

The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III);

ITEM	SMP PROVISION	TOPIC	BILL FORMAT CHANGES [<u>underline-additions</u> ; strikethrough-deletions]	CITY RESPONSE {ACCEPTANCE OR ALTERNATIVE}	ECOLOGY - DISCUSSION/RATIONAL						
1	Environmental Impact - Regulation 6.4 [new] (L.)	Mitigation Sequencing (Pg. 69)	<p><u>L. If specific standards, such as setbacks, pier dimensions and tree planting requirements, are provided in this Master Program, then the City shall not require additional mitigation sequencing analysis under these provisions.</u></p> <p><u>1. In the following circumstances, the applicant shall provide an analysis of measures taken to mitigate environmental impacts:</u></p> <p><u>a. Where specific regulations for a proposed use or activity are not provided in this Master Program;</u></p> <p><u>b. Where either a conditional use or variance application are proposed; and</u></p> <p><u>c. Where the standards contained in this Master Program require an analysis of the feasibility of or need for an action or require analysis to determine whether the design has been minimized in size.</u></p> <p><u>d. Maintenance activities shall be conducted in a manner that minimizes impacts to fish, wildlife, and their associated habitat and utilizes best management practices, unless specific standards in this Master Program are already provided for maintenance activities and thereby do not require additional mitigation sequencing analysis.</u></p>	No Alternative - City Accepted Ecology's Required Change	<p>Ecology Rationale: (Suggested by City) Within the City's response to comments received by Ecology, the City agreed to consider the addition of a new regulation (6.4(L.)). The City cited the City of Kirkland's approved SMP as a justification of the amendment to further implement Policy 6.4.1 related to mitigation sequencing. As stated by the City, the intent of this new regulation would be to identify that if a development action is permissible and meets the standards of the SMP then it would not require additional mitigation sequencing (for it has already been shown to achieve NNL). However, for CUPs or Variances, or other activities not specifically allowed by the SMP, mitigation sequencing would be required.</p> <p>CITY RESPONSE – [Accepted] Approved by Ordinance No. 1042, May 23, 2013.</p> <p>Ecology Final Action:</p>						
2	Residential Development -Regulation 7.11(F.)(3.)	Minimum Shoreline Setback (Pg. 99)	<p>3. The Shoreline setback may be reduced down to a minimum of <u>twenty-five (25) feet where the buildable depth (the minimum distance between the ordinary high water mark and any front-yard setback, easement, right of way, or other such constraint, located at the opposite (landward) end of the parcel) is greater than 100 feet. The shoreline setback may be reduced down to a minimum of</u> twenty (20) feet <u>in all other circumstances. Setback reductions are only allowed,</u> when setback reduction impacts are mitigated using a combination of the mitigation options provided in the table below to achieve an equal or greater protection of lake ecological functions.</p>	No Alternative - City Accepted Ecology's Required Change	<p>Ecology Rationale: Upon submittal of the locally approved SMP, the City did not show that the minimum 20-foot setback (in exchange for buffer enhancement) would adequately protect shoreline ecological functions as required by the SMP-Guideline at WAC 173-26-201(3) (d) (i). Ecology provided feedback to the City, citing concerns related inadequate protection of shoreline ecological functions associated with the minimum 20-foot buffer (see Exhibit A and Exhibit B) and suggested that the City limit buffer reductions to 25-feet. Within the City's final Cumulative Impact Assessment (The Watershed Company, 2010; 12) report that the average setback within the Shoreline Residential environment is 24.20-feet with a median setback of 19.65-feet. In assessing the City's buffer reduction standards, the report considered a 'worst case' scenario, where all residential structures would be re-developed at the 20-foot minimum setback, for which a general conclusion is provided, stating that shoreline functions would be improved. However, this conclusion is qualified by uncertainty associated with individual redevelopment choices for each property owner, for which the report states, "...the exact benefits cannot be quantified" (The Watershed Company, 2010; 12). Based on review of these materials, It does not appear that universal application of the 20-foot setback to all lots within the City provides sufficient protection of shoreline ecological functions. Based on this conclusion, Ecology coordinated again with the City on this buffer issue in January 2012, for which the City provided the language provided in Item 2, which only allows shoreline setback reduction to 20-feet, when a lot is shown to be constrained with less than 100-feet of upland buildable area (see discussion in Exhibit B). Ecology finds that the City's revised setback standards are consistent with the SMP-Guidelines.</p> <p>CITY RESPONSE – [Accepted] Approved by Ordinance No. 1042, May 23, 2013.</p> <p>Ecology Final Action:</p>						
3	Residential Development -Regulation 7.11 Table 7.2 Reduction	Shoreline Setback Reduction Alternatives (Pg. 101)	<table border="1"> <tr> <td rowspan="2">4.</td> <td rowspan="2">Reduction Mechanism</td> <td colspan="2">Reduction Allowance</td> </tr> <tr> <td>Lots < 100' in depth</td> <td>Lots > 100' in depth</td> </tr> </table>	4.	Reduction Mechanism	Reduction Allowance		Lots < 100' in depth	Lots > 100' in depth	No Alternative - City Accepted Ecology's Required Change	<p>Ecology Rationale: The ecological benefits of this provision are not clear. Additionally, the provision appears inconsistent with SMP-Guideline no net loss and environmental impact (mitigation sequencing) goals. This conclusion is based on the fact that (existing) ecological functions provided by natural shoreline vegetation (within a regulated buffer or setback), should first be protected under the regulatory authority of the SMP and should not require an incentive to adequately protect</p>
4.	Reduction Mechanism	Reduction Allowance									
		Lots < 100' in depth	Lots > 100' in depth								

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	Mechanism #4		Preservation of existing natural shoreline conditions (e.g., no bulkhead or other unnatural shoreline features such as upland impervious surfaces or other structural alterations) within 5-feet of the OHWM, including preservation of existing native vegetation. The nearshore 15 feet shall be placed in a Conservation Easement and recorded on a Notice on Title	10-feet	15-feet		<p>existing functions. Therefore, Ecology cannot see a justification for allowing a 10 to 15-foot shoreline setback reduction in exchange for preserving existing natural shoreline conditions within regulated shoreline buffer/setback areas.</p> <p>The SMP Guidelines through Environmental Impact Mitigation (WAC 173-26-201-2-e) standards require 'mitigation sequencing' to be followed, for which priority to "avoid" and then "minimize" is emphasized prior to mitigation of ecological impacts associated with future development. Contrary to this principle, the referenced provision does not appear to avoid or minimize impacts, but attempts to encourage preservation of ecological resources that are supposed to be protected through shoreline management or critical areas regulations. Further, the City's Cumulative Impact Assessment (The Watershed Company, 2010), conclude that the SMP will satisfy No Net Loss requirements, if improvements to shoreline ecological functions are provided as part of redevelopment. For which, it is not clear how reduction to shoreline setbacks in exchange for preservation of regulated buffer areas will translate to improvement of shoreline ecological functions.</p> <p>The reduction of required shoreline setbacks without offsetting enhancement or restoration (i.e., improvement) would result in a net loss of shoreline ecological function, which is not consistent with the requirements of the SMP Guidelines or the Cumulative Impact Analysis. Therefore, this provision cannot be included within the updated SMP.</p> <p>CITY RESPONSE – [Accepted] Approved by Ordinance No. 1042, May 23, 2013.</p> <p>Ecology Final Action:</p>
4	Residential Development -Regulation 7.11 Table 7.2 Reduction Mechanism #5	Shoreline Setback Reduction Alternatives (Pg. 101)	<p>Reduction Mechanism</p> <p>5. Restoration of native vegetation and Restoration of native vegetation, as necessary in at least 75 percent of the remaining Lake Washington setback area. Up to 25 percent of the setback area can be comprised of existing non-invasive, non-native vegetation. Up to 25 percent of the lake frontage may be used for improved shoreline access, provided in no case shall access be restricted to less than 15 feet of frontage and access areas are located to avoid area of greater sensitivity and habitat value. (Note: this incentive cannot be used by any properties that currently have native vegetation in 75 % of the remaining setback area. The reduction would only be granted if ecological functions would be improved relative to the existing condition.</p>	<p>Reduction Allowance</p> <p>Lots < 100' in depth</p> <p>Lots > 100' in depth</p>	10-feet	15-feet	<p>No Alternative - City Accepted Ecology's Required Change</p> <p>Ecology Rationale: As described in items #2 and #3 above, allowing a shoreline setback reduction without compensatory enhancement of shoreline functions would result in a net loss of shoreline ecological function and is therefore inconsistent with the SMP-Guidelines. Therefore, amendment to the provision as shown are required to ensure consistency with the SMP-Guidelines.</p> <p>CITY RESPONSE – [Accepted] Approved by Ordinance No. 1042, May 23, 2013.</p> <p>Ecology Final Action:</p>
5	Overwater Structures - Regulation 8.5 (A) [new] 19.	Moorage Limits (Pg. 137)	<p><u>19. No more than one moorage type is allowed per single-family residential lot.</u></p>			<p><i>[CITY ALTERNATIVE LANGUAGE – as shown in italic text below]</i></p> <p><u>19. No more than one moorage type is allowed per single-family residential lot, except that in cases when an existing moorage structure must be extended to a length consistent with this SMP to achieve adequate moorage, one (1) mooring buoy may be allowed as an alternative to structure extension.</u></p> <p>J. Mooring Buoys 1. Mooring buoys may be permitted in lieu of a pier, provided:</p>	<p>Ecology Rationale: (Suggested by City) Based on comments received during Ecology's review of the updated SMP, the City has suggested the following revision to ensure compliance with applicable SMP-Guideline requirements.</p> <p>CITY RESPONSE – [Alternative Proposed] Public response to this added provision overwhelmingly noted the inherent disparity between encouraging use of mooring buoys over piers, yet not allowing a residence to install a new mooring buoy in lieu of a pier extension. Based on the feedback received at the October 2012 Open House and additional public comments received by City staff, the City has proposed alternative language to this provision in order to provide options to allow lesser impact to the aquatic environment while improving access and safety.</p> <p>As such, Council also approved a related revision to the provision listed under 8.5 Overwater Structures: Piers, Docks, Floats and Buoys - Regulation (J. Mooring Buoys) (Nov.2010 Draft, Page 145) to accommodate the likely increased use of moorage buoys and the need to ensure safe vessel swing</p>

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				<p>a. <i>A vessel moored to a new mooring buoy must have, at a minimum, a vessel swing that in all lake conditions will not encroach into a side yard setback or come within 10 feet of adjacent piers. The side yard setback shall be measured from in-water property lines where present. Where in-water property lines are not present, the side yard setback shall be measured by extension of the upland side property lines.</i> New mooring buoys shall be allowed only when the lot width measured at the shoreline is at least 100 feet.</p>	<p>and navigation. This alternative language is supported by Policy 8.5.7 which states, "Overwater structures and mooring buoys should be designed to cause minimum interference with navigable waters and the public's safe use of the lake and shoreline." Approved by Ordinance No. 1042, May 23, 2013. Ecology Final Action:</p>
6	Overwater Structures - Regulation 8.5 (H.)(1.) (a.)	Recreational Floats (Pg. 144)	H. Recreational Floats/Swim Platforms 1. Recreational Floats may be permitted, provided: a. Area. The area of a recreational float shall be minimized to the maximum extent feasible and comply with regulations as stipulated by State and Federal agencies, local Tribes, or others with jurisdiction. No recreational float shall have more than three <u>one</u> hundred (300 <u>100</u>) square feet when associated with a public or private recreational land use.	No Alternative - City Accepted Ecology's Required Change	Ecology Rationale: (Suggested by City) Based on comments received during Ecology's review of the updated SMP, the City has suggested the following revision to ensure compliance with applicable SMP-Guideline requirements. CITY RESPONSE – [Accepted] Approved by Ordinance No. 1042, May 23, 2013. Ecology Final Action:

REFERENCES

The Watershed Company. (2010). *Cumulative Impact Analysis Component of the Shoreline Master Program Update for the City of Lake Forest Park*. Report prepared in support of the City of Lake Forest Parks Shoreline Master Program Update, Kirkland.

Exhibit A: Email dated February 20, 2008 from Ecology (Joe Burcar) to the City of Lake Forest Park's SMP-update consultant (Amy Summe – The Watershed Company) providing comments on the City's wetland and shoreline setback standards.

Exhibit B: Email dated February 9, 2012 from City of Lake Forest Park SMP-update consultant (Dan Nickel – The Watershed Company) providing proposed language for amendment to section 7.11 (Residential Development), standard 7.11.F.3.