

The City of Sammamish (City) adopted Ordinance #02013-350 on July 9, 2014 authorizing submittal of the updated Shoreline Master Program (SMP) to the Department of Ecology (Ecology) for review. Ecology notified the City of a complete submittal in a letter dated January 17, 2014, initiating formal review of the updated SMP. The Department of Ecology accepted public comments on the City’s updated SMP between September 12, 2014 and October 13, 2014. Notice of the comment period was provided to over 100 individuals listed as regional or local interested parties. Ecology received written comments from three individuals as summarized below.

Please note, the statements below are not the opinions or comments of Ecology, but rather summary of issues raised in comments submitted to Ecology.

Item No.	Comment Topic	Name of Commenter	Comment (Ecology Summary)	Local Government Response (City of Sammamish Response)
W-1	Revisions to ECA Wetland and other critical area buffers	Save Lake Sammamish (SLS) prepared by Erica Tiliacos	The commenter suggests that the proposed amendments would “roll back important protections from the 2005 code...” and result in increased encroachments into wetland (and critical area) buffers, clearing without the need for a permit and piping of stormwater directly to Lake Sammamish.	<p>City of Sammamish Response:</p> <p>The City Council, in adopting the amendments to the Environmentally Critical Areas regulations, adopted regulations that were informed by the Best Available Science. The regulations, as amended, ensure environmental protection and provide flexibility for property owners on sites constrained by environmentally critical areas.</p> <p>Clearing is allowed only (SMC 21A.50.060) for the limited removal of non-native or invasive noxious weeds in limited circumstances with appropriate controls to avoid impacts to critical areas or buffers.</p> <p>The amendments to the Environmentally Critical Areas regulations also reflect an update in the terminology used to reference the current wetland delineation and categorization methodology recommended by the Department of Ecology. The City recognizes that this change may appear to be a “roll back” by the commenter; however the proposed change is supported by Best Available Science and is consistent with past Ecology guidance.</p> <p>The proposed allowance for direct discharge of stormwater from subdivisions located in the Erosion Hazard Near Sensitive Water Bodies (EHNSWB) overlay (SMC 21A.50.225(5)) mischaracterizes the amendment. Under the adopted amendment, direct discharge of treated stormwater to a receiving water body, in this case Lake Sammamish, may only be authorized under the Ecology compliant King County Surface Water Design Manual (SWDM), which the City of Sammamish has adopted. The proposed pilot program within the EHNSWB overlay allows for direct discharge of clean water, fully compliant with the adopted SWDM. The substantive change is the authorization of subdivision in the no-disturbance area, where subdivision has previously been prohibited. However, the proposed pilot program allowing subdivision would require a significant increase in water quality control and</p>

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				construction monitoring than would be otherwise required by the SWDM.
W-2	Revisions to ECA Exemptions	Save Lake Sammamish (SLS)	The commenter suggests that the proposed amendments would allow for one time exemptions that are excessive and would be allowed for accessory dwelling units as well as primary structures.	<p>City of Sammamish Response:</p> <p>The City Council, in adopting the amendments to the Environmentally Critical Areas regulations, adopted regulations that were informed by the Best Available Science. The regulations, as amended, ensure environmental protection and provide flexibility for property owners on sites constrained by environmentally critical areas. Accessory dwelling units are encouraged by the City and must meet all applicable environmental regulations.</p>
W-3	Revisions to ECA Variance	Save Lake Sammamish (SLS)	The commenter argues that the SMP amendment will allow the City to consider shoreline variance requests to further reduce critical area protections below minimum standards provided in the 2005 CAO. Citing the result of shoreline variance requests since 2005, comments suggest that the proposed amendment will result in reduction of resource protection and will enable more inappropriate development along the City’s shoreline.	<p>City of Sammamish Response:</p> <p>In 2009, with the adoption of the Sammamish Shoreline Master Program, the Department of Ecology affirmed that the appropriate approach in requesting a “modification” to the ECA regulations within the shoreline jurisdiction is through a shoreline variance. The proposed amendments to the ECA regulations do not reflect a change to this requirement.</p> <p>The approach used for considering such modifications outside of the shoreline jurisdiction is the Reasonable Use Exception process – which is considered under a similar set of criteria.</p> <p>Shoreline Variances allow the City (and other jurisdictions) to evaluate, on a case-by-case basis, the appropriate balance of environmental protection and property rights, in those cases where ECA regulations would otherwise prevent reasonable use of a property.</p> <p>Generally, the City has issued more decisions approving shoreline variances than denying shoreline variances. The approvals are a result of the City’s collaborative approach to land use review with an applicant before a decision is made, and often before an application is submitted. The City is able to illustrate the challenges in a shoreline variance such that un-approvable shoreline variances are not normally received. Shoreline variance proposals that move forward to submittal reflect efforts by the City to guide the applicant in their application to minimize and mitigate impacts to the maximum extent feasible.</p>

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W-4	Revisions to ECA Small Cities Guidance inappropriate	Save Lake Sammamish (SLS)	The commenter notes that the 2005 ECA was based on Best Available Science (BAS). However, they argue that the proposed changes disregard the previous BAS as they only draw from the Small Cities Guidance and do not consider other relevant sources. Therefore, they conclude that the amendment is inconsistent in that the City has not considered all the scientific data/resources available.	City of Sammamish Response: The City considered other Best Available Science sources in crafting the proposed revisions. The record reflects that the City Council and Planning Commission reviewed the East Sammamish Basin and Non Point Action Plan, along with other Best Available Science material prepared by the City’s consultant AMEC Environment & Infrastructure. A copy of the Best Available Science material considered was submitted to Ecology for review along with the Shoreline Master Program amendment.
W-5	Revisions to ECA Procedural concerns in review and adoption	Save Lake Sammamish (SLS)	<p>Comments state that the review conducted by the Planning Commission was “flawed procedurally” as they focused too heavily on property rights and ease of administering new codes elements.</p> <p>SLS suggest that the Planning Commission did not adequately consider the City’s updated Best Available Science review as a part of their recommendation on the SMP amendment.</p> <p>In addition, SLS suggests that individual property owners had excessive influence in the development of the amendment outside of the public’s view.</p>	City of Sammamish Response: The review and recommendation by the Planning Commission to the City Council was procedurally consistent with the requirements of WAC 365-195 and 365-196. The record does not support the commenter’s assertions. The Planning Commission’s recommendation was widely informed by the Best Available Science material and public comment. As potential amendments were evaluated, additional Best Available Science documents were generated by the consultant, AMEC, to further inform the Planning Commission’s recommendation process. The Planning Commission held over 25 public meetings, several open houses and roundtable discussions, and received 280 written comments and more than 165 verbal comments. All public comments were accepted and reviewed by the Planning Commission. To aid in deliberations, the Planning Commission developed an evaluation form, which considered the effects of a given amendment in the context of the amendments effects on the environment, on the property owner, and in “administrative” terms. These effects were evaluated as to their qualitative positive or negative result – any amendment that resulted in a qualitatively significant environmental impact was generally not supported. The City Council thoroughly reviewed the Planning Commission recommended amendments over 5 study sessions, held a public hearing on 3 different dates, and deliberated for 4 City Council meetings thereafter.
W-6	Revisions to ECA Mitigation banking	Save Lake Sammamish (SLS)	SLS argues that the City does not currently have a mitigation bank and therefore using King County’s In-	City of Sammamish Response: The use of wetland mitigation banking is generally supported by Best Available

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			Lieu-Fee Program would likely not replace lost resources within City limits and thus would not satisfy the no-net loss criteria.	<p>Science. However, off-site wetland mitigation banking is generally the least preferred mitigation approach (ref. SMC 21A.50.310(4) and SMC 21A.50.315) under the City’s mitigation sequencing approach. Therefore, it is expected that a qualifying use of mitigation bank credits will be very infrequent.</p> <p>The proposed ECA amendments require that any wetland mitigation bank used, be certified pursuant to WAC 173-700, and would be subject to specific City review and approval on a case-by-case basis to ensure that appropriate mitigation for unavoidable impacts is provided.</p>
W-7	Revisions to ECA Increased impacts to critical area buffers	Save Lake Sammamish (SLS)	SLS argue that more encroachments into buffers will be allowed through exemptions allowed by the SMP amendment, which will produce negative cumulative impacts within the shoreline jurisdiction. They note that this will be especially true on small lots in the City.	<p>City of Sammamish Response:</p> <p>The Sammamish October 2013 Cumulative Impact Analysis (CIA) prepared by ESA, addresses the concerns over negative cumulative impacts in general (section 4), and as specifically related to this comment. The City understands that this comment is intended to address the provisions for “Existing Urban Development”, which is specifically discussed in sections 4.3 of the CIA document.</p> <p>The proposed amendments require the mitigation, consistent with Best Available Science, of lost functions and values resulting from the expanded exemptions.</p>
W-8	Revisions to ECA Exemptions to small isolated wetlands	Save Lake Sammamish (SLS)	SLS does not support increasing the exemption of isolated wetlands to greater than 1,000 sq. ft., as they argue the change would have a detrimental effect upon amphibians and storm flow attenuation.	<p>City of Sammamish Response:</p> <p>The Sammamish October 2013 Cumulative Impact Analysis (CIA) prepared by ESA, addresses the concerns over negative cumulative impacts in general (section 4), and as specifically related to this comment. The City understands that this comment related to the provisions for “Small Isolated Wetlands”, which is specifically addressed under sections 4.5 of the CIA document.</p> <p>The proposed amendments that allow for impacts to small isolated wetlands do require mitigation consistent with Best Available Science.</p>
W-9	Revisions to ECA Proposed use of 1987 Army Corps Delineation Manual	Save Lake Sammamish (SLS) and Ilene Stahl for Friends of Pine Lake	Commenter’s suggest that the City continue to use the 1997 Ecology Wetland Delineation Manual and not switch to the 1987 Army Corps Manual.	<p>City of Sammamish Response:</p> <p>This comment appears to be inconsistent with the Best Available Science recommendations provided by AMEC Environment and Infrastructure and relevant state guidance and law. The 1987 Army Corps Manual and the United States Army Corps of Engineers (USACE) Interim Regional Supplement for Western Mountains,</p>

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				<p>Valleys, and Coast Region (USACE, 2010) is used to conduct wetland delineation; the Washington State Wetland Rating System for Western Washington (Department of Ecology, 2004, or as may be amended or revised by the Department from time to time) is used for wetland categorizations. The City understands that this approach is effectively required by the Department of Ecology.</p>
W-10	<p>Revisions to ECA Pilot programs in Erosion and LHA near Lake Sammamish</p>	<p>Save Lake Sammamish (SLS)</p>	<p>SLS opposes exemptions and/or a pilot program that would allow new development within areas delineated as “Special Overlay Zones”. As a part of their opposition, they argue that the pilot program would be inappropriate since existing studies show that allowing development in these sensitive areas will increase erosion, phosphorous loading and potential landslides.</p> <p>Further they state that pipes and associated infrastructure to service development will destabilize slopes and potentially impact downslope properties and the lake.</p> <p>In conclusion they are concerned that piping storm water directly into Lake Sammamish will lead to water quality degradation and create flashier lake levels. The comments also reference findings from a related Shoreline Hearings Board Case (SHB no. 93-40), supporting many of their water quality concerns.</p>	<p>City of Sammamish Response:</p> <p>This comment appears to focus primarily on the pilot program created for the Erosion Hazard Near Sensitive Water Body (EHNSWB) overlay. As noted above, the regulations adopted by the City Council ensure environmental protection and provide flexibility for property owners on sites constrained by environmentally critical areas.</p> <p>The BAS documentation generally supports allowing for limited development, subject to increased erosion and sediment control. Concerns over impacts to Lake Sammamish were prominent in the City Council review – consequently the City Council determined that a pilot program to “try out” the proposed amendments to the EHNSWB overlay would be appropriate.</p> <p>The pilot program requires full compliance with the adopted SWDM and the NPDES permits issued by Ecology. In addition, the pilot program incorporates a number of different Low Impact Development techniques that are intended to further reduce the risk of erosion and sediment into Lake Sammamish. In particular, the pilot program requires the removal of 80% of all new total phosphorous using all known and reasonable techniques, a requirement for 50% open space, and a limit in overall site impervious surface of 30%.</p>