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From: [deleted]

Sent: Wednesday, February 11, 2015 11:25 AM

To: Sikes, Jeremy (ECY)

Subject: Re: City of Moses Lake Shoreline Master Program Update - State Public Comment Period opens soon!

Jeremy, these are the other questions that I had about the master plan.

In section 6-70-01 it states that public access includes Docks that touch the water. If this is true for resident Docks then who is liable if they get hurt? (I do understand the intention but that's the way it reads to me)

6.2 Talks about noise caused by industrial manufacturing but what about the Boats on the lake that play very very loud music? (again I understand the intent)

If you get a chance can you tell me where in the proposal you read the Grandfather info.

Thanks again for listening to my concerns

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Thanks for your questions Rick, I will enter them into the record. I don't see that you are seeking a particular change to the regulations, here, more clarifications so here goes:

Public access:

Nothing in the state law (Shoreline Management Act) that the city is implementing requires public access to or for private docks. That would run counter to the private property rights protected in the SMA and the constitution, and neither the city or Ecology is interested in that! The SMA requires that SMPs include provisions to ensure public access to publicly -owned shorelines. The specific section you are referring to is just an introductory statement describing in general terms what might be considered public access. The key public access provisions are further down in 6-70-030. These are the regulations that describe what must be done when certain facilities are planned (mainly in subsection 3.) Public access is also required for developments of 4 or more units. Also see:

<http://www.ecy.wa.gov/programs/sea/shorelines/smp/handbook/Chapter9.pdf>

Boat noise:

Regarding noise from boaters; this is similar to the question about no-wake zones, but the SMP is even less able to regulate those activities. I assume the City already has a noise and nuisance ordinance that can be employed to deal with

noise issues. The new SMP is enumerating standards for new development, but on-going use of boats (and playing music on them) is not considered development.

Grandfathering:

You can see the non-conforming use and structure provisions (planning jargon for Grandfathering provisions) in Chapter 12, Section 12-60.

Thank you again for your thoughtful review and comments.

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