

CITY OF MILLWOOD, WASHINGTON

RESOLUTION #2014-03

APPROVAL OF REQUIRED AND RECOMMENDED CHANGES  
TO SHORELINE MASTER PROGRAM UPDATE

WHEREAS, The City of Millwood ("City") is required under Washington's Shoreline Management Act (Chapter 90.58 RCW) ("SMA") to update its Shoreline Management Program ("SMP") to comply with Washington State laws, statutes and regulations, and

WHEREAS, the City prepared an update of its SMP and approved the update by passage of Resolution 2013-01 on March 12, 2013, incorporated herein by this reference; and

WHEREAS, in connection with the preparation of an updated of its SMP and pursuant to chapter 90.58 RCW and chapter 173-26 WAC, the City conducted an extensive process to allow all persons and entities having an interest in the SMP with a full opportunity for involvement in development and implementation of the SMP, as set forth in Resolution 2013-01

WHEREAS, subsequent to its passage the City submitted its proposed SMP to the Washington State Department of Ecology ("Ecology") for its review and approval as required by state law; and

WHEREAS, based on its review and comments received, Ecology submitted to the City certain changes to the proposed SMP, both required and recommended, a copy of which is included hereto in Attachment A; and

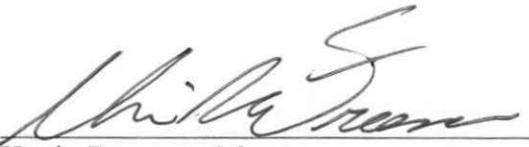
WHEREAS, the City has determined that Ecology's proposed required and recommended changes do not change the proposal beyond the scope which was considered in the SEPA Determination of Non-significance (DNS) issued on September 4, 2012, and the process that allowed all persons and entities having an interest in the SMP with a full opportunity for involvement in development and implementation of the SMP; and

WHEREAS, the Council finds that it is in the best interest of the City to approve Ecology's proposed required and recommended changes to the proposed SMP;

NOW, THEREFORE, the Council of the City of Millwood does resolve:

1. The Council adopts the recitals set forth herein as findings of fact.
2. The required and recommended changes proposed by Ecology, which are included in Attachment A, are hereby approved.
3. The mayor is authorized to notify Ecology of the City's acceptance within 30 days of the date of notice as required by Ecology.

PASSED THIS 8th DAY OF APRIL, 2014.

  
Kevin Freeman, Mayor

Attest:

  
Thomas G. Richardson, City Clerk

Attachment: A. Proposed Required and Recommended Changes



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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RECEIVED  
MAR 17 2014  
CITY OF MILLWOOD

March 14, 2014

The Honorable Kevin Freeman  
City of Millwood  
9103 East Frederick Avenue  
Millwood, WA 99206

**Re: City of Millwood's Comprehensive Shoreline Master Program Update –  
Conditional Approval, Resolution Number 2013-01**

Dear Mayor Freeman:

I would like to take this opportunity to commend the city of Millwood (City) for its efforts in developing the proposed comprehensive Shoreline Master Program (SMP) update. It is obvious that a significant effort was invested in this update. The SMP will provide a framework to guide development and habitat restoration along the City's shorelines.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) has identified specific changes necessary to make the proposal approvable. These changes are detailed in Attachment B. Recommended changes are proposed in Attachment C. The findings and conclusions that support Ecology's decision are contained in Attachment A.

Pursuant to RCW 90.58.090 (2)(e), at this point, the City may:

- Agree to the proposed changes (required and/or recommended changes), or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally developed by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the City and Ecology agree on language that meets statutory and Guideline requirements.



The Honorable Kevin Freeman

March 14, 2014

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Please provide your written response within 30 days to the Director's Office at the following address:

WA State Department of Ecology  
Attention: Director's Office  
PO Box 47600  
Olympia, WA 98504-6700

Ecology appreciates the dedicated work that the City Council, City staff (Tom Richardson and Ray Oligher), the Planning Commission, and the community have put into the Shoreline Master Program update.

We look forward to concluding the SMP update process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Jaime Short, at [Jaime.Short@ecy.wa.gov](mailto:Jaime.Short@ecy.wa.gov)/(509) 329-3411.

Sincerely,



Maia D. Bellon  
Director

Enclosures

By Certified Mail [7012 1010 0003 3028 2891]

cc: Tom Richardson, City of Millwood  
Sara Hunt, Ecology  
Jaime Short, Ecology

**ATTACHMENT A: FINDINGS AND CONCLUSIONS  
FOR PROPOSED COMPREHENSIVE UPDATE TO THE CITY OF MILLWOOD  
SHORELINE MASTER PROGRAM**

SMP Submittal accepted May 22, 2013, Resolution No. 2013-01  
Prepared by Jaime Short on January 28, 2014

**Brief Description of Proposed Amendment:**

The City of Millwood has submitted to Ecology for approval a comprehensive update to their Shoreline Master Program (SMP) to comply with Shoreline Management Act (SMA) and SMP Guidelines requirements. The updated master program submittal contains locally tailored shoreline management policies, regulations, environment designation maps, and administrative provisions. Additional reports and supporting information and analyses noted below, are included in the submittal.

**FINDINGS OF FACT**

**Need for amendment:**

The proposed amendment is needed to comply with the statutory deadline for a comprehensive update of the City's local Shoreline Master Program pursuant to RCW 90.58.080 and 100. This amendment is also needed for compliance with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26 and 27.

The City of Millwood, along with a number of small towns and cities, adopted Spokane County's locally approved Shoreline Master Program 1974; the County's Master Program was subsequently approved by Ecology in 1975. The City of Millwood's Shoreline Master Program was last amended by Ordinance #270 in 1996, and has never been comprehensively updated. Aside from satisfying the regulatory requirements, this update is also needed to provide consistency between the updated SMP and the environmental protection and land use management policies and practices provided by the City's Critical Areas Ordinance and Comprehensive Plan.

**SMP provisions to be changed by the amendment as proposed:**

This comprehensive SMP update is intended to entirely replace the City's existing SMP. As a result, this SMP will regulate the shoreland areas along approximately 1.4 miles of the south side of the Spokane River as it flows through Millwood's city limits. The Spokane River is a shoreline of statewide significance.

**Amendment History & Review Process:**

The city indicates that the proposed SMP amendments originated from a local planning process that began on July 1, 2011. The record shows that a Community Visioning meeting was held November 8,

2011, a Shoreline Citizen Advisory Committee was appointed and met 8 times, and community updates were provided in ten Mayor's newsletters between August 2011 and October 2012. Planning Commission workshops open to the public were held in July, August, and September 2012, and a public hearing before the Planning Commission was held on September 24, 2012 and continued to October 15, 2012. A closed-record public hearing was held by the Millwood City Council on December 18, 2012. Affidavits of publication provided by the City indicate notices of the hearings were published in *The Spokesman-Review* on September 5 and December 6, 2012.

With passage of Resolution #2013-01, on March 12, 2013, the City authorized staff to forward the proposed amendments to Ecology for approval.

The proposed SMP amendments were received by Ecology for state review and verified as complete on May 22, 2013. Notice of the state comment period was distributed to state task force members via email and letters were sent to interested parties identified by the City on June 20, 2013, in compliance with the requirements of WAC 173-26-120. The state comment period began on June 27, 2013 and continued through July 29, 2013. The state did not hold a public hearing.

One organization, Futurewise, submitted comments on the proposed amendments, including specific language to address its concerns. Ecology sent the written comments it received to the City on August 1, 2013. On September 13, 2013, the City submitted to Ecology its responses to issues raised during the state comment period. Of the four issues raised by Futurewise, the City has agreed to revised language to address three of them. The revised text addressing public access requirements and the identification of future mitigation projects may be found in *Attachment C – Recommended Changes*.

The remaining issue raised by Futurewise is a recommendation for the City to either increase the 50 foot Native Conservation Area to a 100 or 150 foot Native Conservation Area (NCA) for major redevelopments or provide more "effective and predictable mitigation" requirements for activities 50 feet from the Spokane River. Our response is discussed below.

#### **Native Conservation Areas:**

Upon review of the record, the City highlights the fact that their locally approved SMP already requires mitigation for any development occurring in the NCA (MMC 18.16.040). Their SMP also contains strong vegetation management policies and regulations designed to preserve native vegetation within the NCA to the greatest extent practicable (MMC 18.16.210). Mitigation sequencing is addressed in MMC 18.14.020; Regulation (1), where the City cites WAC 173-26-201(2)(e) as the basis for their sequencing requirements.

In both their Cumulative Impact Analysis and section MMC 18.16.025 of their SMP, the City contemplated the existing land use patterns, particularly zoning and impervious surface coverage, along with common activities taking place within the NCA. With the exception of three vacant parcels, the residential shoreline areas within City limits are fully built out and shoreline areas are heavily impacted by existing residential use, particularly landscaping and bulkheads.

According to the Properly Functioning Condition Rating Assessment of the Spokane River performed by the Spokane County Conservation District (SCCD) in 2005 and updated by SCCD in 2011, the river through Millwood is split into two reaches; one through the industrial area occupied by Inland Empire Paper with a second reach capturing the residential area immediately downstream. The first reach, adjacent to the Inland Empire Paper site, has an intact, mature riparian community paralleled by a historic road approximately 50 feet inland from the OHWM. That riparian community will be preserved through the policies and regulations in MMC 18.16.210. Per the SCCD report and the City's Cumulative Impact Analysis, the downstream reach running along the residential section is heavily impacted by residential landscaping and bulkheads with very little native riparian vegetation remaining. With only three vacant lots, the functional lift in this reach will be achieved through education and outreach from the City along with strict implementation of mitigation sequencing for development activities. In addition, regulations in MMC 18.16.210(B)(d) require any replacement trees planted within the NCA to be native species.

Ecology finds that implementation of the protective language in the goals, policies, and use regulations cited above that apply within the 50 foot Native Conservation Area and the strict implementation of mitigation sequencing per WAC 173-26-201(2)(e) satisfy the requirements of RCW 90.58 and RCW 173-26. Given the current land use and built environment in the City of Millwood, a 100 or 150 foot buffer would not be effective or appropriate.

**Consistency with Chapter 90.58 RCW:**

The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and (5). The City has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).

**Consistency with "applicable guidelines" (Chapter 173-26 WAC, Part III):**

The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of a SMP Submittal Checklist, which was completed by the City.

**Consistency with SEPA Requirements:**

The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on September 4, 2012. Notice of the SEPA determination was published in the SEPA Register on September 4, 2012. Ecology did not comment on the DNS.

**Other Studies or Analyses supporting the SMP update:**

Ecology also reviewed the following reports, studies, map portfolios and data prepared for the City in support of the SMP amendment:

These supporting documents include:

- *Public Participation Plan and close-out report.*
- *Shoreline Cumulative Impact Analysis which includes an evaluation of No Net Loss and a Shoreline Inventory & Characterization (based on the Spokane County CD report referenced below) with the Millwood reaches updated and revised in 2011; April 16, 2013.*
- *Shoreline Restoration Plan; April 16, 2013.*
- *Spokane County Properly Functioning Condition Stream Inventory, completed by the Spokane County Conservation District; 2005.*
- *Chapter 18.08 (2005) of the City of Millwood's Municipal Code, the Critical Areas Ordinance.*

### **Summary of Issues Raised During The Public Review Process:**

The City's SMP amendment drafting and public review process was very cordial. There was a high level of participation from the Shoreline Citizen Advisory Committee and the Planning Commission went to great lengths, including inviting the public to participate in their open workshop sessions, to accommodate healthy debate on topics of interest. Public concerns centered on access requirements on private property, both existing access on the three City-owned rights-of-way and new access as a result of future development.

The City-owned rights-of-way consist of two narrow street ends and one very narrow alley end. Adjacent property owners were concerned that encouraging public access in these areas would be disruptive to the community since there are not any other public amenities – such as restrooms or parking areas – nearby. The shorelines are also relatively steep, so additional use could lead to erosion and damage to the existing vegetation. The City responded to those concerns by including language in Section 18.14.200 of the SMP which specifies that public access improvements would be installed in such a way that ecological functions are protected. New public access opportunities or improvements to the City-owned areas are to be “designed to provide for public safety and to minimize potential impacts to private property and individual privacy” (MMC 18.14.200(B)(7)). There were additional concerns raised about public access requirements for new development being proportional to the project size and anticipated demand.

Ecology finds that the City's public access requirements protect private property rights and by relying heavily on language from WAC 173-26-221(4), strike the appropriate balance between development size and access requirements (MMC 18.14.200).

### **Summary of Issues Identified by Ecology as Relevant To Its Decision:**

Upon review of the City's locally adopted SMP, Ecology noted that the relationship between the City's Critical Areas Ordinance (MMC 18.08) and protection for critical areas within shoreline jurisdiction under the SMP was somewhat vague. In order to clarify the relationship between the two and in consultation with City staff, revised language for Section 18.14.100 has been developed and can be found in *Attachment B - Required Changes*. The City has also agreed to include their current Critical Areas Ordinance as Appendix A to the SMP, thus dispelling any confusion over which regulations will

be used to achieve no net loss for critical areas within shoreline jurisdiction. The inclusion of the CAO is also captured in *Attachment B - Required Changes*.

The second issue that arose in regards to jurisdiction was a misunderstanding as to which SMP – the City of Millwood’s or Spokane County’s – would regulate activities waterward of the Ordinary High Water Mark (OHWM). While the City’s mapped boundary ends at the water line, RCW 35.21.160 automatically extends Millwood’s regulatory authority to the midpoint of the Spokane River as parallels the City limits. The RCW specifically states:

*“The powers and jurisdiction of all incorporated cities and towns of the state having their boundaries or any part thereof adjacent to or fronting on any bay or bays, lake or lakes, sound or sounds, river or rivers, or other navigable waters are hereby extended into and over such waters and over any tidelands intervening between any such boundary and any such waters to the middle of such bays, sounds, lakes, rivers, or other waters in every manner and for every purpose that such powers and jurisdiction could be exercised if the waters were within the city or town limits. In calculating the area of any town for the purpose of determining compliance with the limitation on the area of a town prescribed by RCW 35.21.010, the area over which jurisdiction is conferred by this section shall not be included.”*

As a result of the aforementioned misunderstanding, the City of Millwood was set to rely on the County’s SMP to regulate in-water development and did not craft their own set of comprehensive regulations for those specific activities. To rectify the situation, *Attachment B - Required Changes* contains provisions necessary to guide development occurring waterward of the OHWM and achieve No Net Loss of ecological function.

The nearest boat launch (located at Upriver Dam) has been closed to use by new riverfront home owners as of February 1, 2011, so most new docks will be sized to accommodate smaller, hand-launched craft. That fact, coupled with the implementation of the regulations pertaining to new overwater structures in *Attachment B-Required Changes* and mitigation sequencing, will minimize the impact of new overwater structures and maintain the ecological function of the shoreline.

## **CONCLUSIONS OF LAW**

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City’s proposed comprehensive SMP update, subject to and including Ecology’s required changes (itemized in *Attachment B*), is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that approval of the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program (WAC 173-26-201(2)(c)).

Ecology also concludes that a separate set of recommended changes to the submittal (identified during the review process and itemized in *Attachment C*) would be consistent with SMA policy and

the guidelines and would be beneficial to SMP implementation. These changes are not required, but can, if accepted by the City, be included in Ecology's approved SMP amendments.

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5)).

Ecology concludes that the City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.

Ecology concludes that the City has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's comprehensive SMP update submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

Ecology concludes that the City has chosen not to exercise its option pursuant to RCW 90.58.030(2)(d)(ii) to increase shoreline jurisdiction to include buffer areas of critical areas within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the City's critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies outside of SMA jurisdiction. All remaining designated critical areas (with buffers NOT extending beyond SMA jurisdiction) and their buffer areas shall be regulated solely by the SMP.

## **DECISION AND EFFECTIVE DATE**

Based on the preceding, Ecology has determined the proposed amendments comprehensively updating the SMP are consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules, once required changes set forth in *Attachment B* are approved by the City. Ecology approval of the proposed amendments with required changes is effective 14 days from Ecology's final action approving the amendment.

As provided in RCW 90.58.090(2)(e)(ii) the City may choose to submit an alternative to the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final. Approval of the updated SMP and proposed alternative is effective 14 days from Ecology's final action approving the alternative.

# Attachment B:

## Ecology Required Changes

The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

ITEM	SMP Submittal PROVISION (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	MMC 18.14.100	Environmentally Sensitive Areas	MMC 18.14.100, 1 <sup>st</sup> paragraph, last sentence: <u>Upland buffers for sensitive areas occurring within shoreline jurisdiction will be regulated by the City's Critical Areas Ordinance (MMC 18.08). Where there is a regulatory overlap between the Shoreline Master Program and the Critical Areas Ordinance, the most protective provisions will apply.</u>	Clarify the integration of the Critical Areas Ordinance (MMC 18.08) and the Shoreline Master Program.
2	MMC 18.14.100A	Environmentally Sensitive Areas	MMC 18.14.100(A)(General Regulations) 1: <del>The provisions of chapter 18.08 MMC, Critical Areas, must be factored into decisions regarding development within the regulated shoreline and associated critical areas.</del> <u>(12/7/2009), are hereby integrated as Appendix A of this Shoreline Master Program and will be used, with the exception of sections 18.08.030(C)(3), and .030 (F through I) and 18.08.040, to regulate Fish and Wildlife Habitat Conservation Areas, Critical Aquifer Recharge Areas, and Geologically Hazardous Areas as they exist within shoreline jurisdiction. Frequently Flooded Areas and Wetlands will be regulated through the applicable provisions found in chapter MMC 18.14.100.</u>	
3	MMC 18.14.100A	Environmentally Sensitive Areas	MMC 18.14.100(A)(General Regulations) 4 <del>3</del> . If there are any conflicts...	Correct a numbering error.
4	MMC 18.12.130A	Applicability	A. The regulations of this chapter apply to the land area between the Ordinary High Water Mark (OHWM) of the southern shoreline of the Spokane River within the City limits and 200 feet landward <u>as well as the area waterward of the OHWM to the midpoint of the Spokane River as it parallels the City's northern boundary.</u>	Clarify the applicability of Millwood's SMP waterward of the OHWM.
5	MMC 18.16.020	Shoreline Environment	The Shoreline Management Area for the City of Millwood, that area between the OHWM and two hundred (200) feet landward, is separated into three environmental designations. These designations may contain	

		Designations	different development and use standards. <u>Activities taking place waterward of the OHWM will be managed in accordance with the adjacent upland environment designation and applicable goals, policies, and use regulations.</u>	
6	MMC 18.16.070	Docks	1. The public's need for docks, <u>excluding docks accessory to single-family residences</u> , is clearly demonstrated, and the proposal...	Correction to comply with WAC 173-26-231(3)(b).
7	MMC 18.16.070	Docks	7. A. The width of docks, floats, and lifts shall be the minimum necessary <u>and shall not exceed 4 feet, or 6 feet with 2 feet of that width constructed with materials that will allow light penetration (such as grating).</u> <del>and shall not be wider than eight (8) feet unless authorized by state resource agencies.</del>	Detailed dock regulations are necessary to achieve no net loss of ecological functions waterward of the OHWM.
8	MMC 18.16.070	Docks	7. C. Dock length shall be the minimum necessary to accomplish moorage for the allowed boating use and shall be only so long as to obtain a depth of 4 feet as measured at ordinary low water (OLW) at the <u>landward limit of the moorage slip. Interference with navigation and other public uses such as swimming and fishing shall be minimized.</u>	
9	MMC 18.16.070	Docks	7. D. Private docks shall not encroach into the required sideyard setbacks for residential development <u>(both onshore and offshore); provided that, a shared moorage may be located adjacent to or upon a side property line of the affected properties upon filing of an easement agreement or other legal instrument by the affected property owners. Joint use of docks shall be encouraged.</u>	
10	MMC 18.16.070	Docks	7. E. Construction of a dock serving a parcel or parcels not fronting on the shoreline is prohibited, provided that this provision is not applicable to publicly owned boating facilities, marinas, and community use docks.	
11	MMC 18.16.070	Docks	7. F. Boathouses, roofs, and storage structures are prohibited on docks. <u>Boathouses, roofs, and storage structures on docks existing at the time of adoption of this SMP shall not be expanded.</u>	
12	MMC 18.16.070	Docks	7. G. New residential lots created through a legal land division process shall be limited to the construction of one community dock serving all lots within the subdivision. <u>New subdivisions shall contain a restriction on the face of the plat prohibiting individual docks. A site for shared moorage should be owned in undivided interest by property owners within the subdivision. If shared moorage is provided, the applicant proponent shall file at the time of plat recordation a legally enforceable joint use agreement or other legal instrument that, at a minimum, addresses the following:</u> <ul style="list-style-type: none"> <li><u>i. Apportionment of construction and maintenance expenses;</u></li> <li><u>ii. Easements and liability agreements; and</u></li> <li><u>iii. Use restrictions.</u></li> </ul>	

# Attachment C:

## Ecology Recommended Changes

The following changes are recommended to clarify elements of the City's updated SMP. The revised language was developed by the City staff in response to comments received during the public comment period.

ITEM	SMP Submittal Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)	RATIONALE
1	MMC 18.14.200.A.1.B	Public Access	B. <del>An individual</del> <u>M</u> multi-family development containing four (4) dwelling units or fewer:	Response to a concern regarding the public access demands generated by multi-family development.
2	MMC 18.14.200.B.4.B	Public Access	B. <del>An individual</del> <u>M</u> multi-family development containing four (4) dwelling units or fewer:	Response to a concern regarding the public access demands generated by multi-family development.
3	MMC 18.14.200.B.2	Public Access	2. With respect to private shoreline development and uses, the physical access requirements of this chapter are not intended to require property owners to increase the public's physical access to shorelines <u>beyond the additional demand generated by any development for water-enjoyment, water-related, and nonwater-dependent uses and for the subdivision of land into more than four (4) parcels.</u> With respect to future development on private property, the fundamental principals underlying this chapter's public provisions is that development on private property should not result in a net loss of the public's existing rights to physical and visual access to the shorelines.	Response to a concern regarding the multitude of ways new development can create additional demands for public access.
4	Shoreline Restoration Plan Version 2.0	Implementation of the Restoration Plan	Pg 30, Item 4: <del>Analyzing and interpreting monitoring data; and</del> <u>Given that specific projects are not currently identified for implementation, but are</u>	Response to a concern regarding a perceived lack of specific

	(4/16/13)		<u>merely suggested due to lack of funding, all restoration activities that are undertaken under this plan will be monitored and evaluated both for restoration achieved and for any future restoration needs as part of the next SMP update, due by June 2021; and</u>	mitigation actions and/or a commitment to identify specific mitigation projects in a funding plan.
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