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OCT 09 2008
COMMUNITY DEVELOPMENT

October 9, 2008

Jack Pace
City of Tukwila
Department of Community Development
6300 Southcenter Blvd., Suite 100
Tukwila, WA 98188

Re: Tukwila Shoreline Master Program

Dear Mr. Pace and Members of the Tukwila Planning Commission:

This office represents the Trustees of the Desimone Trust ("Desimone"). This letter will supplement our prior letter, dated August 27, 2008, with respect to comments on the Tukwila Draft Shoreline Master Program ("SMP").

As previously noted, Desimone owns more than a dozen industrial zoned parcels and one commercial parcel that border the Green/Duwamish River and would be impacted by the SMP. Three are located in Proposed Annexation Area North ("PAA") and the remainder are within the current City limits. Some are located in the area designated as High Intensity and the remainder are designated Urban Conservancy. Desimone opposes the SMP regulations as currently drafted, because they unreasonably restrict the use of the Desimone properties and significantly impact the economic viability of these parcels. Of particular note is that the public access requirements and extensive buffers affect a taking of private property for public benefit without compensation, which is contrary to law. Furthermore, the regulations are inconsistent with Tukwila's comprehensive plan, which emphasizes its identity as a regionally significant center for manufacturing, industrial, and commercial development. Finally, the plan has been produced without meaningful public participation in the process in contravention of state law. Desimone's objections are detailed further below.

1. The Proposed SMP Will Cause Substantial Economic Loss to Desimone.

The Proposed Draft Shoreline Master Plan, if adopted, will cause significant financial harm to Desimone. The most significant issue is the increase in the buffers by two to three times

EXHIBIT 25 DATE 10/9/08
PROJECT NAME
FILE NO

their current size. This will eliminate future development of two Desimone parcels and severely restrict redevelopment of others

Attached as **Exhibit A** is a list of Desimone properties impacted by the SMP except those parcels located in the PAA. Most of the Desimone property is located north of I-405 in an area of formerly unincorporated King County, which was annexed by the City. Those parcels are now subject to the current King County Shoreline Master Plan. The Barnaby's property, which is located on Strander Boulevard has always been in the City, and is subject to the City's current Shoreline Master Plan. Under the proposed SMP, the buffer for the Barnaby's parcel will more than triple in size from 40 feet to 125 feet. The buffer on the other parcels will double from 50 feet under the King County Shoreline Master Program to 100 feet.

The proposed SMP will render the current structures on three parcels, Airpro, Secret Garden Statuary, and Barnaby's, non-conforming. In the case of the Airpro Property, if there is a change in use, loss of tenant, or substantial destruction of the building, it cannot be redeveloped at all. Attached as **Exhibit B** are Figures showing the existing and proposed conditions on several Desimone properties. Figure 2 shows the location of the existing and proposed buffers on the Airpro property. Figure 2.A shows that, taking into account the 20 foot front yard setback, no developable property remains. The proposed SMP renders this parcel worthless. Although it can continue in its current use for some time, it cannot be redeveloped and therefore will have virtually no market value.

The impact on the Secret Garden Statuary Property is nearly as dramatic. Figure 3 in attached Exhibit B shows the existing buffer and proposed buffer. Under the proposed SMP, very little developable property remains.

Finally, Figure 1 shows the impact of the proposed SMP buffer area on the Barnaby's parcel.

The increased buffers will also severely impact other Desimone parcels even though it will not render any structures on them non-conforming. Figure 6 shows what is called the Fremont Property. Tax Parcel Number 0423049187 is rendered totally undevelopable. The buildable area on Parcel Number 0423049001 is severely reduced. The same is true of the Boeing property shown in Figure 5. Because the river is on three sides of the property, the SMP renders an additional ten percent of it undevelopable.

The potential negative financial impact of the proposed SMP on Desimone is not known at this time, but it will surely be huge. Just looking at the loss of land based on assessed value (which often lags market value) the loss of land alone is valued at $4,404,522. See **Exhibit C**. This does not even consider the much larger losses that will result from lost development potential of the properties. We expect that such losses will be in the tens of millions of dollars. For example, **Exhibit D** shows two concepts for possible redevelopment of the Barnaby's parcel before and after application of the proposed SMP buffer. The proposed office building depicted under the existing regulations is not the maximum size allowable. Rather it is a depiction of

what would likely be built under current market conditions and land use regulations for that location. These studies demonstrate the magnitude of the economic impact that the proposed SMP will have when considering redevelopment potential. In this example, the difference in potential value is $6,000,000.

The proposed changes in buffers and development standards not only impact Desimone, they will hurt the City as a whole. Many businesses that pay taxes and employ people will be unable to expand and will move away from Tukwila. Some viable businesses that suffer a catastrophe cannot be rebuilt at all causing taxes and jobs to be lost forever. In order to maintain some value, property owners will be forced to perpetuate outdated uses and structures creating urban blight. Lenders in this tight lending market will likely not lend on properties with nonconforming uses forcing prospective employers to look elsewhere to establish their businesses. Overall, the loss of viable businesses will erode the City's tax base, lower employment, and retard redevelopment of blighted or under utilized areas.

2. Meaningful Public Participation is Lacking.

Both the Growth Management Act ("GMA") and the Shoreline Management Act ("SMA") mandate meaningful pubic participation in the adoption of development regulations. RCW 36.70A.140 and RCW 90.58.130, respectively. The process used by the City of Tukwila ("City" or "Tukwila") falls far short of the process mandated by law. Tukwila relies upon a Shoreline Advisory Panel that was appointed in 1999 and that has not met since 2000. SMP §2.5. A lot has happened in the regulatory and economic arena since that time. Furthermore, according to those who were involved (see Comments 16 & 17), the Panel's recommendations were to make no changes to the plan that were more intrusive than that required by law.[1] The current draft SMP goes well beyond that recommendation to require extensive setbacks to accommodate remediation of flood control structures, enhancement of shoreline habitat and the provision of public access, at the property owners' expense.

We were not able to locate a public participation plan for Tukwila on its website. By way of example, we have attached as **Exhibit E** the public participation plans or timelines of Douglas County, King County and the City of Renton for the adoption of their SMP amendments. By contrast with the City's process, these other jurisdictions are taking their time and allowing significant, substantive opportunities to address these issues. Given the far-reaching nature of the SMP, the citizens of Tukwila and the affected property owners in particular, deserve a meaningful process that allows them to participate in a substantive manner, not just last minute Open Houses, which are designed for the unidirectional flow of information from the City.

We request that Tukwila adopt a meaningful public participation process that includes stakeholders meetings, proposals and alternatives, opportunities for comment, and consideration and response to those comments. The City should then send the SMP through that process.

[1] We were not able to locate any written minutes or other evidence of the Panel's recommendation on Tukwila's website.

3. The SMP Development Standards Exact Concessions That Go Beyond Those Necessary to Address Project Impacts in Violation of Constitutional and Statutory Limits.

"While local governments have authority to adopt regulations and withhold plat approval if conditions for development have not been satisfied, Washington courts have allowed such conditions only where the purpose is to mitigate problems caused by particular development." [Emphasis added.] *Citizens' Alliance for Property Rights v. Sims*, 187 P.3d 786, 794, 2008 WL 2651455 (2008) citing *Isla Verde Internat'l Holdings, Inc. v. City of Camas*, 146 Wash.2d 740, 763-764, 49 P.3d 867 (2002). The SMP as drafted goes far beyond addressing development impacts to require property owners within the SMP jurisdiction to bear the cost of flood control, public access and habitat enhancement projects that are not necessarily related to the impact of development. Requiring those public burdens to be borne by individuals rather than the public can constitute a taking of private property without compensation in violation of state and federal laws.

In *Nollan v. California Coastal Commission,* 483 U.S. 825, 107 S.Ct. 3141, 97 L.Ed.2d 677 (1987) the U.S. Supreme Court adopted an "essential nexus" test to evaluate whether or not development conditions constitute an uncompensated taking of private property in violation of the Takings Clause of the Fifth Amendment of the U.S. Constitution. In that case, the condition of requiring public access across the beach in front of the house that was being constructed did not have an essential nexus to the purported purpose of the condition, which was to mitigate the loss of visual access to the beach from the road. While providing visual access to the ocean was found to be a legitimate public interest, the condition imposed did not serve to address the impact. This left the Coastal Commission in the position of converting a valid land use regulation into "an out-and-out plan of extortion." *Nollan, quoting J.E.D. Associates, Inc. v. Atkinson*, 121 N.H. 581, 584, 432 A.2d 12, 14-15 (1981).

Not only must the regulation have an essential nexus to the legitimate public problem seeking to be addressed, but the exactions required must be roughly proportional to the projected impact of the proposed development. *Dolan v. City of Tigard*, 512 U.S. 374, 114 S. Ct. 2309, 2316, 129 L.Ed. 2d 304 (1994). In *Dolan*, the city's planning commission sought to require the dedication of all of the applicant's property within the floodplain and an additional 15 feet above the floodplain for a pedestrian/ bicycle path and additional property to improve a storm drainage system, in exchange for a permit to expand a retail store and parking lot. The dedication required roughly 10% of the property.

In analyzing the exactions, the Supreme Court found that the prevention of flooding and traffic reduction were legitimate public purposes for legislation. The Court also found that there was an essential nexus between limiting development along the flood plain and preventing flooding, as well as reducing traffic congestion and providing for alternative means of transportation. However, the exactions did not meet the second part of the analysis, which required the court to determine whether the degree of the exactions demanded by the City had the required relationship to the proposed impact of the applicant's development. The court examined how this relationship was analyzed by different states and determined that the

exactions must be roughly proportional to the impacts. "No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development." *Id.* 114 S. Ct. at 2319. The court concluded that requiring a recreational easement for the public was not sufficiently related to the city's goal of flood control and that the city had made no individualized determination in this regard.

The city also did not meet its burden to show that the additional vehicle or bicycle trips generated by the project were reasonably related to the requirement to dedicate the pathway. Generalized statements concerning impacts were not enough. The Court was not sympathetic to the fact that omitting the planned section of pathway across the applicant's property would conflict with the City's adopted policy of providing a continuous pathway system. The Court noted that "the Takings Clause requires the city to implement its policy by condemnation unless the required relationship between the petitioner's development and added traffic are shown." *Id.* at fn.10.

Washington courts have also required these types of determinations. In *Benchmark v. City of Battle Ground*, 94 Wn. App. 537, 549, 972 P,2d 944 (1999), the court held that the city's requirement for half street improvements as applied to Benchmark's project violated the takings clause of the Fifth Amendment, since there was no evidence that the project had any significant impact on the portion of the street at issue and therefore lacked the "essential nexus" required by *Nollan* and *Dolan.* The fact that the City had an ordinance requiring half street improvements on all frontage bordering the project did not eliminate the need for the City to make an individualized determination of the project's impact on the particular street segments at issue. The ordinance lacked rough proportionality because road frontage does not necessarily correlate to traffic impacts. *Id.* at 546.

RCW 82.02.020 specifically precludes taxes, fees or charges on the development of property except as allowed under RCW 82.02.050 - .090. The lack of an individualized determination with respect to shoreline enhancement (and other aspects of the plan) makes these SMP provisions subject to challenge as an invalid tax, fee or charge under RCW 82.02.020. In *Citizens' Alliance*, *supra,* King County's critical areas ordinance containing lot clearing limitations was held to be an invalid charge under RCW 82.02.020, since it failed to relate the clearing limit to the nature and extent of the proposed development on the lot. Although the essential nexus between habitat protection and clearing limits was established under *Nollan*, the rough proportionality requirement of *Dolan* was not satisfied.

Tukwila's draft SMP fails similarly by imposing conditions that in some cases have no essential nexus to the impacts and/or are not roughly proportional to the impacts of the development. There is no individualized examination of the impacts of the project, but rather, a one size fits all approach. Projects should mitigate their negative impacts, but conditions, which go beyond that, to require the enhancement of the shoreline for fish and wildlife or to enhance flood control or public access require a publically funded solution. The SMA recognizes that its goals may not always be accomplished by regulation due to constitutional limitations and

expressly authorizes the Department of Ecology and local jurisdictions to acquire lands and easements by purchase, lease or gift when necessary to achieve implementation of master programs. RCW 90.58.240.

4. The SMA Does Not Support Nor Does the Law Allow Jurisdictions To Require Habitat Enhancement.

The Green/Duwamish River channel has been highly modified during the last 150 years by the installation of levees and revetments, and straightening and dredging for navigation purposes. SMP §4.3, p. 19. Many properties have been fully developed to the 40 foot setback established by the City's 1974 SMP. SMP §4.4, p.22. Much of the native vegetation has been removed and replaced by non-native invasive species such as Himalayan blackberries. City of Tukwila Shoreline Master Program Shoreline Inventory and Characterization Report, ESA Adolfson, May 2007 ("Inventory") §4.2.4.

The SMP as drafted contains extensive provisions designed to enhance the shores of the Green/Duwamish River for fish and wildlife, including requiring benches in the levees to install vegetation and requiring the revegetation of the shoreline with native species. §9.10. The current degraded condition of the shoreline has existed for decades. While it is appropriate to ensure that property owner's developments do not contribute to the degradation of the existing situation, it is not appropriate to require property owners to remedy a problem they did not create.

The intent of the SMA is protection of the shoreline from development's impacts. The SMA does not authorize or mandate that jurisdictions require enhancement of those shorelines. In *Swinomish Indian Tribal Community v. WWGMHB*, 161 Wash. 2d 415, 166 P.3d 1198, the court refused to accept the Tribe's argument that the word "protect" in the GMA required counties to adopt critical areas plans under the GMA that would require enhancement of the critical areas as a condition of development. Similarly the SMA requires that master programs "[r]ecognize and *protect* the statewide interest over the local interest" and to "*[p]rotect* the resources and ecology of the shoreline." Emphasis added. RCW 90.58.020.

To require enhancement of the shoreline to fix a preexisting problem again fails to make the burden on the property owner proportional or even related to the impact of their development in violation of the constitutional principals of *Nollan* and *Dolan*.

5. Flood Control Is a Public Benefit That Must Be Borne By the Public.

"One of the principal purposes of the Takings Clause is 'to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole'" *Dolan, supra, quoting Armstrong v. United* States, 364 U.S. 40, 49, 80 S. Ct. 1563, 1569, 4 L.Ed.2d 1554 (1960). A major component of the SMP involves extracting large buffer areas to accommodate levee setbacks for redesigned flood control structures and fish habitat enhancement. The land use patterns that have set up the need for flood control in this

area were established long ago and involve many more properties than those subject to the SMP. In its study, prepared for King County Water and Land Resources Division, ECONorthwest determined that a one-day shutdown of economic activity in the King County floodplain areas would result in at least $46 million in foregone economic output in King County. Because most of the employees within the King County floodplain do not live in the floodplain, the economic shock of lost wages would extend to areas outside the floodplain in other King County communities.[2]

Due to the regional nature and importance of flood control to King County, it has most recently adopted the 2006 King County Flood Hazard Management Plan (January 2007) ("Plan") with the participation of affected cities such as Tukwila, which identifies and prioritizes projects within the various basins to repair and/or improve flood control. The Green River and projects related thereto are discussed at §5.9 of the Plan, and it notes the likely need for additional easement area to accommodate the projects. Chapter 7 of the Plan, which discusses available funding states that "King County's limited fixed funding sources jeopardize the ability to provide regional, comprehensive flood hazard management services to ensure protection of the public safety in the event of a flood disaster."

There is no doubt that the lack of funding for these important projects is unfortunate. However, the shortfall should be addressed by the legislature. It should not become the primary responsibility of property owners within the jurisdiction of the SMP to provide, without compensation, significant amounts of property to accommodate flood control projects, which benefit many property and business owners in the Lower Green River Valley and beyond. The impact of the required additional buffer and setback area is significant and in some cases will effectively destroy the economic viability of the parcel for commercial or industrial use.

While upgrading the levees is a legitimate governmental purpose, there is no nexus between requiring property owners to set aside property to update the levees and the applicant's desire to develop their properties. There is no rough proportionality or individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development as required by *Dolan, supra.* Rather what is present here is a governmental need with no corresponding funding and an attempt to "force some people alone to bear public burdens." There is little doubt that the City could condemn property for the purpose of upgrading the levees itself. The financial responsibility for doing so should be borne by the public at large.

For those who voluntarily undertake to upgrade levees in conjunction with their project, there should be significant incentives, which could include transfer of development rights, increased height allowances, credit against assessments by the Green River Flood Control District, and relief from other setbacks.

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[2] Economic Connections Between the King County Floodplains and the Greater King County Economy, Ted L. Helvoigt, Ph.D., October 2007, p. ii and Chapter 3.

6. Required Public Access Is Overreaching.

Apparently, Tukwila has a vision of a fabulous trail along the entire length of the river with benches and trees that will be an amenity for the entire city. But, unfortunately, it seeks to foist the cost of this public amenity onto the people who own property along the river.

The SMA has a policy to "[i]ncrease public access to *publicly owned*" areas of the shoreline." RCW 90.58.020. Emphasis added. RCW 90.58.100(2) provides that master programs shall "include, when appropriate . . .(b) A public access element making provision for public access to *publicly owned* areas." Emphasis added.

Tukwila's plan goes much farther and requires all private property owners except those developing nine or fewer residential lots to provide public access to their private property and/or to give over some private property to the public and then provide access to that. Does a commercial or industrial development automatically create a need for public access to the river? No. Does it automatically take away access that was available to the public before? No. It is conceivable that certain developments, for example a development that required the vacation of a street that ended at the river, could diminish public access to the river. In such cases, it would be appropriate to require mitigation for that impact, either by contributing to a fund dedicated to purchasing and improving river access or providing alternative public access on site or elsewhere. However, failing that, the SMP has yet again attempted to cause a few property owners to bear the burden of the City's perceived public problem of lack of river access.[3]

The public access provisions of the draft SMP suffers from essentially the same problems that the public access requirements in *Dolan* had and are therefore unconstitutional. As in *Dolan*, the fact that the City has a planned trail system does not obviate the City's duty to pay for access that is not necessitated by the proposed development.

Requiring public access is problematic not only from the standpoint of it being an illegal exaction, but it also carries with it a host of liability, safety, security and privacy issues, particularly for manufacturing and industrial uses. Such owners are required to go through a burdensome additional process to demonstrate that they should be exempt from the requirement. SMP §11.6. A more workable alternative would be to exempt industrial zoned properties from the public access requirement, and provide incentives for those that are willing and able to provide public access voluntarily. If the responsibility for ownership and maintenance of those public access areas remained with Tukwila and/or King County, much like King County has ownership and maintenance responsibility for the existing Green River Trail, owners would be more likely to participate.

[3] Excluding the regional trail system, 16.4 percent of the planning area is already developed as parks or designated as open space. Inventory §4.3.2.

7. The SMP Is Inconsistent With Tukwila's Comprehensive and Zoning Plans.

The City of Tukwila prides itself on its identity as a regionally significant center for manufacturing, industrial, and commercial development. SMP §4.4. However, the SMP will immediately and drastically devalue numerous properties intended for just that purpose. Most of the properties subject to the SMP were developed up to the 40 foot buffer of the original SMP. However, to accommodate upgrades to the levees and fish and wildlife habitat, the City is requiring a buffer of 100 – 125 feet. In addition, for those commercial and industrial properties located on the Green/Duwamish River (an identified fish and wildlife habitat corridor), an additional 15 foot building buffer setback (or 10 foot development setback) is required under §10.8 D. Building plans must further identify a 20 foot area beyond the buffer setback within which Tukwila will review the impacts of the development.

The end result will be that most of the developed properties will contain nonconforming structures. For tenants, purchasers and lenders this will be an immediate red flag that has the potential to send them looking elsewhere for a place to invest their time and money. Incorporation of the nonconforming use provisions of the Tukwila zoning code goes beyond what is required by the SMA. WAC 173-27-080(8), which sets forth the default provisions for nonconforming uses if not addressed in a jurisdiction's plan, provides as follows:

> If a nonconforming development is damaged to an extent not exceeding *seventy-five percent* of the replacement cost of the original development, it may be reconstructed to those configurations existing immediately prior to the time the development was damaged, provided that application is made for the permits necessary to restore the development within six months of the date the damage occurred, all permits are obtained and the restoration is complete within two years of permit issuance. [Emphasis added.]

By contrast the zoning code will not allow the structure to be rebuilt to its prior configuration, if the destruction is more than 50% of its replacement cost at the time of the destruction. TMC 18.70.050.

Under TMC 18.70.040(3) if a nonconforming use ceases to operate "for any reason" for a period of more than 6 consecutive months or more than 365 days in a three year period, the new use must be conforming. TMC 18.70.050(4) the vacation of a nonconforming structure for more than 24 months would necessitate compliance with the SMP for the structure. However, in the current economic climate, either of these scenarios, particularly for a commercial or industrial structure or use, would not be uncommon. These time limits should be expanded and eliminated if the new use results in no greater nonconformance than the use that it replaces.

8. Some Triggers for the Application of SMP Development Standards Are Arbitrary and Unrelated to Impacts.

While nonconforming status is problematic in and of itself, the minimal triggers for compliance with the development standards regardless of nonconforming status are of equal if not greater concern. Exterior alterations, which do not expand the structure or otherwise impact the shoreline, are set at 10% of assessed value. §9.1. This is a very low threshold and an alteration that has no impact on the shoreline. No exception is made for restoration following casualty. Assessed value often falls behind market value making this an even lower number relative to the value of the property. There is no connection between giving a building a "facelift" and its impacts on the shoreline. This trigger is simply designed as an arbitrary hook to extract the various concessions set forth in the SMP and should be eliminated.

The change in occupancy trigger is also arbitrary. If the use and structure have not changed, there is no impact to the shoreline from a change in the occupant. This is an arbitrary trigger, with no essential nexus to the impacts the SMA is designed to address in violation of *Nollan*. This trigger should also be eliminated.

Site modifications as a trigger, without more specificity, also have no relationship to impact. For example, SMP 9.1 mentions paving as the type of site modification that would require application of the standards. If the paving was already present and is just being redone, there will be no discernable impact. "Land alterations" is an undefined term that could be used to require SMP compliance for any number of actions which could have no impact at all.

9. Height Restriction Is Not Justified.

RCW 90.58.320 and WAC 173-27-140 provide that an SMP may allow heights in excess of 35 feet, when the views of a substantial number of residences are not impacted and when overriding considerations of the public interest will be served. Properties in the MIC/H zone are predominantly industrial and thus the protection of residential views is not necessary. The draft SMP limits structure height to 45 feet in the High Intensity and Urban Conservancy Zones. §9.3C. The underlying height allowed by the MIC/H zone, which many Desimone properties are designated, is 125 feet. TMC 18.38.080. The SMP is requiring a more than 50% height reduction for these properties. By reducing the available height, the economic viability of these parcels is all but lost. To compensate for height reduction, developers will be forced to design a building with a larger footprint, which is inconsistent with the plan's desire to provide visual, as well as physical access to the shoreline. See SMP Policy 5.6.9. It also decreases the likelihood of leaving portions of the site available for public access. The interests of the public will be served by keeping these properties available for viable job-producing activities.

10. The Requirement for Relocation of Service Doors and Parking Lots Is Not Justified.

Draft SMP development standard §9.3.B.3 and §9.9.B require that loading docks and service areas and parking lots be located on the landward side of the proposed development.

This is the exact opposite of historical site development in which the preferred location for such features was behind the structure from the street vantage point. Relocating such features is not just a matter of moving the doors, but will in many cases essentially require the redesign of the internal flow of the building, which is a very expensive proposition. The SMP offers no scientific basis for this requirement, which appears solely concerned with the aesthetic of the project when viewed from the river side and the City's proposed public access trail.

11. Tree Protection and Retention Requirements and Landscaping Requirements Are Onerous.

While tree retention is no doubt an important aspect of providing habitat, the tree protection and retention provisions as written make the assumption that because of their size particular trees are significant and have the potential to force a redesign of the site to accommodate them. The City is already requiring a significant set back from the river and extensive relandscaping within the buffer. To then require that the development also retain significant trees outside the buffer places an unreasonable burden on property owners. There does not appear to be much direction to the Director of Community Development or the Planning Commission as to when they should require alterations to the site plan, other than those trees that provide shading to the river. Such a provision, if allowed, should require the City to establish that the tree provides a significant ecological benefit in its current location that could not be mitigated by replacement trees or relocation of the existing tree, when feasible.

Any development or redevelopment within the SMP jurisdiction requires the removal of invasive vegetation and replacement with native vegetation "to improve the ecological functions of the shoreline." This would appear to be regardless of whether the project has any effect on the current River Buffer habitat. While this requirement is burdensome in and of itself and requires prohibited enhancement of the shoreline function rather than protection, the removal also must be done by hand and the maintenance burden falls to the land owner. As discussed above, the enhancement of the shoreline should be a public undertaking at public expense. The maintenance should also be controlled and performed by the City, which is better equipped to manage the shoreline vegetation in the manner that it prefers and in a coordinated fashion.

12. Conclusion.

Desimone opposes the SMP regulations as currently drafted. They unreasonably restrict the use of the Desimone properties and will cause significant and unfair economic harm. The extensive buffers and public access requirements constitute a taking of private property for public benefit without just compensation, which is contrary to law. Furthermore, the regulations are inconsistent with Tukwila's comprehensive plan, which emphasizes its identity as a regionally significant center for manufacturing, industrial, and commercial development. Finally, the plan has been produced without meaningful public participation in the process in contravention of state law.

Desimone respectfully urges the Planning Commission to recommend that City staff adopt a meaningful public participation process. As part of that process, the City should form a stakeholders group to engage in constructive dialogue with the Planning Department about the plan. Furthermore, any formal decision by the Planning Commission should be postponed until meaningful public participation can take place and a revised plan is produced.

Very truly yours,

Thomas F. Peterson

Enclosures

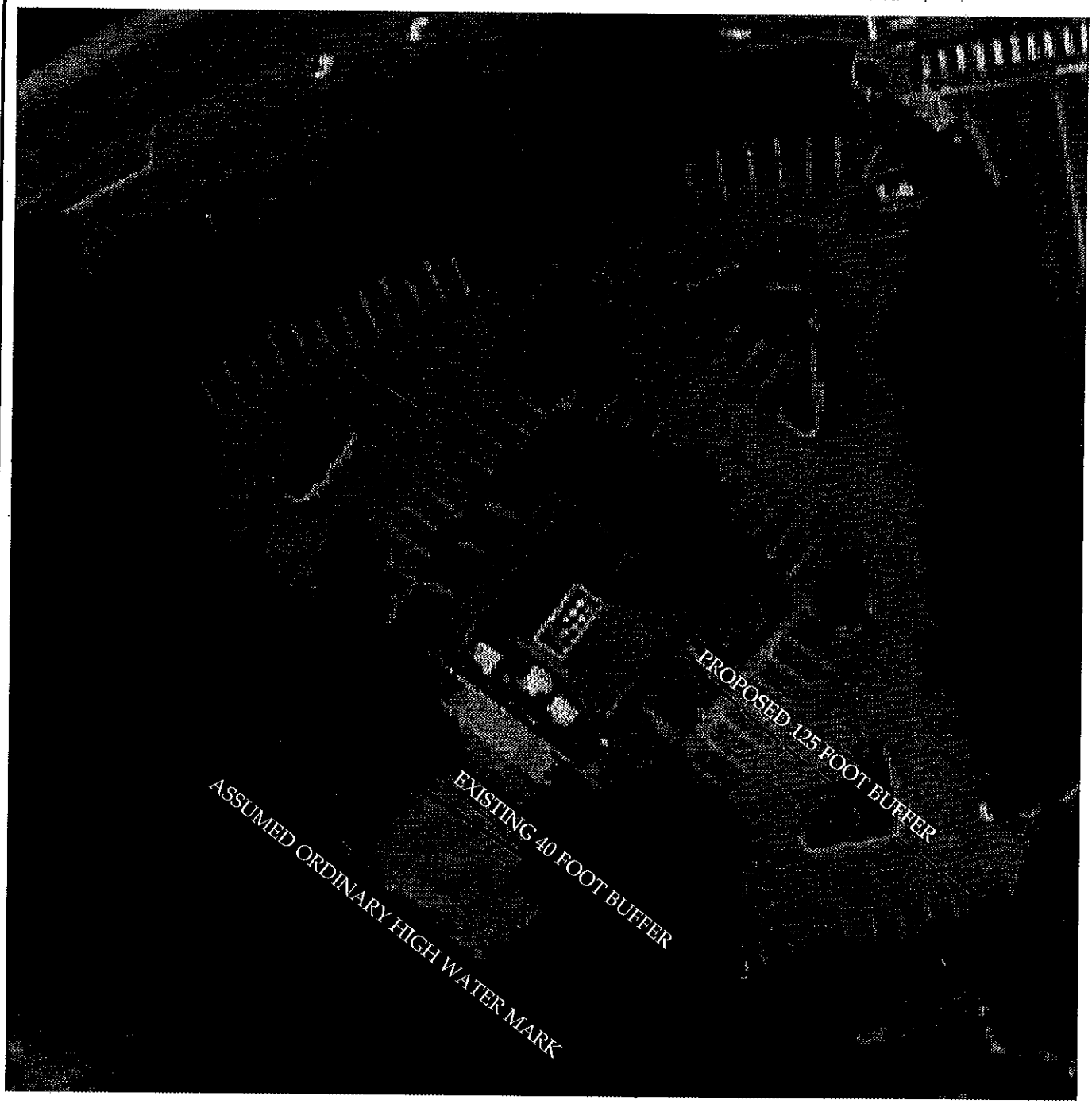
EXHIBIT A

ATTACHMENT A
Study Areas

Site #	Study Area Site Name	Parcel Numbers
1	Barnaby's	2523049007
2	Airpro	0423049083
3	Secret Garden Statuary	0423049169
4	Boeing East Marginal Way	5624200990
5	Boeing	0423049011 0423049150
6	Fremont	0423049187 0423049001 0423049073
7	Sabey	0423049190 0423049186 0423049189
8	Desimone	0423049057
9	Oxbow (combination of the following properties) Boeing Site #4 Fremont Site #5 Sabey Site # 6 Desimone Site #7	

EXHIBIT B

1. BARNABY'S STUDY AREA



Total Lot Area: 1.48 Acres
Total Buffer Area: 0.64 Acre
Total Area for Development: 0.84 Acre

N

1 INCH = 50 FEET

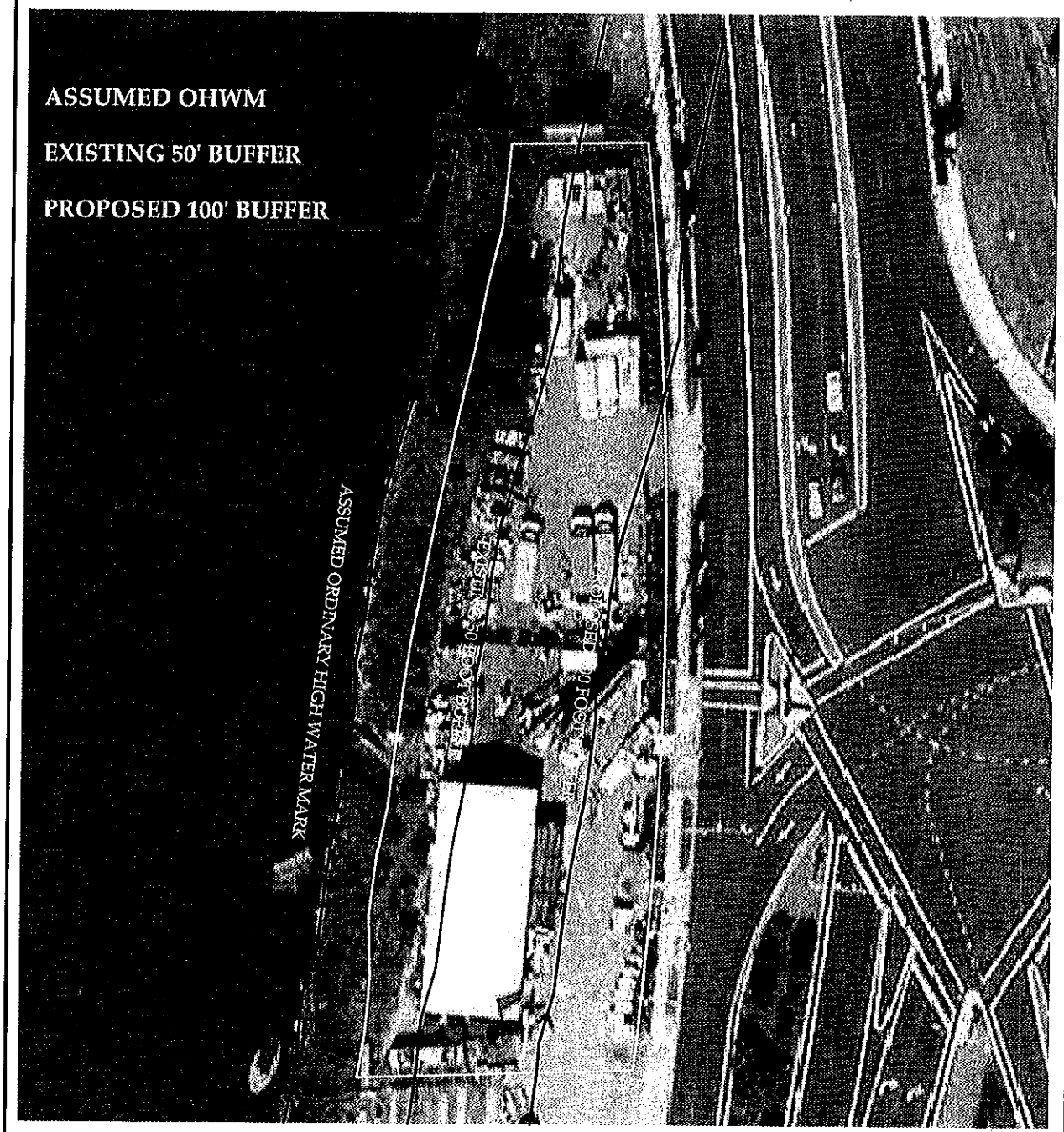
16401 W. VALLEY HIGHWAY
PARCEL NUMBER: 2523049007

PREPARED FOR BNY MELLON WEALTH MANAGEMENT OCTOBER 9, 2008
PREPARED BY R.W. THORPE & ASSOCIATES, INC.
705 SECOND AVENUE
SUITE 710
SEATTLE, WA 98104
T: 206.624.6239 | F: 206.625.0930

FIGURE 1

PROPOSED BUFFER

2. AIRPRO STUDY AREA



Total Lot Area: 0.85 Acres
Total Buffer Area: 0.69 Acre
Total Area for Development: 0.16 Acre

10625 E. MARGINAL WAY S.
PARCEL NUMBER: 0423049083

N

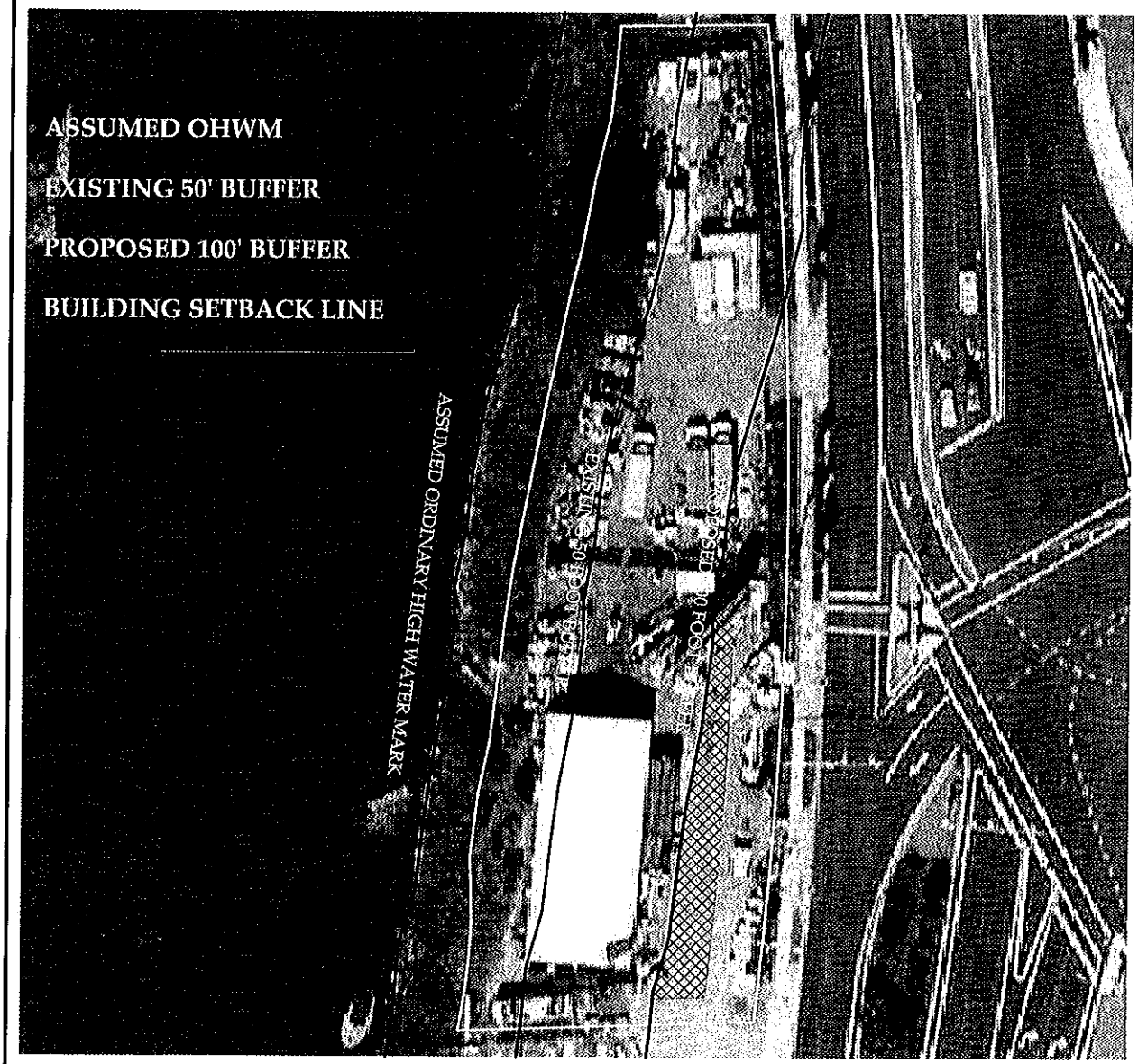
1 INCH = 20 FEET

PREPARED FOR BNY MELLON WEALTH MANAGEMENT OCTOBER 9, 2008
PREPARED BY R.W. THORPE & ASSOCIATES, INC.
705 SECOND AVENUE
SUITE 710
SEATTLE, WA 98104
T: 206.624.6239 | F: 206.625.0930

FIGURE 2

PROPOSED BUFFER

2.A AIRPRO STUDY AREA
NET DEVELOPABLE AREA



NO DEVELOPABLE PROPERTY REMAINS

Total Lot Area: 0.85 Acres
Total Buffer Area: 0.69 Acre
Total Area for Development: 0.16 Acre

10625 E. MARGINAL WAY S.
PARCEL NUMBER: 0423049083

N

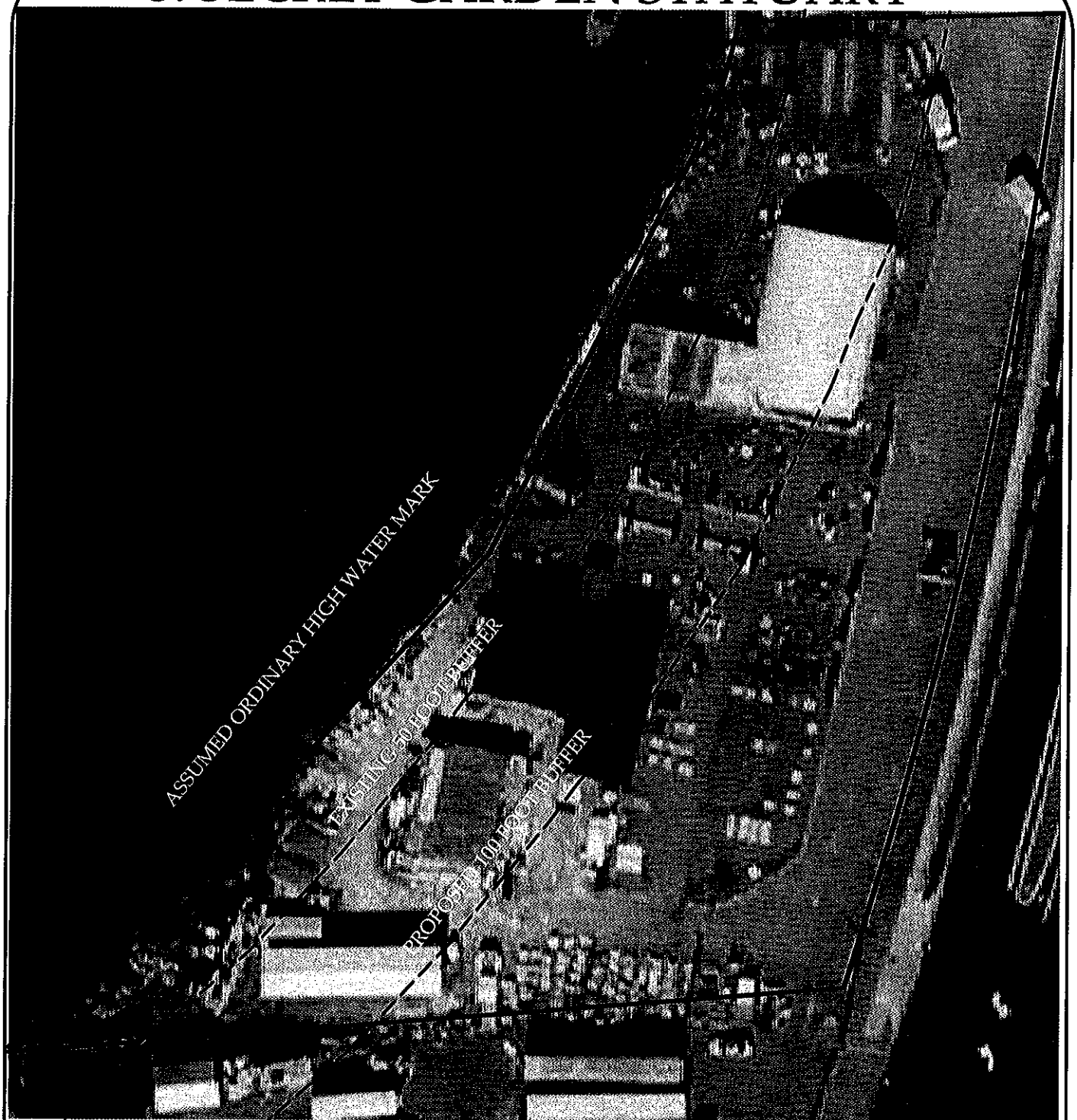
1 INCH = 20 FEET

PREPARED FOR BNY MELLON WEALTH MANAGEMENT OCTOBER 9, 2008
PREPARED BY R.W. THORPE & ASSOCIATES, INC.
705 SECOND AVENUE
SUITE 710
SEATTLE, WA 98104
T: 206.624.6239 | F: 206.625.0930

FIGURE 2.A

PROPOSED BUFFER

3. SECRET GARDEN STATUARY



Total Lot Area: 1.46 Acres
Total Buffer Area: 0.80 Acre
Total Area for Development: 0.66 Acre

N

1 INCH = 50 FEET

10655 TUKWILA INTERN. BLVD.
PARCEL NUMBER: 0423049169

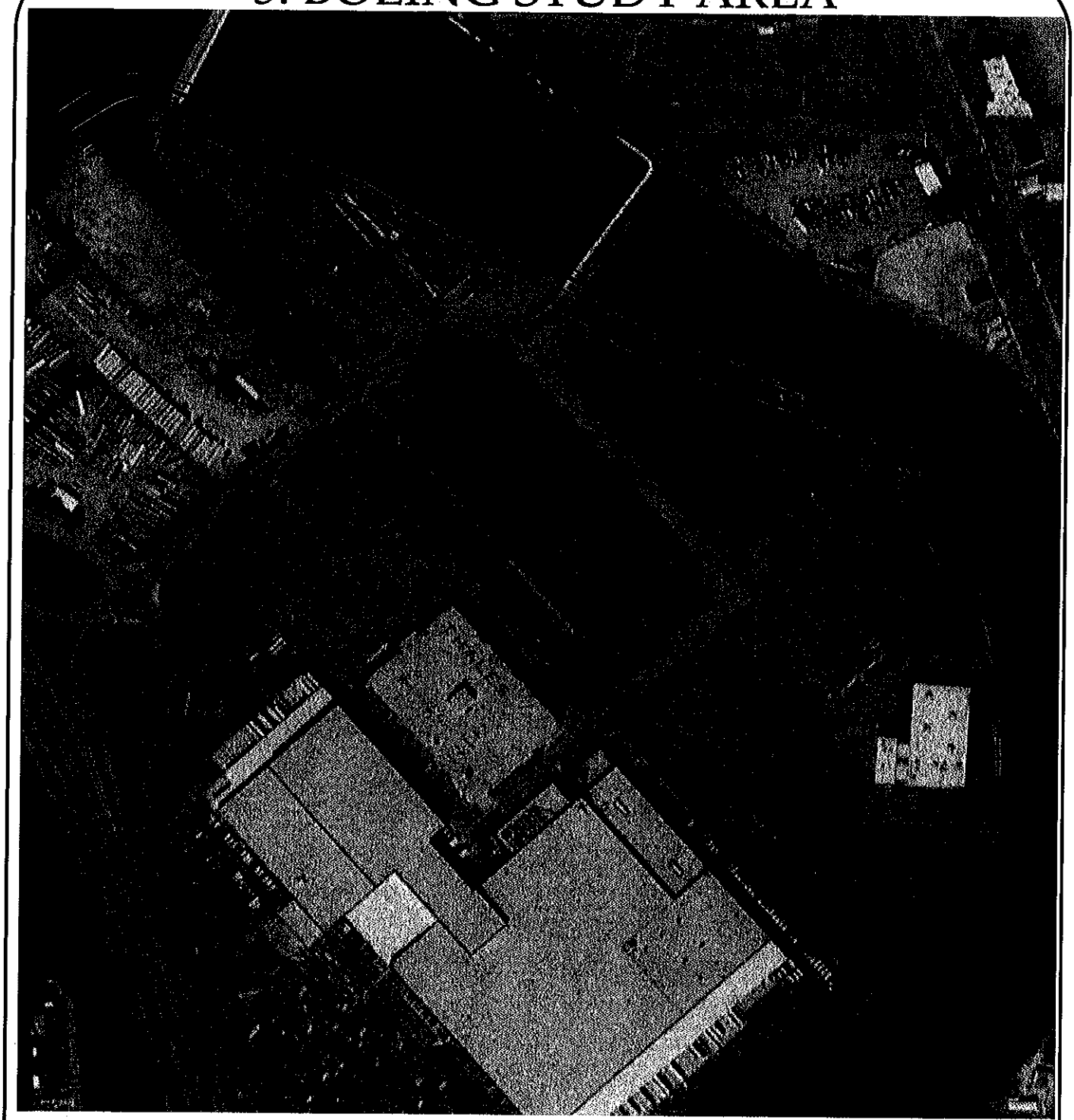
PREPARED FOR BNY MELLON WEALTH MANAGEMENT OCTOBER 9, 2008

PREPARED BY R.W. THORPE & ASSOCIATES, INC.
705 SECOND AVENUE
SUITE 710
SEATTLE, WA 98104
T: 206.624.6239 | F: 206.625.0930

FIGURE 3

PROPOSED BUFFER

5. BOEING STUDY AREA



Total Lot Area: 34.55 Acres
Total Buffer Area: 6.03 Acre
Total Area for Development: 28.52 Acre

N

1 INCH = 300 FEET

2601 S. 102ND ST.
PARCEL NUMBERS:0423049150
0423049011

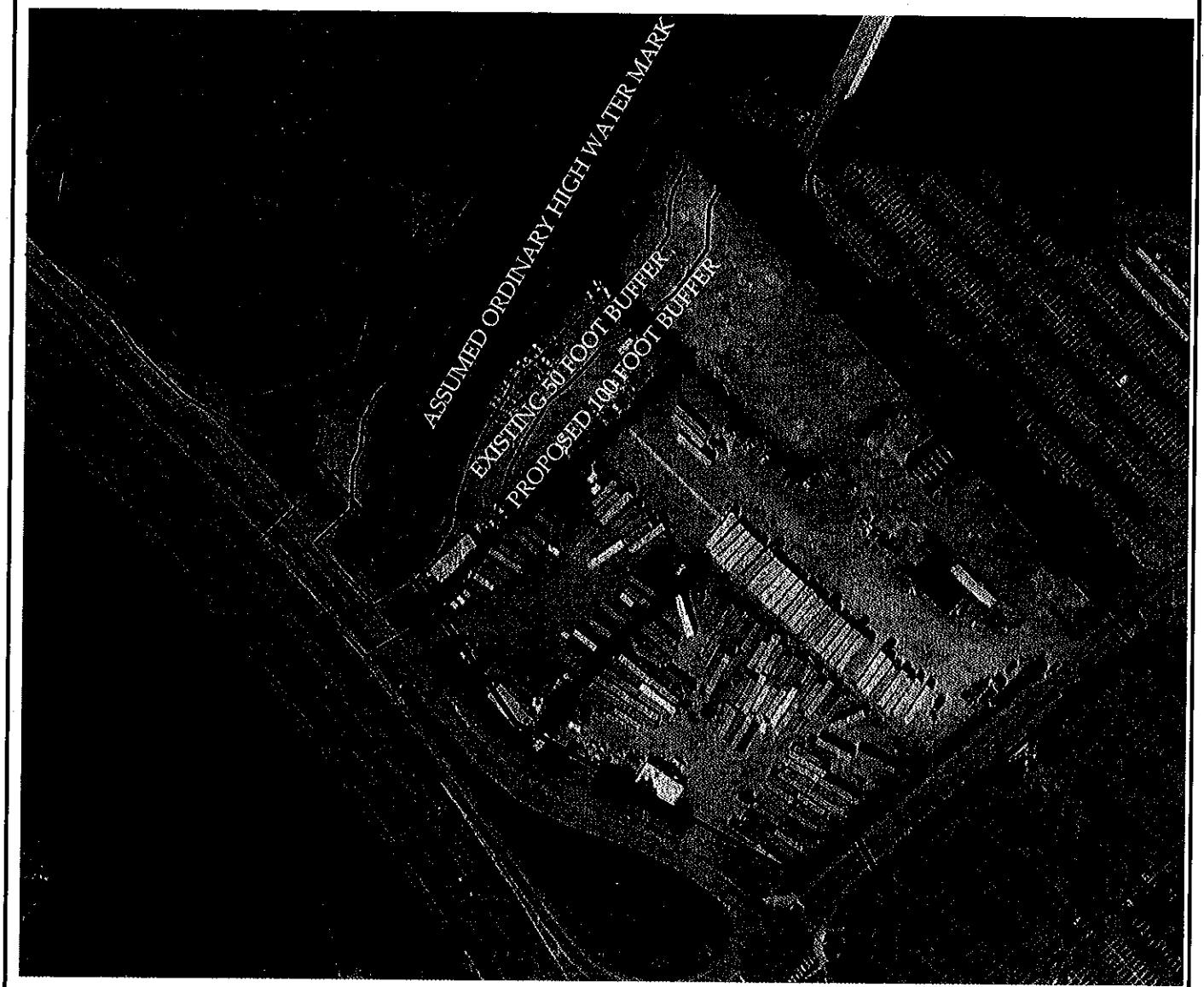
PREPARED FOR BNY MELLON WEALTH MANAGEMENT OCTOBER 9, 2008

PREPARED BY R.W. THORPE & ASSOCIATES, INC.
705 SECOND AVENUE
SUITE 710
SEATTLE, WA 98104
T: 206.624.6239 | F: 206.625.0930

FIGURE 5

PROPOSED BUFFER

6. FREMONT STUDY AREA



Total Lot Area: 12.86 Acres
Total Buffer Area: 3.25 Acre
Total Area for Development: 9.61 Acre

N

1 INCH = 200 FEET

10180 WEST MARGINAL PL S
PARCEL NUMBERS:0423049001
0423049073
0423049187

PREPARED FOR BNY MELLON WEALTH MANAGEMENT OCTOBER 9, 2008

PREPARED BY R.W. THORPE & ASSOCIATES, INC.
705 SECOND AVENUE
SUITE 710
SEATTLE, WA 98104
T: 206.624.6239 | F: 206.625.0930

FIGURE 6

PROPOSED BUFFER

EXHIBIT C

Study Area #	Study Area Name	Existing Buffer (Width)[1]	Existing Buffer (Area)[2]	Proposed Buffer (Width)[3]	Proposed Buffer (Area)[2]	Net Land Loss to Proposed Buffer	Total Lot Area[4] in acres	Percentage of Land Lost to Proposed Buffer	Total Appraised Value of Land[5]	Appraised Value of Land lost to proposed buffer increase.
1	Barnaby's	40'	0.05	125'	0.64	0.59	1.48	40%	$ 1,051,100.00	$ 411,046.62
2	Airpro	50'	0.26	100'	0.69	0.43	0.85	51%	$ 442,800.00	$ 224,004.71
3	Secret Garden Statuary	50'	0.31	100'	0.8	0.49	1.46	34%	$ 1,056,700.00	$ 354,645.89
4	Boeing – East Marginal Way	50'	0.00	100'	0.22	0.22	14.21	2%	$ 7,427,800.00	$ 114,997.61
5	Boeing	50'	2.55	100'	6.22	3.68	34.55	11%	$ 13,055,800.00	$ 1,921,583.57
6	Fremont	50'	1.86	100'	3.13	1.27	12.86	10%	$ 6,734,800.00	$ 666,454.88
7	Saber	50'	1.07	100'	1.89	0.82	32.12	3%	$ 16,786,900.00	$ 429,256.70
8	Desimone	50'	0.58	100'	1.12	0.54	4.79	11%	$ 2,503,600.00	$ 282,532.18
	TOTALS		**6.67**		**14.71**	**8.04**	**102.32**		**$ 54,039,500.00**	**$ 4,404,522.15**

Footnotes

1 Source of Buffer width for Study Area #1 is the City of Tukwila Shoreline Master Program (1982). Source for other sites is the King County Master Program (1982).

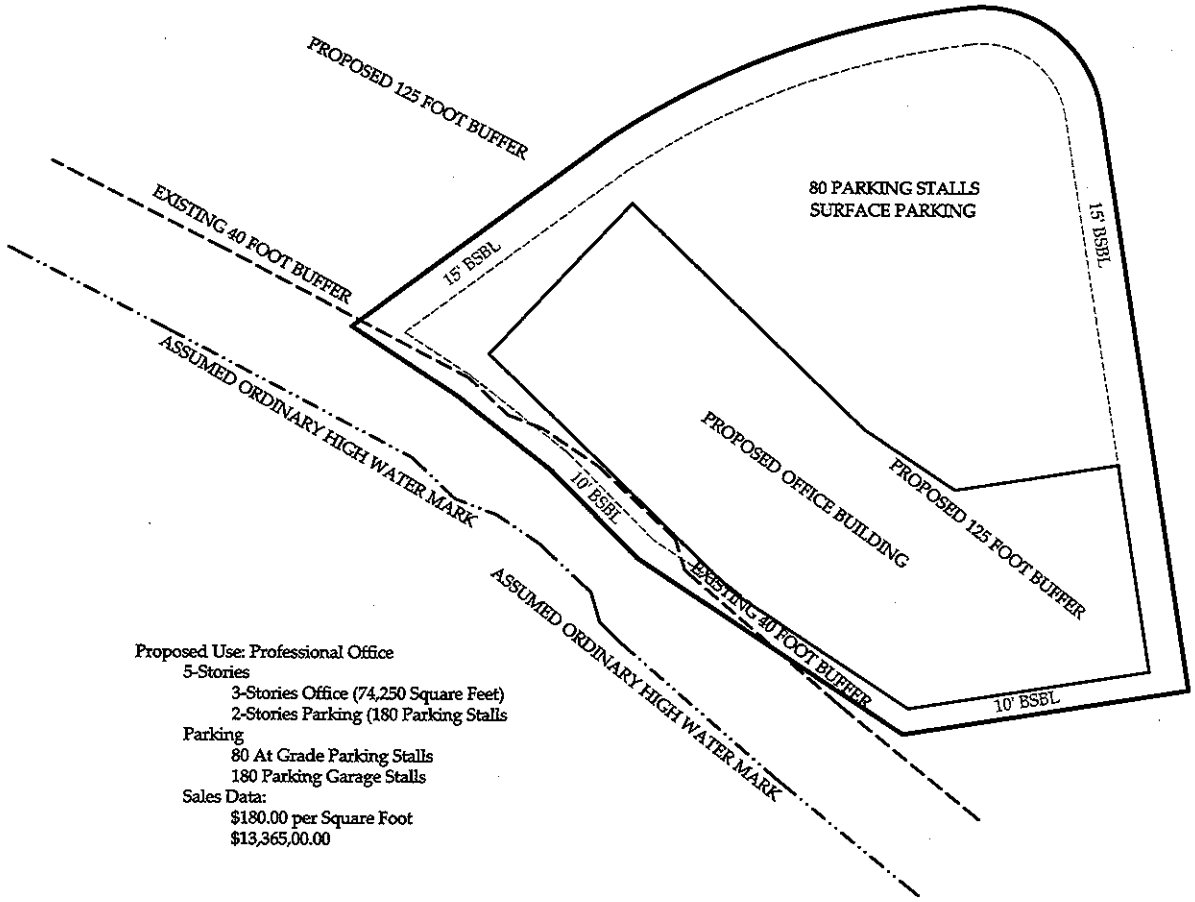
2 Area calculated using King County iMAP Interactive Web Site

3 Source of Proposed Buffers is City of Tukwila Shoreline Master Program Update (2008)

4 Area totals provide by King County Assessor Data

5 2008 King County Assessor's Land Assessed Value

EXHIBIT D



Proposed Use: Professional Office
- 5-Stories
  - 3-Stories Office (74,250 Square Feet)
  - 2-Stories Parking (180 Parking Stalls
- Parking
  - 80 At Grade Parking Stalls
  - 180 Parking Garage Stalls
- Sales Data:
  - $180.00 per Square Foot
  - $13,365,00.00

NORTH

GRAPHIC SCALE

20' 0 20' 40' 80'

1" = 50'

CITY OF TUKWILA SHORELINE MASTER PROGRAM UPDATE

DESIMONE TRUST

R.W. Thorpe
& Associates, Inc.
Seattle • Anchorage • Denver

Planning ◊
Landscape Architecture
Environmental ◊ Economics
◊ Project Management

710 Hoge Building
705 Second Avenue
Seattle Washington 98104
Telephone: 206.624.6239
Fax: 206.625.0930
E-Mail: planning@rwta.com

CLIENT REPRESENTATIVES
BNY Mellon
Wealth Management Office
1201 Third Avenue - Suite 5010
Seattle, WA 98101

ISSUED

No.	Description	Drn	Chk	Apvd	Date
1	Existing Conditions	KE	LM	RWT	10/8/08

REVISIONS

No.	Description	Drn	Chk	Apvd	Date

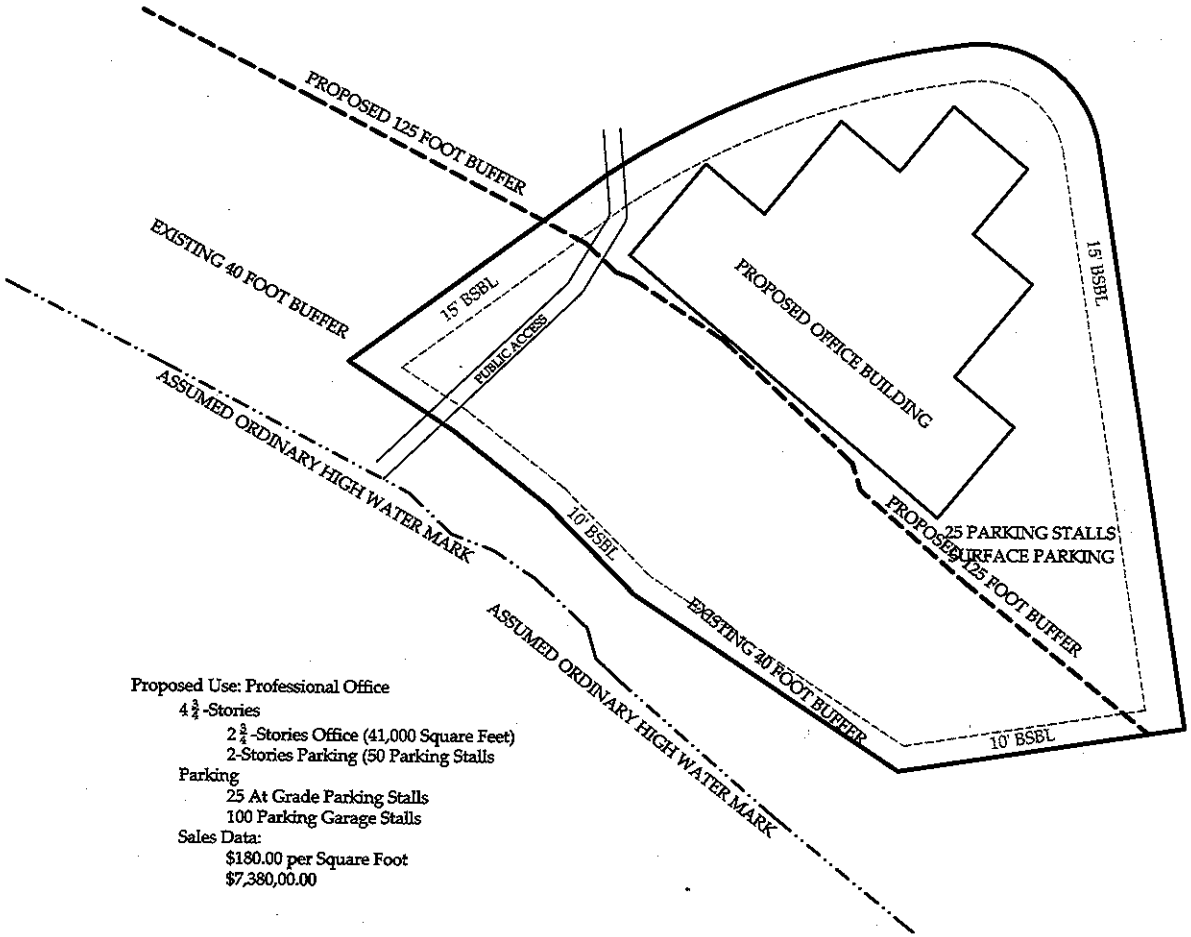
RWTA JOB NO.
0809079

SOURCE:
KING COUNTY ASSESSOR'S MAP
NW 25-23-04 - AUG. 15, 2008
KING COUNTY IMAP
2005 AERIAL IMAGE

SITE PLAN:
BARNABY'S
Tax Parcel #
2523049007

HIGHEST & BEST USE STUDY

EXISTING SMP REGULATIONS



Proposed Use: Professional Office
- 4 3/4-Stories
  - 2 3/4-Stories Office (41,000 Square Feet)
  - 2-Stories Parking (50 Parking Stalls
- Parking
  - 25 At Grade Parking Stalls
  - 100 Parking Garage Stalls
- Sales Data:
  - $180.00 per Square Foot
  - $7,380,00.00

NORTH

GRAPHIC SCALE

20' 0 20' 40' 80'

1" = 50'

CITY OF TUKWILA SHORELINE MASTER PROGRAM UPDATE

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No.	Description	Drn	Chk	Apvd	Date
1	Existing Conditions	KE	LM	RWT	10/3/08

REVISIONS

No.	Description	Drn	Chk	Apvd	Date

RWTA JOB NO.
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2005 AERIAL IMAGE

SITE PLAN:
BARNABY'S
Tax Parcel #
2523049007

HIGHEST & BEST USE STUDY

PROPOSED SMP REGULATIONS

EXHIBIT E

Regional Shoreline Master Program

140 19th Street NW, Suite A | East Wenatchee, WA 98802-4191

SMP Home

Regional Shoreline Master Program Update - Process Outline

Schedule of Events

Participating Agencies & Committee Members

Workshop Agendas and Summary Notes

Visioning Report

Regional Shoreline Master Program - June 2008, under review by the Dept. of Ecology (2.8 mb)

Washington State Dept. of Ecology Review / Adoption Process

Contact Information for the Washington State Dept. of Ecology

Index of the Public Record

Public Record (183 mb)

Douglas County Regional Shoreline Advisory Committee

The Shoreline Advisory Committee is a diverse group of people selected by a panel of elected officials representing the cities of Rock Island, Bridgeport, East Wenatchee, and Douglas County to represent a wide variety of interest groups and users of the shorelines in Douglas County. In addition, the committee includes representatives from various state agencies and public utility districts. Representatives from local Tribal Nations have also been invited to participate. Staff members from each of the participating jurisdictions are actively involved to provide staff recommendations and serve as resources for the committee.

The Shoreline Advisory Committee's function is to review and finalize recommendations on shoreline environment designations, shoreline goals and policies and use regulations. The public is welcome to observe meetings and the committee may set aside time at the beginning of meetings for comments from community members. Meeting agendas and summary notes of each meeting may be viewed by clicking on the links below. Future meeting dates may be found at the "Schedule of Events" tab to the left.

Committee Meeting Files - 44 files, 1.35 MB Total.

- Agenda_SAC_01-10-07.pdf - 45.9 KB
- Agenda_SAC_01-17-08.pdf - 54 KB
- Agenda_SAC_01-31-07.pdf - 46 KB
- Agenda_SAC_01-31-08.pdf - 46.1 KB
- Agenda_SAC_02-13-08.pdf - 47 KB
- Agenda_SAC_02-15-07.pdf - 45.7 KB
- Agenda_SAC_02-27-08.pdf - 45.9 KB
- Agenda_SAC_02-28-07.pdf - 47 KB
- Agenda_SAC_03-14-07.pdf - 45.5 KB
- Agenda_SAC_03-28-07.pdf - 45.6 KB
- Agenda_SAC_05-10-06.pdf - 42.4 KB
- Agenda_SAC_05-31-06.pdf - 49.9 KB
- Agenda_SAC_06-13-07.pdf - 45.7 KB
- Agenda_SAC_06-14-06.pdf - 42.6 KB
- Agenda_SAC_07-12-06.pdf - 42.7 KB
- Agenda_SAC_07-25-07.pdf - 57 KB
- Agenda_SAC_08-01-07.pdf - 46.6 KB
- Agenda_SAC_09-13-06.pdf - 45.3 KB
- Agenda_SAC_10-25-06.pdf - 45.5 KB
- Agenda_SAC_11-08-06.pdf - 45.3 KB
- Agenda_SAC_12-13-06.pdf - 46.1 KB
- Agenda_SAC_12-17-07.pdf - 46.7 KB

- Summary_Notes_01-10-07.pdf - 12.1 KB
- Summary_Notes_01-17-08.pdf - 12.3 KB
- Summary_Notes_01-31-07.pdf - 22 KB
- Summary_Notes_01-31-08.pdf - 10.6 KB
- Summary_Notes_02-13-08.pdf - 11.8 KB
- Summary_Notes_02-15-07.pdf - 11 KB
- Summary_Notes_02-27-08.pdf - 17.6 KB
- Summary_Notes_02-28-07.pdf - 12.6 KB
- Summary_Notes_03-14-07.pdf - 14.1 KB
- Summary_Notes_03-28-07.pdf - 13.5 KB
- Summary_Notes_05-10-06.pdf - 34.8 KB
- Summary_Notes_05-31-06.pdf - 23.9 KB
- Summary_Notes_06-13-07.pdf - 13.5 KB
- Summary_Notes_06-14-06.pdf - 17.4 KB
- Summary_Notes_07-12-06.pdf - 26.5 KB
- Summary_Notes_07-25-07.pdf - 12.4 KB
- Summary_Notes_08-01-07.pdf - 11 KB
- Summary_Notes_09-13-06.pdf - 18.4 KB
- Summary_Notes_10-25-06.pdf - 13.2 KB
- Summary_Notes_11-08-06.pdf - 11 KB
- Summary_Notes_12-13-06.pdf - 12.3 KB
- Summary_Notes_12-17-07.pdf - 12.9 KB

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Regional Shoreline Master Program

140 19th Street NW, Suite A | East Wenatchee, WA 98802-4191

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RSMP Shoreline Advisory Committee Roster

Name	Nominating Party
Chuck Mosher	Douglas County
Jamie Wallace	NCW Realtors Association
Bob Steele	Washington State Department of Fish & Wildlife
Nancy Craig	Grant County PUD # 2
Ray Pearson	City of Rock Island Council
Clynda Case	Washington State Department of Ecology
Norm Cavadini	Cattlemen/Wheat Growers
Fred Suter	Douglas County Regional Planning Commission
(Open Invitation)	Washington State Dept. of Natural Resources
(Open Invitation)	Yakama Nation
(Open Invitation)	Colville Confederated Tribes
Gordon Brett	Douglas County PUD # 1
Timothy Larson	Chelan County PUD # 1
Micheal G. Downes	Washington Grower's Clearinghouse
Jerry Pipitone	City of Rock Island
Janice Merriman	Citizens for a Clean Columbia River
Richard Thompson	North Central Coalition for Responsible Gov't.
Wendy D. Cowell	North Central Home Builders Association
Glenn Grette	Douglas County
Mel Henkle	Complete the Loop Coalition
Sean Woods	Wenatchee Sportsman's Association
Phil Lee	Bridgeport Planning Commission
Delvin Schorzman	East Wenatchee City Planning Commission

Staff

Marilynn Lynn	Facilitator
Glen DeVries	Douglas County
Lisa Parks	Rock Island/City of Bridgeport
Chuck Jones	Alliance Consulting
Lori Barnett	City of East Wenatchee

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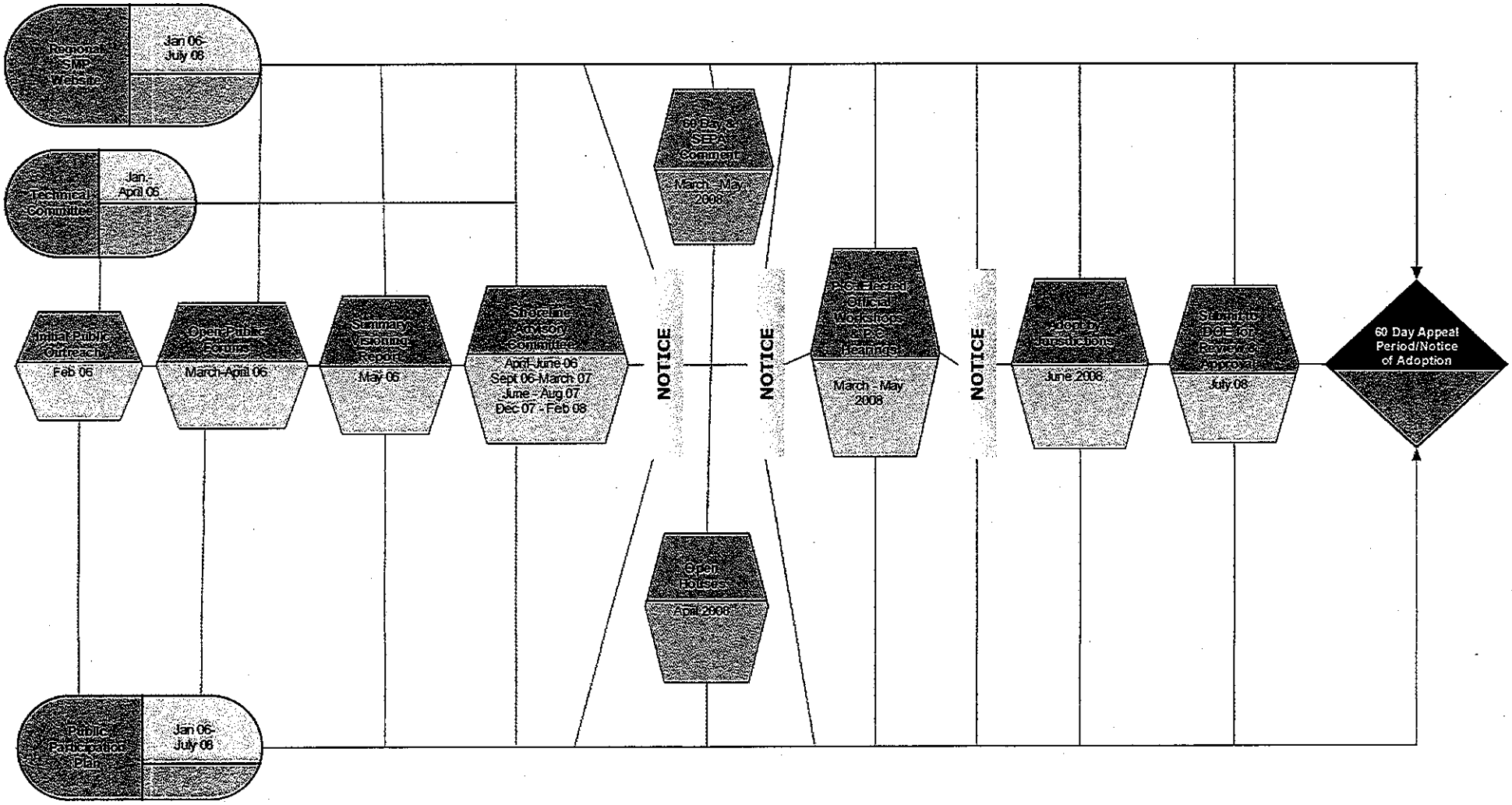
Public Participation Process



Revised 2-11-08

Shoreline Master Program
- Current Program
- Program Update
  - Fact Sheets
  - Public Process Timeline
  - Frequently Asked Questions
  - Mapping Lookup
  - Shoreline Ecology
  - Public Access
  - Shoreline History
  - Land Use
  - Draft Shoreline Master Program
  - Shoreline Glossary
  - Public Survey Findings
  - Public Meetings
  - Public Comment
- Site Map

For questions about this Web site, please contact Fred Bentler, Dept. of Natural Resources and Parks webmaster.

Public Process Timeline

King County Shoreline Master Program Update

In July 2005, King County received a grant from the Washington State Department of Ecology to update the County's 30-year old Shoreline Master Program. The County hopes to complete the update by the end of 2009. The Ecology grant will provide King County with much needed resources to conduct the update and to involve the public throughout the process. The following timeline sets forth the major milestones in the public process.

January 2007	Expand Shoreline Master Program web site to include a draft updated map of the shoreline jurisdiction, present preliminary information on King County shoreline conditions, and encourage public comments. Begin working with stakeholder and community groups to gather input on what the community goals are for the future of King County shorelines. Hold general public meetings accompanied by an 8-week comment period. Launch online public comment form to provide for open discussion and consideration of, and response to, public comments throughout the update process.
April-May 2007	Release first Draft Shoreline Master Program, including shoreline designations and map, policies and regulations, and public access and restoration plans for public review and comment.
June 2007	Public meetings on first Draft Shoreline Master Program.
September 2007	Release second Draft Shoreline Master Program (coordinated with 2008 King County Comprehensive Plan update) for public review and comment.
October 2007	Public meetings on second Draft Shoreline Master Program.
August 2008	Release third Draft Shoreline Master Program for public review and comment.
Fall 2008	Public meetings on third Draft Shoreline Master Program.

November 2008	Transmit Proposed Shoreline Master Program to King County Council.

» King County Shoreline Master Program Update

TO TOP

Updated: Feb. 14, 2008

Current Program | Program Update | Site Map

King County | News | Services | Comments | Search

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City of Renton
Shoreline Master Program Update

Public Participation Plan

March 2008

Updated June 2008

Introduction

The City of Renton is updating its Shoreline Master Program (SMP) in accordance with the Washington State Shoreline Management Act (SMA) governed by RCW 90.58 and WAC 173-26. It is the purpose of the SMA to manage the shoreline to accommodate all reasonable and appropriate uses consistent with protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life. The act's policy of achieving both shoreline utilization and protection is reflected in the provision that "permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, in so far as practical, any resultant damage to the ecology and environment of the shoreline area and the public's use of the water."

Project Overview

Renton has four areas under the jurisdiction of the SMA. These shorelines are: the Cedar River, Lake Washington, Springbrook Creek, and May Creek. Lake Desire, in Renton's potential annexation area is also under the jurisdiction of the SMA. Lake Washington is designated a "shoreline of statewide significance" and is subject to additional policies that recognize and protect the statewide interest over local interest; and provide for preserving the natural character and ecology of the shoreline, and increasing public access and recreational opportunities. Shoreline planning includes the water body as well as adjacent lands. The regulatory provisions of the SMA include the shore lands within 200 ft. of the ordinary high water line or floodway as well as wetlands associated with the water body.

All jurisdictions in Washington State are required to develop, maintain, and periodically update their SMP. Renton first adopted an SMP in 1977, and it has been periodically amended since that time. A major effort to coordinate the SMP with the City's critical area regulations was approved by the City Council in 2005, but at the time of writing, has not been approved by the Washington State Department of Ecology (DOE). Update of Renton's SMP will include a new inventory and characterization of shorelines in the City, an assessment of options and public visioning process, the drafting of a new SMP document, and review and final adoption of the SMP document. The SMP document will include new policy language, new regulations, a cumulative impact analysis, and a restoration plan.

Public participation is a key component of this two to three year planning effort. This Public Participation Plan has been created for two purposes. First is to identify potential stakeholder and invite their participation in the

planning process. Second is to guide public participation efforts throughout the process to ensure early and continuous involvement in decision-making. Efforts to ensure public participation will continue to evolve throughout the life of the project.

Project Timeline

	Target Dates
Public Involvement	Begin now, then on-going
Inventory and Characterization	Spring and Summer 2008
Assessment of Options	Autumn 2008 to Spring 2009
Draft Shoreline Master Program	Spring to Autumn 2009
Review and Adoption	Autumn and early Winter 2009

Roles and Responsibilities

The City of Renton is responsible for the update of the SMP in compliance with state rules and guideline. This responsibility includes actively inviting public comment and coordinating with adjacent jurisdictions, affected tribes, and state agencies. The City has accepted a grant from DOE to complete this work, and is responsible for meeting the obligations of the contract for that funding. The primary contact person for the City of Renton is:

Erika Conkling, Senior Planner
Department of Community and Economic Development
1055 S. Grady Way
Renton, WA 98057
(425) 430-6578
shoreline@ci.renton.wa.us

DOE is responsible for providing technical assistance to the City and must approve the City's updated SMP. The primary contact person at DOE is:

Joe Burcar
Department of Ecology, NW Regional Office
3190 160th Ave SE
Bellevue, WA 98008
(425) 649-7145
jobu461@ecy.wa.gov

Public Participation Plan

State law requires the City to invite citizens and stakeholders to participate in the SMP update process. Public participation is also very important to the City of Renton as an effective tool to balance competing interests and needs for shoreline use. It is important that information be made available so any interested person can understand the materials and participate. The City will encourage participation in several ways.

Stakeholders

A variety of groups, agencies, and individuals may have interest in the update of Renton's SMP. These stakeholders can be categorized as follows:

- Other Governmental Agencies
  - Adjacent jurisdictions: Kent, Tukwila, Seattle, Newcastle, King County
  - State agencies: DOE, Department of Natural Resources, Washington Department of Fish and Wildlife, Department of Community, Trade, and Economic Development
  - Federal agencies: US Army Corps of Engineers, US Fish and Wildlife Service, Environmental Protection Agency
  - Tribal government: Muckleshoot Indian Tribe
- Quasi-governmental Groups
  - Water Resource Inventory Area (WRIA) 8: Cedar/Lake Washington watershed, Puget Sound Regional Council
  - WRIA 9: Green/Duwamish watershed
  - Utility Groups: Seattle Public Utilities
- Community Groups and Clubs
  - Recreational Clubs: Maplewood Golf Course, Renton Sailing Club, Renton Rowing Club, Cedar River Boathouse, Recreational Boating Association of Washington, Washington Water Trails Association
  - Neighborhood Associations: Kennydale Neighborhood Association, North Renton Neighborhood Association, South Renton Neighborhood Association, Maplewood Glen Neighborhood Association
- Citizens and Property Owners, specifically shoreline property owners
- Business Groups and Associations
  - Business Organizations: Renton Chamber of Commerce, Downtown Renton Association

    - Trade Organizations: Master Builders Association of King and Snohomish Counties, Seattle-King County Association of Realtors
    - Businesses on or near the shoreline
  - Environmental Organizations and Conservation Groups
    - Local groups: Herons Forever
    - Regional groups: Futurewise, Washington Environmental Council, Washington State Lake Protection Association, Bullitt Foundation, Washington Native Plant Society
    - Local Chapters of National groups: Sierra Club, Audubon Society, Trust for Public Land, Society for Ecological Restoration, Trout Unlimited, Ducks Unlimited

Project Outreach
Initial public outreach will include notifying all stakeholders by mail and inviting them to participate. A survey will be sent with the notice to identify future opportunities for public education, informational meetings, and outreach efforts. Informational notices will be posted in several locations throughout the community to invite users of the City's shorelines to participate. Posted sites will include: Cedar River Trail, Black River Riparian Forest Park, Coulon Park, Kennydale Beach Park, Renton Public Libraries, Renton Community Center, and City Hall. All outreach efforts will be documented by the City and available for public review upon request.

Ongoing outreach will include several measures. Stakeholders who express interest in participating will continue to receive notices and informational mailings from the City. Notices will be posted throughout the community, as above, with information about key deadlines and public meeting dates. Public meeting dates will also run on cable channel 21. Information about the project will appear in RentonNow, a bimonthly newsletter about City government received by most City of Renton households. A special effort will be made to attract interested stakeholders at an SMP update booth at Renton River Days. River Days is a week-long community festival and part of Sea-Fair, which celebrates Renton's heritage and salutes the importance of the Cedar River to the City's lifestyle, culture, and economy.

A series of public meetings will be held to initiate the SMP update. The first of these meetings will be a briefing for the Renton City Council Committee of the Whole. Committee of the Whole and Council meetings are televised live on cable channel 21 within Renton City limits, and shown repeatedly

throughout the week. Additionally, they are telecast live on streaming video at the City of Renton website, and can be reviewed at anytime from the meeting archives, thus making these meetings available to anyone with internet access. Other briefings will be held for the City of Renton Planning Commission, a general meeting for all stakeholders and interested parties, as well as briefings for community groups that request to have one.

At the general meeting for all stakeholders, participants will be presented with major policy provisions of the program together with conceptual options for addressing these provisions. Particular policy issues will include, but are not limited to:

- Achieving no net loss of ecological functions
- Addressing cumulative impacts and fairly allocating the burden of achieving no net loss
- Providing for water dependent uses and water oriented uses
- Increasing public access opportunities
- Providing increased opportunities for recreation
- Providing for bank protection that protects aquatic resources
- Providing for vegetation management that contributes to ecologic functions
- Providing for flood control consistent with ecological and other goals
- Implementing critical area regulations

Participants will be encouraged to register preferences for different approaches to shoreline policies and regulations. Participants will also be provided with an overview and have the opportunity to ask questions regarding the process of developing the inventory and analysis and applying the findings to policies and regulations. Graphic examples and photos will be used to illustrate the issues and alternate measures.

During the regulatory development stage, the City intends to divide the shoreline planning areas into distinct geographical areas for analysis and public input. The areas will be selected based on distinctive patterns of land use and existing urban development, which may necessitate different regulatory approaches. Creating these geographical areas also furthers outreach and public participation goals. It enables the City to focus on the specific needs and input of stakeholders in each area.

Participation Tools
Throughout the process of the SMP update, the City will maintain several channels for communication and public participation. One of the primary tools will be a City webpage dedicated to the project: shoreline.rentonwa.gov. This website will include notices for upcoming public meetings, documents available for review, and other information related to the update. Visitors to the website can sign up to be on the interested parties list, and can also sign up to receive an email each time the webpage is updated. A dedicated email address, shoreline@ci.renton.wa.us, has also been established specifically for questions and comments on this project.

Another tool will be a periodic newsletter sent to all interested parties. The newsletter will feature a status report on the SMP update, and highlight important dates for submitting comments or attending public meetings. At a minimum, this newsletter will be sent twice a year for the duration of the project. In addition, legal notifications, such as notices for public hearing or environmental review will be sent to all required parties, as well as the interested parties list.

Public meetings will provide another opportunity for public participation and comment. The City of Renton Planning Commission will be the primary review body for all of the work accomplished as part of the SMP update. Planning Commission meetings are open to the public, and time is set aside during each meeting for public comment. In addition, the City Council will be briefed on the status of the update at key points in the process. As mentioned above, Council meetings are televised and available for review on the internet. Special public meetings dedicated to the SMP update will also be held at key points throughout the process. These meetings will provide the City with opportunities to educate and inform as well as provide the public with opportunities to comment on the update. Official public hearings will be held near the end of the update process to take public comments about the SMP on the record.

Document Review
Update of the SMP will result in several work products that require review. Some of these products include: Shoreline inventory and characterization, City Shoreline vision, SMP policies, Shoreline and related regulation changes, cumulative impact analysis, and Shoreline restoration plan. It is expected that the City will consult with stakeholders in the development of documents and other work products for the SMP update. In particular, the City hopes to work closely with other governmental agencies (for example: DOE, US Army

Corps of Engineers, Washington Department of Fish and Wildlife, Muckleshoot Indian Tribe) in the drafting stage.

Once drafted, all documents will be available for official review by the public. Comment periods will be clearly specified and advertised through the means identified in this public participation plan. The City will maintain a database of all comments received throughout the SMP update, which will be available for public review upon request.

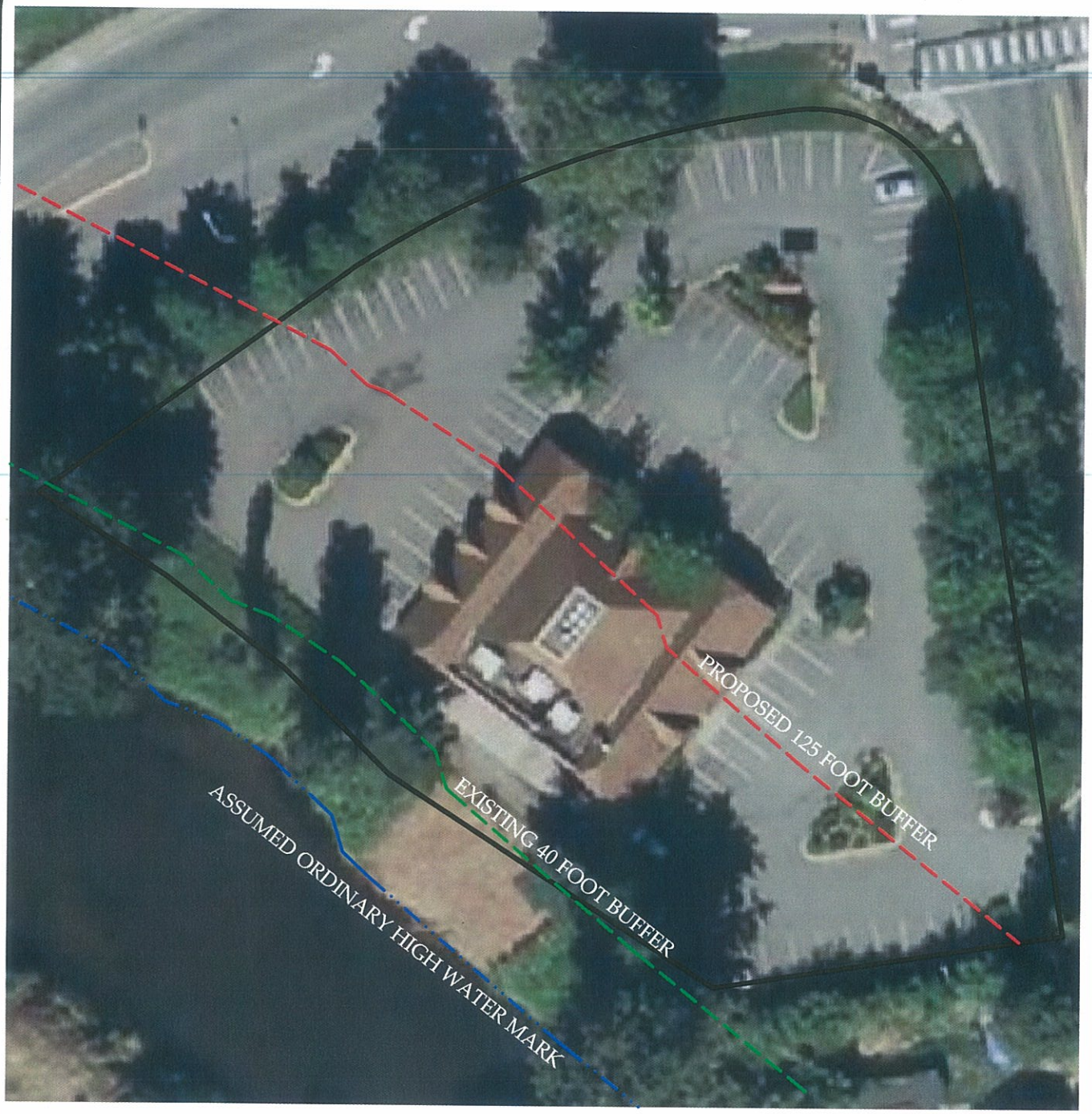
The State Environmental Policy Act (SEPA) process offers additional opportunities to seek public input. The City anticipates integrating SEPA review into the proposal through the Growth Management Act/SEPA integration process. The SEPA review process also will be integrated with cumulative impact analysis. Prior to Planning Commission consideration of the Draft Master Program, the City will provide notice of the SEPA threshold determination which provides the opportunity for additional specific input on environmental impacts of the proposal.

Conclusion

The update of Renton's SMP is a collaborative effort in which the City will engage citizens, businesses, governmental agencies, and other interested groups. The City website, public postings, community events, public meetings, and newsletters will be used to reach out to interested parties and get them involved in the process.

EXHIBIT B

1. BARNABY'S STUDY AREA



Total Lot Area: 1.48 Acres
Total Buffer Area: 0.64 Acre
Total Area for Development: 0.84 Acre

N

1 INCH = 50 FEET

16401 W. VALLEY HIGHWAY
PARCEL NUMBER: 2523049007

PREPARED FOR BNY MELLON WEALTH MANAGEMENT OCTOBER 9, 2008
PREPARED BY R.W. THORPE & ASSOCIATES, INC.
705 SECOND AVENUE
SUITE 710
SEATTLE, WA 98104
T: 206.624.6239 | F: 206.625.0930

FIGURE 1

PROPOSED BUFFER

2. AIRPRO STUDY AREA

Total Lot Area: 0.85 Acres
Total Buffer Area: 0.69 Acre
Total Area for Development: 0.16 Acre

N

1 INCH = 20 FEET

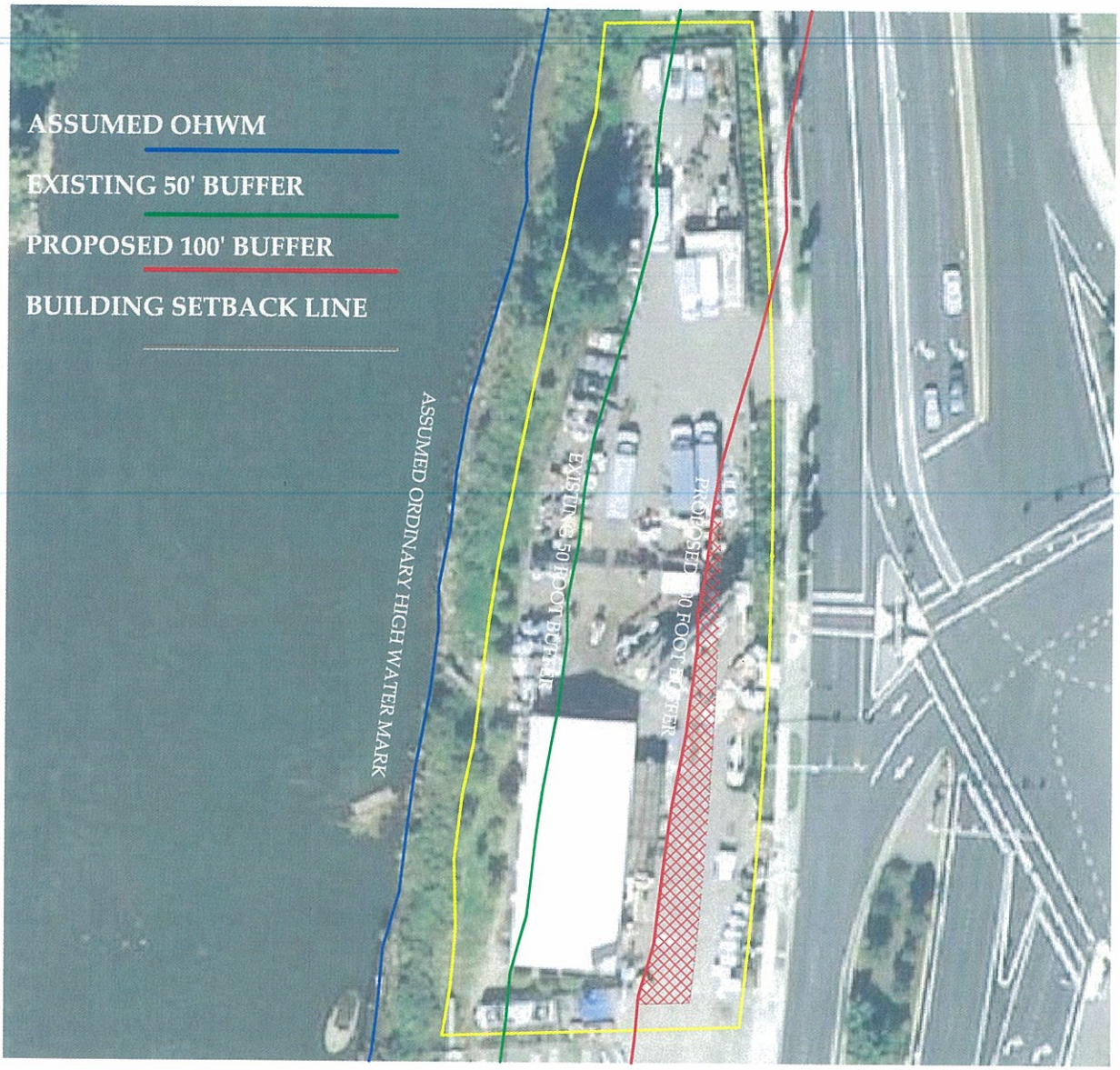
10625 E. MARGINAL WAY S.
PARCEL NUMBER: 0423049083

PREPARED FOR BNY MELLON WEALTH MANAGEMENT OCTOBER 9, 2008
PREPARED BY R.W. THORPE & ASSOCIATES, INC.
705 SECOND AVENUE
SUITE 710
SEATTLE, WA 98104
T: 206.624.6239 | F: 206.625.0930

FIGURE 2

PROPOSED BUFFER

2.A AIRPRO STUDY AREA
NET DEVELOPABLE AREA



NO DEVELOPABLE PROPERTY REMAINS

Total Lot Area: 0.85 Acres
Total Buffer Area: 0.69 Acre
Total Area for Development: 0.16 Acre

N

1 INCH = 20 FEET

10625 E. MARGINAL WAY S.
PARCEL NUMBER: 0423049083

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FIGURE 2.A

PROPOSED BUFFER

3. SECRET GARDEN STATUARY

Total Lot Area: 1.46 Acres
Total Buffer Area: 0.80 Acre
Total Area for Development: 0.66 Acre

N

1 INCH = 50 FEET

10655 TUKWILA INTERN. BLVD.
PARCEL NUMBER: 0423049169

PREPARED FOR BNY MELLON WEALTH MANAGEMENT OCTOBER 9, 2008

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FIGURE 3

PROPOSED BUFFER

5. BOEING STUDY AREA

Total Lot Area: 34.55 Acres
Total Buffer Area: 6.03 Acre
Total Area for Development: 28.52 Acre

N

1 INCH = 300 FEET

2601 S. 102ND ST.
PARCEL NUMBERS:0423049150
0423049011

PREPARED FOR BNY MELLON WEALTH MANAGEMENT OCTOBER 9, 2008

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705 SECOND AVENUE
SUITE 710
SEATTLE, WA 98104
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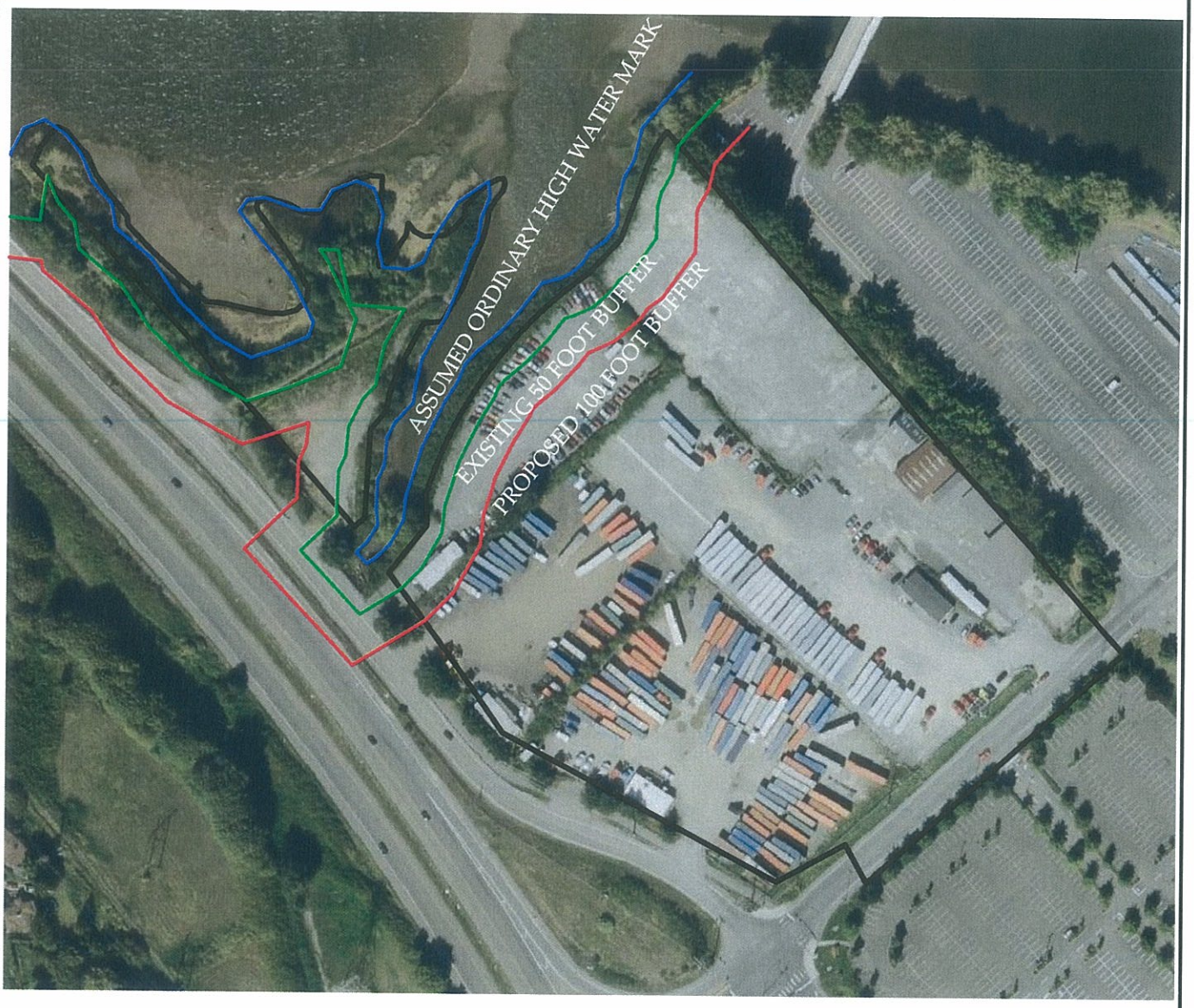
FIGURE 5

PROPOSED BUFFER

6. FREMONT STUDY AREA



Total Lot Area: 12.86 Acres
Total Buffer Area: 3.25 Acre
Total Area for Development: 9.61 Acre

N

1 INCH = 200 FEET

10180 WEST MARGINAL PL S
PARCEL NUMBERS:0423049001
0423049073
0423049187

PREPARED FOR BNY MELLON WEALTH MANAGEMENT OCTOBER 9, 2008
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FIGURE 6

PROPOSED BUFFER