



CITY OF KIRKLAND

123 Fifth Avenue, Kirkland, WA 98033 425.587.3000

www.ci.kirkland.wa.us

MEMORANDUM

To: Houghton Community Council

From: Patrice Tovar, Senior Planner *PT*
Paul Stewart, Deputy Director of Planning

Date: July 9, 2007

Subject: Kirkland's Shoreline Master Program Update, File No. ZON06-00017, Sub file 2

RECOMMENDATION

Staff recommends that the Houghton Community Council review the purpose and proposed process for updating Kirkland's Shoreline Master Program in preparation for the Community Council's upcoming role in that project. At the study session staff will present an overview of the products that have been produced so far and those that we will soon draft for Houghton Community Council review. The Watershed Company's Amy Myers will introduce the Shoreline Analysis Report.

BACKGROUND DISCUSSION

Objectives for Updating the Shoreline Master Program

Kirkland has begun the process to update the City's Shoreline Master Program that was originally adopted in 1974.

The primary objectives are to:

- Provide a healthy environment along the shoreline to enable current and future generations to enjoy using it.
- Provide a healthy environment along the shoreline to preserve fish and wildlife and their habitats.
- Protect the City's investments as well as those of property owners along and near the shoreline.
- Produce an updated Shoreline Master Program (SMP) that is supported by Kirkland's elected officials, citizens, property owners and businesses, the State of Washington, and other key interest groups with an interest in the shoreline.
- Efficiently achieve the SMP mandates of the State.

Please refer to **Attachment 1** for more detail about Shoreline Master Programs and Washington State's Shoreline Management Act.

The Shoreline Master Program Update Process

The Houghton Community Council last saw this project in April 2006, for review of the Public Participation Plan. The chart on the following page and text that follows reveal the tasks that have been completed since then and those that are yet to do. The Community Council's tasks are indicated by **HCC** in bold type. Timing estimates for remaining items are approximate. Implementation of the Public Participation Plan and coordination with other jurisdictions, agencies, and stakeholders occur continuously throughout the process. See **Attachment 2** for a more detailed chart that was prepared by the State to depict the steps involved in updating a Shoreline Master Program.

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UPDATING KIRKLAND'S SHORELINE MASTER PROGRAM (SMP)

PHASE	TASKS	STATUS/TIMING*	BY
1	A. Secure grant from Dept. of Ecology (DOE) B. Identify and map areas subject to the SMP C. Prepare Public Participation Plan D. Planning Commission, Houghton Community Council, City Council, and Dept. of Ecology (DOE) review and approve Public Participation Plan	A. Done (Mar. 2005 - Jan. 2006) B. Done (Jan. - Mar. 2006) C. Done (Feb. - Mar. 2006) D. Done (Apr. - May 2006)	A. Staff, DOE B. Consultant C. Staff D. PC, HCC , CC, DOE
2	A. Prepare a draft shoreline inventory, analysis, and characterization B. Notify all parties with potential interest about the project, events, & public comment opportunity via SMP website, email, mail, signs, newspaper, TV, and meetings. C. Distribute the draft inventory, analysis, and characterization for review and comment by DOE and all parties with potential interest D. Introduce project and present data at public forums and shoreline tour E. Submit the final version to DOE for review	A. Done (Mar. - Jul. 2006) B. Ongoing (Began Sept. 1, 2006) C. Done (Sept. 1 - Oct. 15, 2006) D. Done (Sept. 18 & 30, 2006) E. Done (Dec. 2006)	A. Consultant & staff B. Staff C. Staff D. Staff and speakers E. Staff
3	A. Staff brief PC, HCC , and CC on project purpose, process, and status B. Designate Shoreline Environments C. Develop policies and regulations	A. July 12, July 23 and Aug. 7, 2007 B. Aug. 23 and 27, 2007 C. Sept. - Nov. 2007	A. PC, HCC and CC B. PC and HCC C. PC and HCC
4	A. Conduct cumulative impacts analysis (to confirm that policies and regulations would prevent net loss of ecological functions) B. Revisit environment designations, policies and regulations if necessary C. Staff brief CC on draft goals, policies, and regulations D. Prepare restoration plan	A. Nov. - Dec. 2007 B. Nov. - Dec. 2007 C. Dec. 2007 D. Dec. 2007	A. PC and HCC B. PC and HCC C. CC D. PC and HCC
5	A. Ecology informal review of complete draft SMP B. Public workshop C. SEPA D. Staff brief CC on the draft SMP E. Public hearing F. Public hearing and response to comments G. CC study session(s) and local adoption of SMP	A. Jan. - mid-March. 2008 B. Jan. 2008 C. Jan. 2008 D. Feb. 2008 E. Feb. 2008 F. Mar. 2008 G. Apr. - May 2008	A. DOE B. Staff C. Staff D. HCC E. PC F. CC, HCC G. CC
6	A. State conducts another comment period on the SMP B. State works with Kirkland to finalize the SMP	A. To be determined (TBD) B. TBD	A. DOE B. DOE, CC, HCC
<i>* Estimates of timing for remaining tasks are approximate and are subject to change</i>			

Phases One and Two

The Public Participation Plan that was drafted in Phase One exceeds the public involvement requirements of the Shoreline Management Act and the Growth Management Act. The Department of Ecology granted preliminary approval of the Public Participation Plan in March 2006, and the Houghton Community Council reviewed it on May 22, 2006. The Public Participation Plan documented a multitude of ideas for outreach to stakeholders, and the City has implemented most of them. However, some were not implemented because they did not prove to be feasible or would not have provided enough benefit to justify the cost. These were eliminated from the updated Public Participation Plan, which is included as **Attachment 3**. An article announcing the SMP Update and related events was published in the Kirkland Courier on September 1, 2006 (see **Attachment 4**). In addition, an introductory flyer was extensively posted, emailed, mailed, and televised beginning on September 1, 2006 (See **Attachment 5**).

Public forums and a shoreline tour were held on September 18 and 30 in 2006 to:

- Inform interested parties about why the update is required, what is needed, and what issues may be addressed.
- Find out what issues are of greatest interest and concern to the stakeholders and, therefore, should be included in the project.
- Identify the City's and stakeholders' common interests in protecting the City's waterfront.

For the first two weeks in October 2006, videos of the forums and tour were broadcast on Kirkland's cable TV channel. **Attachment 6** is a report summarizing the forums' agenda and input received. Forum speakers' backgrounds are given in **Attachment 7**. **Attachment 8** is the flyer distributed to advertise the public shoreline tour, and **Attachment 9** is a report summarizing the tour. The forums and tour can be viewed in their entirety by opening the City's main webpage, selecting "Watch On Demand Programming," selecting "Kirkland Television – Special Programming," then selecting the desired event from the list.

An opportunity for public comment on the draft shoreline inventory, characterization, and analysis was held September 1 – October 15, 2006. The draft was presented at the forums and the comment opportunity was widely advertised via mail, email, newspaper, TV, and posting on prominent public signs and at City facilities as well as on the City's Shoreline Master Program Update webpage. Staff finalized the draft into the Shoreline Analysis Report based on comments received from stakeholders and from DOE. A hard copy of the Final Shoreline Analysis Report is included in this Planning Commission packet. The report and other SMP Update information are available electronically at http://www.ci.kirkland.wa.us/depart/Planning/Code_Updates/Shoreline_Master_Program.htm.

Staff has been coordinating closely with DOE, King County, and other jurisdictions, agencies, and stakeholders and will continue to do so throughout the process. The Shoreline Analysis Report covered the Lake Washington shoreline in Kirkland's Potential Annexation Area (Finn Hill) as well as within Kirkland's current boundaries. The Finn Hill shoreline is currently in King County, and the County's SMP update is further along than Kirkland's. So, King County will take the lead on updating the Shoreline Master Program for the Potential Annexation Area. Kirkland will coordinate with the County throughout the process with the intent of adopting the County's SMP for the Finn Hill shoreline at the time of annexation.

Phases Three through Five

Shoreline Environment Designations

The Houghton Community Council has a prominent role in the remaining phases of the project. After the project overview on July 16th, staff will return to the Community Council in August for designation of the Shoreline Environments. Each segment of the shoreline is designated as one of several types of shoreline environments that are described in the new State Guidelines, e.g. Urban Residential, Urban Mixed, Conservancy, etc. Within the areas

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subject to the Shoreline Master Program, Environment Designations function much like zones do throughout the City. We will be drafting Shoreline Environment-specific policies and regulations for your review and input regarding what uses, activities, and development standards should apply within each type of Shoreline Environment. The Shoreline Environments designated by Kirkland's current SMP can be seen on the first map in the Shoreline Analysis Report.

The State requires the Shoreline Environment Designations to be based on the data and analysis provided in the Shoreline Analysis Report. To facilitate the designation process, draft preliminary designations have been prepared by The Watershed Company, the consulting firm that prepared the technical portions of the Shoreline Analysis Report.

Goals, Policies, and Regulations

Following designation of the Shoreline Environments, we can begin to draft general goals and policies (and optional general regulations) as well as the goals, policies and regulations specific to each Shoreline Environment for Houghton Community Council review. Like the Shoreline Environment Designations, the goals, policies, and regulations are to be based on the data and analysis given in the Shoreline Analysis Report. Staff anticipates that regulations for critical areas within the SMP jurisdiction will likely differ somewhat from those that apply in other areas of the City.

Cumulative Impacts Analysis

The new State guidelines require that new Shoreline Master Programs ensure no net loss of ecological functions. For example, SMP regulations would need to include standards that would require future shoreline development or redevelopment to avoid or mitigate any further degradation of fish habitat beyond what is recorded in the recent shoreline inventory (which appears in the Shoreline Analysis Report). After the goals, policies, and regulations have been drafted, they will be tested as the City conducts a Cumulative Impacts Analysis to determine if Kirkland's updated SMP will meet the 'no net loss' requirement. The Cumulative Impacts Analysis will identify which, if any, goals/policies/regulations need to be revised to meet the "no net loss" requirement.

Restoration Plan

Apart from preventing net loss of shoreline ecological functions, the new SMP is also required to include a Restoration Plan. No one, including DOE, expects the Kirkland shoreline to be restored to pre-settlement conditions. So, in this case, the State guidelines use the term "restoration" loosely to describe actions ranging from complete rehabilitation, e.g. replacing a bulkhead with a softened, natural edge (some gently-sloping beach and some native vegetation), to any ecologically helpful action, e. g. removing some invasive non-native plants, planting some native plants, or making the portion of the dock closest to land narrower to reduce shade in the near-shore (where juvenile Chinook salmon are attacked by predator fish in shady areas). Unlike the 'no net loss' requirement that will be addressed through regulations, the restoration plan will rely on some combination of incentives, public projects, volunteers, and non-profit programs for implementation.

Public Workshop, Public Hearing(s), Houghton Community Council Role, and Periodic City Council Briefings

In an effort to engage and inform members of the public that may not attend the study sessions or follow progress of the project on the City's SMP webpage, staff will hold a public workshop prior to the public hearing.

With regard to the public hearing, some jurisdictions have tried holding separate public hearings for SMP components as each component has been drafted. Although that would seem to be a good way to break the Shoreline Master Program into manageable "bites," staff has been told that it is not practical. This is because most of the components must be completed and considered as a whole to determine if they will be sufficient when combined to meet State requirements and accomplish the community's goals. Also, it would be prudent to conduct the public hearing on a draft SMP that has already been revised per Ecology's comments, and DOE will not conduct

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their informal review of the SMP draft until all the components can be considered together. As a result, staff anticipates that it would be most productive and efficient for the Houghton Community Council and Planning Commission to hold their public hearings after Phases Three and Four, when the components will have been drafted and preliminarily reviewed by DOE.

Staff intends to work through the SMP tasks with the Houghton Community Council at the same pace as the Planning Commission. It is hoped that this approach will produce a draft SMP that is consistent with the Houghton Community Council's interests and receive HCC support.

Staff will brief the City Council periodically, as shown on the chart on Page Two of this memorandum. The purpose will be to keep the Council informed of the projects' progress and direction and will offer an opportunity for City Council input.

Please feel free to contact me at ptovar@ci.kirkland.wa.us or (425) 587-3259 for further information or clarifications.

ATTACHMENTS

1. History and Explanation of the Shoreline Management Act and Shoreline Master Programs
2. Shoreline Master Program Planning Process (chart prepared by DOE)
3. Public Participation Program for the Kirkland Shoreline Master Program Update
4. Article appearing in the Kirkland Courier on September 1, 2006
5. Introductory Flyer
6. Public Shoreline Forum Report
7. Public Shoreline Forum Speakers
8. Public Shoreline Tour Flyer
9. Public Shoreline Tour Report

cc: File No. ZON06-00017, Sub-file #2

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