

Scott Sheffield
Planning Commission Meeting
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My name is Scott Sheffield. I live at 2227 West Lake Sammamish Pkwy SE, Bellevue, WA. I am a WSSA Board Member. I am speaking on behalf of both tonight.

There are a few positive points in the Staff presentation, but with limited comment time, I need bring up the some of the many issues that I and WSSA have on Setbacks and Vegetation.

First, we still are not getting an answer to the most basic question: **What existing ecological functions will be harmed on our highly developed urban shorelines?** That was the question when setbacks came to this Commission the first time. Staff had no answer then; and no answer now.

Second, the current Staff Report continues, for example, the mistaken references to Large Woody Debris, Temperature Regulation, and Vegetation as salmon necessities. Professor Pauley debunked those as **lake** functions months ago. Large woody debris is a stream function that, if introduced to our lakes, would create undesirable bass habitat—not to mention dangers to humans, pets and boaters. With regard to temperature, that too is a stream function — the lakes are too big. Reducing the need for shoreline stabilization is listed, but vegetation will not protect my property from the extraordinary wave action caused by boats and storms. The Staff Report says that “many studies done for wetlands and streams are relevant because lakes provide many of the same functions.” What functions? Not these ones.

Third, why does this flawed science matter? Flawed science was the basis for the 25 foot wide vegetated shoreline buffer. The draft code refers to the Critical Area Handbook for the “landscape standard,” and that requires trees every 9 feet that will grow up to 125 feet high. The purported ecological basis is to create shade to regulate temperature, create a food source, and generate large woody debris when the trees die. But, those are stream functions, not lake functions.

I need to be clear. The concepts proposed by Staff are unacceptable to WSSA. Staff said that buffers were not going to be used and that the lakes are not critical areas. Yet, the code language creates a 25 foot buffer and then regulates that buffer using the same highly restrictive critical area buffer rules. For example, existing landscaping may only be maintained, and cannot be replaced. Hardscape surfaces are allowed on only 40% of my shoreline but must be pervious so stone walkways and patios are excluded. Pruning of trees and vegetation within the buffer is illegal unless compliant with uncodified pruning guidelines.

The proposed code language would allow a new Built-in BBQ in the 25 to 50 foot setback area as an allowed accessory structure, but the BBQ is banned in the 25 feet closest to the water even if that is where your patio is now. If your home addition of 550

square feet is in the 25 to 50 setback area and lateral to the water, then you still must plant 60% of your shoreline and keep it that way forever. So, some minor improvements are banned and others require giving up 60% of your lake frontage with trees planted that block your view. That is unacceptable.

On the setback issue, the premise of the Staff Report is flawed. The premise is that projects in my yard will harm ecological functions, and therefore, a 50-foot setback must be imposed. But the harm is not identified, so the imposition of a new setback (beyond the historic 25 foot setback) is simply an arbitrary requirement.

For example: If a house is expanded into an existing grass lawn, what is the harm? What if the house is expanded onto a patio? These projects and many others do not cause any new identified harm that would require mitigation to ecological functions, and yet if done within the 50 foot setback, the property owner must look to the Setback Reduction Menu Options for relief.

This approach ignores harm as justification for regulation. The stated purpose of the Options Menu is to “mitigate” the “setback reduction impacts.” But, the mere reduction of the 50 foot setback is **assumed** to cause harm, so compliance with a menu option is required even where no harm occurs—that is restoration which staff agrees cannot be imposed through regulations.

In conclusion, it is unacceptable to use minor construction projects to leverage planted buffers and other restoration projects. It is unacceptable to impose vegetation conservation buffer requirements on existing developed properties—even the WAC Shoreline Guidelines don’t require that. Finally, the 25 foot historic setback is adequate, since no scientific based reason requires a larger setback to protect existing ecological functions on these admittedly degraded shorelines. Therefore, WSSA respectfully requests that the Planning Commission direct staff accordingly. Thank you.