ATTACHMENT A: FINDINGS AND CONCLUSIONS – ADDENDUM
COMPREHENSIVE UPDATE TO THE CITY OF SAMMAMISH SHORELINE MASTER PROGRAM

City Response to Ecology’s May 5, 2011 decision received on July 20, 2011,
Prepared by Joe Burcar on July 27, 2011

Brief Description of Proposed Amendment:

The City of Sammamish has submitted to Ecology a comprehensive amendment to their Shoreline Master Program (SMP). On May 5th, 2011, Department of Ecology Director Ted Sturdevant sent an Approved with Conditions letter to Mayor Donald Gerend. Following on-going coordination between the City, Ecology and interested parties, on July 18, 2011 the City adopted Ordinance O2011 – 308 accepting many of Ecology’s changes and proposing alternative changes for Ecology’s reconsideration. Ecology has reviewed the City’s alternatives and has found the amendments to be consistent with the Shoreline Management Act, the SMP-Guidelines and the purpose and intent of Ecology’s changes within the May 5, 2011 decision.

FINDINGS OF FACT

Alternative language for Accessory Dwelling Unit standards: The City has proposed standards for Accessory Dwelling Units (ADU’s) to be included within the updated SMP. Ecology’s required changes provide a definition for ADU’s, but the City did not provide development regulations specific to ADU’s within the SMP, therefore, Ecology identified a required change to prohibit ADU’s. The City has since provided development regulations as alternative language to allow ADU’s as a normal appurtenance to a residential use. WAC 173-27-040(g) references the opportunity for local circumstances to dictate interpretation of normal appurtenances within shoreline master programs. Referencing this authority, the City has requested that ADU’s be considered a normal appurtenance to a residential use within the City of Sammamish. The City has also acknowledged the need to protect shoreline ecological functions when allowing ADU’s by prohibiting the construction of detached ADU’s within shoreline setback or buffer areas.

Alternative language for Shoreline Setbacks: The City’s alternative deletes the 5-foot structure setback requirement that was previously required in addition to the 15-foot shoreline (VEA) minimum setback. Instead the City has proposed a 20-foot minimum shoreline setback. Ecology’s required change stipulated a 25-foot minimum shoreline setback. However, the City has provided additional lot depth data (Exhibit G) showing that 70% of the remaining vacant lots subject to these setback reduction provisions are less than 60-feet deep. Further, the median vacant lot depth for this segment of shoreline is only 40-feet. In addition, only 6 out of 80 vacant lots are greater than 120-feet deep. Therefore, the City has illustrated that the remaining vacant lots subject to this setback reduction criteria are predominately small constrained lots that would more than likely require setback relief (variance) to accommodate reasonable (future) uses.

Alternative language to amend permitted, conditional or prohibited uses: The City have accepted a majority of Ecology’s required changes to the SMP’s summary of uses (Section 25.07.010), except for amendments to allow Fill associated with ecological restoration as a permitted use, Agriculture as a conditional use in the SR and UC environments of Pine and Beaver Lakes, a definition of Boating Facilities intended to apply to community beach clubs and launch ramps, and a definition and prohibition of Marinas.

Alternative language for clarification of multiple SMP-Standards: The City has proposed alternative language (See Attachment B-Revised) related to multiple definitions and standards within the SMP. The City’s alternatives consist of minor amendments to either integrate language directly from the SMP-Guidelines (WAC 173-26) or minor language amendments to ensure consistency with other local ordinance referenced with the SMP.
ATTACHMENT A: FINDINGS AND CONCLUSIONS – ADDENDUM
COMPREHENSIVE UPDATE TO THE CITY OF SAMMAMISH SHORELINE MASTER PROGRAM

Reconsideration of Required Change for Single-Family Docks: The alternative language submitted by the City integrates the substantive components of Ecology’s required changes and also provides for different unique standards for Lake Sammamish and Pine and Beaver Lakes (Exhibit 4).

CONCLUSIONS OF LAW

Consistent with RCW 90.58.090(2)(e)(ii), the City’s proposed alternative language provided in “Attachment B-Revised” is consistent with the Shoreline Management Act and the Shoreline Master Program Guidelines and the purpose and intent of Ecology’s original changes identified within Ecology’s May 5, 2011 decision.

Related to Accessory Dwelling Units (ADU’s), the City has limited development to areas outside of all SMP or Critical Areas setbacks/buffers. Therefore, the City has concluded that no additional impacts to shoreline ecological functions will result from allowing this use.

Related to shoreline setbacks, the reduction to the minimum shoreline setback from 25-feet to 20-feet appears reasonable. This justification is based on the fact that 20-foot setback would occupy up to ⅓ of the median lot depth (40’) and 1/3 of the average 56-foot lot depth which includes a majority (70%) of the remaining vacant lots. Finally, the City has suggested some amendments in prioritization of the available restoration incentives. The amendments to the prioritization are consistent with the City’s restoration and enhancement goals and should be supported.

Related to alternative language proposed by the City for uses and development standards, the City has referenced the language changes to be consistent with existing WAC citations, or critical area standards.

Related to Use amendments proposed by the City, many of the changes provide for improved consistency throughout the SMP as well as clarification of existing and future uses considered within the SMP.

Related to dock standards, the unique standards for Pine and Beaver Lake appear justified as overwater structures within these two lakes are intended to support non-motorized boat uses as opposed to Lake Sammamish, which supports a wider variety of water-dependent uses. As summarized within the City’s analysis (Exhibit 4), the unique dock standards proposed for Pine and Beaver Lake are intended to support launching and storage of canoes and kayaks, which requires a different dock configuration than overwater structures that provide moorage to power or sailboats on Lake Sammamish.

Based on the preceding, Ecology concludes that the city’s proposed alternative language as identified in “Attachment B-Revised” is consistent with the Shoreline Management Act, the purpose and intent of Ecology’s originally requested changes provided within the May 5, 2011 decision, and approve these alternatives.
ATTACHMENT A: FINDINGS AND CONCLUSIONS – ADDENDUM
COMPREHENSIVE UPDATE TO THE CITY OF SAMMAMISH SHORELINE MASTER PROGRAM

DECISION AND EFFECTIVE DATE

Ecology approval of the city’s proposed comprehensive SMP amendment together with Ecology acceptance of alternative language is effective 14-days after the date of the Ecology Director’s letter accepting the city’s alternative SMP language.

Attachments:
SMP Review Router
City of Sammamish response letter dated July 20, 2011
City of Sammamish Ordinance No. O2011 - 308
“Attachment B-Revised” with the City’s Alternative Language and Ecology conclusion
Attachment D – Ecology Changes – Revised May 6, 2011
Exhibit 4: City of Sammamish summary of Supplemental Information
Exhibit G: City of Sammamish analysis of SR – vacant lot depth
Interested Parties List