operated to minimize adverse impacts to shoreline ecology; adverse impacts to shoreline and adjacent upland uses; and interference with navigation.

(4) Dredging for the primary purpose of obtaining fill material to create uplands should not be allowed.

(5) Dredging, filling and excavation should only be allowed waterward of the ordinary high water mark (OHWM) when alternatives are infeasible and when the filling is:

(a) Part of a publically sponsored ecological restoration or enhancement project; or

(b) Part of a City-approved restoration or mitigation project that involves bulkhead removal and/or shoreline vegetation enhancement; or

(c) Required to provide public access for a substantial number of people; or

(d) Required to provide water-oriented public recreation for a substantial number of people.

(6) Filling and excavation should not be allowed where structural shore stabilization would be required to maintain the materials placed or excavated.

(7) When allowed, filling and excavation should be conducted so that water quality, habitat, hydrology, and drainage patterns are not adversely affected.

(8) Excavation below the OHWM shall be considered dredging and shall be subject to the dredging policies and regulations of this Program.

25.05.040 *Shoreline Stabilization*

(1) Bulkheads and other forms of 'hard' shoreline armoring should be discouraged. Alternatives to 'hard' shoreline armoring, including those that implement bioengineering and bio-stabilization methods, should be used whenever possible.

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(2) Shore stabilization including bulkheads and revetments should be located, designed, and maintained to minimize adverse effects on shoreline ecology, including effects on the project site and adjacent properties. Probable effects of proposed shoreline stabilization on ongoing shoreline processes and functions should be fully evaluated for consistency with this Program before projects are permitted.

(3) Shoreline stabilization should be located and designed to fit the physical character of a specific shoreline reach, which may differ substantially from adjacent reaches.

(4) Shoreline stabilization should not interfere with existing or future public access to public shorelines nor with other appropriate shoreline uses such as recreation.

(5) 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.

(6) Where erosion threatens existing use or development, a comprehensive program for shoreline management should be established to address causes and effects.

(7) Failing, harmful, unnecessary, or ineffective shoreline stabilization structures should be removed, and shoreline ecological functions and processes should be restored using non-structural methods.

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

(9) Where existing bulkheads are replaced or substantially repaired or replaced, the replacement/repair should incorporate bioengineering and fisheries habitat enhancement design elements (e.g., anchored logs and root wads) to minimize adverse effects on nearshore habitat including salmonid use.

Chapter 25.06 Use-specific Policies

25.06.010 *Residential Use*

The following residential use policies should inform planning, permitting, and development of private residential uses on private lands within the shoreline environment.

(1) Single-family residences and their normal appurtenant structures are a preferred shoreline use when developed in a way that controls pollution and prevents damage to the shoreline environment.

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(2) 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.

(3) Structures or development 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.

(4) Residential developments are encouraged to protect, enhance, and restore shoreline ecological functions using low impact development techniques and other conservation measures.

25.06.020 *Recreational Use*

The following recreational use policies should inform the planning and development of public parks and other public recreational lands within shoreline jurisdiction.

(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) are adequate, or may be provided without significant damage to shore features commensurate with the number and concentration of anticipated users.

25.06.030 *Transportation Use*

The following transportation use policies should inform planning, permitting, and development of all public transportation uses within the shoreline environment. Public transportation uses include all development where transportation facilities, including public roadways, public trails, parking areas, associated facilities, and all other vehicular and pedestrian circulation facilities, are the primary land use. Public transportation uses do not include residential access driveways associated with private residences.

(1) New transportation 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.

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(2) When required, new transportation 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 transportation 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, if possible, to correct past impacts caused by the transportation facility.

25.06.040 ***Utility Use***

The following utility use policies should inform planning, permitting, and development of all utility uses within the shoreline environment. Utility uses include all development where public and/or private utility facilities are the primary land use. Utility uses do not include onsite utility uses associated with private residential land use.

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

(a) They have a water-dependent component such as a water intake or outfall; or

(b) Water crossings are unavoidable; or

(c) 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 would disrupt shoreline ecological functions, should be discouraged except where no other feasible alternative exists.

(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, if possible, to correct past impacts caused by the utility.

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Chapter 25.07 Jurisdiction and Environment Designations

25.07.010 *Shoreline Jurisdiction*

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

(2) On Lake Sammamish, the shoreline jurisdiction shall be based on a minimum ordinary high water mark (OHWM) elevation of 28.18 feet NGVD29. The OHWM on Pine Lake and Beaver Lake shall be determined based on site-specific observation and assessment using accepted protocols and criteria established by the Department of Ecology, until or unless the City adopts a specific elevation.

(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.

25.07.020 *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, or uses that allow substantial numbers of people to enjoy the shoreline.

(2) The shoreline environment designations established in 25.07.020.1 shall apply to the land and water areas subject to shoreline jurisdiction as defined in 25.02 and RCW 90.58. Uses and developments that occur waterward of the OHWM shall be

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governed by the regulations pertaining to the adjoining shoreland area and all such uses shall be considered accessory to the adjacent primary use.

~~(2)~~(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 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 ordinary high water mark (OHWM), floodway and/or the presence of associated wetlands. In all instances when the lateral extent of the shoreline jurisdiction extends outside of the lateral extent depicted on the Official Shoreline Map, the shoreline environment designation applicable to the area of shoreline shall apply throughout the lateral extent of shoreline jurisdiction.

~~(3)~~(4) Undesignated and/or unmapped shorelines shall be designated 'Urban Conservancy' in accordance with WAC 173-26-211 (2) (e).

~~(4)~~(5) If disagreement develops as to the exact location of a shoreline environment designation boundary line shown on the Official Shoreline Map, the following rules shall apply:

(a) Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.

(b) Boundaries indicated as approximately following roads shall be respectively 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.

25.07.030 *Shoreline Use Table (see attached use table)*

25.07.040 *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 the Lake Sammamish shoreline to give preference to uses and developments that:

(a) Recognize and protect the statewide interest over local interest.

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(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.

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Chapter 25.08 Lake Sammamish Regulations

25.08.010 *Lake Sammamish General Regulations*

Unless otherwise stated, the following regulations shall apply to all development and uses within the Lake Sammamish shoreline jurisdiction regardless of shoreline environment designation.

(1) Archaeological, Historic and Cultural Resources

(a) Upon receipt of application for a shoreline permit or request for a statement of exemption for a development proposal located on or adjacent to a City of Sammamish historic, cultural, or archeological resource, the application or request shall be additionally processed pursuant to the requirements of SMC 21.10.120 (Historic Resources - review process pending adoption).

(b) 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.

(2) Critical Areas and Environmental Protection

(a) Unless otherwise stated, all shoreline development and uses shall comply with the City's critical areas regulations in SMC 21A.50 as incorporated into this Program.

(b) A shoreline buffer consistent with SMC 21A.50.351 ~~and 21A.50.352~~ shall be established on Lake Sammamish. The standard buffer shall extend 45 feet landward of the ordinary high water mark and may be increased or reduced in accordance with the provisions of the 21A.40.351(2) and (3) as appropriate. The City may approve a buffer reduction without a shoreline variance provided the reduction meets the standards set forth in 21A.50.351. A five (5)-foot-wide building setback shall be established landward of the buffer as required by 21A.50.210.

(c) Shoreline buffers may be altered in accordance with the Program and the provisions of 21A.50.352.

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~~(c)~~(d) An applicant for any new shoreline use or development shall mitigate adverse environmental impacts in accordance with SMC 21A.50 whether or not the use/development requires a shoreline permit or is exempt from a shoreline permit. Mitigation measures shall be implemented in the sequence prescribed in SMC 21A.50.135.

~~(d)~~(e) ~~Prior to approving a new use or development, or verifying that a proposed use/development is exempt as defined by WAC 173-27-040, the Director shall may require the applicant to identify and evaluate the cumulative impacts of similar developments to assure that the no net loss standards of this Program are achieved.~~ The Director may condition any proposal as necessary to mitigate cumulative impacts and may deny a proposal if there is strong evidence that cumulative adverse effects cannot be effectively mitigated.

(3) Public Access

(a) The City shall not require public access for any single-family residential development involving four (4) or fewer lots/dwelling units, or for any use/development accessory to a single-family residential development involving four (4) or fewer lots/dwelling units.

(b) The City may require physical or visual public access for any of the following uses/developments:

(i) Where land is subdivided into more than four parcels; or

(ii) Where use/development occurs on public land or by any public entity, including public parks and public utility districts; or

(iii) Where use/development will create increased demand for public access to the shoreline; or

(iv) Where a use /development will interfere with the public use of the lands or waters subject to the Act.

(c) When considering whether to require public access for a subdivision of more than four (4) lots/dwelling units, the City shall consider access options that avoid and minimize effects on the subdivision residents. Measures to mitigate impacts on adjoining uses shall include requiring only visual access from street ends for subdivisions of fewer than ten (10) lots/dwelling units and providing limited and controlled physical access for subdivisions of ten (10) or more lots/dwelling units.

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~~(c)~~(d) The City shall not require physical public access for any new use/development, including subdivisions of ten (10) or more lots/dwelling units, that meets one or more of the following conditions:

(i) The access would create unavoidable health or safety hazards to the public which cannot be prevented by practical means; or

(ii) The cost of providing the access or easement is unreasonably disproportionate to the long-term cost of the proposed development; or

(iii) The access would create environmental harm that cannot be mitigated; or

(iv) The access would create adverse and unavoidable conflict with the proposed use and/or adjacent uses in a way that cannot be mitigated; or

(v) The City has provided more effective public access through a public access planning process and plan as described in WAC 173-26-221(4)(c).

~~(d)~~(e) 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 may incorporate reflective materials where necessary to reduce the effects of shadowing.

~~(e)~~(f) Public access shall be located adjacent to other public areas, accesses and connecting trails, and connected to the nearest public street end.

~~(f)~~(g) Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.

(h) The public access requirements of this program shall be subject to considerations of nexus and proportionality as established by the U.S. Supreme Court.

(4) Shoreline Vegetation Conservation

(a) To conserve shoreline vegetation, all new uses and development shall comply with the buffer and setback standards established in SMC 21A.50.351(1) and 21A.50.210, respectively.

(b) Water-oriented uses and developments that, according to this Program, are specifically allowed to locate waterward of the standard shoreline buffer and building setback may be approved by the Director without a shoreline variance.

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(c) The Director may approve a reduced buffer in accordance with 21A.50.351(3) if the shoreline restoration actions allowed by 21A.50.351(3) are implemented.

(d) Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or when an existing water-dependent use is restricted by the presence of weeds.

(e) Vegetation clearing shall be limited to the minimum necessary to accommodate approved shoreline uses/development. Vegetation management plans required pursuant to 21A.50A.351(3) shall include removal of noxious weeds and/or non-native invasive species as necessary to facilitate establishment of a stable community of native plants.

(f) Vegetation conservation standards shall not limit or restrict the removal of hazard trees determined to be unsafe by the City.

(5) Site Planning

(a) Site plans shall limit the amount of clearing, grading, and impervious surface to the minimum necessary to accommodate the allowed use/development.

(b) ~~Interior and e~~Exterior lighting shall be designed to minimize glare or other adverse effects that could infringe upon enjoyment or use of adjacent properties, public areas or roadways or cause adverse effects on fish and wildlife species and their habitats. Minimization measures shall include limits on light fixtures levels and use of light shields or other screening devices.

(6) Restoration

(a) Ecological restoration projects shall be carried out in accordance with an approved restoration plan and in accordance with the policies and regulations of this Program.

(7) Water Quality, Stormwater, and Nonpoint Pollution

(a) Shoreline use and development shall incorporate all known, available, and reasonable methods of preventing, controlling, and treating stormwater to protect and maintain surface and ground water quantity and quality in accordance with SMC 15.05 (Surface Water Management) and other applicable laws.

(b) Best management practices (BMPs) for controlling erosion and sedimentation and preventing pollutants from entering shoreline waterbodies shall be implemented for all new uses/development.

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(c) To avoid water quality degradation by malfunctioning or failing septic systems located in the shoreline jurisdiction, on-site sewage systems shall be located, designed, and maintained to meet all applicable water quality, utility, and health standards.

(d) All materials that may come in contact with water shall be constructed of ~~untreated~~ Washington Department of Fish and Wildlife (WDFW) -approved materials ~~including approved wood, concrete, steel or other approved non-toxic materials~~. Materials used for dock decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. ~~Wood treated with creosote, copper chromium arsenic or pentachlorophenol is prohibited in shoreline water bodies.~~

25.08.020 ***Lake Sammamish Shoreline Modification Regulations***

The following regulations shall apply to all uses and developments that require modification of the Lake Sammamish shoreline.

(1) Boat Launch Ramps and Rails

(a) Launch ramps and rails associated with private residential development shall be prohibited on the Lake Sammamish shoreline. Piers, docks, floats or other forms of moorage shall not be permitted for residential waterfront lots that have existing launch ramps or rails. Existing launch ramps and rails may be maintained and repaired in accordance with non-conforming use provisions in 25.10.100.3.

(b) Launch ramps and rails associated with public recreational uses shall be allowed as a conditional use on the Lake Sammamish shoreline.

(c) Launch ramps or rails shall be anchored to the ground through the use of tie-type construction. Asphalt, concrete, or other ramps which solidly cover the water body bottom are prohibited.

(d) No portion of a public launch ramp or rail shall be placed or extend more than sixty (60) feet waterward of the ordinary high water mark.

(e) No portion of a public launch ramp or rail shall be placed or extend to a depth greater than eight feet below the ordinary high water mark.

(2) Docks, Piers, Floats, Boat/Personal Watercraft Lifts, Mooring Buoys, and Canopies

(a) Public and private docks, piers, lifts, floats, mooring buoys and canopies ~~may be~~are permitted on the Lake Sammamish shoreline provided they are constructed using WDFW-approved methods and ~~non-treated and non-toxic~~ materials and meet all of the requirements of this section and SMC 25.08.030.

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(b) The following regulations shall apply to public recreational docks and piers on public lands:

(i) No public recreational dock or pier shall exceed three thousand (3,000) square feet of over-water surface area, exclusive of moorage covers.

(ii) No public recreational float shall have more than one hundred fifty (150) square feet of surface area.

(c) The following regulations shall apply to private docks, piers, floats, lifts and mooring buoys accessory to single-family residential use/development and/or those that are developed as private shared facilities:

(i) Private docks, piers, and lifts shall be allowed only when the applicant has demonstrated a need for moorage and when commercial moorage, joint use or shared moorage, and/or mooring buoys are not available or feasible.

(ii) Docks and piers shall be the minimum size required to provide for moorage and shall not exceed three (3) feet in height above the extreme high water level.

(iii) The waterward extent of any new ~~No~~ dock, pier, or in-water/overwater moorage structure shall ~~be~~ not be greater ~~allowed to extend further waterward~~ than the average ~~distance~~ length of the nearest docks on either side ~~of the location of the new dock/pier~~ as measured perpendicularly from the ordinary high water mark, provided that the mean water depth at the waterward-most extent of the dock is at least eight (8) feet. The City may require a shorter dock length if needed to ensure adequate spacing between docks on opposite or adjacent shorelines or if the proposed dock would otherwise create an obstruction.

~~(iii)~~(iv) In the Urban Conservancy environment, all new residential docks must maintain a minimum distance of two hundred (200) feet from all other existing docks.

(d) No pier, dock, float, or ~~in-water/overwater moorage structure~~ moorage buoy shall be wider than fifty (50) percent of the lot ~~with~~ width at the waterfront edge~~which it is associated~~.

(e) No pier, dock, float, or mooring buoy ~~in-water/overwater moorage structure~~ shall be located closer than fifteen (15) feet from the side property line extended, except that joint-use piers, docks, lifts and floats may abut property lines for the common use of adjacent property owners when mutually agreed to by the property owners in a contract recorded with the King County division of records and elections.

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(f) For each residential lot or for two or more adjoining residential lots utilizing joint-use overwater structures, no more than one (1) of each of the following overwater structures are permitted: one (1) residential dock/pier, one (1) float, one (1) boat lift, and one (1) personal water craft lift. In lieu of the one (1) boat lift and (1) personal watercraft lift, two (2) personal watercraft lifts may be permitted). To encourage joint use docks, two (2) boat lifts may be permitted, but not to exceed two lifts of any kind.

~~(h)~~(g) One canopy per residential dock/pier 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 Ordinary High Water Mark (OHWM). ~~A No covered pier, dock, lift, float, or other moorage structure shall may be covered provided that the cover is made of translucent (light penetrating) material. Only one covered moorage structure shall be allowed per residential lotbe permitted waterward of the ordinary high water mark.~~

(h) No float shall have more than one hundred fifty (150) square feet of surface area.

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

(j) The use of fill to construct docks, piers, and floats shall only be allowed pursuant to the requirements of SMC 25.08.020(3).

(k) When existing docks or piers are repaired, replaced or reconstructed, owners shall be required to ~~replace~~utilize ~~treated wood treated with or other harmful materials chemicals that come in contact with water with untreated~~ WDFW-approved methods and ~~wood, non-polluting concrete, plastic or steel as follows~~materials and meet all of the requirements of this section and SMC 25.08.030, in addition to the requirements listed below:

(i) When the repair and/or replacement involves ten percent (10%) or less of the dock/pier area or ten percent (10%) or less of the number of pilings, no change in dock materials is required.

(ii) When the repair and/or replacement involves eleven to twenty-nine percent (11-29%) of the dock/pier area or eleven to twenty-nine percent (11-29%) of the number of pilings, the use of WDFW-approved methods and materials is required.~~of non-treated materials for all replacement parts and components shall be required.~~

~~(iv)~~(iii) When the repair/replacement involves thirty percent (30%) or more of the dock/pier area or thirty percent (30%) or more of the existing pilings during any ten (10) year period, the use of WDFW-approved methods and

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materials is required~~, the use of non-treated materials for the entire dock shall be required.~~.

~~(v)~~(iv) When the existing dock/pier is moved or expanded or the shape reconfigured, the entire dock shall be replaced using WDFW-approved methods and materials~~non-polluting concrete, untreated wood, plastic or steel materials~~.

(3) Dredging, Filling and Excavation

(a) Dredging, filling, and/or excavation waterward of the OHWM ~~may be allowed~~ is permitted when necessary to support the following:

(i) Publically sponsored ecological restoration or enhancement projects; or

(ii) City-approved restoration and mitigation projects that involve bulkhead removal and/or shoreline vegetation enhancement; or

(iii) Bio-engineered shoreline stabilization projects, including bio-engineered shoreline stabilization associated with private residential developments.

(b) Dredging, filling, and/or excavation waterward of the OHWM may be permitted with a conditional use permit when necessary to support the following:

(i) Alteration, maintenance and/or repair of existing transportation facilities and utilities currently located within shoreline jurisdiction, when alternatives or less impacting approaches are not available; or

(ii) Publically sponsored non-restoration projects that provide public access for a substantial number of people; or

(iii) Construction of public docks/piers for public water-dependent recreational use, provided that the dredging, filling and/or excavation are limited to the minimum needed to accommodate the public dock/pier.

(c) Except as allowed in SMC 25.09.020(3)(b), dredging, filling, and/or excavation waterward of the OHWM associated with construction of a residence or any structure accessory to a residential development/use shall be prohibited.

(d) When permitted, dredging, filling and excavation activities must comply with all of the following standards:

(i) Alternatives to dredging, filling and excavation are infeasible; and

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(ii) Normal surface water movement and drainage patterns shall be maintained to the maximum extent feasible; and

(iii) Fill materials shall not adversely affect water quality; and

(iv) Fill shall allow surface water penetration into the ground where such conditions existed prior to the fill; and

(v) The dredging, filling and/or excavation shall be timed to minimize damage to shoreline ecological functions and processes and aquatic life; and

(vi) Fill within the one hundred-year (100-year) floodplain shall not reduce the flood plain water storage capacity or in any way increase flood hazard or endanger public safety.

(e) Unavoidable impacts of dredging, filling and/or excavation shall be mitigated as required by this Program.

(f) Dredge material shall be disposed in legally established upland locations away from the shoreline and should be coordinated with appropriate agencies.

(4) Shoreline Stabilization

(a) New or expanded bioengineered shoreline stabilization (also known as bio-stabilization) shall be permitted.

(b) New or expanded hard structural shoreline stabilization may be permitted with a conditional use permit only when alternatives to structural shoreline stabilization including natural, flexible methods, native plant vegetative stabilization, and other forms of bioengineering and bio-stabilization are determined to be infeasible or insufficient to protect the structure, and when required to protect:

(i) Projects whose primary purpose is remediating hazardous substances pursuant to RCW 70.105 when non-structural approaches such as vegetation planting and/or onsite drainage improvements are not feasible or do not provide sufficient protection.

(ii) Structures that provide public access for substantial numbers of people.

(iii) Existing single-family residences provided there is conclusive evidence, documented by a geotechnical analysis~~,~~ that the primary structure is in danger of shoreline erosion caused by currents or waves and not caused by normal sloughing, vegetation removal, or poor drainage.

(c) When allowed pursuant to SMC 25.08.020(4)(b), structural shoreline stabilization must meet all of the following requirements:

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(i) The impacts can be mitigated in accordance with the mitigation sequencing prescribed by the Program such that there is no net loss of shoreline ecological functions or processes; and

(ii) The size of shoreline stabilization structure shall be limited to the minimum necessary to protect the primary structure/use. Shoreline stabilization shall be designed by a state licensed professional geotechnical engineer and/or engineering geologist and constructed according to applicable state and federal laws; and

(iii) The shoreline stabilization shall be designed and constructed to incorporate bioengineering and fisheries habitat design elements wherever feasible, and constructed and maintained in a manner that does not degrade the water quality of affected waters.

~~(iii) The shoreline stabilization shall be constructed using fish-friendly design elements and maintained in a manner that does not degrade the quality of affected waters; and~~

(iv) No motor vehicles, appliances, similar structures nor parts thereof, nor structure demolition debris, nor any other solid waste shall be used for shoreline stabilization; and

(v) Bulkheads and other similar hard stabilization structures shall be located so as to tie in flush with existing bulkheads on adjoining properties, except in instances where the adjoining bulkheads do not comply with the design or location requirements set forth in this Program; and

(vi) 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.

(d) Bulkheads on shores exposed to significant wave action shall be designed to dissipate wave energy and scouring.

(e) Stairs or other permitted pedestrian access structures ~~may be~~are permitted to be built into a bulkhead but shall not extend waterward of it.

(f) Geotechnical analysis required pursuant to this section shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. Hard armoring shall not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three (3) years as a result of shoreline erosion in the absence of such hard armoring measures, or where

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waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions.

(g) When evaluating the need for structural shoreline stabilization, the Director shall consider alternatives to structural stabilization in the following order of preference:

(i) No action (allow the shoreline to retreat naturally).

(ii) Increased building setback.

(iii) Use of flexible defense works constructed of natural materials including bioengineered shoreline protection, bio-stabilization, protective berms, or vegetative stabilization.

(h) When evaluating a proposal against the above priority system, at a minimum the following site elements shall be considered:

(i) Existing topography; and

(ii) Existing development; and

(iii) Location of abutting bulkheads; and

(iv) Impacts to habitat.

(i) An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect primary uses or structures from erosion caused by currents or waves. The replacement shall require a shoreline substantial development permit.

~~(i)~~(j) Replacement shoreline stabilization shall not encroach waterward of the ordinary high water mark 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 existing shoreline stabilization structure.

~~(j)~~(k) 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.

~~(k)~~(l) Subdivisions shall be designed to assure that future development of the established lots will not require structural shoreline stabilization. Use of a bulkhead, revetment or similar structure to protect a platted lot where no structure presently exists shall be prohibited.

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~~(l)~~(m) Gabions shall not be used to stabilize shorelines because of their limited durability and the potential hazard to shoreline users and the shoreline environment.

~~(m)~~(n) Breakwaters, jetties, rock weirs, groins and similar structural modifications shall be prohibited.

~~(n)~~(o) When permitted, revetments or similar hard structures shall be placed landward of associated wetlands.

(5) In assessing compliance with the provisions of this section, the Director shall require the applicant or project sponsor to provide technical reports that describe alternatives to structural approaches and analyze the environmental effects of each alternative. Technical reports shall be prepared by a Washington State licensed engineer 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).

25.08.030 ***Lake Sammamish Use-specific Regulations***

All uses and development in the Lake Sammamish shoreline jurisdiction shall adhere to the following regulations, as applicable according to the specific use, and all other regulations of this Program.

(1) Residential Use – All Lake Sammamish shoreline environments

The following regulations apply to all residential uses and developments within the Lake Sammamish shoreline jurisdiction including private recreational uses on private lots that do not have an existing residential structure. Residential use requirements specific to the Urban Conservancy and Shoreline Residential environments are detailed in sections 25.08.030(2) and 25.08.030(3), respectively.

(a) Single-family residential use is a preferred shoreline use and shall be permitted in Urban Conservancy and Shoreline Residential environments when consistent with this Program and the Act, including the goal to ensure no net loss of shoreline ecological functions.

(b) Residential development and normal appurtenances shall be located sufficiently landward of the ordinary high water mark to preclude the need for new structural shoreline stabilization and/or flood protection for the useful life of the structure.

~~(c)Residential developments on existing lots equal to or less than three thousand (3,000) square feet (SF) in size shall be limited to one of the following:~~

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~~(i)No more than thirty percent (30%) total impervious surface area and no more the twenty-five (25) feet in height above average grade; or~~

~~(ii)No more than twenty-five percent (25%) total impervious surface area and no more the thirty-five (35) feet in height above average grade.~~

~~(d)~~(c) When implementing SMC 25.02.030(1)(c), the calculation of impervious surface area shall include only those portions of the lot landward of the ordinary high water mark. The height limit shall apply to the primary residential structure.

~~(e)~~(d) New residential development, including all accessory structures other than docks, piers, lifts and floats allowed pursuant to SMC 25.08.020(2), shall be prohibited in, on, or over water or within floodways. Floating homes shall be prohibited.

~~(f)~~(e) As mandated by the RCW 90.58.320, no shoreline permit may be issued for any new or expanded building or structure of more than thirty five (35) feet above average grade level on shorelines that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except where overriding considerations of the public interest will be served.

~~(g)~~(f) Interior setbacks within two hundred (200) feet of the Ordinary High Water Mark 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, and shall remain free of above ground structures, except fences. Fences within the shoreline buffer shall not exceed four (4) feet, (forty-eight (48) inches), in height provided that fences shall not be located within wetlands or streams. Fences outside of the shoreline buffer, but within shoreline jurisdiction, shall not exceed six (6) feet (seventy two (72) inches) in height provided that fences shall not be located within wetlands or streams.

~~(h)~~(g) Structures accessory to residential development, other than fences, shall be sited outside (landward of) the shoreline buffer and building setback, except that the following accessory structures ~~may be allowed~~are permitted waterward of the buffer and setback without a shoreline variance when consistent with SMC 21A.50.352:

(i) Residential docks, piers, lifts, and/or floats allowed pursuant to SMC 25.08.020(2).

(ii) Water-oriented accessory structures, excluding accessory dwelling units, in any portion of the shoreline buffer and setback provided that accessory structures are prohibited in, on or over water pursuant to SMC 25.08.030(1)(e) and that the maximum total footprint is one hundred fifty (150) square feet or less and no structure exceeds 8 feet in height above existing average grade level. Water-oriented structures within shoreline

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buffers shall be located to avoid areas of greater sensitiveity and habitat value and ~~Accessory structures~~ shall not be located within wetlands or streams.

(2) Residential Use – Urban Conservancy Environment

In addition to Sections 25.08.010 (Lake Sammamish General Regulations), 25.08.020 (Lake Sammamish Shoreline Modification Regulations), and 25.08.030(1) (Residential Use – All Lake Sammamish shoreline environments), the following regulations will apply to all residential uses within the Lake Sammamish Urban Conservancy environment.

(a) Subdivision of existing parcels shall be prohibited.

(b) All new residential docks must maintain a minimum distance of two hundred (200) feet from all other existing docks.

(c) Total impervious surface area shall not exceed thirty percent (30%) of the total parcel area, excluding any portion of the parcel waterward of the OHWM.

~~(c)Total impervious surface area shall not exceed thirty percent (30%) of the total parcel area, excluding any portion of the parcel waterward of the OHWM, provided that parcels smaller than three thousand (3,000) square feet in total size shall be subject to the impervious surface limits in SMC 25.08.030(1)(c).~~

(3) Residential Use – Shoreline Residential Environment

In addition to Sections 25.08.010 (Lake Sammamish General Regulations), 25.08.020 (Lake Sammamish Shoreline Modification Regulations), and 25.08.030(1) (Residential Use – All Lake Sammamish shoreline environments), the following regulations will apply to all residential uses within the Lake Sammamish Shoreline Residential environment.

(a) Total impervious surface area shall not exceed forty percent (40%) of the total parcel area, excluding any portion of the parcel waterward of the OHWM~~, provided that parcels smaller than three thousand (3,000) square feet in total size shall be subject to the impervious surface limits in SMC 25.08.030(1)(c)~~..

(4) Subdivision shall be permitted only when each created lot has a minimum lot size of twelve thousand five hundred (12,500) square feet and a minimum lot width of eighty (80) feet. Measurement of lot size for all created lots shall exclude any lot area located waterward of the OHWM.

~~(b) Subdivision shall be permitted only when all created lots have a minimum upland lot size of at least twelve thousand five hundred (12,500) square feet and a minimum width of eighty (80) feet.~~

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~~(4)~~(5) Recreational Use – All Lake Sammamish shoreline environments

Recreational use regulations apply to public lands where development of public recreational facilities is the primary land use. The recreational use and development requirements of this section (25.08.030(4)) apply to all Lake Sammamish shoreline environments. Recreational use and development requirements specific to the Urban Conservancy and Shoreline Residential environments are detailed in sections 25.08.030(5) and 25.08.030(6), respectively.

(a) Public recreational development is a preferred shoreline use and ~~may be~~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.

(b) Public recreational activities and facilities located within shoreline jurisdiction shall be water-oriented, and shall provide physical or visual access to the shoreline.

(c) The following water-oriented public recreational structures ~~may be~~are ~~allowed~~ permitted waterward of the shoreline buffer and building setback without a shoreline variance when consistent with SMC 21A.50.352:

(i) Public docks, piers, and/or floats allowed pursuant to SMC 25.08.020(2).

(ii) Public picnic shelters and similar facilities for water enjoyment uses provided that such structures are prohibited in wetlands and streams, or in, on or over water, and that the maximum total footprint of all structures per lot is five hundred (500) square feet and that no structure exceeds ten (10) feet above existing average grade level.

(d) Non-water-oriented public recreational development shall be located outside of the shoreline buffer and building setback, as specified in SMC 21A.50.351. Shoreline buffer reduction for non-water-oriented public recreational development shall require a shoreline variance except as allowed under SMC 21A.50.351(3).

(e) Public recreational developments shall provide for non-motorized access to the shoreline (e.g., pedestrian and/or bicycle paths), unless such access is infeasible due to public health and safety considerations.

(f) Proposals for public recreational developments shall include a landscape plan that uses plant species to be approved by the City. Landscape plans shall incorporate the use of native, self-sustaining vegetation.

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~~(5)~~(6) Recreational Use – Urban Conservancy environment

In addition to Sections 25.08.010 (Lake Sammamish General Regulations), 25.08.020 (Lake Sammamish Shoreline Modification Regulations), and 25.08.030(4) (Recreational Use – All Lake Sammamish shoreline environments), the following regulations will apply to all recreational uses and development within the Lake Sammamish Urban Conservancy environment.

(a) The total area of new impervious surface associated with any new public recreational development shall not exceed thirty (30) percent of the total parcel area, excluding any portion of the parcel waterward of the OHWM.

~~(6)~~(7) Recreational Use – Shoreline Residential environment

In addition to Sections 25.08.010 (Lake Sammamish General Regulations), 25.08.020 (Lake Sammamish Shoreline Modification Regulations), and 25.08.030(4) (Recreational Use – All Lake Sammamish shoreline environments), the following regulations will apply to all recreational uses and development within the Lake Sammamish Shoreline Residential environment.

(a) The total area of new impervious surface associated with any new public recreational development shall not exceed forty (40) percent of the total parcel area, excluding any portion of the parcel waterward of the OHWM.

~~(7)~~(8) Transportation – All Lake Sammamish shoreline environment

Transportation regulations 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, and parking facilities. Transportation regulations shall not apply to residential access drives, which are accessory to residential use. The transportation regulations of this section apply to all Lake Sammamish shoreline environments.

(a) Transportation uses and development shall be carried out in a manner that maintains or improves State water quality standards for receiving waters through implementation of state and City stormwater regulations.

(b) New transportation facilities and improvements to existing transportation facilities, not including trails, shall be located outside of the shoreline buffer and any required building setback. Any required impacts within the shoreline buffer shall meet standards of mitigation, as specified by this Program and SMC 21A.50.

(c) New roads shall be located to minimize the need for routing surface waters into and through culverts.

(d) New transportation facilities shall be located and designed to preclude the need for shoreline stabilization.

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(e) Parking in shoreline areas shall be limited to that which directly serves 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.

(f) 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.

(g) Parking facilities shall be located and designed to minimize adverse environmental impacts, including, but not limited to:

(i) Stormwater runoff;

(ii) Water quality;

(iii) Visual qualities; and

(iv) Public access.

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

~~(8)~~(9) Utilities – All Lake Sammamish Shoreline Environments

Utility regulations shall apply to any use or development where utility infrastructure is or is proposed to be the primary land use. The utility regulations of this section apply to all Lake Sammamish shoreline environments.

(a) Utility facilities shall provide for multiple use of sites and 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.

(b) When feasible, utility lines shall use existing rights-of-way, corridors and/or bridge crossings and shall avoid duplication and construction of new or parallel corridors in all shoreline areas.

(c) Conveyance utilities shall be placed underground or alongside or under bridges except where the presence of bedrock or other obstructions make such placement infeasible.

(d) Transmission and distribution facilities shall cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.

(e) Utility developments shall be located and designed so as to avoid or minimize the use of structural shoreline stabilization.

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(f) 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 alternative exists. In those limited instances when permitted, automatic shut-off valves shall be provided on both sides of the water body.

(g) Clearing of vegetation for the installation or maintenance of utilities shall be minimized and disturbed areas shall be restored following project completion consistent with the requirements of City stormwater management regulations.

Chapter 25.09 Pine Lake and Beaver Lake Regulations

25.09.010 *Pine and Beaver Lake General Regulations*

Unless otherwise stated, the following regulations apply to all uses and development within the Pine Lake and Beaver Lake shoreline jurisdictions regardless of shoreline environment designation.

(1) Archaeological, Historic and Cultural Resources

(a) Upon receipt of application for a shoreline permit or request for a statement of exemption for a development proposal located on or adjacent to a City of Sammamish historic, cultural, or archeological resource, the application or request shall be additionally processed pursuant to the requirements of SMC 21.10.120 (Historic Resources - review process).

(b) 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.

(2) Critical Areas and Environmental Protection

(a) Unless otherwise stated, all shoreline development and uses shall comply with the City's critical areas regulations in SMC 21A.50 and this Program.

(b) A shoreline buffer of forty five (45) feet shall be established on Pine and Beaver Lakes to protect water quality, preserve aesthetic qualities, and maintain

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habitat values. Unless otherwise stated, all new shoreline uses and developments shall be located landward of the shoreline buffer plus a five (5) foot building setback. The buffer shall extend horizontally from the ordinary high water mark of the lake and shall be maintained in a vegetated condition as follows:

(i) Eighty percent (80%) of the significant trees within the entire shoreline buffer area must be retained. This requirement shall not apply to hazard trees as defined by this Program.

(ii) Fifteen percent (15%) of the total shoreline buffer area or at least two hundred (200) square feet may be used for 'active use' and not subject to any vegetation retention requirements other than SMC 25.09.010(2)(b)(i).

(iii) The area outside the 'active use' area defined in SMC 25.09.010(2)(b)(ii), shall be vegetated with trees and shrubs. Up to fifteen percent (15%) of the naturally vegetated area may be composed of non-native or ornamental plantings.

(c) In addition to meeting the buffer requirements in 25.09.010(2)(b), seventy percent (70%) of the significant trees within shoreline jurisdiction must be retained, provided that the Director may reduce this to fifty percent (50%) of significant trees if one or more of the following mitigation measures is implemented:

(i) ~~The applicant/property owner compensates for the additional twenty percent (20%) tree removal by replacing the felled trees with xxxxxx (XX)-sized trees~~ Trees removed within the shoreline in excess of the 30% allowed above shall be replaced subject to the following:

a. Coniferous trees shall be replaced by coniferous trees at least 8 feet tall;

b. Deciduous trees shall be replaced by deciduous trees with a caliper of at least 1.5 inches; and

~~(i)~~c. Replacement trees shall be provided at a rate of 2:1~~at a ratio of 2:1 such that two new trees are planted for each significant tree removedaccording to the requirements of SMC 21A.35.240 (Development Standards – Landscaping and Irrigation)~~.

(ii) The applicant/property owner restores a portion of the shoreline as follows:

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a. By removing an existing bulkhead located at, below, or within ten (10) feet landward of the lake's ordinary high water mark (OHWM) and restoring the shoreline to a natural or semi-natural state, including restoring topography, soil composition, and vegetation; or

b. By restoring the shoreline to a natural or semi-natural state through planting if no bulkhead is present and the shoreline is largely devoid of shrubs and trees.

(iii) The applicant/property owner earns at least fourteen (14) low impact development incentive points by implementing one or more of the LID techniques allowed in SMC 21A.85.040.

(d) An applicant for any new shoreline use or development shall mitigate adverse environmental impacts in accordance with SMC 21A.50 whether or not the use/development requires a shoreline permit or is exempt from a shoreline permit. Mitigation measures shall be implemented in the sequence prescribed in SMC 21A.50.135.

(e) ~~Prior to approving a new use or development, or verifying that a proposed use/development is exempt as defined by WAC 173-27-040, the Director may shallrequire the applicant to identify and evaluate the cumulative impacts of similar developments to assure that the no net loss standards of this Program are achieved.~~ The Director may condition any proposal as necessary to mitigate cumulative impacts and may deny a proposal if there is strong evidence that cumulative adverse effects cannot be effectively mitigated.

(3) Public Access

(a) The City shall not require public access for any single-family residential development involving four (4) or fewer lots/dwelling units, or for any use/development accessory to a single-family residential development involving four (4) or fewer lots/dwelling units.

(b) The City may require physical or visual public access for any of the following uses/developments:

(i) Where land is subdivided into more than four (4) lots/dwelling units~~parcels~~; or

(ii) Where use/development occurs on public land or by any public entity, including public parks and public utility districts; or

(iii) Where use/development will create increased demand for public access to the shoreline; or

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(iv) Where use/development will interfere with the public use of the lands or waters subject to the Act.

(c) When considering whether to require public access for a subdivision of more than four (4) lots/dwelling units, the City shall consider access options that avoid and minimize effects on the subdivision residents. Measures to mitigate impacts on adjoining uses shall include requiring only visual access from street ends for subdivisions of fewer than ten (10) lots/dwelling units and providing limited and controlled physical access for subdivisions of ten (10) or more lots/dwelling units.

~~(c)~~(d) The City shall not require physical public access for any new use/development, including subdivisions of ten (10) or more lots/dwelling units, that meets one or more of the following conditions:

(i) The access would create unavoidable health or safety hazards to the public which cannot be prevented by practical means; or

(ii) The cost of providing the access or easement is unreasonably disproportionate to the long-term cost of the proposed development; or

(iii) The access would create environmental harm that cannot be mitigated; or

(iv) The access would create adverse and unavoidable conflict with the proposed use and/or adjacent uses in a way that cannot be mitigated; or

(v) The City has provided more effective public access through a public access planning process and plan as described in WAC 173-26-221(4)(c).

~~(d)~~(e) Development of public access facilities in, on or over the water shall be constructed using WDFW-approved methods and materials and shall meet all of the requirements of this section and SMC 25.08.030WDFW~~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 may incorporate reflective materials where necessary to reduce the effects of shadowing~~.

~~(e)~~(f) Public access shall be located adjacent to other public areas, accesses and connecting trails, and connected to the nearest public street end.

~~(f)~~(g) Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.

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(h) The public access requirements of this program shall be subject to considerations of nexus and proportionality as established by the U.S. Supreme Court.

(4) Shoreline Vegetation Conservation

(a) To conserve shoreline vegetation, all new use and development shall comply with the buffer and setback standards established in SMC 25.09.010 (2).

(b) Water-oriented uses/development that, according to this Program, are specifically allowed to locate waterward of the standard shoreline buffer and building setback may be approved by the Director without a shoreline variance.

(c) Uses and development that require a reduction of the standard shoreline buffer shall require a shoreline variance.

(d) Aquatic weed control shall only occur when native plant communities and associated habitats are threatened or when an existing water-dependent use is restricted by the presence of weeds.

(e) Vegetation clearing shall be limited to the minimum necessary to accommodate approved shoreline uses or development. Vegetation management plans required pursuant to 25.09.010(2) shall include removal of noxious weeds and/or invasive species as necessary to facilitate establishment of a stable community of native plants.

(f) Vegetation conservation standards shall not limit or restrict the removal of hazard trees.

(5) Site Planning

(a) Site plans shall limit the amount of clearing, grading, and impervious surface to the minimum necessary to accommodate the allowed use/development.

(b) ~~Interior and e~~Exterior lighting shall be designed to minimize glare or other adverse effects that could infringe upon enjoyment or use of adjacent properties, public areas or roadways or cause adverse effects on fish and wildlife species and their habitats. Minimization measures shall include limits on light fixtures levels and use of light shields or other screening devices.

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(6) Restoration

(a) Ecological restoration projects shall be carried out in accordance with an approved restoration plan and in accordance with the policies and regulations of this Program.

(7) Water Quality, Stormwater, and Nonpoint Pollution

(a) Shoreline use and development within the Pine Lake subbasin and Beaver Lake management district shall be conducted in accordance with the provisions of SMC 21A.50.355.

(b) Shoreline uses and development shall incorporate all known, available, and reasonable methods of preventing, controlling, and treating stormwater to protect and maintain surface and ground water quantity and quality in accordance with SMC 15.05 (Surface Water Management) and other applicable laws.

(c) Best management practices (BMPs) for controlling erosion and sedimentation and preventing pollutants from entering shoreline waterbodies shall be implemented for all new uses/development.

(d) To avoid water quality degradation by malfunctioning or failing septic systems located in the shoreline jurisdiction, on-site sewage systems shall be located, designed, and maintained to meet all applicable water quality, utility, and health standards.

(e) All materials that may come in contact with water shall be constructed using ~~untreated~~ WDFW-approved methods and materials and shall meet all of the requirements of this section and SMC 25.08.030~~WDFW-approved materials including approved wood, concrete, steel or other approved non-toxic materials~~. ~~Materials used for dock decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium arsenic or pentachlorophenol is prohibited in shoreline water bodies.~~

25.09.020 ***Pine and Beaver Lake Shoreline Modification Regulations***

The following regulations shall apply to all uses and developments that require modification of the Pine or Beaver Lake shorelines.

(1) Boat Launch Ramps and Rails

(a) Launch ramps and rails associated with private residential development shall be prohibited on the Pine and Beaver shorelines. Piers, docks, floats or other forms of moorage shall not be permitted for residential waterfront lots that have existing launch ramps or rails. Exiting launch ramps and rails may be repaired or maintained in accordance with the non-conforming use provisions of 25.10.100.3.

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(b) Launch ramps and rails associated with public recreational uses shall be allowed as a conditional use on the Pine and Beaver shorelines.

(c) Launch ramps or rails shall be anchored to the ground through the use of tie-type construction. Asphalt, concrete, or other ramps which solidly cover the water body bottom are prohibited.

(d) No portion of a public launch ramp or rail shall be placed or shall extend more than sixty (60) feet waterward of the ordinary high water mark.

(e) No portion of a public launch ramp or rail shall be placed or extended to a depth greater than eight (8) feet below the ordinary high water mark.

(2) Docks, Piers, Floats, Boat Lifts, ~~and~~ Mooring Buoys and Canopies

(a) Public and private docks, piers, ~~lifts,~~ floats, and mooring buoys ~~may be~~are permitted on the Pine and Beaver shorelines provided they meet the requirement of this section and SMC 25.09.030. Overwater canopies, covered moorage, and lifts shall be prohibited on Pine and Beaver Lakes.

(b) The following regulations shall apply to public recreational docks and piers on public lands:

(i) No public recreational dock or pier shall have more than three thousand (3,000) square feet of over-water surface area.

(ii) No public recreational float on public land shall have more than one hundred fifty (150) square feet of surface area.

(c) The following regulations shall apply to private docks, piers, floats, lifts, mooring buoys accessory to single-family residential use/development and/or those that are developed as private shared facilities:

(i) Private docks, piers, and lifts shall be allowed only when the applicant has demonstrated a need for moorage and when commercial moorage, joint use or shared moorage, and/or mooring buoys are not available or feasible.

(ii) Docks and piers shall be the minimum size required to provide for moorage and shall not exceed three (3) feet in height above the extreme high water level.

(iii) The waterward extent of any new dock, pier, or in-water/overwater moorage structure shall not be greater than the average distance of the nearest docks on either side as measured perpendicularly from the ordinary high water mark, provided that the mean water depth at the waterward-most extent

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of the dock is at least eight (8) feet~~No dock, pier, or in-water/overwater moorage structure shall be allowed to extend further waterward than the average distance of the nearest docks on either side of the location of the new dock/pier as measured perpendicularly from the ordinary high water mark.~~ The City may require a shorter dock length if needed to ensure adequate spacing between docks on opposite or adjacent shorelines or if the proposed dock would otherwise create an obstruction.

(iv) In the Urban Conservancy environment, all new residential docks must maintain a minimum distance of two hundred (200) feet from all other existing docks.

(v) No structure may be located nor extend further waterward of the ordinary high water mark than one-fourth the total distance from the shoreline associated with the structure to the opposite shoreline. This total distance shall be measured from the point where the authorized structure abuts the ordinary high water mark to the nearest opposite high water mark as measured along a straight line. When the structure does not abut the ordinary high water mark, the distance from one ordinary high water mark to the opposite ordinary high water mark shall be measured along the shortest straight line passing through the center of the structure.

(d) No pier, dock, float, or in-water/overwater moorage structure shall be wider than fifty percent (50%) of the lot width at the waterfront edge~~with which it is associated~~.

(e) No pier, dock, float, or in-water/overwater moorage structure shall be located closer than fifteen (15) feet from the side property line extended, except that joint-use piers, docks, lifts and floats may abut property lines for the common use of adjacent property owners when mutually agreed to by the property owners in a contract recorded with the King County division of records and elections.

(f) For each residential lot or for two or more adjoining residential lots utilizing joint-use overwater structures, no more than one (1) residential dock/pier and one (1) float ~~may be permitted~~are permitted.

~~(g)~~A ~~No covered pier, dock, lift, float, or other moorage structure shall may be covered provided that that cover is made of translucent material. Only one covered moorage structure may be allowed per residential lotbe permitted waterward of the ordinary high water mark.~~

~~(h)~~(g) No float shall have more than one hundred fifty (150) square feet of surface area.

~~(i)~~(h) No dwelling unit may be constructed on a pier, dock, float or other moorage structure.

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~~(j)~~(i) The use of fill to construct docks, piers, and floats shall only be allowed pursuant to the requirements of SMC 25.09.020(3).

(j) When existing docks or piers are repaired, replaced or reconstructed, owners shall be required to use Washington Department of Fish and Wildlife -approved methods and materials and meet all of the requirements of this section and SMC 25.08.030, in addition to the requirements as follows:

(i) When the repair and/or replacement involves ten percent (10%) or less of the dock/pier area or ten percent (10%) or less of the number of pilings, no change in dock materials is required.

(ii) When the repair and/or replacement involves eleven to twenty-nine percent (11-29%) of the dock/pier area or eleven to twenty-nine percent (11-29%) of the number of pilings, the use of WDFW -approved methods and materials ~~non-treated materials for all replacement parts and components~~ shall be required.

(iii) When the repair/replacement involves thirty percent (30%) or more of the dock/pier area or more than thirty percent (30%) of the number of pilings, the entire structure shall be replaced using WDFW -approved methods and materials~~non-treated materials~~.

~~(v)~~(iv) When the existing dock/pier is moved or expanded or the shape reconfigured, the entire dock shall be replaced using WDFW -approved methods and materials~~non-polluting concrete, untreated wood, plastic or steel materials~~.

(3) Dredging, Filling and Excavation

(a) Dredging, filling, and/or excavation waterward of the OHWM may be allowed when necessary to support the following:

(i) Publically sponsored ecological restoration or enhancement projects; or

(ii) City-approved restoration and mitigation projects that involve bulkhead removal and/or shoreline vegetation enhancement; or

(iii) Bio-engineered shoreline stabilization projects, including bio-engineered shoreline stabilization associated with private residential developments.

(b) Dredging, filling, and/or excavation waterward of the OHWM may be allowed with a conditional use permit when necessary to support the following:

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(i) Alteration, maintenance and/or repair of existing transportation facilities and utilities currently located within shoreline jurisdiction, when alternatives or less impacting approaches are not available; or

(ii) Publically sponsored non-restoration projects that provide public access for a substantial number of people; or

(iii) Construction of public docks/piers for public water-dependent recreational use, provided that the dredging, filling and/or excavation are limited to the minimum needed to accommodate the public dock/pier.

(c) Except as allowed in SMC 25.09.020(3)(b), dredging, filling, and/or excavation waterward of the OHWM associated with construction of a residence or any structure accessory to a residential development/use shall be prohibited.

(d) When permitted, dredging, filling and excavation activities must comply with all of the following standards:

(i) Alternatives to dredging, filling and excavation are determined to be infeasible; and

(ii) Normal surface water movement and drainage patterns shall be maintained to the maximum extent feasible; and

(iii) Fill materials shall not adversely affect water quality; and

(iv) Fill shall allow surface water penetration into the ground where such conditions existed prior to the fill; and

(v) The dredging, filling and/or excavation shall be timed to minimize damage to shoreline ecological functions and processes and aquatic life; and

(vi) Fill within the one hundred-year (100-year) floodplain shall not reduce the flood plain water storage capacity or in any way increase flood hazard or endanger public safety; and

(vii) Unavoidable impacts of dredging, filling and/or excavation shall be mitigated as required by this Program; and

(viii) Dredge material shall be disposed in legally established upland locations away from the shoreline and should be coordinated with appropriate agencies.

(4) Shoreline Stabilization

(a) New or expanded bioengineered shoreline stabilization (also known as bio-stabilization) shall be permitted.

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(b) New or expanded hard structural shoreline stabilization may be allowed with a conditional use permit only when alternatives to structural shoreline stabilization including natural, flexible methods, native plant vegetative stabilization, and other forms of bioengineering and bio-stabilization are determined to be infeasible or insufficient to protect the structure, and when required to protect:

(i) Projects whose primary purpose is remediating hazardous substances pursuant to RCW 70.105 when non-structural approaches such as vegetation planting and/or onsite drainage improvements are not feasible or do not provide sufficient protection.

(ii) Structures that provide public access for substantial numbers of people.

(iii) Existing single-family residences provided there is conclusive evidence, documented by a geotechnical analysis~~,~~ that the primary structure is in danger of shoreline erosion caused by currents or waves and not caused by normal sloughing, vegetation removal, or poor drainage.

(c) When allowed pursuant to SMC 25.08.020(4)(b), structural shoreline stabilization must meet all of the following requirements:

(i) The impacts can be mitigated in accordance with the mitigation sequencing prescribed by the Program such that there is no net loss of shoreline ecological functions or processes; and

(ii) The size of shoreline stabilization structure shall be limited to the minimum necessary to protect the primary structure/use. Shoreline stabilization shall be designed by a state licensed professional geotechnical engineer and/or engineering geologist and constructed according to all applicable laws; and

(iii) The shoreline stabilization shall be constructed and maintained in a manner that does not degrade the quality of affected waters; and

(iv) No motor vehicles, appliances, similar structures nor parts thereof, nor structure demolition debris, nor any other solid waste shall be used for shoreline stabilization; and

(v) Bulkheads and other similar hard stabilization structures shall be located so as to tie in flush with existing bulkheads on adjoining properties, except in instances where the adjoining bulkheads do not comply with the design or location requirements set forth in this Program; and

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(vi) 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.

(d) Stairs or other permitted pedestrian access structures may be built into a bulkhead but shall not extend waterward of it.

(e) The geotechnical analysis required pursuant to this section shall include an assessment of on-site drainage and related issues and shall indicate whether the primary structure is likely to be damaged within three (3) years.

(f) Geotechnical analysis required pursuant to this section shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. Hard armoring shall not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three (3) years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions.

(g) When evaluating the need for structural shoreline stabilization, the Director shall consider alternatives to structural stabilization in the following order of preference:

(i) No action (allow the shoreline to retreat naturally).

(ii) Increased building setback.

(iii) Use of flexible defense works constructed of natural materials including bio-engineered shoreline protection, biostabilization, protective berms, or vegetative stabilization.

(h) When evaluating a proposal against the above priority system, at a minimum the following site elements shall be considered:

(i) Existing topography; and

(ii) Existing development; and

(iii) Location of abutting bulkheads; and

(iv) Impacts to habitat.

(i) An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect primary uses or structures from erosion caused by currents or waves. The replacement shall require a shoreline substantial development permit. Replacement shoreline stabilization shall not

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encroach waterward of the ordinary high water mark 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 existing shoreline stabilization structure.

(j) Existing shoreline stabilization structures that are being replaced shall be removed from the shoreline unless removing the structure will cause more environmental harm than leaving it in place.

(k) Subdivisions shall be designed to assure that future development of the established lots will not require structural shoreline stabilization. Use of a bulkhead, revetment or similar structure to protect a platted lot where no structure presently exists shall be prohibited.

(l) Gabions shall be prohibited on shorelines because of their limited durability and the potential hazard to shoreline users and the shoreline environment.

(m) Breakwaters, jetties, rock weirs, groins and similar structural modifications shall be prohibited.

(n) When permitted, revetments or similar hard structures shall be placed landward of associated wetlands.

(o) In assessing compliance with the provisions of this section, the Director shall require the applicant or project sponsor to provide technical reports that describe alternatives to structural approaches and analyze the environmental effects of each alternative. Technical reports shall be prepared by a Washington State licensed engineer 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).

25.09.030 *Pine and Beaver Lake Use-specific Regulations*

All development and use in the Pine Lake or Beaver Lake shoreline jurisdiction shall adhere to the following regulations, as applicable, according to the specific use, and all other regulations of this Program.

(1) Residential Use – All Pine and Beaver Lake shoreline environments

The following regulations apply to all residential use and developments within the Pine and Beaver shorelines regardless of environment designation including private recreational uses on private lots that do not have an existing residential structure. Residential use requirements specific to the Urban Conservancy and Shoreline

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Residential environments are detailed in sections 25.09.030(2) and 25.09.030(3), respectively.

(a) 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.

(b) Residential development and normal appurtenances shall be located sufficiently landward of the ordinary high water mark to preclude the need for new structural shoreline stabilization and/or flood protection for the useful life of the structure.

(c) New residential development, including all accessory structures other than docks, piers, lifts and floats allowed pursuant to SMC 25.09.020(2), shall be prohibited in, on, or over water or within floodways. Floating homes shall be prohibited.

(d) As mandated by the RCW 90.58.320, no shoreline permit may be issued for any new or expanded building or structure of more than thirty five (35) feet above average grade level on shorelines that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except where overriding considerations of the public interest will be served.

(e) Interior setbacks within two hundred (200) feet of the Ordinary High Water Mark 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, and shall remain free of above ground structures, except fences. Fences within the shoreline buffer shall not exceed four (4) feet (forty-eight (48) inches) in height provided that fences shall not be located within wetlands or streams. Fences outside of the shoreline buffer, but within shoreline jurisdiction shall not exceed six feet (seventy two (72) inches) in height provided that fences shall not be located within wetlands or streams.

(f) Structures accessory to residential development, other than fences, shall be sited outside (landward of) the shoreline buffer and building setback, except that the following accessory structures may be allowed waterward of the buffer and setback without a shoreline variance when consistent with SMC 21A.50.352:

(i) Residential docks, piers, lifts, and/or floats allowed pursuant to SMC 25.08.020(2).

(ii) Water-oriented accessory structures, excluding accessory dwelling units, in any portion of the shoreline buffer and setback provided that accessory structures are prohibited in, on or over water pursuant to SMC 25.09.030(1)(c) and that the maximum total footprint is one hundred fifty (150) square feet or less and no structure exceeds eight (8) feet in height above existing average grade level. Water-oriented a~~A~~ccessory structures

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shall be located to avoid areas of greater sensitivity and habitat value and shall not be located within wetlands or streams.

(g) As mandated by RCW 90.58.320, no shoreline permit may be issued for any new or expanded building or structure of more than thirty five (35) feet above average grade level on shorelines that will obstruct the view of a substantial number of residences on areas adjoining such shorelines, except where overriding considerations of the public interest will be served.

(2) Residential Use – Urban Conservancy environments

In addition to Sections 25.09.010 (Pine and Beaver Lake General Regulations), 25.09.020 (Pine and Beaver Lake Shoreline Modification Regulations) and 25.09.030(1) (Residential Use – All Pine and Beaver Lake shoreline environments), the following regulations will apply to all residential uses within the Pine Lake and Beaver Lake Urban Conservancy environment.

(a) Subdivision of existing parcels shall be prohibited.

(b) The total area of all new impervious surface shall not exceed ~~fifteen (15)~~thirty (30) percent of the total parcel area, excluding any portion of the parcel waterward of the OHWM.

(c) All new residential docks must maintain a minimum distance of two hundred (200) feet from all other existing docks.

(3) Residential Use – Shoreline Residential environments

In addition to Sections 25.09.010 (Pine and Beaver Lake General Regulations), 25.09.020 (Pine and Beaver Lake Shoreline Modification Regulations), and 25.09.030(1) (Residential Use – All Pine and Beaver Lake shoreline environments), the following regulations will apply to all residential uses within the Pine Lake and Beaver Lake Shoreline Residential environment.

(a) The minimum lot width required for subdivision shall be sixty (60) feet and landward portion of all lots created through subdivision shall have a minimum size of twelve thousand five hundred (12,500) square feet, provided that all other regulations of this Program, SMC 21A.25, King County Health, and the Washington State Department of Health (septic system siting standards) are met.

(b) The total area of all new impervious surface associated with new residential development shall not exceed thirty (30) percent of the total parcel area, excluding any portion of the parcel waterward of the OHWM.

(4) Recreational Use – All shoreline environments

Recreational use regulations apply to public lands where development of public recreational facilities is the primary land use. The recreational use requirements of

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this section apply to all Pine Lake and Beaver Lake shoreline environments. Recreational use requirements specific to the Urban Conservancy and Shoreline Residential environments are detailed in SMC 25.09.030(5) and 25.09.030(6), respectively.

(a) Public recreational development is a preferred shoreline use and shall be allowed 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.

(b) Public recreational activities and facilities located within shoreline jurisdiction shall be water-oriented, and shall provide physical or visual access to the shoreline.

(c) The following public water-oriented recreational structures may be allowed waterward of the shoreline buffer and building setback without a shoreline variance when consistent with SMC 21A.50.352:

(i) Public docks, piers, and/or floats allowed pursuant to SMC 25.09.020(2).

(ii) Public picnic shelters and similar facilities for water enjoyment uses provided that such structures are prohibited in, on or over water and are prohibited within wetlands and streams, and that the maximum total footprint of all structures per lot is five hundred (500) square feet and that no structure exceeds ten (10) feet above existing average grade level.

(d) Non-water-oriented public recreational development shall be located outside of the shoreline buffer and setback and any required building setback, as specified in SMC 21A.50.351. Shoreline buffer reduction for non-water-oriented public recreational development shall require a shoreline variance.

(e) Public recreational developments shall provide for non-motorized access to the shoreline (e.g., pedestrian and/or bicycle paths), unless such access is infeasible due to public health and safety considerations.

(f) Proposals for public recreational developments shall include a landscape plan that uses plant species to be approved by the City. Landscape plans shall incorporate the use of native, self-sustaining vegetation.

(g) All temporary and/or permanent impacts to the shoreline buffer required for development of recreational facilities shall meet standards of mitigation, as specified by this Program and SMC 21A.50.

(h) The total area of new impervious surface associated with any new public recreational development shall not exceed thirty (30) percent of the total parcel area, excluding any portion of the parcel waterward of the OHWM.

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(i) Public recreational facilities with playing fields or with impervious surfaces shall incorporate appropriate means to prevent erosion, control runoff, and prevent chemicals and sediment from entering water bodies per the standards of SMC 15.05 (Surface Water Management).

(5) Transportation – All shoreline environments

(a) The transportation regulations in SMC 25.08.020 (7) (Lake Sammamish shoreline use-specific regulations) shall apply to all Pine Lake and Beaver Lake shoreline environments.

(6) Utilities – All shoreline environments

(a) The utility regulations SMC 25.08.020 (8) (Lake Sammamish shoreline use-specific regulations) shall apply to all Pine Lake and Beaver Lake shoreline environments.

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Chapter 25.10 Permit Criteria and Administrative Standards

25.10.010 *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 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 shoreline variance even if the development or use does not require a substantial development permit.

(4) A development or use that is listed as a conditional use pursuant to this Program, or is an unlisted use, 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) All shoreline permits or statements of exemption issued for development or use within shoreline jurisdiction shall include written findings prepared by the Director, documenting compliance with bulk and dimensional policies and regulations of this Program. The director may attach conditions to the approval as necessary to assure consistency with the RCW 90.58 and this Program. Such conditions may include a requirement to post a performance bond assuring compliance with permit requirements, terms and conditions.

(7) No permit shall be issued for any new or expanded building or structure of more than thirty five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where this Program does not prohibit the same and then only when overriding considerations of the public interest will be served.

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25.10.020 *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.

(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.

(3) The director is authorized to grant a shoreline substantial development permit when all of the criteria enumerated in WAC 173-27-150 are met.

25.10.030 *Permits – Exemptions from a Substantial Development Permit*

(1) Uses and developments that are not considered substantial developments pursuant to RCW 90.58.030(3)(e) and WAC 173-27-040 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 90.58.030(3)(e) and WAC 173-27-040, then a substantial development permit is required for the entire proposed development project.

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

(4) The burden of proof that a development or use is exempt is on the applicant or proponent of the development action.

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

25.10.040 *Permits – Statements of Exemption*

(1) The director is hereby authorized to grant or deny requests for statements of exemption from the shoreline substantial development permit requirement for uses and developments within shorelines that are specifically listed in RCW 90.58.030 and WAC 173-27-040. The statement shall be in writing and shall indicate the specific exemption of this Program that is being applied to the development, and shall provide a summary of the director's analysis of the consistency of the project with this Program and the Act.

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(2) Exempt activities related to any of the following shall not be conducted until a statement of exemption has been obtained from the director: dredging, flood control and in-water structures, archaeological or historic site alteration, clearing and ground disturbing activities such as filling and excavation, docks, shore stabilization, or free-standing signs.

(3) 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.

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

(5) 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.

(6) 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 on a statement of exemption is not subject to administrative appeal.

(7) 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/proponent and Ecology pursuant to WAC 173-27-050.

(8) Any person claiming exemption from the substantial development permit requirements shall make an application to the director for such an exemption in the manner prescribed by the director.

25.10.050 *Permits – Shoreline Variance*

(1) The director is authorized to grant a variance from the performance standards of this master 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/proponent or thwart the policies set forth in RCW 90.58.020.

(3) Shoreline 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.

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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 shoreline 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.

(7) Before making a determination to grant a shoreline variance, the City shall consider issues related to the conservation of valuable natural resources, and the protection of views from nearby public roads, surrounding properties and public areas. Shoreline variance requests based on the applicant's/proponent's desire to enhance the view from the subject development may be granted where there are no likely detrimental effects to existing or future users, other features or shoreline ecological functions and/or processes, and where reasonable alternatives of equal or greater consistency with this Program are not available. Shoreline variances shall not be granted that allow a greater height or lesser shore setback than what is typical for the area immediately surrounding the development site.

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

(9) Shoreline variances may not be used to permit a use or development that is specifically prohibited in an environment designation.

(10) 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.

(11) The fee that shall accompany an application for a shoreline variance shall be set forth by resolution.

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25.10.060 ***Permits – Conditional Use***

(1) The City 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 City is authorized to impose conditions and standards to enable a proposed shoreline conditional use to satisfy the conditional use criteria.

25.10.070 ***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.

25.10.080 ***Permit Process – Land Use Decision***

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

25.10.090 ***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/proponent 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.

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

(1) Non-conforming Structures

(a) Structures that were legally established but which are non-conforming with regard to setbacks, buffers; area; bulk; height or density may be maintained, or repaired, provided that the maintenance/repair does not increase the extent of non-conformity by encroaching upon or extending into areas where new construction or use would not be allowed.

(b) Structures that are non-conforming to building setback and/or buffer requirements for shorelines, wetlands, streams, ponds or landslide hazard areas

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may undergo structural modification, addition, and/or replacement pursuant to SMC 21A.50.060, sections (1)(a) and (1)(b). Structure non-conformity for any reason other than building setback and/or buffer requirements for wetlands, streams, ponds or landslide hazard areas must comply with regulations (c) through (g) of this section.

(c) Voluntary additions to or ~~remodel,~~ reconstruction~~, or renovation~~ of the exterior portion of an existing, legally established non-conforming structure is allowed provided that the ~~remodel~~addition or~~,~~ reconstruction ~~, or renovation~~ does not increase the degree of non-conformity subject to the following criteria:

(i) If the total area proposed for voluntary ~~remodel~~addition or~~,~~ reconstruction~~, or renovation~~ is ~~less than~~ fifty percent (50%) or less of the original structure area (total square feet), property owner(s) would need to restore an equivalent portion of the shoreline buffer to offset the impact, such that the area of the reconstruction and/or addition is equal to the area of shoreline buffer restoration and/or enhancement.

(ii) If the total area of ~~modification~~ addition or reconstruction is greater than fifty ~~one~~ percent (50~~1~~%) of the existing structure and is less than or equal to seventy-five percent (75%) of the existing structure, the property owner(s) would be required to restore and/or enhance all available shoreline buffer area to offset the impact.

(iii) If the total area of ~~modification~~ addition or reconstruction is greater than seventy-five percent (75%) of the existing structure, the property owner(s) would need to relocate the structure to conform with the required buffer and setback provisions.

(d) The voluntary addition or reconstruction standards in 25.10.100 (1)(c) are not intended to apply to interior remodels, reconstruction, or renovations that do not modify the exterior footprint of the existing structure. Interior remodels, reconstruction, and renovations shall not require buffer restoration unless the exterior footprint of the structure is modified.

(e) If a property owner has previously completed a voluntary shoreline restoration program on a particular property pursuant to a separate City or State permit or approval, and the previous shoreline restoration program is commensurate to current shoreline restoration requirements for that same property, then additional shoreline restoration shall not be required pursuant to 25.100.10 (1)(c). In evaluating the previous restoration program, the City shall consider whether the previous restoration/mitigation addresses the same ecological functions and is commensurate with the impacts of the proposed development.

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~~(d)~~(f) If a non-conforming structure is damaged by fire, explosion, or other casualty and/or natural disaster to an extent that is less than seventy-five percent (75%) of fair market value of the ~~original structure~~improvements prior to the damage of the structure, it may be reconstructed to those configurations existing immediately prior to the time the damage occurred provided that all of the following criteria are met:

(i) The owner(s) makes a good faith effort to initiate the redevelopment process, including initiating the permit application process, within twelve (12) months of the date the damage occurred.

(ii) All permits are obtained 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.

~~(e)~~(g) If a non-conforming structure is damaged by fire, explosion, or other casualty and/or natural disaster, to an extent exceeding seventy-five percent (75%) of fair market value of the improvements prior to the damage of the structure~~original structure~~, it shall be reconstructed to conform to the dimensional requirements of this Program unless there is no feasible means of meeting the dimensional standards, in which case it may be reconstructed to those configurations existing immediately prior to the time the damage occurred.

~~(f)~~(h) A structure for which a variance has been issued shall be considered a legal non-conforming structure and the requirements of this section shall apply as they apply to pre-existing non-conformities.

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

(2) Non-conforming Lots

(a) An undeveloped lot, tract, parcel, site, or division of land located landward of the ordinary high water mark which was established in accordance with local and state subdivision requirements prior to the effective date of the act or the applicable master program but which does not conform to the present lot size standards may be developed if permitted by other land use regulations so long as such development conforms to all other requirements of this Program.

(3) Non-conforming uses

(a) Uses that were legally established [as of XXX date] and are non-conforming with regard to the use regulations of this Program may continue as legal non-conforming uses.

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(b) An existing use designated as a conditional use that lawfully existed prior to the adoption of this Program or the adoption of an applicable amendment hereto 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. A use authorized pursuant to subsection (6) of this section shall be considered a conforming use for purposes of this section.

25.10.110 *Rules of Director*

(1) The Director is authorized to adopt such 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.

25.10.120 *Enforcement, Violations and Penalties*

(1) The director is authorized to enforce the provisions of this title, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of WAC 173-27.

(2) This Program will be enforced by the means and procedures set forth in SMC Title 23.

25.10.130 *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.

25.10.140 *Permit Revisions*

(1) A permit revision is required whenever the applicant/proponent proposes substantive changes to the design, terms or conditions of a project from that which is approved in the 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 permit, this Program or the Act. Changes that are not substantive in effect do not require a permit revision.

(2) An application for a revision to a shoreline permit shall be submitted to the director. The application shall include detailed plans and text describing the

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

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SMC 25.07.030 Shoreline Use Table

Primary use	Code Section	Proposed Use		Lake Sammamish		Pine Lake and Beaver Lake	
				Shoreline Residential	**Urban Conservancy**	**Shoreline Residential**	**Urban Conservancy**
Residential use	SMC 25.08 for Lake Sammamish SMC 25.09 for Pine Lake and Beaver Lake	Single-family residential and normal appurtenances		P	P	P	P
		Accessory structures, except dwelling units		P	P	P	P
		Accessory dwelling units		P	P	P	P
		Subdivision		P	X	P	X
		Private Boat launch ramps / rails		X	X	X	X
		Docks/Piers/Lifts		P	P*	P	P*
		Floats		P	P	P	P
		Over-water structures including floating homes (outside of piers/docks & floats)		X	X	X	X
		Shoreline stabilization	New or expanded structural shoreline stabilization required to protect existing single family residences; prohibited for all other residential uses and developments	CUP	CUP	CUP	CUP
			Replacement structural shoreline stabilization (only permitted pursuant to SMP 25.08.020(4) / 25.09.020(4))	P	P	P	P
			New or expanded bioengineered shoreline stabilization	P	P	P	P
			Gabions	X	X	X	X
			Breakwaters, jetties, rock weirs, groins & similar structural modifications	X	X	X	X
		Dredging, fill, or excavation waterward of the OHWM	Public/private ecological restoration, enhancement, or mitigation projects	P	P	P	P

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SMC 25.07.030 Shoreline Use Table

Primary use	Code Section	Proposed Use		Lake Sammamish		Pine Lake and Beaver Lake	
				Shoreline Residential	**Urban Conservancy**	**Shoreline Residential**	**Urban Conservancy**
Residential use	SMC 25.08 for Lake Sammamish SMC 25.09 for Pine Lake and Beaver Lake	Dredging, fill, or excavation waterward of the OHWM	Bioengineered shoreline stabilization projects associated with private residential developments	P	P	P	P
			For all other purposes	X	X	X	X
Recreational Use	SMC 25.08 for Lake Sammamish SMC 25.09 for Pine Lake and Beaver Lake	Water-oriented development, including docks/piers and certain water enjoyment use structures		P	P	P	P
		Non-water oriented development Outside of buffer		P	P	P	P
		Public Boat launch ramps / rails (except hand launches which are permitted)	With tie-type construction	CUP	CUP	CUP	CUP
			Which solidly cover the water body bottom (asphalt, concrete, or similar)	X	X	X	X
		Public Recreational Docks/Piers		P	P	P	P
		Floats		P	P	P	P
		Over-water structures (outside of piers and floats)		X	X	X	X
		Shoreline stabilization	New or expanded structural shoreline stabilization required to protect structures that provide public access for substantial numbers of people; prohibited for all other recreational uses and developments	CUP	CUP	CUP	CUP
			New or expanded bioengineered shoreline stabilization	P	P	P	P
			Replacement structural shoreline stabilization (only permitted pursuant to SMP 25.08.020(4) / SMP 25.09.020(4))	P	P	P	P
			Gabions	X	X	X	X

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SMC 25.07.030 Shoreline Use Table

Primary use	Code Section	Proposed Use		Lake Sammamish		Pine Lake and Beaver Lake	
				Shoreline Residential	**Urban Conservancy**	**Shoreline Residential**	**Urban Conservancy**
Recreational Use	SMC 25.08 for Lake Sammamish SMC 25.09 for Pine Lake and Beaver Lake	Shoreline stabilization	Breakwaters, jetties, rock weirs, groins & similar structural modifications	X	X	X	X
		Dredging, fill, or excavation waterward of the OHWM	Public/private ecological restoration, enhancement, or mitigation projects, including bioengineered shoreline stabilization projects	P	P	P	P
			For public sponsored projects providing public access for substantial number of people and for construction of public docks/piers for public water-dependent recreational use (provided that dredging, filling and/or excavation are limited to the minimum needed to accommodate the public dock/pier)	CUP	CUP	CUP	CUP
			For all other purposes	X	X	X	X
Transportation	SMC 25.08 for Lake Sammamish SMC 25.09 for Pine Lake and Beaver Lake	Trails		P	P	P	P
		Improvements to existing transportation facilities		P	P	P	P
		New roads / new road-related transportation facilities		P	P	P	P
		Parking	Directly serving permitted shoreline use	P	P	P	P
			As a primary use	X	X	X	X
			On structures in, on, or over water	X	X	X	X
		Dredging / fill waterward of the OHWM	Alteration, maintenance, and/or repair of existing transportation facilities (when alternatives or less impacting approaches are not available)	CUP	CUP	CUP	CUP
			For all other purposes	X	X	X	X

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SMC 25.07.030 Shoreline Use Table

Primary use	Code Section	Proposed Use		Lake Sammamish		Pine Lake and Beaver Lake	
				Shoreline Residential	**Urban Conservancy**	**Shoreline Residential**	**Urban Conservancy**
Utilities	SMC 25.08 for Lake Sammamish SMC 25.09 for Pine Lake and Beaver Lake	Improvements to existing facilities		P	P	P	P
		New facilities		P	P	P	P
		Underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality, except in situations where no other feasible alternative exists		X	X	X	X
		Dredging / fill waterward of the OHWM	Alteration, maintenance, and/or repair of existing utilities (when alternatives or less impacting approaches are not available)	CUP	CUP	CUP	CUP
			For all other purposes	X	X	X	X

P = Permitted (an SSDP may be required)

CUP = Permitted subject to a shoreline conditional use permit (an SSDP may also be required)

X = Prohibited unless otherwise noted

Notes:

* All new residential docks must maintain a minimum distance of two hundred (200) feet from all other existing docks (SMC 25.08.030(2)(b)).

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This map is intended for planning purposes only.

This map depicts the approximate location and extent of areas subject to the SMP and official shoreline designations pursuant to SMC Title 25. The actual extent of shoreline jurisdiction requires a site-specific evaluation to identify the location of the ordinary high water mark and any associated wetlands. On Lake Sammamish, the minimum ordinary high water mark elevation is set at 28.18 NGVD29. On Pine and Beaver Lakes, the elevation of the ordinary high water mark is determined through site-specific evaluation. The map does not display the 100-yr floodplain around the three jurisdictional lakes. The floodplain around Lake Sammamish is at a standard elevation of 33 feet NGVD29.

Shoreline environment designations depicted in this map, as established in SMC 25.07.020(1), shall apply to the land and water areas subject to shoreline jurisdiction as defined in SMC 25.02.080 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.

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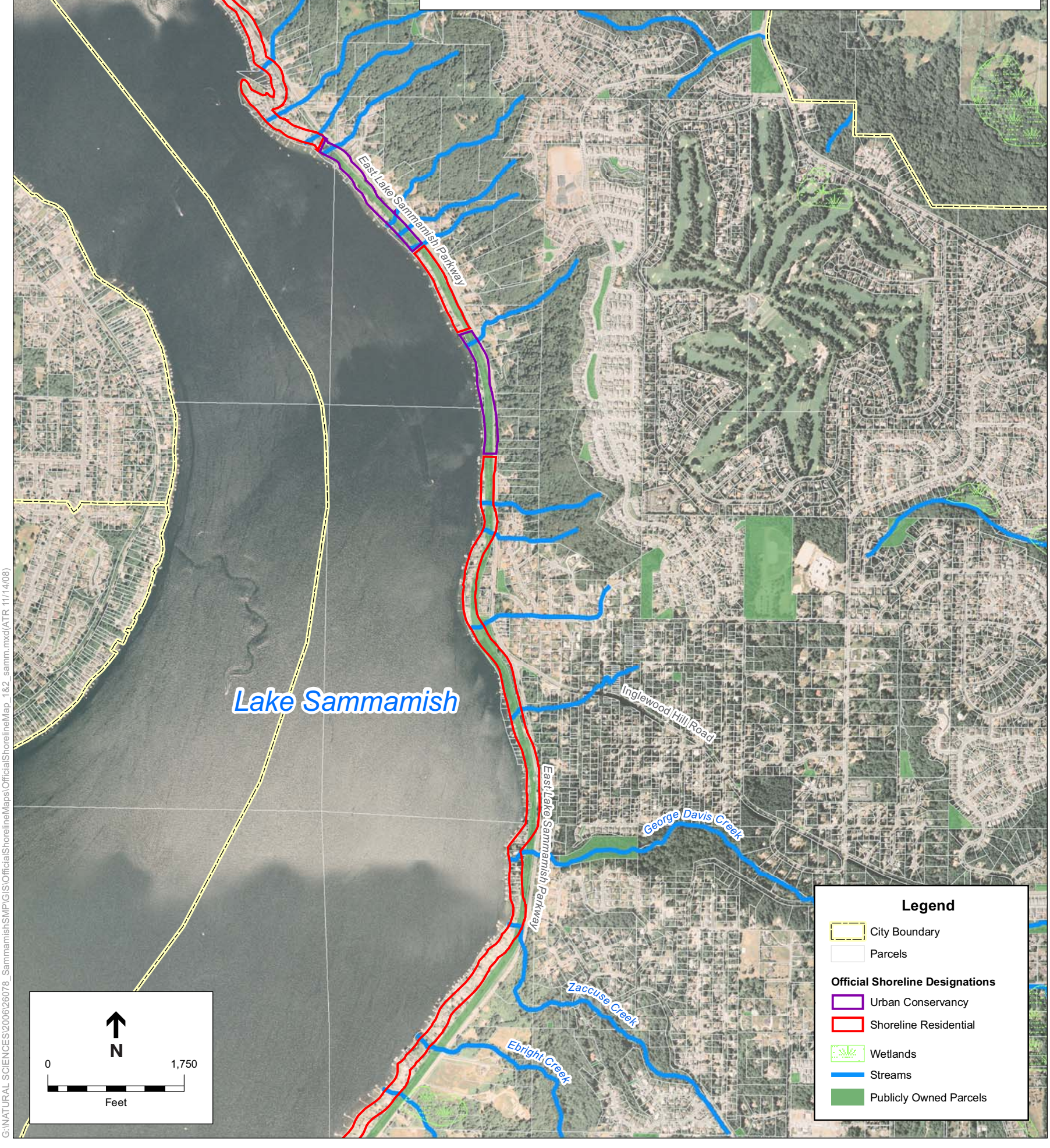

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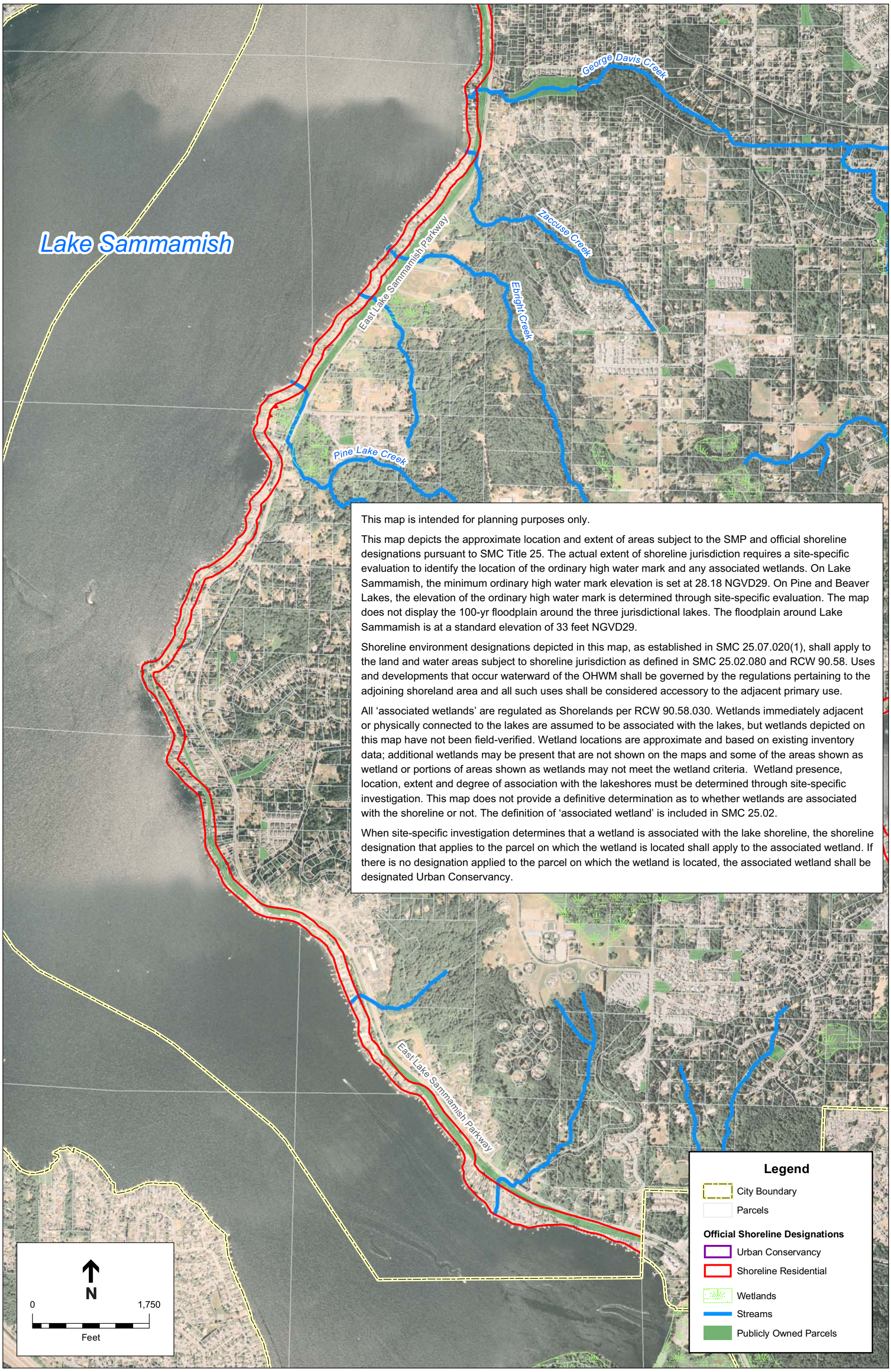
SOURCE: King County, 2006; City of Sammamish, 2007; ESA Adolfson, 2008

Sammamish SMP . 206078

Official Shoreline Designation Map, Part 1 of 4: Northern Lake Sammamish
SMC Title 25
Sammamish, WA

Ecology Grant #G0600310

Subject to Final City Approval
Prepared November 2008



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FILE NAME: OfficialShorelineMap_2of4SouthernLkSamm_Nov08.ai
CREATED/EDITED BY: AB/JAB / DATE LAST UPDATED: 11/26/08
G:\NATURAL SCIENCES\2006\26078_SammamishSMP\GIS\Proposed_SEDs_Update_011408_NorthLkSamm.mxd (DLMS 01/16/08)

SOURCE: King County, 2006; City of Sammamish, 2007; ESA Adolfson, 2008

Sammamish SMP . 206078

Official Shoreline Designation Map, Part 2 of 4: Southern Lake Sammamish
SMC Title 25
Sammamish, WA

Ecology Grant #G0600310

Subject to Final City Approval
Prepared November 2008

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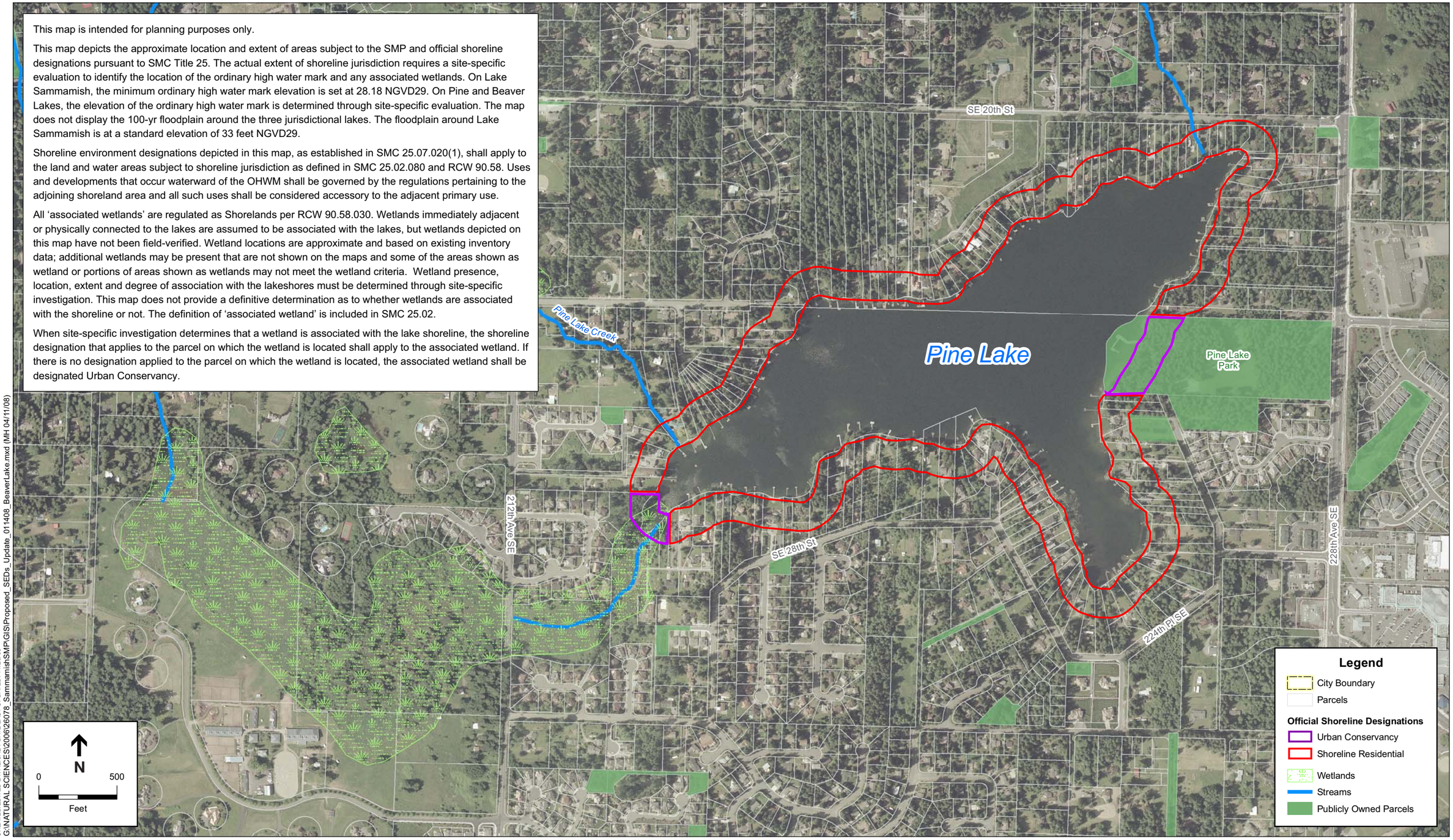

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SOURCE: King County, 2006; City of Sammamish, 2007; ESA Adolfson 2008

Ecology Grant #G0600310

Subject to Final City Approval

Prepared November 2008

Sammamish SMP . 206078

Official Shoreline Designation Map, Part 3 of 4: Pine Lake

SMC Title 25

Sammamish, WA

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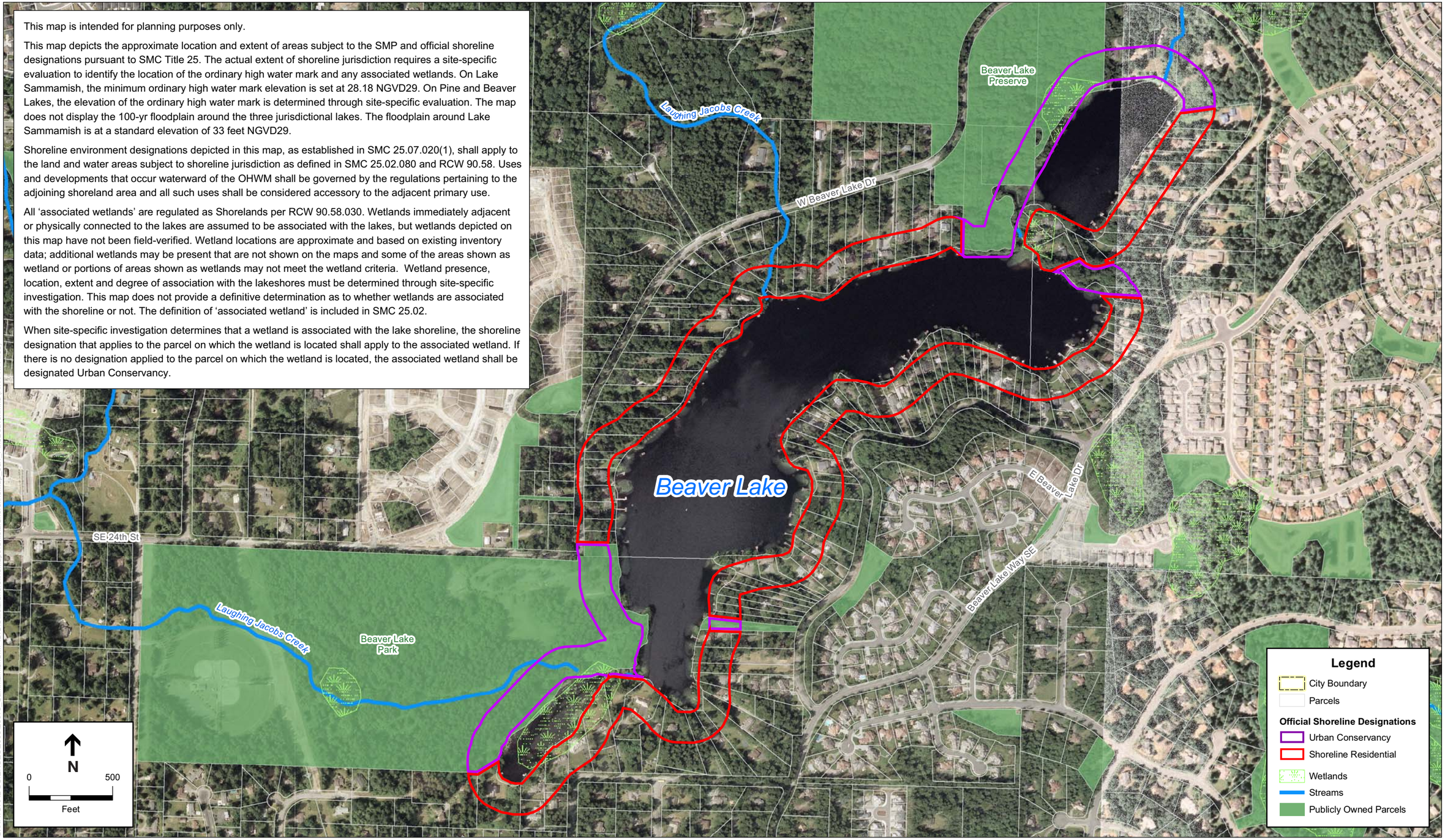

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SOURCE: King County, 2006; City of Sammamish, 2007; ESA Adolfson 2008

Ecology Grant #G0600310

Subject to Final City Approval

Prepared November 2008

Sammamish SMP . 206078

Official Shoreline Designation Map, Part 4 of 4: Beaver Lake
SMC Title 25
Sammamish, WA

Public Participation Summary:
Process and Findings
City of Sammamish Shoreline Master Program Update
2006-2008

PROCESS

The City of Sammamish recognizes that effective and thorough public participation is critical to a successful Shoreline Master Program, as part of good governance and as required by state and local guidelines. Special consideration has been given to the highly involved nature of the Sammamish Community. The City expected and experienced a high-level of public interest in the SMP update and sought to pinpoint the most effective opportunities for public participation throughout the process.

The goals of the public participation process have been to:

- Be transparent and inclusive.
- Identify the most effective opportunities for public participation.
- Actively involve and encourage participation of all persons and entities having interest and means.
- Coordinate the SMP Update project with neighboring cities and King County, particularly with regard to resources of regional significance.
- Consult and consider recommendations from State-wide agencies and tribes, particularly with regard to resources and/or shorelines of statewide-significance.
- Promote an understanding about the SMP update requirements.
- Coordinate the SMP Update project with other City efforts.
- Evaluate the public participation process throughout the life of the project.
- Coordinate and consolidate public participation requirements with the SEPA environmental review process.

Regular Forum for Meetings

The City of Sammamish Planning Commission met at regular intervals throughout the process and was the City's main liaison with the public. All meetings were open to the public and were well attended.

- 30 (or more) Citizen/Interest Groups Reached
- 23 Planning Commission Meetings
- 3 Open Houses
- 2 meetings with lake district representatives
- 6 meetings with Kokanee Working Group
- Regular attendance at WRIA 8 coordination meetings
- 1 meeting with owners of properties within and adjacent to shoreline jurisdiction and the largest of the associated wetlands
- Regular Council Updates
- 4 Published Reports/Documents

Key Parties

A detailed mailing and email database was created at the beginning of the project and updated throughout the life of the project. The database included key parties including:

- Community organizations
- Interested citizens
- Government officials
- Media
- Contacts made at public meetings
- Requests from the website, e-mail and other communication tools

Outreach
The City contacted key parties at the onset of the public process, documented these communications, and included contact information in a database for all mailings during the process. City staff attended some meetings of these key parties to provide educational materials and answer questions or seek input when the timing or schedule was appropriate or workable. Individuals or key parties with special interest were regularly sent emails to notify them of documents available for review and meetings to attend. Key parties with more general interest received broad information as follows:

- City of Sammamish web page dedicated to the SMP
- SMP Public Review Draft available for review at Sammamish Library
- Posters at key community locations
- Press releases
- Legal notices
- Articles in the City of Sammamish newsletter and the Sammamish Review

The City also sent two separate mailings with blank comment forms to all property owners on all lakes in shoreline jurisdiction, and the largest associated wetlands, during the update process, including: 1) an invitation to an Open House displaying key findings of the inventory and characterization research; and 2) an announcement of the publication and availability of the Public Review Draft.

Documentation of Communications
All efforts to reach members of the public and the results of those efforts were documented in either electronic or paper files.

In addition to the documentation of the public process, the actual production of reports shows significant amounts of outreach in that the City sought to tailor the SMP to local needs and conditions based on current literature and research. The documents listed below are supported with lengthy bibliographies/reference lists, and include:

- Inventory and Characterization Report and Maps (November, 2006)
- Draft Gap Analysis and SMP Consistency Review (November, 2006)
- Restoration Plan (draft Autumn 2007; final January 2008)
- Draft SMP and Shoreline Designations (June, 2007)
- Public Review Draft SMP and Shoreline Designations (September, 2008)

As draft documents were developed, they have been made available for public review and presented at open houses. Public comments were taken which influenced changes throughout the iterations of the draft documents (see following summary of public comments).

Summary of Key Points in the Process:

- The Shoreline Inventory and Characterization Report (November, 2006) was assembled from existing shoreline data collected from a variety of sources, including property owner information, organizations, and area governments. It provides solid information on which the City sought to seek a balance between State Guidelines and local needs and conditions.

- The Draft Gap Analysis and SMP Consistency Review (January, 2007) identified goals and policies that needed modification or addition in order for the City to comply with State Guidelines, including the potential of changes to regulation of single-family residential docks and piers, vegetation conservation, setbacks and buffers, and shoreline stabilization.

- The Shoreline Environment Designations Map 1, Map 2, Map 3, Map 4 (June, 2008), illustrate the type, location and extent of designations.

- The Draft Restoration Plan (Fall, 2007) and Final Restoration Plan (January, 2008), used the findings of the inventory and analysis to identify current and proposed restoration programs that contribute to the improvement of shoreline ecological functions in the City.

- The Draft SMP (June, 2008) highlighted key policy issues based on public and planning commission comments. Staff and consultants undertook a research phase to resolve key policy issues of concern and develop options.

- The Shoreline Master Program Public Review Draft (September, 2008) culminated two years of work and was presented to the Planning Commission and the attending public on October 2nd, 2008. It was followed by two public hearings and a long evening of deliberations on November 6th at which the Planning Commission voted in favor of the Draft SMP with agreed upon changes for recommendation to the City Council.

FINDINGS

Public comments collected to date are summarized here in two sections – those received prior to the Public Review Draft publication and those received after. Between the initiation of the project in May of 2006 and the presentation of the Public Review Draft in September, 2008, the city received over 300 comments from city residents, business interests, organizations, the city's Planning Commission, and the general public. Nearly 100 additional comments were received between the Public Review Draft publication and the close of the public comment period on October 31, 2008 at 5 pm.

Summary of Public Comments prior to the Public Review Draft

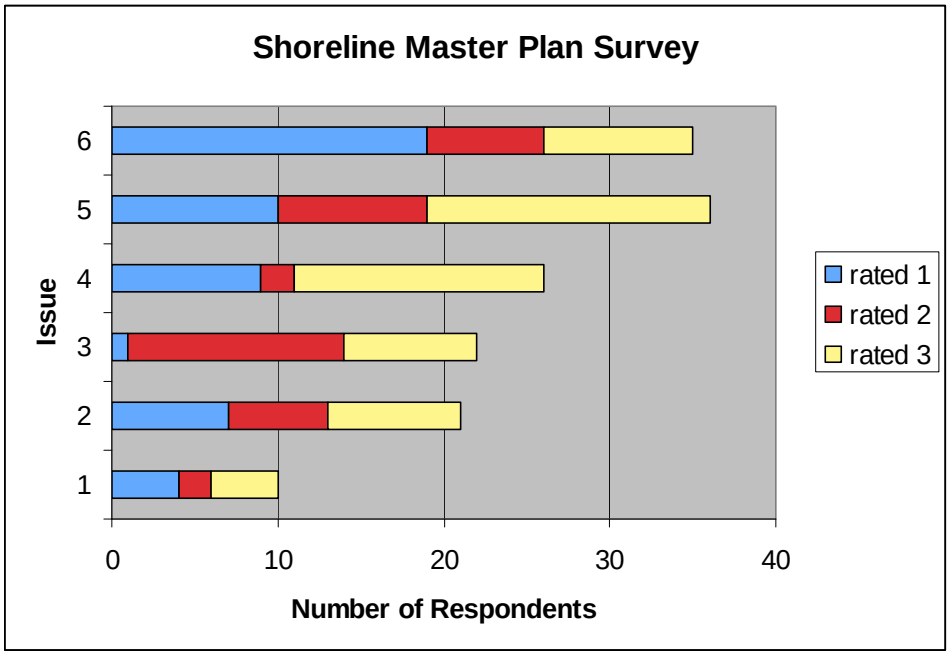
Public Comment Form: Throughout the update process, the City of Sammamish has encouraged interested persons to complete a project-specific Public Comment Form. This form was first presented to the public at the October 19, 2006, open house. From then until the publication of the Public Review Draft on September 26, 2008, the blank comment forms have been available at public meetings addressing the SMP and have also been posted on the city's website. All completed copies received by the city have been documented, considered, and filed at city hall.

The Public Comment Form consists of four survey sections including:

1. Prioritization of issues of concern related to the city's shorelines, with space for additional comments.
2. Checklist indicating areas of participation interest.
3. Space for respondent input regarding potential areas suitable for restoration of shoreline ecology or additional specific shoreline issues of concern.
4. Query regarding ownership of shoreline property and identification of the specific lake (if relevant).

Additionally, the Public Comment Form provides space for both mailing and email contact information used for ongoing targeted communication. The findings from the Issues Prioritization Survey are summarized below.

The survey asks respondents to rate six specific issues in order of priority (see graph).



Survey Results (graph indicates top three choices of responders):

1. Promote public access
2. Provide education and incentive to the public toward accomplishing these goals
3. Restore degraded shoreline habitats
4. Protect functioning shoreline habitats
5. Prevent nutrient and pathogen pollution caused by human and animal waste
6. Prevent harm from stormwater runoff

The survey indicates that the primary concern for the responders is water quality degradation caused by runoff and nutrient or pathogen contamination. Protecting and restoring shoreline habitats, along with access to information and incentive programs, also interest the responders. Overall, of least concern to the responders is the issue of public access, though as a first priority this issue rated higher than protecting functioning habitats.

All Comments

All comments provided verbally, by email, regular mail or in comment form blanks have been summarized and addressed in a comment matrix that has been actively maintained throughout the update process. This matrix identifies communications with unique numbers and includes staff responses and recommendations to specific issues. It has been presented to the Planning Commission and made available online and at meetings. As a way of determining the public interest regarding the various issues of concern, the frequency and occurrence of comments has been tallied. A summary of issues of most concern is provided, however this does not imply that issues of less concern are necessarily of less merit.

Issues of most concern prior to September 26, 2008: Most comments have been related to uncontroversial needs for document clarification. These suggestions and corrections were quickly resolved prior to publication of the September 2008 Public Review Draft.

Issues of concern spanned a total of 38 identified subjects – some of them overlapping and some outside the scope of the SMP. Regulation of docks and related structures was the most frequently mentioned issue (30 comments), followed by environmental designations (23), buffer requirements (22), conformance with other regulations (20), runoff (17), public access (16), and property rights including lot size dimensions (15). Issues receiving between ten and fifteen comments or inquiries included water quality (13), restoration (12), bulkheads (12), and public education (11).

Dock concerns included questions regarding public access, expressed by the parks department, the number of docks (or related structures) per lot, maintenance and repair, and length. The majority of comments regarding docks were made by a representative of the waterfront construction industry.

Environmental designation concerns focused on whether it is fair to prescribe differing regulations within different areas of the city. A few individuals requested to be either included or excluded from various designation areas.

Shoreline buffer and impervious surface concerns ranged from a nearly equal interest in greater protection of trees and vegetation to a desire for less or even no buffer protection and impervious surface limits. There was considerable concern that buffer requirements and impervious surface limitations might reduce options for residential expansion or replacement on small lots, especially for property owners contemplating rebuilding small or non-conforming houses and those concerned with the effects of regulation on property value.

Public access concerns ranged from the need of city parks to provide continued access to the lakes, to a disinterest from some property owners in regulations designed to facilitate either physical or visual public access of the lakes or shoreline.

Property rights concerns were frequently expressed in partnership with other issues such as buffer requirements or public access. As with the concerns over buffers and impervious surfaces, concerns primarily focused on the challenges of rebuilding and whether regulation may decrease future property value.

Water quality was recognized as a factor affecting both human usage (swimming) and wildlife habitat. Comments on causes of decreased water quality focused on two primary areas of concern: 1) contamination carried by stormwater from the entire watershed and 2) contamination originating on shoreline properties through usages including landscaping and keeping of pets. An additional concern was contamination by geese. Comments included the mention of the need to retain buffer trees as an effective way of reducing lakeside contamination.

Restoration concerns included whether restoration would be made a requirement and confusion over the difference between restorations (voluntary) and mitigations (requirement). Two sites – Zaccuse Creek and the SW corner of Pine Lake – were suggested by comment form respondents as potential restoration candidates. It was also suggested that better public education on the important functions of lakes would encourage monetary support for restoration projects.

Bulkhead limitations are an issue of concern for those who see them as a defense against erosion and the consequent loss of land and/or structures. Most comments were concerned with the definition and allowed usages of bulkheads. Their appropriateness within conservancy designation was discussed. A comment was made that soft-shore armoring has been successfully used on lakes. Removal and discouragement of bulkheads was noted as a primary way of improving ecologic function.

Public Education comments centered on a desire that "good neighbor" shoreline practices should be provided by the city and would promote appropriate behavior of those living on, or within the watersheds of the lakes.

Issues of less concern prior to September 26, 2008: Issues receiving less than ten inquiries tended to be more specific to actual situations rather than overarching concepts such as lake health. These included residential development (8), nonconformance (7), implementation (6), debris in lake (6), accessory uses (6), septic systems (5), process (5), invasive species (4), flooding (4), no net loss (3), incentives (3), fence height (3), boardwalks (3), and aesthetic qualities (3). Mentioned once or twice were recreation, boat speed limits, tribal concerns, signs, limbing of trees, lake level management, habitat, commercial zoning, and clearing and grading.

Comment response prior to draft publication: Comments informed city staff and consultants on an ongoing basis throughout the update process. As deemed appropriate, the working draft of the SMP was modified in order to address these concerns within the parameters of existing city codes, state law, and best available science up until its publication on September 26, 2008.

Summary of Public Comments after the Public Review Draft*

The focus of comments received after the publication of the SMP draft changed from issues of broad concern for water quality and lake health to more personal issues of the specifics of how the proposed regulations would impact individual property owners. Many stakeholders noted how the requirements would affect their particular parcels. A few stakeholders expressed concerns over how the requirements might affect their neighbors and how that in turn might change the character of their neighborhoods.

Issues in order of most concern (post-September 26, 2008): Concerns – identified in nearly 100 communications, many of which included references to multiple concerns – narrowed from the earlier 38 issues to 20 issues. During this period, both docks (20) and property rights (20) received the highest number of inquiries, followed by comments regarding process (18) and document clarification (12). Also of high interest were residential development (11), existing houses/non-conformance (8), designations (8), buffers/setbacks (5) and habitat (5).

Additional comments were related to the following: conformance with other regulations (4), runoff (4), subdivision (4), water quality (4), bulkheads (3), coordination with other jurisdictions (3), accessory uses (2), fence height (2), and public access (2). Receiving one comment each were lighting, limbing, and recreation.

Docks: The emphasis on docks, as before, was partially due to the intense interest expressed by a waterfront construction representative; approximately half of all comments regarding docks came from this individual. His areas of concern included dock toxicity, length, spacing, and allowance for canopies and lifts. Some property owners expressed general support for his concerns. Specific concerns of property owners focused more narrowly on maintenance, spacing, and length of docks. These included a desire to retain, maintain, and possibly enlarge or reconfigure non-conforming docks, a desire to allow a dock for every parcel, and mixed opinions regarding the regulation of dock depth. The argument against stating a depth allowance for dock length noted that longer docks interfere with navigation and are limited by Army Corps of Engineers requirements. The argument for depth allowance noted that on shallow lakes a length limitation might preclude a dock from reaching a safe diving depth and that sensitive aquatic habitat might be less impacted if water sport activities took place further from the shore.

Property rights: Surfacing as a top concern, comments regarding property rights were often non-specific yet highly emotional. Limiting impervious surfaces, increasing setbacks, the Urban Conservancy Designation, restrictions beyond those required previously, retention of

environmental function, general distrust of government, perceived usage restrictions, perceived restrictions regarding maintenance, landscape requirements, and limitations on docks were all cited as potentially decreasing property value and thereby infringing on property rights. Some comments stated that property had been in the family multiple generations, while others noted that property owners were relying on their property value as part of their retirement. Many expressed a concern that regulations were unfairly aimed at shoreline owners rather than being consistent throughout the city.

Process: Comments regarding process ranged from satisfaction with the SMP progress and improvements to the draft document to a concern that the process was biased toward the environment or toward the interests of property owners. Most process comments were small items such as the challenge of finding comment forms or confirmation of meeting times that could be quickly taken care of by staff. A concern was made regarding the parenthetical statement (not required) under Staff Response and Staff Recommendation on the comment matrix. One comment suggested that Laughing Jacob Lake should have been included in the program. Some concern that the comment period was rushed was also expressed.

Document clarification: Most comments regarding document clarification were quickly addressed through clarification or research. Clarifications were given for comments regarding the use of "should" and "shall", lot width measurement, and the need to ensure inclusion of 50-51% in impervious surface requirements. Concern from the public centered on the use of non-specific or quantitative words used within the document such as "when feasible" or "construed narrowly."

Residential development: Concerns regarding residential development are closely related to property rights, existing houses/ non-conformance, and buffers/setbacks. Many comments questioned the need for stricter side yard setbacks. Comments generally implied that residential use regulations were too limiting, and expressed a desire that grandfathering-in be expanded to include replacement structures.

Existing houses/non-conformance: Comments regarding existing houses were concerned with whether routine maintenance and indoor, non-structural remodeling would trigger the need for buffer vegetation restoration. Additionally, a desire to "grandfather" non-conforming structures in perpetuity – to unconditionally allow rebuilding on the original footprint – was expressed. A concern that the label "non-conforming" on a structure would limit its property value was also stated.

Designations: As in the comments prior to draft publication, most concerns regarding designations were from individual property owners wanting to be outside the Urban Conservancy Designation (for example, so as to be able to build a private dock). One property owner requested to be kept entirely in the Urban Conservancy Designation-for the benefit of the public but also to retain status under the King County Public Benefit Rating System.

Buffers/set-backs: Few comments were made beyond those already noted, questioning the need for buffer and setbacks requirements, were made. One comment suggested that requiring the replacement of removed buffer trees at a minimum ratio of 1:4 and up to a maximum ratio of 1:8 was punitive. An additional comment expressed the opinion that the maximum 150 square feet for an accessory structure within the buffer was too small.

Habitat: Additional documentation of the dire condition of kokanee salmon was submitted over the comment period. This documentation included maps of the remaining habitat for kokanee spawning that exist within the Sammamish Shoreline Master Program jurisdiction. In addition, a request was made for material indicating identified wildlife corridors within the city limits.

Comment response after draft publication: Comments reviewed after the draft SMP publication have continued to inform city staff and consultants, and all comments received within the comment period

were submitted to the Planning Commission members prior to their deliberations on October 31st. Some of these comments prompted adjustments to the published document by the Planning Commission prior to its approval for submission to the Council at the end of deliberations, also on October 31st 2008.

Public Comment closure: Public comments have been a driving force in the creation of a shoreline plan that endeavors to meet the requirements of the state while satisfying the needs of city residents and property owners. Inevitably, not all the desires of the many individuals who took time to research and express their comments and concerns will be found within the final document, yet a good faith effort will be made to creatively address stakeholder concerns while protecting city shorelines for both current and future generations. City staff appreciate the participation of all the stakeholders that have contributed their ideas and opinions toward the making of the updated Shoreline Master Program.

* To see the Packet of materials presented to the Planning Commission, including all public comments and a list of them in matrix form, go to Shoreline Master Program web page, or click on: http://www.ci.sammamish.wa.us/Events.aspx?ID=1440

Minority Report, Planning Commission Recommendation for SWP Update

To: Sammamish City Council
From: Scott Hamilton, Member, Sammamish Planning Commission
November 18, 2008

CC: Sammamish Planning Commission

Dissent from the Planning Commission Recommendation for Approval by the City Council of the SMP Update

I Dissent from the Planning Commission Recommendation for Approval of the SMP Update and file this Minority Report explaining the reasons for this Dissent.

Before detailing the reasons for my Dissent, some context will be useful for the Council. Since it is probable that I will not be present when the SMP is handed off to the Council, please bear with a somewhat longer transmittal letter than may be customary.

Context and Background

The Staff and Consultants worked very hard to craft a document that meets State requirements while being sensitive to local concerns. The process before the Planning Commission included a great deal of public testimony. Many of the flaws identified in public testimony were corrected in the Final Draft SMP Update. Some stakeholders may still identify regulations in testimony to the City Council that they feel are flawed; the Commission and Staff carefully weighed all comments provided, accepting many public suggestions and not accepting some.

<u>I broadly concur with the overall result of the SMP Updates forwarded to Council</u>; my Dissent is based solely on what I believe to be inadequate references to, reliance on or use of Low Impact Development.

Employment of LID practices may enable property owners to build beyond impervious surface restrictions (either new-build, remodeling or replacement (the latter in the event of a fire or natural disaster)) specified in the SMP Update. The SMP only cites LID practices as a mitigation to allow the removal of 20 percentage points more trees rather than providing the ability (or a “relief valve”) for property owners seeking to use their property to the most feasible extent while still achieving the goals of SMP.

I believe that it is important to demonstrate clearly to property owners *what* and *how* they may obtain the highest and best use of their land through the use of LID practices rather than come away with the impression that there is a “taking” of their properties, regardless of the logical and statutory goals of SMP Updates.

One commissioner commented that (paraphrasing) if a property owner wants to do something beyond the limitations cited in SMP, LID enables them to do so. However, the language of the SMP Update doesn't tell the reader this, except for the detail about how you can remove more trees—a concept (tree removal) that actually is the antithesis of LID.

Detailed Objections

1. The SMP Update does not adequately incorporate references to or reliance upon Low Impact Development as a mechanism to support and complement the goals and objectives of the SMP Update.

- Language is ambiguous regarding the use of LID;
- Where language is specific about what benefit may be gained for using LID, it is to be used as an incentive *permitting the removal of an additional 20% points of trees.* On a percentage basis, this clause actually allows 28% more tree clearing (70% reduced to 50% is a 28% reduction.)

There are only two specific references to LID in the entire document:

- 25.04.080 (2): Low Impact Development (LID) practices should be incorporated where site conditions are feasible in order to minimize impervious surface area and surface runoff in accordance with the Technical Guidance Manual for Puget Sound and the City's LID Ordinance (SMC 21A.85).[1],[2]
- 25.09.010 (2) (c) (iii): The applicant/property owner earns at least fourteen (14) low impact development incentive points by implementing one or more of the LID techniques allowed in SMC 21A.85.040.[3]

There is a third item that for the knowledgeable infers LID but which is ambiguous at best:

- 25-04-080 (3) Where geologic conditions are conducive to infiltration, the City encourages[4] infiltration systems for stormwater to mimic the natural infiltration

[1] A specific page number cannot be provided for the City Council because page numbers between the Draft SMP Update working document used by the Commission will likely not correspond with the copy presented to the Council for its approval. The citation referenced is on Pgs. 25-26 of the Draft SMP.
[2] **The original language began**, "…**LID techniques should be encouraged**…." The Commission voted to change the language to that cited above.
[3] The relevant portion to which this subsection pertains reads: "In addition to meeting the buffer requirements in 25.09.010(2)(b), seventy percent (70%) of the significant trees within the shoreline jurisdictions must be retained, provided that the Director may reduce this to 50% of significant trees if one or more of the following mitigation measures is implemented:"
[4] "Encourage(s)" is defined as: 1. to give hope of confidence to; 2. to urge; 3. to stimulate, to help to develop. *Oxford American Dictionary*. The change from "encourage" to "incorporate" (25.04.080 (2)) is significant: "incorporate" is defined as: 1. to include as a part. *Oxford American Dictionary*.

and groundwater interflow processes as long as the infiltration will not create or exacerbate slope instability or degrade water quality.[5]

The one specific description and its application of the benefit of LID (25.09.010 (2) (c) (iii)) is not in keeping with the actual intent and goals of LID.

2. LID promotes clean water and protects the eco-system, supporting SMP goals.

The objective and goals of SMP Updates as adopted by the State are clear and unambiguous. The goals of clean water and promoting healthy habitat are understandable and admirable social policy. LID is a mechanism that promotes clean water and protects the eco-system. Thus, this should be a critical element of SMP.

The State Department of Ecology, in an e-mail[6] dated October 17 (3:43pm) to the city, from David Radabaugh and CCd to five other ECY officials, writes: "My co-workers have noted the following [in the Whatcom County SMP]:"

23.90.09 A 2. Policies. Low impact and sustainable development practices such as rain gardens, and pervious surfacing methods including but not limited to, porous paving blocks, porous concrete and other similar materials, **should be incorporated** in developments where site conditions allow to maintain shoreline ecological functions and processes. Topographical modification, vegetation clearing, use of impervious surfaces and alteration to natural drainage or other features should be limited to the minimum necessary to accommodate approved uses and development. An engineering geologist should be consulted prior to using infiltration practices on shore bluffs. (Emphasis added.)

23.90.09 B. Regulations

Impervious surfacing for parking lot/space areas **shall** be minimized through the use of alternative surfaces where feasible, consistent with the May 2005 Low Impact Development Technical Guidance Manual for Puget Sound. (Emphasis added.)

Note the uses of "should be incorporated" and "shall" in the SMP cited by Ecology and compare this with the weaker, ambiguous language of our SMP Update.

3. A lot has changed in a short period of time about LID.

- The Pollution Control Hearings Board has ruled LID be standard practice for Phase 1 cities. It is only a matter of time before this is true of Phase 2 cities.
- King County is moving aggressively toward adopting more LID practices.
- Seattle is likewise moving aggressively toward adopting more LID practices.
- The Puget Sound Partnership on November 6 issued its *Draft 2020 Action Plan For Puget Sound* that recommends adoption of LID practices on an area-wide basis. LID is just one recommendation to achieve the goals to:

[5] This section should be reworded by the Council from "encourage" to effect a "should incorporate" principal.
[6] If the Council receives the Matrix of Comments prepared by Staff, the referenced e-mail was not included in the Matrix. The full e-mail was provided to the Commissioners in their information packets.

- "Protect the intact ecosystem processes…."
- [Avoid] problems before they occur [as] the best and most cost-effective approach to ecosystem health."
- Prevent water pollution at its source…before they reach our rivers, beaches and streams."[7]

4. Summary

It is for the reasons outlined above that I Dissented from the Commission Recommendation.

5. Request and Remedy

The following recommendations are made to improve and strengthen the SMP.

- Include an over-aching section that describes how the use of LID practices may benefit property owners as they seek to achieve their objectives for use and development of their property.
- Detail what LID practices are, how they may be used and the benefits from them.
- *Require* certain LID practices where site conditions are feasible.

[7] Introduction, Page 3.

CITY COUNCIL AGENDA BILL

Subject: 2009 Docket Requests

Meeting Date: January 6, 2009

Date Submitted: December 22, 2008

Originating Department: DCD

Clearances:

Action Required: Consider and take action on Resolutions for Glenn and Rizzo docket proposals

- ☒ **City Manager**
- ☐ **Police**
- ☐ **Public Works**
- ☐ **Fire**
- ☒ **Building/Planning**
- ☐ **Attorney**

Exhibits:

1. Proposed Resolution – Glenn, et al proposal
2. Map – Glenn, et al proposal

Budgeted Amount:

Summary Statement: Two resident-initiated docket proposals were submitted for 2009. Staff recommends that the Glenn, et al proposal be placed on the docket for review and decision in 2009 or 2010, consistent with adopted procedures and with appropriate fees.

Background: Consistent with SMC 24.25.070, the Community Development Department solicited suggestions from the general public and city departments for potential amendments to the Sammamish Comprehensive Plan for the 2009 amendment cycle in September, 2008. Two such proposals were submitted. Proponents and city staff briefed the City Council on December 9, 2008 on the proposals

Financial Impact: N/A

Recommended Motion: Approve Resolutions for Glenn and Rizzo docket proposals

CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO. R2009-__

A RESOLUTION OF THE CITY OF SAMMAMISH CITY COUNCIL PLACING THE GLENN COMPREHENSIVE PLAN AMENDMENT AND REZONE ON THE 2009 COMPREHENSIVE PLAN DOCKET

WHEREAS, Consistent with SMC 24.25.070, the Community Development Department solicited suggestions from the general public and city departments for potential amendments to the Sammamish Comprehensive Plan for the 2009 amendment cycle; and

WHEREAS, on September 30, 2006, Jeffery Glenn, on behalf of Sammamish Properties located at 22629 SE 29th Street in Sammamish submitted a complete comprehensive plan amendment application for a redesignation and rezone of property from R-4 to office; and

WHEREAS, the subject property is located adjacent to the Pine Lake Village subarea boundary;

WHEREAS, at that time the city staff recommended to the council that any redesignation and rezone would be appropriately accompanied by a subarea plan for the Pine Lake Village in a subsequent year; and

WHEREAS, the applicant updated his application on September 19, 2008 with the addition of adjoining properties located at 22611 SE 29th Street, 2924 224th Pl SE and 2932 224th Pl SE also requesting land use map re-designation and rezone from R-4 (single family residential) to Office or R-18 (multifamily residential); and

WHEREAS, the City Comprehensive Plan calls for a subarea plan to be completed for the Pine Lake Village commercial area;

WHEREAS, City staff reviewed the feasibility of processing the Glenn, et al docket proposal in conjunction with a Pine Lake Village subarea plan and determined that such a subarea plan was not anticipated as part of the existing 2009 Community Development work program; and

WHEREAS, the Glenn, et al proposed docket item was presented to the City Council at a study session on December 9th, 2009 and that the city staff described options for the City's consideration of the proposal including a) initiating a Pine Lake Village subarea plan, b) adding the proposal to the 2009 docket, and c) rejecting the proposed docket item; and

WHEREAS, the City Council desires to place the proposed comprehensive plan amendment on the City's Comprehensive Plan docket and instructs city staff to process the application.

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

Section 1. Docket Item. The Sammamish City Council places the proposed amendment on the City Comprehensive Plan City 2009 Docket for decision in 2009 or 2010, consistent with adopted procedures and with appropriate fees.

Section 2. Effective Date. This resolution is effective immediately upon adoption.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Resolution 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.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF JANUARY, 2009

CITY OF SAMMAMISH

_____
Mayor

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

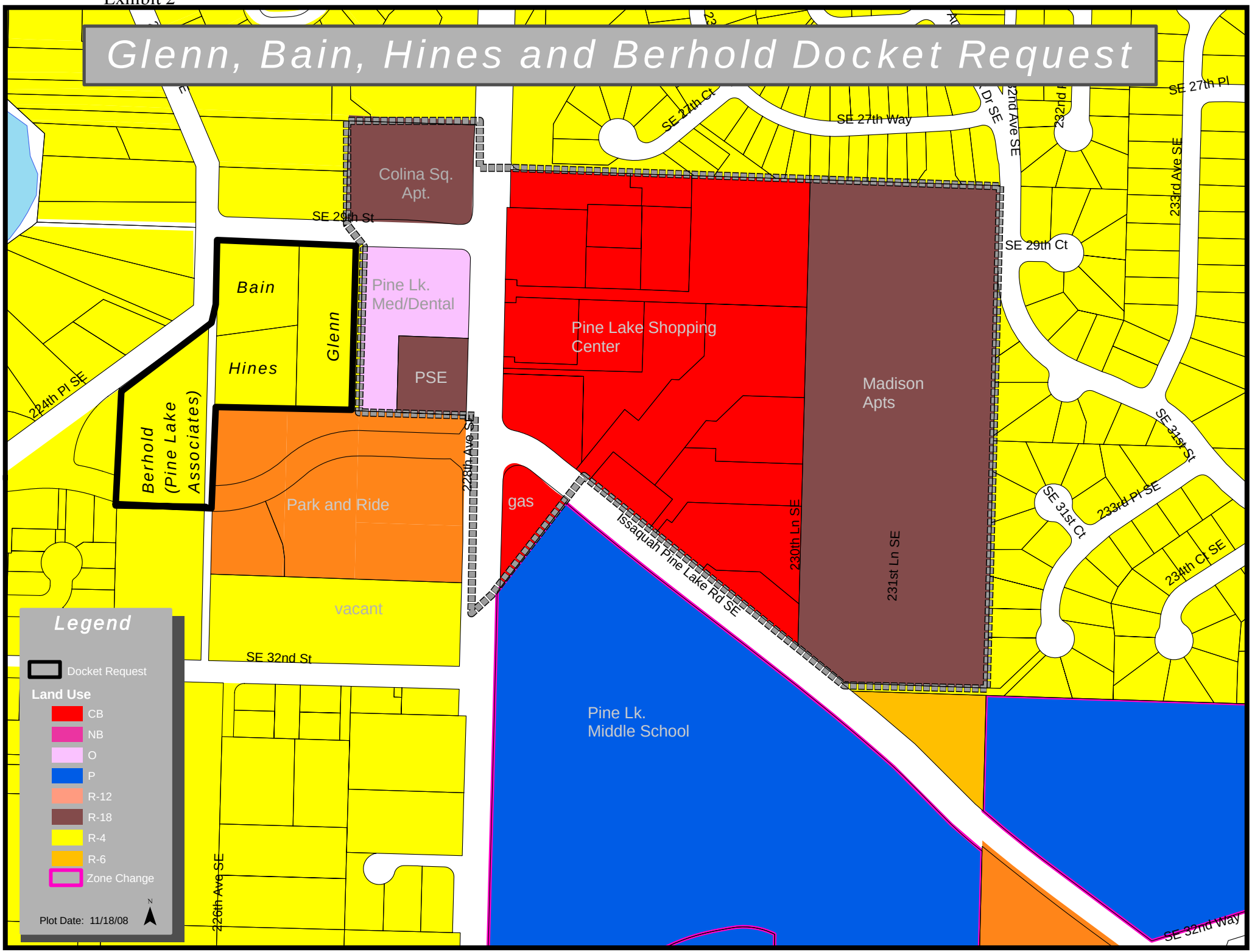
_____

Approved as to form:

_____
Bruce L. Disend, City Attorney

Filed with the City Clerk: December 20, 2008
Passed by the City Council:
Resolution Number

Exhibit 2


Glenn, Bain, Hines and Berhold Docket Request
Colina Sq. Apt.
SE 26th St
Bain
Glenn
Hines
Berhold (Pine Lake Associates)
Pine Lk. Med/Dental
PSE
Park and Ride
vacant
SE 32nd St
224th Pl SE
226th Ave SE
228th Ave SE
Pine Lake Shopping Center
gas
Issaquah Pine Lake Rd SE
230th Ln SE
231st Ln SE
Madison Apts
SE 27th Ct
SE 27th Way
SE 27th Pl
232nd Ave SE
233rd Ave SE
SE 29th Ct
SE 31st St
SE 31st Ct
233rd Pl SE
234th Ct SE
Pine Lk. Middle School
SE 32nd Way
Legend
Docket Request
Land Use
CB
NB
O
P
R-12
R-18
R-4
R-6
Zone Change
Plot Date: 11/18/08
N

CITY COUNCIL AGENDA BILL

Subject: 2009 Docket Requests

Meeting Date: January 6, 2009

Date Submitted: December 22, 2008

Originating Department: DCD

Clearances:

Action Required: Consider and take action on Resolutions for Glenn and Rizzo docket proposals

☒ **City Manager** ☐ **Police**

☐ **Public Works** ☐ **Fire**

☒ **Building/Planning** ☐ **Attorney**

Exhibits:

1. Proposed Resolution - Rizzo
2. King County Dispute Resolution Center flyer

Budgeted Amount:

Summary Statement: Two resident-initiated docket proposals were submitted for 2009. Staff recommends that the Glenn, et al proposal be placed on the docket for review and decision in 2009 or 2010, consistent with adopted procedures and with appropriate fees.

Background: Consistent with SMC 24.25.070, the Community Development Department solicited suggestions from the general public and city departments for potential amendments to the Sammamish Comprehensive Plan for the 2009 amendment cycle in September, 2008. Two such proposals were submitted. Proponents and city staff briefed the City Council on December 9, 2008 on the proposals

Financial Impact: N/A

Recommended Motion: Approve Resolutions for Glenn and Rizzo docket proposals

Exhibit 1

CITY OF SAMMAMISH
WASHINGTON
RESOLUTION NO. R2009-__

A RESOLUTION OF THE CITY OF SAMMAMISH CITY COUNCIL RELATED TO THE PROPOSED RIZZO 2009 COMPREHENSIVE PLAN DOCKET REQUEST

WHEREAS, Consistent with SMC 24.25.070, the Community Development Department solicited suggestions from the general public and city departments for potential amendments to the Sammamish Comprehensive Plan for the 2009 amendment cycle; and

WHEREAS, on September 30, 2008, Tom Rizzo of 19933 NE 42nd Street in Sammamish submitted a complete comprehensive plan amendment application for develop of new policies and regulations regarding view preservation/corridors for both private and public property; and

WHEREAS, the amendment would allow a property owner to maintain woodland landscape but not infringe on the views of surrounding properties through: a) a voluntary agreement, b) King County Dispute Resolution Center mediation and c) a city hearing examiner decision; and

WHEREAS, view preservation/corridor disputes are not currently regulated or resolved through the City, and are instead resolved through agreements between property owners; and

WHEREAS, City staff studied the feasibility of amending the comprehensive plan and determined that developing policy language for the preservation of views and view corridors was not anticipated as part of the existing 2009 Community Development work program; and

WHEREAS, the docketed item was presented to the city council at a study session on December 9th, 2009 with a staff recommendation that the City not assume this additional regulatory responsibility; and

WHEREAS, as an alternative to a view corridor ordinance and code enforcement, the City can refer citizens to the King County Dispute Resolution Center;

WHEREAS, the Sammamish City Council has determined that view preservation disputes should continue to be resolved between property owners rather than through City regulation, and therefore the proposed view amendment should not be placed on the City's Comprehensive Plan docket; and

WHEREAS, the King County Dispute Resolution Center provides trained mediators who act as neutral third parties to help people resolve disputes and is available to guide people through the process of resolving disputes and finding solutions.

Exhibit 1

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

Section 1. Docket Item. The Sammamish City Council declines to place the proposed amendment on the 2009 Comprehensive Plan Docket subject to the conditions set forth in Section 2 below.

Section 2. Recognize King County Dispute Resolution Center. The City Council recognizes that the King County Dispute Resolution Center provides trained mediators who act as neutral third parties to help people resolve disputes and is available to guide people through the process of resolving disputes and finding solutions.

Section 3. Effective Date. This resolution is effective immediately upon adoption.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Resolution, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Resolution 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.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE DAY OF JANUARY, 2009

CITY OF SAMMAMISH

_____

Mayor

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

_____

Approved as to form:

_____

Bruce L. Disend, City Attorney

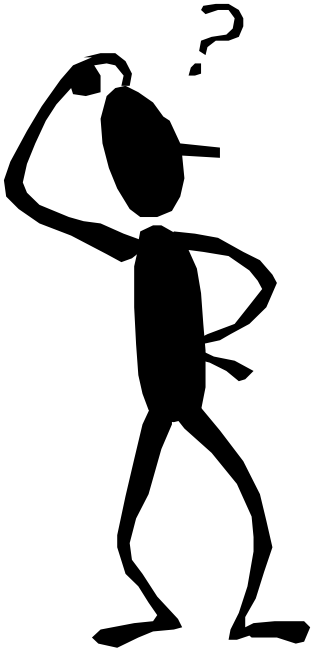
Filed with the City Clerk:
Passed by the City Council:
Resolution Number

Exhibit 2

Caught in a conflict?

FREE MEDIATION!

Volunteer mediators at the Dispute Resolution Center help thousands of people resolve conflicts every year.



- **Neighbors**
- **Landlord-Tenant**
- **Business**
- **Workplace**
- **Cross-Cultural**
- **Family, Divorce**
- **Small Claims**
- **Elder Care**
- **School**
- **Harassment**
- **Inter-Agency**

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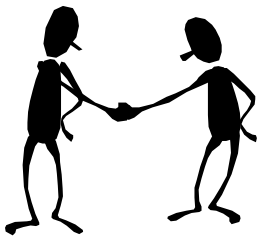
Problem-Solving ***Conciliation***

Mediation ***Facilitation***

Training ***Speakers Bureau***



DISPUTE RESOLUTION CENTER

A non-profit community organization serving people who live or work in King County.

Tel: 206-443-9603 or toll-free 888-803-4696. Info: www.kcdrc.org