City of Sammamish
Shoreline Master Program Update

CITY COUNCIL REVIEW DRAFT
August 7, 2009

Revised by
Sammamish Homeowners (SHO)
September 1, 2009

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

Department of Ecology Grant #G0600310

City of Sammamish
Washington

September 8, 2009
# TABLE OF CONTENTS

Chapter 25.01 Introduction ............................................................................. 3
  25.01.010 Purpose and Intent ................................................................. 3
  25.01.020 Title ..................................................................................... 4
  25.01.030 Applicability ........................................................................ 4
  25.01.040 Authority ............................................................................. 5
  25.01.050 Governing Principles ............................................................. 5
  25.01.060 Relationship to Plans, Policies and Regulations ....................... 6
  25.01.070 Critical Areas Regulations .................................................... 6
  25.01.080 Effective Date ..................................................................... 6
  25.01.090 Severability ..................................................................... 7

Chapter 25.02 Definitions ........................................................................... 8
  25.02.010 Definitions ....................................................................... 8

Chapter 25.03 Master Program Element Goals ........................................... 18
  25.03.010 Archaeological, Historical and Cultural Resources Goals ............ 18
  25.03.020 Conservation Goals ............................................................. 18
  25.03.030 Public Access Goals ............................................................ 19
  25.03.040 Public Recreation Goals ....................................................... 19
  25.03.050 Shoreline Use Goals ............................................................ 20
  25.03.060 Shoreline Restoration and Enhancement Goals ....................... 20
  25.03.070 Transportation and Public Facility Goals ............................... 21

Chapter 25.04 Shoreline Management Policies ......................................... 22
  25.04.010 General Policies ............................................................... 22
  25.04.020 Shoreline Modification Policies ............................................ 27
  25.04.030 Residential Use Policies ...................................................... 29
  25.04.040 Recreational Use Policies .................................................... 29
  25.04.050 Transportation Use Policies .................................................. 30
  25.04.060 Utility Use Policies ............................................................. 30

Chapter 25.05 Jurisdiction and Environment Designations ....................... 32
  25.05.010 Shoreline Jurisdiction ............................................................ 32
  25.05.020 Shoreline Environment Designations ....................................... 32
  25.05.030 Shorelines of Statewide Significance – Lake Sammamish ............ 34
Chapter 25.01 Introduction

The Sammamish Shoreline Master Program (SMP) update fulfills the requirements of the Washington State Shoreline Management Act (SMA) and associated Guidelines “to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.” The SMP balances local needs, interests and character with the general public’s interests in protecting key shoreline environments and important resources. The overarching goal is to protect and enhance the shoreline environment upon which the region’s economic, aesthetic and environmental values depend, meant to strike a balance among private ownership, public access, and public protection of the State’s shorelines.

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

The SMA Guidelines require that an SMP result in “no net loss” of shoreline ecological functions. This SMP accomplishes that requirement systematically through its goals, policies, and regulations noted above as well as providing restoration incentives to offset the cumulative impacts of new shoreline uses and developments over time. The SMP is an amendment to the Sammamish Comprehensive Plan and to associated development regulations in the Sammamish Municipal Code.

25.01.010 Purpose and Intent

The purposes of this Shoreline Master Program are:

1. To promote the health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development, use, and restoration of Sammamish’s shorelines; and

2. To manage shorelines in a positive, effective, balanced and equitable manner consistent with requirements established by the Shoreline Management Act (the Act) contained in the Revised Code of Washington (RCW) 90.58, and the State Shoreline Guidelines in Washington Administrative Code (WAC) 173-26.

3. To maintain the ecological functions of Sammamish’s shorelines.
The provisions of this Program shall not apply to lands held in trust by the United States for Indian Nations, tribes or individuals.

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

25.01.050 Governing Principles

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

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

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

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

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

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

(a) By including regulations and regulatory incentives designed to protect shoreline ecological functions, and restore impaired ecological functions where such functions have been identified; and

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

(c) By including policies and regulations that require consideration of cumulative impacts of anticipated and reasonable future development in a manner that ensures no net loss of shoreline ecological functions.

The RCW and

* WITH STAFF SUGGESTED EDITS
25.04.10025.01.090 Severability

If any section or provision of this Program is declared invalid such declaration shall not affect the validity of this Program as a whole.
(12) Boathouse. Boathouse means a structure designed for the storage of vessels and not used as a residence or dwelling unit. Boathouses are to be distinguished from houseboats.

(13) Boat launch or boat ramp. Boat launch or boat ramp means a slab, pad, rail, or graded slope specifically constructed and used for launching or retrieving vessels or other vessels.

(14) Boat lift. A boat lift is an in-water structure used for the vertical hoisting of vessels above the water level and lowering of vessels into the water periodically. A boat lift is used to hoist and lower a single vessel, suspended over the water's surface. A boat lift is generally a manufactured unit and may be placed in the water adjacent to a dock or as a stand-alone structure.

(15) 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.

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

(17) Building setback. Building setback means the minimum required distance between a structure and a lot line, easement, or shoreline setback, into which space a structure or the foundation of a building shall not extend.

(18) Bulkhead. Bulkhead means a vertical or nearly vertical structure placed parallel to the shoreline at or near the OHWM for purposes of armoring the shoreline and protecting structures from effects of wave energy caused by wind or waves. Bulkheads generally consist of concrete, timber, steel, rock, or other material resistant to erosion.

(19) Bulkhead alternative. Bulkhead alternative means a measure to achieve shoreline stabilization other than a wall or solid structure, erected at or above OHWM. Bulkhead alternatives provide for beach restoration and protection of property during storms, and may consist of large rocks or revetments integrated with vegetation and other materials (see also bio-engineering/bio-stabilization).

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

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

(22) Compatible. Compatible means uses or activities capable of existing together or in the vicinity of one another without disharmony or without generating effects or impacts that are disruptive to the normal use and enjoyment of surrounding property.

(23) Conservation. Conservation means the careful, prudent, and planned management of a natural resource to preserve ecological and shoreline functions and to prevent exploitation, destruction, or neglect.
(34) Fair market value. Fair market value (synonymous with replacement cost) of a development is the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found-labor, equipment or materials.

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

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

(b) Uses technologies and methods that are currently available and testing in similar circumstances indicates that such approaches will likely achieve the intended results (see reasonable alternative).

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

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

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

(39) Flood hazard reduction. Flood hazard reduction refers to actions taken to reduce risk of flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, including but not limited to setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management programs; and of structural measures intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

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

(41) Grading. Grading means the movement or redistribution of the soil, sand, rock, gravel, sediment, or other material on a site in a manner that alters the natural contour of the land.
(53) Non-water-oriented uses. Non-water-oriented uses means those uses that are not water-dependent uses, water-related uses or for-water-enjoyment uses, and which have little or no relationship to the shoreline. Examples of non-water-oriented uses include professional offices, automobile sales or repair shops, mini-storage facilities, department stores, and gas stations, and athletic fields.

(54) Normal appurtenance. Normal appurtenance means a structure, site improvement, or use that is necessarily connected to the use and enjoyment of a principal use and is located landward of the OHWM. Normal appurtenances include, but are not limited to, garages, decks, walkways, utilities, fences, septic tanks and drainfields.

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

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

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

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

(59) Primary structure. Primary structure means the structure associated with the principal use of the property. If more than one structure is associated with the principal use of the property, the one with the highest assessed value shall be considered the primary structure.
(69) Restoration, or ecological restoration. Restoration means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions (WAC 173-26-020(2)).

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

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

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

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

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

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

(76) Shoreline environment designation. Shoreline environment designation means the categories of shorelines of the state established by this Program to differentiate between areas whose features imply differing objectives regarding their use and future development.

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

(78) Shoreline modifications. Shoreline modifications means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dock, pier, weir, bulkhead, or other structure. Actions, such as clearing, grading, or application of chemicals can also be considered shoreline modifications (WAC 173-26-080(31)).
Vegetation enhancement area. Vegetation enhancement area means an area immediately landward of the OHWM in which existing trees and native vegetation are preserved or native vegetation is restored and in which up to 25 percent (25%) by area of preserved and/or restored vegetation can be comprised of non-invasive, non-native vegetation.

Vessel. Vessel includes means ships, boats, barges, personal watercraft, or any other floating craft that are designed and used for navigation and does not interfere with the normal public use of the water. WAC 173-27-030.

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-dependent uses are preferred uses of the shoreline according to the Act (SMC 21A.15.138(5)).

Water-joyment use. Water-joyment use means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-joyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment (SMC 21A.15.138(6)).

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

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 (SMC 21A.15.138(8)).

Water quality. Water quality means the physical chemical, aesthetic, and biological characteristics of water.

Wetland, Associated. Associated Wetland means wetlands that are in proximity to lakes, rivers or streams that are subject to the Shoreline Management Act and either influence or are influenced by such waters. Factors used to determine proximity and influence include but are not limited to: location contiguous to a shoreline waterbody, presence of a surface connection including through a culvert or similar device, location in part or whole within the 100 year floodplain of a shoreline, periodic inundation, and/or hydraulic continuity.
(3) Maintain natural dynamic processes of shoreline formation and sustainability through effective stewardship, management, and use of shorelines.

(4) Where feasible, enhance or restore areas that are biologically and/or aesthetically degraded while maintaining appropriate use of the shoreline.

(5) Maintain or enhance shoreline vegetation to protect water quality, fish and wildlife habitat, and other ecological functions and processes.

(6) Implement policies that can help reverse impacts caused by existing or past development activities that adversely affect ecological or shoreline functions such as untreated stormwater discharges.

(7) Manage the City’s programs, services, and operational infrastructure in a manner that achieves no net loss of ecological or shoreline functions.

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

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

(1) Provide opportunities for physical and visual public access to public shorelines when such access can be reasonably accommodated without human health, safety, and/or security risks, while minimizing adverse effects on shoreline functions and processes, private property rights, and/or neighboring uses.

(2) Acquire (i.e., through purchase, easements, donation or other agreement) property to provide public access to the water’s edge in appropriate and suitable locations.

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

(4) Ensure that public shoreline recreational facilities and other public access points are connected by trails, pathways, waterways, and other access links where public access and use will not interfere with private property rights.

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

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

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

(1) Provide additional public water-oriented recreation opportunities that are diverse, convenient, and adequate for people of different ages, health, family status and financial ability.
25.03.070 Transportation and Public Facility Goals
The following goals address the general location and extent of existing and proposed thoroughfares, transportation/circulation routes, as well as other public utilities and facilities.

(1) Develop efficient circulation systems in harmony with the topography and other natural characteristics of the shoreline and in a manner that assures the safe movement of people and goods while minimizing adverse effects on shoreline use and development or on shoreline ecological functions and processes.

(2) Provide and/or enhance physical and visual public access to shorelines along public roads (i.e. turnouts and viewpoints) in accordance with the public access goals.

(3) Limit circulation systems in the shoreline area jurisdiction to those that serve permitted and/or preferred shoreline uses.

(4) Encourage shoreline circulation systems that provide alternative routes and modes of travel, including non-motorized travel.
(c) New shoreline uses and developments should be designed and conducted in accordance with the regulations of this Program to minimize damage to the ecology and environment. These regulations are designed to protect shoreline ecological functions and processes. Shoreline ecological functions that should be protected include, but are not limited to, fish and wildlife habitat, conservation and recovery of threatened or endangered species, floodplain and water temperature maintenance. Shoreline processes that should be protected include, but are not limited to, water flow, infiltration, ground water recharge and discharge, sediment delivery, transport, and storage; organic matter input; and nutrient and pathogen removal.

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

(3) Flood Hazard Reduction Policies

(a) Flood hazard reduction should be managed through the City's Stormwater Management Plan, Comprehensive Plan, and development regulations in SMC 25.05, SMC 15.10 and frequently flooded areas regulations in SMC 21A.50.

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

(c) Non-structural flood hazard reduction measures should be given preference over structural measures. When necessary, structural flood hazard reduction measures should be accomplished in a manner that assures no net loss of ecological functions and ecosystem-wide processes. Non-structural measures include setbacks, land use controls prohibiting or limiting development in areas that are historically flooded, stormwater management plans, or biomechanical measures.

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

(4) Public Access Policies

(a) Physical and/or visual access to shorelines should be incorporated into all publicly sponsored shoreline development projects when public health and safety concerns can be adequately addressed and when shoreline ecological functions and/or processes can be adequately protected.

(b) The design of all public shoreline access areas should attempt to minimize potential impacts to not infringe on private property rights.

(5) Restoration and Enhancement Policies

(a) The City should participate in cooperative restoration efforts and programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to improve shorelines with impaired ecological functions and/or processes.
(iv) Reducing sediment input into lakes by minimizing erosion, aiding infiltration, retaining runoff, and managing stormwater from roads and upland areas; and

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

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

(b) Clearing and thinning for view corridors should be limited to minimize adverse impacts on ecological functions and values and protect slope stability. Vegetation conservation is encouraged to protect shoreline ecological functions and aesthetics.

(8) Site Planning Policies

(a) New shoreline uses and developments should be designed in a manner that directs land alteration to the least sensitive portions of the site to maximize vegetation conservation; minimize impervious surfaces and runoff; protect riparian, nearshore and wetland habitats; protect fish and wildlife and their habitats; protect archaeological, historic and cultural resources; and preserve aesthetic values.

(b) Low Impact Development (LID) stormwater management practices are encouraged where site conditions allow in order to minimize impervious surface area and surface runoff in accordance with the Low Impact Development: Technical Guidance Manual for Puget Sound, by Puget Sound Action Team and WSU 2005, SMC 21A.85 and the city's adopted stormwater management policies and regulations.

(c) Where geologic conditions are conducive to infiltration, the City encourages infiltration systems for stormwater that mimic the natural infiltration and ground water interflow processes as long as encouraged as long as the infiltration will not create or exacerbate slope instability or degrade water quality.

(d) New shoreline uses and developments should not deprive other uses and users of reasonable access to navigable waters and/or restrict access of treaty tribes to their "usual and accustomed" areas.

(9) Views and Aesthetics Policies

(a) New shoreline uses and developments should be designed and maintained to minimize obstructions of the public's visual access to the water and shoreline from public lands, rights-of-way and other public property.

(b) New shoreline uses and developments should not significantly detract from shoreline scenic and aesthetic qualities that are derived from natural or cultural features, vegetative cover and historic sites/structures.
25.04.020 Shoreline Modification Policies

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

(a) The City should assess regional needs for public boat launches so they can be co-located with other compatible water-dependent uses. The City should review proposals for new motorized boat launch facilities with regional recreation providers, including the Washington State Parks Department, adjacent cities, and King County, to avoid duplication and to minimize adverse impacts to shoreline ecological functions and processes. This policy is not intended to limit new locations for the public to launch human powered watercrafts (such as kayaks and canoes) as long as the developments do not result in the construction of additional launches as defined in SMC 25.02.010(13).

(b) New or expanded public launch ramps and rails should only be sited where they have no negative impact on critical areas or habitat with which priority species have a primary association.

(c) New private boat launch ramps and rails should be discouraged.

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

(a) **Public** New public and private docks, floats, mooring buoys and lifts should be designed and constructed with appropriate mitigation as required by this Program to ensure no net loss of ecological processes and functions.

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

(c) **Shared** New shared or joint-use docks and floats are preferred over single-user docks where feasible.

(d) The type, design, and location of docks, floats, mooring buoys and lifts should be consistent with applicable state and federal regulations and compatible with the area in which they are located. The City should consider shoreline characteristics, shoreline functions and processes, wind and wave action, water depth, aesthetics, and adjacent land and water uses when assessing compatibility.

(3) **Dredging Policies**

(a) Dredging should only be allowed in the following circumstances:

(i) When needed to facilitate ecological restoration or enhancement;

(ii) When needed to construct facilities for public access or water-oriented public recreation.

(b) New development should be sited and designed to avoid the need for maintenance dredging.
(f) Shoreline stabilization projects on public lands should be designed to accommodate multiple use, restoration, and/or public access, provided that safety and ecological protection are fully addressed.

(g) Failing, harmful, unnecessary, or ineffective shoreline stabilization structures should be removed, and shoreline ecological functions and processes should be restored using bulkhead alternatives.

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

(i) Where existing legally established bulkheads are substantially repaired or replaced, property owners should make reasonable efforts to incorporate bioengineering and fisheries habitat enhancement design elements to minimize adverse effects on shoreline functions.

25.04.030 Residential Use Policies

(1) Single-family residences and their normal appurtenant structures are a preferred shoreline use. New residential development in the shoreline jurisdiction should be located and designed to minimize adverse effects on shoreline process and functions. Residential development should not be allowed to result in a net loss of shoreline ecological functions.

(2) New structures for uses accessory to residential development should minimize impervious surface and vegetation clearing, be visually and physically compatible with adjacent shoreline features, and be reasonable in size and purpose.

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

25.04.040 Recreational Use Policies

(1) Public recreational development should be located on public lands to facilitate the public’s ability to reach, touch, and enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline.

(2) Public recreational development should incorporate public education regarding shoreline ecological functions and processes, the effect of human actions on the environment and the role of the public in shoreline management.

(3) Public recreational development should be located where existing infrastructure (utilities and roads) is adequate, or may be provided without significant damage to shoreline features commensurate with the number and concentration of anticipated users.
(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 reasonable 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 consideration should be given to correcting past impacts caused by the utility.

(5) Public utility development should use low impact development stormwater management techniques and other methods that protect, enhance, and restore shoreline ecological functions where reasonable. Comment (CLA30): LID should be encouraged for all development.
the land and water areas subject to shoreline jurisdiction as defined in SMC 25.02 and RCW 90.58. Uses and developments that occur waterward of the OHWM shall be governed by the regulations pertaining to the adjoining shoreland area and all such uses shall be considered accessory to the adjacent primary use.

3) Shoreline environment designations are delineated on a map, hereby incorporated as a part of this Program [Appendix A] that shall be known as the Official Shoreline Map. The Official Shoreline Map is for planning purposes only. The map does not necessarily identify or depict the lateral-landward extent of shoreline jurisdiction or all associated wetlands. The lateral extent of the shoreline jurisdiction shall be determined on a case-by-case basis based on the location of the OHWM, floodway and/or the presence of associated wetlands. The landward extent so determined may extend beyond that depicted on the Official Shoreline Map.

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

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

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

(b) Boundaries indicated as approximately following roads shall be construed to follow their centerlines.

(c) Boundaries indicated as approximately parallel to or extensions of lots lines or roads shall be so construed.

(d) Whenever existing physical features are inconsistent with boundaries on the Official Shoreline Map, the Director shall interpret the boundaries.

(e) Appeals of such interpretations may be filed pursuant to the applicable appeal procedures described in SMC 25.08.
Chapter 25.06 General Shoreline Regulations

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

25.06.010 Archaeological, Historic and Cultural Resources Regulations

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

(2) Whenever historic, cultural or archaeological sites or artifacts are inadvertently discovered during shoreline development, work on that portion of the development site shall be stopped immediately, the site secured and the discovery reported as soon as possible to the Director. Upon notification of such find, the property owner shall notify the Washington State Department of Archaeology and Historic Preservation, and the Director shall notify the historic preservation officer and shall require a site investigation to determine the significance of the discovery. Based upon the findings of the site investigation and consultation with the historic preservation officer and the Washington State Department of Archaeology and Historic Preservation, the Director may require that an immediate site assessment be conducted or may allow stopped work to resume.

25.06.020 Environmental Protection and Conservation Regulations

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

(2) Aquatic Weed Control and Noxious Weed Control. Aquatic weed control and noxious weed control may occur when the health and sustainability of native plant communities and associated habitats are threatened or when a water dependent use is threatened by the presence. Control shall occur in conformance with SMC 25.10.050 and applicable state and/or federal regulations.

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

(4) Light and Glare. Exterior lighting shall not shine directly onto the water. Exterior lighting fixtures shall include full cut off devices such that no glare or direct illumination extends across property lines or onto the lake.

* With staff-suggested edit.
(e) Transportation facilities shall be allowed within the shoreline setback as specified in this Program.

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

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

Partial Exemptions. The following developments, activities, and uses are exempt from the review process of this Program, except for the notice on title provision, SMC 25.06.020(14) provided such exempt activities are otherwise consistent with the purpose of this Program and other applicable regulations. The Director may apply conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions of this Program:

(a) Structural modification of, addition to, or replacement of existing legally created structures, except single detached residences in existence before November 27, 1990, that do not meet the building and shoreline setback requirements, if the modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described building or shoreline setback area.
(c) An area of up to twenty-five percent (25%) of the vegetation enhancement area and no less than fifteen (15) feet of the lot width parallel to the lake shoreline may be used as an active use area consistent with the requirements of this Program provided that the active use area is located to avoid areas of greater sensitivity and habitat value. If this 25% limitation would not allow a corridor extending back from the lake measuring at least 15 feet parallel to the lake, a 15-foot wide corridor may be used.

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

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

(a) Reductions 1a through 1e of the table shall be utilized first, if feasible, before the other reductions may be applied.
<table>
<thead>
<tr>
<th>Reduction</th>
<th>Number of feet the standard Lake Sammamish shoreline setback may be reduced</th>
<th>Reduction Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 feet</td>
<td>For establishment of a 15-foot VEA along the shoreline.</td>
<td></td>
</tr>
<tr>
<td>15 feet</td>
<td>(a) For establishment of the vegetation enhancement area and removal of an existing bulkhead located at, below, or within five feet landward of the lake's ordinary high water mark (OHWM) and subsequent restoration of the shoreline to a natural or seminatural state, including the restoration of topography, soil composition, and vegetation; or,  &lt;br&gt; (b) For establishment of the vegetation enhancement area and restoration of the shoreline to a natural or seminatural state if no bulkhead is present, but other existing unnatural shoreline contours are present; or,  &lt;br&gt; (c) For establishment of the vegetation enhancement area and preservation of the existing natural shoreline conditions if no bulkhead or other unnatural shoreline features are present.</td>
<td></td>
</tr>
<tr>
<td>10 feet</td>
<td>For establishment of the vegetation enhancement area and establishment of at least a 5-foot width of native vegetation along the entire waterward side of a modified bulkhead in accordance with Army Corps of Engineers guidance and in compliance with all WDFW and other appropriate agency regulations. For creation of a durable inclined fill of gravel/small rock against the waterside of an existing bulkhead and restoration of native vegetation along the inclined fill.</td>
<td></td>
</tr>
<tr>
<td>5-10 feet</td>
<td>For limiting lawn area to no greater than 20 percent of the lot area in combination with limiting impervious surface area. Reduction of 5 feet for impervious surface coverage 10 percent less than city standard or 10 feet for coverage 20 percent less than city standard.</td>
<td></td>
</tr>
<tr>
<td>4-10 feet</td>
<td>For establishment of the 15-foot wide VEA and for preservation or establishment of additional native vegetation landward of, and adjacent to, the VEA. 1-foot reduction (up to 10 feet maximum reduction) for every 50 square feet of native planting area added landward of, and adjacent to, the VEA.</td>
<td></td>
</tr>
<tr>
<td>5 feet</td>
<td>For preservation of existing native vegetation or restoration of native vegetation, as necessary, in a minimum 5 foot wide nearshore area below the lake's ordinary high water mark (OHWM).</td>
<td></td>
</tr>
<tr>
<td>5 feet</td>
<td>For preparation of, and agreement to adhere to, a written shoreline vegetation management plan that includes appropriate limitations on the use of fertilizer, herbicides, and pesticides as needed to protect lake water quality.</td>
<td></td>
</tr>
</tbody>
</table>

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

Comment [RC43]: Reductions changed to reflect the wording in the SHO draft per direction of the City Council.
(12) Pine and Beaver Lakes Partial Relocation of Vegetation Enhancement Area. The standard vegetation enhancement area may be reduced along the OHWM and partially relocated when the addition/modification of a structure that is located partially within the shoreline setback occurs in the area outside of the shoreline setback. The partial relocation shall be by the addition of or retention of native woody vegetation plantings not otherwise required to be maintained elsewhere on the lot. The partial relocation must provide equal or greater functions and values. In no case, shall the vegetation enhancement area be less than five (5) feet wide immediately landward of the OHWM. The following regulations shall apply to a partial relocation proposal:

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

(14) Notice on Title. Any lot required to maintain a vegetation enhancement area shall record a notice on the title consistent with SMC 21A.50.180.

25.06.030 Shoreline Public Access Regulations

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

(2) New physical public access is not required for new single-family residential subdivisions.
25.06.050 Water Quality, Stormwater, and Nonpoint Pollution Regulations

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

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

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

(4) Structures New structures installed below OHWM or that regularly and frequently come in contact with water shall be constructed of Washington Department of Fish and Wildlife (WDFW)-approved materials.
<table>
<thead>
<tr>
<th>Use (SMP Section)</th>
<th>Lake Sammamish Shoreline Residential</th>
<th>Lake Sammamish Urban Conservancy</th>
<th>Pine and Beaver Lakes Shoreline Residential</th>
<th>Pine and Beaver Lakes Urban Conservancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>solutions (25.07.070)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Repair, replacement and maintenance of shoreline stabilization (25.97.070)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Breakwaters, corroding gabions, jetties, rock weirs, groins and other similar structures (25.07.080)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Single family residences and appurtenances (accessory structures) (25.07.080)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Accessory dwelling units</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Subdivision (25.07.080)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Houseboats and floating homes (25.07.080)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Transportation uses and facilities (25.07.100)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Parking, accessory to a permitted shoreline use (25.07.100)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Parking as a primary use (25.07.100)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Parking in, on or over water (25.07.100)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Utilities, primary land use (25.07.110)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Utilities, accessory to a single family (25.02.010) and (25.07.080)</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

**Table 3 Dimensional Standards**

<table>
<thead>
<tr>
<th></th>
<th>Lake Sammamish Shoreline Residential</th>
<th>Lake Sammamish Urban Conservancy</th>
<th>Pine and Beaver Lakes Shoreline Residential</th>
<th>Pine and Beaver Lakes Urban Conservancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Residential (SMC 25.07.080) (SMC 25.06.020)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height</td>
<td>35 feet</td>
<td>35 feet</td>
<td>35 feet</td>
<td>35 feet</td>
</tr>
<tr>
<td>-Seabanks</td>
<td>15% of lot width; minimum setback</td>
<td>15% of lot width; minimum setback</td>
<td>Minimum setback 5 feet</td>
<td>Minimum setback 5 feet</td>
</tr>
<tr>
<td>-Fences</td>
<td>6-feet</td>
<td>6-feet</td>
<td>6-feet</td>
<td>6-feet</td>
</tr>
<tr>
<td>-Accessory structures (not ADU) (SMC 25.07.080 in shoreline setback)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Height</td>
<td>8 feet</td>
<td>8 feet</td>
<td>8 feet</td>
<td>8 feet</td>
</tr>
<tr>
<td>Maximum footprint</td>
<td>4,800-200 sf</td>
<td>4,800-200 sf</td>
<td>4,800-200 sf</td>
<td>4,800-202 sf</td>
</tr>
</tbody>
</table>

City of Sammamish Shoreline Master Program Update – City Council Public Review Draft
<table>
<thead>
<tr>
<th></th>
<th>Lake Sammamish Shoreline Residential</th>
<th>Lake Sammamish Urban Conservancy</th>
<th>Pine and Beaver Lakes Shoreline Residential</th>
<th>Pine and Beaver Lakes Urban Conservancy</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area</strong>: Minimum area</td>
<td>12,500 sq ft</td>
<td>12,500 sq ft</td>
<td>12,500 sq ft</td>
<td>12,500 sq ft</td>
</tr>
<tr>
<td><strong>Lot</strong>: Minimum lot width</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
<td>50 ft</td>
</tr>
</tbody>
</table>
25.07.030 Filling and Excavation Regulations

(1) All filling and excavation activities in the shoreline jurisdiction shall comply with the provisions of this Program and all other applicable City and state requirements.

(2) Fill and excavation is allowed only in association with a permitted use. Where allowed, fill and excavation shall be the minimum necessary to accommodate the development.

(3) Development that involves fill or excavation within the shoreline jurisdiction shall obtain a Shoreline Substantial Development Permit unless exempt by RCW 90.58.030 WAC 173.27.040(2).

(4) Fill shall be permitted only above the landward of OHWM, except as allowed in 25.07.030 as a permitted or conditional use, and only where it is demonstrated that the proposed action will not result in ecological damage to water quality, fish, and/or wildlife habitat; or adversely alter natural drainage patterns.

(5) Filling waterward of the OHWM shall only be allowed when necessary to support one or more of the following:

(a) Public sponsored ecological restoration or enhancement projects;

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

(c) Bio-engineered Shoreline stabilization projects, including bio-engineered shoreline stabilization associated with private residential developments;

(d) Publicly sponsored non-restoration projects that provide public access or improve access to the shoreline for a substantial number of people;

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

(f) Expansion or alteration of public transportation facilities currently located in the shoreline where there is no feasible reasonable alternative;

(g) When associated with a state approved water-related development or use

(h) Fill waterward of the OHWM for any other purpose shall require a Shoreline Conditional Use Permit.

(i) Fill or excavation shall not be located where structural shore stabilization will be required to maintain materials placed or removed. Disturbed areas shall be immediately stabilized and revegetated, as applicable.
(e) No dwelling unit or building may be constructed on a dock, float or other moorage structure.

(f) The use of fill to construct new docks, floats, and/or lifts (lifts allowed on Lake Sammamish only) shall only be allowed pursuant to the requirements of SMC 25.07.030.

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

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

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

[2] Lake Sammamish. The following requirements apply to all new private docks, floats, and lifts on Lake Sammamish, including shared/joint-use facilities and beach club facilities. These apply in addition to the regulations in SMC 25.07.030(1).

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

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

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

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

(i) Four Hundred and eighty (480) square feet for private residential docks serving one lot; or

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

(iii) One thousand (1,000) square feet for private residential docks serving more than nine (9) lots in a joint-use agreement.
(e) The maximum waterward extent of any new dock or other in-water/overwater moorage structure shall be no greater than the average length of the nearest docks on either side as measured perpendicularly from OHWM. If either of the nearest two docks is less than 10 feet long or smaller than 150 square feet in size, the length of the next nearest dock exceeding these dimensions may be used to determine allowable length. However, if this maximum length does not allow eight (8) feet of water depth at the end of the dock during summer months, the dock may be extended. In no case shall the maximum length exceed eighty (80) feet or one-quarter (1/4) of the width of the lake.

25.07.060 Public Docks and Floats Regulations

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

(a) Public recreational docks shall be designed and constructed using WDFW-approved methods and materials; and

(b) No public recreational dock shall exceed 3,000 square feet in surface area.
bulkhead alternatives or bio stabilization. An existing bulkhead or similar stabilization structure may only be replaced with a structure of similar dimension and location, and material when bulkhead alternatives are demonstrated to be infeasible or inadequate to protect the primary residential structure and the following criteria are met:

- There is a demonstrated need to protect the primary residential structure from erosion caused by currents or waves and not caused by normal sloughing, vegetation removal, or poor drainage; and

- The replacement structure shall not encroach waterward of the OHWM or the existing stabilization structure unless the primary use being protected is a residence that was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the landward side of the existing shoreline stabilization structure.

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.

Repair and Maintenance of Existing Legally Established Bulkheads. An existing legally established bulkhead or similar hard shoreline stabilization structure may be repaired and maintained. If the repair or maintenance activity changes the location of the structure or alters any dimension of the structure by more than ten percent (10%), it shall be treated as a new/replacement bulkhead hard shoreline stabilization structure and the City may require mitigation in accordance with this Program.

Subdivisions shall be designed to assure that future development of the established lots will not require armoring. Use of a bulkhead, wall, or similar structure to protect a platted lot where no structure presently exists shall be prohibited.

Breakwaters, jetties, rock weirs, groins and similar structural modifications shall be prohibited.

New bulkheads on vacant lands are prohibited.
25.07.080 Residential Use Regulations

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

(2) New Residential Development. New residential development and normal appurtenances shall be located sufficiently landward of the OHWM to preclude the need for new structural shoreline stabilization and/or flood protection for the useful life of the structure in accordance with the following:

(a) New residential development and normal appurtenances shall be located landward of the shoreline setback, or if applicable the reduced shoreline setback, or as otherwise allowed, in accordance with this Program.

(b) New water-oriented accessory structures, excluding accessory dwelling units, may be located landward of the shoreline setback provided that all of the following criteria are met:

(i) The maximum total footprint, excluding landscaping features such as individual rocks, benches, and bird houses, is not more than one two hundred fifty (154200) square feet; and,

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

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

(c) Up to twenty-five percent (25%) of the vegetation enhancement area, and no less than fifteen (15) feet of the lake frontage may be used for active use. If this 25% limitation would not allow a corridor extending back from the lake measuring at least 15 feet parallel to the lake, a 15-foot wide corridor may be used.

(3) Expansion of Existing Legally Established Residential Use.

(a) Lake Sammamish. An existing legally established residential structure may be expanded or reconfigured. Expansion/modification shall be subject to the requirements of SMC 25.06.020. Expansion shall be allowed in accordance with SMC 21A.55.060(1)(a) and (b)25.06.020(6). The minimum distance between the OHWM and the waterward edge of the footprint of the expansion (not including a maximum of eighteen (18) inches of overhanging eaves) of an expanded or reconfigured residential structure shall be at least fifteen (15) twenty (1520) feet in accordance with SMC 25.06.020.4(e) See Figure 1 for examples of how the regulations affect expansion or reconfiguration).

* 21. A LANGUAGE - MOVE INTO SMP
Figure 1. THIS FIGURE WAS NOT UPDATED TO REFLECT CHANGES.
25.07.090 Public Recreational Use Regulations

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

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

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

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

(b) Public picnic shelters and similar facilities for water enjoyment uses provided that such structures are not located in wetlands and/or stream buffers, or in, on or over water and that no structure exceeds ten (10) feet above existing average grade level.

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

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

(6) Public recreational developments shall include landscaping that uses native, non-invasive, self-sustaining vegetation.

25.07.100 Transportation Regulations

(1) The following regulations for transportation use shall apply to any use or development where transportation infrastructure is, or is proposed to be, a primary land use, including new or expanded roadways, trails, non-motorized facilities and parking facilities. Transportation use regulations shall not apply to residential access drives, which that are accessory to residential use. The transportation regulations of this section apply to all shoreline areas jurisdictions.

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

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

* Staff-suggested edit to delete sentence
25.07.110 Utilities Regulations

(1) Utility regulations shall apply to any use or development where utility infrastructure is required to support the primary land use. The utility use regulations of this section apply to all shoreline areas jurisdiction.

(2) Utility facilities shall provide for multiple use of sites and rights-of-way (i.e., trail corridors along underground utility rights-of-way), except in instances where multiple use would unduly interfere with utility operations, endanger public health and safety, or create a significant and disproportionate liability for the owner.

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

(4) Conveyance utilities shall be placed underground or alongside or under bridges except where the presence of bedrock or other obstructions make such placement infeasible. Stormwater conveyance facilities may be open ditch where appropriate and beneficial to water quality.

(5) New transmission and distribution facilities shall avoid shoreline setbacks and shoreline jurisdiction wherever possible. Otherwise, such facilities shall only cross areas of shoreline jurisdiction by the shortest, most direct route feasible, unless such route would cause significant environmental damage.

(6) Utility developments shall be located and designed so as to avoid or minimize the need for current or future structural shoreline stabilization.

(7) All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, except in situations where no other feasible alternative exists. In those limited instances when permitted, automatic shut-off valves shall be provided on both sides of the water body.

(8) Surface water management facilities, such as an energy dissipater and associated pipes, are allowed in the Lake Sammamish, Pine Lake, and Beaver Lake shoreline setbacks only if the applicant demonstrates, to the satisfaction of the department, that:

(a) No reasonable alternative exists; and

(b) The functions of the lake and related buffer are not adversely affected or are appropriately mitigated.

(9) Clearing of vegetation for the installation or maintenance of utilities shall be minimized and disturbed areas shall be restored following project completion.

* Delete sentence.
Chapter 25.08 Permit Criteria and Administrative Standards

25.08.010 Permits – General Regulations

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

(2) The City shall not issue any permit for development within the shoreline jurisdiction until approval has been granted pursuant to this Program. Any development subsequently authorized by the City shall be subject to the same terms and conditions which apply to the development authorized pursuant to this Program.

(3) When a development or use is proposed that does not comply with the bulk, dimensional and/or performance standards of this Program, such development or use may only be authorized by approval of a state-issued shoreline variance even if the development or use does not require a substantial development permit (WAC173-27-040(1)(a)).

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

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

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

25.08.020 Permits – Substantial Development

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

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

25.08.030 Permits – Exemptions from a Substantial Development Permit

(1) Uses and developments that are not considered substantial developments
25.08.050 Permits – Shoreline Variances

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

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

(3) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

(4) The burden of proving that a proposed variance meets the criteria in WAC 173-27-170 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.

(5) Proposals that qualify as a Reasonable Use Exception pursuant to SMG 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) A variance from City development code requirements shall not be construed to mean a shoreline variance from shoreline master program SMP use regulations and vice versa.

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

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

25.08.060 Permits – Conditional Use

(1) The Director is authorized to issue shoreline conditional use permits only when all the criteria enumerated in WAC 173-27-160 are met.

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

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

(e) If a non-conforming structure is damaged by fire, explosion, or other casualty and/or natural disaster, it may be reconstructed to match the footprint that existed immediately prior to the time the damage occurred provided that all of the following criteria are met:

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

(ii) All permits are issued within two years of initial application submittal of the complete application, and the restoration is completed within two (2) years of permit issuance. This period may be extended for one additional year by the Director if the applicant has submitted the applications necessary to establish the use or activity and has provided written justification for the extension; and

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

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

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

2. Non-conforming lots

(a) An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM which was legally established prior to the effective date of this Program, but which does not conform to the present lot size standards, may be developed if permitted by other land use regulations. Such development shall conform to all other requirements of this Program.
proposed changes. The City shall review and process the request in accordance with the requirements of WAC 173-27-100.