<table>
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<tr>
<td>WAC 173-26-120, State process for approving/amending shoreline master programs</td>
<td>Aaron Laing</td>
<td>WAC or SMA should be changed so that Ecology is required to provide comment to the local jurisdiction prior to local adoption.</td>
<td>Changes to the Washington Administrative Code or the Shoreline Management Act are outside of the City’s legal jurisdiction.</td>
</tr>
<tr>
<td>SMP 20.63.030 Shoreline Setbacks</td>
<td>Aaron Laing</td>
<td>Setbacks are based on local circumstances and should not be modified by Ecology.</td>
<td>The shoreline setback scheme was developed based on scientific literature review and existing conditions. The majority of Medina’s shoreline is composed of developed residential properties with managed landscape and lawn. The Cumulative Impact Analysis concluded (page 36) that the setbacks along with other mitigating measures will ensure no net loss of shoreline ecological functions.</td>
</tr>
<tr>
<td>SMP 20.63.030 Shoreline Setbacks</td>
<td>Aaron Laing</td>
<td>Anything beyond 50 feet in terms of avoidance or mitigation has tenuous or nebulous relationship to the health of the receiving body.</td>
<td>The scientific literature review recognized that the function performance of riparian buffer areas is logarithmic with the areas closest to the water having the greatest importance on ecological functions. While greater buffers provide value, the scientific literature review found 50 feet as an adequate distance for shoreline setbacks, without enhancements, to provide acceptable protection for maintaining shoreline ecological functions.</td>
</tr>
<tr>
<td>SMP 20.66.050, Tree management and vegetation conservation</td>
<td>Aaron Laing</td>
<td>Existing city wide tree retention policies are probably one of the most onerous in the State.</td>
<td>The Medina Tree Code, which is found in Chapter 12.28, was adopted by the City Council to implement the purpose statements set forth in MVC 12.28.010. These regulations are applicable inside and outside of the shoreline jurisdiction.</td>
</tr>
<tr>
<td>SMP General</td>
<td>Aaron Laing</td>
<td>Don’t incorporate existing code into SMP as it will become subject to Ecology approval.</td>
<td>Code language was incorporated from Chapter 12.28 into Section 20.66.050 for the purpose of meeting the “no net loss” of shoreline ecological functions requirement. However, the City plans to revisit this section. Only if the City failed to explicitly incorporate language into the SMP and instead mentioned it by reference, would Ecology then have approval authority over the referenced code.</td>
</tr>
<tr>
<td>SMP 20.66.050, Tree management and vegetation conservation</td>
<td>Aaron Laing</td>
<td>The tree ordinance should apply to the first 50 feet and maybe only the first 25.</td>
<td>The City’s tree ordinance applies to the entire City. The tree preservation provisions in Section 20.66.050 serve as an overlay for the purpose of meeting the “no net loss” of shoreline ecological functions requirement. However, the City plans to revisit this section. The Vegetation Conservation provisions of the SMP Guidelines also address other values of vegetation besides just those benefits to the shoreline waterbody – such as upland wildlife habitat and visual/aesthetic qualities.</td>
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<tr>
<td>SMP 20.66.050, Tree management and vegetation conservation</td>
<td>Aaron Laing</td>
<td>The average tree canopy beyond 25 feet from the shoreline doesn’t provide a benefit.</td>
<td>The scientific literature review does not specifically evaluate tree canopies. Instead the literature review identified general vegetation in the first 50 feet as being the most critical.</td>
</tr>
<tr>
<td>WAC 173-26-231 (3) (b), Docks and Piers</td>
<td>Aaron Laing</td>
<td>The Army Corps of Engineers is the backstop. The city should not make any changes to the standards, and any changes made should be consistent with the Corps regulations.</td>
<td>Standards for new docks and piers are based on the expired Department of the Army Regional General Permit for Lake Washington. Standards for replacement of existing docks and piers are based on local conditions. There is also design flexibility allowed with state and federal approval of the design.</td>
</tr>
<tr>
<td>RWC 90.58.020, .080, .200, WAC 173-26, Authority and Purpose</td>
<td>Aaron Laing</td>
<td>The only basis that Ecology has to reject or deny a shoreline master program adopted by a local jurisdiction is if it’s inconsistent with the SMA. Ecology needs to show how the Medina SMP is inconsistent a specific provision under RCW Chapter 90.58 to require changes.</td>
<td>No comment.</td>
</tr>
<tr>
<td>RWC 90.58.020, .080, .200, WAC 173-26, Authority and Purpose</td>
<td>Aaron Laing</td>
<td>It is incumbent on the City Council to know the difference between those things Ecology would like to see and those things the State Legislature says have to be in the SMP.</td>
<td>No comment.</td>
</tr>
<tr>
<td>SMP 20.66.050, Tree management and vegetation conservation</td>
<td>Steve Burnstead</td>
<td>Tree retention standards should only apply to the first 25 feet, or at most the first 50 feet landward of the shoreline.</td>
<td>See comments above.</td>
</tr>
<tr>
<td>SMP 20.66.050, Tree management and vegetation conservation</td>
<td>Steve Burnstead</td>
<td>Current mitigation ratios are extremely onerous. Mitigation ratios for tree replacement should be reviewed.</td>
<td>Mitigation ratios for tree replacement are based on the City’s existing tree code. Section 20.66.050 serves as an overlay to demonstrate meeting the “no net loss” of shoreline ecological functions requirement. However, the City intends to revisit this section prior to final approval of the SMP.</td>
</tr>
<tr>
<td>Fisheries Resources</td>
<td>Muckleshoot Indian Tribe</td>
<td>The final SMP should be revised to acknowledge the importance of Lake Washington to provide fisheries resources for the Tribe’s ceremonial, commercial and substance purposes.</td>
<td>The City recognizes the importance of Lake Washington not only to the Tribe, but to the northwest region in general. The City’s commitment to protecting Lake Washington resources is outlined in Chapter 2 Natural Environment Element of the Medina Comprehensive Plan, which includes goals and policies for both the natural environment and the SMP. Section 20.67.070(D)(4) includes a requirement for Tribe evaluation of project’s affecting habitat, when appropriate.</td>
</tr>
<tr>
<td>Fisheries Resources</td>
<td>Muckleshoot Indian Tribe</td>
<td>The City needs to ensure that the SMP and its implementation do not continue the degradation of treaty protected fisheries resources or impact Tribal</td>
<td>The City developed its SMP consistent with the state guidelines, including the requirement of no net loss of shoreline ecological functions. The City has reviewed impacts in the Cumulative Impact Analysis and concluded the proposed SMP should not contribute to</td>
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<td>WAC 173-26-201(3)(b)(iii), Coordination with MITFD</td>
<td>Muckleshoot Indian Tribe</td>
<td>City and Ecology coordination with MITFD has not been consistent with the requirements of WAC 173-26-201(3) (b)(iii).</td>
<td>The City’s coordination with MITFD has been consistent with the state guidelines. The MITFD was sent notice and invited to attend the April 7, 2010, open house for the SMP at the very start of the process. However, there was no response from the Tribe.</td>
</tr>
<tr>
<td>WAC 173-27-110, Permit Notification</td>
<td>Muckleshoot Indian Tribe</td>
<td>The MITFD requests to receive all notice of applications for permits seeking approval under the City’s SMP.</td>
<td>The provisions of WAC 173-27 are not required to be in the City’s SMP. Notice is sent to MITFD regarding project permits as required by law.</td>
</tr>
<tr>
<td>SMP 20.66.050, Tree management and vegetation conservation</td>
<td>Muckleshoot Indian Tribe</td>
<td>Vegetation planting areas which have been required as a mitigation or enhancement measure should be protected in perpetuity by requiring the planting area delineated and recorded with the county assessor’s office.</td>
<td>Pursuant to WAC 173-26-010, local governments are given latitude to establish procedural systems based on local needs and circumstances. The City determined through its planning process where restrictive covenants were appropriate and where they were determined not to be necessary. For example, Section 20.65.040(H) requires recording of vegetation mitigation areas for docks. Similarly, Section 20.63.030(F)(7) requires recording of vegetation enhancement required with certain setback. Among others....</td>
</tr>
<tr>
<td>SMP 20.65.260 A, Near shore mitigation and enhancement</td>
<td>Muckleshoot Indian Tribe</td>
<td>SMP regulation 20.65.260 A should changed to require sediment sizes to be 1/8&quot; to 2&quot; size material. Cobble is too large for shallow water habitat needed by juvenile salmon</td>
<td>This provision in the SMP is a requirement to improve shallow water habitat as part of the required mitigation for hard structure shoreline stabilization. It is intended to be flexible so that required mitigation can be crafted to the particulars of site-specific circumstances. Further, much of Medina’s shoreline is in a very high-energy condition, and smaller material will not be stable. The larger material is needed to avoid frequent replenishment, and ensure that the shallow water created by placement of supplemental substrate remains shallow.</td>
</tr>
<tr>
<td>SMP 20.66.050, Tree management and vegetation conservation</td>
<td>Muckleshoot Indian Tribe</td>
<td>SMP regulation 20.66.050 should be modified to regulate all trees 4 inches in diameter and greater that are removed from the regulated shoreline area as current science shows that trees 4” and greater provide salmon habitat when located instream. The regulations should also be modified to require that any significant tree permitted for removal be placed into Lake Washington, or if infeasible made available for restoration projects.</td>
<td>The City reviewed the most current, accurate, and complete scientific and technical information available in preparing its SMP. It is not clear what science being referred to in the comment has a specific requirement to preserve four-inch diameter trees, and the reference to being located “instream” is not clear as wood in streams with one-directional flow supports habitat in a different way and to a different degree than wood in a lake environment. MMC 20.66.050(G) sets forth that when certain vegetation/land disturbance activity occurs within 50 feet of the shoreline, a restoration plan is required that assures no net loss of shoreline ecological functions. Specific measures to meet no net loss will be determined based on site-specific circumstances.</td>
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<td>SMP 20.63.030 Shoreline Setbacks</td>
<td>Muckleshoot Indian Tribe</td>
<td>The setback standards in SMP regulation 20.63.030 allow new structures to be located from 30 feet to 125 feet from the OHWM. There is no technical basis in the materials provided to demonstrate that the 30 foot setback in combination with 10' vegetated buffer will allow the protection and full restoration of riparian functions necessary to support salmon.</td>
<td>WAC 173-26-211(5)(f)(ii)(A) and WAC 173-26-201(2)(e)(ii)(A) respectively establish shoreline setbacks to assure no net loss of shoreline ecological functions and that required mitigation is based on the no net loss threshold and not full restoration of existing degraded riparian functions. As identified in the CIA, given Medina's urban residential shoreline environment, the primary purpose for the setbacks is to maintain water quality and existing vegetation. The 10-foot vegetated strip is based on National Marine Fisheries Service recommendations for filtering stormwater runoff. Additionally, impervious surfaces have stormwater runoff addressed per the DOE Stormwater Management Manual for Western Washington.</td>
</tr>
<tr>
<td>SMP 20.66.050, Tree management and vegetation conservation</td>
<td>Muckleshoot Indian Tribe</td>
<td>Increased standards should be created for those who remove significant trees without permits.</td>
<td>WAC 173-27-260 authorizes local governments to adopt their own rules to implement enforcement. The City’s enforcement provisions are set forth in Chapter 1.15 MVC as referenced in MVC 20.60.100 and are consistent with the WAC.</td>
</tr>
<tr>
<td>SMP 20.63.050, Shoreline vegetation conservation</td>
<td>Muckleshoot Indian Tribe</td>
<td>The SMP regulations of 20.63.050 do not require existing vegetation in the setback area be fully protected or that it be re-vegetated unless work is proposed near the 30 foot setback. It is doubtful that this approach will result in a restored shoreline.</td>
<td>Section 20.63.030 contains shoreline setback provisions for buildings and structures. It is not intended to establish a buffer as this is not a requirement of the SMA. Regardless of the setback standard, the City requires restoration within the first 50 of a shoreline, if certain disturbance activities occur (see 20.66.050.G).</td>
</tr>
<tr>
<td>SMP 20.63.030 C 1, Walkways in the Setback</td>
<td>Muckleshoot Indian Tribe</td>
<td>We recommend a 6' to 8' maximum width for walkways in the setback.</td>
<td>The intent here is to provide design flexibility. The regulation also stipulates that the walkway must be designed to avoid and mitigate adverse impacts.</td>
</tr>
<tr>
<td>SMP 20.63.030 C 7, Structures in the Setback</td>
<td>Muckleshoot Indian Tribe</td>
<td>Uncovered decks and patios should be located outside of shoreline setbacks.</td>
<td>The SMP guidelines do not prohibit a jurisdiction from allowing structures in the setback provided the no net loss of shoreline ecological functions is maintained. Ecology’s SMP Handbook chapter on buffers and setbacks also states: “Major structures cannot be built [in setbacks], but some uses such as gardens or sheds may be allowed within the setback.” Provision for uncovered decks and patios is consistent with that guidance – also, note the limitations included in 7.a-e.</td>
</tr>
<tr>
<td>SMP 20.63.030 F, Plantings required for setback reductions</td>
<td>Muckleshoot Indian Tribe</td>
<td>Please provide the scientific basis that supports the plantings required under SMP 20.63.030 F are sufficient habitat functions for salmonids. More vegetation will likely be needed to fully restore riparian functions necessary to support salmonids.</td>
<td>WAC 173-26-211(5)(f)(ii)(A) does not require planting plans to be established to provide “sufficient habitat functions for salmonids.” Instead the standard is no net loss of shoreline ecological functions. Existing conditions along the shoreline are already degraded. The standards must ensure that the conditions do not degrade further with future development. As noted in the WAC 173-26-201(2)(e)(ii)(A): “Application of the mitigation sequence achieves no net loss of ecological functions.”</td>
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<td>SMP 20.63.040 E 3, Plantings for dock mitigation</td>
<td>Muckleshoot Indian Tribe</td>
<td>Please provide the scientific data that shows the plantings required under SMP 20.63.040 E 3, are sufficient habitat functions for salmonids. More vegetation will likely be needed to fully restore riparian functions necessary to support salmonids. Regulations should also require overhanging native tree species rather than non-overhanging.</td>
<td>WAC 173-26-231(3)(b) and WAC 173-26-201(2)(e)(ii)(A) respectively establish new docks to be designed to avoid or minimize and mitigate impacts to ecological functions and that required mitigation is based on the no net loss threshold and not full restoration of existing degraded riparian functions. The mitigation measures are based on the U.S. Army Corps of Engineers now expired Regional General Permit taking into account the limits in WAC 173-26-201(2)(e)(ii)(A) when a property has shoreline greater than 100 feet.</td>
</tr>
<tr>
<td>SMP 20.63.040 F, Replacement Dock Mitigation</td>
<td>Muckleshoot Indian Tribe</td>
<td>Mitigation for replacement of existing piers and docks should include native plantings along the shoreline, emergent vegetation where appropriate, and enhancing shallow water habitat along Lake Washington.</td>
<td>Mitigation for replacement of existing docks is based on WAC 173-26-231(3)(b) and WAC 173-26-201(2)(e)(ii)(A). The mitigation measures prescribed in SMP 20.63.040(F) plus the design requirements set forth in Table 20.65.040 will result in a replacement dock having less impact to ecological functions than the existing dock, and would therefore not require further mitigation.</td>
</tr>
<tr>
<td>SMP 20.65.060, Modification to overwater structures</td>
<td>Muckleshoot Indian Tribe</td>
<td>Additions to existing piers or docks should be required to provide native plantings along the shoreline, emergent vegetation where appropriate, and enhancing shallow water habitat along Lake Washington.</td>
<td>Mitigation is based on the impact generated by the addition and is determined by a site-specific analysis for no net loss of shoreline ecological functions per MVC 20.66.010.</td>
</tr>
<tr>
<td>SMP 20.63.030 D 3 a, Shoreline Setbacks</td>
<td>Robert H. Rudolph</td>
<td>The proposed setback system in 20.63.030 D 3 a is sufficient and doesn't allow for waterward creep. Existing topography prevents homes from being built further landward.</td>
<td>See earlier comments about setbacks.</td>
</tr>
<tr>
<td>SMP General</td>
<td>Ken Bellamy</td>
<td>The proposed SMP represents a fair treatment of the issues and is the result of many hours of review, analysis, and discussion. The properties on Fairweather Lane have unique dimensions and topographic constraints that the proposed SMP addresses.</td>
<td>No comment.</td>
</tr>
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<td>SMP 20.63.030 A 1, Shoreline Setbacks</td>
<td>Tim Panos</td>
<td>Due to the lot configuration and geography of the Fairweather Lane area, the '30 ft without enhancements' setback designation is appropriate and will result in 'no net loss'. Additional setbacks or enhancements would be an undue hardship.</td>
<td>See cumulative impact analysis and previous comments on setbacks.</td>
</tr>
<tr>
<td>SMP 20.63.030, Shoreline Setbacks</td>
<td>Susanne Cohen</td>
<td>The setbacks currently in the SMP were designed with current science in mind, protecting the first 50 where the majority of shoreline environment functions occur. Further, the setback system is tailored to Medina's varying shorelines, with a variety of setback widths. If development occurs in the setback, the SMP standards limit potential functional impacts to the shoreline by requiring stormwater management, where feasible. Significant clearing or grading within the setback also requires mitigation. I support the Medina setback scheme.</td>
<td>See earlier comments about setbacks.</td>
</tr>
<tr>
<td>SMP 20.63.030 F, Plantings required for setback reductions</td>
<td>Susanne Cohen</td>
<td>There was concern from property owners about the original mitigation measures which required the planting of ‘trees’ in the vegetated planting strip. The roots of trees have the potential of getting intertwined with the sanitary sewer system and causing failures if a tree were to fall during a major wind event. I support the new system which doesn’t require tree plantings but rather shrubs, bushes and grasses. Additionally, there are scientific studies which show that there is little or no difference between a shrub and grass border’s ability to filter pollutants vs. forested border.</td>
<td>See earlier comments about setback plantings.</td>
</tr>
<tr>
<td>SMP 20.66.090, Nonconforming structures and uses</td>
<td>Susanne Cohen</td>
<td>RCW 90.58.620 allows cities to declare nonconforming structures as conforming. The City has not included this provision</td>
<td>This is a local decision.</td>
</tr>
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<td>SMP 20.63.030, Shoreline Setbacks</td>
<td>John C. Wiseman</td>
<td>The setback requirements should be left as they are. My lot is underdeveloped and the new standards for both lake and side yard setbacks unfairly limits our development potential.</td>
<td>No comment</td>
</tr>
<tr>
<td>SMP 20.63.030, Shoreline Setbacks</td>
<td>John C. Wiseman</td>
<td>What is the public good of a 50 foot setback instead of a 30 foot setback?</td>
<td>The proposed shoreline setback scheme takes into account the existing shoreline setback scheme, which took into account the varying conditions of Medina’s shoreline. Scientific investigation has identified the first 50 feet from the shoreline as the most critical in protecting shoreline ecological functions within an urban residential environment.</td>
</tr>
<tr>
<td>SMP 20.63.030, Shoreline Setbacks</td>
<td>John C. Wiseman</td>
<td>What is the public good of a larger side yard setback when there is no public view to be blocked?</td>
<td>Setbacks from side property lines serve to provide a minimum amount of air and light landward and ensure navigation will not be infringed upon waterward.</td>
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