June 13, 2011

Mr. David Pater, Shoreline Planner
Shorelands and Environmental Assistance Program
Department of Ecology, Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

Dear Mr. Pater:

The City of Federal Way has reviewed the comments received by the Department of Ecology on our Shoreline Master Program submittal and transmitted to us on April 27, 2011. This letter provides a response to the comments received. We have organized the responses to coincide with the numbered summary provided by the Department of Ecology.

Comment 1: Changes are needed to the Environment Maps to Protect Remaining Intact Areas
The shoreline environment designations were established early on in the SMP development process (2006/2007), and subjected to extensive public comment and Department of Ecology review. There were no required changes to our shoreline environment designations in the formal comments provided by the Department of Ecology in early 2009.

We can appreciate the time and effort that Futurewise put into reviewing aerial photography and developing suggested changes. However, city staff and consultants also considered existing land use, existing zoning designations, and adjacent land uses. We also refrained from creating “spot zones” based on individual parcel characteristics, and from creating extensive areas of nonconforming development.

Comment 2: Proposed Setbacks are Inadequate to Protect Remaining Ecological Functions
Similar to Comment 1 above, the City considered existing development patterns and zoning designations and feels that the proposed setbacks are appropriate for an urbanized area with predominantly single family residential use.

Comment 3: Using Small Setbacks in Degraded Shoreline Residential Also Needs Compensation
Mitigation sequencing is covered in Federal Way Revised Code (FWRC) 15.05.040 and applies to all areas within shoreline jurisdiction. We believe the mitigation sequencing component of our SMP meets the requirements of the SMA.

Comment 4: Additional Concerns Regarding Critical Areas Protections
Critical areas protections were discussed at length with Department of Ecology staff. The critical areas regulations that were incorporated into the SMP provide the same protection as the critical areas regulations that apply throughout the city. At such time as the city updates its existing critical areas regulations (will occur as part of the 2014 major comprehensive plan update) it will consider the BMPs that are established at that time and update the SMP to make sure appropriate BMPs are also established for the Shoreline Environment.
Comment 5: Public Access Needs Changes to Meet the SMP Guidelines
We disagree with the conclusion that the city’s draft language is not consistent with WAC 173-26-221. The requirements for public access are intended to read as “requirements” not limitations whereby one can only provide public access under these circumstances. There are no industrial uses existing or allowed on Federal Way Shorelines, so no need to add use to the public access requirements.

Comment 6: Special Treatment for Restoration Needs to Exclude Non-restoration Facilities
The City of Federal Way desires to encourage restoration of the shoreline environment. Proposed restoration measures will be evaluated in their entirety. Elements of a restoration plan that do not contribute to restoration or perhaps offset restoration measures will be evaluated as part of the cumulative impact of the proposed restoration action. Establishing a separate review process for non-restoration components of an overall restoration plan, may have the unintended consequence of dissuading the undertaking of restoration activity.

Comment 7: Concerns Regarding Uses and Modifications
Comment noted. We believe the definitions of each of the environments, text within each of the environment sections, and the summary table are sufficiently clear for Federal Way. The predominant zoning designation within our shoreline area is single family residential. Areas designated “Natural Environment” are parks. We don’t have the complexity of uses and development characteristics that some of the other urban cities do.

Comment 8: Docks, Piers, and Boating Facilities Need Additional Limits
The regulations for docks, piers, and boating facilities were developed with consideration of the unique character of the city’s shoreline areas and limited use of docks and piers. This section was developed in consultation with Department of Ecology staff. Federal Way does not have the number nor variety of docks, piers, and boating facilities that other urban areas do, and we do not feel we need the additional complexity that is suggested by the comments to address future development or redevelopment or pier and dock structures.

Comment 9: Environment Maps Need to Also Cover Water Areas
The City invested a lot of time and energy in working with Ecology staff on this issue and is confident that it meets the needs of Federal Way and the intent of the SMA. There are no aquaculture uses in Federal Way and aquaculture is a prohibited use in our SMP.

Comment 10: Uses in the Natural Environment Need to be Limited to Very Low Intensity Uses
Comment noted. The updated SMP contains a Natural Environment definition and list of permitted uses for the Natural Environment along with the summary chart that we believe to be sufficiently clear. In addition, FWRC 15.05.070(3) lists prohibited uses in all shoreline environments. The Natural Environment designation is primarily applied to public park lands.

Comment 11: Paths and Trails Need to Protect Riparian Vegetation like Other Uses
The SMA encourages public access and also protection of the shoreline ecological functions. These goals can be in conflict with one another and balance must be achieved within the local SMP. There are very few public access points to Federal Way shorelines. If in the future additional sites become available for public access, it is likely that direct physical access to the shoreline will be desired and that access should be for all members of the public including the disabled. In some cases, topography may warrant that paths be located within shoreline setback areas. The city does not wish to prohibit physical access to the shoreline for the public, but would prefer to allow it to be provided subject to appropriate mitigation.
measures to ensure no net loss of shoreline ecological function that will be determined on a site by site basis.

**SUMMARY**

In summary, the City of Federal Way has spent hundreds of hours of staff, consultant, citizen, and elected officials’ time working on an updated SMP that works for Federal Way. It recognizes that the city’s shorelines are located in an urban area with urban characteristics and land use designations. The updated SMP however, provides significantly greater protection than the current standards and also greater clarity for property owners.

The updated SMP that was submitted to Ecology in December of 2010 was prepared to respond to formal Department of Ecology comments that were received in early 2009. The updated SMP was prepared in collaboration with Department of Ecology staff and we are confident that the updated SMP meets the intent and goals of the SMA. When the updated SMP documents were presented to citizens and elected officials for review prior to Department of Ecology submittal, very few comments were received from citizens and very few modifications were requested by our City Council.

We are confident that our SMP is appropriate for the unique characteristics of our community and upholds the intent of the SMA.

If you have any questions about the content of this letter, please contact Senior Planner Janet Shull at 253-835-2644 or janet.shull@cityoffederalway.com.

We look forward to receiving the formal Department of Ecology decision regarding our updated SMP and to implementing the updated program in the not-too-distant future.

Sincerely,

Patrick Doherty, Director
Community and Economic Development

c: Janet Shull, Senior Planner