



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

MUNICIPAL

CODE SECTIONS: RMC 4-8-120, Submittal Requirements

REFERENCE: Not applicable

SUBJECT: Requirement for Submittal of a Floodplain Habitat Assessment (also known as a “Biological Assessment” or “Critical Areas Study”) and Mitigation Report for projects located within the floodplain that is consistent with the FEMA 2010 Floodplain Habitat Assessment and Mitigation Regional Guidance

BACKGROUND: The U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) requires that jurisdictions demonstrate compliance with and implementation of the Reasonable and Prudent Alternative (RPA) outlined in the September 22, 2008 Biological Opinion for the Implementation of the National Flood Insurance Program (NFIP) in the Puget Sound region as issued by the National Marine Fisheries Service (NMFS). Of the three options to achieve compliance, the City has elected to implement Option 3 “permit by permit” review for projects located within the floodplain, until such time that a different approach is decided upon. This approach mandates that the City either require the applicant to provide a habitat assessment (“Biological Assessment/Critical Areas Study”) that determines that the development project will not have an adverse effect on endangered species or the applicant must provide concurrence from the Services that the project is in compliance with the Endangered Species Act (ESA).

JUSTIFICATION: This Administrative Policy/Code Interpretation is needed to demonstrate compliance with implementation of the Reasonable and Prudent Alternative outlined in the National Marine Fisheries Services Biological Opinion for the implementation of the National Flood Insurance Program.

DECISION: Applications for building and/or construction permits, land use actions, or environmental review within the designated floodplain must include

either: a habitat assessment (“Biological Assessment/Critical Areas Study”) that determines that the development project will not have an adverse effect on endangered species or the applicant must provide concurrence from the Services that the project is in compliance with the Endangered Species Act (ESA).

PLANNING DIRECTOR

APPROVAL:

C. E. “Chip” Vincent

DATE:

October 17, 2011

APPEAL

PROCESS:

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

CODE

AMENDMENTS

NEEDED TO

IMPLEMENT

DETERMINATIONS:

Section 4-8-120 “Submittal Requirements Specific to Application Type” of the Renton Municipal Code will need to be amended to add language requiring the submittal of Biological Assessment/Critical Areas Study (aka: Habitat Assessment) for those permits proposed in the Regulatory Floodplain (unless determined to be exempt). Attachment A includes the submittal requirements and Attachment B includes the proposed definition of a “Biological Assessment/Critical Areas Study”.

TABLE 4-8-120B

BUILDING APPLICATIONS

SUBMITTAL REQUIREMENTS	TYPE OF APPLICATION/PERMIT									
	Demolition	Grading/Fill	Manufactured Home in Manufactured Home Park	Manufactured Home Outside of Manufactured Home Park	Multi-Family/Commercial/Industrial New or Additions	Commercial/Industrial Interior Remodel	Pool/Spa	Sign	Single Family/Duplex New or Additions	Single Family/Multi-Family Interior Remodel
Applicant Agreement Statement (for wireless communications facilities only)	1	2	1	1	3	1	1	1	1	
Application Form, Building Division					2					1
Application Form, Construction Permit		2			2					
Architectural Elevations					5				2(g)	
Architectural Plans, Commercial/Industrial/Attached Dwellings 3+ Units					4	3(n)			2	2
Architectural Plans, Detached and 2 Attached Dwellings										
Blocking/Anchoring/Skirting Details			2							
Construction Mitigation Description		1			2					
Drainage Plans		2			5				2(h)	
Drainage Report					2					
Electrical Plans					2	2				
Energy Code Checklist, Nonresidential					1(m)					
Energy Code Checklist, Residential					1(k)				1	1(a)
Foundation Plans				2	4			2	2	
Geotechnical Report				2(b)	4				2(b)	
Grading Plan		5			5					
Grading Work Description		4			2					
Hazardous Materials Management Statement	2(o)	2(o)	2(o)	2(o)	2(o)				2(o)	
Heat Loss Calculation									1(c)	1(c)

The number of copies (if any) is indicated in each column unless waived by the Development Services Division.

Biological Assessment/Critical Areas Study

5	(b)												
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TABLE 4-8-120B

BUILDING APPLICATIONS

TYPE OF APPLICATION/PERMIT	Demolition	Grading/Fill	Manufactured Home In Manufactured Home Park	Manufactured Home Outside of Manufactured Home Park	Multi-Family/Commercial/Industrial New or Additions	Commercial/Industrial Interior Remodel	Pool/Spa	Sign	Single Family/Duplex New or Additions	Single Family/Multi-Family Interior Remodel
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SUBMITTAL REQUIREMENTS

- n. For restaurants and any construction project involving work in the right-of-way, four (4) copies are required.
- o. Required only when project is located in an Aquifer Protection Area and (1) construction vehicles will be refueled on site and/or (2) the quantity of hazardous materials that will be stored, dispensed, used, and handled on the construction site, exclusive of the quantity of hazardous materials contained in fuel or fluid reservoirs of construction vehicles, will exceed twenty (20) gallons. Weight of solid hazardous materials will be converted to volumes for purposes of determining whether de minimis amount is exceeded. Ten (10) pounds shall be considered equal to one gallon.
- p. Required only when project is located in an Aquifer Protection Area.
- q. For accessory dwelling units (detached) architectural elevations of the primary dwelling unit are also required.
- r. For non-exempted projects: Trees only required for those properties where street trees in the right-of-way have not been planted, except for the RC and R-1 zones, where two trees shall be planted in the front yard.
(Ord. 4587, 3-18-1996; Amd. Ord. 4773, 3-22-1999; Ord. 4835, 3-27-2000; Ord. 4851, 8-7-2000; Ord. 4992, 12-9-2002; Ord. 5100, 11-1-2004; Ord. 5304, 9-17-2007; Ord. 5450, 3-2-2009; Ord. 5473, 7-13-2009; Ord. 5520, 12-14-2009; Ord. 5528, 3-8-2010)

The number of copies (if any) is indicated in each column unless waived by the Development Services Division.

4. only required when project is located in a designated floodplain

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

The following tables list the submittal requirements for each type of permit application or land use approval which must accompany the required application fees specified in RMC 4-1-140 through 4-1-200.

A. Table 4-8-120A – Public Works Permit Submittal Requirements.

B. Table 4-8-120B – Building Section Permit Submittal Requirements.

C. Table 4-8-120C – Land Use Permit Submittal Requirements.

TABLE 4-8-120A

PUBLIC WORKS APPLICATIONS

SUBMITTAL REQUIREMENTS	UTILITY CONSTRUCTION PERMIT (SEWER AND/OR WATER)	STORMWATER CONSTRUCTION PERMIT	ROADWAY CONSTRUCTION PERMIT	COMBINED PERMIT (INCLUDES PLATS)	APA OPERATING PERMIT	APA CLOSURE PERMIT
Closure Permit Application Form						1(b)
Construction Permit Application Form						
Construction Mitigation Description	3	3	3	4		
Drainage Plans		3	3	3		
Drainage Report		2	2	2		
Erosion Control Plan (Temporary)	3	3	3	3		
Geotechnical Report	3	2	1	2		
Grading Plans		3	3	3		
Hazardous Materials Management Statement	1(b)	1(b)	1(b)	1(b)		
Landscape Plan Detailed	3	3	3	3		
Neighborhood Detail Map	3	3	3	3		
Operating Permit Application					1	
Roadway Construction Plans			3	3		
Source Statement for Material	1(b)	1(b)	1(b)	1(b)		
Stream or Lake Study	1(c)	1(c)	1(c)	1(c)		
Street Lighting Plans			3	3		
Topography Map	3	3	3	4		
Tree Retention/Inventory/Land Clearing Plan Approved	3	3	3	3		
Utilities Plans – Engineered	3	3	3	4		
Wetlands Assessment	1(a)	1(a)	1(a)	1(a)		

Biological Assessment/Critical Areas Study

The number of copies required (if any) is indicated for each type of application and each submittal requirement, unless waived by the Development Services Division Plan Review Supervisor. Waiver of aquifer permit submittal requirements may be granted by the Water Utility.

Table 4-8-120A Legend:

- (a) Required when wetlands are present on-site.
- (b) Required when project is located in Zones 1 or 2 of an aquifer protection area.
- (c) A standard stream or lake study is required for any application proposal. A supplemental study is required if an unclassified stream is involved, or if there are proposed alterations of the water body or buffer.

(Ord. 4587, 3-18-1996; Amd. Ord. 4851, 8-7-2000; Ord. 5137, 4-25-2005; Ord. 5304, 9-17-2007; Ord. 5528, 3-8-2010)

(d) only required when project is located in a designated flood plain

Biological Assessment/Critical Area Study

If your project has the potential to impact fish (Chinook salmon, bull trout) or other endangered species habitat (bald eagles), please provide **5 copies** of a *biological assessment*.

Definition: A biological assessment is a written study that adequately evaluates the proposal, all probable impacts and risks related to the critical area, and recommends appropriate mitigation measures to adequately protect the functions and values of the critical area, and preserve anadromous fish and their habitat.

Purpose: The purpose of this assessment is to help the City determine whether a proposed action is likely to: (1) adversely affect listed species or designated critical habitat; (2) jeopardize the continued existence of species that are proposed for listing; or (3) adversely modify proposed critical habitat.

Prepared by a Qualified Professional: A critical area study shall be prepared by a person with experience and training in the scientific discipline appropriate for the relevant critical area in accordance with WAC 365-195-095(4). A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, biological assessment for Fish and Wildlife habitat conservation must have a degree in biology and professional experience related to the subject species.

Incorporating Best Available Science: The study shall use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance and reference the source of the material used. Best available science is that scientific information applicable to the critical area prepared by local state or federal natural resource agencies a qualified scientific professional that is consistent with the criteria established in WAC 365-195-900 through WAC 365-195-925.

Minimum Study Contents: The study shall contain, at a minimum, the following information, as applicable:

1. The name and contact information of the applicant.
2. The dates, names, and qualifications of the persons preparing the study and documentation of any fieldwork performed on the site;
3. A description of the proposal and identification of the permits requested;

4. A site plan showing:
 - a. Identified critical areas, buffers and the development proposal with dimensions;
 - b. Topography at 2' intervals;
 - c. Limits of any areas to be cleared/impacted;
 - d. A description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations.
5. Accurate identification, location, and characterization of critical areas, water bodies, and buffers adjacent to the proposed project area or potentially impacted by the proposed project;
6. A statement specifying the accuracy of the study, assumptions used in the study, and explaining how best available science has been incorporated;
7. Determination of the degree of hazard and risk from the proposal both on the site and on surrounding properties;
8. An assessment of the probable cumulative impacts to the critical areas, their buffers and other properties resulting from the proposal;
9. An evaluation of the project's compliance with sections 7 and 9 of the Endangered Species Act;
10. A description of reasonable efforts made to apply mitigation sequencing to avoid, minimize, and mitigate impacts to critical areas;
11. Plans for adequate mitigation to offset any impacts and an explanation of how best management practices will be used to minimize impacts to critical areas; and
12. Recommendations for maintenance, short-term and long-term monitoring, contingency plans and security requirements.