

**2008 Redmond Shoreline Master Program Update Department of Ecology  
Public Comments.**

The Department of Ecology public comment period opened January 14, 2009 and closed February 16, 2009.

Legal notice was published December 21, 2007 and January 2, 2008 in the Seattle Times and 560 public notices were mailed to an interested parties list.

Four citizens and the Muckleshoot Tribe submitted public comments on the Redmond SMP update. Two provided oral comments at the Department of Ecology public hearing held at the Redmond City Hall January 22, 2009. Three citizens submitted written comments. Diane Tebelius read her written comments at the hearing. The Muckleshoot tribe submitted written comments.

Ms. Diane Tebelius of Bellevue provided testimony and written comments.

The text of the transcribed public comments is also enclosed, in addition to all comment letters.

Summary of Public Testimony from the Department of Ecology Public Hearing on the 2008 Redmond Shoreline Master Program held at Redmond City Hall  
January 22, 2009.

*Diane Tebelius  
2650 West Lake Sammamish Parkway SE  
Bellevue, WA*

(Summarizes both the oral and written comments read at the hearing)

On behalf of the West Lake Sammamish Parkway Association.

Explained the process the Parkway Association went through with the City of Redmond to help revise and finalize elements of the shoreline master program, and efforts and time devoted to the SMP by both homeowners and City staff.

Discussed the compromises by both homeowners and City staff to develop the final SMP update. Stated support of the SMP as passed by the City Council and City staff involved in the update.

Stated that the SMP fully meets or exceeds the State requirements. She asked that all the work, time and efforts that have been put into the update by the City, homeowners and Ecology be considered in the approval of the City SMP update. The West Lake Sammamish Parkway Association and the Citizens Allied for Fair Planning recommend that the Redmond Shoreline Master Program update be approved by the Department of Ecology.

---

*David Hutchinson  
3406 West Lake Sammamish Parkway NE  
Redmond, WA*

Board Member of the West Lake Sammamish Parkway Association

Does the proposed Redmond Shoreline Master Program update have greater requirements than what is required under the State Shoreline Management Act? Question generated from reading about SMA exemptions described in the Department of Ecology Publication entitled: Introduction to Washington's Shoreline Management Act. I have enclosed a copy of this publication.

### **Summary of Written Comments**

*Dave Douglas  
Waterfront Construction Inc.  
10315 19<sup>th</sup> Avenue SE Suite 106,  
Everett, WA 98208*

Written comments submitted January 16, 2009.

Comment 1: Concerned with proposed pier and bulkhead standards pushing the majority of existing structures on Lake Sammamish into legal non conforming status. Placing the same size and overwater coverage percentage restrictions on replacement structures as new development will deter many people from replacing their existing piers with more environmentally friendly piers. Redmond and Ecology has not seriously reconsidered changes to the SMP as a result of the Fall 2008 Lake Washington/Sammamish SMP Guidance distributed by the department. This document clearly supports an alternative process for redevelopment of piers and replacement of bulkheads that result in "no net loss". Explain the direction the city was given by Ecology on this important issue? Did Ecology provide the City with this document for review and application?

## **Comments 2 -7 apply to 20D.150.70-050 PIERS, DOCKS AND FLOATS**

Comment 2: (2) (b) Fixed pile piers are much less impacting than floats. Why is Redmond and DOE pushing for floats when other regulatory agencies prefer fixed pile structures that are elevated above the water surface and decrease shading and in water obstruction? This is in direct conflict with what the Corps of Engineers and WDFW recommend and what I expect DOE would support. This will encourage more float piers and greater environmental impacts.

Comment 3: (5) Why is 480 square feet being used as the maximum pier size? Is the US Army Corps of Engineers RGP 3 being used to justify this figure or has Ecology conducted individual research?

Comment 4: (5) (a & b) Do figures 1 and 2 on pages 21 & 22 accurately depict a desirable pier design and size limitation or is it simply a poor illustration? The illustrations show examples of 120 and 150 square foot piers having 20% and 25% coverage, respectively. This is in direct conflict with the recommendation of the Corps of Engineers and WDFW which recommend boatlifts and covered moorage be in deeper water and as far from the near shore area as possible. Explain the rationale and if a better illustration should have been used.

Comment 5: (7) Pier Width. No pier may exceed 6 feet in width. Floats may not exceed 10 feet in width. What was the basis for this restriction on pier width? Was it the RGP-3? Floats must be secured in place using piles or anchors so the rationale behind allowing floats to be wider than piers is unclear. Not allowing wider platforms in deeper water will discourage property owners from replacing existing piers with less impacting fully grated platforms in deeper water.

Comment 6: (9) Pier separation and setbacks: Provide your position on requiring a 25 ft. pier to pier setback. City should consider only requiring side property setbacks.

Comment 7: (12) (b) there is no residential grating available on the market that allows 50% light penetration. Explain the basis for this requirement. The residential grating used on nearly all piers has a 43% open area. This requirement alone will cause projects to require a shoreline variance.

Comment 8: Pier Redevelopment. There is no alternative process for the redevelopment of existing piers. DOE and the City of Redmond should promote a pier redevelopment process which encourages property owners to improve ecological functions to the greatest extent possible. I am requesting that DOE, as a result of their own Fall 2008 department memo, (which supports this position on both piers and bulkheads) combined with design guidelines from other agencies, thoroughly review and consider recommending changes to the City of Redmond SMP and that it not be approved as drafted.

**Comments 9 & 10 apply to 20D.150-80 SHORELINE PROTECTIVE PROCEDURES**

Comment 9: Neither Redmond or Ecology have discussed publicly that WAC 173-26-231 allows shoreline modification for the protection of property itself. DOE has repeatedly stated that that primary justification for new or replacement bulkheads is to protect a single family residence or other structure. Explain.

Comment 10: The section for shoreline protective structure, new, replacement and repair is very confusing. Can the language be worded so the average citizen can understand it in plain terms?

**Comments 11- 19 apply to 20D150.80-020 PERMITTED SHORELINE PROTECTIVE STRUCTURES**

Comment 11 : Explain the rationale for requiring the following reports or studies for new and replacement structures especially in the case of replacing an existing bulkhead with a more environmentally friendly structure ; Geotechnical report, biological evaluation, and hydraulic analysis, Have associated costs to property owners for retaining, repairing on installing a bulkhead been analyzed too?

Comment 12: How can a jurisdiction require a conditional use permit on a bulkhead when they are listed as a permit exempt activity under WAC 173-26-040?

Comment 13: Has Redmond and/or Ecology considered making trained staff available to conduct geotechnical, biological or hydraulic evaluations for a small fee or no cost to property owners?

Comment 14: How far landward of the OHWM must a bulkhead be installed to be exempted from geotechnical, biological and hydraulic report requirements?

Comment 15: Will Redmond and Ecology except a completed RBE (regional biological evaluation?) in place of an individual biological evaluation to justify nonstructural solutions?

Comment 16: Requiring the above reports and studies for replacement bulkheads to justify the same level of property protection seems unreasonable.

Comment 17: Property owners willing to install replacement bulkheads landward of the OHWM and or choose to replace a bulkhead with a bioengineer solution that provides a net ecological gain, should not be required to fund the costs of the above studies.

Comment 18: 20D150.80-020 is confusing. In one sentence something is prohibited, and in the next it is allowed if the need can be proven through site studies. A property owner may be required to spend a lot of money to hire professionals and generate reports which do not support the need for a new or replacement bulkhead. How will Redmond and DOE

address this issue? Having City or DOE staff available for site visits to discuss whether or not they would support a protective structure, or offer alternative designs would benefit property owners.

Comment 19: Most projects on Lake Sammamish will involve redevelopment or replacement of existing structures. An alternative process to a shoreline variance should be made available when a project is meeting no net loss of ecological functions.

Comment 20: Redmond SMP may be used as a prototype. Failure to address problematic issues will impact property owners in other communities.

Comment 21: It appears Redmond and DOE have made the SMP update more complicated and costly for property owners, when one of the goals was to simplify the process. DOE has an obligation to address these issues.

Comment 22: DOE should not approve the current SMP update. DOE should scrutinize the update and evaluate public comments, while consulting with shoreline permitting and marine design professionals.

---

*Leonard Fuller, Citizen*

Written comments submitted February 16, 2009.

1) 20D.150.60-020, Lake Setback: New development greater than 50% is required to plant 50% of the 20 foot buffer. Setting the standard in dollars is more equitable than relying on current house values.

2) Clarify what native vegetation can grow in the fluctuating lake shore environment of sand and peat-colored bog soils

3) Depending on the grade, the OHWM is not the maximum high water mark.

Piers & Docks: Why is tree shade better than dock shade? 50% deck grating is not conducive to bare feet and sun bathing

It's difficult to preserve greenery with four dwellings/acre density. Development on the upland side of West Lake Sammamish Parkway is zoned three dwelling units per acre.

City tree planting policies discourages small fruit trees. It's easier for older gardeners to care for small trees.

---

*Karen Walter  
Watersheds and Land Use Team Leader  
Muckleshoot Indian Tribe  
39015 172<sup>nd</sup> Avenue SE  
Auburn, WA 98092*

Written comments submitted February 17, 2009.

Note: I have only summarized policy, definition and regulation comments and not the characterization comments. Numbered comments correspond with the Tribe's comment letter.

### Policies

1. Clarify aquatic designation for Bear and Evans Creeks and the Sammamish River
2. Explain why Policy SL-1 shouldn't apply to Bear and Evans Creeks.
3. Clarify whether scientific research is allowed in other shoreline environments beside natural.
4. Modify shoreline environment policies to allow some native salmon and shellfish aquaculture.
5. Strengthen select policy language by replacing encourage with should or shall.
6. Policy needed to require repair/replacement of fish blockage culverts.
7. Policy SL-16: Require native plants on all shorelines.
8. Policy SL-24: Require trails to be located outside the shoreline buffer to allow more riparian restoration.
9. Policy SL-27: Specify buffer reduction and planting requirements.
10. Require joint use docks for new development.
11. Policies SL-72 and SI-73: Require utilities to demonstrate the infeasibility of locating outside a shoreline buffer. Require mitigation from impacts of utilities located in shoreline buffers.

### Definitions

1. Modify large wood definition with scientific definition.

2. Set DBH at 4 inches in the significant tree definition.

### Regulations

1. Tribe request Redmond notifies them on all proposed shoreline actions. Modify section 20D150.200 to require tribal notice.
2. Clarify 20D.150.50-030 (a) & (b). Clarify whether in-water uses are allowed. Concerned with exclusion of tribal fishing.
3. Table 1: Allow aquaculture in Bear & Evans Creeks and the Sammamish River. Table 1 conflicts with 20D.150.50-030 (a) & (b) in regards to culverts. Scientific research is allowed in all shoreline environments may conflict with policies (see policy comment 3).
4. 20D.150.60-010 (3) (a): Require utilities to demonstrate the infeasibility of locating outside a shoreline buffer. Require mitigation from impacts of utilities located in shoreline buffers.
5. 20D.150.60-010 (4): Require redevelopment in shoreline buffers to restore the buffer.
6. 20D.150.60-010 (5): Explain the significance of January 1, 2003 for uses in the high intensity/multi-use Environment.
7. 20D.150.60-020: Why is new development of greater than 50% only required to plant 50% of the 20 foot lake setback area?
8. 20D.150.760-030 (2) (d): Prohibit marinas on the Sammamish River.
9. 20D.150.70-040 (5): Require screening on intake pipes to minimize fish impacts.
10. 20D.150.70-050 (12) (b) piers, docks & floats: Should require 60% light passage.
11. 20D.150.80-030 (6) (f): Require larger rock for toe protection with spawning gravel on top as a mitigation measure.
12. 20D.150.110-010 (1) (c): Require removed shoreline buffer trees be placed in the affected water body to increase down wood recruitment.

*Comment summaries are meant to assist the City with preparing the comment response summary. The transcribed and written comments will also need to be reviewed to fully respond to all public comment.*