May 12, 2009

Sammamish Council

Dear Council Members:

The Sammamish Homeowners met this Saturday to review the Options Table and agree the options that best represent our recommendations for the next draft version of the SMP. We have circled and highlighted these options on the attached document as input to Council for your consideration.

Additionally, we have noted that a few topics were not included in the table and respectfully request you also discuss potential changes to these topics for the next draft as follows:

- Public Access – do not require public access to be provided on private property
- Dock length for Pine/Beaver – should be the same as Lake Sammamish
- Eliminate the restriction on subdivision for lots designated Urban Conservancy
- Other changes to the definitions as suggested by the public (provided on the last page of the attachment)

Thank you for your commitment to achieving a high degree of public input throughout this process and for considering these recommendations.

Sincerely,

Sammamish Homeowners
CR-371
Sammamish HomeOwners Comment – Modified Draft
Submitted May 12, 2009

Previously printed in full for Council Members
Available in full on the SMP webpage
Comment and Feedback, Set X

Summarized in:

PLANNING COMMISSION RECOMMENDED DRAFT
COMMENT MATRIX
CITY OF SAMMAMISH SHORELINE MASTER PROGRAM UPDATE
From: Mike Collins  
Sent: Tue 5/12/2009 11:09 PM  
To: Jack Barry; Mark Cross; Lee Fellinge; Don Gerend; Kathy Huckabay; Michele Petitti; Nancy Whitten  
Subject: I apologize for the unreadable sheet

Council Member,

I apologize for the unreadable sheet I gave you at the Study Session Tuesday night. I did my proof reading on the computer and only printed it at the last minute.

Thanks for your work! - Mike Collins

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Equal Protection Proportional Responsibility

Drainage Basin run off is an issue often titled Imperious Surface. As human activity changes the run off patterns, the likelihood of negative impacts to the environment, increase dramatically. These negative impacts threaten species.

The natural cycle, for drainage basin run off, used the entire drainage basin surface area to allow biological and mechanical processes to decompose and recycle All products.

Human activity has reduced the permeable surface area and changed the composition of drainage. The composition of the drainage is now more man made vs exclusively natural biological organics and dirt. The man made changes are primarily the by products of transportation including petrol chemicals. Reducing the permeable surface area concentrates these products to dangerous levels. Their interactions produce unpredictable out comes often several cascades removed from the original contamination.

The goal must be to emulate natural Drainage Basin processes. 
Maximize permeable surface area 
reverse the concentration trend by requiring that All development 
provide on site storage and infiltration 
minimize the use secondary collection and storage

The soils of each site determine it's ability to support impervious surfaces.

Sending surface water down stream only transfers and increases the real costs to others.

Increasing the basin's run off and then penalizing the shoreline residents for it can not solve the problem!

Eric LaFrance is very good reference for improving how the City governs runoff. He stated that "Infiltration is the solution to Drainage Basin Runoff" at our discussion table. I agree.

I support the logical reduction of all impervious surface allowances in all zones (classifications) in the entire basin (Bellevue, Redmond, Issaquah and Sammamish) by 1% per year, for the next five years. I further support a binding inter-local agreement between Bellevue, Redmond, Sammamish and Issaquah that the higher 3 in each zone will reduce impervious surface allowances in those zones by an additional 1% per year (2% total) until all four cities match the lowest impervious restrictions zone by zone. I do not support further separating functional zones (ie commercial) as function is the critical separating factor.

Recommendations: 
favor up and down development (stacked square footage, over single layer square footage) higher buildings reduce the pressure on surface area.
favor redevelopment 
favor development over parking (park & rides, shopping centers, mega churches, schools) 
favor development over streets (reduces drainage volume, the mixing of water and pollution)
require living roofs on all large (especially Public) structures

Hence I recommend striking impervious surfaces from the SMP and referring to an improved building and zoning code as the controlling document for impervious surfaces. This is the only sensible way to truly address Drainage Basin Runoff.

Thank You for your work and consideration - Mike Collins

Equal Protection Proportional Responsibility
Hi Maren:

I think I finally have all the information you want in regards to our Community Beach. If there is anything else you need please e-mail me and I will try and get it to you as soon as possible.

As you can see the beach is used for swimming, picnicking and the occasional row boat/inflatable raft launchings.

Regards,

[Signature]

Don Barrett
CR – 373a
Photographs and parcel information regarding
Community beach on Lake Sammamish
Assembled and submitted by
Don Barrett

This information is filed with the SMP documents
at City Hall and is available for review on request.
It has been included in the
Community Beaches Summary of Known Descriptions and Proposed Amendments:
June 6, 2009

CITY OF SAMMAMISH SHORELINE MASTER PROGRAM UPDATE
Option Table Item 14

When selecting options for inclusion in the next draft, I urge the Council to keep option #2 from the dialog table. This option considers alternatives for OHWM on Lake Sammamish.

The problems with the Planning Commission statement that the minimum OHWM be 28.18 feet are as follows:

1. Requiring 28.18 as the minimum excludes residents from using the biological method described by state law and documented by the definition for OHWM in the SMP draft.
2. The source of the value 28.18 is not documented. Stating that this value will be accepted by the Department of Ecology (DOE) is not a reason to select this number. DOE does not have the authority to assign an elevation to OHWM for any lake in the state.

The reasons that Sammamish should select 27.0 feet as OHWM are as follows:

1. The Army Corps of Engineers (COE) uses 27.0 as Ordinary High Water. This number is determined from data collected by a gauge on the west side of Lake Sammamish. The documentation of this number is provided by a memo dated 19 March 1981 from COE; the memo is attached.
2. Most existing residences on Lake Sammamish were built according to setbacks measured from a OHWM of 27.0. Resetting OHWM to a higher value will make these existing residences non-conforming. You may be asking how 14 inches could make existing residences non-conforming. The 14 inches of elevation translates into many horizontal feet depending on the slope of the beach. On my lot the difference is about 5 feet. On lots with more gradual beaches, the difference could be as much as 10 – 15 feet.

Personally, I have analyzed 10 years worth of data taken from the gauge on the west side of Lake Sammamish. The data were collected by King County and provided in a spreadsheet. The results for the two OHWM numbers are as follows:

1. Water level was above 28.18 feet 3.4% of the days
2. Water level was above 27.0 feet 27.9% of the days

The biological method excluded by the current SMP draft, attempts to determine OHWM by establishing where land and water plants can survive. It is difficult to believe that plants dependent on being in the water can survive when they are submerged less than 4% of the time. I can testify that the bullrush on my beach does not exist above 27 feet.

Thank you for listening to me again tonight and for all of your personal time attending the open council sessions.
ORDINARY HIGH WATER DATUM FOR WATERS IN THE SEATTLE DISTRICT
19 March 1981

<table>
<thead>
<tr>
<th>Waterway</th>
<th>Ordinary High Water (OHW) in feet</th>
<th>Datum</th>
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<tbody>
<tr>
<td>Lakes:</td>
<td></td>
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<tr>
<td>Capital Lake</td>
<td>14.5</td>
<td>MLLW</td>
</tr>
<tr>
<td>Coeur d’Alene Lake</td>
<td>2128.0</td>
<td>NGVD</td>
</tr>
<tr>
<td>Lake Chelan</td>
<td>1100.0</td>
<td>NGVD</td>
</tr>
<tr>
<td>Lake Pend Oreille</td>
<td>2062.5</td>
<td>NGVD^3</td>
</tr>
<tr>
<td>Lake Koocanusa</td>
<td>2459.0</td>
<td>NGVD</td>
</tr>
<tr>
<td>Lake Sammamish</td>
<td>27.0</td>
<td>NGVD^4</td>
</tr>
<tr>
<td>Lake Washington</td>
<td>21.8</td>
<td>C.O.E.^5</td>
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<tr>
<td>Flathead Lake</td>
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<td>NGVD</td>
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<tr>
<td>Columbia River:</td>
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<td>Priest Rapids Reservoir</td>
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<td>NGVD</td>
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<td>Priest Rapids Dam</td>
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<td></td>
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<tr>
<td>Wanapum Reservoir</td>
<td>571.5</td>
<td>NGVD</td>
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<tr>
<td>Wanapum Dam</td>
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<tr>
<td>Rock Island Reservoir</td>
<td>613.0</td>
<td>NGVD</td>
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<td>Rock Island Dam</td>
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<td>707.0</td>
<td>NGVD</td>
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<tr>
<td>Rocky Reach Dam</td>
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<tr>
<td>Wells Reservoir/Lake Pateros</td>
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<td>NGVD</td>
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<tr>
<td>Wells Dam</td>
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<tr>
<td>Rufus Woods Lake</td>
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<td>Chief Joseph Dam</td>
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<td>Box Canyon Dam</td>
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<td>Grand Coulee Dam</td>
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<tr>
<td>Lake Wallula</td>
<td>340.0</td>
<td>NGVD</td>
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</tbody>
</table>

Notes:

1 The OHW is the forebay elevation where applicable. In many cases this elevation will vary a considerable amount depending upon distance from dam and discharge of the upstream facility.
2 MLLW = mean lower low water; MLLW = 0.0' National Ocean Survey
3 NGVD = National Geodetic Vertical Datum of 1929; NGVD = 0.0' official datum for inland waters. Don't use Mean Sea Level (S.L.D.)
4 Gauge located along the pier located at the residence at 3400 West Lake Sammamish Parkway.
5 C.O.E. = Corps of Engineers Datum; C.O.E. = 0.0'; established on January 1, 1919
6 Changed in March 1981 from 946.0 as a result of raising pool level of Rufus Woods Lake
7 Top of spillway gates. The actual pool depends upon season of the year because of elevation constraints at Cusick, Washington and limit of 2' backwater at Albeni Falls in the Federal Power Commission license.
May 12, 2009

My name is Donald Barrett
2920 E Lk Sammamish Pkwy NE
Sammamish, WA 98074

Thank you for allowing us this time
As you begin the final discussions on the SMP, I would like to bring to your attention some facts that may influence your thoughts on the designations of Urban Conservancy to my property. I have furnished you with some printouts of certain pages from the July 24, 2008 Planning Commission pamphlet. The document is available on your web site.
You may notice that there are 100 parcels on Lake Sammamish (City of Sammamish) that are 1–4000 sq. feet in size. Of those, 38 have been built on.
My property is 37,000 sq. feet and under the new proposed Urban Conservancy designation, I would be allowed only one dwelling unit. I do not see the fairness in allowing lots 4,000 sq. feet or less to be built on yet I am to be precluded from the right to divide my property into lots of say 12,000 sq. feet and sell them for home builders to build on. The Urban Conservancy has, among other restrictions, the requirement that docks have to be 200 feet distanced from one another. As I have docks located on both of my property lines and I have a stream in the middle of the property, I would not be allowed to have a dock.
I would hope the ultimate result of Council's and Staff's work would be to allow me to divide the 344 feet (the property left after my Wife's Estate subdivision) into three lots so that I could sell off two and retain the one piece as my recreational lot with picnic tables and a dock for fishing plus a boat lift for a kayak.

My other hope is that the Council will see fit to have the properties along the lake that are now classed R-4 to be treated the same as all other R-4 properties within the City. This would include the regs regarding impervious surface, side yard setbacks and buffering.

Again, thank you for allowing us the opportunity to address the Council
City of Sammamish Shoreline Master Program Update

Planning Commission
July 24, 2008
Small Parcels on Lake Sammamish

• Examples of existing development
Small Lots on Lake Sammamish

<table>
<thead>
<tr>
<th>Parcel Size (SF)</th>
<th># of Parcels</th>
<th># of Developed Parcels</th>
<th>Developed Parcel Characteristics</th>
<th># of Unbuilt Parcels</th>
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<td>0 – 2000</td>
<td>39</td>
<td>5</td>
<td>Avg. 1st floor area (SF) 670</td>
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<td>2000 – 3000</td>
<td>24</td>
<td>10</td>
<td>Avg. # of Stories 693</td>
<td>2.000</td>
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<tr>
<td>3000 – 4000</td>
<td>37</td>
<td>23</td>
<td>Avg. Year Built 2.043</td>
<td>1982</td>
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<tr>
<td>All Parcels</td>
<td><strong>100</strong></td>
<td><strong>38</strong></td>
<td>Avg. 1st floor area (SF) 851</td>
<td>2.0</td>
</tr>
</tbody>
</table>
TO: Sammamish City Council
    Ben Yazici
    Kamron Gurol
    Maren Van Nostrand

FROM: Mary Jo Kahler
    21911 SE 20th St.
    Sammamish, WA 98075
    mkahler@msn.com

RE: Shoreline Management Plan/Washington Constitution Article I

While you have and will receive numerous suggestions regarding language and the rights that language guarantees to the citizens and the property owners who will ultimately be most affected by the decisions you will make, I think it is important to agree that we come to this process from a common starting point. I would suggest that point had its origins in the Washington Constitution, Article I which was ratified in 1889. It is the document that elected leaders take an oath to uphold even today. The Preamble to this Constitution clearly states the source of government’s power: “We, the people of the state of Washington, grateful to the Supreme Ruler of the Universe for our liberties, do ordain this constitution.”

Article I, Section 1 describes the source of political power: “All political power is inherent in the people, and governments drive their just powers from the consent of the governed, and are established to protect and maintain individual rights.”

Article I, Section 3 in stating personal rights reads, “No person shall be deprived of his life, liberty or property without due process of law.”
This language has historical precedent in that it can be found in almost identical fashion in the United States Constitution and at least twenty five other state constitutions. The State under the language of substantive due process must demonstrate a “compelling interest” on its part before it can arbitrarily impair a citizen’s “life, liberty or property.”

Finally, Article I, Section 16: Eminent Domain gives strong credence to citizens’ belief that private property cannot be arbitrarily taken for the sake of public use. This is a lengthy Section, but the language of this sentence, “Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such, without regard to any legislative assertion that the use is public.”, makes it clear to me that both the City and the property owners would be well served by all parties working toward common compromise.
<table>
<thead>
<tr>
<th>Comments</th>
<th>My Recommendation</th>
<th>PC Recommendation</th>
<th>SMP Reference</th>
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| Change to minimum lot width of 60 feet (60') only if thy (50') feet | Minimum lot width of sixty feet (60') | 25'090.030(3)(4) | 8 |
| Rejected the provision for demonstration, for the need to accommodate lake front properties. | Rejected the provision for demonstration, for the need to accommodate lake front properties. | 25'090.020(2)(e)(1) | 6 |

Public comment submission CR-377
SAMMAMISH CITY COUNCIL MEETING – 5/12/09 - TALKING POINTS

- **ALL NEW CODES AND ORDINANCES SHOULD BE SIMPLE, CONCISE AND EASY TO UNDERSTAND REGULATIONS.** THE AVERAGE HOMEOWNER SHOULD BE ABLE TO READ AND UNDERSTAND THE IMPACT THAT THESE CODES HAVE ON THEIR PROPERTY WITHOUT HAVING TO HIRE A CONSULTANT. AND NO CONSULTANT SHOULD EVER HAVE TO TELL THEIR CLIENT “I’VE READ AND UNDERSTAND WHAT THE CODE SECTION SAYS, BUT I HAVE NO IDEA HOW STAFF WILL INTERPRET THIS”. ELIMINATE SUBJECTIVITY WITHIN THE CODE AS MUCH AS POSSIBLE. LEAVING TOO MUCH “INTERPRETATION” TO CITY STAFF AND/OR CONSULTANTS IS BOUND TO CREATE INEQUALITIES OF APPLICATION AND ENFORCEMENT.

- SET OHWM FOR LAKE SAMMAMISH AT FIXED ELEVATION OF 27.00 FEET NGVD & ESTABLISH A DEFINITIVE OHWM ELEVATION FOR PINE & BEAVER LAKES.

- **ELIMINATE UNNECESSARY RESTRICTIONS ON WATERFRONT ACCESS (IE. 15% ACCESS AND ‘NO TOUCH’ BUFFERS).** THIS CREATES UNEQUAL RIGHTS FOR THE WATERFRONT HOMEOWNERS (OLD VS. NEW). WATERFRONT HOMEOWNERS INVEST MILLIONS OF DOLLARS INTO THEIR PROPERTIES AND MUCH OF THE VALUE LIES WITH THE WATERFRONT SETTING. TO ASSUME THAT THESE HOMEOWNERS WOULD WANT ONLY DESTROY THE VERY AMENITY THAT GIVES THEIR PROPERTY EXTRAORDINARY VALUE IS EXTREMELY INSULTING; AND TO ASSUME THAT ONLY THE CITY HAS THE KNOWLEDGE AND CONCERN TO “SAVE” THE ENVIRONMENT IS INCREDIBLY ARROGANT. MANY OF THE WATERFRONT HOMEOWNERS THAT WE WORK WITH ARE VERY SENSITIVE TO THE ENVIRONMENT AND WILL VOLUNTARILY AND AGGRESSIVELY TAKE CARE TO PROTECT THEIR INVESTMENT IN THE WATERFRONT ENVIRONMENT. OVER-REGULATION OFTEN LEADS TO WILLFUL DISOBEDIENCE AND SERIOUS ENFORCEMENT ISSUES AND ALWAYS CARRIES WITH IT UNINTENDED CONSEQUENCES. UNTENDED WATERFRONT WILL VERY QUICKLY BECOME OVERGROWN, UNSIGHTLY AND PERHAPS EVEN DETRIMENTAL TO SOME OF THE ENVIRONMENTAL QUALITIES THAT WE ARE STRIVING TO PROTECT.

- BECAUSE OF EXTREMELY AGGRESSIVE AND OVERLY SUBJECTIVE ENVIRONMENTAL RESTRICTIONS AND THE REQUIREMENT TO HOLD SOMEONE ACCOUNTABLE FOR THE ENVIRONMENTAL MITIGATION AND RESTORATION WORK, HOMEOWNERS ARE FINDING IT MORE AND MORE DIFFICULT TO OBTAIN THE REQUIRED BONDS.

- **WHILE THE GOAL OF “NO NET LOSS TO THE ECOLOGICAL FUNCTIONS” IS INDEED AN ADMIRABLE GOAL, I FEAR THAT IT IS IMPOSSIBLE TO ACHIEVE AND THAT IT GIVES STAFF YET ANOTHER SUBJECTIVE HAMMER TO RESTRICT THE HOMEOWNER’S RIGHTS TO THE USE AND ENJOYMENT OF THEIR PROPERTY AND ONCE AGAIN IS BOUND TO CREATE SIGNIFICANT INEQUALITIES BETWEEN CURRENT AND NEW HOMEOWNERS. CHANGE ALL INSTANCES OF THIS GOAL FROM MANDITORY LANGUAGE TO COOPERATIVE ENCOURAGEMENT.**
CR-379
Through
CR-458
Oral comments from Council Study Session
May 12, 2009

Summarized in:

PLANNING COMMISSION RECOMMENDED DRAFT
COMMENT MATRIX
CITY OF SAMMAMISH SHORELINE MASTER PROGRAM UPDATE
From:  Wed 5/13/2009 6:46 AM
To:  Maren Van Nostrand
Cc:  Kamuron Gurol; Don Gerend; Jack Barry; Mark Cross; Lee Fellinge; Kathy Huckabay; Michele Petitti; Nancy Whitten; boyerh@qwest.net; sammamishhomeoners@gmail.com
Subject: Comments on SMP for the record

Attached are my written comments, summarized orally at last night's working session.

Can you provide me with a copy of the Pine Lake water quality report that someone referenced during his statement last night? I was unable to locate it on the City's WWW site.

Thank you.

Gary S. Morishima
Cell:  (206) 963-5651

Attached are my written comments, summarized orally at last night's working session.

Can you provide me with a copy of the Pine Lake water quality report that someone referenced during his statement last night? I was unable to locate it on the City's WWW site.

Thank you.

Gary S. Morishima
Cell: (206) 963-5651

Hi Maren,

Please see below some of the thoughts that Brian Slettvet and I drafted last night. I would like to stay in contact with you on this topic as the SMP draft progresses toward the June deadline. My plan is to take the bullet points below and insert them into the current SMP draft to see how they best fit with the existing language.

Best regards,

Mike

Mike Shinn -
Beckes Homes, Inc.
Mercer Island, WA 98040

<http://www.beckeshomes.com/ >
Office - 206-236-0371
Fax - 206-236-1538
Cell - 206-940-3586

Community Beaches

Because of the unique needs of community beaches, the SMP shall give separate consideration for community beaches. Needs include:

* Allow for larger docks based on numbers using them.

* Community beaches with more than 10 "upland" homes/ lots shall be allowed a single "mooring" dock not to exceed 2000 square feet. If possible, it would be helpful to know how you arrived at 2,000 s.f. and how it compares with the current size of community beach docks.

* Community beaches with existing launches/ rails shall be allowed a single "launch" dock (floating or fixed) not to exceed 250 square feet.

* Community Beach docks shall be allowed the same percentages of annual over water maintenance as single family homes as dictated by the Army Corp of Engineers.

* Grandfather swimming areas as active use areas

* The sole purpose of community beaches is as an active use area. Special consideration of buffer areas should be in place to preserve the intended use of the land.

* Grandfather launch areas and allow for continued use and reasonable maintenance of ramps and rail facilities

Logic

Community beaches serve a greater purpose for providing access to a larger population of people but in a substantially smaller footprint.

* Community beaches provide for greater access for the community with less environmental impact vs. single family use. For example, 100 lots can share the same waterfront as six separate single family residences. Ex.
Waverly Beach covers approximately 6 single family lots. If these lots were developed into SFR’s the over water impact of six individual docks, lifts etc. would be much greater than our single dock that falls under the 2000sf which we have proposed above.

* Community beaches are solely intended as a recreational active use area. Placing unnecessary restrictions on these properties limits or completely denies the intended use of the land.

* Relieve pressure on public infrastructure, i.e. State parks, Idlewood park, etc. by providing greater access for its residents

The facilities within these areas must be able to safely support the population and density of use. Although private property, regulations for community beaches should be more consistent with those governing public facilities such as parks that are designated as active use areas.

Larger docks are required in order to support the concentrated and heavy daily use and moorage of a community and its boats.

Launch docks are required to ensure families have a safe method of launching their watercraft.
Hi Maren,

Thanks for working with us on this. After seeing the option to treat community beaches more like public parks, I came away from last night’s meeting feeling much better. I think we are moving in the right direction.

However, before I commit to that, I’d like to see if you can provide Mike and I the city, county or state language regarding public parks. We’d like to review those SMP regulations to see if they actually do make more sense.

Can you send to us?

Thanks,

Brian
SHORELINE MANAGEMENT PROGRAM UPDATES - LAKE SAMMAMISH The Cities of Bellevue, Issaquah and Sammamish are in the process of updating their Shoreline Management Programs (SMP). In 1972 the State’s Shoreline Management Act was passed by referendum to “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.” It was an attempt to protect the environmental benefits of our rivers, lakes and saltwaters for all citizens - see http://www.ecy.wa.gov/programs/sea/sma/ (Note the City Council of Redmond adopted its Shoreline Master Program Update in August 2008.)

These regulations affect both the Lake’s health and how property owners use their shorelines. Therefore, it is important for us to let our City Councils know that we continue to want to keep Lake Sammamish fishable and swimmable for this and future generations.

Save Lake Sammamish recommends the following points be made to the Councils:

1) Adopt strong standards for vegetated buffers and building set backs:
   a) vegetated buffers control runoff into the Lake by capturing chemicals, pollutants and sediment. Grass cannot do that!
   b) the view you save could be your own - a neighbor’s remodel waterward could block your view and decrease your property value

2) Limit percentage of impervious surface on Lake Sammamish to:
   - 30% Urban Conservancy, 40% Shoreline Residential 30% lots less than 3,000 SF in size
     a) lot line to lot line neighbor houses diminish your privacy and property enjoyment
     b) runoff with pollutants goes directly into the Lake - no room for filtration
     c) keeps houses in proportion with neighborhood

3) Encourage bulkhead removal - currently bulkheads may be constructed to protect a legally permitted structure only from imminent danger. This has been poorly enforced.
   a) bulkheads destroy gradual beaches damaging shallow water areas with vegetation essential for the survival of salmon fry
   b) wave action against bulkheads churns up sediment
   c) water displaced by your neighbor’s bulkhead could damage your property (concrete bathtub effect)

4) Retain 80% of significant trees within shoreline buffer (non hazard trees) 15% or 200 SF buffer area allowed for access or active use, remainder vegetated Retain 70% trees in shoreline jurisdiction
   a) large trees frame views of the Lake
   b) provide habitat for bald eagles, osprey, herring, kingfishers and others
   c) intercept rainwater, hold shoreline in place, prevent erosion and produce oxygen
   d) provide shade in summer - you save electricity!

5) Mandate low impact development (LID) techniques
   a) insufficient room to filter runoff and pollution from built hardened surfaces along shoreline
   b) over time you will save resources and money
   c) maintain your property value on a clean, healthy Lake

6) Control dock size
   a) little room is left for swimming when docks are too close together
   b) numerous docks destroy salmonid habitat

Thank you for taking the time to get involved at the following sessions!
- May 21, 2009 at 6:30pm Bellevue City Hall - Open House

- May 29, 2009 The Draft SMP Update for the City of Sammamish is scheduled to be released on June 2, 2009 at 6:30pm Sammamish City Hall - Council Public Hearing #2 http://www.ci.sammamish.wa.us

The City Council of Redmond adopted its Shoreline Master Program Update in August 2008 and have submitted it to Washington Department of Ecology for review and approval. Comments about this document may be submitted to DOE http://www.redmond.gov/intheworks/shorelineprogram/

Sammamish Stewardship Saturday

Last weekend’s Sammamish Stewardship Saturday was a huge success! Thank you everyone who came out to help us clean up the new Timberlake Park, which has the most intact forest along Lake Sammamish. Volunteers chopped down invasive laurel and holly trees, dug out blackberry, and pulled ivy—enough to fill over 15 trucks! Make sure to check out this new City of Issaquah park, located just west of Lake Sammamish State Park.

Ruth Kees Passed Away

It is with great sadness we announce that Ruth Kees suffered a broken hip on April 26 and passed away on May 7, 2009. She will long be remembered as Issaquah’s environmental guardian and the (Earth) Mother of Issaquah Environmental Council. She was instrumental in creating the Tiger Mountain Natural Resource Conservation Area and led or participated in many efforts to protect Issaquah’s aquifer, maintain an effective creek and wetland system, and preserve our green spaces.

The public is invited to celebrate and remember the environmental legacy of Ruth Kees. Although she died on May 7, 2009 at age 85, we and future generations will continue to benefit from her years of community activism and support of sustainable practices to preserve our natural resources, especially when it concerned the local Lower Issaquah Valley water supply.

Ruth requested that there be no memorial service, so we have chosen to honor her with a shoreline work party along Kees Creek just off Front Street in south Issaquah. Six years ago, Ruth asked us to apply for a National Fish and Wildlife Foundation grant for enhancing Kees Creek, which we received to replace a culvert, clear invasive plants and install natives. It’s time now to revisit the creek to remove those invasives that have moved back in. Ruth would be delighted.

Please join us at SE 98th Pl on 238th Way SE (directions below) between 1:00 - 4:00pm on Sunday, May 31. Tools, gloves and refreshments will be available. RSVP appreciated but not required to bshelton27@comcast.net.

Directions: Take Front Street S to the south city limits. Turn left on 96th Ave SE, which is where the center turn lane ends. Follow the arterial as it curves right and becomes 238th Way SE. Turn left on 98th Pl SE and look for parking signs.

Frank Lill - Vice President
Save Lake Sammamish - and we all win!
Dear Debbie,

Thanks for sharing this news, I feel most encouraged now, hearing this, and knowing that they were not just paying us "lip service" (on a wet, rainy, worknight...). I have always had incredible respect for Don Gerend, and I do trust he will work with the council and the people of Sammamish to make a wise decision.

Sincerely,
Joan Turchin

--
Joan

Make a small loan, Make a big difference - Kiva.org
Council Members -

Members of our family have preceded us as residents on Pine Lake since 1940, and our own immediate family has been resident there since 1988. After attendance at last Tuesday night’s review of the options table, we wish to directly provide our own personal comments. Many of the following comments are far more complex than a short sentence or two would indicate, and we have edited them for brevity. We trust that the Council has heard enough on these issues that detailed discussion is no longer necessary. Where no comment is given, we defer to the Sammamish Homeowners Association’s proposals.

We respectfully submit the following comments, keyed to the options table:

1. Institute a separate section or appendix to deal exclusively with Pine and Beaver Lakes. There is no sensible comparison of the issues regarding lake Sammamish, and those of P&B lakes. They are obviously so different in terms of wildlife, home density, already existing shoreline development etc, that addressing them separately is required.

2. Where wording from the CAO or Sammamish Municipal Code has a direct impact on the SMP, that language should be written into the SMP, rather than included by reference. This to clarify the document, and make it understandable to the citizen.

10. Eliminate limitation of impervious surfaces. To our knowledge, there has been no evidence presented that current property owners have been irresponsible in over-surfacing their properties. It appears to us that this is a solution in search of a problem. Absent evidence to the contrary, this should be left to the discretion of the property owners. If the concern is someone building, for example, a 11,000 ft2 structure on a 12,000 ft2 lot, deal with that through the building codes, and include the entire watershed. (See Additional Comments, below, #7)

15 & 16. Existing Bulkheads should be “grandfathered in” and allowed to be rebuilt at the homeowners discretion, with the exception that rebuilding should be done with approved materials.

15 -19, 38, 49. The building of a new bulkhead should be at the homeowners discretion, absent a critical and compelling Sammamish City reason. A spurious claim that bulkheads, many of which have been in place for years, somehow harm the habitat, does not pass a sanity test. Any habitat harm is marginal at best, and is not sufficient to prohibit the use of bulkheads. This is especially true, given that it has been determined that water quality has improved in recent years in Pine and Beaver lakes. This appears to be a case of unwarranted property restrictions for marginal or non-existent problems.

18 – 22, 60. Eliminate buffers, and vegetation restrictions. There is concern among property owners that the requirement for buffers will prohibit an owner from landscaping their property down to the lake, or prevent them from cleaning up their property after a storm in the event, for example, that a fallen tree or tree limbs would be required to be left in the lake if it falls as the result of a storm. Landscaping and storm cleanup should be at the owners discretion. Some may choose to plant “native vegetation” or leave trees or limbs in their lakefront, and should be free to do so, but buffers and vegetation restrictions should not be mandated. There has been no evidence presented that current property owners have been irresponsible in maintaining the shoreline. On the contrary, as mentioned before, water quality has improved in recent years in Pine and Beaver lakes. This appears to be another case of unwarranted property restrictions for marginal or non-existent problems, and...
restricting the use of the property by mandate constitutes a “taking”.

25. Commit Sammamish Ecology Dept to communicate with property owners within the watershed to identify those fertilizers that are least harmful to the lakes. As a property owner, we already attempt to do this, but information is lacking. We know that we, and most likely others, would be happy to use recommended fertilizers.

26-33, 46. Set a maximum dock length for P & B lakes, and allow a dock for any existing property. The idea that our dock should be restricted to the average of the two docks on either side strains credulity. Why should we be penalized and restricted to, for example, a 75’ dock, while our neighbor is allowed a 100’ dock? Additionally, on Pine Lake, many lots were platted for 50’ of waterfront. A limitation of one dock every 200’ means that only 1 in 4 homeowners would be allowed a dock, which is an unworkable result. Finally, a dock allowed to reach a depth of 8’ would, in the case of the extreme Southeast and Northwest ends of Pine Lake, result in docks of 3 - 400’ while a dock on the North Side of the lake would be limited to about 4’, a clearly absurd, and assuredly unintended result.

37, 39. Existing home “footprints” should be “grandfathered in”, and re-building or remodeling should be allowed as long as the original footprint is not changed. This should be allowed in perpetuity. In the event of a fire, natural disaster, or any other event that results in a catastrophic loss, an insurance company is likely to pay for reconstruction of the former home, but not its relocation. This would place an intolerable financial cost on the homeowner and likely would constitute a “taking” by the city. This could be eliminated as a concern if the City, if it is truly believed that this restriction is critical, committed to making up the difference in cost to the homeowner for compliance, after insurance proceeds are exhausted.

42, 43. Assure that the cost of transition to sewer systems are paid for over time by increased sewer rates, and not by large up-front costs. Transition to sewer systems may be desirable, but up-front costs of many thousands of dollars would be unbearable for many homeowners.

45 (See also 26-33, above). Joint use of docks by adjoining properties should be encouraged, but not mandated. Where neighbors are friendly and cordial, shared facilities will work. However, as we all well know, if the opposite situation occurs, shared property, whether it be a dock or a driveway, is untenable.

51. Add phrase to “Conservation means…” words to the effect: “...without destroying or impinging on the rights of property owners under the US and Washington State Constitutions”

Additional Comments:

1. It should be apparent to the Council, that the residents of Sammamish, particularly those that are waterfront property owners, are highly dissatisfied with this SMP as written in the draft of Nov 2008. We believe the Council should seriously consider eliminating the draft as written, and replacing it with a SMP written by a group of 3 -5 affected waterfront owners.

2. Where the various advisors to the City Council (Staff, State DOE, consultants, etc) are at odds with the waterfront owners, the city’s residents / waterfront owners wishes should take precedence.

3. The council should be vigilant in separating those parts of an SMP that are truly critical, from those that are marginal or unnecessary, and support only those that are truly critical. Err on the side of no regulation, and the wishes of the Sammamish waterfront property owners.
4. Subsequent to the adoption of an SMP, appoint a group of volunteer waterfront owners to monitor, add, delete, or modify the SMP as experience is gained in its implementation, and to propose variances to the City Council.

5. Somewhere in the document, specifically note that any property owner who is adversely affected by the SMP, such that their property values are materially reduced, is rightfully due for compensation by the City.

6. Coordinate the SMP and collaborate with Bellevue, Redmond, and Issaquah, all of which have jurisdiction over some portion of Lake Sammamish.

7. Include the entire watershed in the SMP. The total care of the Lakes include all property in the watershed, not simply that of the waterfront owners. New development and paving on the rim of the bowls wherein lie the lakes, have a larger area and have more of an effect than anything that can be done by the waterfront owners.

Sincerely,

Dale & Susan Williams
2724 222nd Ave SE
Sammamish WA 98075
425-392-8668
Hi Becky,

I have been informed that the document you have been given is an older document. SHO will be submitting a slightly different version Tuesday (dated 5-18-09). Please consider waiting for a day to post so that there is only one version on your site. Further please consider posting the clean version as that is the direct comparison to the planning commission draft. I assume that will be the format for the City Council Draft also. It would be good to be consistent?

We have no problem supplying a markup draft to any one, but for most purposes the clean draft is the one that the general public should have (perhaps with the option to go to another link for the markups of all the versions?)

We were trying to get this to many at one time. Sorry that did not work as well as we hoped. Dwight will be following up his Monday telephone messages with Ben to explain the whys and wherefores.

I am available to you if you should have any questions. Our goal is to have this process move forward. So we choose to show our cards (thoughts and feelings). We hope the questions we have been asking for several months may come in return.

Thanks for all your work! - Mike
Good Evening,

I would like to talk for a few minutes about the Edit to the Planning Commission Draft that was delivered to you tonight. This document is the result of much thought, research, and the input of many.

To start with I would like to honor the work of the Planning Commission and the Consultants. It is their Draft that we have used as a basis of our Citizens Proposed Draft. Some, even on this council, have expressed doubt as to whether that Draft should or could be used as the foundational document for the new SMP. I have stated in the past that the first Draft was riddled with bias against reasonable uses and that it was not clearly written. But I would like to say right now, it is much easier to be critical than it is to be constructive; and a task may look easy, until you try it yourself.

Editing this Draft was anything but easy. I cannot begin to count the hours involved. Many individual have contributed to this Draft. The Sammamish Home Owners (SHO) Group has held 25 open community meetings to discuss and gather input from Citizens. There has been a cumulative attendance of over 450 at those meetings. We have reached out to primary stakeholders, those who own property in the Shoreline Jurisdiction. In addition we have looked for every opportunity to discuss these issues with Staff and Council members. We are looking for solutions, not to force our ideas on others. We have researched RCWs, WACs, and neighboring jurisdictions regulations. We funneled all of that input and information into amendments, policy statements, and executive summaries. Previously, we presented those for your consideration.

Finally we reviewed the Planning Commission Draft line by line, and incorporated our best understanding of the requirements for preserving ecological function and allowing property owners the rights to use and enjoy their properties. I hope that you will find this document very valuable as you work toward the goal of a fair and effective Sammamish Shoreline Program.

Thank you for your consideration,

Dwight K. Martin
5101 E Lk Sammamish Parkway NE
Sammamish WA 98074

[Received & Regular Proof.]
May 19, 2009
Public Comment
CR-466a
Sammamish HomeOwners Comment – Modified Draft
Submitted May 19, 2009

Previously printed in full for Council Members
Available in full on the SMP webpage
See Comment and Feedback, Set X
CR-371

Summarized in:

PLANNING COMMISSION RECOMMENDED DRAFT
COMMENT MATRIX
CITY OF SAMMAMISH SHORELINE MASTER PROGRAM UPDATE
Sammamish Homeowners (SHO) Shoreline Master Program (SMP) Draft

Purpose: Create an SMP draft based on the Planning Commission draft that meets Washington state requirements and addresses lakeside owner concerns

Method: SHO created the draft as follows:
1. Started with Word version of Planning Commission (PC) November 2008 draft
2. Accepted all changes proposed in the PC draft; left change tracking enabled
3. Moved text from CAO to draft SMP, substituting shoreline zone and shoreline enhancement area for shoreline buffer
4. Rewrote non-conforming section
5. Added bulkhead alternatives to shoreline stabilization section
6. Clarified Docks, Piers, ... section
7. Removed zoning requirements on shoreline property that exist elsewhere in the Sammamish Municipal Code (SMC)
   - Low impact development (LID)
   - Impervious surface
   - Interior setbacks
8. Made general corrections for clarity, including correcting grammar and spelling mistakes

The table below provides more details on the proposed changes. The SHO Word document shows all changes made to the PC draft together with many comments explaining the reasoning behind the changes.

<table>
<thead>
<tr>
<th>ISSUES</th>
<th>PC DRAFT SMP</th>
<th>RECOMMENDED SMP</th>
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<tbody>
<tr>
<td>Definitions</td>
<td>25.02.010</td>
<td>Remove definitions not used within the SMP</td>
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<tr>
<td></td>
<td></td>
<td>Bulkhead. Bulkhead means a wall or other solid structure erected at or below Ordinary High Water Mark (OHWM) and roughly parallel to the shoreline that protects land from wave action.</td>
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<td>Bulkhead Alternative. Bulkhead alternative means a measure to achieve shoreline stabilization other than a wall of solid structure, erected at or above OHWM. Bulkhead alternatives provide for beach restoration and protection of property during storms, and may include consist of large rocks integrated with vegetation or revetments.</td>
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<td>• Clearing. Clearing means the cutting or removal of vegetation or other organic plant matter by physical, mechanical, chemical, or any other means.</td>
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<td>• Conservation. Conservation means careful, prudent, and planned management of a natural resource to prevent exploitation, destruction, or neglect in a manner that adversely affects ecological or shoreline functions.</td>
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<td>• Feasible. Feasible means that a development proposal: Can be accomplished at reasonable cost</td>
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<td>• Footprint. Footprint is the two-dimensional outline of a structure where it intersects the ground.</td>
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<td>• Hard Structural Shoreline Stabilization. Also referred to as “shoreline armoring”. Hard Structural Shoreline Stabilization refers to the use of a solid, essentially vertical wall constructed of concrete, wood, or other continuous material to resist current and reflect wave energy and thereby prevent erosion at the water’s edge. See “Bulkhead”. Distinguished from “Bulkhead alternatives”.</td>
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<td>• Height. When height refers to a structure, 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.</td>
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<td>• New. New means created or implemented after the effective date of the SMP as provided in SMC 25.01.070.</td>
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<td>• Personal Watercraft Lift. A Personal Watercraft Lift is a structure used for the dry berthing of Personal Watercraft above the water level and lowering of the Personal Watercraft into the water periodically. A Personal Watercraft Lift is generally a manufactured unit without a canopy cover and may be attached to a dock, placed in the water adjacent to a dock, or as a stand-alone structure.</td>
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<td>• Reasonable alternative. In determining what is a &quot;reasonable alternative&quot;</td>
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5/18/09

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<td>to a proposed development, alteration or activity, the department may consider</td>
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<td>the purpose, effectiveness, engineering feasibility, commercial availability</td>
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<td>of technology, best management practices, safety and cost of the alternative</td>
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<td>action or proposal. Reasonable alternatives are those that are capable of</td>
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<td>being carried out, taking into consideration the overall project purposes,</td>
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<td>needs and objectives.</td>
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<td>• Repair. Repair means to restore to a state comparable to the original</td>
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<td>condition after decay or partial destruction.</td>
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<td>• Replacement. Replacement means to rebuild using new materials.</td>
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<td>• Shoreline enhancement area. An area in which existing trees and native</td>
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<td>vegetation are preserved or native vegetation is restored. Up to 25 percent</td>
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<td>by area of preserved and/or restored vegetation can be comprised of noninvasive,</td>
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<td>nonnative vegetation. Restoration of native vegetation shall consist of a</td>
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<td>mixture of trees, shrubs and groundcover designed to improve habitat functions.</td>
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<td>• Shoreline zone. Shoreline zones are measured from OHWM except for projects</td>
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<td>affected by a new approved Habitat Restoration Project that will alter the</td>
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<td>shoreline. In this situation, the shoreline zone will be measured from the</td>
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<td>OHWM location in place prior to implementation of the restoration project.</td>
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<td>• Substantial development. Substantial development is defined by RCW 90.58.030</td>
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<td>(3)(e).</td>
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| Impervious Surface | 40% Shoreline Residential  | Make consistent with rest of municipal code (21A.25.030), which is 55% for     |
|                   | 30% Urban Conservancy      | lots zoned R-4                                                                 |

<p>| Buffers           | 25.08.010 (2)             | • Move text from CAO to SMP                                                   |
|                   |                           | • Replace buffer with Shoreline Zone and Shoreline Enhancement Area           |
|                   |                           | • Shoreline Zone for all lakes = 45 feet                                     |
|                   |                           | • Shoreline Zone can be reduced to a minimum of 15 feet for Lake Sammamish as |
|                   |                           | follows:                                                                      |
|                   |                           |   o First mitigation step must be to plant the Shoreline Enhancement       |</p>
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<td>Area = 10 foot reduction</td>
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<td>o Bulkhead Alternatives may be used to achieve 15 foot reduction for</td>
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<td>removing a bulkhead and restoration of the shoreline</td>
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<td>o Restoration waterward of a bulkhead = 10 feet</td>
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<td>o 5 feet for: native vegetation preservation in nearshore area,</td>
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<td>shoreline vegetation management plan, and/or limiting lawn to 20T</td>
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<td>• Shoreline Enhancement Area</td>
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<td>o Pine/Beaver = 5 feet</td>
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<td>o Lake Sammamish = 15 feet</td>
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<td></td>
<td>• Exclude primary residence from Shoreline Zone and Building Setback</td>
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<td>Non-conforming</td>
<td>• Difficult to understand the limits based on current language see PC Draft</td>
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<td>Structures</td>
<td>SMC 25.10.100 pp 75-78</td>
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<td>• CAO non-conforming use specifically exempt from SMP (p. 4)?</td>
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<td>• Exclude primary residence from Shoreline Zone and Building Setback</td>
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<td>• Add definition of footprint to Definitions section</td>
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<td>• Allow complete reconstruction if primary residence is involuntarily</td>
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<td>damaged or destroyed</td>
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<td>• Allow reconstruction of other structures which are involuntarily damaged</td>
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<td>if damage is less than 75% of the replacement cost of the original structure.</td>
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<td>• Allow expansion of a primary residence no further waterward and within</td>
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<td>the interior setbacks</td>
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<td>• Require permit application for reconstruction within 18 months of the</td>
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<td>damage and construction be completed within two years of permit issuance.</td>
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<td>• Allow this period to be extended by one additional year.</td>
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<td>Interior Setbacks / Views</td>
<td>• 15% width of property (p. 49)</td>
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<td></td>
<td>• No structures within interior setback (p. 49)</td>
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<td>• Fence height limits within interior setback and shoreline buffer (p. 49)</td>
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<td>• Make consistent with rest of municipal code, (SMC 21A.25.030), which is</td>
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<td>a 7 foot setback which can be reduced to 5 feet if nearest existing building is</td>
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<td>at least 10 feet away</td>
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<td>• Retain same list of allowable structures from current Development Code</td>
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<td>(SMC 21A.25.190)</td>
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<td>ISSUES</td>
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</table>
| **Docks, Piers, Floats, Boat Lifts, and Mooring Buoys**               | • “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” (p. 42)  
  - Limited number of overwater structures (p. 42)  
  - Repair and reconstruction (pp. 43 – 44)                                            | • Allow one dock per lot  
  • Do not restrict the number of lifts, or allow at least 2 boat and 2 PWC lifts per lot  
  • Retain current SMP maximum over water surface area  
    - Single-family residential docks maximum = 600 s.f.  
    - Joint use docks maximum = 850 s.f.  
    - Shared use lots maximum = 2,000 s.f.  
  • Allow dock length to 8 ft. depth at ordinary low water mark (swimming/diving safety, prop wash, etc.)  
  • Allow dock maintenance and repair without specifying materials unless replacing more than 30% of surface material or performing in water construction |
| **OHWM Definition – Lake Sammamish**                                 | • OHWM shall be based on a minimum of 28.18 feet NGVD29 (p. 34)                                                                                                                                   | • 27.0 feet should be OHWM to be consistent with COE.  
  • SMP applies 200 feet landward of OHWM; thus, setting a higher OHWM means that the near shore is not protected by the SMP. |
| **Public Access**                                                     | • 25.08.010(3)                                                                                                                                                                                             | • Remove all requirements on private development for public access |
| **Bulkheads and Shoreline Stabilization**                            | • Bulkhead definition is within 10 feet landward of OHWM (p. 8), which differs from CAO  
  • Bulkhead replacement severely restricted  
  • Specific materials for shoreline stabilization are listed in the SMP  
  • Statements about shoreline stabilization state "The |
|                                                                       | • Define bulkhead as at or below OHWM.  
  • Allow repair of shoreline stabilization structures  
  • Define Bulkhead Alternative: consist of large rocks integrated with vegetation or revetments erected at or above OHWM to provide for beach restoration and protection of property during storms  
  • Allow bulkhead alternative as another option for homeowners to prevent erosion and protect structures  
  • Do not require CUP or SSDP  
  • Incorporate alternatives defined by Army COE and WDFW |
<table>
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<td></td>
<td>replacement shall require a shoreline substantial development permit.&quot; (p.</td>
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<td>47)</td>
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<tr>
<td>Subdivision</td>
<td>• Subdivision prohibited within Urban Conservancy (p. 50)</td>
<td>• Reduce minimum lot width to 50 ft.</td>
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<tr>
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<td>• Restricted to minimum lot size of 12,500 feet and minimum width of 80 feet</td>
<td>• Retain minimum lot size of 12,500 ft.</td>
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<td>(p. 50)</td>
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