City of Sammamish Shoreline Master Program Update

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Shorelands and Environmental Assistance Program
Washington State Shoreline Management Act

- Shoreline protection act passed by citizen initiative
- Legislature passed shoreline management act (SMA) in 1971
- Validated by voters in 1972
Encourage water-dependent uses: "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines...”

Protect shoreline natural resources, including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life..."

Promote public access: “the public’s opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally"
Shoreline jurisdiction

Freshwater:

Lakes greater than 20 acres in area and streams with a mean annual flow of greater than 20 cubic feet per second.

Continues 200 feet landward of ordinary high water mark in all directions and includes associated wetlands.

Shoreline jurisdiction in Sammamish includes Lake Sammamish, Pine Lake and Beaver Lake.
Highlights of the Shoreline Management Act

- Establishes shared local/state shoreline management (RCW 90.58 & WAC 173-26).

- Requires counties & cities to adopt a shoreline master program, including periodic review/update (RCW 90.58.).

- Ecology’s role consists of master program review for compliance with the SMP-Guidelines (RCW 90.58 & WAC 173-26).

- Local government initiates the master program update and administers the approved SMP (RCW 90.58 & WAC 173-26).

- The SMP must be based on relevant scientific or technical information available.
Shoreline Master Programs should:

- Comprehensive yet transparent - clear & easy to administer
- Compatible with other laws that apply in shoreline areas
- Protect shoreline resources while respecting property rights
- Accommodate anticipated [SMA-Appropriate] future uses
- Provide a bridge from past to future shoreline uses
- Balance public & private interests specific to shoreline areas
Steps in the SMP process

1. **Public Participation:** Public meetings, Shoreline Advisory Panel, Planning Commission, City Councils

2. **Inventorying/Analysis:** characterize shoreline conditions, identify opportunities for *protection, restoration, public access* and *use*

3. Develop shoreline **environment designations** – local characteristics

4. Develop shoreline **goals, policies & regulations** – local goals/plans

5. Prepare a **restoration plan** – prioritizing restoration opportunities

6. Consider **cumulative impacts** of future shoreline uses

7. **Local adoption** of the draft SMP

8. Submit the SMP to Ecology formal review and approval
State SMP Approval Process

1. Complete SMP proposal received by Ecology
2. Ecology opens Comment Period for all Interested Parties
3. Ecology holds Public Hearing (10/7/2010)
   - Minimum 30 Day Comment Period
4. Ecology sends a Comments Summary to Local Gov’t for Response
5. Local Gov’t provides Written Response to Ecology
6. Ecology issues decision to:
   - Approve
   - Require Changes
   - Deny
   - If changes are required and Local Gov’t accepts, then interested parties notified of 60-day appeal period – SMP in effect
Guidelines

- WAC 173-26 - Sets requirements for Shoreline Master Program updates

Complicated History
- 1995 – Legislature directed Ecology to update Guidelines
- 2000 - Ecology put forward Guidelines
- 2001 - Appealed and invalidated
- 2002 – Formal Negotiation & Settlement Agreement
  - Guidelines
  - Update Schedule
  - Funding
- 2003 - Current Guidelines went into effect
Guidelines – Parties to the Settlement

Department of Ecology ● Aggregates and Concrete Association ● Association of Washington Business ● Adams County ● Associated General Contractors of Washington ● Basta Marine ● Inc. ● Building Industry Association of Washington ● Doug Camenzind ● Chelan County ● Columbia County ● Ferry County ● Franklin County ● City of Hoquiam ● Independent Business Association of Washington ● Island County ● Jefferson County ● Mason County ● National Association of Industrial and Office Properties ● National Federation of Independent Business ● Northwest Marine Trade Association ● City of Ocean Shores ● Pacific County ● Pend Oreille County ● Rose Ranch ● Skagit County ● City of South Bend ● Stevens County ● Thurston County ● United Property Owners of Washington ● Wahkiakum County ● Washington Association of Realtors ● Washington Cattleman’s Association ● Washington Contract Loggers Association
Guidelines – Parties to the Settlement (Continued)

**Key Concept: “no net loss”**

- Master programs shall contain policies and regulations that assure at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources (WAC 173-26-201(2)(c)). See also WAC 173-26-186.

- Starting point is conditions as they exist today

- Recognizes new development will occur. Directs us to:
  - Anticipate new impacts
  - Avoid those impacts when possible
  - Minimize the impacts as much as possible
  - Mitigate (offset) remaining impacts.
No-Net Loss of Ecological Function & Restoration

Environmental Quality

Current Conditions

(Baseline)

“Restoration” achieves by improving conditions over time

Where new development introduces new impacts mitigation is required
Major Features of the Sammamish SMP
Shoreline Vegetation and Setback Provisions

- Forty-five foot setback.
- Additional 5 foot building setback.
- Additions of up to 200 square feet in setback allowed so long as they are no closer to the water as the existing house.
- Additions of up to 1,000 square feet in setback allowed so long as they are on the opposite side of the existing house from the water.
- Twenty-five percent of setback can be active use area.
Shoreline Vegetation and Setback Provisions

**Lake Sammamish**

- Various incentives can allow the setback to be reduced to as little as 15 feet.

**Pine Lake and Beaver Lake**

- Retain 80 percent of the significant trees on the lot.
Piers and Docks

The Sammamish SMP would allow:

• A maximum overwater area of 600 square feet for single family piers.

• Dock width may be up to one-half of the lot width.

• No light penetration requirements.

• No mitigation required.
Sammamish has prepared a public access plan. The Sammamish SMP relies on the following public access:

- Pine Lake – Pine Lake Park.
- Beaver Lake – Beaver Lake Park, Beaver Lake Preserve, and Washington Department of Natural Resources boat launch.

The Sammamish SMP does not require public access in new subdivisions.
A shoreline master program identifies shoreline environments. The Sammamish SMP contains two shoreline environments:

- Shoreline residential
- Urban Conservancy

Both Shoreline residential and urban conservancy allow for single family residential development.

The Beaver Lake Preserve is designated Urban Conservancy.
Incorporation of Critical Area Protections

The Sammamish SMP incorporated critical area protections from the City’s Critical Area Ordinance.

The incorporation included a sunset clause that eliminated:

- Development Standards for wetlands
- Mitigation ratios for wetlands
- Development Standards for streams
- Development Standards for lakes and ponds
Shoreline Stabilization

• The State Shoreline Guidelines stress the need for minimizing the need for shoreline stabilization and minimizing the impacts of shoreline stabilization.

• The Sammamish SMP allows new or expanded shoreline stabilization when a geotechnical assessment shows a prescribed need.

• The Sammamish SMP also has a stated preference for soft shoreline stabilization measures and provides incentives such a setback reduction for removal of bulkheads.
Nonconforming Structures

- The Sammamish SMP allows for reconstruction, replacement, or expansion of Nonconforming structures.

- The SMP also allows for rebuilding of nonconforming structures that are damaged by fire, explosion, or other casualty and/or natural disaster.

- Ecology supports standards that allow for reconstruction of structures damaged by natural disaster.

- Ecology supports maintenance of nonconforming structures.
Ecology Review Issues
Ecology’s Review So Far

- Ecology review is a team effort – planners, scientists, policy leads, state attorney general's office.
- We have not completed our review. What we present tonight may change.
- We want to hear from the public before we complete our review.
- The Director of the Department of Ecology makes the final determination.
- We want to give you an idea of what we have found so far in our review.
- Your comments on Ecology’s review are welcome.
Ecology’s Review So Far

Very impressed with the careful work of Sammamish staff, volunteers, engaged citizenry, and the city council.

Overall the plan has many commendable features that are appropriate for largely developed water bodies like Lake Sammamish and Lake Washington. The SMP:

- Works within the existing pattern of development
- Plans for redevelopment
- Tree retention standards for Pine and Beaver Lakes
- Well organized plan

We have areas where we are concerned that the plan may not meet the standards in the state guidelines:
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Vegetation Conservation

• The Sammamish SMP setback standards allow new development to remove significant amounts of vegetation in areas immediately adjacent to the shoreline. Mitigation may not be required.

• Retaining existing vegetation is important for avoiding and minimizing new impacts. Enhancing vegetation is important for offsetting new impacts.

• The question we need to answer: Do the Sammamish SMP setback and vegetation standards achieve no net loss of ecological function?

• Ecology’s review so far has a concern that the standards do not achieve no net loss of ecological function.
Piers and Docks

- Do the Sammamish Pier and Dock standards achieve no net loss of ecological function?

- The Sammamish standards allow much larger new piers and docks than other established standards – concern they do not minimize the impacts.

- The standards do not contain mitigation to offset the impacts

- Ecology is concerned that the pier and dock standards will not achieve no net loss of ecological function.
Additional Concerns of Ecology

• Beaver Lake Preserve is designated Urban Conservancy rather than Natural. Beaver Lake Preserve is largely undisturbed. Is Urban Conservancy the appropriate designation? Should the Beaver Lake Preserve shoreline be designated Natural?

• Because of the sunset provision, the incorporated CAO does not provide adequate protection of critical areas in shoreline jurisdiction.

• Expansion of nonconforming structures should be limited and carefully considered. Expansion of nonconforming structures must fully mitigate its impacts.
We welcome your comments on the content of the proposed SMP and Ecology’s review.

The public comment period continues through October 29, 2010.

Send written comment to the address on the back of the agenda.
Ecology Shorelands Website:


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