Brief Description of Proposed Amendment:

The City of Lake Forest Park (City) submitted to Department of Ecology (Ecology) on December 9th, 2011 a comprehensive amendment to their Shoreline Master Program (SMP). On April 12th, 2012, Ecology approved the City’s SMP, subject to the City’s acceptance of six required changes. In response to Ecology’s conditional approval, the City adopted Ordinance No. 1042 on May 23rd, 2013 accepting most of Ecology’s Required Changes and proposing alternative language to one of the changes. In accordance with WAC 123-26-120 (7) (b) (ii), Ecology reviewed the City’s alternative and find the amendment to be consistent with the Shoreline Management Act (SMA), the SMP-Guidelines and within the purpose and intent of Ecology’s conditional approval dated April 12th, 2012.

FINDINGS OF FACT

City Acceptance of Required Changes:

As provided within their response to Ecology and noted in Attachment B - Revised, the City accepted Required Changes Nos. 1, 2, 3, 4, and 6. These changes are incorporated into Ordinance No. 1042, which was adopted by the City on May 23rd, 2013.

Alternative language for Pier Docks & Moorage Structures (Item #5):

Ecology’s original Required Change as part of the April 12th, 2012 conditional SMP approval, limited residential properties to one moorage type (i.e., Pier/Dock, Mooring Buoy, or Float) per residence. The City agreed to accept this limit in most cases, but also requested an alternative proposal, which would allow (1) mooring buoy in lieu of expansion to an existing pier. In justifying this amendment, the City cited public response supporting this option, as well as concluding that allowing a mooring buoy instead of expansion to an existing Pier/Dock, will result in less (potential) impacts to the aquatic environment. The City also points out an existing SMP policy (No. 8.5.7), that will ensure that installation of mooring buoys are consistent with SMP-Guideline standards related to protection of public rights to navigation.

Existing SMP Mooring Buoy Policy No. 8.5.7: “Overwater structures and mooring buoys should be designed to cause minimum interference with navigable waters and the public's safe use of the lake and shoreline.”

City’s proposed Alternative to Required Change #5:

19. No more than one moorage type is allowed per single-family residential lot, except that in cases when an existing moorage structure must be extended to a length consistent with this SMP to achieve adequate moorage, one (1) mooring buoy may be allowed as an alternative to structure extension.

J. Mooring Buoys

1. Mooring buoys may be permitted in lieu of a pier, provided:

   a. A vessel moored to a new mooring buoy must have, at a minimum, a vessel swing that in all lake conditions will not encroach into a side yard setback or come within 10 feet of adjacent piers. The side yard setback shall be measured from in-water property lines where present. Where in-water property lines are not
present, the side yard setback shall be measured by extension of the upland side property lines. New mooring buoys shall be allowed only when the lot width measured at the shoreline is at least 100 feet.

b. No more than one (1) mooring buoy is permitted per single-family residence, but no more than two (2) mooring buoys per lot.

c. Mooring buoys shall be placed in water depths of 9 feet or greater based on ordinary high water, but no further than 120 feet waterward of the OHWM, unless the U.S. Army Corps of Engineers, and the Washington Department of Fish and Wildlife have approved an alternate proposal.

CONCLUSIONS OF LAW

The City and Ecology are in agreement on Required Change(s), including the alternative language proposed by the City for item No. 5 (Attachment B-Revised). The City accepted five out of six of Ecology’s original Required Change(s) including item No(s). 1, 2, 3, 4 and 6 (see Attachment B-Revised).

Based on the preceding, Ecology concludes that the City's proposed alternative language to item No. 5 as identified in “Attachment B-Revised” and “Ordinance No. 1042” is consistent with the Shoreline Management Act and the purpose and intent of Ecology’s originally Required Change provided in the April 12th, 2012 conditional approval.

Therefore, the City of Lake Forest Park SMP can be approved by Ecology.

DECISION AND EFFECTIVE DATE

Ecology’s approval of the City’s proposed comprehensive SMP amendment together with acceptance of their alternative language is effective 14-days from the date of the Ecology’s Director’s letter, notifying the City of final SMP approval.

Attachments:

SMP Review Router
City of Lake Forest Park response letter dated June 7, 2013
City of Lake Forest Park Ordinance No. 1042
Attachment B-Revised (includes: City’s Alternative Language and Ecology conclusion)