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 27th Street on the north to SW 31st 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
The objectives and regulations of these new shoreline designations limit development to protect presently intact ecosystem functions and allow the continuation and redevelopment of existing uses, using new standards, to protect existing ecological conditions and enhance degraded functions through incentives and regulatory requirements. The SMP regulations are both reach and designation specific. This approach is based on the inventory and characterization and carried through into the regulations in a methodical way to achieve no net loss of present ecological functions with new development or redevelopment. Table 1, below, provides an example of the City’s designation-specific regulations. See Pages D-45 through 51 of the SMP Regulations for the full version of this table. The City has divided Renton’s SMP shorelines into 25 reaches. Table 2 provides an example, using only five reaches, of this reach-specific methodology. See Pages D-114 through 117 of the SMP Regulations for the full version of this table.
Table 1. Designation-Specific Regulations

<table>
<thead>
<tr>
<th>Setbacks and Buffers</th>
<th>Natural</th>
<th>Urban Conservancy</th>
<th>Shoreline Single Family</th>
<th>High Intensity</th>
<th>High Intensity Isolated</th>
<th>Aquatic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structure Setback from Ordinary High Water Mark (OHWM)-Minimum¹</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>None²</td>
<td>None²</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Water-dependent Use</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>100 ft.³</td>
<td>100 ft.⁴</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Water-related or Water Enjoyment Use</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>100 ft.³</td>
<td>100 ft.⁴</td>
<td>None</td>
<td></td>
</tr>
<tr>
<td>Non-Water-oriented Use</td>
<td>100 ft.</td>
<td>100 ft.</td>
<td>100 ft.³</td>
<td>100 ft.⁴</td>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

Front Yard, Side Yard, and Rear Yard Setbacks:
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.

| Vegetation Conservation Buffer | 100 ft. | 100 ft. | 100 ft.³ | 100 ft.⁴ | None | |
|-----------------------------|---------|---------|---------|---------|-------|

Building Height - Maximum
In water
Not allowed | Not allowed | 35 ft.⁵ | 35 ft.⁶ | 35 ft.⁶ |

Within 100 feet of OHWM
Not allowed | Not allowed | 35 ft.⁷ | 35 ft.⁸ | Governed by underlying zoning in RMC |

Table 2. Example of Reach-Specific Regulations

<table>
<thead>
<tr>
<th>SHORELINE REACH</th>
<th>Vegetation Conservation Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Washington</td>
<td>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.</td>
</tr>
<tr>
<td>Lake Washington Reach A and B</td>
<td>If areas redevelop, the full 100 foot buffer of native vegetation shall be provided, except where water-dependent uses are located.</td>
</tr>
<tr>
<td>Lake Washington Reach D and E</td>
<td>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.</td>
</tr>
</tbody>
</table>
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 10th 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 15th through December 17th 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:

- 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
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 WAC173-26-241(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-adoptation process and the City’s shoreline website (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.