

**Notice of Intent:** An application to obtain coverage under an NPDES permit.

**Noxious Weed:** Means a plant that when established is highly destructive, competitive, or difficult to control by cultural or chemical practices (RCW 17.10.010(1)). The Washington State Noxious Weed Control Board maintains the list of noxious weeds in WAC 16-750-005, 16-750-011, and 16-750-015. Noxious weeds may also include: Plants listed on the quarantine list as identified in chapter 16-752-610 WAC. Non-native and potentially invasive plants not listed on the above lists, as determined by the Washington State Noxious Weed Control Board, the Washington State Department of Agriculture (WSDA), or the Washington State Department of Ecology (Ecology).

**Occasionally:** No more than a few times (1-3) per treatment season and only for unforeseen events (e.g., disruption with product deliveries or severe adverse weather conditions).

**Penoxsulam:** 2-(2,2-difluoroethoxy)--6-(trifluoromethyl-N-(5,8-dimethoxy[1,2,4] triazolo[1,5-c]pyrimidin-2-yl)) benzenesulfonamide.

**Permittee:** The licensed applicator or government entities that have obtained coverage under the Permit. For phosphorus inactivation projects, the Permittee may be the discharger that most closely resembles a licensed applicator.

**Peroxyacetic Acid/Peracetic Acid (PAA):**  $\text{CH}_3\text{CO}_3\text{H}$

**Pesticide:** WAC 15.58.030 (31) "Pesticide" means, but is not limited to:

- a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest or which the director may declare to be a pest;
- b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and
- c) Any spray adjuvant.

**Phosphorus Inactivation Products:** Products used to inactivate nutrients in the sediments such as aluminum sulfate or sodium aluminate (alum) and calcium hydroxide.

**Private Property:** Any property owned by a single person or multiple persons or business that provides no public access to a water body.

**Priority Habitats and Species:** Habitats and species that WDFW considers priorities for conservation and management in Washington. Priority species require protective measures for their survival due to their population status, sensitivity to habitat alternation, and/or recreational, commercial or tribal importance. Priority habitats are habitat types or elements with unique or significant value to a diverse assemblage of species.

**Privately or Publicly-Owned Shoreline:** Any shoreline area without public access, owned by an individual, business, or a public entity.

**Public Access:** Identified legal passage to any of the public waters of the State, assuring that members of the public have access to and use of public waters for recreational purposes. Public access areas include public- or community-provided swimming beaches, picnic areas, docks, marinas, and boat launches at state or local parks and private resorts.

**Public Access Areas:** These areas include public- or community-provided swimming beaches, picnic areas, docks, marinas, and boat launches at state or local parks and private resorts.

**Public Boat Launch:** A public- or community-provided location on a water body that is designated for the purpose of launching or placing a boat in the water, usually for recreational purposes. Boat launches also include sites used as put-ins and take-outs for small watercraft such as canoes or kayaks.

**Public Entrance:** A location where people typically access a public pathway.

**Public Pathway:** A trail along a water body that allows access to the water body by the public.

**Quarantine-Listed Weeds:** Plants listed on the WSDA Quarantine list as identified in chapter 16.750 WAC.

**Reasonable Public Access:** Identified legal passage to any of the public waters of the State, or areas where it is apparent that the public have been accessing the water (well-worn pathways or other indications of recent human usage of the site).

**Recreation:** Water skiing, boating, swimming, wading, fishing, and other such water-related activities.

**Right-of-Way:** A strip of land that is granted, through an easement or other mechanism, for transportation or other typically public uses. Right of way locations may include roadsides and/or highways, railroads, power lines and irrigation ditches.

**Same Time of Day:** The same two-hour time window for pre- and post-treatment monitoring on any given day (applies to pH and dissolved oxygen monitoring).

**Selective Herbicide:** An herbicide that kills or affects specific plant species, sparing other less-susceptible species. Selectivity occurs through different types of toxic action or by the manner in which the material is used (its formulation, dosage, timing, placement, etc.).

***Sensitive, Threatened, or Endangered Plants:***

***Sensitive:*** Any species that is vulnerable or declining and could become endangered or threatened in the state without active management or removal of threats.

***Threatened:*** Any species likely to become endangered in Washington within the foreseeable future if factors contributing to its population decline or habitat degradation or loss continue.

***Endangered:*** Any species in danger of becoming extinct or extirpated from Washington within the foreseeable future if factors contributing to its decline continue. Populations of

these species are at critically low levels or their habitats have been degraded or depleted to a significant degree.

**Shading Products:** These compounds are usually non-toxic dyes and are designed to reduce the amount of light penetrating the surface of a water body, thereby reducing plant and algae growth.

**Shoreline:** The area where water and land meet.

**Shoreline Recreational Facilities:** Means facilities located along a waterbody that provide water contact activities as part of an organized camp (e.g. children's camp through YMCA or other organization) and facilities where water contact activities are expected such as marinas, resorts, parks or other facilities actively managed for water contact recreation.

**Sodium Carbonate Peroxyhydrate:**  $2\text{Na}_2\text{CO}_3 \cdot 3\text{H}_2\text{O}_2$ .

**Sponsor:** A private or public entity or a private individual with a vested or financial interest in the treatment. Typically the sponsor contracts with a licensed applicator to apply pesticides for aquatic plant or algae management. A sponsor is an individual or an entity that has authority to administer common areas of the water body or locations within the water body for the purposes of aquatic plant and algae management. Entities with this authority include Lake Management Districts formed under chapter 36.61 RCW, Special Purpose Districts formed under Title 57 RCW, Homeowners Associations formed under chapter 64.38 RCW, and groups operating under the provisions of chapter 90.24 RCW. There may be other entities with the authority to manage common areas in public or private water bodies. For treatment on individual lots, the sponsor must have the authority to contract for aquatic plant and algae management within the lot boundaries.

**State Experimental Use Permit:** A permit issued by WSDA allowing use of pesticides that are not registered, or for experiments involving uses not allowed by the pesticide label. Aquatic applications are limited to one acre or less in size.

**Submersed Plants:** Underwater. Submersed plants generally always remain under water, although many submersed species produce above-water flowers (e.g., pondweeds, milfoil).

**Surface Waters of the State of Washington:** All waters defined as "waters of the United States" in 40 CFR 122.2 within the geographic boundaries of the state of Washington. All waters defined in RCW 90.48.020. This includes lakes, rivers, ponds, streams, inland waters, and all other fresh or brackish surface waters and water courses within the jurisdiction of the state of Washington. Also includes drainages to surface waters.

**Swimming Advisory:** Information required to be posted on all public signs advising people not to swim in the treated area for a number of hours after treatment. An advisory is a recommendation rather than a restriction.

**Swimming Restriction:** Information required to be posted on all public signs stating that no swimming must occur in the treatment area for a number of hours after treatment.

**Systemic Herbicide:** A chemical that moves (translocates) throughout the plant and kills both the roots and the top part of the plant. Systemic herbicides are generally slower-acting than contact herbicides, but tend to result in permanent removal of the targeted plants.

**Topramezone:** [3-(4,5-dihydro-isoxazol-3-yl)-4-methylsulfonyl-2-methylphenyl] (5-hydroxy-1-methyl-1H-pyrazol-4-yl)methanone.

**Treatment:** The application of an aquatic herbicide, algaecide, or control product to the water or directly to vegetation to control vegetation, algae, or remove or inactivate phosphorus.

**Treated Area:** The area where pesticide is applied and where the concentration of the pesticide is sufficient to cause the intended effect on aquatic plants or algae.

**Triclopyr TEA:** Triethylamine salt of 3,5,6-trichloro-2-pyridyloxyacetic acid.

**Trust or Restricted Lands:** Means as defined in 25 USC 2201(4): “(i) “trust or restricted lands” means lands, title to which is held by the United States in trust for an Indian tribe or individual, or which is held by an Indian tribe or individual subject to a restriction by the United States against alienation; and (ii) “trust or restricted interest in land” or “trust or restricted interest in a parcel of land” means an interest in land, the title to which interest is held in trust by the United States for an Indian tribe or individual, or which is held by an Indian tribe or individual subject to a restriction by the United States against alienation.”

**Washington Pesticide Control Act:** Chapter 15.58 RCW.

**Water Right:** A water right is a legal authorization to use a predefined quantity of public water for a designated use. The purpose must qualify as a beneficial use such as irrigation, domestic water supply, etc. Any use of surface water which began after the state water code was enacted in 1917 requires a water-right permit or certificate.

**Wetland:** Any area inundated with water sometime during the growing season, and identified as a wetland by a local, state, or federal agency.

**In the absence of other definitions set forth herein, the definitions set forth in 40 CFR Part 403.3 or in chapter 90.48 RCW apply.**

## APPENDIX B – ECOLOGY NOTIFICATION TEMPLATE

See Special Condition S5.A for instructions on providing notification to Ecology.

### Email Form

Email to: [apampreposttreat@ecy.wa.gov](mailto:apampreposttreat@ecy.wa.gov)

From: **Permittee or Applicator:** (name)  
**Cell Phone No:** (contact number for the applicator)

### Pre-Treatment Notification

Week of Treatment:

Water body name & permit no.	County	Location where treatment will begin	Chemicals/products proposed for use	Targeted plants & algae	Proposed date & treatment start time

**Additional Information:** \_\_\_\_\_

## Post-Treatment Notification

Week of Treatment:

Waterbody name & permit no.	County	Chemicals or products used	Targeted plants/ algae	Acres treated	Amount of active ingredient applied (lbs.)	Treatment date

**Additional Information:** \_\_\_\_\_

***Knowingly submitting false information will result in permit termination.***

Permittee may add additional rows if needed



## APPENDIX C - FLURIDONE VEGETATION MANAGEMENT PLAN

The following elements are minimum requirements for a Fluridone Vegetation Management Plan. The applicant must prepare a Fluridone Vegetation Management Plan and submit it to Ecology for review and approval prior to conducting fluridone treatments of more than:

- 50 percent of the littoral zone in lakes up to 50 acres  
or
- 40 percent of the littoral zone in lakes from 50 - 500 acres.

Elements from other documents such as Integrated Aquatic Vegetation Management Plans may substitute for equivalent elements of the Fluridone Vegetation Management Plan.

The Permittee must submit a signed and dated plan to Ecology when applying for or updating a permit coverage (Special Condition S2.B.1.a).

The applicant/Permittee must develop its Fluridone Vegetation Management Plan jointly with the sponsor.

### I. WATERBODY INFORMATION

1. Names and locations of any inlets and outlets and impacts of those inlets and outlets on fluridone treatment.
2. List the aquatic plant species (species or common names) in the water body (submersed, floating, and floating-leaved plants) and along the shorelines (emergent plants):

Ecology's aquatic plant database:

<https://fortress.wa.gov/ecy/coastalatlus/tools/LakeDetail.aspx>

Ecology's freshwater plant identification manual:

<https://fortress.wa.gov/ecy/gisresources/lakes/AquaticPlantGuide/index.html>

3. List any sensitive, threatened, or endangered aquatic plant species in the water body or along the shoreline.

Attach a recent map of their locations.

Washington Department of Natural Resources (DNR) rare plant information:

<http://www1.dnr.wa.gov/nhp/refdesk/plants.html> or contact Ecology's permit manager for this information.

4. List any sensitive habitats or wetlands associated with the water body.

Attach a recent map of these areas.

DNR's information about high quality/rare ecological communities:

<https://www.dnr.wa.gov/NHPspecies>.

5. Are any of the fish species using the water body and associated tributaries sensitive, threatened, or endangered?

If present, at what time of year are they in the water body?

6. List any sensitive, threatened, or endangered aquatic animals (excluding fish) using the water body:

WDFW Priority Habitats and Species <https://wdfw.wa.gov/species-habitats/at-risk/phs>

7. Are there any sensitive waterfowl and bird species (common names) or important nesting areas or rookeries associated with the water body? If so, attach a map of these areas.

WDFW Priority Habitats and Species: <https://wdfw.wa.gov/species-habitats/at-risk/phs>

See also WDFW species timing windows: <https://ecology.wa.gov/Asset-Collections/Doc-Assets/Water-quality/Water-Quality-Permits/Aquatic-Pesticides-Permits/WDFW-timing-table.pdf>

## II. PROBLEM DESCRIPTION AND STATEMENT

1. Describe the target noxious weed species, growth types (e.g. emergent, submersed, etc.), locations, and density in the water body.
2. Describe any unique characteristics about the noxious weed species that may help determine the most appropriate management methods and timing.
3. Attach a map that includes the approximate location and species of the target noxious weed species in the water body:

Ecology's survey methods for aquatic plant mapping:

<https://fortress.wa.gov/ecy/publications/SummaryPages/9003001.html>

4. Identify and discuss possible factors that are causing or contributing to noxious weed growth (e.g., nutrients, invasive species, etc.).
5. Describe why whole lake Fluridone treatment(s) is the appropriate method for eradicating the target noxious weed species from this water body.
6. If a sensitive, threatened, or endangered species or habitat is present (identified in section I. WATERBODY INFORMATION of this plan), describe in detail how will its presence be taken into account during planning and treatment to prevent take?

## III. SURVEILLANCE

1. Describe your surveillance plan for evaluating the treatment areas to determine when treatment or re-treatment is appropriate.
2. Describe how you will evaluate (monitor) treatment effectiveness and explain your criteria for determining treatment efficacy.



3. Describe how you will monitor for any adverse impacts caused by treatment.

#### **IV. OUTCOMES AND RESPONSES**

1. Describe how you will respond, including specific actions you will take, to any detection of non-target impacts from whole lake treatment with Fluridone.
2. If non-target impacts to sensitive, threatened, or endangered species or habitat are detected, describe how you will respond and the specific actions you will take.
3. Describe the desired outcome of whole lake noxious weed treatment with Fluridone.

#### **V. SIGNATURE REQUIREMENTS**

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of those persons directly responsible for gathering information, the information in the Fluridone Vegetation Management Plan is, to the best of my knowledge and belief, true, accurate, and complete and will be updated as necessary. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment of knowing violations.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

I certify under penalty of law, that I have reviewed this document and all attachments, and that the sponsor concurs with the information contained in the Fluridone Vegetation Management Plan. The information in the Fluridone Vegetation Management Plan is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment of knowing violations.

\_\_\_\_\_  
Signature of Sponsor's Representative

\_\_\_\_\_  
Date



**Joan Lieberman-Brill**

---

**From:** BETH MALONE <bethmalone@comcast.net>  
**Sent:** Monday, July 01, 2019 4:48 PM  
**To:** Joan Lieberman-Brill  
**Subject:** SMP CAM 19-00026

July 1, 2019

RE: SMP update File CAM 19-00026

To whom it may Concern

We have been owners of 12949 Holmes Point Drive NE since 1994. We have seen many restrictive changes since that time. The current proposal "update" will cause a hardship for us personally by devaluing the property we have worked hard to maintain.

We have already been impacted by the shortsighted "mitigation issues" used by neighborhood properties. Several tons of shoreline gravel and sand used for mitigation find their way to our specific waterfront property and are impacting our personal beachfront. The level has risen 2 feet since the purchase of our home. In fact, within days of placing, at great expensive to our neighbors, the spawning gravel that was use to mitigate their new dock ended up on our shoreline. The shoreline side of dock is so shallow now as to be virtually useless.

Repairing waterfront docks is a constant battle. We try to keep our property in great condition to safeguard our investment, WE clean our shoreline daily of debris from landscape companies that dump green waste, plastic bags and water bottles thrown overboard from weekend boaters, wayward tennis balls and other dog toys. I understand the lake is for all to enjoy, however, as waterfront owners: we do our part to keep the lake clean. Waterfront owners pay **huge** property taxes for the privileged of living on the lake.

**The city has provided no peer reviewed research that any of the current or proposed changes will improve salmon populations or habitats.** We were part of huge neighborhood project in 1996 era to restore salmon spawning in Denny Creek. It was an expensive failure of both money and time.

I am requesting the city put a halt to the SMP code update at this time. We need to revisit the whole Shoreline Management plan and make decisions based on proven scientific outcomes, with reasonable goals for all the citizens of Kirkland.

Calvin Knapp Jr   Beth Malone



## Joan Lieberman-Brill

---

**From:** Bryan Loveless <bryanloveless@windermere.com>  
**Sent:** Monday, July 01, 2019 1:49 PM  
**To:** Joan Lieberman-Brill; Joan Lieberman-Brill  
**Cc:** speusser@kirklandwa.gov; Sandeep Singhal; John Tymczyszyn; Carter Bagg; Colleen Cullen; Angela Rozmyn; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal; Adam Weinstein; Kurt Triplett; Bryan Loveless  
**Subject:** Comments Regarding - File CAM 19-00026 - Kirkland Shoreline Master Program  
**Attachments:** Bryan Loveless Letter to City.pdf; Shoreline Matrix - Sandaas.pdf  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

July 1st, 2019

Kirkland City Council, Planning Commission & Planning Dept Staff

Re: Kirkland Shoreline Master Plan (SMP) File CAM 19-00026

To Whom It May Concern –

I am writing with regard to the current SMP Update and the Shoreline Code in general. I own and live at 13023 Holmes Point Drive NE in Kirkland and have since 2005. Additionally, I have represented Sellers and Buyers of 44 Lake Washington waterfront homes in Kirkland in the past 5 years totaling more than \$130M in closed volume – more than three times as many properties than any other real estate broker. That being said, being both a Lake Washington waterfront owner and specializing in selling Lake Washington waterfront property, I am well versed with market value issues as it relates to Kirkland Lake Washington waterfront.

There are a large number of issues that are of concern to myself – and many other Kirkland waterfront homeowners and/or enthusiasts. In point of fact, there are so many issues and they are complex enough I am formally requesting that the City put a halt to this “code update process” and we spend the necessary time to revisit the entire Shoreline Code by implementing rules and regulations that make sense, and are based on sound applicable and vetted science – not arbitrarily picked letters or reports that may or may not reflect actual waterfront conditions. Here is an excerpt of a little of what is in the literature being used:

*“Contrary to common notion, UW research has not shown northern squawfish to be preying substantially on sockeye in Lake Washington, but cutthroat and rainbow trout have actually been implicated as being predators on the sockeye. Northern squawfish, however, are certainly adaptable in their diet, readily able to shift to different prey items. Largemouth and smallmouth bass are potential predators on sockeye, and **one theory** is that an increase in the number of boat docks has resulted in an increase in habitat for the bass. **However, the spatial overlap between them and the sockeye may not be sufficient for there to be much of an impact.**”*

I have reviewed the “science” provided by the City as one of their primary determining factors in both their proposed and previously adopted regulations and, in my less-than-expert view, it is highly questionable at best, and inaccurate or non-applicable at the worst. It appears that many City goals and policies are being formulated based on this questionable science they seem to be arbitrarily adopting as fact.

In addition, the update process which the City has conducted thus far has significant issues. The update was described as minor changes but in fact, what you have proposed are substantial changes therefore requiring you to provide the public of notice and input in advance. Please see WAC 173-26-100. Speaking to the significant issues, and as a Realtor specializing in Lake Washington waterfront, not only will it limit property

values, but also will significantly restrict the ability to improve waterfront properties without substantial loss of existing shoreline amenities.

Living in the June, 2011 “Annexation Area” (which appears to have a more restrictive current SMP code than the rest of Kirkland) I’ve been told that many of the rules were what was “inherited from King County Shoreline Code”. Upon further investigation, this does not appear to be the case. It instead appears that, at or around the time of the June 2011 annexation, the City of Kirkland adopted a Shoreline Code for the annexation area with zero public input. That code includes many onerous regulations (projects deemed to be 50% or more of a remodel results in required removal of existing boat houses, boat launches and/or rail systems, previously allowed mooring buoys only allowed if there is no dock on the property, the City is trying to standardize the length of docks apparently for aesthetic reasons with no regard to the varying shoreline depths, and many other requirements – most of which are based on extremely questionable, non-vetted and/or non-verified science.

I refer to the matrix Dick Sandaas provided this morning (which I am enclosing with this letter, and linking to my email). I agree with that matrix, but would re-categorize pier length as a significant financial impact. Beyond all of that, there are just many aspects of the existing Shoreline Code that are onerous and, in the case of the 6/2011 Annexation Area, were implemented without public input. I believe that may open things up to legal challenges by the citizenry – which could end up costing everyone significantly.

The average price of the 24 Kirkland waterfront listings I have had that have sold in the past 5 years is in excess of \$3.2M, and the 20 Kirkland waterfront buyers I have sold during that time have paid an average price of \$2.67M. A large portion of the price people pay for these waterfront properties is based on the shoreline amenities and improvements – these buyers are paying for the Lake Washington waterfront lifestyle. For the Kirkland Shoreline Code to jeopardize the continued existence of many longstanding waterfront/shoreline improvements that owners are now paying millions of dollars for seems to be extremely unfair and burdensome. There are literally millions of dollars at stake for Kirkland waterfront homeowners – and the Shoreline Code requirements have a huge financial impact in the value of these waterfront properties.

Given the millions of dollars in property taxes Kirkland waterfront homeowners are paying – one of the City’s most significant tax revenue producing groups – the lack of actual input/influence we are having in the process is extremely disheartening and shortsighted on the part of the City.

I urge you to do the right thing and work with the citizens of the City – including the waterfront homeowners – to revisit and revamp the entire Shoreline Code to a more equitable and reasonable set of rules that make sense for all parties.

Lastly, I know you all have made a huge commitment to the community with your service and I thank you for your efforts and in advance for your understanding of the impacts in this matter.

Bryan Loveless  
425.968.8113 (Direct)

**Bryan Loveless - Premier Executive Director**

Windermere Real Estate / Northeast, Inc.

Business 425.968.8181

BryanLoveless@windermere.com

July 1st, 2019

Kirkland City Council, Planning Commission &amp; Planning Dept Staff

Re: Kirkland Shoreline Master Plan (SMP) File CAM 19-00026

To Whom It May Concern –

I am writing with regard to the current SMP Update and the Shoreline Code in general. I own and live at 13023 Holmes Point Drive NE in Kirkland and have since 2005. Additionally, I have represented Sellers and Buyers of 44 Lake Washington waterfront homes in Kirkland in the past 5 years totaling more than \$130M in closed volume – more than three times as many properties than any other real estate broker. That being said, being both a Lake Washington waterfront owner and specializing in selling Lake Washington waterfront property, I am well versed with market value issues as it relates to Kirkland Lake Washington waterfront.

There are a large number of issues that are of concern to myself – and many other Kirkland waterfront homeowners and/or enthusiasts. In point of fact, there are so many issues and they are complex enough I am formally requesting that the City put a halt to this “code update process” and we spend the necessary time to revisit the entire Shoreline Code by implementing rules and regulations that make sense, and are based on sound applicable and vetted science – not arbitrarily picked letters or reports that may or may not reflect actual waterfront conditions. Here is an excerpt of a little of what is in the literature being used:

*“Contrary to common notion, UW research has not shown northern squawfish to be preying substantially on sockeye in Lake Washington, but cutthroat and rainbow trout have actually been implicated as being predators on the sockeye. Northern squawfish, however, are certainly adaptable in their diet, readily able to shift to different prey items. Largemouth and smallmouth bass are potential predators on sockeye, and **one theory** is that an increase in the number of boat docks has resulted in an increase in habitat for the bass. **However, the spatial overlap between them and the sockeye may not be sufficient for there to be much of an impact.**”*

I have reviewed the “science” provided by the City as one of their primary determining factors in both their proposed and previously adopted regulations and, in my less-than-expert view, it is highly questionable at best, and inaccurate or non-applicable at the worst. It appears that many City goals and policies are being formulated based on this questionable science they seem to be arbitrarily adopting as fact.

In addition, the update process which the City has conducted thus far has significant issues. The update was described as minor changes but in fact, what you have proposed are substantial changes therefore requiring you to provide the public of notice and input in advance. Please see WAC 173-26-100. Speaking to the significant issues, and as a Realtor specializing in Lake Washington waterfront, not only will it limit property values, but also will significantly restrict the ability to improve waterfront properties without substantial loss of existing shoreline amenities.

Page One of Two



Windermere Real Estate / Northeast, Inc.

11411 NE 124<sup>th</sup> Street, Suite 182 | Kirkland, WA 98034 | 425.968.8181 | Fax 425.224.1630 | www.bryanlovelessrealestate.com



**Bryan Loveless - Premier Executive Director**

Windermere Real Estate / Northeast, Inc.

Business 425.968.8181

BryanLoveless@windermere.com

Continued from page one -

Living in the June, 2011 "Annexation Area" (which appears to have a more restrictive current SMP code than the rest of Kirkland) I've been told that many of the rules were what was "inherited from King County Shoreline Code". Upon further investigation, this does not appear to be the case. It instead appears that, at or around the time of the June 2011 annexation, the City of Kirkland adopted a Shoreline Code for the annexation area with zero public input. That code includes many onerous regulations (projects deemed to be 50% or more of a remodel results in required removal of existing boat houses, boat launches and/or rail systems, previously allowed mooring buoys only allowed if there is no dock on the property, the City is trying to standardize the length of docks apparently for aesthetic reasons with no regard to the varying shoreline depths, and many other requirements – most of which are based on extremely questionable, non-vetted and/or non-verified science.

I refer to the matrix Dick Sandaas provided this morning (which I am enclosing with this letter, and linking to my email). I agree with that matrix, but would re-categorize pier length as a significant financial impact. Beyond all of that, there are just many aspects of the existing Shoreline Code that are onerous and, in the case of the 6/2011 Annexation Area, were implemented without public input. I believe that may open things up to legal challenges by the citizenry – which could end up costing everyone significantly.

The average price of the 24 Kirkland waterfront listings I have had that have sold in the past 5 years is in excess of \$3.2M, and the 20 Kirkland waterfront buyers I have sold during that time have paid an average price of \$2.67M. A large portion of the price people pay for these waterfront properties is based on the shoreline amenities and improvements – these buyers are paying for the Lake Washington waterfront lifestyle. For the Kirkland Shoreline Code to jeopardize the continued existence of many longstanding waterfront/shoreline improvements that owners are now paying millions of dollars for seems to be extremely unfair and burdensome. There are literally millions of dollars at stake for Kirkland waterfront homeowners – and the Shoreline Code requirements have a huge financial impact in the value of these waterfront properties.

Given the millions of dollars in property taxes Kirkland waterfront homeowners are paying – one of the City's most significant tax revenue producing groups – the lack of actual input/influence we are having in the process is extremely disheartening and shortsighted on the part of the City.

I urge you to do the right thing and work with the citizens of the City – including the waterfront homeowners – to revisit and revamp the entire Shoreline Code to a more equitable and reasonable set of rules that make sense for all parties.

Lastly, I know you all have made a huge commitment to the community with your service and I thank you for your efforts and in advance for your understanding of the impacts in this matter.



Bryan Loveless  
425.968.8113 (Direct)

Page Two of Two



Windermere Real Estate / Northeast, Inc.

11411 NE 124<sup>th</sup> Street, Suite 182 | Kirkland, WA 98034 | 425.968.8181 | Fax 425.224.1630 | www.bryanlovelessrealestate.com

408



## 2019 SHORELINE MASTER PROGRAM CHANGES, CITY OF KIRKLAND

	<u>BULKHEAD ELIMINATION</u>	<u>BOATHOUSE ELILMINATION</u>	<u>LAUNCH RAMP ELIMINATION</u>	<u>BOUY CONSTRAINT</u>	<u>BULKHEAD PLANTINGS</u>	<u>PIER LENGTH</u>	<u>MILFOIL PLAN REQMT</u>	<u>OVERWATER CONDO ELIMINATION</u>
<b>CITED REASON</b>	FISH HABITAT	FISH HABITAT	FISH HABITAT	UNKNOWN	FISH HABITAT	AESTHETICS SAFETY	UNKNOWN	HABITAT AESTHETICS
<b>FINANCIAL IMPACT</b>	SIGNIFICANT	SIGNIFICANT	N/A	N/A	MODERATE	MODERATE	MODERATE	EXTREME
<b>COST EFFECTIVE</b>	NO	NO	N/A	N/A	NO	N/A	NO	NO
<b>MEASURABLE ENVIRONMENTAL BENEFIT</b>	NOT DOCUMENTED	NOT DOCUMENTED	NOT DOCUMENTED	N/A	NOT DOCUMENTED	NO	N/A	POSSIBLE
<b>BASED ON SOUND SCIENCE</b>	NO	NO	NO	N/A	NO	N/A	N/A	NO
<b>FEASIBLE AND PRACTICAL</b>	NO	NO	NO	NO	NO	NO	NO	NO
<b>FAIR AND EQUITABLE</b>	NO	NO	NO	NO	NO	NO	NO	NO
<b>IMPOSE HARDSHIPS</b>	YES	YES	YES	YES	YES	YES	YES	YES
<b>IMPOSE RISKS</b>	YES	NO	NO	NO	NO	NO	N/A	YES
<b>AVOID UNINTENDED CONSEQUENCES</b>	NO	NO	N/A	N/A	N/A	NO	NO	NO
<b>CITY RESPONSE TO PUBLIC COMMENTS</b>								

**Joan Lieberman-Brill**

---

**From:** Chris Nelson <cnelson68@gmail.com>  
**Sent:** Thursday, June 27, 2019 4:24 PM  
**To:** Joan Lieberman-Brill  
**Subject:** July 1st comments

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thank you for meeting with me Thursday June 28th. Please consider the following as my rationale comments.

My wife Marsha and I are long time residents of the Holmes Pt area having lived here since the 80's. We are writing to you about the additional requirement for nonconforming boat houses. We have such a boat house. We have considered such a structure as perhaps the greatest selling point if in the future we sell. Of course at some point we or our heirs will sell and most likely a new house would be built, thus the new owners would have to remove the boat house and thus reducing the sales price.

We have never in the last 36 years kept a boat in the boat house. When reviewing the staff rationale for such a requirement, and for the sake of this argument, they are correct. Can you not make the same argument for docks, boats on hoists or boats tied up to the docks or any permitted structure over the water?

Do other cities, nor unincorporated portions of King County have similar ordinances affecting boat houses?

This ordinance as proposed would result in a "taking" for all boat house owners and we would respectfully urge not adopting the proposal.

Sincerely Christopher and Marsha Nelson

425-823-2951



## Joan Lieberman-Brill

---

**From:** Dean Young <dean.young@comcast.net>  
**Sent:** Sunday, June 30, 2019 9:11 PM  
**To:** Joan Lieberman-Brill  
**Cc:** Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal  
**Subject:** Public comment on Kirkland Shoreline Master Plan Update  
**Attachments:** Topic Summary public mtg attendees.docx

City of Kirkland:

I'm writing as a shoreline homeowner who is concerned about the proposed City of Kirkland Shoreline Master Plan Update. Based on the limited amount of information I have received on the proposed changes in the attached Topic Summary, my concerns are as follows:

- 1) **Public Notice:** This update involves the very personal use of private residential properties on Lake Washington that our city's citizens have property rights to. The City is proposing to make sweeping changes which based on the information I received (nothing from the City) has not informed each and every homeowner as to the impacts of the proposed changes on their specific individual properties. If the City is to make such changes, each & every affected property owner needs to be informed exactly what is at stake on their specific property before any changes are implemented. This has not happened.
- 2) **Concerns on length/depth/shape of docks.** I understand the need/desire to limit the lengths of future docks, however all existing piers and docks should be allowed to remain and be maintained to high standards without alteration to their basic length, shape, depth, or other characteristics. Each pier and dock is built to characteristics based on the shoreline shape and topography, depth of water, and characteristics of the property and lakefront where it's built. While there may be standards to minimize the impacts to the lake, each property should be treated individually.
- 3) **Moorage Buoys:** Our area has seen several navigational and speed buoys disappear, which have never been replaced. These buoys have the positive effect of slowing down boat traffic in areas closer to the shoreline, as well as offering moorage. Each property should have the ability to have such a buoy if desired.
- 4) **Boat Lifts:** Boat lifts keep boats safely above the lake and enhance fish habitat. The City makes zero effort to regulate boat traffic on the lake, which by far is the most destructive element to the shoreline. Lakefront property owners need boatlifts to keep their property protected, and enhance their own shorelines. If the city is to limit the use of these, it also needs to do something to cut down on the wakes generated by the boat traffic on the lake. Boat lifts are not the problem.
- 5) **Nonconformance:** This section is by far the most concerning. This imposes on property owners to eliminate shoreline improvements for non-shoreline uses that have nothing to do with the shoreline, based on the value of the proposed non-shoreline improvements. If someone wants to make significant improvements to their home, they should not be required to change existing unaffected structures that are not being worked on. This comprises a public taking of private property and deprives the property owner the right to improve their homes to otherwise permitted uses. This makes no sense. Will you require non-shoreline owners to mitigate shorelines for work on their homes as well? Nonconforming shoreline uses should be addressed when addressing proposed shoreline changes, not non-shoreline related improvements.
- 6) **Milfoil:** In addition to a permit, the City is requiring notification of neighboring properties when applying herbicides to milfoil. Milfoil is an invasive species and a nuisance, and it's elimination should be encouraged. If the City wants to post notifications of permits granted in neighboring areas, they are free to do so, but it should encourage the efforts to eliminate milfoil. Placing additional requirements on private citizens does not do this.

On busy summer days, hundreds of boats, some up to 100', cruise by our home with no speed or noise limits and do tremendous damage with huge wakes. No one regulates this, nor can the natural exposures such as winds, runoff, or



wave actions that constantly hammer our shorelines be stopped. Shoreline property owner constantly need to work at maintaining what they have and protect their properties. The proposed changes by the City of Kirkland do nothing to reduce traffic or improve the quality of the lake, and are a detriment to homeowners protecting their properties. They ultimately deprive us of our individual enjoyment to our private properties.

Lake Washington is many things: A complicated ecosystem, a fish & wildlife habitat, a commercial waterway and transit system, a cleansing system, and an urban playground. It can be calm and placid or stormy and menacing. We as shoreline property owners appreciate and love the lake, and feel a greater responsibility to help protect it, however limiting our property usage and enjoyment of it with the proposed additional regulations on our existing shoreline improvements is not appropriate for City Government to impose.

Thank you for your public service to our community – I hope my comments and those of other shoreline owners are heard.

Dean Young  
13661 – 62<sup>nd</sup> Ave NE  
Kirkland, WA 98034  
[dean.young@comcast.net](mailto:dean.young@comcast.net)

## Joan Lieberman-Brill

---

**From:** dori slosberg <dwslosberg@aol.com>  
**Sent:** Monday, July 01, 2019 5:21 PM  
**To:** Joan Lieberman-Brill  
**Subject:** shoreline waterfront

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Joan,

I'm a Lake Washington waterfront home owner in Kirkland and I do not want to see any changes to the Kirkland Shoreline Master Project at this time.

Thank you

Dori Slosberg

*Dori Slosberg  
Mattish Designs  
dwslosberg@aol.com*

## Joan Lieberman-Brill

---

**From:** Enrica Zeggio <enrica\_zeggio@hotmail.com>  
**Sent:** Monday, July 01, 2019 4:45 PM  
**To:** Joan Lieberman-Brill  
**Subject:** SMP proposed changes

Hello Joan,

I'm a Lake Washington waterfront home owner at 437 5th Ave W in Kirkland.

I have reviewed the proposed changed in the Kirkland Shoreline Master Project. I do **not** want to see any changes to the SMP at this time.

Thank you  
Enrica

### **Enrica Zeggio**

RE/MAX Eastside Brokers Inc.

Cell: (408) 656-8031

[enrica.zeggio@metroeastside.com](mailto:enrica.zeggio@metroeastside.com)

[www.enricazeggio.com](http://www.enricazeggio.com)



**Joan Lieberman-Brill**

---

**From:** jeraldpruner@gmail.com  
**Sent:** Monday, July 01, 2019 5:18 PM  
**To:** Joan Lieberman-Brill  
**Subject:** Kirkland SMP

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Joan,

I have been attempting to educate myself on the proposed Shoreline master plan amendments and the original document. I was able to attend the public forum and appreciate the city of Kirkland's efforts to keep stakeholders informed. I do have concern that I was completely uninformed until interested and affected property owners made efforts to ensure awareness that this project was underway.

I would like to start by saying, Lake Washington is for the use of all residents and I cringe when waterfront property owners make this issue about them. A healthy lake is good for all of us regardless of the financial commitment we have made in the neighbourhood.

That being said, we have just received permitting for construction of our waterfront home in the west of market neighbourhood. Last summer we were fortunate to obtain the necessary permits to improve the condition of the dock at the property. Although a time consuming and challenging project, we feel content with the outcome.

I have concern that the changes to the SMP will affect homeowners, both current and future, negatively, making the process we just completed even more cumbersome with an unknown economic impact.

I am not opposed to rules/ regulations protecting the lake, in fact, with the financial commitment we are making in order to enjoy waterfront living on lake Washington, I am very supportive. Rules and regulations need to be based on sound scientific evidence. If evidence for the proposed changes exists, please save us all the time of constantly revisiting the issue by providing either the documents or links to the documents. Supporting documentation for each of the proposed changes to the SMP will quiet the critics by illustrating the benefit to the lake.

If this evidence doesn't exist or is of poor quality, please put the changes on hold until support is available.

Thanks you for taking the time to read this email and the time/ effort you and your team are investing in to the health of the lake and in particularly Kirkland's shoreline.

Jerald and Misty Pruner

Sent from my iPhone



**Joan Lieberman-Brill**

---

**From:** Julie Taylor <jctaylah@gmail.com>  
**Sent:** Monday, July 01, 2019 1:52 PM  
**To:** Joan Lieberman-Brill  
**Subject:** SMP -- "rationale from shoreline property owners"  
**Attachments:** rationale, SMP 2019 revisions.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Joan,

Here are some of my comments re: chart from SMP chart at the June 18 meeting. I appreciate your willingness to include the rationale from those of us most impacted by the current and proposed regulations.

Please feel free to contact me directly with any questions, comments, or concerns.

--

Julie Taylor  
425-647-3293  
[jctaylah@gmail.com](mailto:jctaylah@gmail.com)

SMP Chart, June 18<sup>th</sup> meetings

“Rationale from Shoreline Property Owners”

- (1) Pier length and depth. Proposal is to eliminate depth (9-10') requirement

Private docks should be of appropriate length and depth to allow the property owner to dock their boat(s) safely and security year-round. This means having sufficient length that the boat is fully or nearly-fully enclosed within the dock and at a sufficient depth EVEN AT WINTER WATER LEVELS to keep the boat off the lakebed. Included in this consideration must be the waves (due to storms as well as passing boat wakes) which can be of significant height/troughs. The City should consider the depth of keel (with sailboats having nearly twice the keel depth as a powerboat) at lowest water and regularly-occurring wave action. The current regulations of 9'-10' is frequently not adequate now to ensure no damage to either the boat or to the lakebed.

Please consider also that, as the valuations of lake-front properties continue to increase, the size/value of boats that are moored on private docks increases as well. This means bigger and deeper boats are more common, not less. Other communities on Lake Washington allow longer, deeper docks – yet this is all the same lake, with the same fish, same shore, same ecological needs. Significant restrictions on dock length/depth, as well as more stringent restrictions on number of boat lifts, canopies, piles, buoys, etc. only make other communities more attractive and Kirkland shoreline less attractive to future residents.

Please also consider that the boat that a property owner has today is not the only boat that property owner may have, any more than the car they own today is the only car they will ever own. Docks and mooring facilities within the owned area (which extends to the Inner Harbor Line) should be sufficient for the current needs, as should be modified for future needs as well, without having to start over from scratch. This is where creative alternatives, such as mooring balls, would be beneficial to property owners as well as the ecology of the lake.

- (2) Location of piers, finger, and deck platforms. Proposal is to move location to terminal end of pier.

Water depth should be the driver, not necessarily distance from the OHWL. Removing the depth standard simply causes problems and increases the number of regulations rather than keeping it simple. Property owners should be able to configure their docks as necessary and appropriate for their specific shoreline – length, depth, direction re: prevailing winds, lake bottom, boats and watercraft needs, etc.

- (3) Moorage buoys: Proposal is no change to current prohibition.

Moorage buoys are beneficial in multiple ways. They are an aid to navigation. They encourage passing marine traffic to go slow and minimize wakes. This makes the entire area safer for swimmers, paddlers, and smaller watercraft. Minimizing wakes improves shoreline stability and slows erosion. Moorage buoys would allow for moorage of boats without the need to extend a dock or add additional pilings – perhaps the most ecologically friendly way to increase moorage.

- (4) Boat lifts. Proposal is no change to prohibition of multiple boat lifts.

Boat lifts allow a boat to be safely moored out of the water – eliminating possible lake bed damage. Boat lifts allow a boat to be permanently moored in more shallow water than might otherwise be safe in low-water winters with significant waves. A shorter dock might well be appropriate if the boats can be lifted out of the water.

Shade is minimized when the boat is up on a lift.

Other nearby communities allow for multiple boat lifts – what is the rationale to limit the number?

- (5) Nonconformances. Proposal is to require “more non-conforming” dock to be removed; to required stairs/ramps/rails to be removed

This should be a negotiation between the property owner and the City, rather than a required regulation. The City should encourage conversations between owners and Planning to determine what is best – for the lake, for the City, and for the owner. Boat stairs may be very appropriate, depending on the particulars of the property. There are so few boat launches around the lake – why would we want to eliminate the few private ones?

The entire argument of minimizing overwater coverage to eliminate shadows (thereby protecting salmon) is completely reversed with the regulations of requiring overhanging vegetation on bulkheads, which provide shadows. Which is it – shadows are good or shadows are bad?

- (6) Milfoil. Proposal is to get City approval and require notification of neighboring properties.

Clarification of the milfoil removal by chemical means is necessary – not all methods of removal. A much more carefully thought-out proposal should include timing, the process of approval, the process of notification. And I’m not sure of the rationale for the City having separate regulations to the State for this.

- (7) Pier Bumpers: Proposal is to regulate size/spacing/depth of pier bumpers. (I don’t know what this is missing from the table – has it been eliminated from the SMP proposal?)

I do not understand the City’s rationale for regulating size and spacing. More importantly, I would like a change to the depth requirement, currently written as “Bumpers may not extend into the water more than 1.5 feet below the OHWM elevation.” The lake water depth decreases by 2 feet each winter, making these bumpers at least 0.5 feet above the water height for months each year – usually the stormiest months of the year. The purpose of the bumpers is to prevent a boat from moving underneath the dock. With these restrictions, there is nothing to prevent a boat from moving beneath a dock in anything by the highest of water times. The restriction should be for Low Water levels, not high.

**General Comment:**

The increasing requirements and stringency of regulations that are well beyond those of neighboring communities on Lake Washington makes owning shoreline property in Kirkland less and less desirable, compared to other cities. Why does our City want to drive money and property owners to other cities? This serves only to decrease property values, and hence taxation revenues. More time should be spent looking at neighboring city regulations and attempting to be fair and equitable around the entirety of the lake. And all regulations should be applicable to ALL property owners – which includes the City of Kirkland. All city-owned parks and public lands should be endeavoring to adhere to the same restrictions. The recent renovation of Waverly Park did not include any modification of the very long (a navigation hazard?) and very wide dock, with the extra length to enclose the swimming area.

## Joan Lieberman-Brill

---

**Subject:** FW: Thank you for Attending the June 28, 2019 Public Meeting #2

**From:** Kari Martin <Kari.Martin@consultfusion.com>

**Sent:** Friday, June 21, 2019 4:49 PM

**To:** Shaylyn Johanson <SJohanson@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>

**Subject:** RE: Thank you for Attending the June 28, 2019 Public Meeting #2

Hi Joan and Shaylyn,

Thanks for holding the meeting. I'd like to provide the feedback that I don't want to see any changes to the current shoreline rules discussed. I understand that every 8 years this review is necessary and that there is the option to not change anything. That would be my vote, except I would like chemicals to **stop** being used for milfoil control as this pollutes the lake. We all want a clean lake! I would also like to see more safety buoys in place to protect swimmers. I see a lot of swimmers near Waverly Beach park that like to train for triathlons so they end up a lot further from the park and there's no way boaters can see them. I've seen a lot of scary close calls for these swimmers with speedboats coming very close. One time it was a group of about 20 HS kids swimming way off the end of Waverly Beach Park with no safety gear and I was sure one of them was going to get run over. Hoping to make it safer on that front.

Thanks! Kari

## Joan Lieberman-Brill

---

**From:** kathykearny@comcast.net  
**Sent:** Wednesday, June 19, 2019 7:02 PM  
**To:** Joan Lieberman-Brill  
**Subject:** Kirkland Shoreline Master Program Periodic Update Comments

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Joan –

I would like to make the following comments on the update.

- 1) **Chemical Herbicide Application Notification:** At the 6/18/2019 meeting City staff indicated that they are going to remove the recommendation that Kirkland have a permitting plan for chemical herbicide application for Milfoil. I live 2 homes North of Woodland Cove. They have a chemical herbicide applied for Milfoil every year and the notification process from the Department of Ecology is not sufficient. Currently we receive a blanket notice at the beginning of the summer that covers a 3 month period. We then receive a notice the day of application stapled to our dock – often in a spot that is not noticeable. The notice says not to swim for either 1 or 2 days and not to irrigate for 3 days. For the last 5 summers I have lived here, we don't know the spraying is happening until we see the boat spraying. Every year I call the Company at the phone number listed on the initial blanket notice to ask for more advance notice of when they will spray and have never been able to speak to anyone at the Company. Since we don't have any notice, our irrigation system could be in use drawing water with the herbicide in the water and children and pets could easily be swimming. On the day of spraying, there is no way the general public knows about the herbicide application and I often see people who boat into the bay swimming right in the area of application. Last year the spraying happened on the first nice Friday and the bay was extremely busy with people swimming, tubing and wakeboarding all through chemical herbicide that the Department of Ecology notice says not to swim in. I also received a call from staff at the Parks Department asking about my experience with the spraying and notification. They also indicate that they have no way of knowing when the chemical application will happen and have the same issues with swimmers and irrigation that the homeowners experience. I would recommend a week notice of the exact day of spraying. Weather forecasts are accurate enough within that time period to be able to assess which day the Company will be able to spray. Currently the regulations put the convenience of the Company applying the chemical herbicide above public health. The Department of Ecology representative at the 6/18/2018 acknowledged to me that the current Ecology notification regulations are ambiguous for high public use areas. This indicates that the city of Kirkland needs to regulate the notification process to better address the particular public safety issues experienced within our portions of Lake Washington.
- 2) **Buoys:** I would like to recommend that moorage buoys are allowed when a homeowner also has a pier or dock. King County has stopped replacing lost speed limit buoys that help define a safe swimming, paddle boarding, and kayaking area. If moorage buoys are not allowed then the homeowner has not ability to define a safe swimming area in front of their property. Without a line of these buoys, boats and jet skis come extremely fast and close to docks, making swimming unsafe. Boats are often looking for calmer water close-in and have no regard for the safety of people on non-motorized watercraft, paddle boards and longer distance swimmers who swim parallel to the shore.

If you have any questions regarding my comments or they need clarification, please do not hesitate to contact me at 425-486-2503.

Kind Regards,  
Katherine Kearny



**Joan Lieberman-Brill**

---

**From:** kathykearny@comcast.net  
**Sent:** Wednesday, July 03, 2019 10:09 PM  
**To:** Joan Lieberman-Brill  
**Subject:** RE: Kirkland Shoreline Master Program Periodic Update Comments  
**Attachments:** Herbicide Treatment Notice.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Joan –

Thank you for your response. I just received this year's notice under the State Department of Ecology's permit system for the chemical herbicide application in Juanita Bay. I've attached it so you can view what we receive. It is a notice that covers a 1 ½ month period and says that they will post signs in potentially affected areas no more than 48 hours prior to treatment. In practice this means the applicator, Northwest Aquatic Eco-Systems, staples a notice to our pier and within the hour is spraying. There is no advance notice for us to shut off our irrigation. The notice also does not reach people who boat into the bay and swim right by Woodland Cove. The note says that if you want to request additional notification or have further questions contact Northwest Aquatic Eco-Systems at the listed telephone number and/or email. I have contacted the company both ways for each of the last 4 years and have never received a reply.

If I remember correctly the notices stapled to our dock the day of application say not to irrigate for 3 days and not to swim for 24 hours.

I did a quick search of the herbicides being applied and the health effects. The information made me even more concerned.

1. As you may know, Glyphosate is the active ingredient in Roundup and has come under increased scrutiny for linkages to increased cancer-risk.
2. The Pesticide Information Project lists several significant health effects for Diquat Bromide – saying it is acutely toxic when absorbed through the skin.  
<http://pmep.cce.cornell.edu/profiles/extoxnet/dienochlor-glyphosate/diquat-ext.html>
1. For Endothall, Washington State Department of Ecology states on Page 9 of Vol. 2 Sec. 1.1.4.3 of their Herbicide Risk Assessment that swimming should not occur at the treatment site for 8 days, which is far longer than the notices we receive state.  
<https://fortress.wa.gov/ecy/publications/documents/0010044.pdf>

At the very least, these concerns about the toxicity of the applied herbicides raise the need for the City of Kirkland to permit application so at the very least, residents and the general public are given advance notice so they are not swimming in the chemicals and irrigating city parks and yards with it.

Kind Regards,  
 Kathy Kearny

---

**From:** Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>  
**Sent:** Monday, June 24, 2019 12:18 PM

**To:** kathykearny@comcast.net

**Subject:** RE: Kirkland Shoreline Master Program Periodic Update Comments

Thank you Kathy for your comments. They will be provided to the Planning Commission and Houghton Community Council for their consideration at the re-opened public hearing on July 25.

*Joan Lieberman-Brill*

Senior Planner

Kirkland Planning & Building Department

425-587-3254

[jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)

Mon – Thus

---

**From:** [kathykearny@comcast.net](mailto:kathykearny@comcast.net) <[kathykearny@comcast.net](mailto:kathykearny@comcast.net)>

**Sent:** Wednesday, June 19, 2019 7:02 PM

**To:** Joan Lieberman-Brill <[JLiebermanBrill@kirklandwa.gov](mailto:JLiebermanBrill@kirklandwa.gov)>

**Subject:** Kirkland Shoreline Master Program Periodic Update Comments

Hi Joan –

I would like to make the following comments on the update.

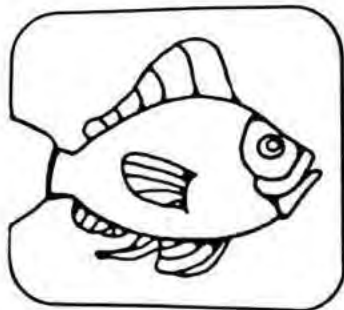
- 1) **Chemical Herbicide Application Notification:** At the 6/18/2019 meeting City staff indicated that they are going to remove the recommendation that Kirkland have a permitting plan for chemical herbicide application for Milfoil. I live 2 homes North of Woodland Cove. They have a chemical herbicide applied for Milfoil every year and the notification process from the Department of Ecology is not sufficient. Currently we receive a blanket notice at the beginning of the summer that covers a 3 month period. We then receive a notice the day of application stapled to our dock – often in a spot that is not noticeable. The notice says not to swim for either 1 or 2 days and not to irrigate for 3 days. For the last 5 summers I have lived here, we don't know the spraying is happening until we see the boat spraying. Every year I call the Company at the phone number listed on the initial blanket notice to ask for more advance notice of when they will spray and have never been able to speak to anyone at the Company. Since we don't have any notice, our irrigation system could be in use drawing water with the herbicide in the water and children and pets could easily be swimming. On the day of spraying, there is no way the general public knows about the herbicide application and I often see people who boat into the bay swimming right in the area of application. Last year the spraying happened on the first nice Friday and the bay was extremely busy with people swimming, tubing and wakeboarding all through chemical herbicide that the Department of Ecology notice says not to swim in. I also received a call from staff at the Parks Department asking about my experience with the spraying and notification. They also indicate that they have no way of knowing when the chemical application will happen and have the same issues with swimmers and irrigation that the homeowners experience. I would recommend a week notice of the exact day of spraying. Weather forecasts are accurate enough within that time period to be able to assess which day the Company will be able to spray. Currently the regulations put the convenience of the Company applying the chemical herbicide above public health. The Department of Ecology representative at the 6/18/2018 acknowledged to me that the current Ecology notification regulations are ambiguous for high public use areas. This indicates that the city of Kirkland needs to regulate the notification process to better address the particular public safety issues experienced within our portions of Lake Washington.

- 2) Buoys: I would like to recommend that moorage buoys are allowed when a homeowner also has a pier or dock. King County has stopped replacing lost speed limit buoys that help define a safe swimming, paddle boarding, and kayaking area. If moorage buoys are not allowed then the homeowner has not ability to define a safe swimming area in front of their property. Without a line of these buoys, boats and jet skis come extremely fast and close to docks, making swimming unsafe. Boats are often looking for calmer water close-in and have no regard for the safety of people on non-motorized watercraft, paddle boards and longer distance swimmers who swim parallel to the shore.

If you have any questions regarding my comments or they need clarification, please do not hesitate to contact me at 425-486-2503.

Kind Regards,  
Katherine Kearny

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.



## Northwest Aquatic Eco-Systems

855 Troser Road SW #108-313  
Tumwater, Washington 98512  
Telephone: (360) 357-3285

E-MAIL: PONDWEEDS@COMCAST.NET

### Herbicide Treatment Business and Residential Notice

**Distribution Date:** 7-01-19

Woodland Cove will be treated with aquatic herbicide(s) on /or between July 15 through October 30 as required. Specific time frames when weed control activities may take place are: from July 15 through July 31 and August 15 through September 15. Treatments are designed to control/ eradicate noxious and native macrophytes.

**Product(s) planned for use:** Glyphosate, Diquat (diquat dibromide), and Aquathol K (Dipotassium salt of endothall) .

**Location of Treatment(s):** Not to exceed 50% of the lakes littoral zone for weed control, total lake treatment for algae control if necessary. The applicator will post signs in the treated and potentially affected areas no more than 48 hours prior to treatment. The signs will describe any water use restrictions or advisories.

**Plants/Algae Targeted:** Pondweeds, milfoil, B.elodea, lily pads and shoreline emergents may be treated to control hazardous weed growth .

If you are withdrawing water for potable or domestic water use, livestock watering, or irrigation, and have no alternate water source, please contact the applicator Northwest Aquatic Eco-Systems at 360-357-3285 or [pondweeds@comcast.net](mailto:pondweeds@comcast.net) to arrange an alternate water supply.

If you would like to request additional notification prior to treatment, or have further questions, please contact NWAE using the information above.

This herbicide treatment is regulated under a permit issued by the Washington State Department of Ecology. **Permit No. WAG994101**

[nwaquaticecosystems.com](http://nwaquaticecosystems.com)



## Joan Lieberman-Brill

---

**From:** nelson.markb@gmail.com  
**Sent:** Monday, July 01, 2019 4:47 PM  
**To:** Joan Lieberman-Brill  
**Cc:** Jeremy McMahan; Christian Geitz; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal; Planning Commissioners; Houghton Council  
**Subject:** Shoreline Master Program Periodic Update  
**Attachments:** City of Kirkland SMP Topic Summary MBN Rev 20190701.docx  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thank you for extending the period to comment on the City's work thus far on the Shoreline Master Program Periodic Update.

I have reviewed all of the material available and offer the following:

1. **Honor the Spirit and Meaning of a Periodic Update** In several of its documents, the City has captured the requirements of WAC 173-25-090. However, many of the proposed changes to KZC83:
  - a. Are *not* minor, even when viewed through a clouded lens.
  - b. Have not been done in a way that, "... shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, ... having interests and responsibilities relating to shorelines of the state and the local master program."
  - c. Are based on bias and opinion of the authors, and are not supported by quantifiable data.
2. **Do not change underlying policies and regulations** Shift these proposed changes to a comprehensive (not periodic) update.
3. **Continue to involve Shoreline Property Owners and Formalize the Roles & Responsibilities** The City started very late with the periodic review. Involvement of Shoreline Property Owners started even later. The WAC requires a review at least once every eight years. The City's plan was last updated in 2010 / 2011. Work on the periodic update started in January 2019.

I have attached Kirkland's *Topic Summary From Staff and Shoreline Property Owners....* with my comments added. Note, I added several rows with requirements that were not included in the City's version.

I'm available at 425-864-5675 (cell / text) to discuss with you, or anyone copied above.

Again, thank you for engaging the community. Please slow the process and involve the shoreline property owners.

---

**From:** Shaylyn Johanson <SJohanson@kirklandwa.gov>  
**Sent:** Monday, June 24, 2019 1:02 PM  
**To:** Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>  
**Subject:** Shoreline Master Program Single Family Oriented Regulation Summary

Dear public meeting attendees,



You are receiving this email because you attended one or both of the Shoreline Master Program public meetings held on May 21 and June 18. The attached summary chart is being provided to each of you, to solicit your rationale for the property owner suggestions we have heard on key single family oriented shoreline regulations.

The chart was handed out at the 2<sup>nd</sup> (June 18) public meeting. It identified key single family oriented existing regulations, potential amendments and City rationale for the change based upon concerns expressed up to and at the 1<sup>st</sup> public meeting.

As requested by attendees at the 2<sup>nd</sup> meeting, staff has revised the original chart to add some shoreline property owner suggestions related to these key regulations, and two new columns; one containing staff's attempt to summarize the property owner's rationale for those suggestions, and a blank column for you to add your rationale for those suggestions, should they differ from our characterization. Staff encourages you to **add your rational to the blank column in the chart and return it to [jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)**. Staff will finalize the chart with your additional comments.

***Because of our very tight timeline, all rationale comments must be received no later than July 1 by 5:00 p.m., otherwise they will not be included in the final chart.*** This deadline allows for staff to incorporate the information in the packet prepared for the Planning Commission (PC) and Houghton Community Council's (HCC) consideration at their upcoming public hearing on July 25.

The Planning Commission and Houghton Community Council will hold the re-opened July 25<sup>th</sup> joint public hearing in order to take additional testimony on the final draft of the proposed amendments (the final draft amendments will be posted prior to the public hearing). **Please continue to send public comment to [jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)**. All comments will be collected and provided to the Planning Commission and Houghton Community Council at the public hearing, where the final draft of the amendments will be considered.

We appreciate your involvement and continued input through this process.

Thank you,

*Joan Lieberman-Brill*

Senior Planner

Kirkland Planning & Building Department

425-587-3254

[jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)

Mon – Thus

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

**Joan Lieberman-Brill**

---

**From:** nelson.markb@gmail.com  
**Sent:** Saturday, July 06, 2019 8:13 PM  
**To:** Joan Lieberman-Brill  
**Cc:** Christian Geitz; Jeremy McMahan  
**Subject:** Shoreline Master Program Periodic Update - Navigation Bouy  
**Attachments:** IMG\_5977.jpg  
  
**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Attached is a photo of what I referred to as a "Navigation Buoy" in my comments to the City concerning the Shoreline Master Program.

A buoy of this design:

- Promotes safety for people in the water
- Indicates to boaters to proceed slowly
- Is not a mooring buoy
- Should be **encouraged** by the City along the shoreline

Some other styles may be viewed here. <https://www.westmarine.com/marker-buoys>

Hopefully this provides a better understanding of my request.

---

**From:** Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>  
**Sent:** Tuesday, July 2, 2019 11:50 AM  
**To:** nelson.markb@gmail.com  
**Cc:** Jeremy McMahan <JMcMahan@kirklandwa.gov>; Christian Geitz <CGeitz@kirklandwa.gov>; Clover McIngalls <cmcIngalls@watershedco.com>  
**Subject:** RE: Shoreline Master Program Periodic Update

Hi Mark,

I have incorporated your property owner rationale comments into the chart. Thanks for taking the time to do this.

*Joan Lieberman-Brill*

Senior Planner  
 Kirkland Planning & Building Department  
 425-587-3254  
[jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)  
*Mon – Thus*

---

**From:** [nelson.markb@gmail.com](mailto:nelson.markb@gmail.com) <[nelson.markb@gmail.com](mailto:nelson.markb@gmail.com)>  
**Sent:** Monday, July 01, 2019 4:47 PM  
**To:** Joan Lieberman-Brill <[JLiebermanBrill@kirklandwa.gov](mailto:JLiebermanBrill@kirklandwa.gov)>



**Cc:** Jeremy McMahan <[JMcMahan@kirklandwa.gov](mailto:JMcMahan@kirklandwa.gov)>; Christian Geitz <[CGeitz@kirklandwa.gov](mailto:CGeitz@kirklandwa.gov)>; Penny Sweet <[PSweet@kirklandwa.gov](mailto:PSweet@kirklandwa.gov)>; Jay Arnold <[JArnold@kirklandwa.gov](mailto:JArnold@kirklandwa.gov)>; Tom Neir <[TNeir@kirklandwa.gov](mailto:TNeir@kirklandwa.gov)>; Toby Nixon <[TNixon@kirklandwa.gov](mailto:TNixon@kirklandwa.gov)>; Kelli Curtis <[KCurtis@kirklandwa.gov](mailto:KCurtis@kirklandwa.gov)>; Dave Asher <[DAsher@kirklandwa.gov](mailto:DAsher@kirklandwa.gov)>; Jon Pascal <[JPascal@kirklandwa.gov](mailto:JPascal@kirklandwa.gov)>; Planning Commissioners <[planningcommissioners@kirklandwa.gov](mailto:planningcommissioners@kirklandwa.gov)>; Houghton Council <[houghtoncouncil@kirklandwa.gov](mailto:houghtoncouncil@kirklandwa.gov)>

**Subject:** Shoreline Master Program Periodic Update

Thank you for extending the period to comment on the City's work thus far on the Shoreline Master Program Periodic Update.

I have reviewed all of the material available and offer the following:

1. **Honor the Spirit and Meaning of a Periodic Update** In several of its documents, the City has captured the requirements of WAC 173-25-090. However, many of the proposed changes to KZC83:
  - a. Are *not* minor, even when viewed through a clouded lens.
  - b. Have not been done in a way that, "... shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, ... having interests and responsibilities relating to shorelines of the state and the local master program."
  - c. Are based on bias and opinion of the authors, and are not supported by quantifiable data.
2. **Do not change underlying policies and regulations** Shift these proposed changes to a comprehensive (not periodic) update.
3. **Continue to involve Shoreline Property Owners and Formalize the Roles & Responsibilities** The City started very late with the periodic review. Involvement of Shoreline Property Owners started even later. The WAC requires a review at least once every eight years. The City's plan was last updated in 2010 / 2011. Work on the periodic update started in January 2019.

I have attached Kirkland's *Topic Summary From Staff and Shoreline Property Owners....* with my comments added. Note, I added several rows with requirements that were not included in the City's version.

I'm available at 425-864-5675 (cell / text) to discuss with you, or anyone copied above.

Again, thank you for engaging the community. Please slow the process and involve the shoreline property owners.

---

**From:** Shaylyn Johanson <[SJohanson@kirklandwa.gov](mailto:SJohanson@kirklandwa.gov)>

**Sent:** Monday, June 24, 2019 1:02 PM

**To:** Joan Lieberman-Brill <[JLiebermanBrill@kirklandwa.gov](mailto:JLiebermanBrill@kirklandwa.gov)>

**Subject:** Shoreline Master Program Single Family Oriented Regulation Summary

Dear public meeting attendees,

You are receiving this email because you attended one or both of the Shoreline Master Program public meetings held on May 21 and June 18. The attached summary chart is being provided to each of you, to solicit your rationale for the property owner suggestions we have heard on key single family oriented shoreline regulations.

The chart was handed out at the 2<sup>nd</sup> (June 18) public meeting. It identified key single family oriented existing regulations, potential amendments and City rationale for the change based upon concerns expressed up to and at the 1<sup>st</sup> public meeting.

As requested by attendees at the 2<sup>nd</sup> meeting, staff has revised the original chart to add some shoreline property owner suggestions related to these key regulations, and two new columns; one containing staff's attempt to summarize the

property owner's rationale for those suggestions, and a blank column for you to add your rationale for those suggestions, should they differ from our characterization. Staff encourages you to **add your rational to the blank column in the chart and return it to [jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)**. Staff will finalize the chart with your additional comments.

***Because of our very tight timeline, all rationale comments must be received no later than July 1 by 5:00 p.m., otherwise they will not be included in the final chart.*** This deadline allows for staff to incorporate the information in the packet prepared for the Planning Commission (PC) and Houghton Community Council's (HCC) consideration at their upcoming public hearing on July 25.

The Planning Commission and Houghton Community Council will hold the re-opened July 25<sup>th</sup> joint public hearing in order to take additional testimony on the final draft of the proposed amendments (the final draft amendments will be posted prior to the public hearing). **Please continue to send public comment to [jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)**. All comments will be collected and provided to the Planning Commission and Houghton Community Council at the public hearing, where the final draft of the amendments will be considered.

We appreciate your involvement and continued input through this process.

Thank you,

*Joan Lieberman-Brill*

Senior Planner

Kirkland Planning & Building Department

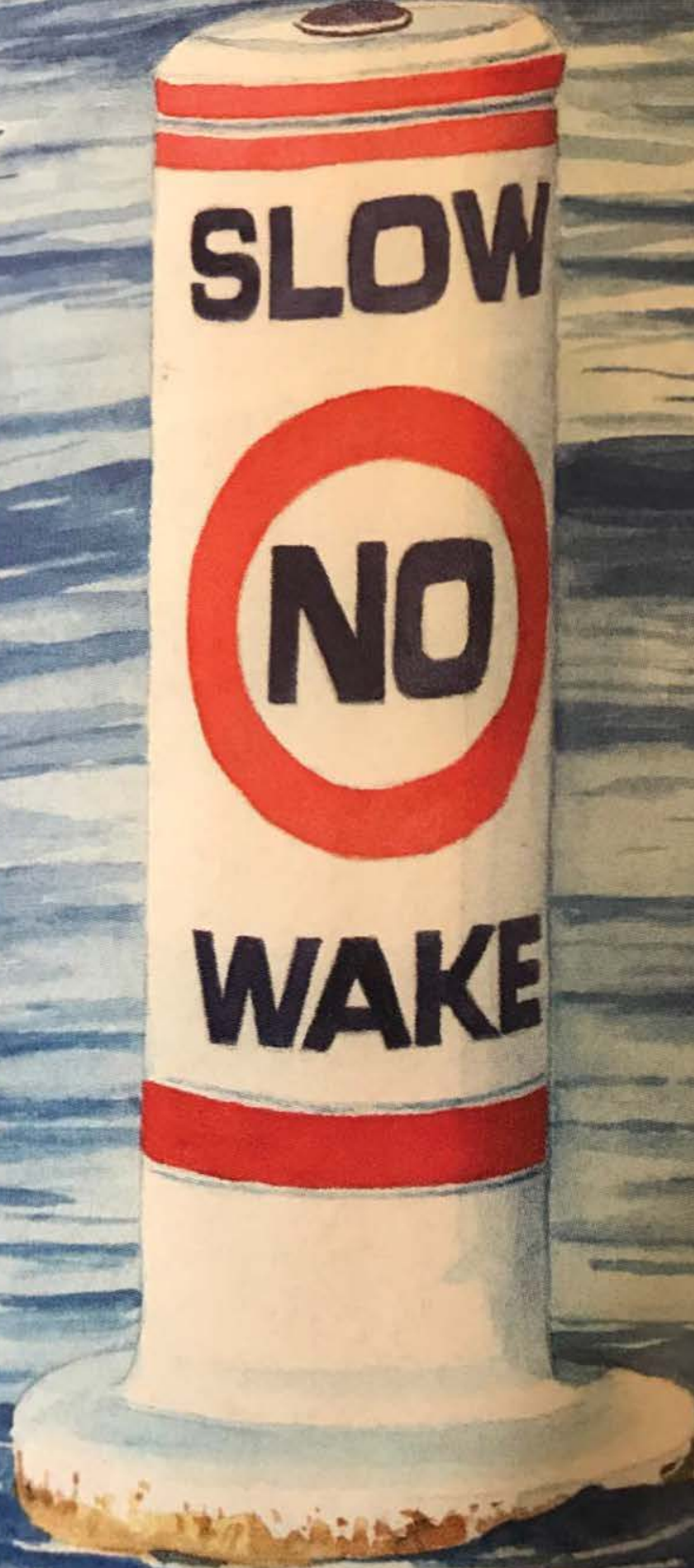
425-587-3254

[jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)

*Mon – Thus*

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.





SWIM AREA BUOY

June 30, 2019

**To: City of Kirkland Planning Commission, Kirkland City Council, Kirkland Mayor, Kirkland Deputy Mayor, Houghton Community Council**

**From: Michele Kenney**

**RE: Shoreline Master Program Periodic Update**

Dear Kirkland City Council, Kirkland City Planners, Mayor, Deputy Mayor, Houghton Community Council,

I will be in the next two years a member of your community in the Juanita area living within 300 feet of the lake. I have been a community member in the Leshi neighborhood for over 26 years living 2 blocks up from the lake and enjoying all the great amenities that lake shore living has to offer.

I also have been in the design and construction industry for over 40 years working with local governments and their building departments for commercial tenants improvements.

I was included in the May 21 Heritage Hall meeting and the last meeting June 12 at Kirkland City Hall. My initiation into this process and the presentation by the City Planners and their responses to the citizens and their concerns left me absolutely speechless.

The **absolute bias** of the City Planners and absolute deflection and twisting of what is really going to affect waterfront homeowners by saying that this Periodic Update “is not intended to be a major update or change to underlying policies and regulations” is **NOT TRUE!** It says so in the Amendments Table 5 - there **ARE MINOR CODE AMMENDEMENTS** and **POLICY CHANGES** throughout this entire table.

The recommendations of the Kirkland Planners will make **HUGE** changes in the property uses and values of the affected properties. Kirkland and Houghton Citizens purchased water front homes with docks, boat launch rails, steps, bulk head, boat houses - they thought they would be able to use these amenities to enjoy their property. Now, with proposed changes – if they make substantial changes to their homes it will be **REQUIRED** that they remove boat houses, docks, stairs, bulkhead and all the items they paid for and which made the property the valuation that it is. King County has devalued homes along the lake to \$1000 on a \$3.2M valuation – which means if that property owner makes over \$501 worth of improvement on a remodel – **ALL** these restrictions kick in! Why should remodeling your house have **ANY EFFECT** on your shoreline amenities??? Why would you need to remove a boat house, boat rails/ramps, removal of a dock if there are already two docks? What verifiable scientific or safety reports state unequivocally that these requirements on existing amenities will help save Lake Washington?

I have read through the Kirkland Planners rational for their changes and modifications and **NOT ONE** of them is based on :

- Sound Science that is verifiable, reviewed and vetted
- Measureable environmental benefits in the Kirkland area
- Feasibility and practicality
- Cost effective
- Fair and equitable
- Flexibility

They do :

- Impose hardships
- Impose risks to property, people and homes
- May impose unintended consequences



They are biased in their desire to keep the shoreline “consistent”, piers adjacent to each other of similar lengths – “generally, no boat owner is going to want to risk damage to their boat, nor are they going to want to build a bigger/longer pier than necessary due to cost”....” If a boat owner of a boat with a deep draft wants to buy a property, they will need to narrow their search to parcels having a deeper water”...*are you Kidding?* People are buying multi-million dollar properties! Do you really believe that they are going to care about another few thousand dollars for 10 more feet of pier for their larger multi-million dollar boats and are you going to discriminate who can buy whatever house they want by the size of their boat? I don’t think that just because my neighbors dock is shorter that I should have to have my dock length restricted. (Bias by the Planning Staff)

I also agree that additional mooring buoys and boat lifts should be allowed – for water safety of swimmers and keeping boats from damaging the bottom of the lake. Boat rails should be kept to allow property owners to secure and store their boats out of the water - to protect the lake. There just simply are not enough boat launches to accommodate all the power boats that use the lake – try launching a boat on any weekend or holiday...it takes hours – obviously no one in the planning department has a power boat!

I also believe that the Annexed area should have all existing boat houses, boat rails, steps, bulk heads and any other amenities the properties now have should be Grandfathered in – property owners have paid taxes based on all these items - is King County going to revalue their properties when any of these items are removed – will their valuations be reduced?

The Planning Staff has not adequately involved nor informed the public of the true consequences of this Shoreline Master Plan Update NOR have they considered the comments, concerns and repercussions of their proposed changes, clarifications and updates. They clearly are biased and are NOT interested in protecting the welfare, property values and just common sense in the use of Lake Washington. I propose that additional time is necessary to have full public comment and consideration and that any changes other than changes for “clarification” which do not change the interpretation of the document or requirements - be stopped and reconsidered to be better vetted and presented to the public. I also propose that at least 2 public representatives should be on any City of Kirkland Shoreline planning committee to oversee and represent information that is presented to the Kirkland City Council for future consideration.

I have read the comments provided by Richard Sandaas - 2019 Shoreline Master Program Update – File CAM 19-00026 and the added Public Rational comments ( in yellow) to the Topic Summary with Options from Staff and Shoreline Property Owners from Public Meetings (May21 & June 18, 2019 provided by Dallas Evans ) both documents attached. I **AGREE** with both documents and for the sake of brevity – wish both documents to be included in my comments, opinions and recommendations to the Kirkland Planning Dept and City Council.

I would guess it’s the people who don’t live on the lake that inflict the most harm and don’t care about long term effects.....to them, it’s just an usually sunny day in Seattle...so let’s go run around the lake and drink, speed and ski in shallow areas, drive too close to docks and swimmers, throw needles/trash/pee in the lake. Cause dangerous wakes, loud music, drive drunk, don’t have required boating safety equipment, fish without licenses, dump bilges and gas into the lake and bring in damaging milfoil and pests...and then leave to go over to Lake Sammamish and do it again!

Those are the people that you need to pass laws and restrictions against and ENFORCE them! They are the ones killing this amazing lake and its precious Salmon – NOT the people living on their beautiful shoreline property and trying to keep it that way!

I will be at any of the next published meetings to voice my opinion. I urge you to be true representatives of the Public – which means taking into consideration and recommendations of the Shoreline Owners – they are the public that is MOST impacted by these changes and restrictions. They are the people who LIVE with the lake every day and want to see it kept clean, safe and vibrant for their families and guests to continually enjoy for years to come.

Respectfully,

Michele Kenney  
[mdkdesign@aol.com](mailto:mdkdesign@aol.com)  
206-604-6608



## 2019 Shoreline Master Program Update

### File CAM 19-00026

Following are comments and questions concerning this update. I will provide additional comments and questions coming from continuing review of the materials.

They are provided by  
Richard K Sandaas

#### **PUBLIC PROCESS**

WAC 173-26-090 prescribes the process for periodic review of master programs. These are to be conducted every eight years, and in Kirkland's case, the one under way was required to be completed by June 30 of 2019. The previous update took years to complete and while this review is intended to be less involved, it is obvious that there was a late start to the review. It should have begun much earlier. Ecology has agreed to a November final submittal but with this deadline the public participation process is likely to be minimized. **The November date should be considered a target, not a fixed deadline, to facilitate compliance with a revised schedule to meet the requirements and objectives of the WAC and expectations of the public.**

WAC 173-26-090 (3)(a)(i) states in part: "In conducting the periodic review, the department and local governments...shall make all reasonable efforts to inform, fully involve, and encourage participation of all interested parties and private entities...having interests and responsibilities relating to shorelines of the state.

WAC 173-26-090(3)(a)(ii) states in part: "Such procedures shall provide for early and continuous participation through broad dissemination of informative materials, proposals and alternatives, opportunities for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments."

It goes on to state: "The public participation program should also inform the public of when to comment on the scope of the review and proposed changes to the master program."

I consider myself a well-informed citizen regarding the Shoreline Management Act. I was mayor of Yarrow Point in the 1970's at the time the Act was adopted and led the effort there to develop Yarrow Point's Shoreline Master Plan. I served as Technical Services Director and Executive Director at Metro, the agency which implemented the regional waste water system that resulted in the clean up of Lake Washington. In these positions I became very familiar with effective public participation for programs and projects.

In 2006 when Kirkland began its SMP update process I was active in following that process which took place over several years. Needless to say I would be alert to future actions on Kirkland's SMP. In my file I do not find the February mailing, only the one dated March 25. That arrived while I was out of town and I saw it first in mid-April. Seeing the term "minor" and facing other issues I put this aside until earlier this month of May when I learned of the potential impacts on my property. I am now delving into the many documents and mining the website to learn more. There is much material to review as evidenced by the 330 page staff report that was presented at the study sessions in February.

One measure of the effectiveness of the public participation effort is the lack of turnout at the Open House and Hearing on April 25. I was one of three waterfront owners to appear, but when I thought that the changes being proposed were benign, I did not stay for the hearing.

Another measure is the awareness of my waterfront owner neighbors. In spite of the mailings only one of my waterfront owner neighbors knew of this review and they are extremely busy in their life and most certainly do not have time to review 330 pages, and more, of complicated material. Another waterfront owner who is an activist on community issues in our neighborhood was not aware of the process.

An example of poor management of the public participation process is the May 16 issue of the on-line "This Week in Kirkland". There is no mention of the upcoming May 21 meeting in Heritage Hall.

It is obvious that the intent of the WAC has not been met as measured by the awareness of shoreline property owners. Additionally, the intent of the WAC to provide for ongoing public comment was not provided for in the original work program, with just one combined Ecology/Kirkland comment opportunity due on April 25. **It is my understanding that there will be a revised schedule showing additional opportunities as committed to by staff and at least one Councilmember.**

The WAC also requires that the public be informed on when to provide comments on the scope of the review and proposed changes. Scope development occurs at the beginning of a process or project and I don't see anywhere in the work plan schedule where this occurred. **Please reply.**

Meeting the WAC requirement for informative materials is an important one. While the argument could be made that these are found on the website, it requires much time and some knowledge of the SMP to understand the changes being proposed. **I request that a consolidated matrix be prepared identifying each change, one by one, highlighted or not, the reason for the change, alternatives, financial impacts, measurable environmental benefits, a column for public comments, and a column for reply and resolution of the comments. Also include a checklist for the bullet points contained in my letter of July 22, 2009, which are included below.**

As for meeting the WAC requirement for provision for open discussion, the 3 minute limit imposed at Planning Commission and City Council meetings hardly facilitates that. **I request that the services of the Finn Hill Neighborhood Alliance be used to host at least one presentation and discussion event of the SMP update process in addition to the city sponsored event on May 21.** FHNA was formed several years ago as the Denny Park Alliance to focus on issues associated with O.O. Denny Park. Later its area was broadened to include Finn Hill and adjacent waterfront areas with a broader scope of interest. It holds regular meetings on issues facing our neighborhood, including one on May 15. It also has an extensive mailing list to notify neighbors of meetings.

As I reviewed the materials describing and supporting the update, I found that the update is flawed, beginning with the public participation process as indicated above, and continuing through the proposed changes. There are factual errors, changes driven by bias and opinion of the writer, and others which are onerous to the waterfront owner with no measurable environmental benefit.

The Watershed Company is responsible for much of this problem. The GAP Analysis Tables 5 is poorly prepared, difficult to navigate, contains rationale driven by opinion rather than sound science or measurable benefits, and contains errors. TWC should have prepared the matrix as requested above. Their contract was a poor expenditure of taxpayer money.

### **SCIENCE**

I am providing a hard copy of a submittal I presented during the prior update process, dated July 22, 2009. (In the past the ten years I changed computers and this file is not available electronically.) Issues and suggestions contained in this paper are relevant today.

Of note are criteria I provided for gaining support by shoreline property owners for the SMP update.

**These should be included in the matrix mentioned above.**

- Based on Sound Science that is reviewed and vetted
- Attain measurable environmental benefits
- Feasible and practical
- Cost effective
- Fair and equitable
- Not impose hardships (as required by RCW 90.58.100)
- Not impose risks to property or homes (as required by RCW 90.58.100)
- Avoid unintended consequences
- Flexible

The submittal contains rationale for each of these bullet points.

It also contains a list of Thirteen Unanswered Questions prepared in 2000, and I previously asked if these had been answered as of now. **Please reply.**

Additionally, it contains a paper titled Shoreline Master Program Updates, Science and Green Shorelines. Here I provided an in-depth analysis of the research and studies that were used, and are now used today, to support the remediation measures that have been incorporated in SMP's and ordinances and new ones being proposed. I found the body of science was not complete, contains suppositions and hypotheses, is sometimes contradictory, and cannot be applied broadly to all shoreline of Lake Washington. One study was based on Lake Whatcom, hardly relevant to lake Washington.

There are many problems with broad application of this "science" to specific areas of lake shore. There is no evidence to support salmon spawning on the Kirkland shoreline. Shoreline vegetation will not provide shading due to the southwest and western exposure of Kirkland's shoreline. Fingerlings coming from the Issaquah Creek through Lake Sammamish are much larger than other hatchery fish, and they remain at the mouth of the Sammamish River before making a beeline for Webster Point. There is no documentation that they travel along the Kirkland shoreline or use the shoreline for spawning. Chinook salmon use the Cedar River for spawning and hatching, and come nowhere near Kirkland's shoreline as they make their way up the western shore of Lake Washington to the ship canal.

Bulkhead removal in the annexed area will produce unintended consequences due to severe winter wind waves and summertime boat wakes. Removal brings with it potential damage to the sewer line that runs along the shoreline from Denny Park to the Juanita Bay pump station, an area of significant winter wind waves.

Regarding salmon spawning in streams, a project several years ago to establish salmon spawning in Denny Creek was a failure. This was due to spikes in storm water runoff from development on Finn Hill. And, as I pointed out in this paper, storm water runoff is a significant problem for Lake Washington as witnessed during winter storms when a swath of silt laden water appears next to the shoreline. Yet shoreline property owners are being targeted for remediation measures of questionable benefit while upland properties continue to impact Lake Washington water quality. **I urge your review of this submittal and please identify new studies, research, peer reviews, or vetting that have occurred since its preparation.** I did locate one study prepared in 2016 by The Watershed Company titled “Review of Existing Conditions and Best Available Science”. However this deals with wetlands and streams, not Lake Washington.

#### **GAP ANALYSIS, KCZ changes**

As background for these comments, these facts from the Shoreline Inventory prepared in December 2006 should be keep in mind:

- One third of Kirkland’s shoreline is natural (Table7)
- One third of Kirkland’s shoreline is vertical (Table 7) These locations are where lots are shallow, having been formed by the lowering of the lake, or are exposed to severe wind waves
- The remaining third is designated “boulder”, or partially protected, providing spaces for habitat (Table 7)
- Forty three percent of Kirkland’s total shoreline consists of park and open space.

These facts produce an interesting glass half full or empty viewpoint. I hold the glass half full viewpoint because we are fortunate that there is so much park and open space shoreline. This is because previous civic leaders obtained commercial properties south on Lake Street for park use, adding to existing parks and those obtained with annexations. Also, while it contains vertical shoreline, the Carillon Point development provides excellent public access in addition to the parks. Another half full viewpoint is the preservation of the Juanita Bay and Yarrow Bay wetlands, an effort I was involved in for the later in the 1970’s.

This puts a realistic perspective on the relationship of vertical, or bulkheaded shoreline to the remainder of Kirkland’s shoreline.

One other factor that should drive the development of changes to the SMP is the statement in the Comprehensive Plan, Section 140.30: **Criteria should be amended in the best interests of the community. And must include waterfront property owners.**

And one additional factor is that no one knows more about, or cares more about Lake Washington than a waterfront property owner. Comments from this constituency should be seriously considered.

## 83.170, 83.270.3.f.4

Residential boat launches or rails not permitted. The number 8 rationale does not justify this restriction.

**Where is the salmon habitat along the shoreline that these launches or rails would disrupt?** It is stated that a homeowner could drag their boat along the bulkhead, dock or beach. This over time would cause considerable damage to the boat hull. It would also significantly constrain the size and type of boat. The alternative stated for taking a boat to a public launch is most impractical, given the limited number of public boat launches and their heavy use during boating season. And, placing a boat on shore removes it from providing that shade in the water that is mentioned so frequently. A private boat launch or rail system is an environmental benefit. This change detracts from the benefits and value of waterfront property ownership and should be deleted.

## 83.270.3.f.m

A mooring buoy is not permitted if the property contains a pier or dock. **What is the rationale for this?**

Experienced waterfront owners would like the option for a mooring buoy so that a boat could be moored there instead of tied to a pier. This is because extensive boat wakes and wind waves can cause damage to both the pier and boat while tied to a pier. This change detracts from the benefits and value of waterfront property ownership and use and should be deleted.

## 83.240 1 c

Geothermal heat pumps not permitted. The reasons stated in Table 5 do not support this restriction.

First, **where are the documented salmon habitat areas?** Second, to state that heat pumps would heat up the lake water is ludicrous. The volume of Lake Washington and its currents would dissipate any heat generated. Furthermore, a heat pump installation would reduce energy consumption and greenhouse gases. **What are the Department of Ecology concerns?**

## Table 5, Item 11.

Requires vegetation in shoreline plantings over existing bulkheads which is good for fish habitat.

**What is the documentation that supports this and what is the basis for the recommendation by the Muckleshoot Tribe?**

## 83.270.4.a, SA11.2, Policy SA11.2

Restricting pier length. This change imparts unnecessary complexity and should be eliminated.

Rationale depicted under item 2, Table 5, page 10 is in error. It states that most boats in Kirkland do not need anywhere near the 9-10 foot depth currently in the code. **What is this conclusion based on? Was there a survey conducted?** The writer is not familiar with power boat and sailboat configurations, nor the need for certain water depths for a boat lift to function to lift various boat types. The writer did not take into consideration the more than two-foot variation in water level that occurs in Lake Washington. The writer did not understand the depth contours in relation to the curvature of the shoreline which further complicates the administration of this change.

The rationale goes on to state that a longer pier would make navigation hazardous. There is a speed limit out to 300 feet from the shoreline that reduces that possibility. **How many reported incidents of boats striking piers are there?**

The rationale states that boat owners do not want to incur damage to a boat from sitting on the lake bed. This is confirmed elsewhere where it states "the moorage design will prevent boats from sitting on

the lake bed". There are a variety of draft requirements for boats, ranging from small outboards to sailboats with deep keels. A waterfront property owner should have the flexibility to choose an appropriate type for their use.

The statement that a prospective purchaser will narrow their choices based on restrictions of water depth off a pier when purchasing a property is astounding. Once again, this detracts from the benefits and value of waterfront property ownership.

#### Policy SA20.7

This policy focuses on the removal of hard stabilization at city parks. O.O. Denny park is now added to the list. The removal of that bulkhead would likely result in erosion of the bank caused by winter wind waves and summertime boat wakes, ultimately undermining the roots and placing the conifer trees in danger. A serious unintended consequence. I raised this issue ten years ago in the previous process I was assured that what was meant was removal of the low concrete bulkhead, much like a curb, further north. **This clarification needs to be included in the policy statement.** Furthermore, since O.O. Denny Park is owned by the City of Seattle, its concurrence would most likely have to be obtained before any significant projects were to be implemented.

#### Policy SA20.1

This policy focuses on salmon friendly pier design in city parks. O.O. Denny Park is added to the list. This is in error. O.O. Denny Park does not have a pier. **Remove O.O. Denny Park from the list.**

#### Policy SA10.6

This policy states that Lake Washington is an important migration and rearing area for Chinook Salmon. Studies show that the Chinook come from and go to the Cedar River via the Ship Canal, coming nowhere near Kirkland's shoreline. **How does this statement apply?**

#### Policy SA6.3

This policy seeks to remove overwater structures, i.e. condominiums. The taking of these properties would be highly impractical due to high cost, multiple ownerships, and displacement of residences.

#### GAP Analysis, Table 5, Item 3

Require removal of non-conforming structure, such as boathouses, ....

I have been unable to locate the Zoning Code section where this is stated. **Please provide this section.**

#### 83.400.3.f

Delete alternative option for planting required vegetation in shoreline setback. The rationale for this is since no one has applied for this option in 7 years it should be deleted. This is not a valid reason. This option should be retained.

#### 83.480.23.g.6, and .7

This adds a requirement for a plan to be submitted to the city for milfoil removal and notification to abutting property owners. **What is the purpose of submitting a plan? Why add another bureaucratic burden on waterfront property owners?** The rationale does not mention a third milfoil prevention



which is application of matting. **This should be included.** Milfoil is a noxious weed that should be eliminated. The city should be proactive in making this happen.

There is a statement in the materials which says that hardened shoreline, namely bulkheads, cause erosion of adjacent substrate. I have 45 years of ownership of bulkheaded waterfront with exposure to heavy wind waves and boat wakes. Over this time there has been no change to the adjacent lakebed. **I request documentation or substantiation of this statement.**

**TOPIC SUMMARY WITH OPTIONS FROM STAFF AND SHORELINE PROPERTY OWNERS  
FROM PUBLIC MEETINGS (MAY 21 & JUNE 18, 2019)**

CURRENT SMP REQUIREMENTS RELATED TO SINGLE FAMILY	POTENTIAL AMENDMENTS UNDER STUDY				
	STAFF RECOMMENDATION <i>APRIL 16, 2019</i>	STAFF RATIONALE	SHORELINE PROPERTY OWNER SUGGESTIONS	RATIONALE STAFF HEARD FROM MEETINGS	RATIONALE FROM SHORELINE PROPERTY OWNERS

<b>Pier length and depth:</b> a. Length Maximum – 150' b. Docks extending farther waterward than adjacent docks must demonstrate that they will not have an adverse impact on navigation. c. Depth Minimum – 9'/10' at landward end of piers or floats attached to docks	a. Length – no longer than the average of adjacent piers or 150', whichever is less, except when a water depth adequate to prevent boat from sitting on the lakebed cannot be achieved within the average length of neighboring piers, it may extend a maximum of 150'. b. Depth - Eliminate prescribed depth while still prohibiting boats from sitting on	Prioritize length as average of adjacent piers to prevent excess dock length beyond what is necessary to accommodate boat draft, remove requirement to extend piers to a minimum depth of 9'/10' and allow property owner flexibility to design pier length/depth with more dependency upon need, promote consistency with character of waterfront, reduce navigation hazards and reduce overwater	1. Don't change current rules. 2. Allow docks to exceed average length of adjacent docks by 10%	1. Depth requirements critical for boat owners to safely moor boats and to protect lake bed from propeller wash and boats bottoming out. 2. In recognition that as property values go up so do the cost and size of boats desired to be moored. Need more moorage space in deeper water than the average length might allow.	1. Double jeopardy to property owners by getting rid of depth requirement and imposing limits on dock lengths due to navigation 2. Allowing average dock lengths to increase over time mitigates the navigational impacts of longer docks. Contrary to Staff rationale, water depths are relatively shallow near shore. The first 30 feet is protected so that leaves less dock length for longer boats. By getting rid of the depth rule, docks would become shorter due to navigational issues unless there was an option to increase dock lengths.
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>TOPIC SUMMARY WITH OPTIONS FROM STAFF AND SHORELINE PROPERTY OWNERS FROM PUBLIC MEETINGS (MAY 21 &amp; JUNE 18, 2019)</b>					
<b>CURRENT SMP REQUIREMENTS RELATED TO SINGLE FAMILY</b>	<b>POTENTIAL AMENDMENTS UNDER STUDY</b>				
	<b>STAFF RECOMMENDATION <i>APRIL 16, 2019</i></b>	<b>STAFF RATIONALE</b>	<b>SHORELINE PROPERTY OWNER SUGGESTIONS</b>	<b>RATIONALE STAFF HEARD FROM MEETINGS</b>	<b>RATIONALE FROM SHORELINE PROPERTY OWNERS</b>
	lakebed	coverage.			
<b>Location of ells, finger and deck platforms:</b> No closer than 30 feet from the shoreline	Add additional requirement that ells, fingers and deck platforms be located at the terminal (waterward) end of the pier	With removal of the depth standard for these features, this change would help ensure that larger areas of overwater coverage are still as far from the nearshore salmon habitat as possible.	1. Don't change current rules	1. Existing code provides more flexibility to property owner while existing topography almost guarantees that most ells, finger piers and deck	This is code change is counterintuitive. Removing the depth requirement of 8/9 feet would create more problems than it solves. At 30 feet from shoreline there are virtually no docks in Kirkland that are already in 8 to 9 feet anyway. Why change this code section

<b>TOPIC SUMMARY WITH OPTIONS FROM STAFF AND SHORELINE PROPERTY OWNERS FROM PUBLIC MEETINGS (MAY 21 &amp; JUNE 18, 2019)</b>					
<b>CURRENT SMP REQUIREMENTS RELATED TO SINGLE FAMILY</b>	<b>POTENTIAL AMENDMENTS UNDER STUDY</b>				
	<b>STAFF RECOMMENDATION <i>APRIL 16, 2019</i></b>	<b>STAFF RATIONALE</b>	<b>SHORELINE PROPERTY OWNER SUGGESTIONS</b>	<b>RATIONALE STAFF HEARD FROM MEETINGS</b>	<b>RATIONALE FROM SHORELINE PROPERTY OWNERS</b>

				platforms will be further out than 30 feet with a 8/9 foot depth requirement	
<b>Moorage buoys:</b> <ul style="list-style-type: none"> <li>Moorage buoys are not permitted when property already has a pier or dock.</li> <li>No more than one moorage buoy is permitted per single family residence.</li> </ul>	No change proposed		<ol style="list-style-type: none"> <li>Allow a moorage buoy in addition to a pier or dock</li> <li>Allow more than one moorage buoy depending upon the width of the property</li> <li>Allow navigation/ safety buoys that tend to be further out than mooring buoys</li> </ol>	<ol style="list-style-type: none"> <li>Note, a mooring buoy can double as navigation buoy</li> <li>King County is not actively replacing navigation buoys, so additional private mooring buoys would help protect swimmers, kayaks, and paddle boarders from motorboats</li> </ol>	<p>Mooring buoys create a deterrent from motorized boats coming in between shoreline and buoy where swimmers maybe be swimming. This is a huge safety issue for the non-boating public where boaters do not have boundaries without them.</p> <p>Ask yourself by Kirkland waterfront parks have buoys yet shoreline owners are treated with less consideration for their safety</p>

<b>TOPIC SUMMARY WITH OPTIONS FROM STAFF AND SHORELINE PROPERTY OWNERS FROM PUBLIC MEETINGS (MAY 21 &amp; JUNE 18, 2019)</b>					
<b>CURRENT SMP REQUIREMENTS RELATED TO SINGLE FAMILY</b>	<b>POTENTIAL AMENDMENTS UNDER STUDY</b>				
	<b>STAFF RECOMMENDATION <i>APRIL 16, 2019</i></b>	<b>STAFF RATIONALE</b>	<b>SHORELINE PROPERTY OWNER SUGGESTIONS</b>	<b>RATIONALE STAFF HEARD FROM MEETINGS</b>	<b>RATIONALE FROM SHORELINE PROPERTY OWNERS</b>

<b>Boat Lifts:</b> Maximum number – One boat lift per single family residence.	No change proposed		1. Allow more than one boat lift	1. Keeps boats out of the lake, which is better for fish habitat and reduces shading impacts. Other jurisdictions allow multiple.	<ul style="list-style-type: none"> <li>• Safer to swim around boats out of the water</li> <li>• Safer to ingress and egress out of boats on lifts</li> <li>• Keeps bilge dry and out of lake</li> <li>• Less impact to Lake bottom than sitting in lake or winding up on shore</li> <li>• Optional for those that have more than one boat/PWC/sailboat/skull/e tc.</li> </ul>
<b>Nonconformances:</b> If making an alteration to an existing house, when the cost exceeds 50% of replacement cost, or when a new home is proposed,	1. Require these rules to apply in entire City, not just annexation area 2. Require the more non-conforming dock to be	1. Make nonconforman ce requirements consistent citywide 2. More conforming	1. Eliminate current requirement to remove boathouses 2. Continue to allow applicant to choose	1. There should be no connection between upland major redevelopment of home and removal of nonconforming	Typically, waterfront properties have a different ratio of value placed upon the improvements verses land value as compared to other residential real estate. This is well documented in the way the county assessor values property values.

**TOPIC SUMMARY WITH OPTIONS FROM STAFF AND SHORELINE PROPERTY OWNERS  
FROM PUBLIC MEETINGS (MAY 21 & JUNE 18, 2019)**

CURRENT SMP REQUIREMENTS RELATED TO SINGLE FAMILY	POTENTIAL AMENDMENTS UNDER STUDY				
	STAFF RECOMMENDATION <i>APRIL 16, 2019</i>	STAFF RATIONALE	SHORELINE PROPERTY OWNER SUGGESTIONS	RATIONALE STAFF HEARD FROM MEETINGS	RATIONALE FROM SHORELINE PROPERTY OWNERS

<p>the following must be removed:</p> <ul style="list-style-type: none"> <li>Decks and patios within shoreline setback</li> <li>Additional pier or dock in annexation area (Finn Hill Juanita)</li> <li>Boat houses in the annexation area (Finn Hill and Juanita)</li> </ul>	<p>removed</p> <ol style="list-style-type: none"> <li>Require stairs and boat ramps/rails to be removed</li> <li>Require removal regardless of location (both in the nearshore 30' or waterward)</li> </ol>	<p>dock is preferred</p> <ol style="list-style-type: none"> <li>Clarify when in-water boat ramps/rails must be removed (already prohibited in setback)</li> <li>Minimizing overwater coverage reduces predation threats on juvenile salmon. Structural overwater cover provides predator habitat. Salmon avoid areas with</li> </ol>	<p>which pier is to be removed if more than one on property.</p> <ol style="list-style-type: none"> <li>Do not require stairs or boat launches to be removed</li> <li>Delay update of nonconformance regulations until next update.</li> </ol>	<p>boathouse</p> <ol style="list-style-type: none"> <li>The threshold for when the cost of alteration exceeds 50% of the value of the house should be changed to account for the value of the property, not just the improvement that is being altered.</li> <li>Provides more flexibility to property owner</li> <li>These are amenities that are desirable to homeowners to access and use private</li> </ol>	<p>The land is worth far more than the existing house and as time goes on, a perfectly good house maybe torn down and replaced because the attributes of the land and shoreline make up a significantly higher value than a new house. Existing boat houses, steps to the water, docks become more of a priceless object when grandfathered by the WAC and if required to be torn down can greatly affect property values or the reason why the property was purchased.</p> <p>Bottom line is that the city planners need to reflect on the fact that what is on the shoreline has a huge factor on the value of the property and not the house or</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>TOPIC SUMMARY WITH OPTIONS FROM STAFF AND SHORELINE PROPERTY OWNERS FROM PUBLIC MEETINGS (MAY 21 &amp; JUNE 18, 2019)</b>					
<b>CURRENT SMP REQUIREMENTS RELATED TO SINGLE FAMILY</b>	<b>POTENTIAL AMENDMENTS UNDER STUDY</b>				
	<b>STAFF RECOMMENDATION <i>APRIL 16, 2019</i></b>	<b>STAFF RATIONALE</b>	<b>SHORELINE PROPERTY OWNER SUGGESTIONS</b>	<b>RATIONALE STAFF HEARD FROM MEETINGS</b>	<b>RATIONALE FROM SHORELINE PROPERTY OWNERS</b>
		shadows, which forces them into deeper water where predators roam. Removal of overwater coverage encourages juvenile salmon to stay closer to the shore where predatory fish are less likely to be found.		4. shorelines Beyond the scope of SMP periodic update to address changing the existing nonconforming regulations in the annexation area. Therefore, until they are addressed in Comprehensive update, don't add regulations to require additional structure removal (boat ramps and stairs) waterward of OHWM; removal of the more	<p>improvements set back from the shoreline set back. The 50% replacement ratio negates the reason why shoreline owners choose to buy many of the older homes sitting on prime real estate.</p> <p>For example, a \$3 million dollar property can become a \$5 million dollar property by replacing a \$500,000 house with a \$1.5 million dollar house. Take away some priceless (boat house or dock) attribute of the shoreline and the property may not be worth rebuilding on.</p> <p>It is quite obvious that there is a lot of new construction going on around the Kirkland waterfront that may have had perfectly good houses on them but for the reason that</p>



<b>TOPIC SUMMARY WITH OPTIONS FROM STAFF AND SHORELINE PROPERTY OWNERS FROM PUBLIC MEETINGS (MAY 21 &amp; JUNE 18, 2019)</b>					
<b>CURRENT SMP REQUIREMENTS RELATED TO SINGLE FAMILY</b>	<b>POTENTIAL AMENDMENTS UNDER STUDY</b>				
	<b>STAFF RECOMMENDATION <i>APRIL 16, 2019</i></b>	<b>STAFF RATIONALE</b>	<b>SHORELINE PROPERTY OWNER SUGGESTIONS</b>	<b>RATIONALE STAFF HEARD FROM MEETINGS</b>	<b>RATIONALE FROM SHORELINE PROPERTY OWNERS</b>
				<p>non-conforming pier if there are more than one on the property; or expand beyond annexation area the requirement to remove non-conforming boat house or additional pier if more than one</p>	<p>the land is worth so much more than the existing house, the house value is inconsequential to the decision to purchase the property and rebuild. Current code is counterintuitive to shoreline land verse improvement values.</p> <p>This code section needs to be revisited in a more comprehensive method and not under a periodic review. There is too much property value at stake to the shoreline owner.</p> <p>The current code is myopically focused on aesthetics that do not apply to shorelines as much as non-waterfront residential properties. Shoreline properties in fact have two front yards to</p>

<b>TOPIC SUMMARY WITH OPTIONS FROM STAFF AND SHORELINE PROPERTY OWNERS FROM PUBLIC MEETINGS (MAY 21 &amp; JUNE 18, 2019)</b>					
CURRENT SMP REQUIREMENTS RELATED TO SINGLE FAMILY	POTENTIAL AMENDMENTS UNDER STUDY				
	STAFF RECOMMENDATION <i>APRIL 16, 2019</i>	STAFF RATIONALE	SHORELINE PROPERTY OWNER SUGGESTIONS	RATIONALE STAFF HEARD FROM MEETINGS	RATIONALE FROM SHORELINE PROPERTY OWNERS

					consider whereas the current code is really written for properties that have only one front yard and presumably a different ratio of land to improvement value
--	--	--	--	--	----------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>Nonconformances:</b> If making an addition to a dock, the following structures must be removed: <ul style="list-style-type: none"> <li>• Additional pier or dock in annexation area</li> <li>• Boat houses in annexation area</li> </ul>	<ol style="list-style-type: none"> <li>1. Require these rules to apply in entire City shoreline, not just annexation area</li> <li>2. Require the more non-conforming dock to be removed</li> <li>3. Require removal regardless of location (both in the nearshore 30' or waterward)</li> </ol>	Make nonconformance requirements consistent citywide	<ol style="list-style-type: none"> <li>1. Continue to allow applicant to choose which pier is to be removed if more than one on property</li> <li>2. Eliminate current requirement to remove boat houses</li> </ol>	<ol style="list-style-type: none"> <li>1. Provides more flexibility to property owner</li> <li>2. Boat houses are amenities that add value to shoreline property and protect boats</li> <li>3. Many properties that have boat house currently area located on steep slopes with limited or not access for boat trailer and boats. Boat house serve</li> </ol>	See rational above
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------

<b>TOPIC SUMMARY WITH OPTIONS FROM STAFF AND SHORELINE PROPERTY OWNERS FROM PUBLIC MEETINGS (MAY 21 &amp; JUNE 18, 2019)</b>					
<b>CURRENT SMP REQUIREMENTS RELATED TO SINGLE FAMILY</b>	<b>POTENTIAL AMENDMENTS UNDER STUDY</b>				
	<b>STAFF RECOMMENDATION <i>APRIL 16, 2019</i></b>	<b>STAFF RATIONALE</b>	<b>SHORELINE PROPERTY OWNER SUGGESTIONS</b>	<b>RATIONALE STAFF HEARD FROM MEETINGS</b>	<b>RATIONALE FROM SHORELINE PROPERTY OWNERS</b>
				these lots by allowing full year around storage on the property.	

<b>TOPIC SUMMARY WITH OPTIONS FROM STAFF AND SHORELINE PROPERTY OWNERS FROM PUBLIC MEETINGS (MAY 21 &amp; JUNE 18, 2019)</b>					
<b>CURRENT SMP REQUIREMENTS RELATED TO SINGLE FAMILY</b>	<b>POTENTIAL AMENDMENTS UNDER STUDY</b>				
	<b>STAFF RECOMMENDATION <i>APRIL 16, 2019</i></b>	<b>STAFF RATIONALE</b>	<b>SHORELINE PROPERTY OWNER SUGGESTIONS</b>	<b>RATIONALE STAFF HEARD FROM MEETINGS</b>	<b>RATIONALE FROM SHORELINE PROPERTY OWNERS</b>
<b>Milfoil:</b> A copy of the applicant's NPDES permit must be submitted to the Planning Department prior to herbicide application	Require notification of neighboring property when applying chemical herbicides to remove milfoil	Provides awareness to neighbors of potential impacts. Increases awareness of invasive plant	<ol style="list-style-type: none"> <li>1. Clarify that notification is required for chemical application, not mechanical removal</li> <li>2. City should provide more advance notice (one week) so homeowner's get fair warning of when application will occur</li> <li>3. If State is going to revise notification regulations City should not regulate</li> </ol>	<ol style="list-style-type: none"> <li>1. Clarification</li> <li>2. There is inadequate notification (day of) provided by Ecology that gives insufficient lead time to ensure safety</li> <li>3. Redundant notification is onerous requirement</li> </ol>	

<b>TOPIC SUMMARY WITH OPTIONS FROM STAFF AND SHORELINE PROPERTY OWNERS FROM PUBLIC MEETINGS (MAY 21 &amp; JUNE 18, 2019)</b>					
<b>CURRENT SMP REQUIREMENTS RELATED TO SINGLE FAMILY</b>	<b>POTENTIAL AMENDMENTS UNDER STUDY</b>				
	<b>STAFF RECOMMENDATION <i>APRIL 16, 2019</i></b>	<b>STAFF RATIONALE</b>	<b>SHORELINE PROPERTY OWNER SUGGESTIONS</b>	<b>RATIONALE STAFF HEARD FROM MEETINGS</b>	<b>RATIONALE FROM SHORELINE PROPERTY OWNERS</b>
<b>Private Boat launches:</b> Current code allows for grandfathering of existing launches	Forbid existing and new private launches for use by motorized boats	Impacts to shorelines	No change to existing code  The city currently has just one public boat launch. There is also one unlisted boat launch on Holmes point that is a dead- end street that runs into the water but is not maintained by the city. This would for all intents and purposes be made illegal under this code amendment.  The city provides an inadequate number of access points for launching motorized boats and non- existent off-street parking for vehicles	Staff envisions that non-motorized boats can be launched on public beaches or privately-owned shorelines. Yet there is no way to get a car and trailer down to any public beach to launch a 15-foot sunfish sailboat or a 21 foot Hobie cat.  Why is the distinction between a motorized 17-foot boat and a 17 foot Hobie cat sailboat in terms of impact to shorelines? This change to the code is counter intuitive and does not consider the lack of city resources to create public and private access to the	All other cities bordering Lake Washington provide for at least one if not more lanes of launches including off street parking for vehicles and trailers.  which makes access to the day family outings without waiting in long lines for launching and then finding a place to park.  Limiting existing private launches just increases this inconvenience for shoreline owners let alone the public that does not have waterfront access

<b>TOPIC SUMMARY WITH OPTIONS FROM STAFF AND SHORELINE PROPERTY OWNERS FROM PUBLIC MEETINGS (MAY 21 &amp; JUNE 18, 2019)</b>					
<b>CURRENT SMP REQUIREMENTS RELATED TO SINGLE FAMILY</b>	<b>POTENTIAL AMENDMENTS UNDER STUDY</b>				
	<b>STAFF RECOMMENDATION <i>APRIL 16, 2019</i></b>	<b>STAFF RATIONALE</b>	<b>SHORELINE PROPERTY OWNER SUGGESTIONS</b>	<b>RATIONALE STAFF HEARD FROM MEETINGS</b>	<b>RATIONALE FROM SHORELINE PROPERTY OWNERS</b>
			with trailers	waterfront.  This code amendment falls short of considering that motorized and nonmotorized boats come in similar sizes and trailers (sailboats, large rowing skulls, canoes, etc) the impacts are the same to the shorelines if you require a trailer to launch them	

To view the complete set of proposed amendments, visit the Shoreline Master Program Periodic Update webpage by following this link:  
[https://www.kirklandwa.gov/depart/planning/Topics/SMP/Shoreline\\_Master\\_Program\\_Periodic\\_Update.htm](https://www.kirklandwa.gov/depart/planning/Topics/SMP/Shoreline_Master_Program_Periodic_Update.htm)

Prepared for the June 18 SMP Periodic Update public meeting.



**Public Comment to Shoreline Master Project Periodic Update**

July 1, 2019, 10:00 a.m.

To whom it may concern,

We are lake front property owners. Our home is just north of O.O. Denny Park. Our home has a clear view of the park shoreline. I am providing public comment regarding the proposal to remove bulkheads from O.O. Denny Park under **Policy SA20.7**

I am concerned that the removal of bulkheads from O.O. Denny Park would result in erosion of the park. The waves from the lake are large and crash hard on the park at all times during the year (per my observation). The wind, wake from large barges that pass through daily, boat traffic and storms create sizable and steady waves that break heavily against the area of bulkhead. White caps are common year round.

Attached please find a photo I took of a tree that is falling into the lake from erosion at the northern end of the park. There are other trees similarly situated at the end of the water line. The tree in the attached photo was previously protected by rocks and a bulkhead, but these protections have been removed and the tree's root system is now undermined by the lake.

If anything, it is my opinion that the bulkheads need to be shored up and strengthened to maintain the park and its trees. Previous homeowners in the area have reported that the northern part of the park used to flood before the bulkheads were added. The bulkheads at the southern end of the park are equally important as that portion of the shoreline extends outward and is hit the hardest by crashing waves.

The rationale for removing the bulkhead provided in the update is expressed as creating a "uniformity of code" throughout city neighborhoods and to maintain the lakebed. I do not believe these are valid rationales. First, just because some lake shores do not require bulkheads does not mean this is the same for every shore. Every coast line has its own characteristics. The shoreline at O.O. Denny requires a bulkhead to protect the park from erosion because the park shoreline extends out into the lake and is hit by the brunt of oncoming waves - that is why one was built in the first place. Second, the lakebed does not appear changed or harmed from the presence of the bulkhead. Any harm or undesired changes to the lakebed as a result of the bulkheads should be specifically identified by the City if the removal is entertained further.

Please keep the bulkheads in place as a protective measure against park erosion.

Respectfully,



Rebecca Penn and John Beck



## Joan Lieberman-Brill

---

**From:** Richard Sandaas <eride@msn.com>  
**Sent:** Monday, July 01, 2019 10:20 AM  
**To:** Joan Lieberman-Brill  
**Cc:** speusser@kirklandwa.gov; Sandeep Singhal; John Tymczyszyn; Carter Bagg; Colleen Cullen; Angela Rozmyn; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal; Adam Weinstein; Kurt Triplett  
**Subject:** Comments regarding Kirkland Shoreline Master Program update  
**Attachments:** Shoreline matrix.docx; 2019 Shoreline Master Program Update.docx

June 30, 2019

Reference: File CAM 19-00026

Attached are two files: 1. My comments and questions previously submitted on May 16, 2019; 2. A matrix of SMP changes with associated issues.

I am once again submitting my May 16, 2019 comments because in culling through the City's Shoreline Master Program web site I cannot find answers to all of the questions and concerns raised. Once again I request specific answers to the bold faced items contained in that comment submittal.

The matrix has one row for City response. Please fill in that row.

In addition I am providing these comments:

### **PROCESS:**

There are several significant issues.

First, the prior update process was conducted prior to annexation. Shoreline property owners in the future annexed area were not aware of this update process and had no involvement.

Second, when annexation occurred, the ordinances developed from the update process were applied to the annexed area in 2011 without a public process involving the shoreline property owners.

Third, the current process should have begun early last year to meet the Ecology requirement for submittal by June 30 of this year. Instead it was begun early this year resulting in a process that restricted opportunities for public awareness and involvement. The process did not provide the public an opportunity to comment on the scope of the review and proposed changes at the onset, as required by WAC 173-26-090(3)(a)(ii).

Fourth, the update was described in notifications as minor changes to the Master Program, resulting in shoreline owners assuming no action was necessary on their part. However, they are not minor changes as they impose additional significant restrictions on shoreline property ownership. Now having been informed, these owners are concerned and are becoming involved in the process.

Additionally those owners of the overwater condominiums south on Lake Street should be highly concerned of the "aspiration" contained in Policy SA6.3 to remove their homes. Have they been notified of this policy? And what about the taxpayers of Kirkland who would be called upon to pay the extraordinary costs to accomplish this?

The bottom line is that there are serious flaws in the implementation process beginning in 2010 and 2011.

#### **SCIENCE:**

For the prior update process I reviewed all the research papers used to justify the remediation measures (bulkhead removal, etc.) that became incorporated into the Comprehensive Plan and Ordinances.

The studies and research showed two salmon migration patterns, one in and out of the Ship Canal south to the Cedar River and some small creeks, and north in and out of the Sammamish River.

According to the studies, the Sammamish River salmon are hatched in the Bear, Cottage and Issaquah Creeks and migrate down the Sammamish River, spending time at the mouth of the river near Kenmore. Following that, these fingerlings proceed southerly down the lake to Webster Point and the ship canal. As I write this these fingerlings are passing down the lake, well away from the shoreline. Evidence of their location in the lake is revealed by eagles seeking them. I have observed this over the 45 years I have lived on Holmes Point Drive and have never seen salmon along the nearshore. When the Sammamish salmon return they are heading to their spawning grounds where they were originally hatched. This means that they proceed up the lake, away from the shoreline to the Sammamish River.

The studies and research papers did not show any salmon migration patterns along the Kirkland shoreline, including the annexed shoreline.

For the current SMP update I have reviewed the all the studies posted on the Background Information page website to see if there are any recent studies about salmon migration specific to the Kirkland Shoreline. The WRIA 8 Report is the most comprehensive, with the most recent study cited completed in 2008, and was part of my earlier review. The material in the WRIA 8 report has extensive information about salmon migratory patterns and does not show any travel along the Kirkland shoreline.

This then begs the question: Why are remediation measures focused on salmon habitat when none has been documented along the Kirkland shoreline? What is the justification for causing significant expenditures of both public and private money for measures that do not provide environmental benefits?

It is incumbent upon the City and Ecology to face this issue. Conduct a scientific study about fish habitat focused on salmon migration along Kirkland's shoreline.

Until the science and process issues are resolved, acceptance of the Shoreline Master Program and its updates by the annexed shoreline property owners is very unlikely.

Richard K Sandaas  
12453 Holmes Point Drive

## 2019 SHORELINE MASTER PROGRAM CHANGES, CITY OF KIRKLAND

	<u>BULKHEAD ELIMINATION</u>	<u>BOATHOUSE ELILMINATION</u>	<u>LAUNCH RAMP ELIMINATION</u>	<u>BOUY CONSTRAINT</u>	<u>BULKHEAD PLANTINGS</u>	<u>PIER LENGTH</u>	<u>MILFOIL PLAN REQMT</u>	<u>OVERWATER CONDO ELIMINATION</u>
<b>CITED REASON</b>	FISH HABITAT	FISH HABITAT	FISH HABITAT	UNKNOWN	FISH HABITAT	AESTHETICS SAFETY	UNKNOWN	HABITAT AESTHETICS
<b>FINANCIAL IMPACT</b>	SIGNIFICANT	SIGNIFICANT	N/A	N/A	MODERATE	MODERATE	MODERATE	EXTREME
<b>COST EFFECTIVE</b>	NO	NO	N/A	N/A	NO	N/A	NO	NO
<b>MEASURABLE ENVIRONMENTAL BENEFIT</b>	NOT DOCUMENTED	NOT DOCUMENTED	NOT DOCUMENTED	N/A	NOT DOCUMENTED	NO	N/A	POSSIBLE
<b>BASED ON SOUND SCIENCE</b>	NO	NO	NO	N/A	NO	N/A	N/A	NO
<b>FEASIBLE AND PRACTICAL</b>	NO	NO	NO	NO	NO	NO	NO	NO
<b>FAIR AND EQUITABLE</b>	NO	NO	NO	NO	NO	NO	NO	NO
<b>IMPOSE HARDSHIPS</b>	YES	YES	YES	YES	YES	YES	YES	YES
<b>IMPOSE RISKS</b>	YES	NO	NO	NO	NO	NO	N/A	YES
<b>AVOID UNINTENDED CONSEQUENCES</b>	NO	NO	N/A	N/A	N/A	NO	NO	NO
<b>CITY RESPONSE TO PUBLIC COMMENTS</b>								

## 2019 Shoreline Master Program Update

### File CAM 19-00026

Following are comments and questions concerning this update. I will provide additional comments and questions coming from continuing review of the materials.

They are provided by  
 Richard K Sandaas  
 12453 Holmes Point Drive  
[eride@msn.com](mailto:eride@msn.com)  
 425 823 2145  
 May 16, 2019

#### **PUBLIC PROCESS**

WAC 173-26-090 prescribes the process for periodic review of master programs. These are to be conducted every eight years, and in Kirkland's case, the one under way was required to be completed by June 30 of 2019. The previous update took years to complete and while this review is intended to be less involved, it is obvious that there was a late start to the review. It should have begun much earlier. Ecology has agreed to a November final submittal but with this deadline the public participation process is likely to be minimized. **The November date should be considered a target, not a fixed deadline, to facilitate compliance with a revised schedule to meet the requirements and objectives of the WAC and expectations of the public.**

WAC 173-26-090 (3)(a)(i) states in part: "In conducting the periodic review, the department and local governments...shall make all reasonable efforts to inform, fully involve, and encourage participation of all interested parties and private entities...having interests and responsibilities relating to shorelines of the state.

WAC 173-26-090(3)(a)(ii) states in part: "Such procedures shall provide for early and continuous participation through broad dissemination of informative materials, proposals and alternatives, opportunities for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments."

It goes on to state: "The public participation program should also inform the public of when to comment on the scope of the review and proposed changes to the master program."

I consider myself a well-informed citizen regarding the Shoreline Management Act. I was mayor of Yarrow Point in the 1970's at the time the Act was adopted and led the effort there to develop Yarrow Point's Shoreline Master Plan. I served as Technical Services Director and Executive Director at Metro, the agency which implemented the regional waste water system that resulted in the clean up of Lake Washington. In these positions I became very familiar with effective public participation for programs and projects.

In 2006 when Kirkland began its SMP update process I was active in following that process which took place over several years. Needless to say I would be alert to future actions on Kirkland's SMP. In my file I do not find the February mailing, only the one dated March 25. That arrived while I was out of town



and I saw it first in mid-April. Seeing the term “minor” and facing other issues I put this aside until earlier this month of May when I learned of the potential impacts on my property. I am now delving into the many documents and mining the website to learn more. There is much material to review as evidenced by the 330 page staff report that was presented at the study sessions in February.

One measure of the effectiveness of the public participation effort is the lack of turnout at the Open House and Hearing on April 25. I was one of three waterfront owners to appear, but when I thought that the changes being proposed were benign, I did not stay for the hearing.

Another measure is the awareness of my waterfront owner neighbors. In spite of the mailings only one of my waterfront owner neighbors knew of this review and they are extremely busy in their life and most certainly do not have time to review 330 pages, and more, of complicated material. Another waterfront owner who is an activist on community issues in our neighborhood was not aware of the process.

An example of poor management of the public participation process is the May 16 issue of the on-line “This Week in Kirkland”. There is no mention of the upcoming May 21 meeting in Heritage Hall.

It is obvious that the intent of the WAC has not been met as measured by the awareness of shoreline property owners. Additionally, the intent of the WAC to provide for ongoing public comment was not provided for in the original work program, with just one combined Ecology/Kirkland comment opportunity due on April 25. **It is my understanding that there will be a revised schedule showing additional opportunities as committed to by staff and at least one Councilmember.**

The WAC also requires that the public be informed on when to provide comments on the scope of the review and proposed changes. Scope development occurs at the beginning of a process or project and I don't see anywhere in the work plan schedule where this occurred. **Please reply.**

Meeting the WAC requirement for informative materials is an important one. While the argument could be made that these are found on the website, it requires much time and some knowledge of the SMP to understand the changes being proposed. **I request that a consolidated matrix be prepared identifying each change, one by one, highlighted or not, the reason for the change, alternatives, financial impacts, measurable environmental benefits, a column for public comments, and a column for reply and resolution of the comments. Also include a checklist for the bullet points contained in my letter of July 22, 2009, which are included below.**

As for meeting the WAC requirement for provision for open discussion, the 3 minute limit imposed at Planning Commission and City Council meetings hardly facilitates that. **I request that the services of the Finn Hill Neighborhood Alliance be used to host at least one presentation and discussion event of the SMP update process in addition to the city sponsored event on May 21.** FHNA was formed several years ago as the Denny Park Alliance to focus on issues associated with O.O. Denny Park. Later its area was broadened to include Finn Hill and adjacent waterfront areas with a broader scope of interest. It holds regular meetings on issues facing our neighborhood, including one on May 15. It also has an extensive mailing list to notify neighbors of meetings.

As I reviewed the materials describing and supporting the update, I found that the update is flawed, beginning with the public participation process as indicated above, and continuing through the proposed changes. There are factual errors, changes driven by bias and opinion of the writer, and others which are onerous to the waterfront owner with no measurable environmental benefit.

The Watershed Company is responsible for much of this problem. The GAP Analysis Tables 5 is poorly prepared, difficult to navigate, contains rationale driven by opinion rather than sound science or measurable benefits, and contains errors. TWC should have prepared the matrix as requested above. Their contract was a poor expenditure of taxpayer money.

### **SCIENCE**

I am providing a hard copy of a submittal I presented during the prior update process, dated July 22, 2009. (In the past the ten years I changed computers and this file is not available electronically.) Issues and suggestions contained in this paper are relevant today.

Of note are criteria I provided for gaining support by shoreline property owners for the SMP update.

**These should be included in the matrix mentioned above.**

- Based on Sound Science that is reviewed and vetted
- Attain measurable environmental benefits
- Feasible and practical
- Cost effective
- Fair and equitable
- Not impose hardships (as required by RCW 90.58.100)
- Not impose risks to property or homes (as required by RCW 90.58.100)
- Avoid unintended consequences
- Flexible

The submittal contains rationale for each of these bullet points.

It also contains a list of Thirteen Unanswered Questions prepared in 2000, and I previously asked if these had been answered as of now. **Please reply.**

Additionally, it contains a paper titled Shoreline Master Program Updates, Science and Green Shorelines. Here I provided an in-depth analysis of the research and studies that were used, and are now used today, to support the remediation measures that have been incorporated in SMP's and ordinances and new ones being proposed. I found the body of science was not complete, contains suppositions and hypotheses, is sometimes contradictory, and cannot be applied broadly to all shoreline of Lake Washington. One study was based on Lake Whatcom, hardly relevant to lake Washington.

There are many problems with broad application of this "science" to specific areas of lake shore. There is no evidence to support salmon spawning on the Kirkland shoreline. Shoreline vegetation will not provide shading due to the southwest and western exposure of Kirkland's shoreline. Fingerlings coming from the Issaquah Creek through Lake Sammamish are much larger than other hatchery fish, and they remain at the mouth of the Sammamish River before making a beeline for Webster Point. There is no

documentation that they travel along the Kirkland shoreline or use the shoreline for spawning. Chinook salmon use the Cedar River for spawning and hatching, and come nowhere near Kirkland's shoreline as they make their way up the western shore of Lake Washington to the ship canal.

Bulkhead removal in the annexed area will produce unintended consequences due to severe winter wind waves and summertime boat wakes. Removal brings with it potential damage to the sewer line that runs along the shoreline from Denny Park to the Juanita Bay pump station, an area of significant winter wind waves.

Regarding salmon spawning in streams, a project several years ago to establish salmon spawning in Denny Creek was a failure. This was due to spikes in storm water runoff from development on Finn Hill. And, as I pointed out in this paper, storm water runoff is a significant problem for Lake Washington as witnessed during winter storms when a swath of silt laden water appears next to the shoreline. Yet shoreline property owners are being targeted for remediation measures of questionable benefit while upland properties continue to impact Lake Washington water quality. **I urge your review of this submittal and please identify new studies, research, peer reviews, or vetting that have occurred since its preparation.** I did locate one study prepared in 2016 by The Watershed Company titled "Review of Existing Conditions and Best Available Science". However this deals with wetlands and streams, not Lake Washington.

#### **GAP ANALYSIS, KCZ changes**

As background for these comments, these facts from the Shoreline Inventory prepared in December 2006 should be kept in mind:

- One third of Kirkland's shoreline is natural (Table 7)
- One third of Kirkland's shoreline is vertical (Table 7) These locations are where lots are shallow, having been formed by the lowering of the lake, or are exposed to severe wind waves
- The remaining third is designated "boulder", or partially protected, providing spaces for habitat (Table 7)
- Forty three percent of Kirkland's total shoreline consists of park and open space.

These facts produce an interesting glass half full or empty viewpoint. I hold the glass half full viewpoint because we are fortunate that there is so much park and open space shoreline. This is because previous civic leaders obtained commercial properties south on Lake Street for park use, adding to existing parks and those obtained with annexations. Also, while it contains vertical shoreline, the Carillon Point development provides excellent public access in addition to the parks. Another half full viewpoint is the preservation of the Juanita Bay and Yarrow Bay wetlands, an effort I was involved in for the later in the 1970's.

This puts a realistic perspective on the relationship of vertical, or bulkheaded shoreline to the remainder of Kirkland's shoreline.

One other factor that should drive the development of changes to the SMP is the statement in the Comprehensive Plan, Section 140.30: **Criteria should be amended in the best interests of the community. And must include waterfront property owners.**

And one additional factor is that no one knows more about, or cares more about Lake Washington than a waterfront property owner. Comments from this constituency should be seriously considered.

#### 83.170, 83.270.3.f.4

Residential boat launches or rails not permitted. The number 8 rationale does not justify this restriction.

**Where is the salmon habitat along the shoreline that these launches or rails would disrupt?** It is stated that a homeowner could drag their boat along the bulkhead, dock or beach. This over time would cause considerable damage to the boat hull. It would also significantly constrain the size and type of boat. The alternative stated for taking a boat to a public launch is most impractical, given the limited number of public boat launches and their heavy use during boating season. And, placing a boat on shore removes it from providing that shade in the water that is mentioned so frequently. A private boat launch or rail system is an environmental benefit. This change detracts from the benefits and value of waterfront property ownership and should be deleted.

#### 83.270.3.f.m

A mooring buoy is not permitted if the property contains a pier or dock. **What is the rationale for this?** Experienced waterfront owners would like the option for a mooring buoy so that a boat could be moored there instead of tied to a pier. This is because extensive boat wakes and wind waves can cause damage to both the pier and boat while tied to a pier. This change detracts from the benefits and value of waterfront property ownership and use and should be deleted.

#### 83.240 1 c

Geothermal heat pumps not permitted. The reasons stated in Table 5 do not support this restriction. First, **where are the documented salmon habitat areas?** Second, to state that heat pumps would heat up the lake water is ludicrous. The volume of Lake Washington and its currents would dissipate any heat generated. Furthermore, a heat pump installation would reduce energy consumption and greenhouse gases. **What are the Department of Ecology concerns?**

#### Table 5, Item 11.

Requires vegetation in shoreline plantings over existing bulkheads which is good for fish habitat.

**What is the documentation that supports this and what is the basis for the recommendation by the Muckleshoot Tribe?**

#### 83.270.4.a, SA11.2, Policy SA11.2

Restricting pier length. This change imparts unnecessary complexity and should be eliminated.

Rationale depicted under item 2, Table 5, page 10 is in error. It states that most boats in Kirkland do not need anywhere near the 9-10 foot depth currently in the code. **What is this conclusion based on? Was there a survey conducted?** The writer is not familiar with power boat and sailboat configurations, nor the need for certain water depths for a boat lift to function to lift various boat types. The writer did not take into consideration the more than two-foot variation in water level that occurs in Lake Washington. The writer did not understand the depth contours in relation to the curvature of the shoreline which further complicates the administration of this change.

The rationale goes on to state that a longer pier would make navigation hazardous. There is a speed limit out to 300 feet from the shoreline that reduces that possibility. **How many reported incidents of boats striking piers are there?**

The rationale states that boat owners do not want to incur damage to a boat from sitting on the lake bed. This is confirmed elsewhere where it states “the moorage design will prevent boats from sitting on the lake bed”. There are a variety of draft requirements for boats, ranging from small outboards to sailboats with deep keels. A waterfront property owner should have the flexibility to choose an appropriate type for their use.

The statement that a prospective purchaser will narrow their choices based on restrictions of water depth off a pier when purchasing a property is astounding. Once again, this detracts from the benefits and value of waterfront property ownership.

#### Policy SA20.7

This policy focuses on the removal of hard stabilization at city parks. O.O. Denny park is now added to the list. The removal of that bulkhead would likely result in erosion of the bank caused by winter wind waves and summertime boat wakes, ultimately undermining the roots and placing the conifer trees in danger. A serious unintended consequence. I raised this issue ten years ago in the previous process I was assured that what was meant was removal of the low concrete bulkhead, much like a curb, further north. **This clarification needs to be included in the policy statement.** Furthermore, since O.O. Denny Park is owned by the City of Seattle, its concurrence would most likely have to be obtained before any significant projects were to be implemented.

#### Policy SA20.1

This policy focuses on salmon friendly pier design in city parks. O.O. Denny Park is added to the list. This is in error. O.O. Denny Park does not have a pier. **Remove O.O. Denny Park from the list.**

#### Policy SA10.6

This policy states that Lake Washington is an important migration and rearing area for Chinook Salmon. Studies show that the Chinook come from and go to the Cedar River via the Ship Canal, coming nowhere near Kirkland’s shoreline. **How does this statement apply?**

#### Policy SA6.3

This policy seeks to remove overwater structures, i.e. condominiums. The taking of these properties would be highly impractical due to high cost, multiple ownerships, and displacement of residences.

#### GAP Analysis, Table 5, Item 3

Require removal of non-conforming structure, such as boathouses, ....

I have been unable to locate the Zoning Code section where this is stated. **Please provide this section.**

#### 83.400.3.f

Delete alternative option for planting required vegetation in shoreline setback. The rationale for this is since no one has applied for this option in 7 years it should be deleted. This is not a valid reason. This option should be retained.

83.480.23.g.6, and .7

This adds a requirement for a plan to be submitted to the city for milfoil removal and notification to abutting property owners. **What is the purpose of submitting a plan? Why add another bureaucratic burden on waterfront property owners?** The rationale does not mention a third milfoil prevention which is application of matting. **This should be included.** Milfoil is a noxious weed that should be eliminated. The city should be proactive in making this happen.

There is a statement in the materials which says that hardened shoreline, namely bulkheads, cause erosion of adjacent substrate. I have 45 years of ownership of bulkheaded waterfront with exposure to heavy wind waves and boat wakes. Over this time there has been no change to the adjacent lakebed. **I request documentation or substantiation of this statement.**





## RB ENGINEERS, INC.

1312 2ND ST. KIRKLAND, WA 98033  
TEL: (425) 822-3009  
FAX: (425) 822-2679  
CELL: (425) 351-2085  
EMAIL: ROSS@R-B-ENGINEERS.COM  
WEB: WWW.R-B-ENGINEERS.COM

7/1/2019

10RZ

To: Kirkland City Council, Planning Commission & Planning Department

Re: Kirkland Shoreline Master Plan File CAM 19-00026

To whom it may concern:

I letter is regarding the SMP code update. My wife and I own a Lake Washington waterfront house in the Holmes point of Kirkland. We are in the process of design and planning a remodel to the existing house.

I have designed, engineered and built many houses in the Kirkland area in the past 20+ years. We have always counted on the planning code which was very lenient on the existing structure.

At this time, I would like to request that the city of Kirkland planning Department and commission follow the lead of the King county code and their own past practices and **Grand father in all the existing and nonconforming structures in the shoreline.** This would be very commonsense approach for all existing structures in the shoreline of the city of Kirkland. Please remember that the King County follows this approach in their code application.

I would like the City of Kirkland Planning staff and commission to take the community's interest in mind and make the correct and commonsense decision on this matter.

2 of 2

Please call me if you have any questions.

Sincerely,

Ross Baharmast  
President

## Joan Lieberman-Brill

---

**To:** stacey@wyngateproductions.com; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal; Shaylyn Johanson  
**Subject:** RE: Kirkland Shoreline Master Plan (SMP) File CAM 19-00026 - this process is rushed and needs to be delayed for input

---

**From:** stacey@wyngateproductions.com <stacey@wyngateproductions.com>

**Sent:** Monday, July 01, 2019 4:18 PM

**To:** Penny Sweet <PSweet@kirklandwa.gov>; Jay Arnold <JArnold@kirklandwa.gov>; Tom Neir <TNeir@kirklandwa.gov>; Toby Nixon <TNixon@kirklandwa.gov>; Kelli Curtis <KCurtis@kirklandwa.gov>; Dave Asher <DAsher@kirklandwa.gov>; Jon Pascal <JPascal@kirklandwa.gov>; Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>; Shaylyn Johanson <SJohanson@kirklandwa.gov>

**Subject:** Kirkland Shoreline Master Plan (SMP) File CAM 19-00026 - this process is rushed and needs to be delayed for input

Dear Mayor, City Council, City of Kirkland,

I am writing with regard to the current SMP Update and the Shoreline Code in general. We live on Lake Washington in the Juanita area off of Holmes Point Dr. **We attended the May meeting at which point it became clear that none of us in that room had been notified about these changes despite the City's claims of outreach. This entire process has been rushed and complicated. My husband and I are formally requesting that the City put a halt to this "code update process" and that together we spend the necessary time to revisit the entire Shoreline Code by implementing rules and regulations that make sense, and are based on sound applicable and vetted science - not arbitrarily picked letters or reports that may or may not reflect actual waterfront conditions.**

In addition, the update process which the City has conducted thus far has significant issues. The update was described as minor changes but in fact, **what you have proposed are substantial changes therefore requiring you to provide the public of notice and input in advance.**

**This plan not only will it limit property values, but also will significantly restrict the ability to improve waterfront properties. These new rules may inhibit the very thing you desire which is to keep the lake healthy and for everyone to enjoy.**

We live in the 2011 "Annexation Area" (which appears to have a more restrictive current SMP code than the rest of Kirkland). We have been told that many of the rules were what was "inherited from King County Shoreline Code."

Upon further investigation, this does not appear to be the case. It instead appears that, at or around the time of the June 2011 annexation, the City of Kirkland adopted a Shoreline Code for the annexation area with zero public input.

That code includes many onerous regulations: projects deemed to be 50% or more of a remodel results in required removal of existing boat houses, boat launches and/or rail systems, previously allowed mooring buoys only allowed if there is no dock on the property, the City is trying to standardize the length of docks

apparently for aesthetic reasons with no regard to the varying shoreline depths, and many other requirements - most of which are based on extremely questionable, non-vetted and/or non-verified science.

**A perfect example:** I refer to the notes you distributed after the May meeting in which you write about pier length and depth. You wrote our response was allowing for longer piers *"In recognition that boats are getting bigger and need more moorage space in deeper water than the average length might allow."* **This small example is clear evidence that you do not understand the issues at hand.** We do not need longer piers because boats are getting larger – implying that we are all so wealthy we need bigger piers for our bigger boats – **the issue is depth of the water for ANY boat. Even a small boat needs a certain depth for docking and/or being put on a lift. You really need to spend more time listening to the people who live here and invest millions of dollars in this property before you take one more step.**

For the Kirkland Shoreline Code to jeopardize the continued existence of many longstanding waterfront/shoreline improvements that owners are now paying millions of dollars for seems to be extremely unfair and burdensome. There are literally millions of dollars at stake for Kirkland waterfront homeowners - and the Shoreline Code requirements have a huge financial impact in the value of these waterfront properties.

**Given the millions of dollars in property taxes Kirkland waterfront homeowners are paying – one of the City's most significant tax revenue producing groups - the lack of actual input/influence we are having in the process is extremely disheartening and shortsighted on the part of the City.**

We urge you to do the right thing and work with the citizens of the City - including the waterfront homeowners - to revisit and revamp the entire Shoreline Code to a more equitable and reasonable set of rules that make sense for all parties.

Thank you.

**Joan Lieberman-Brill**

---

**From:** Yuan Zhang <zhang.y@comcast.net>  
**Sent:** Monday, July 01, 2019 4:09 PM  
**To:** Joan Lieberman-Brill  
**Subject:** Current SMP update

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To whom it may concern:

I am a new water front property owner. I'm still learning what has been discussed here. I am having computer issues therefore not able to type in my comments in the columns that you provided. Therefore I just want to list with my thoughts below.

1. In terms the length of the dock and the Minimum depth of water 9/10 feet at landward end of piers: With my experience, the depth requirements is critical for us to safely moor boats and to protect lake bed. It is critical to keep that.
2. I do not see any reason to limit the number of the mooring buoy. I could only see that by having them increasing the safety of every one.
3. I am strongly against current requirements to remove boat house, remove stairs or boat launches when home owners remodel their house. Because these are amenities that allows waterfront home owners to access and use private shorelines. And certainly will increase property values and property tax to the city therefore it will benefit to everyone. In addition, remodeling house may not affect shoreline even if it says 50% of the value, why would the property owner be punished by having to remove the boat house etc.
4. Milfoil is dangerous to people living along the shore and to people who play at the park and public beaches. I hope city will clean them routinely.

Thank you for your time.

Yuan Zhang  
Sent from my iPad

**Joan Lieberman-Brill**

---

**From:** brucelingle <brucelingle@aol.com>  
**Sent:** Wednesday, May 22, 2019 8:48 AM  
**To:** Joan Lieberman-Brill  
**Cc:** steven.borg@outlook.com  
**Subject:** Fwd: UPDATED: Join us at the "State of the City" address, Upcoming Council Items, and Help our Orcas!

Good Morning Joan,

We spoke last night after the meeting.

I signed up for the water front information on the Kirkland web site & the newsletter.

I received this last Thursday. No mention of the very important SMP meeting last night.

The 1,300 waterfront residences & businesses need representation on the committee to have input from people who actually live on the water in Kirkland.

Thanks for you time & effort regarding this important subject.

The property owners who live on the lake have worked hard & have made a large

Investment to live on the water & don't want the property we spent so much money to own & taxes we pay diminished by changes administered

By people who have no vested interest.

Thanks again,

Bruce Lingle  
 12439 Holmes Pt Dr NE  
 Kirkland, WA 98034

Sent from my iPad

Begin forwarded message:

**From:** "City of Kirkland" <[kirkland@service.govdelivery.com](mailto:kirkland@service.govdelivery.com)>  
**Date:** May 16, 2019 at 9:02:56 AM PDT  
**To:** [Brucelingle@aol.com](mailto:Brucelingle@aol.com)  
**Subject:** UPDATED: Join us at the "State of the City" address, Upcoming Council Items, and Help our Orcas!  
**Reply-To:** [kirkland@service.govdelivery.com](mailto:kirkland@service.govdelivery.com)

[View as a webpage](#)

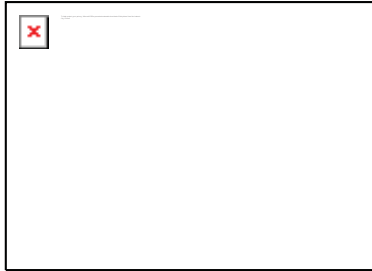




May 16, 2019

- [What's Coming up at City Council](#)
- [Join us for "The State of the City" address](#)
- [Orca Health Starts Here!](#)
- [Bike Everywhere Day is this Friday, May 17](#)

## What's Coming up at City Council



The Kirkland City Council will hold its next regular business meeting at 7:30 p.m. on Tuesday, May 21. In advance of the official agenda, which will be available in its entirety on the City website later this week, here are a few notable items slated for discussion:

### Integrated Pest Management

A 6 p.m. study session on the City's [Integrated Pest Management \(IPM\)](#) approach precedes the regular business meeting. This is an opportunity for the Council to get an update on the IPM, an adaptive approach employed by City staff to control pests such as insects, rodents, weeds and plant diseases. The public is welcome to attend, however public comment is not received during study sessions. Members of the public who wish to give public comment can do so during the regular business meeting.

### Parks Maintenance Center Bid Award

The Council is slated to award the bid for the renovation of the City's new 25,000-square foot Parks Maintenance Center, located at 12006 120th Pl. N.E. (formerly Office Max) in Totem Lake. The official project "[Ground Breaking](#)" celebration takes place 11:30 a.m. to 1 p.m. on Wednesday, May 22, and the community is invited! Stop by to hear a few words from Mayor Penny Sweet, view the site plan and learn more about the benefits of the project. Refreshments will be available!

### Kirkland Rotary Historic Depot Site Project

The Council will receive a briefing on about the Cross Kirkland Corridor (CKC) Historic Depot Site Project, which is being sponsored by the Rotary Club of Kirkland. This project brings history to life by enhancing the site of the City's original Northern Pacific Railroad station, which was located on Railroad Avenue near Kirkland Avenue. The Council will view three options for the Rotary's proposed "CKC Central Station Picnic Pavilion," and will discuss contributing to the project. More details will be available on the City website once the Tuesday, May 21 [agenda](#) is published.

## Join us for "The State of the City" address



The City of Kirkland and the Kirkland Alliance of Neighborhoods (KAN) is pleased to invite you to "The State of the City" address. Join us for an evening with Mayor Penny Sweet and City Manager Kurt Triplett on June 13 from 7 to 9 p.m. in the Peter Kirk Room at Kirkland City Hall. You'll have the opportunity to hear about the latest updates on the City Council's Work Program for 2019-2020. After the presentation, you will have the opportunity to ask questions and engage in a dialogue with the Mayor and the City Manager.

Some major initiatives that will be discussed include:

- Implementation of Prop 1 "Enhanced Police Services and Community Safety" measure
- Construction and operation of a permanent shelter for women and families with children
- Developing Safer Routes to School Action Plans for each public elementary, middle, and high school in Kirkland
- Construction of the Totem Lake Connector and other investments in Totem Lake and 85<sup>th</sup> St/I-405 Corridor
- Adopting a Sustainability Master Plan

Don't miss this opportunity to hear about what's happening throughout our City!

For more information about the event, please contact Neighborhood Services Outreach Coordinator David Wolbrecht at [dwolbrecht@kirklandwa.gov](mailto:dwolbrecht@kirklandwa.gov) or 425-587-3011.

*Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the City of Kirkland should contact the ADA Coordinator, Chris Thomas ([ADACoordinator@kirklandwa.gov](mailto:ADACoordinator@kirklandwa.gov)), Director of Human Resources (425-587-3210), as soon as possible but no later than 48 hours before the scheduled event.*

*NOTE: This presentation, including any "Question and Answer" session, may be videotaped and aired on the City's K-GOV channel (Comcast Channel 21/Frontier Channel 31), the City's social media accounts, as well as posted to the Kirkland Alliance of Neighborhood webpage and the City's On-Demand webpage.*

## Orca Health Starts Here!

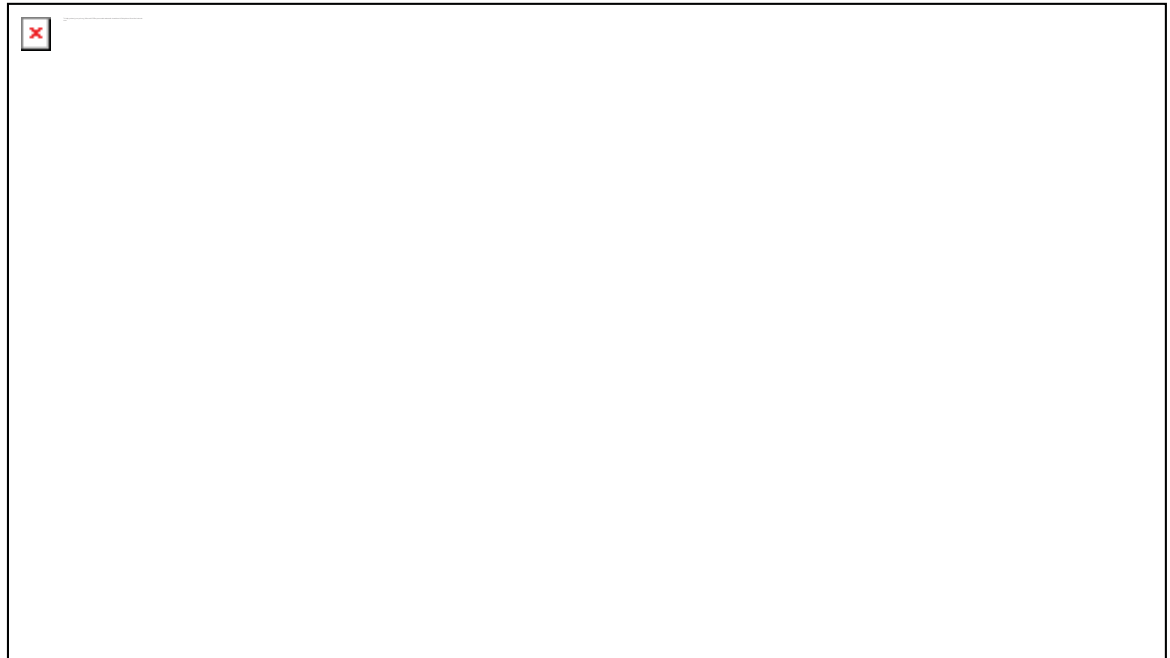
Did you know that everyday pollutants like car leaks, yard chemicals and pet waste do not only impact Kirkland's local waterways but also Lake Washington and even Puget Sound? Anything that goes into a storm drain in your neighborhood goes straight to nearby waterways without treatment. We can help solve this problem by taking small actions to cut our personal pollution.

The City of Kirkland is participating in Puget Sound Starts Here Month, and this year's theme is *Orca Health Starts Here!* This month-long initiative highlights that clean water and good habitat is essential for orca recovery.

Throughout the month we will be posting #OrcaHeros on our [Facebook page](#). An #OrcaHero is an individual or group who consistently takes actions to prevent stormwater pollution. Actions can range from something as simple as picking up after your dog, to installing a rain garden on your property, to reducing plastic waste at your business. Nominate an #OrcaHero by sharing the following information on your Facebook page:

- Nominee's name (person or organization)
- Tag @Kirkland, WA-Government (<https://www.facebook.com/kirklandwa.gov/>)
- Reason for recognizing: Tell us what your hero does to prevent stormwater pollution and help our Southern Resident orcas?
- With your hero's permission, include a photo of them doing their orca heroics.

If they qualify, we'll feature your nominated heroes on our Facebook page, and Puget Sound Starts Here will feature selected heroes on its [Facebook page](#) all month.



*Photo courtesy of Puget Sound Starts Here*

## Bike Everywhere Day is this Friday, May 17

Join us this Friday for the annual Bike Everywhere Day. Thousands of people on two wheels will pack the streets. Smiles, waves and the friendly ring of bike bells will fill the air. No matter where you commute, you won't be riding alone on Bike Everywhere Day. It's a great day to ride for the first time, because no matter where you're riding from, you'll be in good company.

Celebration stations and experienced riders along major routes will ensure that encouragement, support, and fun are never in short supply. Find a Celebration Station on the [Cascade Bicycle Club](#) website. There will be Celebration Stations in Kirkland at Marina Park, hosted by the City of Kirkland, on the CKC, hosted by Transpo, and at Google Kirkland.



## Upcoming Events

### [Hands-on Natural Yard and Lawn Care](#)

McAuliffe Park



Saturday, May 18, 10 a.m.-12 p.m.

Join City of Kirkland and Tilth Alliance for a hands-on exploration of yard care tools and techniques. Here's your opportunity to learn about lawn care, explore potential alternatives lawn, get the "dirt" on soil - and get your questions answered by the experts. This class features a short lecture, garden tour and hands-on outdoor activities. Please dress for the weather.

### [Recycle Tricky Items at May 18 Special Recycling Collection Event](#)



Lake Washington Institute of Technology, South Parking Lot (11605 132<sup>nd</sup> Ave NE, use campus entrance at 132<sup>nd</sup> Ave NE).

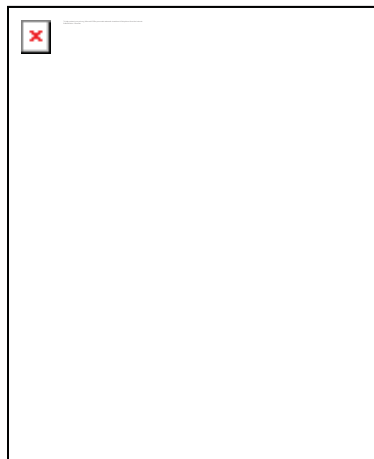
Saturday, May 18, 9 a.m. - 3 p.m.

Recycle items that have limited year-round recycling options at this special twice-yearly event. Some items are collected for free while others have a pass-through fee. Accepted items include mattresses, bulky wood, scrap metal, refrigerators, tires, toilets [and more \(pdf\)](#). New this year, latex paint will be accepted for a small per-can fee. All items collected at the event are recycled. Contact Kirkland's Recycling Hotline with questions at [recycle@kirklandwa.gov](mailto:recycle@kirklandwa.gov).

Free shredding is also available. Each household can bring up to four file-sized boxes (or equivalent) of material to be shredded. Shredding is completed by Confidential Data Disposal on site on the day of the event.

Natural Area Volunteers needed this week!

Saturday May 18<sup>th</sup> at [Rose Hill Meadows Park](#), [Edith Moulton Park](#), and [O.O. Denny Park](#)



Sunday May 19<sup>th</sup> at [Juanita Open Space #4](#) (North Juanita Neighborhood)

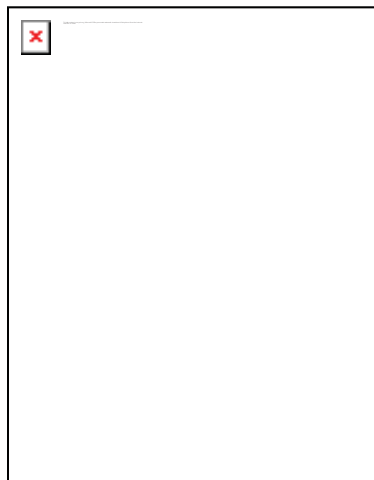
Saturday May 25<sup>th</sup> at [Josten Park](#) or [Juanita Bay Park](#)

Join Green Kirkland Partnership under the refreshing forest canopy for a day of volunteer environmental service in a park near you!

Green Kirkland needs your help to prepare new tree plantings for the hot, dry summer in our natural areas. With the shrubs in flower and leaves out on the trees, it's a magical time of year to enjoy your local forest and lend a helping hand!

All tools, gloves and training are provided.

Visit [www.greenkirkland.org](http://www.greenkirkland.org) to register to volunteer and for more information on all upcoming events



Paws for a Cause

Juanita Beach Park

Saturday, May 18

8:00 a.m. - 2:00 p.m.

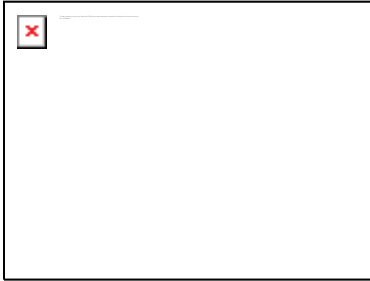
Join City staff at Paws for a Cause this Saturday. Animal Services will be onsite to help you license your pet.

This event will include a 5K Fun Walk that will potentially impact traffic. More information on the [course route](#) is available on the City website.

[Help Remove Invasive Plants on the Cross Kirkland Corridor](#)

NE 68th St on the CKC

Monday, May 20, 9 - 11 a.m.



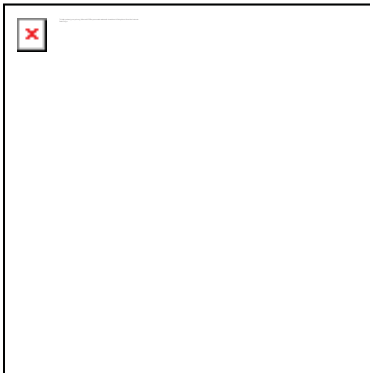
What should you bring?

- Water to drink (note that there are no bathrooms available)
- Wear long pants, long sleeves, sturdy traction boots or shoes (ground may be uneven or slippery)
- Leather gloves if you have them (extras available)
- Tools provided
- Under 18 need signed parent permission (waiver form available at link below)

More info at <https://ckcvolunteers.weebly.com/>

Parks Maintenance Center "Groundbreaking"

12006 120th PI NE, Kirkland, WA

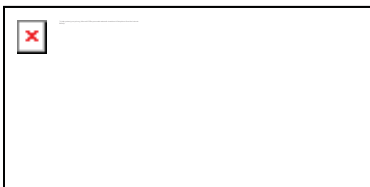


Wednesday, May 22, 11:30 a.m. to 1 p.m.

In 2018, the City of Kirkland purchased the property at 12006 120th PI NE (formally Office Max) to renovate into a new parks maintenance facility for the Parks and Community Services Department. The purchase came after extensive evaluation to identify a location that would allow Parks Maintenance to best serve the community. Over the past several years the City has searched for a facility that could meet the service needs of the larger community created by the 2011 annexation of North Juanita, Finn Hill, and Kingsgate. Through annexation the City added 154 acres of parks and open spaces, including 132nd Square park, OO Denny, and Edith Moulton Park.

Kirkland BizPrep Town Hall

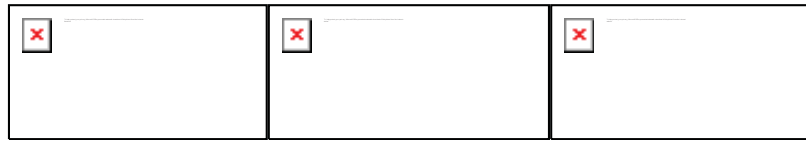
Kirkland Performance Center



Tuesday, May 28, 6 - 8:30 p.m.

Disasters happen. Is your business ready? The Kirkland Chamber of Commerce and Kirkland Office of Emergency Management are partnering to host BizPrep, a business preparedness town hall. Come learn about the tools you need to get your business prepared for just about anything. This town hall will feature a case study and business lessons learned from the 2016 Downtown Bothell Fire as well as a

panel providing action items business owners, operators, and leaders can do to help their business weather an emergency incident. Topics will include disaster preparedness, cyber resiliency, and legal and insurance considerations. [RSVP online.](#)



If you have items of interest for us to include in future issues or otherwise wish to contact us, please don't reply to this message. Instead contact:

Kellie Stickney - Communications Program Manager  
 City Manager's Office  
 City of Kirkland  
 425-587-3021 | [kstickney@kirklandwa.gov](mailto:kstickney@kirklandwa.gov)

Update your subscriptions, modify your password or e-mail address, or stop subscriptions at any time on your [Subscriber Preferences Page](#). You can also [unsubscribe instantly](#) from this topic if you like. You will need to use your email address to log in to your subscriber preference page. If you have questions or problems with the subscription service, please visit [subscriberhelp.govdelivery.com](http://subscriberhelp.govdelivery.com).

This service is provided to you at no charge by the [City of Kirkland](#).

This email was sent to [Brucelingle@aol.com](mailto:Brucelingle@aol.com) using GovDelivery Communications Cloud on behalf of the City of Kirkland Washington  
 · 123 Fifth Avenue · Kirkland, WA 98033 · 425-587-3000



## Joan Lieberman-Brill

---

**From:** Greg Gunther <greg.b.gunther@gmail.com>  
**Sent:** Wednesday, May 22, 2019 10:04 AM  
**To:** Joan Lieberman-Brill  
**Subject:** Shoreline Master Program > Bald Eagle Protection

Please register my support for the proposed SMP investigation designating the bald eagle as "a species of local importance" - these protections are necessary and appropriate..

Thank you -  
// Greg Gunther  
9123 NE Juanita Dr, Kirkland, WA 98034



**From:** [henrybrown8884@gmail.com](mailto:henrybrown8884@gmail.com) <[henrybrown8884@gmail.com](mailto:henrybrown8884@gmail.com)>

**Sent:** Thursday, May 23, 2019 2:48 PM

**To:** Christian Geitz <[CGeitz@kirklandwa.gov](mailto:CGeitz@kirklandwa.gov)>

**Subject:** Shoreline Master Program meeting

Hi, Christian:

Thank you for your participation in the Shoreline Master Program at Heritage Hall this past Tuesday, May 21, 2019.

I appreciated the effort Adam Weinstein displayed in fielding comments from the many waterfront homeowners. That was no easy job.

I found it to be very informative to hear your presentation of both the Summary of Proposed Changes as well as the Discussion points.

I'd like to add my support to the following Discussion Points:

1. Don't change current pier length rules
2. Do allow more than one boat lift. Many lakefront owners have multiple boats and are serious and responsible boaters
3. Reconsider rules for nonconforming boathouses
4. Look at bulkhead repairs on a case by case basis
5. Mooring buoys should be allowed for properties with piers. They provide safety by keeping boats offshore of the buoy line
6. Don't require city review of milfoil removal
7. Do allow public process and comments to be heard and considered by the planners before presenting to the city council.

Many thanks for taking the time to read this and adding my thoughts to the master list for consideration.

Cheers,  
Henry

Henry Brown  
(425)830-8285

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality

**Joan Lieberman-Brill**

---

**From:** henrybrown8884@gmail.com  
**Sent:** Monday, June 17, 2019 10:46 AM  
**To:** Joan Lieberman-Brill  
**Subject:** Shoreline Master Plan additions

Dear Ms. Brill:

I am writing to request the following to be included in the updates for the Shoreline Master Plan additions for Kirkland:

1. Allow up to four boatlifts per pier. This will match the City of Bellevue's SMP guidelines and allow for uniformity along the eastside of Lake Washington.
2. Allow homeowners with piers to also have a mooring buoy. The personal buoys will provide a safety area for swimmers and waterfront owners from fast moving boats and large wake producing boats that many times run too close to shore/docks. It will encourage these boaters to stay a safe distance offshore. The mooring buoys will act the same way as the speed sign cans that the King County Sheriff Marine Division used to maintain, but don't anymore.

Thank you so much for providing waterfront owners the ability to participate in the City Councils final decision.

Cordially,  
Henry Brown

Henry Brown  
(425)830-8285

**Joan Lieberman-Brill**

---

**From:** Moe Krabbe <moekrabbe@comcast.net>  
**Sent:** Monday, June 17, 2019 1:43 PM  
**To:** Joan Lieberman-Brill  
**Cc:** 'Moe Krabbe'  
**Subject:** FW: shoreline email request

Dear Ms. Brill:

I am writing to request the following to be included in the updates for the Shoreline Master Plan additions for Kirkland:

1. Allow up to four boatlifts per pier. This will match the City of Bellevue's SMP guidelines and allow for uniformity along the eastside of Lake Washington.
2. Allow homeowners with piers to also have a mooring buoy. The personal buoys will provide a safety area for swimmers and waterfront owners from fast moving boats and large wake producing boats that many times run too close to shore/docks. It will encourage these boaters to stay a safe distance offshore. The mooring buoys will act the same way as the speed sign cans that the King County Sheriff Marine Division used to maintain, but don't anymore.

Thank you so much for providing waterfront owners the ability to participate in the City Council's final decision.

Cordially,

Moe Krabbe  
115 Lake Ave West #102  
Kirkland, WA 98033  
206-619-1162 cell

**Joan Lieberman-Brill**

---

**From:** Dallas <dallas@weownacat.com>  
**Sent:** Friday, May 10, 2019 5:04 PM  
**To:** Bryan Loveless; llcruze@hotmail.com; eride@msn.com; Joan Lieberman-Brill; Planning Commissioners; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal; Lyle Graddon  
**Subject:** RE: Shoreline Master Program

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Joan,

I noticed that you have a scheduled meeting with TWC on May 14<sup>th</sup>. This does not appear to be noted as a public meeting. I would like to have at least one person representing shoreline Stakeholders at that meeting due to the obvious inherent bias that TWC and the planning staff have shown toward residential stakeholders and disregard for following WAC and RCW protocol in this GPA analysis and SMP update. I will prove my assertions in my comments below.

First of all I would like to volunteer to be there on behalf and the shoreline stakeholders along with any other stakeholders any all future meetings in any open or closed discussions regarding any changes to the existing SMP for Kirkland. When I was living in Bellevue I attended all meetings and learned a lot about science, policy making and protocol. I absolutely feel at this point that nothing in the current GAP analysis that affect shoreline stakeholders enjoyment of their property has been taken into consideration by TWC. It seams disingenuous and a violation of public trust to discuss revisions to amendments with TWC who by all accounts only representing the ecology standpoint and shows indifference to the current policy statements set forth by the city in the original SMP more than 9 years ago. There are many citations within the GAP analysis that use the words 'MINOR CODE AMENDEMENT' under the column heading 'TYPE OF AMENDMENT'. These are NOT minor amendments. They are extremely onerous changes to the Shoreline stakeholders and their enjoyment or flexibility granted by the WAC and RCW. Leaving discretion to the city planners where grey areas exist is going to promote more public mistrust of our leaders if someone does not step in immediately and stop this crazy process.

What the city planners along with TWC are proposing is in no way MINOR! These changes will have MAJOR IMPACTS on property uses, values and enjoyment of our properties going forward. This GAP analysis is a huge cover up and violation of the policy statement posted on the Kirkland SMP website. They represent a far overreach of what the WAC defines as 'no net loss' and protections afforded to shoreline stakeholders along the lake. They are baseless because there is no valid shoreline inventory for much of the shorelines that will be affected. Someone in Kirkland administration needs to review the reason by we make policy statements at the beginning of any planning process that reiterated the Values of the residents of the city and why they are so important to keep continuity among future leaders. The Planning staff has run a far from understanding these basic standards and we as citizens need to know that policy statements should not be violated or changed just because an outside consultant has a conflict of interest that the city planners are not aware of. When I was committed to the SMP process for the city of Bellevue's SMP process we always went back to the Policy statements that all stakeholders could compromise and agree to at the start of the process to make sure there was continuity going forward during updates and amendments.

Nothing regarding the WAC or RCW has changed materially to require a change to the original policy statements yet the Shoreline stakeholders are faced with major changes in the GAP analysis that violate policy statements made years ago as well as violate the intent of the WAC and RCW.

The current GAP analysis takes away many of the protections afforded Shoreline residents under current the current WAC and RCW. I would assume that TWC is being compensated by public funds and therefore this part of the process should have checks and balances. The SMP process should allow for all stake holders (Ecology, Shoreline users, residents and those that use the shorelines for business) to be represented when developing regulations. So far the public hearing and study sessions did not have representation by the public or shoreline stakeholders to any extent.

I was the only one present during the public hearing representing shoreline stakeholders. For what ever reason the planning staff did a very poor job of getting the word out about this request for public input. I received one post card. My next door neighbor who lives in a community that shares beach and dock rights to the shoreline did not receive any correspondence about this process so I know the out reach process was flawed from the beginning. Last week, I managed in just a few days to inform many stakeholder about this process and I am sure you have received many comment emails expressing concern about this process in the past few days due solely to my efforts. That is something that the City planners do not appreciate but should.

We need more accountability among the city planning department when hiring a myopically focused consultants that represent only ecology and have a total disregard for the parts of the WAC that protect other interest of the public as well as imply erroneous interpretations of the RCW . Were has the city made any effort to hire someone that represents other stakeholders in this process. So far the City planning department has put forward an extremely onerous set of proposals under the GAP analysis that otherwise are not represented in the wording of the WAC and RCW's.

We are well aware that over half of the current shorelines are not in the required inventory study that is mandated by the WAC. There is no line drawn in the sand as to what constitutes the current uses and ecological functions of the shorelines. This is a very unique situation to the City of Kirkland so little or not precedence exist, where a city has annexed shorelines during the SMP process and now is systematically calling out for removal of structures located on residential shorelines that are grandfathered in by the WAC 173-26-201 (3)(C) in absence of an inventory and analysis of this shorelines affected.

**(c) Inventory shoreline conditions.** Gather and incorporate all pertinent and available information, existing inventory data and materials from state and federal agencies, individuals and nongovernmental entities with expertise, affected Indian tribes, watershed management planning, port districts and other appropriate sources. Ensure that, whenever possible, inventory methods and protocols are consistent with those of neighboring jurisdictions and state efforts. The department will provide, to the extent possible, services and resources for inventory work. Contact the department to determine information sources and other relevant efforts. Map inventory information at an appropriate scale. The department may provide an inventory of shoreline conditions to the local jurisdiction.

Local governments shall be prepared to demonstrate how the inventory information was used in preparing their local master program amendments.

I have read the 'Shoreline Cumulative Impacts Analysis' done by TWC company on June 2009 and find the following paragraph proof of that the city planners, through TWC, are perpetuating public mistrust at levels I have never seen by any city before;

"Where uses or development that impact ecological functions are necessary to achieve other objectives of RCW 90.58.020, master program provisions shall, to the greatest extent feasible, protect existing ecological functions and avoid new impacts to habitat and ecological functions before implementing other measures designed to achieve no net loss of ecological functions." [WAC 173 206 201(2)(c)]

The above comment by TWC does not represent what RCW.58.020 states. It appears that TWC is totally focused on using 'EXTREME' language to push their Ecological function agenda while there is not checks and balances to insure that the Public's right to use the shorelines (including shoreline residences interest are protected by the RCW and WAC . To

prove a point,. RCW 90.58.020 does not emphasis extreme measures to promote ecological improvements to shorelines. It states specifically the following;

**It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest.**

The RCW language above appears to promote fostering, collaboration, and enhancement of public interests. Not extreme ecological mandates. This is a complete misinterpretation of the law by the city's consultant.

This particular RCW goes on to states the following:

**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.**

Obviously we have a man made problem on our hands, 'ANNEXATION'. That means getting a revised inventory study before proceeding to take way structures that may very well be existing structures protected by the WAC, may be existing structures that are not causing further degradation of ecological function or maybe a current use of the shoreline stakeholder. STOP this process now and follow the law. I might suggest taking a different strategy, like Bellevue did after they found out that there inventory study was done wrong by bringing in all the stake holders and working our a collaborative process that brought in compromise for all stakeholders without having to spend more money on top of the \$385,000 to fix their inventory data.

As far as my request to be a participant in this process so as a stake holder I am not walked over by this SMP update I will remind you what the WAC states below;

The WAC 173-26-201 (3)(b) participation process specifically states that;

**(b) Participation process.**

**(i) Participation requirements.** Local government shall comply with the provisions of RCW 90.58.130 which states:

*"To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:*

- (1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter;*

As I see it, we as shoreline stakeholders should be involved in any meeting that deals development of policy, amendments and rules that affect the shoreline stakeholders. Without a revised/updated shoreline inventory, no further actions in terms taking away existing structures and uses of shoreline owners in the Juanita point and Holmes point annexation should be considered or allowed. This is a violation of due process afforded by the WAC and RCW as stated above. This process needs to be supervised by someone other than just the city planners and TWC who are obviously not following the rules and guidelines set forth to protect the public. The City Council and attorney need to weigh in on this process and it needs to be revised. We as the public and stakeholders of the shoreline NEED REPRESENTATION until proven by the city that the shoreline stakeholders interest and property rights are represented in the GAP analysis.

We hereby request that any stakeholder(s) that are willing to take an active role in representing any and all shoreline stakeholders interest, be invited to all future discourse between any TWC and the planning department. We request that all meetings be recorded, all documents, conversations, emails, phone calls, meeting minutes and notes be available for public disclosure requests.

Regards,

Dallas

---

**From:** [Richard Sandaas](#)  
**Sent:** Friday, May 10, 2019 2:24 PM  
**To:** [Joan Lieberman-Brill](#)  
**Subject:** RE: Shoreline Master Program

Hello:

Is the work program shown on the City's website going to be revised showing the additional milestones for public involvement and comment that you mentioned in your email of May 8?

<https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/SMP+Update+Schedule.pdf>

Richard Sandaas

---

**From:** Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>  
**Sent:** Wednesday, May 8, 2019 5:07:20 PM  
**To:** Richard Sandaas  
**Cc:** Adam Weinstein  
**Subject:** RE: Shoreline Master Program

Thank you for your comments. They will be forwarded along with a written response to the Department of Ecology once all comments have been compiled and responded to, which will be within 30 days of the close of the joint local/state public comment period. Staff will send you a more detailed explanation in the next several days explaining how you can continue to provide public comment to the City on this proposal and respond to concerns raised in your email. The 30-day public comment period is simply the state mandated comment period. You will have opportunities to submit public comments to the City on this project up to adoption by the City Council, tentatively scheduled for September.

Joan Lieberman-Brill  
 Senior Planner  
 Kirkland Planning & Building Department  
 425-587-3254  
[jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)  
 Mon – Thus

---

**From:** Richard Sandaas <eride@msn.com>  
**Sent:** Wednesday, May 08, 2019 3:07 PM  
**To:** Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>  
**Cc:** Adam Weinstein <AWeinstein@kirklandwa.gov>  
**Subject:** Shoreline Master Program



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](mailto:eride@msn.com)  
425 823 2145

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

## Joan Lieberman-Brill

---

**From:** Dallas <dallas@weownacat.com>  
**Sent:** Monday, May 13, 2019 5:34 PM  
**To:** Planning Commissioners; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal; Adam Weinstein; Kurt Triplett; Kevin Raymond; eride@msn.com; Joan Lieberman-Brill; llcruze@hotmail.com  
**Subject:** RE: Shoreline Master Program

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Joan,

Thank you for your kindly and prompt response. I understand that you are operating under the WAC 173-26-090 review process. Section (2)(B)(iii) states;

(iii) The periodic review is distinct from the comprehensive updates required by RCW 90.58.080(2). The presumption in the comprehensive update process was that all master programs needed to be revised to comply with the full suite of ecology guidelines. By contrast, the periodic review addresses changes in requirements of the act and guidelines requirements since the comprehensive update or the last periodic review, and changes for consistency with revised comprehensive plans and regulations, together with any changes deemed necessary to reflect changed circumstances, new information or improved data. There is no minimum requirement to comprehensively revise shoreline inventory and characterization reports or restoration plans.

The RCW specifically state that Shorelines and Shore lands 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.

I am of the opinion that the city planning staff does not appreciate the ignorance and disrespect being shown to shoreline stakeholders with the analysis and opinions represented in the GAP analysis. In my opinion this has something to do with inherent bias and lack of knowledge of shoreline features of the annex shoreline areas that the city planners are so eager to strip of away necessary features that shoreline stakeholders value. Remarks such as 'minor code amendment' and the rationale used to explain such changes to KZC 83.270/PP. 50-64 as other sections, are just plain insulting to the shoreline stakeholder.

The Juanita, Holmes and Champaign point annexed shorelines are very unique to the rest of Kirkland's shorelines.

- More wind damage caused by waves, wave fetch, and weather hence a disproportionately larger amount of
  - Covered moorage to protect boats year around
  - Structures to protect shorelines uses
  - Bulkheads to protect damage from erosion
  - Boat ramps or rail systems to get boats out of the water
- Steeper driveways limiting access for parking or storing boats on trailers hence reason for rails and boat houses to store boats close to the shoreline. Trailering a boat down a steep driveway is very dangerous.
  - You cant change the topography of the shorelines and access points so shoreline owners have adapted their uses of the shoreline over the century to accommodate shoreline uses.
  - An properly done inventory study would show that 50% of the Kirkland's shorelines not included in the 2009 inventory study are unique from the other residential shorelines.

The GAP changes propose removal of such shoreline structures if any construction on main residences is proposed. Why is there a connection between ecology and rebuilding a residence located on a shoreline property. That is misguided biased against shoreline stakeholders and has nothing to do with ecology. This is far beyond what any other city on Lake Washington have done. All existing structures are grandfathered. If the city were to offer a more collaborative policy to give incentives for removal that would be welcome but that is not what is being projected with this GAP analysis.

Having an updated inventory study for just the new annexed portions of Kirkland would establish a baseline for which policy could be fairly established in contrast to the 'seek and take a way' policies that TWC and Kirkland Planning staff is proposing. This is so disingenuous. I am hoping that our elected officials will see through this mascaaed of systematically taking away elements of our shorelines uses that in fact do not exacerbate loss of ecological function in their current state. The argument toward promoting increased ecological function to existing shorelines does not fit with residential shoreline uses. That is a labeled as a 'priority use' and well established as impacted shorelines. Parks, wetlands and streams should be the primary focus of such improvements to ecological functions and that is where the RCW and WAC suggest jurisdictions focus on.

As stated before, I want to be informed of any and all further meetings between any staff, TWC and department of Ecology for that matter that affect shoreline stakeholders. I am genuinely grieved at the prospect that City planners are bent on taking away preferred uses that shoreline owners value. Please update your time line as dates and meetings change on your SMP website as a courtesy to all those, like me, that would take time from our busy schedules to invest into this process. As of today is still stated that you were going to have a meeting with TWC and I cleared my calendar but then was informed in your email that no meeting was scheduled. Why was it in there if no meeting was scheduled?

Regards,

Dallas

---

**From:** [Joan Lieberman-Brill](#)

**Sent:** Monday, May 13, 2019 12:37 PM

**To:** [Dallas](#)

**Subject:** FW: Shoreline Master Program

Thanks for your continued interest in the SMP update. We just wanted to note a couple of key points in response to your recent emails:

All meeting dates are tentative, as noted on the work program on the City's SMP periodic update [project website](#). No meeting has been scheduled with The Watershed Company at this time.

Also, I want to clearly distinguish between a periodic update of the SMP and a comprehensive update (similar to the update completed by Kirkland in 2010), as some of your recommendations (such as a comprehensive inventory of shoreline areas) would not be within the scope of a periodic update. As noted on the project website:

**This periodic update will focus on:**

- Reviewing relevant legislative updates since the 2010 SMP update and incorporating any applicable amendments;
- Ensuring consistency with the Kirkland Comprehensive Plan;
- Reviewing a list of SMP code amendments compiled since adoption in 2010 and incorporating clarifications, interpretations, and changes to address issues that have come up with shoreline projects; and
- Providing consistent critical area regulations within and outside the shoreline jurisdiction, by integrating Zoning Code Chapter 90 regulations adopted in 2016 and bringing them up to date with evolving best available science.

**This periodic update will not:**

- Re-evaluate the ecological baseline that was established as part of the 2010 SMP update;

- Extensively assess no net loss criteria other than to ensure that proposed amendments do not result in degradation of the baseline condition; or
- Change shoreline jurisdiction or environment designations

A public participation plan was approved by the Department of Ecology. It is available to view by linking to the [Planning Commission's Feb 28 staff memorandum](#) in which it is Attachment 9. While we can always improve our outreach activities, the existing participation plan is broad-based and intended to reach a variety of stakeholders, including property owners, local businesses, lake users, etc.

Please continue to check-in on our SMP website, where we'll provide updated schedules, FAQs, and other project documents:

[https://www.kirklandwa.gov/depart/planning/Topics/SMP/Shoreline Master Program Periodic Update.htm](https://www.kirklandwa.gov/depart/planning/Topics/SMP/Shoreline%20Master%20Program%20Periodic%20Update.htm)

*Joan Lieberman-Brill*

Senior Planner

Kirkland Planning & Building Department

425-587-3254

[jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)

*Mon – Thus*

**Joan Lieberman-Brill**

---

**From:** Dallas <dallas@weownacat.com>  
**Sent:** Monday, May 13, 2019 10:53 AM  
**To:** Adam Weinstein; Kurt Triplett; Kevin Raymond; Richard Sandaas; Joan Lieberman-Brill; llcruze@hotmail.com  
**Subject:** RE: Shoreline Master Program

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Joan,

Please advise me on when and where the meeting with TWC will be tomorrow, May 14<sup>th</sup> 2019 as shown on the Kirkland periodic SMP Update Schedule File CAM19-00026 (5/2/2019). As I have stated in a previous email, I am planning on attending this meeting and all future meetings that involve any amendments or changes to the existing SMP that affect shoreline residents, as an interest and engaged shoreline resident stakeholder. The recent public hearing points to a failed process that is placing new and very onerous regulations upon shoreline residents without any representation by shoreline stakeholders. TWC only represents one view and that conflicts with various WAC and RCW codes as well as not treating residential shorelines as a priority use as noted under the WAC. Further more, this SMP amendment process needs to be still produce an updated inventory study for all newly annexed shoreline areas before you start changing or amending policy statements and regulations for the Juanita Point and Holmes point additions. This is backed by code sections in the WAC 173-26-201 (3) (c);

**(c) Inventory shoreline conditions.** Gather and incorporate all pertinent and available information, existing inventory data and materials from state and federal agencies, individuals and nongovernmental entities with expertise, affected Indian tribes, watershed management planning, port districts and other appropriate sources. Ensure that, whenever possible, inventory methods and protocols are consistent with those of neighboring jurisdictions and state efforts. The department will provide, to the extent possible, services and resources for inventory work. Contact the department to determine information sources and other relevant efforts. Map inventory information at an appropriate scale. The department may provide an inventory of shoreline conditions to the local jurisdiction.

Local governments shall be prepared to demonstrate how the inventory information was used in preparing their local master program amendments.

and the RCW;

**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.**

The City Planning Department has shown disregard for state regulations by skipping this very important process and is going to be in violation of this due process if they proceed on their current SMP amendment coarse with out doing updating their inventory study. We as residential shoreline stakeholders want to make sure that due process is served and all state regulations are being followed.

I will remind you that the WAC 173-26-201 (3)(b) and RCW 90.58.130 ensure a fair and equitable representation of all stakeholders in this SMP amendment process.

**(b) Participation process.**

**(i) Participation requirements.** Local government shall comply with the provisions of RCW **90.58.130** which states:

*"To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:*

*(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and*

*(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments."*

Time is of the essence to respond back to me so I can may changes in my work schedule to attend.

Respectfully,

Dallas Evans

<https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/SMP+Update+Schedule.pdf>

**Joan Lieberman-Brill**

---

**From:** Dave Flynn <Dave@cornerstonegci.com>  
**Sent:** Tuesday, May 21, 2019 11:00 AM  
**To:** Shaylyn Johanson; Joan Lieberman-Brill  
**Cc:** Cindy Flynn  
**Subject:** RE: 05/21/19 Shoreline Master Program Public Meeting and FAQ - CAM19-00026: QUESTIONS

Hello Ms. Lieberman-Brill,

As requested in the public forum invitation, please see below staff questions:

1. Has the City conducted any analysis of how the proposed amendments would affect the fair market value of waterfront properties, including shoreline residential properties?
2. Would you reasonably expect any of the proposed amendments to reduce the fair market value of waterfront residences? We are thinking in particular of any new or expanded structural setbacks, more stringent requirements for dock construction or repairs, or additional limitations on the renovation or replacement of nonconforming structures.
3. With regard to nonconforming structures, can you clarify what activities either waterward of the ordinary high water mark, or upland of the ordinary high water mark, would require such structures to be either (i) removed, or (ii) brought into conformance with current shoreline regulations? Is this a change from what the existing regulations require regarding nonconforming structures?
4. Is there any situation where remodeling or replacing an existing waterfront home landward of the OHW mark would trigger the need to make the dock or pier serving that residence conforming with respect to current regulations on dock size and location?
5. Under current rules, replacement of more than 50% of a dock's decking triggers the grating requirement set forth in KZC 83.270(8). Under the proposed amendments, such replacement would also require that the "new decking" comply with the pier dimensional standards. Doesn't this in effect require the entire dock to be reduced to meet pier dimensional standards in the 50% replacement scenario? Doesn't this create a disincentive for property owners to make the decking repairs necessary to keep their docks safe?
6. Are there circumstances where a new or replacement single-family residence would have to be set back farther than the standard residential setback in order to avoid or reduce the need for shoreline stabilization? Do the proposed amendments change the rules in this regard? If so, how?

Thank you,

**Dave & Cindy Flynn**  
**Resident**  
**12705 Holmes Point DR NE**  
**Kirkland, WA 98034**

---

**From:** Shaylyn Johanson <SJohanson@kirklandwa.gov>  
**Sent:** Tuesday, May 14, 2019 1:10 PM  
**To:** Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>  
**Subject:** 05/21/19 Shoreline Master Program Public Meeting and FAQ - CAM19-00026



**You're invited to a public meeting to learn more about proposed amendments to the Shoreline Master Program (SMP) and provide comments on the amendments.**

**Tuesday, May 21, 2019**

**6:00 – 8:00 p.m.**

**Kirkland Heritage Hall**

**203 Market Street**

**Please see attached flyer for more information.**

If you have any questions please contact Senior Planner Joan Lieberman-Brill at 425.587.3254, or [jliebermanbrill@kirklandwa.gov](mailto:jliebermanbrill@kirklandwa.gov).

Thank you,

*Shaylyn Johanson*

Office Specialist

Planning & Building Department

City of Kirkland

425.587.3291

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

## Joan Lieberman-Brill

---

**From:** Julie Taylor <jctaylah@gmail.com>  
**Sent:** Tuesday, May 21, 2019 10:04 AM  
**To:** Joan Lieberman-Brill  
**Subject:** Shoreline Master Program, questions

Good morning,

Here are some questions I have in preparation for the Shoreline review, which would help in the understanding of the proposed changes.

-- please define "mooring" -- a boat can "moor" to a mooring buoy, a dock, a pier, pilings, etc. Or anchor. For example, in KCZ 83.270, 3.c. *A c. Boats may not be temporarily or permanently moored within 30 feet of the OHWM.* Moored to a dock? At Anchor? to a buoy? The boat can't be there or the device by which the boat is held can't be there? Boats move all over the place, depending on wind, wave conditions, etc.

-- KCZ 83.270, 3.n. Please clarify pier bumpers. What, if any, regulations currently define size and spacing? How is this different? Why these design regulations? By limiting the depth beyond OHWM to only 1.5 feet, you are allowing a gap of at least 0.5 feet during the winter (low water) season -- which is plenty of room, especially given wave action, for a boat to slip under the bumpers and sustain significant damage to the boat, dock, pilings, pier, etc.

-- Please define "permanent moorage". This phrase is used in several locations throughout the KCZ. Permanent as in 365 days a year? Many people keep their boats on the water during the summer season, but not the winter season. Is this permanent? If they are away for a month, does that make the moorage temporary?

-- please clarify regulations for pier bumpers in "guest moorage". For example, a boat on a private pier/dock may be located in any one of several locations on the dock, depending on water/wind conditions, visitors, other water devices/vehicles, people in the water, etc. Why would the number and location and spacing of bumpers be different in areas of "permanent" vs. "guest" moorage on a private dock/pier?

-- please clarify why the owners of a property with a dock/pier are restricted to the length of the neighbors docks/piers. This does not take into account any variation in lake bed topography, length of shoreline, length of boat, type of boat (deep-keel vs. shallow keel), weather/wind patterns, wave patterns, etc. While I certainly understand the desire to minimize over-water structures (which is completely contrary to the simultaneous desire for over-water vegetation), the regulation as written could result in significant devaluation of properties if owners are unable to provide moorage for their watercraft based upon the length of a neighboring dock.

-- please clarify new milfoil requirements (83.480 6) -- what does this entail? How is it done? What notification is required? How will it be managed? Most of all -- what is this necessary?

Thank you for your attention.

--

Julie Taylor  
 resident, Market Neighborhood

## Joan Lieberman-Brill

---

**From:** Lora Cruze <llcruze@hotmail.com>  
**Sent:** Saturday, May 11, 2019 4:19 PM  
**To:** Dallas; Bryan Loveless; eride@msn.com; Joan Lieberman-Brill; Planning Commissioners; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal; Lyle Graddon  
**Subject:** Re: Shoreline Master Program

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Joan, Dallas, and all Stakeholders,

Kevin and I submitted comments to Joan prior to the deadline. We are currently out of town until June. Upon our return, we would gladly support all Stakeholders initiatives.

Dallas, all of your efforts are appreciated and we approve of you representing us at the up coming meeting.

Thanks in advance.

Kevin and Lora Cruze

Get [Outlook for iOS](#)

---

**From:** Dallas <dallas@weownacat.com>  
**Sent:** Friday, May 10, 2019 7:04:22 PM  
**To:** Bryan Loveless; llcruze@hotmail.com; eride@msn.com; jliebermanBrill@kirklandwa.gov; planningcommissioners@kirklandwa.gov; psweet@kirklandwa.gov; jarnold@kirklandwa.gov; Tom Neir; tnixon@kirklandwa.gov; kcurtis@kirklandwa.gov; dasher@kirklandwa.gov; jpascal@kirklandwa.gov; Lyle Graddon  
**Subject:** RE: Shoreline Master Program

Joan,

I noticed that you have a scheduled meeting with TWC on May 14<sup>th</sup>. This does not appear to be noted as a public meeting. I would like to have at least one person representing shoreline Stakeholders at that meeting due to the obvious inherent bias that TWC and the planning staff have shown toward residential stakeholders and disregard for following WAC and RCW protocol in this GPA analysis and SMP update. I will prove my assertions in my comments below.

First of all I would like to volunteer to be there on behalf and the shoreline stakeholders along with any other stakeholders any all future meetings in any open or closed discussions regarding any changes to the existing SMP for Kirkland. When I was living in Bellevue I attended all meetings and learned a lot about science, policy making and protocol. I absolutely feel at this point that nothing in the current GAP analysis that affect shoreline stakeholders enjoyment of their property has been taken into consideration by TWC. It seems disingenuous and a violation of public trust to discuss revisions to amendments with TWC who by all accounts only representing the ecology standpoint and shows indifference to the current policy statements set forth by the city in the original SMP more than 9 years ago. There are many citations within the GAP analysis that use the words 'MINOR CODE AMEENDEMENT' under the column heading 'TYPE OF AMENDMENT'. These are NOT minor amendments. They are extremely onerous changes to the Shoreline stakeholders and their enjoyment or flexibility granted by the WAC and RCW. Leaving discretion to the

city planners where grey areas exist is going to promote more public mistrust of our leaders if someone does not step in immediately and stop this crazy process.

What the city planners along with TWC are proposing is in no way MINOR! These changes will have MAJOR IMPACTS on property uses, values and enjoyment of our properties going forward. This GAP analysis is a huge cover up and violation of the policy statement posted on the Kirkland SMP website. They represent a far overreach of what the WAC defines as 'no net loss' and protections afforded to shoreline stakeholders along the lake. They are baseless because there is no valid shoreline inventory for much of the shorelines that will be affected. Someone in Kirkland administration needs to review the reason by we make policy statements at the beginning of any planning process that reiterated the Values of the residents of the city and why they are so important to keep continuity among future leaders. The Planning staff has run a far from understanding these basic standards and we as citizens need to know that policy statements should not be violated or changed just because an outside consultant has a conflict of interest that the city planners are not aware of. When I was committed to the SMP process for the city of Bellevue's SMP process we always went back to the Policy statements that all stakeholders could compromise and agree to at the start of the process to make sure there was continuity going forward during updates and amendments.

Nothing regarding the WAC or RCW has changed materially to require a change to the original policy statements yet the Shoreline stakeholders are faced with major changes in the GAP analysis that violate policy statements made years ago as well as violate the intent of the WAC and RCW.

The current GAP analysis takes away many of the protections afforded Shoreline residents under current the current WAC and RCW. I would assume that TWC is being compensated by public funds and therefore this part of the process should have checks and balances. The SMP process should allow for all stake holders (Ecology, Shoreline users, residents and those that use the shorelines for business) to be represented when developing regulations. So far the public hearing and study sessions did not have representation by the public or shoreline stakeholders to any extent.

I was the only one present during the public hearing representing shoreline stakeholders. For what ever reason the planning staff did a very poor job of getting the word out about this request for public input. I received one post card. My next door neighbor who lives in a community that shares beach and dock rights to the shoreline did not receive any correspondence about this process so I know the out reach process was flawed from the beginning. Last week, I managed in just a few days to inform many stakeholder about this process and I am sure you have received many comment emails expressing concern about this process in the past few days due solely to my efforts. That is something that the City planners do not appreciate but should.

We need more accountability among the city planning department when hiring a myopically focused consultants that represent only ecology and have a total disregard for the parts of the WAC that protect other interest of the public as well as imply erroneous interpretations of the RCW . Were has the city made any effort to hire someone that represents other stakeholders in this process. So far the City planning department has put forward an extremely onerous set of proposals under the GAP analysis that otherwise are not represented in the wording of the WAC and RCW's.

We are well aware that over half of the current shorelines are not in the required inventory study that is mandated by the WAC. There is no line drawn in the sand as to what constitutes the current uses and ecological functions of the shorelines. This is a very unique situation to the City of Kirkland so little or not precedence exist, where a city has annexed shorelines during the SMP process and now is systematically calling out for removal of structures located on residential shorelines that are grandfathered in by the WAC 173-26-201 (3)(C) in absence of and inventory and analysis of this shorelines affected.

**(c) Inventory shoreline conditions.** Gather and incorporate all pertinent and available information, existing inventory data and materials from state and federal agencies, individuals and nongovernmental entities with expertise, affected Indian tribes, watershed management planning, port districts and other appropriate sources. Ensure that, whenever possible, inventory methods and protocols are consistent with those of neighboring jurisdictions and state efforts. The department will provide, to the extent possible,

services and resources for inventory work. Contact the department to determine information sources and other relevant efforts. Map inventory information at an appropriate scale. The department may provide an inventory of shoreline conditions to the local jurisdiction.

Local governments shall be prepared to demonstrate how the inventory information was used in preparing their local master program amendments.

I have read the 'Shoreline Cumulative Impacts Analysis' done by TWC company on June 2009 and find the following paragraph proof of that the city planners, through TWC, are perpetuating public mistrust at levels I have never seen by any city before;

"Where uses or development that impact ecological functions are necessary to achieve other objectives of RCW 90.58.020, master program provisions shall, to the greatest extent feasible, protect existing ecological functions and avoid new impacts to habitat and ecological functions before implementing other measures designed to achieve no net loss of ecological functions."[WAC 173 206 201(2)(c)]

The above comment by TWC does not represent what RCW.58.020 states. It appears that TWC is totally focused on using 'EXTREME' language to push their Ecological function agenda while there is not checks and balances to insure that the Public's right to use the shorelines (including shoreline residences interest are protected by the RCW and WAC . To prove a point,. RCW 90.58.020 does not emphasize extreme measures to promote ecological improvements to shorelines. It states specifically the following;

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest.

The RCW language above appears to promote fostering, collaboration, and enhancement of public interests. Not extreme ecological mandates. This is a complete misinterpretation of the law by the city's consultant.

This particular RCW goes on to state the following:

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.

Obviously we have a man made problem on our hands, 'ANNEXATION'. That means getting a revised inventory study before proceeding to take away structures that may very well be existing structures protected by the WAC, may be existing structures that are not causing further degradation of ecological function or maybe a current use of the shoreline stakeholder. STOP this process now and follow the law. I might suggest taking a different strategy, like Bellevue did after they found out that their inventory study was done wrong by bringing in all the stakeholders and working out a collaborative process that brought in compromise for all stakeholders without having to spend more money on top of the \$385,000 to fix their inventory data.

As far as my request to be a participant in this process so as a stakeholder I am not walked over by this SMP update I will remind you what the WAC states below;

The WAC 173-26-201 (3)(b) participation process specifically states that;

**(b) Participation process.**

**(i) Participation requirements.** Local government shall comply with the provisions of RCW 90.58.130 which states:

*"To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:*

- (1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter;*

As I see it, we as shoreline stakeholders should be involved in any meeting that deals development of policy, amendments and rules that affect the shoreline stakeholders. Without a revised/updated shoreline inventory, no further actions in terms taking away existing structures and uses of shoreline owners in the Juanita point and Holmes point annexation should be considered or allowed. This is a violation of due process afforded by the WAC and RCW as stated above. This process needs to be supervised by someone other than just the city planners and TWC who are obviously not following the rules and guidelines set forth to protect the public. The City Council and attorney need to weigh in on this process and it needs to be revised. We as the public and stakeholders of the shoreline NEED REPRESENTATION until proven by the city that the shoreline stakeholders interest and property rights are represented in the GAP analysis.

We hereby request that any stakeholder(s) that are willing to take an active role in representing any and all shoreline stakeholders interest, be invited to all future discourse between any TWC and the planning department. We request that all meetings be recorded, all documents, conversations, emails, phone calls, meeting minutes and notes be available for public disclosure requests.

Regards,

Dallas

---

**From:** [Richard Sandaas](#)

**Sent:** Friday, May 10, 2019 2:24 PM

**To:** [Joan Lieberman-Brill](#)

**Subject:** RE: Shoreline Master Program

Hello:

Is the work program shown on the City's website going to be revised showing the additional milestones for public involvement and comment that you mentioned in your email of May 8?

<https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/SMP+Update+Schedule.pdf>

Richard Sandaas

---

**From:** Joan Lieberman-Brill <[JLiebermanBrill@kirklandwa.gov](mailto:JLiebermanBrill@kirklandwa.gov)>

**Sent:** Wednesday, May 8, 2019 5:07:20 PM

**To:** Richard Sandaas

**Cc:** Adam Weinstein

**Subject:** RE: Shoreline Master Program

Thank you for your comments. They will be forwarded along with a written response to the Department of Ecology once all comments have been compiled and responded to, which will be within 30 days of the close of the joint local/state public comment period. Staff will send you a more detailed explanation in the next several days explaining how you can

continue to provide public comment to the City on this proposal and respond to concerns raised in your email. The 30-day public comment period is simply the state mandated comment period. You will have opportunities to submit public comments to the City on this project up to adoption by the City Council, tentatively scheduled for September.

Joan Lieberman-Brill  
Senior Planner  
Kirkland Planning & Building Department  
425-587-3254  
[jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)  
Mon – Thus

---

**From:** Richard Sandaas <eride@msn.com>  
**Sent:** Wednesday, May 08, 2019 3:07 PM  
**To:** Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>  
**Cc:** Adam Weinstein <AWeinstein@kirklandwa.gov>  
**Subject:** Shoreline Master Program

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](mailto:eride@msn.com)  
425 823 2145

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.



**Joan Lieberman-Brill**

---

**From:** Richard Sandaas <eride@msn.com>  
**Sent:** Monday, May 13, 2019 10:38 AM  
**To:** Joan Lieberman-Brill  
**Subject:** RE: Shoreline Master Program

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello:

As you prepare the added public involvement and comment milestones, I request that a workshop be included with the following format:

- Open to the public but keyed to waterfront property owners
- Provide a complete explanation, item by item, of the changes that are proposed
- Show how the changes comply with City policies and applicable WAC's and RCW's, including RCW98.58.100, 98.58.020, and 98.58.130.
- Provide for a complete discussion with all attendees
- Follow up after the workshop on changes and improvements to the changes

I also have a question regarding the original workplan: what is driving the November submittal date to Ecology?

Thank you

Richard Sandaas

Sent from [Mail](#) for Windows 10

---

**From:** Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>  
**Sent:** Monday, May 13, 2019 10:14:09 AM  
**To:** Richard Sandaas  
**Subject:** RE: Shoreline Master Program

Yes, we'll be sending out an email soon.

*Joan Lieberman-Brill*

Senior Planner  
 Kirkland Planning & Building Department  
 425-587-3254  
[jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)  
 Mon – Thus

---

**From:** Richard Sandaas <eride@msn.com>  
**Sent:** Friday, May 10, 2019 2:24 PM

**To:** Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>

**Subject:** RE: Shoreline Master Program

Hello:

Is the work program shown on the City's website going to be revised showing the additional milestones for public involvement and comment that you mentioned in your email of May 8?

<https://www.kirklandwa.gov/Assets/Planning/Planning+PDFs/SMP+Update+Schedule.pdf>

Richard Sandaas

---

**From:** Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>

**Sent:** Wednesday, May 8, 2019 5:07:20 PM

**To:** Richard Sandaas

**Cc:** Adam Weinstein

**Subject:** RE: Shoreline Master Program

Thank you for your comments. They will be forwarded along with a written response to the Department of Ecology once all comments have been compiled and responded to, which will be within 30 days of the close of the joint local/state public comment period. Staff will send you a more detailed explanation in the next several days explaining how you can continue to provide public comment to the City on this proposal and respond to concerns raised in your email. The 30-day public comment period is simply the state mandated comment period. You will have opportunities to submit public comments to the City on this project up to adoption by the City Council, tentatively scheduled for September.

Joan Lieberman-Brill

Senior Planner

Kirkland Planning & Building Department

425-587-3254

[jbrill@kirklandwa.gov](mailto:jbrill@kirklandwa.gov)

Mon – Thus

---

**From:** Richard Sandaas <[eride@msn.com](mailto:eride@msn.com)>

**Sent:** Wednesday, May 08, 2019 3:07 PM

**To:** Joan Lieberman-Brill <JLiebermanBrill@kirklandwa.gov>

**Cc:** Adam Weinstein <[AWeinstein@kirklandwa.gov](mailto:AWeinstein@kirklandwa.gov)>

**Subject:** Shoreline Master Program

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](mailto:eride@msn.com)

425 823 2145

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

**Joan Lieberman-Brill**

---

**From:** Richard Sandaas <eride@msn.com>  
**Sent:** Thursday, May 16, 2019 1:44 PM  
**To:** Joan Lieberman-Brill  
**Cc:** Adam Weinstein; Jon Pascal  
**Subject:** Comments on SMP Update  
**Attachments:** 2019 Shoreline Master Program Update.docx

Hello:

Attached are comments and questions about the SMP Update. Many hours were spent reviewing the material resulting in an extensive list and I trust this document will be given serious consideration and answers will be provided where requested.

In my comments I refer to a hard copy of a report I prepared for the previous update. I will deliver that to city hall. I urge you to read that and consider its applicability for this process.

Thank you

Richard Sandaas  
12453 Holmes Point Drive  
525 823 2145

Sent from [Mail](#) for Windows 10

RICHARD K. SANDAAS  
12453 Holmes Point Drive  
Kirkland, WA 98034  
425.823.2145  
[eride@msn.com](mailto:eride@msn.com)

July 22, 2009

To: Kirkland Planning Commission  
Houghton Community Council  
Kirkland Planning Department Staff: Paul Stewart, Teresa Swan, Stacy Clauson

Subject: Comments on Shoreline Master Program Policies and Regulations

I began following the Kirkland SMP update process in August of 2006. Since then, I have attended numerous meetings and provided comments as the process has evolved.

At this critical time it is important to re-state some key points I raised in my October 3, 2006 comment letter on the draft *Inventory*:

- Lake Washington is an urban lake which was forever altered with the construction of the ship canal and locks when the lake was lowered.
- The lowering of the lake resulted in the creation of much of Kirkland's shoreline with bulkheads to contain the newly formed lots.
- The Shoreline Management Act of 1972 and the existing Shoreline Master Program have served the city and public well with the resulting preservation of wetlands in Yarrow and Juanita Bays and the halting of non-water related overwater structures.
- Strong political and staff leadership lead to the acquiring of former shoreline oil tank farms and a lumber yard. Converting them into parks resulting in significant public shoreline access. The *Inventory* shows 43% of Kirkland shoreline area is park/open space.
- One third of Kirkland's shoreline is natural/semi natural. Less than one third of the entire shoreline is vertical or armored shoreline.

This reality is the basis for the SMP updates.

I have also provided criteria which are key to gaining support by shoreline property owners for the SMP updates:

- Based on Sound Science that is reviewed and vetted
- Attain measurable environmental benefits
- Feasible and practical
- Cost effective
- Fair and equitable



- Not impose hardships (required by RCW 90.58.100)
- Not impose risks to property or homes (required by RCW 90.58.100)
- Avoid unintended consequences
- Flexible

In this letter I will discuss how these criteria are being met with the latest draft policies and regulations.

#### Sound Science

This remains the most significant issue that has not been responded to. Earlier this year I reviewed the scientific studies and reports that have been referred to and relied upon by the SMP update process. In March I prepared a report which documented that the body of science and research is not complete, contains suppositions and hypotheses, is sometimes contradictory, and cannot be applied broadly to all shoreline locations on Lake Washington. You were provided this report and it also had a wide distribution to regulators and other local agency staff. To date I have received no responses, rebuttals or challenges to my conclusions, except for one: Kirkland Planning Department Staff replied that continuing concerns about scientific information should be addressed by state and federal agencies and that the city has consulted best available science. (March 12, 2008 Staff Comments) Best available science is **not** sound science that is peer reviewed and vetted.

Of the many examples in my report, none is more graphic than the list of 13 unanswered questions that are contained in a literature review prepared by the Watershed Company for the City of Bellevue in 2000. Some nine years later these remain unanswered, once again underscoring the lack of sound science. These questions are attached to this letter along with my report.

Another example is the problem that the *Chinook Conservation Strategy for WRIA 8* points out. With respect to the rise and fall of the lake it states “removing of bank hardening structures may not be sufficient to create sandy beaches”. Still another is the statement in the *Synthesis of Salmon Research and Monitoring* study which says “very few fish are found with cobble and larger substrates”. Yet in order for a beach to survive the wave exposure on the Kirkland shoreline it would have to consist of cobbles or rocks rather than the granular sand that the fish seem to prefer.

I point out in my report that now is the time for policy makers to fully understand the extent and applicability of the body of scientific knowledge that exists and make a determination as to which pathway forward to follow, with four suggested options to consider. The fourth being to waive the scientific deficiencies and base the SMP updates on policies and regulations which would be focused mostly on aesthetics and a hopeful outcome for habitat improvement. It is an important choice to make and one that should be carefully deliberated.

#### Attain measurable environmental benefits

This issue has not been addressed. The environmental benefits are based on hypothesis. It has been suggested that the City of Kirkland should embark on pilot programs in city owned shoreline where the shoreline restoration called for in the regulations would be constructed thereby providing a pilot program to answer this and other questions such as feasibility, along with a true understanding of the costs involved.

#### Feasible and practical

Bulkhead removal and shoreline landscaping are the standout issues here. Bulkheads exist along the shoreline for a key reason: they are necessary to contain the property that was developed with the lowering of the lake and which is exposed to significant storm impacts. Mr. Allen Schwartz in his follow up letter to the July 9, 2009 Open House provides in-depth analysis on this and other issues.

The landscaping requirements are based on the premise that it will provide shading of the water along with falling debris from overhanging vegetation. As was been pointed out repeatedly, neither will result due to the setting and sun exposure of Kirkland's shoreline. The shoreline has a western exposure so that there is little or no water shade possible from shoreline landscaping. Landscaping will have to be planted far enough away the OHWL to avoid being washed away by wind waves and boat wakes with the result that the trunks will be more than eight feet away from the waters edge. Even at this distance the root system would be vulnerable to erosion. The result is that to get any overhang at all, branches would have to be more than ten feet long. The shoreline landscaping requirements are not feasible, impractical, would not accomplish the intended result of shading and debris production, and unfavorably impact the property owner's view corridor and use of the property.

#### Cost effective

The SMP update process has never dealt with measurable results, cost impacts, or cost effectiveness. It is now time to do that before adopting the regulations. Are there other projects or improvements that could provide true environmental benefits? What about storm water runoff and non-point pollution? Addressing these issues would have far more beneficial impact on the lake than speculative benefits of landscaping and bulkhead removal. Witness the recent closure of Juanita Beach Park due to poor water quality. Would it not be better to spend money where the benefits are assured?

#### Fair and equitable

The private shoreline owner will bear extraordinary costs over the time these regulations are in place. The upland owners bear responsibility for stormwater runoff and non-point pollution, as does the city. Higher densities as driven by the Growth Management Act have resulted in significant increases in impervious surfaces along with increases in vehicle miles traveled within the city. These are impacting water quality in streams and Lake Washington. A program to deal with these issues and a way of financing should be adopted concurrently with the SMP update process.



Not impose hardships; Not impose risks to property or homes

These criteria are embodied in RCW 90.58.100 and are of vital interest to all shoreline property owners. There are many unanswered questions about the risks imposed by bulkhead removal, the most important one being damage to a structure, although on-going land erosion also important. The regulations cite the 'significant possibility of an existing structure damaged within 3 years'. The logic behind the three year limit is not apparent. Regardless of the duration, if a home is damaged as a result of SMP policies and regulations it is a violation of the RCW. This arbitrary time period should be eliminated.

Avoid unintended consequences

By their nature, these are not always possible to predict. However, at least two come to mind. One is the risk of impacting the integrity of the sewer interceptor pipes that lie along Kirkland's shoreline by bulkhead removal and other alterations. Another is the impact on adjacent properties by bulkhead removal and alternations on a single property in between. If erosion occurs, or structures are impacted, what is the remedy? Who is liable? The regulations attempt to deal with this by requiring a transition to adjacent properties, but would this really be effective?

Flexible

The development of Kirkland's residential and commercial shoreline over the years has resulted in a wide variety of configurations and settings which makes a "one size fits all" approach impractical. That approach likely would constrain innovative approaches. It also has the potential of discouraging a number of redevelopment projects with the resulting deterioration of housing stock. Mr. Dave Douglas of Waterfront Construction has provided numerous comments on this topic, particularly as it pertains to piers and bulkheads. Other areas of concern with a need for a flexible approach are set-backs, structure footprints, and landscaping.

Much work has gone into the SMP update process involving countless hours of Kirkland Planning Commission members, Houghton Community Council members, staff, and consultants and this should be recognized. However the questions and issues outlined in this letter are very important to shoreline property owners and I urge you to address them.

And, please keep in mind the reality mentioned at the beginning of this letter and build on that.

Very truly yours,

Richard K. Sandaas  
PAA Shoreline Property Owner  
Chair, SPOCA

*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?



## SHORELINE MASTER PROGRAM UPDATES

### SCIENCE AND GREEN SHORELINES

The SMP update processes being conducted by the local governments on Lake Washington are leading to policies and regulations calling for removal of hardened shorelines and replacement with beaches; shoreline landscaping intended to provide shade, while at the same time requiring modification of piers to reduce shading; the reduction of piers, both in size and number; and placement of woody debris along the shoreline. The result will be the expenditure of millions of dollars by shoreline property owners and taxpayers. It also results in loss of usable shoreline and uplands by both private property owners as well as park users.

The drivers behind this are guidance and directives from the Department of Ecology and WRIA 8 taken from research and studies with the focus on salmon habitat. Even though DOE is requiring local governments to use “all available technical and scientific information” and to “solicit additional information through the public participation process”, the body of science and research is not complete, contains suppositions and hypotheses, is sometimes contradictory, and cannot be applied broadly to all shoreline locations on Lake Washington. WRIA 8 has identified the Kirkland shoreline as a Tier 1 Migratory Corridor, but have studies been conducted to support that?

### SCIENCE AND ITS DEFICIENCIES

#### VETTING OF SCIENCE

A number of researchers have been studying Lake Washington for many years. Those studies have found their way into a body of conventional wisdom that is widely used, yet a vetting process for these studies and research is yet to be established. If such studies are to be the basis for establishing public policy and cost property owners and taxpayers millions of dollars, it is reasonable to expect, and compelling, that claims based on science be tested before serving as the basis of public decision making. An example is the vetting of scientific claims developed in connection with the Columbia River. In that important watershed the Northwest Power Planning Council has implemented an Independent Science Review Board to review all studies before they are used as the basis of policy or rule making. With so much at stake a similar process should be invoked for the Lake Washington studies.

#### AREA SPECIFIC STUDIES – WHERE DO THE FISH TRAVEL?

The DOE Guidance Fall 2008 cites one study which “focuses on the affects of shoreline alterations to salmon migration” implying its applicability to all parts of Lake Washington and Lake Sammamish.<sup>1</sup> Yet this study was conducted for Cedar River Chinook salmon at the south end of Lake Washington. A close reading of the study and its conclusions shows considerable unanswered questions.

There are several other studies which are also specific to the Chinook at the south end of Lake Washington and one documents their migration along the western shore of Lake Washington past Seward Park to the Ship Canal.<sup>ii iii</sup> These localized studies are being used in SMP update processes as a basis for actions elsewhere on the lake, far away from the migratory route that these Cedar River Chinook utilize, and these fish are the majority of Chinook found in Lake Washington.

As to where fish travel in other parts of Lake Washington, here are excerpts from other studies:

The distribution of juvenile Coho salmon in Lakes Washington and Sammamish is **poorly understood**.<sup>iv</sup>

“...small numbers of Chinook salmon spawn in several tributaries to Lake Washington and Lake Sammamish but juvenile production from these streams is **unknown**.”<sup>v</sup>

“**However little research has been conducted** to understand habitat use or finer-scale movement patterns of juvenile Chinook salmon during their migratory phase in late-May, June, and July.”<sup>vi</sup>

**Not much information is known** about the habitat use of Coho salmon and steelhead in Lake Washington.<sup>vii</sup>

Outmigration behaviors of sockeye, Coho, and steelhead **have not been studied** in Lake Washington.<sup>viii</sup>

Juvenile Chinook in the North Lake Washington population are less shoreline-oriented than juveniles from the Cedar River. **More information is needed** about the trajectories of NLW juvenile Chinook in Lake Washington, particularly when they move offshore.<sup>ix</sup>

#### EFFECTS OF PIERS AND BULKHEADS ON SALMON

Study Excerpts:

**No studies were located that specifically investigated** the effects of piers and armored shorelines on the migration of juvenile Chinook and Coho salmon along lakeshores.<sup>x</sup>

**The question remains** whether juvenile salmonids in lakes migrate under, or otherwise utilize, piers, or if they avoid them and/ or traverse their perimeter.<sup>xi</sup>

Behavior at each structure appears to depend on a variety of factors...although these are based primarily on **anecdotal observation**. (example of non-scientific hypotheses)<sup>xii</sup>

Additionally, juvenile Chinook salmon may be attracted to boat ramps due to the docks in between the boat ramps **which may provide some overhead cover**.<sup>xiii</sup>

The substrate and slope are similar along this shoreline and it is unclear why Chinook salmon prefer the north part over the south part. One possibility is that the north sites are close to a **pier which may provide overhead cover** if needed.<sup>xiv</sup>

The result is that **resource managers are challenged** to recommend and implement Chinook salmon conservation strategies in Lake Washington with few references to unaltered lacustrine habitats, and an **incomplete understanding** of how alterations to the Lake Washington ecosystem affect juvenile Chinook salmon.<sup>xv</sup>

Shoreline processes of Lake Washington have been changed by the regulated maximum one foot rise and fall of the lake. (Regulated at the Locks) Therefore **the removal of bank hardening structures may not be sufficient to create sandy beaches**...<sup>xvi</sup>

Studies of the relationship between shoreline armoring and predation on juvenile Chinook or Coho salmon in Lake Washington and Lake Sammamish **were not found**.<sup>xvii</sup>



**While no direct links were identified** between predation and bulkheads, an intuitive connection exists. (This is an example of subjective or hypothetical conclusions found throughout many of the studies)<sup>xviii</sup>

### SHORELINE VEGETATION, WOODY DEBRIS, AND BEACHES

#### Study Excerpts:

**Very few fish are found with cobble and larger substrates.**<sup>xix</sup> (This is significant because in many shoreline areas containing bulkheads, the replacement beaches would have to consist of cobbles and larger materials because sand will wash away in the first storm. Extensive beach restoration which must protect property from erosion would require cobble and larger granular material.)

The pattern of woody debris use is **somewhat unclear.**<sup>xx</sup>

Overall results indicated that there was **no difference** in the abundance of Chinook salmon between shoreline sections with small woody debris and sections without woody debris.<sup>xxi</sup>

### WATER QUALITY

None of the studies listed report on water quality, yet this is fundamental to the health of all aquatic life. The WRIA 8 document develops a hierarchy for tributary streams and lists Juanita Creek (doesn't mention Forbes Creek) as a Tier 3 subarea. The actions for this category are enhancing water quality and hydrologic integrity.<sup>xxii</sup> Thus for Kirkland, it would seem that the focus should be on storm water runoff and non-point pollution for tributary areas.

### UNANSWERED QUESTIONS

The excerpts shown above confirm the issues facing the science underlying the SMP update processes. In addition, there are other questions raised by these studies. A comprehensive list is found in the literature search conducted by The Watershed Company for the city of Bellevue (Reference 4). Page 49 of this report contains 13 unanswered questions which should be reviewed by all local government policy makers. And, to further the body of science, they should be answered.

## **GREEN SHORELINES**

There is another driver and that is a movement that has a push-pull relationship with the SMP update processes. It is called Green Shorelines. Other terms associated with this are salmon friendly, ecologically friendly, soft engineering, soft shorelines, alternative shoreline design, and living shorelines. It is a broad concept, applied to the entire shoreline of Lake Washington in a "one size fits all" way. As yet, it doesn't recognize the physical differences along the lake shoreline, exposure to storm driven waves and boat wakes, fish migratory patterns, extent of existing or potential fish habitat, or other unique characteristics.

Green Shorelines presumes that the restoration envisioned will achieve the goal of improved habitat and support salmon recovery. It also presumes that current scientific studies are sufficient to support and justify the goals for alternatives to shoreline hardening and justify the millions of dollars of expenditures to achieve them.

There is also an aesthetic component, typified by a number of comments lamenting the urbanization of Lake Washington beginning with the construction of the Ship Canal and the Locks and the lowering of the lake and the developments along the shoreline over the years.

A publication titled "*Green Shorelines; Bulkhead alternatives for a healthier Lake Washington*" has been prepared by the City of Seattle. It cites habitat restoration as a prime objective and provides resource information for bulkhead replacement. It does not reference specific scientific studies.

## SHORELINE PROPERTY OWNERS' PERSPECTIVES

There is no group more interested and concerned about the health and ecology of Lake Washington than shoreline property owners. Furthermore there is no group that has more site specific knowledge about the lakeshore and the waters surrounding it than these property owners. For these reasons the criteria that support future actions must be well founded and credible.

Owners will support credible programs with these criteria:

- Attain measurable environmental benefits
- Feasible and practical
- Cost effective
- Fair and equitable
- Not impose hardships
- Not impose risks to property or homes
- Avoid unintended consequences
- Based on sound science that is reviewed and vetted**

There is a widespread belief among shoreline property owners that the credibility of the SMP update processes and the Green Shoreline movement is hampered by the lack of several of these criteria, a most significant one being vetted science.

## HOW TO RESPOND TO THESE DEFICIENCIES AND QUESTIONS?

Policy makers must consider the scientific basis driving the SMP policies and resulting regulations and determine if it is sufficient, or not. The DOE Guidance states:

Ultimately, local government elected officials must consider all of the information put before them, including opposing views and opinions, judge their credibility and decide what standards best achieve SMP guidelines requirements, **given local circumstances**.

If it is determined that the science is not adequate or applicable as a basis for a local government's SMP update process, several options are available.

The first is to join with the other local governments on Lake Washington to put in place a vetting process for the science that is being used to support the SMP update processes. This effort should be led by the Department of Ecology and coordinated with the other regulatory agencies so that the end result is endorsed by all.

Second, further studies should be conducted to answer the questions still remaining, the most significant ones being those contained in the Literature Search mentioned above. The vetting process would likely raise additional questions and concerns.

Third, studies should be conducted that are site specific to a local government's shoreline so that actions can be implemented that will insure real environmental benefit. A key issue is where do salmon migrate, to



what extent do they utilize a local government's shoreline? It is not enough to say, 'It seems Chinook are all over the lake'.<sup>xxiii</sup> One example of a site specific study is the *Movement and Habitat Use* study that was conducted for Chinook coming from the Cedar River to the Ship Canal (Reference 5). This study follows the rationale of the site specific requirement being imposed on private shoreline property owners who must provide an engineering report to justify the retention of bulkheads to protect their property.

The fourth option is to waive the scientific deficiencies and base the SMP updates on policies and regulations which would be focused mostly on esthetics and a hopeful outcome for habitat improvement.

**In any event, now is the time for policy makers to fully understand the extent and applicability of the body of scientific knowledge that exists and make a determination as to which pathway forward to follow.**

In the meantime, the real and serious issues of stormwater runoff and non-point pollution, true threats to fish habitat, continue.

Prepared by Richard Sandaas

Shoreline Property Owner

Chair, SPOCA, Shoreline Property Owners and Contractors Association

March 10, 2009

[eride@msn.com](mailto:eride@msn.com)

---

<sup>i</sup> R. A. Tabor and R. M Piaskowski, 2002. Nearshore Habitat Use by Juvenile Chinook Salmon to Lentic Systems of the Lake Washington Basin. Annual Report, 2001. U.S. Fish and Wildlife Service, Lacey, WA.

<sup>ii</sup> R. A. Tabor, J. A. Schuerer, H. A. Gearn, and E. P. Bixler. 2004. Nearshore Habitat Use by Juvenile Chinook Salmon to Lentic systems of the Lake Washington Basin. Annual Report, 2002. U.S. Fish and Wildlife Service, Lacey WA.

<sup>iii</sup> Multiple Contributors. 2008. Synthesis of Salmon Research and Monitoring. Seattle Public Utilities, U.S. Army Corps of Engineers

<sup>iv</sup> T. Kahler, M. Grassley, and David Beauchamp, 2000. A Summary of the Effects of Bulkheads, Piers, and Other Artificial Structures and Shorezone Development on ESA-listed Salmonids in Lakes. City of Bellevue. Page 9

<sup>v</sup> Mark T. Celedonia, R. A. Tabor, S. Sanders, D. W. Lantz, and I. Grettenberger, 2008. Movement and Habitat Use of Chinook Salmon Smolts and Two Predatory Fishes in Lake Washington and the Lake Washington ship Canal. U. S. Fish and Wildlife Service, Lacey, WA. Page 1

<sup>vi</sup> Ibid, Page 3



- 
- vii Multiple Contributors, Synthesis, Page 41
- viii Ibid, Page 45
- ix Chapter 4: Chinook Conservation Strategy for WRIA 8, Page 32
- x Kahler, A Summary of the Effects, Page 43
- xi Ibid, Page 44
- xii Caledonia, Movement and Habitat, Page 2
- xiii Tabor, Nearshore Habitat, 2001, Page 49
- xiv Tabor, Nearshore Habitat, 2004, Page 29
- xv Caledonia, Movement and Habitat, Page 1
- xvi Chapter 4: Chinook, Pages 32 and 33
- xvii Kahler, A Summary of the Effects, Page 36
- xviii Ibid, Page 36
- xix Multiple Contributors, Synthesis, Page 40
- xx Tabor, Nearshore Habitat, 2004, Page 52
- xxi Ibid, Page 12
- xxii Chapter 4: Chinook, Pages 25 and 26
- xxiii R. A. Tabor, Comments, November 18, 2008, Chinook salmon usage of Kirkland shorelines

**From:** Richard Sandaas [eride@msn.com](mailto:eride@msn.com)  
**Sent:** May 17, 2019 9:17:31 AM  
**To:** Planning Commissioners [planningcommissioners@kirklandwa.gov](mailto:planningcommissioners@kirklandwa.gov), Tom Neir [TNeir@kirklandwa.gov](mailto:TNeir@kirklandwa.gov), Toby Nixon [TNixon@kirklandwa.gov](mailto:TNixon@kirklandwa.gov), Penny Sweet [PSweet@kirklandwa.gov](mailto:PSweet@kirklandwa.gov), Jay Arnold [JArnold@kirklandwa.gov](mailto:JArnold@kirklandwa.gov), Kelli Curtis [KCurtis@kirklandwa.gov](mailto:KCurtis@kirklandwa.gov), Dave Asher [DAsher@kirklandwa.gov](mailto:DAsher@kirklandwa.gov), Jon Pascal [JPascal@kirklandwa.gov](mailto:JPascal@kirklandwa.gov)  
**CC:** Kurt Triplett [KTriplett@kirklandwa.gov](mailto:KTriplett@kirklandwa.gov)  
**Subject:** Shoreline Master Program Updates

Good Morning

Attached are comments and questions I prepared about the updates being proposed for Kirkland's Shoreline Master Program.

Initially I was under the impression that these were minor changes, as depicted in some of the informational material. Not so, as I worked my way through the extensive documents which took the better part of two days this week. The attachment is result of that.

I urge you to read this attachment so that you are informed of the perspective of shoreline property owners as this process continues, a process which initially constrained the opportunity for understanding and comments by property owners.

I am a long time resident of the eastside, and a long time waterfront owner on Holmes Point Drive. I am vitally interested in the welfare of Lake Washington and want to see meaningful changes which result in measurable benefits to the lake. I know this view point is shared by other owners as well.

Thanks you

Richard Sandaas  
12453 Holmes Point Drive

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

## 2019 Shoreline Master Program Update

### File CAM 19-00026

Following are comments and questions concerning this update. I will provide additional comments and questions coming from continuing review of the materials.

They are provided by  
 Richard K Sandaas  
 12453 Holmes Point Drive  
[eride@msn.com](mailto:eride@msn.com)  
 425 823 2145  
 May 16, 2019

### **PUBLIC PROCESS**

WAC 173-26-090 prescribes the process for periodic review of master programs. These are to be conducted every eight years, and in Kirkland's case, the one under way was required to be completed by June 30 of 2019. The previous update took years to complete and while this review is intended to be less involved, it is obvious that there was a late start to the review. It should have begun much earlier. Ecology has agreed to a November final submittal but with this deadline the public participation process is likely to be minimized. **The November date should be considered a target, not a fixed deadline, to facilitate compliance with a revised schedule to meet the requirements and objectives of the WAC and expectations of the public.**

WAC 173-26-090 (3)(a)(i) states in part: "In conducting the periodic review, the department and local governments...shall make all reasonable efforts to inform, fully involve, and encourage participation of all interested parties and private entities...having interests and responsibilities relating to shorelines of the state.

WAC 173-26-090(3)(a)(ii) states in part: "Such procedures shall provide for early and continuous participation through broad dissemination of informative materials, proposals and alternatives, opportunities for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments."

It goes on to state: "The public participation program should also inform the public of when to comment on the scope of the review and proposed changes to the master program."

I consider myself a well-informed citizen regarding the Shoreline Management Act. I was mayor of Yarrow Point in the 1970's at the time the Act was adopted and led the effort there to develop Yarrow Point's Shoreline Master Plan. I served as Technical Services Director and Executive Director at Metro, the agency which implemented the regional waste water system that resulted in the clean up of Lake Washington. In these positions I became very familiar with effective public participation for programs and projects.

In 2006 when Kirkland began its SMP update process I was active in following that process which took place over several years. Needless to say I would be alert to future actions on Kirkland's SMP. In my file I do not find the February mailing, only the one dated March 25. That arrived while I was out of town

and I saw it first in mid-April. Seeing the term “minor” and facing other issues I put this aside until earlier this month of May when I learned of the potential impacts on my property. I am now delving into the many documents and mining the website to learn more. There is much material to review as evidenced by the 330 page staff report that was presented at the study sessions in February.

One measure of the effectiveness of the public participation effort is the lack of turnout at the Open House and Hearing on April 25. I was one of three waterfront owners to appear, but when I thought that the changes being proposed were benign, I did not stay for the hearing.

Another measure is the awareness of my waterfront owner neighbors. In spite of the mailings only one of my waterfront owner neighbors knew of this review and they are extremely busy in their life and most certainly do not have time to review 330 pages, and more, of complicated material. Another waterfront owner who is an activist on community issues in our neighborhood was not aware of the process.

An example of poor management of the public participation process is the May 16 issue of the on-line “This Week in Kirkland”. There is no mention of the upcoming May 21 meeting in Heritage Hall.

It is obvious that the intent of the WAC has not been met as measured by the awareness of shoreline property owners. Additionally, the intent of the WAC to provide for ongoing public comment was not provided for in the original work program, with just one combined Ecology/Kirkland comment opportunity due on April 25. **It is my understanding that there will be a revised schedule showing additional opportunities as committed to by staff and at least one Councilmember.**

The WAC also requires that the public be informed on when to provide comments on the scope of the review and proposed changes. Scope development occurs at the beginning of a process or project and I don't see anywhere in the work plan schedule where this occurred. **Please reply.**

Meeting the WAC requirement for informative materials is an important one. While the argument could be made that these are found on the website, it requires much time and some knowledge of the SMP to understand the changes being proposed. **I request that a consolidated matrix be prepared identifying each change, one by one, highlighted or not, the reason for the change, alternatives, financial impacts, measurable environmental benefits, a column for public comments, and a column for reply and resolution of the comments. Also include a checklist for the bullet points contained in my letter of July 22, 2009, which are included below.**

As for meeting the WAC requirement for provision for open discussion, the 3 minute limit imposed at Planning Commission and City Council meetings hardly facilitates that. **I request that the services of the Finn Hill Neighborhood Alliance be used to host at least one presentation and discussion event of the SMP update process in addition to the city sponsored event on May 21.** FHNA was formed several years ago as the Denny Park Alliance to focus on issues associated with O.O. Denny Park. Later its area was broadened to include Finn Hill and adjacent waterfront areas with a broader scope of interest. It holds regular meetings on issues facing our neighborhood, including one on May 15. It also has an extensive mailing list to notify neighbors of meetings.

As I reviewed the materials describing and supporting the update, I found that the update is flawed, beginning with the public participation process as indicated above, and continuing through the proposed changes. There are factual errors, changes driven by bias and opinion of the writer, and others which are onerous to the waterfront owner with no measurable environmental benefit.

The Watershed Company is responsible for much of this problem. The GAP Analysis Tables 5 is poorly prepared, difficult to navigate, contains rationale driven by opinion rather than sound science or measurable benefits, and contains errors. TWC should have prepared the matrix as requested above. Their contract was a poor expenditure of taxpayer money.

### **SCIENCE**

I am providing a hard copy of a submittal I presented during the prior update process, dated July 22, 2009. (In the past the ten years I changed computers and this file is not available electronically.) Issues and suggestions contained in this paper are relevant today.

Of note are criteria I provided for gaining support by shoreline property owners for the SMP update.

**These should be included in the matrix mentioned above.**

- Based on Sound Science that is reviewed and vetted
- Attain measurable environmental benefits
- Feasible and practical
- Cost effective
- Fair and equitable
- Not impose hardships (as required by RCW 90.58.100)
- Not impose risks to property or homes (as required by RCW 90.58.100)
- Avoid unintended consequences
- Flexible

The submittal contains rationale for each of these bullet points.

It also contains a list of Thirteen Unanswered Questions prepared in 2000, and I previously asked if these had been answered as of now. **Please reply.**

Additionally, it contains a paper titled Shoreline Master Program Updates, Science and Green Shorelines. Here I provided an in-depth analysis of the research and studies that were used, and are now used today, to support the remediation measures that have been incorporated in SMP's and ordinances and new ones being proposed. I found the body of science was not complete, contains suppositions and hypotheses, is sometimes contradictory, and cannot be applied broadly to all shoreline of Lake Washington. One study was based on Lake Whatcom, hardly relevant to lake Washington.

There are many problems with broad application of this "science" to specific areas of lake shore. There is no evidence to support salmon spawning on the Kirkland shoreline. Shoreline vegetation will not provide shading due to the southwest and western exposure of Kirkland's shoreline. Fingerlings coming from the Issaquah Creek through Lake Sammamish are much larger than other hatchery fish, and they remain at the mouth of the Sammamish River before making a beeline for Webster Point. There is no

documentation that they travel along the Kirkland shoreline or use the shoreline for spawning. Chinook salmon use the Cedar River for spawning and hatching, and come nowhere near Kirkland's shoreline as they make their way up the western shore of Lake Washington to the ship canal.

Bulkhead removal in the annexed area will produce unintended consequences due to severe winter wind waves and summertime boat wakes. Removal brings with it potential damage to the sewer line that runs along the shoreline from Denny Park to the Juanita Bay pump station, an area of significant winter wind waves.

Regarding salmon spawning in streams, a project several years ago to establish salmon spawning in Denny Creek was a failure. This was due to spikes in storm water runoff from development on Finn Hill. And, as I pointed out in this paper, storm water runoff is a significant problem for Lake Washington as witnessed during winter storms when a swath of silt laden water appears next to the shoreline. Yet shoreline property owners are being targeted for remediation measures of questionable benefit while upland properties continue to impact Lake Washington water quality. **I urge your review of this submittal and please identify new studies, research, peer reviews, or vetting that have occurred since its preparation.** I did locate one study prepared in 2016 by The Watershed Company titled "Review of Existing Conditions and Best Available Science". However this deals with wetlands and streams, not Lake Washington.

#### **GAP ANALYSIS, KCZ changes**

As background for these comments, these facts from the Shoreline Inventory prepared in December 2006 should be kept in mind:

- One third of Kirkland's shoreline is natural (Table 7)
- One third of Kirkland's shoreline is vertical (Table 7) These locations are where lots are shallow, having been formed by the lowering of the lake, or are exposed to severe wind waves
- The remaining third is designated "boulder", or partially protected, providing spaces for habitat (Table 7)
- Forty three percent of Kirkland's total shoreline consists of park and open space.

These facts produce an interesting glass half full or empty viewpoint. I hold the glass half full viewpoint because we are fortunate that there is so much park and open space shoreline. This is because previous civic leaders obtained commercial properties south on Lake Street for park use, adding to existing parks and those obtained with annexations. Also, while it contains vertical shoreline, the Carillon Point development provides excellent public access in addition to the parks. Another half full viewpoint is the preservation of the Juanita Bay and Yarrow Bay wetlands, an effort I was involved in for the later in the 1970's.

This puts a realistic perspective on the relationship of vertical, or bulkheaded shoreline to the remainder of Kirkland's shoreline.

One other factor that should drive the development of changes to the SMP is the statement in the Comprehensive Plan, Section 140.30: **Criteria should be amended in the best interests of the community. And must include waterfront property owners.**

And one additional factor is that no one knows more about, or cares more about Lake Washington than a waterfront property owner. Comments from this constituency should be seriously considered.

#### 83.170, 83.270.3.f.4

Residential boat launches or rails not permitted. The number 8 rationale does not justify this restriction.

**Where is the salmon habitat along the shoreline that these launches or rails would disrupt?** It is stated that a homeowner could drag their boat along the bulkhead, dock or beach. This over time would cause considerable damage to the boat hull. It would also significantly constrain the size and type of boat. The alternative stated for taking a boat to a public launch is most impractical, given the limited number of public boat launches and their heavy use during boating season. And, placing a boat on shore removes it from providing that shade in the water that is mentioned so frequently. A private boat launch or rail system is an environmental benefit. This change detracts from the benefits and value of waterfront property ownership and should be deleted.

#### 83.270.3.f.m

A mooring buoy is not permitted if the property contains a pier or dock. **What is the rationale for this?** Experienced waterfront owners would like the option for a mooring buoy so that a boat could be moored there instead of tied to a pier. This is because extensive boat wakes and wind waves can cause damage to both the pier and boat while tied to a pier. This change detracts from the benefits and value of waterfront property ownership and use and should be deleted.

#### 83.240 1 c

Geothermal heat pumps not permitted. The reasons stated in Table 5 do not support this restriction. First, **where are the documented salmon habitat areas?** Second, to state that heat pumps would heat up the lake water is ludicrous. The volume of Lake Washington and its currents would dissipate any heat generated. Furthermore, a heat pump installation would reduce energy consumption and greenhouse gases. **What are the Department of Ecology concerns?**

#### Table 5, Item 11.

Requires vegetation in shoreline plantings over existing bulkheads which is good for fish habitat.

**What is the documentation that supports this and what is the basis for the recommendation by the Muckleshoot Tribe?**

#### 83.270.4.a, SA11.2, Policy SA11.2

Restricting pier length. This change imparts unnecessary complexity and should be eliminated.

Rationale depicted under item 2, Table 5, page 10 is in error. It states that most boats in Kirkland do not need anywhere near the 9-10 foot depth currently in the code. **What is this conclusion based on? Was there a survey conducted?** The writer is not familiar with power boat and sailboat configurations, nor the need for certain water depths for a boat lift to function to lift various boat types. The writer did not take into consideration the more than two-foot variation in water level that occurs in Lake Washington. The writer did not understand the depth contours in relation to the curvature of the shoreline which further complicates the administration of this change.



The rationale goes on to state that a longer pier would make navigation hazardous. There is a speed limit out to 300 feet from the shoreline that reduces that possibility. **How many reported incidents of boats striking piers are there?**

The rationale states that boat owners do not want to incur damage to a boat from sitting on the lake bed. This is confirmed elsewhere where it states “the moorage design will prevent boats from sitting on the lake bed”. There are a variety of draft requirements for boats, ranging from small outboards to sailboats with deep keels. A waterfront property owner should have the flexibility to choose an appropriate type for their use.

The statement that a prospective purchaser will narrow their choices based on restrictions of water depth off a pier when purchasing a property is astounding. Once again, this detracts from the benefits and value of waterfront property ownership.

#### Policy SA20.7

This policy focuses on the removal of hard stabilization at city parks. O.O. Denny park is now added to the list. The removal of that bulkhead would likely result in erosion of the bank caused by winter wind waves and summertime boat wakes, ultimately undermining the roots and placing the conifer trees in danger. A serious unintended consequence. I raised this issue ten years ago in the previous process I was assured that what was meant was removal of the low concrete bulkhead, much like a curb, further north. **This clarification needs to be included in the policy statement.** Furthermore, since O.O. Denny Park is owned by the City of Seattle, its concurrence would most likely have to be obtained before any significant projects were to be implemented.

#### Policy SA20.1

This policy focuses on salmon friendly pier design in city parks. O.O. Denny Park is added to the list. This is in error. O.O. Denny Park does not have a pier. **Remove O.O. Denny Park from the list.**

#### Policy SA10.6

This policy states that Lake Washington is an important migration and rearing area for Chinook Salmon. Studies show that the Chinook come from and go to the Cedar River via the Ship Canal, coming nowhere near Kirkland’s shoreline. **How does this statement apply?**

#### Policy SA6.3

This policy seeks to remove overwater structures, i.e. condominiums. The taking of these properties would be highly impractical due to high cost, multiple ownerships, and displacement of residences.

#### GAP Analysis, Table 5, Item 3

Require removal of non-conforming structure, such as boathouses, ....

I have been unable to locate the Zoning Code section where this is stated. **Please provide this section.**

#### 83.400.3.f

Delete alternative option for planting required vegetation in shoreline setback. The rationale for this is since no one has applied for this option in 7 years it should be deleted. This is not a valid reason. This option should be retained.

83.480.23.g.6, and .7

This adds a requirement for a plan to be submitted to the city for milfoil removal and notification to abutting property owners. **What is the purpose of submitting a plan? Why add another bureaucratic burden on waterfront property owners?** The rationale does not mention a third milfoil prevention which is application of matting. **This should be included.** Milfoil is a noxious weed that should be eliminated. The city should be proactive in making this happen.

There is a statement in the materials which says that hardened shoreline, namely bulkheads, cause erosion of adjacent substrate. I have 45 years of ownership of bulkheaded waterfront with exposure to heavy wind waves and boat wakes. Over this time there has been no change to the adjacent lakebed. **I request documentation or substantiation of this statement.**

## Joan Lieberman-Brill

---

**From:** Abby Moore PA <[abby@abbymoorepa.com](mailto:abby@abbymoorepa.com)>  
**Sent:** Wednesday, May 08, 2019 5:09 PM  
**To:** Joan Lieberman-Brill; Planning Commissioners; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal  
**Cc:** Bill Moore  
**Subject:** Shoreline Master Plan delay

Greetings,

I am a homeowner in Kirkland with property on Lake Washington. I am writing to ask that the Council please postpone any decision making regarding the Shoreline Master Plan. I apologize for not engaging sooner, but I had not realized the impact this master plan could potentially have on personal property. I would really like the opportunity to have a little more time to understand the details of the plan prior to adoption.

Thank you for your work for the citizens of Kirkland. I truly appreciate it.

Thank you,

-Abby Moore  
253-230-0451  
[abby@abbymoorepa.com](mailto:abby@abbymoorepa.com)

**Joan Lieberman-Brill**

---

**From:** Bobby Wolford <bobbythetrucker@gmail.com>  
**Sent:** Wednesday, May 08, 2019 2:41 PM  
**To:** Dave Asher; Jay Arnold; Joan Lieberman-Brill; Jon Pascal; Kelli Curtis; Planning Commissioners; Penny Sweet; Tom Neir; Toby Nixon  
**Subject:** Shoreline Master Plan

To whom it may concern:

I want to start by introducing myself, my name is Robert Wolford and I have been a Lake Washington waterfront property owner and resident for over 40 years; I have also been a local business owner for over 35 years of Bobby Wolford Trucking & Demolition. I would like to express my disagreement to the process for the Shoreline Master Plan being moved along so quickly, especially with the deadline for public input being today May 8<sup>th</sup> at 5PM. This process has not allowed adequate time for us, as property owners, to review and research the proposed changes and how they will affect us and our property. It seems as though the current process is going to take advantage of our rights as waterfront homeowners and possibly negatively impact our property values. We are requesting that the deadline be extended so that we can fully investigate the impact that the Shoreline Master Plan will have on us as Lake Washington waterfront property owners. Thank you for taking the time to read my concerns; hopefully the process can be reviewed and the deadline extended.

Thank you,

Robert C. Wolford

Bobby Wolford Trucking & Demolition

[221 Lake Ave W](#)

[Kirkland, WA 98033](#)

**Joan Lieberman-Brill**

---

**From:** Bryan Loveless <bryanloveless@windermere.com>  
**Sent:** Wednesday, May 08, 2019 6:42 AM  
**To:** Joan Lieberman-Brill  
**Cc:** Planning Commissioners; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal  
**Subject:** Upcoming Shoreline Master Plan Changes  
**Attachments:** comment letter 2.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

---

**From:** Bryan Loveless <bryanloveless@windermere.com>

**Sent:** Monday, May 06, 2019 3:06 PM

**To:** jliebermanBrill@kirklandwa.gov

**Cc:** planningcommissioners@kirklandwa.gov; psweet@kirklandwa.gov; jarnold@kirklandwa.gov; tneir@kirklandwa.gov; tnixon@kirklandwa.gov; kcurtis@kirklandwa.gov; dasher@kirklandwa.gov; jpascal@kirklandwa.gov

**Subject:** Upcoming Shoreline Master Plan Changes

Ms. Lieberman-Brill,

I just wanted to register my opposition to the proposed amendments of the Shoreline Master Plan.

As a Kirkland Lake Washington waterfront homeowner myself, and as the broker that has sold more than 40 Kirkland Waterfront homes in the past 5 years (more than 3 times any other broker), the restrictions that the City is proposing to implement will really penalize many waterfront owners and potentially result in a significant diminishment of their property values.

I urge the City to reconsider the proposed changes, or at the very least give us more chance for input – as most of the current waterfront homeowners have no idea of the magnitude of the upcoming changes (and I believe they would register their opposition if they did).

Thank you.

Bryan Loveless

Bryan Loveless | Managing Broker | Premier Executive Director

tel: 425.968.8181

email: [BryanLoveless@Windermere.com](mailto:BryanLoveless@Windermere.com) web: [www.pugetsoundrealestate.us](http://www.pugetsoundrealestate.us)

Windermere Real Estate / Northeast, Inc.

11411 NE 124th Street - Suite 182

Kirkland, Washington 98034

## Joan Lieberman-Brill

---

**From:** Bryan Loveless <bryanloveless@windermere.com>  
**Sent:** Monday, May 06, 2019 3:06 PM  
**To:** Joan Lieberman-Brill  
**Cc:** Planning Commissioners; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal  
**Subject:** Upcoming Shoreline Master Plan Changes

Ms. Lieberman-Brill,

I just wanted to register my opposition to the proposed amendments of the Shoreline Master Plan.

As a Kirkland Lake Washington waterfront homeowner myself, and as the broker that has sold more than 40 Kirkland Waterfront homes in the past 5 years (more than 3 times any other broker), the restrictions that the City is proposing to implement will really penalize many waterfront owners and potentially result in a significant diminishment of their property values.

I urge the City to reconsider the proposed changes, or at the very least give us more chance for input – as most of the current waterfront homeowners have no idea of the magnitude of the upcoming changes (and I believe they would register their opposition if they did).

Thank you.

Bryan Loveless

Bryan Loveless | Managing Broker | Premier Executive Director  
tel: 425.968.8181  
email: [BryanLoveless@Windermere.com](mailto:BryanLoveless@Windermere.com) web: [www.pugetsoundrealestate.us](http://www.pugetsoundrealestate.us)

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



**Joan Lieberman-Brill**

---

**From:** Chantal Balcom <cjbalcom@hotmail.com>  
**Sent:** Wednesday, May 08, 2019 2:06 PM  
**To:** Joan Lieberman-Brill; Planning Commissioners; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal  
**Cc:** Chantal McFall  
**Subject:** Upcoming Shoreline Master Plan Changes

To whom it may concern,

I would like to give my input on the proposed Shoreline Master Plan. As a waterfront property owner in the Kirkland and Juanita areas since 1994, I do not believe that the proposed program is beneficial to the shoreline ecology or to the shoreline stake holders. I would strongly urge you and the planning committee to extend the timing to allow for full understanding and response to the proposed Shoreline Master Plan. This is NOT a sound plan and needs to be re-evaluated.

As a property owner myself, I was not fully aware of the impact of this proposal until it was brought to my attention by Mr. Bryan Loveless. The city needs to be more dutiful in their transparency to their citizens.

I am in support of the comment letter written by Mr. Dallas Evans, and urge the city to take more time with this proposal, show due diligence, and consider waterfront stakeholders, rather than just take the biased word of the TWC. Additionally, I believe the city needs to follow the regulations set forth by the State of Washington as outlined in Mr. Evans' comment letter.

Rushing this decision, would have a huge economic impact on the City of Kirkland and places undue burden on waterfront property owners.

Sincerely,

Chantal Balcom  
 4511 Lake Washington Blvd NE #3  
 Kirkland WA 98033  
 425-442-0881

## Joan Lieberman-Brill

---

**From:** Dallas <dallas@weownacat.com>  
**Sent:** Thursday, April 18, 2019 5:49 PM  
**To:** Joan Lieberman-Brill  
**Subject:** Public Comment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### KZC 83.400/PP. 85-91 Tree Management and Vegetation in Shoreline Setback

The proposed rationale for deleting alternative options for planting required vegetation in shoreline setback is flawed. I live on a section of the lake where the shoreline, above the OHWM, is encumbered by a 10-15-foot-wide sewer line easement. North Shore Utility District (NUD) will not allow any trees to be planted within their easement due to obvious root problems affecting the sewer line. That is specially spelled out in the easements they make the owner accountable for. Does the City have the legal right to override this easement restriction? Will the City sign a hold harmless agreement with the property owner and agree to pay for all damages caused to NUD's sewer line by requirement for trees?

The argument that no one has used this option in seven years is misguided and short sighted. I think the city has unknowingly required trees be planted in easement areas and may have already exposed themselves to liability. I know of one property already that this situation has occurred and may potentially exposed the city to liability in the future.

While we are on that subject, the author rationalizes that ***'trees are key to no net loss of ecological function along the shorelines as part of the package of mitigation that the city proposes to the Department of Ecology.'*** This is argument also flawed.

First, one of the primary reasons for the SMP is to protect the endangered Chinook salmon, not trout, not bass, not ducks, geese, beavers, etc. Studies have shown that trees provide shade for streams but does not make a significant difference in deep water lake temperatures. In lake Washington, the fish have the options to go to deeper water to get relief from the higher temperatures near the shoreline. There is no peer reviewed scientific evidence to show that large deep-water lakes are served by shade trees.

Second point, studies show that adult migrating Chinook Salmon do continue to eat while in fresh water while migrating to streams (contrary to popular opinion), but the only food they have been shown to eat are fish eggs. They don't eat bugs that fall off tree branches overhanging lakes. That is what the other fish eat who by the way are not on the endanger species list that the SMP, tribes and fisheries are concerned with. I sat through extensive scientific discussions during the City of Bellevue SMP a few years back and not one scientist would state that adult migrating chinook salmon eat bugs while in fresh water lakes except for kokanee salmon. The scientist would only state that there was evidence that shade is a significant factor reducing water temperatures for streams. Many fish have been killed at various times in the Sammamish river when water temperatures rose above 80 degrees.

My suggestion is that trees should be an optional part of mitigation, especially as it pertains to restrictive easements along the shoreline that prohibit tree planting on such easements. One other option is to do ***'fee in place'*** of trees so the funds could be used to enhance local fish spawning streams like Juanita creek. Moving such shade trees beyond the sewer easement would not have any beneficial effect on water temperature or bugs falling the water since the tree canopy would not extend over the water. Please remove this proposed change because it is irrational and creates a liability to the City of Kirkland.

**KZC 83.270/PP. 50-64 Piers for detached dwelling units****4. Allow pier bumpers per Interpretation No 12-6**

I applaud this amendment. I hope this also applies to residential piers. I pointed this out the City of Bellevue seven years ago and they agreed that it presented a huge liability for the City owned public docks down at Meydenbauer Beach Park Marina and they immediately amended their SMP.

Losing a head, arm or body would be bad, especially if it was your own child or relative. The city should show more concern for safety of people than focus on shadows cast by the moving sunlight under docks. Safe boating practices should be a priority. Spacing should be narrow to not have any part of a boat/ dock contact harmful to their occupant's safety. These do not have any significant blockage of sunlight given the sun moves constantly and the shadows are only temporary. Good job!

**KZC 83.270/PP. 50-64 Piers for detached dwelling units**

The author of this amendment states:

***“Generally, no boat owner is going to want to risk damage to their boat, nor are they going to want to build a bigger/longer pier than necessary due to cost. Therefore, the water depth of a property is an existing condition, similar to slope or lot size, that will be taken into consideration by a property owner, or potential property owner, when determining if the property contains the conditions that meet their needs. Meaning, 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.”***

This rationale is an insult to shoreline property owners and obviously written by someone who has no knowledge of the cost of docks verses the cost of waterfront ownership. This author wants to change a provision by a flawed and deceptive cost to benefit logic.

- First of all, new docks and permitting cost about \$247/sq. ft. (\$10,000 per ten feet of dock at 4 feet wide). With that figure in mind, lets compare that to the cost of purchasing a waterfront property (\$1.5 million to \$5 million) and property taxes between (\$10,000 to \$45,000 per year). Obviously, the cost of adding ten more feet of dock is irrelevant to the decision of weather one can afford owning waterfront property. Remove such rationale regarding the cost and benefit of building a longer dock to fixing an ecological disaster (read on).
- Assuming low mean water depths, if a property owner finds a way to moor their boat in any amount of water depth, even in one foot of water with wave action, THEY WILL! What you are left with is a lot of hull and propeller wash doing unintended prop dredging and damage to fish and underwater vegetation.
- The larger the boat, the more damage done by the hydraulic action of prop dredging.
- Does the city want to legislate the size of boat that a property owner might be willing to have moored at the owner's dock? Perhaps the author of this amendment should revisit the current way the code is written. It adds necessary flexibility for the city to negotiate, it is not broke, don't fix it. The owner of a dock would be a willing participant in saving the ecological function of the lake by paying for the additional marginal cost of extend a dock and of moving the boat further away from the shoreline and bottom. That is not a material cost the author of this rationale should concern themselves with. The current code allows for that collaboration. Let's be clear, the boat owner does not want their boat on the bottom so even one foot of clearance is a **WIN** for the boat owner but a huge **LOSS** for ecological function of the lake bed. Keeping a boat five or more feet off the bottom would be exponentially better and a win for ecology too. Keep this code section the same and give the city more flexibility to convince the shoreline owner to do the right thing.
- If navigational hazards are not an issue, public enjoyment of shorelines and water activities are not an issue, allowing for a longer dock to get a boat further away from the bottom should be a priority and negotiable compromise.
- The above rationale also conflicts with point number 7 in the proposed changes **‘Clarify that boats cannot be moored 30 feet or closer to the OHWM (near shore is fish spawning area).’**

- Don't assume we are talking about 20 foot wake board boats. Boats that are 65 feet long and weight 100,000 lbs. can easily moor in 1 foot of water even with waves without damage to the boat but extreme hydraulic damage to the bottom. That is why all boats of all sizes should be considered as potential ecological problems near the shoreline. Boat lifts, facing props away from the shoreline, moving further away from the shoreline with longer docks are all potential solutions if they are viable options allowed by code.
- I agree with not creating navigational hazards or building docks that don't fit within the other surrounding docks, but 10 feet is not a deal breaker if you value ecological function more importantly than how much it is going to cost to get there.

#### Next item

#### ALLOW MORE BOAT LIFTS THAN JUST ONE.

The last time I checked it was only possible to put one boat lift per residence and a jet ski lift. We probably can agree with the assumption that some home owners might have more than one boat and if that boat is sitting in the water a couple things happen that are not good for the ecological function of the lake.

- 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
- 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.
- 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.
- 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.
- Boats sitting on boat lifts negate all the above problems

The City of Bellevue City planners and the council understand these principals and allowed for two boat lifts and PWC lifts.

Perhaps the City of Kirkland should review what the City of Bellevue took 5 years and a lot of thought in to putting together a comprehensive SMP that included a lot of collaboration between shore line stake holders and the general public. The City of Kirkland's SMP plan had not were near that amount of collaboration from the public and shoreline owners when initially created their SMP 10 years ago.

Perhaps the city planners should be reminded that the shoreline owners are not the enemy. Some of the amendments are punitive and irrational as point out above. I have plenty of garbage land on my beach every week. Everything from drug needles, plastic bags, beer bottles. Cans, etc. I am constantly picking this stuff up. I know for a fact that my neighbors do not drop garbage on the water.

Shoreline owners/stake holders are the front line for keeping this lake clean. We don't need to be told what to do to keep the lake clean. We have more vested interest in what our lake front looks like than a casual user of the lake who may not care about piece of garbage falling out of their boat as they go cruising by with a huge wake that erodes our water front from their wake boat inside the 300 foot wake zone. I do not use fertilizer on my lawn and would prefer to replace with fake lawn anyway. Geese don't like it though which is actually a good thing.

Respectfully submitted

Dallas Evans

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 stake holders 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 25<sup>th</sup> 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.
- Bellevue' collaborative approach to taking their time to 'get it right' brought all the stake holders (inclusive of environmentalist, parks, commercial operators, DOE, and shoreline residents) to the table and we took our time to understand good science from irrelevant science as it applied to Bellevue's shorelines. Kirkland's planning staff does not have the core competencies to understand shorelines, so they engage TWC who is nothing less than myopically focused on ecological function. The staff takes all TWC's recommendations and puts them down as needed changes and questions nothing. When questioned by the commissioners during the open hearing, the only thing the planning staff could say in their defense is that they made their recommendations on sound science and advice from their consultant. That is so wrong on many levels. So much indifference to policy statements, actual real science, shoreline stakeholders' rights under the WAC and RCW's. I just wanted to stand up say are you numb! Why are treating the shoreline owners as the enemy? But I am respectful of the process that I want to change in the appropriate way.
- Despite how vague the reasons are behind some of the take a ways that Kirkland's planning department is proposing, you will find that DOE passed on Bellevue's SMP just a year and half



ago that was no were near what the GAP proposal of changes relating to residential shorelines is proposing. 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:**

- 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 buy 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:
  - **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.

- 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.
- Note what Kirkland's SMP website states about existing uses

- **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 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:
  - **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 stakeholders 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;

- 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.
  - The annexed shorelines have many more residential homes and no commercial and one or two multifamily buildings on the shoreline.
  - 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.
  - 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 25<sup>th</sup> 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 8<sup>th</sup> 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 25<sup>th</sup>, 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.
  - 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.**

- 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
  - 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.
  - 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.
  - 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.
  - 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 than 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

temporally 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 an 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

Table 5. Amendments recommended by staff and TWC to Chapter 83 and 141 KZC and Shoreline Area chapter of the City's Comprehensive Plan

Section/Page Number Title of Chapter	Type of Amendment	Proposed Change	Rationale
Chapter 83- Shoreline Management Kirkland Zoning Code			
KZC 83.80/PP. 4-17 Definitions	Clarifications	<ol style="list-style-type: none"> <li>1. Add and revise or remove definitions to reflect revisions to KZC 83.490 through .520 for wetlands, streams and fish and wildlife habitat conservation areas.</li> <li>2. Add definition of pier bumper which prevent boats from going under a pier to reflect pier bumpers regulations added to Chapter 83 KZC.</li> <li>3. Minor clarifications to some definitions</li> </ol>	<ol style="list-style-type: none"> <li>1. Internal consistency. Now that SMP will reference Chapter 90 for critical areas regulations no critical areas definitions are needed in SMP. SMP definitions should be limited to those specific to shoreline jurisdiction that could differ from Chapter 5 definitions.</li> <li>2. Clarification of interpretation No. 12-6.</li> <li>3. Clarification</li> </ol>
KZC 83.160/P. 18 User Guide	Clarification	Clarify that Conditional Use Permits also must meet criteria for a Substantial Development Permit.	Clarification
KZC 83.170/PP. 21-27 Permitted and Prohibited Uses Chart	Minor code amendment	Add process for expansion of existing boat launch And update to indicate that residential boat launches and boat rails are not permitted.	See 83.270, Rationale 8
KZC 83.180/PP. 28-38 Shoreline Development Standards	Minor code amendment	Add missing setbacks for Water Dependent uses (i.e. parks, marinas, piers) under Recreational Use category.	Clarification
KZC 83.190/PP. 39-43 Shoreline Setback	<ol style="list-style-type: none"> <li>1. Minor code amendment</li> <li>2. Clarification</li> <li>3. Minor policy change</li> </ol>	<ol style="list-style-type: none"> <li>1. Clarify about shoreline walkway can be either 8 feet wide or broken into two walkways that are 4 feet wide and that they should be perpendicular from a deck or patio.</li> <li>2. Clarify what is measured for maximum allowable width of improvements in shoreline setback, such as decks and patios.</li> <li>3. Clarify that non-permeable turf is prohibited in shoreline setback.</li> </ol>	<ol style="list-style-type: none"> <li>1. Gives homeowner flexibility while also preventing a walkway being built parallel to the patio as a way of increasing patio size.</li> <li>2. The standards in Chapter 115.115 for required yards are referenced in this section.</li> <li>3. Lawn is allowed in the shoreline setback. While it has the potential to filter pollutants it can also be a source of pollutants (herbicides etc.). Artificial turf that is permeable should be allowed as an alternative to lawn as it could reduce a source of pollutants while still allowing infiltration of runoff.</li> </ol>
KZC 83.200/P. 43 Residential Uses	Clarification	Clarify that certain accessory structures to residential uses (i.e. decks and patios) may locate between the primary structure and the lake as stated in KZC 83.190.	Clarification- Clarifies that water dependent uses will not be located landward of principal residence.
KZC 83.210/ PP. 43-44 Commercial Uses	Minor code amendment	Add mobile fueling businesses to those retail establishments providing gas and oil sales for boats	Recognizes various delivery methods. Underground and above ground fuel tanks as well as fuel truck delivery are used to provide fuel at commercial fuel docks.
KZC 83.240/P. 48-49 Utilities	Minor code amendment	Add that geothermal heat pumps are not permitted waterward of the OHWM (ordinary high water mark).	Geothermal heat pumps disturb salmon spawning and the lakebed. They can also heat up the lake water. Staff has had one inquiry. State Department of Fisheries does not support geothermal heat pumps in the lake and Department of Ecology has concerns about them.
KZC 83.250/PP. 49-50 Land Division	Minor code amendment	State that newly created lots in a subdivision cannot make an existing structure non-conforming for shoreline setback and lot coverage.	Subdivision should not be approved that makes a retained structure non-conforming for setback and lot coverage.

Table 5. Amendments recommended by staff and TWC to Chapter 83 and 141 KZC and Shoreline Area chapter of the City's Comprehensive Plan

Section/Page Number Title of Chapter	Type of Amendment	Proposed Change	Rationale
KZC 83.260/ P. 50 General Shoreline Modification Regulations	Clarification	Clarify that no net loss standard and mitigation sequencing are required for Conditional use and Variance Permits or when specific regulations for a proposal are not specified.	Clarification – where dimensional and materials standards are not well-defined proposals are subject to analysis.
KZC 83.270/PP. 50-64 Piers for detached dwelling units	1. Policy change 2. Code amendment 3. Policy change 4. Minor code amendments 5-6. Clarification of interpretation 7. Minor code amendment 8. Policy change 9. Clarification 10-14. Minor code amendments	<ol style="list-style-type: none"> <li>Delete Administrative Approval Alternative Design (83.270.4.b) for maximum area, width, length and depth of pier (minor City policy implication).</li> <li>Reformat the dimension standard chart for clarity and revise length requirements. Limit length of pier to same length as adjacent piers or shorter but in no case longer than 150 feet (existing allowed length) and remove depth standard for ells and float decking.</li> <li>Require removal of non-conforming structure, such as boathouses, with additions to piers for entire shoreline and not just in annexation area.</li> <li>Allow pier bumpers per Interpretation No 12-6.</li> <li>Allow height of boat canopies to be up to 12 feet in height and not limit to 7 feet in height per Interpretation No. 12-8.</li> <li>Require pier ladder.</li> <li>Clarify that boats cannot be moored 30 feet or closer to the OHWM (near shore is fish spawning area).</li> <li>Update 83.270.3.f.4 and the allowed uses chart (83.170) to indicate that residential boat launches and boat rails are not permitted.</li> <li>Delete option to use alternative plantings approved by the state and federal agencies to meet Chapter 83 KZC planting requirements.</li> <li>Delete option of using the monitoring report from state and federal agencies to replace City's requirement for monitoring report.</li> <li>Require vegetation in shoreline plantings to hang over existing bulkheads which is good for fish habitat.</li> <li>Remove the term "recreational use" from section 83.270.5.a and clarify that any structures needs to be removed regardless of location or function.</li> <li>Require in 83.270.8 that when piers are repaired through replacement of all decking and decking substructure above 50%, the new decking shall comply with the pier dimensional standards of 83.270.4 to the maximum extent feasible.</li> </ol>	<ol style="list-style-type: none"> <li>Administrative Approval Alternative Design option allows an applicant to go to Army Corps of Engineers and State Department of Fisheries for approval for pier dimensional standards and thus circumvent the City's standards. Staff has found that these agencies have no set standards and thus rely on a biological report. Staff questions their rigorous analysis and justification for deviating from the City standards. In one case, they were going to approve a pier in extremely shallow water in Juanita Bay until the Muckleshoot Tribe challenged the proposal. Staff recommends deleting the option and just use the dimensional standards in the code. State and federal agencies have different mandated considerations compared to the City. In particular, the SMP has a unique emphasis on views, public access, and protection of water-dependent uses. These considerations further support removing reference to state and federal agencies.</li> <li>Staff recommends pier length be determined by neighboring pier lengths and navigation considerations consistent with the Shoreline Area policies in the Comprehensive Plan. Most boats in Kirkland do not need anywhere near the 9-10 feet depth required currently in the code. Some pier owners have proposed piers much longer than needed to obtain the required water depth when a shorter pier would have been adequate for both the needed water depth and boat size. The longer pier would have made navigation around the pier a potential hazard for adjacent property owners and the general public, particularly at night. Long piers result in additional overwater coverage that can adversely affect juvenile salmon. TWC notes the primary reason for previously having a water depth standard was to limit overwater cover in shallow areas used by juvenile Chinook salmon. However, the proposed code adequately protects these areas by prohibiting moorage and pier structures contributing to the greatest amount of overwater coverage (fingers, ells and platforms) from within the nearshore 30 feet. The proposal also requires ells, fingers and platforms to be located near the terminal end of the pier as a means to further push these structures away from shallower areas. Additionally, boat moorage must also be designed to ensure adequate depth to prevent the boat from sitting on the lakebed. Generally, no boat owner is going to want to risk damage to their boat, nor are they going to want to build a bigger/longer pier than necessary due to cost. Therefore, the water depth of a property is an existing condition, similar to slope or lot size, that will be taken into consideration by a property owner, or potential property owner, when determining if the property contains the conditions that meet their needs. Meaning, 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. A new pier or addition to an existing pier must maintain consistency with the surrounding piers. Averaging the pier length with those surrounding piers will produce consistent design and configuration, maintaining the character of the shoreline.</li> </ol>

Table 5. Amendments recommended by staff and TWC to Chapter 83 and 141 KZC and Shoreline Area chapter of the City's Comprehensive Plan

Section/Page Number Title of Chapter	Type of Amendment	Proposed Change	Rationale
			<p>3. With the 2011 annexation, the 2010 shoreline regulations needed to be amended to reflect the annexation area. Several non-conformances were identified in the annexation area, such as boat houses, that should be removed with redevelopment of a site. The 2011 amendments were limited to the annexation area. These amendments should now be expanded to include the entire shoreline area.</p> <p>4. Consistency with Interpretation No 12-6</p> <p>5. State Department of Fisheries supports taller boat canopies because they allow light in the near shore area that deters predatory fish and thus protects salmon. Height of canopies has been regulated under a zoning code interpretation that now would be incorporated.</p> <p>6-7. Clarifications</p> <p>8. The intent is to prohibit structural boat launches except in waterfront parks. Structural boat ramps for both motorized and non-motorized boats remain allowed in the urban mixed environment where waterfront parks are located. The change prohibits boat launches in all other environments. Reasoning is that boat launch structures (boat rails and ramps etc.) adversely impact the beach substrate below OHWM which is detrimental to salmon habitat. Homeowners could still launch their non-motorized boat by hand on their private beach, off of their dock, bulkhead or shoreline. They might also be encouraged and have another reason to create soft shoreline stabilization on a portion of their property, where the gradient would allow them to more easily launch their boat into the water. They can also take their boat to the public boat launches or soft shoreline present at waterfront parks.</p> <p>9. Alternative plantings that meet state and federal standards instead of the standards in Chapter 83 KZC should not be allowed because as it turns out the agencies do not require shrubs important to an adequate shoreline planting strip and the same standards for trees. Staff recommends removing the option and using only the City's standards. Recent changes to the federal permitting approach (known as the Integrated Restoration and Permitting Program (IRPP)) have numerical standards for shoreline vegetation, which may not be consistent with a functional vegetated shoreline.</p> <p>10. State and federal agency monitoring reports should not be accepted in lieu of the City's required monitoring report because the agencies have a reduced standard for vegetation and the time period for their reports are not five years from the date of installation but from the date that the project is approved. A single monitoring report is typically submitted to all agencies. The proposed change would not be expected to change the contents of a monitoring report significantly or generate significant additional work for the applicant.</p> <p>11. Vegetation that hangs over existing bulkheads is good for fish habitat and recommended by the Muckleshoot Tribe.</p>

Table 5. Amendments recommended by staff and TWC to Chapter 83 and 141 KZC and Shoreline Area chapter of the City's Comprehensive Plan

Section/Page Number Title of Chapter	Type of Amendment	Proposed Change	Rationale
			<p>12. For single family proposals, mitigation for new piers or docks should require removal of any existing in-water or overwater structure regardless of location, unless they are part of the new proposal in order to limit a net increase in overwater coverage.</p> <p>13. Wider and shorter docks having all the substructure removed have the opportunity to modify the height and width when reconstructing. The width can and should be reduced in some cases where they have unnecessary cantilevers or design features that project well beyond the 4 foot max width.</p>
KZC 83.280/PP. 58-64 Piers for Attached and Stacked Dwelling Units	Same as detached dwelling unit amendments	Same as detached dwelling unit amendments above	See same comment for piers for detached dwelling relating to alternative design and mitigation.
KZC 83.290/PP.64-68 Marinas and Commercial Moorage Facilities	<ol style="list-style-type: none"> <li>1. Reference another section</li> <li>2. Minor policy change</li> <li>3. Minor code amendment</li> <li>4. Clarification of interpretation</li> <li>5. Clarification</li> </ol>	<ol style="list-style-type: none"> <li>1. Reference public piers standards in KZC 83.220.5.</li> <li>2. Delete alternative design option if approved by the state and federal agencies similar to piers for detached dwelling units.</li> <li>3. Require mitigation (removal of non-conforming in-water structures) for repair of marina piers similar to piers for detached and attached dwelling units.</li> <li>4. Incorporate Interpretation No 12-6 about pier bumpers.</li> <li>5. Reference public parks in the headers to the setback and dimensional standards charts in 80.290.2 and 80.290.5.c</li> </ol>	<ol style="list-style-type: none"> <li>1. Clarification</li> <li>2. See same comment for piers for detached dwelling relating to alternative design and mitigation.</li> <li>3-5. Clarifications</li> </ol>
KZC 83.300/PP. 69 – 76 Shoreline Stabilization	<ol style="list-style-type: none"> <li>1. Clarification</li> <li>2. Minor code amendment</li> <li>3. Clarification</li> </ol>	<ol style="list-style-type: none"> <li>1. Clarify that for replacement or major repair of a bulkhead, when there is more than one section, the entire length of all sections is included in the measurement, which determines when the proposal is considered major replacement or repair.</li> <li>2. Require for replacement or major repair of a bulkhead that construction plans be prepared by qualified professional, with knowledge in hydrology and construction of hard and soft shoreline stabilization methods.</li> <li>3. Require for replacement or major repair of a bulkhead that if consultant is required, that he/she attend pre-submittal meeting for building permit.</li> </ol>	<ol style="list-style-type: none"> <li>1. Clarification-</li> <li>2. Necessary to ensure competency in design of proposal.</li> <li>3. Necessary to ensure that the contractor and consultant coordinate prior to submittal of building permit.</li> </ol>
KZC 83.360/PP. 80-81 No Net Loss	Clarification	State that mitigation analysis to determine if no net loss standard is met must be prepared by qualified professional, if determined to be needed.	Necessary to ensure competent analysis.
KZC 83.380/PP. 81-85 Setback Reduction Option	<ol style="list-style-type: none"> <li>1. Reference another section</li> <li>2. Minor policy change</li> <li>3. Clarification</li> <li>4. Minor code amendment</li> </ol>	<ol style="list-style-type: none"> <li>1. Reference KZC 141.70.4 which addresses relief from shoreline setback and lot coverage requirements when OHWM is moved upland due to removal of bulkhead and creation of soft shoreline setback.</li> <li>2. Add setback reduction option for removal of 50% of bulkhead (current regulation only gives option for removal of 75% of bulkhead).</li> <li>3. Clarify what vegetation must be installed to meet Option 8 where additional landscape strip width is provided.</li> </ol>	<ol style="list-style-type: none"> <li>1. Consistency with Comprehensive Plan</li> <li>2. Adding the option to remove 50% of bulkhead instead of 75% of bulkhead would encourage removal of at least part of the bulkhead in exchange for a shoreline setback reduction. The percent of the setback reduction would be proportionately less for the 50% bulkhead removal option than the 75% removal.</li> <li>3. Clarification</li> <li>4. The current storm water manual requires this type of improvement where feasible anyway, so it is no longer considered an incentive. It is not appropriate to</li> </ol>



Table 5. Amendments recommended by staff and TWC to Chapter 83 and 141 KZC and Shoreline Area chapter of the City's Comprehensive Plan

Section/Page Number Title of Chapter	Type of Amendment	Proposed Change	Rationale
		4. Remove incentive 6 in the setback reductions option chart (83.380.2.f) related to installation of biofiltration mechanisms.	give an applicant credit toward reducing the required setback for something that is now required anyway.
KZC 83.400/PP. 85-91 Tree Management and Vegetation in Shoreline Setback	Minor policy change	Delete alternative option for planting required vegetation in shoreline setback.	Alternative planning option allows an applicant to propose a different planting plan than is required by code, but that still must meet no net loss of ecological function. So far no one in seven years has used the alternative option. It is likely that someone would propose to not install the tree requirement of the planting standard. But trees are key to no net loss of ecological function along the shoreline and part of the package of mitigation that the City proposed to the Department of Ecology to offset the impacts of new piers and buildings built along the lake. Staff recommends removing the alternative option and just stay with the code requirement.
KZC 83.410/PP. 91 -92 View Corridors	Minor code amendment	Clarify that in the Urban Mixed shoreline environment within the Juanita Business District, view corridors are not required in the JBD 4 and 5 zones only.	Reflects existing Zoning Code provisions that do require view corridors in the JBD2 and 3 zones when height is increased up to 13' above the 26' height limit, but not in JBD 4 and 5, where the height limit is 26 feet above ABE, and there is no flexibility to increase the height.
KZC 83.420/PP. 93-96 Public Access	1. Minor reorganization of the chapter 2. Minor code amendment 3. Clarification	1. Move exception to public access requirement to beginning of section instead of at end of section. 2. Clarify wording for when the public access trail must be opened to the public. 3. Clarify that all new uses, including piers, must provide public access, except single family.	1. Improve clarity 2. Clarification. 3. Clarification
KZC 83.480/PP. 101-102 Water Quality, Stormwater and Nonpoint Pollution	Minor code amendment	Add that milfoil removal requires a plan be submitted to the City and notification to abutting property owners before work begins.	Milfoil is removed either chemically or by machine. The City should receive a plan approach and notification should be given to abutting property owners before work begins. State approval is already required.
KZC 83.490-540 Shoreline Critical Areas	Code amendment	As discussed in Section 3 of the Gap Analysis, The Watershed Company recommends adoption of Chapter 90 by reference, identifying exceptions as required by the SMA.	<p>This option provides the greatest consistency between the SMP and CAO. In the future a single update of Chapter 90 maintains consistency between SMP and CAO. Will help with ease of administration- particularly for projects that cross SMP/GMA boundaries, only one set of code requirements would apply. Certain Chapter 90 sections including exemptions, City review process, and appeals will be excluded from the SMP as SMP provisions will apply instead. Critical area reviews for activities in shoreline jurisdiction occur within the context of the SMP permitting procedures. Additionally, some wetland and stream regulations from Chapter 90 will be excluded within shoreline jurisdiction as they are not in compliance with SMA requirements.</p> <p>Note that Chapter 90 does not contain geologically hazardous areas regulations (which are instead contained in Chapter 85) and the geohazard regulations currently in Chapter 83 provide additional, shoreline specific detail not in Chapter 85, therefore these will be retained.</p>

Table 5. Amendments recommended by staff and TWC to Chapter 83 and 141 KZC and Shoreline Area chapter of the City's Comprehensive Plan

Section/Page Number Title of Chapter	Type of Amendment	Proposed Change	Rationale
			Similarly, the flood hazard reduction regulations of 83.530 will be retained, in addition to adopting the frequently flooded area regulations of Chapter 90 as they are needed to address shoreline specific issues, not addressed in Chapter 90.
Chapter 141- Shoreline Administration Procedure Kirkland Zoning Code			
KZC 141.70.30.1	Clarification	State the difference between Substantial Development Permit, Conditional Use Permit and Variance and refer to applicable WAC for decisional criteria.	Clarification
KZC 141.70.30.2 Review Required	Clarification	Add that project exempt from a Substantial Development Permit may need to obtain other development permits.	Clarification
KZC 141. 40.1 Exemption from Permit Requirements	Clarification	Add that the applicant has the burden of proof to show that proposal meets the applicable standards in Chapter 83 KZC for projects exempt from a Substantial Development Permit.	Clarification
KZC 141. 60.1 Applications	Clarification	Add that applicant can be the property owner or primary proponent of the project per WAC-173-27-180(1).	Clarification
KZC 141.70.2.a. and 3.a. Conditional Use and Variances	Minor code amendment	State that if a Shoreline Conditional Use or Variance permit is bumped up from a Process IIA to a Process IIB because part of the proposal requires a Process IIB review, the Houghton Community Council does not have jurisdiction over the Conditional Use or Variance permit.	Superior Court of King County ruled in Case No. 15-2-16919-0 SEA on September 8, 2015 that East Bellevue Community Council lacks jurisdiction to review shoreline conditional use permits. This is because the Department of Ecology and not the City of Kirkland has final approval on conditional use permits. The same holds for shoreline variances.
KZC 141.70.2.d and 3.d Conditional Use and Variances	Minor code amendment	Add under Burden of Proof section that criteria for a substantial development permit in WAC 173-27-150 must also be met.	Clarification
KZC 141.70.2.e and 3. e.	Clarification	Clarify that Conditional Use or Variance has to complete all local administrative appeals or reconsideration periods prior to being forwarded to Ecology for its approval/disapproval jurisdiction.	Clarification
KZC 141.70.3. e	Clarification	Clarify that filing date for shoreline variance appeals are counted from the date that Ecology transmits its decision, not the date the City mails the permit decision to Ecology.	Clarification
KZC 141.70.4 Request of Relief from Standards	Clarification	Clarify that relief from shoreline standards (shoreline setback and lot coverage) may also apply to upland lots.	Clarification
Shoreline Area Chapter Comprehensive Plan			
Shoreline Area Chapter of the Comprehensive Plan	-Minor edits throughout chapter	Reflect 2011 annexation area throughout chapter, including references to O.O. Denny Park, Juanita Drive and multifamily area located west of Juanita Beach Park.	Update reflecting annexation area parks

Table 5. Amendments recommended by staff and TWC to Chapter 83 and 141 KZC and Shoreline Area chapter of the City's Comprehensive Plan

Section/Page Number Title of Chapter	Type of Amendment	Proposed Change	Rationale
Policy SA-2.4/P. 7 Residential – Medium/High development	Clarification	Clarify that additional density beyond 15 units per acre is allowed using the provisions of the Zoning Code, including a Planned Unit Development, affordable housing, low impact development and cottage housing.	Reflects existing Zoning Code provisions.
New Policy SA-6.3/ P. 15	New policy	Add new aspirational policy to promote opportunities to remove overwater residential structures over time.	Policy supports existing goal SA-6 to protect and enhance the character, quality and function of existing residential neighborhoods within the City's shoreline area.
Policy SA-6.4/ P. 16 Subdivision of Land	Clarification	Clarify that public access is not required for 4or fewer new single family lots.	Clarification. WAC 173-26-241 requires public access for the subdivision of land for more than four parcels.
Policy SA-7.5/ P. 17 Commercial uses between CBD and Planned Area 15 (Carillion Point.)	1. Clarification 2. Minor edit	1. Add the word "west side of Lake Washington Blvd/Lake Street S" to the first sentence so that it is clear that it does not apply to east side of street. 2. Revise the "interfere with nearby uses" statement at the end of the paragraph.	1. Clarification 2. Clarification- change "interfere with nearby uses" to "interfere with nearby water dependent and water-related uses"
New Policy SA-11.2/ P. 26 Piers	New policy	Add new policy that length of pier should be in character with adjacent piers length.	1. Policy supports changes to KZC 83.270 and KZC 83.280 addressing single and multifamily piers that should have pier lengths consistent with adjacent pier lengths or shorter. See above. 2. Renumber policies that follow this new policy
Policy SA-13.5/ P. PP 30-31 Fish and Wildlife Habitat Conservation Areas	Minor edit	Add reference to Denny Creek and Champagne Creek and Kirkland's <i>Best Available Science Report</i> dated December 2015 to reflect wildlife and fish habitat in the shoreline area.	Update to reflect annexation area
Policy SA-20.3/ P. 41 Landscape design practices in shoreline parks	Minor edit	Add O.O. Denny Park to list of parks that need shoreline vegetation.	Update to reflect annexation area
Policy SA-20.7/ P. 42 Shoreline armoring in shoreline parks	Minor edit	Add O.O. Denny Park to list of parks that should have bulkheads removed.	Update to reflect annexation area
Policy SA-24.2/ P.46 Floatplane moorage in commercial shoreline areas	Minor edit	Two minor edits to floatplane moorage policy as an outcome of a recently reviewed floatplane permit.	The policy should support having floatplane moorage in certain commercial locations (Carillion Point and Marina Park) by not have policy text that is ambiguous, such as "protection of adjacent development and uses" and "not interfere with boating corridors." Retaining the more specific text about "human safety, including limiting noise and other impacts" addresses the key issues for a floatplane moorage facility. A float plane must cross a boating corridor to reach its mooring pier.
Shoreline Area Chapter of the Comprehensive Plan	Minor edit	Add text in the introduction that refers to the 2019 periodic review. A new sentence is added to page 3.	The Shoreline Element does not reflect the 2019 SMP periodic review process.

Table 5. Amendments recommended by staff and TWC to Chapter 83 and 141 KZC and Shoreline Area chapter of the City's Comprehensive Plan

Section/Page Number Title of Chapter	Type of Amendment	Proposed Change	Rationale
Shoreline Area Chapter of the Comprehensive Plan	Minor edit	Make minor changes to reflect SMP reference to KZC 90. Sentence added to B.2.	Comprehensive Plan policies should reflect SMP updates
Comprehensive Plan Policy SA-13	Minor edit	Update language to reflect current designation status of species. See updated language in Policy SA-13.	Comprehensive Plan references outdated species status (i.e. bald eagle)

**Joan Lieberman-Brill**

---

**From:** Dave Flynn <Dave@cornerstonegci.com>  
**Sent:** Wednesday, May 08, 2019 7:45 AM  
**To:** Joan Lieberman-Brill; Planning Commissioners; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal  
**Cc:** Cindy Flynn  
**Subject:** Notice of Opposition - Proposed Shoreline Master Plan Changes  
**Attachments:** comment letter 2.docx

Dear Ms. Lieberman-Brill,

I am a Kirkland Lake Washington waterfront homeowner, we purchased our home last summer. I wanted to express my strong opposition to the proposed Shoreline Master Plan considering the 5:00 PM deadline for public input and the fact that this process has moved along so quickly without fully engaging the stakeholders. The waterfront homeowners themselves are mostly unaware of these proposed changes given the relatively short time period allowed for public input, and the sparsely attended meetings to date.

The current process and proposed plan takes unfair and illegal advantage of the waterfront homeowners rights, and will have a massive negative impact on their property values. How will these homeowners be made whole for their financial losses? The waterfront homeowners pay a significant amount of property taxes that is disproportionate with the number of waterfront homeowners. The proposed Shoreline Master Plan wipes out massive value of these properties. Will Kirkland reduce the property taxes accordingly? Will Kirkland compensate the waterfront homeowners for their loss of valuation?

There are too many issues and proposed changes that I do not have time or expertise to address them all in detail. Most of the waterfront homeowners I know that are being impacted would have a hard time even understanding all of the impacts, much less have time to address them. While Kirkland can afford to hire consultants and attorneys on these matters, the individual property owners who are most impacted by these decisions simply cannot, and this isn't fair or reasonable.

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 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.***

**Dave & Cindy Flynn**

P (425) 481-7460

C (206) 795-7075

F (425) 481-7497

[www.cornerstonegci.com](http://www.cornerstonegci.com)



**Joan Lieberman-Brill**

---

**From:** Dave Rumpf <rumpf.dave@gmail.com>  
**Sent:** Sunday, April 28, 2019 5:30 PM  
**To:** Joan Lieberman-Brill  
**Subject:** Juanita Bay, Bel Lago Pier

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Joan,

I am writing in regards to the proposed pier in Juanita Bay for the Bel Lago condominiums. I want to support the City of Kirkland staff in what appears to be their opinion that a pier over 270 feet is too long. If I am reading the Shoreline Master Program correctly, the city staff thinks a pier should be the lesser of 150 feet or the average of its neighboring piers or docks. I agree with that thinking. Please urge the staff to hold strong in their opinions.

I'm sure there are many technical arguments against such a long pier relative to salmon, silt, shallow water, nearby stream beds, inhibiting the flushing of the bay, etc., but regardless of those technical arguments the community element seems even stronger. There are hundreds and hundred of people against this huge pier, yet maybe only a couple dozen condo dwellers that support it. With informal searching online I have concluded the average boater uses their boat less than 10 times per year, yet the pier will be an eyesore 365 days a year. This minimal use and minimal support does not justify the impact such a huge pier would have on Juanita Bay.

Thank you for your time on this topic.

Sincerely,

Dave Rumpf  
8909 NE 118th Place  
Kirkland  
425-828-9747

Sent from my iPad



**Joan Lieberman-Brill**

---

**From:** Gm.young <gm.young@comcast.net>  
**Sent:** Wednesday, May 08, 2019 8:55 AM  
**To:** Joan Lieberman-Brill  
**Subject:** Shoreline Master Plan

Good morning!

I am writing to you as a waterfront property owner to express my concern with the significant number of changes the city is proposing for waterfront properties. I have concerns on the impact on my property value these changes may cause. The proposed changes were brought to my attention this week and I believe that a majority of property owners have no idea of the proposed changes the City is considering. At a minimum, I believe more time is needed to study and understand these implications.

Thank you for your time.

Dean and Gretchen Young  
206-920-4075  
gm.young@comcast.net

**Joan Lieberman-Brill**

---

**From:** dori slosberg <dwslosberg@aol.com>  
**Sent:** Wednesday, May 08, 2019 3:22 PM  
**To:** Joan Lieberman-Brill; Planning Commissioners; Penny Sweet; Jay Arnold; Tom Neir; Toby Nixon; Kelli Curtis; Dave Asher; Jon Pascal  
**Cc:** dwslosberg@aol.com  
**Subject:** Shoreline Master Plan Changes

**Ms. Lieberman-Brill:**

*We are homeowners on Lake Washington on 5th Ave West in Kirkland. As today at 5PM is the deadline for Public Input on the proposed Shoreline Master Plan, I want 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 sufficiently aware of these changes given the relatively short time allowed for public input, and the sparsely attended meetings to date.*

*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*

*Dori Slosberg*

**Joan Lieberman-Brill**

---

**From:** edward slosberg <eslosberg@mac.com>  
**Sent:** Wednesday, May 08, 2019 2:55 PM  
**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

Ms. Lieberman-Brill:

As today at 5PM is the deadline for Public Input on the proposed Shoreline Master Plan, I want 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 sufficiently aware of these changes given the relatively short time allowed for public input, and the sparsely attended meetings to date.

***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.***

Edward Slosberg

Kirkland, WA

## Joan Lieberman-Brill

---

**From:** Enrica Zeggio <enrica\_zeggio@hotmail.com>  
**Sent:** Wednesday, May 08, 2019 4:14 PM  
**To:** Joan Lieberman-Brill; Tom Neir  
**Cc:** Planning Commissioners; Jay Arnold; Penny Sweet; Toby Nixon; Jon Pascal; Dave Asher; Kelli Curtis  
**Subject:** Permit No. CAM19-00026: request to postpone deadline for public input

Hello Ms. Lieberman-Brill.

I am a Kirkland Lake Washington waterfront homeowner: 437 5th Ave W. I am contacting you today to request that the today's 5pm deadline for public input regarding the proposed Shoreline Master Plan be postponed.

I feel I have not gained a thorough understanding of the proposed changes and the potential impact those changes may have on my lakefront property, which I dearly care for. More time to evaluate the proposed changes would be much appreciated.

Thank you for taking my request into consideration.

Kind regards  
Enrica Zeggio

**Enrica Zeggio**

RE/MAX Eastside Brokers Inc.

Cell: (408) 656-8031

[enrica.zeggio@metroeastside.com](mailto:enrica.zeggio@metroeastside.com)

[www.enricazeggio.com](http://www.enricazeggio.com)



**From:** MrSharam222 <[sharam222@gmail.com](mailto:sharam222@gmail.com)>  
**Sent:** Wednesday, May 8, 2019 12:43 PM  
**To:** Planning Commissioners <[planningcommissioners@kirklandwa.gov](mailto:planningcommissioners@kirklandwa.gov)>  
**Subject:** Upcoming Shoreline Master Plan Changes

I am Hossein Sabour- Mohajer and a owner a water from property on lake Washington in city of Kirkland. I just found out about extrem changes on Shoreline Master plan and 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 sincerely

Hossein Sabour-Mohajer  
8175 N.E Juanita Drive  
Kirkland, WA 98034

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

## Joan Lieberman-Brill

---

**From:** Prins Cowin  
**Sent:** Wednesday, April 24, 2019 10:09 AM  
**To:** Joan Lieberman-Brill  
**Cc:** Jeremy McMahan; Christian Geitz  
**Subject:** FW: Please forward this to Dept of Ecology and HCC for this week's Meeting  
**Attachments:** Lighting - Shoreline Area Chapter of the Comprehensive Plan.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

---

**From:** Marilynne Beard  
**Sent:** Wednesday, April 24, 2019 10:03 AM  
**To:** Prins Cowin <PCowin@kirklandwa.gov>; Jeremy McMahan <JMcMahan@kirklandwa.gov>  
**Subject:** Fw: Please forward this to Dept of Ecology and HCC for this week's Meeting

*Marilynne Beard, Deputy City Manager*

*City of Kirkland*

123 5th Avenue

Kirkland, WA 98033

(425) 587-3008

---

**From:** [uwkkg@aol.com](mailto:uwkkg@aol.com) <[uwkkg@aol.com](mailto:uwkkg@aol.com)>  
**Sent:** Wednesday, April 24, 2019 8:08 AM  
**To:** Kurt Triplett; Marilynne Beard; Adam Weinstein  
**Subject:** Please forward this to Dept of Ecology and HCC for this week's Meeting

Good Morning:

Can you please help me circulate the letter below and the attachment (today) to the HCC members and Dept of Ecology members who will be meeting this week. While I generally know how to circulate to HCC, I don't know who from Ecology is expected to attend. I've included Kurt, Maryann and Adam so that one of you might forward this along appropriately and also because one or more of you might be out of office. If someone could indicate that they've done this then the efforts won't be redundant.

Thank you!  
Karen Levenson

Dear Houghton Community Council and Department of Ecology:

As you meet to confer about the updates to the Shoreline Master Plan, I'd like to bring a current item to your attention. Recently there have been one or more street lights installed in the shoreline that are very tall and are LED. I checked with the city although I already assumed the lights were to illuminate pedestrians and bicyclists at road crossings (a noble mission and one that does make the shorelines more accessible which is one of the goals of the SMP). My question to the city was about the options that had been considered and I basically got a response indicating that Safety had excess funds, providing light for pedestrians provides safety, so they installed these tall LED lights. I was also told to expect light trespass on our property because they could shield the impact of the light north and south, but not east and west.

It did not sound like anyone had stopped to consider that this new light standard is in the Shorelines setback area. It did not sound like anyone had considered whether there would be another lower impact means of providing lights for pedestrians crossing the street (such as the flashing lights in the pavement which we have in other areas of Kirkland).

For this reason I bring the question to you. Shouldn't we be evaluating lighting in the shorelines consistent with the SMP? And shouldn't we choose light that doesn't illuminate the sky, cast glare east to shoreline multifamily properties and the public walkways. Shouldn't we choose light that doesn't throw bright LED light to the west and possibly to the shallow waters where there may be salmonoids and endangered bull trout (there have been papers written about the light impacts in shallow waters in Lake Washington Blvd - I assume ecology is familiar with these).

Can someone please evaluate the tall LED light that has been installed in the Urban Conservancy zone (Marsh Park and Lake Washington Blvd) across from 6620 Lake Washington Blvd NE. The question is whether the light standard and lighting is excessive and should be discouraged in favor of lower impact options to provide pedestrian safety. I suggest that the in pavement flashing crosswalk might be a better choice. There may be other options like a lower less intrusive light standard that casts light less broadly or can be better shielded or is not LED. I do not presume to know the answer, but I do feel that the current light was installed without adequate analysis or consideration of alternatives.

I am attaching some (but not all) of the SMP approved by the Department of Ecology in 2010. It addresses the need to evaluate lighting before it is installed. I am not attaching the research papers but can provide if you would like them. I hope you will take a moment in your joint meeting to acknowledge my letter and talk briefly about whether someone should visit the light standard, access options and maybe choose a different option. There are other neighbors and the public who join me in this request.

*FROM THE SMP APPROVED BY ECOLOGY 2010*

*"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"*

Sincerely,  
Karen Levenson  
6620 Lake Washington Blvd NE  
Kirkland, WA 98033



925-997-3342 (Area Code is 925)

NOTICE: This e-mail account is part of the public domain. Any correspondence and attachments, including personal information, sent to and from the City of Kirkland are subject to the Washington State Public Records Act, Chapter 42.56 RCW, and may be subject to disclosure to a third party requestor, regardless of any claim of confidentiality or privilege asserted by an external party.

# **XVI. SHORELINE AREA**

**DEPARTMENT OF ECOLOGY APPROVAL: JULY 26, 2010**



**CHARTING A FUTURE COURSE**

## XVI. SHORELINE AREA

***Policy SA-2.1: Designate properties as Natural in order to protect and restore those shoreline areas that are relatively free of human influence or that include intact or minimally degraded shoreline functions that are sensitive to potential impacts from human use.***

This type of designation would be appropriate for associated wetlands in and adjacent to Juanita Bay Park, the Yarrow Bay wetlands complex, and the portion of Juanita Bay Park located within shoreline jurisdiction. The following management policies should guide development within these areas:

- a. Any use or development activity that would potentially degrade the ecological functions or significantly alter the natural character of the shoreline area should be severely limited or prohibited, as follows:
  - 1) Residential uses should be prohibited, except limited single-family residential development may be allowed as a conditional use if the density and intensity of such use is limited as necessary to protect ecological functions and be consistent with the purpose of the environment.
  - 2) Subdivision of the subject property as regulated under the provisions of KMC Title 22 should be prohibited.
  - 3) Commercial and industrial uses should be prohibited.
  - 4) Nonwater-oriented recreation should be prohibited.
  - 5) Roads, utility corridors, and parking areas that can be located outside of Natural designated shorelines should be prohibited unless no other feasible alternative exists. Roads, bridges and utilities that must cross a Natural designated shoreline should be processed through a Shoreline Conditional Use.
- b. Development activity in the natural environment should only be permitted when no suitable alternative site is available on the subject property outside of shoreline jurisdiction.
  - c. Development, when feasible, should be designed and located to preclude the need for shoreline stabilization, flood control measures, native vegetation removal, or other shoreline modifications.
  - d. Development activity or land surface modification that would reduce the capability of vegetation to perform normal ecological functions should be prohibited.
  - e. Limited access may be permitted for scientific, historical, cultural, educational and low-intensity water-oriented recreational purposes, provided there are no significant adverse ecological impacts.

***Policy SA-2.2: Designate properties as Urban Conservancy to protect and restore ecological functions of open space, floodplain and other sensitive lands, while allowing a variety of compatible uses.***

This type of designation would be appropriate for many of the City's waterfront parks. The following management policies should guide development within these areas:

- a. Allowed uses should be those that preserve the natural character of the area and/or promote preservation and restoration within critical areas and public open spaces either directly or over the long term.
- b. Restoration of shoreline ecological functions should be a priority.
- c. Development, when feasible, should be designed and located to preclude the need for shoreline stabilization, flood control measures, native vegetation removal, or other shoreline modifications.
- d. Public access and public recreation objectives should be implemented whenever feasible and significant ecological impacts can be mitigated.
- e. Water-oriented uses should be given priority over nonwater-oriented uses. For shoreline areas adjacent to commercially navigable