

XVI. SHORELINE AREA

MANAGING SHORELINE LAND USES

Goal SA-3: Locate, design and manage shoreline uses to prevent and, where possible, restore significant adverse impacts on water quality, fish and wildlife habitats, the environment and other uses.

It is important that shoreline development be regulated to control pollution and prevention of damage to the natural environment. Without proper management, shoreline uses can cause significant damage to the shoreline area through cumulative impacts from shoreline armoring, stormwater runoff, introduction of pollutants, and vegetation modification and removal.

Given existing conditions, there is very little capacity for future development within the shoreline. However, it is anticipated that expansion, redevelopment or alteration to existing development will occur over time. With remodeling or replacement, opportunities exist to improve the shoreline environment. In particular, improvements to nearshore vegetation cover and reductions in impervious surface coverage are two key opportunity areas on private property to restore ecological function along the shoreline. Reduction or modification of shoreline armoring and reduction of overwater cover and in-water structures provide other opportunities.

Policy SA-3.1: Establish development regulations that avoid, minimize and mitigate impacts to the ecological functions associated with the shoreline zone.

In deciding whether to allow uses and activities in shoreline areas, the potential adverse impacts associated with uses or activities should be considered and avoided, where possible. This can be done by carefully selecting allowed uses, providing policies and standards to prevent or minimize adverse impacts, and carefully reviewing development proposals to prevent or minimize adverse impacts.

Policy SA-3.2: Provide adequate setbacks and vegetative buffers from the water and ample open space and pervious areas to protect natural features and minimize use conflicts.

The purpose of a setback is to minimize potential impacts of adjacent land uses on a natural feature, such as Lake Washington, and maximize the long-term viability of the natural feature. Setbacks perform a number of significant functions including reducing water temperature; filtering sediments and other contaminants from stormwater; reducing nutrient loads to lakes; stabilizing stream banks with vegetation; providing riparian wildlife habitat; maintaining and protecting fish habitats; forming aquatic food webs; and providing a visually appealing greenbelt and recreational opportunities.

Establishing the width of a setback so it is effective depends on the type and sensitivity of the natural feature and the expected impacts of surrounding land uses. In determining appropriate setbacks in the shoreline jurisdiction, the City should consider shoreline ecological functions as well as aesthetic issues.

Policy SA-3.3: Require new development or redevelopment to include establishment or preservation of appropriate shoreline vegetation to contribute to the ecological functions of the shoreline area.

Shoreline vegetation plays an important role in maintaining temperature, removing excessive nutrients, attenuating wave energy, removing sediment and stabilizing banks, and providing woody debris and other organic matter along Lake Washington.

The *Final WRIA 8 Chinook Salmon Conservation Plan* notes the importance of providing a vegetated riparian/lakeshore buffer and overhanging riparian vegetation to improve the habitat for juvenile Chinook salmonⁱ. As a result, when substantial new upland development occurs, the on-site landscaping should be designed to incorporate native plant buffers

i. WRIA 8 Steering Committee. 2005. Final Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Chinook Salmon Conservation Plan. July 2005.

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along the shoreline. Proper plant selection and design should be done to ensure that views are not diminished.

Policy SA-3.4: Incorporate low-impact development practices, where feasible, to reduce the amount of impervious surface area.

Low-impact development strives to mimic nature by minimizing impervious surface, infiltrating surface water through biofiltration and bio-retention facilities, retaining contiguous forested areas and maintaining the character of the natural hydrologic cycle. Utilizing these practices can have many benefits, including improvement of water quality and reduction of stream and fish habitat impacts.

Policy SA-3.5: Limit parking within the shoreline area.

Facilities providing public parking are permitted within the shoreline area as needed to support adjoining water-oriented uses. Private parking facilities should be allowed only as necessary to support an authorized use. All parking facilities, wherever possible, should be located out of the shoreline area.

Policy SA-3.6: Minimize the aesthetic impacts of parking facilities.

Parking areas should be placed, screened, and buffered to mitigate impacts through use of design techniques, such as location, lidding, landscaping or other similar design features to minimize the aesthetic impacts of parking facilities. Exterior parking areas should be located away from the shoreline or attractively landscaped with vegetation that will not obstruct views of the lake from the public right-of-way.

Policy SA-3.7: Limit outdoor lighting levels in the shoreline to the minimum necessary for safe and effective use.

Artificial lighting can be used for many different purposes along the waterfront, including to aid in nighttime activities that would be impossible or unsafe under normal nighttime conditions, for security, or simply to make a property more attractive at night. At

the same time, the shoreline area can be vulnerable to impacts of light and glare, potentially interrupting the opportunity to enjoy the night sky, impacting views and privacy and affecting the fish and wildlife habitat value of the shoreline area. To protect the scenic value, views, and fish and wildlife habitat value of shoreline areas, excessive lighting is discouraged. Shoreline development should use sensitive waterfront lighting to balance the ability to see at night with the desire to preserve the scenic and natural qualities of the shoreline. Parking lot lighting, lighting on structures or signs, and pier and walkway lighting should be designed to minimize excessive glare and light trespass onto neighboring properties and shorelines.

Policy SA-3.8: Encourage the development of joint-use overwater structures, such as joint-use piers, to reduce impacts to the shoreline environment.

The presence of an extensive number of piers has altered the shoreline. The construction of piers can modify the aquatic ecosystem by blocking sunlight and creating large areas of overhead cover. Minimizing the number of new piers by using joint facilities is one technique that can be used to minimize the effect of piers on the shoreline environment.

Policy SA-3.9: Allow variations to development standards that are compatible with surrounding development to facilitate restoration opportunities along the shoreline.

The City should consider appropriate variations to development standards to maximize the opportunities to restore shoreline functions. For example, reductions in setbacks could be used to facilitate restoration in highly altered areas that currently provide limited function and value for such attributes as large woody debris recruitment, shading, or habitat.

Joan Lieberman-Brill

From: Launa Smoot <launasmoot@yahoo.com>
Sent: Thursday, April 25, 2019 2:30 PM
To: Joan Lieberman-Brill
Subject: Fwd: Juanita beach public comments

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPhone

Begin forwarded message:

From: Launa Smoot <launasmoot@yahoo.com>
Date: April 25, 2019 at 2:00:39 PM PDT
To: JLiebermanBrill@kirkland.gov
Cc: klightfeldt@comcast.net
Subject: Juanita beach public comments

Hello, my name is Launa Johnson, I am a mom of four wonderful kids here in Kirkland!

I live in our parks!

Every morning we walk the pier , and start our day having a quiet moment in the forest! My girls and I used to pick up garbage a couple times a week. We also come and watch sunset during the summer! It is a very special place to me and my family! So I've spent years thinking about the possibility of the park!

I saw Karen Lightffelt with clipboards, and asked he if she needed a moms opinion?

I feel like Juanita Beach is the heart of Juanita, and has the possibility of bringing our community together in incredible ways!

Juanita Beach draws all kinds of activities:

- Bird watching
 - walking
 - talking
 - meditation
 - play
 - picnic
 - escape, peace tranquility,
- Fun, laughter, , family memories!
 Sunrises, sunsets!

Many of us are here without family, looking for connection, especially us moms! If we had a cultivated space , we could sit and safely watch our kids play and engage in conversation, we could really change our community!

Our parks are mostly all geared to ages 5-12 years olds. Problem is that Monday-Friday these kids are in school, after school care and sports and activities.

However Monday-Friday the park is filled with moms of littles, looking to get exercise, be in nature, enjoy our kids, maybe make a new friend?

What would be amazing:

- enclosed play area
- structure that is safe to play on for 2-5 yrs
- nature, educational, imagination inspired.
- bench's for tired moms
- lots more swings, by the lake to watch sunsets from
- shade either to rent, or more trees
- bee & butterflies pollination garden
- no pesticides
- a leash free dog area
- Exercise stations around playground
- a blend of natural space and people!
- statues
- Big rocks, logs to play on!
- a sanctuary for Kirkland for animals and people

I'm hoping to help give us moms a voice, and am pleading we help bring a need to this community, us moms raising our future, need our park to be more accommodating, and it will benefit our whole community!

Thank you for listening!

Launa Johnson

launajohnson3@gmail.com

Sent from my iPhone

Joan Lieberman-Brill

From: Launa Smoot <launasmoot@yahoo.com>
Sent: Thursday, April 25, 2019 2:54 PM
To: Joan Lieberman-Brill
Subject: Juanita Beach bathhouse comment

Follow Up Flag: Follow up
Flag Status: Flagged

I am a Kirkland resident whom walks Juanita Beach usb 4-5 times a week with my 3 of my four children ! This park is very special and a big part of my life! It's how we start our day, walking around the pier, and enjoying the beautiful forests!

I am concerned of the new bathhouse location change?

At meetings, I have not received a clear answer to why the location change, except for better visibility! However the visibility of tenants across the street will be compromised, the environmental impact compromised.

To me seems more expensive, unnecessary, and we could use approval of funds to better help our parks botanical varieties, community attractions, like workout stations, botanical gardens for bees and butterflies, playground improvements for younger families, and educational plaques.

My question is why don't we either, leave where it is, and update!

- changing tables, changing area, recycling Or Have building structure on other side by round about! The plumbing from condos and restaurants would be closer to access, not a utilized part of the park, less impact from tenants and environment!

As for picnic shelter, the more the better, Juanita beach lacks shade! We need more shelter, more tables, maybe rent out umbrellas for shade?

We should utilize the beach and add more benches and post swings by the beach! Everyone like to swing! Not just kids!

Getting art and community involvement!

Create a sanctuary for all people and creatures!

We need to offer sustainable practices

- recycling
- no pesticides
- flowers for bees and butterflies
- protect wildlife practice
- more clean ups

Some great park examples are

cottage lake

Grass lawn park

Phylis A needy

Waverly

Woodland park zoo

Have old boats or tractor for play structures , Creative imagination inspired play or statues of wildlife, Like the swans, beavers, ducks, fish, eagles, squirrels!

We don't need a huge metal contraption, more nature inspired! And 2-5 year old friendly!

I'm hoping to be involved in helping make our park a wonderful jewel in Kirkland!

Thank you for listening!

Launa Johnson
launajohnson3@gmail.com

Sent from my iPhone

Joan Lieberman-Brill

From: Lora Cruze <llcruze@hotmail.com>
Sent: Tuesday, May 07, 2019 11:30 AM
To: Joan Lieberman-Brill
Cc: Lora Cruze
Subject: Stakeholders that want to be heard

To all concerned,

We purchased our lake front property on Holmes Point and remodeled our home in 2015. While relatively new to waterfront living, we are very interested in the development and participation of a residential waterfront stakeholders planning committee to address the revisions proposed in the Shoreline Master Plan Update and Gap Analysis. (We had no prior knowledge that this process was scheduled to take place! We would have been presentsharingour thoughts and knowledge throughout the process.) We do not agree with the revisions as documented.

We do, however, fully support the comments and facts submitted by a fellow stakeholder, Dallas Evans. Consider them ours as well.

Kevin and Lora Cruze

Get [Outlook for](#) PUBLIC COMMENT regarding the Shoreline master Program Periodic Update and Gap Analysis attached to this letter for reference.

This will be my second comment letter submitted to committees, council and commissions following up with additional observations after listening to testimony from the Department of Ecology (DOE), commission members and planning staff. I have been residential waterfront property stake holder on Juanita Point four years. Previously I owned and/or resided on residential waterfront property on Lake Washington from 1976 – 1985 then on Lake Sammamish from 1992 though 2015.

I was active participant throughout the entire process of the Bellevue Shoreline Master Program (SMP) and was among five people that formed the Washington Sensible Shorelines Association (WSSA) made up of shoreline stakeholders on Bellevue's residential shorelines. WSSA managed to raise over \$230,000 and engage waterfront stakeholders along the Bellevue shorelines to participate in the Bellevue SMP process. I went door to door along with others to engage every shoreline stake holder in Bellevue. We always had large public turnouts at all planning meetings and had a very large roll in creating a fair and equitable SMP program that took Bellevue over 6 years to complete and get approval from the DOE.

A little history about Bellevue's SMP program

Bellevue started the process 6 months before Kirkland began their SMP program and finished 4 years after Kirkland approved theirs. It started with very well vetted Policy statements and ended with all parties including the DOE, Shoreline stakeholders, citizens that use the shoreline for enjoyment and work, environmentalist all giving input to the process. In the end it did not give everyone what they wanted but nobody walked away feeling they were represented and were part of a well thought out plan.

Back when I got involved as an activist for the shoreline stakeholders of Bellevue, Bellevue's Planning commission had created an inventory study done for the purposes of mapping shoreline as well as all rockeries and retaining walls within 100 feet of the shoreline for purposes of analyzing the impact of replace sewer lines around annexed portions of lake Sammamish and Lake Washington. This had nothing to do with directives of the DOE for Inventory studies yet to be clarified 10 years later. Obviously, this created an even bigger problem for their consultants, The Watershed Company (TWC) when it was discovered that they had not double checked the data points and original date of the inventory study. They proceeded to interpret the data and concluded that the shorelines were very impacted. I spent 120 hours reduplicating the inventory study on Lake Sammamish, when the lake was at OHMW, and found the shoreline hardening to be less than 35% of what TWC assumed, meaning all of their assumptions and conclusions were wrong and there was no base line to establish future ecological improvements.

Bellevue could not start over with a new study after already spending \$385,000 on the previous study so we had to all work together to rectify the negative impact that the TWC report that used misrepresented data about the ecological functions of Bellevue Shorelines.

WHAT IS WRONG WITH THE CITY OF KIRKLAND'S UPDATE PROCESS?

As I read through volumes of data accessible on Kirkland's website and sitting through and excruciating open hearing on SMP revisions I am very disappointed with how the shoreline stakeholders are not represented in this process due potentially a presumed trust that the planning staff and council will operate to the highest standard in balancing the public trust doctrine with the private property owners rights granted under the WAC and RCW?. Equally I am disappointed in the planning staff who does not have enough core competency and therefore hires the consultant TWC to make their decisions for them. That leads to biased opinions and no consultant to stand up for the stakeholders taking the brunt of these GAP changes. The GAP analysis ignores basic premises spelled out in the Washington Administrative Code (WAC), Revised Code of Washington (RCW) and Kirkland's own SMP Policy statements stated on the public website and rely solely on the TWC and DOE for subjective guidance without any consideration for residential stakeholders.

City planners in their GAP analysis, misrepresent 'No Net Loss of Ecological Function' as it applies to residential shorelines. They violate the protection afforded to preexisting condition by the WAC and RCW. They are on a mission to require shoreline stakeholders to improve their shoreline ecological functions beyond what the DOE, WAC and RCW require. I will point out these violations leading to public mistrust that the planning staff is willful perpetuating by negating policy statements that were generated at the beginning of Kirkland's SMP process 8 years ago.

I paid little attention to Kirkland's process 9 years ago because I was a Bellevue resident and serving on the Parks Board. I am very aware of the hours and dedication that goes into serving on public city commissions. I was amazed that Kirkland's SMP sailed through in less than two years and virtually no one commented on the inventory study. Now that I am a resident of Kirkland on the shores of Lake Washington, I am very interested in this update process.

I was out of town for the past 5 months and missed the February meetings that I would have attended. I attended the open house and open hearing on the SMP update held April 25th 2019. I sent in a comment letter a week before the hearing and it appears that was the only one that the commission members received or else commented on during the public hearing. Furthermore, I was one of two people that testified at the open hearing meeting and the only waterfront stakeholder. I was shocked by the apathy of shoreline stake holders who did not show up or perhaps the lack of diligence of the planning staff to get shoreline stake holders involved in the process. It was very interesting that my first comment letter was the only item that the commissioners seem using as an outline for asking questions of the planning staff and the DOE official present.

There was a lack of core knowledge by the planning staff and the commission members on the SMP program. There is no conceivable way that any commission members would have or could have understand the issues involved in the SMP if they did not have the WAC and RCW codes presented to them and could have sat through much of the process 8 to 9 years ago during the first round of the SMP. I was witnessing the blind lead the blind in this flawed GAP. Believe me, my knowledge of the WAC and SMP principals far greater and anyone in that room that night and I was only given 3 minutes to testify on behalf of the shoreline stakeholders who are about to take a huge step back in preserving there use of the shorelines with the GAP analysis. Seeing the gravity of this situation unfold, I asked for more time than three minutes to talk and even had another person in the room willing to defer their time to me but was denied. That public hearing was a sham and I could have filled that room with a lot of shoreline stakeholders with what I know now and another 30 days of door knocking, phone calls and emails. I got 366 lake Sammamish shoreline stakeholders involved in less than one month and I could do it here too. Very disappointed in this public process perpetuated by the planning staff.

This myopic, one sided, onerous process of systematically taking enjoyment of waterfront use away from shoreline stake holders would never happen with Bellevue shoreline owners because a number of reasons:

- Bellevue shoreline stakeholders are far better organized, and they are much more involved the process. Kirkland's shoreline stakeholders are not organized, and this is a huge loss for property rights inherent in the SMP policy statements and puts much more fiduciary effort upon the commission members and council people to see through the staff recommendations and ask hard questions were reasonableness and unbiased opinions are lacking. How can the planning staff be unbiased when they hire a consultant that is all about ecology and returning shorelines to their natural state, and the using the opinions of the DOE. Both consultants are not shareholder friendly when it comes to residential uses. The WAC and RCW are the friends to the

shoreline stake holder, but the city planners are not focused on the laws and policy statements but just opinions from very biased consultants.

WHY DO WE HAVE POLICY STATEMENT?

- The Bellevue council and planning commission made sure that the policy statements came first and became the guiding principle for all future changes to the SMP process that is reviewed every number of years. These Policy statements should be the basis that all future commissions, planning staff members, council members and stake holders can agree on. Policy statements create a basis for future decision making and reduces the impact of biases and directives from future changes to government decision makers. This process was the most important phase of Bellevue's development of their SMP. This is very obviously lacking in Kirkland's approach to the GAP analysis. The Kirkland planning staff need to go back and reread the policy statements that are posted on the SMP website for Kirkland. More on that below.

There is no way these changes such as the requirement to remove bulkheads, shoreline hardening (to any percentage), boat ramps (whether structural or not), narrowing existing docks, removing boat houses or hard surface boat roofs, etc. should be a requirement before allowing someone to rebuild or remodel their home, especially if it sits back behind the shoreline set back. This is ridiculous and a blatant abuse of public policy trust and grandfathering allowed by the WAC. More on the WAC and RCW rules below that are being broken or ignored by this GAP analysis proposed by Kirkland's Planning staff.

- Changing a policy statement deserves the highest importance and oversight. It requires all stakeholders to share in that changed vision statement, not just the planning staff. The staff is attempting to take away and restrict shoreline stake holders' rights to existing uses and enjoyment of their property. The city Planners are obviously not experts or represent the citizens of Kirkland shorelines.

The following WAC, RCW and Kirkland's existing policy statements are the basis of my argument for going back to the table and revising many of the GAP recommendations:

- o WAC 173-26-241 Shoreline uses (3) Standards (j) Residential development (i) Single-family residences are the most common form of shoreline development and are identified as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the natural environment.

- (ii) Master programs shall include policies and regulations that assure no net loss of shoreline ecological functions will result from residential development.

- Note above section (i) single family residences are protected along with their uses.

- Note above under section (ii) this does not say 'assure greater ecological function' by removing a dock, bulkhead, boat house, rail system or any other structure waterward of the OHWM that are grandfathered in before the SMP inventory was taken. The city planners under the GAP proposal are taking away the rights of stakeholders by telling them that if the resident wants to remodel their house or build a new house behind the shoreline set back, they will have to remove certain elements of their existing shoreline. What ecological

function is being lost by house construction behind the shoreline setback? Bellevue assured that this would not happen to shoreline stake holders.

- Note what Kirkland's SMP website states regarding 'No Net Loss':
 - o What is No Net Loss?

The SMP Guidelines establish the standard of no net loss. No net loss means that over time, the Citywide existing condition of shoreline ecological functions should remain the same as when the SMP is implemented. Simply stated, the no net loss standard is designed to avoid or minimize impacts resulting from new shoreline development. The City must achieve this standard through both the SMP planning process and by appropriately regulating individual developments as they are proposed in the future. Any amendments to the SMP that may occur through the periodic update process would need to comply with the no net loss standard.

o Please reread the above statement carefully city planners! It says REMAIN THE SAME! Now look at the GAP analysis to see what is intentionally and systematically being taken away by these GAP updates. These changes are nothing but ONEROUS to the shoreline stake holder. Many if not all the suggested changes are contrary to the above statement. How did this get overlooked by staff and their consultant TWC? I will tell you; they don't care. They don't represent the public stakeholder's interest. They hire consultants like TWC that don't care because the stakeholders are not their client and the SMP keeps them employed. Really big conflict of interest here.

- o Note what Kirkland's SMP website states about existing uses
 - o How does the SMP affect existing uses and development

SMP regulations are not retroactive. SMP regulations apply to new development and uses. Existing uses and developments legally established may be repaired, maintained and operated. The SMP applies to proposals for expansion or alteration of existing uses and structures.

Structures and uses that were legally established in the past may become legally nonconforming due to new shoreline rules that are adopted over time. Current SMP regulations allow these previously built structures and established uses to continue as they are presently operating.

- Again, we see that the above statement is contrary to a few of the GAP changes proposed mainly to do with removal of structures located near the shoreline at the same time that the main living structure maybe outside of the shoreline setback therefore not having and affect on the shoreline. This is pretty clear that the GAP analysis is over reaching its authority and policy statements. I would not be surprised that the planning staff might try to change the SMP policy statements to bring them in line with rule changes which would be and ever bigger violation of public trust without due process and vetting from all stakeholders (we would be very

pleased to participate in the organization and vetting!!) impacted by just change. Please don't let this happen. It will most definitely hurt the public trust of government.

- Note what the state says about the process for preparing amendments to the existing SMP of government below:

- o RCW 90.58.100 Programs as constituting use regulations—Duties when preparing programs and amendments thereto—Program contents

(2)(i)

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).

(6) Each master program shall contain standards governing the protection of single-family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single-family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single-family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment.

- Note that the above statement supports not removing any existing structure used by the shoreline owner existence before the cities SMP program and following amendments of such SMP program. It appears that there is also a statutory date that protects permitted structures before January 1, 1992 from being required to remove if someone wants to rebuild or remodel their house. Another violation of trust by city planners to the stake holders of shoreline regarding some of the GAP recommendations. The city has never as far I can see, done an inventory study of all the annexed shorelines on Juanita point and Holmes point so how do they have any knowledge of the shoreline structures that now exist and the impact of any changes these will have on shoreline stakeholders that live in these areas. This is required of the cities to do this process and Kirkland has not. This is another violation of public trust by taking away features that already exist and are dependent uses without due process and vetting of policies. At the very least the city should establish incentives that promote optional willingness for shoreline owners to implement instead of being extorted by environmental agendas.

- I was interested in some comments by the planning staff regarding the councils input on an aspiration policy on over water structures included in the GAP analysis. I saw a picture of some multi-residential apartment type

housing shown on the overhead during the Open house hearing. Before the Planning staff goes off on another detour, here is what the WAC code says on this subject;

o WAC 173-26-241 Shoreline uses (3) Standards (j) Residential development (iv)(A) New over-water residences, including floating homes, are not a preferred use and should be prohibited. It is recognized that certain existing communities of floating and/or over-water homes exist and should be reasonably accommodated to allow improvements associated with life safety matters and property rights to be addressed provided that any expansion of existing communities is the minimum necessary to assure consistency with constitutional and other legal limitations that protect private property.

- Note above that the WAC allows for existing overwater structures including multifamily homes that Kirkland is proposing to not allow to rebuild or repair under an aspiration policy proposed by the council. I would suggest that this GAP policy in question may violate this state code.

- Note below what RCW 90.58.020 states regarding SMP use preferences

RCW 90.58.020

Legislative findings—State policy enunciated—Use preference.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will

provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

- Because Kirkland did not do an inventory for the Juanita Point and Holmes Point annexation which accounts for almost half the shorelines of Kirkland. The inventory study they do have was done in 2009 before the annexation was complete and only include the existing shorelines controlled by Kirkland.
 - o The annexed shorelines have many more residential homes and no commercial and one or two multifamily buildings on the shoreline.
 - o The annexed shorelines have older homes, lots of bulkheads due to large waves running the length of the lake and shorelines that have structures and uses that are permitted to stay, under the WAC (see above) that the City planners and their consultant TWC want to remove.
 - o What happened to grandfathering of existing structures that are permitted under the WAC? This is what 'POLICY STATEMENTS' are for by drawing a 'line in the sand' and move forward so no future planning commission or planning staff attempts to subversively thwart future updates. 'NO NET LOSS' does not mean 'FORCE ECOLOGICAL IMPROVEMENT ON ALL SHORELINE RESIDENTS' through onerous rules and regulations.

Without an inventory study there is no record of the ecological function and structures of the annexed shorelines. Residential shorelines are by nature very low ecologically functioning places BUT that is ok and accepted according to the SMP and WAC. The WAC does not say you have to improve ecological function on residential shorelines. The DOE encourages finding areas that can be improved over time but that does not imply to residential areas. It can apply to other areas of the shoreline like publicly owned wetlands, parks or streams within the city. The WAC does not say the City has the right to require mitigation to improve the ecological function of the existing residential shorelines that are in fact considered a 'priority use'. Removing structures within the shoreline area should only apply to building or replacing structures within the shoreline setback or waterward of the OHWM. That is common sense and a huge public trust issue with regards to property rights.

I hate to beat a dead horse, but I don't think the planner get it. There is nowhere in the WAC that states that existing residential shorelines need to be restored back to original conditions existing after the ice age or need to look like Green Lake in Seattle. It is a designated priority use (residential shorelines) by the WAC. Therefore,

if a property owner wants to remodel or rebuild their house outside of the shoreline set back then no regulations should empower the city to require removal of existing shoreline uses such as a boat house, bulkhead, boat rails, boat ramps, etc. before they can build a house. That is total disregard by the city to protect shoreline stakeholder's property rights. The SMP is supposed to provide for ecology, public access, existing recreational and residential uses. The later includes shoreline stakeholders right to not have their existing structures removed by extortion and/or by means of denying them the ability to remodel or rebuild their homes outside of the shoreline setback.

Obvious abuses of power and deceit by planning staff

- At the public open hearing on April 25th 2019, the Planning staff asked for, or implied that the commissions should take a vote to approve the GAP analysis (rubber stamp it) at the end of the public hearing so they could move this to the council by presumably a self-imposed deadline of the end of August. The open comment period does not even close until May 8th and already these very onerous proposals were being railroaded through without due consideration for shoreline stakeholders and the comment period. Fortunately, one or two commission members started questioning staff on the reason for closing the discussion before the comment period was over and it was tabled after a little back tracking by the staff. This points to the obvious bias that the city planning staff is showing. No regard for due process on such an important subject matter. This dialog was recorded as public record. That would not be following important protocol

- I was one of two speakers at the open comment hearing on April 25th, 2019. I asked the chairman for more than three minutes and even had a person with me that would defer their time to my time. I was denied. I was probably the most informed person in that room and could have shed a lot light on the process, but I was denied the extra time. The City of Bellevue had over 100 speakers signed up at their SMP open house over 6 years ago. The City of Bellevue respected every one of those stakeholders to express their opinions. The City of Kirkland apparently does not. I am ashamed of the process I saw at the open hearing.

- Kirkland's planning staff are not open to Stakeholders suggestions for their ideas of improvements along residential shorelines.

- o I suggested to staff members during the open house portion, as well as in my first comment letter and during the open testimony time that Kirkland SMP should adopt similar option as Bellevue did for more boat lifts for residential docks that may have more than one boat per residence. I have three boats, one too big for a lift or trailer and two used by my family. The planning staff members responded that it is not allowed and was too late to consider in the process and could not come up with any reason why it was not considered and gave no ecological reason. I pointed out that Bellevue saw many reasons for having this option that point to all positives and no negatives (see my previous comment letter). The commission members then asked, 'why not'? The staff responded not enough time to consider it (they just wanted to get this process done with and pushed to the council).

- This is not a procedural issue. This is what the comment period is for. To bring out new ideas as well as comment on the myopically opinionated proposals by TWC that the city planners accept without question.
- One city planner cynically commented to me after the meeting that they 'wished they could have two boats and a dock'. I was miffed at that comment but said nothing. I am a stock holder and I do my part keep my shorelines clean of garbage every day. I pay a huge amount of taxes and the price of purchasing waterfront property but apparently, I deserve to be put down and insulted for bringing up a good idea that even Bellevue and the DOE supported in their SMP. That is very disappointing to know that there are elements of our city planning staff that have no compassion toward shoreline stake holders and it shows by their take a way in this revision. I will not mention any names because I have a lot of respect for this staff person who made these comments and maybe they were not prepared to be put on the spot.
- Here are the following reasons why Bellevue included this as an option in their SMP:
 ALLOWING MORE BOAT LIFTS THAN JUST ONE.
 - o Boats sitting in water (without a cover) are more prone to get water in their bilge and therefore water pumped into the lake. That equals oil in the water
 - o Boats sitting in water cast a wider shadow over the bottom than boats out of the water by allowing the sunlight to move the shade shadow cast around during the movement of the earth on a sunny day.
 - o Boats sitting in water are more dangerous for swimmers near-by as well as greater potential for breaking free and ending up the shoreline where damage is done to the boat, property and the shoreline environment.
 - o Ingress and egress from a boat in the water is more hazardous than when on a lift or beached on the shoreline. Bringing the boat onto the shoreline for access presents more ecological damage to the lake bottom too.
 - o Boats sitting on boat lifts negate all the above problems
- 6 years ago, Bellevue build moorage docks for the public to use small runabout boats to have access from the shore to water near the expanding Medenbauer beach park. They built the docks to standards that were about three feet off the water but they did not offer any protection for boats from going under the docks and wave actions creating catastrophic risk to humans that might get pinned between a boat and underneath side of the dock. The code at the time did not allow for bumpers. Three weeks after the docks were built, I went before the council and told them of the potential liability they might incur and within a week they had bumpers/spaced skirting installed and the code was changed. When I applied for my dock permit three years ago in Kirkland, I was told it was not allowed and I took the time to explain the hazard to the planner. I got the deer in the headlights and shrug of the shoulder and that was it. Low and behold the GAP analysis has them in there now. That is about the only thing I can find that involved public safety over ecology in the entire GAP analysis.
- Note below what the WAC states about Docks and Piers, it does not say you cannot have more that one boat lift per residential lot. DOE approved it for Bellevue.

WAC 173-26-231 Shoreline modifications....

- (b) Piers and docks. New piers and docks shall be allowed only for water-dependent uses or public access. As used here, a dock associated with a single-family residence is a water-dependent use provided that it is designed and intended as a facility for access to watercraft and otherwise complies with the provisions of this section. Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use. Water-related and water-enjoyment uses may be allowed as part of mixed-use development on over-water structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.

New pier or dock construction, excluding docks accessory to single-family residences, should be permitted only when the applicant has demonstrated that a specific need exists to support the intended water-dependent uses. If a port district or other public or commercial entity involving water-dependent uses has performed a needs analysis or comprehensive master plan projecting the future needs for pier or dock space, and if the plan or analysis is approved by the local government and consistent with these guidelines, it may serve as the necessary justification for pier design, size, and construction. The intent of this provision is to allow ports and other entities the flexibility necessary to provide for existing and future water-dependent uses.

Where new piers or docks are allowed, master programs should contain provisions to require new residential development of two or more dwellings to provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence.

Piers and docks, including those accessory to single-family residences, shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions, critical areas resources such as eelgrass beds and fish habitats and processes such as currents and littoral drift.

- Note that Kirkland's GAP analysis in the remark section stated 'if an owner of a boat with a deep draft wants to buy a property, they will need to narrow their search to parcels having deeper water'. That logic is naïve, subjective theory, and ignorant. A boat sitting even one foot off the bottom does not impact the boat but has a huge impact on the ecology of the bottom and habitat. Propeller wash and hydraulic wave action scours the bottom. City planner comments on dock length limitations seem to focus on what they deem to be marginal depth of dock and want to change the existing regulations on water depth. This does not take into account the type of boat that the home owner might be mooring at the dock. I applied for a dock permit to temporarily moor my boat that draws 5 and ½ feet and weights 115,000 lbs. It will only be during the summer months and on weekends. I have permeant coverage moorage elsewhere. But it will come and go about 10 times during the summer. It will sit one foot off the bottom with its 36-inch propellers that unfortunately could do a lot of damage to the bottom but far enough off the ground at even a foot to not harm the six-inch-thick hull and keel, going in and out of the slip over sand. This was all disclosed to the city planner when application was made. This would not have been and issue if the dock would have been allowed 10 to 15 more feet of length as requested and permitted in the code with the propellers moved back into 9 feet of water. There was no navigational hazard

present. The Staff' recommendations on item KZC 83.270 is showing ignorance else bias toward legislating and making generalities about what boats will or will not be moored at a dock.

- The Department of Fisheries for the state of Washington weighed in on this permit and did not appreciate the city's Planning staff approving a shorter dock leaving one foot under my boat for moorage 30 feet out from the shoreline. They wondered why the City did not take fish habitat into consideration for extending the length of the dock 10 or more feet out to avoid this situation even if it still did not interfere with navigation or dock limits. Army Corp had no problem at 120 feet. Now the City planners are incorporating an average dock length based upon surrounding docks to legitimize what they did with my dock. Another situation that overlooks ecological function and errors on the side of navigational issues that don't exist. There is a 300-foot separation zone between the shoreline for traffic traveling above 5 mph docks are limited to 150 long. You can't legislate stupidity for those that want to travel fast at night close the shoreline illegally. Now the planners want to impose another limit but ignore the fact that other nearby dock owners may request longer docks also over time for the same reason.
- This points to a clear lack of policy on docks by the City of Kirkland. The idea that was submitted in the GAP analysis that Shoreline stakeholders would rather not pay for the extra length of dock to mitigate ecological function is ignorance and deceitful. Ten feet of dock cost \$247 a sq. ft or \$10,000/10 ft. After you consider the price paid for waterfront property and real estate taxes. This argument does not hold water and is plain subjective ignorance.
- Any changes to dock lengths, navigational boundary calculations in the GAP analysis is very short sighted and runs contrary to the ecological functions of the shoreline when not taking into consideration that 10 feet beyond any average dock length is probably not an issue for navigation but a huge issue for No Net Loss to lake bottoms near shorelines that cannot be mitigated up by planting a tree or bush. bottom scouring by hulls and propellers are far more devastating to the lake bottom than any number of pilings in the water.
- Anyone with basic knowledge will know that a marine life adapts to non-creosote pilings very quickly but not necessarily to the shade issue presented by decking, so we have dealt with that by permitting approved decking material. Same argument can go for boat lifts. Using the Muckleshoot Tribe as a reason for navigation or fish habitat is flawed. Fish adapt instantaneously to pilings and other underwater obstacles. What fish don't need is their habitat all messed up every time a boat propeller flushes the sub straight around. The suggestion that the Muckleshoot don't want longer docks runs contrary to what the Department of Fisheries and Wildlife wants. I don't get that one. I appear there is a strong bias by the city planners to use the most convenient stakeholder (Muckleshoot Indian tribe) to validate their rationale.

Perhaps it would serve the Kirkland planning staff and the stake holders if the city planners were to read and compare the Bellevue SMP program to Kirkland's program. I know the planners will probably say we have unique situations with more parks and commercial activity, but the residential shorelines are all the same with the same problems and attributes as Bellevue's lake Washington shorelines. Bellevue's SMP in my opinion is far superior and with much more thought put into it (6 years' worth before passage). The city of Bellevue

Planning staff, commissions and council had a lot more information thrown at them and they understood how a collaborative plan would bring harmony to every stake holder.

The SMP program should follow state law and not attempt to diminish any one stakeholder's enjoyment of the shoreline. The current SMP GAP analysis is an affront to the shore line stake holders and amounts to many take a way. The GAP analysis also lays out new guidelines for set backs for streams and buffers that seem to be liberalizing existing setbacks. How ironic. That would be a great place to improve net ecological function, but the Planners are ignoring that.

Taking advantage of the apathetic shoreline stakeholders of Kirkland behind their back seems so wrong and makes me really frustrated at the abusive power that the planners are wielding while showing a lack of understanding for residential shorelines and the WAC. Hiring a consultant, TWC, that is myopically focused on just environmental issues and what is on the DOE's wish list while ignoring state laws on shore line residential uses and priorities, is ignorance and deceit at the highest level. The DOE has to follow the same guidelines, but they apparently want to wield more influence on the planners than necessary on ecological functions because that is what they do.

Changing policy statements to validate those GAP changes affecting shoreline stakeholders is a violation of public trust between the stake holders and the city government. I would suggest some of the changes need to have a long conversation on cost verses benefits while also providing more options for motivational and beneficial mitigation efforts that can lead to a win/win collaborative effort between stake holders and planning staff. Taking advantage of the lack of participation by the stake holders will create distrust of public policy. Giving me three minutes at an open hearing with no other shoreline stake holders speaking is just a travesty. I have spent over 5 years of my life understanding shorelines science, various stakeholders' values and the SMP policies that were developed to bring as much harmony to everyone. I have spent 57 years of life living on various waterfronts and I have just spent three excruciating hours at an open hearing watching people make bad decisions that lack the core competency to manage the shorelines of residential stakeholders. Please take more time to seek objective advice where ignorance and severe bias is obvious. The Shoreline Stakeholders are not the enemy. I will do my part to circulate this letter to all stakeholders in the hopes that public trust can be restored in this cities SMP.

Respectfully

Dallas Evans

Joan Lieberman-Brill

From: Toby Nixon
Sent: Wednesday, May 08, 2019 3:49 PM
To: Joan Lieberman-Brill
Subject: FW: Upcoming Shoreline Master Plan Change
Attachments: comment letter Dallas.docx

Here's a comment that came directly to me without you copied.

Toby Nixon | Council Member | City of Kirkland, Washington
tnixon@kirklandwa.gov | www.kirklandwa.gov | V: +1 425 587 3536 | M: +1 206 790 6377 | F: +1 425 650 7999
 Emails to and from city council members are subject to disclosure under the Public Records Act, RCW 42.56

From: Lyle Graddon <lyle@graddonequity.com>
Sent: Wednesday, May 08, 2019 11:12 AM
To: Toby Nixon <TNixon@kirklandwa.gov>
Subject: Upcoming Shoreline Master Plan Change

Dear Toby,

I first want to let you know I appreciate the service you are providing to Kirkland by serving as a City Councilmember. I have lived in Kirkland on Lake Washington since 2012. My address is 12459 Holmes Point Drive NE. A friend of mine Dallas Evans recently commented to the city on the proposed significant changes to the Shoreline Master Plan. I was not available for that meeting but I don't believe the shoreline residents were given enough notice or time to respond to such a major set of changes. Apparently there were only three community residents that showed up for the meeting so I don't believe there has been enough visibility to the issue or the extent of the changes. Attached are Dallas's comments and below is a copy of the email sent to the entire council this morning by Bryan Loveless. I want to weigh in that I agree we need more time and opportunity to comment on these major changes.

I really appreciate your consideration,

Lyle Graddon
 425-864-1872

Email from Bryan Loveless:

Today at 5PM is the deadline for Public Input on the proposed Shoreline Master Plan, I wanted to more fully express my opposition to this process being moved along so quickly. While I understand that the Watershed Company has formulated many significant changes in their recommendations, I do not believe the waterfront homeowners themselves are aware of these changes given the relatively short time allowed for public input, and the sparsely attended meetings to date.

As I have previously mentioned, I am a Kirkland Lake Washington waterfront homeowner, and have sold more than 3 times as much Lake Washington waterfront in Kirkland as anyone over the past 5 years. It feels like the current process is going to take serious advantage of the waterfront homeowners rights, and negatively

impact their values – and while we are not a large group numbers-wise, we do pay a significant amount of property taxes that is quite disproportionate with the number of waterfront homeowners.

I started to try and make more specific comments, but there are so many issues and so many proposed changes that I simply do not have time to address them all (and most of the waterfront homeowners I know that are being impacted would have a hard time even fully understanding the impacts, much less have time now to address them).

In reading the comment letter of Dallas Evans (a fellow Lake Washington waterfront homeowner) that I have attached to this email I fully agree with most if not all of his points in the letter – please review this substantial response carefully and consider me in full support of the contents and recommendations contained in it.

The financial impact of your decision(s) regarding this issue are many, many millions of dollars. There needs to be more time allowed and more easily discernable information put out to the people being impacted. I urge you to slow down this process and allow all impacted citizens – whom are amongst Kirkland’s most substantial taxpayers – to become aware of and fully understand the magnitude of the new restrictions Kirkland is proposing to implement and allow them time to submit their opinions/positions on these proposed sweeping changes that are not in synch with Washington State Shoreline Code, DOE recommendations, nor the Shoreline code in Bellevue – which was far more scrutinized and open to due process.

Please respect our rights to a true due process before implementing the significant changes to the Shoreline Master Plan that you are proposing.

Thank you,

Bryan Loveless
13023 Holmes Point Drive NE,
Kirkland, WA 98034
425.968.8113

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Joan Lieberman-Brill

From: mark enstrom <mark_enstrom@comcast.net>
Sent: Wednesday, May 08, 2019 1:26 PM
To: Joan Lieberman-Brill
Cc: Shelly Enstrom
Subject: Shoreline master plan

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

We would like more time to review the proposed Shoreline Master Plan, since we are waterfront home owners and had no idea a new plan was even happening. Also do you know where can we find more information about this plan?

thank you

-Mark Enstrom

Joan Lieberman-Brill

From: Dave and Mary <mrumpf25@gmail.com>
Sent: Friday, May 03, 2019 3:14 PM
To: Joan Lieberman-Brill
Subject: Permit No. CAM19-00026 (Update to Shoreline Master Program)

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Lieberman-Brill,

I was heartened to read the Staff Recommendations to the Shoreline Management Plan. I hope they are adopted.

In particular, I support staff recommendations (to KZC 83.270-KZC 83.290) to remove the 10-foot minimum depth criteria for piers and require maximum pier length to be up to 150' or the average of adjacent piers, whichever is less. I also believe removal of the Administrative Option that would allow the City to approve longer piers is a good idea.

The depth requirement issue still does not address the unique issues in Juanita Bay, which is VERY shallow throughout. Regardless of length, any dock will be in shallow water. Should additional docks be allowed at all, I wonder.

If I understand right, both of the recommended changes to the SMP would seem to prevent construction of excessively long piers such as the Bel Lago Pier (SEP12-01360).

I still don't quite understand why the City did not seem to consider Bel Lago dock location requirements in KZC (KZC 83.280) that preserve view corridors from adjacent properties. The code describes a 30-degree setback from a line extending from neighboring side property lines. It looked like the 272-foot Bel Lago Pier would intrude into that territory. It looked like it would even block views from our community-owned beach two lots east.

I also do not know how the KZC and the SMP address the impact of a 272-foot Pier into an area used to access the lake by kite sailors who have a somewhat unique need to have clear access into the wind that comes up the lake. The proposed pier would create a dangerous obstruction for these folks. By the way, this perfect combination of topography and wind direction is a really neat asset we have here in Juanita Bay. The kite sails are beautiful to watch. Is there some element of the KZC or SMP that considers such assets to our City when permitting things like piers?

Thank you for your work on this.

Sincerely,
Mary Rumpf
8909 NE 118th Pl
Kirkland WA 98034
Mrumpf25@gmail.com

Sent from my iPad

Joan Lieberman-Brill

From: Mary Shaber <marypshaber@comcast.net>
Sent: Wednesday, May 08, 2019 12:04 PM
To: Joan Lieberman-Brill
Cc: Planning Commissioners; Penny Sweet; Jay Arnold; Jon Pascal; Toby Nixon; Tom Neir; Dave Asher; Kelli Curtis
Subject: Upcoming Shoreline Master Plan Changes

Hello, Ms. Lieberman-Brill –

[Today at 5PM](#) is the deadline for Public Input on the proposed Shoreline Master Plan, I wanted to express my opposition to this process being moved along so quickly. While I understand that the Watershed Company has formulated many significant changes in their recommendations, I do not believe the waterfront homeowners themselves are aware of these changes given the relatively short time allowed for public input, and the sparsely attended meetings to date.

I am a Kirkland Lake Washington waterfront homeowner and have been for the last 9 years. It feels like the current process is going to take serious advantage of the waterfront homeowners rights, and negatively impact their values – and while we are not a large group numbers-wise, we do pay a significant amount of property taxes that is quite disproportionate with the number of waterfront homeowners.

Please give us your consideration in this matter.

Sincerely,

Mary Shaber

11069 Champagne PT RD NE

Kirkland, WA

425.298.4130

Sent from my iPad

Joan Lieberman-Brill

From: Mary Shaber <marypshaber@comcast.net>
Sent: Wednesday, May 08, 2019 11:56 AM
To: Joan Lieberman-Brill
Cc: Planning Commissioners; Penny Sweet; Tom Neir; Toby Nixon; Jay Arnold; Kelli Curtis; Dave Asher; Jon Pascal
Subject: Upcoming Shoreline Master Plan Changes

Hello, Ms. Lieberman-Brill –

Today [at 5PM](#) is the deadline for Public Input on the proposed Shoreline Master Plan, I wanted to express my opposition to this process being moved along so quickly. While I understand that the Watershed Company has formulated many significant changes in their recommendations, I do not believe the waterfront homeowners themselves are aware of these changes given the relatively short time allowed for public input, and the sparsely attended meetings to date.

I am a Kirkland Lake Washington waterfront homeowner and have been for the last 9 years. It feels like the current process is going to take serious advantage of the waterfront homeowners rights, and negatively impact their values – and while we are not a large group numbers-wise, we do pay a significant amount of property taxes that is quite disproportionate with the number of waterfront homeowners.

Please give us your consideration in this matter.

Sincerely,
Mary Shaber

Joan Lieberman-Brill

From: Megan Lenseigne <mlenseigne@hotmail.com>
Sent: Thursday, April 25, 2019 6:39 PM
To: Joan Lieberman-Brill
Cc: Tim Lenseigne
Subject: Public comment re: Permit Number CAM19-00026 - Proposed Amendment to the Shoreline Master Program

Follow Up Flag: Follow up
Flag Status: Flagged

Joan,

I am submitting my comments in regard to the Permit Number CAM19-00026, the [Proposed Amendment to the Shoreline Master Program](#). **I am AGAINST the proposed changes to Sections 83.270 KZC through 83.290 in regards to the minimum water depth requirement and residential pier length standards.** These proposed amendments appear to clear the way for the building of the proposed [Bel Lago Pier in Juanita Bay \(Permit # SHR12-01359\)](#) [that the community voiced overwhelming concern and opposition to in 2015](#). I find it concerning that this amendment is being proposed without notification of the people who submitted comments in opposition to the pier over 4 years ago. I am one of those people, and I have never received any notice about the status of the pier permit (or this proposed amendment that I would think directly affects the approval of the permit). I can assure you if the public was made aware of this amendment proposal that appears to be an effort to clear the way to build the Bel Lago Pier, they would strongly oppose it. I only happened to stumble upon the [Kirkland Reporter article published yesterday, about the hearing tonight](#).

I ask you respectfully... please DO NOT approve the following revised amendment, and DO keep the water depth and pier length standards as they currently are, so that Juanita Bay remains protected:

Revise the minimum water depth requirement and residential pier length standards. Most boats in Kirkland do not need 10 feet of water depth as is now required. This standard sometimes results in piers longer than needed to achieve this water depth. Rather, staff recommends pier length standards that focus more on neighborhood context and preventing navigation hazards. The revision allows pier length to be the average of the adjacent neighboring piers or 150' (whichever is less) and allows the 150' length where necessary to prevent the boat from sitting on the lakebed. The City has received a few permits for single-family piers that are much longer than other abutting single-family piers, and the additional length was not needed to accommodate the proposed size of boat for the property.

Sincerely,
Megan Lenseigne
11714 90th Ave NE
Kirkland, WA 98034
mlenseigne@hotmail.com

From: AUTH Nancy <nxauth@gmail.com>
Sent: Wednesday, May 08, 2019 1:10 PM
To: Joan Lieberman-Brill
Cc: DCA Auth David
Subject: SMP

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Lieberman-Brill –

As today at 5PM is the deadline for Public Input on the proposed Shoreline Master Plan, I wanted to more fully express my opposition to this process being moved along so quickly. While I understand that the Watershed Company has formulated many significant changes in their recommendations, I do not believe the waterfront homeowners themselves are aware of these changes given the relatively short time allowed for public input, and the sparsely attended meetings to date.

My husband and I are Kirkland Lake Washington waterfront homeowners. It seems like the current process is going to take serious advantage of the waterfront homeowners rights, and negatively impact their values – and while we are not a large group numbers-wise, we do pay a significant amount of property tax that is quite disproportionate with the number of waterfront homeowners.

The potential financial impact of your decision(s) regarding this issue are many millions of dollars. There needs to be more time allowed and more easily discernable information put out to the people being impacted. I urge you to slow down this process and allow all impacted citizens – who are among Kirkland's most substantial taxpayers – to become aware of and fully understand the magnitude of the new restrictions Kirkland is proposing to implement and allow them time to submit their opinions/positions on these proposed sweeping changes that are not in synch with Washington State Shoreline Code, DOE recommendations, nor the Shoreline code in Bellevue – which was far more scrutinized and open to due process.

Please respect our rights to a true due process before implementing the significant changes to the Shoreline Master Plan that you are proposing.

Thank you,
Nancy & David Auth

537 5th Ave. W.
Kirkland, WA 98033
Nancy L Auth
nxauth@gmail.com
206.618.2492

Joan Lieberman-Brill

From: Pam Crowley <pamc@crowleypr.com>
Sent: Wednesday, May 08, 2019 4:26 PM
To: Joan Lieberman-Brill; Planning Commissioners; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal
Subject: Changes to the Lake Washington shoreline

Hello:

I have just learned of proposed changes to the shoreline and regulations around shoreline development in the city of Kirkland.

As nearly all residents of Holmes Point will be equally unaware, I respectfully request to time to understand and respond to changes that may affect our property value and grandfathered structures.

Please send details of these proposed changes, so that they may go through due process, with property scrutiny and investigation by Kirkland residents.

Pam Crowley

Joan Lieberman-Brill

From: Jeremy McMahan
Sent: Wednesday, May 08, 2019 8:37 AM
To: Joan Lieberman-Brill
Subject: FW: Proposed Waterfront Code Changes

From: Pamela Sursely <pamela-dds@hotmail.com>
Sent: Wednesday, May 8, 2019 7:57 AM
To: Planning Commissioners <planningcommissioners@kirklandwa.gov>
Subject: Proposed Waterfront Code Changes

Dear Planning Commissioners,

Thank you for your efforts in maintaining our beautiful Kirkland Shoreline. Between my husband and myself, we have been owners of lakefront property in King County continuously since 2003, and we love calling our Juanita waterfront property home. Living on the waterfront we have humbly accepted our responsibility for stewardship of our beautiful lake.

That being said, we were notified yesterday of the proposed changes to the waterfront code, and I was quite surprised that such substantial changes were being made without a more substantial due process to allow for feedback and education of the property owners. After speaking to several neighbors, they hadn't been made aware of the proposed changes, either, and they, too, were quite surprised and concerned.

I can't imagine how challenging it is to establish code that is in the best interest of the lake's biology, the shoreline esthetic, and that is amenable to the owners of the shoreline properties, who are some of the biggest tax payers in the City. I believe the proposed changes reflect the views of the biologists, but the voices of the lakefront homeowners haven't been heard.

I implore you to please slow down this process and allow the those of us who only recently heard about these changes to become a part of the planning process. It's not sensible that a small group of individuals can make sweeping changes that effect our hard earned assets without making sure we are aware and have the opportunity to understand what impacts those changes will have to us in the short and long-term.

We all want our beautiful lake to stay lovely and healthy, and also to maintain our property values (good for us) and taxable values (good for you). Lets create an opportunity for us to plan together so that everyone, including the lake, wins.

Thank you sincerely for your consideration,

Pamela Sursely

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Joan Lieberman-Brill

From: Pamela Sursely <pamela-dds@hotmail.com>
Sent: Wednesday, May 08, 2019 7:56 AM
To: Joan Lieberman-Brill
Subject: Proposed Waterfront Changes

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr. Lieberman,

Thank you for your efforts in maintaining our beautiful Kirkland Shoreline. Between my husband and myself, we have been owners of lakefront property in King County continuously since 2003, and we love calling our Juanita waterfront property home. Living on the waterfront we have humbly accepted our responsibility for stewardship of our beautiful lake.

That being said, we were notified yesterday of the proposed changes to the waterfront code, and I was quite surprised that such substantial changes were being made without a more substantial due process to allow for feedback and education of the property owners. After speaking to several neighbors, they hadn't been made aware of the proposed changes, either, and they, too, were quite surprised and concerned.

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We all want our beautiful lake to stay lovely and healthy, and also to maintain our property values (good for us) and taxable values (good for you). Lets create an opportunity for us to plan together so that everyone, including the lake, wins.

Thank you sincerely for your consideration,

Pamela Sursely

Joan Lieberman-Brill

From: parivash khajavi <parivashkhajavi@yahoo.com>
Sent: Wednesday, May 08, 2019 2:22 PM
To: Joan Lieberman-Brill
Subject: The 5 o clock deadline today

Hi there , is it possible to ask you to defer the 5:00 pm deadline for the new waterfront restrictions to be extended to give us more time to figure out what is going on.

Thanks for your considerations'

The best,

Parivash khajavi and Paymon Elahi

Sent from my iPhone

Joan Lieberman-Brill

From: Pat <babylon1@comcast.net>
Sent: Wednesday, May 08, 2019 5:51 PM
To: Joan Lieberman-Brill
Subject: Fwd: Upcoming Shoreline Master Plan Changes
Attachments: comment letter 2.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Ms Lieberman-Brill,

I to am a waterfront owner in Kirkland and have serious concerns about the changes be proposed for the shoreline. This process needs to be slowed down and fully understood by the stakeholders (Owners) before being pushed through Kirkland City council. I agree with most all of Dallas Evans concerns as well. I am not sure the homeowners fully understand what is being proposed as this process has not been very transparent?

Regards,

Patrick Smith
 8341 NE Juanita Drive
 Kirkland Wa, 98034i

Sent from my iPhone

Begin forwarded message:

From: Dallas <dallas@weownacat.com>
Date: May 8, 2019 at 1:43:13 PM PDT
To: "babylon1@comcast.net" <babylon1@comcast.net>
Subject: FW: Upcoming Shoreline Master Plan Changes

Pat,

Should you read this email and attachment before 5 pm to day it might be good for you to at least send a comments to the address below about the bad process that the planning commission is doing regarding the SMP update. Today is the last day for comment. You can include my attachment in your email saying you agree with what was said if nothing else. There have been quite a few residences sending in emails today

Dallas

From: [Bryan Loveless](#)
Sent: Wednesday, May 8, 2019 7:02 AM
To: dallas@weownacat.com
Subject: FW: Upcoming Shoreline Master Plan Changes

Thanks Dallas for your detailed comment letter!

Below this email is the message (along with the attached) that I sent this morning to the City Council and Planning Commission.

I urge everyone I have blind cc'd on this email to send something to these emails today asking for more time to fully understand and respond to the massive changes Kirkland is proposing to the Shoreline Master Plan – this will impact all of us...

Here are the email addresses that need to hear from us today:

jliebermanBrill@kirklandwa.gov; planningcommissioners@kirklandwa.gov; psweet@kirklandwa.gov; jarnold@kirklandwa.gov; tneir@kirklandwa.gov; tnixon@kirklandwa.gov; kcurtis@kirklandwa.gov; dasher@kirklandwa.gov; jpascal@kirklandwa.gov

Thanks,

Bryan

Bryan Loveless | Managing Broker | Premier Executive Director
tel: 425.968.8181
email: BryanLoveless@Windermere.com | web: www.pugetsoundrealestate.us

Windermere Real Estate / Northeast, Inc.
11411 NE 124th Street - Suite 182
Kirkland, Washington 98034

From: Bryan Loveless <bryanloveless@windermere.com>
Sent: Wednesday, May 08, 2019 6:42 AM
To: 'jliebermanBrill@kirklandwa.gov' <jliebermanBrill@kirklandwa.gov>
Cc: 'planningcommissioners@kirklandwa.gov' <planningcommissioners@kirklandwa.gov>; 'psweet@kirklandwa.gov' <psweet@kirklandwa.gov>; 'jarnold@kirklandwa.gov' <jarnold@kirklandwa.gov>; 'tneir@kirklandwa.gov' <tneir@kirklandwa.gov>; 'tnixon@kirklandwa.gov' <tnixon@kirklandwa.gov>; 'kcurtis@kirklandwa.gov' <kcurtis@kirklandwa.gov>; 'dasher@kirklandwa.gov' <dasher@kirklandwa.gov>; 'jpascal@kirklandwa.gov' <jpascal@kirklandwa.gov>
Subject: Upcoming Shoreline Master Plan Changes

Greetings Ms. Lieberman-Brill –

As today at 5PM is the deadline for Public Input on the proposed Shoreline Master Plan, I wanted to more fully express my opposition to this process being moved along so quickly. While I understand that the Watershed Company has formulated many significant changes in their recommendations, I do not believe the waterfront homeowners themselves are aware of these changes given the relatively short time allowed for public input, and the sparsely attended meetings to date.

As I have previously mentioned, I am a Kirkland Lake Washington waterfront homeowner, and have sold more than 3 times as much Lake Washington waterfront in Kirkland as anyone over the past 5 years. It feels like the current process is going to take serious advantage of the waterfront homeowners rights, and negatively impact their values – and while we are not a large group numbers-wise, we do pay a significant amount of property taxes that is quite disproportionate with the number of waterfront homeowners.

I started to try and make more specific comments, but there are so many issues and so many proposed changes that I simply do not have time to address them all (and most of the waterfront homeowners I know that are being impacted would have a hard time even fully understanding the impacts, much less have time now to address them).

In reading the comment letter of Dallas Evans (a fellow Lake Washington waterfront homeowner) that I have attached to this email I fully agree with most if not all of his points in the letter – please review this substantial response carefully and consider me in full support of the contents and recommendations contained in it.

The financial impact of your decision(s) regarding this issue are many, many millions of dollars. There needs to be more time allowed and more easily discernable information put out to the people being impacted. I urge you to slow down this process and allow all impacted citizens – whom are amongst Kirkland’s most substantial taxpayers – to become aware of and fully understand the magnitude of the new restrictions Kirkland is proposing to implement and allow them time to submit their opinions/positions on these proposed sweeping changes that are not in synch with Washington State Shoreline Code, DOE recommendations, nor the Shoreline code in Bellevue – which was far more scrutinized and open to due process.

Please respect our rights to a true due process before implementing the significant changes to the Shoreline Master Plan that you are proposing.

Thank you,

Bryan Loveless
13023 Holmes Point Drive NE,
Kirkland, WA 98034
425.968.8113



Puget Sound Energy
 P.O. Box 97034
 Bellevue, WA 98009-9734
 PSE.com

4/23/19

Joan Lieberman-Brill
 City of Kirkland – Planning and Building Department
 Kirkland City Hall
 123 5th Ave
 Kirkland, WA 98033

Re: CAM19-00026

Dear Mrs. Lieberman-Brill,

PSE has read the updated Shoreline Master Plan proposal, and have included our comments below. We have addressed a few items where we feel the language needs to be expanded to support our diligent efforts to provide the safest, most reliable energy solutions to our customers, including those to the City of Kirkland. Please see our comments below in *red*.

Pg. 53 – Definitions

131. Utility Transmission Facilities

“Infrastructure and facilities for the conveyance of services, such as electrical transmission lines *operating at 115kv or higher*, cables, natural gas pipelines *operating at 60 psi or greater*, and sewer pump lift stations.

Pg. 59 – 83.170 Shoreline Environments, Permitted and Prohibited Uses and Activities Chart

Utility transmission facilities, footnote 24:

This use may be allowed provided there is no other feasible route or location outside the shoreline environment. Must be underground, unless not feasible, *or if undergrounding will result in more net loss of shoreline ecological functions than overhead facilities. Undergrounding shall be facilitated in accordance with all applicable rates and tariffs on file with the WUTC.*

Pg. 80 – 83.190 Lot Size or Density, Shoreline Setback, Lot Coverage and Height

5) Underground utilities accessory to a shoreline use approved by the Planning Official, provided there is no other feasible route or location *outside the shoreline environment, where undergrounding may result in a greater impact to the shoreline environment, and in accordance with all applicable rates and tariffs on file with the WUTC.*

Pg. 89 – 83.240 Utilities

j-h. Utilities shall provide screening of facilities from the lake and adjacent properties in a manner that is compatible with the surrounding environment. The City will determine the type of screening on a case-by-case basis, *provided that all clearance requirements required under WAC and NESC are able to be maintained, screening does not cause deviation from such code, and screening is consistent with “Landscape Plans and Utility Plans” noted in the tree management and required landscaping section of the Kirkland Zoning Code.*

Pg. 90 – (2) Construction and Maintenance

b. Clearing of vegetation within utility corridors shall be the minimum of necessary for installation, infrastructure maintenance and public safety, *including but not limited to, tree removal as deemed required by the utility to eliminate an imminent threat to the safety and reliability of the facility.*

Pg. 284 – 90.130 Vegetative Buffer Standards

3. For new utility poles the buffer shall be calculated based on the combined area of all new utility pole footprints and be vegetated at a minimum of 1:1 ratio (net new impervious area equals total square feet of buffer vegetation), meeting the vegetated buffer standard at a proportional rate. *Vegetation to be coordinated with the utility to mitigate conflicts to the safety and reliability of the facilities, and consistent with the “Landscape Plans and Utility Plans” noted in the tree management and required landscaping section of the Kirkland Zoning Code.*

We thank you for this opportunity to address our concerns, and are available should any further discussion or clarification be needed. Puget Sound Energy is proud to be part of the Northwest, and we look forward to working with the City of Kirkland in the continual effort to protect our shorelines.

Kindest Regards,



Jordan McLean
Municipal Liaison Manager
425-748-6311
jordan.mclean@pse.com

Joan Lieberman-Brill

From: rbaharmast@aol.com
Sent: Wednesday, May 08, 2019 2:24 PM
To: Joan Lieberman-Brill; Planning Commissioners; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal
Subject: City of Kirkland SMP changes, public hearing deadline.

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern;

I understand there are proposals for changes to the city of Kirkland SMP.
As a waterfront property owner, I'd like to request an extension to the public hearing deadline.
This action will help us to evaluate the changes and try to be proactive in the process.
Thank you all.

Rashno Davoodi MD

Joan Lieberman-Brill

From: Rich & Becky Budke <Budker@msn.com>
Sent: Wednesday, May 08, 2019 4:44 PM
To: Joan Lieberman-Brill
Subject: SMP

Please extend the SMP deadline.

We were not even aware of this proposed action and this is far too serious with too far reaching and long term consequences to be rushed through.

Citizens should have a voice too

Rich and Becky Budke

Get [Outlook for iOS](#)

From: Rich & Becky Budke <Budker@msn.com>
Sent: Wednesday, May 08, 2019 4:47 PM
To: Toby Nixon <TNixon@kirklandwa.gov>
Subject: SMP

Please extend the SMP deadline.

We were not even aware of this proposed action and this is far too serious with too far reaching and long term consequences to be rushed through.

Citizens should have a voice too

Rich and Becky Budke

Get Outlook for iOS

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Joan Lieberman-Brill

From: Richard Sandaas <eride@msn.com>
Sent: Wednesday, May 08, 2019 3:07 PM
To: Joan Lieberman-Brill
Cc: Adam Weinstein
Subject: Shoreline Master Program
Attachments: Image (50).jpg; GREEN_SHORELINES_Paper_by_Dick_Sandaas[1].doc; Shoreline Master Program Update.docx

Attached are three documents, two which relate to the science that the SMP is based on, and one commenting on the Green Shorelines pamphlet which has found its way into the many approaches that are found in SMP's.

I'll have additional comments once I have worked my way through the Gap Analysis and related material.

By way of background, I have been a waterfront owner on Holmes Point since 1974 and have a broad understanding of the lake and its ecology. And, as I have said many times, no group knows more about, or cares about, Lake Washington than the waterfront property owners. I am looking forward to working collaboratively with the City on meaningful and effective updates to the SMP.

Richard Sandaas
12453 Holmes Point Drive
eride@msn.com
425 823 2145

Shoreline Master Program Update

Permit No. CAM10-0026

By way of background I am a longtime waterfront property owner on Holmes Point Drive and was actively involved in the four year process leading to the current Master Program. I was frustrated by the lack of response to issues that I raised, by both the City and DOE, particularly the “science” that the SMP was based on.

During the previous SMP update process I conducted a comprehensive review of all the research studies and papers that were being used to support the update and its remediation measures. I found that the body of science and research was not complete, contained suppositions and hypotheses, was sometimes contradictory, could not be applied broadly to all shoreline locations on Lake Washington, and was not peer reviewed and vetted. These issues and others were contained in a report I provided to the Kirkland Planning Commission, Houghton Community Council, Planning Staff and Department of Ecology on July 22, 2009. City staff responded that these concerns should be addressed by state and federal agencies. Ecology staff responded there was no program for additional studies.

One paper in the body of science was a report titled “A summary of the Effects of Bulkheads, Piers, and Other Artificial Structures and Shorezone Development on ESA-Listed Salmonoids in Lakes” authored by T. Kahler, M. Grassley, and David Beauchamp, prepared in 2000 for the City of Bellevue. It contained Thirteen Unanswered Questions. Copy attached to this email. Now, in 2019, some nineteen years later, have these questions been answered? They are fundamental in justifying the many remediation measures that have been included in Kirkland ‘s Comprehensive Plan and supporting Ordinances as well as the other Lake Washington cities’ SMP’s.

I went on to question whether the remediation measures would provide the intended results, most importantly those with measurable environmental benefits. To resolve this I proposed a pilot program be initiated to construct those remediation measures on City of Kirkland waterfront property. This would provide an opportunity to evaluate effectiveness of the remediation measures. I received a commitment from the City of Kirkland that such a program would be initiated. Did that happen and what were the results?

Richard Sandaas
12453 Holmes Point Drive
eride@msn.com
425 823 2145

GREEN SHORELINES A PROPERTY OWNERS PERSPECTIVE

ACCURACY AND CREDIBILITY

Residential shoreline property owners have an intimate and first-hand knowledge of the shoreline and adjacent waters. Statements in the *Green Shorelines* pamphlet must be accurate and balanced in order that the publication has credibility.

Examples:

Bulkheads cause erosion below the waterline. (Page 4)

...structures tend to wash away nearshore sediment (Page 5)

This leads to turbulence and erosion, which results in deeper water at the bulkhead's base. (Page 11)

In my 35 years of owning shoreline with a concrete bulkhead, no such erosion or scouring has occurred on my property or properties adjacent in each direction. This is in an area with high wind waves and boat wakes.

In some situations where bulkheads are constructed with inadequate footings, this erosion might occur, but a statement that all bulkheads cause erosion in all lake locations is not accurate. I am interested to see the science on which these claims are based, as they are inconsistent with my experience.

SCIENCE

Science is used as a basis for much of the *Green Shorelines* actions yet the science is incomplete and has not been vetted. See “*Shoreline Master Program Updates, Science and Green Shorelines*”, Richard Sandaas, March 10, 2009

PRACTICALITY AND EFFECTIVENESS

Green Shorelines presumes to judge the desires of shoreline property owners and the uses of their property.

Examples:

...bulkheads negatively affect views. (Page 5)

...armoring is bad for waterfront aesthetics...(Page 5)

...most homeowners do not actively use the full extent of their lawns (Page 9).

These statements should not be included in this publication unless there is a comprehensive survey of property owners supporting them.

Green Shorelines shows restoration examples for shoreline sites with large lots, both in frontage and depth, and with sheltered shoreline such as Hunts Point adjacent to Cozy Cove. (There's a reason why the waters adjacent to Yarrow Point, Hunts Point, and Evergreen Point are named Cozy Cove and Fairweather Bay). While the projects shown on pages 4, 6, and 9 lend themselves to beach restoration due to their location and orientation they are not characteristic of most Lake Washington shoreline.

Much of Lake Washington residential shoreline property was created with the lowering of the lake in 1916. Bulkheads were built to contain these lots, many of which are dimensionally small from shoreline to rear property line. Examples of this shoreline in the northern part of Lake Washington are found north of Matthews Beach to Sheridan Beach; south from Inglewood Golf Course to Juanita Bay; south from Rose Point to Yarrow Bay; portions of Meydenbauer Bay shoreline. Extensive portions of the mid and southern portions of the lake have similar characteristics.

Imposing shoreline restoration on properties with this configuration and orientation is problematic and must be carefully analyzed for feasibility and to avoid unintended consequences. As clearly stated in the brochure, restoration of past conditions is not the object. The purpose of government efforts is to restore specific ecological processes and presumably that is the main intent of the publication. Efforts need to be carefully tailored and limited to that goal.

The results of shoreline restoration may not be acceptable to all owners. An example is on page 11: "...a project that sets back a bulkhead need not result in any loss of property". Substituting a beach for a yard is not something all property owners with shallow lots would accept.

A benefit of beach restoration and shoreline vegetation is said to be the creation of shoreline shade. The east shore of Lake Washington, consisting of many miles of shoreline, does not provide opportunities for shading from this vegetation due to its orientation with the sun. For the majority of time the sun is oriented from the south, then west, then northwest. And days with extensive sunshine occur mid July and later, after the salmon have left the lake.

Waterfront property owners with east facing properties are very familiar with the orientation of the sun and will dismiss this shading rationale contained in the publication.

THE WAY FORWARD

For the *Green Shorelines* initiative to gain support among property owners, the outcome must be real benefits to the environment and make sense to property owners. If science is to be used as a basis, then it needs to be comprehensive, carefully prepared and peer reviewed, and the issues and questions associated with the current studies and reports must be answered. Aesthetics, alone, are not a proper basis.

Perhaps the best way to begin would be to have local government install demonstration projects at city parks and other government properties. This would be a way to determine feasibility, public acceptance, benefit, and identify unintended consequences. Public viewing would be easily possible. Scientific studies could then be conducted to document improvements in fish habitat, fish migration, changes in shoreline erosion and runoff resulting from those changes.

Richard Sandaas
Shoreline Property Owner
April 24, 2009

A Summary of the Effects of Bulkheads, Piers, and Other Artificial Structures and Shorezone Development on ESA-listed Salmonids in Lakes

T. Kahler, M. Grassley, and David Beauchamp

Thirteen Unanswered Questions,

1. How do juvenile salmonids respond to piers, bulkheads and other artificial structures in local lakes?
2. Is there a relationship between piers and predation on juvenile salmonids in local lakes? How are the structures utilized by the various predators?
3. Which characteristics or combination of characteristics of piers attract bass in local lakes?
4. Do prisms and grating change predator or prey response to piers? How effectively do they reduce shading *in situ*?
5. How do bulkheads and piers affect sediment distribution/composition and benthic invertebrate distribution and abundance in local lakes?
6. How does pier lighting affect the behavior of Chinook fry and their predators in Lake Washington and Lake Sammamish, and ultimately the predation rate on Chinook fry?
7. How do juvenile salmonids and their prey, and adult salmonids respond to drop-hammer and vibratory pile driving in lakes?
8. What are the cumulative impacts of overwater coverage on total lake productivity from the existing structures on Lakes Washington, Sammamish, and Union?
9. How do juvenile salmonids in local lakes respond to temporary construction-related turbidity?
10. What is the current contribution of two-stroke marine engine emissions to PAH contamination in local lakes?
11. How pervasive is the use of dock-cleaning chemicals by homeowners around local lakes and what chemicals are being used? What hazard does this chemical use pose to fish? Same question for lawn-care products.
12. How do juvenile and adult salmonids respond to local boating and swimming activity?
13. How do changes in sediment distribution/composition affect populations of bass?

Joan Lieberman-Brill

From: RB Engineers <rbe1992@gmail.com>
Sent: Wednesday, May 08, 2019 2:11 PM
To: Planning Commissioners; Joan Lieberman-Brill; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal
Subject: Shoreline Management Plan (SMP) changes public hearing deadline

Follow Up Flag: Follow up
Flag Status: Flagged

Hello to all;

I understand that the city of Kirkland is proposing changes to the SMP.

As the proposal contains numerous changes which will adversely affect a lot of properties in the city of Kirkland, we would like to request that the planning department and the city council delay the process so proper vetting and diligence by all parties are properly performed.

This action will ensure that all parties are a part of the decision-making process and will avoid future litigation which will cost all parties tremendous financial burden.

As a waterfront homeowner, I'll be developing my property in the near future and would like to strongly request that the city of Kirkland would be considerate and hear out all the people of Kirkland which will be affected by these changes. Hastily and one-sided decision-making process will never provide a desirable outcome for the entire community, as we have seen in our recent national political events.

I would like to respectfully request a **delay in the public hearing deadline** so the entire community gets a chance to be involved in the future of our city and it's shorelines.

Thank you for your consideration of this matter.

Please contact me if you have any questions or concerns.

Regards

Ross Baharmast
President

RB Engineers, Inc.

1312 2nd St. Kirkland, WA. 98033

Phone: 425 822-3009

Fax: 425 822-2679

Cell: 425 351-2085

Email: rbe1992@gmail.com

Web site: r-b-engineers.com

Joan Lieberman-Brill

From: Russ S <russ.sach@gmail.com>
Sent: Wednesday, May 08, 2019 7:51 AM
To: Joan Lieberman-Brill; Planning Commissioners; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal
Subject: Kirkland Waterfront Property Rights

Today I saw the letter Dallas Evans sent to your organization.

I understand you are working on changes to land owners rights on Lake Washington. This feels like it's being rammed through without a process that involves all the stake holders. Please delay this so that we who pay the most taxes and are most greatly impacted by it can understand it, offer our points of view and be heard.

Russ Sach
C-Level Ventures
425 802 3208

Joan Lieberman-Brill

From: stacey@wyngateproductions.com
Sent: Wednesday, May 08, 2019 9:42 AM
To: Joan Lieberman-Brill; Planning Commissioners; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal
Subject: Upcoming Shoreline Master Plan Changes

Greetings all,

I am own a home on Lake Washington in Kirkland and I am distressed to learn TODAY that the city planners under the GAP proposal are taking away the rights of stakeholders by telling us, among other things, that if we to remodel their house or build a new house behind the shoreline set back, we will have to remove certain elements of our existing shoreline. That there are other issues in this proposal that affect our rights to own and upgrade our own docks and boat lifts. The content is so impenetrable and confusing that it is impossible to discern exactly what you are planning to do.

THE ISSUE is that you are planning to make sweeping changes to our landowning rights without even telling us or involving us. The lack of communication on this is appalling.

Anything that affects our ability to maintain our own property including docks, boat lifts, home improvements, are our rights. These things are intrinsic to living on the water. You will negatively impact our home values.

There needs to be more time allowed and more easily discernible information put out to the people being impacted. You need to delay this proposal and hit the restart button by reaching out to all waterfront homeowners and allow all impacted citizens – who are among Kirkland’s most substantial taxpayers – to become aware of and fully understand the magnitude of the new restrictions Kirkland is proposing to implement and allow us time to submit opinions and positions on these proposed sweeping changes that are not in sync with Washington State Shoreline Code, DOE recommendations, nor the Shoreline code in Bellevue – which was far more scrutinized and open to due process.

Stacey

Joan Lieberman-Brill

From: Tom Sterken <tsterken@KellerRohrback.com>
Sent: Wednesday, May 08, 2019 2:14 PM
To: Joan Lieberman-Brill
Cc: Planning Commissioners; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal
Subject: Proposed Shoreline Master Plan Changes

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Lieberman-Brill:

We are a waterfront homeowner and just heard about the public hearing deadline for the proposed changes today, from Brian Loveless and Dallas Evans. Like them and many other Kirkland homeowners and taxpayers, we need additional time to understand and be able to comment on the proposed changes. Among other things, we understand the City's proposed changes would be more restrictive than the Washington State Shoreline Code, DOE recommendations, and Bellevue's Shoreline Code.

We urge you to extend the public comment period. Note that while I am sending this on my work email, this is a personal matter and my firm is not involved.

Best regards,

Tom Sterken
 405 Lake Avenue West
 Kirkland, WA 98033
 425.827.2644

 Thomas A. Sterken
 Keller Rohrback L.L.P.
 1201 Third Avenue, Suite 3200
 Seattle, WA 98101
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 Fax: (206) 623-3384
 E-mail: tsterken@kellerrohrback.com

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