

Chowanski Garris residence
5104 N.W. Sammamish Road
Issaquah, Washington 98027

**VARIANCE PROPOSAL FOR REDUCTION OF STREAM BUFFER
& BUILDING SETBACK**



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EXISTING SITE (see exhibit 1)

This project consists of a 1 acre, Low Density Residential parcel zoned SF-SL. The parcel is located on the southern shore of Lake Sammamish, just off the frontage road adjacent to Interstate 90. The parcel is bordered on one (long) side by a stream which is classified as fish bearing. The standard 100 foot buffer to this stream almost completely encumbers the site rendering it undevelopable if the buffer and building setbacks are strictly adhered to. The stream is located in an artificial channel with nearly vertical rockery lined banks between 3 & 5 feet in height. The overall width of the channel is between 4 & 6 feet measured at the top of the banks. The natural contours of the site slope **away** from the stream channel, except for some areas within 10–12 feet of the top of bank. Properties immediately adjacent to and within 500 feet of this site are developed as Single Family residences with maintained yards and landscaped areas.

The site contains several existing structures including a primary residence (vacation cabin) and several outbuildings. There is a system of driveways, both paved and graveled, including a paved driveway to the waterfront and a concrete boat launch ramp into the lake. Many of the outbuildings are located within 10 feet of the stream bank. Some have been used for automobile or other vehicle storage, others for materials storage, various shop uses recreational activities. The existing primary residence is located approximately 40 feet from the stream bank. There are several large native evergreen trees which appear to be in good condition located upland of the house and some fruit trees and other non-native plantings near the stream. During the summer months the stream was completely obscured by overgrown blackberry bushes, holly, canary reed grass and other invasive plants. The balance of the site is maintained lawn and planting areas. The lake shoreline is a somewhat rocky/gravelly beach area with an older wooden dock which is in fair condition. Where the stream enters the lake there is a seasonally defined channel. During the summer months there is little evidence of water flowing from the stream into the lake (most of the water flows beneath the beach gravels).

SEE CURRENT SITE PHOTOS AT THE END OF THIS DOCUMENT.

PROPOSED DEVELOPMENT (see exhibit 2)

This proposal is to demolish **all** existing structures & improvements and construct new Single Family Residence, keeping new structure as far from the stream and shoreline as is reasonably feasible. All non-native or invasive plantings adjacent to the stream channel will be removed or pruned to improve the fish habitat and to allow for better monitoring and maintenance of the stream environment. All areas within 25 feet of the stream channel (except where the existing driveway enters the site) will be restored and enhanced with appropriate plantings to provide an effective fish friendly environment. The 10 feet closest to the stream will be densely planted with the remaining 15 feet more openly planted. The stream itself will be cleared of all deleterious debris, rockfalls and other impediments to fish use and will have vegetation enhancement as directed by WDFW. We are working closely with WDFW to assure the best, most appropriate and fish friendly environment possible.

The driveway entering the site, as far as the new house will be retained and improved, directing any runoff into an appropriate storm water collection system. All other driveways will be removed and the soils restored for planting and landscaping. It is our intent to retain all the mature evergreen trees on the site with the possible exception of the seriously compromised (topped) fir trees directly adjacent to the stream. The fruit trees and other deciduous trees will be removed and the entire site landscaped in an appropriate manner.

The new house will be located as close to the southerly property line as feasible. The front, active use area of the house will face away from the stream. All automobile traffic will be directed away from the stream as much as possible. Paved drives, parking areas and patios will face as much as possible away from the stream. **THIS PROPOSAL WILL NOT RESULT IN AN INCREASE OF IMPERVIOUS AREA BEYOND WHAT IS EXISTING.** The proposed impervious area will be more concentrated, making dealing with storm water runoff more efficient and effective.

The shoreline areas will be cleared of the large broken rocks, the concrete boat launch ramp will be removed and new fish friendly spawning gravels will be placed in the water and on the shoreline. The area adjacent to the mouth of the stream will be planted with fish friendly plants as recommended by WDFW. The dock may be repaired or rebuilt in place with new fish friendly materials. The shoreline easterly of the dock (away from the stream) will be used for recreational purposes.

EXISTING CONDITIONS AND PROPOSED DEVELOPMENT ARE SHOWN ON THE ATTACHED SITE PLAN EXHIBITS.

STREAM BUFFER REDUCTION

Stream buffer reduction is provided for in the Issaquah Land Use Code (IMC) Section 18.10.785.D. Given the location of this stream, the condition of the stream and adjacent areas, the natural terrain and slope direction (away from the stream) and its proximity to existing residential development, this seems to be a good example for application of this provision.

D. Reducing Stream Buffer Requirements:

1. Stream buffer reduction provisions in this section may be used separately or together; provided, that the cumulative, total stream buffer reduction shall not exceed twenty-five (25) percent of the required stream buffer area or encroach into the buffer at any location by more than twenty-five (25) percent of the standard stream buffer width, per IMC 18.10.785(C).

[Response] A 25% buffer reduction will still leave the site more than 80% encumbered and basically undevelopable.

2. A variance is required for stream buffer reductions exceeding twenty-five (25) percent of the required buffer area or encroachments exceeding twenty-five (25) percent of the standard stream buffer width.

[Response] We are hereby requesting this variance.

3. Stream Buffer Reduction for Class 1 and Class 2 Streams with Salmonids: Prior to the City's approval of a stream buffer reduction, an applicant shall first demonstrate the proposed site plan avoids and minimizes the amount of buffer reduction, consistent with IMC 18.10.490.

[Response] The attached exhibits show the site conditions that are driving this variance request. We have located the new house as far from the stream as is reasonable and have faced the active use areas and vehicle circulation away from the stream. The reduced stream buffer will be cleared of invasive and non-native plants and will be restored and enhanced with appropriate planting materials for the full length of the stream bank on this property.

4. Stream Buffer Reduction with Buffer Vegetation Enhancement:

- a. Purpose: The standard stream buffer widths identified in IMC 18.10.785(C) may be reduced when enhancement of the existing stream buffer vegetation would demonstratively improve water quality and habitat functions.

[Response] We are working with WDFW to provide the best environment possible.

- b. Applicability – Qualifying Stream Buffers: A stream buffer may qualify for a buffer reduction under this section when:

- (1) The stream buffer proposed to be enhanced/reduced meets all of the following characteristics:

- (A) More than forty (40) percent of the buffer area is covered by nonnative and/or invasive plant species; or

[Response] This is the case, there is very little native vegetation within the buffer at all.

- (B) Tree and/or shrub vegetation cover less than twenty-five (25) percent of the buffer area; and

[Response] Existing tree and/or shrub vegetation covers less than 15% of the buffer area.

(C) The stream buffer has slopes of less than twenty-five (25) percent.

[Response] The existing stream buffer slopes less than 25%. For the most part, the stream buffer slopes away from the stream bank,

(2) The proposed development incorporates performance standards to minimize the impacts of the proposed land use, consistent with IMC 18.10.660.

[Response] The new house will be oriented with the active use and vehicle circulation areas facing away from the stream, all toxic runoff will be directed away from the stream and use of chemical fertilizers and pest control will be limited and will follow the requisite BMP's.

c. Critical Area Study Required: A critical area study consistent with the requirements of IMC 18.10.410(C) and the following provisions is required in order to evaluate and approve a reduction of the standard buffer width. The critical area study shall:

[Response] The required Critical Area Study will be prepared as directed.

5. Stream Buffer Reduction with Removal of Impervious Surface Area: The standard stream buffer area may be reduced at a 1:1 ratio with the removal of existing, legally nonconforming impervious surface area located within the stream buffer area. For example, if one hundred (100) square feet of existing impervious area are removed, the stream buffer may be reduced by one hundred (100) square feet. The removed impervious area shall be located closer toward the stream than the proposed buffer reduction area. The removed impervious area shall be restored with native vegetation, consistent with the stream buffer enhancement plan requirements in subsection (D)(4)(c)(3) of this section. Existing site characteristics, including buffer vegetation, slopes, etc., and proposed development shall be considered in determining the location of the allowed reduced buffer area.

[Response] We will be removing significant amounts of impervious area from within the stream buffer and will be replacing these impervious areas as far away from the stream as is feasible (see attached exhibits).

6. Stream Buffer Averaging Requirements: Standard stream buffer widths may be modified by averaging buffer widths after review of a critical area study prepared by a qualified professional for compliance with the following criteria:

[Response] Buffer width averaging is not appropriate in this case as the entire property is encumbered by the stream buffer.

- a. The proposed site plan demonstrates efforts to avoid and minimize stream and stream buffer impacts;
- b. Buffer width averaging is consistent with the best available science and will not adversely impact functions or values;
- c. The total area within the stream buffer after averaging is no less than the area within the standard buffer prior to averaging. The location of the replacement buffer area shall be contiguous with the standard buffer to be averaged;
- d. The buffer width shall not be reduced by more than twenty-five (25) percent of the standard buffer width at any location, unless a variance is approved in accordance with IMC 18.10.430;
- e. A maximum of fifty (50) percent of the buffer perimeter on a site may be reduced by averaging;
- f. Buffer averaging shall consider physical characteristics on a site, including but not limited to existing buffer vegetation, slopes, floodplain, hydrology, surface drainage, and association with nearby streams and wetlands. Buffer averaging shall not be allowed within the designated floodway of streams;
- g. Buffer averaging credit shall not be allowed in areas already protected by the critical area regulations; and
- h. Mitigation, such as revegetation and enhancement of existing vegetation, may be required by the Director. (Ord. 2669 § 1 (Exh. A), 2013; Ord. 2455 § 16, 2006; Ord. 2301 § 3, 2001; Ord. 2108 § 10.2.30, 1996).

EXHIBITS:

EXHIBIT 1: SITE PLAN – EXISTING IMPERVIOUS

EXHIBIT 2: SITE PLAN – PROPOSED DEVELOPMENT

EXHIBIT 3: GEOTECHNICAL RECOMMENDATIONS

EXHIBIT 4: CURRENT SITE PHOTOGRAPHS