

# City of Moses Lake Shoreline Master Program Update City Council Public Hearing and Comments Responsiveness Summary

Please Note: This report summarizes all of the comments received in response to the draft Shoreline Master Program (SMP) recommendation from the Planning Commission to the City Council on March 27, 2014 . This includes both oral testimony provided at the continued public hearing through June 24, 2014 and written testimony received prior to the comment deadline on June 30, 2014. The responses provided are City Council and staff responses to these public comments and for certain key policy issues the Planning Commission’s response and recommendation is also provided.

Notes:

1. Bracketed information [x] identifies who made each comment. Some comments have been summarized or edited for clarity, some are reproduced verbatim and are shown in *italics*. Numbers correspond to the list of Commentors at the end of this document.
2. Where there is a simple change where language is proposed to be modified, it is shown in the response column as “Proposed:” and then the actual provisions with underlines for additions and ~~strikeouts~~ for deletions.
3. Abbreviations used in this document:  
 CUP = Conditional Use Permit  
 GMA = Growth Management Act, RCW 36.70A  
 MLIRD = Moses Lake Irrigation and Rehabilitation District  
 PC = Planning Commission  
 SMA = Shoreline Management Act, RCW 90.58  
 SMP = Shoreline Master Program  
 WDFW = Washington State Department of Fish and Wildlife

Comment	Response
<b>Chapter 6, General Policies and Regulations</b>	
<p>p.16. 6-30-070-C-5-e-iii. Objection to wording of provision “Applicants shall demonstrate sufficient scientific expertise, supervisory capability, and financial resources to complete and monitor any proposed or required wetland mitigation project.”  <i>This would be difficult for applicants to demonstrate, and the wording is a bit confusing where when there are clear requirements for a qualified professional above in section 5.d.1 on p.14. It should not be expected that an applicant have such technical expertise, rather refer to section 5.d.1. [1]</i></p>	<p>The point here is not that the applicant would have the technical expertise personally, but that s/he can prove that s/he has retained the appropriate professionals and that the work will be completed as proposed.</p>

Comment	Response
<p>p.16. 6-30-070-C-5-e-iv (list of possible wetland mitigation options). Comment: Add an option to use the Credit/Debit method, which is more specific. [1]</p>	<p>Proposed: Mitigation actions that require compensation by restoration of a former wetland, enhancement of a degraded wetland, or creation of new wetlands shall <u>use the Credit/Debit method or shall occur</u> in the following order of preference:</p> <ul style="list-style-type: none"> <li>a. Restoring a former wetland or creating a new wetland on the site of the project;</li> <li>b. Restoring a former wetland or creating a new wetland in the same sub-basin as the project site;</li> <li>c. Creating wetlands from disturbed upland sites outside of the subbasin;</li> <li>d. Enhancing degraded wetlands;</li> <li>e. Preserving high quality wetlands that are under imminent threat.</li> </ul>
<p>p.16. 6-30-070-C-5-e-v (mitigation ratios). <i>While the provisions are generally well written and thorough, this compensatory mitigation standard does not reflect the most current science on wetland mitigation, and per the Cumulative Impacts Analysis (Watershed Co. 2013) will result in net loss of ecological function. Ratios should be similar to those found in Wetlands in Washington State Vol. 2 or Ecology's Small Cities Guidance which was the source for many of the wetland provisions in this SMP. Wetland impacts from fill also require authorization from Ecology and possibly from the US Army Corps of Engineers. Mitigation ratios...were co-developed by Ecology and the Corps, and would be required for an applicant to obtain the needed permits. Revising the SMP to align with federal and state requirements will ensure that applicants have a predictable process to follow when they wish to do a project that will impact wetlands.</i> [1]</p>	<p>The Planning Commission recommendation of not requiring mitigation for any larger area than has been impacted is supported by the City Council.</p>
<p>p.17. 6-30-070-C-5-e-vii (list of agencies to send compensatory mitigation reports to). <i>It would be beneficial to applicants to be informed that permits from the Corps and Ecology may be required as well.</i> [1]</p>	<p>We agree that applicants should be informed of other agencies that may require permits, but within our regulations is not the right place to put it.</p>
<p>p.18. Table 6.1. Buffers for Category 3 and 4 wetlands have been reduced arbitrarily from 60' (with additional buffers of 30' and 60') and 40'; to 25' for both categories with no additional area for higher scores. [1]</p>	<p>The Planning Commission recommendation of a 25' buffer for Category 3 and 4 wetlands is supported by the City Council and has been determined to be adequate based on the Cumulative Impact Analysis developed by The Watershed Company.</p>
<p>p.22. 6-50-030-7. Add Dept. of Ecology to the list of agencies that would have permit requirements for dredging. [1]</p>	<p>Proposed: Any dredging or filling activities shall be conducted in such a way as to minimize the effects on water quality from the addition of suspended solids, leaching of contaminants, or disturbances to habitat, and shall be consistent with this master program, including the dredging and filling provisions in Chapter 8, as well as the requirements of applicable regulatory agencies, including but not limited to the Washington Department of Fish and Wildlife, <u>Washington Department of Ecology</u>, and the U. S. Army Corps of Engineers.</p>

Comment	Response
<b>Chapter 7: Specific Shoreline Use Policies and Regulations</b>	
<p>p.4. 7-30-030-1. (Boating facilities)  1. The requirement that “boating facilities need to be in character and scale with the surrounding shoreline” is entirely subjective unless there are standards against which to judge.  2. Need to add a reference to the mitigation chapter, or provide specific standards and methods. [1]</p>	<p>Proposed: Boating facilities, including minor accessory buildings and haul-out facilities, <del>shall be in character and scale with the surrounding shoreline and</del> shall be designed so their structures and operations will be aesthetically compatible with or will enhance existing shoreline features and uses. Boating facilities shall mitigate for adverse development impacts on-site <u>in compliance with Appendix A: Mitigation</u>. Adverse development impacts to adjacent properties shall not be allowed.</p>
<p>p.4. 7-30-030-4. <i>This regulation is difficult to understand. Is this referring to managing construction stormwater runoff with “stabilization” meaning BMPs (Best Management Practices), or is this requiring that a project permanently stabilize shorelines where the new facility will create erosion? If the latter, this seems to contradict other regulations prohibiting new structures that will require bank stabilization. Consider clarifying that this is specific to construction runoff.</i> [1]</p>	<p>Proposed: Where installation will cause erosion <u>during construction</u>, shoreline embankments of all boating facilities shall be stabilized both landward and waterward of the ordinary high water mark <del>both during and after construction</del>, using methods consistent with the policies and regulations of this SMP <u>and best management practices</u>.</p>
<p>p.4. 7-30-030-8. (Dredging for boating facilities). <i>This appears to conflict with #2 above prohibiting new dredging for boating facilities; and with WAC 173-26-231(3)(f) allowing dredging only to accommodate existing navigational uses.</i> [1]</p>	<p>Proposed: Marinas and launch ramps shall locate on stable shorelines where no or a minimal amount of shoreline stabilization will be necessary and where water depths are adequate to eliminate or minimize the need for <del>offshore or foreshore channel construction dredging</del>, maintenance dredging, spoil disposal, filling, beach enhancement, and other maintenance activities, <u>and eliminate the need for offshore or foreshore channel construction dredging</u>.</p>
<p>p.6. 7-40-030-8. The statement “Plants that may compromise shoreline values shall be prohibited” is not possible to implement without some description of what this means or standards by which to compare. Delete statement or add reference to approved vegetation list or consultation with agencies. [1]</p>	<p>Proposed: Commercial developments shall be landscaped to visually enhance the shoreline area and contribute to shoreline functions and values, using primarily native, self-sustaining vegetation. <del>Plants that may compromise shoreline values shall be prohibited</del>. The permit application submittal shall include a landscape plan that identifies the size, location, and species of plants that will be used.</p>

Comment	Response
<p>p.6. 7-50-020 (Dock Policies). <i>Per RCW 173-26-231(3)(b), SMPs should* contain a provision that "requires new residential development of two or more dwelling units to provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence."</i> The recently adopted Grant County SMP provides clear language and feasibility review standards to this effect, and was developed specifically for Moses Lake (See May 2012 Grant County Draft SMP Section 24.12.390 Private Moorage Facilities, p.64-66)</p> <p><i>*Note that when used in the context of an SMP update, "Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action (WAC 173-26-020(35)).</i> [1]</p>	<p>The Planning Commission recommendation not requiring new residential development of two or more dwelling units to share a dock is supported by the City Council.</p>
<p>p.7. 7-50-020-9. Add "only" before "one dock" [1]</p>	<p>Proposed: Each single family residence should be allowed <u>only</u> one dock.</p>
<p>p.7. 7-50-030 (Dock Regulations). See comments above about joint-use docks. [1]</p>	<p>The Planning Commission recommendation not requiring new residential development of two or more dwelling units to share a dock is supported by the City Council.</p>
<p>p.9. 7-50-030-C (Joint-use community docks). Expand this section to include developments of two or more dwellings. [1]</p>	<p>The Planning Commission recommendation not requiring new residential development of two or more dwelling units to share a dock is supported by the City Council.</p>
<p>p.9. 7-50-030-C-1. Questions about the provision "...if the additional facility will have no net impact on shoreline ecological resources." <i>While we support this provision, it is not clear how this would be determined. Would this analysis be conducted by the (shoreline) administrator? Would the applicant be required to hire a qualified professional?</i> [1]</p>	<p>Proposed: All multi-family residences proposing to provide moorage facilities shall be limited to a single, joint-use moorage facility, provided that the City may authorize more than one joint-use dock if, based on conditions specific to the site, a single facility would be inappropriate for reasons of safety, security, or impact to the shoreline environment; <del>and if the additional facility or facilities will have no net impact on shoreline ecological resources.</del></p>
<p>p.9. 7-50-030-C-3 (limiting the size of docks in certain environment designations). <i>Per WAC 173-26-231(3)(b) new piers and docks must be restricted to the minimum size necessary to serve a proposed water-dependent use. This restriction cannot be limited only to the environment designations specified in 7-50-030-C-3.</i> [1]</p>	<p>Proposed: <del>In Shoreline Environments designated as "High Intensity Resource Area", "Shoreline Residential Dunes Area", "Shoreline Residential Special Resource Area", and Shoreline Residential Resource Area",</del> the maximum size of a dock shall be the minimum necessary to accomplish moorage for one boat for each residence served, and the dock shall be configured to cause minimal disturbance to shoreline resources.</p>
<p>p.12. 7-80 (Municipal Offices). Questions about what this category is and why it is regulated differently than commercial or residential. [1]</p>	<p>The consultant for the Cumulative Impacts Analysis also questioned the usefulness of this section, and suggested that it be combined with the Commercial section. The Municipal Offices section will be deleted, and any future municipal offices in shoreline jurisdiction will be regulated the same as commercial uses.</p>

Comment	Response
p.14. 7-90-030 (Recreation Regulations). Need to add requirement for mitigation of unavoidable impacts related to recreational development. [1]	Proposed, modify Regulation #3 in 7-90-030: Shoreline recreational developments shall maintain, and, when feasible, enhance or restore desirable shoreline features including those that contribute to shoreline ecological functions and processes, scenic vistas, and aesthetic values. Removal of native vegetation to enhance views shall be discouraged. <u>Any unavoidable impacts shall be mitigated as specified in Appendix A: Mitigation.</u>
p.14. 7-90-030-6. Add Mitigation Appendix to this of referenced sections. [1]	Proposed: Each development proposal shall include a landscape plan that uses primarily native, self-sustaining vegetation. Campsites, selected view points, or other permitted structures or facilities shall be located so as to not require damage or destruction of native vegetation. Removal of existing native vegetation shall be the minimum amount necessary to accommodate the permitted use. Refer also to Clearing and Grading and Vegetation Conservation in Chapter 8, <u>and Appendix A: Mitigation.</u>
p.15. 7-100-020-6 (Residential). <i>New multi-unit residential development (including subdivision of land for more than 4 parcels) is required to provide community and/or public access in conformance to local public access plans per WAC 173-26-241(3)(j).</i> [1]	There are only 3 large parcels remaining in the City that this provision would apply to, plus possibly a few smaller ones on the lower Peninsula (see vacant land map).
p.15. 7-100-020-7 (Residential). Statement "Individual docks should be allowed for lots in subdivisions with joint-use or community docks" is not consistent with the WAC requirements. See above comments regarding the requirement to provide for joint-use docks on developments of 2 or more dwelling units. [1]	There are currently only 3 developments in city limits where individual docks were limited and joint use (1 development) or community (2 developments) docks were planned. See above comments for limited extent of provisions that affect new shoreline subdivisions.
p.16. 7-100-030 (Residential Regulations). <i>New multi-unit residential development (including subdivision of land for more than 4 parcels) is required to provide community and/or public access in conformance to local public access plans per WAC 173-26-241(3)(j).</i> [1]	There are only 3 large parcels remaining in the City that this provision would apply to, plus possibly a few smaller ones on the lower Peninsula (see vacant land map).
p.16. 7-100-030-9. Common Line Setbacks. <i>Ecology has previously only approved common line setback language for 150' on each side of a structure for the purpose of providing for comparable views. The distance measured should be the minimum needed to encompass a similar view corridor on either side of a residence, and with the application of mitigation requirements. Please see example language from Spokane County.</i> [1]	The 300' distance for common line setbacks has been in our draft since at least Dec. 2005. Previous Ecology reviewers (Doug Pineo and Clynda Case) did not raise any question about it.

Comment	Response
<p>p.16. 7-100-030-10 (reduced shoreline buffer for lots with less than 60' of buildable area from reduced zoning setback line to shoreline buffer). <i>Any buffer reduction must be conducted through a variance (WAC 173-27-170) and mitigation must be required to achieve no net loss of shoreline function.</i> [1]</p>	<p>The provision states that there must be no net loss of shoreline ecological function. This implies that mitigation would be required.</p>
<p>p.17. 7-100-030-11 (plats with wetland or shoreline buffers set during the platting process prior to adoption of updated SMP). <i>This section requires some additional discussion between the City and Ecology, and may need to be refined.</i> [1]</p>	<p>Additional discussion between Ecology and City of Moses Lake shall take place prior to final approval of SMP.</p>
<p>p.17. 7-100-030-12-c. <i>This provision establishes a de facto 25' buffer anywhere fences are proposed. Areas landward of a fence built parallel to the shoreline within the buffer would be subject to intensified use and changes in vegetation. This contravenes wetland buffer and other shoreline buffer provisions and should be revised or deleted.</i> [1]</p>	<p>This provision was written at a time when the proposed shoreline buffer for all residential was 25', and then this section was not updated after the shoreline buffers were updated. The intent was that the fence not be within the required buffer.  Proposed: New fences established parallel to the shoreline shall be <u>set back a minimum of 25' from the OHWM outside of the shoreline and wetland buffers</u> and shall require native vegetative plantings within that <u>25' buffer</u> if lawn or weeds currently exist within the area. The <u>25' fence setback</u> may be reduced if the applicant is participating in a shoreline public access plan or it there is intervening ownership (e.g. railroad, conservancy trail, etc.) The applicant shall submit a planting plan along with the fence permit.</p>

<b>Chapter 8: Shoreline Modification Policies and Regulations</b>	
Comment	Response
<p>p.3. 8-10-030-4-a. Clarify that this refers to the season, not the weather on given day. [1]</p>	<p>Proposed: If weather <u>conditions at the time of year</u> does not permit immediate restoration, replanting shall be completed during the next planting season.</p>
<p>p.3. 8-10-030-4-b. "A planting plan shall be submitted to the City for review and approval". <i>Should this plan simply be part of the Clearing and Grading Plan described above in section 2?</i> [1]</p>	<p>We prefer to have the planting plan requirements in #4, with the other vegetation restoration requirements.</p>
<p>p.3. 8-10-030-4-b. <i>This should probably be "certified wee-free". Temporary cover crops are a notorious vector for nasty invasive plants.</i> [1]</p>	<p>Proposed: A planting plan shall be submitted to the City for review and approval. <del>Plants that may compromise shoreline values shall be prohibited.</del> If necessary, a temporary sterile <u>certified weed-free</u> cover crop (e.g., a sterile non-persistent member of the grass family such sterile Triticale, barley, or oats) shall be planted to prevent erosion during the establishment period; said cover crop shall be maintained until the permanent vegetation is sufficiently established to prevent erosion.</p>

**Chapter 8: Shoreline Modification Policies and Regulations**

Comment	Response
<p>p.4. 8-10-030-6. Objection to the statement “If the site will fully re-vegetate with plants that will support healthy shoreline function on its own within three growing seasons”. <i>How will this be determined? Consider deleting this part, or give clear guidelines for how an applicant would demonstrate this.</i> [1]</p>	<p>Upon review, it seems unlikely that a site that has invaded by noxious weeds could revegetate on its own with beneficial plants, when there are likely so many noxious weed seeds present in the soil.</p> <p>Proposed: Clearing by hand-held equipment of invasive non-native vegetation on the State Noxious Weed List is permitted in shoreline areas provided the disturbed area is promptly replanted with vegetation from the recommended list <del>or if the site will fully re-vegetate with plants that will support healthy shoreline function on its own within three growing seasons.</del></p>
<p>p.4. 8-10-030-7. <i>I am not clear where this information is contained. Is a report required of all clearing and grading projects? If so, it would be helpful to cross reference here (along with the revegetation plan) so an applicant for a project clearly understands what is expected and what the contents of their application must include. This appears to be describing an Erosion and Sediment Control Plan. Is this intended to be only related to construction stormwater impacts? Is so, it should acknowledge that Construction Stormwater Permits from Ecology may be needed. If this is supposed to deal with stormwater from the site conversion, then there should be reference to the E. WA stormwater manual.</i> [1]</p>	<p>Proposed: All shoreline development and activity shall use effective measures to minimize increases in surface water runoff and sedimentation that may result from clearing and grading activity, <u>in compliance with the Eastern Washington Stormwater Manual. With the required clearing and grading plan submittal,</u> <del>the</del> applicant must include in the proposal the methods that will be used to control, treat, and release runoff so that receiving water quality and shore properties and features shall not be adversely affected. Such measures may include but are not limited to dikes, berms, catch basins or settling ponds, installation and maintenance of oil/water separators, grassy swales, interceptor drains, and landscaped buffers.</p>
<p>p.4. 8-10-030-10. <i>Is Clearing and Grading the best place to address runoff from new development?</i> [1]</p>	<p>How the site is graded significantly impacts the runoff pattern, so we feel this is the appropriate place for this provision. The Building Official reviews both temporary and permanent stormwater controls in his review of the grading permit (if there is one) and the building permit.</p>

**Chapter 8: Shoreline Modification Policies and Regulations**

Comment	Response
<p>p.5. 8-15-030-3 (mitigation for dredging). <i>This requirement is appropriate but without more guidance, difficult to ascertain. How are “all feasible measures” decided? By whom? Is there a requirement for a report that includes analysis of these items? Please see the Draft Grant County SMP for a good example of application requirements that could answer some of these questions. [1]</i></p>	<p>We will add the list of submittal requirements from the Grant County draft and remove our list (8-15-030-1).</p> <p>Proposed:</p> <p>Dredging shall only be permitted as part of the implementation of the Sediment Management element of the Restoration Plan (Chapter 11 of this Shoreline Master Program). The City shall require and use the following information in its review of shoreline dredging and dredge material disposal proposals:</p> <ul style="list-style-type: none"> <li><del>a. Dredging volumes, methods, schedules, frequency, hours of operation, and procedures.</del></li> <li><del>b. Method of disposal, including the location, size, capacity, and physical characteristics of the disposal site, transportation methods and routes, hours of operation, and schedule.</del></li> <li><del>c. Stability of bedlands adjacent to the proposed dredging site.</del></li> <li><del>d. Stability of geologically hazardous areas in the vicinity of the proposed dredging site.</del></li> <li><del>e. Assessment of water quality impacts.</del></li> <li><del>f. Habitat assessment meeting the standards prescribed for Fish and Wildlife Habitat Conservation Areas in Chapter 6, including migratory, seasonal, and spawning use areas.</del></li> <li><u>g. A description of the purpose of the proposed dredging and analysis of compliance with the policies and regulations of this SMP.</u></li> <li><u>h. A detailed description of the existing physical character, shoreline geomorphology, and biological resources provided by the area proposed to be dredged, including:</u> <ul style="list-style-type: none"> <li><u>1. A site plan map outlining the perimeter of the proposed dredge area. The map must also include the existing bathymetry (water depths that indicate the topography below the OHWM) and have data points at a minimum of 2' depth increments.</u></li> <li><u>2. A critical areas report.</u></li> <li><u>3. A mitigation plan if necessary to address any identified adverse impacts on ecological functions or processes.</u></li> <li><u>4. Information on stability of areas adjacent to proposed dredging and spoils disposal areas.</u></li> </ul> </li> <li><u>i. A detailed description of the physical, chemical, and biological characteristics of the dredge material to be removed, including:</u> <ul style="list-style-type: none"> <li><u>1. Physical analysis of material to be dredged (material composition and amount, grain size, organic material present, source of material, etc.</u></li> <li><u>2. Chemical analysis of material to be dredged (volatile solids, chemical oxygen demand (COD), grease and oil content; mercury, lead, and zinc content, etc.</u></li> <li><u>3. Biological analysis of material to be dredged.</u></li> </ul> </li> <li><u>j. A description of the method of materials removal, including facilities for settlement and movement.</u></li> </ul>

**Chapter 8: Shoreline Modification Policies and Regulations**

Comment	Response
	<p><u>k. Dredging procedure, including the length of time it will take to complete dredging, method of dredging, and amount of materials removed.</u></p> <p><u>l. Frequency and quantity of project maintenance dredging.</u></p> <p><u>m. Detailed plans for dredge spoil disposal, including specific land disposal sites and relevant information on the disposal site, including but not limited to:</u></p> <ol style="list-style-type: none"> <li><u>1. Dredge material disposal area</u></li> <li><u>2. Physical characteristics including location, topography, existing drainage patterns, surface and ground water</u></li> <li><u>3. Size and capacity of disposal site</u></li> <li><u>4. Means of transportation to the disposal site</u></li> <li><u>5. Proposed dewatering and stabilization of dredged material</u></li> <li><u>6. Methods of controlling erosion and sedimentation</u></li> <li><u>7. Future use of the site and conformance with land use policies and regulations</u></li> <li><u>8. total estimated initial dredge volume</u></li> <li><u>9. Plan for disposal of maintenance spoils for at least a 20-year period, if applicable</u></li> <li><u>10. Hydraulic modeling studies sufficient to identify existing geohydraulic patterns and probable effects of dredging.</u></li> </ol>
<p>p.8. 8-20-030-6 (“Placing fill in water bodies or wetlands to create usable land is prohibited.”) <i>We support this provision, but it might require a bit more specificity. A person could argue that all of the above allowed fills “create usable land.” Perhaps the intent is to disallow fills for private recreational use or to facilitate single family residential construction closer to the shoreline?</i> [1]</p>	<p>Proposed: Fills shall be allowed only as part of a specific proposal for a use or activity that is permitted by this master program. <del>Placing fill in water bodies or wetlands to create usable land is prohibited.</del></p>

**Chapter 8: Shoreline Modification Policies and Regulations**

Comment	Response
<p>p.9. 8-30-030 (Shoreline Stabilization Regulations). <i>This section appears to be missing the allowance for stabilization for water dependent development articulated in WAC 173-26-231(3)(a)(iii)(B)(III). Is section 1 below intended to cover that provision? Also (B)(IV) Ecological Restoration appears not to be addressed as well. It might be cleaner to simply copy the WAC language directly rather than paraphrase as you've done throughout Section 8-30. [1]</i></p>	<p>We prefer not to copy the WAC when possible, to make the SMP more user-friendly.</p> <p>Proposed 8-30-030-1: New structural stabilization measures shall not be allowed except to protect or support an existing or approved use, or for the restoration of ecological functions, <u>or for hazardous substance remediation projects pursuant to RCW 70.105D</u>, when non-structural or vegetative methods are not feasible or are not sufficient. New or enlarged "hard" stabilization methods shall not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the primary structure <u>or water dependent use</u> is in danger from shoreline erosion caused by current or waves, and that the proposed "hard" stabilization measure is the least impacting method that will protect the structure. Use of shoreline stabilization measures to create usable land is prohibited.</p> <p>Note that 8-30-030-2 addresses the other part of WAC 173-26-231(3)(a)(iii)(B)(III).</p>
<p>p.10. 8-30-030-3 (shoreline stabilization). <i>This is laudable but very difficult for an applicant or the City to determine. Consider making this policy language instead or provide clear standards for how this is demonstrated. [1]</i></p>	<p>Proposed: Delete Regulation #3. <del>Shoreline stabilization shall not be allowed for new uses if it would cause a net loss of shoreline ecological functions on the site, within the city, or within the watershed; or if it would cause significant ecological impacts to adjacent properties or shoreline areas. Those impacts include accelerated erosion of adjacent properties caused by the stabilization measures.</del></p> <p>Add Policy #7 to 8-30-020: <u>Shoreline stabilization should not be allowed for new uses if it would cause a net loss of shoreline ecological functions on the site, within the city, or within the watershed; or if it would cause significant ecological impacts to adjacent properties or shoreline areas. Those impacts include accelerated erosion of adjacent properties caused by the stabilization measures.</u></p>
<p>p.12. 8-30-070 (bulkhead regulations: "A bulkhead-type structure used to stabilize a dock may be permitted, but the size shall be limited to the minimum necessary for the dock. The stabilization structure shall not exceed 2' wider than the dock on each side nor shall it exceed 14' in total width along the shoreline.") <i>There are a number of problems with this provision (list)...Consider removing this provision, or providing detailed standards by which a project that incorporates a mini-bulkhead demonstrates need, avoids impacts, and mitigates for unavoidable impacts, and tie it more to the dock construction process. [1]</i></p>	<p>This provision was added at the suggestion of Doug Pineo, when he was the Department of Ecology reviewer of shoreline master programs. It can be deleted.</p>

**Chapter 8: Shoreline Modification Policies and Regulations**

Comment	Response
<p>p.13. 8-35-030-1. <i>This is a sensible regulation that should also appear in section 6-90. WAC 173-26-231(3)(a)(iii)(A) requires that new development is not permitted where it would require the need for shoreline stabilization. The addition of the phrase “Whenever possible” renders this regulation pointless without clear standards by which it would be judged. Consider removing “Whenever possible”. [1]</i></p>	<p>Proposed: <del>Whenever possible</del>, development shall be located away from shorelines where the Erosion Hazard has been identified as “Very High” or the Shoreline Exposure Range is shown as greater than ten (10) meters in the <i>Shoreline Inventory and Characterization</i>.</p>
<p>p.13. 8-35-030-7 (no disturbance in shoreline buffer, exceptions). <i>This would be a good place to cross reference the wetland and shoreline buffer standards; consider moving the buffer tables or duplicating them here. [1]</i></p>	<p>For ease of using the document, we would prefer to keep the buffer requirements together with all the other numerical requirements in Chapter 9. We do not want to have the actual standards in more than one place in the document, because that creates difficulty in updating the document, if one section is changed and another is not. But a reference to where to find the standards would be appropriate.</p> <p>Proposed: Within the required shoreline buffer <u>specified in Chapter 9 Table 2</u>, no disturbance is allowed, with the following exceptions:</p>
<p>p.13. 8-35-030-7-C (exception to no disturbance of shoreline buffer for a path wider than 4’ for a property owner with a disability). <i>This provision should clarify trail construction standards, and set limits on disturbance. Disability allowances for greater levels of disturbance pose serious problems in that the jurisdiction becomes responsible and liable to determine what a disability “is”, and of what type and severity warrants the additional impact to the shoreline environment, and how much additional disturbance is permissible. The SMP should have trail construction and siting standards. Consider trail language from the Grant County Draft SMP – Trails and Levees on p. 46 or in Allowed Buffer Uses on p.107. [1]</i></p>	<p>Proposed: Creation of a path no wider than 4’ <u>5’</u> which provides access to an approved dock, <del>except that a wider path may be permitted if needed for a property owner with a disability.</del></p>
<p>p.13. 8-35-030-9 (Removal of emergent plants like bulrush). <i>Emergent plant communities are wetlands by definition, and are subject to Critical Areas provisions, and State and Federal wetland protection laws and permit requirements. Consider adding cross reference here for wetlands provisions and a mention of Ecology/Corps/DNR/WDFW jurisdiction. [1]</i></p>	<p>Proposed: Emergent plants such as bulrushes absorb wave energy and protect the shoreline from erosion. These plants shall be preserved to the greatest extent possible and shall not be removed, uprooted, trimmed, or burned. Limited removal may be allowed for access, such as immediately adjacent to a dock, <u>subject to local, state, and federal regulations.</u></p>

**Chapter 9: Shoreline Environment Designations**

**Chapter 9: Shoreline Environment Designations**

Comment	Response
<p>p.15, Table 9.3, Boating Facilities. <i>You might consider including side yard setbacks from section 7-50-030, just so all the information is in one location for applicants.</i> [1]</p>	<p>Section 7-30 is specific to Docks, which we distinguish from Boating Facilities. The Dock section of Table 9.3 (10 lines down from the highlighted portion of this comment) already refers applicants to the Docks section of Chapter 7. The dimensional standards for docks are too complicated to be captured in this table. The section number could be added to direct applicants to the specific regulations.</p>
<p>p. 15, Table 9.3, Municipal use. <i>See comments on Chapter 7 p.12 regarding Municipal uses (Offices?) It is not clear what would constitute a water-dependent municipal use that is not recreation or utilities related. This section of the buffer table should reflect those prohibited activities from Table 9.2 (for example there is a buffer for Municipal Uses in the SR-r designation, buy they are prohibited in that environment.</i> [1]</p>	<p>These lines of the table will be deleted. Municipal uses other than recreation, transportation, or utility systems will be regulated the same as a non-municipal use.</p>

Comment	Response
<p>Shoreline Residential Special Resource (SR-S) Environment, p.11 to 16 Table 9.2 &amp; 9.3. <i>Shoreline areas designed SR-S within the City of Moses Lake demonstrate some ecological impairments, but "...they also retain important ecological functions and have high potential for ecological protection and restoration because they include relatively large tracts that have not been subdivided or include large wetland areas."</i> (Table 9.1) <i>Some of the proposed buffers listed in Table 9.3 for the SR-S designated areas could significantly hinder properly functioning ecological conditions or interfere with future restoration efforts. The buffer width for water-dependent uses associated with Aquaculture, Boating Facilities, Municipal, and Recreation uses are allowed to be reduced to 0 ft., and buffer reductions to 15 ft. wide are allowed for trails in the Recreation use areas. Due to the rare occurrence of SR-S designated areas in the City of Moses Lake, WDFW recommends Aquaculture, Boating Facilities, Municipal and Recreation water-dependent uses not be allowed unless absolutely necessary and required buffers for recreational trails be expanded to a minimum of 25 ft. [2]</i></p>	<p>Aquaculture: Based on Table 9.2, Aquaculture is allowed only in the Aquatic Environment, so only in the lake and not on land. However, it seems likely that there would need to be some land-based support facilities. The standards for Aquaculture in Table 9.2 and 9.3 need further review.</p> <p>Boating Facilities: Based on Table 9.2, the only type of Boating Facility allowed in the SR-S Environment is a boat lift, so the buffer for Boat Facilities in the SR-S is irrelevant. Additionally, the height limit for Boating Facilities in the SR-S can be deleted, since none of these uses are allowed.</p> <p>Municipal: Based on other comments received, Municipal Uses will be deleted from Table 9.2. Municipal uses other than recreation, transportation, or utility systems will be regulated the same as a non-municipal use.</p> <p>Recreation: Based on Table 9.2, Recreational uses are allowed in SR-S only by Shoreline Conditional Use Permit, so would need to meet all the criteria, including no cumulative impact for approving similar projects. Water-dependent uses are those that by their nature could not exist without the water. While it would be preferable not to have these uses located within the SR-S environment, that might be the only suitable location. The Cumulative Impacts Analysis (p.30) found that no net loss of functions is anticipated from recreational uses.</p> <p>Trail: The Planning Commission specifically reduced the recreational trail distance from the initially proposed 50' to 15'.</p>

Comment	Response
<p>Shoreline Residential Resource (SR-R) Environment, p.11 to 16 Table 9.2 &amp; 9.3. <i>SR-R designated lands demonstrate impairment to ecological functions, but “They retain important ecological functions and have the potential for development that is compatible with ecological protection and restoration” (Table 9.1).... WDFW recommends buffers for water-related structures and facilities in areas that are properly functioning ecologically or may be restored should be set at a minimum of 65’ and buffer widths for paths and trails should only be allowed to be reduced to 25’. SR-R areas having Residential uses should have the buffers expanded to a minimum of 65’ to retain most functioning ecological conditions and allow for adequate restoration of degraded areas.</i></p>	<p>Aquaculture: Based on Table 9.2, Aquaculture is allowed only in the Aquatic Environment, so only in the lake and not on land. However, it seems likely that there would need to be some land-based support facilities. The standards for Aquaculture in Table 9.2 and 9.3 need further review.</p> <p>Commercial: These uses are only allowed in the SR-R environment by CUP, which should provide adequate protection. In addition SR-R areas would be zoned almost exclusively residential, so a commercial use would be rare. The Cumulative Impacts Analysis (p.27) found that commercial development was not expected to result in a loss of shoreline functions.</p> <p>Municipal: Based on other comments received, Municipal Uses will be deleted from Table 9.2. Municipal uses other than recreation, transportation, or utility systems will be regulated the same as a non-municipal use.</p> <p>Recreation: These uses are only allowed in the Natural environment by CUP, which should provide adequate protection. The Cumulative Impacts Analysis (p.30) found that no net loss of functions is anticipated from recreational uses.</p> <p>Residential: The residential buffers are based on the Cumulative Impacts Analysis and Recommendations, which found no cumulative impacts for the 25’ and 50’ buffers as proposed. Most shoreline residential lots have already been developed—see Vacant Incorporated Residential Lots map.</p> <p>Buffer for paths and trails: The Planning Commission specifically reduced the recreational trail distance from the initially proposed 50’ to 10’.</p>

Comment	Response
<p>High-Intensity Resource (H-R) Environment, p.14 to 16, Table 9.3. <i>H-R designated lands demonstrate impairments to ecological functions but “They retain important ecological functions and have the potential for development that is compatible with ecological protection and restoration” (Table 1). Recommended buffers of 65’ for water-related and water enjoyment uses for Aquaculture, Commercial, Municipal, Recreation, and Residential. Buffer for paths and trails should be 65’. [2]</i></p>	<p>Aquaculture: Based on Table 9.2, Aquaculture is allowed only in the Aquatic Environment, so only in the lake and not on land. However, it seems likely that there would need to be some land-based support facilities. The standards for Aquaculture in Table 9.2 and 9.3 need further review.</p> <p>Commercial: The proposed buffer of 50’ is not far from WDFW’s recommendation of 65’. The Cumulative Impacts Analysis (p.27) found that commercial development was not expected to result in a loss of shoreline functions.</p> <p>Municipal: Based on other comments received, Municipal Uses will be deleted from Table 9.2. Municipal uses other than recreation, transportation, or utility systems will be regulated the same as a non-municipal use.</p> <p>Recreation: The Cumulative Impacts Analysis (p.30) found that no net loss of functions is anticipated from recreational uses.</p> <p>Residential: The Planning Commission recommendation of a 25’ buffer in the H-R matched the 25’ buffer allowed in SR and portions of SR-R is supported by the City Council and has been found to be adequate.</p> <p>Buffer for paths and trails: The Planning Commission specifically reduced the recreational trail distance from the initially proposed 50’ to 10’.</p>
<p>Shoreline Residential Dunes (SR-D), p.14 to 16, Table 9.3. <i>Table 9.3 indicates ecological functions and restoration potentials are being adequately protected in most cases....WDFW recommends that a 65’ buffer be required to retain most functioning ecological conditions and allow for adequate restoration of degraded areas. [2]</i></p>	<p>The Cumulative Impacts Analysis and Recommendations documents recommended specific standards (Recommendations p.10) for the SR-D Environment; however, the Planning Commission chose to regulate this area through the Planned Unit Development process. Specific guidance will be requested from commenting agencies at the time the property is proposed for development.</p>

Commentors:

1. Jeremy Sikes, Washington State Department of Ecology
2. Eric Pentico, Washington State Department of Fish & Wildlife