

Attachment D: Responsiveness Summary

Comment Topic	Name of Commentor	Specific Comment	Local Government Response and Rationale	Ecology Response
Formatting	Kevin J. Twohig	Why is some of the text in the 2007 ML Shoreline Master Program posted on the Doe web link in red? Are these changes to the original document?	A draft of the Shoreline Master Program was sent to the Department of Ecology (D.O.E.) for their review and suggested editing as well as any documentation that might have been missing. The red text is the additions that D.O.E. suggested to be included in the city's plan. The red text has since been incorporated into the plan.	Comment noted; the red text was present in the locally adopted draft as an artifact of earlier draft reviews. As the city noted, the text has been corrected. Please see Attachment B for a clean, reformatted SMP incorporating all required and recommended changes, and Attachment C for detailed annotated breakdown of both required and recommended changes with specific text changes and rationale.
Environment Designations	Kevin J. Twohig	On Page 35 Zoning, what portion of Reach 7 is zoned for institutional use?	The Institutional Zone, as shown on the city's Zoning Map, begins directly west of North End Park at the beginning of the trail head, the land has a Natural environmental designation. Reach 7 appears to end where the trail head begins with the zoning being Single-Family Residential (R-1). The zoning designations on page 35 for Reach 7, as stated in Central Washington University's 2005 Shoreline Inventory and Characterization is incorrect. All of Reach 7 is zoned R-1 and the change will be made to the subsection titled Zoning on page 35.	We concur with the City's approach to correct this oversight, and the corrected text is reflected in our required changes. Please see Attachment B for a clean, reformatted SMP incorporating all required and recommended changes, and Attachment C for detailed annotated breakdown of both required and recommended changes with specific text changes and rationale.

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Beaver damage to vegetation	Kevin J. Twohig	I thought we had included the concern with the damage to native habitat caused by the beaver population. The damage to the native forest and to trees in the residential area continues and is getting much worse despite efforts to protect the remaining soft bark trees in Reach 6. Recent destruction of a willow on the property adjacent to ours (Reach 7) has me concerned with what they will chew thru next. We don't mind having beavers on the lake but there is nowhere for them to be productive in this environment. Can they be relocated?	According to the Lands Council relocating the beavers by trapping them would be useless as they eventually would return. As you are aware, with the help of staff from the Lands Council, individual deciduous trees in the area where most of the damage was done, on the west shoreline of the lake, were wrapped with wire mesh screen as a means of protecting them. However, additional work days to continue wrapping individual trees should and will be scheduled once the Shoreline Plan is approved and funding can be had. What we see happening now is the beavers are swimming across the lake and gnawing down trees on the residential side of the lake on private property, numerous complaints have been received. The first wrapping of the trees was privately funded by members of the restoration committee who wanted to do what they could to protect the trees. These funds were use to buy the materials needed to start wrapping, tools and work was done by public volunteers and the restoration committee members. Continuing efforts will be ongoing and once funding is available an article will be written and published in the Cheney Free Press with a call	Comment noted.
Restoration Planning	Futurewise, Lands Council	We appreciate and support the reach specific approaches for restoration and protection in Chapter 5 of the SMP update	Noted.	Comment noted.
Formatting	Futurewise, Lands Council	Please number the regulations to allow more precise references and expansion if needed	The city's Shoreline Plan has been completely reformatted in accordance with the D.O.E. formatting style.	While we did undertake to reorganize the locally adopted SMP for ease of use, there is no Ecology formatting style. We added section headings, and a table of contents, and moved the Inventory and Characterization section, which is not a part of the Goals Policies and Use Regulations that comprise the SMP, to the end of the document. The setback and use table (Table 1) was also reformatted for use and organization and to provide reference to the various shoreline environments (the original referred only to waterbody). These changes have been reviewed by the city staff. (See Attachments B and C)

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Mitigation	Futurewise, Lands Council	The definition of mitigation should be improved. See page 50 of the proposed SMP Update. While we generally support the definition of mitigation on page 50 of the proposed SMP Update, the definition provides that "Mitigation: A negotiation action involving" It is unclear what is meant by "negotiation action." The SMP Update will sometimes have to require mitigation to avoid a net loss of ecological functions, not negotiate for mitigation. So we recommend that "mitigation" be defined as "an implementation action involving	We changed the definition of mitigation to: "An implementation action involving the avoidance, reduction or compensation for possible adverse impacts. In the following order of preference this includes: a. Avoid the impacts altogether by not taking action; b. Reducing or eliminating impacts by preservation or maintenance; c. Minimizing impacts by limiting degree or magnitude; d. Rectifying impacts by repairing, rehabilitating or restoring; e. Compensating for impacts by in kind replacement; or f. Monitoring impacts by a planned evaluation process.	We concur with the City's approach, and the edited text is reflected in our required changes. Please see Attachment B for a clean, reformatted SMP incorporating all required and recommended changes, and Attachment C for detailed annotated breakdown of both required and recommended changes with specific text changes and rationale.
Definitions	Futurewise, Lands Council	The definition of substantial development and proposed "Shoreline Development Review" B.1 should be revised to reflect that the dollar amount applicable to substantial developments is periodically revised. See pages 52 and 54 of the proposed SMP Update.	Chapter 4, #36 Shoreline Permit, subsection b. Shoreline Substantial Development Permit, the wording in parenthesis (as amended by OFM) has been amended to read (or as periodically amended by OFM to reflect market value). The amended subsection reads as follows: Shoreline Substantial Development Permit means any development of which the total cost or fair market value exceeds \$5,718 (or as periodically amended to reflect market value) or any development which materially interferes with the normal public use of the waters or shorelines of the state.	We concur with the City's approach, and the edited text is reflected in our required changes. Please see Attachment B for a clean, reformatted SMP incorporating all required and recommended changes, and Attachment C for detailed annotated breakdown of both required and recommended changes with specific text changes and rationale.

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Public Access	Futurewise, Lands Council	<p>The public access requirements should be improved to implement the Shoreline Management Act and the Shoreline Master Program Guidelines. See pages 53 and 54 of the proposed SMP Update. Unfortunately, the City of Medical Lake's SMP update only requires consideration of public access in new developments. This violates the SMP Guidelines. We recommend that "General Provisions" B.2 h on page 54 be modified to read as follows so that it is consistent with the guidelines with our additions double underlined and our deletions double struck through.</p> <p>h. The dedication and improvement of public access shall be required in developments for water-enjoyment, water-related, and nonwater-dependent uses and for the subdivision of land into more than four parcels considered in all shoreline developments, provided public access may not be required where it is demonstrated by the Applicant and determined by the city in its findings that one or more of the following provisions apply:</p> <p>i) Unavoidable hazards to the public existing which cannot be prevented by any practical means.</p> <p>ii) The cost of providing the access easement or alternative amenity, is unreasonable or disproportionate to the total cost of the proposed development.</p> <p>iii) Unacceptable environmental harm will result from the public access, which cannot be</p>	<p>In the City's draft document under Public Access, (h) the wording is very similar to the suggested wording above. What appears to be different are:</p> <p>1. Under h. the City's narrative starts with "Public access shall be required in all new..... where the suggested wording starts with "The dedication and improvement of public access....." Also, subsection v) although similar in both examples does not read word for word. I will replace the current wording with the suggested wording offered by Futurewise and the Land Council.</p>	<p>We concur with the City's approach, and the edited text is reflected in our required changes. Please see Attachment B for a clean, reformatted SMP incorporating all required and recommended changes, and Attachment C for detailed annotated breakdown of both required and recommended changes with specific text changes and rationale.</p>
Permit Processing	Futurewise, Lands Council	<p>We recommend that Conditional Use Permits and Variances be decided by the Hearing Examiner. See proposed "I. Public Hearing Required" on page 61 of the proposed SMP Update.</p>	<p>The City has recently amended its ordinances to require all Conditional Use Permits and Variances be heard by the City's Hearing Examiner instead of the Planning Commission.</p>	<p>The change from Planning Commission review to Hearings Examiner review is reflected in our required changes.</p>

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Riparian Buffers	Futurewise, Lands Council	<p>A better, wider buffer is required to protect Medical Lakes' lakes. See proposed "Section 5 – Uses and Setbacks" 4.a on page 68 of the proposed SMP Update. We agree with the proposed SMP Update which correctly states that the "greatest risk to the habitats is the conversion of shoreline to residential uses, include the removal of riparian vegetation." However, the 35 foot wide buffer required by "Section 5 – Uses and Setbacks" 4.a will not prevent the removal of riparian vegetation or protect water quality. We recommend that the buffer be increase to at least 50 feet with all septic tanks be at least 100 feet from the ordinary high water mark.</p>	<p>The references made by the comment above I could not find. However, the comment refers to the Uses and Setback table which was located. The table has been completely revised to include added uses that previously were not listed. Setbacks for the Natural Environmental Designation have also been included in the table where previously they weren't. The setback range is from 150 feet to 175 feet. In the table under Residential Development a 50 foot setback is required for "Dwelling Units" but there is no mention of the 100 foot setback for septic tanks. I will add that requirement as (6) under Notes. The 35 foot setback is required for "Appurtenant Structures" under Shoreline Residential. An "Appurtenant Structure" is a structure legally associated with a principal property right (i.e. accessory building, unattached garage, barn, etc.) and passes in possession with the principal structure. The setback for a structure in the Shoreline Enhancement Overlay District is 50 feet when the use is located in the Shoreline Residential area. I would assume the 50 foot setback applies</p>	<p>We concur with the City's approach, and the edited text is reflected in our required changes under the new "Table 2.Setback, Height, and Dimensional Standards Matrix". This table is reformatted for clarity and applicability and includes some uses that are required but were missing from the adopted table per agreement from City staff. Setbacks in the residential environment have been changed to 50' as requested by the City.</p>
Landfills	Futurewise, Lands Council	<p>We strongly support the prohibition on landfills. See proposed "Table 1. Use Compatibility Matrix" on page 69 of the proposed SMP Update</p>	<p>Noted.</p>	<p>Comment noted.</p>
Cultural Resource Protection	Futurewise, Lands Council	<p>Improve protection for archaeological and cultural resources. See "E. Archeological, Cultural and Historical" on pages 70 – 71 of the proposed SMP Update.</p> <p>We recommend that proposed "E. Archeological, Cultural and Historical" include the following additional regulation:</p> <p>f. Permits issued in areas with suspected, probable, or documented cultural or archaeological resources require a site inspection or evaluation by a professional archaeologist in coordination and consultation with affected Indian tribes before construction may begin to determine the requirements to be implemented to protect any cultural or archaeological resources likely to be on the site.</p>	<p>"The current narrative under E. Archaeological, Cultural, & Historical, 1. Regulations, a. are similar to the suggested narrative above. It reads as follows: All shoreline permits contain provisions requiring developers to immediately stop work and notify the City if any items of archaeological interest are uncovered during excavations. In such case, the Developer shall be required to allow site inspection and evaluation by a professional archaeologist to ensure all possible valuable archaeological data is properly salvaged." Although similar the suggested narrative (italics) reads better and proposes consultations with Indian tribes or other parties of interest. We will replace the old narrative with the new.</p>	<p>We concur with the City's approach, and the edited text is reflected in our required changes.</p>

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Jurisdiction	Futurewise, Lands Council	Clarify that the SMP Update jurisdiction will expand as necessary to provide the buffers necessary to protect critical areas with shoreline jurisdiction. See "Section 7 – Critical Areas within shoreline jurisdiction" on pages 77 – 83 of the proposed SMP Update.	"With regards to the issue of jurisdictional expansion to provide the buffers necessary to protect critical areas within current shoreline jurisdictional boundaries, the City of Medical Lake agrees to expand its jurisdiction as necessary to protect wetlands."	The change from Planning Commission review to Hearings Examiner review is reflected in our required changes.
Critical Areas	Futurewise, Lands Council	Please update the critical areas regulations to comply with the requirements of WAC 173-26-221(2). See "Section 7 – Critical Areas within shoreline jurisdiction" on pages 77 – 83 of the proposed SMP Update.	After reformatting the Shoreline Master Plan Chapter 7, Critical Areas within Shoreline Jurisdiction is now Chapter 6. This chapter has since been edited by the Department of Ecology's Shoreline Staff to comply with WAC 173-26-221(2) "Shoreline Master Program Approval/Amendment Draft Review" This editing was extensive adding approximately 3 pages of text to the submitted plan. In doing so the comments above have been answered/corrected bringing the City's Shoreline Plan into compliance with the above WAC.	
Vegetation	Spokane Ponderosa	Ponderosa pine should be used in restoration efforts along Medical Lake's shorelines.	Noted, and when restoration plans are drafted Ponderosa Pines will be the evergreen tree of choice when deciduous trees are not used.	