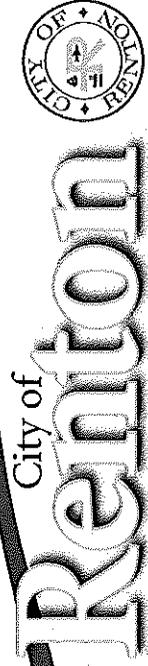


Denis Law
Mayor



Department of Community and Economic Development
Alex Pietsch, Administrator

January 20, 2011

RECEIVED

JAN 21 2011

DEPT OF ECOLOGY

Barbara Nightingale, Regional Shoreline Planner
Washington State Department of Ecology
Northwest Regional Office
3190 160th Ave SE
Bellevue, WA 98008

Re: Response to public comments received during Ecology's comment period ending December 17, 2010 on the September 27, 2010 locally approved City of Renton Shoreline Master Program

Dear Ms. Nightingale;

On December 29, 2010 the City received your transmittal of the comments from the public comment period held by Ecology that ended on December 17th. Enclosed is the summary of comments that you provided with responses from the City added in a new column on the left.

In these comments you will find a few minor revisions to the SMP document that the City is willing to make in response to the comments received. These changes do not change the policy direction of the document, but instead are clarifications that could be added to enhance understanding of the regulations that have been proposed.

Please accept these responses and initiate the next step of the process, which is to issue findings of fact and conclusions of law consistent with WAC 173-26-120(7) requirements.

Sincerely,

Erika Conkling, AICP
Senior Planner

Matrix of Public Comments Received by Ecology (November 15, 2010 through December 17, 2010) on the September 27, 2010 Locally Approved City of Renton SMP

Commenting Party	SMP Topic	Policy or Regulation	Issue	Renton's Response
Muckleshoot Tribe Karen Walter	Dredging	SH-36 Allowing changes to water depth to foster recreational aspects.	Could result in dredging or filling, which will likely result in adverse impacts to fish habitat.	Policy SH-36 which allows for the water depth to be changed for recreation is subject to two major conditions. The first is that the policy itself states that it is subject to not net loss of ecological functions, which includes functions for fish habitat- the major concern of the Muckleshoot Tribe. Secondly, Objective SH-G limits the policy to water-oriented recreational activities that facilitate public use of the shoreline. Public use and enjoyment of the shoreline is one of the major goals of the SMA and as such must be balanced with the other SMA goals, including the protection of the resource. Furthermore, the regulations that implement this policy set adequate controls to prevent its misuse. Section RMC 4-3-090D.2.a <i>No Net Loss of Ecological Functions</i> defines no net loss to include the preservation of fish habitat functions, to set requirements for impact evaluations and to apply mitigation sequencing. RMC 4-3-090F.3 <i>Dredging</i> set limits on dredging, further limiting the implementation of this policy in subsection v. to areas of public access, but limiting the use of dredging to create new moorage in subsection c. and there are additional review criteria to ensure dredging meets the test of no net loss.
	Overwater Trails	Shoreline Use Table 4-3-090. E. 1 (page D-56) allows overwater trails.	Potential for overwater trail to become large pier or dock structure affecting juvenile salmon habitat.	Overwater trails are allowed as a method of providing public access. They are regulated in RMC 4-3-090E.9 <i>Recreation</i> . Although all of the standards of this section would apply to overwater trails, subsection c. specifically deals with over-water structures. In this case they are allowed if they allow substantial numbers of people to enjoy the shoreline, are not located in areas of ecological sensitivity (especially habitats), and they must result in no net loss of ecological functions. Section RMC 4-3-090D.2.a

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				<i>No Net Loss of Ecological Functions</i> defines no net loss to include the preservation of fish habitat functions, to set requirements for impact evaluations and to apply mitigation sequencing. These performance standards are in place to prevent affects on juvenile salmon habitat.
	Helipads	Shoreline Use Table 4-3-090.E.1. (page D-57) allows helipads for SFR designation 4-3-090 E.10f.iv (page D-94)	Want helipads prohibited in all designations, particularly aquatic, to protect salmon habitat. Helipads are not appropriate along SFR shorelines.	Helipads should be considered a water-related use in the area along Lake Washington. According to FAA regulations, the only way a helicopter may be safely operated in a congested area is if it has a safe, clear area for approach for take-off and landing. Although the clear area does not necessarily need to be a body of water, and thus a helipad would not be water-dependent use, Lake Washington does provide the necessary clear area for approach, and thus becomes a water-related use. Other personal aviation uses, such as the operation of sea-planes, are allowed in the SMP, and the City heard directly from Lake Washington residents in 2008 that aviation uses are an important part of the character of living on the shoreline. Safe operation of a helipad would take place within shoreline jurisdiction, but outside of the required buffer and near shore area. Additional buildings or impervious surface coverage built for the helipad would be required to meet shoreline development standards in RMC 4-3-090D.7.a, as well as the vegetation conservation provisions in RMC 4-3-090F.
	Dock and Pier Design Standards – width & length dimensions	4-3-090.E.7.d (page D77-81) Pier and dock design standards	Missing footnote 4 and request standards to mirror ACOE RGP 3. Requests additional language to require new and redeveloped docks to fully mitigate for salmon habitat impacts.	Footnote 4 was eliminated from the SMP, and so references to it in the table RMC 4-3-090E.7.d <i>Design Standards</i> are a scrivener’s error and should be removed prior to final adoption. Initially, the City of Renton SMP proposed regulations for docks and piers that mirrored the standards in the US Army Corps of Engineers RGP-3. After hearing public input, however, the standards were modified slightly. Most of

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				<p>the properties along Lake Washington already have docks that exceed the standards of the RGP-3, including docks that were permitted by the USACE under the RGP-3. Property owners were concerned about implementing regulations that would create non-conforming docks and make it difficult to get existing docks repaired and replaced. In such a circumstance, the dock standards in the SMP still result in an improvement over the current circumstance. Docks on Lake Washington would still be subject to the RGP-3 and are required to receive a permit from the USACE, which includes mitigation for impacts to habitat for those docks that do not meet the RGP-3 standards. Additionally, docks in other portions of our planning area, such as Lake Desire, are not subject to the RGP-3 and do not directly affect salmon habitat.</p>
	Pier & Dock Variances	4-3-090.E.7.g. (pages 82-83)	Requests variance only to be allowed if no other alternative & fully mitigated impacts.	<p>Please note, a scrivener's error is noted in this section that should be corrected prior to final adoption. Subsection ii.a should reference RMC 4-9-190I.4.</p> <p>This concern is already addressed. Subsection ii.c notes that all variances must meet the general criteria for new and expanded piers and docks in RMC 4-3-090E.7.a. Within that section, subsection vi. Indicates that that there shall be no net loss of ecological functions and that all impacts shall be mitigated. Subsection viii. limits docks to the minimum necessary to provide moorage.</p>
	New utilities pipeline and cables	4-3-090 E.11a.xv (page 3-97)	New utilities on shorelines, where no other feasible options exist, should be required to fully mitigate impacts.	<p>Subsection xii. notes that <i>"utilities shall be located, designed, construction, and operated to result in no net loss of shoreline ecological function with appropriate on- and off-site mitigation including compensatory mitigation."</i> According to RMC 4-3-090D.2.a <i>No Net Loss of Ecological Functions</i> impact evaluation and mitigation sequencing are also part of ensuring no net loss.</p>
	Vegetation	4-3-090 F.1.i.v (page	30% view standard applied to trees is too high and will limit	This provision is limited in application to existing lots and

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	Conservation	D-112)	successful riparian restoration.	existing residences. It provides a way to accommodate restoration and balance it with private property concerns such as the protection of views and visual access to the water. In most cases, any shoreline restoration effort would be a vast improvement over existing conditions, whether large native trees were included or not.
	Cedar River Levee Project		Wants SMP to acknowledge conflict between SMA and ACOE levee maintenance and indicate how City will work with ACOE to resolve problem.	The Vegetation Conservation Buffer Standards by Reach Table in RMC 4-3-090F.1 directs the City to establish a comprehensive vegetation management plan prior to the issuance of shoreline permits for flood control activities. Presumably this would include working with the USACE regarding levee maintenance.
Puget Sound Energy Cody Olson	Trails on utility rights-of-ways	SH-43 (page A-28)	If a utility is on an easement, the utility does not have land rights to grant trail rights to anyone.	This policy speaks to the need to connect trails in the shoreline environment with other trail networks that exist in the community, which could include, as an example, trails along utility corridors. It would not require utility corridors without trail rights to grant them.
	Cooperative Restoration	SH-49 (page A-30)	PSE wants to be among other listed organizations as a Restoration cooperator.	The policy is broad enough that it could be interpreted that PSE would be included, but the City would be amenable to a change in the policy that read (area underlined is added to the existing language): " <i>A cooperative restoration program among local, state, and federal public agencies; tribes; non-profit organizations; corporations; and landowners should be developed to address shorelines with impaired ecological functions.</i> "
	Utilities	4-3-090 D.2.d.ix.a 9 (page D-18)	Confirms this to be an appropriate section to allow necessary utility infrastructure with environmental protection through other SMP provisions.	This section would allow utility infrastructure in wetland areas within shoreline jurisdiction where it was necessary, and if impacts are mitigated. Section RMC 4-3-090E.11 <i>Utilities</i> specifies the rules for utilities through non-wetland portions of the shoreline.
	Defining Utility as specified use.	4-3-090.E.1 Shoreline Use Table (page D-57)	PSE needs to continue to operate utilities in Natural designation.	In Renton's SMP the only area with a Natural designation is the Black River Riparian Forest, and there are very limited existing utilities in this area. This table would prevent the establishment of new utilities in the Natural designation,

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				but would not prohibit the continued use and maintenance of utilities that already exist.
	Continue uses in May Creek and Cedar River UC areas.	4-3-090 .E.1 (page D-57)	"Major Service Utilities" not specified in Shoreline Use Table and as a use not specified, appear to be prohibited in natural and Urban conservancy environments. PSE has facilities crossing May Creek and the Cedar River in UC designations. Requested conflict resolution.	This would prevent the establishment of new major service utility facilities in the Natural and Urban Conservancy designations, but would not prohibit the continued use and maintenance of major service utilities that already exist. There are additional performance standards for major utilities in RMC 4-3-090E.11.c that existing facilities would need to comply with. The City would be amenable to adding a line to the Shoreline Use Table for Major Service Utilities that was as follows: <i>Natural: X</i> (note: existing would still be allowed) <i>Urban Conservancy: H⁶</i> <i>Single-Family Residential: H⁶</i> <i>Aquatic: H⁶</i> The notes that already apply to High-Intensity and High-Intensity Isolated would be applied.
	Utility upgrades to allow for growth	4-3-090.E.11 (page D-94)	Unclear if SMP always allows for upgrading existing infrastructure to accommodate growth in energy demand.	When growth occurs, upgrades to utility systems may be inevitable. The SMP does not wish to prevent necessary upgrades to utility infrastructure, only to locate it in such a way that the least impact is created within the shoreline. Subsection c.i.(a)(2) indicates that major utilities with overhead high-voltage transmission lines should be relocated outside of the shoreline where feasible when upgraded. Subsection a.vi. states that utilities should be located in existing rights of way and corridors whenever feasible. Either of these rules may be applied depending upon the specific situation.
	Utility Criteria	4-3-090. E.11.a.ii (page D-95)	Should "regional utility systems" be replaced by the phrase "major utility systems?"	The City agrees that this change should be made to provide better consistency in the document.
		4-3-090.E.11.a.vii. (Page D-95)	Add section to address "major service utility" facilities.	The City is amenable to replacing the term " <i>Utilities</i> " in subsection vii. with " <i>Local service utilities</i> " as suggested by PSE. There is a section on Major Service Utilities at RMC 4-3-090E.11.c.

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	Electric Installations	4-3-090.E.11.c.i.a.2 (page D-99)	Objects to power-line structure design being stipulated in SMP. New suggested wording.	PSE suggests this section be reworded: "The support structures for new overhead power lines should be designed with consideration given to minimizing aesthetic impacts, including options of compact configuration, when reasonably feasible." The subsection would be stricken that currently reads: " <i>Structure of overhead power lines shall be single-pole type with insulators and other facilities in as compact a configuration as feasible.</i> " The City is amenable to using similar language to that provided by PSE in this section: " <u><i>The support structures for new overhead power lines shall be designed to avoid or minimize impacts to shoreline areas.</i></u> "
	Vegetation Management	4-3-090.F.1.i (page D110)	WAC and National Electric Code (NERC) regulate clearances between vegetation and power-lines. Therefore PSE requests wording added to 4-3-090.F.1.i to allow for local and major service utility facility requirements.	Subsection i. states that vegetations should be retained and enhanced, except where alteration is allowed for a specific development proposal. Specific development proposals for utilities are covered RMC 4-3-090E.11 <i>Utilities</i> , in which subsection a.xv. governs vegetation conservation. It states native vegetation shall be maintained whenever reasonably feasible, which both requires native vegetation to be planted, but also allows for modifications if that is not reasonably feasible due to other state and federal requirements. This should accommodate the concern expressed in this comment.
Lawrence Raymond	Preserving fish and wildlife habitat and public access		Development around Lake Washington has precluded natural shoreline and impacted salmon runs. Wants to see everything possible done to allow development harmonious with the needs of sockeye, chinook and coho runs in May Creek and Lake Washington shorelines.	The SMP is intended to guide future development (including the redevelopment of existing uses and structures) away from development patterns that have negative impacts on the shoreline environment and towards less impactful, or even restored, conditions. Policies and regulations in the SMP have been specifically written to address no net loss of ecological functions and values, which includes the preservation of fish and wildlife habitat, and especially that of protected salmonid species.
Renton Shoreline Coalition (RSC)	Regulations		Painstaking collaboration between the City, RSC and stakeholders helped shape the present locally-adopted SMP.	The City spent a considerable amount of time addressing the concerns of the Renton Shoreline Coalition and

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<p>Bud Dennison. Also submitted 12-2-10 RSC letter.</p>			<p>All parties involved were recognized and thanked. Although, the RSC requested further revisions to alleviate restrictions on private property, the City stayed its course. The RSC requests that Ecology take no action that would further burden shoreline property owners.</p>	<p>produced a stronger document as a result of it. One of the strengths of the document is that the regulations allow multiple ways of achieving major policy objectives. In most cases of private development, applicants can proceed along a very prescriptive and predictable path for development, or they can choose to suggest other alternatives that may require more review, mitigation, or trigger additional requirements to comply with the SMP. This provides a route that allows both predictability as well as route that provides flexibility, while meeting major goals of the SMA such as environmental protection and public access. Another strength of the document is that it provides a reasonable way of allowing for changes to existing, non-conforming development while mitigating for the impacts on that development.</p>
<p>Anne Simpson</p>			<p>Also submitted written copy of above-cited RSC letter.</p>	<p>See response above.</p>
<p>Laurie Baker</p>	<p>Public Participation</p>		<p>Complaints on update process.</p>	<p>Science is an evolving field, and shorelines are a dynamic environment, resulting in much debate over the correct science used in preparing SMPs. The City and its consultants carefully followed the SMP guidelines in preparing Renton's Shoreline Inventory and Assessment. The scientific resources that were used in this document were those from well accepted sources including: state and federal agencies, locally adopted documents related to salmon recovery and watershed management, and peer-reviewed articles. Although Ms. Baker identified a few, minor errors in some of the inventory maps (which were later corrected), these errors did not invalidate the information in the inventory, nor did they alter the conclusions drawn from that information that were used to prepare the SMP. In fact, this was an example of the benefits of the public participation process used throughout the SMP update.</p>

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				<p>The City conducted a public participation process according to its public participation plan, including multiple forms of outreach to residents, property owners, businesses, and interest groups. The entire process was documented and is available for review. Many of documents are also available on the City's website. The quality of the SMP benefitted from the public participation program.</p>
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