

**SHORELINE MASTER PROGRAM
PLANNING COMMISSION COMMENT MATRIX**
Comments submitted through March 30, 2012

#	Date	First Name	Last Name	Company	Address	City	St	Zip	Comment Topics
VERBAL									
1	3-13-12	Jack	Sperry		29051 229 th Ave SE	Black Diamond	WA	98010	Setbacks, buffer width averaging, no net loss, Variance, flexibility.
2	3-13-12	Steve	Frank	Lake Sawyer Community Club	PO Box 191	Black Diamond	WA	98010	Requested additional time for comments, membership and input of the LSCC.
3	3-13-12	Jack	Gulliver		29807 232 nd Ave SE	Black Diamond	WA	98010	Building on the lake, water/sewer systems.
4	3-13-12	Cindy	Wheeler		30221 234 th Ave SE	Black Diamond	WA	98010	Hearing notice, comment period, recommendations of the Citizens Advisory Committee, Shoreline Restoration Plan, LSCC, Shoreline Analysis document errors.
5	3-13-12	Bruce	Earley		22963 SE 292 nd Pl	Black Diamond	WA	98010	Dock restrictions, current King County Code regulations, non-conforming use provisions, notice.
6	3-13-12	Sean	Taeschner		30846 229 th Pl SE	Black Diamond	WA	98010	Vegetation planting, bulkhead removal, tax exemption, use of the lake.
7	3-27-12	Steve	Frank	Lake Sawyer Community Club	PO Box 191	Black Diamond	WA	98010	LSCC organization, involvement in 2000 Lake Sawyer Management Plan, remove LSCC obligations from SMP document.
8	3-27-12	Bill	Wheeler		30221 234 th Ave SE	Black Diamond	WA	98010	Urban lake, cost benefit analysis, water quality, setback, Variance, dock regulations, non-conforming use provisions.
9	3-27-12	Jack	Sperry		29051 229 th Ave SE	Black Diamond	WA	98010	Distributed previously submitted materials.
10	3-27-12	Ulla	Kemman		29863 232 nd Pl SE	Black Diamond	WA	98010	Effluent and stormwater runoff, large development concerns.
11	3-27-12	Charles	Kemman		29863 232 nd Pl SE	Black Diamond	WA	98010	Impervious surfaces, volume of water, need for calculations.
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#	Date	First Name	Last Name	Company	Address	City	St	Zip	Comment Topics
WRITTEN									
12	2-20-12	Jack	Sperry		29051 229 th Ave SE	Black Diamond	WA	98010	Water Related Action, setbacks.
13	2-22-12	Jack	Sperry		29051 229 th Ave SE	Black Diamond	WA	98010	Lot drawing, buffer width averaging, setbacks.
14	2-22-12	Jack	Sperry		29051 229 th Ave SE	Black Diamond	WA	98010	Lot drawing resend.
15	2-27-12	Jack	Sperry		29051 229 th Ave SE	Black Diamond	WA	98010	Water Related Action, setbacks.
16	2-28-12	Douglas	Corbin	Puget Sound Energy	6905 South 228 th St	Kent	WA	98032	Utilities section, transmission lines.
17	2-29-12	William	Kombol	Palmer Coking Coal	PO Box 10	Black Diamond	WA	98010	Public access regulations, commercial development, shoreline modification.
18	3-4-12	Jack	Sperry		29051 229 th Ave SE	Black Diamond	WA	98010	Setback allowance discrepancy, buffer width averaging.
19	3-5-12	Cindy	Wheeler		30221 234 th Ave SE	Black Diamond	WA	98010	Citizen Advisory Committee letter to the PC dated 12-1-11.
20	3-8-12	Jack	Sperry		29051 229 th Ave SE	Black Diamond	WA	98010	Corrections to updated version of SMP.
21	3-9-12	Jack	Sperry		29051 229 th Ave SE	Black Diamond	WA	98010	Setback reduction allowance.
22	3-9-12	Jack	Sperry		29051 229 th Ave SE	Black Diamond	WA	98010	Minor corrections to Shoreline Restoration Plan.
23	3-10-12	Bruce & Julie	Earley		22963 SE 292 nd Pl	Black Diamond	WA	98010	Dock restrictions, current King County Code regulations.
24	3-13-12	Jack	Sperry		29051 229 th Ave SE	Black Diamond	WA	98010	Setbacks, buffer width averaging, developed vs. undeveloped lots, Water Related Action, Variance.
25	3-13-12	Steve	Frank	Lake Sawyer Community Club	PO Box 191	Black Diamond	WA	98010	Requesting additional comment time.
26	3-12-12	Mark	Davidson		22975 SE 292 nd Pl	Black Diamond	WA	98010	Public access, setbacks, impervious surface, regulations of other jurisdictions.
27	3-13-12	Ron	Speer	Soos Creek Water & Sewer District	PO Box 58039	Renton	WA	98058	Shoreline use provisions, Shoreline Use policies and regulations, utilities.
28	3-13-12	Bruce	Earley		22963 SE 292 nd Pl	Black Diamond	WA	98010	Dock restrictions, current King County Code regulations.
29	3-26-12	Ulla	Kemman		29863 232 nd Pl SE	Black Diamond	WA	98010	Effluent and stormwater runoff, large development concerns.

#	Date	First Name	Last Name	Company	Address	City	St	Zip	Comment Topics
30	3-27-12	Steve	Frank	Lake Sawyer Community Club	PO Box 191	Black Diamond	WA	98010	History of LSCC, involvement of LSCC in SMP.
31	3-27-12	Charles	Kemman		29863 232 nd Pl SE	Black Diamond	WA	98010	Impervious surfaces, volume of water, need for calculations.
32	3-27-12	Kristine	Hanson			Black Diamond	WA	98010	Vegetation, septic systems, stormwater education.
33	3-28-12	Bill	Wheeler		30221 234 th Ave SE	Black Diamond	WA	98010	Urban lake, cost benefit analysis, water quality, setback, Variance, dock regulations, non-conforming use provisions.
34	3-29-12	Roger & Valerie	Brazier		30243 234 th Ave SE	Black Diamond	WA	98010	SMP documents, restrictive rules, docks, bulkhead removal, no-net loss, educational seminar.
35	3-30-12	Karen	Walter	Muckleshoot Indian Tribe Fisheries Division	39015 172 nd Ave SE	Auburn	WA	98092	SMP coordination process, permit notification to MITFD, aquaculture, tree management and vegetation in shoreline setback, lighting.

Staff and Consultant Responses to Public Hearing Testimony, (Including Written Material) on Shoreline Master Program Planning Commission March 13 and March 27, 2012

- 1. Jack Sperry:** Concerned about the proposed building setbacks and feels that more negotiation should occur with the Department of Ecology. **The staff recommendation for Shoreline Residential minimum setbacks are already below the standards established by the Department of Ecology in their comments dated 7/20/2011. Staff recommends at keeping it at 25'.**

Mr. Sperry previously recommended notion of what he called buffer width averaging.

This proposal is not Buffer Width Averaging in the scientific sense, but a modified version of that in the City of Black Diamond's Sensitive Areas Ordinance. Staff is concerned with the ecological impact of moving beyond the mitigated setback standard, even with mitigation (assuming that in Mr. Sperry's example, mitigation would only be required to the 30 foot setback mark). More evaluation is needed with the Department of Ecology on the feasibility of this modified reduction alternative if that is the case. If the intent is to mitigate to the 25' setback, then staff can support this and no change to the SMP would be required. Clarification is appropriate and direction from the commission.

For the Commission's consideration:

In the initial comments from Ecology, their wetland Specialist had this to say about the City's Buffer Averaging Program under the Sensitive Area Ordinance.

"This subsection (within the City's Sensitive Areas Ordinance) allows for buffer averaging to not less than 50 percent of the standard width and in no case less than 30 feet (This would only pertain to the lowest quality wetland, class IV and not Shorelines of the State, which are arguably more sensitive ecological systems, than class IV wetlands). Ecology's guidance does not allow for buffers to be reduced by more than 25% of the standard buffer. Buffer averaging to as much as 50% cannot be considered adequate protection of the shoreline area to meet the no net loss of ecological functions."

Utilizing some of the additional funds provided by the Department of Ecology, staff requested that the consultant do a lot analysis of the average lot dimensions to help give the commission an idea of what these dimensions are around Lake Sawyer. Here are some bullet points of their lot analysis:

- For this analysis, the consultant took out really large lots (Like the north peninsula property, parks and soccer field) and really small lot fragments (less than 15 feet wide) and right of way.**

- Looking at these lots, median lot width is approximately 73 feet and median lot depth is 280 feet.
- Out of 330 lots, 110 or about a 1/3 are 60 feet or narrower, 82 are 55 feet or narrower, 54 are less than 51 feet in width
- 71 lots or about 22% are less than 200 feet long.

Mr. Sperry is concerned that the requirement of one water-related setback mechanism in order to reach the full set back minimum goes beyond no-net loss and that upland mechanism's are adequate to achieve no-net loss.

As identified in the Shoreline Analysis Report of segment A, bulkhead removal and increased shoreline enhancement (installation of native vegetation) are the primary components in mitigating and restoring impacts associated with development and redevelopment within the shoreline in segment A.

Ecology has expressed the need to focus on water related mitigation in their comments dated 7/20/2011. Ecology argued that the smaller buffers (down to 30'- 40') would not compensate for the ecological impact created by redevelopment. Significant science and our own Best Available Science document created for our Sensitive Areas Ordinance supports this concept. By requiring a water-related buffer reduction mechanism, it is Ecology's opinion that redevelopment would be brought closer to meeting no-net loss. This is consistent with other locally approved Shoreline Master Programs, including Sammamish as water-related improvements are required with lots that have hard armoring or bulkheads. Some flexibility may exist in the creation of an offsite mitigation bank for water-related impacts.

Staff recommends keeping the requirement for a water-related mitigation component in order to utilize the full setback reduction.

2. **Steve Frank:** Requested more time in order to review recently posted materials.
No recommendation needed.
3. **Jack Gulliver:** Mr. Gulliver asked for general information on the updated Draft Shoreline Master Program.
No recommendation needed.
4. **Cindy Wheeler:** Ms. Wheeler offered that the Citizen Advisory Committee recommended a minimum setback of 20' with appropriate mitigation.
Comment noted and discussed at length with the Planning Commission in previous meetings prior to the public hearing. Staff recommends no change to the SMP document. See Sperry #1.

Ms. Wheeler stated that a water-related improvement should not be mandatory.

See item #1 under Sperry response.

Ms. Wheeler stated that the plan needs to recognize different ecological ratings of each property.

Staff is unfamiliar with the establishment of an ecological rating and its criteria for evaluation within the shoreline environment. A wetland rating system developed by the Washington State Department of Ecology exists, but is not relevant in evaluating shoreline properties unless a wetland exists on the property. If even feasible scientifically, it would be financially infeasible to conduct such a survey of each private and public property within the shoreline jurisdiction without tremendous expense and liability to the City. Staff finds that our current approach in developing policies, regulations and administrative provisions is appropriate and consistent with state law (WAC 173-26).

Ms. Wheeler states that the Shoreline Restoration Plan contains errors and depicts her septic system incorrectly.

Staff and its' consultant utilized the most recent published information in the development of the City's Restoration Plan. It's acknowledged in the Restoration Plan that "it is anticipated that some of these (Septic Systems) have been replaced since the Lake Sawyer Management Plan was published." No changes recommended.

Ms. Wheeler is concerned about revised boating regulations and the creation of a Lake Management District.

Comment noted. Boating practices were discussed by the Citizen Advisory Committee and included in the Draft SMP. The establishment of a Lake Improvement District was a recommendation offered in the 2000 Lake Sawyer Management Plan. Staff recommends that these options remain.

Ms. Wheeler states that the Shoreline Analysis document was not evaluated by the Citizen Advisory Committee and contains errors and aged information. **The Shoreline Analysis report was discussed during the initial meeting of the Citizen Advisory Committee as a reference document in establishing the baseline to meet no net loss. Comments were received from Jack Sperry and integrated into the draft document. Staff has not received any additional comments on the document.**

- 5. Bruce Earley:** Mr. Earley was concerned that no setback language from property lines was included in the current draft of the Shoreline Master Program as it pertains to docks and extensions as it is currently addressed in King County code and felt that non-conforming structures that burnt down completely should be allowed to rebuild in its' existing footprint. **Staff concurs that setback language from property lines for docks should to be included in the current draft of the Shoreline Master Program.**

Current King County Code section 25.32.060(B) states that if over 50% of the fair market value of a development or use is destroyed by fire, etc. that it may be reconstructed only insofar as it is consistent with existing regulations. The current draft SMP puts that value at 75% with similar conditions. In addition WAC 173-27 (8) states that:

"If a nonconforming development is damaged to an extent not exceeding seventy-five percent of the replacement cost of the original development, it

may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is completed within two years of permit issuance.”

This is a policy decision for the Commission to consider.

6. **Sean Taeschner:** Mr. Taeschner told the commission to give citizens time to comment and to not work to end people’s use of the lake.
Staff continues to strongly encourage public involvement in the development of the SMP.

7. **Steve Frank:** Mr. Frank, acting Community Club President, asked the Commission to remove the Lake Sawyer Community Club from all items involving Lake Sawyer Community Club from the Shoreline Master Program.
Comment noted.

8. **Bill Wheeler:** Mr. Wheeler felt that Lake Sawyer is an urban lake and was identified as rural in the Shoreline Analysis Report.
Lake Sawyer is currently designated “rural” the applicable King County Code as stated in the Shoreline Analysis Report, page 1.
Mr. Wheeler wanted to know if a cost/benefit analysis of the new rules had been done.
The Department of Ecology has produced a document entitled *An Evaluation of Probable Benefits and Costs and Least Burdensome Analysis* that looks into the issue of implementing a Shoreline Master Program. The document number is 03-06-003 and can be found on the Department of Ecology website under publications.

In addition, a grant in the amount of \$70,000 from the Department of Ecology will not cover a program specific cost/benefit analysis of the proposed regulations and is not required under our contract with the Department of Ecology.

Mr. Wheeler is against the removal of bulkheads and refers to the Shoreline Analysis Report, page 43, which states that it would be assumed that any unprotected shoreline of the lake probably experiences a high degree of erosive wave action.”

In the draft SMP, existing shoreline stabilization structures may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures. Also, removing bulkheads is not a requirement under the draft Shoreline Master Program.

Science has shown that softer methods of shoreline protection offer comparable protections to that of hard armoring in even heavily utilized lakes. In addition, there is tremendous ecological benefit to these softer approaches. A document included on the City’s website under the Natural Resources section entitled Green Shorelines addresses the benefits of softer approaches and gives a cost analysis of hard vs. soft

armoring. Due to the documented scouring that occurs from hard armoring, access to beaches can become treacherous. Softer methods can allow for a nice beach section for enhanced access and improved ecological function, both meeting the requirements of the Shoreline Management Act.

No changes recommended.

Mr. Wheeler is concerned that the draft Shoreline Master Program will lead to a ban on wake producing boats. He refers to goal #5 on page 10 of the Restoration Plan.

Goal #5 is a result of the Citizen Advisory Committee's recommendation at looking at boating regulations and their impacts on the shoreline environment. Policy b3 on page 53 of the Draft SMP states that the City should explore additional controls on water craft speeds and the large wake associated with certain types of watercraft (as recommended by the CAC). Staff recommends no change to goal #5.

Mr. Wheeler does not agree with the proposed setbacks within the draft Shoreline Master Program or the buffer reduction mechanisms.

Comment noted. The City is obligated under state law to regulate shoreline usage that preferably improves shoreline functions. "As established in WAC 173-26-186(8) these guidelines are designed to assure, at a minimum, no net loss of ecological functions necessary to sustain shoreline natural resources and to plan for restoration of ecological functions where they have been impaired" (WAC 173-26-201 (2)(c)). The City must update its regulations to conform to current conditions and state guidelines.

Mr. Wheeler does not agree with the requirements of section F, Overwater Structures and Launching Facilities, with focus on specific dock standards (i.e. dock width, shared docks, light permeable decking and shading).

Staff defers to state and federal regulations as it pertains to dock standards as outlined in Ecology's comments, dated 7/20/2011. Significant science has gone into the development of these standards to help mitigate for impacts to ecological function of the shoreline environment from these facilities.

Mr. Wheeler feels that the non-conforming standard identified on page 92, item J2c regarding the 75% redevelopment standard should be changed 100% the value of the original structure.

Please see staff response to similar question #5, Bruce Earley. This is a policy decision and needs to be reviewed by the Planning Commission.

- 9. Jack Sperry:** Concerned about no new material coming in since the last public hearing and discussed his previous submittals.

Comment noted.

- 10. Ulla Kemman:** Ms. Kemman talked about effluents entering the lake and gave a historical account of this. Ms. Kemman spoke that the health of the lake is a direct result of the efforts of the residents that live on the lake.

Comment noted.

Ms. Kemman spoke to the danger of storm water run-off and the influence of the larger contributing basin on the lake. She discussed the issues associated with increased imperviousness on natural aquatic systems including flooding, increases in water velocity, etc. and their impacts on water rise and water quality. She also stated that "Since the lake surface makes up only 3% of the drainage area, direct precipitation is much less important than watershed inputs." She expressed a general concern with regard to future development within the surrounding drainage basin.

The Shoreline Master Program is mandated by state law and pertains to Shorelines, defined by code as those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark.

11. **Charles Kemman:** Mr. Kemman is concerned with the increase of water run-off associated with development as it occurs within the shoreline environment as it is documented in the Shoreline Analysis Report. Mr. Kemman questions, "Shouldn't there be solid calculations regarding the impact of run-off to the lake and the exit capacity necessary to move the additional flow out of the lake as fast as it comes in."
Impervious surfaces and their impacts are discussed in the Shoreline Analysis Report starting on page 18 under the section titled Impervious Surfaces. The Shoreline Analysis Report indicates that shoreline regulations should address limits on impervious surface and implementation of low impact development techniques should be strongly encouraged in order to help alleviate increases in site-specific run-off.

The draft Shoreline Master Program provides policies that help mitigate for increased impervious surfaces and additional flow through the location, design, construction and maintenance of these uses within the shoreline environment. Specific regulations in carrying this out include impervious surface limitations, setbacks to allow for better stormwater infiltration, application of Low Impact Development techniques, when appropriate, implementation of quantity controls as required by the City's adopted surface water design manual and vegetation clearing limitations.

12. **Jack Sperry:** Letter expresses concern over the requirement of a water-related action in order to meet the minimum lot setback as requested by the Department of Ecology. Mr. Sperry feels that it is unjust as he feels that no impacts will occur near the shoreline environment with new and redeveloped properties. He feels that it is a forced improvement in ecological function. With this, Mr. Sperry offers two suggestions as alternatives to requiring one water-related improvement:
- a. Increasing the amount of upland related actions in order to meet no-net loss of ecological function.

- b. Creation of a City-managed mitigation bank at the Regional Park and Boat Launch facility that is a water-related action to compensate for impacts to ecological function.

Mr. Sperry concludes that he feels that there is a substantial difference between mitigating new development on a virgin lot vs. mitigating redevelopment on an already landscaped lot with a hardened bulkhead. **As it relates to an increase in upland related actions to compensate for ecological impacts on developed and redeveloped properties within the shoreline see staff answer to Jack Sperry Question #1.??**

Staff finds that the creation of a mitigation bank for water related actions is a plausible alternative to onsite mitigation. Mitigation banking is a concept that has been tried in other jurisdictions, especially as it pertains to wetland impacts. Ecology did not have comment on the original draft SMP as an alternative action to mitigate for upland actions. As staff research indicates, mitigation banks are often heavily subsidized by grants and other financial resources in order to ensure the success of the bank. Without these subsidies, mitigation banking can be difficult to implement. Given current staffing levels, volunteer help in maintaining these areas will be needed to ensure success of the bank.

Vegetation clearing limitations and an inability to reach the minimum setback requirement (as no water-related enhancements are needed on undeveloped lots) limits the ability of undeveloped lot owners to develop their property. One could argue the opposite and state that more options are available for developed lots vs. undisturbed lots. As stated on page 29 of the Shoreline Analysis Report, there are approximately 23 vacant lots in shoreline segment A, however, many of these lots are small and/or owned by adjacent parcels and appear to be used as yard areas. The amount of undeveloped lots in segment A are few and those that do exist appear to be already utilized for urbanized purposes.

- 13. Jack Sperry:** Mr. Sperry submitted a drawing of what he calls a "Typical" 50' lot with a four bedroom home requiring a septic system showing buffer averaging with provided language and the original letter outlined in comment #12.

Please see staff answer to comment #1, Jack Sperry as it relates to buffer averaging concept.

Please see staff answer to comment #12, Jack Sperry on the previously submitted letter comments.

- 14. Jack Sperry –** Resubmittal of Mr. Sperry's 50' lot drawing including a driveway demonstrating proposal for buffer averaging.

Please see staff suggestions to comment #1, Jack Sperry.

- 15. Jack Sperry:** Resubmittal of letter from comment #12 with revised setback numbers.

Please see staff suggestions addressed in comment #12.

16. Douglas Corbin: Mr. Corbin submitted proposed changes to sections of the Utilities (Primary) section of the Shoreline Master Program.

Change to section 11b4 removing language “placed underground or.” This is a policy decision for the Commission. Mr. Corbin expressed his concern over the cost of undergrounding utilities and the potential ecological impact from these activities. Staff concurs.

Addition to language in section 11c4 of “will not conflict with property rights (easement restrictions).” Changes as written appear to meet WAC 173-26. Staff recommends integrating additional statement.

Addition to language in section 11c9 of “or if not feasible, then additional plantings will be required to attain no net loss in habitat.” Changes appear to meet WAC 173-26, but staff recommends changing “habitat” to “ecological function”.

17. William Kombol: Mr. Kombol addresses his concerns with regard to the public access requirement and suggests deleting certain sections to the Shoreline Master Program.

This issue was discussed at the Planning Commission meeting on March 6, 2012 and staff was given direction to add new language that allows the Shoreline Administrator the ability to determine if the public access requirement is met by a shared community access limited to residents of a subdivision.

Cumulative Impacts Analysis Comments

Mr. Kombol states in his letter that tax parcel #102106-9061 should be separated as part of segment E, Lake Sawyer Regional Park, because both parcels are significantly different.

Staff shares a different opinion based on site visits to the regional park property and aerial study. Both sites contain considerable open space, grassy areas, shoreline vegetation and armoring. Tax parcel #102106-9061 has been given the Shoreline Residential designation after significant discussion with the Department of Ecology, as they felt it was better suited for an Urban Conservancy designation. For inventory purposes, the integration of both parcels appears appropriate. Staff recommends no change at this time.

Mr. Kombol suggests that wood piling removal from the regional park should be taken out of the document as it would be extremely difficult to rehabilitate these areas due to the depth the pilings were placed at.

Staff agrees and recommends looking at alternatives for ecological restoration in these areas.

18. Jack Sperry: Mr. Sperry is concerned that there is a discrepancy in the setback reduction allowances as it pertains to developed vs. undeveloped lots in that more is required of developed lots.

Please see answer within Sperry #12 that addresses this issue.

Mr. Sperry feels that the options offered for buffer reduction should be different for different properties as every lot has different existing conditions. **Staff agrees that different properties have different existing conditions. The setback reduction mechanisms offered in Table III (starting on page 43) offer 15 different options to choose from in order to reduce the buffer requirements. This provides significant flexibility on how each property applies the buffer reduction mechanisms to their property and is more flexible than most jurisdictions. Staff finds the choices address areas in need based on the Shoreline Analysis Report and will help meet no-net loss. No changes are recommended.**

Mr. Sperry asks the commission to consider removing the condition of a water related action for properties with hardened bulkheads in order to obtain the minimum setback reduction offered in the Shoreline Master Program because he feels that no new impacts will occur within the 25 foot setback minimum.

Please see the answer provided in Jack Sperry #1.

Mr. Sperry would like the commission to consider the integration of buffer width averaging in the development and redevelopment of properties on Lake Sawyer. He utilizes a hypothetical example of an existing lot with a width dimensions shown on the drawn plan. He points out that most lots on the lake are required to put in a septic system and it makes it very limiting in what a person can do in building a house on the lake. Mr. Sperry offers some sample language that could be included in the draft Shoreline Master Program taken from the City's current Sensitive Areas Ordinance, already adopted by the City council.

Please see the answer provided in Jack Sperry #1.

19. **Cindy Wheeler:** Members of the Citizen Advisory Committee wrote a letter asking the commission to reject the proposed 25' minimum setback with buffer reductions and put it back at 20' as originally proposed by the Citizen Advisory Committee.

Please see the answer provided in Jack Sperry #1

Committee members object to the new requirements to limit upland related reductions in the setback to 10 feet and the requirement of at least one water related action needing to be implemented in order to achieve the minimum allowed setback.

Please see the answer provided in Jack Sperry #1

The Citizen Advisory Committee feels that land owners with different site conditions should be able to choose different mitigation enhancements required to reach the minimum setback as offered in Table III on pages 42-44.

Please see the answer provided in Jack Sperry #1

20. **Jack Sperry:** Objects that the new Planning Commission version of the draft Shoreline Master Program only includes the Commission's changes and not the previous changes made from the Department of Ecology comments.

Comment noted.

Mr. Sperry notes in his email that two sections of the Planning Commission version of the draft Shoreline Master Program has areas with changed language that is not highlighted, but is different from the Department of Ecology's comments version. Mr. Sperry has concern about how many other changes may have been made from the previous redline version that do not show up as highlighted in the latest release.

This issue is addressed in the Planning Commission Memo dated March 14, 2012.

- 21. Jack Sperry:** Letter expresses concern over the requirement of a water-related action in order to meet the minimum lot setback as requested by the Department of Ecology. Mr. Sperry feels that it is unjust as he feels that no impacts will occur near the shoreline environment with new and redeveloped properties. He feels that it is a forced improvement in ecological function. With this, Mr. Sperry offers two suggestions as alternatives to requiring one water-related improvement:
- a. Increasing the amount of upland related actions in order to meet no-net loss of ecological function.
 - b. Creation of a City-managed mitigation bank at the Regional Park and Boat Launch facility that is a water-related action to compensate for impacts to ecological function.

Please see staff answer to Jack Sperry Question #1.

Please see staff answer to Jack Sperry Question #12

- 22. Jack Sperry:** Mr. Sperry emails Aaron Nix on some pickups on the Restoration Plan. These include:

Page 21 Typo: "Greek" River in last sentence of 1st paragraph under section 6.1

Comment noted; change being made to the document.

Page 24 in the 2nd paragraph of section 6.4, the third sentence the word "element" should be plural

The discrepancy is found on page 23; change to the document is being made.

Page 27 Restoration Project/Program: Insert the word "for" after the word "funds" in the second sentence

Comment noted; change being made to the document.

- 23. Bruce Earley:** Mr. Earley is concerned that the current draft of the Shoreline Master Program and its wording do not restrict dock building across several property lines like it does in the current King County Shoreline Master program. Mr. Earley would like to see language that addresses this shortcoming.

Please see staff response to Bruce Earley #5

- 24. Jack Sperry:** Mr. Sperry would like to see language added to the Shoreline Master Program that allows for buffer width averaging.
Please the answer provided in Jack Sperry #1

He would also like to see a City-managed shoreline restoration fund be put in place to allow for meeting the requirement of a water related action for meeting the minimum setback requirement. Mr. Sperry mentions the disparity between native vs. developed lots and how the buffer reduction mechanisms, as written, go beyond meeting no net loss for already developed properties.

Please see the answer provided in Jack Sperry #1

Mr. Sperry feels that the water related actions within the draft shoreline master program are absurd and should not apply to previously developed lots.

Please see the answer provided in Jack Sperry #1

Mr. Sperry takes issue with the variance process as it can be expensive to homeowners.

Comment noted.

- 25. Steven Frank:** Would like to see more time provided in order for folks to provide feedback on the Shoreline Master Program by holding the record open for written comment.
No recommendation needed

- 26. Mark Davidson –** Mr. Davidson strongly agrees with the public access policies.
Comment noted.

He feels that lot sizes and current locations of houses should be taken into consideration in determining setbacks if expansion is proposed.

Average building setbacks and median lot dimensions have been studied by the City's consultant and included in considering required setbacks.

Site specific circumstances will determine expansion requirements.

Total lot size and the amount of pavement should be considered when determining whether to allow an expansion.

Which shoreline environment a lot is located in dictates the amount of impervious surfaces allowed for that lot. Total impervious is based on the percentage of the lot and shown in Table 2 on page 39. Expansions will be regulated based on this and other standards within the SMP.

Expansion of buildings towards the water should not require the removal of bulkheads.

Expansion is dependent on several factors including building setback, amount of impervious, etc. Bulkhead removal is not a requirement, but an option in reducing the established setback requirements within each shoreline environment.

Mr. Davidson would like to Lake Sawyer's regulations be similar to those of Lake Sammamish and Lake Washington.

Comment noted.

- 27. Ron Speer (Soos Creek Water and Sewer District):** Under the Natural designation, Mr. Speer would like to see Utilities (Primary) be allowed as conditional uses in table 1, Chapter 4.

Staff is concerned with the ecological impact associated with primary utilities within the Natural environment in meeting no-net loss, especially within the wetland known as Frog Lake. Utilities may be appropriate as a conditional use within the buffer area, if consistent with the City's Sensitive Areas Ordinance and contingent with Department of Ecology approval.

Mr. Speer would like to see "When feasible" be inserted between bodies and to under the shoreline use polices on page 60 (10c4).

Comment noted and change recommended by staff.

- 28. Bruce Earley:** Mr. Earley was concerned that no setback language from property lines was included in the current draft of the Shoreline Master Program as it pertains to docks and extensions as it is currently addressed in King County code and felt that non-conforming structures that burnt down completely should be allowed to rebuild in its' existing footprint.

Please see staff comment and recommendation in Bruce Earley #5

- 29. Ulla Kemman:** Ms. Kemman talked about effluents entering the lake and gave a historical account of this. Ms. Kemman spoke that the health of the lake is a direct result of the efforts of the residents that live on the lake.

Comment noted.

Ms. Kemman spoke to the danger of storm water run-off and the influence of the larger contributing basin on the lake. She discussed the issues associated with increased imperviousness on natural aquatic systems including flooding, increases in water velocity, etc. and their impacts on water rise and water quality. She also stated that "Since the lake surface makes up only 3% of the drainage area, direct precipitation is much less important than watershed inputs." She expressed a general concern with regard to future development within the surrounding drainage basin.

Please see staff comment under Ulla Kemman #10

- 30. Steve Frank:** Mr. Frank, acting Community Club President, asked the Commission to remove the Lake Sawyer Community Club from all items involving Lake Sawyer Community Club from the Shoreline Master Program.

Please see staff comment in Steve Frank #7

- 31. Charles Kemman:** Mr. Kemman is concerned with the increase of water run-off associated with development as it occurs within the shoreline environment as it is documented in the Shoreline Analysis Report. Mr. Kemman questions, "Shouldn't there be solid calculations regarding the

impact of run-off to the lake and the exit capacity necessary to move the additional flow out of the lake as fast as it comes in.”

Please see staff comments and recommendations in Charles Kemman #11.

- 32. Kristine Hanson:** Limit grass within a certain footage of the water unless it is native vegetation.
Comment noted.

Lot owners with bulkheads should be required to plant for shade.

Shoreline setback reduction measures #5 and #6 offer this as an option to setback reduction in Table III on page 44. No change recommended.

Make a requirement for people on septic systems to pump every three years.
Comment noted; recommendations for septic system maintenance are included within the draft Restoration Plan.

- 33. Bill Wheeler:** Mr. Wheeler felt that Lake Sawyer is an urban lake and was identified as rural in the Shoreline Analysis Report.
Please see staff response in Bill Wheeler #8

Mr. Wheeler wanted to know if a cost/benefit analysis of the new rules had been done.

Please see staff response in Bill Wheeler #8

Mr. Wheeler is against the removal of bulkheads and refers to the Shoreline Analysis Report, page 43, which states that it would be assumed that any unprotected shoreline of the lake probably experiences a high degree of erosive wave action.”

Please see staff response in Bill Wheeler #8

Mr. Wheeler is concerned that the draft Shoreline Master Program will lead to a ban on wake producing boats. He refers to goal #5 on page 10 of the Restoration Plan.

Please see staff response in Bill Wheeler #8

Mr. Wheeler does not agree with the proposed setbacks within the draft Shoreline Master Program or the buffer reduction mechanisms.

Please see staff response in Bill Wheeler #8

Mr. Wheeler does not agree with the requirements of section F, Overwater Structures and Launching Facilities, with focus on specific dock standards (i.e. dock width, shared docks, light permeable decking and shading).

Please see staff response in Bill Wheeler #8

Mr. Wheeler feels that the non-conforming standard identified on page 92, item J2c regarding the 75% redevelopment standard should be changed 100% the value of the original structure.

Please see staff response to similar question #5, Bruce Earley. This is a policy decision and needs to be reviewed by the Planning Commission.

34. Roger and Valerie Brazier: The Braziers feel that the public comment period should be extended.
Comment noted.

They feel that private property owners should not be required to provide public access.

Public access provisions are not required by single family residences or residential projects containing four dwelling units or less as identified in chapter 3 section 5(b)(7) of the draft Shoreline Master Program.

Please see staff comments in Bill Kombol #17 on the requirements for public access for substantial developments and conditional uses.

The Braziers do not like the notion of shared docks, the current width requirements and feel that docks are adequate for shading the lake.

Comment noted. Staff finds that the current section of the draft SMP meets the requirements as established in the Shoreline Master Program Guidelines, section WAC 173-26-231(3)(b).

Please see staff comments on dock requirements in Bill Wheeler #8

The Braziers are concerned with the costs of shoreline restoration at the south end of the lake.

Comment noted. Staff shares this concern and will pursue grants and other sources of aid for shoreline restoration under City ownership.

Any change in boating speeds and restrictions should be decided by the residents of Lake Sawyer.

This item is addressed within the draft Shoreline Restoration Plan in table II, item #4 on page 27. "The City intends to re-examine the current local boating regulations and enforcement to address shoreline erosion caused by vessel wake and related resource and potential safety concerns associated with seasonally high levels of motorized use on the lake." Further it states that extensive input from the community and stakeholders will be needed on this issue

They would like to see the City educate the citizens about fish friendly dock construction, pest management and the use of fertilizers and moss killer.

Comment noted. The Public Works Department and Natural Resource Department are developing programs to provide education and educational materials.

35. Muckleshoot Indian Tribe (Karen Walter): The tribe would like to see better coordination with the Tribe, City and the Department of Ecology.
Comment noted.

The MITFD would like to receive all notices of application and a chance to comment on projects seeking approval under the City's Shoreline Master Program. This includes variances, exemptions, substantial development permits and revisions to permits.

Comment noted.

The tribe would like to see aquaculture be allowed in all shoreline designations as it is a water dependent use. The draft SMP only allows aquaculture in the aquatic environment designation in chapter 4.B.1, table 1. WAC 173.26.241(3) (b) encourages aquaculture as long as it meets the criteria in this WAC.

Staff understands the importance of aquaculture. The citizen advisory committee expressed concern with regard to impacts associated with these activities on water quality, especially within the Natural environment due to its sensitivity. Conditional use within all environments may be appropriate if compliant with WAC 173.26.241(3) (b) and acceptance by the Department of Ecology. Staff recommends that conditional use permits have an asterisk associated with them limiting aquaculture to native specie recovery only.

The tree management and vegetation setback regulations in chapter 3 are critically important. These regulations should also require that any native tree equal to or greater 4 inches in diameter and within 200 feet of the OHWM that is permitted for removal is placed into the affected waterbody, or if this is infeasible, then the tree be made available for salmon restoration projects. The regulatory penalties for tree removal should be increased for property owners who remove significant trees without permits.

Staff has some concern with regard to free floating wood in a lake that is heavily used by the boating community and the liability associated with this practice, unless it can be anchored down. Staff recommends that a policy be added that when the property owner is willing and it's feasible, removed trees should be utilized for salmon restoration projects.

The regulatory penalties associated with illegal tree removal include replacement and the potential for implementing fines within the City's adopted Tree Retention Ordinance. Staff feels that this penalty is significant.

Page Specific Comments

Section 7.c.10. Page 32 Vegetation conservation regulations

The City's definition for significant trees are too limiting for species and size. The smallest dimension for Instream wood to be counted as fish habitat is generally defined as any wood piece that is at least 4 inches in diameter and 6 feet in length. BDMC 19.30.030 also defines non-significant trees and size of cottonwood or alder, which means they could be removed without mitigation if this portion of the City code is fully applicable in the regulated shoreline areas.

Further discussion and direction is needed with the Planning Commission with regard to size, species and appropriate mitigation within the shoreline environment. Evaluating removed trees from an ecological impact stand point within the shoreline environment may be

more of an appropriate approach and language could be added to address these concerns in this section.

Section 4.B.3.5. Page 42, add the word native to the first sentence before: trees, shrubs..." to make it clear that native species are required to be planted in the shoreline setback.

Comment noted.

Section F.2a.15, page 79, lighting on piers and docks should not spill over onto the water surfaces. A new regulation is needed that requires lighting to avoid spillover onto water surfaces for piers, dock and floats.

Staff concurs and recommends that additional language be added to address lighting spillover for piers, docks and floats.