

# ShoreScore Update

November 2013<sup>1</sup>



## **Critical Areas Return!** – WSSA Seeks Regulatory Relief and Public Notification

More than half of Lake Sammamish shore properties will continue to be declared critical areas.

The last chance to address the Planning Commission on the SMP will be **a hearing on Dec. 11th.**

Why were critical area regulations imposed on shoreline property owners? The Critical Area rules (CAO), which were imposed in 2006 with minimal shoreline owner involvement, are more restrictive than the proposed Shoreline Management Program (SMP) rules. Staff convinced the City Council in 2006 to continue to regulate us under the CAO during adoption of a new SMP. But since then, the legislature has clarified not all shorelines are critical areas AND pre-existing SMP regulations (adopted in the 1970's in Bellevue) can govern.

But weren't the new SMP rules approved last summer? Last summer, after more than 4 years of effort, the Planning Commission sent the City Council a [draft set of new shoreline regulations](#). As WSSA's attorney had forewarned, the draft was found incomplete. It failed to include language on how the new shore regulations would interact with existing Critical Areas rules. Since last summer, staff has been working on these "conforming amendments" and in October WSSA commented to the Commission on staffs' proposals. The Planning Commission then asked that we meet with staff to represent shoreline owner concerns.

What did WSSA's research find? In reviewing staffs' recommendations on how to blend these two sets of rules, WSSA found City staff planned to continue to impose harsh CAO regulations. Moorage, bulkheads, landscaping, properties with steep slopes or wetlands would be "tossed back under the CAO bus!" As important, many Lake Sammamish shorefront properties with "flood potential" would be harshly regulated if they attempted to simply rebuild what was originally approved. With more restrictive rules than surrounding cities, these shoreline owners would face diminished worth of their property.

What was WSSA able to accomplish for you? WSSA's attorney and board prepared more than a dozen recommendations after reviewing staffs' proposal. We met with staff at the Commission's suggestion and most of the items were modified, but not all.

Approved modifications include:

- Clarity that moorage and bulkheads are not affected
- Clarity on requirements where steep slopes are concerned
- Minor edits

Items we requested which were not approved focused on properties with 100 year flood potential:

- Rebuilding your current structures at & below the flood line will be CAO regulated<sup>2</sup>
- **Your ability to maintain existing landscaping will be by permit only.**

<sup>1</sup> Prior issues of ShoreScore Updates are available online at [WSSA's homepage](#).

<sup>2</sup> Think 50 ft. setback with a native vegetation, tree lined, "no-touch" buffer.

### **We're concerned and so should you be!**

The last chance to address the Planning Commission will be **a hearing on Dec. 11th**. WSSA's ability to address these concerns will be limited. It will be up to residents who have or will be impacted to speak out. **If you can attend, please contact WSSA for details** (SensibleShorelines@gmail.com)

Will shoreline residents be informed? A complaint resonating since 2007 was the poor public involvement and notification given property owners about Critical Areas rule adoption. Again, as your representative, WSSA has asked City administrators to assure notification of everyone, especially where your property will be declared a critical area. (This can occur if you have steep slopes or wetlands, if the 100 yr. flood level would extend on your property, or if staff claim you have special habitat.)

What's the status on Phantom Lake and Lake WA – As we've reported previously, City staff has declared the entire shoreline of Phantom as wetlands and therefore they would be regulated under the CAO. This is despite WSSA and residents arguing that the shorelands have been coerced into wetlands by the City allowing excessive, non-resident inflow, and failing to properly maintain outflow to handle the inflow. A significant legal effort would be required to press this issue.

In a more fortunate setting, on Lake WA where the water levels are regulated by the federal government locks, most of the potential to be declared critical areas disappears.

### **Lake Sammamish Water Levels to Go Higher**

King County's [Willowmoor Project](#) has progressed through the fall. Recall that the project will identify modifications to the river through Marymoor Park. A meeting was held in late August which convened a steering committee composed of public representatives and agency staff. In September this group met and heard from County consultants about water flow. Called *hydrology and hydraulics*, this information is important to property owners. Respectively, these topics address how much and where drainage is coming from, as well as how and if drainage can be handled downstream.

What's anticipated for Lake Sammamish? As WSSA has contended to King County, the primary tributary into the lake, Issaquah Creek, has not shown increased in-flow in the last several decades. Of course, this situation may change if more drainage is directed to the lake. But clearly, attempts to dismiss high lake water levels as due to increased in-flow are misplaced.

So, why might water levels go higher? The County's hydraulic consultants have revealed that river conditions downstream from Marymoor Park have changed. Flow into the river at Bear Creek, near SR 520, will be more than twice what was planned for by the Corps of Engineers. The result when this happens is restriction of outflow from Lake Sammamish thereby causing higher lake levels.

Do Lake Sammamish property owners have any recourse? WSSA has and will continue to press for the County to take action to remedy the situation. In placing their flood control project along the river in the 1960's, the Corps of Engineers stated clearly an intention not just to prevent flooding downstream, but also to **protect from damage "... boat houses, dock facilities, lawns, bulkheads, and dwellings" on Lake Sammamish as well as insuring navigability**. This was to be accomplished by assuring sufficient outflow.

### **Your Support**

WSSA will continue to represent lakefront property owners through the SMP adoption process. To do so, we urgently need your support, whether \$100, \$500, or more. Please direct your contribution to WSSA at: P.O. Box 6773, Bellevue, 98008 or through PayPal at our home page – [WSSA.ORG](#)