

CITY OF RENTON, WASHINGTON

ORDINANCE NO. 5136

AN ORDINANCE OF THE CITY OF RENTON, WASHINGTON, AMENDING SECTION 1-3-2.C.1.e(2) OF CHAPTER 3, REMEDIES AND PENALTIES, OF TITLE I (ADMINISTRATIVE); AND CHAPTER 3, ENVIRONMENTAL REGULATIONS AND OVERLAY DISTRICTS; CHAPTER 8, PERMITS - GENERAL AND APPEALS; CHAPTER 9, PERMITS - SPECIFIC; CHAPTER 10, LEGAL NON-CONFORMING STRUCTURES, USES, AND LOTS; AND CHAPTER 11, DEFINITIONS; OF TITLE IV (DEVELOPMENT REGULATIONS) OF ORDINANCE NO. 4260 ENTITLED "CODE OF GENERAL ORDINANCES OF THE CITY OF RENTON, WASHINGTON" TO AMEND SHORELINE MASTER PROGRAM REGULATIONS.

WHEREAS, the Growth Management Act mandates integration of Shoreline Master Program requirements into the City's development regulations; and

WHEREAS, State of Washington legislation (ESHB 1933) requires the City to provide equivalent ecological protection for critical areas in the shoreline jurisdiction, and RCW 90.58.020 requires the City to consider shoreline use priorities; and

WHEREAS, the City considered functions and values of its shorelines of the state in the "City of Renton Best Available Science Literature Review and Stream Buffer Recommendations" report dated February 27, 2003, prepared by AC Kindig & Company and Cedarock Consultants, Inc. on behalf of the City of Renton; and

WHEREAS, the City's Shoreline Master Program regulation amendments focus primarily on new shoreline buffers, which are designed to develop standard stream/lake/shoreline buffer widths that would result in no net loss of functions and values. Further, to provide incentives to restore degraded buffer conditions, the City's amendments allow for both standard and flexible review processes, so that applications proposing to substantially improve functions and values may be allowed to reduce buffer widths with added site-specific studies and mitigation; and

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WHEREAS, the City considered appropriate amendments to the Shoreline Use Environments Map for the Black River and Cedar River to address Shoreline Master Program text/map conflicts, and further considered amendments for an unclassified annexed area in order to make the Shoreline Master Program consistent with environmental limitations and existing uses as described in the “Proposed Renton Shoreline Master Program Use Environment Amendments,” prepared by Jones & Stokes, dated March 8, 2004, on behalf of the City; and

WHEREAS, the City participates in Water Resource Inventory Areas 8 and 9 planning processes which are expected to be completed in 2005; and

WHEREAS, the City’s protection of shorelines and critical areas is multifaceted and includes City ownership of environmentally sensitive sites, regional collaboration, City capital improvement programming that involves habitat restoration, as well as shoreline and critical area regulations; and

WHEREAS, the City conducted early agency review with the State of Washington Department of Ecology Early State Agency Review with a meeting on March 23, 2004, which resulted in receipt by the City of State comments in May 2004, and responses by the City to comments in July 2004; and

WHEREAS, the City notified State and local governments and tribal agencies and parties of record of the work program through a notice of application and SEPA determination; and

WHEREAS, the City issued a SEPA Determination of Nonsignificance in August 2004, which Determination was timely appealed and which was upheld on appeal by the City’s Hearing Examiner on December 16, 2004; and

WHEREAS, the City established a public participation program pursuant to RCW 36.70A.130(2) and provided notice of the update process pursuant to RCW 36.70A.035, provided for early and continuous public participation pursuant to RCW 36.70A.140 by

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publishing a meeting schedule, provided updates to the schedule on public television and the City web site; and

WHEREAS, the City held periodic public meetings with the Planning Commission between Spring 2003 and Spring 2005 and City Council Planning and Development Committee meetings between Spring 2004 and Spring 2005, as well as televised workshop sessions with the Council Committee of the Whole between January 2004 and September 2004; and

WHEREAS, the City conducted a public open house on July 27, 2004 a focus of which was the proposed stream/lake/shoreline policy and regulation amendments, and a workshop with Seattle/King County Master Builders and neighboring jurisdictions on August 16, 2004; and

WHEREAS, the City has provided opportunity for the public to comment on the review and suggest needed revisions of the plan and regulations, and held public hearings March 2, 2005, and March 21, 2005, on this matter; and

WHEREAS, the City considered and responded to government agency and public comments as compiled and documented in “Responses to Planning Commission Hearing Comments: Renton Best Available Science Critical Areas Regulations and Shoreline Master Program GMA Integration” dated March 9, 2005 and “Updated Responses to City Council Hearing Comments Renton Best Available Science Critical Areas Regulations and Shoreline Master Program GMA Integration” dated March 31, 2005, both prepared on behalf of the City; and

WHEREAS, the proposed shoreline master program amendments were made available in public review drafts dated July 13, 2004 and January 26, 2005 together with Planning Commission and Planning and Development Committee amendments in response to comments received by the City through March 31, 2005; and

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WHEREAS, the documents considered by the City in its shoreline master program regulation update are listed in Exhibit A; and

WHEREAS, such modification and integration of the Shoreline Master Program is in the best interest of the public; and

WHEREAS, the City will consider comprehensive shoreline master program amendments in a subsequent work program to comply with Shoreline Management Guidelines in accordance with the timelines included in the State law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RENTON, WASHINGTON, DOES ORDAIN AS FOLLOWS:

SECTION I. The above findings are true and correct in all respects. This ordinance is also supported by the following conclusions based on the adopted findings.

- 1) The City followed its established public participation program;
- 2) Revisions are needed to the Shoreline Master Program;
- 3) The City has conducted its seven-year update requirement under RCW36.70A.130 for all portions of the Comprehensive Plan by completing the portions of the work program needed to implement the Critical Areas, Shorelines and Best Available Science review;
- 4) All development standards within these sections were reviewed and found to be in compliance with the Growth Management Act and the Shoreline Management Act; and
- 5) The amendments to the Shoreline Master Program in this Ordinance are intended to provide ecological protection to the shorelines and to consider use priorities. The City will consider comprehensive Shoreline Master Program amendments in a subsequent work program

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to comply with Shoreline Management Guidelines in accordance with the timelines included in the State law.

SECTION II. Section 1-3-2.C.1.e(2) of Chapter 3, Remedies and Penalties, of Title I (Administrative) of Ordinance No. 4260 entitled “Code of General Ordinances of the City of Renton, Washington” is hereby amended to read as follows:

(2) Shoreline Master Program Regulations: RMC 4-3-090 and 4-9-197.

SECTION III. Section 4-3-090 of Chapter 3, Environmental Regulations and Overlay Districts, of Title IV (Development Regulations) of Ordinance No. 4260 entitled “Code of General Ordinances of the City of Renton, Washington” is hereby amended to read as follows:

4-3-090 SHORELINE MASTER PROGRAM REGULATIONS:

A. PROGRAM ADOPTED:

The Shoreline Master Program, as issued and prepared by City of Renton, includes policies and regulations pursuant to the Washington State Shoreline Management Act, RCW 90.58. This section RMC 4-3-090 provides shoreline regulations from the officially adopted Shoreline Master Program.

B. COMPONENTS OF PROGRAM:

The components of the Renton Shoreline Master Program, and their location in the City’s plans and regulations, are as follows:

1. Goals, Objectives, Policies:

a. Comprehensive Plan Land Use Element Subsection - Shorelines of the State:

Land Use, Recreation, and Circulation Management

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b. Comprehensive Plan Environment Element Subsection - Shorelines of the State: Natural Resources and Hazard Management

c. RMC 4-3-090.D: Purposes and Priorities.

2. Use Environments:

a. General Boundaries: Comprehensive Plan Land Use Element Subsection - Shorelines of the State: Land Use, Recreation, and Circulation Management

b. General and Specific Boundaries: RMC 4-3-090 F, G, H, and I.

3. Use Regulations, and Provisions for Variances and Conditional Uses.

a. Shoreline Use Regulations: RMC 4-3-090.

b. Shoreline Permit Procedures, including Exemptions, Substantial Development Permit, Variances, and Conditional Uses: RMC 4-9-197.

c. Non-conforming Uses in Shoreline Jurisdiction in RMC 4-10-100.

4. Definitions: RMC 4-11.

C. AMENDMENTS TO SHORELINE MASTER PROGRAM:

1. Time: The City shall review its Master Program pursuant to the time and other procedural requirements found in the Shoreline Management Act [RCW 90.58] and the Growth Management Act [RCW 36.70A].

2. Review Process: Any amendments to the Master Program shall be reviewed first by the Planning Commission, which shall conduct one public hearing on the proposed amendment. The Planning Commission shall make a recommendation to the City Council, which may hold one public hearing before making a determination. Any proposed amendment shall be submitted to the Washington State Department of Ecology for approval in accordance with the Shoreline Management Act of 1971 2747 [RCW 90.58], and the Growth Management Act [RCW 36.70A].

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3. Adoption by Ordinance: Any and all amendments, additions or modifications to said Master Program, shall be by ordinance.

D. PURPOSES AND PRIORITIES:

The purpose of these regulations is to manage the Shorelines of the State within the City of Renton in accordance with the Washington State Shoreline Management Act, RCW 90.58, planning appropriate uses in recognition of the following use priorities:

1. Shoreline use priorities shall be consistent with RCW 90.58.020 for all Shorelines of the State.

2. Each shoreline has its own unique qualities which make it valuable, particularly Shorelines of Statewide Significance, which in Renton include Lake Washington and the Green River. Preference is, therefore, given to the following uses in descending order of priority for Shorelines of Statewide Significance (as established by RCW 90.58.020):

a. Recognize and protect the statewide interest over local interest for shorelines of statewide significance.

b. Preserve the natural character of the shorelines.

c. Result in long-term over short-term benefits.

d. Protect the resources and ecology of the shorelines.

e. Increase public access to publicly owned areas of the shorelines.

f. Increase recreational opportunities for the public in the shoreline.

g. Provide for any other use or activity deemed appropriate or necessary.

E. REGULATED WATER BODIES:

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1. Applicability: The Renton Shoreline Master Program applies to Shorelines of the State, which includes Shorelines and Shorelines of Statewide Significance as defined in RMC 4-11 and as listed below.

a. Shorelines: The Cedar River, Black River, Springbrook Creek, and May Creek are classified as Shorelines.

b. Shorelines of Statewide Significance: The Green River and Lake Washington are classified as Shorelines of Statewide Significance.

2. Extent of Shoreline Jurisdiction: The jurisdictional area includes:

a. Lands within 200 feet, as measured on a horizontal plane, from the ordinary high water mark, or lands within 200 feet from floodways, whichever is greater; and

b. Contiguous floodplain areas; and

c. All marshes, bogs, swamps, and river deltas, associated with streams, lakes and tidal waters that are subject to the provisions of the State Shoreline Management Act.

3. Regulated Shoreline Segments: Approximately eighteen (18) miles of shoreline in the City of Renton are under the jurisdiction of the Shoreline Management Act of 1971. These eighteen (18) miles of shoreline in the City of Renton are considered an extremely valuable resource not only to the City of Renton, but also to the State Metropolitan Area of which Renton is an integral part. In the City of Renton, the following bodies of water are regulated by the Act:

a. Cedar River.

b. Green River. The Green River itself is outside the City limits, but a portion of the 200 foot jurisdictional area lies within Renton City limits. The City is required as the permitting agency to apply the master program applicable to the Green River (Tukwila) if the

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water body is outside the City of Renton, but the 200-foot jurisdictional area falls within Renton City limits.

c. Lake Washington.

d. May Creek from the intersection of May Creek and N.E. 31st Street in the southeast quarter of the southeast quarter of Section 32-24-5E WM downstream in a northeasterly direction to its mouth at Lake Washington.

e. Springbrook Creek from the Black River on the north to SW 43rd Street on the south.

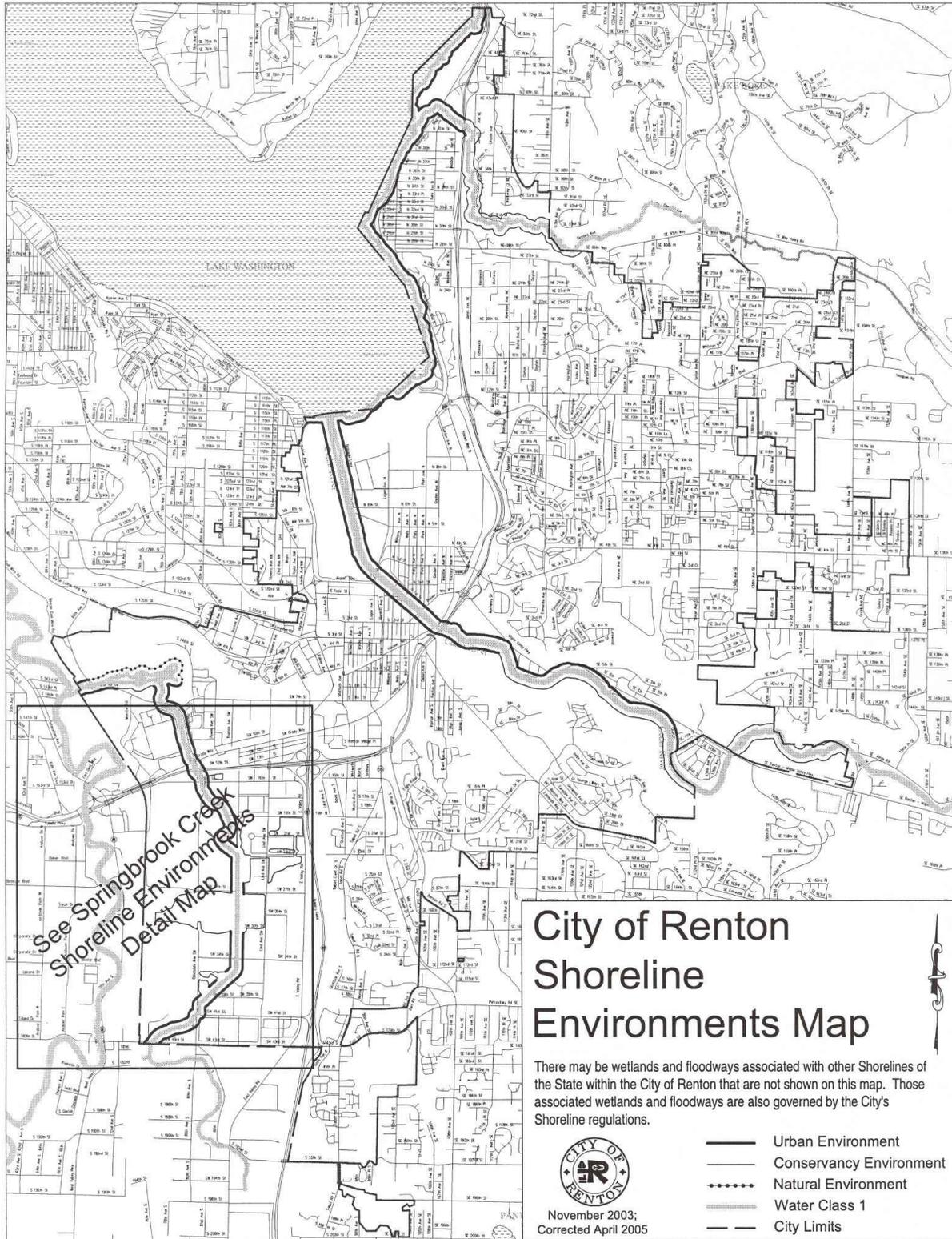
f. Black River.

F. THREE (3) ENVIRONMENTS DESIGNATED BY CITY:

1. Names of Environments: Three (3) environments, Natural, Conservancy, and Urban, are designated to provide a uniform basis to apply policies and use regulations within distinctively different shoreline areas.

2. Basis for Designation: The environmental designation to be given to an area shall be based on the existing development pattern, the biophysical capabilities and limitations of the area being considered for development and the goals and aspirations of local citizenry. Shorelines have been categorized according to the natural characteristics and use regulations have been designated herein.

3. Map of Environments: The above information is illustrated in the following map.



City of Renton Shoreline Environments Map

There may be wetlands and floodways associated with other Shorelines of the State within the City of Renton that are not shown on this map. Those associated wetlands and floodways are also governed by the City's Shoreline regulations.

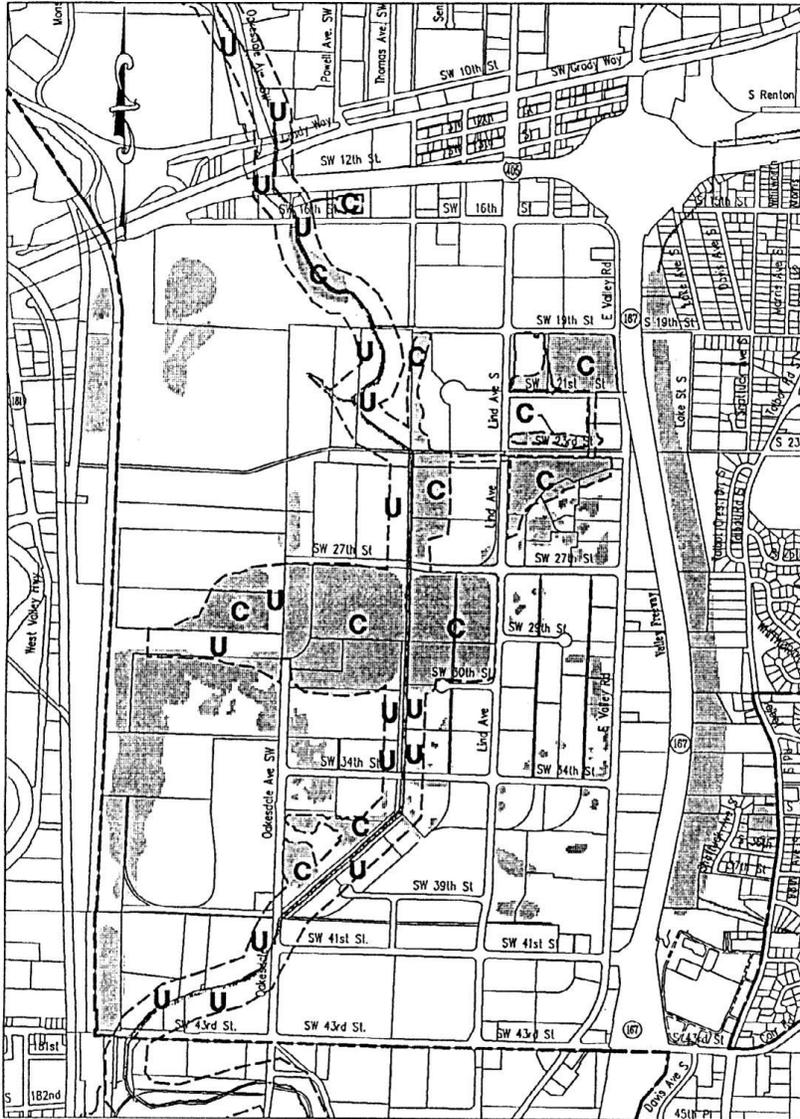


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Corrected April 2005

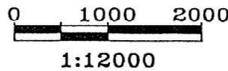
- Urban Environment
- - - Conservancy Environment
- Natural Environment
- Water Class 1
- City Limits

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CITY OF RENTON
SHORELINE MASTER PROGRAM
SPRINGBROOK CREEK
SHORELINE BOUNDARY MAP



PLANNING/BUILDING/PUBLIC WORKS
R. MacOnie, D. Vianeski, M. Dolean
January 1994



- U** Urban Environment
- C** Conservancy Environment
- Wetlands
- Shoreline Boundary
- City Limits

Note: This map depicts the approximate location of the Springbrook Creek shoreline boundary and associated wetlands governed by the Renton Shoreline Master Program. Application of the Renton Shoreline Master Program to a property is determined on a site-specific basis by the Development Services Division utilizing the regulations and definitions in the Program and any site specific environmental analysis.

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4. Extent of Classifications

a. Aquatic Area: Shoreline Environment classifications extend from the centerline of the water body to the shorelands, or City limits as appropriate, if the opposite shoreland is not within the City limits.

b. Associated Wetlands – Springbrook Creek: The Springbrook Creek Shoreline Boundary Map in Section 3 above identifies Use Environments for the Creek and associated wetlands as determined at the time of the map wetland inventory. The application of the Renton Shoreline Master Program to associated wetlands shall be based on the site-specific presence and extent of associated wetlands at the time of application as determined by the Development Services Division.

G. NATURAL ENVIRONMENT:

1. Objective: The objective in designating a Natural environment is to protect and preserve unique and fragile shoreline or wetland environments in their natural state. The Natural environment is intended to provide areas of wildlife sanctuary and habitat preservation.

2. Areas to Be Designated as a Natural Environment:

- a. Areas that are unique or fragile.
- b. Floodway areas.

3. Extent of the Natural Environment: That portion of the north bank of the Black River lying east of Monster Road/68th Avenue S. and west of its confluence with Springbrook Creek is designated Natural (see the Shoreline Environment Map in subsection F of this Section).

4. Acceptable Activities and Uses: Acceptable activities and uses in the Natural Environment are limited to the following:

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a. Flood control: Public flood control structures and operations; floodway drainage and storage activities.

b. Dredging: Dredging necessary for public flood control activities.

c. Public Access: Installation of public trails.

i. Hard surface trails when located on existing rights of way;

ii. Soft surface trails;

iii. Public viewing platforms or areas.

d. Local Service Utilities: Installation of necessary local service utilities subject to the standards of Subsection K.18, Utilities.

e. Roads and Railroads: Necessary expansions or modifications of existing roads, railroads, and bridges subject to the standards of Subsection K.15, Roads and Railroads, of this Section.

f. Other Activities: The following activities that are exempt from the permit system are allowed uses in the Natural Environment: RMC 4-9-197

i. C.3, Normal maintenance or repair;

ii. C.5, Emergency construction;

iii. C.11, Marking of property lines;

iv. C.13, Site exploration and investigation activities towards preparation of an application;

v. C.14, Removing or controlling an aquatic noxious weed;

vi. C.15, Watershed restoration projects;

vii. C.16, Improve fish or wildlife habitat or fish passage; and

viii. C.17, Hazardous substance remedial actions.

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5. Dedication for Flood Storage: The City of Renton recognizes that preservation of Natural Environment shoreline areas can only be assured through public acquisition. Where private development is proposed in these areas, the City shall allow reasonable use of property, but shall require adequate long-term on-site flood storage.

H. CONSERVANCY ENVIRONMENT:

1. Objective: The objective in designating a Conservancy environment is to protect, conserve, and manage existing areas with irreplaceable natural or aesthetic features in essentially their native state, while providing for limited use of the area. The Conservancy environment is intended to provide a pleasant break in the surrounding urban community. This environment shall seek to satisfy a portion of the present and future needs of Renton.

2. Areas to Be Designated as a Conservancy Environment:

- a. Areas of high scenic value.
- b. Valuable areas for wildlife habitat.
- c. Hazardous slope areas.
- d. Flood-prone areas.
- e. Areas which cannot provide adequate utilities for intense development.
- f. Areas with unique or fragile features.

3. Extent of the Conservancy Environment: The following segments are designated Conservancy:

- a. That portion of May Creek east of FAI-405 right-of-way;
- b. That portion of the south bank of the Cedar River, two thousand five hundred feet (2,500) east of FAI-405 right-of-way, and south of Maple Valley Highway to the easternmost City limit boundary as of the effective date of these regulations;

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c. That portion of the north and south banks of the Cedar River lying north of Maple Valley Highway between 135th Avenue SE extended and the easternmost City limit boundary as of the effective date of these regulations;

d. That portion of Springbrook Creek beginning from approximately S.W. 27th Street on the north to S.W. 31st Street on the south, abutting City-owned wetlands in this area, and for that portion of the west side of the Creek in the vicinity of S.W. 38th Street abutting the City's recently acquired Wetlands Mitigation Bank; (see the Shoreline Environment Map and the Springbrook Creek Shoreline Boundary Map in subsection F of this Section); and

e. That portion of the south bank of the Black River lying east of Monster Road/68th Avenue S. and west of its confluence with Springbrook Creek (see the Shoreline Environment Map in Subsection F of this Section).

4. Acceptable Activities and Uses: Activities and uses considered to be acceptable in a Conservancy environment are those of a nonconsumptive nature which do not degrade the existing character of the area. Uses that are to be predominant in a Conservancy environment are low-density residential, passive agricultural uses such as pasture or range lands, and outdoor recreation.

5. Use Regulations in the Conservancy Environment:

a. Commercial Uses: Commercial uses shall be limited to home occupations.

b. Fish and Game Reserve and Breeding Operations: Any such activity shall be allowed only by the Land Use Hearing Examiner.

c. Industrial Uses: All industrial activities are prohibited in a Conservancy environment.

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d. Recreation Use: In the Conservancy environment, only the following recreation uses shall be permitted.

i. Permitted Uses: Public hiking and bicycle trails, nonmotorized public fishing, public wading and swimming spots, public areas for nature study, public picnic areas, public outdoor recreation facilities authorized by the City Parks, Recreation, and Open Space Master Plan.

ii. Conditional Uses Allowed by Hearing Examiner: Public overnight camping areas.

e. Residential Uses:

i. Permitted Uses: Low-density single family residences.

ii. Prohibited Uses: Multi-family residences of two (2) units or more.

f. Utilities:

i. Local Service Utilities: The necessary local service utilities shall be permitted for approved activities and uses within the Conservancy environment when consistent with requirements in subsection K.18.

ii. Major Utilities: Major utilities may be allowed only by approval of the Land Use Hearing Examiner and only if they cross the conservancy area in the shortest feasible route.

g. Roads: Necessary roads are permitted subject to the regulations of subsection K.15, Roads and Railroads, of this Section.

h. Educational Facilities: Installation of facilities by public agencies for public educational purposes such as, but not limited to, ecological or historical education when located outside of unique or fragile areas.

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i. Flood control: Public flood control structures and operations; floodway drainage and storage activities.

j. Dredging necessary for public flood control activities.

k. Other Activities: The following activities that are exempt from the permit system are allowed uses in the Conservancy Environment: RMC 4-9-197

i. C.3, Normal maintenance and repair;

ii. C.4, Bulkhead;

iii. C.5, Emergency construction;

iv. C.6, Farming, irrigation, and ranching activities;

v. C.10, Canals, waterways, drains, and reservoirs;

vi. C.11, Marking of property lines;

vii. C.12, Maintenance of any system of dikes, ditches, and drains;

viii. C.13, Site exploration and investigation activities towards preparation of an application;

ix. C.14, Removing or controlling noxious weeds;

x. C.15, Watershed restoration projects; and

xi. C.16, Fish or wildlife habitat or fish passage; and

xii. C.17, Hazardous substance remedial actions.

I. URBAN ENVIRONMENT:

1. Objective: The objective of the Urban environment is to ensure optimum utilization of shorelines within urbanized areas by providing for public use, especially access to and along the water's edge and by managing development so that it enhances and maintains shorelines for a multiplicity of viable and necessary urban uses.

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2. Areas to Be Designated as Urban Environment:

a. Areas of High Intensity Land Use: The Urban environment is an area of high-intensity land use including residential, commercial, and industrial development. The environment does not necessarily include all shorelines within an incorporated city, but is particularly suitable to those areas presently subjected to extremely intensive use pressure, as well as areas planned to accommodate intensive urban expansion. On certain shorelines planned for future urban expansion, there should be limitations based on the physical aspects of the site.

3. Extent of the Urban Environment: All shorelines of the State regulated by the City which are not designated as Conservancy or Natural are designated as Urban (see the Shoreline Environment Map in subsection F of this Section).

4. Acceptable Use and Activities: All uses shall be allowed as indicated by subsection K of this Section, Specific Use Regulations. Also all uses in 4-9-197.C, Exemptions from Permit System, are allowed in the Urban Environment.

5. Use Regulations in the Urban Environment:

a. Water-Oriented Activities: Because shorelines suitable for urban uses are a limited resource, emphasis shall be given to development within already developed areas and particularly to water-oriented industrial and commercial uses.

b. Public Access: In this Master Program, priority is also given to planning for public visual and physical access to water in the Urban environment. Identifying needs and planning for the acquisition of urban land for permanent public access to the water in the Urban environment shall be accomplished through the Master Program. To enhance waterfront and ensure maximum public use, industrial and commercial facilities shall be designed to permit

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pedestrian waterfront activities where practicable, and the various access points ought to be linked to nonmotorized transportation routes such as bicycle and hiking paths.

J. GENERAL USE REGULATIONS FOR ALL SHORELINE USES:

1. Applicability and Exemptions:

a. Applicability:

i. General: The Renton Shoreline Master Program regulations apply to any use, activity, or development on the Shorelines of the State within the City. No authorization to conduct a use, activity or development shall be granted unless such use, activity, or development is found consistent with the Renton Shoreline Master Program.

ii. Nonconforming uses: See RMC 4-10-095 regarding the extent to which Renton Shoreline Master Program standards apply to nonconforming uses and activities.

b. Exemptions:

i. Permit Exemptions: RMC 4-9-197.C identifies developments or activities which are not required to obtain a shoreline substantial development permit, but which must otherwise comply with all applicable provisions of the Renton Shoreline Master Program.

ii. Use or Activity Exemptions: Reserved.

2. Studies Required:

a. When Standard Stream or Lake Study Is Required: If a proposed development site contains a Shoreline of the State or associated buffer area, or the project area is within one hundred feet (100') of the Shoreline of the State even if the water body is not located on the subject property but the Reviewing Official determines that alterations of the subject property could potentially impact the water body in question, then the applicant shall be required to conduct a Standard Stream or Lake Study per RMC 4-8-120.

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b. When Supplemental Stream or Lake Study is Required: Changes to buffer requirements, or alterations of the Shoreline of the State requires a Supplemental Stream or Lake Study as identified in RMC 4-8-120.

c. When Stream or Lake Mitigation Plan Required: A Stream or Lake Mitigation Plan shall be required per RMC 4-8-120.D., if impacts are identified within a required Supplemental Stream or Lake Study. The approval of the Stream or Lake Mitigation Plan by the Administrator shall be based on the criteria located in Subsection J.2.c.ii. below.

i. Timing of Mitigation Plan – Final Submittal and Commencement: When a Stream or Lake Mitigation Plan is required, the applicant shall submit a final mitigation plan for the approval of the Administrator prior to the issuance of building or construction permits, whichever comes first. The applicant shall receive written approval of the final mitigation plan prior to commencement of any mitigation activity.

ii. Criteria for Approval of Stream or Lake Mitigation Plan for Alterations of Shorelines and Associated Buffers: In order to approve a Stream or Lake Mitigation Plan the Administrator shall find that the Plan demonstrates compliance with the following criteria:

(a) Mitigation Location: Mitigation location shall follow the preferences in (i) to (iv) below:

(i) On-site mitigation: On-site mitigation is required unless the Reviewing Official finds that on-site mitigation is not feasible or desirable;

(ii) Off-site mitigation within same drainage subbasin as subject site: Off-site mitigation may be allowed when located within the same drainage subbasin as the subject site and if it achieves equal or improved ecological functions over mitigation on the subject site;

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(iii) Off-site mitigation within same drainage basin within City limits: Off-site mitigation may be allowed when located within the same drainage basin within the Renton City limits if it achieves equal or improved ecological functions within the City over mitigation within the same drainage subbasin as the project;

(iv) Off-site mitigation within the same drainage basin outside the City limits: Off-site mitigation may be allowed when located within the same drainage basin outside the Renton City limits if it achieves equal or improved ecological functions over mitigation within the same drainage basin within the Renton City limits and it meets City goals.

(b) Mitigation Type: Types of mitigation shall follow the preferences in (i) to (iv) below:

(i) Daylighting (returning to open channel) of streams or removal of manmade salmonid migration barriers;

(ii) Removal of impervious surfaces in buffer areas and improved biological function of the buffer;

(iii) In stream or in-lake mitigation as part of an approved watershed basin restoration project;

(iv) Other mitigation suitable for site and water body conditions that meet all other provisions for a mitigation plan.

In all cases, mitigation shall provide for equivalent or greater biological functions per ii(e) below.

(c) Contiguous Corridors: Mitigation sites shall be located to preserve or achieve contiguous riparian or wildlife corridors to minimize the isolating effects of

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development on habitat areas, so long as mitigation of aquatic habitat is located within the same aquatic ecosystem as the area disturbed; and

(d) Non-indigenous species: Wildlife, or fish species not indigenous to the region shall not be introduced into a riparian mitigation area unless authorized by a State or Federal permit or approval. Plantings shall be consistent with Section 4-3-090.J.6.g.i; and

(e) Equivalent or greater biological functions: The Administrator shall utilize the report “City of Renton Best Available Science Literature Review and Stream Buffer Recommendations” by AC Kindig & Company and Cedarock Consultants, dated February 27, 2003, unless superceded with a City-adopted study, to determine the existing or potential ecological function of the stream or lake or riparian habitat that is being affected. Mitigation shall address each function affected by the alteration. Mitigation to compensate alterations to stream/lake areas and associated buffers shall achieve equivalent or greater biologic and hydrologic functions and shall include mitigation for adverse impacts upstream or downstream of the development proposal site. No-net-loss of riparian habitat or water body function shall be demonstrated; and

(f) Minimum Mitigation Plan Performance Standards: For any required Stream or Lake Mitigation Plans, the applicant shall:

(i) Demonstrate sufficient scientific expertise, the supervisory capability, and the financial resources to carry out the mitigation project; and

(ii) Demonstrate the capability for monitoring the site and making corrections during the monitoring period if the mitigation project fails to meet projected goals; and

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(iii) Protect and manage, or provide for the protection and management of the mitigation area to avoid further development or degradation and to provide for long-term persistence of the mitigation area; and

(iv) Provide for project monitoring and allow City inspections; and

(v) Avoid mitigation proposals that would result in additional future mitigation or regulatory requirements for adjacent properties, unless it is a result of a code requirement, or no other option is feasible or practical; and

(vi) For onsite or offsite mitigation proposals, abutting or adjacent property owners shall be notified when wetland creation or restoration, stream relocation, critical area buffer increases, flood hazard mitigation, habitat conservation mitigation, or geologic hazard mitigation have the potential to considerably decrease the development potential of abutting or adjacent properties. For example, if a created wetland on a property would now result in a wetland buffer intruding onto a neighboring property, the neighboring property owner would be notified. Notification shall be given as follows:

(a) For applications that are not subject to notices of application per RMC 4-8, notice of the mitigation proposal shall be given by posting the site and notifying abutting or adjacent property owners with the potential to be impacted. Written notification may be made prior to or at the time of the SEPA determination.

(b) For applications that are subject to notices of application, the mitigation proposal shall be identified in the notice of application and mailed to abutting or adjacent property owners with the potential to be impacted; if the determination of the mitigation requirements is not known at the time of the notice of application, written notice

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to abutting or adjacent property owners shall be given instead at the time of the SEPA determination.

(g) Additional Conditions of Approval: The Administrator shall condition approvals of activities allowed within or abutting a stream/lake or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions may include, but are not limited to, the following:

(i) Preservation of critically important vegetation and/or habitat features such as snags and downed wood;

(ii) Limitation of access to the habitat area, including fencing to deter unauthorized access;

(iii) Seasonal restriction of construction activities; and

(iv) Establishment of a duration and timetable for periodic review of mitigation activities.

(h) Based on Best Available Science: The applicant shall demonstrate that the mitigation is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

iii. Performance Surety: The Administrator shall require a performance surety to ensure completion and success of proposed mitigation, per RMC 4-1-230. The surety device shall be sufficient to guarantee that structures, improvements, and mitigation required by permit condition perform satisfactorily for a minimum of 5 years after they have been completed.

iv. Alternative Mitigation: The mitigation requirements set forth in this Subsection may be modified at the Administrator's discretion if the applicant demonstrates that

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improved habitat functions, on a per function basis, can be obtained in the affected sub-drainage basin as a result of alternative mitigation measures.

d. Studies Waived:

i. Standard Stream or Lake Study: May only be waived by the Administrator when the applicant provides satisfactory evidence that:

(a) A road, building or other barrier exists between the water body and the proposed activity, or

(b) The water body or required buffer area does not intrude on the applicant's lot, and based on evidence submitted, the proposal will not result in significant adverse impacts to nearby water bodies regulated under this Section, or

(c) Applicable data and analysis appropriate to the project proposed exists and an additional study is not necessary.

ii. Supplemental Stream or Lake Study: May only be waived by the Administrator when:

(a) No alterations or changes to the stream or lake, or its standard buffer are proposed; or

(b) Applicable data and analysis appropriate to the project proposed exists and an additional study is not necessary.

iii. Stream or Lake Mitigation Plan: May only be waived when no impacts have been identified through a Supplemental Stream or Lake Study.

e. Independent Secondary Review: Studies may require secondary review pursuant to RMC 4-9-197.E.4.

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3. Disturbance Prohibited: Streams and lakes and their buffer areas shall be undisturbed, except where the buffer is to be enhanced or in conformance with allowances of Section J.4 or 5.

4. Shoreline Buffers: The following shoreline setbacks/buffers shall be required:

a. Buffer Width:

i. Standard Buffer Width: Shorelines shall have a minimum 100-foot buffer measured from the ordinary high water mark of the regulated shoreline of the state. Where streams enter or exit pipes, the buffer shall be measured perpendicular to the ordinary high water mark from the end of the pipe along the open channel section of the stream.

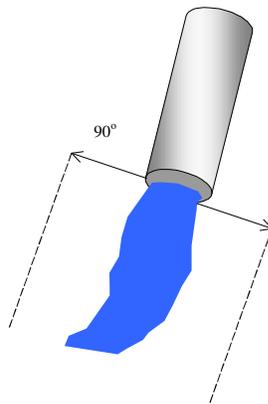


Figure 4-3-090.J.4.a.i. Buffer measurement at pipe opening.

ii. Piped Streams:

(1) Building structures over a natural stream located in an underground pipe or culvert except as may be granted by a variance is prohibited. Roads, bridges, trail, or utility crossings or other alterations pursuant to Section K are allowed. Pavement over a pre-existing piped stream is allowed. Relocation of the piped stream system around structures is allowed. If structure locations are proposed to be changed or the piped

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stream is being relocated around buildings, a hydrologic and hydraulic analysis of existing piped stream systems will be required for any development project site that contains a piped stream to ensure it is sized to convey the 100-year runoff level from the total upstream tributary area based on future land use conditions.

(2) No buffers are required along segments of piped or culverted streams. The City shall require easements and setbacks from pipes or culverts consistent with stormwater requirements in RMC 4-6-030 and the adopted drainage manual.

iii. Alternative Buffer Width: Shoreline buffers may be increased or reduced as required or allowed in Subsections b through d.

b. Use of Buffers:

i. Natural or Partially Developed Shorelines: Buffers shall be maintained as stated in Subsections J.3, Disturbance Prohibited; J.6.e, Native Growth Protection Areas Required; and J.6.g., Revegetation Required.

ii. Developed Shorelines: On sites predominantly containing impervious surfaces in the shoreline buffer areas the buffer widths shall be considered building setbacks, with the setback area to be managed in accordance with Subsection J.5.b, Sites with Developed Shorelines.

c. Increased Buffer Width:

i. Areas of High Blow-down Potential: Where the stream/lake area is in an area of high blow-down potential as determined by a qualified professional, the buffer width may be expanded up to an additional fifty feet (50') on the windward side, when determined appropriate to site circumstances and ecological function by the Responsible Official.

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ii. Buffers Falling Within Protected Slopes or Very High Landslide Areas:

When the required stream/lake buffer falls within a protected slope or very high landslide hazard area or buffer, the stream/lake buffer width shall extend to the boundary of the protected slope or the very high landslide hazard buffer.

iii. Notification: Notification of an increased buffer width may be required pursuant to J.2.c.ii(f)(vi).

d. Reduction of Buffer or Setback Width:

i. Authority: Based upon an applicant's request, and the acceptance of a Supplemental Stream or Lake Study, the Administrator may approve a reduction in the standard buffer widths/setbacks where the applicant can demonstrate compliance with Subsections below and any mitigation requirements applied as conditions of approval.

ii. Public Notice: Public notification of any buffer reduction determination shall be given as follows:

(a) For applications that are not subject to notices of application per RMC 4-8, notice of the buffer determination shall be given by posting the site and notifying parties of record in accordance with RMC 4-8.

(b) For applications that are subject to notices of application, per RMC 4-8, the buffer determination or request for determination shall be included with notice of application, and upon determination, notification of parties of record shall be made.

iii. Criteria for Approval of Reduced Buffer Width: If a proposal meets Subsections (a) or (b) or (c) below and meets the environmental criteria of (d), minimum buffer widths may be reduced as stated in Subsection J.4.d.iv:

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(a) Buffer condition: Either subsection i and iii through v shall be met or subsection ii through v shall be met:

i. The abutting land is extensively vegetated with native species, including trees and shrubs, and has less than 5 percent non-native invasive species cover and has less than fifteen percent (15%) slopes, or

ii. The buffer can be enhanced with native vegetation and removal of non-native species per criteria (d)(i), and has less than fifteen percent (15%) slopes; and

iii. The width reduction will not reduce stream or lake functions, including those of anadromous fish or non-fish habitat; and

iv. The width reduction will not degrade riparian habitat; and

v. No direct or indirect, short-term or long-term, adverse impacts to regulated water bodies, as determined by the City, will result from a regulated activity. The City's determination shall be based on specific site studies by recognized experts, pursuant to Subsection J.2 and RMC 4-8-120 and RMC 4-9-197 E.4; or

(b) The proposal includes daylighting of a stream through the entirety of its course through the property, or removal of a legally installed, as determined by the Administrator, salmonid passage barrier; or

(c) The proposal includes priority uses pursuant to RCW 90.58.020, as interpreted in the adopted Renton Shoreline Master Program, which cannot be accommodated reasonably using standard buffers/setbacks; and

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(d) Environmental Criteria: Proposals meeting Subsection (a) or (b) or (c) above shall also meet the following environmental criteria:

(i) Buffer Enhancement:

- The project includes a buffer enhancement plan using native vegetation and provides documentation that the enhanced buffer area will maintain or improve the functional attributes of the buffer; or

- In the case of existing developed sites where a natural buffer is not possible, the proposal includes on- or off-site riparian/lakeshore or aquatic enhancement proportionate to its project specific or cumulative impact on shoreline ecological functions; or

- In the case of construction activity connected with an existing single family residence and/or garage where the temporary or permanent construction work does not increase the footprint of the structure lying within the buffer and no portion of the new work occurs closer to the critical area or required buffers than the existing structure, enhancement is not required; and

(ii) The proposal will result in, at minimum, no-net loss of stream/lake/riparian ecological function; and

(iii) The proposal does not result in increased flood hazard risk; and

(iv) The applicant shall demonstrate that the proposal is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

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iv. Minimum Buffer Width Permissible by Administrator: If the criteria in Subsection J.4.d.iii are met, the reduced buffer or setback width shall not be less than the following minimum standards.

(a) 75 feet for non-water-oriented development, unless otherwise listed below.

(b) 50 feet for water related or water enjoyment development, unless otherwise listed below.

(c) 50 feet for multi-family development in the Urban Environment along the Cedar River.

(d) 25 feet for a single family residential dwelling on a pre-existing legal lot, where there is not enough developable area elsewhere on the site to reasonably accommodate building pads and off-street parking. The setback shall be equal to the existing structure setback in the case of construction activity connected with an existing single family residence and/or accessory garage where the work does not increase the footprint of the structure lying within the buffer and no portion of the new work occurs closer to the required buffers than the existing structure, unless the structure or addition can meet required buffers.

(e) 25 feet for existing essential public facilities in the Urban Environment not otherwise considered water dependent. The appropriate buffer/setback shall be based on the facility type, conformance with adopted master plans, ability to provide for safe public access, or other legal or safety concerns.

(f) 25 feet for water dependent development that does not require an abutting shoreline location. Ancillary water dependent or water enjoyment uses may be co-located with water dependent uses.

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(g) 0 feet for water dependent development if the use depends on an abutting shoreline location. Ancillary water dependent or water enjoyment uses may be co-located with water dependent uses.

(h) 0 feet for public access connections to the water's edge, or public access water body crossings, or public access segments connecting to existing trails where an alternate alignment is not practical, or where public access alignment avoids impacts to other critical areas, or where safety requires an abutting location; otherwise 25 feet for public access proposals paralleling the water.

(i) 0 feet for necessary roads, bridges, and railroads and utilities when consistent with the standards of Subsection K.

(j) 0 feet for piers, docks, marinas, boat launches, and bulkheads when consistent with applicable standards in Subsection K. Ancillary water dependent or water enjoyment uses may be co-located with water dependent uses.

(k) As determined by the Administrator, for development proposed on sites separated from the shoreline by pre-existing, intervening, and lawfully created structures, roads, bulkheads/hard structural shoreline stabilization, or other substantial existing improvements. For the purposes of this section, the intervening lots/parcels, roads, bulkheads/hard structural shoreline stabilization, or other substantial improvements shall be found to:

(i) Separate the subject upland property from the water body due to their height or width; and

(ii) Substantially prevent or impair delivery of most riparian functions from the subject upland property to the water body.

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The buffer width established shall reflect the riparian functions that can be delivered to the regulated stream/lake.

v. Documentation: Reduced buffer width determinations and evidence shall be included in the application file.

vi. Variance Required for Narrower Buffer Width: Greater buffer width or setback reductions require review as a shoreline variance by the Land Use Hearing Examiner per RMC 4-9-197. The setback provisions of the zoning district for the use must also be met unless a variance to the zoning code is achieved.

e. Averaging of Buffer Width:

i. Authority: Based upon an applicant's request, and the acceptance of a Supplemental Stream or Lake Study, the Administrator may approve buffer width averaging.

ii. Criteria for Approval: Buffer width averaging may be allowed only where the applicant demonstrates all of the following:

(a) The water body and associated riparian area contains variations in ecological sensitivity or there are existing physical improvements in or near the water body and associated riparian area; and

(b) Buffer width averaging will result in no-net loss of stream/lake/riparian ecological function; and

(c) The total area contained within the buffer after averaging is no less than that contained within the required standard buffer width prior to averaging; and

(d) In no instance shall the buffer width be reduced to less than fifty feet (50'); and

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(e) The proposed buffer standard is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

iii. Buffer Enhancement May Be Required: Buffer enhancement in the areas where the buffer is reduced shall be required where appropriate to site conditions, habitat sensitivity, and proposed land development characteristics.

iv. Variance Required for Narrower Buffer Width: Greater buffer width or setback reductions require review as a shoreline variance by the Land Use Hearing Examiner per RMC 4-9-197. The setback provisions of the zoning district for the use must also be met unless a variance to the zoning code is achieved.

v. Notification: Notification may be required per Section J.2.c.ii.(f)(vi)

f. Incentives for Restoration of Streams Located in an Underground Pipe or Culvert: Daylighting of culverted watercourses should be encouraged and allowed with the following incentives:

i. Modified Standards:

(a). Residential Zones: Setbacks, lot width and lot depth standards of RMC 4-2 may be reduced by the Reviewing Official without requirement of a variance for lots that abut the daylighted watercourse to accommodate the same number of lots as if the watercourse were not daylighted.

(b). Mixed Use, Commercial, and Industrial Zones:

(i.) Where greater lot coverage allowances are provided for structured parking in RMC 4-2, lot coverage may be increased to the limit allowed for structured

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parking if instead a stream is daylighted. The increase in impervious surface allowed shall be equal to the area of stream restoration.

(ii.) Density bonuses may be allowed pursuant to RMC 4-9-065 where specified.

ii. Standard buffers may be reduced per 4-3-090J.4.d. If reduced buffers in J.4.d along with other development standards of the zone would not allow the same development level as without the watercourse daylighting, the Administrator may approve a reduction consistent with the following criteria:

(a) The buffer is lowered only to the amount necessary to achieve the same amount of development as without the daylighting.

(b) The buffer width is no less than 50 feet.

(c) The proposed modification is based on consideration of the best available science as described in WAC 365-195-905; or where there is an absence of valid scientific information, the steps in RMC 4-9-250F are followed.

iii. When designed consistent with the City's flood regulations in RMC 4-3-050.I.6, portions of the daylighted stream/created buffer may be considered part of compensatory storage in flood hazard areas.

iv. Stream relocation is permitted subject to RMC4-3-090.K.

5. Stream/Lake Buffer Standards: Any proposal subject to RMC 4-3-090 shall comply with the following standards within required buffer areas:

a. Sites with Natural or Partially Developed Shorelines: Streams and lakes and their buffer areas shall be undisturbed, except where:

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i. Buffer averaging or buffer reduction requests are evaluated in a Supplemental Stream or Lake Study and authorized pursuant to Subsections J.4.d, Reductions of Buffer or Setback Width and J.4.e, Averaging of Buffer Width, or

ii. The activity consists of a habitat or watershed enhancement proposal exempt from the Shoreline Substantial Development Permit process, or

iii. A variance has been approved for the use or activity.

iv. Where impervious surfaces exist in buffer areas the proposal is additionally subject standards of 5.b.

v. Specific criteria of Section K shall apply to the specific use or activity in addition to Subsection J.

b. Sites with Developed Shorelines: Where the shoreline is largely in an unnatural state and the buffer predominantly contains impervious surfaces due to existing, legally permitted activities, the following standards shall apply:

i. Streams and lakes shall be undisturbed.

ii. No new buildings may be constructed within the required buffer.

iii. Where impervious surfaces exist in buffer areas, such impervious surfaces shall not be increased or expanded within the buffer area. The extent of impervious surfaces within the buffer area may only be re-arranged if the reconfiguration of impervious surfaces and restoration of prior surfaced areas is part of an enhancement proposal that improves ecological function of the area protected by the buffer.

iv. Existing native vegetation shall be preserved or enhanced to the extent possible, preferably in consolidated areas.

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v. The proposal will result in, at minimum, no-net loss of stream/lake/riparian ecological function;

vi. Specific criteria of Subsection K shall apply to the specific use or activity in addition to Subsection J.

c. Proposed Activities Independent of a Use: Section K includes standards for practices or activities within waters or along the shoreline that can be unassociated with a land use, including but not limited to dredging, landfills, and stream alteration. Proposed activities or practices that are independent of a land use are subject to:

i. Authorization in the Use Environment.

ii. Evaluation in a Stream/Lake Reconnaissance and Supplemental Study.

iii. Preparation of a Mitigation Plan consistent with subsection J.2 as appropriate.

iv. Consistency with applicable specific criteria in subsection K in addition to Subsections J2, J5 and J6.

6. Permit Evaluation Criteria for Shoreline Developments:

a. Burden on Applicant: Applicants must explain to the satisfaction of the Administrator the methods that will be used to halt, avoid or otherwise control any harmful effects associated with the proposal.

b. Erosion: Vegetation shall be used to control erosion rather than structural means where feasible.

c. Geology: Important geological factors – such as possible slide areas – on a site must be considered. Whatever activity is planned under the application for the development permit must be safe and appropriate in view of the geological factors prevailing.

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d. No-Net-Loss of Functions: Shoreline uses or activities shall not adversely impact unique or fragile areas or stream/lake/riparian ecology function unless adequate mitigation measures are provided to ensure that there is no-net-loss of ecological functions as a result of the shoreline uses or activities.

e. Native Growth Protection Areas Required: The Reviewing Official shall require the establishment of Native Growth Protection Areas consistent with RMC 4-3-050.E.4 to protect streams or lakes or riparian or lakeshore habitat where present. Where water body or buffer disturbance has occurred during construction or other activities, revegetation with native vegetation may be required as a condition of approval.

f. Preservation of Existing Vegetation: Existing native vegetation shall be preserved to the extent possible, preferably in consolidated areas.

g. Revegetation Required: Revegetation may be required in order to achieve reduced buffer widths; in cases where water body or buffer disturbance has occurred during construction or other activities; or as a result of findings addressed in required studies. When revegetation is required, it shall meet the following standards:

i. Use of Native Species: When revegetation is required, native species, or other appropriate species naturalized to the Puget Sound region and approved by the Reviewing Official, shall be used. A variety of species shall be used which serve as food or shelter from climatic extremes and predators, and as structure and cover for reproduction and rearing of young.

ii. Removal of Noxious Species: When required as a condition of approval, noxious or undesirable species of plants shall be removed or controlled so as to not compete with native vegetation.

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h. Studies Required: All required studies shall be submitted in compliance with Subsection J.2. and RMC 4-8-120.

i. Use Compatibility and Aesthetic Effects: The potential impact of any of the following on adjacent, abutting, and possibly distant land and shoreline users shall be considered in the design plans and efforts made to avoid or minimize detrimental aspects:

i. View Obstruction: Buildings, smokestacks, machinery, fences, piers, poles, wires, signs, lights, and other structures.

ii. Community Disturbances: Noise, odors, night lighting, water and land traffic, and other structures and activities.

iii. Design Theme: Coordination and uniformity of architectural styles, exterior designs, landscaping patterns and other aspects of the overall design of a site.

iv. Visually Unpleasant Areas: Landscaped screening shall be used to hide from public view any area that may negatively impact the visual quality of a site.

v. Outdoor Activities:

(a) Residential Areas: Work areas, storage, and other activities on a site in a residential area shall be in enclosed buildings, as is reasonably possible, to reduce distractions and other effects on surrounding areas.

(b) Commercial and Industrial Areas: Outdoor activities of commercial and industrial operations shall be limited to those necessary for the operation of the enterprise. Outdoor areas shall not be used for storage of more than minimal amounts of equipment, parts, materials, products, or other objects.

j. Public Access:

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i. Where possible and consistent with this Section, space and right-of-way shall be left available on the immediate shoreline so that greater public use of the shoreline can be provided.

ii. Trail systems shall be designed to avoid conflict with private residential property rights.

iii. No property shall be acquired for public use without just compensation to the owner.

k. Orientation: Where feasible, shoreline developments shall locate the water-dependent, water-related and water-enjoyment portions of their developments along the shoreline and place all other facilities inland.

l. Other Permit Criteria: Also see criteria in Section 4-9-197.F.

K. SPECIFIC USE REGULATIONS:

In addition to the General Use Regulations for All Shorelines Uses in Subsection J, the following Specific Use Regulations shall be met as applicable to the use or activity:

1. Airports and Seaplane Bases:

a. Airport Location: A new airport shall not be allowed to locate within the shoreline. However, an airport already located within a shoreline shall be permitted to upgrade and expand its facilities provided such upgrading and expansion would not have a detrimental effect on the shoreline.

b. Location of Seaplane Bases:

i. Private Seaplane Bases: A single private seaplane is permitted per residence.

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ii. Commercial Seaplane Bases: New commercial seaplane bases may be allowed in industrial areas provided such bases are not contiguous to residential areas.

c. Airport Facilities:

i. Future hangars shall be designed and spaced to allow viewing of airport activities from the area along the water's edge.

d. Seaplane Bases (Commercial):

i. Docks: Docks for the mooring of seaplanes are permitted. Seaplanes may be stored on the dock or ramps.

ii. Tie-Down Areas: Tie-down areas may be provided on seaplane ramps.

e. Landscaping: Landscaping shall be required around parking areas in accordance with City regulations. The landscaping shall be compatible with the activities and characteristics of aircraft in that it should be wind resistant, low profile, and able to survive under adverse conditions.

f. Services: Services or aircraft shall conform to FAA standards, which include fuel, oil spill clean-up, safety and firefighting equipment, and vehicle and pedestrian separation.

2. Aquaculture:

a. Location: Aquaculture operations may be located on streams and rivers, EXCEPT in Natural and Conservancy environments and along urban areas developed with residential uses.

b. Time: Facilities shall be allowed on a temporary basis only.

c. Design and Construction: All structures over or in the water shall meet the following restrictions:

i. They shall be securely fastened to the shore.

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ii. They shall be designed for a minimum of interference with the natural systems of the waterway including, for example, water flow and quality, fish circulation, and aquatic plant life.

iii. They should not prohibit or restrict other human uses of the water, such as swimming and/or boating.

iv. They shall be set back appropriate distances from other shoreline uses, if potential conflicts exist.

3. Boat-Launching Ramps:

a. Site Appropriateness – Water Characteristics: Water depth should be deep enough off the shore to allow use by boats. Water currents and movement and normal wave action shall be suitable for ramp activity.

b. Site Appropriateness – Topography: The proposed area should not present major geological or topographical obstacles to construction or operation of the ramp. Site adaptation such as dredging shall be minimized.

c. Dimensions and Location: The ramp should be designed so as to allow for ease of access to the water with minimal impact on the shoreline and water surface.

d. Ramp Surface Material: The surface of the ramp may be concrete, precast concrete, or other hard permanent substance. The material shall be permanent and noncontaminating to the water. Loose materials, such as gravel or cinders, will not be used. The material chosen shall be appropriate considering the following conditions: Soil characteristics, erosion, water currents, waterfront conditions, and usage of the ramp.

e. Review Required: Engineering design and site location approval shall be obtained from the appropriate City department.

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4. Bulkheads:

a. Applicability and Exemption: All bulkheads are subject to the regulations set forth in this Master Program, except that bulkheads common to a single family residence are exempted from the permit system set forth in this Master Program and Building Code.

b. When Permitted: A bulkhead may be permitted only when:

i. Required to protect upland areas or facilities.

ii. Riprap cannot provide the necessary protection.

iii. The bulkhead design has been engineered by an appropriately State licensed professional engineer, and the design has been approved by the Renton Department of Public Works.

c. Associated Fill: A bulkhead for the purpose of creating land by filling behind the bulkhead shall be permitted only when the landfill has been approved. The application for a bulkhead shall be included in the application for the landfill in this case. (See subsection K.8 of this Section, Landfills.)

d. General Design Requirements:

i. The burden rests upon the applicant for the permit to propose a specific type of bulkhead design which has been engineered by an appropriately State licensed professional engineer.

ii. All approved bulkheads are to be constructed in such a manner as to minimize damage to fish and shell fish habitat. In evaluating the application for a proposed bulkhead, the Development Services Division shall consider the effect of the bulkheads on public access to publicly owned shorelines. Where possible, bulkheads are to be designed so as not to detract from the aesthetic qualities of the shoreline.

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iii. Bulkheads are to be constructed in such a manner as to minimize alterations of the natural shoreline and to minimize adverse effects on nearby beaches.

iv. In cases where bulkheading is permitted, scientific information suggests a rock riprap design is preferred. The cracks and openings in such a structure afford suitable habitats for certain forms of aquatic life. If there is determined to be a severe rate population, consideration must be given to construction of a solid bulkhead to eliminate cracks and openings typical to a riprap structure.

5. Commercial Developments:

a. Location of Developments:

i. New commercial developments are to be encouraged to locate in those areas where current commercial uses exist.

ii. New commercial developments on Lake Washington which are neither water-dependent, nor water-related, nor water-enjoyment, nor which do not provide significant public access to and along the water's edge will not be permitted upon the shoreline.

b. Incorporation of Public Recreational Opportunities: Commercial developments should incorporate recreational opportunities along the shoreline for the general public.

c. View Impacts: The applicant for a shoreline development permit for a new commercial development must indicate in his application the effect which the proposed commercial development will have upon the scenic view prevailing in the given area. Specifically, the applicant must state in his permit what steps have been taken in the design of the proposed commercial development to reduce to a minimum interference with the scenic view enjoyed by any significant number of people in the area.

6. Dredging:

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a. Definition: The removal of earth or sediment from the bottom or banks of a body of water.

b. Permitted Dredging: Dredging is to be permitted only when:

i. Dredging is necessary for flood control purposes, if a definite flood hazard would exist unless dredging were permitted.

ii. Dredging is necessary to correct problems of material distribution and water quality, when such problems are adversely affecting aquatic life or recreational areas.

iii. Dredging is necessary to obtain additional water area so as to decrease the intrusion into the lake of a public, private or marina dock. This type of dredging may only be allowed if the following conditions are met: The water of the dredged area shall not be stagnant or polluted; and the water of the dredged area shall be capable of supporting aquatic life.

iv. Dredging may be permitted where necessary for the development and maintenance of public shoreline parks and of private shorelines to which the public is provided access. Dredging may be permitted where additional public access is provided and/or where there is anticipated to be a significant improvement to fish or wildlife habitat, provided there is no net reduction upon the surface waters of the lake.

v. Dredging may be permitted to maintain water depth and navigability.

vi. Dredging is performed pursuant to a remedial action plan, approved under authority of the Model Toxics Control Act or pursuant to other authorization by the Department of Ecology, U.S. Army Corps of Engineer or other agency with jurisdiction.

c. Prohibited Dredging:

i. Dredging is prohibited in unique or fragile areas (see RMC 4-11-210) except for the purposes identified in subsection K.6.b of this Section where appropriate Federal

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and/or State authorization has been received, and any required environmental review and mitigation is conducted.

ii. Dredging solely for the purpose of obtaining fill or construction material, which dredging is not directly related to those purposes permitted in subsection K.6.b of this Section, is prohibited.

d. Regulations on Permitted Dredging:

i. Report by Engineer Required: All proposed dredging operations shall be planned by an appropriate State licensed professional engineer. An approved engineering report shall be submitted to the Renton Development Services Division as part of the application for a shoreline permit.

ii. Applicant's Responsibility: The responsibility rests solely with the applicant to demonstrate the necessity of the proposed dredging operation.

iii. Minimal Adverse Effect: The responsibility further rests with the applicant to demonstrate that there will be a minimal adverse effect on aquatic life and/or on recreational areas.

iv. Timing: The timing of any dredging operation shall be planned so that it has minimal impact or interference with fish migration.

v. Abutting Bank Protection: When dredging bottom material of a body of water, the banks shall not be disturbed unless absolutely necessary. The responsibility rests with the applicant to propose and carry out practices to protect the banks. If it is absolutely necessary to disturb the abutting banks for access to the dredging area, the responsibility rests with the applicant to propose and carry out a method of restoration of the disturbed area to a condition minimizing erosion and siltation.

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vi. Minimize Impacts: The responsibility rests with the applicant to demonstrate a method of eliminating or preventing conditions that may:

- (a) Create a nuisance to the public or nearby activity.
- (b) Damage property in or near the area.
- (c) Cause substantial adverse effect to plant, animal, aquatic or human life in or near the area.
- (d) Endanger public safety in or near the area.

vii. Contamination: The applicant shall demonstrate a method to control contamination and pollution to water, air, and ground.

viii. Disposal of dredged material: The applicant shall demonstrate a method of disposing of all dredged material. Dredged material shall not be deposited in a lake or stream except if the material is approved as part of a contamination remediation project approved by appropriate State and/or Federal agencies. In no instance shall dredged material be stockpiled in a shoreland area. If the dredged material is contaminant or pollutant in nature, the applicant shall propose and carry out a method of disposal that does not contaminate or pollute water, air, or ground.

7. Industrial Development:

a. When Permitted: Industrial developments are to be permitted only when:

i. They are water-dependent, water-related or they provide reasonable public access to and along the water's edge. New industrial developments on Lake Washington which are neither water-dependent, nor water-related shall provide significant public access.

ii. They minimize and cluster those water-dependent and water-related portions of their development along the shoreline and place inland all facilities which are not water-dependent; and,

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iii. Any over-water portion is water-dependent, is limited to the smallest reasonable dimensions, and is approved by the Land Use Hearing Examiner; and,

iv. They are designed in such manner as to enhance the scenic view; and,

v. It has been demonstrated in the permit application that a capability exists to contain and clean up spills or discharges of pollutants associated with the industrial development.

8. Landfills:

a. When Permitted: Landfills shall be permitted in the following cases:

i. For detached single family residential uses, when the property is located between two (2) existing bulkheads, the property may be filled to the line of conformity provided the fill does not exceed one hundred twenty five feet (125) in length along the ordinary high water mark and thirty five feet (35) into the water, and provided the provisions of RMC 4-9-197I4b(i) through 4-9-197I4b(vi) are satisfactorily met; or

ii. When a bulkhead is built to protect the existing perimeter land, a landfill shall be approved to bring the contour up to the desired grade; or

iii. When in a public use area, landfill would be advantageous to the general public; or

iv. When repairs or modifications are required for existing bulkheads and fills; or

v. When landfill is required for flood control purposes; or

vi. When a landfill is part of a remedial action plan approved by the Department of Ecology pursuant to the Model Toxics Control Act, or otherwise authorized by the Department of Ecology, U.S. Army Corps of Engineers, or other agency with jurisdiction.

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vii. Justification for landfill for any other purpose than those listed in subsections K.8.ai through vi of this Section will be allowed only with prior approval of the Land Use Hearing Examiner.

9. Marinas:

a. When Permitted: Marinas shall be permitted only when:

i. Adequate on-site parking is available commensurate with the moorage facilities provided. (See subsection K.9.b.vi of this Section.)

ii. Adequate water area is available commensurate with the actual moorage facilities provided.

iii. The location of the moorage facilities is convenient to public roads.

b. Design Requirements:

i. Marinas are to be designed in the manner that will minimize adverse effects on fish and shellfish resources and be aesthetically compatible with abutting and adjacent areas.

ii. Marinas utilized to overnight and long-term moorage are not to be located in shallow-water embayments with poor flushing action.

iii. Applications for permits for marina construction are to be evaluated for compliance with standards promulgated by Federal, State, and local agencies.

iv. Marinas and other commercial boating activities are to be equipped with receptacles to receive and adequately dispose of sewage, waste, rubbish, and litter from patrons' boats.

v. Applications for development permits for the construction of marinas must affirmatively indicate that the marina will be equipped to contain and clean up any spills or discharges of pollutants associated with boating activities.

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vi. Parking should be provided in accordance with the following ratio:
private and public marinas: two (2) per three (3) slips; private marina associated with residential complex: one per (3) slips.

vii. Special designated loading areas should be provided near piers in the amount of one parking space per twenty five (25) slips; all other parking areas are to be located one hundred feet (100) from the ordinary high water mark.

c. Location of Marinas:

i. Marinas shall be permitted only upon Lake Washington. Marinas must provide adequate access, parking, and surface water area in relation to the number of moorage spaces provided.

10. Mining:

a. All mining, including surface mining, shall be prohibited.

b. Surface mining shall mean all or any part of the process involved in extraction of minerals by removing the overburden and mining directly from the mineral deposits thereby exposed, including open pit mining of minerals naturally exposed at the surface of the earth, mining by the auger method, and production of surface mining refuse. The surface mining shall not include reasonable excavation or grading conducted for farming, on-site road construction, or on-site building construction.

11. Parking:

a. Public Parking: In order to encourage public use of the shoreline, public parking is to be provided at frequent locations. Public parking facilities should be discouraged along the water's edge. Public parking facilities are to be designed and landscaped to minimize adverse impact upon the shoreline and adjacent lands and upon the water view.

b. Private Parking: Private parking facilities are to be located away from the water's edge where possible.

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12. Piers and Docks:

a. Purpose: To establish approval and design criteria.

b. Fees Prohibited: No fees or other compensation may be charged for use by nonresidents of piers or docks accessory to residences.

c. General Design Requirements:

i. Minimize Interference: Piers and docks shall be designed to minimize interference with the public use of the water surface and shoreline.

ii. Floating Docks: The use of floating docks in lieu of other types of docks is to be encouraged in those areas where scenic values are high and where substantial conflicts with recreational boaters and fishermen will not be created.

iii. Expansion Encouraged: The expansion of existing piers and docks is encouraged over the construction of new facilities.

iv. General Criteria for Approval of Docks and Piers: The responsibility rests upon the applicant to affirmatively demonstrate the need for the proposed pier or dock in his application for a permit. The approval of a new dock or pier or a modification or extension of an existing dock or pier shall include a finding that the following criteria have been met:

(a) The dock or pier length does not extend beyond a length necessary to provide reasonable and safe moorage.

(b) The dock or pier does not interfere with the public use and enjoyment of the water nor create a hazard to navigation.

(c) The dock or pier will not result in the unreasonable interference with the use of adjacent docks and/or piers; and

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(d) The dock or pier must comply with the design criteria specified in the following sections.

v. Construction Type: All piers and docks shall be built of open pile construction except that floating docks may be permitted where there is no danger of significant damage to an ecosystem, where scenic values are high, and where one or more of the following conditions exist:

(a) Extreme water depth, beyond the range of normal length piling.

(b) A soft bottom condition, providing little support for piling.

(c) Ledge rock bottom that renders it not feasible to install piling.

vi. Safety: All piers and docks shall be constructed and maintained in a safe and sound condition.

vii. Protection from Toxic Materials: Applicants for the new construction or extension of piers and docks or the repair and maintenance of existing docks shall use materials and methods which prevent toxic materials, petrochemicals and other pollutants from entering surface water during and after construction.

d. Allowable Types of Piers and Docks: Permits for the following construction of piers or docks will be allowed:

i. Piers and docks which provide for public recreational access and use or marinas.

ii. Community piers and docks in new major waterfront subdivisions.

iii. Piers and docks which are constructed for private joint use by two (2) or more waterfront property owners.

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iv. Private single family residence piers and docks.

v. Community piers and docks for multi-family residence including apartments, condominiums, or similar developments.

vi. Water-dependent commercial and industrial uses.

e. Design Criteria for Single Family Docks and Piers:

i. Number: There shall be no more than one pier per developed waterfront lot or ownership.

ii. Dock Size Specifications: The following dock specifications shall be allowed:

(a) Length: The dock may extend to a maximum of eighty feet (80) beyond the ordinary high water line into the water or until a depth of twelve feet (12) below the mean low water mark, whichever is reached first. However, in no case shall a dock of less than fifty feet (50) in length be required.

(b) Width: The maximum width of a dock shall be eight feet (8).

(c) Location: No portion of a pier or dock for the sole use of a private single family residence may lie closer than five feet (5) to an abutting property line.

(d) Extension: One extension of a dock parallel to the shoreline or one float may be allowed provided such extension is not located closer than five feet (5) from a side lot line or exceed one hundred (100) square feet in size.

iii. Joint Use Piers and Docks:

(a) Location: A joint use dock may be constructed for two (2) contiguous waterfront properties and may be located on a side property line or straddling a side property line, common to both properties.

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(b) Agreement: A joint use ownership agreement or covenant shall be prepared with the appropriate signatures of the property owners in question and recorded with the King County Assessor's Office. A copy of the recorded agreement shall be provided to the City. Such document should specify ownership rights and maintenance provisions.

(c) Dock Size Specifications: Joint use docks and piers may extend to eighty feet (80') beyond the ordinary high water mark or to a depth of twelve feet (12'), whichever is reached first.

(d) Joint use docks and piers may not exceed a maximum width of twelve feet (12).

(e) Joint use docks and piers may be allowed one pier extension or float a maximum of one hundred fifty (150) square feet in size for each owner.

(f) Requests for greater dock length may only be submitted as specified below under subsection K.12.i of this Section once an individual has failed to work with an abutting property owner in establishing a joint use dock.

f. Design Criteria for Multi-Family Residence Docks:

i. Resident Moorage: Moorage at the docks shall be limited to residents or owner of the subdivision, apartments, condominiums or similar developments for which the dock was built.

ii. Maximum Number of Berthing Spaces: The ratio of moorage berths to residential units shall be one berth for every two (2) dwelling units.

iii. Length of Multiple Family Pier or Dock: Multiple family piers and docks shall not exceed a length of one hundred eighty feet (180) into the water beyond the ordinary high water mark, except as may be allowed under subsection K.12.i of this Section.

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g. Design Criteria for Recreational, Commercial and Industrial Docks: The following dock specifications shall be allowed:

i. Length and Depth: Unless otherwise determined or directed by any State agency having jurisdiction, the dock may extend into the water one hundred fifty feet (150); if the depth of thirty feet (30) is not reached, the dock may be extended until a depth of thirty (feet 30) is reached, provided the dock does not exceed two hundred fifty feet (250); and in the case of a marina adjacent to a designated harbor area, docks and associated breakwaters may extend to the greater of (a) the distance determined pursuant to the foregoing criteria, (b) the inner harbor line, or (c) such point beyond the inner harbor line as is allowed by the terms of a lease, license or other formal authorization approved by the Washington State Department of Natural Resources or other agency with jurisdiction.

ii. Width: The maximum width shall be twelve feet (12).

iii. Location: Docks shall be placed no closer than thirty feet (30) to a side property line.

iv. Piers or Docks Associated with City Trails: Docks or piers which are associated or linked with City trails shall be no greater than necessary to serve the intended purpose and will be determined by the City on a case-by-case basis.

h. Use of Buoys and Floats:

i. Buoys and Floats Encouraged: Where feasible, the use of buoys and floats for moorage, as permitted below under subsection K.12.h.ii of this Section, may be allowed as an alternative to the construction of piers and docks. Such buoys and floats are to be placed as close to shore as possible in order to minimize hazards to navigation, including reflectors for nighttime visibility. In no case shall a buoy be located further from the shoreline than the allowable length for docks.

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ii. Requirements: Floats shall be allowed under the following conditions:

(a) Floats shall be anchored to allow clear passage on all sides by small watercraft.

(b) Floats shall not exceed a maximum of one hundred (100) square feet in size. A float proposed for joint use between abutting property owners may not exceed one hundred fifty (150) square feet per residence.

(c) A single family residence may only have one float.

(d) Floats shall not exceed a length of fifty feet (50') into the water beyond the ordinary high water mark, except public recreation floats.

i. Variance to Dock and Pier Dimensions: Requests for greater dock and pier dimensions than those specified above may be submitted as variance applications to the City's Land Use Hearing Examiner. Any greater dimension than those listed above may be allowed by the Land Use Hearing Examiner for good reason, which shall include, but is not limited to, conditions requiring greater dock dimensions. The Examiner, in approving a variance request, shall include a finding that a variance request compiles with:

i. The criteria listed in subsection K.12.c of this Section when approving such requests; and

ii. The criteria specified in RMC 4-9-197I4.

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13. Recreation:

a. Definition: The refreshment of body and mind through forms of play, amusement or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive, such as enjoying the natural beauty of the shoreline or its wildlife.

b. Public Recreation: Public recreation uses shall be permitted within the shoreline only when the following criteria are considered:

i. Accessibility to the water's edge is provided consistent with public safety needs and in consideration of natural features.

ii. Recreational development shall be of such variety as to satisfy the diversity of demands of the local community; and

iii. Just compensation is provided to the owner for property acquired for the public use; and

iv. It is designed to avoid conflicts with owner's legal property rights and create minimum detrimental impact on the adjoining property; and

v. It provides parking spaces to handle the designed public use, and it will be designed to have a minimum impact on the environment.

c. Private Recreation: Private recreational uses open to the public shall be permitted only when the following standards are met:

i. There is reasonable public access to the recreational uses, including access along the water's edge where appropriate. In the case of Lake Washington, significant public access shall be provided.

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ii. The proposed facility will have no significant detrimental effects on abutting parcels; and

iii. Adequate, screened, and landscaped parking facilities that are separated from pedestrian paths are provided.

14. Residential Development: Floating residences are prohibited. Residential developments shall be allowed only when:

a. Adequate public utilities are available; and

b. New residential developments shall be encouraged to provide public access.

Unless deemed inappropriate due to health, safety or environmental concerns, new multi-family, condominium, planned unit developments, and subdivisions except short plats, shall provide public access along the water's edge; in the case of Lake Washington, significant public access shall be provided.

15. Roads and Railroads:

a. Scenic Boulevards: Shoreline roadways should be scenic boulevards where possible.

b. Sensitive Design: Roadways and Railroads located in shoreland areas shall be limited and allowed only if the following conditions are met:

i. The proposed route is determined to have the least impact on the environment, while meeting City Comprehensive Plan Transportation Element requirements and standards in RMC 4-6-060; and

ii. The facility is designed and maintained to prevent soil erosion and to permit natural movement of groundwater.

iii. The crossing minimizes interruption of downstream movement of

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wood and gravel; and

iv. Roads and railroads in buffer areas shall not run parallel to the water

body; and

v. Crossings occur as near to perpendicular with the water body as

possible; and

vi. Crossings are designed according to the Washington

Department of Fish and Wildlife *Fish Passage Design at Road Culverts*, 1999, and the National

Marine Fisheries Service *Guidelines for Salmonid Passage at Stream Crossings*, 2000, as may be

updated, or equivalent manuals as determined by the Responsible Official; and

vii. Seasonal work windows are determined and made a condition of

approval; and

viii. Mitigation for impacts is provided pursuant to an approved mitigation

plan per Subsection J.2.

c. Debris Disposal: All debris and other waste materials from construction are to be disposed of in such a way as to prevent their entry by erosion into any water body.

16. Stream Alteration:

a. Definition: Stream alteration is the relocation or change in the flow of a river, stream or creek. A river, stream or creek is surface water runoff flowing in a natural or modified channel.

b. Permitted Stream Alteration:

i. Unless otherwise prohibited by subsection K.16.c of this Section, stream alteration may be allowed subject to the regulations in subsection K.16.d of this Section.

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ii. Stream alteration may be permitted if it is part of a public flood hazard reduction/habitat enhancement project approved by appropriate State and/or Federal agencies.

c. Prohibited Stream Alteration:

i. Stream alteration is prohibited in unique and fragile areas, except if the stream alteration is part of a public flood hazard reduction/habitat enhancement project approved by appropriate State and/or Federal agencies.

ii. Stream alteration solely for the purpose of enlarging the developable portion of a parcel of land or increasing the economic potential of a parcel of land is prohibited.

iii. Stream alteration is prohibited if it would be significantly detrimental to abutting or adjacent parcels.

d. Regulations on Stream Alteration:

i. Engineering: All proposed stream alterations shall be designed by an appropriately State licensed professional engineer. The design shall be submitted to the Development Services Division as part of the application.

ii. Applicant's Responsibility: The responsibility rests solely with the applicant to demonstrate the necessity of the proposal.

iii. Timing: The timing and the methods employed will have minimal adverse effects on aquatic life.

iv. Pollution: Pollution is to be minimized during and after construction.

v. Low Flow Maintenance: The project must be designed so that the low flow is maintained and the escape of fish at low water is possible.

vi. Over-Water Cover: No permanent over-water cover or structure shall be allowed unless it is in the public interest.

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17. Trails:

a. Definition: For the purposes of the Shoreline Master Program, trails are a nonmotorized transportation route designed primarily for pedestrians and bicyclists.

b. Permitted Uses: Trail uses shall be permitted within the shoreline, when the following standards are met:

i. Provisions for maintenance operation and emergency access have been provided.

ii. They link water access points along the shoreline, or they link water access points along the shoreline with upland community facilities.

iii. They are designed to avoid conflict with private property rights and to create the minimum objectionable impact on abutting property owners.

iv. Just compensation is provided to the owner for property to be acquired by the public.

v. They insure the rights and privacy of the abutting property owners.

vi. Over-water structures required by the trails are determined to be in the public interest.

vii. They are designed with a surface material which will carry the actual user loads and will have a minimum impact on the environment.

viii. Additional Standards Applicable within the Natural Environment:

(1) Within unique and fragile areas, only public soft surface trails and/or public viewing platforms or areas may be allowed and must comply with all of the following:

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(a) The trail is authorized by the Renton Parks, Recreation, and Open Space Master Plan;

(b) City permit authorization is granted indicating compliance with City Critical Area Regulations in RMC 4-3-050.

(c) The Washington State Department of Fish and Wildlife has been consulted in design;

(d) The trail is seasonally restricted in public use as necessary to protect Federal, State, or locally listed wildlife and fish species;

(e) Trail widths shall be a maximum width of twelve (12) feet.

(2) Hard surface trails when located on existing rights of way, and outside of unique and fragile areas, and meeting the remaining provisions of this subsection, 4-3-090.K.17, Trails.

18. Utilities:

a. Native Vegetation: The native vegetation shall be maintained whenever possible. When utility projects are completed in the water or shoreland, the disturbed area shall be restored and landscaped as nearly as possible to the original condition, unless new landscaping is determined to be more desirable.

b. Landscaping: All vegetation and screening shall be hardy enough to withstand the travel of service trucks and similar traffic in areas where such activity occurs.

c. Screening of Public Utilities: When a public utility building, telephone exchange, sewage pumping operation or a public utility is built in the shoreline area, the requirements of this Master Program shall be met and the following screening requirements shall

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be met. If the requirements of subsection K.18.a of this Section, Native Vegetation, and the requirements of this subsection are in disagreement, the requirements of this subsection shall take precedence.

i. If the installation is housed in a building, the building shall conform architecturally with the surrounding buildings and area, or with the type of building that will develop due to the zoning district.

ii. An unhoused installation on the ground or a housed installation that does not conform with subsection K.18.c.i of this Section shall be sight screened with evergreen trees, shrubs, and landscaping planted in sufficient depth to form an effective and actual sight barrier within five (5) years.

iii. An unhoused installation of a dangerous nature, such as an electrical distribution substation, shall be enclosed with an eight foot (8') high open wire fence. Such installations shall be sight screened with evergreen trees, shrubs, and landscaping planted in sufficient depth to form an effective and actual sight barrier except at entrance gate(s), within five (5) years.

d. Special Considerations for Pipelines: Installation and operation of pipelines shall protect the natural conditions of abutting watercourses and shorelines.

i. Water quality is not to be degraded to the detriment of marine life nor shall water quality standards be violated.

ii. Native soils shall be protected from erosion and natural conditions restored. Watercourse banks and bottoms shall be protected, where necessary, with suitable surface treatment.

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iii. Petro-chemical or toxic material pipelines shall have automatically controlled shutoff valves at each side of the water crossing.

iv. All petro-chemical or toxic material pipelines shall be constructed in accordance with the regulations of the Washington State Transportation Commission and subject to review by the City Public Works Department.

e. Major Utilities – Specifications:

i. Overhead High Voltage Power Lines: Structure of overhead power lines should be single-pole type or other aesthetically compatible design. Joint use docks and piers may extend to eighty feet (80) beyond the ordinary high water mark or to a depth of twelve feet (12), whichever is reached first.

ii. Electrical Distribution Substations: Electrical distribution substations shall be at a shoreland location only when the applicant proves there exists no other site out of the shoreland area and when the screening requirements of subsection K.18.c of this Section are met.

iii. Communications: This Section applies to telephone exchanges including radar transmission installations, receiving antennas for cable television and/or radio, and any other facility for the transmission of communication systems. Communications installations may be permitted in the shoreline area only when there exists no feasible site out of the shoreline and water area and when the screening requirements of subsection K.18.c of this Section are met. In an aesthetic interest, such installations shall be located as far as possible from residential, recreational, and commercial activities.

iv. Pipeline Utilities: All pipeline utilities shall be underground. When underground projects are completed on the bank of a water body or in the shoreland or a

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shoreline, the disturbed area shall be restored to the original configuration. Underground utility installations shall be permitted only when the finished installation shall not impair the appearance of such areas.

v. Public Access: All utility companies shall be asked to provide pedestrian public access to utility owned shorelines when such areas are not potentially hazardous to the public. Where utility rights-of-way are located near recreational or public use areas, utility companies shall be encouraged to provide said rights-of-way as parking or other public use areas for the abutting public use area.

f. Local Service Utilities, Specifications:

i. Waterlines: Sizes and specifications shall be determined by the Public Works Department in accordance with City standards.

ii. Sanitary Sewer: The existence or use of outhouses or privies is prohibited. All uses shall hook to the municipal sewer system. There shall be no septic tanks or other on-site sewage disposal systems. Storm drainage and pollutant drainage shall not enter the sanitary sewer system. During construction phases, commercial sanitary chemical toilets may be allowed only until proper plumbing facilities are completed. All sanitary sewer pipe sizes and materials shall be approved by the Renton Planning/Building/Public Works Department and METRO.

iii. Storm Sewers: A storm sewer drainage system shall be required. Pretreatment of storm runoff or diversion to sanitary sewers may be required to keep deleterious substances out of neighboring watercourses. Storm sewer sizes and specifications shall be determined by the Public Works Department in accordance with City standards.

iv. Discharges of Pollutants and Petroleum Products:

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(a) Agency Review: Discharges of pollutants into watercourses and groundwater shall be subject to the Washington State Department of Ecology, Corps of Engineers, and the Environmental Protection Agency for review of permits for discharge.

(b) Oil Separations: These units shall be required at sites that have oil waste disposal into sanitary or storm sewer. These units shall be built to Municipality of Metropolitan Seattle (METRO) or State of Washington Department of Public Health specifications.

(c) Petroleum Bulk Storage and Distribution: Petroleum facilities shall hereafter not be allowed.

g. Local and Major Utilities – Location and Crossings: Local and Major Utilities shall be designed and developed according to the following criteria and meeting mitigation criteria of J.2:

i. Fish and wildlife habitat areas shall be avoided to the maximum extent possible; and

ii. The Utility is designed consistent with one or more of the following methods:

(a) Installation shall be accomplished by boring beneath the scour depth and hyporheic zone of the water body and channel migration zone; or

(b) The utilities shall cross at an angle greater than sixty (60) degrees to the centerline of the channel in streams or perpendicular to the channel centerline; or

(c) Crossings shall be contained within the footprint of an existing road or utility crossing ; and

iii. New utility routes shall avoid paralleling the stream or following a

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down-valley course near the channel; and

iv. The utility installation shall not increase or decrease the natural rate of shore migration or channel migration; and

v. Seasonal work windows are determined and made a condition of approval; and

vi. Mitigation for impacts is provided pursuant to an approved mitigation plan per Subsection J.2.

L. VARIANCES AND CONDITIONAL USES:

See RMC 4-9-197I.

M. VIOLATIONS AND PENALTIES:

See RMC 1-3-2.

N. APPEALS:

See RMC 4-8-110H.

SECTION IV. The definitions of “Shoreline Conditional Use Justification,” “Shoreline Variance Justification,” and “Site Plan, Shoreline” of Section 4-8-120.D.19, Definitions S, of Chapter 8, Permits – General and Appeals, of Title IV (Development Regulations) of Ordinance No. 4260 entitled “Code of General Ordinances of the City of Renton, Washington” are hereby amended to read as follows:

Shoreline Conditional Use Justification: A written statement setting forth the reasons in favor of the shoreline conditional use permit application and addressing the criteria listed in RMC 4-9-197I5b, and used by the Hearing Examiner in reviewing the permit request.

Shoreline Variance Justification: A written statement setting forth the reasons in favor of the shoreline variance application and addressing the criteria listed in RMC 4-9-197I4b, and used

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by the Hearing Examiner when reviewing the variance request.

Site Plan, Shoreline: A single fully dimensioned plan sheet drawn at a scale of one inch equals twenty feet (1" = 20') (or other scale approved by the Development Services Division Director) clearly indicating the information requested by the "Site Plan" with the following additional information:

- a. Ordinary high water mark, existing and proposed,
- b. Name of water body,
- c. Material stockpiles or similar/related activities,
- d. Quantity, source and composition of any fill material that is placed on the site whether temporary or permanent,
- e. Quantity, composition and destination of any excavated or dredged material, and
- f. Where applicable, a depiction of the impacts to views from existing residential uses and public areas.

SECTION V. Section 4-9-190, Shoreline Permits, of Chapter 9, Permits - Specific, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington" is hereby renumbered as Section 4-9-197, and is hereby amended to read as follows:

4-9-197 SHORELINE PERMITS

A. PURPOSE: (Reserved)

B. APPLICABILITY: (Reserved)

C. EXEMPTIONS FROM PERMIT SYSTEM:

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The following shall not be considered substantial developments for the purpose of this Master Program.

1. Any project with a certification from the Governor pursuant to chapter 80.50 RCW.

2. Any development of which the total cost or fair market value does not exceed five thousand dollars (\$5,000.00), if such development does not materially interfere with the normal public use of the water or shorelines of the State.

3. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements.

a. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.

b. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to the shoreline resource or environment.

c. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.

4. Construction of the normal protective bulkhead common to single family residences.

A "normal protective" bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single family residence and appurtenant structures from loss or damage by

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erosion. A normal protective bulkhead is not exempt if it is constructed for the purpose of creating additional dry land. Additional construction requirements are found in WAC 173-27-040(2)(c).

5. Emergency construction necessary to protect property from damage by the elements.

a. An “emergency” is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow for full compliance with this program.

b. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed to be the appropriate means to address the emergency situation, upon abatement of the emergency situation, the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, chapter 17-27 WAC or this Shoreline Program shall be obtained.

c. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and this Program.

d. In general, flooding or other seasonal events that can be anticipated and may occur, but that are not imminent are not an emergency.

6. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures, including, but not limited to, head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling, other than that which results from normal cultivation, shall not be considered normal or necessary farming

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or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

7. Construction on shorelands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty five feet (35') above average grade level as defined in WAC 173-27-030 and which meets all requirements of the State agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this Section.

a. "Single family" residence means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single family residence and is located landward of the ordinary high water mark and the perimeter of a wetland.

b. Construction authorized under this exemption shall be located landward of the ordinary high water mark.

8. Construction of a dock including a community dock designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multi-family residences.

a. This exception applies if either:

i. In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars (\$2,500.00).

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ii. In fresh waters, the fair market value of the dock does not exceed ten thousand dollars (\$10,000.00); however, if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500.00) occurs within five (5) years of completion of the prior construction, the subsequent construction shall be considered a substantial development permit.

b. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances.

9. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.

10. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.

11. The marking of property lines or corners on State-owned lands when such marking does not interfere with the normal public use of the surface of the water.

12. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.

13. Site exploration and investigation activities that are prerequisites to preparation of an application for development authorization under this program, if:

a. The activity does not interfere with the normal public use of the surface waters.

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b. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values.

c. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity.

d. A private entity seeking development authorization under this program first posts a performance bond or provides other evidence of financial responsibility to the Development Services Division to ensure that the site is restored to pre-existing conditions.

e. The activity is not subject to the permit requirements of RCW 90.58.550.

14. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of a herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other State agencies under chapter 43.21C RCW.

15. Watershed restoration projects as defined below:

a. "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

i. A project that involves less than ten (10) miles of streamreach, in which less than twenty five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings.

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ii. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water.

iii. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the State, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred (200) square feet in floor area and is located above the ordinary high water mark of the stream.

b. “Watershed restoration plan” means a plan, developed or sponsored by a State department, a federally recognized Indian Tribe, a city, a county or a conservation district, for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act. The watershed restoration plan generally contains a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed.

16. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

a. The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose.

b. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to chapter 75.20 RCW.

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c. The Development Services Division has determined that the project is consistent with this Master Program.

17. Hazardous substance remedial actions pursuant to WAC 173-27-040(3).

D. EXEMPTION CERTIFICATE PROCEDURES:

1. Any person claiming exemption from the permit requirements of this Master Program as a result of the exemptions specified in this Section shall make application for a no-fee exemption certificate to the Development Services Division in the manner prescribed by that division.

2. Any development which occurs within the regulated shorelines of the State under Renton's jurisdiction, whether it requires a permit or not, must be consistent with the intent of the State law.

3. The City may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and this Program.

4. If any part of a proposed development is not eligible for exemption, then a shoreline permit is required for the entire proposed development project.

E. SHORELINE PERMIT APPLICATION PROCEDURES:

1. Information Prior to Submitting a Shoreline Substantial Development Permit Application: Prior to submitting an application for a shoreline permit or an exemption from a shoreline permit, the applicant should informally discuss a proposed development with the Development Services Division. This will enable the applicant to become familiar with the requirements of this Master Program, Building and Zoning procedures, and enforcement procedures.

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2. Shoreline Substantial Development Permit Required: No shoreline development shall be undertaken on shorelines of the City without first obtaining a “substantial development permit” from the Development Services Division.

3. Shoreline Substantial Development Permit Application Forms and Fees: Submittal requirements and fees shall be as listed in RMC 4-3-090.J.2, Studies Required, and RMC 4-8-120C, Land Use Applications and 4-1-170, Land Use Review Fees.

4. Secondary Review By Independent Qualified Professionals: When appropriate due to the type of critical areas, habitat, or species present, or project area conditions, the Reviewing Official may require the applicant to prepare or fund analyses or activities conducted by third party or parties selected by the Reviewing Official and paid for by the applicant. Analyses and/or activities conducted under this Subsection include, but are not limited to:

a. Evaluation by an independent qualified professional of the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate; and

b. A request for consultation with the Washington Department of Fish and Wildlife, Washington State Department of Ecology, or the local Native American Indian Tribe or other appropriate agency; and/or

c. Analysis of detailed surface and subsurface hydrologic features both on and adjacent or abutting to the site.

5. Public Notice: Three (3) copies of a notice of development application shall be posted prominently on the property concerned and in conspicuous public places within three hundred (300) feet thereof. The notice of development application shall also be mailed to property owners within three hundred (300) feet of the boundaries of the subject property. The required contents

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of the notice of development application are detailed in RMC 4-8-090B, Public Notice Requirements.

6. Standard Public Comment Time: Each notice of development application shall include a statement that persons desiring to present their views to the Development Services Division with regard to said application may do so in writing to that Division and persons interested in the Development Services Division's action on an application for a permit may submit their views in writing or notify the Development Services Division in writing of their interest within thirty (30) days from the date of the notice of application.

7. Special Public Comment Time: Notice of development application for a substantial development permit regarding a limited utility extension as defined in RCW 90.58.140 (11)(b) or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall include a twenty (20) day comment period.

Such notification or submission of views to the Development Services Division shall entitle those persons to a copy of the action taken on the application.

8. Review Guidelines: Unless exempted or authorized through the variance or conditional use permit provisions of this Master Program, no substantial development permit and no other permit shall be granted unless the proposed development is consistent with the provisions of this Master Program, the Shoreline Management Act of 1971, and the rules and regulations adopted by the Department of Ecology thereunder.

9. Conditional Approval: Should the Development Services Division Director or his/her designee find that any application does not substantially comply with criteria imposed by the Master Program and the Shoreline Management Act of 1971, he may deny such application or

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attach any terms or condition which he deems suitable and reasonable to effect the purpose and objective of this Master Program.

10. Notification of City Departments: It shall be the duty of the Development Services Division to timely furnish copies of all applications and actions taken by said division unto such other officials or departments whose jurisdiction may extend to all or any part of the proposed development.

F. REVIEW CRITERIA:

1. General: The Development Services Division shall review an application for a permit based on the following:

- a. The application.
- b. The environmental impact statement, if one is required.
- c. Written comments from interested persons.
- d. Information and comments from all affected City departments.
- e. Evidence presented at a public hearing.

f. No authorization to undertake use or development on shorelines of the state shall be granted by the Responsible Official unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the Renton Shoreline Master Program.

g. No permit shall be issued for any new or expanded building or structure of a height inconsistent with Renton Shoreline Master Program Public Access Policies. High-rise structures in the shoreline jurisdiction generally should not be permitted, but could be permitted in the shoreline jurisdiction if the Responsible Official determines:

i. Views of the shoreline would not be substantially obstructed due to topographic conditions, and

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- ii. Some overriding considerations of the public interest would be served.

Shoreline low-rise development should provide substantial grade level views of the water from public shoreline roads running generally parallel to the water's edge.

2. Additional Information: The Development Services Division may require an applicant to furnish information and data in addition to that contained or required in the application forms prescribed. Unless an adequate environmental statement has previously been prepared for the proposed development by another agency, the City's Environmental Review committee shall cause to be prepared such a statement, prior to granting a permit, when the State Environmental Policy Act of 1971 would require such a statement.

3. Procedural Amendments: In addition to the criteria hereinabove set forth in this Section, the Planning/Building/Public Works Department may from time-to-time promulgate additional procedures or criteria and such shall become effective, when reduced to writing, and filed with the City Clerk and as approved by the City Council and the Department of Ecology.

4. Burden of Proof on Applicant: The burden of proving that the proposed substantial development is consistent with the criteria which must be met before a permit is granted shall be on the applicant.

G. BONDS:

The Development Services Division may require the applicant to post a bond in favor of the City of Renton to assure full compliance with any terms and conditions imposed by said department on any shoreline permit. Said bond shall be in an amount to reasonably assure the City that any deferred improvement will be carried out within the time stipulated.

H. ADMINISTRATIVE APPEALS:

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The Planning/Building/Public Works Department shall have the final authority to interpret the Master Program for the City of Renton. Where an application is denied or changed, per subsection E6 of this Section, an applicant may appeal the decision denying or changing a “substantial development permit” to the Shoreline Hearings Board for an open record appeal in accordance with RMC 4-8-110. See RMC 4-8-110H for appeal procedures to the Shoreline Hearings Board.

I. VARIANCES AND CONDITIONAL USES:

1. Purpose: The power to grant variances and conditional use permits should be utilized in a manner which, while protecting the environment, will assure that a person will be able to utilize his property in a fair and equitable manner.

2. Authority:

a. City Hearing Examiner: The Renton Land Use Hearing Examiner shall have authority to grant conditional use permits and variances in the administration of the Renton Master Program.

b. State Department of Ecology Decision: Both variances and conditional use permits are forwarded to the Department of Ecology and the Attorney General’s office for approval or denial.

c. Time Limit, Permit Validity, and Appeals: Conditional permits and variances shall be deemed to be approved within thirty (30) calendar days from the date of receipt by the Department of Ecology and the Attorney General’s office unless written communication is received by the applicant and the City indicating otherwise.

i. Conditional use permits and variances shall be filed with the State in accordance with RCW 90.58.140(6) and WAC 173-27-130.

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ii. Permit validity requirements of subsection J of this Section shall apply to conditional use and variance permits.

iii. Appeals of conditional use or variance permits shall be made in accordance with RMC 4-8-110H.

3. Interpretation: It shall be recognized that a lawful use at the time the Master Program is adopted is to be considered a permitted use, and maintenance and restoration shall not require a variance or a conditional use permit.

4. Variances:

a. Purpose: Upon proper application, a substantial development permit may be granted which is at variance with the criteria established in the Renton Master Program where, owing to special conditions pertaining to the specific piece of property, the literal interpretation and strict application of the criteria established in the Renton Master Program would cause undue and unnecessary hardship or practical difficulties.

b. Decision Criteria: The fact that the applicant might make a greater profit by using his property in a manner contrary to the intent of the Master Program is not, by itself, sufficient reason for a variance. The Land Use Hearing Examiner must find each of the following:

i. Exceptional or extraordinary circumstances or conditions applying to the subject property, or to the intended use thereof, that do not apply generally to other properties on shorelines in the same vicinity.

ii. The variance permit is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties on shorelines in the same vicinity.

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iii. The variance permit will not be materially detrimental to the public welfare or injurious to property on the shorelines in the same vicinity.

iv. The variance granted will be in harmony with the general purpose and intent of this Master Program.

v. The public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance will be denied, but each property owner shall be entitled to the reasonable use and development of his lands as long as such use and development is in harmony with the general purpose and intent of the Shoreline Management Act of 1971, and the provisions of this Master Program.

vi. The proposal meets the variance criteria in WAC 173-27-170.

5. Conditional Use:

a. Purpose: Upon proper application, a conditional use permit may be granted. The objective of a conditional use provision is to provide more control and flexibility for implementing the regulations of the Master Program. With provisions to control undesirable effects, the scope of uses can be expanded to include many uses.

b. Decision Criteria: Uses classified as conditional uses can be permitted only after consideration and by meeting such performance standards that make the use compatible with other permitted uses within that area. A conditional use permit will be granted subject to each of the following conditions:

i. The use must be compatible with other permitted uses within that area.

ii. The use will not interfere with the public use of public shorelines.

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iii. Design of the site will be compatible with the surroundings and the City's Master Program.

iv. The use shall be in harmony with the general purpose and intent of the City's Master Program.

v. The use meets the conditional use criteria in WAC 173-27-160.

J. TIME REQUIREMENTS FOR SHORELINE PERMITS:

1. Applicability and Modification at Time of Approval:

a. The time requirements of this Section shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized under this Program.

b. If it is determined that standard time requirements of subsections J2 and J3 of this Section should not be applied, the Development Services Division shall adopt appropriate time limits as a part of action on a substantial development permit upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of this Master Program and RCW 90.58.143. If it is determined that standard time requirements of subsections J2 and J3 of this Section should not be applied, the Hearing Examiner, upon a finding of good cause and with the approval of the Department of Ecology, shall establish appropriate time limits as a part of action on a conditional use or variance permit. "Good cause" means that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted.

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c. Where specific provisions are not included to establish time limits on a permit as part of action on a permit by the City or the Department of Ecology, the time limits in subsections J2 and J3 of this Section apply.

d. Requests for permit extension shall be made in accordance with subsections J2 and J3 of this Section.

2. Construction Commencement:

a. Unless a different time period is specified in the shoreline permit as authorized by RCW 90.58.143 and subsection J1 of this Section, construction activities, or a use or activity, for which a permit has been granted pursuant to this Master Program must be commenced within two (2) years of the effective date of a shoreline permit, or the shoreline permit shall terminate, and a new permit shall be necessary. However, the Development Services Division may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed with the Division before the expiration date, and notice of the proposed extension is given to parties of record and the Department of Ecology.

b. Construction activities or commencement of construction referenced in subsection J2a of this Section means that construction applications must be submitted, permits must be issued, and foundation inspections must be completed before the end of the two (2) year period.

3. Construction Completion: A permit authorizing construction shall extend for a term of no more than five (5) years after the effective date of a shoreline permit, unless a longer period has been specified pursuant to RCW 90.58.143 and subsection J1 of this Section. If an applicant files a request for an extension prior to expiration of the shoreline permit the Development Services Division shall review the permit and upon a showing of good cause may authorize a

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single extension of the shoreline permit for a period of up to one year. Otherwise said permit shall terminate. Notice of the proposed permit extension shall be given to parties of record and the Department of Ecology. To maintain the validity of a shoreline permit, it is the applicant's responsibility to maintain valid construction permits in accordance with adopted Building Codes.

4. Effective Date:

a. For purposes of determining the life of a shoreline permit, the effective date of a substantial development permit, shoreline conditional use permit, or shoreline variance permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods in subsections J2 and J3 of this Section do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions, or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.

b. It is the responsibility of the applicant to inform the Development Services Division of the pendency of other permit applications filed with agencies other than the City, and of any related administrative or legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the Division prior to the expiration date established by the shoreline permit or the provisions of this Section, the expiration of a permit shall be based on the effective date of the shoreline permit.

c. The City shall issue permits within applicable time limits specified in the Type III and Type VI review processes in RMC 4-8-080H. Substantial development permits for a limited utility extension as defined in RCW 90.58.140(11)(b) or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures

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from shoreline erosion shall be issued within twenty one (21) days of the last day of the comment period specified in RMC 4-9-197E3.

5. Review Period – Construction Authorization:

a. No construction pursuant to such permit shall begin or be authorized and no building, grading or other construction permits or use permits shall be issued by the City until twenty one (21) days from the date the permit was filed with the Department of Ecology and the Attorney General, or until all review proceedings are completed as were initiated within the twenty one (21) days of the date of filing. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.

b. If the granting of a shoreline permit by the City is appealed to the Shoreline Hearings Board, and the Shoreline Hearings Board has approved the granting of the permit, and an appeal for judicial review of the Shoreline Hearings Board decision is filed, construction authorization may occur subject to the conditions, time periods, and other provisions of RCW 90.58.140(5)(b).

K. RULINGS TO STATE:

Any ruling on an application for a substantial development permit under authority of this Master Program, whether it is an approval or denial, shall, with the transmittal of the ruling to the applicant, be filed concurrently with the Department of Ecology and the Attorney General by the Development Services Division. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.

L. TRANSFERABILITY OF PERMIT:

If a parcel which has a valid shoreline permit is sold to another person or firm, such permit may be transferred to the new owner.

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M. ENFORCEMENT:

All provisions of this Master Program shall be enforced by the Development Services Division. For such purposes, the Director or his duly authorized representative shall have the power of a police officer.

N. RESCISSION OF PERMITS:

1. Noncompliance with Permit: Any shoreline permit issued under the terms of this Master Program may be rescinded or suspended by the Development Services Division of the City upon a finding that a permittee has not complied with conditions of the permit.

2. Notice of Noncompliance: Such rescission and/or modification of an issued permit shall be initiated by serving written notice of noncompliance on the permittee, which notice shall be sent by registered or certified mail, return receipt requested, to the address listed on the application or to such other address as the applicant or permittee may have advised the City; or such notice may be served on the applicant or permittee in person or his agent in the same manner as service of summons as provided by law.

3. Posting: In addition to such notice, the Development Services Division shall cause to have notice posted in three (3) public places of which one posting shall be at or within the area described in the permit.

4. Public Hearing: Before any such permit can be rescinded, a public hearing shall be held by the Land Use Hearing Examiner. Notice of the public hearing shall be made in accordance with RMC 4-8-090D, Public Notice Requirements.

5. Final Decision: The decision of the Land Use Hearing Examiner shall be the final decision of the City on all rescinded applications. A written decision shall be transmitted to the

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Department of Ecology, the Attorney General's office, the applicant, and such other departments or boards of the City as are affected thereby and the legislative body of the City.

O. APPEALS:

See RMC 4-8-110H.

P. VIOLATIONS AND PENALTIES:

1. Prosecution: Every person violating any of the provisions of this Master Program or the Shoreline Management Act of 1971 shall be punishable under conviction by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment, and each day's violation shall constitute a separate punishable offense.

2. Injunction: The City Attorney may bring such injunctive, declaratory or other actions as are necessary to insure that no uses are made of the shorelines of the State the City's jurisdiction which are in conflict with the provisions and programs of this Master Program or the Shoreline Management Act of 1971, and to otherwise enforce provisions of this Section and the Shoreline Management Act of 1971.

3. Public and Private Redress: Any person subject to the regulatory program of this Master Program who violates any provision of this Master Program or the provisions of a permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The City Attorney may bring suit for damages under this subsection on behalf of the City. Private persons shall have the right to bring suit for damages under this subsection on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by violation, the Court shall make provision to assure that

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restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the Court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

SECTION VI. A new Section, 4-10-095, Shoreline Master Program – Nonconforming Uses, Activities, and Structures, of Chapter 10, Legal Nonconforming Structures, Uses and Lots, of Title IV (Development Regulations) of Ordinance No. 4260 entitled “Code of General Ordinances of the City of Renton, Washington” is hereby added, to read as follows:

4-10-095 SHORELINE MASTER PROGRAM – NONCONFORMING USES, ACTIVITIES, AND STRUCTURES:

A shoreline use or development which was lawfully constructed or established prior to the effective date of the applicable Shoreline Master Program, or amendments thereto, but which does not conform to present regulations or standards of the program, may be continued provided that:

- A. Nonconforming Structures: Nonconforming structures shall be governed by RMC 4-10-050.
- B. Nonconforming Uses. Nonconforming uses shall be governed by RMC 4-10-060.
- C. Pre-Existing Legal Lot: Reserved.

SECTION VII. The following definitions in Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled “Code of General Ordinances of the City of Renton, Washington” are hereby amended to read as follows:

ACT, SHORELINE MANAGEMENT: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) The Shoreline Management Act of 1971, chapter 90.58 RCW as amended.

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BUFFER, SHORELINES: A strip of land that is designated to permanently remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic, riparian, or wetland site from upland impacts, to provide habitat for wildlife and to afford limited public access.

CIRCULATION: The movement of passengers or goods to, from, over, or along a transportation corridor.

FLOOD CONTROL: Any undertaking for the conveyance, control, storage, and dispersal of flood waters.

HIGH RISE: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) A structure exceeding seventy-five (75) feet in height.

LOCAL SERVICE UTILITIES: Public or private utilities normally servicing a neighborhood or defined subarea in the City, i.e., telephone exchanges; sewer, both storm and sanitary; distribution lines, electrical less than fifty five (55) kv, telephone, cable TV, etc.

MULTIPLE-USE: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) The combining of compatible uses within one development, of which the major use or activity is water-oriented. All uses or activities other than the major one are directly related and necessary to the major use or activity.

ORDINARY HIGH WATER MARK: On lakes and streams, that mark found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists as of the effective date of regulations, as it may naturally change thereafter, or as it may change in accordance with permits issued by the City or State. The following criteria clarify this mark on lakes and streams:

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A. Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water.

B. Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

PLANNED URBAN DEVELOPMENT: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) Special contractual agreement between the developer and a governmental body governing development of land.

PUBLIC ACCESS: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) A means of physical approach to and along the shoreline available to the general public. This may also include visual approach.

RECREATION: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) The refreshment of body and mind through forms of play, amusement or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive such as enjoying the natural beauty of the shoreline or its wildlife.

STRUCTURE: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

SUBSTANTIAL DEVELOPMENT: Any development of which the total cost or fair market value exceeds five thousand dollars (\$5,000) or any development which materially interferes with the normal public use of the water or shoreline of the State. Exemptions in RCW 90.58.030(3)(e) and in RMC 4-9-190C are not considered substantial developments.

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UNIQUE AND FRAGILE AREAS: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) Those portions of the shoreline which (1) contain or substantially contribute to the maintenance of endangered or valuable forms of life and (2) have unstable or potentially hazardous topographic, geologic or hydrologic features (such as steep slopes, marshes).

SECTION VIII. The following new definitions in Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled “Code of General Ordinances of the City of Renton, Washington” are hereby added, to read as follows:

BREAKWATER: A protective structure, usually built off-shore for the purpose of protecting the shoreline or harbor area from wave action.

CONDITIONAL USE, SHORELINE: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) A use, development, or substantial development which is classified as a conditional use or is not classified within the applicable master program.

FAIR MARKET VALUE: The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials

PARTY OF RECORD: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) All persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing

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conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

PERMIT, SHORELINE: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) Any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW.

PUBLIC INTEREST: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

VESSEL: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) Ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

SECTION IX. The Economic Development, Neighborhoods, and Strategic Planning Department is authorized to prepare a submittal package to the State of Washington Department of Ecology, who has approval authority for the Shoreline Master Program amendments.

SECTION X. This Ordinance shall be effective upon its passage, approval, and five days after its publication, and after approval by the State of Washington Department of Ecology as consistent with State Shoreline laws and rules.

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PASSED BY THE CITY COUNCIL this _____ day of _____, 2005.

Bonnie I. Walton, City Clerk

APPROVED BY THE MAYOR this _____ day of _____, 2005.

Kathy Keolker-Wheeler, Mayor

Approved as to form:

Lawrence J. Warren, City Attorney

Date of Publication: _____

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