April 7, 2011

Dave Burns, Principal Planner
City of Lacey, Department of Community Development
PO Box 3400
Lacey, WA  98509-3400

Re:  City of Lacey Shoreline Master Program | First review of locally adopted SMP

Dear Dave,

Ecology has completed a review of the City of Lacey’s locally adopted Shoreline Master Program (SMP), dated October 15, 2010. The results of this review have left us with concerns about readability, usability and the City and State’s ability to implement the SMP. Overall the theme and intent towards protecting shoreline ecological functions and achieving no net loss of these functions is evident, however the means of getting there is not always clear.

Below are outlined fundamental concerns identified through the first review; these are issues that need to be clarified or resolved before it will be possible for Ecology to find that the locally adopted SMP is consistent with the Shoreline Management Act (SMA), RCW 90.58, and the SMP Guidelines, WAC 173-26. Please note the information below represents a high level summary of big picture issues and a place to begin conversations; we anticipate that significant revisions will be necessary and will require considerable effort. Accordingly, through this meeting we hope to determine how to best move forward in light of the fact that this document has been locally approved.

General Implementation

Throughout the document, “shall” or “must” are used in policy statements. Conversely, “should” or “may” are occasionally used in development standards. Policies are intended to be flexible and to guide decisions, and as the basis for SMP provisions and regulations. “Shall”, “must”, and “are required” typically mean a mandate, and that the action is required. Under these circumstances, it is not clear if these sections are intended to be policies or standards. Some text sections are titled “action” or “discussion”, etc. and some sections have no title. It is unclear
how many of these sections are intended to be used or implemented. In addition, some sections are written as if the City would be taking action, not an applicant or developer. Some representative examples of these issues can be found in Sections 17.20.061; 17.20.075; 17.25.015 (many places in 17.25); 17.35.033 (1); 17.35.038; 17.41.010 (are these intended to be policies?); 17.41.015 (1); 17.45.000 & 010; 17.49.010; 17.54.010; 17.58.000; 17.61.010; and 17.63.028.

Nonconforming Uses, Lots and Structures | Section 17.25

Section 17.25 suggests it is written in a narrative and informal discussion style to help explain what nonconforming means, but the overall effect is confusion about what the standards are and where they apply. Under 17.35.005 (3) the classification of “conforming, expansion limited” wraps around the footprint of any single family residential structure falling within new buffers or setbacks created by the SMP. Although the first sentence in Policy A says the provision is applicable to single family residential structures, later parts of this section indicate this approach applies only to the home. So presumably structures other than single family residential homes affected by new buffer or setback provisions would be considered “nonconforming”. However we do not see any differences between these two categories except for the name, as they are treated the same throughout the rest of this section. For example:

- Under 17.25.005 (4), “A proposal for future enlargement or expansion of a residence that is designated ‘conforming, expansion limited’ will be considered in the same way as a structure that is nonconforming”.
- 17.25.015 (1) A. “Expansion of all residential structures must meet requirements and standards of the environment designation, including setbacks from the OHWM.”
- 17.25.015 (1) B: “Proposals for expansion of a nonconforming structure, or a structure designated conforming, expansion limited, shall require review and consideration of existing and potential increased loss of ecological function.”
- 17.25.015 (4): “Expansion of a nonconforming structure or a structure designated as conforming, expansion limited, will require a conditional use permit”.

Originally the City entertained the term “pre-existing approved use” specifically in reference to the fish hatchery on Woodland Creek. According to the standards in 17.47.020, expansion of a pre-existing approved use requires a conditional use permit. However Section 17.25.015 (3), which prohibits expansion of a structure to accommodate a nonconforming use, is silent on and does not refer to this exception. How does this relate to “grandfathered uses” as defined in the definitions section? Would expansion of a structure housing a pre-existing approved use be subject to the same criteria as expansion of “conforming, expansion limited” and nonconforming structures?
Section 17.25 also discusses nonconforming lots. However, there are no dimensional standards for lots in shoreline jurisdiction in Table 4. There are lot size criteria in the residential Section 17.63.029 but as written this would apply only to residential lots, which we realize is the predominant land use and zoning in Lacey’s shoreline jurisdiction. However, this leaves locations where other uses might be proposed (for example commercial lands adjacent to the Woodland Creek wetlands north of Martin Way) unspoken for.

Critical Areas | Section 17.35

Critical Saltwater Habitat - WAC 173-26-221 (2)(c)(iii)

Regulations in the City’s existing Critical Areas Ordinance (CAO), Habitat Conservation Areas Protection (LMC 14.33), do not include specific development standards for marine areas. Riparian buffers contained in LMC 14.33.117 D (2) have been written to apply only to streams. LMC 14.33.030 and 14.33.060 indicate that waters of the State, forage fish spawning areas, and commercial and recreational shellfish beds are designated fish and wildlife habitat conservation areas. Forage fish spawning and holding areas, and subsistence, commercial and recreational shellfish beds are also designated critical saltwater habitats under WAC 173-26-221 and occur along Lacey’s marine shoreline. Because there are no specific development standards pertaining to critical saltwater habitats in the existing CAO either, Sections 17.35.030 through 17.35.035 were drafted to address critical saltwater habitat and marine riparian areas in the SMP.

The text in section 17.35.030 portrays details about uses and conditions along the shoreline that are more appropriate for the inventory; here they detract from the message and add unnecessary bulk to the document. Sections 17.35.031 and 17.35.032 reference the State’s Aquatic Habitat Guidelines (AHG) white paper, “Protection of Marine Riparian Functions in Puget Sound, Washington”. Because the information in this white paper is indented as guidance, it was not written in a prescriptive fashion as are typical development standards. Therefore, it may not be appropriate to incorporate the findings, conclusions, and overarching recommendations from the white paper into the SMP as standards. These may be more appropriate as policies. It also may not be appropriate to incorporate the principles of critical saltwater habitat management planning from WAC 173-26-221 verbatim into the SMP as policies; this section of the WAC is intended to provide guidance to jurisdictions during preparation of an SMP.

Section 17.35.034 is unclear. Paragraphs A through D are titled as policies, yet many use the directives “shall” or “will”. If the minimum baseline marine riparian area buffer is 200 feet as suggested in paragraph C, this should be stated outright and would be a development standard, not a policy. The occurrence of Department of Health approved commercial shellfish beds, forage fish spawning areas and patchy salt marsh (‘intertidal habitats with vascular plants’) qualify the marine waters within the City’s jurisdiction as critical saltwater habitat. Therefore, there are not areas where there ‘might’ be overlap between marine riparian areas and critical
saltwater habitat as suggested in Section 17.35.033 (1) (C) and 17.35.034 (B); all of it overlaps. This negates the need for and meaning behind many of the policies in Section 17.35.034.

In addition, Section 17.35.034 (1) (A) states the baseline marine riparian buffer of 200’ could be reduced based on best available science and upon recommendation of State agencies with expertise. Best Available Science (BAS) is a Growth Management Act (GMA) term not an SMA term; although this language may occur in the City’s CAO, the correct term for inclusion in an SMP would be “the most current, accurate, and complete scientific and technical information available”. Because you cannot depend on State agencies alone to make these types of determinations, it is unclear how this will be implemented. Specific criteria to evaluate such a request need to be stated as well as the process through which this type of request would be handled. It appears it is the City’s intent to achieve protection of critical saltwater habitat through the provision of a 200’ marine riparian buffer and the standards contained in Section 17.35.035.

Critical Freshwater Habitat - WAC 173-26-221 (2)(c)(iv)

Critical Freshwater habitat is defined in the WAC as including river and stream corridors from the headwaters to the mouth and including the channel, associated channel migration zone, wetlands and the flood plain to the extent such areas fall in SMA jurisdiction. This includes hydrologic connections between water bodies, water courses, and associated wetlands. The first sentence in Section 17.35.036 addresses this for Lacey, and the remainder of this section is likely unnecessary. Further discussions in Sections 17.35.037 through .039 often repeat information given in other sections. The language in these sections also leaves it unclear if they are intended to apply to freshwater critical areas under the City’s CAO or critical freshwater habitat as outlined in the Guidelines (WAC 173-26) and in Section 17.35.036, or both. The titles of these sections reference “critical freshwater riparian habitat”; no definition of ‘riparian’ is given in the document so it is not clear which geographies this covers and where these policies and standards are applicable. Many of the policies in Section 17.35.038 are written as mandates because of the use of “shall”. The standards in Section 17.35.039 appear to apply to uses in all CAO critical area buffers, not just critical freshwater habitat areas or buffers.

Section 17.35.038 appears to automatically reduce critical area buffers for freshwater critical areas in the SMP. Lakes are considered fish and wildlife habitat conservation areas under LMC 14.33 because they are waters of the State. However, LMC 14.33 doesn’t prescribe standard critical area buffers for Lacey’s lakes and states rather that buffers shall be required “when needed” and shall reflect the sensitivity of the habitat and adjacent proposed uses and be consistent with WDFW recommendations. This type of language will not be appropriate in the SMP, and the City will need to instead reference provisions for shoreline buffers in the SMP.

Urban residential densities proposed adjacent to a lacustrine wetland could require anywhere from a 100 to 300-foot buffer under the wetland protection standards in LMC 14.28. The
automatic reduction referenced above is only applicable to critical areas occurring along parcels with a Shoreline Residential designation, and such buffers are reduced to match the proposed setbacks for structures in this designation as outlined in Section 17.24.015, Table 4. This standard would automatically reduce the critical area buffer to match the 50’ Shoreline Residential setback. With an additional 10’ “clear zone” permitted around permitted structures under Section 17.41.020, the critical area buffer is effectively reduced to 40 feet.

In addition to the automatic reduction, these sections present a problem because it is unclear how the provision would mesh with LMC 14.28.340 and LMC 14.33.190. These parts of the critical areas ordinances require a building setback corresponding to the required yard area setback (per the zoning designation) from the edge of any wetland or priority habitat or species buffer. How does this work with what is essentially a 10 foot setback from the edge of a buffer that the ‘clear zone’ provisions create?

Vegetation Management | Section 17.41

Currently different terminology is applied to similar areas. This includes terms like buffer, setback, and areas of shoreline vegetation, and sometimes it is not clear if provisions in this section are intended to apply only within the buffer or setback, or within the entire area of shoreline jurisdiction. It is suggested the City define a separate term, for example “vegetation management area” or something similar, and it be used consistently throughout the document. The allowance for a 10’ “clear zone” around structures effectively results in a shoreline buffer that is 10’ less than the required setback. This should be stated outright and acknowledged in the tables in Section 17.24.015 rather than being buried in this section.

Section 17.41.015 1 (G) says a vegetation management plan is required for any shoreline parcel with waterfront access and seems to expressly exclude parcels that do not. Yet 17.41.020 (13) indicates parcels within shoreline jurisdiction that do not front on a lake or stream are still required to develop and implement such a plan. Are these plans required for existing uses that want to prune for views under 17.41.015 (C)? Section 17.41.015 suggests so by referencing 17.41.020 (6), but 17.41.020 doesn’t include pruning in the list of activities triggering the need for this plan.

In Section 17.41.015 (F), it is not clear what “normal vegetative improvements” are. What criteria will be used to determine what improvements can be reasonably accommodated? Is this basically trying to say that when a ‘conforming, expansion limited’ structure obtains a permit to expand, the applicant will be required to mitigate on site to the extent possible and mitigate off site or pay a fee in lieu if they cannot accommodate required mitigation on site?
Sections 17.41.020 (9 - 10). These sections read as if written to address existing structures and therefore wouldn’t apply unless the owner of an existing structure seeks a permit to make improvements. It is not clear if these sections are intended to apply to new uses/development and under what circumstances they would apply to existing uses or development. It is not clear which provisions in 17.41.015 and 17.41.020 are intended to be applied to expansion of ‘conforming, expansion limited’ or nonconforming structures and which were drafted to address new structures or expansion of existing, conforming structures.

Section 17.41.021 (Table 1). Sections of the document refer to information in this table variably; it is referenced as specific standards, benchmarks, and guidelines. If the intent is to offer flexibility in allowing applicants to achieve compliance by proposing an alternative mitigation scheme, specific criteria are needed outlining how such a request would be evaluated and what information would be needed and used to make such a decision.

In addition, we have concerns with the tiers in the table. We realize this table was based on a similar table developed by the City of Renton; however that table applies only to expansion of lawfully established uses and structures that do not meet standards in the new SMP (essentially nonconforming uses and structures), not to all development. The nexus between the levels of expansion and level of required improvements in Table 1 is not clear. In addition, some of the things that Renton incentivized in its table, like allowing expansion of nonconforming single family residences within the setback in exchange for light penetrating decking material or upgrades to shoreline stabilization structures, appear to be requirements in Lacey’s SMP for all development. For example, the 3rd row of the table indicates an applicant seeking a permit for a minor expansion of an existing, conforming structure would be required to remove their existing shoreline stabilization structure if it doesn’t conform to the new SMP.

Restoration

As touched on above, restoration is referenced in many different ways throughout the SMP. The term is used loosely and it appears that parts of the document intend to require restoration above and beyond restoration that may occur through application of the mitigation sequence. For example in 17.41.021 2 (B), implies mitigation or restoration for “impacts currently present from existing use of the property” is required.

This disconnect occurs a number of times throughout Section 17.25. Under 17.25.015, “Alteration and Expansions of Nonconforming or Conforming Residential Structures”, the SMP requires expansions to demonstrate not only “no net loss” but improved ecological functions and values as public benefit. In Section 17.25.020, “Determining Public Interest, Public Benefit and Options for Expansion of a Nonconforming Use,” restoration appears to be explicitly required as part of expansion. Under 17.25.020 (6), “Benefits of landscaping associated with new construction and expansion of nonconforming structure or a structure designated conforming,
expansion limited”, the SMP describes landscaping requirements as an incremental restoration strategy. Under Policy (6)(C) “When landscaping standards are applied to expansion of a nonconforming structure or a structure designated as conforming, expansion limited, standards shall include a mitigation and restoration component in addition to standard requirements as provided in Table 1, Section 17.41.021."

Under 17.41.021 in the bottom row of Table 1, the SMP specifically calls out the requirement for expansions to go above and beyond mitigation by providing public benefit (“Expansion of a nonconforming structure or residence designated conforming, limited expansion”). The text states that nonconforming structures and a residence designated ‘conforming, expansion limited’ will only be permitted to expand if the expansion will not adversely impact the public interest in shorelines and the expansion comes with some aspect to provide a better ecological or community benefit.

It is not clear that this approach is consistent with the SMP guidelines. As a result of the negotiation process, WAC 173-25-201(2)(c) states: “master programs shall also provide direction with regard to mitigation for the impact of the development so that: (A) Application of the mitigation sequence achieves no net loss of ecological functions for each new development and does not result in required mitigation in excess of that necessary to assure that development will result in no net loss of shoreline ecological functions and not have a significant adverse impact on other shoreline functions fostered by the policy of the act.” Restoration, unless completed through the mitigation sequence in order to achieve no net loss for a new development or activity, is essentially voluntary.

Miscellaneous

*Shoreline Access Incentive Dedication Agreement*

There are conflicting statements about the incentive dedication agreement concept throughout the document. The definition indicates the density bonus can be transferred to development of upland areas on the subject site, outside of shoreline jurisdiction, or other areas throughout the City. Does ‘upland’ mean it cannot be transferred to other portions of the parcel within shoreline jurisdiction? Table 4 suggests the density bonus can be transferred to other portions of the property within shoreline jurisdiction (*additional density credit may be available through the incentive dedication agreement*). 17.46.025 (3) says the basis of the concept is to transfer the density bonus to “upland” areas (again, what does upland mean?) or other areas throughout the City. 17.63.000 2 (c) says “upland” portions of the site within or outside shoreline jurisdiction or to another or the same owner. 17.63.026 says outside shoreline jurisdiction. 17.63.034 says outside shoreline jurisdiction.

_Normal maintenance and repair of shoreline modifications_
Table 5 indicates these provisions/thresholds apply only to modifications. However the
definitions in sections 17.15.166 and .167 do not make this distinction between structures and
modifications. Section 17.30.047 references both structures and modifications in the title and in
the text. There is still the problem with using ‘replacement cost’ versus ‘value’. Table 5 also
includes a footnote that appears to apply to these provisions, but the provisions are not marked
with four asterisks (****).

Conflicts between tables and text

Section 17.24.000 1 E indicates the tables are intended to be summaries and that in the event of
any conflicts between the tables and text, the text shall prevail. However, you may wish to take
this opportunity to ensure we know which was actually intended, because there are also some
conflicts between tables. Examples:

- Table 3 says a CUP is required for roads and railroads in the aquatic designation, and that
such uses are allowed if it allowed in the adjacent upland shoreline environment. Section
17.68.020 5 (C) simply says these uses in this location require a CUP, but nothing about
whether or not it has to be permitted in the adjacent upland environment designation.

- Table 3 includes marinas in boating facilities. Table 4 doesn’t cover marinas in boating
facilities.

- Table 4 includes piers and docks under boating facilities, but table 3 says they are
modifications. The OHWM setback and building heights in Table 4 wouldn’t apply to piers
and docks.

- Table 4 makes statements about setting parking facilities, transportation uses, etc. outside
shoreline jurisdiction in the natural designation, but the policies having to do with each use in
separate sections later in the document do not apply only in the Natural environment
designation, they appear to apply to all environment designations.

- Table 4 indicates the density allowed in the Natural SED is one unit per acre, which is the
same as Urban Conservancy. Should this be 1 per 10 acres?

- The definitions section separates recreation into two levels – low and high intensity. Tables
3 and 4 and the text do not differentiate between low and high intensity recreation.

- Table 3 and text in some sections of the document appear to exempt uses/activities from
obtaining permits that may not be exempt under RCW 90.58, unless the actual project didn’t
meet the dollar amount threshold to qualify as “substantial development”. Examples:
  o Table 3, pedestrian trails;
  o 17.30.047 (6), replacement of a shoreline modification to maintain shoreline
    ecological functions;
  o 17.49.021, replacement of shoreline modifications at the Beachcrest marina.
    Everywhere else, replacement is considered to go above and beyond normal
    maintenance and repair and is not exempt.
• It appears in some cases that a Shoreline Substantial Development (SDP) is being required in situations where the activity likely does not meet the definition of development nor substantial development. Some sections also seem to require an SDP for outright exempt uses/activities under 90.58 RCW. Examples:
  o Table 3 (historic/archaeological protection, rehab & restoration);
  o Table 3 (signage & scientific/educational use);
  o Table 5 (docks in shoreline residential and urban conservancy environment designations, if serving 2 or more properties). This footnote also needs attention; right now (**) prohibits docks in the aquatic designation and the section the footnote references really only has to do with piers along the marine shoreline and areas with a Natural designation.

Thank you for taking the time to review these comments. We look forward to meeting with you on Monday April 11 to discuss the issues in more detail, and to consider options and chart a path forward. If you have any questions in the mean time, please do not hesitate to contact me at chrissy.bailey@ecy.wa.gov/(360) 407-0290.

Sincerely,

[Signature]

Chrissy Bailey
Regional Shoreline Planner
Department of Ecology, Southwest Regional Office

cc: Peter Skowlund, SMP Policy Lead, SEA Program HQ
    Paula Ehlers, SWRO SEA Section Manager
    Rick Walk, Director, City of Lacey Community Development Department
    Project File
April 8, 2011

Chrissy Bailey
Shoreline Planner
Department of Ecology

Dear Chrissy:

I want to thank you for the detailed review; I know this took a significant amount of time. While there are a lot of points to discuss, I am encouraged because I think we will be much closer than the letter might first indicate once the issues are clarified. It looks like we are looking at achieving the same goals, but the mechanism, techniques or strategy may not be clear. As too, the document could benefit from editing in the clarification of how sections or provisions are applied.

To this extent, I think there is opportunity to clarify the intent and refine the format to provide DOE more of a comfort level with the presentation of the document and how we expect to achieve our common goals. Overall, there are only a couple issues that concerned me the way they were stated; generally criteria issues for marine areas, landscaping and restoration issues. But, I am thinking these too may only need clarification as we have discussed them before.

To help facilitate our discussion Monday I have prepared the following bullet points to help clarify intent where I think we are going in the same direction, or identify areas we may need new text to support concepts DOE is unsure of.

As far as the path before us, none of us ever thought this would be easy. But, we did expect to be able to work out changes necessary to have DOE support the SMP. At this point we have not identified anything that is a deal killer or that changes what our intent is. So, we still look forward to the opportunity to address the changes if we are indeed on the same page considering intent and outcomes.

To this end here are bullet points to facilitate our meeting:

1. **General Implementation, shall or must:** We are not too concerned with a shall in a policy or a should in a standard where it gives us what we need to review a project.
But, point understood and these can be changed. There was a lot of duplication between policies and standards in utilizing the original Regional Plan. This has been a continuing issue.

2. **General Implementation headings**: We included discussion where it adds background or context. But, understand if it is not well organized it could be confusing. This can be better formatted, organized and applied, or taken out where necessary.

3. **General Implementation, Action by applicant or city**: Not sure I understand the issue, need to discuss. But seems like clarification.

4. **Non conforming structure and conforming limited expansion, terms**: A concept that gives comfort to the SFD owner for consideration with banks and how we support existing SFD. Treated essentially the same as a non conforming use, but not one. Need to discuss, we think this is brilliant.

5. **Non conforming structure and conforming limited expansion, applied to**: Only SFD, not accessory structures.

6. **Non conforming structure and conforming limited expansion, CUP when**: Both require a CUP, but only if expansion is increasing the non conformance.

7. **The Fish hatchery, Pre approved use**: Also requires a cup but has a little different direction. Need to discuss…our attorney approved this idea as defendable. Grandfathered definition does not really change anything, we could probably eliminate it.

8. **Non conforming lots, commercial**: There are no commercial areas in Lacey….the martin Way property where it interfaces with shorelines is OSI. We could add something to table but do not expect it to be necessary no new lots would be permitted to develop and non exist that are “non conforming in size”. This was a Regional provision that is standard but may not be applicable to Lacey. We did not identify any “non conforming lots” in our area.

9. **Critical areas, discussion 17.35.030**: This gives context and background. I think it is useful, but we can take it out if DOE has an issue with it.

10. **Critical areas, white paper**: A point of disagreement here. Department of Fish and Wildlife sent the material to us and we incorporated it and sent it to them for review. They liked it and asked for a couple changes that we made. Let’s discuss. The way it is incorporated will work wonderfully for us. We think it is a brilliant solution. I could work with a consultant and get everything we need based upon a management plan for a project that had to consider all of the conclusions and recommendations. Also context …all our marine shoreline is open space and will never be developed. : )
11. Critical area, DOE WAC 173.26.221: good stuff. Again, a lot of material here to work with a consultant. Let’s discuss. Also context….This will never happen in our marine shoreline area. It is all open space.

12. Critical areas, Section 17.35.034: Points understood. We can make these changes but should discuss if 200 feet is what we want to be locked into. Shouldn’t this be based upon need? Like wetlands variable based upon value? Also context, the area this applies to is open space.

13. Critical areas, BAS or? Ok let’s call it whatever we need to. I thought it meant the same thing just from two different laws.

14. Critical areas, Implementation how? Let’s walk through this at the meeting. The way we would approach this will work. Specific criteria will depend on the situation, need and value. A management plan would be prepared by a consultant outlining the value and need, we would review, with or without state agency help. Also context, this area is open space except for the open water.

15. Critical areas, 17.35.038: This needs discussion and I think was the second biggest issue we faced. This section is intended to apply to the lakes and not so much critical habitat as where we have edge wetlands. We spent major effort getting Department of Fish and Wildlife to buy off on our residential setbacks or 50 feet. They did. So that is what we have where our residential designation is.

16. Critical areas, setback reduction: Yes to match 50 feet.

17. Critical areas, setback reduction and 14.28.340 and 14.33.190: No conflict because there is no yard area in the SMP where it is adjacent to the lake. But, see comment below. Maybe we need to do this?

18. Critical areas, setback reduction vs. 10 foot clear area: This was intended to apply to existing residential structures; new structures would need to consider the setback and landscaping requirements. But, see your point, we can make it clear the clear zone only applies to existing structures and new structures need to have the additional area setback to accommodate buffer requirements for landscaping similar to what is required for setbacks from rear yard area.

19. Vegetation management: Good idea on the term. That is what Olympia is doing?

20. Vegetation management, 17.41.015 1 (G) and 17.41.020 (13): Point understood lets combine both statement and clarify.

22. **Vegetation management, Table as guidelines:** What more specific criteria do we need than three specific landscape plans?

23. **Vegetation management, tiers:** Applicant seeking “Moderate” expansion triggers the decking issue. What level would DOE have comfort with this improvement?

24. **Vegetation management, Nexus:** This is a choice for anyone with the nonconforming structure or a conforming limited expansion. We have the right to deny non conforming structures so there is an option for the applicant to opt to go this route; see section 17.25.020 4 B.

So, new structures or conforming structures doing expansions is the issue. We asked earlier if we could include new homes and expansions…you said yes. Our community thought this was important because of needing a buffer and impacts being experienced leading to water quality.

This is a major concept with our vision and achieving restoration over the long term for everyone. What level would DOE have comfort with this? Keeping in mind vegetation is required under all circumstances in all zones as a zoning requirement. Is it the structural issues only you see as a problem….If yes we can always scale back to what DOE can accept?

25. **Vegetation management, Restoration:** This is one area that concerns us. This concept is a major piece of what Lacey is proposing. We asked about this early on. It is our understanding DOE would not have an issue with this?

26. **Miscellaneous, Incentive dedication:** Yes. This would only allow increase in density when transferred out of shorelines. More clarification required.

27. **Miscellaneous, tables:** Yes on most comments…I need to ask you questions on some. All seem like housekeeping.

28. **Miscellaneous, SDP required where exempt:** LOL, I made some of these changes at your request based on Paula’s experience with schools or a museum or something…lets discuss. This is housekeeping. : )

Thanks again for the significant time and effort spent on this. The turn around and quality of review has been wonderful. We appreciate it. Look forward to the meeting. Give me a call if you have questions on my points.

Sincerely,

David R. Burns, AICP
Principal Planner