
**City of Sammamish
Shoreline Master Program Update**

**SHORELINE MASTER PROGRAM
Adopted by City Council on October 6, 2009**

*Submitted for Review and Approval to the
Washington Department of Ecology
January, 2010*



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**PROPOSED REVISIONS TO THE
SAMMAMISH COMPREHENSIVE PLAN
AND TITLE 25 OF THE SAMMAMISH MUNICIPAL CODE
DEPARTMENT OF ECOLOGY GRANT #G0600310**



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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 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 designed to avoid and/or mitigate for impacts to the environment while protecting property rights. Existing legally established uses and developments 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 through its goals, policies, and regulations noted above providing restoration program and enhancement 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.

25.01.020 Title

This document shall be known and cited as ‘The Sammamish Shoreline Master Program’, referred to herein as the ‘SMP,’ or the ‘Program.’

25.01.030 Applicability

(1) All proposed uses and development, as defined in SMC 25.02 (the definitions chapter of this Program) occurring within the shoreline jurisdiction (see SMC 25.05 for a description of the jurisdiction) shall comply with this Program, WAC 173-26 & 27 and RCW 90.58. This Program regulates all uses and developments within the shoreline jurisdiction whether or not a shoreline permit is required. This Program will regulate all development proposed after the effective date of the Program.

(2) For purposes of this SMP, shoreline uses and developments shall be classified as follows:

(a) Permitted uses and developments – These are allowed uses and development that are consistent with this Program and RCW 90.58.030. Such uses/development shall require a shoreline substantial development permit, a shoreline conditional use permit, a statement that the use/development is exempt from a shoreline substantial development permit, or a determination that an exempt use/development is consistent with this Program during land use / building permit review (see SMC 25.07 for a list and description of exempt uses/developments and exemption criteria). Development within the shoreline jurisdiction that does not meet the standards of this Program shall require a shoreline variance.

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

(3) This Program shall apply to:

(a) All of the lands and waters of Sammamish that meet the definition of shorelines of the state in SMC 25.02 and RCW 90.58.030. This includes all areas waterward of the OHWM extending to the City’s legal in-water jurisdictional boundary and any areas landward of the OHWM that meet the definition of shorelands in SMC 25.02; and

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

(4) Existing lawfully established uses and developments are not subject to regulations of this Program until or unless there is a change in use or development. Shoreline property owners are encouraged to consult the City Community Development Department to determine if a proposed use or development activity requires review under this Program.

(5) 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 & 27, 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 in a manner that is consistent with RCW 90.58 and 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.

25.01.060 Relationship to Plans, Policies and Regulations

- (1) Uses, alterations and developments regulated by this Program are subject to applicable provisions of the Sammamish Municipal Code (SMC), the Sammamish Comprehensive Plan, the Shoreline Management Act (RCW 90.58), the Growth Management Act (RCW 36.70A), State Environmental Policy Act (RCW 43.21C and WAC 197-11), and other local, state and federal laws.

(2) This Program shall be implemented according to the definitions contained in SMC 25.02. Where definitions contained in this Program conflict or differ from definitions contained in other sections of the SMC, these definitions shall prevail.

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

(4) In the event the regulations of this Program differ from other applicable City policies or regulations, the more restrictive provisions shall apply.

25.01.070 Critical Areas Regulations Incorporated by Reference

The Sammamish Critical Areas Ordinance codified in SMC 21A.50 as amended by Ordinance 02009-264 is hereby adopted as a part of this Program.

25.01.080 Effective Date

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

25.01.090 Liberal Construction

In accordance with RCW 90.58.090, this Program is exempt from the rule of strict construction; therefore this Program shall be liberally construed to give full effect to its goals, policies and regulations.

25.01.100 Severability

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

Chapter 25.02 **Definitions**

25.02.010 Definitions

- (1) Act. Act means the Washington State Shoreline Management Act, chapter 90.58 RCW (WAC 173-26-020).
- (2) Active use area. Active use area means the portion of a vegetation enhancement area that has no specific vegetation requirements.
- (3) Amendment. Amendment means a revision, update, addition, deletion, and/or re-enactment of the Sammamish SMP (WAC 173-26-020).
- (4) Archaeological Resource/Site. Archaeological Resource/Site means a site or feature that meets the criteria of a historic resource pursuant to SMC 21.10.020 (Historic Preservation Ordinance).
- (5) Average grade level. Average grade level means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure: In the case of structures to be built over water, average grade level shall be the elevation of the ordinary high water mark. Calculation of the average grade level shall be made by averaging the ground elevations at the midpoint of all exterior walls of the proposed building or structure (WAC 173-27-030).
- (6) Backfill. Backfill means the placement of earth material behind a retaining wall or structure.
- (7) Bank. Bank means a rise or slope at the edge of a body of water or water course.
- (8) Beach Club. Beach club means a private waterfront lot owned in common by two or more individuals/entities for purposes of providing shared recreational beach access for the exclusive use of the property owners.
- (9) Benthic. Benthic refers to the sediment surface and subsurface layers providing habitat for the micro-organisms of a stream or lake bottom.
- (10) Berm. Berm means a constructed area of compacted earth that has been artificially mounded or placed against a wall or structure.
- (11) Bioengineering or Bio-stabilization. Bioengineering or bio-stabilization means the practice of using natural materials to stabilize shorelines and prevent erosion as an alternative to bulkheads. This may include use of rocks, bundles of stems, root systems, or other living plant material, fabric, or other soil stabilization techniques. Bioengineering projects often include fisheries habitat enhancement measures in project design (e.g., anchored logs, root wads, etc.). Such techniques may be applied to creeks, rivers, lakes, and reservoirs. Bioengineering may also be applied in upland areas away from the immediate shoreline. See “Bulkhead alternative” definition.

(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 boats or other vessels.

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

(15) Breakwater. Breakwater means an off-shore structure, either floating or not, that 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 erosion 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.

(24) Covered Moorage/Canopy. Covered Moorage means boat or other vessel moorage, without walls, that has a roof or canopy to protect the vessel(s).

(25) Critical habitat. Critical habitat means those areas in the City that are wetlands, streams, and fish and wildlife habitat conservation areas.

(26) Development. Development means the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature that interferes with the normal public use of the surface of the waters overlying lands subject to the SMA (RCW 90.58) at any state of water level (WAC 173-27-030).

(27) Director. Director means, unless otherwise specified, the director of the City of Sammamish Department of Community Development or the Director's designee.

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

(29) Dredging. Dredging means the removal, displacement, and/or disposal of unconsolidated material such as sand, silt, gravel or other submerged materials, for purposes of modifying the bottom elevation of a water body, ditch, or wetland.

(30) Ecological functions or shoreline functions. Ecological functions or shoreline functions means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-201(2)(c) (WAC 173-26-020).

(31) Ecosystem-wide processes. Ecosystem-wide processes means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions (WAC 173-26-020).

(32) Excavation. Excavation means the removal of earth material from other than within a waterbody.

(33) Exempt Development. Exempt Developments are those set forth in WAC 173-27-040 and RCW 90.58.030 (3)(e), 90.58.140(9), 90.58.147,90.58.355 , and 90.58.515 which are not required to obtain a substantial development permit but which must otherwise comply with applicable provisions of the act and the local master program (WAC 173-27-030). Conditional Use, Variance, or other permits may also still be required even though the activity does not require a Shoreline Substantial Development Permit.

(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 (WAC 173-27-030).

(35) Feasible. Feasible means that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

(a) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

(b) The action provides a reasonable likelihood of achieving its intended purpose; and

(c) The action does not physically preclude achieving the project's primary intended legal use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short-and long-term time frames (WAC 173-26-030). See reasonable alternative.

(36) Fill. Fill means the addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands in a manner that raises the elevation or creates dry land (WAC 173-26-020).

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

(38) Floodplain. Floodplain is synonymous with one hundred-year flood plain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area is based upon flood ordinance regulation maps or a reasonable method that meets the objectives of the Act (WAC 173-26-020).

(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 (WAC 173-26-020).

(42) Hard structural shoreline stabilization. Hard structural shoreline stabilization, also referred to as “shoreline armoring” or “bulkhead”, refers to the use of a solid, essentially vertical wall constructed of concrete, wood, or other material for the purpose of resisting shoreline erosion caused by wind or waves.

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

(44) Height. Height is measured from average grade level to the highest point of a structure: Provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines, or the applicable master program specifically requires that such appurtenances be included: Provided further, that temporary construction equipment is excluded in this calculation (WAC 173-27.030).

(45) Houseboat. Houseboat means a vessel that is designed or used as a place of residence without a means of self-propulsion and steering equipment or capability.

(46) Landward. Landward means to or toward the land in a direction away from the water body.

(47) Maintenance. Maintenance means those usual acts to prevent a decline, lapse or cessation from a lawfully established condition or use.

(48) Moorage structure. Moorage structure means any structure or device, including but not limited to docks, moorage piles and buoys placed at or below the OHWM and designed to provide for the moorage of boats or other watercraft or vessels.

(49) Multifamily residential development. Multifamily residential development means a dwelling, apartment (SMC 21A.15.355), townhouse (SMC 21A.15.370) and similar structures containing two or more attached residential units. Multifamily shall not include cottage housing or accessory dwelling units.

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

(51) Natural or existing topography. Natural or existing topography means the topography of the lot, parcel, or tract of real property immediately prior to any site preparation or grading, including excavation or filling (WAC 173-27-030).

(52) Nonconformance or non-conforming use. Nonconformance means any use, improvement or structure established in conformance with the City's Shoreline Master Program in effect at the time of establishment that no longer conforms to the range of uses permitted in the site's current zone and/or designation or to the current development standards of the Program due to changes in the Program or its application to the subject property (SMC 21A.15.800).

(53) Non-water-oriented uses. Non-water-oriented uses means those uses that are not water-dependent uses, water-related uses or water-enjoyment uses (WAC 173-26-020). Examples of non-water-oriented uses include professional offices, automobile sales or repair shops, mini-storage facilities, department stores, 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 motor 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.

(60) Priority species. Priority species means any species designated by the Washington Department of Fish and Wildlife (WDFW) as requiring protective measures for their survival due to population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance, often but not exclusively referring to salmonid species. Priority species include State Endangered, Threatened, Sensitive, and Candidate species; animal aggregations (e.g., heron colonies, bat colonies) considered vulnerable; and species of recreational, commercial, or tribal importance that are vulnerable. See WAC 173-27-030.

(61) Protective bulkhead common to single-family residences. Normal protective bulkhead common to single-family residences means a bulkhead constructed on a lot zoned to permit one single-family residence and containing one single-family residence.

(62) Provisions. Provisions means policies, regulations, standards, guidelines, criteria, or environment designations (WAC 173-26-020).

(63) Public access. Public access means the public's ability to get to and use the State's public waters, the water/land interface and associated public shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by scenic roads and overlooks, viewing towers and other public sites or facilities.

(64) Public interest. Public interest means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development (WAC 173-27-030).

(65) Public utility. Public utility means the facilities of a private business organization such as a public service corporation, or a governmental agency performing some public service and subject to special governmental regulations, the services that are paid for directly by the recipients thereof. Such services shall include but are not limited to: water supply, electric power, telephone, cablevision, natural gas and transportation for persons and freight. The term also includes broadcast towers, antennas and related facilities operated on a commercial basis.

(66) Reasonable alternative. Reasonable alternative means an action or proposal that is capable of being carried out, taking into consideration the overall project purposes, needs and objectives. In determining what is a "reasonable alternative" to a proposed development, alteration or activity, the department may consider the purpose, effectiveness, engineering feasibility, commercial availability of technology, best management practices, safety and cost of the alternative action or proposal.

(67) Repair. Repair means to restore to a state comparable to the original condition after deterioration or partial destruction.

(68) Replacement. Replacement means to rebuild using new materials.

(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).

(70) Revetment. Revetment means a sloped wall constructed of riprap 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 shoreland 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 that are subject to the provisions of this 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 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 dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals (WAC 173-26-020).

(79) Shoreline stabilization. Shoreline stabilization means actions taken to prevent or mitigate erosion impacts to property, dwellings, businesses, or structures caused by shoreline processes such as currents, floods, tides, wind or wave action. Shoreline stabilization includes but is not limited to structural armoring approaches such as bulkheads, bulkhead alternatives and nonstructural approaches such as bio-engineering.

(80) Shorelines. Shorelines means all of the water areas within the City of Sammamish, including reservoirs, and their associated shorelands together with the lands underlying them; except:

(a) Shorelines of statewide significance;

(b) Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments; and

(c) Shorelines on lakes less than 20 acres in size and wetlands associated with such lakes (RCW 90.58.030(2)(d)).

(81) Shorelines of Statewide Significance. Shorelines of statewide significance means those shorelines described in RCW 90.58.030 (2)(e) that are within the City of Sammamish. Lake Sammamish is a designated shoreline of statewide significance. This is a distinct subcategory of Shorelines of the State.

(82) Shorelines of the State. Shorelines of the state are the total of all 'shorelines' and 'shorelines of statewide significance' within the City of Sammamish. Please also see definitions for Shorelines (SMC 25.02.010) and Shorelines of the State (RCW 90.58.030(2)(c)).

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

(84) Structure. Structure means anything permanently constructed in or on the ground, or over the water, excluding fences six feet or less in height, uncovered decks less than 18 inches above grade, uncovered paved areas, and structural or nonstructural fill (SMC 21A.15.1255).

(85) Substantial development. Substantial development means any development that meets the requirements of RCW 90.58.030(3)(e).

(86) Transportation use. Transportation use means a use whose primary purpose is the movement and circulation of people, goods, and services. This includes, but is not limited to public roads, rails, parking areas, non-motorized travel corridors, trails, and similar features.

(87) 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.

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

(89) Water-dependent use. Water-dependent use means a use or portion of a use that cannot exist in a location that is not adjacent to the water and that 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).

(90) Water-enjoyment use. Water-enjoyment use means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment (WAC 173-26-020)(SMC 21A.15.138).

(91) Water-oriented use. Water-oriented use means a use that is water-dependent, water-related, or water-enjoyment, or a combination of such uses (WAC 173-26-020) (SMC 21A.15.138).

(92) Water-related use. Water-related use means a use or portion of a use that 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 (WAC 173-26-020) (SMC 21A.15.138).

(93) Water quality. Water quality means the physical characteristics of water within shoreline jurisdiction, including water quantity, hydrological, physical, chemical, aesthetic, recreation-related, and biological characteristics. Where used in this chapter, the term "water quantity" refers only to development and uses regulated under this chapter and affecting water quantity, such as impermeable surfaces and storm water handling practices. Water quantity, for purposes of this chapter, does not mean the withdrawal of ground water or diversion of surface water pursuant to RCW 90.03.250 through 90.03.340 (WAC 173-26-020).

(94) 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.

Chapter 25.03 **Master Program Element Goals**

25.03.010 Archaeological, Historical and Cultural Resources Goals

The following goals address protection and restoration of buildings, sites and areas having historic, cultural, scientific, and/or educational value.

- (1) Designate, retain and protect shoreline areas having archeological, historic, cultural, scientific or educational value, locally, regionally, statewide or nationally.
- (2) Maintain finite and irreplaceable links to the past by identifying, preserving, protecting, and restoring archaeological, historic and cultural sites.
- (3) Protect historic and cultural sites and buildings that are listed on county, state or national historic registers, or are eligible for such listing, from destruction or alteration and from encroachment by incompatible uses.
- (4) Acquire archaeological, historical and cultural sites through purchase or gift.
- (5) Foster a greater appreciation for shoreline management, environmental conservation, natural history, and cultural heritage using signage and other interpretive tools as appropriate.
- (6) Ensure that tribal governments and the State Department of Archaeology and Historic Preservation are involved in the review of projects that could adversely affect such resources.
- (7) Protect from intrusion or harm any newly discovered or suspected significant sites until their value for retention is determined.
- (8) Ensure that the educational and scientific values of archeological, historic, and cultural resources are considered when evaluating proposed shoreline developments and uses.
- (9) Participate in cooperative restoration programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners.

25.03.020 Conservation Goals

The following goals address the preservation of natural resources, scenic vistas, aesthetics, and vital shoreline areas for fisheries and wildlife and for the benefit of present and future generations.

- (1) Acquire (i.e., through purchase, easements, donation or other agreement), and maintain as open space, shorelines with unique or valuable natural attributes for public benefit.
- (2) Preserve, enhance and/or protect shoreline resources (i.e., wetlands and other fish /wildlife habitats) for their ecological functions and values, and aesthetic and scenic qualities.

- (3) Maintain natural dynamic processes of shoreline formation and sustainability through effective stewardship, management, and use of shorelines.
- (4) Where feasible, enhance or restore areas that are biologically and/or aesthetically degraded while maintaining appropriate use of the shoreline.
- (5) Maintain or enhance shoreline vegetation to protect water quality, fish and wildlife habitat, and other ecological functions and processes.
- (6) Implement policies that can help reverse 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 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 (see RCW 35.79.035).
- (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.

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

(3) Plan for future public shoreline recreation needs, and to acquire (i.e., through purchase, donation or other agreement) shoreline areas that provide active and/or passive recreation opportunities.

(4) Support other governmental and non-governmental efforts to acquire and develop additional shoreline properties for public recreational uses.

25.03.050 Shoreline Use Goals

The following goals address the general distribution, location, and extent of all uses within shoreline jurisdiction.

(1) Give first preference to single-family residential uses and water-dependent uses including public recreational uses that provide public access to shorelines. Secondary preference should be given to water-related and water-enjoyment uses.

(2) Ensure that shoreline use patterns are compatible with the ecological functions and values, and with the surrounding land use, and that they minimize disruption of these functions and values.

(3) Encourage uses that allow or incorporate restoration of shoreline areas that have been degraded as a result of past activities.

(4) Ensure that all new development in the shoreline jurisdiction is consistent with the Program, the City's Comprehensive Plan and the Washington State Shoreline Management Act RCW 90.58.

(5) Ensure that shoreline uses satisfy the economic, social, and physical needs of the citizens of Sammamish.

25.03.060 Shoreline Restoration and Enhancement Goals

The following goals address re-establishment, rehabilitation and improvement of impaired shoreline ecological functions and/or processes.

(1) Improve and restore shoreline functions and processes over time through regulatory, voluntary and incentive-based public and private programs and actions.

(2) Encourage cooperative restoration programs between local, state, and federal public agencies, tribes, non-profit organizations, and landowners.

(3) Integrate restoration efforts with other parallel natural resource management efforts including, but not limited to, salmon conservation, basin management, and water cleanup plans.

(4) Restore natural ecological or shoreline functions, to the extent reasonable, while pursuing shoreline use goals set forth in sections SMC 25.03.040 and 25.03.050.

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 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.

Chapter 25.04 **Shoreline Management Policies**

25.04.010 General Policies

(1) Archaeological, Historic and Cultural Resources Policies

- (a) The City should work with tribal, state, federal and other local governments to identify significant local historic, cultural and archaeological sites consistent with applicable state and federal laws protecting such information from general public disclosure. Such sites should be protected, preserved and/or restored for study, education and/or public enjoyment to the maximum extent possible.
- (b) When a new use or development is proposed adjacent to an identified historic, cultural or archaeological site, it should be designed and operated to be compatible with continued protection of the historic, cultural or archaeological site.
- (c) Owners of property containing identified historic, cultural or archaeological sites should coordinate with appropriate tribes, and agencies such as the King County Cultural Resources Division for locally-held information and the Washington State Department of Archaeology and Historic Preservation. Ample time should be allowed to assess the site and make arrangements to preserve historical, cultural and archaeological values.
- (d) Shoreline use and development should not significantly and negatively impact, destroy, or damage any site having historic, cultural, scientific or educational value.
- (e) Development plans for public open spaces, trails, or recreation lands should incorporate measures for historic, cultural and archaeological resource preservation, restoration, and education whenever compatible and possible.

(2) Critical Areas and Environmental Protection Policies

- (a) This Program should provide a level of protection to critical areas within the shoreline jurisdiction that is at least equal to the protection provided by the City's critical areas regulations (SMC 21A.50) adopted pursuant to the Growth Management Act and the City's Comprehensive Plan.
- (b) New shoreline uses and developments should occur in a manner that maintains existing natural shorelines, assures no net loss of shoreline ecological functions and processes and protects critical areas and associated buffers within the shoreline jurisdiction as designated in SMC 21A.50.

(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, food chain support and water temperature maintenance. Shoreline processes that should be protected include, but are not limited to, water flow; infiltration; groundwater 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, 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 private property.

(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.

(b) Restoration actions should improve shoreline functions, processes and/or features that meet the needs of important plant, wildlife and fish species such as kokanee and other native salmonid species.

(c) Restoration should be integrated with and should support other natural resource management efforts in King County, Water Resource Inventory Area 8, and in the greater Puget Sound region.

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

(6) Shoreline Use Policies

(a) The following uses/developments should be given preference for locating within the shoreline jurisdiction when they are consistent with City zoning regulations and located, designed, and maintained in a manner that is consistent with this Program:

i. Single-family residences, and

ii. Water-dependent and water-related use/development; and

iii. Public uses and developments that provide physical and/or visual access to the shoreline for substantial numbers of people.

(b) The City should reserve areas for protection and restoration of ecological functions to control pollution, protect public health, and prevent damage to the environment.

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

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

(7) Shoreline Vegetation Conservation Policies

(a) New shoreline uses and developments should be planned and designed to retain or replace shoreline vegetation with the overall purpose of achieving no net loss of the ecological functions performed by the vegetation. Important functions of shoreline vegetation include, but are not limited to:

i. Providing shade necessary to maintain water temperatures required by salmonids and other aquatic biota; and

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

iii. Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence/severity of landslides; and

- 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 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 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 encouraged 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.

(10) Water Quality, Stormwater and Nonpoint Pollution Policies

- (a) New shoreline uses and developments are encouraged to be located, constructed, operated, and maintained to prevent water quality and storm water quantity impacts that would adversely affect shoreline ecological functions, or cause significant impact to shoreline aesthetics or recreational opportunities.
- (b) New shoreline uses and developments should incorporate strategies to control phosphorus loading of lakes over the long term.
- (c) New shoreline uses and developments should be designed and operated to minimize the need for chemical fertilizers, pesticides or other chemical treatments to prevent contamination of surface and ground water and/or soils and minimize adverse effects on shoreline ecological functions.
- (d) New shoreline uses and developments are encouraged to minimize impervious surface and incorporate low impact development stormwater management techniques where reasonable to minimize surface water runoff and prevent water quality degradation.
- (e) Point and non-point source pollution should be managed on a comprehensive, basin-wide basis to protect water quality and support the efforts of shoreline property owners to maintain shoreline ecological functions.

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) 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 functions.

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

(c) New shared or joint-use docks are preferred over single-user docks.

(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.

(c) When allowed, dredging should be planned and operated to minimize adverse impacts to shoreline ecology, to existing shoreline uses, and to minimize interference with navigation.

(d) Dredging for the primary purpose of obtaining fill material to create uplands is not allowed.

(4) Filling and Excavation Policies

(a) Fill and excavation should be allowed only in association with a permitted use/development and where allowed should be the minimum necessary to accommodate the proposed use.

(b) Filling and excavation should not be allowed where structural shoreline stabilization would be needed to prevent the fill from eroding.

(c) The perimeter of fill and excavation activities should be designed to avoid or eliminate erosion and sedimentation impacts, both during initial fill and excavation activities and over time.

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

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

(5) Shoreline Stabilization Policies

- (a) New developments should be designed and located to avoid the need for new stabilization measures.
- (b) Bulkheads and other forms of hard structural shoreline stabilization should be discouraged. Bulkhead alternatives that implement bioengineering and bio-stabilization methods should be used where reasonable.
- (c) Shoreline stabilization including bulkheads and bulkhead alternatives should be located, designed, and maintained to minimize adverse effects on shoreline ecology, including effects on the project site and adjacent properties over time. Probable effects of proposed shoreline stabilization on ongoing shoreline processes and functions should be fully evaluated for consistency with this Program.
- (d) Shoreline stabilization should be located and designed to fit the physical character of a specific shoreline reach, which may differ substantially from adjacent reaches.
- (e) Shoreline stabilization should not interfere with existing or future public access to public shorelines or with other appropriate shoreline uses.
- (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 should be restored using bulkhead alternatives.
- (h) The City should facilitate voluntary enhancement and restoration projects that replace hard structural shoreline stabilization with bulkhead alternatives and bio-engineered approaches. The City should provide technical assistance, education, and regulatory incentives for hard structural shoreline stabilization removal and 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 should be 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.

(4) Public recreational development should use low impact development stormwater management techniques and other methods that protect, enhance, and restore shoreline ecological functions where reasonable.

25.04.050 Transportation Use Policies

(1) New public transportation uses and facilities should be located outside of the shoreline jurisdiction unless alternative locations are infeasible or the transportation facility is required to serve water-dependent public uses.

(2) When required, new transportation uses and facilities should be planned to fit the topographical characteristics of the shoreline and to minimize alterations to the shoreline environment.

(3) When existing public transportation uses and facilities located within shoreline jurisdiction require maintenance or other improvements to address public health and safety, the maintenance/improvement should be designed and implemented to minimize additional impacts on the shoreline environment and consideration should be given to correcting past impacts caused by the transportation facility.

(4) Public transportation development should use low impact development stormwater management techniques and other methods that protect, enhance, and restore shoreline ecological functions where reasonable.

25.04.060 Utility Use Policies

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

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

- (b) Water crossings are unavoidable; or
 - (c) Other locations are infeasible; or
 - (d) They are required for authorized shoreline uses consistent with this Program.
- (2) Utilities should be located and designed to avoid public recreation and public access areas and significant natural, historic, archaeological or cultural resources.
- (3) Development of pipelines and cables, particularly those running roughly parallel to the shoreline, and development of facilities that may require periodic maintenance that would disrupt shoreline ecological functions, should be discouraged except where no other 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.

Chapter 25.05 **Jurisdiction and Environment Designations**

25.05.010 Shoreline Jurisdiction

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

(2) The City determines the extent of shoreline jurisdiction on a case-by-case basis in conjunction with a development proposal, permit request, or request for statement of exemption. The landward extent of shoreline jurisdiction is measured from the OHWM and includes associated wetlands. For Lake Sammamish, the waterward extent of shoreline jurisdiction, as measured from the OHWM toward the western city boundary, shall be governed by the regulations pertaining to the adjoining shoreland area and all such uses shall be considered accessory to the primary use. For Pine and Beaver Lakes, the waterward extent of shoreline jurisdiction, as measured from the OHWM toward the center of each lake, shall be governed by the regulations pertaining to the adjoining shoreland area and all such uses shall be considered accessory to the primary use. The OHWM shall be determined based on site-specific observation and assessment using accepted protocols and criteria in accordance with RCW 98.58.030(2)(b).

(3) No streams meeting the definition of 'shoreline' are included within the City limits as of the date of adoption of this Program. If the City annexes unincorporated areas that include Patterson Creek or other 'shorelines' or 'shorelands' as defined by this Program, shoreline jurisdiction will be determined based on the criteria and definitions in SMC 25.02 and RCW 90.58.

25.05.020 Shoreline Environment Designations

(1) Shorelines shall be assigned one of the following environment designations:

(a) **Shoreline Residential Environment (SR).** The purpose of the 'Shoreline Residential' environment is to accommodate residential development and accessory structures that are consistent with this Program. This designation shall apply to shorelines that do not meet the criteria for Urban Conservancy and that are characterized by single-family or multifamily residential development or are planned and platted for residential development.

(b) **Urban Conservancy Environment (UC).** The purpose of the 'Urban Conservancy' environment is to protect and restore relatively undeveloped or unaltered shorelines to maintain open space, floodplains, or habitat, while allowing a variety of compatible uses. This designation shall apply to shorelines that retain important ecological functions, even if partially altered. These shorelines are suitable for low intensity development, uses that are a combination of water-related or water-enjoyment uses, including single family residential use, or uses that allow substantial numbers of people to enjoy the shoreline.

(2) The shoreline environment designations established in SMC 25.07.020 (1) shall apply to the land and water areas subject to shoreline jurisdiction as defined in SMC 25.02 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 actual 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.

25.05.030 Shorelines of Statewide Significance – Lake Sammamish

(1) In accordance with RCW 90.58.020, the following policies are hereby adopted for Lake Sammamish, which is a shoreline of statewide significance. The City shall manage Lake Sammamish to give preference to uses and developments that:

- (a) Recognize and protect the statewide interest over local interest;
- (b) Preserve the natural character and wildlife habitat of the shoreline;
- (c) Result in long term over short term benefit;
- (d) Protect the resources and ecology of the shoreline;
- (e) Increase public access to publicly owned areas of the shoreline;
- (f) Increase recreational opportunities for the public in the shoreline environment.

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 restricted by their presence. Control shall occur in conformance with applicable local, state and/or federal regulations.

(3) **Clearing and Grading.** The amount of 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 (light shields) such that glare or direct illumination onto the lake is minimized.

(5) **Mitigation.** Property owners proposing new shoreline use or development shall mitigate adverse environmental impacts in accordance with this Program and other applicable regulations whether or not the use/development requires or is exempt from a shoreline substantial development permit. Mitigation measures are listed in SMC 25.06.020(10) in the table showing shoreline setback reductions.

(6) **Building setback.** A five (5) foot-wide building setback shall be established from the landward edge of the shoreline setback required in SMC 25.06.020(7). The following may be allowed in the building setback subject to the square footage limits of SMC 25.07.08:

- (a) Landscaping;
- (b) Uncovered decks that are less than eighteen (18) inches above grade;
- (c) Building overhangs if such overhangs do not extend more than eighteen (18) inches into the building setback area;
- (d) Impervious ground surfaces, such as driveways and patios;
- (e) Trails.

(7) **Shoreline Setback.** A shoreline setback is established for Lake Sammamish, Pine Lake, and Beaver Lake. The shoreline setback area is the area extending forty-five (45) feet (or as reduced by SMC 25.06.020(10)) landward from the OHWM. The following regulations shall apply:

- (a) Accessory uses and structures, including uncovered decks less than eighteen (18) inches above ground and impervious ground surfaces, are allowed as specified in this Program;
- (b) Non-water dependent shoreline uses and developments, including residential developments, shall be located landward of the shoreline setback unless otherwise specified by this Program;
- (c) Docks and shoreline stabilization structures shall be allowed within the shoreline setback as specified in this Program;
- (d) Public access structures, picnic areas, boat launches, docks and shoreline stabilization structures shall be allowed within the shoreline setback as specified in this Program;
- (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.

(8) **Partial Exemptions.** The following developments, activities and uses are exempt from the review process of the Program provided such exempt activities are otherwise consistent with the purpose of the Program and other applicable regulations and state law. The Director may apply conditions to an underlying permit or approval to ensure that the activities are consistent with the provisions of the Program. (Also see Figure 1.)

(a) Structural modification of, addition to or replacement of existing legally created structures, except single detached residences, in existence before the effective date of the Program, which do not meet the applicable shoreline setback or building setback requirements if:

i. The modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described shoreline setback or building setback area.

(b) Structural modification of, addition to or replacement of legally created single detached residences and improvements constructed on existing associated legally created impervious surfaces in existence before the effective date of the Program, that do not meet the applicable shoreline setback or building setback, if:

i. The modification, addition, replacement or related activity does not increase the existing total footprint of the residence and associated impervious surface lying within the shoreline or building setback area by more than 200 square feet over that existing before the effective date of the Program; and,

ii. No portion of the modification, addition or replacement is located closer to the OHWM. This exemption may only be used once.

(c) Structural modification of, addition to or replacement of legally created single detached residences and improvements constructed on existing associated legally created impervious surfaces in existence before the effective date of the Program, which do not meet the applicable shoreline setback or building setback, if:

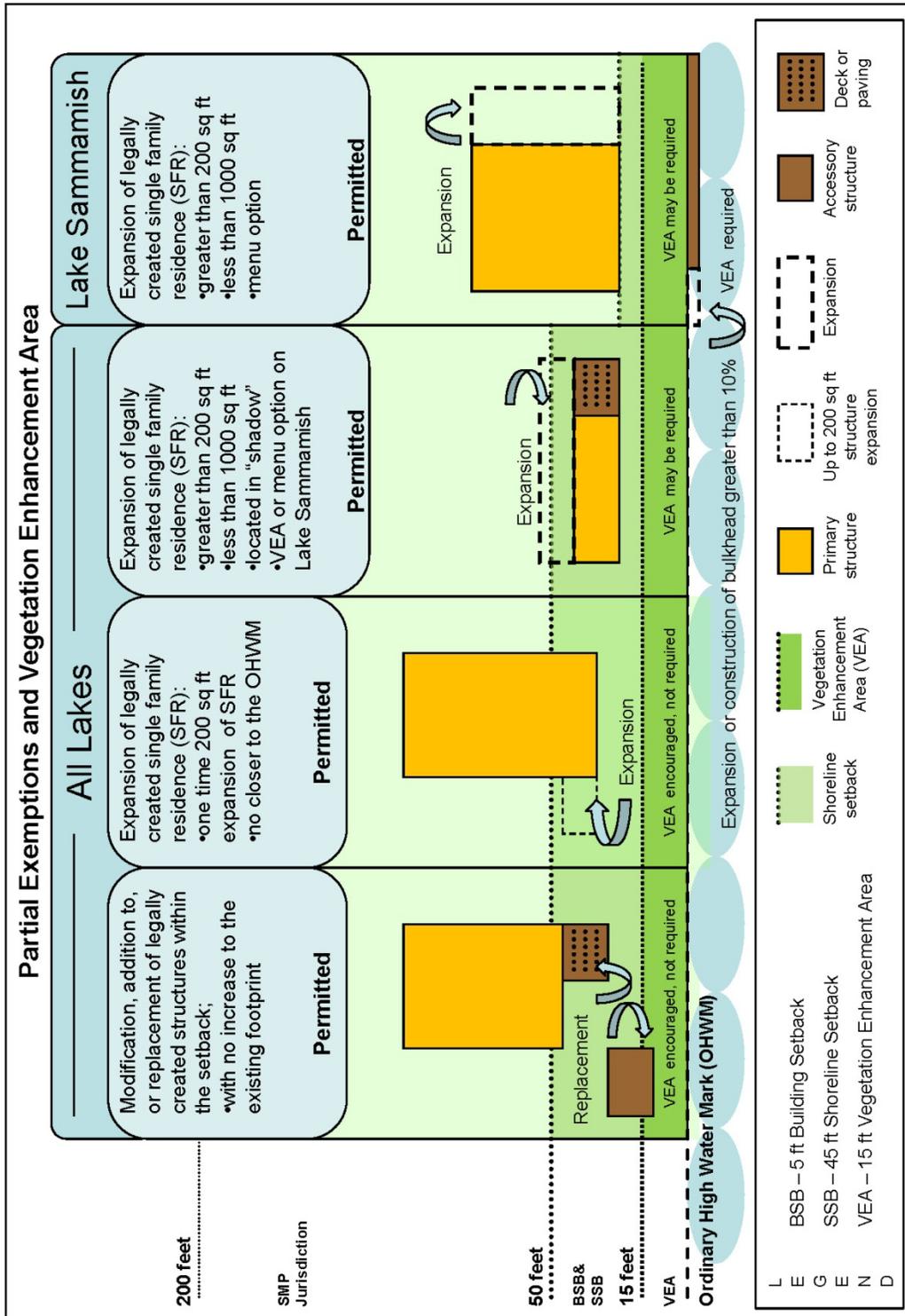
i. The modification, addition, replacement or related activity does not increase the existing total footprint of the residence and associated impervious surface lying within the shoreline or building setback area by more than 1,000 square feet over that existing before the effective date of the Shoreline Master program ; and

ii. The footprint expansion extends landward (to the rear) from the existing structure footprint and maintains the same interior lot line setback distances up to the shoreline setback line (known as the “shadow” of the existing structure).

(d) **Select Vegetation Removal Activities.** The removal of the following invasive vegetation is allowed with hand labor and/or light equipment; provided, that the appropriate erosion-control measures are used and the area is replanted with native vegetation according to a restoration or enhancement plan that has been approved by the City of Sammamish:

- i. Noxious weeds as identified by Washington State or King County noxious weed lists;
 - ii. Himalayan blackberry (*Rubus discolor*, *R. procerus*);
 - iii. Evergreen blackberry (*R. laciniatus*);
 - iv. Ivy (*Hedera* spp.); and
 - v. Holly (*Ilex* spp.), laurel, Japanese knotweed (*Polygonum cuspidatum*), or any other species on the King County noxious weed list.
- (e) Conservation, Preservation, Restoration and/or Enhancement.
- i. Conservation and preservation of soil, water, vegetation, fish and other wildlife that does not entail alteration of the location, size, dimensions or functions of an existing shoreline setback or vegetation enhancement area; and
 - ii. Restoration and enhancement of shoreline setback or vegetation enhancement area; provided, that actions do not alter the location, dimensions or size of the shoreline setback or vegetation enhancement area; that actions improve and do not reduce the existing quality or functions of the shoreline setback or vegetation enhancement area; and that actions are implemented according to a restoration or enhancement plan that has been approved by the City of Sammamish.

Figure 1:



(9) **Lake Sammamish Vegetation Enhancement Area.** The fifteen (15) foot-wide portion of the shoreline setback immediately landward of the OHWM is reserved as a vegetation enhancement area. The following regulations apply:

(a) Property owners shall be required to establish and maintain the vegetation enhancement area:

i. As required by SMC 25.06.020(10), if they propose to construct or expand the footprint of a residential structure that is located entirely or partially in the shoreline setback or reduced shoreline setback such that the expanded footprint within the shoreline setback will increase by more than two hundred (200) square feet of footprint including when using the partial exemption of SMC 25.06.020(8); or

ii. If they propose to construct or expand an existing bulkhead or other stabilization structure by more than ten percent (10%).

iii. Excluded from this requirement are changes to a structure that do not expand the footprint. Also excluded from this requirement is rebuilding in the same footprint plus up to two hundred (200) square feet of additional footprint area within the shoreline setback providing the additional footprint area is not closer to the lake.

(b) The vegetation enhancement area, excluding the active use area, shall be planted or maintained with at least seventy-five percent (75%) by area of the vegetation consisting of native trees, shrubs, and groundcover designed to improve ecological functions. Up to twenty-five percent (25%) by area of the vegetation in the vegetation enhancement area may be composed of non-native or ornamental plantings.

(c) An area of up to twenty-five percent (25%) of the vegetation enhancement area 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) Structures, decks and paved areas within the vegetation enhancement area may only be located within the active use area except as otherwise allowed by this Program.

(e) 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.

Table 1: Shoreline Setback Reductions

Reduction	Number of feet the standard Lake Sammamish shoreline setback may be reduced	Reduction Criteria Reductions may be cumulative, but in no case shall the resulting shoreline setback be less than fifteen (15) feet*. Planting in accordance with VEA requirements.
1	15 feet	<p>For removal of an existing bulkhead located at, below, or within five feet landward of the lake's OHWM and subsequent restoration of the shoreline to a natural or seminatural state, including the restoration of topography, soil composition, and vegetation; or,</p> <p>For restoration of the shoreline to a natural or seminatural state if no bulkhead is present, but other existing unnatural shoreline contours are present; or,</p> <p>For preservation of the existing natural shoreline conditions if no bulkhead or other unnatural shoreline features are present.</p>
2	10 feet	For establishment of a 15-foot vegetation enhancement area along the shoreline.
3	10 feet	For establishment of at least a 5 foot width of native vegetation along the entire waterward side of a modified bulkhead, including the use of small gravel or rock fill, as part of an Army Corps of Engineer approved plan and in compliance with all WDFW and other appropriate agency regulations.
4	5-10 feet	Reduction of 5 feet for impervious surface coverage 10 percent less than the city standard and 10 feet for impervious surface coverage 20 percent less than the city standard as allowed by SMC 25.07.080(2)(b) or (c).
5	5 feet	For limiting lawn area to no greater than 20 percent of the shoreline jurisdiction area.
6	1-10 feet	For every 50 square feet of native planting area added landward of and adjacent to the VEA, 1 foot reduction (up to 10 feet maximum reduction).
7	5 feet	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 OHWM.
8	5 feet	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 to protect lake water quality.

* Plus the five (5) foot building setback (SMC 25.06.020)

(a) The partial exemption(s) of SMC 25.06.020(8)(b) and (c) may be utilized for modifications, replacements and additions that do not expand the footprint by more than one thousand (1,000) square feet within the shoreline setback in lieu of the reductions authorized in Table 1, with establishment and maintenance of the 15 foot vegetation enhancement area. Establishment of the vegetation enhancement area is encouraged but not required for expansions of two hundred (200) square feet or less.

(b) Reduction measures shall be installed, monitored, maintained and city inspected. Mitigation provisions in SMC 21A.50.140 and SMC 21A.50.145 shall apply and financial guarantees pursuant to SMC 21A may be required.

(11) **Pine Lake and Beaver Lake Tree Retention.** Eighty percent (80%) of the significant trees within the shoreline jurisdiction must be retained. This requirement shall not apply to documented hazard trees.

(12) **Pine and Beaver Lakes Vegetation Enhancement Area.** A vegetation enhancement area immediately landward of the OHWM is encouraged.

(13) **Critical Areas within Shoreline Jurisdiction.** Where critical areas including wetlands, streams, frequently flooded areas, geologically hazardous areas, or 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.** The owner of any property required to maintain a vegetation enhancement area on which a development proposal is submitted or any property on which mitigation is established as a result of development, except a public right-of-way or the site of a permanent public facility, shall file a notice approved by the City with the King County records and elections division. The required contents and form of the notice shall be determined by the Director. The notice shall run with the land.

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 public access is not required for new single-family residential subdivisions.

(3) Development of public access facilities in, on or over the water shall be constructed using materials that allow light penetration and do not contaminate water. Facilities in, on or over the water shall be of non-reflective materials that are compatible in terms of color and texture with the surrounding area. The underside of over-water facilities should incorporate reflective materials where necessary to reduce the effects of shadowing.

(4) Public access should be located adjacent to other public areas, accesses and connecting trails, and connected to the nearest public street end or other public access point.

25.06.040 Restoration Regulations

- (1) Ecological restoration projects shall be carried out in accordance with a City-approved restoration plan, and in accordance with the policies and regulations of this Program.
- (2) Voluntary enhancement and restoration of the shoreline not associated with any other development proposal is encouraged and should be accomplished according to a City-approved plan for its design, implementation, maintenance, and monitoring. Restoration or enhancement should result in a net improvement to the functions of the lake ecosystem.
- (3) Voluntary establishment of vegetation enhancement areas is encouraged to restore shoreline ecological function. Previously established and City-approved vegetation enhancement areas or buffer reductions shall be credited toward shoreline setback reductions in accordance with this Program.

25.06.050 Water Quality, Stormwater, and Nonpoint Pollution Regulations

- (1) 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 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) 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.

Chapter 25.07 Use/Development Regulations

These regulations apply to all new development and uses within the Lake Sammamish, Pine Lake, and Beaver Lake shoreline jurisdictions. 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 25.05.010. Regulations pertaining to general requirements are contained in SMC 25.06.

25.07.010 Summary of Uses, Approval Criteria, and Process

Table 2 summarizes the permitted, conditional, and prohibited uses for each lake. All permitted and conditional uses may not appear in the table. In cases where uses are not listed, or conflicts exist with other section(s) of the Program, the text provisions shall control. Table 3 summarizes the dimensional standards for each lake.

Table 2: Permitted Uses

Use (SMP Section)	Lake Sammamish Shoreline Residential	Lake Sammamish Urban Conservancy	Pine and Beaver Lakes Shoreline Residential	Pine and Beaver Lakes Urban Conservancy
P = Permitted; C = Conditional Use; X= Prohibited				
Dredging (25.07.020(1))	P	P	P	P
Dredging (25.07.020(2))	C	C	C	C
Fill and excavation and grading (25.07.030)	P	P	P	P
New private boat launches (25.07.040)	X	X	X	X
Maintenance and repair of existing private boat launches	P	P	P	P
Public boat launches	P	P	P	P
Private docks, floats, mooring buoys (25.07.050)	P	P	P	P
Canopies and lifts (25.07.050)	P	P	X	X
Maintenance and repair of docks, lifts, mooring buoys and floats (25.07.050 and 25.07.060)	P	P	P	P
Public docks, floats, and mooring buoys (25.07.060)	P	P	P	P

Use (SMP Section)	Lake Sammamish Shoreline Residential	Lake Sammamish Urban Conservancy	Pine and Beaver Lakes Shoreline Residential	Pine and Beaver Lakes Urban Conservancy
P = Permitted; C = Conditional Use; X= Prohibited				
Shoreline Stabilization bulkheads and bio-engineered solutions (25.07.070)	P	P	P	P
Repair, replacement and maintenance of shoreline stabilization (25.97.070)	P	P	P	P
Breakwaters, gabions, jetties, rock weirs, groins and other similar structures (25.07.070)	X	X	X	X
Single family residences and appurtenances (accessory structures) (25.07.080)	P	P	P	P
Accessory dwelling units	P	P	P	P
Subdivision (25.07.080)	P	P	P	P
Houseboats and floating homes (25.07.080)	X	X	X	X
Transportation uses and facilities (25.07.100)	P	P	P	P
Parking, accessory to a permitted shoreline use (25.07.100)	P	P	P	P
Parking as a primary use (25.07.100)	X	X	X	X
Parking in, on or over water (25.07.100)	X	X	X	X
Public recreational use	P	P	P	P
Utilities, primary land use (25.07.110)	P	P	P	P
Utilities, accessory to a single family (25.02.010) and (25.07.080)	P	P	P	P

Table 3: Dimensional Standards

	Lake Sammamish Shoreline Residential	Lake Sammamish Urban Conservancy	Pine and Beaver Lakes Shoreline Residential	Pine and Beaver Lakes Urban Conservancy
Single Family Residential (SMC 25.07.080) (SMC 25.06.020)				
Height	35 feet	35 feet	35 feet	35 feet
Setbacks	15% of lot width, minimum setback 5 feet	15% of lot width, minimum setback 5 feet	R-4	R-4
Impervious surface (max.)	R-4, no additional % for lots under 9,076 square feet	40%	R-4, no additional % for lots under 9,076 square feet	40%
Fences	6 feet	6 feet	6 feet	6 feet
Accessory structures (not ADU) (SMC 25.07.080)				
Height	10 feet	10 feet	10 feet	10 feet
Maximum footprint	200 square feet	200 square feet	200 square feet	200 square feet
Other structures outside shoreline setback				
Height	35 feet	35 feet	35 feet	35 feet
Footprint Maximum	None	None	None	None
Docks: Private Residential (SMC 25.07.050)				
Length	Dock length of 80 feet maximum or length necessary to reach a depth of 8 feet. No dock shall be more than ¼ the distance to the opposite shoreline.	Dock length of 80 feet maximum or length necessary to reach a depth of 8 feet. No dock shall be more than ¼ the distance to the opposite shoreline.	Dock length of 80 feet maximum or length necessary to reach a depth of 8 feet. No dock shall be more than ¼ the distance to the opposite shoreline.	Dock length of 80 feet maximum or length necessary to reach a depth of 8 feet. No dock shall be more than ¼ the distance to the opposite shoreline.
Area: 1 owner	600 square feet	600 square feet	600 square feet	600 square feet
Area: 2 to 9 owners	800 square feet	800 square feet	700 square feet	700 square feet
Area: 10 or more owners	1,000 square feet	1,000 square feet	700 square feet	700 square feet
Width	Up to 50% of lot width	Up to 50% of lot width	Up to 50% of lot width	Up to 50% of lot width
Placement	At least 15 feet from property line			
Subdivision (25.07.080)	Shared use docks are required (see above for shared use dock allowances).	Shared use docks are required (see above for shared use dock allowances).	Shared use docks are required (see above for shared use dock allowances).	Shared use docks are required (see above for shared use dock allowances).
Canopy (25.07.050)				

	Lake Sammamish Shoreline Residential	Lake Sammamish Urban Conservancy	Pine and Beaver Lakes Shoreline Residential	Pine and Beaver Lakes Urban Conservancy
Coverage	25 x 15 feet	25 x 15 feet	-----	-----
Height above OHW	10 feet	10 feet	-----	-----
Docks: Public Recreational (25.07.060)				
Length	No limit	No limit	No limit	No limit
Area	3, 000 square feet	3, 000 square feet	3,000 square feet	3,000 square feet
Setbacks (25.06.020)				
Shoreline setback	45 feet	45 feet	45 feet	45 feet
Building setback	5 feet	5 feet	5 feet	5 feet
Vegetation enhancement area (VEA)	15 feet	15 feet	Encouraged	Encouraged
Active use area	25% of VEA	25% of VEA	No limit	No limit
Subdivision (25.07.050)				
Minimum area	12,500 square feet	12,500 square feet	12,500 square feet	12,500 square feet
Minimum lot width	50 feet	50 feet	50 feet	50 feet

25.07.020 Dredging Regulations

- (1) Dredging may be permitted when necessary to support the following:
 - (a) Public sponsored ecological restoration or enhancement projects; or
 - (b) City-approved restoration and mitigation projects that involve bulkhead removal and/or shoreline vegetation enhancement; or
 - (c) Bio-engineered shoreline stabilization projects, including bio-engineered shoreline stabilization associated with private residential developments.
 - (d) Construction of a public dock for public water-dependent recreational use, provided that the dredging is limited to the minimum needed to accommodate the public dock.
- (2) Dredging for any purpose other than listed in SMC 25.07.020(1) may be permitted with a conditional use permit.
- (3) When permitted, dredging activities must comply with all of the following standards:
 - (a) Alternatives to dredging are infeasible; and
 - (b) The dredging is timed to minimize damage to shoreline ecological functions and aquatic life; and
 - (c) Unavoidable impacts of dredging are mitigated as required by this Program.
- (4) Dredging for the purpose of public transportation is not permitted.
- (5) Dredge material shall be disposed of in legally established upland locations away from the shoreline and should be coordinated with appropriate agencies.

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 WAC 173.27.040(2).
- (4) Fill shall be permitted landward of the OHWM and as allowed in 25.07.030(5) (below) 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) Publically 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;
 - (f) Expansion or alteration of public transportation facilities currently located in the shoreline where there is no reasonable alternative;
 - (g) When associated with a permitted or conditional use and as required by state or federal agencies.
 - (h) Fill waterward of the OHWM for any other purpose shall require a Shoreline Conditional Use Permit.
- (6) 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.

25.07.040 Boat Launches - Ramps and Rails Regulations

- (1) Existing legally established launch ramps and rails associated with private residential development may be maintained and repaired.
- (2) Public launch ramps and rails associated with public recreational uses shall be allowed on public land along the Lake Sammamish, Pine Lake, and Beaver Lake shorelines.
- (3) New launch ramps and rails shall be designed as follows:
 - (a) New launch ramps or rails shall be anchored to the ground through the use of tie-type construction. New ramps that solidly cover the water body bottom are prohibited; and
 - (b) No portion of a launch ramp or rail shall be placed or extend more than sixty (60) feet waterward of the OHWM; and
 - (c) A launch ramp or rail shall not be placed or extend to a depth greater than eight feet below the OHWM.
- (4) New launch ramps and rails associated with private residential development are prohibited.

25.07.050 Private Docks, Floats, Mooring Buoys and Watercraft Lift Regulations

- (1) **All Lakes.** The following regulations shall apply to private docks, floats, mooring buoys and lifts:
 - (a) No new dock or float shall be wider than fifty percent (50%) of the lot width at the waterfront edge.
 - (b) No new dock, lift (Lake Sammamish only), mooring buoy, or float shall be located closer than fifteen (15) feet from the side property line extended, except that joint-use docks, lifts and floats may abut or cross property lines for the common use of adjacent property owners when mutually agreed to by the property owners in an agreement recorded with King County.
 - (c) Mooring buoys shall be limited to the number allowed pursuant to Washington State Department of Natural Resources requirements.
 - (d) No new float shall cover more than one hundred fifty (150) square feet of the lake.
 - (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.

(a) Each individual residential lot on Lake Sammamish shall be allowed: 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. Six hundred (600) square feet for private residential docks serving one lot; or

ii. Eight hundred (800) square feet for private residential docks serving two (2) to nine (9) lots in a shared 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) No boat lift shall be located closer than five (5) feet from the side property line extended. New boat lifts installed between five (5) and fifteen (15) feet of the side property line extended must be installed perpendicular to the shoreline.

(f) Maximum length of private docks. The maximum waterward extent of any new dock or other in-water/overwater moorage structure shall be no longer than eighty (80) feet or the length needed to reach a depth of eight (8) feet (measured from ordinary high water), whichever is greater. No dock shall be more than one quarter ($\frac{1}{4}$) the distance to the opposite shoreline.

(g) One boat canopy per residential lot is allowed provided that the canopy is made of translucent material. Canopies may be a maximum of twenty-five (25) feet in length, fifteen (15) feet in width, and ten (10) feet at the highest point over ordinary high water.

(3) **Pine Lake and Beaver Lake.** The following requirements apply to all new private docks and floats on Pine Lake and Beaver Lake, including shared/joint-use facilities and beach club facilities.

(a) Each individual residential lot on Pine and Beaver Lake shall be allowed: one (1) residential dock, and one (1) float.

(b) Maximum overwater coverage area for private docks on Pine and Beaver Lake:

i. Six hundred (600) square feet for private residential docks serving one lot.

ii. Seven hundred (700) square feet for private residential docks serving two (2) or more lots in a joint-use agreement.

(c) New boat lifts and canopies are not permitted on Pine and Beaver Lakes. Existing lifts and canopies may be maintained.

(d) The maximum waterward extent of any new dock or other in-water/overwater moorage structure shall be no longer than eighty (80) feet or the length needed to reach a depth of eight (8) feet (measured from ordinary high water), whichever is greater. No dock shall be more than one quarter (1/4) the distance to the opposite shoreline.

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. There is no dock length limit for public recreational docks.

25.07.070 Shoreline Stabilization Regulations

This section describes the types of shoreline stabilization permitted on all shorelines in Sammamish.

(1) When allowed pursuant to this Program, shoreline stabilization and permitted alternatives, including new, expanded, or replacement bulkhead alternatives and bulkheads, must meet all of the following requirements:

- (a) The impacts must be mitigated such that there is no net loss of shoreline ecological functions. This is achieved by maintaining the required vegetation enhancement area in a vegetated condition, or planting the shoreline vegetation enhancement area in accordance with this Program; and
 - (b) The size of shoreline stabilization structure shall be limited to the minimum necessary to protect the primary structure; and
 - (c) The shoreline stabilization is designed by a state licensed professional geotechnical engineer and/or engineering geologist and constructed according to applicable state and federal laws; and
 - (d) The shoreline stabilization is designed and constructed to incorporate natural vegetation and habitat elements wherever reasonable, and constructed and maintained in a manner that does not degrade the water quality of affected waters; and
 - (e) No gabions, motor vehicles, appliances, structure demolition debris, or solid waste of any kind shall be used for shoreline stabilization. Any such objects that may be remnant from replaced shoreline stabilization must be removed from the shoreline and shoreline setback unless doing so would cause damage to the environment; and
 - (f) The shoreline stabilization shall be designed and constructed with gravel backfill and weep holes so that natural downward movement of surface or ground water may continue without ponding or saturation; and
 - (g) The shoreline stabilization on shores exposed to significant wave action shall be designed to dissipate wave energy and scouring; and
 - (h) Shoreline stabilization shall be placed landward of associated wetlands and buffers.
- (2) Bulkhead alternatives and bioengineered shoreline stabilization (also known as bio-stabilization) are the preferred method for stabilizing shorelines and shall be permitted with proof of demonstrated need provided in a technical report prepared by a Washington State licensed engineer and/or a qualified biologist as appropriate. Such alternatives include large rocks, logs, revetments and other natural materials integrated with native vegetation to prevent erosion of land into the lakes.
- (3) New or expanded hard structural stabilization may be permitted only when bulkhead alternatives are determined to be infeasible or insufficient and when required:
- (a) To protect an existing primary residential structure from shoreline erosion caused by currents or waves (and not caused by normal sloughing, vegetation removal, or poor drainage) when there is a significant possibility that the primary structure will be damaged within three (3) years as a result of shoreline erosion in the absence of armoring measures.
 - (b) For projects whose primary purpose is remediating hazardous substances pursuant to RCW 70.105.

- (c) For stabilization on public land to facilitate public shoreline access for substantial numbers of people.
- (4) To comply with regulation SMC 25.07.070 (3) of this section, the property owner shall provide technical reports that:
 - (a) Evaluate the need for structural shoreline stabilization; and
 - (b) Describe alternatives to structural approaches and analyze the environmental effects of each alternative. Geotechnical analysis shall address the necessity of bulkheads or other armoring by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. The geotechnical reports and alternatives analysis shall be prepared by a Washington State licensed engineer, engineering geologist and/or a qualified biologist as appropriate. The reports shall meet the application requirements of SMC 20.05 (Procedures for Land Use Permit Applications, Public Notice, Hearings and Appeals) and the critical areas study requirements of SMC 21A.50.130.
- (5) Stairs may be built into shoreline stabilization but shall not extend waterward of OHWM. Stairs on the water-ward side of existing bulkheads may be maintained and repaired in-kind.
- (6) When there is a need for an existing legally established bulkhead to be replaced, it may be done with bulkhead alternatives or bio stabilization. An existing bulkhead or similar stabilization structure may only be replaced with a structure of similar dimension and location when bulkhead alternatives are demonstrated to be infeasible or inadequate to protect the primary residential structure and the following criteria are met:
 - (a) 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
 - (b) 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.
- (7) 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.
- (8) 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 hard shoreline stabilization structure and the City may require mitigation in accordance with this Program.

(9) 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.

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

(11) 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) For Shoreline Residential areas, impervious surface allowances shall be in accordance with R-4 zoning requirements, with the exception that no additional impervious surface percentage is allowed for lots less than 9,076 square feet. See SMC 21A.25.030 Note 4.c.

(c) For Urban Conservancy areas, the maximum amount of impervious surface shall not exceed 40% of the lot area above OHWM.

(d) New accessory structures, excluding accessory dwelling units, may be located waterward of the shoreline setback provided that all of the following criteria are met:

- i. The maximum total footprint is not more than two hundred (200) square feet; and,
- ii. The maximum height is not more than ten (10) feet above existing average grade level; and,
- iii. The structure is located outside of wetlands, streams, other ecologically sensitive areas and associated buffers.
- iv. Square footage of non-fixed landscaping features (single and clustered rocks used in landscaping, birdhouses, and items such as party tents, umbrellas and outdoor furniture, garden boxes, planters, and trellises) is not regulated.

(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 25.06.020(8). 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) shall be at least twenty (20) feet in accordance with SMC 25.06.020.

(b) **Pine and Beaver Lakes.** An existing legally established residential structure may be expanded or reconfigured. Expansion into the shoreline setback shall occur only as allowed in SMC 25.06.020(8). Expansion/modification shall be subject to the requirements of SMC 25.06.020.

(4) Interior setbacks.

(a) **Lake Sammamish.** Interior setbacks within shoreline jurisdiction shall total fifteen percent (15%) of the width of the lot, with a minimum setback of five (5) feet on either side of the lot.

(5) **Fences.** No portion of any fences within shoreline jurisdiction shall exceed six (6) feet in height, as measured from the existing ground elevation along the proposed fence alignment, and shall not be located within wetlands, streams, or SMC 21A.50 buffers.

(6) **Subdivision.** Shoreline lots may be subdivided in accordance with SMC Title 19.

(a) The minimum lot width required for subdivision within shoreline jurisdiction shall be fifty (50) feet as measured by scaling a circle of the applicable diameter within the boundaries of the lot. For lots fronting directly on the OHWM, the lot width circle shall touch the OHWM. An access easement may be included in the lot width circle; and

(b) Landward portions of all lots created through subdivision shall have a minimum size of twelve thousand five hundred (12,500) square feet, provided that all other applicable regulations are met, including this Program, SMC 21A.25 and the King County Department of Health, (septic system siting standards); and

(c) All new subdivisions shall be allowed one additional shared use dock. An existing dock may remain for either shared use or use by one lot in the subdivision.

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 wetland or stream buffers, or in, on or over water and that no structure exceeds fifteen (15) 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, 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 that are accessory to residential use.

(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 transportation facilities, not including trails, shall be located outside of the shoreline setback and any required building setback unless there is no feasible alternative. Adverse impacts shall be mitigated according to the mitigation requirements of SMC 21.50 and other applicable regulations.

(4) New roads shall be developed to minimize impacts to surface waters and new culverts shall meet applicable city and state standards.

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

(6) Parking within the shoreline jurisdictions shall be limited to parking facilities that directly serve a permitted shoreline use, such as waterfront regional trails, including on-street parking where otherwise allowed in SMC Title 14 (Public Utilities and Transportation) and Title 21A. Parking as a primary use shall be prohibited.

(7) To the extent possible, vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading and alteration of topography and natural features. Roadway and driveway alignment shall follow the natural contours and minimize width to the maximum extent reasonable.

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

- (a) Stormwater runoff; and
- (b) Water quality and shoreline habitat; and
- (c) Visual qualities; and
- (d) Public access; and
- (e) Lake management districts regulated by SMC 21A.50.

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

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.
- (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 reasonable, 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 jurisdictions.
- (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 reasonable, 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 reasonable 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 consistent with the requirements of City stormwater management regulations.

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.

(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 pursuant to RCW 90.58 and WAC 173-27 shall not require a substantial development permit but shall conform to the policies and regulations of this Program.

(2) If any part of a proposed development is not eligible for exemption as defined in RCW 90.58 and WAC 173-27, then a substantial development permit is required for the entire proposed development project.

(3) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.

(4) The burden of proof that a development or use is exempt from a substantial development permit is on the applicant or property owner proposing the use or development action.

(5) The holder of a certification from the Governor pursuant to RCW 80.50 shall not be required to obtain a substantial development permit under this Program.

25.08.040 Permits – Statements of Exemption

(1) The Director shall have the authority to require a statement of exemption for any proposed development or use if she/he has cause to believe a substantial question exists as to qualifications of the specific use or development for the exemption or there is a likelihood of adverse impacts to shoreline ecological functions.

(2) No written statement of exemption is required for emergency development pursuant to WAC 173-14-040(1)(d).

(3) In accordance with WAC 173-27-040, statements of exemptions may contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of the Program and Act.

(4) A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. In accordance with SMC 20.50.020(1)(a), the Director's decision to deny an exemption is not subject to administrative appeal. See SMC 25.08.090 for the formal appeal process.

(5) Whenever the exempt activity potentially requires a Hydraulic Project Approval from the Washington State Department of Fish and Wildlife (WDFW), a copy of the written statement of exemption shall be sent to the applicant/property owner and WDFW.

(6) Whenever the exempt activity also requires a U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899, or a Section 404 permit under the Federal Water Pollution Control Act of 1972, a copy of the written statement of exemption shall be sent to the applicant/property owner and Department of Ecology pursuant to WAC 173-27-050.

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) 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 or other users.

(6) A variance from City development code requirements shall not be construed to mean a shoreline variance from SMP use regulations and vice versa.

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

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 criteria in WAC 173-27-160 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.

(3) The Director is authorized to impose conditions and standards to enable a proposed shoreline conditional use to satisfy the conditional use criteria.

25.08.070 Administration – General Standards

(1) Unless otherwise stated, this Program shall be administered according to the standards and criteria in RCW 90.58 and WAC 173-27.

25.08.080 Permit Process – Land Use Decisions

(1) Shoreline substantial development permits, statements of exemption, shoreline variances and shoreline conditional use permits shall be subject to all of the applicable requirements of SMC 20.05.

25.08.090 Permit Process – Appeals

- (1) Appeals of the final decision of the City with regard to shoreline management shall be governed by the provisions of RCW 90.58.180.
- (2) Appeals to the Shoreline Hearings Board of a decision on a shoreline substantial development permit, shoreline variance or shoreline conditional use permit may be filed by the applicant/property owner or any aggrieved party pursuant to RCW 90.58.180.
- (3) The effective date of the City's decision shall be the date of filing with the Department of Ecology as defined in RCW 90.58.140.

25.08.100 Non-conforming Use and Development – Alteration or Reconstruction

(1) Non-conforming Structures

- (a) Reconstruction, replacement, or expansion of the exterior footprint of an existing, legally established non-conforming structure is allowed provided that the addition or reconstruction does not increase the degree of non-conformity except as allowed in SMC 25.06.020.
- (b) Replacement may be allowed in a different non-conforming location if a determination is made by the City that the new location results in less impact to shoreline functions than replacement in the existing footprint.
- (c) Existing structures that were legally established but which are non-conforming with regard to the setback, area, bulk, height or density standards established by this Program may be maintained, reconstructed, or repaired, provided that:
 - i. The maintenance/reconstruction/repair does not increase the extent of non-conformity by encroaching upon or extending into the building setback area or shoreline setback or other area where new construction or use would not be allowed except as specifically allowed in SMC 25.07.080.

(d) 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.

(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 or in accordance with (b) of this section, provided that all of the following criteria are met:

i. The owner(s) submit a complete application within twenty-four (24) months of the date the damage occurred; and

ii. All permits are issued within two years of initial 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 to plant the vegetation enhancement area with native trees and shrubs in accordance with SMC 25.06.020.

(f) A non-conforming structure that is moved outside the existing footprint must be brought into conformance with this Program and RCW 90.58, except as allowed by (b) of this section.

(g) If the repair or maintenance 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 docks.

(2) Non-conforming lots

(a) An undeveloped lot, tract, parcel, site, or division of land located landward of the OHWM that 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.

(3) Non-conforming uses

(a) Uses that were legally established prior to the adoption or amendment of this Program - and are non-conforming with regard to the use regulations of this Program may continue as legal non-conforming uses.

(b) An existing use designated as a conditional use that lawfully existed prior to the adoption or amendment of this Program and which has not obtained a conditional use permit shall be considered a legal non-conforming use and may be continued subject to the provisions of this section without obtaining a conditional use permit.

(c) If a non-conforming use is discontinued for twelve consecutive months or for twelve months during any two-year period, the nonconforming rights shall expire and any subsequent use shall be conforming unless in compliance with this Program.

25.08.110 Rules of Director

(1) The Director is authorized to adopt administrative rules as are necessary and appropriate to implement this Program. The Director may prepare and require the use of such forms as are necessary to its administration.

25.08.120 Enforcement, Violations and Penalties

(1) The Director is authorized to enforce the provisions of this Program, including any rules and regulations promulgated thereunder, pursuant to the enforcement and penalty provisions of WAC 173-27.

25.08.130 Initiation of Development

(1) Development pursuant to a shoreline substantial development permit, shoreline variance, or shoreline conditional use shall not begin and shall not be authorized until twenty one (21) days after the "date of filing" or until all appeal proceedings before the Shoreline Hearings Board have terminated.

25.08.140 Permit Revisions

(1) A permit revision is required whenever the applicant/property owner proposes substantive changes to the design, terms or conditions of a use or development from those as approved in the existing and approved permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the existing and approved permit, this Program or the Act. Changes that are not substantive in effect do not require a permit revision.

(2) An application for a revision to a shoreline permit shall be submitted to the Director. The application shall include detailed plans and text describing the proposed changes. The City shall review and process the request in accordance with the requirements of WAC 173-27-100.