



**EAST LAKE SAMMAMISH TRAIL INGLEWOOD HILL PARKING LOT  
FINDINGS/CONCLUSIONS/RECOMMENDATIONS  
SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT (SSDP)  
CITY OF SAMMAMISH FILE NUMBER: SSDP2016-00414**

**File Name:** East Lake Sammamish Trail Inglewood Hill Parking Lot - SSDP2016-00414

**Proposal:** Request to reconstruct an approximate 525-foot long segment of the East Lake Sammamish Regional Trail and establish a 30-stall paved parking lot known as the Inglewood Hill Parking Lot as an accessory to the East Lake Sammamish Trail ("Project"). The Project also includes installation of a public restroom facility, an information kiosk, an access ramp to connect the parking area and restroom to the East Lake Sammamish Trail, and infrastructure improvements and adjustments associated with the project. The current interim trail condition will be widened to 12 feet of paved surface with 2-foot gravel shoulders and a 1-foot clear zone on both sides. The properties associated with the Project are located in the R-4 zone and within the Shoreline Jurisdiction of Lake Sammamish which is a Shoreline of Statewide Significance. The Project is also located within the Lake Sammamish Shoreline Residential Environment Designation.

**Applicant:** Gina Auld, King County Department of Natural Resources and Parks, 201 South Jackson Street, Suite 700, Seattle, WA 98104

**Applicant Agent:** Jenny Bailey, Parametrix, 719 2<sup>nd</sup> Avenue, Suite 200, Seattle, WA 98104

**Project Location:** The proposed development consists of six (6) parcels, one (1) of which is King County ROW, used as an informal parking lot and interim trail; located west of East Lake Sammamish Parkway NE between the intersection of Inglewood Hill Road and East Lake Sammamish Parkway NE and South of Kokomo Drive in Sammamish, WA; within the SW ¼ of Section 29, Township 25 North, Range 6 East, W.M.

**Water Body:** Lake Sammamish

**Shoreline Environment:** Lake Sammamish Shoreline Residential

**Decision Required:** Shoreline Substantial Development Permit (SSDP) – Type 4 Decision (SMC 20.05.020)

**Decision Authority:** City of Sammamish Hearing Examiner on Recommendation by the Community Development Department Director (SMC 20.05.020)

**Planner Assigned** Lindsey Ozbolt, Associate Planner, Community Development Department

**Director's Recommendation:** The City of Sammamish Department of Community Development recommends to the City of Sammamish Hearing Examiner **Approval with Conditions** of the proposed King County East Lake Sammamish Trail Inglewood Hill Parking Lot, SSDP2016-00414, as the applicant has demonstrated that the criteria for Shoreline Substantial Development have been met as conditioned. The Project is in compliance with the Sammamish Municipal Code and Shoreline Master Program.

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Jeff Thomas, Director

**Application:** 10/19/2016  
**Determination of Completeness:** 12/13/2016.  
**Notice of Application:** 12/28/2016  
**Public Comment Period:** 12/28/2016 through 1/27/2017

**Notice of Public Hearing Mailed:** 09/29/2017  
**Notice of Public Hearing Published:** 09/29/2017  
**Notice of Recommendation:** 09/29/2017  
**Public Hearing:** 10/30/2017

**Exhibit 1  
SSDP2016-00414  
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4. Shoreline Substantial Development Permit Application
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6. Project Narrative
7. 60% Revised Project Plan Set/Site Plan
8. JARPA
9. Record of Decision - FEIS
10. SEPA Narrative
11. Acceptance of Financial Responsibility
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14. Section 106 Programmatic Agreement
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## **I. INTRODUCTION:**

The City of Sammamish made a conscientious effort to provide this staff report in as clear of a format as possible. In line with this effort, the staff report is broken down into numerous sections to clearly explain the East Lake Sammamish Trail Inglewood Hill Parking Lot SSDP proposal and the process followed by the City to reach its recommendation to the Hearing Examiner. The Proposal, Background, and Review section is intended to provide an explanation of the County's application request, give a brief history of the East Lake Sammamish Trail, provide an overview of the policies and regulations this proposal is reviewed under, summarize received public comment, and identify other required permits. The Findings of Fact and Conclusions sections provide detailed information to support the recommendation of the City to the Hearing Examiner on this permit. Finally, the Director's Recommendation and Recommended Conditions of Approval sections of this report describe the recommendation made to the Hearing Examiner and list proposed conditions to ensure Project compliance and help guide the review of any future construction permits.

## **II. PROPOSAL, BACKGROUND, AND REVIEW PROCESS:**

### **1. PROPOSAL:**

King County Department of Natural Resources and Parks (the "County") is proposing to reconstruct an approximate 525-foot long segment of the East Lake Sammamish Regional Trail including any clearing and grading limits (the "Trail") and establish a 30-stall paved parking lot known as the Inglewood Hill Parking Lot (the "Parking Lot") as an accessory to the Trail. The project also includes installation of a public restroom facility (the "Restroom"), an information kiosk (the "Kiosk"), an access ramp (the "Access Ramp") to connect the Parking Lot and Restroom to the Trail, and infrastructure improvements and adjustments associated with the project including the clearing and grading limits. These elements are collectively known as the "Project" for the purpose of this staff report and recommendation. The existing Interim Trail will be widened to 12 feet of paved surface with 2-foot gravel shoulders and a 1-foot clear zone on both sides. An expanded Project Narrative is included as **Exhibit 6**. A Project Site Plan is included as **Exhibit 7**. Please note that there is a discrepancy in the documents provided by the County regarding the length of the trail segment proposed for this Project; the City has reviewed the Project using the longer length of 525 feet instead of 425 feet and expects the distance to be confirmed during Construction Permitting.

### **2. PROJECT SITE:**

The proposed development site consists of six (6) King County tax parcels, one (1) of which is King County Trail ROW (the six parcels are collectively known as the "Site"). The Site is currently used as an informal parking lot and a segment of the Interim Trail. The Site is located within the City of Sammamish west of East Lake Sammamish Parkway NE (the "Parkway") between the intersection of Inglewood Hill Road and the Parkway and South of Kokomo Drive within the SW ¼ of Section 29, Township 25 North, Range 6 East, W.M. King County Assessor Tax parcels included with this proposal are: 3575300260, 3575300340, 3575300365, 3575300370, 3575300460, and 2925069007. A Project Site Plan is included as **Exhibit 7**.

### **3. ZONING:**

The Site is located in the R-4 zone. The Project must comply with the zoning controls applicable to the R-4 zone.

### **4. SHORELINE DESIGNATION:**

The Site is within the Shoreline Jurisdiction of Lake Sammamish which is a Shoreline of Statewide Significance and is within the Lake Sammamish Shoreline Residential Environment Designation of the City of Sammamish Shoreline Master Program (the "SMP"). More specifically, all of the subject parcels are located within the Shoreline Residential Environment of Lake Sammamish except for a small portion of the northeastern area of the Project Site which is not located within Shoreline Jurisdiction (See Project Site Plan included in **Exhibit 7**). The Project must comply with mechanisms of the SMP applicable to uses and development proposed within the Shoreline Residential Environment designation.

### **5. SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT REQUIRED:**

In accordance with Sammamish Municipal Code ("SMC") 25.08.020 and Revised Code of Washington ("RCW") 90.58.140, a Shoreline Substantial Development Permit ("SSDP") is required for this Project.

### **6. SHORELINE SUBSTANTIAL DEVELOPMENT REVIEW PROCESS:**

SSDP Permits are Type 4 decisions made by the City of Sammamish Hearing Examiner on recommendation from the Department of Community Development Director ("Director") in accordance with SMC 20.05.020. Type 4 decisions require compliance with the review process described in Chapter 20.05 SMC. The SSDP review process generally includes a notice of application, a 30-day public comment period, and project review timelines for City review of application **Exhibit 1**, with time allowed for a County response. The review process culminates with an open public hearing with the Hearing Examiner **SSDP2016-00414**  
East Lake Sammamish Trail Inglewood Parking Lot  
Shoreline Substantial Development Permit  
SSDP2016-00414



accepts public, County, and City staff testimony; reviews the project record; and considers the requirements and criteria for SSDP approval. In accordance with SMC 20.10.240, the City of Sammamish Hearing Examiner is required to issue a written decision within 10 days of the conclusion of the hearing. The Hearing Examiner's Decision on the SSDP is considered the final decision of the City and is subject to request for reconsideration under SMC 20.10.260 and in accordance with City of Sammamish Hearing Examiner Rules of Procedure ("RoP") Section 504. The final decision of the City, as issued by the City of Sammamish Hearing Examiner, is appealable to the Washington State Shoreline Hearings Board in accordance with RCW 90.58.180 and SMC 25.08.090.

Ordinance O2016-410 (**Exhibit 19**) adopted on June 7, 2016 by the Sammamish City Council changed the process for SSDPs from a Type 2 decision to a Type 4 decision. Since this change in land use decision type affects the City's SMP, the Washington State Department of Ecology ("DOE") was required approve the change prior to it being effective. The County was notified of this upcoming process change on October 13, 2016 prior to its original submittal of the SSDP application for this Project (**Exhibit 16**). DOE gave approval of this change and other limited SMP amendments on February 15, 2017, making the process changes to SSDP permits effective March 1, 2017. The County was notified of this change via email and letter on March 1, 2017 (**Exhibit 31**). In accord with this change in process requirements, this application is being processed as a Type 4 decision.

#### **7. SUMMARY OF RECOMMENDATION TO HEARING EXAMINER:**

The SSDP to reconstruct an approximate 525-foot long segment of the Trail and establish a 30-stall paved Parking Lot and associated improvements, as described in the expanded Project Narrative included as **Exhibit 6**, is recommended for approval with conditions. Conditions may be applied to the permit by the Hearing Examiner in accordance with SMC 20.10.070(2), 25.08.020(2), and WAC 173-27-150(2). Approval is based on the findings of fact, Project information provided by the County, consideration of public comments, the case file, and the conclusion that the proposed SSDP, as conditioned, is consistent with the requirements identified in the Sammamish Shoreline Master Program ("SMP"); Titles 21A and 25 SMC; Chapter 90.58 RCW, Shoreline Management Act ("SMA"); Chapter 173-27 Washington Administrative Code ("WAC"), Shoreline Management permit and enforcement procedures.

#### **8. TRAIL BACKGROUND:**

The East Lake Sammamish Trail ("ELST") corridor was once a Burlington Northern Santa Fe ("BNSF") railroad corridor. BNSF ceased operations of this corridor in 1996. In April 1997, the Land Conservancy of Seattle, now known as Forterra, purchased the railroad corridor from BNSF. The Land Conservancy requested in 1997 that the federal Surface Transportation Board ("STB") grant interim trail use or "railbanking" status for this corridor. Railbanking is a process whereby an inactive rail line can be converted to use as a recreational trail, so long as the trail sponsor agrees to preserve the corridor intact for potential reactivation of rail service in the future. The STB must approve the railbanking condition and the sponsor of the interim trail use. At any time this specific railbanked corridor could be converted back to an active railroad corridor by any carrier that desires to resume rail transportation services. The STB approved the railbanking of this corridor in August 1998 and a federal Notice of Interim Trail Use was issued.

On September 18, 1998, The Land Conservancy sold the railbanked corridor to King County. With the purchase of this corridor, the County intended to develop the ELST. The King County Council adopted the Interim Use Trail and Resource Protection Plan in August 2010, selecting the existing rail bed alignment for development of the ELST. According to information provided in the JARPA (**Exhibit 8**), the interim ELST through the City of Sammamish was completed in 2006. The County later adopted plans to widen and pave the ELST so that it can better serve as a non-motorized, commuter transportation facility. There are six (6) segments of the ELST covering approximately 11 linear miles that the County intends to widen and pave for this purpose. Redmond's segment was completed in November 2011, followed by the Issaquah segment in June 2013. The northern segment in Sammamish was completed in June 2015, and the southern segment in Sammamish (known as Segment 2A) is currently under construction. The remaining approximately 3.5 miles of trail through the City of Sammamish is currently being reviewed for compliance with the City's SMP & SMC under a separate SSDP application (City of Sammamish File SSDP2016-00415). This proposal (see **Exhibit 6** for an expanded Project Narrative and **Exhibit 7** for a Project Site Plan) to redevelop the interim ELST and establish an associated Parking Lot and amenities is limited to the development of an approximate 525-foot segment of the remaining 3.5 miles of the ELST.

#### **9. SHORELINE MANAGEMENT ACT AND SHORELINE MASTER PROGRAM:**

The SMA was adopted and enacted in 1972. The SMA establishes the concept of preferred uses of shoreline areas. The SMA requires that "uses shall be preferred which are...unique to or dependent upon use of the states' shorelines...." Under the SMA, "preferred" uses include single family residences, ports, shoreline recreational uses, water dependent industrial and commercial developments, and other developments that provide public access (including public-private) opportunities. To the maximum extent possible, the shorelines should be reserved for "water-oriented" uses, including "water-dependent," "water-related," and "water-enjoyment" uses.

Under the SMA, each city and county with “shorelines of the state” must prepare and adopt an SMP that is based on state laws and rules but is tailored to the specific geographic, economic, and environmental needs of the community. The local SMP is essentially a shoreline-specific combined comprehensive plan, zoning ordinance, and development permit system. The City of Sammamish adopted the current SMP in 2011 under Ordinance O2011-308. The City Council has subsequently adopted various amendments and development regulations in Title 25 of the SMC. Pursuant to SMC 25.01.030 all proposed uses and development defined in Chapter 25.02 SMC, that occur within the shoreline jurisdiction shall comply with the City’s SMP, Chapters 173-26 and 173-27 WAC, and Chapter 90.58 RCW.

According to RCW 90.58.020 “shorelines of the state are among the most valuable and fragile of its natural resources and ... there is great concern throughout the state relating to their utilization, protection, restoration, and preservation.” Lake Sammamish is identified as a shoreline of statewide significance pursuant to SMC 25.02.010 (84), SMC 25.05.030, and RCW 90.58.020. The SMP and SMC 25.05.030 state that the City shall manage Lake Sammamish to give preference to uses and developments that:

- 1) Recognize and protect the statewide interest over local interest;
- 2) Preserve the natural character of the shoreline;
- 3) Result in long term over short term benefit;
- 4) Protect the resources and ecology of the shoreline;
- 5) Increase public access to publicly owned areas of the shorelines;
- 6) Increase recreational opportunities for the public in the shoreline environment.

The SMA and SMP also provide that: 1) uncoordinated and piecemeal development should be prevented along the shoreline, 2) there shall be no net loss of ecological functions of the shoreline, and 3) visual and/or physical access to the shoreline for the benefit of the public should be provided. These objectives have been used as benchmarks in review and recommendation of the Project.

**10. PROJECT REVIEW PARAMETERS:**

When reviewing SSDP applications, the City’s main objectives are to ensure that coordinated (not piecemeal) development occurs along the shoreline, the proposal results in no-net-loss of ecological function, and visual and/or physical access to the shoreline for the benefit of the public is provided or maintained pursuant to RCW 90.58.020 and SMC 25.01.005. For approval of an SSDP on a specific project proposal, an applicant is not required to demonstrate full compliance with technical standards such as Building Codes, Public Works Standards, or Stormwater Requirements, but rather must conceptually show that compliance can be achieved through provision of preliminary plans.

The next phase of review, if the SSDP is approved, is construction permitting, which may include Clearing and Grading Permit(s), Building Permit(s), and Right-of-Way Permits (collectively referred to as “Construction Permits”). Review of Construction Permits includes review for compliance with SSDP permit conditions of approval; all pertinent SMC regulations, which include, but are not limited to, Titles 14, 16, 21A, and 25 SMC; 2016 City Storm and Surface Water regulations; and 2016 City Public Works Standards. Review of Construction Permits associated with the Project will entail review for compatibility with the existing built environment, such as legally and irrevocably permitted structures.

**11. TRAIL AS AN ALLOWED AND PREFERRED SHORELINE USE:**

The proposed Trail is considered a Public Recreational Use under the SMP and Chapter 25.07 SMC. The SMP identifies Recreational Use Policies, specifically SMP 25.04.040 (1) which states “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.” Especially when considered in connection with other proposed and completed ELST improvements (and not as a stand-alone or piecemeal proposal), the Project is considered a preferred water-oriented and water-enjoyment use that is given priority in both the SMA and the SMP. The entire Trail portion of this Project is located within the City’s Shoreline Residential Environment designation established by SMC 25.05.020 (“Residential Environment”).

In accordance with SMC 25.07.010 and SMC 25.07.090, within the Residential Environment designation, Public Recreational Use (a priority water-oriented and water-enjoyment use) is allowed as a permitted (P) use when consistent with the underlying zoning pursuant to Chapter 21A.10 SMC, the SMP and the SMA, including the goal of maintaining no-net-loss of shoreline ecological functions. More specifically, SMC 25.07.090 states: (1) “Public recreational development on public land is a preferred shoreline use...”; (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.” and (5) “Public

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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.” Additionally, pursuant to SMC 21A.20.040, trails are allowed as a permitted (P) use in the Residential-4 (R-4) zoning designation.

**12. PARKING LOT & RESTROOM FACILITY AS ALLOWED ACCESSORY SHORELINE USES:**

As discussed above, public recreational development on public land is a preferred shoreline use and trails are a permitted use both within and outside the shoreline environment. Consistent with SMC 25.07.090 (4) all “non-water-oriented public recreational development, including parking, restrooms and similar facilities, shall be located landward of the shoreline setback where feasible.” The Project is located landward of the shoreline setback (see Project Site Plan included as **Exhibit 7**). Pursuant to SMC 25.07.010 – Table 25.07.010 – 1, accessory parking lots are a permitted use. The portion of the Parking Lot facility that is located within the 200-foot shoreline jurisdiction boundary shall meet the requirements of SMC 25.07.100 (Transportation Regulations), and the portion located outside the 200-foot shoreline jurisdiction shall meet the requirements of Chapter 21A.40 SMC (Development Standards – Parking and Circulation). Final compliance with the City’s design requirements for the Project will be confirmed during Construction Permit review.

**13. PROPERTY OWNERSHIP:**

Title reports were submitted for the five (5) tax parcels that constitute the Parking Lot Site. The title reports list King County as the owner of the parcels. The City Attorney reviewed these documents and determined they satisfy the requirements of SMC 20.05.040(2)(d) for the Parking Lot Parcels.

For the tax parcel that includes the Trail portion of this Project, the County submitted multiple documents including deeds and a Judgment Quieting Title to King County dated May 13, 2016, issued by the U.S. District Court in *Hornish v. King County*, Case No. 2:15-cv-00284-MJP. The City Attorney determined that the information submitted by the County provides a sufficient basis under SMC 20.05.040(3) for the Director to waive the otherwise applicable requirement for a title report in order to be satisfied that the County has the necessary real property interests in the Trail to pursue the Project. The Real Property Interest Memorandum prepared by the City Attorney is included as **Exhibit 26**.

**14. CRITICAL AREAS REVIEW:**

A small portion of the western area of the proposed Parking Lot closest to the East Lake Sammamish Parkway is located within the Erosion Hazard Near Sensitive Water Bodies (EHNSWB) overlay. Additionally, the majority of this proposal is located within a mapped Critical Aquifer Recharge Area (CARA). During construction permitting review, compliance with SMC 21A.50.225 and SMC 21A.50.280 will be verified. The City of Sammamish’s third-party environmental consultant, The Watershed Company (TWC), operating in compliance with SMC 21A.50.110, conducted a third-party review of this Project proposal area and provided a memorandum dated March 22, 2017, summarizing its findings, see **Exhibit 43**. TWC found that the plan set provided by the County showing that none of the Project area was encumbered by wetlands, streams, lakeshore, or any associated buffers to be consistent with the results of the overlapping studies performed in the vicinity as identified in TWC’s memorandum. Aside from restrictions placed on the Project by the presence of the EHNSWB and CARA overlays (which do not preclude development of a trail or parking lot but rather include technical standards that are applied through Construction Permit review), the Project site is not encumbered by other Critical Areas regulated under SMC 21A.50.

**15. STATE ENVIRONMENTAL POLICY ACT (SEPA) REVIEW - FEIS:**

A Final Environmental Impact Statement (FEIS) for the entire 11 mile ELST corridor which includes this proposed Project was issued on May 28, 2010. The completed FEIS was a project level review, therefore no further environmental review is required with SEPA. Through the EIS process, King County has determined that the preferred Master Plan trail alternative is the Corridor Alternative because it best meets King County’s purpose and need of (1) providing an alternative transportation corridor between major business centers, (2) providing non-motorized recreational trails to support the growing population, and (3) providing connections between other existing regional trails. The Corridor Alternative is outlined and documented within the FEIS, which describes the Master Plan trail proposal, identifies potential environmental impacts, and identifies reasonable mitigation measures. With the application for SSDP the County has provided a SEPA Narrative (**Exhibit 10**) outlining the measures identified to minimize impacts and how the Project is consistent with the FEIS Record of Decision (**Exhibit 9**). Further, the County’s proposal is consistent with the preferred Corridor Alternative identified in the FEIS. An electronic copy of the issued FEIS and Notice of Availability are available in the City’s Project file and is incorporated within this staff report by reference. An electronic copy of the FEIS is available on the City’s Project website at:

<https://www.sammamish.us/government/departments/community-development/current-projects/east-lake-sammamish-trail-inglewood-hill-parking-lot/>



Although the FEIS as published identifies the Corridor Alternative as the preferred alternative and includes an assessment of potential adverse impacts associated with the preliminary design, including recommended mitigation measures to eliminate or minimize impacts, the FEIS is not a license or permit to proceed with construction and the identified preferred alternative is not a final design. Rather, an FEIS is a disclosure document related to a design concept that is to be used by decision makers in refining project design to reduce impacts and as an evaluation tool in the consideration of projects through the permit review process. It is expected that following an EIS process a project proponent will continue to refine a design in an effort to minimize impacts as outlined in the EIS. Throughout the EIS process, King County infused an overtone that any Master Plan trail option must meet State and local design guidelines to design a multi-use trail to safely accommodate anticipated uses. WAC 197-11-448.

The primary safety guidelines referenced by King County through the EIS process are the AASHTO guidelines that inform trail design based on use (volume) projections. As a result of this, and with the identification of a preferred alternative, King County developed a Corridor Alternative Typical Design (Design Alternative "E" as depicted in Figure 2-6 of FEIS Volume I – PDF Page 75) that includes 12 feet of pavement, 2 feet of gravel shoulder on each side, and a 1-foot clear zone for a total footprint of 18 feet. This typical section design, as identified in the EIS, is intended to serve as a baseline template for design of the corridor, not as a required minimum.

The FEIS did also consider provision of parking and restroom facilities, including the need for new accessible parking and restroom facilities along the preferred trail corridor. This has manifested into inclusion of the proposed Parking Lot design, as described in this staff report and as included in the project plans. The FEIS includes a specific analysis regarding this proposed parking and restroom facility in FEIS Volume I section 2.5 and section 3.11.

#### **16. TRAIL WIDTH**

SMC 21A.30.210 provides development standards for trails and stipulates that trails should generally be located along existing cleared areas or on improved corridors, including but not limited to utility corridors, road or railroad rights-of-way, so as to avoid or minimize the need to remove additional vegetation and create other associated impacts. Also stipulated is that the width of the cleared area, trail corridor, surface and shoulder should be designed consistent with AASHTO and cleared areas shall be the minimum necessary. To better understand the County proposal and the reference to the AASHTO guidelines made by the SMC and King County as the primary driver of trail width (and corresponding impacts), the City obtained the services of a qualified Transportation Engineer specializing in multi-use trail design. The City's consultant evaluated the County's proposed trail width through consideration of the ASSHTO guidelines and County provided forecasted user volumes. The City's consultant made a finding that it is justified that the Trail can be narrowed in locations to avoid physical constraints. A memo from the City's consultant Transportation Engineer is included as **Exhibit 58**.

The AASHTO Bike Guide provides guidelines and recommendations which inherently provide flexibility; the AASHTO Bike Guide is not a set of standards or requirements. The AASHTO Bike Guide provides ample guidance that path widths of less than 12 feet may be used due to physical constraints. This is a common issue in designing trails, or for that matter, roadways where we strive to design facilities to meet guidelines whenever possible. However, it frequently occurs that meeting all desirable guidelines causes additional undesirable impacts to the existing built environment and natural resources. When this occurs, case-by-case decisions that balance objectives and impacts with risks are required. Further, trail width is a function of safety which corresponds with forecasted user volumes.

The Corridor Alternative Typical Design section is what has been submitted for consideration of approval with this SSDP application and no narrowing is proposed by the County, although the FEIS suggests this typical section is elastic under the AASHTO guidelines. Through the SSDP review process, the City has asked the County to provide an analysis outlining how the clearing and grubbing limit proposed is the minimum necessary as required by SMC 25.06.020(5). The County's position, in response to review comments from the City, has been that the risks of any narrowing of the Trail outweigh all of the possible impacts and no case-by-case analysis has been provided where narrowing opportunities were considered to reduce impacts. The County has also responded with a Sequencing Compliance Narrative (**Exhibit 50**) outlining where the Trail has already been moved (not narrowed) in specific instances. The County has maintained that the proposed Corridor Alternative Typical Design is the necessary minimum width and has declined to consider narrowing the Trail.

#### **17. PUBLIC COMMENT:**

As required by Chapter 20.05 SMC, a Notice of Application was issued on December 28, 2016 and included notification of availability of Project documents and a 30-day comment period. Several public comments were received regarding this proposal up to the point of issuance of this Staff Report and Recommendation. A matrix log summarizing comments received is included as **Exhibit 32**. Comments received generally include:



Critical Areas:

- Concern over construction within a wetland buffer and how it will be protected

ROW:

- Dispute with County ownership of ROW and survey boundaries

Stormwater:

- Concern over increased runoff, hard surfaces, and pollutants
- Water quality a concern during construction
- Keep storm piping sizing consistent and not create unnecessary backup of water or flooding

Access:

- Concern over removal of existing driveway associated with Kokomo Drive
- Installation of rockery and removal of existing access road will make backing out of area homes impossible
- Pave existing gravel driveway instead of removing it
- Changing slope of driveways will not allow emergency vehicles and other large vehicles/trailers access to homes
- ADA access needs to be provided to both trail users and residents
- Assurances that access will be available to homes during construction and that driveways will not be damaged
- Provide designs for staircases to be changed/replaced
- Explain how was the shared stair access scenarios were determined by King County
- Access for residents during trail construction
- Concern over access to the Inglewood Beach Club property for members

Staging Area:

- Explain where equipment will be stored during construction

Parking:

- Re-design rockery to allow for more resident parking
- Concern over removal of existing residence parking
- Concern that garbage storage area is proposed to be removed
- Explain whether the parking lot will be gated after hours

Trail Width/Location:

- Explain reasoning for proposed trail alignment
- Trail should not be improved outside existing footprint
- Clearing and grubbing limits are not designated for a portion of this plan set

Lighting:

- Explain lighting plan and how it will affect surrounding residences
- Explain whether there will be lights on the trail or in the parking lot

Restroom:

- Concern of odor from restrooms
- Concern of aesthetics of restroom facility and that it shouldn't be in view of any residence
- Autolock should be installed to close the facility at night

Safety:

- Do not move access road closer to the existing helicopter operations area
- Unsafe ingress and egress for new parking lot at already challenging intersection
- Parking lot access too close to Kokomo Drive
- County needs to protect homeowners from liability created from trail
- Explain who is patrolling trail, enforcing cyclist speed limit and preventing trespassing on private property
- Trail improvements will increase risk of vandalism, theft and trespassing
- Explain whether homeowners will be allowed to install security gates that align with the County's chain link fence
- Keep cyclists off of private driveways

Trees:

- What is the plan for tree retention and minimal tree damage during construction
- The number of trees identified as dead and should be added to remove list
- Narrow trail to retain trees and shrubs where able

Landscaping/Aesthetics:

- Existing facilities/trail/rockeries are not maintained, moss covered and overgrown.
- No plans shown for landscape restoration after trail completion
- Explain whether homeowners be allowed to plant new landscaping after trail completion

- Replace chain link fence with split rail fence, which exists on other completed portions of the trail

Signage:

- Need to designate what is private property

Utilities:

- Locate and do not disturb existing water/sewer/power/telephone/cable etc. utilities already existing under and/or above ground

Privacy:

- Explain whether locking gates will be added to staircases to maintain privacy

Comments were forwarded to the County in March 2017. Comments were also assigned unique identifying numbers (“IP for Inglewood Parking Lot” and “TJ for Trail Joint Comments” when it wasn’t clear which SSDP application they applied to) and summarized in a searchable spreadsheet which was included with the first review letter provided to the County and attached as **Exhibit 33**. Rather than responding to each public comment as requested by City Staff, the County provided responses only to the summary of public comments in the first review letter. The County indicated it would respond to each individual comment sometime during the summer or fall of 2017 with a further refined design and/or as part of the Construction Permit applications. The County has indicated that multiple comments received were not pertinent to the review of the Project under the SSDP application and were not specific to the Project’s compliance with the SMA and SMP. The City agrees that comments not related to the SSDP application and applicable shoreline regulations are not required to be addressed with SSDP review to reach a conclusion on SMA and SMP compliance. As of the date of this staff report, the City has not received the County’s individual responses to the full range of individual public comments received, including those that are related to the SSDP application. City staff has addressed those public comments that are pertinent to the review of this SSDP, either directly or indirectly, within this staff report. Project Public Comments are included in the Project file as **Exhibit 33**.

**18. STATE AND FEDERAL PERMITS REQUIRED:**

In addition to compliance with the SMA, SMP, and SMC, the Project must be designed to meet the requirements of other agencies with shared jurisdiction. This includes, but is not limited to, meeting the requirements of the Army Corps of Engineers, the Washington State Department of Fish and Wildlife, and the Washington State Department of Ecology, as necessary. Construction Permit requirements for all agencies with overlapping jurisdiction must be met before commencement of construction. Counterpart agency permits, such as a Hydraulic Project Approval (HPA) as issued by the Washington State Department of Fish and Wildlife, must be demonstrated prior to issuance of a Construction Permit for the Project.

**19. CONSTRUCTION PERMITS REQUIRED:**

This SSDP is not a Construction Permit. Prior to commencement of construction activity, Construction Permits issued under Titles 14 and 16 SMC are required. No Construction Permit may be issued until the City of Sammamish Hearing Examiner has issued a SSDP decision and the period of reconsideration as required under Hearing Examiner RoP 504 has passed, the final decision of the City has been transmitted to the DOE, and the standard 21-day appeal period for this SSDP has passed without an appeal having been filed. If an appeal is filed, appeal proceedings and issuance of Construction Permits are subject to limitations provided by State law.

**III. FINDINGS OF FACT:**

Based on information provided by the County, the case file, Sammamish Municipal Code (SMC), and the Sammamish Comprehensive Plan (SCP), the City of Sammamish Department of Community Development finds as follows:

1. The County filed its application for SSDP with the City on October 19, 2016 (**Exhibit 4**).
2. The SSDP application was deemed incomplete and additional information was requested by the City on November 15, 2016 (**Exhibit 20**).
3. The County submitted additional information for the SSDP on November 30, 2016.
4. The SSDP application was deemed complete on December 13, 2016 (**Exhibit 25**). A Notice of Application was mailed and posted onsite in accordance with Chapter 20.05 SMC requirements on December 28, 2016 (**Exhibit 27**). The Notice of Application identified a formal public comment period for the proposal, extending through January 27, 2017 (30 days). The City’s standard practice is to allow public comment throughout the permit process, and up to within a few days of issuing a staff report and recommendation to Hearing Examiner.

**Exhibit 1**  
**SSDP2016-00414**  
**000010**

5. Goals, policies, and regulations relevant to this Project are found in the SMP in the following chapters of the SMC: 25.03 Master Program Element Goals; 25.04 Shoreline Management Policies; 25.06 General Shoreline Regulations; 25.07 Use/Development Regulations. The Project is designed to be consistent with the SMC and SMP goals, policies, and regulations as conditioned.
6. The City received numerous written comments during the Project review. All written comments are included in the permit file (**Exhibit 33**).
7. The City requested additional information from the County on April 12, 2017, as a result of the numerous public comments received and staff's review of the Project file; this included a request that all public comments be addressed by the County (**Exhibit 38**).
8. The County submitted additional information on July 11, 2017, as a formal response to the City's request (**Exhibits 45 through 55**). Within the document title "City Letter Comments Annotated and County Response Matrix – July 2017," (**Exhibit 46**) the County stated in response to several City requests for corrections or supplemental information that they were not pertinent to review of the SSDP as they were not oriented towards compliance with the SMA and/or SMP.
9. As part of the July 11, 2017 submittal to the City, the County did not respond to all of the individual public comments received as requested by the City; rather the County indicated that public comments received as part of the SSDP review process that are outside the scope of the SSDP permit application will separately be respond to in the summer or fall of 2017 within the Construction Permit process.
10. The County did respond to the summary of public comments provided by the City through inclusion of responses in the comment matrix. County response to the summary of public comments is included as **Exhibit 46**.
11. No discreet/individual public comments have been responded to by the County as of the date of this staff report.
12. On August 23, 2017, City staff sent a second review letter to the County stating that staff had received and examined the County's supplemental information submittal, and that the next steps will be to prepare a staff recommendation and to set the public hearing before the Hearing Examiner (**Exhibit 56**). Within this letter was a tentative schedule for accomplishing these next steps.
13. The six (6) parcels included in this Project are all zoned R-4. All parcels adjacent to the north, east, south, and west are also zoned R-4. The subject parcels are all located within the Shoreline Residential Environment of Lake Sammamish except for a small portion of the northeastern area of the Project Site (**Exhibit 7**).
14. Lake Sammamish is a shoreline of statewide significance where preference to uses and development that recognize and protect the statewide interest over local interest is required pursuant to SMC 25.05.030.
15. The proposed Trail, a Public recreational use, is an allowed use under SMC 21A.20.040 and SMC 25.07.010.
16. The proposed Parking Lot, Restroom, Kiosk, and Access Ramp to the Trail, are allowed accessories to a permitted shoreline use as allowed under SMC 21A.20.040 and SMC 25.07.010.
17. The proposed Project shall meet the prescriptive requirements of SMC 21A.30.210, SMC 21A.30.240, SMC 21A.40.110, SMC 25.07.090, and SMC 25.07.100.
18. SMC 25.07.030 allows for filling and excavation activities in the shoreline jurisdiction when it is associated with a permitted use. This Project will include limited filling and excavation in the development of the Trail, Parking Lot and Access Ramp. All filling and excavation activities will occur landward of the Ordinary High Water Mark (OHWM) and the 50 foot shoreline setback.
19. Construction must comply with SMC 25.06.010 (Archaeological, historic, and cultural resource regulations) and notification of the Washington State Department of Archaeology and Historic Preservation is required if artifacts are discovered.
20. Construction Permits are required for the Project.



21. The SMC requires a Vegetation Enhancement Area (VEA) when new development displaces or affects the shoreline setback. SMC 25.06.020(10)(a)(i). SMC 25.06.020(9) defines the shoreline setback as the area extending 50 feet landward from the ordinary high water mater (OHWM). The Site plan indicates that the proposed Trail construction area and Parking Lot with associated elements are located completely landward of the 50 foot shoreline setback line. Therefore, no VEA is required for this Project (**Exhibit 7**).
22. The SMC requires that the clearing and grading be the minimum necessary to accommodate the allowed use/development pursuant to SMC 21A.30.210(3), SMC 25.06.020(5), and SMC 25.07.100(7). The proposed trail width is the primary driver of amount (width) of clearing and grading required. Trail width should be designed in accordance with AASHTO. The AASHTO Bike Guide provides guidelines and recommendations which inherently provide flexibility; the AASHTO Bike Guide is not a set of standards or requirements. The AASHTO Bike Guide provides ample guidance that paths less than 12 feet may be used due to physical constraints. Trail width is also a function of safety which corresponds with forecasted user volumes. The trail can be narrowed in locations to reduce required clearing and grading limits to avoid physical constraints.
23. SEPA Review – A Final Environmental Impact Statement (FEIS) for the 11 mile ELST corridor which includes this proposed Project was issued on May 28, 2010. This FEIS is a project level review, therefore no further environmental review is required with SEPA. The County provided a SEPA Narrative outlining the measures identified to minimize harm and how the Project is consistent with the FEIS Record of Decision, see **Exhibit 10** and **Exhibit 9** respectively. Further, the County’s proposal is consistent with the preferred alternative identified in the FEIS. An electronic copy of the FEIS and Notice of Availability are available on the City’s Project webpage: <https://www.sammamish.us/government/departments/community-development/current-projects/east-lake-sammamish-trail-inglewood-hill-parking-lot/> . The FEIS as published identifies the Corridor Alternative as the preferred alternative and includes an assessment of potential adverse impacts associated with the preliminary design. The Corridor Alternative Typical Design section is what has been submitted for consideration of approval with this SSDP application and no narrowing of Trail width is proposed by the County, although the FEIS suggests this typical section is elastic under the AASHTO guidelines. The FEIS includes several instances where this typical section should be narrowed as a mitigation measure to minimize impacts and ASSHTO guidelines allow for narrowing on a case-by-case basis with sound engineering judgement.
24. The Project conforms with the SMA and SMC as conditioned below.

#### **IV. CONCLUSIONS:**

Review of the Project file indicates that the County has demonstrated compliance with the requirements for approval of an SSDP and the Project is consistent with the SMA and the SMP, as conditioned below. As described within this staff report, for approval of an SSDP on a specific project proposal, the County is not required to demonstrate full compliance with technical standards (such as Building Codes, Public Works Standards, or Stormwater Requirements), but rather must conceptually show that compliance can be achieved through provision of preliminary plans. Full compliance with technical requirements is evaluated through Construction Permit review. Consistency with the requirements of the City’s SMP is, or with appropriate conditions will be, achieved as follows:

##### **1. SMP POLICIES:**

###### **a. City of Sammamish Comprehensive Plan Shoreline Element Policies.**

Staff Analysis:

The proposed Trail is a preferred shoreline use and is a public amenity. The proposed Project provides necessary accessory parking, a public restroom facility, a public information kiosk, and a public access ramp. These Project components, in addition to the segment of Trail proposed, are consistent with City of Sammamish Comprehensive Plan Shoreline Goals and Policies. The Project provides public view access to the shoreline, accounts for impacts to sensitive shoreline resources, must comply with current stormwater standards, accounts for appropriate site planning, and appropriately provides a circulation system for non-motorized recreational users. Additionally, the Project has been designed to meet the over-arching policy of no-net-loss of shoreline ecological functions. As designed and conditioned, the facilities proposed by the County are compliant with associated Shoreline Element Policies in the City of Sammamish Comprehensive Plan.

##### **2. CHAPTER 25.05 – JURISDICTION AND ENVIRONMENT DESIGNATIONS:**

###### **a. 25.05.010 Shoreline jurisdiction.**

Staff Analysis:

East Lake Sammamish Trail Inglewood Parking Lot  
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**Exhibit 1**  
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The County has mapped the extent of the Shoreline Jurisdiction and has demonstrated that almost all of the Project is located within the Shoreline Jurisdiction. A small portion of the northeastern area of the Project Site is not located within the Shoreline Jurisdiction.

**b. 25.05.020 Shoreline environment designations.**

Staff Analysis:

The subject parcels are all located within the Shoreline Residential Environment of Lake Sammamish except for a small portion of the northeastern area of the Project Site which is not located within Shoreline Jurisdiction.

**c. 25.05.030 Shorelines of statewide significance – Lake Sammamish.**

Staff Analysis:

The Project is located along the shoreline of Lake Sammamish, which is a shoreline of statewide significance. In accordance with SMC 25.05.030, projects located within the Lake Sammamish Shoreline jurisdiction shall be designed with a longer-term vision to reflect a higher priority for the statewide interest over the local interest, promote public access, increase recreational opportunities, and preserve and protect the natural character and ecological function of this significant lakeshore. The Project, as conditioned, is compliant with SMC 25.05.030.

**3. CHAPTER 25.06 – GENERAL SHORELINE REGULATIONS:**

**a. 25.06.010 Archaeological, historic and cultural resources regulations.**

Staff Analysis:

The County has entered into a Programmatic Agreement with the Federal Highway Administration (FHWA), the Washington State Department of Transportation (WSDOT), the Washington State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation to implement the East Lake Sammamish Trail Master Plan. A copy of this Programmatic Agreement is included as **Exhibit 14**. The County has received Federal funding for this Project and must comply with Section 106 of National Historic Preservation Act and the implementing regulations in 36 CFR 800. Through implementation of this Programmatic Agreement the County and Project are compliant with SMC 25.06.010.

**b. 25.06.020 Environmental protection and conservation regulations.**

Staff Analysis:

The Project, as conditioned, has been designed to implement the vision of the SMA and SMP of no-net-loss of ecological function. A memo from The Watershed Company, the City's consultant, outlining Project environmental review in compliance with SMC 25.06.020 is included as **Exhibit 43**. Additionally, pursuant to the memo provided by the City's consultant Transportation Engineer (**Exhibit 58**), trails can be designed to minimize the impact to the existing natural and built environment by limiting trail width and clearing and grading to the minimum necessary to accommodate the Project. Through appropriate Project design, implementation of mitigation sequencing, minimization of impact, and appropriate mitigation measures, as conditioned the Project is compliant with this section.

**c. 25.06.030 Shoreline public access regulations.**

Staff Analysis:

The Project is a public access facility and has been designed to provide visual access to the Lake Sammamish Shoreline (the Project does not include water access). The Project is compliant with SMC 25.06.030.

**d. 25.06.050 Water quality, stormwater, and nonpoint pollution regulations.**

Staff Analysis:

The Project must incorporate all known required methods of preventing, controlling, and treating stormwater to protect and maintain surface and ground water quantity and water quality in accordance with Chapter 15.05 SMC (Surface Water Management), Chapter 21A.50 SMC, and other applicable laws. For approval of the SSDP, the County is not required to demonstrate full compliance with technical standards in Chapters 15.05 and 21A.50 SMC, but rather must conceptually show that compliance can be achieved through provision of preliminary plans. Full compliance with technical requirements is evaluated through Construction Permit review. As part of the permit review process, the County and the City have entered into a Settlement Agreement dated April 6, 2017, providing the Project shall be vested to all codes and regulations in effect on March 15, 2017. As such, full compliance with the 2016 King County Surface Water Design Manual (KCSWDM) and City of Sammamish 2016 Addendum to the KCSWDM and 2016 Public Works Standards must be demonstrated prior to issuance of Construction Permit. Best management practices (BMPs) for controlling erosion and sedimentation and preventing pollutants from entering lakes must also be implemented through construction permit review and implementation. The Project, as conditioned, is compliant with SMC 25.06.050.

**4. CHAPTER 25.07 - USE/DEVELOPMENT REGULATIONS:**

East Lake Sammamish Trail Inglewood Parking Lot  
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**Exhibit 1**  
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**a. SMC 25.07.090 – Public recreational use regulations.**

Staff Analysis:

The proposed Trail, a preferred shoreline use, and associated Parking Lot, Restroom, Kiosk, and Access Ramp are conceptually consistent with applicable regulations. Additionally, there will be no-net-loss of shoreline ecological functions as there are no wetlands, streams, lakeshore or any associated buffers within the Project area. The facilities proposed provide visual access to the shoreline as well as public nonmotorized connectivity to a completed segment of the East Lake Sammamish Trail and to the East Lake Sammamish Parkway, a minor arterial public road in the City of Sammamish. This Project is providing a public parking area for access to the public trail. All proposed development is located landward of the 50-foot shoreline setback as shown in **Exhibit 7**. The use of native vegetation in the Project area will be reviewed at the construction permitting phase and is a condition of approval of this application. The Project, as conditioned is compliant with SMC 25.07.090.

**b. SMC 25.07.100 – Transportation regulations.**

Staff Analysis:

The proposed Trail and associated Parking Lot, Kiosk, Restroom, and Access Ramp are considered transportation infrastructure. As conditioned, the design at construction permit submittal must meet the 2016 King County Surface Water Design Manual (KCSWDM) and City of Sammamish 2016 Addendum to the KCSWDM and 2016 Public Works Standards, to ensure that water quality for receiving waters will be maintained or improved. All development activity will take place landward of the 50-foot shoreline setback; therefore, shoreline stabilization is not necessary. Furthermore, the entire Project is primarily located in areas that have already been disturbed by previous activities. Pursuant to the memo provided by the City's consultant Transportation Engineer (**Exhibit 58**), trails can be designed to minimize the impact to the existing natural and built environment by limiting trail width and clearing and grading to the minimum necessary to accommodate the Project. The Parking Lot will directly serve the ELST, making it consistent with SMC 25.07.100. Design compliance with Titles 14 (Public Works and Transportation) and 21A (Development Code) will be confirmed at the time of construction permitting. The Project, as conditioned, is compliant with SMC 25.07.100.

**c. SMC 25.07.110 – Utilities regulations.**

Staff Analysis:

Sammamish Plateau Water District reviewed the preliminary plan set and provided their initial comments and concerns (**Exhibit 41 and Exhibit 42**). Design requirements will be reviewed at the time of construction permitting. An updated survey of the Project area, which is a recommended condition of approval, will include existing and proposed utilities. Any utilities necessary for this Project will be reviewed at construction permitting for conformance with SMC 25.07.110. The Project, as conditioned, is compliant with SMC 25.07.110.

**5. CHAPTER 25.08 – PERMIT CRITERIA AND ADMINISTRATIVE STANDARDS:**

**a. 25.08.020 Permits – Substantial development.**

Staff Analysis:

The Project is not considered as exempt from SSDP requirements and the County has applied for an SSDP to construct the Project. The Project is compliant with this section.

**b. 25.08.080 Permit process – Land use decisions.**

Staff Analysis:

As it requires an SSDP, the Project is subject to the requirements of Chapter 20.05 SMC. SSDP Permits are Type 4 decisions made by the City of Sammamish Hearing Examiner on recommendation from the Department of Community Development Director in accordance with SMC 20.05.020. Type 4 decisions require compliance with the review process included in Chapter 20.05 SMC. The SSDP for this Project has met the requirements of Chapter 20.05 SMC for Type 4 decisions. The Project is compliant with SMC 25.08.080.

**c. 25.08.130 Initiation of development.**

Staff Analysis:

Development pursuant to an SSDP shall not begin and shall not be authorized until 21 days after the date of filing of the final City decision with DOE, or until all appeal proceedings before the Shoreline Hearings Board have terminated. To date, the Project is compliant with SMC 25.08.130.

**6. WAC 173-27-180 – APPLICATION REQUIREMENTS FOR SUBSTANTIAL DEVELOPMENT, CONDITIONAL USE, OR VARIANCE PERMIT:**

Staff Analysis:

East Lake Sammamish Trail Inglewood Parking Lot  
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As conditioned, the County has conformed to all application requirements as outlined in WAC 173-27-150 and 173-27-180, and the SMC. The one item that will need to be further addressed at submittal of any Construction Permits is WAC 173-27-180(9)(f), which requires the dimensions and locations of all existing and proposed structures and improvements, including but not limited to; buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities, to be shown on the site development plans. This information is expressly and specifically required as an element of an SSDP permit application under WAC 173-27-180(9)(f). The County's submittal, however, is incomplete and out of date. The City requested this information in the first review letter (**Exhibit 38**) sent to the County on April 12, 2017. The County responded on July 11, 2017, (**Exhibit 46, Exhibit 47, and Exhibit 48**) that this updated information was not relevant to the City's review of the shoreline substantial development permit application and that the County will separately establish compliance during the relevant permit review. For review of this shoreline substantial development permit, the City has determined that some of the necessary information was provided; however at construction permitting, more detailed and updated survey information is necessary, and the City is recommending approval of the SSDP be conditioned on provision of same.

## V. DIRECTOR'S RECOMMENDATION:

With conditions as listed below, the **Director of Community Development finds the Project meets all applicable requirements and hereby recommends approval of the proposed Shoreline Substantial Development Permit** to reconstruct an approximate 525-foot long segment of the ELST and establish a 30-stall paved parking lot known as the Inglewood Hill Parking Lot as an accessory to the ELST. The Project also includes installation of a public restroom facility, an information kiosk, an access ramp to connect the parking area and restroom to the ELST, and infrastructure improvements and adjustments associated with the Project in the City of Sammamish.

## VI. RECOMMENDED CONDITIONS OF APPROVAL:

The Director of Community Development, in making a recommendation of approval, hereby requests the following conditions be included in the SSDP decision in accordance with SMC 25.08.020(2) and WAC 173-27-150(2):

1. All required Construction Permits must be issued in accordance with SMC Titles 14 and 16 before the County may commence Project construction. Final construction plans approved for Construction Permits showing the proposed Trail, Parking Lot, Restroom, Kiosk, and Access Ramp shall be in substantial conformance with **Exhibit 7** attached to this staff report and subject to applicable conditions of approval specified by the Hearing Examiner.
2. An updated survey (conducted no later than one year prior to submittal or resubmittal of any construction permit applications) must be provided at submittal of the Construction Permit application(s) to show all dimensions and locations of all existing and proposed structures and improvements including but not limited to buildings, paved or graveled areas, roads, utilities, septic tanks and drainfields, material stockpiles or surcharge, and stormwater management facilities, as required by WAC 173-27-180(9)(f).
3. The County shall identify all structures not owned and controlled by the County, and existing within the Trail parcel that were constructed or installed pursuant to a permit that is not revocable by the County ("Permitted Structures"). For each Permitted Structure, if any, the County shall identify where the Trail will be modified, narrowed, or relocated to mitigate for conflicts with Permitted Structures.
4. In accordance with SMC 25.07.090(6), an updated and final landscaping plan shall be provided at the time of Construction Permit(s) submittal to ensure that native, self-sustaining vegetation is utilized throughout the Project area.
5. The Project proposes to remove Significant trees; therefore, all tree removal shall be in substantial conformance with the arborist report (**Exhibit 54**) and tree preservation plans (**Exhibit 55**) and the City's tree regulations, Chapter 21A.37 SMC. An updated arborist report and tree inventory will be required at submittal of the Construction Permit(s) to account for any growth that occurred since approval of this SSDP.
6. The Project proposes to remove trees and vegetation. SMC 21A.30.210(3) and SMC 25.06.020(5) require that clearing and grading be the minimum necessary to accommodate the allowed use/development. The proposed Trail width is the primary driver of the amount (width) of clearing and grading required. The extent of clearing and grading directly impacts quantity of trees to be removed. The Trail can be narrowed in locations to reduce required clearing and grading limits and preserving additional trees. The County shall provide an updated clearing and grading plan that includes adequate tree protection in accordance with SMC 21A.37.270(5). The Trail shall be

narrowed as necessary to fully comply with tree protection barrier and grading/grubbing limit restrictions in 21A.37.270(5). The clearing and grading plan shall properly reflect adequate and compliant tree protection barriers and grading/grubbing limits for all trees and vegetation to be retained pursuant to Chapter 21A.37 SMC. No grading or grubbing shall be allowed within the prescriptive tree protection areas as defined by SMC 21A.37.270(5)(b). If adequate and compliant tree protection measures in accordance with SMC 21A.37.270(5) cannot be applied, the tree shall not be counted as retained and must be considered as removed.

7. Fences over six (6) feet tall and retaining walls exceeding 48 inches in height, as shown in the Project plans (**Exhibit 7**), will require structural review during the Construction Permit review process.
8. The grading, temporary erosion and sediment control, and drainage plans as shown on the approved Shoreline Substantial Development Permit (SSDP) are not approved for construction. Construction Permit(s) are required. Further detailed review of proposed construction plans by the City and County response to City comments and requested corrections is required for Construction Permit issuance.
9. Pursuant to WAC 173-27-090, construction shall be commenced on the proposed Trail, Parking Lot, and associated elements within two (2) years of the date that the SSDP is issued (or becomes final following any reconsideration or appeal periods, if applicable). Authorization to conduct development activities under the SSDP shall terminate five (5) years after the effective date of this permit. The City may authorize a single extension for a period not to exceed one (1) year based on a showing of good cause to the Director of reasonable factors, if a request for extension has been filed before the expiration date, and notice of the proposed extension is given to parties of record and the City.