Summary of SHO Issues

In general the imposed requirements do not provide good balance between the GMA and SMA.

**Setbacks**

The biggest setback problem is the minimum setback increase from 20 to 25 feet on Lake Sammamish.

The current setback within Sammamish where most existing houses have been built is 20 feet. Most of these properties are constrained in depth by the East Lake Sammamish Trail corridor. Many structures were built with a zero setback from the corridor. These structures cannot be moved or rebuilt to comply with the 25-foot setback. The 25-foot setback makes these houses non-conforming with no possibility of ever becoming conforming.

The stereotypical environmentally unfriendly house has a hardened bulkhead at OHWM with a lawn from the edge of the bulkhead to the house. The standard setback has been set very high at 50 feet with reductions allowing the setback to be reduced to 20 feet. If the minimum setback is increased to 25 feet, the owners of these houses will have no incentive to remove the hardened bulkhead or take advantage of any of the environmentally friendly setback reductions.

Additionally, Ecology has stricken many of the setback reductions that require mitigation to improve the ecological function of the shoreline.

**Vegetation Enhancement Area (VEA) for Pine and Beaver Lakes**

The submitted SMP encouraged a VEA for building outside of the 50-foot setback. No expansion was allowed within the setback unless less than 200 sq.ft. not closer to OHWM or 1000 sq.ft. behind the existing structure. Ecology is changing the purpose of 25.06.020(13) by requiring insertion of language that allows expansion within the setback for establishment of a VEA. Further, the VEA may be reduced to be proportional to the impact for expansions of less than 500 sq.ft. The proposed change is less restrictive than the submitted regulations because it actually allows unlimited expansion within the setback for establishment of a VEA. A recreational cabin built in the 1920s could be expanded into a 5000 sq.ft. single-family residence within 15 feet of the lake by adding a 15-foot wide VEA.

The original language should be retained with clarification that “encouragement” applies to development outside of the setback.

The expansion language for all lakes needs to be stated in the non-conforming sections where Ecology suggested items I & J are inserted. SHO believes that vegetation proportional to impact for expansions of less than 200 sq.ft. not closer to OHWM needs to be required. Expansion of 1000 sq.ft. or less behind an existing structure should not require vegetation because there is no impact to the shoreline.
Docks

The biggest problem with docks is the imposition of Army COE standards onto Pine and Beaver lakes. These lakes have no salmon population that the Army COE standards address.

The second biggest problem is restricting dock size and reconstruction on Lake Sammamish to the suggested minimum allowed by Army COE. Depending on site-by-site conditions the Army COE will allow larger docks with proportional mitigation.

Partial Exemptions

These were stricken by Ecology. One exemption allows reconstruction within the existing footprint. Two of the exemptions allow reconstruction with limited expansion. The other two exemptions allow for invasive weed removal and conservation, preservation, restoration and/or enhancement. These developments and uses are important.

The Ecology suggested items I & J need to be fixed. Ecology changes make the language useless. Further, the expansion of 200 sq.ft. not closer to OHWM needs to require proportional vegetation.

Mitigation Sequencing

Ecology inserted mitigation sequencing text from WAC 173-26-201(2)(e)(i) without the explanation that the sequencing does not apply to exempt uses and developments; e.g., single-family residences, one of the primary structures regulated by the SMP. Mitigation sequencing only applies to permitted uses and developments, the regulations for which are not detailed in the SMP.

Non-conforming

The Washington State Department of Ecology has ignored legislative direction that a Shoreline Master Program (SMP) shall not make existing homes non-conforming (Senate Bill 5451). In the case of the required changes handed down by Ecology for the City of Sammamish SMP, existing homes on Lake Sammamish are not only made non-conforming by the new regulations, but can NEVER become conforming.

Perhaps, the earlier discussed setback line drawn around existing structures is needed or just a statement that all legally permitted structures existing before ... are conforming.