April 6, 2011

Ted Sturdevant
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

RE: City of Renton Comprehensive Shoreline Master Program Update, Resolution Number 4067

Dear Mr. Sturdevant:

Thank you for your department’s thorough review of Renton’s Shoreline Master Program (SMP). Renton appreciates the hard work of your staff in helping to review the city’s SMP and guide us through the adoption process. Barbara Nightingale, in particular, has been a helpful partner throughout the development of Renton’s SMP.

At this time, the City of Renton agrees to all of the recommended changes proposed by the Department of Ecology in Attachment C of your letter dated March 9, 2011. Additionally, the city accepts the majority of required changes in Attachment B of the same letter. However, the city wishes to propose an alternative to required Change 1 (Overwater Trails) and strongly urges reconsideration of Change 6 (Width of Single-Family Docks and Piers).

Change 1 – Overwater Trails

The purpose of required Change 1 is to limit overwater trails within the City of Renton. Currently in the SMP use table (4-3-090E.1) public hiking and bicycle trails, including overwater trails, are considered as a single category. If the required change stands it would state that overwater trails are only permitted over stream/creek mouths draining to Lake Washington, and that overwater trails parallel to Lake Washington are prohibited.

Renton already has a variety of overwater trails that are a key feature in providing public access to the water and shoreline. This includes overwater trails at Gene Coulon Park on Lake Washington and those that provide access to the south side of the Cedar River as the north side runs along Maple Valley Highway. The required language would make these essential public access features non-conforming uses, thus preventing their eventual replacement, which would result in a loss of public access to the shoreline.

In addition, the SMP’s Public Access standards (4-9-090D.4.f) specify trails parallel to the shore in some shoreline reaches. In many cases these trails may not need to be overwater, but in some cases it may be necessary. For example, Lake Washington Reach I is the planned future home to the completion of the Sam Chastain trail that links Gene Coulon Park with the Cedar River Trail. Completion of the Sam Chastain trail would provide a wonderful opportunity for the public to enjoy these unique shoreline environments, but may require overwater structures. Renton would like to preserve the ability to have a limited number of overwater trails to provide public access in accordance with the Shoreline Management Act’s preference for increased public access to publicly owned areas of the shoreline (RCW 90.58.020).
Although Renton’s SMP does not provide a limit on the quantity of overwater structures, certain performance standards must be met. In the specific use standards for recreation (4-9-090E.8.c) Renton’s SMP already limits overwater structures to those that: allow substantial numbers of people to enjoy the shorelines of the state, are not located in ecologically sensitive areas, are integrated with other public access features, and will result in no net loss of ecological functions.

However, the city understands the need to limit the number of overwater structures in the shoreline. As a result, the alternative language on the attached sheet is proposed to limit the creation of new overwater structures in Renton’s shorelines. This alternative would limit overwater trails to existing or planned trail networks, require full mitigation, and require the structure to obtain a conditional use permit, which would allow DOE final oversight. These reasonable restrictions would still provide for protection of the resource and limit overwater structures, while allowing for increased public access opportunities.

**Change 6 – Width of Single-family Docks**

Change 6 reduces the allowed width of a single-family dock from 6 feet wide to 4 feet wide. This change allows docks to be wider outside of the nearshore if approved by other permitting agencies and allows the entire dock to be wider for residents with disabilities.

There is no mandate in the Shoreline Management Act, or in the SMP guidelines, to specify docks of a particular size. Instead the standard that must be met is to achieve no net loss of ecological functions and processes. Although experts have shown that overwater coverage may impact ecological functions and processes, there is no definitive conclusion that there is less impact from a dock that is 4 feet wide than from a dock that is 6 feet wide, particularly when docks are constructed with light-permeable surfaces as would be required by the Renton SMP. In fact, the Department of Ecology approved 6 foot wide docks for Lake Sammamish in the Redmond SMP. From this, it is reasonable to conclude that it is possible to achieve no net loss and allow 6 foot wide docks.

Dock width is a very important issue for stakeholders in Renton. Residents expressed a multitude of safety concerns associated with 4 foot wide docks for anyone unsteady on their feet, including the disabled, children, elderly, or able-bodied adults needing to carry equipment or supplies. While we appreciate the department’s allowance of 6 foot wide docks when residents of a single-family property have a disabled parking permit, this does not accommodate property owners who have family members or guests that are disabled. Additionally, there is concern about the inconsistencies that could be created by allowing 6 foot wide docks for residents with disabilities since residents often change and since disability status may change over time, especially as people age. A dock represents a major investment and is expected to last 20 to 30 years, but the disability status of the home’s occupants could change times during that period.

Most of the single-family homes on Lake Washington have existing docks, and nearly all of them are larger than 4 feet wide. As a result, the existing docks would be non-conforming structures that could conduct minor repairs over time, but major repairs (that exceed 50% of the dock) would require full replacement. Replacement is a very expensive cost that would eventually be incurred by the majority of the homeowners on Lake Washington if the maximum width for.
single-family docks is reduced to 4 feet. Likewise, moving and replacing the pilings in order to narrow the docks for replacement would result in disruptions to the nearshore habitat.

The Renton SMP built in an alternative measure to reduce the impacts from overwater coverage related to single-family docks. Repair standards in 4-3-090E.7.e require the replacement of solid decking with light penetrating materials when repairs exceed more than 30% of the surface area. This would be applied to all docks, and over time existing solid surfaces would be replaced with light penetrating materials. Consider that Renton’s Inventory and Analysis shows there are 79 existing docks on Lake Washington within Renton City limits, and 14 properties currently without a dock. New docks 6 feet wide would result in an insignificant increase in overwater coverage in the nearshore. With two additional feet of depth over the nearshore (30 feet), 14 new docks would create an 840 square foot impact, which would be mitigated with light penetrating materials. In addition, there will be a significant benefit from upgrading existing docks from solid coverage to light penetrating materials. Seventy-nine upgraded docks that include 3 feet of grating would result in a 7,110 square foot benefit in the nearshore. Please balance the positive impacts of the repair standard with the allowance for slightly wider and safer 6 foot wide docks.

Summary
Renton believes that it presented a strong Shoreline Master Program to the Department of Ecology. Part of the strength of the document is that it balanced stakeholder concerns with the requirements of the Shoreline Management Act while still meeting the test of no net loss of ecological functions and processes. This is not an accident, but the product of many hours of public meetings, stakeholder negotiations, and consultant reviews. While most of the recommended and required changes to the SMP represented clarifications of the City’s intent, the required changes involving overwater trails and the width of single-family docks represent the substantive changes that disrupt the balance of the SMP. In the case of overwater trails, the change severely impacts public access, so alternative language is suggested in Attachment A. In the case of dock width, the City arrived at a solution through the public process to reduce the impacts of docks while still allowing a maximum 6’ dock surface. The City believes that even with 6’ docks, there will be a net improvement in ecological functions and processes overtime and strongly urges Ecology to reconsider these provisions.

Sincerely,

Denis Law
Mayor

DL:aa

Enclosure

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

11-057
### Required Change by Ecology:

<table>
<thead>
<tr>
<th>Natural</th>
<th>Urban Conservancy</th>
<th>Single-Family Residential</th>
<th>Aquatic</th>
<th>High Intensity</th>
<th>High Intensity Isolated</th>
</tr>
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<tbody>
<tr>
<td>H¹</td>
<td>p¹</td>
<td>p</td>
<td>p²</td>
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</tbody>
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Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning, require the corresponding shoreline conditional use permit.

### Public hiking and bicycle trails, including overwater trails only over stream/creek mouths draining to Lake Washington. No overwater trails parallel to Lake Washington.

Except for the land uses specifically prohibited in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.
### Alternative language proposed by the City:

<table>
<thead>
<tr>
<th>Natural Conservancy</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Public hiking and bicycle trails over land, including overwater trails</td>
<td>H&lt;sup&gt;1&lt;/sup&gt;</td>
<td>P&lt;sup&gt;1&lt;/sup&gt;</td>
<td>P</td>
<td>P&lt;sup&gt;8&lt;/sup&gt; X</td>
<td>Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning, require the corresponding shoreline conditional use permit.</td>
</tr>
<tr>
<td>Expansion of existing overwater trails</td>
<td>H&lt;sup&gt;10&lt;/sup&gt;</td>
<td>AD&lt;sup&gt;10&lt;/sup&gt;</td>
<td>AD&lt;sup&gt;10&lt;/sup&gt;</td>
<td>AD&lt;sup&gt;10&lt;/sup&gt;</td>
<td>AD&lt;sup&gt;10&lt;/sup&gt; X</td>
</tr>
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</table>

10. No new overwater trails shall be allowed unless it is part of the expansion of an existing overwater trail or overwater trail system. Such expansions shall be considered a conditional use if allowed in the Public Access Requirements by Reach Table at RMC 4-3-090D.4.f and if impacts are mitigated.