

D# 112 ADMINISTRATIVE CODE INTERPRETATIONS

General Description

Renton Municipal Code Title IV *Development Regulations* are to be amended based on recent administrative interpretations (Attachment R). These administrative decisions have already become effective. This report to the Planning Commission is part of the process by which the print version of the code is to be amended based on such decisions. Municipal code section 4-1-080 provides guidance for Administrative Interpretations as it reads:

4-1-080A.1.a: The Community and Economic Development Administrator, or designee, is hereby authorized to make interpretations regarding the implementation of unclear or contradictory regulations contained in this Title. Any interpretation of the Renton Title IV Development Regulations shall be made in accordance with the intent or purpose statement of the specific regulation and the Comprehensive Plan. Life, safety and public health regulations are assumed to prevail over other regulations.

Interpretations are needed where there are unclear or contradictory regulations. Examples include mistakenly placed text, sections of code that lack predictability for users, and where certain situations were not evaluated in updating Title IV. Each decision has a public appeal period and is supplied with a background, justification, decision, and recommended code amendment. For more information about the process or each determination, go to:

- Background and decision: <http://rentonwa.gov/business/default.aspx?id=24686>
- Process: <http://rentonwa.gov/business/default.aspx?id=24684>

Impact Analysis

Effect on rate of growth, development, and conversion of land as envisioned in the Plan
None.

Effect on the City's capacity to provide adequate public facilities
None.

Effect on the rate of population and employment growth
None.

Whether Plan objectives are being met as specified or remain valid and desirable
Plan objectives are being met as specified or remain valid and desirable.

Effect on general land values or housing costs
None.

Whether capital improvements or expenditures are being made or completed as expected
Not applicable.

Consistency with GMA, the Plan, and Countywide Planning Policies

Determinations are based on proposed development standards that have been previously reviewed in light of these plans and policies and do not create inconsistencies.

Effect on critical areas and natural resource lands

None.

Effect on other considerations

None.

Staff Recommendation

Staff recommends that all administrative interpretations listed below and their related code amendments be made to clarify the print and online versions of Title IV.

- **Landscaping, fencing, pond slopes, and other standards for stormwater tracts and easements and ownership and maintenance responsibility for stormwater facilities. (CI-38):** Clarifies rules regarding fencing, side slopes, and landscaping in storm drainage facilities (Attachment A).
- **Removal of footnote 11 which provides for reduced lot dimensions in the R-4 zone when subdivisions cannot achieve a density of 4 dwelling units per square acre. (CI-45):** RMC 4-2-110D, footnote 11 shall be removed from RMC 4-2-110A and marked as deleted in RMC 4-2-110D as it pertains to R-4 zones. (Attachment B)
- **Determination of which fee schedule is used to calculate the School Impact Fees for a building permit. (CI-46):** For all new dwelling units, the total amount of the school impact fees shall be assessed and collected from the applicant at the time of building permit issuance, using the fee schedule in effect at the time of complete application for the building permit. No permit shall be issued until the required school impact fees set forth in the fee schedule have been paid. (Attachment C)
- **Net density calculations for multi-family residential development in shopping centers. (CI-47):** Revise the definition of net density to exempt shopping centers from the requirement to deduct the area within access easements for the purpose of calculating net density. (Attachment D)
- **Applicable setbacks for signs within residential zones. Applicable right-of-way setbacks for signs within residential zones. (CI-48):** Revise the sign code regulations for signs located within residential zones to specify that a 5-foot setback should be measured from the property line and not the right-of-way boundary. Also revise the provisions allowing signs within setbacks to specify that signs within residential zones shall be permitted within the landscape strip, provided a 5-foot setback is maintained from the edge of pavement. (Attachment E)
- **Modification of Urban Design Regulations (RMC 4-3-100) through the Planned Urban Development Regulations. (CI-49):** Revise the Applicability of RMC 4-9-150B2 to include RMC 4-3-100 Urban Design Regulations as a section of code that is available for

modification through the PUD process and clarify that all modifications should be approved simultaneously through the PUD process. (Attachment F)

- **Allowing applications for Variances to Steep Slope and Landslide Hazard Regulations and clarifying applicable variance criteria. (CI-50):** To allow the submittal of applications for variance from the City’s adopted Critical Areas Regulations relative to steep slopes and landslide hazard areas and allow access to the administrative appeal process for those applications which do not adequately address the applicable variance criteria (RMC 4-9-250B6) and are denied. (Attachment G)
- **Modification of Conditions Associated with Development Standards for Small Lot Cluster Developments in the R-4 zone. (CI-51):** To the extent stormwater facilities are fenced, they are precluded from functioning as an active and/or passive recreation area and should not be permitted to count towards the “permanent open space” requirement. The criterion permitting the enhancement of stormwater ponds to eliminate the fencing requirement should be removed as all stormwater ponds are required to be fenced and they are no longer able to count towards the “permanent open space” requirement. (Attachment H)
- **Clarification of the review process required for Site Plans implementing a previously approved Master Plan. (CI-52):** Amend RMC 4-9-200D to allow Site Plan Review applications implementing a previously approved Master Plan to be reviewed and approved administratively. (Attachment I)
- **Planned Urban Development (PUD) Public Information Sign requirements (CI-53):** Amend the Land Use Permit Submittal Requirements to require the submittal of the Affidavit of Installation of Public Information Sign with the Preliminary PUD application and remove the Affidavit of Installation of Public Information Sign as a requirement for the submittal of the Final PUD application. (Attachment J)
- **Adoption of 2014 National Electrical Code (CI-54):** The 2014 National Electrical Code will be enforced per State law effective July 1, 2014. The existing local amendments will remain effective, with application to the corresponding code citations in the revised 2014 code. (Attachment K)
- **Plan review requirement for electrical permits of 400 amperes (amps) or less (CI-55):** Plan review will be required for installations in occupancies, except one (1) - and two (2) - family dwellings, where a service or feeder rated greater than four hundred (400) amps is installed or altered or if more than four hundred (400) amps is added to the service or feeder. (Attachment L)
- **Amount of Payment of Fee in Lieu of Street Improvements (CI-56):** The unit costs for approved Fee in Lieu requests for 2014 shall be established at \$133 per linear foot for sidewalks only and \$202 per linear foot for curb, gutter and sidewalk. An additional \$30 per linear foot would be assessed where there is an existing ditch that would be piped with actual frontage improvements. Additional fee amounts will be determined on a case by case basis for other significant street elements, such as catch basins and curb ramps. (Attachment M)
- **Provisions for the ability to install Micro, Mini, and Macro Facilities on multi-family residential and mixed use buildings. (CI-57):** Revise RMC 4-4-140G to clarify that the

installation of Micro, Mini, and Macro Facilities are permitted abutting unoccupied areas of residential buildings excepting detached single family residences and townhomes.

Note: Formal adoption of this Administrative Code Interpretation will be done through adoption of amendments proposed with Docket Item #106 – Telecommunications.

(Attachment N)

- **Lot Cluster Duplicate Definitions (CI-58):** Revise the definition of “Lot, Small Cluster” found under RMC 4-11-120 Definitions L to be consistent with other City adopted standards and regulations and move the definition to “Cluster Development” under RMC 4-11-030 Definitions C to be consistent with the terminology used in the Residential Development Standards tables (RMC 4-2-110A). (Attachment O)
- **Ability to locate residential uses on the ground floor of mixed-use developments. (CI-59):** Amend RMC 4-2-080A.18 to allow residential uses on the ground floor of mixed-use buildings where the building does not abut a public street frontage and allow for averaging of the 30-foot minimum depth of commercial space required along street frontages through the Site Plan review process, provided no portion of the depth is reduced to less than 20 feet and the total square footage of required commercial space is not reduced. (Attachment P)
- **Decision Maker for Noise Variances Requiring a Public Hearing. (CI-60):** Amend RMC 8-7-8 to specify that the decision maker for noise variances which trigger a public hearing shall be the Hearing Examiner, the decision shall then be appealable to the City Council. (Attachment Q)

Implementation Requirements

Although these interpretations are already effective, the Planning Division is bringing these decisions to the Planning Commission as part of a more extensive public process to provide greater transparency where Title IV Development Regulations have been clarified and/or amended.

4-6-030 DRAINAGE (SURFACE WATER) STANDARDS:

A. PURPOSE:

1. The purpose of this Section ~~is shall be to promote and develop policies with respect to the City's watercourses and~~ to preserve ~~them the City's watercourses~~ by minimizing water quality degradation ~~from by previous~~ siltation, sedimentation and pollution of creeks, streams, rivers, lakes and other bodies of water, and to protect ~~property owners tributary to developed and undeveloped~~ land from increased runoff rates and to ensure the safety of roads and rights-of-way.

2. It shall also be the purpose of this Section to reduce flooding, erosion, and sedimentation; prevent and mitigate habitat loss; enhance groundwater recharge; and prevent water quality degradation through permit review, construction inspection, enforcement, and ~~maintenance in order to promote the effectiveness of the requirements.~~

3. It shall also be ~~the a~~ purpose of this Section to regulate the Municipal Separate Storm Sewer System (MS4) regarding the contribution of pollutants, consisting of any material other than stormwater, including but not limited to illicit discharges, illicit connections and/or dumping into any storm drain system, including surface and/or groundwater throughout the City that would adversely impact surface and groundwater quality of the City and the State of Washington, in order to comply with requirements of the National Pollutants Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit. (Ord. 5526, 2-1-2010)

4. It shall also be the purpose of this Section to provide landscaping and fencing standards for surface water facilities that create attractive, functional facilities that improve public safety.

B. ADMINISTERING AND ENFORCING AUTHORITY:

The Administrator of the Public Works Department is responsible for the general administration and coordination of this Section. All provisions of this Section shall be enforced by the Administrator or his or her designated representatives. (Ord. 5526, 2-1-2010)

C. ADOPTION OF SURFACE WATER DESIGN MANUAL:

The 2009 King County Surface Water Design Manual (KCSWDM), as now or as hereafter may be amended by King County or the City of Renton, and hereby referred to as the Surface Water Design Manual, is hereby adopted by reference, ~~with the exception of Chapters 1 and 2 of the King County Surface Water Design Manual which are not adopted. Chapters 1 and 2 of the Surface Water Design Manual, as amended by the City of Renton to specify local requirements and procedures, are hereby adopted by reference. References 1, 2, 3, 4A, 4B, 4D, 7B, 7C, 8F, 8G, 9 and 10 of the King County Surface Water Design Manual are not adopted.~~ One copy of the Surface Water Design Manual and the City of Renton's Amended Surface Water Design Manual shall be filed with the City Clerk ~~including any amendments thereto.~~ (Ord. 5526, 2-1-2010)

D. WHEN REQUIRED:

All persons applying for any of the following permits and/or approvals shall submit for approval a drainage plan with their application and/or request:

1. Mining, excavation or grading permit or license;
2. Shoreline permit;
3. Flood control zone permit;
4. Subdivision;
5. Short plat;
6. Special permit;
7. Temporary permit when involving land disturbance;
8. Building Permit;
9. Planned urban development;
10. Site plan approval;
11. Construction Permit;
12. Stormwater Permit;
13. Binding Site Plan;
14. Any other development or permit application which will affect the drainage in any way. The plan submitted during one permit approval process may be subsequently submitted with further required applications. The plan shall be supplemented with

additional information at the request of the Public Works Department. (Ord. 5526, 2-1-2010)

E. DRAINAGE REVIEW:

1. When Required: A drainage review is required when any proposed project is subject to a City of Renton permit or approval as determined under subsection D of this Section and:

- a. Would result in two thousand (2,000) square feet or more of new impervious surface, replaced impervious surface or new plus replaced impervious surface; or
- b. Would involve seven thousand (7,000) square feet of land disturbing activity; or
- c. Would construct or modify a drainage pipe or ditch that is twelve inches (12") or more in size or depth or receives surface or stormwater runoff from a drainage pipe or ditch that is twelve inches (12") or more in size or depth; or
- d. Contains or is adjacent to a critical area designation, defined and regulated in RMC [4-3-050](#); or
- e. Is a single family residential development that would result in new impervious surface, replaced impervious surface or new plus replaced impervious surface.

2. Scope of Review: The drainage review for any proposed project shall be scaled to the scope of the project's size, type of development and potential for impacts to the regional surface water system to facilitate preparation and review of project applications. If drainage review for a proposed project is required under subsection E1 of this Section, the Renton Development Services Division shall determine which of the following drainage reviews apply as specified in the Surface Water Design Manual:

- a. Small project drainage review (also known as residential building permit drainage review);
- b. Targeted drainage review;
- c. Full drainage review;
- d. Large project drainage review.

3. Core Requirements: A proposed project required to have drainage review by subsection E1 of this Section must meet each of the following core requirements which are described in detail in the Surface Water Design Manual. Projects subject only to small project drainage review (also known as residential building permit drainage

review) that meet the small project drainage requirements specified in the Surface Water Design Manual, including flow control best management practices, erosion and sediment control measures, and drainage plan submittal requirements are deemed to comply with the following core requirements:

[For brevity, core requirements 1 through 8 not printed here, but will remain in the code.]

4. Special Requirements: A proposed project required by subsection E of this Section to have drainage review shall meet any of the following special requirements which apply to the site and which are described in detail in the Surface Water Design Manual. The City of Renton Development Services Division shall verify if a proposed project is subject to and must meet any of the following special requirements:

a. Special Requirement 1 – Other Area Specific Requirements: The Surface Water Utility may apply a more restrictive requirement for controlling drainage on an area-specific basis. Other adopted area-specific regulations may include requirements that have a direct bearing on the drainage design of a proposed project.

b. Special Requirement 2 – Flood Hazard Delineation: If a proposed project contains or is adjacent to a stream, lake, wetland or closed depression, or if other City regulations require study of flood hazards relating to the proposed project, the one hundred (100) year floodplain boundaries and floodway shall be determined and delineated on the site improvement plans and profiles and any final maps prepared for the proposed project. The flood hazard study shall be prepared for as specified in the Surface Water Design Manual.

c. Special Requirement 3 – Flood Protection Facilities: If a proposed project contains or is adjacent to a stream that has an existing flood protection facility, such as a levee, revetment or berm, or proposes to either construct a new or modify an existing flood protection facility, then the flood protection facilities shall be analyzed and designed as specified in the Surface Water Design Manual to conform with the Federal Emergency Management Agency regulations as found in 44 C.F.R.

d. Special Requirement 4 – Source Control: All commercial, industrial and multifamily projects (irrespective of size) undergoing drainage review are required to implement applicable source control in accordance with the King County Stormwater Pollution Prevention Manual and the Surface Water Design Manual.

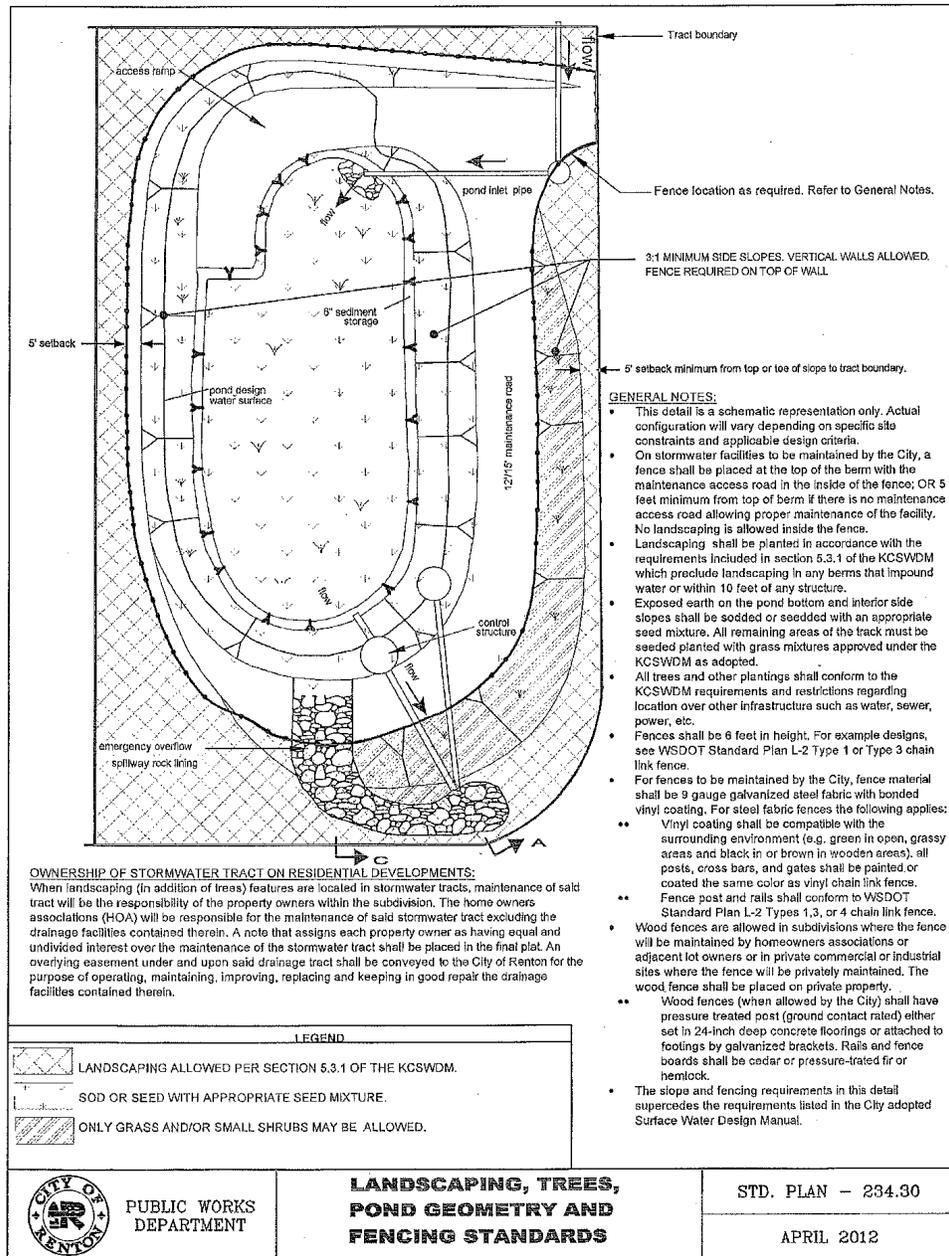
e. Special Requirement 5 – Oil Control: If a proposed project is a high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as specified in the Surface Water Design Manual.

f. Special Requirement 6 – Aquifer Protection Area (APA): If a proposed project is located within the APA as identified in RMC [4-3-050](#), then the project must comply with drainage requirements in the Surface Water Design Manual and RMC [4-3-050](#). (Ord. 5526, 2-1-2010; Ord. 5645, 12-12-2011)

F. CREATION OF TRACTS AND/OR EASEMENTS:

1. Method of Creation for City-Maintained Facility for New Residential Subdivisions with Drainage Facilities that Collect Public Runoff: New residential subdivisions must place stormwater flow control and water quality treatment ponds, vaults and other similar drainage facilities, along with the required perimeter landscaping in a separate stormwater tract granted and conveyed with all maintenance obligations (excluding maintenance of the drainage facilities contained therein) to the homeowners association. An underlying easement under and upon said tract shall be dedicated to the City for the purpose of operating, maintaining, improving and repairing the drainage facilities contained therein. The stormwater tract, including the landscaped area, must be owned by the homeowners' association. Each lot owner within the subdivision shall have an equal and undivided interest in the maintenance of the stormwater tract and landscaping features. Per RMC Section 4-6-030G, the homeowner's association is responsible for all landscape maintenance.

This requirement is graphically depicted on the following page:



b. Text Required: The following language is required to be noted on the face of the plat.

- i. Tract _____ is for stormwater / landscape purposes and is hereby conveyed /to the _____ subdivision home owners association (HOA) upon the recording of this plat. Each lot owner within the plat shall have equal and undivided ownership interest in Tract _____. An overlying easement is hereby dedicated to the City of Renton for the purpose of operating, maintaining, improving and repairing the facilities contained therein. The homeowners association is responsible for the maintenance of said tract excluding said drainage facilities.

- ii. A stormwater easement is hereby dedicated to the City of Renton over, under and across tract _____ for the purpose of conveying, storing, managing and facilitating storm and surface water. The City of Renton is hereby granted the right to enter said stormwater easement for the purpose of inspecting, operating, maintaining, improving, and repairing the drainage facilities contained therein. Only the chain link fence (if required by subsection G of this section), flow control, water quality treatment and conveyance facilities will be considered for formal acceptance and maintenance by the City. Maintenance of all other improvements and landscaping in said stormwater tract shall be the responsibility of the homeowners association. Each lot owner within the plat shall have equal and undivided interest in the maintenance of all other improvements constructed within Tract _____.

2. Method of Creation for Privately Maintained Facility:

As determined by the City, other types of new development shall create stormwater facilities either within an easement or within a tract not dedicated to City. In the case of a tract, the developer and successors shall own the tract and associated development site with an equal and undivided interest.

3. Method of Creation for Other Developments:

As determined by the City, the City may take over maintenance of the drainage facilities located within either an easement to the City or within a tract owned by the developer and his successors in ownership together with an easement to the City.

G. ADDITIONAL REQUIREMENTS FOR FENCING AND LANDSCAPING:

1. Landscaping: Landscaping shall be consistent with the provisions of section 5.3 of the KCSWDM, except that within the City of Renton, landscaping of drainage facilities is not optional; it is required. Additionally, landscaping shall comply with the requirements of RMC 4-4-070F8, Storm Drainage Facilities.

2. Fencing Around New or Expanded Storm Drainage Ponds and Signage Required: All flow control and water quality treatment ponds and similar facilities, as determined by City Development Services, shall be fenced with a 6-foot tall chain link fence and access gate. Fencing is required immediately outside each new stormwater flow control and/or water quality treatment pond and other similar facilities, as determined by City Development Services. For stormwater ponds, the fence shall be placed at the top of the berm with the maintenance access road on the inside of the fence; or 5 feet minimum from top of berm if there is no maintenance access road to allow access for proper maintenance of the facility.

The chain link fence shall be coated with black or green bonded vinyl and installed as determined by the City between the facility and the required landscaping. Unless otherwise determined by the City, the fence gate must be posted with a 12 inch by 18 inch “No Trespassing” sign.

Cedar or other fencing materials may be installed only if owned and maintained by a private property owner or homeowner’s association (HOA).

3. Maintenance of Existing Facilities Required: Owners of existing drainage facilities not maintained by the City are required to continue to maintain existing landscaping and fencing. Replacement of deteriorated fencing and failed plantings is required.

H.F. REQUIREMENTS FOR DRAINAGE REVIEW:

All persons applying for drainage review as specified in subsection E1 of this Section shall submit to the Development Services Division all engineering plans for review in accordance with the Surface Water Design Manual. The drainage plan and supportive calculation report(s) shall be stamped by a professional civil engineer registered and licensed in the State of Washington. (Ord. 5526, 2-1-2010)

I.G. ADOPTION OF STORMWATER POLLUTION PREVENTION MANUAL (SPPM):

The 2009 King County Stormwater Pollution Prevention Manual (SPPM), as now or as hereafter may be amended by King County or the City of Renton, and hereby referred to as the Stormwater Pollution Prevention Manual, is hereby adopted by reference. One

copy of the manual shall be filed with the City Clerk including any amendments thereto. (Ord. 5526, 2-1-2010)

JH. DISCHARGE PROHIBITION:

1. Prohibition of Illicit Discharge: Materials, whether or not solids or liquids, other than surface water and stormwater shall not be spilled, leaked, emitted, discharged, disposed or allowed to escape into the storm sewer and/or drain system, surface water, groundwater, or watercourses.

[For brevity, subsection a through e not printed here, but will remain in the code.]

2. Prohibition of Illicit Connections: The construction, use, maintenance or continued existence of any connection identified by the Administrator or designee, that may convey any pollution or contaminants or anything not composed entirely of surface water and stormwater, directly into the MS4, is prohibited, including without limitation, existing illicit connections regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

3. Remedy:

a. The person and/or property owner responsible for an illicit connection and/or illicit discharge shall initiate and complete all actions necessary to remedy the effects of such connection or discharge at no cost to the City.

b. If the person responsible for an illicit connection or illicit discharge and/or the owner of the property on which the illicit connection or illicit discharge has occurred fails to address the illicit connection or illicit discharge in a timely manner, the Administrator or designee shall have the authority to implement removal or remedial actions following lawful entry upon the property. Such actions may include, but not be limited to: installation of monitoring wells; collection and laboratory testing of water, soil, and waste samples; cleanup and disposal of the illicit discharge, and remediation of soil and/or groundwater. The property owner and/or other person responsible for the release of an illicit discharge shall be responsible for any costs incurred by the Public Works Department or its authorized agents in the conduct of such remedial actions and shall be responsible for City expenses incurred due to the illicit connection or illicit discharge, including but not limited to removal and/or remedial actions in accordance with RMC 1-3-3.

c. Compliance with this subsection **H** shall be achieved through the implementation and maintenance of best management practices (BMPs) described in the Stormwater Pollution Prevention Manual. The Administrator or

designee shall initially rely on education and informational assistance to gain compliance with this subsection **H**, unless the Administrator or designee determines a violation poses a hazard to public health, safety, or welfare, endangers any property and/or other property owned or maintained by the City, and therefore should be addressed through immediate penalties. The Administrator or designee may demand immediate cessation of illicit discharges and assess penalties for violations that are an imminent or substantial danger to the health or welfare of persons or danger to the environment.

4. Elimination of Illicit Connection and/or Illicit Discharge:

a. Notice of Violation: Whenever the Administrator or designee finds that a person has violated a prohibition or failed to meet a requirement of this Section, he or she may order compliance by written notice of violation to the property owner and/or responsible person, by first class and certified mail with return receipt requested. Such notice may require without limitation:

- i. The performance of monitoring, analyses, and reporting by the violator;
- ii. The elimination of illicit connections or discharges;
- iii. That violating discharges, practices, or operations shall immediately cease and desist;
- iv. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- v. The implementation of source control or treatment BMPs. Any person responsible for a property or premises which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system and/or waters of the State. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

b. Requirement to Eliminate Illicit Connection: The Administrator or designee shall send a written notice, sent by first class and certified mail with return receipt requested, to the property owner and/or the person responsible for the illicit connection, informing the property owner or person responsible for an illicit connection to the MS4 that the connection must be terminated by a specified date.

c. Requirement to Eliminate Illicit Discharges: The Administrator or designee shall send a written notice, sent by first class and certified mail with return receipt requested to the property owner and/or the person responsible for the illicit discharge, informing the property owner or person responsible for an illicit discharge to the MS4, whether it be surface water and/or groundwater, that the discharge must be terminated by a specified date.

d. Sample and Analysis: When the Administrator or designee has reason to believe that an illicit connection is resulting in an illicit discharge, the Administrator or designee may sample and analyze the discharge and recover the cost of such sampling and analysis from the property owner or person responsible for such illicit connection or discharge pursuant to RMC 1-3-3, as now or as hereafter may be amended, and require the person permitting or maintaining the illicit connection and/or discharge to conduct ongoing monitoring at that person's expense.

e. Right of Appeal from Administrative Decision: Any person aggrieved by an administrative decision of the Administrator or designee may appeal such decision pursuant to RMC [4-8-110](#).

f. Any illicit connection and/or illicit discharge as set forth in this Section or the Stormwater Pollution Prevention Manual is hereby declared to be a nuisance pursuant to RMC 1-3-3, and as defined in RMC 1-3-4A11c (23).

5. Reporting Requirements:

a. In the event of an illicit discharge or spill of hazardous material into the stormwater drainage system or waters of the City, State of Washington or United States, said person with knowledge thereof shall immediately notify the emergency dispatch services (911).

b. In the event of an illicit discharge of nonhazardous material into the stormwater drainage system or waters of the City, State of Washington or United States, said person with knowledge thereof shall immediately notify the Public Works Department by phone at 425-430-7400, or in person.

6. Inspections, Investigation and Sampling: The Administrator or designee may lawfully enter property to inspect the facilities of any person to determine compliance with the requirements of these regulations.

a. Access:

i. The Administrator or designee shall be permitted to lawfully enter and inspect sites subject to regulation under this Chapter and Section as often as may be necessary to determine compliance herewith, at all reasonable hours for the purpose of inspections, sampling or records examination.

ii. The Administrator or designee shall have the right to set up on the property necessary devices to conduct sampling, inspection, compliance monitoring, and/or metering actions.

b. Compliance with Inspection Report: Within thirty (30) days of receiving an inspection report from the Public Works Department, the property owner or operator shall file with the Department a plan and time schedule to implement any required modifications to the site or to the monitoring plan needed to achieve compliance with the intent of this Chapter or Section or the NPDES permit conditions. This plan and time schedule shall also implement all of the recommendations of the Department.

7. **Record Retention Required:** All persons subject to the provisions of this Section shall retain and preserve for no less than five (5) ~~three (3)~~ years any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to operation, maintenance, monitoring, sampling, remedial actions and chemical analysis made by or on behalf of a person in connection with any illicit connection or illicit discharge. All records which pertain to matters which are the subject of administrative or any other enforcement or litigation activities brought by the City pursuant to this Code shall be retained and preserved by the person until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. (Ord. 5526, 2-1-2010)

KI. REVIEW AND APPROVAL OF PLAN:

1. Process: All storm drainage plans and supportive calculations shall be prepared in connection with any of the permits and/or approvals listed in subsection D of this Section shall be submitted for review and approval to the Development Services Division.

2. Fees: Fees shall be as listed in ~~RMC 4-1-180B~~ the City of Renton Fee Schedule Brochure on file with the City Clerk's Office.

3. Additional Information: The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Administrator or designee.

4. Tests: Whenever there is insufficient evidence of compliance with any of the provisions of this Section or Code, or evidence that any material or construction does not conform to the requirements of this Section or Code, the Administrator or designee may require tests as proof of compliance to be made at no expense to this jurisdiction. Test methods shall be as specified by this Section or Code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the Administrator or designee shall determine test procedures. Suitable performance of the method or material may be evidence of compliance meeting the testing requirement. (Ord. 5526, 2-1-2010)

LJ. BONDS AND LIABILITY INSURANCE REQUIRED:

The Development Services Division shall require all persons constructing drainage facilities pursuant to RMC [4-6-030](#), except for single family residential lots, to post with the City of Renton a surety, cash bonds, assignment of funds or certified check in the amount equal to the estimated cost of construction calculated using the Bond Quantity Worksheet as described in the Surface Water Design Manual.

1. Construction Bond: Prior to commencing construction, the person constructing the drainage facility shall post a construction bond in an amount sufficient to cover the cost of conforming said construction with the approved drainage plans. In lieu of a bond, the applicant may elect to establish a cash escrow account with his bank in an amount deemed by the City of Renton to be sufficient to reimburse the City if it should become necessary for the City to enter the property for the purpose of correcting and/or eliminating hazardous conditions relating to soil stability and/or erosion. The instructions to the escrowee shall specifically provide that after prior written notice unto the owner and his failure to correct and/or eliminate existing or potential hazardous conditions and his failure to timely remedy same, the escrowee shall be authorized without any further notice to the owner or his consent to disburse the necessary funds to the City of Renton for the purpose of correcting and/or eliminating such conditions complained of. After determination by the Department that all facilities are constructed in compliance with the approved plans, the construction bond shall be released.

2. Maintenance and Defect Bond (required only for those facilities to be maintained and operated by the City of Renton): After satisfactory completion of the facilities and prior to the release of the construction bond by the City, the person constructing the facility shall commence a two (2) year period of satisfactory maintenance of the facility. A cash bond, surety bond or bona fide contract for maintenance and defect with a third party for the duration of this two (2) year period, to be approved by the City of Renton and to be used at the discretion of the City of Renton to correct deficiencies in said maintenance affecting public health, safety and welfare, must be posted and

maintained throughout the two (2) year maintenance and defect period. The amount of the cash bond or surety bond shall be in the amount equal to twenty percent (20%) of the estimated cost of construction for a two (2) year period calculated using the Bond Quantity worksheet as described in the Surface Water Design Manual.

The owner of the property shall throughout the maintenance and defect period notify the City in writing if any defect or malfunction of the drainage system has come to his or her notice. Failure to notify the City shall give the City cause to reject assumption of the maintenance of the facility at the expiration of the two (2) year maintenance and defect period, or within one year of the discovery of the defect or malfunction of the drainage system, whichever period is the latest in time.

3. Liability Policy: Before a permit shall be issued for any construction, insurance will be required as follows:

- a. **Duration and Limits:** The applicant shall secure and maintain in force throughout the duration of the permit commercial general liability insurance written on an occurrence basis with limits no less than one million dollars (\$1,000,000.00) per occurrence/two million dollars (\$2,000,000.00) aggregate.
- b. **Additional Insured:** Copies of such insurance policy or policies shall be furnished unto the City with a special endorsement in favor of the City with the City named as a primary and noncontributory additional insured on the insurance policy and an endorsement stating such shall be provided to the City.
- c. **Cancellation Notice Required:** The policy shall provide that it will not be canceled or reduced without thirty (30) days' advance written notice to the City.
- d. **Waiver:** Upon showing of a hardship and at the discretion of the Administrator or designee, the insurance requirements may be reduced or waived for single family or two-family residential applications. (Ord. 5526, 2-1-2010; Ord. 5645, 12-12-2011)

M. MAINTENANCE OF DRAINAGE FACILITIES:

1. Drainage Facilities Accepted by the City of Renton for Maintenance:

- a. **Responsibility for Maintenance of Accepted Facilities:** The City of Renton is responsible for maintenance, including performance and operation of drainage facilities inside the fence that have formally been accepted by the Administrator. The City will also maintain any chain link fence surrounding accepted drainage facilities if the fencing is required per subsection G of this section. All landscaped areas, wooden fencing, or fencing constructed for a purpose other

than safety within the tract, must be maintained by the property owners/homeowners' association. The following language is required to be noted on the face of the plat.

- i. Tract _____ is for stormwater / landscape purposes and is hereby conveyed /to the _____ subdivision home owners association (HOA) upon the recording of this plat. Each lot owner within the plat shall have equal and undivided ownership interest in Tract _____. An overlying easement is hereby dedicated to the City of Renton for the purpose of operating, maintaining, improving and repairing the facilities contained therein. The homeowners association is responsible for the maintenance of said tract excluding said drainage facilities.
- ii. A stormwater easement is hereby dedicated to the City of Renton over, under and across Tract _____ for the purpose of conveying, storing, managing and facilitating storm and surface water. The City of Renton is hereby granted the right to enter said stormwater easement for the purpose of inspecting, operating, maintaining, improving, and repairing the drainage facilities contained therein. Only the chain link fence (if required by subsection G of this section), flow control, water quality treatment and conveyance facilities will be considered for formal acceptance and maintenance by the City. Maintenance of all other improvements and landscaping in said stormwater tract shall be the responsibility of the homeowners association. Each lot owner within the plat shall have equal and undivided interest in the maintenance of all other improvements constructed within Tract _____.

b. **City Assumption of Maintenance Responsibility for Existing Facilities:** The City of Renton may assume maintenance of privately maintained drainage facilities, including the perimeter fencing, after the expiration of the two (2) year maintenance period in connection with the subdivision of land if the following conditions have been met:

- i. All of the requirements of subsection E of this Section have been fully complied with;
- ii. The facilities have been inspected and any defects or repairs have been corrected and approved by the Department prior to the end of the two (2) year maintenance period;

- iii. All necessary easements entitling the City to properly maintain the facility have been conveyed to the City;
- iv. The facility is constructed on a plat with public streets and located on tracts or easements dedicated to the City; and
- v. It is recommended by the Administrator and concurred in by the City Council that said assumption of maintenance would be in the best interests of the City.

c. Facilities **not Eligible for Transfer of Maintenance Responsibility**: A drainage facility which does not meet the criteria of this subsection shall remain the responsibility of the applicant required to construct the facility and persons holding title to the property for which the facility was required.

2. Drainage Facilities Not Accepted by the City for Maintenance:

a. The person or persons holding title to the property and the applicant required to construct a drainage facility shall remain responsible for the facility's continual performance, operation and maintenance, including the perimeter fencing, in accordance with the standards and requirements per subsection C of this Section and remain responsible for any liability as a result of these duties. This responsibility includes maintenance of a drainage facility which is:

- i. Under a two (2) year maintenance bond period;
- ii. Serving a private road;
- iii. Located within and serving only one single family residential lot;
- iv. Located within and serving a multi-family, commercial site, industrial or mixed use property site;
- v. Not otherwise accepted by the City for maintenance.

b. A declaration of covenant as specified in the Surface Water Design Manual shall be recorded. The restrictions set forth in such covenant shall include, but not be limited to, provisions for notice to the persons holding title to the property of a City determination that maintenance and/or repairs are necessary to the facility and a reasonable time limit in which such work is to be completed.

i. In the event that the titleholders do not effect such maintenance and/or repairs, the City may perform such work upon due notice. The titleholders are required to reimburse the City for any such work. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the King County Records Division.

ii. The City may enforce the restrictions set forth in the declaration of covenant provided in the Surface Water Design Manual.

3. **Separate Conveyance System Required for Off Site Drainage:** ~~Conveyance systems to be maintained and operated by the City must be located in a drainage easement, tract, or right-of-way granted to City.~~ Offsite areas that naturally drain onto the project site must be intercepted at the natural drainage course within the project site and conveyed in a separate conveyance system and must bypass onsite stormwater facilities. Separate conveyance systems that intercept offsite runoff and are located on private property must be located in a drainage easement that may be dedicated to the City if the City deems it appropriate depending on the upstream tributary area.

4. **Other Cases:** Where not specifically defined in this subsection, the responsibility for performance, operation and maintenance of drainage facilities and conveyance systems shall be determined on a case-by-case basis. (Ord. 5526, 2-1-2010; Ord. 5645, 12-12-2011)

N. RETROACTIVITY RELATING TO CITY MAINTENANCE OF SUBDIVISION FACILITIES:

If any person constructing drainage facilities pursuant to this Section and/or receiving approval of drainage plans prior to the effective date of the ordinance codified in this Section reassesses the facilities and/or plans so constructed and/or approved and demonstrates, to the Administrator's satisfaction, total compliance with the requirements of this Section, the City may, after inspection, approval and acknowledgment of the proper posting of the required bonds as specified in subsection M of this Section, assume maintenance of the facilities. (Ord. 5526, 2-1-2010)

O. ADJUSTMENT:

1. An adjustment to the requirements contained in this Section or other requirements in the Surface Water Design Manual may be proposed. The resulting development shall be subject to all of the remaining terms and conditions of this section and the adjustment shall:

a. Produce a compensating or comparable result in the public interest; and

b. Meet the objectives contained in this Section of safety, function, appearance, environmental protection and maintainability based upon sound engineering judgment.

2. Requests for adjustments that may conflict with the requirements of any other City departments shall require review and concurrence with that department.

3. A request for an adjustment shall be processed in accordance with the procedures specified in the Surface Water Design Manual.

4. The applicant may appeal an adjustment decision by following the appeal procedures as specified in the Surface Water Design Manual per RMC [4-8-110](#). (Ord. 5526, 2-1-2010)

PN. VARIANCE:

1. If complying with subsection E2 of this Section will deny all reasonable use of a property, a variance to the requirements in the Surface Water Design Manual may be requested from the Community and Economic Development Administrator or designee in accordance with the variance process defined in the Surface Water Design Manual and RMC [4-9-250](#).

2. A request for a variance shall be processed in accordance with RMC [4-9-250](#). (Ord. 5526, 2-1-2010)

QQ. SEVERABILITY:

If any provision, subsection, sentence, clause or phrase of this Section or the application thereof to any person or circumstances is held invalid, the remaining portions of this Section and the application of such provisions to other persons or circumstances shall not be affected thereby. (Ord. 5526, 2-1-2010)

RP. VIOLATIONS OF THIS SECTION AND PENALTIES:

A violation of any of the provisions of this Section shall be a civil infraction upon the first offense pursuant to RMC 1-3-2. See also RMC [4-6-110](#).

Amend RMC section 4-4-040, FENCES AND HEDGES, to read as follows:

A. PURPOSE:

These regulations are intended to regulate the material and height of fences and hedges, particularly in front yards and in yards abutting public rights-of-way, in order to promote traffic and

public safety and to maintain aesthetically pleasing neighborhoods. The following regulations are intended to provide and maintain adequate sight distance along public rights-of-way at intersections and to encourage safe ingress and egress from individual properties. These regulations also encourage the feeling of spaciousness along neighborhood streets and minimize the closed city atmosphere which tall fences along public rights-of-way can create.

B. APPLICABILITY:

The provisions and conditions of this Section regulating height are not applicable to fences or barriers required by State or City law ~~or by the zoning provisions of this Code~~ to surround and enclose public safety installations, school grounds, public playgrounds, storm drainage facilities, private or public swimming pools and similar installations and improvements.

Fences and hedges within the urban separator overlay are also subject to requirements of the Urban Separator Overlay regulations (see RMC [4-3-110](#)). (Ord. 5132, 4-4-2005)

Amend existing code section RMC 4-4-070B1b, Landscaping, Applicability to read as follows:

b. All new buildings; and new surfacewater facilities;

Insert a new code section ahead of existing section RMC 4-4-070F8 and renumber existing section F8 to F9 and add a heading for this relocated section as follows:

RMC 4-4-070F:

8. Storm Drainage Facilities: The perimeter of all new flow control and/or water quality treatment stormwater facilities shall be landscaped in accordance with the provisions of this Section, the 2009 KCSWDM, and the City of Renton Amendments to the KCSWDM (on file with the Renton City Clerk's Office) unless otherwise determined through the site plan review or subdivision review process.

98. Urban Separator Properties: Properties within urban separators are subject to landscaping requirements of RMC [4-3-110E](#) in addition to the requirements of this section.

Amend RMC Section 4-4-070H, Landscaping, Description of required landscaping types, by adding a new section 6 to read as follows:

6. Storm Drainage Facility Landscaping:

a) Trees are Prohibited on Berms: Trees are prohibited on any berm serving a drainage-related function, however, groundcover is required and subject to City review/approval.

b) Additional Locations where Trees and Shrubs are Prohibited:

- 1) within the inside of the fenced area; and
- 2) within 10 feet of any manmade drainage structure (i.e. catch basins, ditches, pipes, vaults, etc.).

c) Perimeter Landscaping Required: Minimum 15-foot wide landscaping strip on the outside of the fence unless otherwise determined through the site plan review or subdivision review process.

d) Type of Plantings Required: Plantings shall be consistent with the KCSWDM and this section. Additionally, trees must be spaced as determined by the Department of Community and Economic Development.

e) Conflicts: In the event of a conflict between this section and the KCSWDM, the landscaping provisions of this Section shall prevail. See also pages 5-1 and 5-2 of the City of Renton Amendments to the King County Surface Water Design Manual.

Amend pages 5-1 and 5-2 of the City of Renton Amendments to the King County Surface Water Design Manual to add the following text relating to fencing and side slopes:

5.3.1.1 Design Criteria, Side Slopes: *Replace paragraphs 1-4 with the following:*

1. Side slopes (interior and exterior) shall not be steeper than 3 feet horizontal to 1 foot vertical.
2. Pond walls may be vertical retaining walls, provided: (a) they are constructed of reinforced concrete per Section 5.3.3 (p. 5-35); (b) a fence is provided along the top of the wall; (c) at least 25% of the pond perimeter will be a vegetated soil slope not steeper than 3H: 1V; and (d) the design plan is stamped by a licensed structural civil engineer.

5.3.1.1 Design Criteria, Fencing: *Replace paragraphs 1 and 2 with the following:*

All ponds and other similar facilities, as determined by the City Development Services Division, shall be fenced. On stormwater facilities to be maintained by the City, a fence shall be placed at the top the berm with the maintenance access road in the inside of the fence; or 5 feet minimum from top of berm if there is no maintenance access road allowing proper maintenance of the facility.

Fence material shall be six foot high black or green bonded vinyl chain link. Cedar or other fencing materials may be installed only if owned and maintained by a private property owner or Home Owner's Association (HOA). Language assigning maintenance responsibility of the fence will be placed in the final plat.

5.3.1.1 Landscaping: Replace introductory paragraph with the following:

Landscaping is not optional; it is required on all stormwater/landscaping tracts. Landscaping is required in those areas of the tract that will not impact the functionality or maintenance of the drainage facilities. For stormwater ponds to be maintained by the City, no landscaping shall be planted inside the fence. Landscaping inside the fence is allowed for storm water facilities to be privately maintained provided that the landscaping complies with the requirements of RMC 4-4-070F8, Storm Drainage Facilities.

5.3.1.1 Landscaping: Add to bullet #2 the following:

If Stormwater pond is City maintained, then landscaping is prohibited in the inside slope of the pond and trees are prohibited on any drainage-related berms. No landscaping is allowed inside the facility fencing.

5.3.1.1 Signage: Add the following text to this section:

The fence gate must be posted with a 12 inch by 18 inch "No Trespassing" sign, unless otherwise approved by the City.

Amend the "Reference" section at the end of the "City of Renton Amendments to the King County Surface Water Design Manual" to replace Form Number I, "Maintenance and Defect Agreement" with the following updated form:

City of Renton

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MAINTENANCE AND DEFECT AGREEMENT (Two Years) For public roads, drainage facilities and other public improvements	Applicant's Name and Address
Agreement Number	Project Number and Name
Guarantee Amount	Site Location/Section
Reference Number(s) of Documents assigned or released: Additional reference numbers are on page _____.	
Grantor(s): 1. 2.	Grantee(s): 1.

This AGREEMENT is made and entered into this _____ day of _____, 20____, between the City of Renton, hereinafter called the CITY, and the above named APPLICANT, hereinafter called APPLICANT.

Basis for AGREEMENT:

WHEREAS the undersigned APPLICANT has constructed public roads and/or drainage facilities and other public improvements to be deeded to the City in connection with the above-referenced project; and

WHEREAS the APPLICANT has agreed to secure the successful maintenance and operation of said improvements for the referenced projects pursuant to RMC 4-6-030 and RMC 9-10-5.

NOW THEREFORE, the APPLICANT hereby agrees and binds itself and its legal representatives, successors, and assigns as follows:

Terms of the AGREEMENT:

1. The improvements constructed by the APPLICANT or his representative shall successfully operate and shall remain free of defects in design, workmanship, materials, and design for a period of two years from the date of satisfactory completion of the improvements or final plat approval, whichever is later. As used in

this AGREEMENT, the term "defects" includes but is not limited to, damage resulting from construction activities and/or use during the two year period.

2. The APPLICANT is responsible for maintenance of the public road, drainage facilities and other public improvements, including the roadway surface for the two year period from the date of satisfactory construction approval or final plat approval, whichever is later.

City of Renton

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Agreement Number	Project Number and Name
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3. In the event of any failure of the improvements to satisfactorily operate or in the event of a defect in design, workmanship or materials, the APPLICANT shall promptly and adequately repair and/or correct the failure or defect.
4. The CITY will perform maintenance inspections during the two year period.
5. During the two year period upon notification by the CITY, the APPLICANT shall correct and/or make repairs to the right-of-way improvements within the time period specified by the CITY when defects in the design, workmanship, or materials occur.
6. In the event the CITY determines that repairs must be performed immediately to prevent risk to person(s) and property, the CITY may make necessary repairs and the costs of those repairs shall be paid by the APPLICANT upon demand.
7. The APPLICANT shall pay all required fees in accordance with Renton Municipal Code.
8. At the end of the two year period, the APPLICANT shall clean the drainage facilities prior to the CITY's final inspection.
9. If, at the conclusion of the two year period, the City of Renton, at its sole discretion, determines that the improvements are not adequately maintained, the APPLICANT shall perform prompt maintenance to the CITY's satisfaction. In the event this maintenance is not performed within the time period specified by the CITY, the CITY will invoke the enforcement processes found in RMC Chapter 1-3.
10. Any failure by the APPLICANT to comply with the terms of this AGREEMENT in a timely manner shall constitute default. Any action or inaction by the City of Renton following any default in any term or condition of this AGREEMENT shall not be deemed to waive any rights of the City of Renton pursuant to this AGREEMENT.
11. The APPLICANT shall indemnify and hold the CITY and its agents, employees and/or officers harmless from and shall ~~and~~ defend at its own expense all claims, damages, suits at law or equity, actions, penalties, losses, or costs of whatsoever kind or nature, brought against the CITY for negligence arising out of, in connection with, or incident to the execution of this AGREEMENT and/or the APPLICANT's performance or failure

to perform any aspect of the AGREEMENT. Provided, however, that if such claims are caused by or result from concurrent negligence of the APPLICANT and the CITY, its agents, employees and/or officers, this provision shall be valid and enforceable only to the extent of the negligence of the APPLICANT, and provided further, that nothing herein shall require the APPLICANT to hold harmless or defend the CITY from any claim arising from the sole negligence of the CITY's agents, employees and/or officers.

12. In the event that any party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this AGREEMENT, the parties hereto agree that any such action or proceeding shall be brought in a court of competent jurisdiction situated in King County, Washington.

13. The Applicant is granted the right to access City right-of-way, tracts and easements dedicated to the City for the purpose of performing work required by this Maintenance and Defect Agreement until the agreement is released.

City of Renton
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Page

Agreement Number	Project Number and Name
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Release Requirements: This AGREEMENT shall remain in full force and effect and shall not be released until all terms of this AGREEMENT have been completed to the satisfaction of the City of Renton.

IN WITNESS THEREOF, the parties hereto have executed this AGREEMENT as of the day and year first above written.

APPLICANT

By Title Date

Received for City of Renton By Date

IN WITNESS WHEREOF, said Grantor has caused this instrument to be executed this __ day of _____, 20__.

Notary Seal must be within
box

INDIVIDUAL FORM OF ACKNOWLEDGMENT

STATE OF WASHINGTON) SS

COUNTY OF KING)

I certify that I know or have satisfactory evidence that

signed this instrument and acknowledged it to be his/her/their
free and voluntary act for the uses and purposes mentioned in
the instrument

Notary Public in and for the State of Washington

Notary (Print)_____

My appointment expires:_____

Dated:

City of Renton
3 of 4

Page

Agreement Number	Project Number and Name
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Notary Seal must be

REPRESENTATIVE FORM OF ACKNOWLEDGMENT

within box

STATE OF WASHINGTON) SS
COUNTY OF KING)

I certify that I know or have satisfactory evidence that

Instrument, on oath stated that he/she/they was/were
authorized to execute the instrument and acknowledged it as
the _____ and _____
of _____ to be free and voluntary act
of such party/parties for the uses and purposes mentioned in
the instrument.

Notary Public in and for the State of Washington

Notary (Print) _____

My appointment expires: _____

Dated:

Notary Seal must be
within box

CORPORATE FORM OF ACKNOWLEDGMENT

STATE OF WASHINGTON) SS
COUNTY OF KING)

On this _____ day of _____, 20____, before me
personally appeared

to me known to be _____ of
the corporation that executed the within instrument, and
acknowledge the said instrument to be the free and voluntary
act and deed of said corporation, for the uses and purposes
therein mentioned, and each on oath stated that he/she was
authorized to execute said instrument and that the seal affixed
is the corporate seal of said corporation.

Notary Public in and for the State of Washington

Notary (Print) _____

My appointment expires: _____

Dated:

9/4/2012

**4-2-110A DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING
DESIGNATIONS (PRIMARY AND ATTACHED ACCESSORY STRUCTURES)**

DENSITY	
Minimum Net Density (for proposed short plats or subdivisions)^{1, 15}	
RC, R-1, and R-4	none
R-8	4 dwelling units per net acre.
R-10	For parcels over 1/2 gross acre: 4 dwelling units per net acre ³⁰
R-14	10 dwelling units per net acre ³⁰
RM	For any subdivision, and/or development:³⁰ “U” suffix: 25 dwelling units per net acre. “T” suffix: 14 dwelling units per net acre. “F” suffix: 10 dwelling units per net acre.
Maximum Net Density^{2, 14, 15}	
RC	1 dwelling unit per 10 net acres.
R-1	1 dwelling unit per 1 net acre, except that in designated Urban Separators density of up to 1 unit per gross acre may be permitted subject to conditions in RMC 4-3-110 , Urban Separator Overlay Regulations. Assisted living bonus: A maximum density of 18 units/acre may be allowed subject to conditions of RMC 4-9-065 , Density Bonus Review.
R-4	4 dwelling units per 1 net acre.
R-8	8 dwelling units per 1 net acre, except that the maximum shall be 6.00 dwelling units per net acre when alleys are considered practical, as specified in RMC 4-7-150 .E.5, and are not part of the street configuration.
R-10	10 dwelling units per net acre. Assisted living bonus: A maximum density of 18 units/acre, for assisted living, may be allowed subject to conditions of RMC 4-9-065 , Density Bonus Review.
R-14	14 dwelling units per net acre, except that density of up to 18 dwelling units per acre may be permitted subject to conditions in RMC 4-9-065 , Density Bonus Review.

	<p>Assisted living bonus: A maximum density of 18 units/acre, for assisted living, may be allowed subject to conditions of RMC 4-9-065, Density Bonus Review.</p> <p>Affordable housing bonus: Up to 30 dwelling units per net acre may be permitted on parcels a minimum of two acres in size if 50% or more of the proposed dwelling units are affordable to low income households with incomes at or below 50% of the area median income.</p>
RM	<p>“U” suffix: 75 dwelling units per net acre.²⁶</p> <p>“T” suffix: 35 dwelling units per net acre.</p> <p>“F” suffix: 20 dwelling units per net acre.³²</p> <p>Assisted living bonus: 1.5 times the maximum density may be allowed subject to conditions of RMC 4-9-065, Density Bonus Review.</p>

NUMBER OF DWELLING UNITS PER LOT

Maximum Number per Legal Lot²

RC, R-1, R-4, and R-8	1 dwelling with 1 accessory dwelling unit. ⁷
R-10 and R-14	<p>Detached single family dwellings: 1 dwelling with 1 accessory dwelling unit.</p> <p>Attached dwellings: n/a</p>
RM	n/a

LOT DIMENSIONS³¹ (for proposed plats and line adjustments)

Minimum Lot Size

RC ²⁸	10 acres
R-1 ²⁸	1 acre, except 10,000 sq. ft. for cluster development. ³
R-4 ²⁸	8,000 sq. ft. ⁴⁴ , except for small lot cluster development ¹⁰ , where R-8 standards shall apply.
R-8 ²⁸	4,500 sq. ft. for parcels greater than 1 acre. 5,000 sq. ft. for parcels 1 acre or less.
R-10 and R-14 ²⁹	No minimum lot size. However, developments of greater than 9 single family dwellings shall incorporate a variety of home sizes, lot sizes, and unit clusters.
RM	n/a

Minimum Lot Width

RC	150 ft. for interior lots. 175 ft. for corner lots.
R-1	75 ft. for interior lots. 85 ft. for corner lots. Except for cluster development, where R-4 standards shall apply.
R-4	70 ft. for interior lots. 80 ft. for corner lots. ⁴⁴ Except for small lot cluster development ¹⁰ , where R-8 standards shall apply.
R-8	50 ft. for interior lots. 60 ft. for corner lots.
R-10 and R-14	No minimum lot width.
RM	“T” suffix: 14 ft. All other suffixes: 50 ft.

Minimum Lot Depth

RC	200 ft.
R-1	85 ft., except for cluster development, where R-4 standards shall apply. ³
R-4	80 ft. ⁴⁴ , except for small lot cluster development ¹⁰ , where R-8 standards shall apply.
R-8	65 ft.
R-10 and R-14	No minimum lot depth.
RM ²⁹	65 ft.

Lot Configuration

R-8, R-10, and R-14	See RMC 4-2-115
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SETBACKS^{4,31}

Guidelines for R-10 and R-14: Building setbacks shall ensure separation of homes and private spaces while allowing high density. Visual functional continuity shall be maintained between housing units through similar setbacks and/or landscape buffers. Structures and parking areas may encroach into required setbacks if it can be shown that such encroachment allows

significant trees or tree clusters to be retained. Encroachment shall be the minimum encroachment necessary to protect specified trees. In no case shall the yard be reduced to 50% or more of the required setback.

Minimum Front Yard⁶

RC and R-1	30 ft.
R-4	<p>30 ft.¹²</p> <p>Exceptions:</p> <ol style="list-style-type: none"> 1. For small lot cluster development¹⁰, R-8 standards shall apply. 2. When parking lot is provided in the rear yard of the lot with access from a public right-of-way or alley, 20 ft. 3. The Administrator of the Department of Community and Economic Development or designee may reduce the setback by a maximum of 50% of the required setback, when all of the following conditions apply: <ol style="list-style-type: none"> a. The setback that was required at the time of initial construction was less than 30 ft. b. A reduced setback is appropriate given the character of the immediate neighborhood. c. There are no other alternative locations that can reasonably accommodate the request without encroaching into a setback.
R-8	<p>15 ft.</p> <p>Unit with Alley Access Garage: The front yard setback of the primary structure may be reduced to 10 ft. if all parking is provided in the rear yard of the lot with access from a public right-of-way or alley.</p>
R-10 and R-14	10 ft. ²¹ , except garage/carport setback which shall be 15 ft.
RM	<p>“U” suffix: 5 ft.^{18,19}</p> <p>“T” suffix: 5 ft.</p> <p>“F” suffix: 20 ft.</p>

Minimum Side Yard

RC	25 ft.
R-1	15 ft.

R-4	5 ft.
R-8	5 ft.
R-10 and R-14	Detached Units: 4 ft. Attached Units: 4 ft. for the unattached side(s) of the structure. 0 ft. for the attached side(s). ²³
RM	<p>“T” suffix – Attached Units: A minimum of 3 ft. for the unattached side(s) of the structure. 0 ft. for the attached side(s).</p> <p>Standard Minimum Setbacks for all other suffixes: Minimum setbacks for side yards.²⁴</p> <p>Lot width: less than or equal to 50 ft. – Yard setback: 5 ft.</p> <p>Lot width: 50.1 to 60 ft. – Yard setback: 6 ft.</p> <p>Lot width: 60.1 to 70 ft. – Yard setback: 7 ft.</p> <p>Lot width: 70.1 to 80 ft. – Yard setback: 8 ft.</p> <p>Lot width: 80.1 to 90 ft. – Yard setback: 9 ft.</p> <p>Lot width: 90.1 to 100 ft. – Yard setback: 10 ft.</p> <p>Lot width: 100.1 to 110 ft. – Yard setback: 11 ft.</p> <p>Lot width: 110.1+ ft. – Yard setback: 12 ft.</p> <p>Additional setbacks for structures greater than 30 ft. in elevation: The entire structure shall be set back an additional 1 ft. for each 10 ft. in excess of 30 ft. to a maximum cumulative setback of 20 ft.</p> <p>Additional setbacks for lots abutting Single Family Residential Zones RC, R-1, R-4, R-8, and R-10: 25 ft. along the abutting side(s) of the property.</p>
Side Yard Along a Street	
RC	30 ft.
R-1	20 ft.
R-4	<p>20 ft.¹²</p> <p>Exceptions:</p> <ol style="list-style-type: none"> 1. For small lot cluster development¹⁰, R-8 standards shall apply. 2. The Administrator of the Department of Community and Economic Development or designee may reduce the setback by a maximum of 50% of the required setback, when all of the following conditions apply: <ol style="list-style-type: none"> a. The setback that was required at the time of initial construction was less than 20

	<p>ft.</p> <p>b. A reduced setback is appropriate given the character of the immediate neighborhood.</p> <p>c. There are no other alternative locations that can reasonably accommodate the request without encroaching into a setback.</p>
R-8	15 ft. for the primary structure
R-10 and R-14	10 ft. except garage/carport setbacks which shall be 15 ft.
RM	<p>“U” and “T” suffixes and on all previously existing platted lots which are 50 ft. or less in width: 10 ft.</p> <p>All other suffixes with lots over 50 ft. in width: 20 ft.</p>
Minimum Rear Yard	
RC	35 ft.
R-1	25 ft.
R-4	<p>25 ft.</p> <p>Exceptions:</p> <p>1. For small lot cluster development¹⁰, R-8 standards shall apply.</p> <p>2. The Administrator of the Department of Community and Economic Development or designee may reduce the setback by a maximum of 50% of the required setback, when all of the following conditions apply:</p> <p>a. The setback that was required at the time of initial construction was less than 25 ft.</p> <p>b. A reduced setback is appropriate given the character of the immediate neighborhood.</p> <p>c. There are no other alternative locations that can reasonably accommodate the request without encroaching into a setback.</p>
R-8	20 ft.
R-10 and R-14	12 ft. ²¹
RM	<p>“U” suffix: 5 ft.^{18,19}, unless lot abuts an RC, R-1, R-4, R-8, or R-10 zone, then 25 ft.</p> <p>“T” suffix: 5 ft.</p>

	“F” suffix: 15 ft.
Minimum Freeway Frontage Setback	
RC, R-1, R-4, R-8, R-10, and R-14	10 ft. landscaped setback from the street property line.
Clear Vision Area	
RC, R-1, R-4, R-8, R-10, and R-14	In no case shall a structure over 42 in. in height intrude into the 20 ft. clear vision area defined in RMC 4-11-030 , Definitions C.
Reciprocal Use Easements	
RC, R-1, R-4 and R-8	n/a
R-10, and R-14	In order to allow for opportunities that maximize space, reciprocal use easements are allowed. If used, all of the following are required: <ol style="list-style-type: none"> 1. Reciprocal side and/or rear yard use easements shall be delineated on the site plan. 2. Residential walls facing a reciprocal side yard shall not have any windows within 5 feet of ground level or doors entering into the yard space of the abutting home. 3. The design of use easements should not negatively affect the building foundations. 4. The layout of each home should be such that privacy is maintained between abutting houses.
RM	n/a
BUILDING STANDARDS	
Maximum Building Height, except for uses having a “Public Suffix” (P) designation and public water system facilities^{8,9}	
RC, R-1, R-4, R-8 and R-10	30 ft.

R-14	Residential and Civic Uses: 30 ft. Commercial Uses: 20 ft.
RM	“U” suffix: 50 ft. “T” suffix: 35 ft. “F” suffix: 35 ft. ²⁰
Maximum Height for Wireless Communication Facilities (Including Amateur Radio Antennas)	
RC, R-1, R-4, R-8, R-10, R-14 and RM	See RMC 4-4-140G , Standards for Specific Types of Wireless Facilities. Amateur radio antennas are allowed a maximum height of six feet (6') without a conditional use permit. Larger structures will have maximum height determined via the conditional use permit process, RMC 4-9-030 , Conditional Use Permits, as it exists or may be amended.
Maximum Building Coverage (Including Primary and Accessory Buildings)	
RC	Lots 5 acres or more: 2%. An additional 5% of the total area may be used for agricultural buildings. Lots 10,000 sq. ft. to 5 acres: 15%. On lots greater than 1 acre, an additional 5% of the total area may be used for agricultural buildings. Lots 10,000 sq. ft. or less: 35%.
R-1	20%
R-4 and R-8	Lots greater than 5,000 sq. ft.: 35% or 2,500 sq. ft., whichever is greater. Lots 5,000 sq. ft. or less: 50%
R-10 and R-14	n/a
RM	“U” suffix: 75% “T” suffix: 75% “F” suffix: 35% A maximum coverage of 45% may be obtained through the Hearing Examiner site development plan review process.
Maximum Impervious Surface Area	
RC	Lots 5 acres or more: 20%. Lots 10,000 sq. ft.: 55%. For each additional 10,000 sq. ft. increase in lot size, the

	impervious coverage shall be decreased by 1.75% to a minimum of 20% for a 5-acre lot. Lots 10,000 sq. ft. or less: 55%.
R-1	30%
R-4	55%
R-8	75%
R-10	Detached units: 75% Attached units: 65%
R-14	85%
RM	“U” and “T” suffixes: 85% All other suffixes: 75%

Building Design

RM	“U” suffix: Modulation of vertical and horizontal facades is required at a minimum of 2 ft. at an interval of a minimum offset of 40 ft. on each building face. “U” and “T” suffixes: See RMC 4-3-100 for Urban Design Regulations.
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Maximum Number of Units per Building

R-10	No more than four (4) dwelling units per building.
R-14	No more than six (6) dwelling units per building.

DESIGN STANDARDS

General

RC, R-1, R-4, R-8, R-10, and R-14	See RMC 4-2-115 , Residential Design and Open Space Standards
RM	Properties abutting a less intense residential zone may be required to incorporate special design standards (e.g., additional landscaping, larger setbacks, facade articulation, solar access, fencing) through the site development plan review process.

LANDSCAPING

General: See RMC [4-4-070](#).

EXTERIOR LIGHTING	
General	
R-10 and R-14	See RMC 4-4-075 , Lighting, Exterior On-Site.
SCREENING	
Surface Mounted or Roof Top Equipment, or Outdoor Storage	
R-10, R-14, and RM	See RMC 4-4-095 , Screening and Storage Height/Location Limitations.
Recyclables and Refuse	
RM	See RMC 4-4-090 , Refuse and Recyclable Standards.
Utilities	
R-10 and R-14	Utility boxes that are not located in alleyways or away from public gathering spaces shall be screened with landscaping or berms.
DUMPSTER/TRASH/RECYCLING COLLECTION AREA	
Minimum Size and/or Location Requirements	
Guidelines for R-10 and R-14: Trash and recycling shall be located so that they are easily accessible to residents. They shall also be invisible to the general public.	
R-10 and R-14	Both of the following are required: 1. Trash and recycling containers shall be located so that they have minimal impact on residents and their neighbors and so that they are not visible to the general public; and 2. A screened enclosure in which to keep containers shall be provided or garages shall be built with adequate space to keep containers. Screened enclosures shall not be located within front yards. See RMC 4-4-090 , Refuse and Recyclable Standards.
RM	See RMC 4-4-090 , Refuse and Recyclable Standards.
CRITICAL AREAS	
General	
RC, R-1,	See RMC 4-3-050 , Critical Areas Regulations, and 4-3-090, Shoreline Master

R-4, R-8, R-10, and R-14	Program Regulations.
PARKING AND LOADING	
General: See RMC 4-4-080	
SIGNS	
General	
R-10, R-14 and RM	See RMC 4-4-100 , Sign Regulations
SIDEWALKS, PATHWAYS, AND PEDESTRIAN EASEMENTS	
General	
R-10 and R-14	<p>All of the following are required:</p> <ol style="list-style-type: none"> 1. Sidewalks shall be provided throughout the neighborhood. The sidewalk may disconnect from the road, provided it continues in a logical route throughout the development. 2. Front yards shall have entry walks that are a minimum width of 3 feet and a maximum width of 4 feet. 3. Pathways shall be used to connect common parks, green areas, and pocket parks to residential access streets, limited residential access streets, or other pedestrian connections. They may be used to provide access to homes and common open space. They shall be a minimum 3 ft. in width and made of paved asphalt, concrete, or porous material such as: porous paving stones, crushed gravel with soil stabilizers, or paving blocks with planted joints. Sidewalks or pathways for parks and green spaces shall be located at the edge of the common space to allow a larger usable green and easy access to homes. 4. Pedestrian Easement Plantings: Shall be planted with plants and trees. Trees are required along all pedestrian easements to provide shade and spaced 20 feet on center. Shrubs shall be planted in at least 15 percent of the easement and shall be spaced no further than 36 inches on center. 5. For all homes that do not front on a residential access street, limited residential access street, a park, or a common green: Pedestrian entry easements that are at least 15 ft. wide plus a 5 ft. sidewalk shall be provided.

MAIL AND NEWSPAPER BOXES

General

Guidelines for R-10 and R-14: Mailboxes shall be located so that they are easily accessible to residents. They shall also be architecturally compatible with the homes.

R-10 and R-14	All of the following are required: <ol style="list-style-type: none">1. Mailboxes shall be clustered and located so as to serve the needs of USPS while not adversely affecting the privacy of residents; and2. Mailboxes shall be lockable consistent with USPS standard; and3. Mailboxes shall be architecturally enhanced with materials and details typical of the home's architecture; and4. Newspaper boxes shall be of a design that reflects the character of the home.
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HOT TUBS, POOLS, AND MECHANICAL EQUIPMENT

General

Guidelines for R-10 and R-14: Hot tubs, pools, and mechanical equipment shall be placed so as to not negatively impact neighbors.

R-10 and R-14	Hot tubs and pools shall only be located in back yards and designed to minimize sight and sound impacts to adjoining property. Pool heaters and pumps shall be screened from view and sound insulated. Pool equipment must comply with codes regarding fencing.
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FENCES AND HEDGES

General

R-10 and R-14	See RMC 4-4-040
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EXCEPTIONS

Pre-Existing Legal Lots

RC, R-1, R-4, R-8, R-10 and R-14	Nothing herein shall be determined to prohibit the construction of a single family dwelling and its accessory buildings on a pre-existing legal lot; provided, that all setbacks, lot coverage, height limits, infrastructure, and parking requirements of the zone can be satisfied and provisions of RMC 4-3-050 , Critical Areas, can be met.
RM	Nothing herein shall be determined to prohibit the construction of a single family

dwelling and its accessory buildings or the existence of a single family dwelling or two attached dwellings, existing as of March 1, 1995, on a pre-existing legal lot; provided, that all setback, lot coverage, height limits, infrastructure, and parking requirements for this zone can be satisfied, and provisions of RMC 4-3-050 , Critical Areas, and other provisions of the Renton Municipal Code can be met.

(Ord. 4869, 10-23-2000; Amd. Ord. 4963, 5-13-2002; Ord. 5100, 11-1-2004; Ord. 5132, 4-4-2005; Ord. 5153, 9-26-2005; Ord. 5306, 9-17-2007; Ord. 5355, 2-25-2008; Ord. 5383, 6-2-2008; Ord. 5387, 6-9-2008; Ord. 5401, 7-14-2008; Ord. 5450, 3-2-2009; Ord. 5473, 7-13-2009; Ord. 5518, 12-14-2009; Ord. 5526, 2-1-2010; Ord. 5528, 3-8-2010; Ord. 5529, 3-8-2010; Ord. 5531, 3-8-2010; Ord. 5590, 2-28-2011; Ord. 5649, 12-12-2011; Ord. 5650, 12-12-2011; Ord. 5675, 12-3-2012; Ord. 5702, 12-9-2013)

4-2-110D

~~11. Approval for lot size, width, and depth reductions may be approved when, due to lot configuration or access, four (4) dwelling units per net acre cannot be achieved. The reduction shall be the minimum needed to allow four (4) dwelling units per net acre and shall be limited to the following minimum dimensions:~~

~~Lot size — seven thousand two hundred (7,200) sq. ft.~~

~~Lot width — sixty feet (60').~~

~~Lot depth — seventy feet (70').~~

~~Deleted~~

4-1-160 D. SCHOOL IMPACT FEE CALCULATIONS:

3. For all new dwelling units, the total amount of the school impact fees shall be assessed and collected from the applicant at the time of building permit issuance, using the fee schedule ~~then in effect~~ in effect at the time of complete application for the building permit. No permit shall be issued until the required school impact fees set forth in the fee schedule have been paid.

4-1-190 G. COLLECTION OF IMPACT FEES:

5. Impact fees shall be determined at the time the complete application for a building permit or a permit for a change in use is submitted using the impact fees then in effect. Impact fees shall be due and payable before the building permit or permit for a change of use is issued by the City.

4-2-020 K. CENTER VILLAGE ZONE (CV):

1. Purpose: The purpose of the Center Village Zone (CV) is to provide an opportunity for concentrated mixed-use residential and commercial redevelopment designed to urban rather than suburban development standards that supports transit-oriented development and pedestrian activity. Use allowances promote commercial and retail development opportunities for residents to shop locally. Uses and standards allow complementary, high-density residential development, and discourage garden-style, multi-family development.

2. Scale and Character: The Center Village Zone (CV) is intended to provide suitable environments for district-scaled retail and commercial development serving more than one neighborhood, but not providing City-wide services.

M. CENTER DOWNTOWN (CD):

The purpose of the Center Downtown Zone (CD) is to provide a mixed-use urban commercial center serving a regional market as well as high-density residential development. Uses include a wide variety of retail sales, services, multi-family residential dwellings, and recreation and entertainment uses. City-wide services. (Ord. 5286, 5-14-2007)

4-11-040 DEFINITIONS D:

DENSITY, NET: A calculation of the number of housing units and/or lots that would be allowed on a property after critical areas, i.e., very high landslide hazard areas, protected slopes (except evaluate on a case-by-case basis those protected slopes created by previous development), wetlands, Class 1 to 4 streams and lakes, or floodways, and public rights-of-way and legally recorded private access easements are subtracted from the gross area (gross acres minus streets and critical areas multiplied by allowable housing units per acre). Developments meeting the definition of a Shopping Center are not required to deduct areas within access easements from the gross site area for the purpose of calculating net density. Required critical area buffers, streams that have been daylighted including restored riparian and aquatic areas, public and private alleys, and trails, shall not be subtracted from gross acres for the purpose of net density calculations. All fractions which result from net density calculations shall be truncated at two (2) numbers past the decimal (e.g., 4.5678 becomes 4.56). Calculations for minimum or maximum density which result in a fraction that is 0.50 or greater shall

be rounded up to the nearest whole number. Those density calculations resulting in a fraction that is less than 0.50 shall be rounded down to the nearest whole number.

4-11-190 DEFINITIONS S:

SHOPPING CENTER: A group of buildings, structures and/or uncovered commercial areas, or a single building containing four (4) or more individual commercial establishments, planned, developed and managed as a unit related in location and type of shops to the trade areas that the unit serves.

4-4-100

E. SIZE, NUMBER AND HEIGHT OF PERMANENT SIGNS:

4. Signs Permitted in All Residential, Commercial, and Industrial Zones: In all residential, commercial and industrial zones the following shall apply: (Ord. 5578, 11-15-2010)

a. Churches, Apartments, Subdivisions, and Existing Legally Established Nonconforming Businesses within Residential Zones: Churches, apartment buildings, subdivision developments, existing legally established nonconforming businesses within residential zones and similar occupancies located in residential and mixed-use zones may have two (2) on-premises identifying signs of not over thirty two (32) square feet in area on one (1) face. The signs may be illuminated but not animated, shall be for location identification only and shall display no copy, symbol or device other than that in keeping with the development. Freestanding signs shall be not higher than six feet (6') above any established grade and shall be no closer than ~~ten~~ **five** feet (~~10~~ **5**') to any ~~street right-of-way or five feet (5') to any side~~ property line. (Ord. 5675, 12-3-2012)

i. Decorative Flags: Apartment buildings, residential subdivision developments and similar occupancies located in residential and mixed-use zones may also display decorative flags in accordance with the following requirements:

(a) Permit Requirements: Permit required.

(b) Sign Type: A lightweight fabric or similar material, supported by a vertical or horizontal staff.

(c) Allowed Uses: Multi-family residential complexes and subdivisions of ten (10) or more units or lots.

(d) Maximum Size: Each flag shall not exceed twenty five (25) square feet.

(e) Maximum Height: Flags, including the supports, shall not exceed the height limitations for the zone in which it is located.

(f) Sign/Pole Location: Only permissible when located within one hundred feet (100') of the entrance to a subdivision or a multi-family development. The sign/pole shall be located on the development premises and shall be set back a minimum of one foot from the property line for each foot in height. (Amd. Ord. 4766, 3-1-1999; Ord. 5062, 1-26-2004)

L. LOCATION, PERMIT, AND INSURANCE REQUIREMENTS FOR SIGNS PROJECTING INTO SETBACKS OR RIGHT-OF-WAY: (Amd. Ord. 4832, 3-6-2000)

1. Maximum Sign Projection into Setback:

a. Signs may project within a legal setback a maximum of six feet (6'). (Ord. 3719, 4-11-1983; Amd. Ord. 4720, 5-4-1998)

b. Ground signs located outside of Residential zones which are six feet (6') or less in height may be installed within the front yard setback in the landscape strip; provided, that the area described in subsection C6 of this Section is kept clear. Signs located within Residential zones may be located within the front yard setback in the landscape strip provided a minimum setback of five feet (5') is maintained from the property line. (Ord. 4720, 5-4-1998)

4-9-150 PLANNED URBAN DEVELOPMENT REGULATIONS:

B. APPLICABILITY:

Any applicant seeking to permit development which is not limited by the strict application of the City's zoning, parking, street, and subdivision regulations in a comprehensive manner shall be subject to this Section. Any amendment to existing planned urban developments shall be subject to this Chapter.

1. Zones: Planned urban developments may be permitted in all zoning districts, when processed and approved as provided in this Section. (Ord. 5571, 11-15-2010)

2. Code Provisions That May Be Modified:

a. In approving a planned urban development, the City may modify any of the standards of chapter 4-2 RMC, RMC 4-3-100, chapter 4-4 RMC, RMC 4-6-060 and chapter 4-7 RMC, except as listed in subsection B3 of this Section. All modifications shall be considered simultaneously as part of the planned urban development.

b. An applicant may request additional modifications from the requirements of this Title, except those listed in subsection B3 of this Section. ~~Approval for modifications other than those specifically described in subsection B2a of this Section shall be approved prior to submittal of a preliminary planned urban development plan. (Ord. 5571, 11-15-2010)~~ All modifications shall be considered simultaneously as part of the planned urban development.

4-3-050 CRITICAL AREAS REGULATIONS:**J. GEOLOGIC HAZARDS:****5. Protected Slopes:**

a. Prohibited Development: Development is prohibited on protected slopes. This restriction is not intended to prevent the subdivision or development of property that includes forty percent (40%) or greater slopes on a portion of the site, provided there is enough developable area elsewhere to accommodate building pads.

b. Exceptions through Modification: Exceptions to the prohibition may be granted for:

i. Filling against the toe of a natural rock wall or rock wall, or protected slope created through mineral and natural resource recovery activities or public or private road installation or widening and related transportation improvements, railroad track installation or improvement, or public or private utility installation activities pursuant to subsection N2 of this Section, Modifications.

ii. Grading to the extent that it eliminates all or portions of a mound or to allow reconfiguration of protected slopes created through mineral and natural resource recovery activities or public or private road installation or widening and related transportation improvements, railroad track installation or improvement, or public or private utility installation activities, pursuant to subsection N2 of this Section, Modifications.

c. Exceptions through Variance: Exceptions to the prohibition may be granted ~~for construction, reconstruction, additions, and associated accessory structures of a single family home on an existing legal lot~~ pursuant to a variance as stated in RMC [4-9-250B1](#) ~~and 4-9-250B6~~.

7. Very High Landslide Hazards:

a. Prohibited Development: Development shall not be permitted on land designated with very high landslide hazards, except by variance, administered pursuant to RMC [4-9-250B1](#), ~~for construction of a single family home on an existing legal lot.~~

4-9-250 VARIANCES, WAIVERS, MODIFICATIONS, AND ALTERNATES:**A. PURPOSES:**

1. Variances: A grant of relief from the requirements of this Title which permits construction in a manner that otherwise is prohibited by this Title.

2. Waivers: (Reserved)

3. Modifications: To modify a Code requirement when there are practical difficulties involved in carrying out the provisions of this Title when a special individual reason makes the strict letter of this Code impractical. (Ord. 4346, 3-9-1992)

4. Alternates: To allow the use of any material or method of construction not specifically prescribed by this Title. (Ord. 4346, 3-9-1992; Ord. 5137, 4-25-2005)

B. VARIANCE PROCEDURES:

1. Authority and Applicability for Administrative Variances: The Community and Economic Development Administrator shall have the authority to grant variances from the following development standards when no other permit or approval requires Hearing Examiner review: (Ord. 5676, 12-3-2012)

a. Residential Land Uses: Lot width, lot depth, setbacks, allowed projections into setbacks, and lot coverage. Lot width, lot depth, and setback variations do not require a variance if the request is part of a stream daylighting proposal and meets criteria in RMC [4-3-050L](#); and

b. Commercial and Industrial Land Uses: Screening of surface-mounted equipment and screening of roof-mounted equipment.

c. Proposals Located Within Critical Areas:

i. Aquifer Protection Areas: If an applicant feels that the strict application of aquifer protection regulations would deny all reasonable use of the property or would deny installation of public transportation or utility facilities determined by the public agency proposing these facilities to be in the best interest of the public health, safety and welfare, the applicant of a development proposal may apply for a variance.

ii. Flood Hazards: Variances from the flood hazard requirements of RMC [4-3-050](#), Critical Areas Regulations.

iii. Steep Slopes Forty Percent (40%) or Greater and Very High Landslide Hazards: ~~The construction of one single family home on a pre-existing platted lot where there is not enough developable area elsewhere on the site to accommodate building pads and provide practical off-street parking.~~ Variances from the geologic hazard requirements of RMC [4-3-050](#), Critical Areas Regulations.

iv. Wetlands:

(a) Creation/restoration/enhancement ratios: Categories 1 and 2.

(b) Buffer width reductions not otherwise authorized by RMC [4-3-050M6e](#) and M6f: Category 3.

(c) A new or expanded single family residence on an existing, legal lot, having a regulated Category 3 wetland.

(d) Buffer width reductions not otherwise authorized by RMC [4-3-050M6e](#) and M6f – Category 1 or 2.

v. Streams and Lakes:

(a) A new or expanded single family residence on a pre-existing platted lot where there is not enough developable area elsewhere on the site to accommodate building pads and provide practical off-street parking, providing reasonable use of the property.

(b) Buffer width reductions not otherwise authorized by RMC [4-3-050L](#), Streams and Lakes (Class 2 to 4).

(c) Activities proposing to vary from stream regulations not listed elsewhere in subsection B1a of this Section, and authorized to be requested as variances in RMC [4-3-050L](#).

vi. General: Public/quasi-public utility or agency proposing to alter aquifer protection, geologic hazard, habitat or wetlands regulations not listed above.

4-2-110D CONDITIONS ASSOCIATED WITH DEVELOPMENT STANDARDS TABLE FOR RESIDENTIAL ZONING DESIGNATIONS

10. Small lot clusters of up to a maximum of fifty (50) lots shall be allowed within the R-4 zone, when at least thirty percent (30%) of the site is permanently set aside as "significant open space" as defined in RMC 4-11-150. Such open space shall be situated to act as a visual buffer between small lot clusters and other development in the zone. The percentage of open space required may be reduced to twenty percent (20%) of the site when:

- a. Public access is provided to open space; and
- b. If soft surface trails are provided within ~~wetland~~ Critical areas or their buffers pursuant to RMC 4-3-050; and
- c. ~~Storm water ponds are designed to eliminate engineered slopes requiring fencing and enhanced to allow passive and/or active recreation.~~

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All portions of a site that are not dedicated to platted single family lots or a dedicated right-of-way shall be set in a separate tract and/or tracts to preserve existing viable stands of trees or other native vegetation. The tract may also be used as a receiving area for tree replacement requirements in accordance with RMC 4-4-130H. Such tracts shall be shown and recorded on the face of the plat to be preserved in perpetuity. Such tracts may be included in contiguous open space for the purposes of qualifying for small lot clustered development. Where trees are removed, they shall be replaced in accordance with RMC 4-4-130H.

4-11-150 Definition O

OPEN SPACE: Any physical area that provides visual relief from the built environment for environmental, scenic or recreational purposes. Open space may consist of developed or undeveloped areas, including urban plazas, parks, pedestrian corridors, landscaping, pastures, woodlands, greenbelts, wetlands and other natural areas, but excluding storm water facilities, driveways, parking lots or other surfaces designed for vehicular travel.

4-9-200 MASTER PLAN AND SITE PLAN REVIEW:

D. CRITERIA TO DETERMINE IF PUBLIC HEARING IS REQUIRED:

A public hearing before the Hearing Examiner shall be required in the following cases:

1. All master plans except those covered by a planned action ordinance that included a public hearing that was determined by the Community and Economic Development Administrator to have provided the public and decision-makers with sufficient detail regarding the project's scale, design, bulk and uses. Where a Master Plan is approved, subsequent Site Plans submitted for future phases may be submitted and approved administratively without a public hearing.

2. Site Plan Review:

a. Significant Environmental Concerns Remain: The Environmental Review Committee determines, based on departmental comments or public input, that there are significant unresolved concerns raised by the proposal; or

b. Large Project Scale: The proposed project is more than:

- i. One hundred (100) attached residential units;
- ii. One hundred thousand (100,000) square feet of gross floor area (nonresidential) in the IL or CO Zones or other zones in the Employment Area Valley (EAV) land use designation;
- iii. Twenty five thousand (25,000) square feet of gross floor area (nonresidential) in the CN, CD, CA, CV, or CO Zones outside the Employment Area Valley (EAV) land use designation;
- iv. Four (4) stories or sixty feet (60') in height;
- v. Three hundred (300) parking stalls; or
- vi. Ten (10) acres in size of project area.

c. All commercial or industrial projects adjacent to or abutting residentially zoned property, unless the Administrator determines that the presence of critical areas or other limiting factors on the residential property make development unlikely or unfeasible. (Ord. 5676, 12-3-2012)

4-8-120 C.

LAND USE APPLICATIONS SUBMITTAL REQUIREMENTS	TYPE OF APPLICATION/PERMIT	PUD	
		Preliminary	PUD, Final
10% Notice of Intent to Annex			
60% Petition to Annex			
Additional Animals Application Form			
Affidavit of Installation of Public Information Sign		<u>2</u>	<u>2</u>

Table 4-8-120C Legend:

1. This information is required only for those home occupations that will have customer visits, more than six (6) business deliveries per week, or external indication of commercial activity.
2. Level of detail limited to scope listed in RMC [4-9-210A](#).
3. Level of detail required may be reduced by Administrator.
4. Not required for amateur radio antennas.
5. Only required for projects requiring a public hearing.
6. Only required for residential projects requesting modification to special development standards in a Centers Residential Demonstration District, RMC 4-3-120B3, or for any development subject to special development standards requiring upper story setbacks in the Center Office Residential (COR) Zone, RMC 4-2-120B.
7. Only required for projects requiring review in the Urban Center Design Overlay District.
8. A standard stream or lake study is required for any application proposal. A supplemental stream or lake study is also required if an unclassified stream is involved, or if there are proposed alterations of the water body or buffer, as identified in the standard stream or lake study. If substantial impacts to the existing vegetation within the buffer required by RMC [4-3-090D7a](#), Shoreline Bulk Standards, or as modified under RMC [4-3-090F1](#), Vegetation Conservation, are identified in the standard stream or lake study, a supplemental stream or lake study may be required by the Community and Economic Development Administrator. A stream or lake mitigation plan will be required prior to final approval for any plans or permits that result in mitigation identified in the supplemental stream or lake study.
9. The only submittal requirements required for Tier I Temporary Use Permit are Master Application, Site Plan, and King County Health Department Approval.
10. Only that portion of the agreement relating to removal upon discontinuation of use is required for amateur radio antennas.
(Ord. 4587, 3-18-1996; Amd. Ord. 4722, 5-11-1998; Ord. 4777, 4-19-1999; Ord. 4802, 10-25-1999; Ord. 4821, 1-24-2000; Ord. 4835, 3-27-2000; Ord. 4851, 8-7-2000; Ord. 4954, 2-11-2002; Ord. 4963, 5-13-2002; Ord. 4982, 9-23-2002; Ord. 5028, 11-24-2003; Ord. 5100, 11-1-2004; Ord. 5137, 4-25-2005; Ord. 5304, 9-17-2007; Ord. 5356, 2-25-2008; Ord. 5369, 4-14-2008; Ord. 5450, 3-2-2009; Ord. 5528, 3-8-2010; Ord. 5570, 11-15-2010; Ord. 5577, 11-15-2010; Ord. 5578, 11-15-2010; Ord. 5633, 10-24-2011; Ord. 5675, 12-3-2012; Ord. 5676, 12-3-2012)

4-5-040 RENTON ELECTRICAL CODE:

The ~~June 22, 2009~~ most recently published Edition of The Washington Cities Electrical Code, Parts 1, 2 and 3, as published by the Washington Association of Building Officials, is hereby adopted by reference, and shall be known as the Renton Electrical Code.

The City shall at all times keep on file with the City Clerk, for reference by the general public, not less than one copy of The Washington Cities Electrical Code. (Ord. 3217, 4-10-1978, eff. 4-19-1978; Ord. 4400, 5-3-1993; Ord. 4311, 4-15-1991; Ord. 4596, 4-8-1996; Ord. 4722, 5-11-1998; Ord. 5010, 5-19-2003; Ord. 5063, 2-23-2004; Ord. 5297, 7-2-2007; Ord. 5450, 3-2-2009; Ord. 5537, 5-17-2010)

4-5-060 CONSTRUCTION ADMINISTRATIVE CODE:

A. SECTION 101 – GENERAL:

1. 101.1 Title. These regulations shall be known as the Construction Administrative Code of the City of Renton, hereinafter referred to as “this code”.

2. 101.2 Scope. The provisions of this Construction Administrative Code shall apply to building, plumbing, and mechanical permits and the following “Construction Codes”:

- a. 2012 International Building Code – WAC [51-50](#)
- b. 2012 International Residential Code – WAC [51-51](#)
- c. 2012 International Mechanical Code – WAC [51-52](#)
- d. 2012 National Fuel Gas Code (ANSI Z223.1/NFPA 54) – WAC [51-52](#)
- e. 2011 Liquefied Petroleum Gas Code (NFPA 58) – WAC [51-52](#)
- f. 2012 Uniform Plumbing Code – WAC [51-56](#) and [51-57](#)
- g. ~~2014~~ ~~2008~~ National Electrical Code
- h. 2012 International Property Maintenance Code

RMC RMC 4-5-060G.2.h.v.d:

G. SECTION 107 – SUBMITTAL DOCUMENTS:

2. 107.2 Construction documents. Construction documents shall be in accordance with RMC [4-5-060](#).G.2.a, 107.2.1 Information on construction documents, through RMC [4-5-060](#).G.2.f, 107.2.5 Site plan.

h. 107.2.6 Electrical.

v. Plan review required. Electrical plan review is required for all new or altered electrical projects in the following occupancies and/or installations:

(d) Installations in occupancies, except one (1) - and two (2) - family dwellings, where a service or feeder rated one hundred ~~(100)~~ (400) amperes or greater is installed or altered or if more than one hundred ~~(100)~~ (400) amperes is added to the service or feeder.

4-9-060

C. PUBLIC WORKS ADMINISTRATOR'S DEFERRAL OF PLAT IMPROVEMENTS OR DEFERRAL OF OTHER ON- AND OFF-SITE IMPROVEMENTS BEYOND TEMPORARY OCCUPANCY PERMIT: (Ord. 5450, 3-2-2009)

9. Fee in Lieu of Required Street Improvements:

d. Amount of Payment of Fee in Lieu of Street Improvements: In each instance where the City approves a proposed fee-in-lieu request for 2014 under the provisions of this Section, the amount of the fee-in-lieu shall be ~~one hundred percent (100%) of the then-estimated cost of constructing the street improvements that would otherwise be required under this Chapter, based on information compiled and kept current by the Public Works Department on the cost of street improvement construction.~~ established at \$133 per linear foot for sidewalks only and \$202 per linear foot for curb, gutter and sidewalk. An additional \$30 per linear foot would be assessed where there is an existing ditch that would be piped with actual frontage improvements. Additional fee amounts will be determined on a case by case basis for other significant street elements, such as catch basins and curb ramps. (Ord. 5450, 3-2-2009)

4-4-140 WIRELESS COMMUNICATION FACILITIES:

G. STANDARDS FOR SPECIFIC TYPES OF WIRELESS FACILITIES:

For definitions of specific types of wireless communication facilities, see RMC [4-11-230](#), as it exists or may be amended. Development standards for specific types of wireless communication facilities, except for nonexempt amateur radio antennas which will have height and other applicable standards determined through Conditional Use Permit process, shall be as follows: (Ord. 5675, 12-3-2012)

STANDARDS FOR SPECIFIC TYPES OF WIRELESS COMMUNICATION FACILITIES

In addition to individual zone requirements unless otherwise specified below

	MICRO FACILITY	MINI FACILITY	MACRO FACILITY	MONOPOLE I	MONOPOLE II	LATTICE TOWERS
Location on Buildings	A Micro Facility shall be located on existing buildings, poles or other existing support structures. A Micro Facility may locate on buildings and structures; provided, that the interior wall	A Mini Facility may be located on buildings and structures provided that the immediate interior wall or ceiling abutting the facility is not a designated residential space dwelling unit, a detached	A Macro Facility may be located on buildings and structures provided that the immediate interior wall or ceiling to the facility is not a designated residential space dwelling unit, a detached single	NA	NA	NA

	<p>or ceiling immediately abutting the facility is not <u>a</u> designated residential <u>space dwelling unit, a detached single family residence or townhouse.</u></p>	<p><u>single family residence or townhouse.</u></p>	<p><u>family residence or townhouse.</u></p>			
<p>Maximum Height and Area</p>	<p>All wireless communication facilities and attached wireless communication facilities must comply with the Airport zoning regulations, as listed in RMC 4-3-020.</p>	<p>All wireless communication facilities and attached wireless communication facilities must comply with the Airport zoning regulations, as listed in RMC 4-3-020. Mini</p>	<p>All wireless communication facilities and attached wireless communication facilities must comply with the Airport zoning regulations, as listed in RMC 4-3-020. Macro</p>	<p>All wireless communication facilities and attached wireless communication facilities must comply with the Airport zoning regulation</p>	<p>All wireless communication facilities and attached wireless communication facilities must comply with the Airport zoning regulations, as listed in RMC 4-3-020. Monopole II Facility</p>	<p>All wireless communication facilities and attached wireless communication facilities must comply with the Airport zoning regulations, as listed in RMC 4-3-020. Lattice Tower</p>

	<p><u>020.</u> Micro Facilities shall comply with the height limitation specified for all zones except as follows: Mini Facilities may exceed the height limitation by 10 feet, or in the case of existing structures antennas may extend 10 feet above the existing structure. Placement of an antenna on a</p>	<p>Facilities shall comply with the height limitation specified for all zones except as follows: Mini Facilities may exceed the height limitation by 10 feet, or in the case of existing structures antennas may extend 10 feet above the existing structure.</p>	<p>Facilities shall comply with the height limitation specified for all zones except as follows: Macro Facilities may exceed the height limitation by 16 feet, or in the case of existing structures antennas may extend 16 feet above the existing structures.</p>	<p>s, as listed in RMC <u>4-3-020.</u> Monopole I Facility Maximum Height: Less than 60 feet for all zones. Macro Facilities are the largest attached communication facilities allowed on a Monopole I Facility.</p>	<p>Maximum Height: 35 feet higher than the regular permitted maximum height for the applicable zoning district, or 150 feet, whichever is less.</p>	<p>Facility Maximum Height: 35 feet higher than the regular permitted maximum height for the applicable zoning district, or 150 feet, whichever is less.</p>
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	nonconforming structure shall not be considered to be an expansion of the nonconforming structure.					
Maximum Height and Area (Continued)	See above.	Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.	Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.	Antennas equal to or less than 4 inches in diameter may be a component of a Monopole I Facility.	Macro Facilities are the largest permitted attached wireless communication facilities allowed on a Monopole II facility. Antenna/Structure Height: Antennas that extend above the Monopole II wireless communications support structure	Macro Facilities are the largest permitted attached wireless communication facilities allowed on a Lattice Tower. Antenna/Structure Height: Antennas that extend above the Lattice Tower wireless communications support

					shall not be calculated as part of the height of the wireless communications support structure.	structure shall not be calculated as part of the height of the wireless communications support structure.
Maximum Antenna Projection Above Support Structure, Monopole, Tower or Building	6 feet.	10 feet.	16 feet.	16 feet.	16 feet.	16 feet.
Color	Shall be same color as the building, pole or support structure on which it is proposed to be located.	Shall be same color as the building, pole or support structure on which it is proposed to be located.	Shall be same color as the building, pole or support structure on which it is proposed to be located.	NA	NA	NA
Landscaping	NA	NA	NA	See	See	See

<p>ping and Screening</p>				<p>subsection F of this Section, Standards. A minimum landscaping area of 15 feet shall be required surrounding the facility, or equivalent screening as approved by the Administrator. Landscaping shall include trees, shrubs and ground cover. The required landscaped areas shall</p>	<p>subsection F of this Section, Standards. A minimum landscaping area of 15 feet shall be required surrounding the facility, or equivalent screening as approved by the Administrator. Landscaping shall include trees, shrubs and ground cover. The required landscaped areas shall include an automated irrigation system.</p>	<p>subsection F of this Section, Standards. A minimum landscaping area of 15 feet shall be required surrounding the facility, or equivalent screening as approved by the Administrator. Landscaping shall include trees, shrubs and ground cover. The required landscaped areas shall include an automated irrigation system.</p>
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				include an automated irrigation system.		
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(Ord. 5241, 11-27-2006; Ord. 5676, 12-3-2012)

4-11-030 DEFINITIONS C:

~~CLUSTER, RESIDENTIAL~~ Development: ~~The placement of more than one building envelope on a single lot or parcel of land for the purpose of constructing single family residential dwelling units in either attached or detached construction arrangement, and where the property ownership outside the building envelopes is commonly held by all single family dwellings on that lot or parcel of land.~~ A residential subdivision comprised of a grouping of single family dwellings on small lots designed to include significant open space or preserve significant natural features, that are commonly held by the residents, in exchange for modifications to certain development standards (e.g. lot dimensions, setbacks, and building standards).

4-11-120 DEFINITIONS L:

LOT TYPES:

- A. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty five degrees (135°) within the lot lines.
- B. Lot, Flag: A lot with access to a public road only by a private accessway less than thirty feet (30') in width. See Lot, Pipestem.
- C. Lot, Interior: A lot that generally abuts or has frontage on only one street, although on through lots that run from one block face to another, such lots could abut two (2) streets.
- D. Lot, Pipestem: A lot not meeting minimum frontage requirements.
- E. Lot, Through: A lot that has both ends fronting on a street.
- F. Lot, Small Cluster: ~~A cluster of small lots in new plats that are designed to provide a transition and buffer between uses in the R-4 Zones. Small cluster lots are allowed in the R-4 Zone when located within six hundred feet (600') of abutting and contiguous properties in the Residential Single Family land use designation of the Comprehensive Plan and are part of a development that includes a significant open space area equal to at least twenty percent (20%) of a site.~~ See CLUSTER DEVELOPMENT

4-2-080 CONDITIONS ASSOCIATED WITH ZONING USE TABLES:

A. SUBJECT TO THE FOLLOWING CONDITIONS:

18. ~~Only permitted within a structure containing commercial uses on the ground floor.~~ Commercial space must be ~~reserved~~ provided on the ground floor at a minimum of thirty feet (30') in depth along any street frontage. Averaging the minimum depth may be permitted through the Site Plan Review process, provided no portion of the minimum depth is reduced to less than twenty feet (20') and there is no reduction in the total square footage of commercial space. Residential uses shall not be located on the ground floor along any public street frontage. ~~except for residential entry features unless determined through the site plan review process that a particular building has no street frontage.~~

Residential uses are not permitted in the Employment Area Valley (EAV) land use designation.

RMC 8-7-8 VARIANCES AND APPEAL:

- A. Jurisdiction: The Community and Economic Development Administrator or his/her designee shall hear and decide requests for variances from the requirements of this Chapter, which do not require a public hearing. The Hearing Examiner shall hear and decide requests for variances from the requirements of this Chapter, which require a public hearing.
- B. Application: Parties seeking a variance from this Chapter, or a duly authorized representative of the parties seeking the variance, shall file an application for the variance, which application shall set forth fully the grounds therefor and the facts the applicant deems material to justify the granting of such a variance. The applicant for a noise variance must be the owner or jurisdiction in charge of the project. In no cases shall the applicant for the noise variance be the contractor for the construction project.
- C. Public Notice And Hearing: A public hearing shall be required for all noise variances which are greater than two (2) days in duration. For those variance requests of two (2) days or less in duration, the variance decision shall be made by the Administrator or his/her designee following the public notice process. If required, the hearing for a noise variance shall be a public hearing, the date of which shall be not more than forty five (45) days from the date of filing and acceptance of the application for the variance. Notice of the time and place of public hearing shall be given in at least one publication in the City's legal newspaper, which publication shall be not less than ten (10) days prior to the date of said public hearing. In addition, three (3) written notices of such public hearing shall be posted at least ten (10) days prior to such hearing within, on or about the location which will generate such noise. Additionally, written notice of the hearing shall be given to any resident or property owner that will experience an increase in noise, or potentially have an increase in noise, such that this variance will increase the quantity of noise received by that property owner or resident. The burden of providing this written notice shall be upon the applicant. ~~The Community and Economic Development Administrator or his/her designee~~ decision maker shall not consider any variance for which written notices have not been given, or grant any variance that would cause an increase in noise levels beyond that permitted in this Chapter unless the affected property owner or resident has been notified.
- D. Factors For Granting Variance: The ~~Community and Economic Development Administrator or his/her designee~~ decision maker, in passing upon an application for a variance, shall consider all technical evaluations, all relevant factors and standards specified in other sections of this Chapter, and in addition thereto shall consider the following, none of which is mandatory for the granting of the variance:
1. That the applicant will suffer an undue hardship and the variance is necessary because of special circumstances applicable to the applicant's property or project, and

that the strict application of this Chapter will deprive the subject property owner or applicant of rights and privileges enjoyed by others.

2. That the granting of the variance will not be materially detrimental to the public health, welfare or safety, or unduly injurious to the property or improvements in the vicinity of the location for which this variance is sought.
3. That the variance sought is the minimum variance which will accomplish the desired purpose.
4. That the variance contains such conditions deemed to be necessary to limit the impact of the variance on the residence or property owners impacted by the variance. The variance approval may be subject to conditions including, but not limited to, the following:
 - a. Implementation of a noise monitoring program;
 - b. Maximum noise levels;
 - c. Limitation on types of equipment and use of particular equipment;
 - d. Limitation on back-up beepers for equipment;
 - e. Required use of noise shields or barriers;
 - f. Restrictions to specific times and days;
 - g. Specific requirements for documentation of compliance with the noise variance conditions;
 - h. Specific requirements for notification to nearby residents;
 - i. Required cash security to pay for inspection services to verify compliance;
 - j. Required access to the project by the City to verify compliance with the noise variance conditions;
 - k. Specific program to allow for temporary hotel vouchers to effected residents;
 - l. Requirements for written verification that all workers understand the noise variance conditions for the project; and
 - m. Provision allowing the City to immediately revoke the variance approval if the variance conditions are violated.

5. The importance of the services provided by the facility creating the noise and the other impacts caused to the public safety, health and welfare balanced against the harm to be suffered by residents or property owners receiving the increased noise permitted under this variance.

6. The availability of practicable alternative locations or methods for the proposed use which will generate the noise.

7. The extent by which the prescribed noise limitations will be exceeded by the variance and the extent and duration of the variance.

E. Findings And Conclusions ~~Of Community And Economic Development Administrator~~ of the decision maker: The ~~Community and Economic Development Administrator or his/her designee~~ decision maker shall reduce his or her decision to written findings, conclusions and a decision. The written findings, conclusions and decision shall include a section noting the right of appeal from the decision to the City Council.

F. Appeals: Any party participating in the public hearing feeling aggrieved by the decision of the ~~Community and Economic Development Administrator or his/her designee~~ may appeal the decision of the ~~Administrator~~ Hearing Examiner to the City Council within fourteen (14) days of the decision. The appeal document shall note the errors in findings or conclusions which the appellant believes are material to the appeal. The ~~Hearing Examiner~~ City Council shall consider the appeal and shall affirm the decision of the ~~Administrator~~ City Council unless the ~~Hearing Examiner~~ City Council finds that there are material errors in the findings or conclusions, or that the decision is not supportable by the findings and conclusions. If the ~~Hearing Examiner~~ City Council finds such errors it shall reduce its decision to writing specifying the findings and conclusions that are in error or stating that the decision is not supportable by the findings and conclusions. Any party remaining aggrieved by the decision of the ~~Hearing Examiner~~ City Council may further appeal to the King County Superior Court within twenty-one (21) calendar days from the date of the ~~Hearing Examiner's~~ City Council's decision. (Ord. 4330, 10-28-91; Ord. 5156, 9-26-05; Ord. 5551, 9-13-10)



Department of Community and Economic Development
Development Services Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION

MUNICIPAL

CODE SECTIONS: RMC 4-6-030 Drainage (Surface Water) Standards

REFERENCE: N/A

SUBJECT: Landscaping, fencing, pond slopes, and other standards for stormwater tracts and easements and ownership and maintenance responsibility for stormwater facilities.

BACKGROUND: The current drainage code (RMC 4-6-030) references the current King County Surface Water Design Manual (KCSWDM) for compliance with stormwater standards. Requirements for landscaping in stormwater facility tracts are included in Section 5.3.1.1 of the 2009 KCSWDM as amended by the City of Renton. Section 5.3.1.1 of the KCSWDM restricts planting in berms that impound water or within 10 feet of any structure.

Requirements for pond geometry and side slopes are listed in Section 5.3.1.1 of the 2009 KCSWDM, as amended by the City of Renton. Adopted standards allow for the side slopes of an open detention or water quality treatment facilities (pond, wetpond, stormwater wetland, etc) to be steeper than 3:1 if a fence is provided along the wall and/or around the emergency overflow water surface elevation. This standard is resulting in facilities that are difficult to maintain, expensive in labor and materials for maintenance, and create a safety hazard to the maintenance crews.

Fencing requirements are also standardized in section 5.3.1.1 of the 2009 KCSWDM, as amended by the City of Renton. A fence is required to discourage access to the stormwater pond, prevent litter, allow efficient maintenance, and in consideration of worker and public safety.

JUSTIFICATION: Recognizing that requirements for landscaping and tree planting contribute to the aesthetics and value of new surface water installations while needing to ensure proper functionality and maintenance of facilities, both the Department of Public Works and the Department of Community and Economic Development desire to clarify standards

pertaining to the landscaping requirements applicable to stormwater facilities.

Concerns for public safety have also raised questions regarding the necessity of more extensive fencing requirements for drainage facilities as well as lesser side slopes for flow control and/or water quality treatment ponds.

This interpretation is intended to provide guidance and consistency for projects currently under review.

DECISION:

Briefly, this determination clarifies:

Fencing Requirements: All flow control and/or water quality treatment ponds shall be fenced. Fence material shall be six foot black or green coated chain link. Cedar or other materials may be installed only if owned and maintained by a private property owner or Home Owner's Association (HOA).

Landscaping Requirements: Landscaping is required in those areas of the tract/easement that will not impact the functionality or maintenance of the facility. The fence shall be placed at the top of the berm with the maintenance access road in the inside of the fence; or 5 feet min from top of berm if there is no maintenance access road to allow access for proper maintenance of the facility. No landscaping shall be planted inside the fence line.

Pond Geometry and Side Slope Requirements: Side slopes (interior and exterior) shall not exceed three (3) feet horizontal one foot (1) vertical.

The full text of all clarified rules regarding fencing, side slopes, and landscaping in storm drainage facilities is attached as Attachment A.

**DEVELOPMENT
SERVICES DIRECTOR
APPROVAL**



Neil Watts

**UTILITY SYSTEMS
DIRECTOR
APPROVAL**



Lys Hornsby

DATE:

February 4, 2013

**APPEAL
PROCESS:**

To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the

basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT**

DETERMINATIONS: RMC 4-3-060, Drainage Standards; RMC 4-4-040 Fences and Hedges; 4-7-070, Description of Required Landscaping Types; Pages 5-1 and 5-2 of the City of Renton Amendments to the King County Surface Design Manual

Attachment A

4-6-030 DRAINAGE (SURFACE WATER) STANDARDS:

A. PURPOSE:

1. The purpose of this Section ~~is shall be to promote and develop policies with respect to the City's watercourses and to preserve them~~ the City's watercourses by minimizing water quality degradation ~~from~~ by previous siltation, sedimentation and pollution of creeks, streams, rivers, lakes and other bodies of water, and to protect ~~property owners tributary to developed and undeveloped~~ land from increased runoff rates and to ensure the safety of roads and rights-of-way.

2. It shall also be the purpose of this Section to reduce flooding, erosion, and sedimentation; prevent and mitigate habitat loss; enhance groundwater recharge; and prevent water quality degradation through permit review, construction inspection, enforcement, and maintenance ~~in order to promote the effectiveness of the requirements.~~

3. It shall also be the a purpose of this Section to regulate the Municipal Separate Storm Sewer System (MS4) regarding the contribution of pollutants, consisting of any material other than stormwater, including but not limited to illicit discharges, illicit connections and/or dumping into any storm drain system, including surface and/or groundwater throughout the City that would adversely impact surface and groundwater quality of the City and the State of Washington, in order to comply with requirements of the National Pollutants Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit. (Ord. 5526, 2-1-2010)

4. It shall also be the purpose of this Section to provide landscaping and fencing standards for surface water facilities that create attractive, functional facilities that improve public safety.

B. ADMINISTERING AND ENFORCING AUTHORITY:

The Administrator of the Public Works Department is responsible for the general administration and coordination of this Section. All provisions of this Section shall be enforced by the Administrator or his or her designated representatives. (Ord. 5526, 2-1-2010)

C. ADOPTION OF SURFACE WATER DESIGN MANUAL:

The 2009 King County Surface Water Design Manual (KCSWDM), as now or as hereafter may be amended by King County or the City of Renton, and hereby referred to as the Surface Water Design Manual, is hereby adopted by reference, ~~with the exception of Chapters 1 and 2 of the King County Surface Water Design Manual which are not adopted. Chapters 1 and 2 of the Surface Water Design Manual, as amended by the City of Renton to specify local requirements and procedures, are hereby adopted by reference. References 1, 2, 3, 4A, 4B, 4D, 7B, 7C, 8F, 8G, 9 and 10 of the King County Surface Water Design Manual are not adopted.~~ One copy of the Surface Water Design Manual and the City of Renton's Amended Surface Water Design Manual shall be filed with the City Clerk including any amendments thereto. (Ord. 5526, 2-1-2010)

D. WHEN REQUIRED:

All persons applying for any of the following permits and/or approvals shall submit for approval a drainage plan with their application and/or request:

1. Mining, excavation or grading permit or license;
2. Shoreline permit;
3. Flood control zone permit;
4. Subdivision;
5. Short plat;
6. Special permit;
7. Temporary permit when involving land disturbance;
8. Building Permit;
9. Planned urban development;
10. Site plan approval;
11. Construction Permit;
12. Stormwater Permit;
13. Binding Site Plan;

14. Any other development or permit application which will affect the drainage in any way. The plan submitted during one permit approval process may be subsequently submitted with further required applications. The plan shall be supplemented with additional information at the request of the Public Works Department. (Ord. 5526, 2-1-2010)

E. DRAINAGE REVIEW:

1. When Required: A drainage review is required when any proposed project is subject to a City of Renton permit or approval as determined under subsection D of this Section and:

- a. Would result in two thousand (2,000) square feet or more of new impervious surface, replaced impervious surface or new plus replaced impervious surface; or
- b. Would involve seven thousand (7,000) square feet of land disturbing activity; or
- c. Would construct or modify a drainage pipe or ditch that is twelve inches (12") or more in size or depth or receives surface or stormwater runoff from a drainage pipe or ditch that is twelve inches (12") or more in size or depth; or
- d. Contains or is adjacent to a critical area designation, defined and regulated in RMC 4-3-050; or
- e. Is a single family residential development that would result in new impervious surface, replaced impervious surface or new plus replaced impervious surface.

2. Scope of Review: The drainage review for any proposed project shall be scaled to the scope of the project's size, type of development and potential for impacts to the regional surface water system to facilitate preparation and review of project applications. If drainage review for a proposed project is required under subsection E1 of this Section, the Renton Development Services Division shall determine which of the following drainage reviews apply as specified in the Surface Water Design Manual:

- a. Small project drainage review (also known as residential building permit drainage review);
- b. Targeted drainage review;
- c. Full drainage review;
- d. Large project drainage review.

3. Core Requirements: A proposed project required to have drainage review by subsection E1 of this Section must meet each of the following core requirements which are described in detail in the Surface Water Design Manual. Projects subject only to small project drainage review (also known as residential building permit drainage review) that meet the small project drainage requirements specified in the Surface Water Design Manual, including flow control best management practices, erosion and sediment control measures, and drainage plan submittal requirements are deemed to comply with the following core requirements:

[For brevity, core requirements 1 through 8 not printed here, but will remain in the code.]

4. Special Requirements: A proposed project required by subsection E of this Section to have drainage review shall meet any of the following special requirements which apply to the site and which are described in detail in the Surface Water Design Manual. The City of Renton Development Services Division shall verify if a proposed project is subject to and must meet any of the following special requirements:

a. Special Requirement 1 – Other Area Specific Requirements: The Surface Water Utility may apply a more restrictive requirement for controlling drainage on an area-specific basis. Other adopted area-specific regulations may include requirements that have a direct bearing on the drainage design of a proposed project.

b. Special Requirement 2 – Flood Hazard Delineation: If a proposed project contains or is adjacent to a stream, lake, wetland or closed depression, or if other City regulations require study of flood hazards relating to the proposed project, the one hundred (100) year floodplain boundaries and floodway shall be determined and delineated on the site improvement plans and profiles and any final maps prepared for the proposed project. The flood hazard study shall be prepared for as specified in the Surface Water Design Manual.

c. Special Requirement 3 – Flood Protection Facilities: If a proposed project contains or is adjacent to a stream that has an existing flood protection facility, such as a levee, revetment or berm, or proposes to either construct a new or modify an existing flood protection facility, then the flood protection facilities shall be analyzed and designed as specified in the Surface Water Design Manual to conform with the Federal Emergency Management Agency regulations as found in 44 C.F.R.

d. Special Requirement 4 – Source Control: All commercial, industrial and multifamily projects (irrespective of size) undergoing drainage review are required

to implement applicable source control in accordance with the King County Stormwater Pollution Prevention Manual and the Surface Water Design Manual.

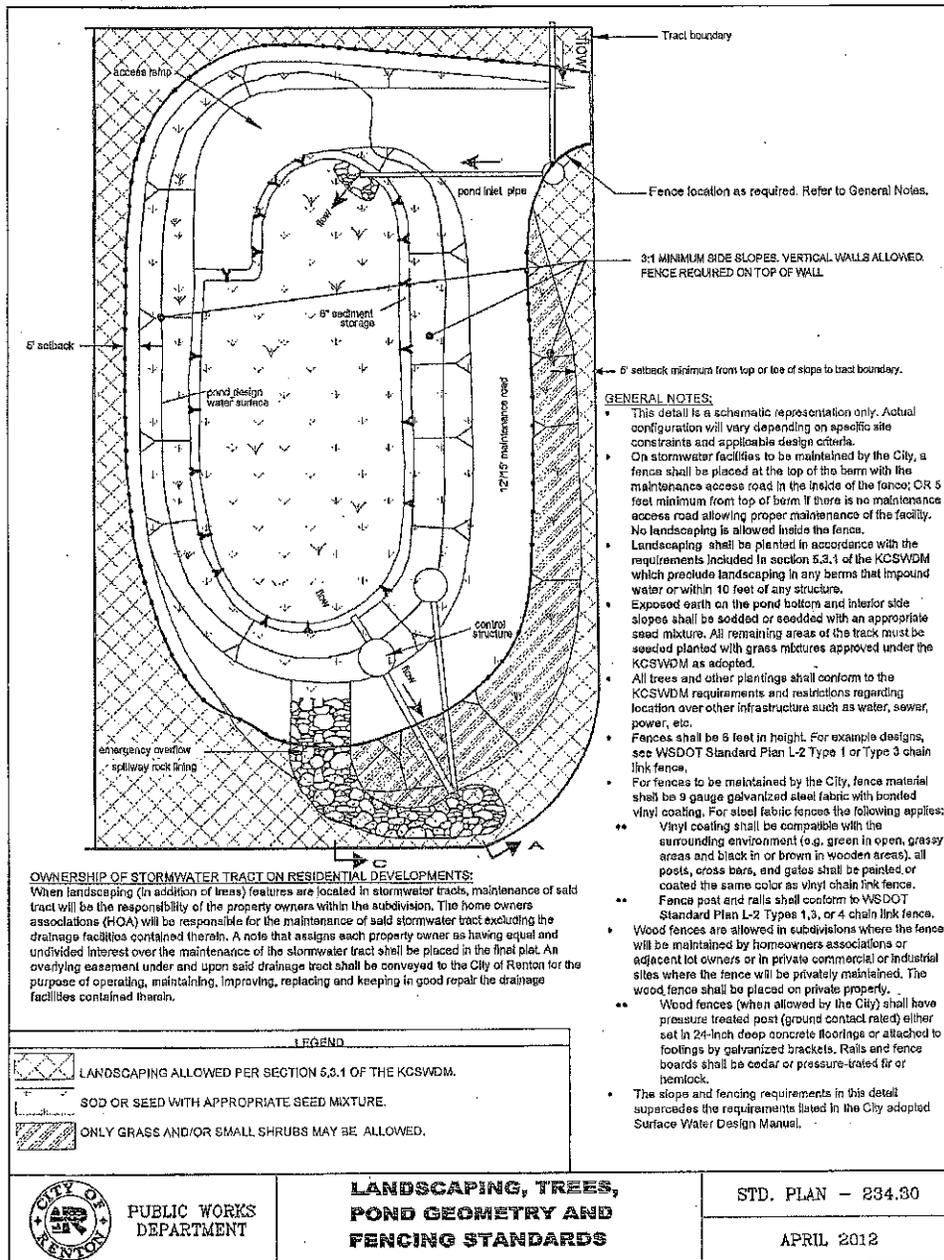
e. Special Requirement 5 – Oil Control: If a proposed project is a high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as specified in the Surface Water Design Manual.

f. Special Requirement 6 – Aquifer Protection Area (APA): If a proposed project is located within the APA as identified in RMC 4-3-050, then the project must comply with drainage requirements in the Surface Water Design Manual and RMC 4-3-050. (Ord. 5526, 2-1-2010; Ord. 5645, 12-12-2011)

F. CREATION OF TRACTS AND/OR EASEMENTS:

1. Method of Creation for City-Maintained Facility for New Residential Subdivisions with Drainage Facilities that Collect Public Runoff: New residential subdivisions must place stormwater flow control and water quality treatment ponds, vaults and other similar drainage facilities, along with the required perimeter landscaping in a separate stormwater tract granted and conveyed with all maintenance obligations (excluding maintenance of the drainage facilities contained therein) to the homeowners association. An underlying easement under and upon said tract shall be dedicated to the City for the purpose of operating, maintaining, improving and repairing the drainage facilities contained therein. The stormwater tract, including the landscaped area, must be owned by the homeowners' association. Each lot owner within the subdivision shall have an equal and undivided interest in the maintenance of the stormwater tract and landscaping features. Per RMC Section 4-6-030G, the homeowner's association is responsible for all landscape maintenance.

This requirement is graphically depicted on the following page:



PUBLIC WORKS DEPARTMENT

LANDSCAPING, TREES, POND GEOMETRY AND FENCING STANDARDS

STD. PLAN - 234.30

APRIL 2012

b. Text Required: The following language is required to be noted on the face of the plat.

 Tract _____ is for stormwater / landscape purposes and is hereby conveyed /to the _____ subdivision home owners association (HOA) upon the recording of this plat. Each lot owner within the plat shall have equal and undivided ownership interest in Tract _____. An overlying easement is hereby dedicated to the City of Renton for the purpose of operating, maintaining, improving and repairing the facilities contained therein. The homeowners association is responsible for the maintenance of said tract excluding said drainage facilities.

- ii. A stormwater easement is hereby dedicated to the City of Renton over, under and across tract _____ for the purpose of conveying, storing, managing and facilitating storm and surface water. The City of Renton is hereby granted the right to enter said stormwater easement for the purpose of inspecting, operating, maintaining, improving, and repairing the drainage facilities contained therein. Only the chain link fence (if required by subsection G of this section), flow control, water quality treatment and conveyance facilities will be considered for formal acceptance and maintenance by the City. Maintenance of all other improvements and landscaping in said stormwater tract shall be the responsibility of the homeowners association. Each lot owner within the plat shall have equal and undivided interest in the maintenance of all other improvements constructed within Tract _____.

2. Method of Creation for Privately Maintained Facility:

As determined by the City, other types of new development shall create stormwater facilities either within an easement or within a tract not dedicated to City. In the case of a tract, the developer and successors shall own the tract and associated development site with an equal and undivided interest.

3. Method of Creation for Other Developments:

As determined by the City, the City may take over maintenance of the drainage facilities located within either an easement to the City or within a tract owned by the developer and his successors in ownership together with an easement to the City.

G. ADDITIONAL REQUIREMENTS FOR FENCING AND LANDSCAPING:

1. Landscaping: Landscaping shall be consistent with the provisions of section 5.3 of the KCSWDM, except that within the City of Renton, landscaping of drainage facilities is not optional; it is required. Additionally, landscaping shall comply with the requirements of RMC 4-4-070F8, Storm Drainage Facilities.

2. Fencing Around New or Expanded Storm Drainage Ponds and Signage Required: All flow control and water quality treatment ponds and similar facilities, as determined by City Development Services, shall be fenced with a 6-foot tall chain link fence and access gate. Fencing is required immediately outside each new stormwater flow control and/or water quality treatment pond and other similar facilities, as determined by City Development Services. For stormwater ponds, the fence shall be placed at the top of the berm with the maintenance access road on the inside of the fence; or 5 feet minimum from top of berm if there is no maintenance access road to allow access for proper maintenance of the facility.

The chain link fence shall be coated with black or green bonded vinyl and installed as determined by the City between the facility and the required landscaping. Unless otherwise determined by the City, the fence gate must be posted with a 12 inch by 18 inch "No Trespassing" sign.

Cedar or other fencing materials may be installed only if owned and maintained by a private property owner or homeowner's association (HOA).

3. Maintenance of Existing Facilities Required: Owners of existing drainage facilities not maintained by the City are required to continue to maintain existing landscaping and fencing. Replacement of deteriorated fencing and failed plantings is required.

H.F. REQUIREMENTS FOR DRAINAGE REVIEW:

All persons applying for drainage review as specified in subsection E1 of this Section shall submit to the Development Services Division all engineering plans for review in accordance with the Surface Water Design Manual. The drainage plan and supportive calculation report(s) shall be stamped by a professional civil engineer registered and licensed in the State of Washington. (Ord. 5526, 2-1-2010)

I.G. ADOPTION OF STORMWATER POLLUTION PREVENTION MANUAL (SPPM):

The 2009 King County Stormwater Pollution Prevention Manual (SPPM), as now or as hereafter may be amended by King County or the City of Renton, and hereby referred to as the Stormwater Pollution Prevention Manual, is hereby adopted by reference. One

copy of the manual shall be filed with the City Clerk including any amendments thereto.
(Ord. 5526, 2-1-2010)

JH. DISCHARGE PROHIBITION:

1. Prohibition of Illicit Discharge: Materials, whether or not solids or liquids, other than surface water and stormwater shall not be spilled, leaked, emitted, discharged, disposed or allowed to escape into the storm sewer and/or drain system, surface water, groundwater, or watercourses.

[For brevity, subsection a through e not printed here, but will remain in the code.]

2. Prohibition of Illicit Connections: The construction, use, maintenance or continued existence of any connection identified by the Administrator or designee, that may convey any pollution or contaminants or anything not composed entirely of surface water and stormwater, directly into the MS4, is prohibited, including without limitation, existing illicit connections regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

3. Remedy:

a. The person and/or property owner responsible for an illicit connection and/or illicit discharge shall initiate and complete all actions necessary to remedy the effects of such connection or discharge at no cost to the City.

b. If the person responsible for an illicit connection or illicit discharge and/or the owner of the property on which the illicit connection or illicit discharge has occurred fails to address the illicit connection or illicit discharge in a timely manner, the Administrator or designee shall have the authority to implement removal or remedial actions following lawful entry upon the property. Such actions may include, but not be limited to: installation of monitoring wells; collection and laboratory testing of water, soil, and waste samples; cleanup and disposal of the illicit discharge, and remediation of soil and/or groundwater. The property owner and/or other person responsible for the release of an illicit discharge shall be responsible for any costs incurred by the Public Works Department or its authorized agents in the conduct of such remedial actions and shall be responsible for City expenses incurred due to the illicit connection or illicit discharge, including but not limited to removal and/or remedial actions in accordance with RMC 1-3-3.

c. Compliance with this subsection # shall be achieved through the implementation and maintenance of best management practices (BMPs) described in the Stormwater Pollution Prevention Manual. The Administrator or

designee shall initially rely on education and informational assistance to gain compliance with this subsection H, unless the Administrator or designee determines a violation poses a hazard to public health, safety, or welfare, endangers any property and/or other property owned or maintained by the City, and therefore should be addressed through immediate penalties. The Administrator or designee may demand immediate cessation of illicit discharges and assess penalties for violations that are an imminent or substantial danger to the health or welfare of persons or danger to the environment.

4. Elimination of Illicit Connection and/or Illicit Discharge:

a. Notice of Violation: Whenever the Administrator or designee finds that a person has violated a prohibition or failed to meet a requirement of this Section, he or she may order compliance by written notice of violation to the property owner and/or responsible person, by first class and certified mail with return receipt requested. Such notice may require without limitation:

- i. The performance of monitoring, analyses, and reporting by the violator;
- ii. The elimination of illicit connections or discharges;
- iii. That violating discharges, practices, or operations shall immediately cease and desist;
- iv. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- v. The implementation of source control or treatment BMPs. Any person responsible for a property or premises which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system and/or waters of the State. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

b. Requirement to Eliminate Illicit Connection: The Administrator or designee shall send a written notice, sent by first class and certified mail with return receipt requested, to the property owner and/or the person responsible for the illicit connection, informing the property owner or person responsible for an illicit connection to the MS4 that the connection must be terminated by a specified date.

c. Requirement to Eliminate Illicit Discharges: The Administrator or designee shall send a written notice, sent by first class and certified mail with return receipt requested to the property owner and/or the person responsible for the illicit discharge, informing the property owner or person responsible for an illicit discharge to the MS4, whether it be surface water and/or groundwater, that the discharge must be terminated by a specified date.

d. Sample and Analysis: When the Administrator or designee has reason to believe that an illicit connection is resulting in an illicit discharge, the Administrator or designee may sample and analyze the discharge and recover the cost of such sampling and analysis from the property owner or person responsible for such illicit connection or discharge pursuant to RMC 1-3-3, as now or as hereafter may be amended, and require the person permitting or maintaining the illicit connection and/or discharge to conduct ongoing monitoring at that person's expense.

e. Right of Appeal from Administrative Decision: Any person aggrieved by an administrative decision of the Administrator or designee may appeal such decision pursuant to RMC 4-8-110.

f. Any illicit connection and/or illicit discharge as set forth in this Section or the Stormwater Pollution Prevention Manual is hereby declared to be a nuisance pursuant to RMC 1-3-3, and as defined in RMC 1-3-4A11c (23).

5. Reporting Requirements:

a. In the event of an illicit discharge or spill of hazardous material into the stormwater drainage system or waters of the City, State of Washington or United States, said person with knowledge thereof shall immediately notify the emergency dispatch services (911).

b. In the event of an illicit discharge of nonhazardous material into the stormwater drainage system or waters of the City, State of Washington or United States, said person with knowledge thereof shall immediately notify the Public Works Department by phone at 425-430-7400, or in person.

6. Inspections, Investigation and Sampling: The Administrator or designee may lawfully enter property to inspect the facilities of any person to determine compliance with the requirements of these regulations.

a. Access:

i. The Administrator or designee shall be permitted to lawfully enter and inspect sites subject to regulation under this Chapter and Section as often as may be necessary to determine compliance herewith, at all reasonable hours for the purpose of inspections, sampling or records examination.

ii. The Administrator or designee shall have the right to set up on the property necessary devices to conduct sampling, inspection, compliance monitoring, and/or metering actions.

b. Compliance with Inspection Report: Within thirty (30) days of receiving an inspection report from the Public Works Department, the property owner or operator shall file with the Department a plan and time schedule to implement any required modifications to the site or to the monitoring plan needed to achieve compliance with the intent of this Chapter or Section or the NPDES permit conditions. This plan and time schedule shall also implement all of the recommendations of the Department.

7. Record Retention Required: All persons subject to the provisions of this Section shall retain and preserve for no less than five (5) ~~three (3)~~ years any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to operation, maintenance, monitoring, sampling, remedial actions and chemical analysis made by or on behalf of a person in connection with any illicit connection or illicit discharge. All records which pertain to matters which are the subject of administrative or any other enforcement or litigation activities brought by the City pursuant to this Code shall be retained and preserved by the person until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. (Ord. 5526, 2-1-2010)

KI. REVIEW AND APPROVAL OF PLAN:

1. Process: All storm drainage plans and supportive calculations shall be prepared in connection with any of the permits and/or approvals listed in subsection D of this Section shall be submitted for review and approval to the Development Services Division.

2. Fees: Fees shall be as listed in ~~RMC 4-1-180B~~ the City of Renton Fee Schedule Brochure on file with the City Clerk's Office.

3. Additional Information: The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Administrator or designee.

4. Tests: Whenever there is insufficient evidence of compliance with any of the provisions of this Section or Code, or evidence that any material or construction does not conform to the requirements of this Section or Code, the Administrator or designee may require tests as proof of compliance to be made at no expense to this jurisdiction. Test methods shall be as specified by this Section or Code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the Administrator or designee shall determine test procedures. Suitable performance of the method or material may be evidence of compliance meeting the testing requirement. (Ord. 5526, 2-1-2010)

J. BONDS AND LIABILITY INSURANCE REQUIRED:

The Development Services Division shall require all persons constructing drainage facilities pursuant to RMC 4-6-030, except for single family residential lots, to post with the City of Renton a surety, cash bonds, assignment of funds or certified check in the amount equal to the estimated cost of construction calculated using the Bond Quantity Worksheet as described in the Surface Water Design Manual.

1. Construction Bond: Prior to commencing construction, the person constructing the drainage facility shall post a construction bond in an amount sufficient to cover the cost of conforming said construction with the approved drainage plans. In lieu of a bond, the applicant may elect to establish a cash escrow account with his bank in an amount deemed by the City of Renton to be sufficient to reimburse the City if it should become necessary for the City to enter the property for the purpose of correcting and/or eliminating hazardous conditions relating to soil stability and/or erosion. The instructions to the escrowee shall specifically provide that after prior written notice unto the owner and his failure to correct and/or eliminate existing or potential hazardous conditions and his failure to timely remedy same, the escrowee shall be authorized without any further notice to the owner or his consent to disburse the necessary funds to the City of Renton for the purpose of correcting and/or eliminating such conditions complained of. After determination by the Department that all facilities are constructed in compliance with the approved plans, the construction bond shall be released.

2. Maintenance and Defect Bond (required only for those facilities to be maintained and operated by the City of Renton): After satisfactory completion of the facilities and prior to the release of the construction bond by the City, the person constructing the facility shall commence a two (2) year period of satisfactory maintenance of the facility. A cash bond, surety bond or bona fide contract for maintenance and defect with a third party for the duration of this two (2) year period, to be approved by the City of Renton and to be used at the discretion of the City of Renton to correct deficiencies in said maintenance affecting public health, safety and welfare, must be posted and

maintained throughout the two (2) year maintenance and defect period. The amount of the cash bond or surety bond shall be in the amount equal to twenty percent (20%) of the estimated cost of construction for a two (2) year period calculated using the Bond Quantity worksheet as described in the Surface Water Design Manual.

The owner of the property shall throughout the maintenance and defect period notify the City in writing if any defect or malfunction of the drainage system has come to his or her notice. Failure to notify the City shall give the City cause to reject assumption of the maintenance of the facility at the expiration of the two (2) year maintenance and defect period, or within one year of the discovery of the defect or malfunction of the drainage system, whichever period is the latest in time.

3. Liability Policy: Before a permit shall be issued for any construction, insurance will be required as follows:

a. **Duration and Limits:** The applicant shall secure and maintain in force throughout the duration of the permit commercial general liability insurance written on an occurrence basis with limits no less than one million dollars (\$1,000,000.00) per occurrence/two million dollars (\$2,000,000.00) aggregate.

b. **Additional Insured:** Copies of such insurance policy or policies shall be furnished unto the City with a special endorsement in favor of the City with the City named as a primary and noncontributory additional insured on the insurance policy and an endorsement stating such shall be provided to the City.

c. **Cancelation Notice Required:** The policy shall provide that it will not be canceled or reduced without thirty (30) days' advance written notice to the City.

d. **Waiver:** Upon showing of a hardship and at the discretion of the Administrator or designee, the insurance requirements may be reduced or waived for single family or two-family residential applications. (Ord. 5526, 2-1-2010; Ord. 5645, 12-12-2011)

MK. MAINTENANCE OF DRAINAGE FACILITIES:

1. Drainage Facilities Accepted by the City of Renton for Maintenance:

a. **Responsibility for Maintenance of Accepted Facilities:** The City of Renton is responsible for maintenance, including performance and operation of drainage facilities ~~inside the fence~~ that have formally been accepted by the Administrator. The City will also maintain any chain link fence surrounding accepted drainage facilities if the fencing is required per subsection G of this section. All landscaped areas, wooden fencing, or fencing constructed for a purpose other

than safety within the tract, must be maintained by the property owners/homeowners' association. The following language is required to be noted on the face of the plat.

- i. Tract _____ is for stormwater / landscape purposes and is hereby conveyed /to the _____ subdivision home owners association (HOA) upon the recording of this plat. Each lot owner within the plat shall have equal and undivided ownership interest in Tract _____. An overlying easement is hereby dedicated to the City of Renton for the purpose of operating, maintaining, improving and repairing the facilities contained therein. The homeowners association is responsible for the maintenance of said tract excluding said drainage facilities.

- ii. A stormwater easement is hereby dedicated to the City of Renton over, under and across Tract _____ for the purpose of conveying, storing, managing and facilitating storm and surface water. The City of Renton is hereby granted the right to enter said stormwater easement for the purpose of inspecting, operating, maintaining, improving, and repairing the drainage facilities contained therein. Only the chain link fence (if required by subsection G of this section), flow control, water quality treatment and conveyance facilities will be considered for formal acceptance and maintenance by the City. Maintenance of all other improvements and landscaping in said stormwater tract shall be the responsibility of the homeowners association. Each lot owner within the plat shall have equal and undivided interest in the maintenance of all other improvements constructed within Tract _____.

b. City Assumption of Maintenance Responsibility for Existing Facilities: The City of Renton may assume maintenance of privately maintained drainage facilities, including the perimeter fencing, after the expiration of the two (2) year maintenance period in connection with the subdivision of land if the following conditions have been met:

- i. All of the requirements of subsection E of this Section have been fully complied with;

- ii. The facilities have been inspected and any defects or repairs have been corrected and approved by the Department prior to the end of the two (2) year maintenance period;

- iii. All necessary easements entitling the City to properly maintain the facility have been conveyed to the City;
- iv. The facility is constructed on a plat with public streets and located on tracts or easements dedicated to the City; and
- v. It is recommended by the Administrator and concurred in by the City Council that said assumption of maintenance would be in the best interests of the City.

c. Facilities not Eligible for Transfer of Maintenance Responsibility: A drainage facility which does not meet the criteria of this subsection shall remain the responsibility of the applicant required to construct the facility and persons holding title to the property for which the facility was required.

2. Drainage Facilities Not Accepted by the City for Maintenance:

a. The person or persons holding title to the property and the applicant required to construct a drainage facility shall remain responsible for the facility's continual performance, operation and maintenance, including the perimeter fencing, in accordance with the standards and requirements per subsection C of this Section and remain responsible for any liability as a result of these duties. This responsibility includes maintenance of a drainage facility which is:

- i. Under a two (2) year maintenance bond period;
- ii. Serving a private road;
- iii. Located within and serving only one single family residential lot;
- iv. Located within and serving a multi-family, commercial site, industrial or mixed use property site;
- v. Not otherwise accepted by the City for maintenance.

b. A declaration of covenant as specified in the Surface Water Design Manual shall be recorded. The restrictions set forth in such covenant shall include, but not be limited to, provisions for notice to the persons holding title to the property of a City determination that maintenance and/or repairs are necessary to the facility and a reasonable time limit in which such work is to be completed.

i. In the event that the titleholders do not effect such maintenance and/or repairs, the City may perform such work upon due notice. The titleholders are required to reimburse the City for any such work. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the King County Records Division.

ii. The City may enforce the restrictions set forth in the declaration of covenant provided in the Surface Water Design Manual.

3. Separate Conveyance System Required for Off Site Drainage: ~~Conveyance systems to be maintained and operated by the City must be located in a drainage easement, tract, or right-of-way granted to City.~~ Offsite areas that naturally drain onto the project site must be intercepted at the natural drainage course within the project site and conveyed in a separate conveyance system and must bypass onsite stormwater facilities. Separate conveyance systems that intercept offsite runoff and are located on private property must be located in a drainage easement that may be dedicated to the City if the City deems it appropriate depending on the upstream tributary area.

4. Other Cases: Where not specifically defined in this subsection, the responsibility for performance, operation and maintenance of drainage facilities and conveyance systems shall be determined on a case-by-case basis. (Ord. 5526, 2-1-2010; Ord. 5645, 12-12-2011)

NL. RETROACTIVITY RELATING TO CITY MAINTENANCE OF SUBDIVISION FACILITIES:

If any person constructing drainage facilities pursuant to this Section and/or receiving approval of drainage plans prior to the effective date of the ordinance codified in this Section reassesses the facilities and/or plans so constructed and/or approved and demonstrates, to the Administrator's satisfaction, total compliance with the requirements of this Section, the City may, after inspection, approval and acknowledgment of the proper posting of the required bonds as specified in subsection M of this Section, assume maintenance of the facilities. (Ord. 5526, 2-1-2010)

OM. ADJUSTMENT:

1. An adjustment to the requirements contained in this Section or other requirements in the Surface Water Design Manual may be proposed. The resulting development shall be subject to all of the remaining terms and conditions of this section and the adjustment shall:

a. Produce a compensating or comparable result in the public interest; and

b. Meet the objectives contained in this Section of safety, function, appearance, environmental protection and maintainability based upon sound engineering judgment.

2. Requests for adjustments that may conflict with the requirements of any other City departments shall require review and concurrence with that department.

3. A request for an adjustment shall be processed in accordance with the procedures specified in the Surface Water Design Manual.

4. The applicant may appeal an adjustment decision by following the appeal procedures as specified in the Surface Water Design Manual per RMC 4-8-110. (Ord. 5526, 2-1-2010)

PN. VARIANCE:

1. If complying with subsection E2 of this Section will deny all reasonable use of a property, a variance to the requirements in the Surface Water Design Manual may be requested from the Community and Economic Development Administrator or designee in accordance with the variance process defined in the Surface Water Design Manual and RMC 4-9-250.

2. A request for a variance shall be processed in accordance with RMC 4-9-250. (Ord. 5526, 2-1-2010)

QQ. SEVERABILITY:

If any provision, subsection, sentence, clause or phrase of this Section or the application thereof to any person or circumstances is held invalid, the remaining portions of this Section and the application of such provisions to other persons or circumstances shall not be affected thereby. (Ord. 5526, 2-1-2010)

RP. VIOLATIONS OF THIS SECTION AND PENALTIES:

A violation of any of the provisions of this Section shall be a civil infraction upon the first offense pursuant to RMC 1-3-2. See also RMC 4-6-110.

Amend RMC section 4-4-040, FENCES AND HEDGES, to read as follows:

A. PURPOSE:

These regulations are intended to regulate the material and height of fences and hedges, particularly in front yards and in yards abutting public rights-of-way, in order to promote traffic and

public safety and to maintain aesthetically pleasing neighborhoods. The following regulations are intended to provide and maintain adequate sight distance along public rights-of-way at intersections and to encourage safe ingress and egress from individual properties. These regulations also encourage the feeling of spaciousness along neighborhood streets and minimize the closed city atmosphere which tall fences along public rights-of-way can create.

B. APPLICABILITY:

The provisions and conditions of this Section regulating height are not applicable to fences or barriers required by State or City law or by the zoning provisions of this Code to surround and enclose public safety installations, school grounds, public playgrounds, storm drainage facilities, private or public swimming pools and similar installations and improvements.

Fences and hedges within the urban separator overlay are also subject to requirements of the Urban Separator Overlay regulations (see RMC 4-3-110). (Ord. 5132, 4-4-2005)

Amend existing code section RMC 4-4-070B1b, Landscaping, Applicability to read as follows:

b. All new buildings; and new surfacewater facilities;

Insert a new code section ahead of existing section RMC 4-4-070F8 and renumber existing section F8 to F9 and add a heading for this relocated section as follows:

RMC 4-4-070F:

8. Storm Drainage Facilities: The perimeter of all new flow control and/or water quality treatment stormwater facilities shall be landscaped in accordance with the provisions of this Section, the 2009 KCSWDM, and the City of Renton Amendments to the KCSWDM (on file with the Renton City Clerk's Office) unless otherwise determined through the site plan review or subdivision review process.

98. Urban Separator Properties: Properties within urban separators are subject to landscaping requirements of RMC 4-3-110E in addition to the requirements of this section.

Amend RMC Section 4-4-070H, Landscaping, Description of required landscaping types, by adding a new section 6 to read as follows:

6. Storm Drainage Facility Landscaping:

a) **Trees are Prohibited on Berms:** Trees are prohibited on any berm serving a drainage-related function, however, groundcover is required and subject to City review/approval.

b) Additional Locations where Trees and Shrubs are Prohibited:

- 1) within the inside of the fenced area; and
- 2) within 10 feet of any manmade drainage structure (i.e. catch basins, ditches, pipes, vaults, etc.).

c) Perimeter Landscaping Required: Minimum 15-foot wide landscaping strip on the outside of the fence unless otherwise determined through the site plan review or subdivision review process.

d) Type of Plantings Required: Plantings shall be consistent with the KCSWDM and this section. Additionally, trees must be spaced as determined by the Department of Community and Economic Development.

e) Conflicts: In the event of a conflict between this section and the KCSWDM, the landscaping provisions of this Section shall prevail. See also pages 5-1 and 5-2 of the City of Renton Amendments to the King County Surface Water Design Manual.

Amend pages 5-1 and 5-2 of the City of Renton Amendments to the King County Surface Water Design Manual to add the following text relating to fencing and side slopes:

5.3.1.1 Design Criteria, Side Slopes: *Replace paragraphs 1-4 with the following:*

1. Side slopes (interior and exterior) shall not be steeper than 3 feet horizontal to 1 foot vertical.
2. Pond walls may be vertical retaining walls, provided: (a) they are constructed of reinforced concrete per Section 5.3.3 (p. 5-35); (b) a fence is provided along the top of the wall; (c) at least 25% of the pond perimeter will be a vegetated soil slope not steeper than 3H: 1V; and (d) the design plan is stamped by a licensed structural civil engineer.

5.3.1.1 Design Criteria, Fencing: *Replace paragraphs 1 and 2 with the following:*

All ponds and other similar facilities, as determined by the City Development Services Division, shall be fenced. On stormwater facilities to be maintained by the City, a fence shall be placed at the top the berm with the maintenance access road in the inside of the fence; or 5 feet minimum from top of berm if there is no maintenance access road allowing proper maintenance of the facility.

Fence material shall be six foot high black or green bonded vinyl chain link. Cedar or other fencing materials may be installed only if owned and maintained by a private property owner or Home Owner's Association (HOA). Language assigning maintenance responsibility of the fence will be placed in the final plat.

5.3.1.1 Landscaping: Replace introductory paragraph with the following:

Landscaping is not optional; it is required on all stormwater/landscaping tracts. Landscaping is required in those areas of the tract that will not impact the functionality or maintenance of the drainage facilities. For stormwater ponds to be maintained by the City, no landscaping shall be planted inside the fence. Landscaping inside the fence is allowed for storm water facilities to be privately maintained provided that the landscaping complies with the requirements of RMC 4-4-070F8, Storm Drainage Facilities.

5.3.1.1 Landscaping: Add to bullet #2 the following:

If Stormwater pond is City maintained, then landscaping is prohibited in the inside slope of the pond and trees are prohibited on any drainage-related berms. No landscaping is allowed inside the facility fencing.

5.3.1.1 Signage: Add the following text to this section:

The fence gate must be posted with a 12 inch by 18 inch "No Trespassing" sign, unless otherwise approved by the City.

Amend the "Reference" section at the end of the "City of Renton Amendments to the King County Surface Water Design Manual" to replace Form Number 1, "Maintenance and Defect Agreement" with the following updated form:

City of Renton

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MAINTENANCE AND DEFECT AGREEMENT (Two Years) For public roads, drainage facilities and other public improvements	Applicant's Name and Address
Agreement Number	Project Number and Name
Guarantee Amount	Site Location/Section
Reference Number(s) of Documents assigned or released: Additional reference numbers are on page _____.	
Grantor(s): 1. 2.	Grantee(s): 1.

This AGREEMENT is made and entered into this _____ day of _____, 20____,
between the City of Renton, hereinafter called the CITY, and the above named
APPLICANT, hereinafter called APPLICANT.

Basis for AGREEMENT:

WHEREAS the undersigned APPLICANT has constructed public roads and/or drainage facilities and other public improvements to be deeded to the City in connection with the above-referenced project; and

WHEREAS the APPLICANT has agreed to secure the successful maintenance and operation of said improvements for the referenced projects pursuant to RMC 4-6-030 and RMC 9-10-5.

NOW THEREFORE, the APPLICANT hereby agrees and binds itself and its legal representatives, successors, and assigns as follows:

Terms of the AGREEMENT:

1. The improvements constructed by the APPLICANT or his representative shall successfully operate and shall remain free of defects in design, workmanship, materials, and design for a period of two years from the date of satisfactory completion of the improvements or final plat approval, whichever is later. As used in

this AGREEMENT, the term "defects" includes but is not limited to, damage resulting from construction activities and/or use during the two year period.

2. The APPLICANT is responsible for maintenance of the public road, drainage facilities and other public improvements, including the roadway surface for the two year period from the date of satisfactory construction approval or final plat approval, whichever is later.

City of Renton

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Agreement Number	Project Number and Name
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3. In the event of any failure of the improvements to satisfactorily operate or in the event of a defect in design, workmanship or materials, the APPLICANT shall promptly and adequately repair and/or correct the failure or defect.
4. The CITY will perform maintenance inspections during the two year period.
5. During the two year period upon notification by the CITY, the APPLICANT shall correct and/or make repairs to the right-of-way improvements within the time period specified by the CITY when defects in the design, workmanship, or materials occur.
6. In the event the CITY determines that repairs must be performed immediately to prevent risk to person(s) and property, the CITY may make necessary repairs and the costs of those repairs shall be paid by the APPLICANT upon demand.
7. The APPLICANT shall pay all required fees in accordance with Renton Municipal Code.
8. At the end of the two year period, the APPLICANT shall clean the drainage facilities prior to the CITY's final inspection.
9. If, at the conclusion of the two year period, the City of Renton, at its sole discretion, determines that the improvements are not adequately maintained, the APPLICANT shall perform prompt maintenance to the CITY's satisfaction. In the event this maintenance is not performed within the time period specified by the CITY, the CITY will invoke the enforcement processes found in RMC Chapter 1-3.
10. Any failure by the APPLICANT to comply with the terms of this AGREEMENT in a timely manner shall constitute default. Any action or inaction by the City of Renton following any default in any term or condition of this AGREEMENT shall not be deemed to waive any rights of the City of Renton pursuant to this AGREEMENT.
11. The APPLICANT shall indemnify and hold the CITY and its agents, employees and/or officers harmless from and shall ~~and~~ defend at its own expense all claims, damages, suits at law or equity, actions, penalties, losses, or costs of whatsoever kind or nature, brought against the CITY for negligence arising out of, in connection with, or incident to the execution of this AGREEMENT and/or the APPLICANT's performance or failure

to perform any aspect of the AGREEMENT. Provided, however, that if such claims are caused by or result from concurrent negligence of the APPLICANT and the CITY, its agents, employees and/or officers, this provision shall be valid and enforceable only to the extent of the negligence of the APPLICANT, and provided further, that nothing herein shall require the APPLICANT to hold harmless or defend the CITY from any claim arising from the sole negligence of the CITY's agents, employees and/or officers.

12. In the event that any party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this AGREEMENT, the parties hereto agree that any such action or proceeding shall be brought in a court of competent jurisdiction situated in King County, Washington.
13. The Applicant is granted the right to access City right-of-way, tracts and easements dedicated to the City for the purpose of performing work required by this Maintenance and Defect Agreement until the agreement is released.

City of Renton
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Page

Agreement Number	Project Number and Name
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Release Requirements: This AGREEMENT shall remain in full force and effect and shall not be released until all terms of this AGREEMENT have been completed to the satisfaction of the City of Renton.

IN WITNESS THEREOF, the parties hereto have executed this AGREEMENT as of the day and year first above written.

APPLICANT

By _____ Title _____ Date _____

Received for City of Renton By _____ Date _____

<p>IN WITNESS WHEREOF, said Grantor has caused this instrument to be executed this ___ day of _____, 20__.</p>
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Notary Seal must be within box	<p>INDIVIDUAL FORM OF ACKNOWLEDGMENT</p> STATE OF WASHINGTON) SS COUNTY OF KING) I certify that I know or have satisfactory evidence that _____ signed this instrument and acknowledged it to be his/her/their free and voluntary act for the uses and purposes mentioned in the instrument _____ Notary Public in and for the State of Washington Notary (Print) _____ My appointment expires: _____ Dated: _____
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Agreement Number	Project Number and Name
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Notary Seal must be	<p>REPRESENTATIVE FORM OF ACKNOWLEDGMENT</p>
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within box

STATE OF WASHINGTON) SS

COUNTY OF KING)

I certify that I know or have satisfactory evidence that

Instrument, on oath stated that he/she/they was/were
authorized to execute the instrument and acknowledged it as
the _____ and _____
of _____ to be free and voluntary act
of such party/parties for the uses and purposes mentioned in
the instrument.

Notary Public in and for the State of Washington

Notary (Print) _____

My appointment expires: _____

Dated:

Notary Seal must be
within box

CORPORATE FORM OF ACKNOWLEDGMENT

STATE OF WASHINGTON) SS

COUNTY OF KING)

On this _____ day of _____, 20____, before me
personally appeared

to me known to be _____ of
the corporation that executed the within instrument, and
acknowledge the said instrument to be the free and voluntary
act and deed of said corporation, for the uses and purposes
therein mentioned, and each on oath stated that he/she was
authorized to execute said instrument and that the seal affixed
is the corporate seal of said corporation.

Notary Public in and for the State of Washington

Notary (Print) _____

My appointment expires: _____

Dated:

9/4/2012

**Department of Community and Economic Development
Planning Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

**MUNICIPAL
CODE SECTIONS:**

RMC 4-2-110A DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DESIGNATIONS (PRIMARY AND ATTACHED ACCESSORY STRUCTURES); and RMC 4-2-110D, footnote 11.

REFERENCE:

N/A

SUBJECT:

Removal of footnote 11 which provides for reduced lot dimensions in the R-4 zone when subdivisions cannot achieve a density of 4 dwelling units per square acre.

BACKGROUND:

4-2-110D, footnote 11 addresses lot size, width and depth reductions in R-4 zones when, due to lot configuration or access, four (4) du/ac cannot be achieved. The footnote allows minimum reduction needed to allow four (4) du/ac using the following minimum dimensions:

Lot size - Seven thousand two hundred (7,200 sq. ft.)

Lot width – Sixty feet (60')

Lot depth – Seventy feet (70')

JUSTIFICATION:

The footnote was improperly applied to R-4 zones to allow reductions in net density. However, no reduction is needed to meet minimum of four (4) du/ac because R-4 zones have no minimum density requirements and a maximum density of four (4) du/ac. Allowing lot reduction in R-4 zones is not in accordance with the City's Comprehensive Plan which states in Objective LU-157 that "Within the residential 4 du/acre zoned area allow a maximum density of 4 units per net acre to encourage larger lot development and increase the supply of upper income housing consistent with the City's Housing Element." Reducing lot dimensions allows for additional units on lots that already meet the intent of zone densities effectively resulting in a higher than desired density situation.

DECISION:

RMC 4-2-110D, footnote 11 shall be removed from RMC 4-2-110A and marked as deleted in RMC 4-2-110D as it pertains to R-4 zones.

**ADMINISTRATOR/
PLANNING DIRECTOR
APPROVAL:**

C. E. "Chip" Vincent

DATE: January 23, 2014

APPEAL PROCESS: To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT**

DETERMINATIONS: 4-2-110D, footnote 11 in reference to RMC 4-2-110A in the Development Standards for Residential Zoning Designations (Primary and Attached Accessory Structures) needs to be removed from all R-4 zoning standards, as shown below.

**RMC 4-2-110A DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DESIGNATIONS
(PRIMARY AND ATTACHED ACCESSORY STRUCTURES)**

Minimum Lot Size	
RC ²⁸	10 acres
R-1 ²⁸	1 acre, except 10,000 sq. ft. for cluster development. ³
R-4 ²⁸	8,000 sq. ft. ⁴⁴ , except for small lot cluster development ¹⁰ , where R-8 standards shall apply.
R-8 ²⁸	4,500 sq. ft. for parcels greater than 1 acre. 5,000 sq. ft. for parcels 1 acre or less.
R-10 and R-14 ²⁹	No minimum lot size. However, developments of greater than 9 single family dwellings shall incorporate a variety of home sizes, lot sizes, and unit clusters.
RM	n/a
Minimum Lot Width	

RC	150 ft. for interior lots. 175 ft. for corner lots.
R-1	75 ft. for interior lots. 85 ft. for corner lots. Except for cluster development, where R-4 standards shall apply.
R-4	70 ft. for interior lots. 80 ft. for corner lots. ⁴⁴ Except for small lot cluster development ¹⁰ , where R-8 standards shall apply.
R-8	50 ft. for interior lots. 60 ft. for corner lots.
R-10 and R-14	No minimum lot width.
RM	“T” suffix: 14 ft. All other suffixes: 50 ft.

Minimum Lot Depth	
RC	200 ft.
R-1	85 ft., except for cluster development, where R-4 standards shall apply. ³
R-4	80 ft. ⁴⁴ , except for small lot cluster development ¹⁰ , where R-8 standards shall apply.
R-8	65 ft.
R-10 and R-14	No minimum lot depth.

RM ²⁹	65 ft.
------------------	--------

4-2-110D

**CONDITIONS ASSOCIATED WITH
DEVELOPMENT STANDARDS TABLE FOR
RESIDENTIAL ZONING DESIGNATIONS**

~~11. Approval for lot size, width, and depth reductions may be approved when, due to lot configuration or access, four (4) dwelling units per net acre cannot be achieved. The reduction shall be the minimum needed to allow four (4) dwelling units per net acre and shall be limited to the following minimum dimensions:~~

~~Lot size — seven thousand two hundred (7,200) sq. ft.~~

~~Lot width — sixty feet (60').~~

~~Lot depth — seventy feet (70').~~

Deleted.

**Department of Community and Economic Development
Development Services Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

MUNICIPAL

CODE SECTIONS: Renton Municipal Code (RMC) 4-1-190G.5 Collection of Impact Fees and 4-1-160D.3 Assessment of School Impact Fees

SUBJECT: Determination of which fee schedule is used to calculate the School Impact Fees for a building permit.

BACKGROUND: There are two code references to when the appropriate fee schedule is determined for impact fees associated with a building permit. The school impact fee code states it is the fee schedule in place at time of permit issuance, while the newer impact fee code states that it is the fee schedule in place at time of permit application.

JUSTIFICATION: Impact fees, including the school impact fees, change every year. Applicants want to know what fees are going to apply to their particular building permit application. Using the fee schedule in place at time of application provides direct control to the applicant on which fee schedule applies, and is easier for staff to process. Since this is the procedure adopted for the other impact fees, the same procedure will be applied to the school impact fees.

DECISION: For all new dwelling units, the total amount of the school impact fees shall be assessed and collected from the applicant at the time of building permit issuance, using the fee schedule in effect at the time of complete application for the building permit. No permit shall be issued until the required school impact fees set forth in the fee schedule have been paid.

**DIRECTOR
APPROVAL**

Neil Watts

DATE:

**APPEAL
PROCESS:**

To appeal this determination, a written appeal -- accompanied by the required filing fee -- must be filed with the City's City Clerk no later than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT
DETERMINATIONS:**

4-1-160D.3 Assessment of School Impact Fees

3. For all new dwelling units, the total amount of the school impact fees shall be assessed and collected from the applicant at the time of building permit issuance, using the fee schedule ~~then in effect~~ in effect at the time of complete application for the building permit. No permit shall be issued until the required school impact fees set forth in the fee schedule have been paid.

**Department of Community and Economic Development
Planning Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

**MUNICIPAL
CODE SECTIONS:**

RMC 4-11-040D, RMC 4-11-190S, and RMC 4-2-020K and M. Definitions of Net Density, Shopping Center, and the Purpose and Intent of Commercial Zoning Districts.

REFERENCE:

RMC 4-11-040D states that for the purpose of calculating net density for residential development, private access easements shall be subtracted from the gross site area. RMC 4-11-190S defines a Shopping Center as: "A group of buildings, structures and/or uncovered commercial areas, or a single building containing four (4) or more individual commercial establishments, planned, developed and managed as a unit related in location and type of shops to the trade areas that the unit serves." RMC 4-2-020K and M include high-density residential development as an intended use in commercial zoning classifications.

SUBJECT:

Net density calculations for multi-family residential development in shopping centers.

BACKGROUND:

The purpose of the net density calculation is to allow staff to calculate how many dwelling units are available to be constructed on a site after the areas specified in RMC 4-11-040D have been deducted from the gross site area. This definition attempts to link the resulting density, of proposed developments, to the net developable area after excluding areas used for access and critical area protection. However, in a Shopping Center access easements may be provided across a large portion of the site for required parking areas and cross access to adjacent properties/businesses. The required deduction of the access easement area is substantially reducing the number of dwelling units available for higher density multi-family residential/mixed-use developments. The requirement for the deduction of the access easement area, within Shopping Centers, for the purpose of calculating net density has become onerous. It does not comply with the purpose and intent of the commercial zoning classifications and may discourage property owners from providing access across parking areas to adjacent properties. Therefore, access easements across shopping centers should not be deducted from gross site area for the purpose of calculating net density.

JUSTIFICATION:

The purpose and intent of the commercial zoning classifications is to encourage high-density residential development. The deduction of the area within access easements across required parking areas reduces the

density available for residential development on the project site and potentially discourages properties from providing access to adjacent properties and businesses if the area within the access easement would reduce the number of dwelling units available on the project site. Therefore, shopping centers should not be required to subtract the area within an access easement for the purpose of calculating net density.

DECISION: Revise the definition of net density to exempt shopping centers from the requirement to deduct the area within access easements for the purpose of calculating net density.

**ADMINISTRATOR
APPROVAL:**

C. E. "Chip" Vincent

DATE: April 2, 2014

**APPEAL
PROCESS:**

To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT**

DETERMINATIONS: Section 4-11-040D of the Development Regulations will need to be amended to read as shown:

4-11-040D DEFINITIONS D:

DENSITY, NET: A calculation of the number of housing units and/or lots that would be allowed on a property after critical areas, i.e., very high landslide hazard areas, protected slopes (except evaluate on a case-by-case basis those protected slopes created by previous development), wetlands, Class 1 to 4 streams and lakes, or floodways, and public rights-of-way and legally recorded private access easements are subtracted from the gross area (gross acres minus streets and critical areas multiplied by allowable housing units per acre). Developments meeting the definition of a Shopping Center are not required to deduct areas within access easements from the gross site area for the purpose of calculating net density. Required critical area buffers, streams that have been daylighted including restored riparian and aquatic areas, public and private alleys, and trails, shall not be subtracted from gross acres for the purpose of net density calculations. All fractions which result from net density calculations shall be truncated at two (2) numbers past the decimal (e.g., 4.5678 becomes 4.56). Calculations for minimum or maximum density which result in a fraction that is 0.50 or greater shall be rounded up to the nearest whole number. Those density calculations resulting in a fraction that is less than 0.50 shall be rounded down to the nearest whole number.

**Department of Community and Economic Development
Planning Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

**MUNICIPAL
CODE SECTIONS:**

RMC 4-4-100E.4.a and RMC 4-4-100L.1.b, Size, Number and Height of Permanent Signs and Location, Permit, and Insurance Requirements for Signs Projecting into Setbacks or Right-of-Way.

REFERENCE:

RMC 4-4-100E.4.a states that freestanding signs for Churches, Apartments, Subdivisions, and Existing Legally Established Nonconforming Businesses within Residential Zones shall be no higher than 6 feet above grade and shall be no closer than 10 feet to any street right-of-way or 5 feet to any side property line. RMC 4-4-100L.1.b states that ground signs which are 6 feet or less in height may be installed within the front yard setback in the landscape strip.

SUBJECT:

Applicable setbacks for signs within residential zones.

BACKGROUND:

There is a conflict in the sign code. RMC 4-4-100E.4.a requires freestanding signs in residential zones to be no more than 6 feet in height and no closer than 10 feet to a street right-of-way and 5 feet from any side property line and RMC 4-4-100L.1.b permits ground signs with a height of 6 feet or less within the landscape strip of a front yard setback. The requirement for a 10-foot setback from the street right-of-way is also impractical, as the minimum setback required in RMC 4-2-110A from a right-of-way for primary structures in many residential zones is also 10 feet. For consistency purposes, it makes sense to allow freestanding signs with a height of 6 feet or less to be located within the landscape strip and require that a 5-foot setback be measured from the property line and not from the edge of right-of-way, which is inconsistent with how setbacks are to be measured per RMC 4-11-190 Definitions S.

JUSTIFICATION:

Setbacks are intended to separate buildings from other structures, property lines, and streets. There is a conflict in the sign code with regard to the required setbacks for freestanding signs 6 feet or less in height. In addition, many residential zones require a 10-foot setback from the street property line, which conflicts with the 10-foot setback requirement for signs located in residential zones as specified in the sign code. Freestanding signs 6 feet or less in height should be allowed within the landscape strip provided a 5-foot setback is maintained from the property line.

DECISION: Revise the sign code regulations for signs located within residential zones to specify that a 5-foot setback should be measured from the property line and not the right-of-way boundary. Also revise the provisions allowing signs within setbacks to specify that signs within residential zones shall be permitted within the landscape strip, provided a 5-foot setback is maintained from the edge of pavement.

**ADMINISTRATOR
APPROVAL:**

C. E. "Chip" Vincent

DATE: April 15, 2014

**APPEAL
PROCESS:**

To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT**

DETERMINATIONS: Sections 4-4-100E.4.a and 4-4-100L.1.b of the Sign Regulations will need to be amended to read as shown:

E. SIZE, NUMBER AND HEIGHT OF PERMANENT SIGNS:

a. Churches, Apartments, Subdivisions, and Existing Legally Established

Nonconforming Businesses within Residential Zones: Churches, apartment buildings, subdivision developments, existing legally established nonconforming businesses within residential zones and similar occupancies located in residential and mixed-use zones may have two (2) on-premises identifying signs of not over thirty two (32) square feet in area on one (1) face. The signs may be illuminated but not animated, shall be for location identification only and shall display no copy, symbol or device other than that in keeping with the development. Freestanding signs shall be not higher than six feet (6') above any established grade and shall be no closer than ~~ten five feet (105')~~ ten five feet (105') to any street right-of-way or five feet (5') to any side property line.

**L. LOCATION, PERMIT, AND INSURANCE REQUIREMENTS FOR SIGNS PROJECTING INTO
SETBACKS OR RIGHT-OF-WAY: (Amd. Ord. 4832, 3-6-2000)**

1. Maximum Sign Projection into Setback:

a. Signs may project within a legal setback a maximum of six feet (6'). (Ord. 3719, 4-11-1983; Amd. Ord. 4720, 5-4-1998)

b. Ground signs located outside of Residential zones which are six feet (6') or less in height may be installed within the front yard setback in the landscape strip; provided, that the area described in subsection C6 of this Section is kept clear. Signs located within Residential zones may be located within the front yard setback in the landscape strip provided a minimum setback of 5 feet is maintained from the property line. (Ord. 4720, 5-4-1998)

**Department of Community and Economic Development
Planning Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

**MUNICIPAL
CODE SECTIONS:**

RMC 4-9-150B Planned Urban Development Regulations (PUD),
Applicability.

REFERENCE:

RMC 4-9-150A states that the purpose of the Planned Urban Development Regulations is to “encourage innovation and creativity in the development of residential, business, manufacturing, or mixed used development by permitting a variety in the type, design, and arrangement of structures and improvements.”

SUBJECT:

Modification of Urban Design Regulations (RMC 4-3-100) through the Planned Urban Development Regulations.

BACKGROUND:

The purpose of the Planned Urban Development Regulations is to provide a process where the City may review applications, which do not comply with the City’s development standards, but will be “superior to traditional development under standard regulations” (RMC 4-9-150A). Currently these regulations allow projects to modify any standards in RMC 4-2, 4-4, 4-6-060 and 4-7. The single family design standards are located in 4-2 and may be modified, however the Urban Design Regulations located in 4-3-100 are not identified as a code section that is available for modification. This omission is an oversight. In order to encourage creativity, modifications to the Urban Design Regulations in 4-3-100 should also be permitted as part of the Planned Urban Development Regulations.

There is also a conflict between subsections “a.” and “b.” of RMC 4-9-150B.2. Subsection “a.” states that “all modifications shall be considered simultaneously as part of the planned urban development”, whereas “b.” states “approval for modification other than those specifically described in subsection B2a of this Section shall be approved prior to submittal of a preliminary planned urban development plan.” In subsection “a.” the approvals are granted simultaneously as part of the planned urban development, whereas in subsection “b.” the approvals are granted prior to the submittal of a preliminary planned urban development plan, which doesn’t allow for meaningful public involvement.

JUSTIFICATION:

To allow for the consistent implementation of the Planned Urban Development Regulations with respect to design standard modifications and to afford applicants greater flexibility resulting in superior design of

projects, modifications to the Urban Design Regulations should be permitted through the PUD process.

In addition, to ensure meaningful public involvement is provided consistently for all preliminary planned urban development plans, all modifications should be approved simultaneously as part of the PUD process.

DECISION: Revise the Applicability of RMC 4-9-150B2 to include RMC 4-3-100 Urban Design Regulations as a section of code that is available for modification through the PUD process and clarify that all modifications should be approved simultaneously through the PUD process.

**ADMINISTRATOR
APPROVAL:**

C. E. "Chip" Vincent

DATE: April 15, 2014

**APPEAL
PROCESS:** To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT
DETERMINATIONS:**

B. APPLICABILITY:

Any applicant seeking to permit development which is not limited by the strict application of the City's zoning, parking, street, and subdivision regulations in a comprehensive manner shall be subject to this Section. Any amendment to existing planned urban developments shall be subject to this Chapter.

1. Zones: Planned urban developments may be permitted in all zoning districts, when processed and approved as provided in this Section. (Ord. 5571, 11-15-2010)

2. Code Provisions That May Be Modified:

a. In approving a planned urban development, the City may modify any of the standards of chapter [4-2](#) RMC, [RMC 4-3-100](#), chapter [4-4](#) RMC, RMC [4-6-060](#) and

chapter [4-7](#) RMC, except as listed in subsection B3 of this Section. All modifications shall be considered simultaneously as part of the planned urban development.

b. An applicant may request additional modifications from the requirements of this Title, except those listed in subsection B3 of this Section. ~~Approval for modifications other than those specifically described in subsection B2a of this Section shall be approved prior to submittal of a preliminary planned urban development plan.~~ All modifications shall be considered simultaneously as part of the planned urban development.

Department of Community and Economic Development
Planning Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION

**MUNICIPAL
CODE SECTIONS:**

RMC 4-3-050J.5.c Protected Slopes: Exceptions through Variance, RMC 4-3-050N.3.c.i Geologic Hazards – Variance: Applicability, RMC 4-9-250B.1.c.iii Variance Procedures, and RMC 4-9-250B6 Special Review Criteria – Reasonable Use Variance – Critical Areas Regulations Only.

REFERENCE:

N/A

SUBJECT:

Allowing applications for Variances to Steep Slope and Landslide Hazard Regulations and clarifying applicable variance criteria.

BACKGROUND:

RMC 4-3-0505.a states that “development is prohibited on protected slopes.” RMC 4-3-050J.5.c states that a variance may be granted for the “construction, reconstruction, additions, and associated accessory structures of a *single family home* on an existing legal lot”. RMC 4-3-050N.3.c.iii states that a variance application may be submitted if the “strict application of this Section would deny all reasonable use of the property containing a critical area or associated buffer, or would deny installation of public transportation or utility facilities...” *Currently*, RMC 4-9-250B1.c *only* grants authority to the Community and Economic Development Administrator for the approval of variances to steep slopes and very high landslide hazard areas for the construction of one single family home on a pre-existing platted lot and for public/quasi-public utilities or agencies.

The purpose of the Variance Regulations is to “grant relief from the requirements of this Title” when an applicant can demonstrate compliance with the applicable variance criteria. The City’s adopted Critical Areas Regulations and Variance Regulations limit the instances in which an application for a variance to the Protected Slope and Landslide Hazard area regulations (RMC 4-3-050J) may be submitted to the City for review.

JUSTIFICATION:

The City’s regulations should not preclude the submittal of applications for variances or deny the applicant access to the administrative appeal process, but should instead rely on the existing critical areas variance criteria in RMC 4-9-250B6 to guide the decision maker in granting/denying applications for variance.

DECISION: To allow the submittal of applications for variance from the City's adopted Critical Areas Regulations relative to steep slopes and landslide hazard areas and allow access to the administrative appeal process for those applications which do not adequately address the applicable variance criteria (RMC 4-9-250B6) and are denied.

**ADMINISTRATOR/
PLANNING DIRECTOR
APPROVAL:**

C. E. "Chip" Vincent

DATE: _____

**APPEAL
PROCESS:** To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT
DETERMINATIONS:**

As shown on Exhibit A, amend Section 4-3-050J.5.c of the Critical Areas Regulations and Section 4-9-250B.1.c.iii of the Variance Procedures to allow the submittal of applications for a Variance request to alter Protected Slopes and Landslide Hazard areas in instances other than just for the construction of a new single family residence or work proposed by a public/quasi-public utility.

EXHIBIT A

4-3-050 CRITICAL AREAS REGULATIONS:

J. GEOLOGIC HAZARDS:

5. Protected Slopes:

a. Prohibited Development: Development is prohibited on protected slopes. This restriction is not intended to prevent the subdivision or development of property that includes forty percent (40%) or greater slopes on a portion of the site, provided there is enough developable area elsewhere to accommodate building pads.

b. Exceptions through Modification: Exceptions to the prohibition may be granted for:

i. Filling against the toe of a natural rock wall or rock wall, or protected slope created through mineral and natural resource recovery activities or public or private road installation or widening and related transportation improvements, railroad track installation or improvement, or public or private utility installation activities pursuant to subsection N2 of this Section, Modifications.

ii. Grading to the extent that it eliminates all or portions of a mound or to allow reconfiguration of protected slopes created through mineral and natural resource recovery activities or public or private road installation or widening and related transportation improvements, railroad track installation or improvement, or public or private utility installation activities, pursuant to subsection N2 of this Section, Modifications.

c. Exceptions through Variance: Exceptions to the prohibition may be granted ~~for construction, reconstruction, additions, and associated accessory structures of a single family home on an existing legal lot~~ pursuant to a variance as stated in RMC [4-9-250B1](#) and [4-9-250B6](#).

7. Very High Landslide Hazards:

a. Prohibited Development: Development shall not be permitted on land designated with very high landslide hazards, except by variance, administered pursuant to RMC [4-9-250B1](#), ~~for construction of a single family home on an existing legal lot.~~

4-9-250 VARIANCES, WAIVERS, MODIFICATIONS, AND ALTERNATES:

A. PURPOSES:

1. Variances: A grant of relief from the requirements of this Title which permits construction in a manner that otherwise is prohibited by this Title.

2. Waivers: (Reserved)

3. Modifications: To modify a Code requirement when there are practical difficulties involved in carrying out the provisions of this Title when a special individual reason makes the strict letter of this Code impractical. (Ord. 4346, 3-9-1992)

4. Alternates: To allow the use of any material or method of construction not specifically prescribed by this Title. (Ord. 4346, 3-9-1992; Ord. 5137, 4-25-2005)

B. VARIANCE PROCEDURES:

1. Authority and Applicability for Administrative Variances: The Community and Economic Development Administrator shall have the authority to grant variances from the following development standards when no other permit or approval requires Hearing Examiner review: (Ord. 5676, 12-3-2012)

a. Residential Land Uses: Lot width, lot depth, setbacks, allowed projections into setbacks, and lot coverage. Lot width, lot depth, and setback variations do not require a variance if the request is part of a stream daylighting proposal and meets criteria in RMC 4-3-050L; and

b. Commercial and Industrial Land Uses: Screening of surface-mounted equipment and screening of roof-mounted equipment.

c. Proposals Located Within Critical Areas:

i. Aquifer Protection Areas: If an applicant feels that the strict application of aquifer protection regulations would deny all reasonable use of the property or would deny installation of public transportation or utility facilities determined by the public agency proposing these facilities to be in the best interest of the public health, safety and welfare, the applicant of a development proposal may apply for a variance.

ii. Flood Hazards: Variances from the flood hazard requirements of RMC 4-3-050, Critical Areas Regulations.

iii. Steep Slopes Forty Percent (40%) or Greater and Very High Landslide Hazards: ~~The construction of one single family home on a pre-existing platted lot where there is not enough developable area elsewhere on the site to accommodate building pads and provide practical off-street parking.~~ Variances from the geologic hazard requirements of RMC 4-3-050, Critical Areas Regulations.

iv. Wetlands:

(a) Creation/restoration/enhancement ratios: Categories 1 and 2.

(b) Buffer width reductions not otherwise authorized by RMC 4-3-050M6e and M6f: Category 3.

(c) A new or expanded single family residence on an existing, legal lot, having a regulated Category 3 wetland.

(d) Buffer width reductions not otherwise authorized by RMC 4-3-050M6e and M6f – Category 1 or 2.

v. Streams and Lakes:

(a) A new or expanded single family residence on a pre-existing platted lot where there is not enough developable area elsewhere on the site to accommodate building pads and provide practical off-street parking, providing reasonable use of the property.

(b) Buffer width reductions not otherwise authorized by RMC 4-3-050L, Streams and Lakes (Class 2 to 4).

(c) Activities proposing to vary from stream regulations not listed elsewhere in subsection B1a of this Section, and authorized to be requested as variances in RMC 4-3-050L.

vi. General: Public/quasi-public utility or agency proposing to alter aquifer protection, geologic hazard, habitat or wetlands regulations not listed above.

**Department of Community and Economic Development
Planning Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

**MUNICIPAL
CODE SECTIONS:**

RMC 4-2-110D.10 Conditions Associated with Residential Development Standards and CI-38 Stormwater Fencing.

REFERENCE:

N/A

SUBJECT:

Modification of Conditions Associated with Development Standards for Small Lot Cluster Developments in the R-4 zone.

BACKGROUND:

RMC 4-2-110D.10 provides options for reducing the permanent open space requirement for small lot clusters from 30 percent of the project site to 20 percent. One of the options provided includes the enhancement of stormwater ponds as follows: "Stormwater ponds are designed to eliminate engineered slopes requiring fencing and enhanced to allow passive and/or active recreation." CI-38 requires that all stormwater ponds be fenced.

JUSTIFICATION:

The purpose of the small lot cluster regulations is to allow an opportunity for development on a site to occur within the R-4 zone, while providing a significant amount of permanent "significant open space." In exchange for the provision of open space, the applicant is granted the ability to use certain R-8 development standards for approved R-4 clustered development.

Criterion is provided under RMC 4-2-110D.10 to allow for the reduction of the permanent open space requirement from 30 percent to 20 percent. One of the criterion is the designing of stormwater ponds to eliminate engineered slopes that require fencing. Additionally, the stormwater pond would be required to be enhanced to allow for passive and/or active recreation. However, CI-38 requires that all stormwater ponds be fenced, therefore precluding any stormwater pond from complying with this criteria used to justify a reduction to the amount of permanent open space required.

In addition, it is unclear as to whether the area within the stormwater detention tract may be counted towards the "permanent open space" requirement.

DECISION: To the extent stormwater facilities are fenced, they are precluded from functioning as an active and/or passive recreation area and should not be permitted to count towards the “permanent open space” requirement. The criterion permitting the enhancement of stormwater ponds to eliminate the fencing requirement should be removed as all stormwater ponds are required to be fenced and they are no longer able to count towards the “permanent open space” requirement.

**ADMINISTRATOR
APPROVAL:**

C. E. “Chip” Vincent

DATE: June 11, 2014

**APPEAL
PROCESS:** To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT
DETERMINATIONS:**

**4-2-110D CONDITIONS ASSOCIATED WITH DEVELOPMENT STANDARDS TABLE FOR
RESIDENTIAL ZONING DESIGNATIONS**

10. Small lot clusters of up to a maximum of fifty (50) lots shall be allowed within the R-4 zone, when at least thirty percent (30%) of the site is permanently set aside as significant “open space” as defined in RMC 4-11-150. Such open space shall be situated to act as a visual buffer between small lot clusters and other development in the zone. The percentage of open space required may be reduced to twenty percent (20%) of the site when:

- a. Public access is provided to open space; and
- b. If critical areas are located on site soft surface trails are provided within ~~wetland~~ their buffers pursuant to RMC 4-3-050 ; and
- c. ~~c. Stormwater ponds are designed to eliminate engineered slopes requiring fencing and enhanced to allow passive and/or active recreation.~~ All portions of a site that are not dedicated to platted single family lots or a dedicated right-of-

way shall be set in a separate tract and/or tracts to preserve existing viable stands of trees or other native vegetation. The tract may also be used as a receiving area for tree replacement requirements in accordance with RMC [4-4-130H](#). Such tracts shall be shown and recorded on the face of the plat to be preserved in perpetuity. Such tracts may be included in contiguous open space for the purposes of qualifying for small lot clustered development. Where trees are removed, they shall be replaced in accordance with RMC [4-4-130H](#).

**Department of Community and Economic Development
Planning Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

**MUNICIPAL
CODE SECTIONS:**

RMC 4-9-200 Master Plan and Site Plan Review

REFERENCE:

N/A

SUBJECT:

Clarification of the review process required for Site Plans implementing a previously approved Master Plan.

BACKGROUND:

Ordinance 5641 was approved December 12, 2011 and superseded all of the regulations outlined under RMC 4-9-200 Site Plan Review. RMC 4-9-200D provides criteria to determine when a Public Hearing is required for Site Plan and Master Plan review. The Site Plan Review regulations that were superseded by Ordinance 5641 stated that: "Where a Master Plan is approved, subsequent Site Plans submitted for future phases may be submitted and approved administratively without a public hearing". This public hearing exemption criteria was omitted from the revised Master Plan and Site Plan Review regulations provided under Ordinance 5641, which was likely an error.

JUSTIFICATION:

Once a Master Plan has been approved on a project site, it seems logical that subsequent applications for Site Plan Review implementing the approved Master Plan be reviewed and approved administratively.

DECISION:

Amend RMC 4-9-200D to allow Site Plan Review applications implementing a previously approved Master Plan to be reviewed and approved administratively.

**ADMINISTRATOR
APPROVAL:**

C. E. "Chip" Vincent

DATE:

June 16, 2014

**APPEAL
PROCESS:**

To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the

basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT
DETERMINATIONS:**

4-9-200 MASTER PLAN AND SITE PLAN REVIEW:

D. CRITERIA TO DETERMINE IF PUBLIC HEARING IS REQUIRED:

A public hearing before the Hearing Examiner shall be required in the following cases:

1. All master plans except those covered by a planned action ordinance that included a public hearing that was determined by the Community and Economic Development Administrator to have provided the public and decision-makers with sufficient detail regarding the project's scale, design, bulk and uses. Where a Master Plan is approved, subsequent Site Plans submitted for future phases may be submitted and approved administratively without a public hearing. (Ord. 5676, 12-3-2012)

2. Site Plan Review:

a. Significant Environmental Concerns Remain: The Environmental Review Committee determines, based on departmental comments or public input, that there are significant unresolved concerns raised by the proposal; or

b. Large Project Scale: The proposed project is more than:

- i. One hundred (100) attached residential units;
- ii. One hundred thousand (100,000) square feet of gross floor area (nonresidential) in the IL or CO Zones or other zones in the Employment Area Valley (EAV) land use designation;
- iii. Twenty five thousand (25,000) square feet of gross floor area (nonresidential) in the CN, CD, CA, CV, or CO Zones outside the Employment Area Valley (EAV) land use designation;
- iv. Four (4) stories or sixty feet (60') in height;
- v. Three hundred (300) parking stalls; or
- vi. Ten (10) acres in size of project area.

c. All commercial or industrial projects adjacent to or abutting residentially zoned property, unless the Administrator determines that the presence of critical areas or other limiting factors on the residential property make development unlikely or unfeasible. (Ord. 5676, 12-3-2012)

**Department of Community and Economic Development
Planning Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

**MUNICIPAL
CODE SECTIONS:**

RMC 4-8-120C Land Use Permit Submittal Requirements

REFERENCE:

N/A

SUBJECT:

Planned Urban Development (PUD) Public Information Sign requirements

BACKGROUND:

Currently the installation of the public information sign and the submittal of the Affidavit of Posting are required at Final PUD application. This Code Interpretation modifies the Land Use Permit Submittal Requirements to require the installation of a public information sign and the submittal of the subsequent Affidavit of Posting as a submittal requirement for the Preliminary PUD application.

JUSTIFICATION:

Per RMC 4-8-080G a Preliminary Planned Urban Development application is processed as a Type III permit, which requires a 14 day public comment period and a public hearing before the Hearing Examiner. A Final PUD application is processed as a Type II permit, which requires a 14 day public comment period and is an administrative decision.

Currently, the submittal requirements for land use permits (RMC 4-8-120C) require to the submittal of 2 copies of an Affidavit of Installation of Public Information Sign with the submittal of an application for Final PUD. This appears to be an error. The installation of the public information sign should not occur with the application for Final PUD as the approval of the Preliminary PUD has already been granted. The public information sign should be installed prior to the submittal of an application for Preliminary PUD approval to provide ample notification to the public about the proposed PUD application and the opportunity for public comment early in the review process.

DECISION:

Amend the Land Use Permit Submittal Requirements to require the submittal of the Affidavit of Installation of Public Information Sign with the Preliminary PUD application and remove the Affidavit of Installation of Public Information Sign as a requirement for the submittal of the Final PUD application.

**ADMINISTRATOR
APPROVAL:**

C. E. "Chip" Vincent

DATE:

June 16, 2014

**APPEAL
PROCESS:**

To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT
DETERMINATIONS:**

4-8-120 SUBMITTAL REQUIREMENTS – SPECIFIC TO APPLICATION TYPE:

C.

LAND USE APPLICATIONS SUBMITTAL REQUIREMENTS	TYPE OF APPLICATION/PERMIT	PUD,	PUD,
		Preliminary	Final
10% Notice of Intent to Annex			
60% Petition to Annex			
Additional Animals Application Form			
Affidavit of Installation of Public Information Sign		2	2

**Department of Community and Economic Development
Development Services Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

CODE SECTIONS: Renton Municipal Code Chapter 4-5, RCW 19-28.141

SUBJECT: Adoption of 2014 National Electrical Code

BACKGROUND: The 2014 National Electrical Code (NEC) becomes effective state wide on July 1, 2014. Renton is working with other local building departments in the Washington Association of Building Officials (WABO) to complete our proposed amendments to the new NEC code. This work is expected to be completed late in August of this year. The formal city adoption of the new electrical code is anticipated to occur later this year.

JUSTIFICATION: To resolve the discrepancy between state mandated adoption of the 2014 National Electrical Code, and formal city adoption of the code with local amendments, adoption of the 2014 National Electrical Code by interpretation is warranted. The existing local amendments will still apply as reasonably applied to the 2014 National Electrical Code.

DECISION: The 2014 National Electrical Code will be enforced per State law effective July 1, 2014. The existing local amendments will remain effective, with application to the corresponding code citations in the revised 2014 code.

DIRECTOR APPROVAL: _____
Neil Watts

DATE: _____

APPEAL PROCESS: To appeal this determination, a written appeal -- accompanied by the required filing fee -- must be filed with the City's City Clerk no later than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**Department of Community and Economic Development
Development Services Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

CODE SECTIONS: Renton Municipal Code Chapter 4-5-060

SUBJECT: Plan review requirement for electrical permits of 400 amperes (amps) or less

BACKGROUND: As part of the recently adopted Building Administrative Code, the threshold for plan review of certain electrical permit applications was reduced from 400 amps to 100 amps. The reason for this change was to be consistent with regulations in other MyBuildingPermit.com cities. The state requirement from Labor and Industry requirements places the threshold for plan review at 400 amps or greater (WAC 296-46B-215). It has been determined that significant additional staff time will be required to process the plan routings for these additional permits. Since we have operated in the past with handling this type of electrical permit subject to field inspection without prior plan review, the electrical inspection group agrees that plan review for this range of permits is not essential.

JUSTIFICATION: The Building Administrative Code Section provides the following exemption to required plan reviews: *Exception: The building official is authorized to waive the requirement for submission of construction documents and other data if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with the Construction Codes.*

DECISION: Plan review will be required for installations in occupancies, except one (1) - and two (2) - family dwellings, where a service or feeder rated greater than four hundred (400) amps is installed or altered or if more than four hundred (400) amps is added to the service or feeder.

DIRECTOR APPROVAL: _____
Neil Watts

DATE: July 1, 2014

APPEAL PROCESS: To appeal this determination, a written appeal -- accompanied by the required filing fee -- must be filed with the City's City Clerk no later than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**Department of Community and Economic Development
Development Services Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

CODE SECTIONS: Renton Municipal Code Chapter 4-9-060C.9.d

SUBJECT: Amount of Payment of Fee in Lieu of Street Improvements

BACKGROUND: Renton City code provides developers of smaller residential properties the option to request approval of paying a fee-in-lieu instead of constructing required adjacent street improvements. These requests are subject to review and approval by City staff, based on locations of the site and potential connections to other nearby street improvements. In some situations, it is preferable to accept the fee in lieu for installation by the City of street improvements in higher priority locations. The code section allowing consideration and approval of fee in lieu requests states that city staff shall determine the appropriate unit costs for the street improvements based upon information from the Public Works Department.

JUSTIFICATION: Rough unit cost estimates for standard sidewalk and curb sections were developed for the Public Works Department in 2007. We also evaluated costs for some typical CIP projects to determine appropriate unit values for sidewalks and curbs. The recommended unit values are based on these studies, and are anticipated to be in a cost range that will not discourage the use of the fee in lieu program.

DECISION: The unit costs for approved Fee in Lieu requests for 2014 shall be established at \$133 per linear foot for sidewalks only and \$202 per linear foot for curb, gutter and sidewalk. An additional \$30 per linear foot would be assessed where there is an existing ditch that would be piped with actual frontage improvements. Additional fee amounts will be determined on a case by case basis for other significant street elements, such as catch basins and curb ramps.

DIRECTOR APPROVAL: _____
Neil Watts

DATE: July 31, 2014

APPEAL PROCESS: To appeal this determination, a written appeal -- accompanied by the required filing fee -- must be filed with the City's City Clerk no later than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**Department of Community and Economic Development
Planning Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

**MUNICIPAL
CODE SECTIONS:**

RMC 4-4-140G Standards for Specific Types of Wireless Facilities

REFERENCE:

N/A

SUBJECT:

Provisions for the ability to install Micro, Mini, and Macro Facilities on multi-family residential and mixed use buildings.

BACKGROUND:

Currently the City's adopted standards for Wireless Communication Facilities permit the placement of telecommunication antenna (defined as Micro, Mini, and Macro Facilities under RMC 4-11-230) on buildings, provided that the "immediate interior wall or ceiling to the facility is not a designated residential space". Macro and Micro facility antennas are outright permitted uses in all residential zones. Mini facility antenna are permitted unless proposed within 100 feet of any adjacent or abutting residentially zoned parcel, then an administrative conditional use permit is required.

Construction of single family residences, duplexes, and townhomes are regulated under the adopted International Residential Code (IRC) as occupancy group R-3. Other multi-family structures are regulated under the adopted International Building Code (IBC) as occupancy group R-2.

JUSTIFICATION:

There is no definition of residential space within Chapter 11 of the Renton Municipal Code. An interpretation is needed to determine whether Micro, Mini and Macro Facilities are permitted on buildings which contain residential uses.

The building code regulates multi-family structures under the IBC, distinguishing them from other residential structures which are regulated under the IRC. As multi-family structures are regulated under the IBC, they are reviewed similarly to commercial structures. This distinction makes multi-family structures more suitable for accommodating the installation of antenna.

The ability to permit the installation of antenna abutting unoccupied areas (i.e. stairwells, elevator shafts, etc.) of multi-family residential buildings would allow wireless carriers the ability to provide service without the installation of additional Monopole I facilities, which are permitted in all residential zones as a Conditional Use. Antenna would be

less visually intrusive to surrounding properties than Monopole I facilities currently are.

DECISION: Revise RMC 4-4-140G to clarify that the installation of Micro, Mini, and Macro Facilities are permitted abutting unoccupied areas of residential buildings excepting detached single family residences and townhomes.

**ADMINISTRATOR/
PLANNING DIRECTOR
APPROVAL:**

C. E. "Chip" Vincent

DATE: August 5, 2014

**APPEAL
PROCESS:**

To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT
DETERMINATIONS:**

G. STANDARDS FOR SPECIFIC TYPES OF WIRELESS FACILITIES:

For definitions of specific types of wireless communication facilities, see RMC [4-11-230](#), as it exists or may be amended. Development standards for specific types of wireless communication facilities, except for nonexempt amateur radio antennas which will have height and other applicable standards determined through Conditional Use Permit process, shall be as follows: (Ord. 5675, 12-3-2012)

STANDARDS FOR SPECIFIC TYPES OF WIRELESS COMMUNICATION FACILITIES

In addition to individual zone requirements unless otherwise specified below

	MICRO FACILITY	MINI FACILITY	MACRO FACILITY	MONOPOLE I	MONOPOLE II	LATTICE TOWERS
Location	A Micro Facility	A Mini Facility	A Macro	NA	NA	NA

<p>on Buildings</p>	<p>shall be located on existing buildings, poles or other existing support structures. A Micro Facility may locate on buildings and structures; provided that the interior wall or ceiling immediately abutting the facility is not a designated residential dwelling unit, a detached single family residence or townhouse residential space.</p>	<p>may be located on buildings and structures provided that the immediate interior wall or ceiling abutting the facility is not a designated residential dwelling unit, detached single family residence or townhouse residential space.</p>	<p>Facility may be located on buildings and structures provided that the immediate interior wall or ceiling to the facility is not a designated residential dwelling units, detached single family residence or townhouse residential space.</p>			
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Department of Community and Economic Development
Planning Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION

**MUNICIPAL
CODE SECTIONS:**

RMC 4-11-030 Definitions C and 4-11-120 Definitions L.

REFERENCE:

N/A

SUBJECT:

Lot Cluster Duplicate Definitions

BACKGROUND:

There are two definitions for cluster development found in Chapter 11 Definitions of the Renton Municipal Code (RMC). One is found under RMC 4-11-030 Definitions C and reads as follows: “**CLUSTER, RESIDENTIAL:** The placement of more than one building envelope on a single lot or parcel of land for the purpose of constructing single family residential dwelling units in either attached or detached construction arrangement, and where the property ownership outside the building envelopes is commonly held by all single family dwellings on that lot or parcel of land.” The other is found under RMC 4-11-120 Definitions L and reads as follows: “**LOT, SMALL CLUSTER:** A cluster of small lots in new plats that are designed to provide a transition and buffer between uses in the R-4 Zones. Small cluster lots are allowed in the R-4 Zone when located within six hundred feet (600') of abutting and contiguous properties in the Residential Single Family land use designation of the Comprehensive Plan and are part of a development that includes a significant open space area equal to at least twenty percent (20%) of a site.”

The definition of “Cluster, Residential” conflicts with the City’s adopted Permitted Use Table found under RMC 4-2-060 and the Residential Development Standards found under RMC 4-2-110A which do not permit the construction of *attached* single family residences nor the construction of *multiple* single family dwellings on an individual lot. The definition of “Lot, Small Cluster” implies that clustering is permitted only within the R-4 Zone, which conflicts with the Residential Development Standards where standards for cluster development are provided in the R-1 as well as R-4 Zones.

JUSTIFICATION:

To avoid confusion, the definitions on cluster development should be consolidated into one definition and the definition should be consistent with other adopted standards and regulations.

DECISION: Revise the definition of “Lot, Small Cluster” found under RMC 4-11-120 Definitions L to be consistent with other City adopted standards and regulations and move the definition to “Cluster Development” under RMC 4-11-030 Definitions C to be consistent with the terminology used in the Residential Development Standards tables (RMC 4-2-110A).

**ADMINISTRATOR/
PLANNING DIRECTOR
APPROVAL:**

C. E. “Chip” Vincent

DATE: August 5, 2014

**APPEAL
PROCESS:** To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT
DETERMINATIONS:**

Modify:

4-11-030 DEFINITIONS C:

~~**CLUSTER RESIDENTIAL DEVELOPMENT:** The placement of more than one building envelope on a single lot or parcel of land for the purpose of constructing single family residential dwelling units in either attached or detached construction arrangement, and where the property ownership outside the building envelopes is commonly held by all single family dwellings on that lot or parcel of land. A residential subdivision comprised of a grouping of small lots designed to include significant open space or preserve significant natural features in exchange for modifications to certain development standards (e.g. lot dimensions, setbacks, and building standards).~~

**4-11-120 DEFINITIONS L:
LOT TYPES:**

~~**F. Lot, Small Cluster:** See CLUSTER DEVELOPMENT A cluster of small lots in new plats that are designed to provide a transition and buffer between uses in the R-4 Zones. Small cluster lots are allowed in the R-4 Zone when located within six hundred feet (600') of abutting and contiguous properties in the Residential Single Family land use designation of the Comprehensive Plan and are part of a development that includes a significant open space area equal to at least twenty percent (20%) of a site.~~

**Department of Community and Economic Development
Planning Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

**MUNICIPAL
CODE SECTIONS:**

RMC 4-2-080A Conditions Associated with Zoning Use Tables, Footnote 18 Residential Uses in the Commercial Neighborhood (CN), Commercial Arterial (CA), and Urban Center-North 1 (UC-N1) Zones

REFERENCE:

N/A

SUBJECT:

Ability to locate residential uses on the ground floor of mixed-use developments.

BACKGROUND:

Currently the City's adopted standards for mixed-use developments in the CN, CA, and UC-N1 Zones (RMC 4-2-080A.18) do not permit residential uses on the ground floor, with the exception of residential entry features. In addition, commercial uses along a street frontage are required to maintain a minimum depth of 30 feet.

JUSTIFICATION:

There are instances where it would be desirable to allow residential uses to be located on the ground floor, provided the residential use does not abut a public street frontage. To be economically viable, most commercial space requires visibility from the public street frontage. It seems reasonable in instances where all or a portion of a structure does not abut a public street frontage, that residential uses be permitted on the ground floor.

Research has shown that 30 feet is the minimum depth required for a broad range of viable commercial uses, however there are instances where compliance with the 30-foot minimum depth along the entire commercial frontage is not feasible. In such instances, averaging the required 30-foot minimum depth for commercial space located along street frontages should be permitted, through Site Plan review, provided no portion of the minimum depth is reduced to less than 20 feet and the total square footage of required commercial space is not reduced.

DECISION:

Amend RMC 4-2-080A.18 to allow residential uses on the ground floor of mixed-use buildings where the building does not abut a public street frontage and allow for averaging of the 30-foot minimum depth of commercial space required along street frontages through the Site Plan review process, provided no portion of the depth is reduced to less than

20 feet and the total square footage of required commercial space is not reduced.

**ADMINISTRATOR/
PLANNING DIRECTOR
APPROVAL:**

C. E. "Chip" Vincent

DATE: August 5, 2014

**APPEAL
PROCESS:**

To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT
DETERMINATIONS:**

4-2-080 CONDITIONS ASSOCIATED WITH ZONING USE TABLES:

A. SUBJECT TO THE FOLLOWING CONDITIONS:

18. ~~Only permitted within a structure containing commercial uses on the ground floor.~~
Commercial space must be ~~reserved~~ provided on the ground floor at a minimum of thirty feet (30') in depth along any street frontage. Averaging the minimum depth may be permitted through the Site Plan Review process, provided no portion of the minimum depth is reduced to less than twenty feet (20') and there is no reduction in the total square footage of commercial space. Residential uses shall not be located on the ground floor along any public street frontage. ~~except for residential entry features unless determined through the site plan review process that a particular building has no street frontage.~~

Residential uses are not permitted in the Employment Area Valley (EAV) land use designation.

**Department of Community and Economic Development
Planning Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

MUNICIPAL CODE SECTIONS: RMC 8-7-8 Noise Regulations Variances and Appeal

REFERENCE: N/A

SUBJECT: Decision Maker for Noise Variances Requiring a Public Hearing.

BACKGROUND: The Variances and Appeals section of the Noise Regulations (RMC 8-7-8) states that the Community & Economic Development Administrator shall hear and decide requests for variances to the Noise Regulations. Variances to the Noise Regulations require a public hearing for noise variances that exceed two (2) days in duration; the decision is issued by the Community & Economic Development Administrator and is appealable to the Hearing Examiner.

JUSTIFICATION: Decisions on applications which require a public hearing are typically made by the Hearing Examiner and are appealable to the City Council. Administrative decisions are typically issued by the Community & Economic Development Administrator and are appealable to the Hearing Examiner. There is no public hearing process outline in the City's regulations for the Community & Economic Development Administrator. Therefore, to be consistent, the decision maker for noise variance applications which require a public hearing should be the Hearing Examiner and the decision should be appealable to the City Council.

DECISION: Amend RMC 8-7-8 to specify that the decision maker for noise variances which trigger a public hearing shall be the Hearing Examiner, the decision shall then be appealable to the City Council.

ADMINISTRATOR APPROVAL: _____
C. E. "Chip" Vincent

DATE: September 2, 2014

APPEAL PROCESS: To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14

days from the date of this decision. Your submittal should explain the basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT
DETERMINATIONS:**

8-7-8 VARIANCES AND APPEAL:

A. Jurisdiction: The Community and Economic Development Administrator or his/her designee shall hear and decide requests for variances from the requirements of this Chapter, which do not require a public hearing. The Hearing Examiner shall hear and decide requests for variances from the requirements of this Chapter, which require a public hearing.

B. Application: Parties seeking a variance from this Chapter, or a duly authorized representative of the parties seeking the variance, shall file an application for the variance, which application shall set forth fully the grounds therefor and the facts the applicant deems material to justify the granting of such a variance. The applicant for a noise variance must be the owner or jurisdiction in charge of the project. In no cases shall the applicant for the noise variance be the contractor for the construction project.

C. Public Notice And Hearing: A public hearing shall be required for all noise variances which are greater than two (2) days in duration. For those variance requests of two (2) days or less in duration, the variance decision shall be made by the Administrator or his/her designee following the public notice process. If required, the hearing for a noise variance shall be a public hearing, the date of which shall be not more than forty five (45) days from the date of filing and acceptance of the application for the variance. Notice of the time and place of public hearing shall be given in at least one publication in the City's legal newspaper, which publication shall be not less than ten (10) days prior to the date of said public hearing. In addition, three (3) written notices of such public hearing shall be posted at least ten (10) days prior to such hearing within, on or about the location which will generate such noise. Additionally, written notice of the hearing shall be given to any resident or property owner that will experience an increase in noise, or potentially have an increase in noise, such that this variance will increase the quantity of noise received by that property owner or resident. The burden of providing this written notice shall be upon the applicant. ~~The Community and Economic Development Administrator or his/her designee~~ decision maker shall not consider any variance for which written notices have not been given, or grant any variance that would cause an increase in noise levels beyond that permitted in this Chapter unless the affected property owner or resident has been notified.

D. Factors For Granting Variance: The ~~Community and Economic Development Administrator or his/her designee~~ decision maker, in passing upon an application for a variance, shall consider all technical evaluations, all relevant factors and standards specified in other sections of this Chapter, and in addition thereto shall consider the following, none of which is mandatory for the granting of the variance:

1. That the applicant will suffer an undue hardship and the variance is necessary because of special circumstances applicable to the applicant's property or project, and that the strict application of this Chapter will deprive the subject property owner or applicant of rights and privileges enjoyed by others.
2. That the granting of the variance will not be materially detrimental to the public health, welfare or safety, or unduly injurious to the property or improvements in the vicinity of the location for which this variance is sought.
3. That the variance sought is the minimum variance which will accomplish the desired purpose.
4. That the variance contains such conditions deemed to be necessary to limit the impact of the variance on the residence or property owners impacted by the variance. The variance approval may be subject to conditions including, but not limited to, the following:
 - a. Implementation of a noise monitoring program;
 - b. Maximum noise levels;
 - c. Limitation on types of equipment and use of particular equipment;
 - d. Limitation on back-up beepers for equipment;
 - e. Required use of noise shields or barriers;
 - f. Restrictions to specific times and days;
 - g. Specific requirements for documentation of compliance with the noise variance conditions;
 - h. Specific requirements for notification to nearby residents;
 - i. Required cash security to pay for inspection services to verify compliance;
 - j. Required access to the project by the City to verify compliance with the noise variance conditions;

- k. Specific program to allow for temporary hotel vouchers to effected residents;
- l. Requirements for written verification that all workers understand the noise variance conditions for the project; and
- m. Provision allowing the City to immediately revoke the variance approval if the variance conditions are violated.

5. The importance of the services provided by the facility creating the noise and the other impacts caused to the public safety, health and welfare balanced against the harm to be suffered by residents or property owners receiving the increased noise permitted under this variance.

6. The availability of practicable alternative locations or methods for the proposed use which will generate the noise.

7. The extent by which the prescribed noise limitations will be exceeded by the variance and the extent and duration of the variance.

E. Findings And Conclusions ~~Of Community And Economic Development Administrator~~ of the decision maker: ~~The Community and Economic Development Administrator or his/her designee~~ decision maker shall reduce his or her decision to written findings, conclusions and a decision. The written findings, conclusions and decision shall include a section noting the right of appeal from the decision to the City Council.

F. Appeals: Any party participating in the public hearing feeling aggrieved by the decision of the ~~Community and Economic Development Administrator or his/her designee~~ Hearing Examiner may appeal the decision of the ~~Administrator~~ Hearing Examiner to the ~~Hearing Examiner~~ City Council within fourteen (14) days of the decision. The appeal document shall note the errors in findings or conclusions which the appellant believes are material to the appeal. The ~~Hearing Examiner~~ City Council shall consider the appeal and shall affirm the decision of the ~~Administrator~~ Hearing Examiner unless the ~~Hearing Examiner~~ City Council finds that there are material errors in the findings or conclusions, or that the decision is not supportable by the findings and conclusions. If the ~~Hearing Examiner~~ City Council finds such errors it shall reduce its decision to writing specifying the findings and conclusions that are in error or stating that the decision is not supportable by the findings and conclusions. Any party remaining aggrieved by the decision of the ~~Hearing Examiner~~ City Council may further appeal to the King County Superior Court within twenty-one (21) calendar days from the date of the ~~Hearing Examiner's~~ City Council's decision. (Ord. 4330, 10-28-91; Ord. 5156, 9-26-05; Ord. 5551, 9-13-10)