



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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March 9, 2011

The Honorable Denis Law, Mayor  
City of Renton  
1055 South Grady Way  
Renton, WA 98057

**Re: City of Renton Comprehensive Shoreline Master Program Update  
Resolution Number 4067**

Dear Mayor Law:

I would like to take this opportunity to commend the city of Renton (City) for its efforts in developing the proposed comprehensive Shoreline Master Program (SMP) Update. It is consistent not only with the needs of the City, but also with the policy and procedural requirements of the Shoreline Management Act (SMA) and the SMP Guidelines.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) approves this comprehensive SMP Update, subject to required changes detailed in Attachment B. Recommended changes are also proposed in Attachment C. The findings and conclusions that support Ecology's decision are also enclosed (Attachment A).

Because required changes are involved in this proposed SMP, the amendment will not become effective until Ecology receives written notice that the City agrees to the changes<sup>1</sup>. Receipt of the City's written agreement to the required changes will constitute final action by Ecology on the Renton SMP.

If you do not agree to the changes listed in Attachment B, then, pursuant to WAC 173-26-120(7)(b)(ii), you may propose to Ecology alternative amendments consistent with the scope of the original submittal, SMA policy and the applicable guidelines. At that point, Ecology will need to review and approve the alternative amendment(s) before they become effective.

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<sup>1</sup> WAC 173-26-120(7)(b)(i)



The Honorable Denis Law  
March 9, 2011  
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To summarize, please advise us whether the required and recommended changes are acceptable. If the City agrees with the changes, it must notify Ecology in writing by sending the notice 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

Thank you again for your efforts. If you have any questions, please contact our Regional Planner, Barbara Nightingale, at [Barbara.Nightingale@ecy.wa.gov](mailto:Barbara.Nightingale@ecy.wa.gov)/ (425) 649-4309.

Sincerely,



Ted Sturdevant  
Director

Enclosures

**By certified mail [7003 1010 0005 0569 1482]**

cc: Erika Conkling, City of Renton  
Barbara Nightingale, Ecology NWRO  
Peter Skowlund, Ecology  
Geoff Tallent, Ecology NWRO  
Chip Vincent, City of Renton

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

SMP Submittal accepted October 25, 2010, Resolution No.4067  
Prepared by Barbara Nightingale on February 28, 2011

**Brief Description of Proposed Amendment:**

The City of Renton has submitted to Ecology a comprehensive amendment to their Shoreline Master Program (SMP). The policies of this updated master program will reside in the City's Comprehensive Plan and the SMP Regulations. The SMP Regulations will be codified within Title IV Development Regulations, Chapter 3 Environmental Regulations and Overlay Districts as 4-3-090 Shoreline Master Program Regulations. This SMP was locally adopted through Resolution No. 4607 on September 27, 2010. This SMP adopts, by reference, many of the critical areas ordinance regulations found in the Renton Municipal Code. It also updates the wetland buffer and mitigation standards to increase protections within shoreline jurisdiction and meet current state standards, providing increased protections compared to the existing CAO. These increased protections bring the City into compliance with present day wetland protection standards consistent with Ecology Publications 96-94, 04-06-025 and 06-06-022a.

**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. This amendment is also needed for compliance with use regulations and program content requirements of RCW 90.58. As the existing Renton SMP has been in effect since 1983, this SMP update is needed to address land use changes that have occurred along the City's shorelines over the past 27 years and bring the SMP current with the environmental protection and land use management policies and practices provided by the City's 2007 Critical Areas Ordinance, Comprehensive Plan elements, and the 2003 SMP Guidelines (WAC 173-26).

**SMP Provisions to be changed by the amendment as proposed:** This comprehensive SMP amendment is intended to replace the City's existing SMP in its entirety. It increases the extent of shorelines to be covered and regulated by the City of Renton by adding to its existing jurisdictions along Lake Washington, Cedar River, Black River and Springbrook Creek, three additional areas identified by the City as Potential Annexation Areas. These potential annexation areas include: 1) the entire Lake Desire shoreline jurisdiction; 2) the Lake Washington shoreline extending from the present northern City Limits, to Bellevue City Limits; 3) the Lake Washington shoreline just west of the mouth of the Cedar River to the Seattle City limits; 4) the land between Renton and Tukwila City Limits, located within the 200-foot shoreline jurisdiction of the Green River, and 5) an area extending east on the Cedar River from Hwy 169 to the easterly limit of the Urban Growth Area, to include additional shoreline along the Cedar River.

Renton is located within both WRIA 8 and WRIA 9. The City's shorelines include the lower reaches of the Cedar River and May Creek. These streams are spawning streams for Puget Sound chinook and other salmonids, as indicated in the City's shoreline inventory. These outmigrating juveniles depend upon nearshore habitats for prey and refugia. The 10-year Lake Washington/Cedar/Sammamish

(WRIA 8) Chinook Salmon Conservation Plan identifies the linkages between these SMPs and the WRIA 8 Conservation Plan to implement policies and regulations to protect such critical habitat. Renton's Lake Washington shorelines also support beach spawning sockeye, as reported by Foley, WDFW, in 2009. A number of studies point to the need to avoid light-limiting structures in nearshore aquatic habitats that support these salmonids. The NMFS Biological Opinion for the U.S. Army Corps of Engineers regional and nationwide permits identifies structural standards to avoid light limitations through specifications for docks and piers. This SMP, with the proposed changes, reflects those structural standards.

The City's statutory deadline pursuant to RCW 90.58.080 is December 1, 2009. The City entered into a grant agreement with Ecology in 2007, receiving a total of \$200,000 in grant funds to complete this update in 2010. The City committed to locally adopt this SMP update through Resolution 4067 on September 27, 2010. In a letter dated October 25, 2010, Ecology acknowledged a complete SMP submittal initiating the formal State Review process. On December 8, 2010, Ecology held a hearing on the updated SMP and accepted public comments from November 15, 2010 through December 17, 2010. Following completion of the comment period, Ecology summarized, in a letter dated December 29, 2010, all of the comments received during that comment period and requested final response from the City on those comments. On January 20, the City provided Ecology with responses to those comments.

This updated SMP regulates land-uses along Renton shorelands with more site-, use- and reach-specific policies and regulations than the existing 1983 SMP. For example, the 1983 SMP had only three designations, Urban, Conservancy, and Natural. In contrast, the updated SMP now has six designations: **1) Natural** - the **Black River** and its associated wetlands; (Figure 2); **2) Urban Conservancy** - the **Lake Washington** shoreline along the northern half of the **Gene Coulon Park** (Figure 1); that portion of **Springbrook Creek** starting with SW 27<sup>th</sup> Street on the north to SW 31<sup>st</sup> Street on the south, abutting City-owned wetlands and that portion of the west side of the creek in the vicinity of SW 38th Street abutting the City's Wetlands Mitigation Bank (Figure 2); **Cedar River** - south bank of the **Cedar River** 350 feet east of I-405 right-of-way to SR 169; both north and south banks from SR 169 to the easterly limit of the Urban Growth Area (Figure 3); and the entire stretch of **May Creek** from the Newcastle City Limits to its mouth draining to Lake Washington (Figure 2); **3) Single-Family Residential** - those shoreline areas with residential zoning and use located on Lake Washington (Figure 1), the **Cedar River** (Figure 3) and **Lake Desire** (Figure 4); **4) High Intensity** - commercial/office/residential (COR) zoning designation along **Lake Washington**, north of May Creek areas along Lake Washington, the north bank of the **Cedar River** between I-405 and SR169 (Figure 3); **Cedar River** from the mouth to I-405 and most of **Springbrook Creek** (Figures 1, 2 and 3), and **5) High Intensity-Isolated** - **Cedar River** between Bronson Way N. and Williams Avenue S, separated from the River by Riverside Drive (Figure 3) and an isolated area of the **Green River** Shoreline Jurisdiction isolated from the river by the intervening railroad right-of-way (Figure 2).

Figure 1

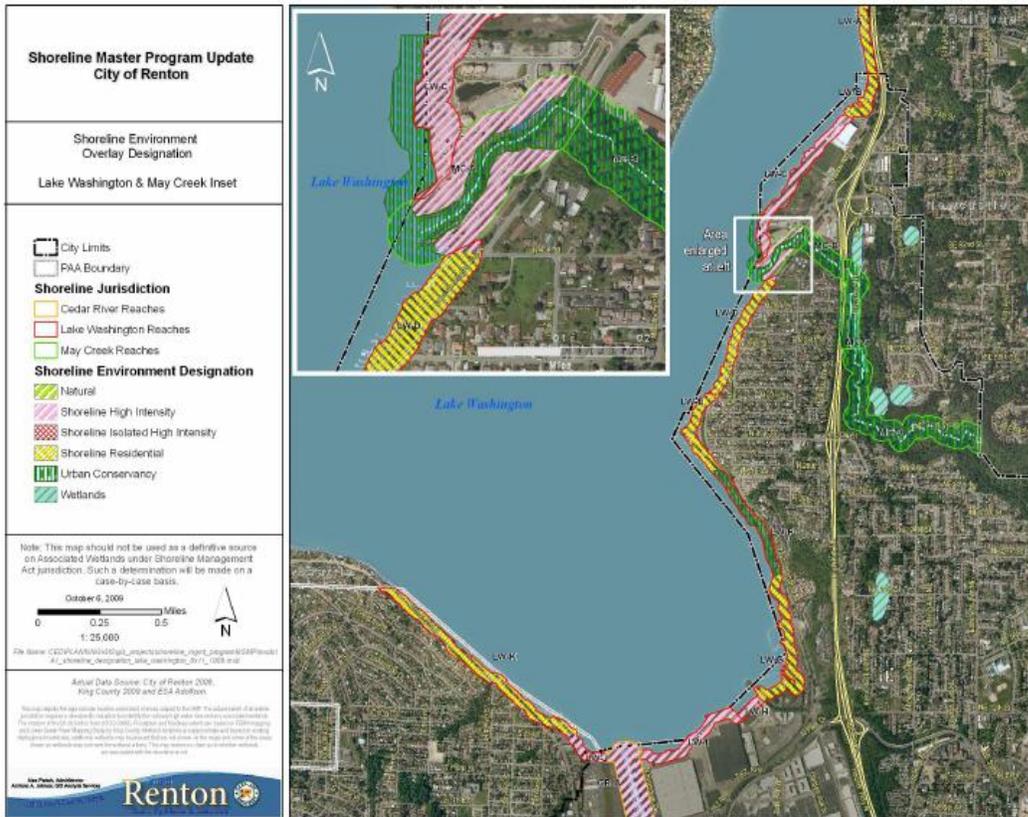


Figure 2

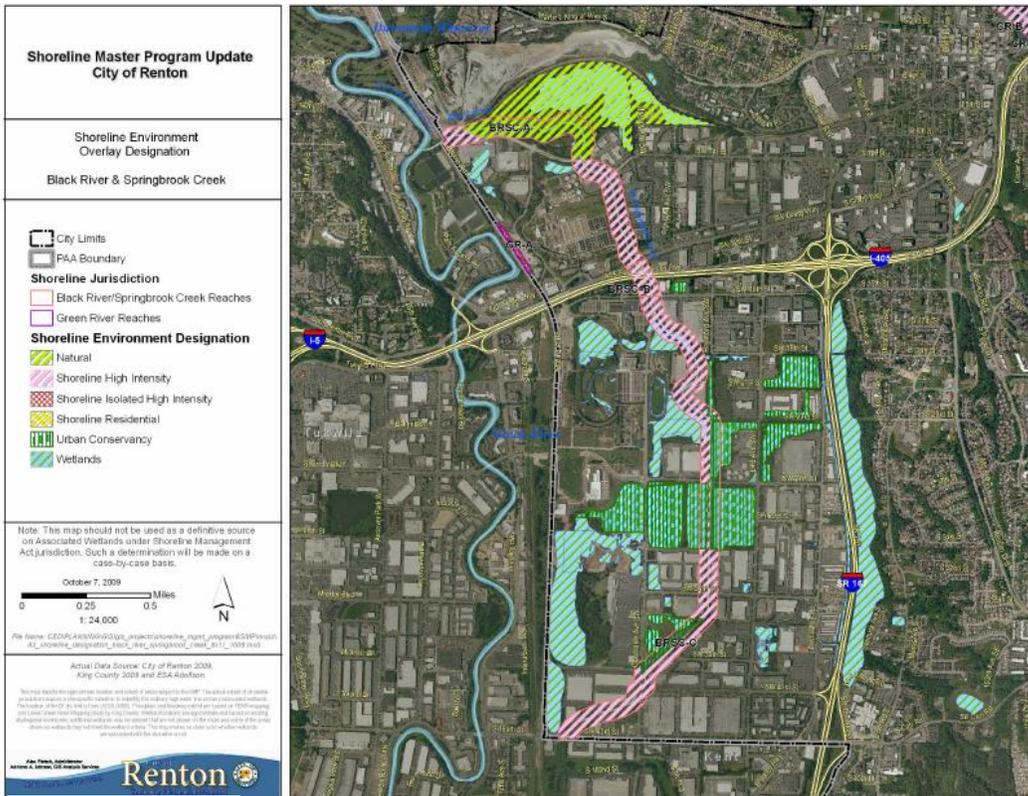


Figure 3

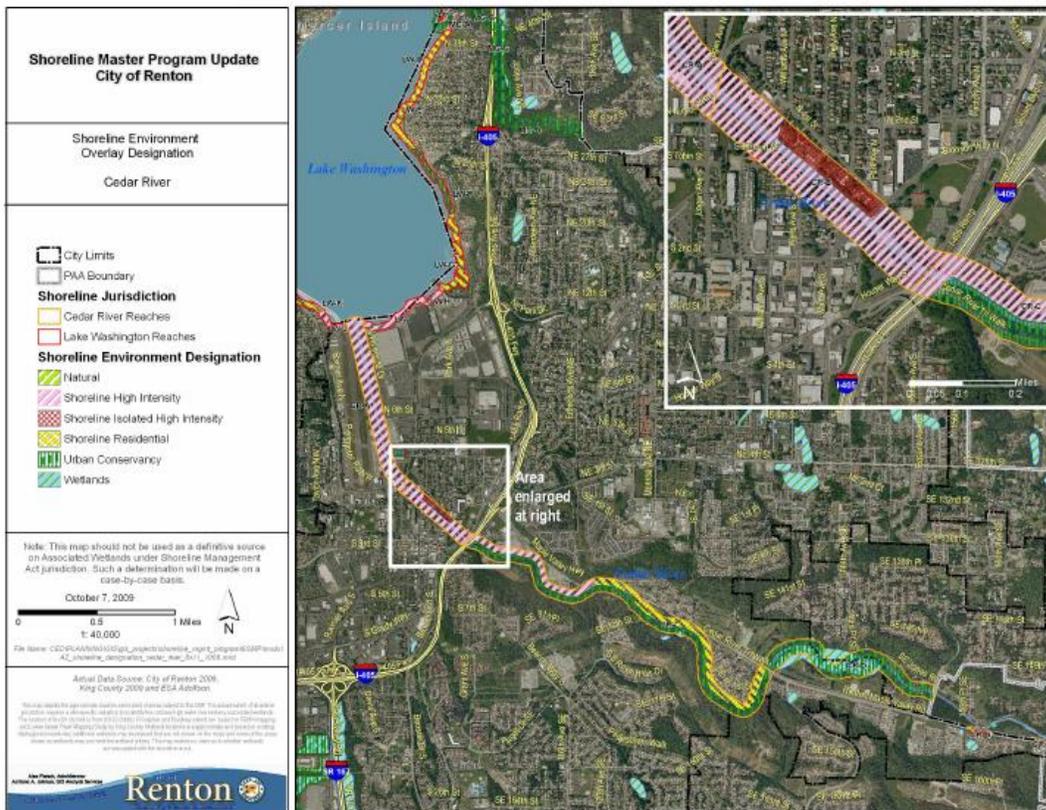




Table 1. Designation-Specific Regulations

	Natural	Urban Conservancy	Shoreline Single Family	High Intensity	High Intensity Isolated	Aquatic
<b>Setbacks and Buffers</b>						
<b>Structure Setback from Ordinary High Water Mark (OHWM)- Minimum<sup>1</sup></b>						
<b>Water-dependent Use</b>	100 ft.	100 ft.	None <sup>2</sup>	None <sup>2</sup>	None	
<b>Water-related or Water Enjoyment Use</b>	100 ft.	100 ft.	100 ft. <sup>3</sup>	100 ft. <sup>4</sup>	None	
<b>Non-Water-oriented Use</b>	100 ft.	100 ft.	100 ft. <sup>3</sup>	100 ft. <sup>5</sup>	None	
<b>Front Yard, Side Yard, and Rear Yard Setbacks</b>	Governed by underlying zoning in RMC 4-2 except in cases where specific shoreline performance standards provide otherwise. Variance from the front and side yard standards may be granted administratively if needed to meet the established setback from OHWM, as specified in this section and if standard variance criteria are met.					
<b>Vegetation Conservation Buffer</b>	100 ft.	100 ft.	100 ft. <sup>3</sup>	100 ft. <sup>4,5</sup>	None	
<b>Building Height- Maximum</b>						
<b>In water</b>	Not allowed	Not allowed	35 ft. <sup>6</sup>	35 ft. <sup>6</sup>		35 ft. <sup>6</sup>
<b>Within 100 feet of OHWM</b>	Not allowed	Not allowed	35 ft. <sup>7</sup>	35 ft. <sup>8</sup>	Governed by underlying zoning in RMC	

Table 2. Example of Reach-Specific Regulations

SHORELINE REACH	Vegetation Conservation Objectives
<b>Lake Washington</b>	
<b>Lake Washington Reach A and B</b>	This developed primarily single-family area provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts shall be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.
<b>Lake Washington Reach C</b>	If areas redevelop, the full 100 foot buffer of native vegetation shall be provided, except where water-dependent uses are located.
<b>Lake Washington Reach D and E</b>	This developed primarily single-family area provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts shall be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.

Using this reach-specific methodology, the City anticipates achieving no net loss of ecological function through strategic regulatory flexibility that provides both certainty for development and beneficial ecological effects. Protective measures also include:

- Dredging prohibited within the deltas of the Cedar River and May Creek except for ecological restoration, public flood control projects, or for water-dependent public facilities.
- Dredging prohibited for new moorage.
- Dredging requiring a CUP unless it is associated with an existing water-dependent use, habitat enhancement, remedial action approved the CERCLA to MTCA or for public recreation facilities or uses.
- Reach-specific vegetation conservation buffer standards and public access opportunities incorporated into the regulations. See Table 4-3-090.F.1.1 Vegetation Conservation Buffer Standards by Reach on pages D-114 through 117 and Table 4-3-090. D.4.f. Public Access Requirements by Reach on pages D-38 through 40. These tables analyze conservation and public access opportunities across twenty-five distinct reaches along Lake Washington, May Creek, Cedar River, Springbrook Creek, Black River, Green River, and Lake Desire.
  - Reach-specific vegetation conservation standards: As existing single-family development on small lots limits the ability to impose standard 100-foot buffers, the City developed a sliding scale setback and buffer system, based on lot size, for existing single family lots. This sliding scale system, based on lot depth, only applies to existing single-family homes or lots, it does not apply to new lots created by subdivision or other means. The City still requires 100-foot buffers and setbacks for other designations and uses, such as Natural, Urban Conservancy, and specified High Intensity designations. This flexibility provides for existing development, yet satisfies the requirement to achieve no net loss of ecological functions with future development or redevelopment.
  - Reach-specific public access objectives: As Renton is the 10<sup>th</sup> most populated City in the state and existing development constrains the provision of public shoreline access, it is important for the City to identify all public access opportunities, in the event of redevelopment. Although city-owned land provides important public access areas, such as the Gene Coulon Park on Lake Washington, Ron Regis Park and public trails along the Cedar River, extensive single family development along Lake Washington, May Creek, and private development in the form of industrial and multi-family development along the Cedar River constrain future public access opportunities for Renton’s growing population of over 86,000 persons. To address the growing need for public access and the existing constraints, the City has developed the public access table to help the City maximize public access opportunities for each reach, as opportunities from future development and redevelopment arise.
- Development along May Creek in the Renton City limits has been limited by the designated of Urban Conservancy and the creek being identified as a channel migration zone.
- All “Fill” and excavation waterward of the OHWM not associated with ecological restoration, flood control or approved shoreline stabilization shall require a CUP.
- Replacement of an existing bulkhead requires mitigation for unavoidable impacts.

- Legal nonconforming single family residences, located landward of OHWM may be enlarged or expanded in conformance with applicable bulk and dimensional standards by the addition of space to the main structure or normal appurtenances, as defined in WAC 173-27-040(2)(g). However, such expansion requires a CUP.
- Dock standards that protect nearshore aquatic habitat with increased light penetration and the prohibition on the use of toxic materials. Dock replacement thresholds for the requirement of compliance with new standards, and provisions for safe dock access by disabled residents.

**Amendment History, Review Process:** (Summary) In October 2008, the City submitted a Preliminary Draft Shoreline Inventory and Analysis Report, requesting agency comments. On January 12, 2009, Ecology provided comments on that preliminary draft. In July 2009, the City submitted a Draft Inventory and Characterization incorporating Ecology’s previous comments and a final approved Inventory & Characterization Report on March 31, 2010. During this time, in July 2009, the Planning Commission began its review of the draft SMP. In response to the Planning Commission and public comments received in an extensive public process, the City produced five iterations of the draft SMP. On April 7, 2010, the Planning Commission approved a fifth draft SMP with changes and forwarded that draft SMP to the City Council. A City Council sub-committee then worked with staff and citizens to address further public comment. During the 31-day state public comment period, between November 15<sup>th</sup> through December 17<sup>th</sup> 2010, six comment letters and statements were received.

**Consistency with Chapter 90.58 RCW:** The proposed amendments have 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 SMP meets those consistency requirements. 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, completed by Renton Planner, Erika Conkling, on 10/7/2010 and reviewed by Ecology staff for SMA compliance on November 1, 2010.

**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 May 14, 2010. No appeals were filed and the DNS is considered final. Ecology did not comment on the DNS.

**Other Studies or Analyses supporting the SMP update:** Ecology reviewed the following reports, studies, map portfolios and data prepared for the City in support of the SMP amendment:

These supporting documents include:

- *March 2010 Final Shoreline Inventory & Analysis Report*
- *June 2010 Final Restoration Plan*
- *March 2010 Cumulative Impacts Analysis Report*
- *July 2010 Shoreline Environment Designation Overlay Map*

- *Final SMP-Checklist dated October 7, 2010*

### **Summary of Issues Brought Up During The Public Review Process:**

Six parties submitted letters or made statements during the 31-day state public comment period. The following six parties submitted written or oral comments during the state public comment period:

Karen Walter, Muckleshoot Tribe

Cody Olson, Puget Sound Energy

Bud Dennison and Anne Simpson, Renton Shoreline Coalition

Lawrence Reymann

Laurie Baker

### **CONCLUSIONS OF LAW**

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City of Renton's SMP proposal, subject to and including Ecology's required and recommended changes (itemized in Attachments B and C), is consistent with the policy and standards of RCW 90.58 and the applicable SMP guidelines (WAC 173-26-171 through 251, 173-26-020 definitions). This includes a conclusion that the proposed SMP contains sufficient policies and regulations to assure no net loss of shoreline ecological functions will result from implementation of the new master program amendments (WAC 173-26-201(2)(c)). Based on the preceding, Ecology has determined the proposed updated SMP is consistent with the policies of the Shoreline Management Act and the applicable guidelines and implementing rules. Ecology approval of the proposed amendment is effective on the date Ecology receives written notice that the City agrees to required changes.

The SMP is consistent with WAC 173-26-241(3)(c), (f), (i) and (j) with new setbacks and vegetation conservation measures based upon reach-specific conservation measures for new development or redevelopment in Shoreline Residential, Urban Conservancy and High Intensity Shorelines providing largely single and multifamily residential, public open space, and limited industrial uses. The SMP is also consistent with WAC 173-26-221(c)(i), for associated wetlands, providing increased protections under the SMP in buffer standards, mitigation ratios and management requirements. These combined measures are expected to assist in the filtration and mitigation of nutrient and pollutant effects from stormwater. Environmental benefits also include habitat benefits for juvenile salmonids, such as Puget Sound Chinook and sockeye salmon, from detrital and woody debris input.

Consistent with WAC 173-26-231, nonstructural methods are preferred to structural shoreline stabilization. "Soft" structural shoreline stabilization is preferred to "hard" shoreline stabilization with additions to or increases in size of existing shoreline stabilization measures to be considered as new structures and normal maintenance and repair not exempt from SDP, if they cause substantial adverse effects to shoreline resources or the environment. New development is required to be located and designed to eliminate the need for concurrent or future shoreline stabilization. New structures are required to result in no net loss of shoreline ecological functions. Setbacks on steep slopes are required to ensure no need for future shoreline stabilization, as demonstrated by a geotechnical analysis by a geotechnical engineer.

Consistent with RCW 90.58.090(4), Ecology concludes that those SMP segments relating to critical areas within Shoreline Management Act jurisdiction provide not only the level of protection at least equal but beyond the level of protection provided by the City's existing critical areas ordinance and are designed to achieve no net loss of ecological conditions.

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 regarding the SMP amendment process and contents.

Ecology concludes that the City has complied with the purpose and intent of the local amendment process requirements contained in RCW 90.58, WAC 173-26-090 and WAC 173-26-100 regarding public and agency involvement in the SMP amendment process, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies, and Ecology. Two public open houses were held in March and April of 2008 to provide an overview of the steps, requirements, objectives and background material on the update process. Seventeen Planning Commission meetings were held to present inventory and characterization findings, proposed policies and regulations and solicit public input. Nine mailings went out to all interested parties, six postings were made in libraries and parks, five SMP drafts were completed, each with public comment periods, three mailings were made to all property owners, two formal public hearings were held in the final local-adoption process and the City's shoreline website ([www.shoreline.rentonwa.gov](http://www.shoreline.rentonwa.gov)) posted all meetings, presentations and documents associated with the update process. During this final adoption period, over 48 hours of meetings were held with key shoreline stakeholders. In April 2010, the Planning Commission recommended a final iteration of the SMP to the City Council for their review and approval by resolution of intent to adopt. Following further City Council subcommittee work with stakeholder groups and a public hearing and further changes to the SMP, on September 27, 2010, the City Council adopted Resolution 4067 Intent to Adopt.

Ecology concludes that the City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act, as the City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance for the proposed SMP amendment on May 12, 2010. Ecology did not comment on the DNS.

Ecology concludes that the City's 2010 SMP amendment submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3) (a) through (h).

Ecology concludes that the City has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in WAC 173-26-120. Ecology concludes that the City has chosen not to exercise its option pursuant to RCW 90.58.030(2) (f) (ii) to increase shoreline jurisdiction to include buffer areas of all critical areas within shorelines of the state. In addition, 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 and associated wetlands and Class I Fish Habitat Conservation Areas will be regulated by the SMP, rather than the CAO.

This Program incorporates many of the substantive requirements of the Renton CAO directly. See SMP Pages D-10 through 28, RMC 4-3-090.2( c). Critical Areas within Shoreline Jurisdiction, wherein, the SMP incorporates the CAO provisions for aquifer protection areas; areas of special flood hazard; sensitive slopes, landslide hazard areas, high erosion hazards, high seismic hazards, coal mine hazards, fish and wildlife habitat conservation areas (critical habitats), and fish and wildlife habitat

conservation areas: Streams and Lakes: Classes 2 through 5 only; but does not incorporate CAO alternatives, modifications, reasonable use variances, wetlands regulations or critical area regulations for Class 1 Fish Habitat Conservation Areas, as these areas are regulated by and specified in the SMP. See SMP Regulations pages D-10 through 12.

#### DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments, incorporating the Ecology required and recommended changes identified in Appendices B and C is consistent with the policy of the Shoreline Management Act, the applicable guidelines and implementing rules. Ecology has worked with the City in the proposal of these required and recommended changes. Based on the preceding, Ecology has determined the proposed amendment is consistent with the policy of the Shoreline Management Act. Ecology's approval of the proposed amendment, along with those required and recommended changes, will become effective as of the date the City notifies Ecology that it agrees to those changes identified in the approval letter to the City from Department of Ecology Director, Ted Sturdevant.

#### Attachments:

- SMP Review Router
- City of Renton response to comments
- Ecology response summary
- City of Renton Resolution No. 4067 adopted September 27, 2010
- SMP Checklist dated October 2010
- Ecology Draft Director's Approval Letter to the City of Renton
- Attachment B Required Changes
- Attachment C Recommended Changes
- Interested Parties List

Ecology recommends approval of the SMP, with eight required changes and four recommended changes. See Attachment B for Required Changes and Attachment C for Recommended Changes.

**ATTACHMENT B: City of Renton September 27, 2010 SMP**

**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	Draft SMP Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline-additions; strikethrough-deletions)	DISCUSSION/RATIONALE
1	Shoreline Use Table 4-3-090.E.1. (Page D-56) allows overwater trails.	Overwater Trails	Public hiking and bicycle trails, including overwater trails <u>only over stream/creek mouths draining to Lake Washington. No overwater trails parallel to Lake Washington.</u>	Overwater trails could result in large overwater structures that are not water-dependent uses and exceed dock & pier standards. Only locations allowed should be stream/creek crossings, not parallel to the state shoreline.
2	4-3-090.E.10f.iv (Page 94)	Helipads	iv.(a) Private: Establishment of a helipad on a single-family residential lot. <u>Conditions shall be imposed to mitigate impacts within the shoreline.</u>	SMPs must meet no net loss. This required mitigation addresses potential shoreline impacts.
3	4-3-090.E.10f.v. (Page 94)	New Seaplane Facilities and Heliports- Criteria for Approval	v. New Seaplane Facilities and Heliports - Criteria for Approval: (b) Conditions <del>may</del> <u>shall</u> be imposed to mitigate impacts within the shoreline and also non-shoreline over flight and related impacts.	SMPs must meet no net loss. This required mitigation addresses potential shoreline impacts.
4	4-3-090 E.7.g.ii.(a) (Page D-83)	Variance Criteria-Docks	(a) The general criteria for shoreline variance approval in RMC 4-9-190F.4 <del>I.4</del>	Consistency between regulations.
5	4-3-090 E.7.c.ix. (Page D-77)	Dock Design Standards	Other Agency Requirements: If deviation from the design standards specified in RMC 4-3-090E.7 Piers and Docks is approved by another agency with permitting authority, <u>such as the Washington Department of Fish and Wildlife or the U.S. Army Corps of Engineers;</u> it may be approved <del>without</del> <u>with</u> a variance, subject to all conditions and requirements of <del>the approved agency</del> <u>those permitting agencies.</u>	Allows deviation through a variance subject to all conditions and requirements of permitting agencies.
6	4-3-090 E.7. d. Design Standards (Page D-79)	Width: Docks and Piers ( Single Family)	<del>6 4 ft<sup>4</sup></del> (page D -79) Footnote 4 (Page D-81) <u>A pier or dock may be up to 6 ft wide, waterward of 30 feet from OHWM, without a variance, if approved by other permitting agencies, such as the U.S. Army Corps of Engineers or the Washington Department of Fish and Wildlife.</u> Footnote 5. (Page D-81) <u>A pier or dock may be 6 ft wide, waterward from land, without a variance, if the resident has a condition that qualifies for state disabled parking privileges.</u>	To protect nearshore aquatic habitats from shading impacts, yet allow access for residents with disabilities.

7	4-3-090 F. 1. d.iii. (Page D-107)	Buffer Reductions	Vegetation Conservation Standard Table Applied: Specific vegetated buffers specified for areas enumerated in Table RMC 4-3-090.F.1.1 Vegetation Conservation Standards by Reach, <del>may</del> <u>shall</u> be applied in accordance with those provisions.	To consistently assure compliance with vegetation conservation standards throughout the SMP.
8	4-3-090 F.1.f (i) (Page D-109)	Averaging buffer Width	Authority: Based upon an applicant's request, and the acceptance of a Standard Stream or Lake Study, the Reviewing Official may approve buffer width averaging <u>except where specific vegetation buffers in Table RMC 4-3-090.F.1.1 Vegetation Conservation Standards by Reach are stated.</u>	To consistently assure compliance with vegetation conservation standards throughout the SMP.

## ATTACHMENT C: City of Renton September 27, 2010 SMP

### Ecology Recommended Changes -

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

ITEM	Draft SMP Provision (Cite)	TOPIC	BILL FORMAT CHANGES (underline-additions; strikethrough-deletions)	DISCUSSION/RATIONALE
1	4-3-090.E.(Page D-57) Shoreline Use Table (Page D-97)	Utilities	Shoreline Use Table: Add Major Service Utilities Natural X; Urban Conservancy: H <sup>6</sup> ; Single-Family Residential: H <sup>6</sup> , Aquatic: H <sup>6</sup> High-Intensity: P <sup>3</sup> High-Intensity Isolated : P <sup>8</sup>	Resolves conflict with provision of major service utilities in specific environments.
2	4-3-090.E.11 a. ii (page D-95)	Utilities	<del>Regional</del> <u>Major</u> utility systems shall be located...	Provides improved document consistency.
3	4-3-090.E.11.a.vii (Page D-95)	Utilities	<u>Local service</u> utilities...	Provides improved document consistency.
4	4-3-090 E.11.c.i.a.2 (Page D-99)	Electrical Installations	<del>(2) Structure of overhead power lines shall be single pole type with insulators and other facilities in as compact a configuration as feasible.</del> <u>The support structures for new overhead power lines shall be designed to avoid or minimize impacts to shoreline areas.</u>	Allows PSE authority to design power-line structure but requires SMA/SMP consistency.



City of Renton  
Planning Division

AUG 02 2011

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

RECEIVED

July 28, 2011

The Honorable Mayor Denis Law  
City of Renton  
1055 South Grady Way  
Renton, WA 98057

**Re: Comprehensive Shoreline Master Program Amendment  
City of Renton Resolution 4067**

Dear Mayor Law:

Thank you for your timely and thoughtful consideration of our March 9, 2011 letter approving the City of Renton Shoreline Master Program subject to our required and recommended revisions. I would like to again commend the City of Renton for displaying strong leadership in providing needed protection for our state's shorelines. The purpose of this letter is to clarify the proposed alternatives to our required changes offered in your letter dated April 6, 2011. Specifically, we need to know the City's position with respect to single-family dock standards before we can proceed with formal action on your proposed alternatives.

The City's letter proposed specific alternatives to our required changes for the Overwater Trails language. We have reviewed your proposed language and believe it to be consistent with purpose and intent of the changes proposed by the Department of Ecology and consistent with the state-wide requirements for Shoreline Master Program updates. The letter also requested Ecology to reconsider our required changes related to the maximum width of single-family docks. The letter did not offer any specific alternative language, nor did the letter clearly state whether the City would or would not accept this required change.

We have given substantial consideration over the last few months to your request that Ecology reconsider the single-family dock width requirements. During that time, we have been in communication with your staff to help understand the City's concerns, clarify the scientific and policy basis for our required changes, and explore alternatives. We have also explored the relevant policy goals, scientific recommendations and alternative dock designs with the other regulatory and fisheries agencies, including the Corps of Engineers, National Marine Fisheries Service, Washington Department of Fish and Wildlife, and Washington Department of Natural Resources.



As a result of this reconsideration, Ecology remains firm in the need to limit the maximum width of docks to 4-feet in the first 30 feet from the Ordinary High Water Mark. Our position is based on review of findings from locally developed science and the policy directives for state-wide Shoreline Master Program updates. Our position is also consistent with the approach being taken by other Lake Washington and Lake Sammamish Cities and other regulatory agencies. Below, we summarize our rationale.

With respect to the science, studies in Lake Washington indicate that shade from overwater structures in the nearshore area is known to limit food and shelter available to juvenile ESA-listed Puget Sound chinook salmon. Shade is also known to alter their migratory behavior and pose increased bass predation risks in these shallow areas (Fresh et al. 2003; Tabor et al. 2004; Tabor et al. 2006; Celedonia et al. 2008). This finding is very relevant to Renton's Lake Washington shorelines at the mouth of the Cedar River. Scientific findings have identified Renton shorelines as a nursery site for juvenile salmon migrating out of the Cedar River.

As a matter of policy, the state-wide requirements for Shoreline Master Programs under WAC 173-26 include the following relevant concepts:

- Reduce the adverse effects of shoreline modifications, and, as much as possible, limit shoreline modifications in numbers and extent (WAC 173-26-231 (2)(b))
- Pier and dock construction shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use (WAC 173-26-231 (3)(b))
- Piers and docks, including those accessory to single-family residences, shall be designed and constructed to avoid or, if that is not possible, to minimize and mitigate the impacts to ecological functions, critical areas resources such as eelgrass beds and fish habitats and processes such as currents and littoral drift (WAC 173-26-231 (3)(b)).

These policies were developed and agreed to as part of a settlement agreement related to the state-wide Shoreline Master Program updates. Fifty eight parties, representing a broad range of interests including local governments, signed on to the settlement agreement. Ecology's required changes to Renton's dock standards are consistent with these policies.

With respect to consistency, the Corps of Engineers and NMFS have established similar and compatible standards in their Programmatic Permit for Lake Washington Docks and Piers. At the local level, many of Renton's neighboring jurisdictions on Lake Washington and Lake Sammamish have already adopted into their SMP's the 4-foot width in the first 30 feet from Ordinary High Water Mark. These include: King County (including the potential annexation area west of the Cedar River), Bellevue (through their Critical Areas Ordinance), Kirkland, Lake Forest Park, Kenmore, and the City of Sammamish. Additionally, Mercer Island City Council recently voted in favor of the 4-foot width within the first 30 feet, and the City of Seattle proposes following these standards in the current public review draft of their SMP.

The Honorable Mayor Denis Law  
July 28, 2011  
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It is important to remember that the width standard applies to new and replacement docks. Under both the federal and local standards referenced above, repairs and replacement of decking that do not constitute reconstruction are not subject to the width limits. Also, when replacing docks, Ecology supports the concept of giving credit for the area of dock that is removed. That is to say that replacement docks can generally retain their total overwater coverage, however they should be reconfigured to the width limits in the first 30 feet. Ecology also supports local discretion to grant relief from the four foot width standard when necessary to provide for disabled access. Finally, when the width limit presents an individual hardship, an applicant may seek a shoreline variance for relief from the standard.

In conclusion, before we proceed with our next formal step on the Renton SMP, Ecology needs clarity on the City's position on single family dock widths. If the City is ready to accept the required change on dock standards, we will proceed with a recommendation to our Director for approval with the addition of your alternative language for overwater trails. If the City will not accept this required change, please let us know. Ecology will then consider our other options, which may include denial of your proposed master program.

We know this is an important issue to the City of Renton. If you would like to discuss this further by phone or in a meeting, please contact me at (425) 649-7096 or our Regional Planner, Barbara Nightingale, at [bnig461@ecy.wa.gov](mailto:bnig461@ecy.wa.gov) / (425) 649-4309.

Sincerely,



Geoff Tallent, Section Manager  
Shorelands and Environmental Assistance  
Northwest Regional Office

GT:cja

cc: Chip Vincent, City of Renton  
Erika Conkling, City of Renton  
Tom Clingman, Department of Ecology  
Barbara Nightingale, Department of Ecology  
Peter Skowlund, Department of Ecology  
Jeannie Summerhays, Department of Ecology  
Gordon White, Department of Ecology



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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MEMO

Date: September 22, 2011

TO: Chip Vincent and Erika Conkling

FROM: Barbara Nightingale, Ecology NWRO Regional Shoreline Planner 

RE: City of Renton Resolution 40067 – Redmond SMP Update on Single Family Docks Dock Width requirements.

The following information is offered to clarify the historical context, background information and size limitations of the City of Redmond SMP.

As you note, Redmond is an exception to the "4-foot dock width in the first 30-feet from OHWM" requirement consistency around Lakes Washington and Sammamish. It is important to consider that Redmond started their SMP update in 1997. This was before the current requirements for SMP updates were developed, before the listing of salmon under the Endangered Species Act, before many of the studies on juvenile salmon movement around docks, and before the Corps and National Marine Fisheries Services (NMFS) promulgated their standards for docks and piers. Furthermore, Ecology completed its substantive review of the standards in the Redmond before the Army Corps of Engineers (ACOE) Regional General Permit 3 dock standards were developed. The more recent SMPs must take into account that growing body of information and the standards required by the ACOE, NMFS and Washington State Fish and Wildlife.

It is also important to point out that Redmond's standards are actually more size-limited than any other Lake Washington or Lake Sammamish jurisdiction. Redmond's overall dock size for the Single Family zone is limited to a maximum dock area of 480 sq feet and a maximum length of 80 feet from the shoreline or a length necessary to reach a water depth of 13 feet below OHWM, whichever is lesser. This dock area is further limited by requirements based upon lot size and the dock length to get to a depth of 13 feet (see attached excerpt from the Redmond SMP on these calculations). Given these limitations, the owner may want to construct a 4 foot wide dock in order to place a float and recreation areas at the end of the dock. Finally, although Redmond may have a 6' width standard in their SMP, a new or replacement dock is also subject to Corps review and, as such, would trigger the 4' standard in the Corps Programmatic permit or special review requirements with NMFS for impacts on ESA listed salmon.



# Single Family Residential Regulation from the City of Redmond SMP

- (4) Floats. Where allowed, residential floats or over-water platforms may not exceed 60 square feet in area, except that where a lot does not have a pier or dock, floats may not exceed 80 square feet. Floats and over-water platforms must be located no closer than five feet from a property line, and no further waterward than the waterward extent of the primary pier or dock, or than the point where the water depth reaches 13 feet, whichever is less.
  
- (5) Maximum Coverage. The maximum total water coverage by piers, docks and floats per lot shall be as follows (see Figures 1 and 2):
  - (a) In single-family residential zones: The lesser of 20 percent of the area bounded by the line of ordinary high water, the waterward projection of the side property lines, and the waterward extremity of the pier projected parallel to the line of ordinary high water or 480 square feet. Small finger docks attached to the main pier and floats shall be included in this maximum area.
  - (b) In multiple-family residential zones: The lesser of 25 percent of the area bounded by the line of ordinary high water, the waterward projection of the side property lines, and the waterward extremity of the pier projected parallel to the line of ordinary high water or 960 square feet. Small finger docks attached to the main pier and floats shall be included in this maximum area.

**Figure 1: Example Maximum Pier Coverage  
Single Family Residential Zones**

