Washington Sensible Shorelines Association

To: John Carlson, Chairman and
Planning Commission Members

RE: Continued Deliberation of Shoreline Master Program on November 28, 2012

Thanks to each of you for your continuing efforts on these complex topics. The WSSA board, as well as the numerous residents present last Wednesday night, appreciate your efforts.

I'm sorry that the meeting ran so long and there was not enough time for public comments at the end. The discussion during the meeting left a host of questions and some thoughts and proposals. Key among these would have been some observations on the distinguishing differences between the three lakes; especially where shoreline stabilization is concerned.

Let me return to the issues which were left "open" last week.

Defining Activities in Structure Setback (WSSA Action Item 5, page 5 of WSSA 11/14 submission)

We did find the concept intriguing of using the Greenscape program currently applied to property frontages and applying it to shorelines. We've begun discussions internally and hope to receive and review staffs exploration of the topic so that we can provide input at your next meeting.

Residential Moorage – Grated Decking Not Required for Small Repairs (WSSA Action Item 11, page 9 of WSSA 11/14 submission)

The Commission previously agreed that grated decking would not be required for small dock repairs, but a language change is needed to ensure clarification on that issue because language was added which requires compliance with the Chart and the Chart in turn requires grated decking unless otherwise approved. Instead, the provision for repairs should only require materials suitable for use in water:

Modify 20.25E.065.H.5.a (see p. 36) to make the following change:

a. Materials used for dock repairs shall meet the requirements established in paragraph H.3.a ~~and H.4~~ of this section ~~unless otherwise approved by State or Federal Agencies pursuant to 20.25E.065.H.4 Note 3.~~

Residential Moorage – Boat Lifts and Canopies (WSSA Action Item 12, page 9 of WSSA 11/14 submission)

WSSA Action Item 12 relates to the provision about the number and location of boat and watercraft lifts and relates to canopies.

Number of lifts: It was noted by one Commissioner that the existing language defining the number of lifts is confusing. WSSA agrees, and now proposes compromise language that would seem to address all issues:

> a."Number. The number of boat lifts per residential dock is limited to two. ~~The number of freestanding watercraft lifts per dock is limited to four.~~ The number of combined boat and watercraft lifts is limited to four ~~one freestanding boat lift and only two watercraft lifts~~ per dock."

Location of lifts: The location needs to be specific, and the current rule, 10 feet below mean low water, is not the dimension used by the Corps as appropriate for moorage. Rather, the rule used by the Corps is 9 feet below OHWM. This compromise language appears to address all the issues:

> b."Location. The landward stanchion of ~~B~~boat and watercraft lifts shall be located more than 30 feet waterward of OHWM or less if located in at least ~~10~~ 9 feet of water depth measured from the OHWM~~mean low watermark~~ unless otherwise approved by State or Federal Agencies pursuant to 20.25E.065.H.4 Note 4."

Canopies: WSSA proposes the following compromise language that allows the type of fabric as well as the number of canopies to be modified with agency approval:

> "c. Number of Lift Canopies Allowed. One light-transmitting fabric watercraft or boat lift canopy per dock is allowed unless ~~additional lift canopies are~~ otherwise approved by State or Federal Agencies pursuant to 20.25E.065.H.4 Note 4."

Shoreline Stabilization – Applicable to New (WSSA Action Item 15, page 12 of WSSA 11/14 submission)

The applicability provision starts as follows: "Shoreline stabilization measures designed to protect existing primary structures, public facilities, or public use structures from shoreline erosion are allowed . . . ." The underlined language adds a qualification, but fails to mention protection of new structures, which staff admits is possible under the rules. So, this language should be modified. (See p. 12). Similar language is used at F.4.a. for New or Enlarged Shoreline Stabilization Measures. (See p. 15). The simplest solution ***is to add the word new*** to the sentences.

Action Item 15: Modify 20.25E.080. as follows:

F.1. Modify as follows : "Shoreline stabilization measures designed to protect new or existing primary structures, public facilities, or public use structures from shoreline erosion."

F.4.a. Modify as follows: "New or enlarged shoreline stabilization measures shall be permitted only to protect new or existing primary structures, public facilities, or public use structures."

Shoreline Stabilization – Repair and Replacement (WSSA Item 16, page 12-13 of WSSA 11/14 submission)

Prior to the Redraft, the Commission directed staff to allow repair and replacement without the restrictions in the Public Hearing Draft. The July Redraft stated only that much, but without addressing a number of issues inherent in replacement such as encouraging replacement of vertical walls. Staff provided the current language, but that language had never been considered by the Commission until the last meeting. Thus, this important subject needs the Commission's full attention.

While replacement of vertical faced bulkheads with sloped rock is believed to be desirable, local conditions make indiscriminant removal/modification awkward at best. WSSA believes both the SMA and Ecology's Guidelines call for special attention to stabilization measures designed to protect dwellings placed before 1992. Further, the varied conditions on each of our lakes and the technical nature of shoreline stabilization design call for extra care in developing this portion of the regulations. We will provide a presentation to you at your Nov. 28th meeting. The primary issues to be addressed are as follows:

- When is replacement of vertical structures required and how does technical feasibility work? The current Redraft contains an escape hatch based on "technically feasible." But, that is a very difficult standard that will not provide sufficient attention to the physical and practical issues involved in replacement on difficult sites.

- Address the issue of demonstrated need for replacement. The Shoreline Guidelines contain this requirement for replacement structures. WSSA's position is that the need has been demonstrated for Lakes Washington and Sammamish due to erosion caused by waves due to high water, boat traffic, and wind driven storms.

- Movement of OHWM. Does required replacement result in movement of OHWM landward such that land is lost, the property line is moved, and the setback is shifted? For example, on Lake Washington, where OHWM, in many cases, is flush against the bulkhead, placing an angled rock wall landward will, most likely, produce such a shift. On Lake Sammamish, with the OHWM shifted artificially due to constricted outflow, many residents will be concerned about this issue as well. These issues have not been sufficiently addressed.

- Angle of replacement riprap revetment. Professor Pauley stated that a 45 degree angled rock riprap revetment would benefit the shoreline environment. A 45 degree angle is a 1:1 slope. The current redraft lacks any recognition of this measurement that could cause default to the standards for new stabilization which require much less slope and hence require more land to implement.

In summary, WSSA had proposed to encourage, but not to require, replacement of vertical walls with angled riprap. The Commission indicated the possible desire to require such replacement. The problem is that making it a requirement causes a much greater need to focus on the direct and indirect impacts to properties. WSSA cannot reasonably be expected to support a provision that does not address the essential issues in such a requirement. As noted, we look forward to discussing these issues at the meeting.

Should the Commission or staff have questions on the above, please feel free to contact me or Charlie Klinge.

Thank you! Marty Nizlek