

CITY OF RENTON, WASHINGTON

ORDINANCE NO. 5633

**AN ORDINANCE OF THE CITY OF RENTON, WASHINGTON, AMENDING SECTIONS 4-3-090 OF CHAPTER 3, ENVIRONMENTAL REGULATIONS AND OVERLAY DISTRICTS, 4-8-120 OF CHAPTER 8, PERMITS – GENERAL AND APPEALS, AND 4-9-190 OF CHAPTER 9, PERMITS – SPECIFIC; CHAPTER 10, LEGAL NONCONFORMING STRUCTURES, USES AND LOTS; AND SECTIONS 4-11-010, 4-11-020, 4-11-030, 4-11-060, 4-11-080, 4-11-120, 4-11-130, 4-11-140, 4-11-150, 4-11-160, 4-11-180, 4-11-190, 4-11-220 AND 4-11-230 OF CHAPTER 11, DEFINITIONS, OF TITLE IV (DEVELOPMENT REGULATIONS) OF ORDINANCE NO. 4260 ENTITLED “CODE OF GENERAL ORDINANCES OF THE CITY OF RENTON, WASHINGTON”, ESTABLISHING THE SHORELINE MASTER PROGRAM BY AMENDING SHORELINES REGULATIONS, ADDING A NEW SECTION 4-10-095, ENTITLED “SHORELINE MASTER PROGRAM, NONCONFORMING USES, ACTIVITIES, STRUCTURES, AND SITES”, REVISING AND ADDING SHORELINE MASTER PROGRAM-RELATED DEFINITIONS AND ADOPTING THE SHORELINE MANAGEMENT ELEMENT OF THE COMPREHENSIVE PLAN, THE SHORELINE ENVIRONMENT OVERLAYS MAP AND THE SHORELINE RESTORATION PLAN.**

**WHEREAS**, the people of the State of Washington enacted the Shoreline Management Act (RCW 90.58) by a vote of the people in 1971; and

**WHEREAS**, the Growth Management Act (RCW 36.70A.480) adds the goals and policies of the Shoreline Management Act as set forth in RCW 90.58.020 as one of the goals of the Growth Management Act without creating an order of priority; and

**WHEREAS**, the Shoreline Management Act (RCW 90.58.080) provides a timetable that requires the City to amend its master program by December 1, 2009, and the City received a grant from the Department of Ecology to support the update process; and

**WHEREAS**, the City developed a comprehensive public involvement plan that provided widespread public notice and held periodic public workshop meetings and public hearings with

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the Planning Commission between Spring 2008 and Spring 2010 and City Council meetings in 2010; and

**WHEREAS**, the City developed a Shoreline Inventory and Characterization document and distributed it for agency and public review and compiled and responded to comments and issued a final document in March 2010; and

**WHEREAS**, the City developed a series of technical memoranda on specific topics relevant to the Shoreline Master Program and held a series of public workshops on the documents and compiled and responded to comments; and

**WHEREAS**, the City issued a Draft Shoreline Master Program in July 2009 and considered and responded to government agency and public comments and prepared a Revised Draft Shoreline Master Program in October 2009, December 2009, February 2010, March 2010, June 2010 and September 2010; and

**WHEREAS**, the City issued a Draft Cumulative Impacts Analysis in July 2009 and considered and responded to government agency and public comments and prepared a Revised Cumulative Impacts Analysis in October 2009 and a Final Cumulative Impacts Analysis in March 2010; and

**WHEREAS**, the City issued a Draft Restoration Plan in October 2009 and considered and responded to government agency and public comments and issued a Final Restoration Plan in March 2010 with minor corrections in June 2010; and

**WHEREAS**, the City Environmental Review Committee issued a Determination of Non-Significance on the proposed Shoreline Master Program on May 10, 2010; and

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**WHEREAS,** such modification and integration of the Shoreline Master Program is intended to protect and provide for the public interest; and

**WHEREAS,** on September 27, 2010, the City Council approved Resolution 4067, approving the Shoreline Master Program and agreed to adopt the Shoreline Master Program by ordinance upon Department of Ecology approval; and

**WHEREAS,** Department of Ecology approved Renton's Shoreline Master Program with only minor changes on March 9, 2011;

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

**SECTION I.** Section 4-3-090, Shoreline Master Program Regulations, 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 deleted in its entirety and shall be replaced with the following:

**4-3-090 SHORELINE MASTER PROGRAM REGULATIONS:**

**A. PROGRAM ELEMENTS:**

The Renton Shoreline Master Program consists of the following elements:

1. The Shoreline Management Element of the Renton Comprehensive Plan.
2. This section RMC 4-3-090 Shoreline Master Program Regulations which are subject to review and approval by the Washington State Department of Ecology pursuant to RCW 90.58.090.
3. RMC Chapter 4-11 Definitions which are subject to review and approval by the Washington State Department of Ecology pursuant to RCW 90.58.090 to

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the extent that they relate to section RMC 4-3-090 or are defined by RCW 90.58.030.

4. RMC section 4-9-190 Shoreline Permits which are subject to review and approval by the Washington State Department of Ecology pursuant to RCW 90.58.090 to the extent that they relate to specific procedural mandates of RCW 90.58.

5. RMC section 4-10-095 Shoreline Non-Conforming Uses, Activities Structures and Sites which are subject to review and approval by the Washington State Department of Ecology pursuant to RCW 90.58.090 to the extent that they relate to specific procedural mandates of RCW 90.58.

6. The Shoreline Restoration Element of the Shoreline Master Program, of which one printed copy in book form has heretofore been filed and is now on file in the office of the City Clerk and made available for examination by the general public, shall not be considered to contain regulations but shall be utilized as a guideline for capital improvements planning by the City and other jurisdictions undertaking ecological restoration activities within Shoreline Management Act jurisdiction.

7. The Shoreline Environment Overlay Map, of which one (1) printed copy has heretofore been filed and is on file in the office of the City Clerk and made available for examination by the general public, and another printed copy of which is available at the Department of Community and Economic Development.

An electronic copy may also be posted online at the City's website  
www.rentonwa.gov.

**B. REGULATED SHORELINES:**

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

**1. Shorelines of Statewide Significance:**

- a. Lake Washington;
- b. Green River (The area within the OHWM of the Green River is not  
within the Renton City Limits, but portions of the two hundred (200)-foot  
shoreline jurisdiction are within city limits).

**2. Shorelines:**

- a. Cedar River;
- b. May Creek from the intersection of May Creek and NE 31st Street in  
the southeast quarter of the southeast quarter of Section 32-24-5E WM;
- c. Black River;
- d. Springbrook Creek from the Black River on the north to SW 43rd  
Street on the south;
- e. Lake Desire (in the City's potential annexation area at the time of  
adoption of the Shoreline Master Program).

**3. The Jurisdictional Area Includes:**

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a. Lands within two hundred feet (200'), as measured on a horizontal plane, from the OHWM, or lands within two hundred feet (200') from floodways, whichever is greater;

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.

**C. SHORELINES OVERLAY DISTRICTS:**

**1. Natural Environment Overlay District:**

a. Designation of the Natural Environment Overlay District: The objectives and criteria for the designation of this district are located in the Shoreline Management Element of the Comprehensive Plan.

b. Application: The location of this district is found on the Shoreline Environment Overlay Map, see RMC 4-3-090A.6, and shall include that portion of the north bank of the Black River lying west of its confluence with Springbrook Creek.

c. Acceptable Activities and Uses: As listed in RMC 4-3-090E Use Regulations.

**2. Urban Conservancy Overlay District:**

a. Designation of the Shoreline Urban Conservancy Environment Overlay District: The objectives and criteria for the designation of this district are located in the Shoreline Management Element of the Comprehensive Plan.

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b. Application: The location of this district is found on the Shoreline Environment Overlay Map, see RMC 4-3-090A.6 and shall include:

- That portion of the Lake Washington shoreline within Gene Coulon Park extending from one hundred feet (100') north of the northerly end of the northernmost driveway to the northerly end of the park.
- May Creek east of Lake Washington, including the open space area within the Barbee Mill site.
- That portion of the south bank of the Cedar River extending from three hundred fifty feet (350') east of I-405 right of way to SR 169.
- The Cedar River, extending from SR 169 to the easterly limit of the Urban Growth Area.
- That portion of Springbrook Creek beginning from approximately SW 27th Street on the north to SW 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 SW 38th Street abutting the City's Wetlands Mitigation Bank shall be designated conservancy.
- Per WAC 176-26-211(2)(e) all areas within shoreline jurisdiction that are not designated within the Shoreline Master Program are automatically assigned to be in the Urban Conservancy Overlay District until the shoreline can be redesignated through a Shoreline Master Program amendment approved by the Washington State Department of Ecology.

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c. Acceptable Activities and Uses: As listed in RMC 4-3-090E Use Regulations.

**3. Single-Family Residential Overlay District:**

a. Designation of the Single-Family Residential Overlay: The objectives and criteria for the designation of this district are located in the Shoreline Management Element of the Comprehensive Plan.

b. Application: The location of this district is found on the Shoreline Environment Overlay Map, see RMC 4-3-090A.6 and shall include those shoreline areas with residential zoning and use located on Lake Washington, the Cedar River and Lake Desire. Publicly owned park and open space areas with residential zoning shall be excluded.

c. Acceptable Activities and Uses: As listed in RMC 4-3-090E Use Regulations.

**4. Shoreline High Intensity Overlay District:**

a. Designation of the High Intensity Overlay District: The objectives and criteria for the designation of this district are located in the Shoreline Management Element of the Comprehensive Plan.

b. Application: The location of this district is found on the Shoreline Environment Overlay Map, see RMC 4-3-090A.6 and shall include:

- The Commercial/Office/Residential (COR) zoning designation generally north of May Creek.



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- The southerly portion of Gene Coulon Park, generally south of and including the over-water walkway, concession areas, parking areas, boat launch areas, and the swimming beach.
- The Urban Center North- 1 (UC-N1), Urban Center North-2 (UC-N2), and Industrial- Heavy zoned (IH) areas along the south shoreline of Lake Washington, the Municipal Airport, and adjacent COR designated areas.
- The Cedar River from the mouth to I-405.
- The north side of the Cedar River east of I-405 within areas of COR zoning designation.
- Areas of Springbrook Creek not in Natural or Urban Conservancy overlays.

c. Acceptable Activities and Uses: Subject to RMC 4-3-090E Use Regulations, which allows land uses in RMC Chapter 4-2 in this overlay district, subject to the preference for water-dependent and water-oriented uses. Uses adjacent to the water's edge and within buffer areas are reserved for water-oriented development, public/community access, and/or ecological restoration.

**5. Shoreline High Intensity – Isolated Lands - Overlay District:**

**a. Designation of the High Intensity – Isolated Lands – Overlay District:**

The objectives and criteria for the designation of this district are located in the Shoreline Management Element of the Comprehensive Plan.

**b. Application:** The location of this district is found on the Shoreline Environment Overlay Map, see RMC 4-3-090A.6, and shall include:

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i. Areas within shoreline jurisdiction of the Green River but isolated by the intervening railroad right-of-way.

ii. Areas immediately north of the Cedar River (right bank) and north of Riverside Drive between Williams Avenue South and Bronson Way North.

c. **Acceptable Activities and Uses:** Allowed uses are detailed in RMC 4-3-090E.1 Shoreline Use Table. The shoreline regulations that apply within this overlay are the land use regulations of Title IV, Development Regulations, of the Renton Municipal Code, subject to the permit and procedural requirements of the Shoreline Master Program. In most cases, the performance standards in this section do not apply to development or uses in this overlay.

**6. Aquatic Shoreline Overlay District:**

a. **Designation of the Aquatic Overlay District:** The objectives and criteria for the designation of this district are located in the Shoreline Management Element of the Comprehensive Plan.

b. **Application:** The Aquatic Overlay District is defined as the area waterward of the OHWM of all streams and rivers, all marine water bodies, and all lakes, constituting shorelines of the state together with their underlying lands and their water column; but do not include associated wetlands and other shorelands shoreward of the OHWM. This designation is not found on the Shoreline Environment Map, but shall be assigned based on the description above.

c. Acceptable Activities and Uses: Subject to RMC 4-3-090E Use Regulations, water-dependent uses and a limited range of water-oriented uses are allowed in the Aquatic Overlay, subject to provision of shoreline ecological enhancement and public access.

**D. GENERAL DEVELOPMENT STANDARDS:**

**1. Applicability:** This section shall apply to all use and development activities within the shoreline. Items included here will not necessarily be repeated in RMC 4-3-090E Use Regulations, and shall be used in the evaluation of all shoreline permits.

Renton Municipal Code provisions in Title IV Development Regulations, Chapter 4, City-wide Property Development Standards (RMC 4-4) contain regulations and standards governing site development of property city-wide, such as parking, landscaping, fencing, and others. Such provisions shall apply within shoreline jurisdictions unless there is a conflict with the standards set forth by the Shoreline Master Program. In case of conflict, the standards set forth in the Shoreline Master Program shall prevail.

**2. Environmental Effects:**

**a. No Net Loss of Ecological Functions:**

i. No net loss required: Shoreline use and development shall be carried out in a manner that prevents or mitigates adverse impacts to ensure no net loss of ecological functions and processes in all development and use. Permitted uses are designed and conducted to minimize, in so far as practical,

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any resultant damage to the ecology and environment (RCW 90.58.020).

Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food chain support, and water temperature maintenance. Shoreline processes that shall be protected include, but are not limited to, water flow; erosion and accretion; infiltration; ground water recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.

ii. Impact Evaluation Required: In assessing the potential for net loss of ecological functions or processes, project-specific and cumulative impacts shall be considered and mitigated on- or off-site.

iii. Evaluation of Mitigation Sequencing Required: An application for any permit or approval shall demonstrate all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions. Mitigation shall occur in the following prioritized order:

(a) Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action.

(b) Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts.

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(c) Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment.

(d) Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of the action.

(e) Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments and monitoring the adverse impact and taking appropriate corrective measures.

**b. Burden on Applicant:** Applicants for permits have the burden of proving that the proposed development is consistent with the criteria set forth in the Shoreline Master Program and the Shoreline Management Act, including demonstrating all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions.

**c. Critical Areas within Shoreline Jurisdiction:**

i. Applicable Critical Area Regulations: The following critical areas shall be regulated in accordance with the provisions of RMC 4-3-050 Critical Area Regulations, adopted by reference except for the provisions excluded in subsection 2, below. Said provisions shall apply to any use, alteration, or development within shoreline jurisdiction whether or not a shoreline permit or written statement of exemption is required. Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered, or land divided without full compliance with the provision adopted by

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reference and the Shoreline Master Program. Within shoreline jurisdiction, the regulations of RMC 4-3-050 shall be liberally construed together with the Shoreline Master Program to give full effect to the objectives and purposes of the provisions of the Shoreline Master Program and the Shoreline Management Act. If there is a conflict or inconsistency between any of the adopted provisions below and the Shoreline Master Program, the most restrictive provisions shall prevail.

(a) Aquifer protection areas.

(b) Areas of special flood hazard.

(c) Sensitive slopes, twenty-five percent (25%) to forty percent (40%), and protected slopes, forty percent (40%) or greater.

(d) Landslide hazard areas.

(e) High erosion hazards.

(f) High seismic hazards.

(g) Coal mine hazards.

(h) Fish and wildlife habitat conservation areas: Critical habitats.

(i) Fish and wildlife habitat conservation areas: Streams and Lakes: Classes 2 through 5 only.

ii. Inapplicable Critical Area Regulations: The following provisions of RMC 4-3-050 Critical Area Regulations shall not apply within shoreline jurisdiction:

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(a) RMC 4-3-050N Alternates, Modifications and Variances, Subsections 1 and 3 Variances, and

(b) RMC 4-9-250 Variances, Waivers, Modifications and Alternatives.

(c) Wetlands, including shoreline associated wetlands, unless specified below.

iii. Critical Area Regulations for Class 1 Fish Habitat Conservation Areas: Environments designated as Natural or Urban Conservancy shall be considered Class 1 Fish Habitat Conservation Areas. Regulations for fish habitat conservation areas Class 1 Streams and Lakes are contained within the development standards and use standards of the Shoreline Master Program, including but not limited to RMC 4-3-090F.1 Vegetation Conservation, which establishes vegetated buffers adjacent to water bodies and specific provisions for use and for shoreline modification in Subsections 4-3-090E and 4-3-090F. There shall be no modification of the required setback and buffer for non-water dependent uses in Class 1 Fish Habitat Conservation areas without an approved shoreline conditional use permit.

iv. Alternate Mitigation Approaches: To provide for flexibility in the administration of the ecological protection provisions of the Shoreline Master Program, alternative mitigation approaches may be applied for as provided in RMC 4-3-050N Alternates, Modifications and Variances, subsection 2. Modifications within shoreline jurisdiction may be approved for those critical

areas regulated by that section as a Shoreline Conditional Use Permit where such approaches provide increased protection of shoreline ecological functions and processes over the standard provisions of the Shoreline Master Program and are scientifically supported by specific studies performed by qualified professionals.

**d. Wetlands within Shoreline Jurisdiction:**

i. Wetland Identification: Wetlands shall be identified in accordance with the requirements of RCW 36.70A.175 and 90.58.380. Unless otherwise provided for in this Chapter, all areas within the City meeting the criteria in the Washington State Wetland Identification and Delineation Manual, (Ecology Publication 96-94) regardless of any formal identification are hereby designated critical areas and are subject to the provisions of this Chapter.

ii. Wetland Rating System: Wetlands shall be rated based on categories that reflect the functions and values of each wetland. Wetland categories shall be based on the criteria provided in the Washington State Wetland Rating System for Western Washington, revised August 2004 (Ecology Publication #04-06-025). These categories are generally defined as follows:

(a) Category I Wetlands: Category I wetlands are those wetlands of exceptional value in terms of protecting water quality, storing flood and storm water, and/or providing habitat for wildlife as indicated by a rating system score of seventy (70) points or more. These are wetland communities of infrequent occurrence that often provide documented habitat for critical,



threatened or endangered species, and/or have other attributes that are very difficult or impossible to replace if altered.

(b) Category II Wetlands: Category II wetlands have significant value based on their function as indicated by a rating system score of between fifty-one (51) and sixty-nine (69) points. They do not meet the criteria for Category I rating but occur infrequently and have qualities that are difficult to replace if altered.

(c) Category III Wetlands: Category III wetlands have important resource value as indicated by a rating system score of between thirty (30) and fifty (50) points.

(d) Category IV Wetlands: Category IV wetlands are wetlands of limited resource value as indicated by a rating system score of less than thirty (30) points. They typically have vegetation of similar age and class, lack special habitat features, and/or are isolated or disconnected from other aquatic systems or high quality upland habitats.

iii. Wetland Review and Reporting Requirements: A wetland assessment study shall be required.

iv. Wetland Buffers:

(a) Buffer Required: Wetland buffer zones shall be required for all regulated activities adjacent to regulated wetlands. Any wetland created, restored or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created,

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restored or enhanced wetland. All buffers shall be measured from the wetland boundary as surveyed in the field. Buffers shall not include areas that are functionally and effectively disconnected from the wetland by a permanent road or other substantially developed surface of sufficient width and with use characteristics such that buffer functions are not provided and that cannot be feasibly removed, relocated or restored to provide buffer functions.

(b) Buffer May Be Increased: The buffer standards required by this Chapter presume the existence of a dense vegetation community in the buffer adequate to protect the wetland functions and values. When a buffer lacks adequate vegetation, the Administrator of the Department of Community and Economic Development or designee may increase the standard buffer, require buffer planting or enhancement, and/or deny a proposal for buffer reduction or buffer averaging.

(c) Minimum Buffer Width:

<u>Wetland Category</u>	<u>Low Wildlife Function (less than 20 points)</u>	<u>Moderate Wildlife Function (20 – 28 points)</u>	<u>High Wildlife Function (29 or more points)</u>
	<u>Buffer Width (feet)</u>		
Category IV	50	50	50 <sup>1</sup>
Category III	75	125	150 <sup>1</sup>
Category II	100	150	225
Category I	125	150	225

1. Habitat scores over 26 points would be very rare for Category III wetlands and almost impossible for Category IV wetlands that have a total rating of 30 or less.

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(d) Buffer Requirements for Wetland Mitigation Banks: Where wetland mitigation sites or wetland banks have been approved, required buffers shall be as specified in the mitigation site or wetland bank approval.

(e) Increased Buffer for Steep Slopes: Where lands within the wetland buffer have an average continuous slope of twenty percent (20%) to thirty-five percent (35%), and the required buffer width is less than one hundred feet (100'), the buffer shall extend to a thirty percent (30%) greater dimension. In all cases, where slopes within the buffers exceed thirty-five percent (35%), the buffer shall extend twenty-five feet (25') beyond the top of the bank of the sloping area or to the end of the buffer associated with a geological hazard if one is present, whichever is greater.

v. Provisions for Small Isolated Wetlands: All wetlands shall be regulated regardless of size, provided that the Administrator of the Department of Community and Economic Development or designee shall assure that preservation of isolated wetlands and associated buffers of less than ten thousand (10,000) square feet of combined wetland and buffer shall maintain effective wetland functions, or be mitigated as provided below.

(a) Wetlands and associated buffers of one thousand (1,000) square feet or less may be displaced when the wetland meets all of the following criteria, as documented in a wetland mitigation plan:

(1) The wetland is not associated with a riparian corridor;

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(2) The wetland is not part of a wetland mosaic, or collection of small wetlands that are hydrologically related to one another;

(3) The wetland does not contain habitat identified as essential for local populations of priority species identified by Washington Department of Fish and Wildlife;

(4) Impacts of displaced wetlands are mitigated pursuant to subsection x, below.

(b) Category III and IV wetlands and buffers between one thousand (1,000) and four thousand (4,000) square feet may be displaced provided that all of the following criteria are documented in a wetland mitigation plan:

(1) The wetland does not score twenty (20) points or greater for habitat in the 2004 Western Washington Rating System;

(2) The wetland is depressional and is recharged only by precipitation, interflow or groundwater and adjacent development cannot assure a source of recharge to maintain its hydrologic character through stormwater infiltration, or other means;

(3) The wetlands does not have a potential to reduce flooding or erosion or has the potential to maintain or improve water quality as evidenced by a score of at least ten (10) points on the applicable criteria of the Wetland Rating Form for Western Washington;

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(4) The total area of the combined wetland and buffer is ten thousand (10,000) square feet or less and:

(A) It does not achieve a score of at least twenty (20) points on the Habitat Functions criteria of the Wetland Rating Form for Western Washington; and

(B) The wetland and buffer is not connected to a larger open space complex which may include, but is not limited to a stream buffer, a buffer associated with a geological hazard, or other designated open space buffer sufficient to allow movement of terrestrial wildlife to and from the wetland and buffer complex without interruption by roads, paved areas or buildings within fifty feet (50').

(5) Impacts of displaced wetlands are mitigated pursuant to subsection x, below.

vi. Wetland Buffer Averaging: The Administrator of the Department of Community and Economic Development or designee may average wetland buffer widths on a case-by-case basis when the applicant demonstrates through a wetland study to the satisfaction of the Administrator of the Department of Community and Economic Development or designee that all the following criteria are met:

(a) The wetland has significant differences in characteristics that affect its habitat functions, such as a wetland with a forested component

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adjacent to a degraded emergent component or a "dual-rated" wetland with a Category I area adjacent to a lower rated area;

(b) The buffer is increased adjacent to the higher-functioning area of habitat or more sensitive portion of the wetland and decreased adjacent to the lower functioning or less sensitive portion;

(c) The total area of the buffer after averaging is equal to the area required without averaging and all increases in buffer dimension for averaging are generally parallel to the wetland edge;

(d) The buffer at its narrowest point is never less than three quarters (3/4) of the required width.

vii. Reasonable Use: Wetland buffer averaging to allow reasonable use of a parcel may be permitted when all of the following are met:

(a) There are no feasible alternatives to the site design that could be accomplished without buffer averaging;

(b) The averaged buffer will not result in degradation of the wetland's functions and values as demonstrated by a wetland assessment study;

(c) The total buffer area after averaging is equal to the area required without averaging and all increases in buffer dimension for averaging are generally parallel to the wetland edge;

(d) The buffer at its narrowest point is never less than three quarters (3/4) of the required width except where the Administrator of the Department of Community and Economic Development or designee finds that

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there is an existing feature such as a roadway that limits buffer dimension, or an essential element of a proposed development such as access that must be accommodated for reasonable use and requires a smaller buffer.

viii. Wetland Buffer Increase Allowed: The Administrator of the Department of Community and Economic Development or designee may increase the width of the standard buffer width on a case-by-case basis, based on a critical area study, when a larger buffer is required to protect critical habitats as outlined in RMC 4-3-050K, or such increase is necessary to:

(a) Protect the function and value of that wetland from proximity impacts of adjacent land use, including noise, light and other disturbance, not sufficiently limited by buffers provided above;

(b) To maintain viable populations of priority species of fish and wildlife; or

(c) Protect wetlands or other critical areas from landslides, erosion or other hazards.

ix. Allowed activities in wetlands and buffers: The following uses and activities may be allowed in wetlands or buffer areas by the Administrator of the Department of Community and Economic Development or designee subject to the priorities, protection, and mitigation requirements of this section:

(a) Utilities: Utility lines and facilities providing local delivery service, not including facilities such as electrical substations, water and sewage pumping stations, water storage tanks, petroleum products pipelines and not

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including transformers or other facilities containing hazardous substances, may be located in Category I, II, III, and IV wetlands and their buffers and/or Category I wetland buffers if the following criteria are met:

(1) There is no reasonable location or route outside the wetland or wetland buffer based on analysis of system needs, available technology and alternative routes. Location within a wetland buffer shall be preferred over a location within a wetland;

(2) The utility line is located as far from the wetland edge as possible and in a manner that minimizes disturbance of soils and vegetation;

(3) Clearing, grading, and excavation activities are limited to the minimum necessary to install the utility line, which may include boring, and the area is restored following utility installation;

(4) Buried utility lines shall be constructed in a manner that prevents adverse impacts to subsurface drainage. This may include the use of trench plugs or other devices as needed to maintain hydrology;

(5) Impacts on wetland functions are mitigated in accordance with subsection x, below.

(b) Roadways, Railways, and Bridges: Public and private roadways and railroad facilities, including bridge construction and culvert installation, if the following criteria are met:

(1) There is no reasonable location or route outside the wetland or wetland buffer based on analysis of system needs, available



technology and alternative routes. Location within a wetland buffer shall be preferred over a location within a wetland;

(2) Facilities parallel to the wetland edge are located as far from the wetland edge as possible and in a manner that minimizes disturbance of soils and vegetation;

(3) Clearing, grading, and excavation activities are limited to the minimum necessary, which may include placement on elevated structures as an alternative to fill, where feasible;

(4) Impacts on wetland functions are mitigated in accordance with subsection x, below.

(c) Access to Private Development Sites: Access to private development sites may be permitted to cross Category II, III, or IV wetlands or their buffers, pursuant to the criteria in B above, provided that alternative access shall be pursued to the maximum extent feasible, including through the provisions of RCW 8.24. Exceptions or deviations from technical standards for width or other dimensions, and specific construction standards to minimize impacts may be specified, including placement on elevated structures as an alternative to fill, if feasible.

(d) Existing Facilities: Maintenance, repair, or operation of existing structures, facilities, or improved areas, including minor modification of existing serviceable structures within a buffer zone where modification does not

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adversely impact wetland functions, and subject to the provisions for non-conforming use and facilities in RMC 4-10.

(e) Stormwater Facilities: Stormwater conveyance or discharge facilities such as dispersion trenches, level spreaders, and outfalls may be permitted within a Category I, II, III, or IV wetland buffer on a case by case basis if the following are met:

(1) Due to topographic or other physical constraints, there are no feasible locations for these facilities to discharge to surface water through existing systems or outside the buffer. Locations and designs that infiltrate water shall be preferred over a design that crosses the buffer;

(2) The discharge is located as far from the wetland edge as possible and in a manner that minimizes disturbance of soils and vegetation and avoids long term rill or channel erosion.

(f) Recreational or Educational Activities: Outdoor recreational or educational activities which do not significantly affect the function of the wetland or regulated buffer (including wildlife management or viewing structures, outdoor scientific or interpretive facilities, trails, hunting blinds, etc.) may be permitted within a Category II, III, or IV wetlands or their buffers and within a Category I wetland buffer if the following criteria are met:

(1) Trails shall not exceed four feet (4') in width and shall be surfaced with gravel or pervious material, including boardwalks;

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(2) The trail or facility is located in the outer fifty percent (50%) of the buffer area unless a location closer to the wetland edge or within the wetland is required for interpretive purposes;

(3) The trail or facility is constructed and maintained in manner that minimizes disturbance of the wetland or buffer. Trails or facilities within wetlands shall be placed on an elevated structure as an alternative to fill;

(4) Wetland mitigation in accordance with subsection x, below.

x. Wetland Mitigation Requirements: Activities that adversely affect wetlands and/or wetland buffers shall include mitigation sufficient to achieve no net loss of wetland function and values in accordance with RMC 4-3-090D.7 and this subsection. Compensatory mitigation shall be provided for all wetland alternation and shall re-establish, create, rehabilitate, enhance, and/or preserve equivalent wetland functions and values.

(a) Preferred Mitigation Sequence: Mitigation sequencing shall take place in the prioritized order provided for in RMC 4-3-090D.2.a.iii.

(b) Consistency with Policies and Publications Required: Wetland mitigation requirements shall be consistent with the applicable standards for studies and assessment in Chapter 6 of: Washington State Department of Ecology, U.S. Army Corps of Engineers Seattle District, and U.S. Environmental Protection Agency Region 10, March 2006; Wetland Mitigation in Washington State -- Part 1: Agency Policies and Guidance (Version 1); and

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Washington State Department of Ecology Publication #06-06-011a, Olympia, WA,  
except in cases when this code provides differing standards.

(c) Wetland alterations: Compensation for wetland  
alterations shall occur in the following order of preference:

i. Re-establishing wetlands on upland sites that were  
formerly wetlands.

ii. Rehabilitating wetlands for the purposes of repairing or  
restoring natural and/or historic functions.

iii. Creating wetlands on disturbed upland sites such as those  
consisting primarily of nonnative, invasive plant species.

iv. Enhancing significantly degraded wetlands.

v. Preserving Category I or II wetlands that are under  
imminent threat, provided that preservation shall only be allowed in  
combination with other forms of mitigation and when the Administrator of the  
Department of Community and Economic Development or designee determines  
that the overall mitigation package fully replaces the functions and values lost  
due to development.

(d) Mitigation Ratios for Wetland Impacts: Compensatory  
mitigation for wetland alterations shall be based on the wetland category and  
the type of mitigation activity proposed. The replacement ratio shall be  
determined according to the ratios provided in the table below. The created, re-  
established, rehabilitated, or enhanced wetland area shall at a minimum provide

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a level of function equivalent to the wetland being altered and shall be located in an appropriate landscape setting.

	Wetland Mitigation Type and Replacement Ratio*			
Wetland Category	Creation	Re-establishment	Rehabilitation	Enhancement Only
Category IV	1.5:1	1.5:1	2:1	3:1
Category III	2:1	2:1	3:1	4:1
Category II	3:1	3:1	4:1	6:1
Category I	6:1	6:1	8:1	Not allowed

\*Ratio is the replacement area: impact area.

(e) Mitigation Ratio for Wetland Buffer Impacts:

Compensation for wetland buffer impacts shall occur at a minimum 1:1 ratio.

Compensatory mitigation for buffer impacts shall include enhancement of degraded buffers by planting native species, removing structures and impervious surfaces within buffers, and other measures.

(f) Special Requirements for Mitigation Banks: Mitigation

banks shall not be subject to the replacement ratios outlined in the replacement ratio table above, but shall be determined as part of the mitigation banking agreement and certification process.

(g) Buffer Requirements for Replacement Wetlands:

Replacement wetlands established pursuant to these mitigation provisions shall have adequate buffers to ensure their protection and sustainability. The buffer shall be based on the category in subsection c.ii, above, provided that the

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Administrator of the Department of Community and Economic Development or designee shall have the authority to approve a smaller buffer when existing site constraints (such as a road) prohibit attainment of the standard buffer.

(h) Adjustment of Ratios: The Administrator of the Department of Community and Economic Development or designee shall have the authority to adjust these ratios when a combination of mitigation approaches is proposed. In such cases, the area of altered wetland shall be replaced at a 1:1 ratio through re-establishment or creation, and the remainder of the area needed to meet the ratio can be replaced by enhancement at a 2:1 ratio. For example, impacts to one (1) acre of a Category II wetland requiring a 3:1 ratio for creation can be compensated by creating one (1) acre and enhancing four (4) acres (instead of the additional two (2) acres of creation that would otherwise be required).

(i) Location: Compensatory mitigation shall be provided on-site or off-site in the location that will provide the greatest ecological benefit and have the greatest likelihood of success, provided that mitigation occurs as close as possible to the impact area and within the same watershed sub-basin as the permitted alteration.

(j) Protection: All mitigation areas whether on- or off-site shall be permanently protected and managed to prevent degradation and ensure protection of critical area functions and values into perpetuity. Permanent

protection shall be achieved through deed restriction or other protective covenant in accordance with RMC 4-3-050E.4.

(k) Timing: Mitigation activities shall be timed to occur in the appropriate season based on weather and moisture conditions and shall occur as soon as possible after the permitted alteration.

(l) Wetland Mitigation Plans Required: Wetland mitigation plans shall be prepared in accordance with RMC 4-3-050M.16. All compensatory mitigation projects shall be monitored for a period necessary to establish that performance standards have been met, but generally not for a period less than five (5) years. Reports shall be submitted quarterly for the first year and annually for the next five (5) years following construction and subsequent reporting shall be required if applicable to document milestones, successes, problems, and contingency actions of the compensatory mitigation. The Administrator of the Department of Community and Economic Development or designee shall have the authority to modify or extend the monitoring period and require additional monitoring reports for up to ten (10) years when any of the following conditions apply:

- i. The project does not meet the performance standards identified in the mitigation plan;
- ii. The project does not provide adequate replacement for the functions and values of the impacted critical area;

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iii. The project involves establishment of forested plant communities, which require longer time for establishment.

xi. Development Standards Near Wetlands: Development standards for adjacent development shall minimize adverse effects on the wetland, and shall include:

(a) Subdivision of land shall assure that each lot has sufficient building area outside wetlands and buffers. Lots in subdivisions shall be oriented whenever feasible to provide a rear yard of at least twenty feet (20') between the buffer area and buildings;

(b) Fencing shall be provided at the perimeter of residential development to limit domestic animal entry into wetlands and buffer areas;

(c) Activities that generate noise shall be located as far from the wetland and buffer as feasible. Roads, driveways, parking lots and loading areas, mechanical or ventilating equipment shall be located on sides of buildings away from the wetland, or separated by noise attenuating walls;

(d) Light penetration into buffer areas and wetlands shall be limited by locating areas requiring exterior lighting away from the wetland boundary, or limiting light mounting heights to a maximum of four feet (4). Windows that will be lit at night should be minimized on the side of buildings facing wetlands and buffers, or screened as provided below;



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(e)     Runoff should be routed to infiltration systems, to the maximum extent feasible, to provide groundwater interflow recharge to wetlands and/or water bodies and to limit overland flow and erosion;

(f)     Surface or piped storm water should be routed to existing conveyances or to other areas, wherever hydraulic gradients allow. Where storm water is routed to wetlands, system design shall assure that erosion and sedimentation will be avoided to the maximum extent feasible;

(g)     To prevent channelized flow from lawns and other landscaped areas from entering the buffer, and to prevent washing of fertilizers, herbicides and pesticides into the buffer, if slopes adjacent to the buffer exceed fifteen percent (15%), a ten feet (10') wide swale to intercept runoff or other effective interception facility approved by the Administrator of the Department of Community and Economic Development or designee shall be provided at the edge of the buffer;

(h)     Adopt and implement an integrated pest management system including limiting use of fertilizers, herbicides and pesticides within 25 feet of the buffer.

xii. Vegetation Management Plan Required: In order to maintain effective buffer conditions and functions, a vegetation management plan shall be required for all buffer areas, to include:

(a)     Maintaining adequate cover of native vegetation including trees and understory; if existing tree cover is less than a density of twenty (20)

trees per acre, planting shall be required consisting of seedlings at a density of three hundred (300) stems per acre or the equivalent;

(b) Providing a dense screen of native evergreen trees at the perimeter of the buffer. If existing vegetation is not sufficient to prevent viewing adjacent development from within the buffer. Planting shall be required equivalent to two (2) rows of three feet (3') high stock of native evergreens at a triangular spacing of fifteen feet (15'), or three (3) rows of gallon containers at a triangular spacing of eight feet (8'). Fencing may be required if needed to block headlights or other sources of light or to provide an immediate effective visual screen;

(c) Providing a plan for control of invasive weeds, and removal of existing invasive species;

(d) Providing for a monitoring and maintenance plan for a period of at least five (5) years, except this provision may be waived for single family residential lots at the discretion of the Administrator of the Department of Community and Economic Development or designee.

**e. Development Standards for Aquatic Habitat**

i. Stormwater Requirements: Development shall provide stormwater management facilities including water quality treatment designed, constructed, and maintained in accordance with the current stormwater management standards. Water quality treatment facilities shall be provided for

moderate alteration of non-conforming structures, uses and sites as provided for in RMC 4-10-095.

ii. Erosion and Sediment Control Requirements: Best management practices for control of erosion and sedimentation shall be implemented for all development in shorelines through approved temporary erosion and sediment control plan, or administrative conditions.

iii. Lighting Requirements: Nighttime lighting shall be designed to avoid or minimize interference with aquatic life cycles through avoidance of light sources that shine directly onto the water. Exterior lighting fixtures shall include full cut off devices such that glare or direct illumination does not extend into water bodies. Lighting shall include timers or other switches to ensure that lights are extinguished when not in use.

**3. Use Compatibility and Aesthetic Effects:**

a. General: Shoreline use and development activities shall be designed and operated to allow the public's visual access to the water and shoreline and maintain shoreline scenic and aesthetic qualities that are derived from natural features, such as shoreforms and vegetative cover.

b. View Obstruction and Visual Quality: The following standards and criteria shall apply to developments and uses within the jurisdiction of the Shoreline Master Program:

i. View Corridors Required: Where commercial, industrial, multiple use, multi-family and/or multi-lot developments are proposed, primary

structures shall provide for view corridors between buildings where views of the shoreline are available from public right-of-way or trails.

ii. Maximum Building Height: Buildings shall be limited to a height of no more than thirty-five feet (35') above average finished grade level except at specific locations specified in Shoreline Bulk Standards Table RMC 4-3-090D.7.

iii. Minimum Setbacks for Commercial Development Adjacent to Residential or Park Uses: All new or expanded commercial development adjacent to residential use and public parks shall provide fifteen feet (15') setbacks from adjacent properties to attenuate proximity impacts such as noise, light and glare, and may address scale and aesthetic impacts. Fencing or landscape areas may be required to provide a visual screen.

iv. Lighting Requirements: Display and other exterior lighting shall be designed and operated so as to prevent glare, to avoid illuminating nearby properties used for non-commercial purposes, and to prevent hazards for public traffic. Methods of controlling spillover light include, but are not limited to, limits on the height of light structure, limits on light levels of fixtures, light shields, and screening.

v. Reflected Lights to be Limited: Building surfaces on or adjacent to the water shall employ materials that limit reflected light.

vi. Integration and Screening of Mechanical Equipment: Building mechanical equipment shall be incorporated into building architectural features, such as pitched roofs, to the maximum extent feasible. Where mechanical

equipment cannot be incorporated into architectural features, a visual screen shall be provided consistent with building exterior materials that obstructs views of such equipment.

vii. Visual Prominence of Freestanding Structures to be Minimized:

Facilities not incorporated into buildings including fences, piers, poles, wires, lights, and other free-standing structures shall be designed to minimize visual prominence.

viii. Maximum Stair and Walkway Width: Stairs and walkways located

within shoreline vegetated buffers shall not exceed four feet (4') in width; provided that, where ADA requirements apply, such facilities may be increased to six feet (6') in width. Stairways shall conform to the existing topography to the extent feasible.

ix. Other Design Standards: Any other design standards included in

community plans or regulations adopted by the City shall be incorporated.

c. Community Disturbances: Noise, odors, night lighting, water and

land traffic, and other structures and activities shall be considered in the design plans and their impacts avoided or mitigated.

d. Design Requirements: Architectural styles, exterior designs,

landscaping patterns, and other aspects of the overall design of a site shall be in conformance with urban design and other standards contained in RMC 4-3-100 Urban Design Regulations, and other applicable provisions of RMC Title IV,

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Development Regulations, as well as specific policies and standards of the Shoreline Master Program.

e. Screening Required: The standards in RMC 4-4-095 concerning screening of mechanical equipment and outdoor service and storage areas shall apply within shorelines with the additional criteria that the provisions for bringing structures or sites into conformance shall occur for minor alteration or renovation as provided in RMC 4-9-190.

**4. Public Access:**

a. Physical or Visual Access Required for New Development: Physical or visual access to shorelines shall be incorporated in all new development when the development would either generate a demand for one (1) or more forms of such access, would impair existing legal access opportunities or rights, or is required to meet the specific policies and regulations of the Shoreline Master Program. A coordinated program for public access for specified shoreline reaches is established in the Comprehensive Plan, Shoreline Policy SH-31 Table of Public Access Objectives by Reach Element, Policy SH-31 with provisions for public access, including off-site facilities designated in the table Public Access Requirements by Reach in RMC 4-3-090D.4.f.

b. Public Access Required: Public access shall be provided for the following development, subject to the criteria in subsection d.

i. Water-dependent uses and developments that increase public use of the shorelines and public aquatic lands, or that would impair existing legal

access opportunities, or that utilize public harbor lands or aquatic lands, or that are developed with public funding or other public resources.

ii. Non-water-dependent development and uses shall provide community and/or public access consistent with the specific use standards in RMC 4-3-090E Use Regulations unless ecological restoration is provided.

iii. Developments of more than ten (10) single-family residential lots or single-family dwelling units, including subdivision, within a proposal or a contiguously owned parcel are required to provide public access. Developments of more than four (4), but less than ten (10) single-family residential lots or single-family dwelling units, including subdivision, within a proposal or a contiguously owned parcel are required to provide community access.

iv. Development of any non-single family residential development or use consistent with the specific use standards in RMC 4-3-090E.9 Residential Development.

v. Any use of public aquatic lands, except as related to single-family residential use of the shoreline, including docks accessory to single-family residential use.

vi. Publicly financed or subsidized flood control or shoreline stabilization shall not restrict public access to the shoreline and shall include provisions for new public access to the maximum extent feasible.

vii. Public access provided by shoreline street ends, public utilities, and rights of way shall not be diminished by any public or private development or use (RCW 35.79.035 and RCW 36.87.130).

c. Criteria for Modification of Public Access Requirements: The requirements for public access may be modified as a Shoreline Conditional Use for any application in which the following criteria are demonstrated to be met in addition to the general criteria for a shoreline conditional use permit. In cases where a Substantial Development Permit is not required, use of this waiver or modification may take place only through a shoreline variance. It is the responsibility of the applicant to demonstrate that the criteria are met. As a condition of modification of access requirements, contribution to an off-site public access site shall be required.

i. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means.

ii. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.

iii. The cost of providing the access, or mitigating the impacts of public access, is unreasonably disproportionate to the total long-term development and operational cost over the life-span of the proposed development.

iv. Significant environmental impacts will result from the public access that cannot be mitigated.



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v. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.

vi. Prior to determining that public access is not required, all reasonable alternatives must be pursued, including but not limited to:

(a) Regulating access by such means as maintaining a gate and/or limiting hours of use;

(b) Designing separation of uses and activities (e.g., fences, terracing, use of one-way glazing, hedges, landscaping, etc.); and

(c) Providing for specific facilities for public visual access, including viewing platforms that may be physically separated from the water's edge, but only if access adjacent to the water is precluded.

**d. Design Criteria for Public Access Sites:** Public access shall incorporate the following location and design criteria:

i. Walkways or Trails Required in Vegetated Open Space: Public access on sites where vegetated open space is provided along the shoreline shall consist of a public pedestrian walkway parallel to the OHWM of the property. The walkway shall be buffered from sensitive ecological features, may be set back from the water's edge, and may provide limited and controlled access to sensitive features and the water's edge where appropriate. Fencing may be provided to control damage to plants and other sensitive ecological features and where appropriate. Trails shall be constructed of permeable materials and

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limited to four (4) to six (6) feet in width to reduce impacts to ecologically sensitive resources.

ii. Access Requirements for Sites Without Vegetated Open Space:

Public access on sites or portions of sites not including vegetated open space shall be not less than ten percent (10%) of the developed area within shoreline jurisdiction or three thousand (3,000) square feet, whichever is greater, on developments including non-water-dependent uses. For water-dependent uses, the amount and location may be varied in accordance with the criteria in subsection 4-3-090F.3. Public access facilities shall extend along the entire water frontage, unless such facilities interfere with the functions of water-dependent uses. The minimum width of public access facilities shall be ten feet (10') and shall be constructed of materials consistent with the design of the development provided that facilities addressed in the Renton Bicycle & Trails Master Plan shall be developed in accordance with the standards of that plan.

iii. Access Requirements for Overwater Structures: Public access on over-water structures on public aquatic lands, except for docks serving a single-family residence, shall be provided and may include common use of walkway areas. Moorage facilities serving five (5) or more vessels shall provide a publicly accessible area of at least ten feet (10') at or near the end of the structure. Public marinas serving twenty (20) or more vessels may restrict access to specific moorage areas for security purposes as long as an area of at least ten percent (10%) of the over-water structure is available for public access and an area of at

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least twenty (20) square feet is provided at or near the end of the structure.  
Public access areas may be used in common by other users, but may not include  
adjacent moorage that obstructs public access to the edge of the water or  
obstructs views of the water.

iv. Resolution of Different Standards: Where city trail or  
transportation plans and development standards specify dimensions that differ  
from those in subsections i, ii, or iii, above, the standard that best serves public  
access, while recognizing constraints of protection and enhancement of  
ecological functions, shall prevail.

v. Access Requirements Determined by Reach: A coordinated  
program for public access for specified shoreline reaches is established in the  
Comprehensive Plan, Shoreline Management Element, Policy SH-31 Table of  
Public Access Objectives by Reach and in subsection f- Table of Public Access  
Requirements by Reach (RMC 4-3-090D.4.f):

(a) The City shall utilize the reach policies for public access as  
guidance in applying these provisions to individual development sites.

(b) The City shall utilize the reach policies for public access as  
guidance in planning and implementing public projects.

vi. Fund for Off-Site Public Access: The City shall provide a fund for  
off-site public access and may assess charges to new development that do not  
meet all or part of their public access requirements. Such a fund and charges

may be part of or coordinated with park impact fees. Off-site public access shall be developed in accordance with the reach policies for public access.

e. Public Access Development Standards: Public access facilities shall incorporate the following design and other features.

i. Relation to other facilities:

(a) Preferred Location: Public access shall be located adjacent to other public areas, accesses, and connecting trails, connected to the nearest public street, and include provisions for handicapped and physically impaired persons, where feasible.

(b) Parking Requirements: Where public access is within four hundred feet (400') of a public street, on-street public parking shall be provided, where feasible. For private developments required to provide more than twenty (20) parking spaces, public parking may be required in addition to the required parking for the development at a ratio of one (1) space per one thousand (1,000) square feet of public access area up to three (3) spaces and at one (1) space per five thousand (5,000) square feet of public access area for more than three (3) spaces. Parking for public access shall include the parking spaces nearest to the public access area and may include handicapped parking if the public access area is handicapped accessible.

(c) Planned Trails To Be Provided: Where public trails are indicated on the City's transportation, park, or other plans, construction of trails shall be provided within shoreline and non-shoreline areas of a site.

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ii. Design:

(a) General: Design of public access shall provide the general public with opportunity to reach, touch, and enjoy the water's edge and to view the water and the shoreline from adjacent locations and shall be as close horizontally and vertically to the shoreline's edge as feasible, provided that public access does not adversely affect sensitive ecological features or lead to an unmitigated reduction in ecological functions.

(b) Privacy: Design shall minimize intrusions on privacy of adjacent use by avoiding locations adjacent to residential windows and/or outdoor private residential open spaces or by screening or other separation techniques.

iii. Use and Maintenance:

(a) Public Access Required for Occupancy: Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity or in accordance with other provisions for guaranteeing installation through a monetary performance assurance.

(b) Maintenance of Public Access Required: Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.

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(c) Public Access Must be Legally Recorded: Public access provisions on private land shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded prior to the time of building occupancy or plat recordation, whichever comes first.

(d) Maintenance Responsibility: Maintenance of the public access facility shall be the responsibility of the owner unless otherwise accepted by a public or non-profit agency through a formal recorded agreement.

(e) Hours of Access: Public access facilities shall be available to the public twenty-four (24) hours per day unless an alternate arrangement is granted through the initial shoreline permitting process for the project. Changes in access hours proposed after initial permit approval shall be processed as a shoreline conditional use.

(f) Signage Required: The standard state-approved logo or other approved signs that indicate the public's right of access and hours of access shall be installed and maintained by the owner. Such signs shall be posted in conspicuous locations at public access sites and at the nearest connection to an off-site public right of way.

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f. Public Access Requirements by Reach: The following table identifies the performance standards for public access within the shoreline, and shall be applied if required by the use regulations or development standards of the Shoreline Master Program.

<u>SHORELINE REACH</u>	<u>Public Access</u>
<u>Lake Washington</u>	
<u>Lake Washington Reach A and B</u>	<u>Public access shall be provided when lots are subdivided or new non-residential development occurs consistent with standards of this section.</u>
<u>Lake Washington Reach C</u>	<u>The potential for provision of public access from new development will occur after cleanup of the Superfund site with multi-use development, which shall include shoreline access across the entire property, with controlled access to the water's edge, consistent with requirements for vegetation conservation and ecological restoration and provisions for water-dependent use, consistent with standards of this section. Provision of public access from future redevelopment of the Seahawks and Barbee Mill site shall include a continuous public access trail parallel to the shoreline with controlled public access balanced with provisions for ecological restoration, as well as to shared or commercial docks, consistent with standards of this section.</u>
<u>Lake Washington Reach D and E</u>	<u>Public access shall be provided when lots are subdivided or new non-residential development occurs consistent with standards of this section.</u>
<u>Lake Washington Reach F and G</u>	<u>Public access is one element of park functions that should be continued and incorporated in future plans and balanced with goals for recreation and improving ecologic functions.</u>
<u>Lake Washington Reach H</u>	<u>Public access should continue in the future as part of multi-use development of the balance of the property consistent with standards of this section. Development should include supporting water-oriented uses and amenities such as seating and landscaping.</u>
<u>Lake Washington Reach I</u>	<u>Public access is currently not feasible on the three acres of upland state-owned aquatic lands managed by DNR. In the future, if the Boeing site is redeveloped, public access should be provided parallel to the shoreline along the entire property, consistent with standards of this section, together with goals for ecological restoration and water-dependent and water-</u>

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<u>SHORELINE REACH</u>	<u>Public Access</u>
	<u>oriented use.</u>
<u>Lake Washington Reach J</u>	<u>Public access to the Lake Waterfront is provided from the lawn area of the Will Rogers, Wiley Post Memorial Sea Plane Base and should be maintained if such access is not in conflict with the aeronautical use of the property.</u>
<u>Lake Washington Reach K</u>	<u>If redevelopment of non-single-family use occurs, public access shall consist of a public pedestrian walkway parallel to the shoreline along the entire property frontage with controlled access to the water's edge, consistent with standards of this section and requirements for vegetation conservation and ecological restoration. Public access shall be provided when lots are subdivided consistent with standards of this section.</u>
<u>May Creek</u>	
<u>May Creek A</u>	<u>If development occurs adjacent to the streamside, open space standards for vegetation conservation and public access shall be met consistent with standards of this section.</u>
<u>May Creek B</u>	<u>At the time of re-development, public access should be provided consistent with standards of this section from a trail parallel to the water along the entire property with controlled public access to the water consistent with standards of this section, and goals of preservation and enhancement of ecological functions.</u>
<u>May Creek C and D</u>	<u>At the time of development of private lands, public access should be provided consistent with standards of this section from a trail parallel to the water consistent with trails on public land. All trail development should be set back from the water's edge with controlled public access to the water and consistent with standards of this section and goals of preservation and enhancement of ecological functions.</u>
<u>Cedar River</u>	
<u>Cedar River A</u>	<u>Public physical access from a trail parallel to the water should be provided if the Renton Municipal Airport redevelops in the future, balanced with goals of ecological restoration.</u>
<u>Cedar River B</u>	<u>Public access should generally be provided within the corridor of public lands adjacent to the river; however, adjacent private parcels not separated by public streets should provide active open space and other facilities to provide gathering places to enjoy the shoreline environment, together with water-oriented uses. Revisions to the existing trail to relocate further from the water's edge to allow revegetation should be considered in the future as part of public park and</u>



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<u>SHORELINE REACH</u>	<u>Public Access</u>
	<u>river maintenance plans.</u>
<u>Cedar River C</u>	<u>Public/community access along the waterfront should be provided as private lands on the north side of the river redevelop, considered along with the goal of restoration of ecological functions. Public or community access shall be provided when residential development occurs consistent with standards of the Shoreline Master Program.</u>
<u>Cedar River D</u>	<u>The primary goal for management of this reach should be ecological enhancement. Additional public access to the water's edge may be provided if consistent with ecological functions. Public access shall be provided when residential lots are subdivided consistent with standards of this section.</u>
<u>Green River Reach A</u>	<u>Public physical access from a trail parallel to the water should be provided as private lands redevelop. Public agency actions to improve public access should include acquisition of trail rights to connect the trail system to the Green River Trail and Fort Dent Park. Expansion of public access in the Black River Riparian Forest should occur only if consistent with ecological functions.</u>
<u>Black River/Springbrook A</u>	<u>Public physical access from a trail parallel to the water should be provided as private lands redevelop. Expansion of public access in the Black River Riparian Forest should occur only if consistent with ecological functions. A trail system is present on the west side of the stream adjacent to the sewage treatment plant and should be retained and possibly enhanced to connect to the Lake to Sound trail.</u>
<u>Springbrook B</u>	<u>Enhancement of the trail system on the WSDOT right of way that crosses under I-405 should be implemented as part of future highway improvements or other public agency actions.</u>
<u>Springbrook C</u>	<u>If future development occurs in this area, a continuous trail system connecting to the existing trails system to the south should be planned, consistent with protection of ecological values of wetlands and streamside vegetation.</u>
<u>Lake Desire</u>	
<u>Lake Desire</u>	<u>If the existing boat launch area is altered in the future, public access other than boating facilities should include a viewing area. There is currently no formal public access to the water at the Natural Area at the south end of the lake or the County designated Natural Area at the north end of the lake. Interpretive access should be implemented consistent with standards of</u>

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<u>SHORELINE REACH</u>	<u>Public Access</u>
	<u>this section and goals for preservation and restoration of ecological values. Public access shall be provided when lots are subdivided or new non-residential development occurs consistent with standards of this section.</u>

**5. Building and Development Location- Shoreline Orientation:**

**a. General:** Shoreline developments shall locate the water-dependent, water-related, and water-enjoyment portions of their developments along the shoreline. Development and use shall be designed in a manner that directs land alteration to the least sensitive portions of the site to maximize vegetation conservation; minimize impervious surfaces and runoff; protect riparian, nearshore and wetland habitats; protect wildlife and habitats; protect archaeological, historic and cultural resources; and preserve aesthetic values.

**b. Design and Performance Standards:**

**i. Location of Development:** Development and use shall be designed in a manner that directs land alteration to the least sensitive portions of the site.

**ii. Stream/Lake Study Required:** An assessment of the existing ecological functions provided by topographic, physical, and vegetation characteristics of the site shall accompany development proposals, provided that an individual single-family residence on a parcel less than twenty-thousand (20,000) square feet shall not be subject to this requirement. Such assessments shall include the following general information:

**(a) Impacts of the proposed use/development on ecological functions with clear designation of existing and proposed routes for water flow, wildlife movement, and other features.**

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(b) Infrastructure requirements such as parking, services, lighting and other features, together with the effects of those infrastructure improvements on shoreline ecological functions.

iii. Minimization of Site Alteration: Development shall minimize site alteration in sites with substantial unaltered natural features by applying the following criteria:

(a) Vehicle and pedestrian circulation systems shall be designed to limit clearing, grading, and alteration of topography and natural features.

(b) Impervious surfacing for parking lot/space areas shall be limited through the use of under-building parking or permeable surfaces where feasible.

(c) Utilities shall share roadway and driveway corridors and rights of way wherever feasible.

(d) Development shall be located and designed to avoid the need for structural shoreline stabilization over the life of the development. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses, particularly water-dependent uses, where no alternative locations are available and no net loss of ecological functions will result.

iv. Location for Accessory Development: Accessory development or use that does not require a shoreline location shall be located outside of

shoreline jurisdiction unless such development is required to serve approved water-oriented uses and/or developments or unless otherwise allowed in a High Intensity designation. When sited within shoreline jurisdiction, uses and/or developments such as parking, service buildings or areas, access roads, utilities, signs and storage of materials shall be located inland away from the land/water interface and landward of water-oriented developments and/or other approved uses unless a location closer to the water is reasonably necessary.

v. Navigation and Recreation to be Preserved: Shoreline uses shall not deprive other uses of reasonable access to navigable waters. Existing water-related recreation shall be preserved.

**6. Archaeological, Historical, and Cultural Resources:**

**a. Detailed Cultural Assessments May be Required:** The City will work with tribal, state, federal, and other local governments as appropriate to identify significant local historical, cultural, and archaeological sites in observance of applicable state and federal laws protecting such information from general public disclosure. Detailed cultural assessments may be required in areas with undocumented resources based on the probability of the presence of cultural resources.

**b. Coordination Encouraged:** Owners of property containing identified or probable historical, cultural, or archaeological sites are encouraged to coordinate well in advance of application for development to assure that appropriate agencies such as the Washington State Department of Archaeology

and Historic Preservation, affected tribes, and historic preservation groups have ample time to assess the site and identify the potential for cultural resources.

**c. Detailed Cultural Assessments Required:** Upon receipt of application for a development in an area of known or probable cultural resources, the City shall require a site assessment by a qualified professional archaeologist or historic preservation professional and ensure review by qualified parties including the Washington State Department of Archaeology and Historic Preservation, affected tribes, and historic preservation groups.

**d. Work to Stop Upon Discovery:** If historical, cultural, or archaeological sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and the find reported as soon as possible to the Administrator of the Department of Community and Economic Development or designee. Upon notification of such find, the property owner shall notify the Washington State Department of Archaeology and Historic Preservation and affected tribes. The Administrator of the Department of Community and Economic Development or designee shall provide for a site investigation by a qualified professional and may provide for avoidance, or conservation of the resources, in coordination with appropriate agencies.

**e. Access for Educational Purposes Encouraged:** Land owners are encouraged to provide access to qualified professionals and the general public if

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appropriate for the purpose of public education related to a cultural resource identified on a property.

**7. Standards for Density, Setbacks, and Height:**

**a. Shoreline Bulk Standards:** This table establishes the minimum required dimensional requirements for development including all structures and substantial alteration of natural topography. Additional standards may be established in subsection RMC 4-3-090E, Shoreline Use Policies and Regulations and subsection RMC 4-3-090F, Shoreline Modification.

Table 4-3-090 D.7.a Shoreline Bulk Standards

	<u>Natural</u>	<u>Urban Conservancy</u>	<u>Shoreline Single Family</u>	<u>High Intensity</u>	<u>High Intensity Isolated</u>	<u>Aquatic</u>
<b><u>Setbacks and Buffers</u></b>						
<b><u>Structure Setback from Ordinary High Water Mark (OHWM)- Minimum<sup>1</sup></u></b>						
<b><u>Water-dependent Use</u></b>	<u>100 ft.</u>	<u>100 ft.</u>	<u>None<sup>2</sup></u>	<u>None<sup>2</sup></u>	<u>None</u>	
<b><u>Water-related or Water Enjoyment Use</u></b>	<u>100 ft.</u>	<u>100 ft.</u>	<u>100 ft.<sup>3</sup></u>	<u>100 ft.<sup>4</sup></u>	<u>None</u>	
<b><u>Non-Water-oriented Use</u></b>	<u>100 ft.</u>	<u>100 ft.</u>	<u>100 ft.<sup>3</sup></u>	<u>100 ft.<sup>5</sup></u>	<u>None</u>	
<b><u>Front Yard, Side Yard, and Rear Yard Setbacks</u></b>	Governed by underlying zoning in RMC 4-2 except in cases where specific shoreline performance standards provide otherwise. Variance from the front and side yard standards may be granted administratively if needed to meet the established setback from OHWM, as specified in this section and if standard variance criteria are met.					
<b><u>Vegetation Conservation Buffer</u></b>	<u>100 ft.</u>	<u>100 ft.</u>	<u>100 ft.<sup>3</sup></u>	<u>100 ft.<sup>4,5</sup></u>	<u>None</u>	
<b><u>Building Height- Maximum</u></b>						
<b><u>In water</u></b>	<u>Not allowed</u>	<u>Not allowed</u>	<u>35 ft.<sup>6</sup></u>	<u>35 ft.<sup>6</sup></u>		<u>35 ft.<sup>6</sup></u>
<b><u>Within 100 ft. of OHWM</u></b>	<u>Not allowed</u>	<u>Not allowed</u>	<u>35 ft.<sup>7</sup></u>	<u>35 ft.<sup>8</sup></u>	<u>Governed by underlying zoning in RMC 4-2<sup>9</sup></u>	
<b><u>More than 100 ft. from OHWM</u></b>	<u>15 ft.</u>	<u>35 ft.</u>	<u>35 ft.<sup>7</sup></u>	<u>35 ft.<sup>8</sup></u>	<u>Governed by underlying zoning in RMC</u>	



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	<u>Natural</u>	<u>Urban Conservancy</u>	<u>Shoreline Single Family</u>	<u>High Intensity</u>	<u>High Intensity Isolated</u>	<u>Aquatic</u>
					4-2 <sup>9</sup>	
<u>Accessory Building</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>15 ft.</u>	<u>Same as above</u>	Governed by underlying zoning in RMC 4-2 <sup>9</sup>	
<u>Coverage Standards</u>						
<u>Impervious Area within the Buffer/Setback</u>	<u>Not allowed</u>	<u>5%<sup>10</sup></u>	<u>5%<sup>10</sup></u>	<u>5%<sup>10</sup></u>	Governed by underlying zoning in RMC 4-2	
<u>Impervious Area within 100 ft. of OHWM- Maximum</u>	<u>Not allowed</u>	<u>10%<sup>11</sup></u>	<u>50%<sup>11</sup></u>	<u>50%<sup>11</sup></u>	Governed by underlying zoning in RMC 4-2	
<u>Lot Coverage for Buildings within 100 ft. of OHWM- Maximum</u>	<u>5%<sup>12</sup></u>	<u>5%<sup>12</sup></u>	<u>25%<sup>12</sup></u>	<u>None<sup>12</sup></u>	Governed by underlying zoning in RMC 4-2	
<u>Lot Coverage for Buildings more than 100 ft. from OHWM-Maximum</u>	<u>5%</u>	<u>15%</u>	<u>35%</u>	Governed by underlying zoning in RMC 4-2	Governed by underlying zoning in RMC 4-2	

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**Table Notes:**

1. Architectural features of buildings, such as eaves or balconies, and other building elements above the first floor may project a maximum of five feet (5') into the buffer/setback area as established in this table, or as modified by RMC 4-3-090F.1 Vegetation Conservation.
2. Setback shall be the maximum determined by the specific needs of the Water-dependent Use and shall not apply to a structure housing any other use.
3. Building setback and buffer may be based on lot depth as provided in RMC 4-3-090F.1.c.
4. Water-oriented uses may be established closer to OHWM only in cases where the Vegetation Conservation Buffer is varied in accordance with RMC 4-3-090F.1 Vegetation Conservation. Buildings shall be no closer than fifty feet (50'), except as consistent with a Master Site Plan approved prior to the adoption of this section.
5. Non-water-oriented uses may be established closer to OHWM only in cases where the Vegetation Conservation Buffer is varied in accordance with RMC 4-3-090F.1 Vegetation Conservation. Buildings shall be no closer than seventy-five feet (75'), except as consistent with a Master Site Plan approved prior to the adoption of this section.
6. Additional height may be allowed if essential to the function of a water-dependent use, except as consistent with a Master Site Plan approved prior to the adoption of this section.

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7. If the maximum allowed height in the underlying zoning is less than the maximum allowed height in the Shoreline Overlay, a non-shoreline variance from the standard in RMC 4-2, Zoning Districts – Uses and Standards, must be obtained from the Administrator of the Department of Community and Economic Development or designee to allow any height over the amount allowed in the underlying zone.
8. Additional height may be allowed if essential to the function of a water-dependent use. Height up to that established in RMC 4-2, Zoning Districts – Uses and Standards, may be allowed for non water-dependent uses in the following reaches:
- Lake Washington Reaches C, H, I, and J; Cedar River Reaches A, B, and C; Black River Reach A; May Creek Reach B; and Springbrook Creek Reaches B, C, and D:**
- a. For buildings landward of one hundred feet (100') from OHWM, the maximum building height shall be defined by a maximum allowable building height envelope that shall:
- i. Begin along a line lying parallel to and one hundred feet (100') from OHWM at a height of either thirty-five feet (35') or one half (1/2) the maximum height allowed in the underlying zone, whichever is greater; and
- ii. Have an upward, landward transition at a slope of one (1) vertical to one (1) horizontal from the beginning height either (a) until the line at which the maximum height allowed in the underlying zoning in RMC 4-2 is

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reached (from which line the height envelope shall extend landward at the maximum height allowed in the underlying zoning), or (b) to the end of shoreline jurisdiction, whichever comes first.

b. For buildings allowed waterward of one hundred feet (100') from OHWM through a modified setback, the maximum building height shall be as follows:

i. Between the modified setback line and the line lying parallel to and one hundred feet (100') from OHWM, the maximum building height shall be defined by a maximum allowable building height envelope that shall:

(a) Begin at a height of thirty-five feet (35') along the line of the modified setback; and

(b) Have an upward, landward transition at a slope of one (1) vertical to one (1) horizontal from the beginning height either until the line at which the maximum height allowed in the underlying zoning in RMC 4-2 is reached (from which line the height envelope shall extend landward at the maximum height allowed in the underlying zoning) or to the line lying parallel to and one hundred feet (100') from OHWM, whichever comes first; and

ii. Landward of one hundred feet (100') from OHWM, the applicant shall have the option of choosing the maximum building height defined by either:

(a) Using the maximum allowable building height envelope described in Table Note 8.a, above; or

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(b) Having the maximum allowable building height envelope described in Table Note 8.b.i, above, continue an upward, landward transition at a slope of one (1) vertical to one (1) horizontal from the envelope's height along a line lying parallel to and one hundred feet (100') from OHWM either until the line at which the maximum height allowed in the underlying zoning in RMC 4-2 is reached (from which line the height envelope shall extend landward at the maximum height allowed in the underlying zoning), or to the end of shoreline jurisdiction, whichever comes first.

9. Height is governed by the underlying standards in RMC 4-2, provided that if a property is separated from OHWM by an intervening parcel in separate ownership and the distance from OHWM is less than one hundred feet (100'), the height adjacent to the intervening parcel in separate ownership and the distance from OHWM is less than one hundred feet (100'), the height adjacent to the intervening parcel is limited to an increase over the maximum allowed use of the intervening parcel at a slope of one (1) vertical to one (1) horizontal.
10. Up to five percent (5%) impervious surface is allowed in Vegetation Conservation buffers/setbacks for access to the shoreline, or a pathway up to six feet (6') wide, whichever is greater. In addition, for projects that provide public access and the opportunity for substantial numbers of people to enjoy the shoreline, up to twenty-five percent (25%) impervious surface is allowed, provided that no more than five percent (5%) impervious surface is allowed closer than twenty-five feet (25') from OHWM.

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11. In cases where the depth of the Vegetation Conservation buffer/setback is modified in accordance with RMC 4-3-090F.1 Vegetation Conservation, that portion of the first one hundred feet (100') from OHWM upon which development is to be located is permitted a maximum of fifty percent (50%) impervious surface, unless a different standard is stated below:

Lake Washington Reaches H and I – Up to seventy-five percent (75%) impervious surface, except as consistent with a Master Site Plan approved prior to the adoption of this section.

Lake Washington Reach J – No limit is provided for the Renton Municipal Airport.

Cedar River Reach A – No limit is provided for the Renton Municipal Airport.

Cedar River Reach B and C – No limit to impervious surface.

Cedar River Reach D – No more than five percent (5%) impervious surface.

Springbrook Creek Reaches B through D – No more than sixty-five percent (65%) impervious surface.

12. No building coverage is allowed in Vegetation Conservation buffers. If the buffer depth is modified in accordance with RMC 4-3-090F.1 Vegetation Conservation, that portion of the first one hundred feet (100') from OHWM upon which development is to be located shall be permitted the following coverage:

Lake Washington High Intensity Overlay District– Up to fifty percent (50%) building coverage, except as consistent with a Master Site Plan approved prior to the adoption of this section.

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Cedar River Reach A – Up to twenty percent (20%) for the Renton Municipal Airport.

Cedar River Reach B – No limit on building coverage.

Cedar River Reach C – Up to sixty-five percent (65%) building coverage, or up to seventy-five percent (75%) if parking is provided within a building or parking garage (parking stall may not be located within one hundred feet (100') of OHWM).

Cedar River Reach D – No more than five percent (5%) building coverage.

Green River A – Up to fifty percent (50%) building coverage.

Springbrook Creek Reach A – No more than five percent (5%) building coverage.

Springbrook Creek Reaches B through D - Up to fifty percent (50%) building coverage.

**b. City-wide Development Standards:** Table RMC 4-3-090D.7 replaces the standards of the underlying zone in RMC 4-2 for those specific standards enumerated. All other standards of the Renton development regulations, flood control regulations, subdivision regulations, health regulations, and other adopted regulatory provisions apply within shoreline jurisdiction. In the event the provisions of the Shoreline Master Program conflict with provisions of other City regulations, the more restrictive shall prevail.

**c. Measurement:**

i. Horizontal measurement shall be measured outward on a plane and in the direction that results in the greatest dimension from property lines, or from other features specified.

ii. Height is measured consistent with the definition of "Building Height" in RMC 4-11-020.

**d. Activities Exempt from Buffers and Setbacks:** The following development activities are not subject to buffers and setbacks, provided that they are constructed and maintained in a manner that minimizes adverse impacts on shoreline ecological functions, and provided further that they comply with all the applicable regulations in RMC Title 4:

i. Water-Dependent Development: Those portions of approved water-dependent development that require a location waterward of the OHWM of streams, rivers, lakes, ponds, marine shorelines, associated wetlands, and/or within their associated buffers.



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ii. Underground Utilities: Underground utilities, including stormwater outfalls and conveyance pipes.

iii. Modifications Necessary for Agency Compliance: Modifications to existing development that are necessary to comply with environmental requirements of any agency, when otherwise consistent with the Shoreline Master Program, provided that the Administrator of the Department of Community and Economic Development or designee determines that:

(a) The facility cannot meet the dimensional standard and accomplish the purpose for which it is intended;

(b) The facility is located, designed, and constructed to meet specified dimensional standards to the maximum extent feasible; and

(c) The modification is in conformance with the provisions for non-conforming development and uses.

iv. Necessary Access: Roads, railways, and other essential public facilities that must cross shorelines and are necessary to access approved water-dependent development subject to development standards in subsection E, Use Regulations.

v. Stairs and Walkways: Stairs and walkways not greater than five feet (5') in width or eighteen inches (18') in height above grade, except for railings.

vi. Essential Public Facilities: An essential public facility or public utility where the Administrator of the Department of Community and Economic Development or designee determines that:

(a) The facility cannot meet the dimensional standard and accomplish the purpose for which it is intended; and

(b) The facility is located, designed, and constructed to meet specified dimensional standards to the maximum extent feasible.

vii. Shared Moorage: Shared moorages shall not be subject to side yard setbacks when located on or adjacent to a property line shared in common by the project proponents and where appropriate easements or other legal instruments have been executed providing for ingress and egress to the facility.

viii. Flood Storage: Approved compensating flood storage areas.

**8. Private Property Rights:** Regulation of private property to implement any Program goals such as public access and protection of ecological functions must be consistent with all relevant constitutional and other legal limitations. These include, but are not limited to, property rights guaranteed by the United States Constitution and the Washington State Constitution, applicable federal and state case law, and state statutes, such as RCW 34.05.328, 43.21C.060, and 82.02.020. The Administrator of the Department of Community and Economic Development or designee shall have the authority to make findings concerning public access regarding nexus and proportionality on any shoreline permit.

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9. Treaty Rights: Rights reserved or otherwise held by Indian Tribes pursuant to Treaties, Executive Orders, or Statutes, including right to hunt, fish, gather, and the right to reserved water, shall not be impaired or limited by any action taken or authorized by the City under its Shoreline Master Program, and all rights shall be accommodated.

E. USE REGULATIONS:

1. Shoreline Use Table:

Uses specified in the table below are subject to the use and development standards elsewhere in this section and the policies of the Shoreline Master Program.

**Table 4-3-090E.1 Shoreline Use Table:**

KEY: X= Prohibited, P= Permitted, AD= Administrative Conditional Use Permit, H= Hearing Examiner Conditional Use Permit

	<u>Natural</u>	<u>Urban Conservancy</u>	<u>Single- Family Residential</u>	<u>Aquatic</u>	<u>High Intensity</u>	<u>High Intensity Isolated</u>
<b>RESOURCE</b>						
<u>Aquaculture</u>	<u>P<sup>1</sup></u>	<u>P<sup>1</sup></u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>X</u>
<u>Mining</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Preservation and Enhancement of Natural Features or Ecological Processes</u>	<u>P<sup>1</sup></u>	<u>P</u>	<u>P</u>	<u>P<sup>8</sup></u>	<u>Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning require the corresponding shoreline conditional use permit.</u>	<u>Except for the land uses specifically prohibited in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.</u>
<u>Low intensity Scientific, Cultural, Historic, or Educational use</u>	<u>P<sup>1</sup></u>	<u>P</u>	<u>P</u>	<u>P<sup>8</sup></u>		
<u>Fish and wildlife resource enhancement</u>	<u>P<sup>1</sup></u>	<u>P</u>	<u>P</u>	<u>P<sup>8</sup></u>		
<b>RESIDENTIAL</b>						
<u>Detached dwellings</u>	<u>X</u>	<u>P<sup>4</sup></u>	<u>P<sup>5</sup></u>	<u>X</u>	<u>Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying</u>	<u>Except for the land uses specifically prohibited in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.</u>
<u>Attached dwellings</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>		
<u>Accessory Dwelling Units</u>	<u>X</u>	<u>AD</u>	<u>AD</u>	<u>X</u>		
<u>Group Homes I</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>		
<u>Group Homes II (for six or fewer residents)</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>		
<u>Group Homes II (for</u>	<u>X</u>	<u>X</u>	<u>H</u>	<u>X</u>		

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<u>seven or more residents)</u>					<u>zoning require the corresponding shoreline conditional use permit.</u>	
<u>Adult Family Home</u>	<u>X</u>	<u>X</u>	<u>H</u>	<u>X</u>		
<b><u>CIVIC USES</u></b>						
<u>K-12 Educational Institution (public or private)</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning require the corresponding shoreline conditional use permit.</u>	<u>Except for the land uses specifically prohibited in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.</u>
<u>Roads (not providing direct access to permitted or conditional uses)</u>	<u>X</u>	<u>X</u>	<u>H</u>	<u>X</u>		
<b><u>COMMERCIAL USES</u></b>						
<u>Home occupations</u>	<u>X</u>	<u>P</u>	<u>AD</u>	<u>X</u>	<u>Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning require the corresponding shoreline conditional use permit.</u>	<u>Except for the land uses specifically prohibited in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.</u>
<u>Adult Day Care I</u>	<u>X</u>	<u>X</u>	<u>AD</u>	<u>X</u>		
<u>Adult Day Care II</u>	<u>X</u>	<u>X</u>	<u>H</u>	<u>X</u>		
<b><u>RECREATION</u></b>						
<u>Parks, neighborhood</u>	<u>H<sup>1</sup></u>	<u>H<sup>6</sup></u>	<u>P</u>	<u>P<sup>8</sup></u>	<u>Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are</u>	<u>Except for the land uses specifically prohibited in this</u>
<u>Parks, regional/community</u>	<u>H<sup>1</sup></u>	<u>H<sup>6</sup></u>	<u>AD<sup>6</sup></u>	<u>P<sup>8</sup></u>		

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<u>Passive Recreation</u>	<u>H<sup>1</sup></u>	<u>P</u>	<u>P</u>	<u>P<sup>8</sup></u>	allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning require the corresponding shoreline conditional use permit.	<u>table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.</u>
<u>Public hiking and bicycle trails, over land</u>	<u>H<sup>1</sup></u>	<u>P<sup>1</sup></u>	<u>P</u>	<u>X</u>		
<u>Active Recreation</u>	<u>X</u>	<u>P<sup>2</sup></u>	<u>P</u>	<u>P<sup>8</sup></u>		
<u>Boat launches</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>P<sup>8</sup></u>		
<u>Mooring Piles</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P<sup>8</sup></u>		
<u>Boat moorage</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P<sup>8</sup></u>		
<u>Boat lifts</u>	<u>X</u>	<u>X</u>	<u>P<sup>7</sup></u>	<u>P<sup>8</sup></u>		
<u>Boat houses</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>		
<u>Golf courses</u>	<u>X</u>	<u>H<sup>2</sup></u>	<u>H</u>	<u>X</u>	<u>AD<sup>10</sup></u>	<u>X</u>
<u>Marinas</u>	<u>X</u>	<u>X</u>	<u>AD<sup>6</sup></u>	<u>P<sup>8</sup></u>		
<u>Expansion of existing overwater trails</u>	<u>H<sup>10</sup></u>	<u>AD<sup>10</sup></u>	<u>AD<sup>10</sup></u>	<u>AD<sup>10</sup></u>		
<b>INDUSTRIAL</b>						
<u>Industrial Use</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>H<sup>8</sup></u>	Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning require the corresponding shoreline conditional use permit.	Except for the land uses specifically prohibited in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.
<b>UTILITIES</b>						
<u>Structures for Floodway Management, including drainage or</u>	<u>H<sup>1</sup></u>	<u>P</u>	<u>P</u>	<u>P<sup>8</sup></u>	Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject	Except for the land uses specifically prohibited in this table, land uses

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<u>storage and pumping facilities</u>					<u>to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning require the corresponding shoreline conditional use permit.</u>	<u>allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.</u>
<u>Local service utilities</u>	<u>X</u>	<u>P<sup>3</sup></u>	<u>P<sup>3</sup></u>	<u>P<sup>8</sup></u>		
<u>Major service utilities</u>	<u>X</u>	<u>H<sup>6</sup></u>	<u>H<sup>6</sup></u>	<u>H<sup>6</sup></u>	<u>P<sup>3</sup></u>	<u>P<sup>8</sup></u>
<b><u>ACCESSORY USES</u></b>						
<u>Parking areas</u>	<u>X</u>	<u>P<sup>3</sup></u>	<u>P<sup>3</sup></u>	<u>X</u>	<u>Except for the land uses specified in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district, subject to the preference for water-oriented uses. Land uses in the underlying zoning that require an administrative (AD) or Hearing Examiner (H) conditional use permit in the underlying zoning require the corresponding shoreline conditional use permit.</u>	<u>Except for the land uses specifically prohibited in this table, land uses allowed in the underlying zoning in RMC 4-2-060 are allowed in this overlay district.</u>
<u>Roads</u>	<u>X</u>	<u>P<sup>3</sup></u>	<u>P<sup>3</sup></u>	<u>X</u>		
<u>Bed and Breakfast House</u>	<u>X</u>	<u>X</u>	<u>AD</u>	<u>X</u>		
<u>Sea Plane Moorage</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P<sup>8</sup></u>		
<u>Helipads</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>P<sup>8</sup></u>		
<b><u>USES NOT SPECIFIED</u></b>	<u>X</u>	<u>X</u>	<u>H<sup>9</sup></u>	<u>H<sup>8</sup></u>	<u>H<sup>9</sup></u>	<u>X</u>

**Table Notes:**

1. Provided that the use does not degrade the ecological functions or natural character of the shoreline area.
2. Use is allowed, but structures shall not be placed within the shoreline jurisdiction.
3. Allowed only to serve approved or conditional uses, but should be located outside of shoreline jurisdiction if feasible.

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4. Limited to existing lots, or clustered subdivisions that retain sensitive areas.
5. Includes uses customarily incidental to and subordinate to the primary use, and located on the same lot.
6. Existing use is permitted, but new use is subject to a shoreline conditional use permit.
7. Allowed as accessory to a residential dock provided that: all lifts are placed as far waterward as feasible and safe; and platform lifts are fully grated.
8. Only allowed if the use is water-dependent.
9. If the unspecified use is prohibited in the underlying zoning it is also prohibited in shoreline jurisdiction.
10. No new overwater trails shall be allowed unless it is part of the expansion of an existing overwater trail or overwater trail system. Such expansions shall be considered a conditional use if allowed in the Public Access Requirements by Reach Table at RMC 4-3-090D.4.f and if impacts are limited.



**2. Aquaculture:**

**a. No Net Loss Required:** Aquaculture shall not be permitted in areas where it would result in a net loss of ecological functions and shall be designed and located so as not to spread disease to native aquatic life, or establish new non-native species which cause significant ecological impacts.

**b. Aesthetics:** Aquaculture facilities shall not significantly impact the aesthetic qualities of the shoreline.

**c. Structure Requirements:** All structures over or in the water shall meet the following restrictions:

- i.** They shall be securely fastened to the shore.
- 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. Boat Launching Ramps Shall be Public:** Any new boat launching ramp shall be public, except those related to a marina, water-dependent use, or providing for hand launching of small boats with no provisions for vehicles or motorized facilities

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**b. No Net Loss Required:** Choice of sites for boat launching ramps shall ensure no net loss of ecological functions through assessment of the shoreline conditions and impacts of alteration of those conditions, as well as the disturbance resulting from the volume of boat users.

**c. Consideration of Impacts on Adjacent Uses:** Launch ramps locations shall consider impacts on adjacent uses including:

- i. Traffic generation and the adequacy of public streets to service.
- ii. Impacts on adjacent uses, including noise, light, and glare.
- iii. Hours of operation may be restricted to assure compatibility.
- iv. Potential impacts on aquatic habitat, including impacts of disturbance by boats using the facility.

**d. Water and Shore Characteristics:**

- i. Water depth shall be deep enough off the shore to allow use by boats without maintenance dredging.
- ii. Water currents and movement and normal wave action shall be suitable for ramp activity.

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

**f. Design to Ensure Minimal Impact:** The ramp shall be designed so as to allow for ease of access to the water with minimal impact on the shoreline and water surface.

g. Surface Materials: The surface of the ramp may be concrete, precast concrete, or other hard permanent substance. Loose materials, such as gravel or cinders, will not be used. The material chosen shall be appropriate considering the following conditions:

- i. Soil characteristics;
- ii. Erosion;
- iii. Water currents;
- iv. Waterfront conditions;
- v. Usage of the ramp;
- vi. Durability; and
- vii. Avoidance of contamination of the water.

**h. Shore Facilities Required:**

i. Adequate on-shore parking and maneuvering areas shall be provided based on projected demand. Provision shall be made to limit use to available parking to prevent spillover outside designated parking areas.

ii. Engineering design and site location approval shall be obtained from the appropriate City department.

**4. Commercial and Community Services:**

a. Use Preference and Priorities: New commercial and community services developments are subject to the following:

i. Water-Dependent Uses: Water-dependent commercial and community service uses shall be given preference over water-related and water-

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enjoyment commercial and community service uses. Prior to approval of water-dependent uses, the Administrator of the Department of Community and Economic Development or designee shall review a proposal for design, layout, and operation of the use and shall make specific findings that the use qualifies as a water-dependent use. Water-dependent commercial and community service uses shall provide public access in a manner that will not interfere with the water-dependent aspects of the use. The portion of a site not required for water-oriented use may include multiple use, approved non-water-oriented uses, ecological restoration, and public access. All uses shall provide public access in accordance with RMC 4-3-090D.4.f Table of Public Access Requirements by Reach. On Lake Washington, multiple use development that incorporates water-dependent use within one hundred feet (100') of the OHWM may not include non-water-oriented uses at the ground level.

ii. Water-Related Uses: Water-related commercial and community service uses shall not be approved if they displace existing water-dependent uses. Prior to approval of a water-related commercial or community service use, review of the design, layout, and operation of the use shall confirm that the use has a functional requirement for a waterfront location, or the use provides a necessary service supportive of the water-dependent uses, and/or the proximity of the use to its customers makes its services less expensive and/or more convenient. On Lake Washington, allowed water-related commercial and community service uses shall be evaluated in terms of whether the use facilitates

a state-wide interest, including increasing public access and public recreational opportunities in the shoreline.

iii. Water-Enjoyment Uses: Water-enjoyment commercial and community service uses shall not be approved if they displace existing water-dependent or water-related uses or if they occupy space designated for water-dependent or water-related use identified in a substantial development permit or other approval. Prior to approval of water-enjoyment uses, review of the design, layout, and operation of the use shall confirm that the use facilitates public access to the shoreline as, or the use provides for, aesthetic enjoyment of the shoreline for a substantial number of people as a primary characteristic of the use. The ground floor of the use must be ordinarily open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. On Lake Washington, allowed water-enjoyment commercial uses shall be evaluated in terms of whether the use facilitates a state-wide interest, including increasing public access and public recreational opportunities in the shoreline.

iv. Non-water-oriented Uses: Non-water-oriented commercial and community service uses may be permitted where:

(a) Located on a site physically separated from the shoreline by another private property in separate ownership or a public right-of-way such that access for water-oriented use is precluded, provided that such conditions

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were lawfully established prior to the effective date of the Shoreline Master Program, or established with the approval of the City; or

(b) Proposed on a site where navigability is severely limited (i.e. all shoreline rivers and creeks), the commercial or community service use provides a significant public benefit such as providing public access and/or ecological restoration; or

(c) The use is part of a multiple use project that provides significant public benefit with respect to the objectives of the Shoreline Management Act such as:

(1) Restoration of ecological functions both in aquatic and upland environments that shall provide native vegetation buffers according to the standards for the specific Reach as specified in RMC 4-3-090F.1 Vegetation Conservation and in accordance with the Restoration Element of this plan or other plans and policies including the WRIA 8 Salmon Restoration Plans; or

(2) The balance of the water frontage not devoted to ecological restoration and associated buffers shall be provided as public access. Community access may be allowed subject to the provisions of RMC 4-3-090E.9 Residential Development.

**b. Over-water Structures:** Over-water structures are allowed only for those portions of water-dependent commercial uses that require over-water facilities or for public recreation and public access facilities. Non-water-dependent commercial uses shall not be allowed over water except in limited

instances where they are appurtenant to and necessary in support of water-dependent uses.

c. **Setbacks:** Public access adjacent to the water may be located within the required setback, subject to the standards for impervious surface in RMC 4-3-090D.7.a. Setbacks for non-water-oriented commercial buildings and shall be located no closer than one hundred feet (100') from the OHWM; provided this requirement may be modified in accordance with RMC 4-3-090F.1 Vegetation Conservation.

d. **Scenic and Aesthetic Qualities:** All new or expanded commercial and community services developments shall take into consideration the scenic and aesthetic qualities of the shoreline and compatibility with adjacent uses as provided in RMC 4-3-090D.3, Use Compatibility and Aesthetic Effects and RMC 4-3-090D.5, Facility Arrangement- Shoreline Orientation.

**5. Industrial Use:**

a. **Use Preferences and Priorities:** Industrial developments shall be permitted subject to the following:

i. **Water-Dependent Uses:** New industrial uses in new structures within the required setback of the shoreline must be water-dependent.

ii. **Existing Non Water-Dependent Uses:** Existing non water-dependent uses may be retained and expanded, subject to provisions for nonconforming uses activities and sites, provided that expansion of structures within the required setback between the building and the water shall be

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prohibited unless it is demonstrated that the impacts of the expansion can be mitigated through on-site measures such as buffer enhancement or low impact stormwater development. Changes in use are limited to existing structures.

iii. Water-Related Uses: Water-related industrial uses may not be approved if they displace existing water-dependent uses. Prior to approval of a water-related industrial use, review of the design, layout, and operation of the use shall confirm that the use has a functional requirement for a waterfront location, or the use provides a necessary service supportive of the water-dependent uses, and/or the proximity of the use to its customers makes its services less expensive and/or more convenient. Allowed water-related commercial uses shall be evaluated in terms of whether the use facilitates a public interest, including increasing public access and public recreational opportunities in the shoreline.

iv. Non-water-oriented Uses: Non-water-oriented industrial uses may be permitted where:

(a) Located on a site physically separated from the shoreline by another private property in separate ownership or a public right-of-way such that access for water-oriented use is precluded, provided that such conditions were lawfully established prior to the effective date of the Shoreline Master Program; or

(b) On a site that abuts the water's edge where navigability is severely limited (i.e. all shoreline rivers and creeks) and where the use provides



significant public benefit with respect to the objectives of the Shoreline Management Act by:

(1) Restoration of ecological functions both in aquatic and upland environments that shall provide native vegetation buffers according to the standards for the specific Reach as specified in RMC 4-3-090F.1 Vegetation Conservation and in accordance with the Restoration Element of this plan and other plans and policies including the WRIA 8 and 9 Salmon Restoration Plans; or

(2) The balance of the water frontage not devoted to ecological restoration and associated buffers shall be provided as public access in accordance with RMC 4-3-090D.4 Public Access.

**b. Clustering of Non-water-oriented Uses:** Any new use of facility or expansion of existing facilities shall minimize and cluster those water-dependent and water-related portions of the development along the shoreline and place inland all facilities which are not water-dependent.

**c. Over-water Structures:** Over-water structures are allowed only for those portions of water-dependent industrial uses that require over-water facilities. Any over-water structure is water-dependent, is limited to the smallest reasonable dimensions, and is subject to Shoreline Conditional Use approval.

**d. Materials Storage:** New industrial development may not introduce exterior storage of materials outside of buildings within shoreline jurisdiction, except by approval of a Shoreline Conditional Use permit subject to the additional criteria that exterior storage is essential to the use.

e. **No Discharge Allowed:** Each industrial use shall demonstrate that no spill or discharge to surface waters will result from the use or shall demonstrate in the permit application a specific program to contain and clean up spills or discharges of pollutants associated with the industrial use and activity.

f. **Offshore Log Storage:** Offshore log storage shall only be allowed only to serve a processing use and shall be located where water depth is sufficient without dredging, where water circulation is adequate to disperse polluting wastes and where they will not provide habitat for salmonid predators.

g. **Scenic and Aesthetic Qualities:** New or expanded industrial developments shall take into consideration the scenic and aesthetic qualities of the shoreline and compatibility with adjacent uses as provided in RMC 4-3-090D.3 Use Compatibility and Aesthetic Effects and 4-3-090D.5 Facility Arrangement-Shoreline Orientation.

**6. Marinas:**

a. **Applicability:** The standards specified for marinas shall be applied to all development as described below:

- i. **Joint use single-family docks serving four (4) or more residences.**
- ii. **Any dock allowed for multi-family uses.**
- iii. **Docks serving all other multiple use facilities including large boat launches and mooring buoy fields.**

b. **Lake Washington:** Marinas on Lake Washington shall be permitted only when:

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i. Detailed analysis of ecological conditions demonstrate that they will not result in a net loss of ecological functions and specifically will not interfere with natural geomorphic processes including delta formation, or adversely affect native and anadromous fish.

ii. Future dredging is not required to accommodate navigability.

iii. Adequate on-site parking is available commensurate with the size and character of moorage facilities provided in accordance with the parking standards in RMC 4-4-080F. Parking areas not associated with loading areas shall be sited as far as feasible from the water's edge and outside of vegetated buffers described in RMC 4-3-090F.1 Vegetation Conservation.

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

v. The location of the moorage facilities is adequately served by public roads.

**c. Location Criteria:**

i. Marinas shall not be located near beaches commonly used for swimming unless no alternative location exists, and mitigation is provided to minimize impacts to such areas and protect the public health, safety, and welfare.

ii. Marinas and accessory uses shall be located only where adequate utility services are available, or where they can be provided concurrent with the development.

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iii. Marinas, launch ramps, and accessory uses shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed, nor made dangerous.

**d. Design Requirements:**

i. Marinas shall be designed to result in no net loss of ecological functions.

ii. Marinas and boat launches shall provide public access for as many water-dependent recreational uses as possible, commensurate with the scale of the proposal. Features for such access could include, but are not limited to: docks and piers, pedestrian bridges to offshore structures, fishing platforms, artificial pocket beaches, and underwater diving and viewing platforms.

iii. Dry upland boat storage is preferred for permanent moorage in order to protect shoreline ecological functions, efficiently use shoreline space, and minimize consumption of public water surface areas unless:

(a) No suitable upland locations exist for such facilities; or

(b) It is demonstrated that wet moorage would result in fewer impacts to ecological functions; or

(c) It is demonstrated that wet moorage would enhance public use of the shoreline.

iv. Marinas, launch ramps, and accessory uses shall be located and designed with the minimum necessary shoreline stabilization.

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v. Public access shall be required in accordance with RMC 4-3-090D.4 Public Access.

vi. Piers and docks shall meet standards in RMC 4-3-090E.7 Piers and Docks.

vii. New covered moorage for boat storage is prohibited. Covered over-water structures may be permitted only where vessel construction or repair work is to be the primary activity and covered work areas are demonstrated to be the minimum necessary over water structures. When feasible any covered overwater structures shall incorporate windows, skylights, or other materials to allow sufficient light to reach the water's surface.

**e. Operation Requirements:**

i. Marinas and other commercial boating activities shall be equipped with facilities to manage wastes, including:

(a) Marinas with a capacity of one hundred (100) or more boats, or further than one (1) mile from such facilities, shall provide pump-out, holding, and/or treatment facilities for sewage contained on boats or vessels.

(b) Discharge of solid waste or sewage into a water body is prohibited. Marinas and boat launch ramps shall have adequate restroom and sewage disposal facilities in compliance with applicable health regulations.

(c) Garbage or litter receptacles shall be provided and maintained by the operator at locations convenient to users.

(d) Disposal or discarding of fish or shellfish cleaning wastes, scrap fish, viscera, or unused bait into water or in other than designated garbage receptacles near a marina or launch ramp is prohibited.

(e) Public notice of all regulations pertaining to handling and disposal of waste, sewage, fuel, oil or toxic materials shall be reviewed and approved and posted where all users may easily read them.

ii. Fail safe facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan for oil and other products, shall be required of new marinas and expansion or substantial alteration of existing marinas. Handling of fuels, chemicals, or other toxic materials must be in compliance with all applicable federal and state water quality laws as well as health, safety, and engineering requirements. Rules for spill prevention and response, including reporting requirements, shall be posted on site.

**7. Piers and Docks:**

**a. General Criteria for Use and Approval of All New or Expanded Piers and Docks:**

i. Piers and docks shall be designed to minimize interference with the public use and enjoyment of the water surface and shoreline, nor create a hazard to navigation.

ii. The dock or pier shall not result in the unreasonable interference with the use of adjacent docks and/or piers.

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iii. 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.

iv. The expansion of existing piers and docks is preferred over the construction of new.

v. The responsibility rests on the applicant to affirmatively demonstrate the need for the proposed pier or dock in his/her application for a permit, except for a dock accessory to a single-family residence on an existing lot.

vi. All piers and docks shall result in no net loss of ecological functions. Docks, piers, and mooring buoys, including those accessory to single-family residences, shall avoid, or if that is not possible, minimize and mitigate adverse impacts to shoreline ecological functions such that no net loss of ecological functions results.

vii. Over-water construction not required for moorage purposes is regulated as a recreation use.

viii. New or expanded piers and docks allowed for water-dependent uses shall be consistent with the following criteria:

(a) Water-dependent uses shall specify the specific need for over-water location and shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.

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(b) Water-related, water-enjoyment and multiple uses may be allowed as part of a dock or pier to serve as water-dependent use structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.

(c) Public access is required over all docks utilizing public aquatic lands that serve water-dependent uses, water-enjoyment uses and multiple uses, provided it does not preclude the water-dependent use.

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

**b. Additional Criteria for New or Expanded Residential Docks:**

**i. Single-Family Docks:**

(a) Single-Family Joint Use Docks: A pier or dock which is constructed for private recreation moorage associated with a single-family residence, for private joint use by two or more single-family waterfront property owners, or a community pier or dock in new waterfront single-family subdivision, is considered a water-dependent use provided that it is designed and used only as a facility to access watercraft owned by the occupants, and to incidental use by temporary guests. No fees or other compensation may be charged for use by non-residents of piers or docks accessory to residences.



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(b) Individual Single-Family Docks: 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:

(1) A new dock providing for private recreational moorage for an individual lot may not be permitted in subdivisions approved on or before January 28, 1993, unless shared moorage is not available, and there is no homeowners association or other corporate entity capable of developing shared moorage.

(2) A new dock shall not be allowed for an individual lot in cases where a joint use dock has been constructed to serve the subject lot.

(3) Prior to approval of a new dock for private recreational moorage for an individual lot, the owner should demonstrate that adjacent owners have been contacted and they have declined to develop or utilize a shared dock. Such information should be provided in the project narrative at the time of permit submittal.

(4) A new dock should be approved only in cases where use of a mooring buoy is demonstrated to be impractical for reducing over water coverage.

ii. Multi-Family Docks: Multi-family residential use is not considered a water-dependent use under the Shoreline Management Act and moorage for multi-family residential use shall be provided only when the following criteria are met:

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(a) The dock provides a public benefit of shoreline ecological enhancement in the form of vegetation conservation buffer enhancement in accordance with subsection RMC 4-3-090F.1 Vegetation Conservation and/or public access in accordance with subsection RMC 4-3-090D.4 Public Access;

(b) Moorage at the proposed dock shall be limited to residents of the apartments, condominiums, or similar developments for which the dock was built;

(c) Multi-family moorage serving more than four (4) vessels meets the criteria for the approval of marinas in subsection RMC 4-3-090E.6 Marinas.

iii. Shared Docks Required for New Development: Shared moorage shall be provided for all new residential developments of more than two (2) single-family dwelling units. New subdivisions shall contain a restriction on the face of the plat prohibiting individual docks. A site for shared moorage shall be owned in undivided interest by property owners within the subdivision. Shared moorage facilities shall be available to property owners in the subdivision for community access and may be required to provide public access depending on the scale of the facility. If shared moorage is provided, the applicant/proponent shall file at the time of plat recordation a legally enforceable joint use agreement. Approval shall be subject to the following criteria:

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(a) Shared moorage to serve new development shall be limited to the amount of moorage needed to serve lots with water frontage. Shared moorage use by upland property owners shall be reviewed as a marina.

(b) As few shared docks as possible shall be developed. Development of more than one (1) dock shall include documentation that a single dock would not accommodate the need or that adverse impacts on ecological functions would result from the size of dock required.

(c) The size of a dock must consider the use of mooring buoys for some or all moorage needs and the use of all or part of the dock to allow tender access to mooring buoys.

(d) Public access shall be provided over all shared docks utilizing public aquatic lands that accommodate five (5) or more vessels.

**c. Design Criteria – General:**

i. Pier 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 (1) 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) Bottom conditions that render it not feasible to install piling.

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ii. Construction and Maintenance: All piers and docks shall be constructed and maintained in a safe and sound condition.

iii. Approach: Approaches to piers and docks shall consist of ramps or other structures that span the entire foreshore to the point of intersection with stable upland soils. Limited fill or excavation may be allowed landward of the OHWM to match the upland with the elevation of the pier or dock.

iv. Materials: Applicants for the new construction or extension of piers and docks or the repair and maintenance of existing docks shall use materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions of a pier or dock, decking, and other components that may come in contact with water shall be approved by applicable state agencies for use in water to avoid discharge of pollutants from wave splash, rain or runoff. Wood treated with creosote, pentachlorophenol or other similarly toxic materials is prohibited. Pilings shall be constructed of untreated materials, such as untreated wood, approved plastic composites, concrete or steel.

v. Pilings: Pile spacing shall be the maximum feasible to minimize shading and avoid a "wall" effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment. The first piling set shall be spaced at the maximum distance feasible to minimize shading and shall be no less than eighteen feet (18'). Pilings beyond the first set of piles shall minimize

the size of the piles and maximize the spacing between piling to the extent allowed by site-specific engineering or design considerations.

vi. Minimization of Nearshore Impacts: In order to minimize impacts on nearshore areas and avoid reduction in ambient light level:

(a) The width of piers, docks, and floats shall be the minimum necessary to serve the proposed use.

(b) Ramps shall span as much of the nearshore as feasible.

(c) Dock surfaces shall be designed to allow light penetration.

(d) Lights shall avoid illuminating the water surface. Lighting facilities shall be limited to the minimum extent necessary to locate the pier or dock at night for docks serving residential uses. Lighting to serve water-dependent uses shall be the minimum required to accommodate the use and may not be used when the water-dependent aspects of the use are not in operation.

vii. Covered Moorage: Covered moorage is not allowed on any moorage facility unless translucent materials are used that allow light penetration through the canopy, or through the roof of legal, pre-existing boat houses. Temporary vessel covers must be attached to the vessel. New boat houses are not allowed.

viii. Seaplane Moorage: Seaplane moorage may be accommodated at any dock that meets the standards of the Shoreline Master Program.

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ix. Other Agency Requirements: If deviation from the design standards specified in RMC 4-3-090E.7 Piers and Docks is approved by another agency with permitting authority, such as the Washington Department of Fish and Wildlife or the U.S. Army Corps of Engineers, it shall be approved with a variance, subject to all conditions and requirements of those permitting agencies.

**d. Design Standards:**

	<u>Single-Family</u>	<u>Joint Use and Community Docks</u>	<u>Commercial and Industrial Docks-Water-dependent Uses</u>	<u>Non-water-dependent uses</u>
<b><u>WHEN ALLOWED:</u></b>				
	<u>Maximum of one pier or dock per developed waterfront lot or ownership.</u>	<u>A joint use dock may be constructed for two or more contiguous water front properties and may be located on a side property line, or straddling a side property line, common to both properties or be provided with an access easement for all lots served.<sup>1</sup> Joint use docks or piers serving more than four residences shall be regulated as marinas.</u>	<u>Water- dependent commercial and industrial uses may develop docks and piers to the extent that they are required for water-dependent use. Public access shall be provided in accordance with RMC 4-3-090D.4 Public Access.</u>	<u>Docks are not allowed unless they provide public access or public water recreation use. Such docks and piers are subject to the performance standards for over-water structures for recreation in subsection RMC 4-3-090E.8 Recreation.</u>
<b><u>LENGTH-MAXIMUM</u></b>				
<u>Docks and Piers</u>	<u>Minimum needed to provide</u>	<u>Minimum needed to provide moorage for the</u>	<u>Minimum needed to serve specific vessels or other</u>	<u>Docks are not allowed unless they provide public</u>

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	<u>moorage for a single-family residence, a maximum of one ell and two fingers. Maximum: 80 ft. from OHWM.<sup>2</sup></u>	<u>single-family residences or community being served. Maximum: 80 ft. from OHWM.<sup>2</sup></u>	<u>water- dependent uses specified in the application. Maximum: 120 ft. from OHWM.<sup>2</sup> Facilities adjacent to a designated harbor area: The dock or pier may extend to the lesser of:</u> a) <u>The General standard, above; or</u> b) <u>The inner harbor line or such point beyond the inner harbor line as is allowed by formal authorization by the Washington State Department of Natural Resources (DNR) or other agency with jurisdiction.</u>	<u>access or public water recreation use. Such docks and piers are subject to the performance standards for over-water structures for recreation in subsection RMC 4-3-090E.8 Recreation.</u>
<u>Ells and Fingers</u>	<u>26 ft.</u>	<u>26 ft.</u>	<u>Minimum needed to serve specific vessels or other water- dependent uses specified in the application.</u>	
<u>Floats</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>Minimum needed to serve specific vessels or other water- dependent uses specified in the application.</u>	
<b><u>WIDTH</u></b>				
<u>Docks and Piers</u>	<u>4 ft.<sup>4</sup></u>	<u>6 ft.</u>	<u>Maximum walkway: 8 ft., but 12 ft. if vehicular access is required for the approved use.<sup>3</sup></u>	<u>Docks are not allowed unless they provide public access or public water recreation use. Such docks</u>

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				<u>and piers are subject to the performance standards for over-water structures for recreation in subsection RMC 4-3-090E.8 Recreation.</u>
<u>Ells and Floats</u>	<u>6 ft.</u>	<u>6 ft.</u>	<u>Minimum needed to serve specific vessels or other water- dependent uses specified in the application.</u>	
<u>Fingers</u>	<u>2 ft.</u>	<u>2 ft.</u>	<u>Minimum needed to serve specific vessels or other water- dependent uses specified in the application.</u>	
<u>Ramp connecting a pier/dock to a float</u>	<u>3 ft. for walkway, 4 ft. total</u>	<u>3 ft. for walkway, 4 ft. total</u>	<u>Minimum needed to serve specific vessels or other water- dependent uses specified in the application.</u>	
<b><u>PILINGS- MAXIMUMS</u></b>				
<u>Mooring Piles</u>	<u>Two piles, up to 12 in. in diameter, installed within 24 ft. of a dock or pier and out of the nearshore area.</u>	<u>Four piles, up to 12 in. in diameter, installed within 24 ft. of a dock or pier and out of the nearshore area.</u>	<u>Minimum needed to serve specific vessels or other water- dependent uses specified in the application.</u>	<u>Docks are not allowed unless they provide public access or public water recreation use. Such docks and piers are subject to the performance standards for over-water structures for recreation in subsection RMC 4-3-090E.8 Recreation.</u>



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<b>SETBACKS- MINIMUMS</b>				
<u>Side Setback</u>	<u>No portion of a pier or dock may lie closer than 5 ft. to an adjacent property line and may not interfere with navigation.</u>	<u>No portion of a pier or dock may lie closer than 5 ft. to an adjacent property line and may not interfere with navigation.</u>	<u>No portion of a pier or dock may lie closer than 30 ft. to an adjacent property line.</u>	<u>Docks are not allowed unless they provide public access or public water recreation use. Such docks and piers are subject to the performance standards for over-water structures for recreation in subsection RMC 4-3-090E.8 Recreation.</u>

**Table Notes:**

1. A joint use ownership agreement or covenant shall be executed and recorded with the King County Assessor's Office prior to the issuance of permits. A copy of the recorded agreement shall be provided to the City. Such documents shall specify ownership rights and maintenance provisions, including: specifying the parcels to which the agreement shall apply; providing that the dock shall be owned jointly by the participating parcels and that the ownership shall run with the land; providing for easements to access the dock from each lot served and provide for access for maintenance; providing apportionment of construction and maintenance expenses; and providing a means for resolution of disputes, including arbitration and filing of liens and assessments.

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2. Maximum length is eighty feet (80') unless a depth of ten feet (10') cannot be obtained. In such circumstances the dock may be extended until the water depth reaches a point of ten feet (10') in depth at ordinary low water.

3. Additional width may be allowed to accommodate public access in addition to the water- dependent use.

4. That portion of a pier or dock beyond thirty feet (30') from OHWM may be up to six feet (6') wide, without a variance, if approved by the U.S. Army Corps of Engineers or the Washington Department of Fish and Wildlife; or a pier or dock may be six feet (6') wide, waterward from land, without a variance, if the property owner qualifies for state disabled accommodations.

e. **Maintenance and Repair of Docks:** Existing docks or piers that do not comply with these regulations may be repaired in accordance with the criteria below.

i. When the repair and/or replacement of the surface area exceeds thirty percent (30%) of the surface area of the dock/pier, light penetrating materials must be used for all replacement decking. For floating docks, light penetrating materials shall be used where feasible, and as long as the structural integrity of the dock is maintained.

ii. When the repair involves replacement of the surfacing materials only, there is no requirement to bring the dock/pier into conformance with dimensional standards of this section.

iii. When the repair/replacement involves the replacement of more than fifty percent (50%) of the pilings, or more, the entire structure shall be replaced in compliance with these regulations. For floating docks, when the repair/replacement involves replacement of more than fifty percent (50%) of the total supporting structure (including floats, pilings, or cross-bars), the entire structure shall be replaced in compliance with these regulations.

iv. When the existing dock/pier is moved or expanded or the shape reconfigured, the entire structure shall be replaced in compliance with these regulations.

**f. Buoy and Float Regulations:**

i. Buoys Preferred: The use of buoys for moorage is preferable to piers, docks, or floats and buoys may be sited under a Shoreline Exemption instead of a Substantial Development Permit, provided they do not exceed the cost threshold.

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

(a) The float is served by a dock attached to the shore for use of only a tender. The dock shall be the minimum length to allow access to a tender and may not exceed a length of forty feet (40').

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

(c) Floats shall not exceed a maximum of one hundred (100) square feet in size. A float proposed for joint use between adjacent property owners may not exceed one hundred and fifty (150) square feet per residence. Floats for public use shall be sized in order to provide for the specific intended use and shall be limited to the minimum size necessary.

(d) A single-family residence may only have one (1) float.

(e) Floats shall not be located a distance of more than eighty feet (80') beyond the OHWM, except public recreation floats.

**g. Variance to Dock and Pier Dimensions:**

i. Requests for greater dock and pier dimensions than those specified above may be submitted as a shoreline variance application, unless otherwise specified.

ii. Any greater dimension than those listed above may be allowed subject to findings that a variance request compiles with:

(a) The general criteria for shoreline variance approval in RMC 4-9-1901.4.

(b) The additional criteria that the allowed dock or pier cannot reasonably provide the purpose for which it is intended without specific dimensions to serve specific aspects of a water-dependent use.

(c) Meets the general criteria for all new and expanded piers and docks in subsection RMC4-3-090E.7.a.

**8. Recreation:**

**a. When Allowed:** Recreation activities are allowed when:

i. There is no net loss of ecological functions, including on- and off-site mitigation.

ii. Water-related and water-enjoyment uses do not displace water-dependent uses and are consistent with existing water-related and water-enjoyment uses.

iii. The level of human activity involved in passive or active recreation shall be appropriate to the ecological features and shoreline environment.

iv. State-owned shorelines shall be recognized as particularly adapted to providing wilderness beaches, ecological study areas, and other recreational uses for the public in accordance with RCW 90.58.100(4).

**b. Location Relative to the Shoreline:** Activities provided by recreational facilities must bear a substantial relationship to the shoreline, or provide physical or visual access to the shoreline.

i. Water-dependent recreation such as fishing, swimming, boating, and wading should be located on the shoreline.

ii. Water-related recreation as picnicking, hiking, and walking should be located near the shoreline.

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iii. Non-water-related recreation facilities shall be located inland.

Recreational facilities with large grass areas, such as golf courses and playing fields, and facilities with extensive impervious surfaces shall observe vegetation management standards providing for native vegetation buffer areas along the shoreline.

c. **Over-water Structures:** Over-water structures for recreation use shall be allowed only when:

i. They allow opportunities for substantial numbers of people to enjoy the shorelines of the state.

ii. They are not located in or adjacent to areas of exceptional ecological sensitivity, especially aquatic and wildlife habitat areas.

iii. They are integrated with other public access features, particularly when they provide limited opportunities to approach the water's edge in areas where public access is set back to protect sensitive ecological features at the water's edge.

iv. No net loss of ecological functions will result.

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

i. The natural character of the shoreline is preserved and the resources and ecology of the shoreline are protected.

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

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

iv. Water-related and water-enjoyment uses do not displace water-dependent uses and uses are consistent with existing water-related and water-enjoyment uses.

v. Recreational development is located and designed to minimize detrimental impact on the adjoining property.

vi. The development provides parking and other necessary facilities to handle the designed public use.

vii. Effects on private property are consistent with all relevant constitutional and other legal limitations on regulation or acquisition of private property.

viii. Public parks and other public lands shall be managed in a manner that provides a balance between providing opportunities for recreation and restoration and enhancement of the shoreline. Major park development shall be approved only after a master planning process that provides for a balance of these elements.

**e. Private Recreation:**

i. Private recreation uses and facilities that exclude the public from public aquatic lands are prohibited. Private recreation uses that utilize public aquatic lands shall provide public access in accordance with criteria in RMC 4-3-090D.4 Public Access.

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

(a) There is no net loss of ecological functions, including on- and off-site.

(b) There is reasonable public access provided to the shoreline at no fee for sites providing recreational uses that are fee supported, including access along the water's edge where appropriate. In the case of Lake Washington, significant public access shall be provided in accordance with public access criteria in RMC 4-3-090D.4 Public Access.

(c) The proposed facility will have no significant detrimental effects on adjacent parcels and uses.

(d) Adequate, screened, and landscaped parking facilities that are separated from pedestrian paths are provided.

(e) Recreational uses are encouraged in multiple use commercial development.

**9. Residential Development:**

**a. Single-family Priority Use and Other Residential Uses:** Single-family residences are a priority on the shoreline under the Shoreline Management Act (RCW 90.58.020). All other residential uses are subject to the preference for water-oriented use and must provide for meeting the requirements for ecological restoration and/or public access.



**b. General Criteria:** Residential developments shall be allowed only when:

i. Density and other characteristics of the development are consistent with the Renton Comprehensive Plan and Zoning Code.

ii. Residential structures shall provide setbacks and buffers as provided in subsection 4-3-090D.7.a Shoreline Bulk Standards, or as modified under subsection 4-3-090F.1 Vegetation Conservation.

**c. Public Access Required:** Unless deemed inappropriate due to health, safety, or environmental concerns, new single-family residential developments, including subdivision of land for ten (10) or more parcels, shall provide public access in accordance with RMC 4-3-090D.4 Public Access. Unless deemed inappropriate due to health, safety or environmental concerns, new multi-family developments shall provide a significant public benefit such as providing public access and/or ecological restoration along the water's edge. For such proposed development, a community access plan may be used to satisfy the public access requirement if the following written findings are made by the Administrator of the Department of Community and Economic Development or designee:

i. The community access plan allows for a substantial number of people to enjoy the shoreline; and

ii. The balance of the waterfront not devoted to public and/or community access shall be devoted to ecological restoration.

d. Shoreline Stabilization Prohibited: New residential development shall not require new shoreline stabilization. Developable portions of lots shall not be subject to flooding or require structural flood hazard reduction measures within a channel migration zone or floodway to support intended development during the life of the development or use. Prior to approval, geotechnical analysis of the site and shoreline characteristics shall demonstrate that new shoreline stabilization is unlikely to be necessary for each new lot to support intended development during the life of the development or use.

e. Critical Areas: New residential development shall include provisions for critical areas including avoidance, setbacks from steep slopes, bluffs, landslide hazard areas, seismic hazard areas, riparian and marine shoreline erosion areas, and shall meet all applicable development standards. Setbacks from hazards shall be sufficient to protect structures during the life of the structure (one hundred (100) years).

f. Vegetation Conservation: All new residential lots shall meet vegetation conservation provisions in RMC 4-3-090F.1 Vegetation Conservation, including the full required buffer area together with replanting and control of invasive species within buffers to ensure establishment and continuation of a vegetation community characteristic of a native climax community. Each lot must be able to support intended development without encroachment on vegetation conservation areas, except for public trains and other uses allowed

within such areas. Areas within vegetation conservation areas shall be placed in common or public ownership when feasible.

g. **New Private Docks Restricted:** All new subdivisions shall record a prohibition on new private docks on the face of the plat. An area reserved for shared moorage may be designated if it meets all requirements of the Shoreline Master Program including demonstration that public and private marinas and other boating facilities are not sufficient to meet the moorage needs of the subdivision.

h. **Floating Residences Prohibited:** Floating residences are prohibited.

**10. Transportation:**

a. **General Standards:** New and expanded transportation facilities shall be designed to achieve no net loss of ecological functions within the shoreline. To the maximum extent feasible the following standards shall be applied to all transportation projects and facilities:

i. Facilities shall be located outside of the shoreline jurisdiction and as far from the land/water interface as possible. Expansion of existing transportation facilities shall include analysis of system options that assess the potential for alternative routes outside shoreline jurisdiction or set back further from the land/water interface.

ii. Facilities shall be located and designed to avoid significant natural, historical, archaeological, or cultural sites, and mitigate unavoidable impacts.

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iii. Facilities shall be designed and maintained to prevent soil erosion, to permit natural movement of groundwater, and not adversely affect water quality or aquatic plants and animals over the life of the facility.

iv. All debris and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion into any water body and shall be specified in submittal materials.

v. Facilities shall avoid the need for shoreline protection.

vi. Facilities shall allow passage of flood waters, fish passage, and wildlife movement by using bridges with the longest span feasible or when bridges are not feasible, culverts and other features that provide for these functions.

vii. Facilities shall be designed to accommodate as many compatible uses as feasible, including, but not limited to: utilities, view point, public access, or trails.

**b. Roads:**

i. New public or private roads and driveways shall be located inland from the land/water interface, preferably out of the shoreline, unless:

(a) Perpendicular water crossings are required for access to authorized uses consistent with the Shoreline Master Program; or

(b) Facilities are primarily oriented to pedestrian and non-motorized use and provide an opportunity for a substantial number of people to

enjoy shoreline areas, and are consistent with policies and regulations for ecological protection.

ii. Road locations shall be planned to fit the topography, where possible, in order that minimum alteration of existing natural conditions will be necessary.

iii. RCW 36.87.130 prohibits vacation of any right of way that abuts freshwater except for port, recreational, educational or industrial purposes. Therefore, development, abandonment, or alteration of undeveloped road ends within Shoreline Master Program jurisdiction is prohibited unless an alternate use is approved in accordance with the Shoreline Master Program.

c. Railroads: New or expanded railroads shall be located inland from the land/water interface and out of the shoreline where feasible. Expansion of the number of rails on an existing right of way shall be accompanied by meeting the vegetation conservation provisions for moderate expansion of non-conforming uses in RMC 4-10-095 Non-conforming Uses, Activities, and Sites.

d. Trails:

i. Trails that provide public access on or near the water shall be located, designed, and maintained in a manner that protects the existing environment and shoreline ecological functions. Preservation or improvement of the natural amenities shall be a basic consideration in the design of shoreline trails.

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ii. The location and design of trails shall create the minimum impact on adjacent property owners including privacy and noise.

iii. Over-water structures may be provided for trails in cases where:

(a) Key trail links for local or regional trails must cross streams, wetlands, or other water bodies.

(b) For interpretive facilities.

(c) To protect sensitive riparian and wetland areas from the adverse impacts of at grade trails, including soil compaction, erosion potential and impedance of surface and groundwater movement.

iv. Trail width and surface materials shall be appropriate for the context with narrow soft surface trails in areas of high ecological sensitivity where the physical impacts of the trail and the number of users should be minimized with wider hard-surfaced trails with higher use located in less ecologically sensitive areas.

**e. Parking:**

i. When Allowed: Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to serve an authorized primary use.

ii. Public Parking:

(a) In order to encourage public use of the shoreline, public parking is to be provided at frequent locations on public streets, at shoreline viewpoints, and at trailheads.

(b) Public parking facilities shall be located as far as feasible from the shoreline unless parking areas close to the water are essential to serve approved recreation and public access. In general, only handicapped parking should be located near the land/water interface with most other parking located within walking distance and outside of Vegetation Conservation buffers provided in RMC 4-3-090F.1. Vegetation Conservation.

(c) Public parking facilities shall be designed and landscaped to minimize adverse impact upon the shoreline and adjacent lands and upon the water view.

iii. Private Parking:

(a) Private parking facilities should be located away from the shoreline unless parking areas close to the water are essential to serve approved uses and/or developments. When sited within shoreline jurisdiction, parking shall be located inland away from the land/water interface and landward of water-oriented developments and/or other approved uses.

(b) Surface parking areas shall be located and designed to minimize visual impacts as viewed from the shoreline and from views of the shoreline from upland properties.

(c) Parking structures shall be located outside of shoreline Vegetation Conservation buffers and behind or within the first row of buildings between the water and the developed portions of a site and designed such that

the frontage visible from the shoreline accommodates other uses and parked cars are not visible from that frontage.

(d) Parking lot design, landscaping and lighting shall be governed by the provisions of RMC Chapter 4-4 and the provisions of the Shoreline Master Program.

**f. Aviation:**

i. Prohibited Near Natural or Urban Conservancy Areas: Aviation facilities are prohibited within two hundred feet (200') of a Natural or Urban Conservancy Shoreline Overlay District.

ii. Airports:

(a) A new airport shall not be allowed to locate within the shoreline; however, an airport already located within a shoreline shall be permitted.

(b) Upgrades of facilities to meet FAA requirements or improvements in technology shall be permitted.

(c) Facilities to serve seaplanes may be included as an accessory use in any existing airport.

(d) Helipads may be included as an accessory use in any existing airport.

(e) Aviation-related manufacturing shall be permitted in an airport.



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(f) New or upgraded airport facilities shall be designed and operated such that:

(1) All facilities that are non-water-dependent shall be located outside of shoreline jurisdiction, if feasible. When sited within shoreline jurisdiction, uses and/or developments such as parking, hangars, service buildings or areas, access roads, utilities, signs, and storage of materials shall be located as far from the land/water interface as feasible. The minimum setback shall be twenty feet (20') from the OHWM of the shoreline and shall be designed and spaced to allow viewing of airport activities from the area along the water's edge.

(2) New or upgraded airport facilities shall minimize impacts on shoreline ecological functions, including control of pollutant discharge. The standards for water quality and criteria for application shall be those in current stormwater control regulations.

(3) New facilities dispensing fuel or facilities associated with use of hazardous materials shall require a Shoreline Conditional Use Permit.

iii. Seaplanes:

(a) Private:

(1) Operation of a single private seaplane on waters where FAA has designated a Seaplane Landing Area is not regulated by the Shoreline Master Program.

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(2) Moorage of a seaplane is addressed in RMC 4-3-090E.7

Piers and Docks.

(b) Commercial: New commercial seaplane facilities, including docks and storage area bases may be allowed in industrial areas provided such bases are not contiguous to residential areas and provided they meet standards in RMC 4-3-090E.7 Piers and Docks.

iv. Helicopter Landing Facilities:

(a) Private: Establishment of a helipad on a single-family residential lot is allowed subject to the standards of RMC 4-2-080A.111. Conditions shall be imposed to mitigate impacts within the shoreline.

(b) Commercial: New commercial heliports, including those accessory to allowed uses are allowed by Shoreline Conditional Use Permit, subject to the standards of the Shoreline Master Program.

v. New Seaplane Facilities and Heliports- Criteria for Approval:

(a) Review shall include consideration of location approval in terms of compatibility with affected uses including short and long-term noise impacts, impacts on habitat areas of endangered or threatened species, environmentally critical and sensitive habitats, and migration routes:

(1) On adjacent parcels; and

(2) On over-flight areas.

(b) Conditions shall be imposed to mitigate impacts within the shoreline and also non-shoreline over flight and related impacts.

**11. Utilities:**

**a. Criteria for All Utilities:**

i. Local utility services needed to serve water-dependent and other permitted uses in the shoreline are subject to standards for ecological protection and visual compatibility.

ii. Major utility systems shall be located outside of shoreline jurisdiction, to the extent feasible, except for elements that are water-dependent and crossings of water bodies and other elements of shorelands by linear facilities.

iii. New public or private utilities shall be located inland from the land/water interface, preferably out of shoreline jurisdiction, unless:

(a) Perpendicular water crossings are unavoidable; or

(b) Utilities are necessary for authorized shoreline uses consistent with the Shoreline Master Program.

iv. Linear facilities consisting of pipelines, cables and other facilities on land running roughly parallel to the shoreline shall be located as far from the water's edge as feasible and preferably outside of shoreline jurisdiction.

v. Linear facilities consisting of pipelines, sewers, cables and other facilities on aquatic lands running roughly parallel to the shoreline that may require periodic maintenance that would disrupt shoreline ecological functions shall be discouraged except where no other feasible alternative exists. When permitted, provisions shall assure that the facilities do not result in a net loss of

shoreline ecological functions or significant impacts to other shoreline resources and values.

vi. Utilities shall be located in existing rights of way and corridors, whenever reasonably feasible.

vii. Local service utilities serving new development shall be located underground, wherever reasonably feasible.

viii. Utility crossings of water bodies shall be attached to bridges or located in other existing facilities, if reasonably feasible. If new installations are required to cross water bodies or wetlands they should avoid disturbing banks and streambeds and shall be designed to avoid the need for shoreline stabilization. Crossings shall be tunneled or bored where reasonably feasible. Installations shall be deep enough to avoid failures or need for protection due to exposure due to stream bed mobilization, aggregation or lateral migration. Underwater utilities shall be placed in a sleeve if reasonably feasible to avoid the need for excavation in the event the need for maintenance or replacement.

ix. In areas where utility installations would be anticipated to significantly alter natural ground water flows, a barrier or conduit to impede changes to natural flow characteristics shall be provided.

x. Excavated materials from construction of utilities shall be disposed of outside of the Vegetation Conservation Buffer except if utilized for ecological restoration and shall be specified in submittal materials.

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xi. Utilities shall be located and designed to avoid natural, historic, archaeological or cultural resources to the maximum extent feasible and mitigate adverse impacts where unavoidable.

xii. Utilities shall be located, designed, constructed, and operated to result in no net loss of shoreline ecological functions with appropriate on- and off-site mitigation including compensatory mitigation.

xiii. All utility development shall be consistent with and coordinated with all local government and state planning, including comprehensive plans and single purpose plans to meet the needs of future populations in areas planned to accommodate growth.

xiv. Site planning and rights of way for utility development should provide for compatible multiple uses such as shore access, trails, and recreation or other appropriate use whenever possible. Utility right of way acquisition should be coordinated with transportation and recreation planning.

xv. Vegetation Conservation:

(a) Native vegetation shall be maintained whenever reasonably feasible.

(b) When utility projects are completed in the water or shoreland, the disturbed area shall be restored as nearly as possible to the original condition.

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

xvi. A structure or other facility enclosing a telephone exchange, sewage pumping or other facility, an electrical substation, or other above ground public utility built in the shoreline area shall be:

(a) Housed in a building that shall conform architecturally with the surrounding buildings and area or with the type of building that will develop as provided by the zoning district and applicable design standards.

(b) An unhoused installation on the ground or a housed installation that does not conform with the standards above, shall be sight-screened in accordance RMC 4-4-095 with evergreen trees, shrubs, and landscaping materials planted in sufficient depth to form an effective and actual sight barrier within five (5) years.

(c) An unhoused installation of a potentially hazardous nature, such as an electrical distribution substation, shall be enclosed with an eight (8)-foot-high open wire fence, or masonry wall. Such installations shall be sight-screened in accordance RMC 4-4-095 with evergreen trees, shrubs, and landscaping materials planted in sufficient depth to form an effective and actual sight barrier except at entrance gate(s), within five (5) years.

**b. Special Considerations for Pipelines:**

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i. Installation and operation of pipelines shall protect the natural conditions of adjacent water courses and shorelines.

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

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.

**c. Major Utilities – Specifications:**

i. Electrical Installations:

(a) Overhead High Voltage Power Lines:

(1) Overhead electrical transmission lines of fifty-five (55) kV and greater voltage within the shoreline shall be relocated to a route outside of the shoreline, where feasible when:

- Such facilities are upgraded to a higher voltage.
- Additional lines are placed within the corridor.

(2) The support structures for new overhead power lines shall be designed to avoid or minimize impacts to shoreline areas.

(b) Underwater electrical transmission lines shall be located and designed to:

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(1) Utilize existing transportation or utility corridors where feasible.

(2) Avoid adverse impacts to navigation.

(3) Be posted with warning signs.

(c) Electrical Distribution Substations: Electrical distribution substations shall be:

(1) Located outside of the shoreline, where feasible, and may be located within a shoreland location only when the applicant proves no other site out of the shoreland area exists.

(2) Located as far as feasible from the land-water interface.

(3) Screened as required by in the criteria for all utilities, above.

ii. Communications: This section applies to telephone exchanges including radar transmission installations, receiving antennas for cable television and/or radio, wireless communication facilities and any other facility for the transmission of communication signals.

(a) Communications installations may be permitted in the shoreline area only when there exists no feasible site out of the shoreline and water area.

(b) All structures shall meet the screening requirements in the criteria for all utilities, above.



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(c) If approved within the shoreline, such installations shall reduce aesthetic impacts by locations as far as possible from residential, recreational, and commercial activities.

(d) Cellular communication facilities may be located in the shoreline only when mounted on buildings and screened by architectural features compatible with the design of the building.

iii. 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 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.

iv. 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 adjacent public use area. As a condition of location of new utilities within the shoreline, the City may require provision of pedestrian public access.

v. All-inclusive Utility Corridor: When it is necessary for more than one (1) major utility to go along the same general route, the common use of a single utility right of way is strongly encouraged. It would be desirable to include railroad lines within this right of way also.

d. Local Service Utilities, Specifications:

i. Electrical Distribution: New electrical distribution lines within the shoreline shall be placed underground, provided that distribution lines that cross water or other critical areas may be allowed to be placed above ground if:

(a) There is no feasible alternative route.

(b) Underground installation would substantially disrupt ecological functions and processes of water bodies and wetlands; horizontal drilling or similar technology that does not disturb the surface is not feasible.

(c) Visual impacts are minimized to the extent feasible.

(d) If overhead facilities require that native trees and other vegetation cannot be maintained in a Vegetation Conservation buffer as provided in subsection 4-3-090F.1 Vegetation Conservation, compensatory mitigation shall be provided on or off-site.

ii. Waterlines:

(a) New water lines shall not cross water, wetlands or other critical areas unless there is no reasonably feasible alternative route.

(b) Sizes and specifications shall be determined by the Public Works Department in accordance with American Water Works Association (AWWA) guidelines.

iii. Sanitary Sewer:

(a) The use of outhouses or privies is prohibited. Self-contained outhouses may be allowed for temporary, seasonal, or special events.

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(b) All uses shall hook to the municipal sewer system. There shall be no septic tanks or other on-site sewage disposal systems.

(c) Sewage trunk lines, interceptors, pump stations, treatment plants, and other components that are not water-dependent shall be located away from shorelines unless:

(1) Alternative locations, including alternative technology, are demonstrated to be infeasible.

(2) The facilities do not result in a net loss of shoreline ecological functions.

(3) The facilities do not result in significant impacts to other shoreline resources and values such as parks and recreation facilities, public access and archaeological, historic, and cultural resources, and aesthetic resources.

(d) Storm drainage and pollutant drainage shall not enter the sanitary sewer system.

(e) During construction phases, commercial sanitary chemical toilets may be allowed only until proper plumbing facilities are completed.

(f) All sanitary sewer pipe sizes and materials shall be approved by the Public Works Department.

iv. Stormwater Management:

(a) The City will work with private property owners, and other jurisdictions to maintain, enhance and restore natural drainage systems to

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protect water quality, reduce flooding, reduce public costs and prevent associated environmental degradation to contribute to the goal of no net loss of shoreline ecological functions.

(b) All new development shall meet current storm water management requirements for detention and treatment.

(c) Individual single-family residences may be subject to water quality management requirements to ensure the quality of adjacent water bodies.

(d) Storm water ponds, basins and vaults shall be located as far from the water's edge as feasible and may not be located within vegetation conservation buffers.

(e) The location design and construction of storm water outfalls shall limit impacts on receiving waters and comply with all appropriate local, state, and federal requirements. Infiltration of storm water shall be preferred, where reasonably feasible.

(f) Storm water management may include a low impact development storm water conveyance system in the vegetation buffer, if the system is designed to mimic the function and appearance of a natural shoreline system and complies with all other requirements and standards of RMC 4-3-090F.1 Vegetation Conservation.

v. Solid Waste Facilities:

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(a) Facilities for processing, storage, and disposal of solid waste are not normally water-dependent. Components that are not water-dependent shall not be permitted on shorelines.

(b) Disposal of solid waste on shorelines or in water bodies has the potential for severe adverse effects upon ecological functions, property values, public health, natural resources, and local aesthetic values and shall not be permitted.

(c) Temporary storage of solid waste in suitable receptacles is permitted as an accessory use to a primary permitted use, or for litter control.

**F. Shoreline Modification:**

**1. Vegetation Conservation:**

a. Standard Vegetation Conservation Buffer Width: Except as otherwise specified in this section, water bodies defined as Shorelines shall have a minimum one hundred (100)-foot vegetation management buffer measured from the OHWM of the regulated shoreline of the state. Where streams enter or exit pipes, the buffer shall be measured perpendicular to the OHWM from the end of the pipe along the open channel section of the stream.

b. Vegetation Conservation Buffer Widths by Reach: The Administrator of the Department of Community and Economic Development or designee may apply the following vegetation buffers provided for in Table RMC 4-3-090F.1.1 Vegetation Conservation Standards by Reach as an alternative to the Standard

Vegetation Conservation Buffer for sites for development that implement water-oriented use and public access as provided in the table for each reach.

**c. Alternative Vegetated Buffer Widths and Setbacks for Existing**

**Single-Family Lots:**

i. Modified Requirements Based on Lot Depth: The Administrator of the Department of Community and Economic Development or designee shall apply the following vegetation buffers and building setbacks for existing single-family residences and existing single-family lots consisting of property under contiguous ownership without a variance. Lot depth shall be measured from the OHWM in a perpendicular direction to the edge of the contiguously owned parcel or to an easement containing existing physical improvements for road access for two or more lots.

<u>Lot Depth</u>	<u>Building Setback</u>	<u>Vegetated Buffer</u>
<u>Greater than 130 feet</u>	<u>45 feet</u>	<u>20 feet</u>
<u>100 feet, up to 130 feet</u>	<u>35 feet</u>	<u>15 feet</u>
<u>Less than 100 feet</u>	<u>25 feet</u>	<u>10 feet</u>

ii. Setback Modifications for Site Improvements: Existing single-family residences on existing single-family lots subject to the setback standards in 4-3-090F.1.c.i may reduce their setback by making one or more of the site improvements listed below. In no case shall the setback be reduced to less than twenty-five feet (25'). The reduced setback and site improvement shall be recorded in a covenant approved by the City Attorney. The site improvement

shall be maintained by the property owner.

(a) The setback shall be reduced by five feet (5') for every two hundred fifty (250) square feet of existing impervious surface removed.

(b) The setback shall be reduced for properties that agree to reduce future impervious coverage to a standard lower than the standard in RMC 4-3-090D.7.a Shoreline Bulk Standards. The reductions shall be five feet (5') for every two hundred fifty (250) square feet of future impervious surface coverage that is limited, and recorded as a maximum impervious coverage standard (in percent), rounded down to the nearest whole number.

(c) Properties that replace existing rigid shoreline stabilization with preferred alternatives under RMC 4-3-090F.4.a.iii Shoreline Stabilization Alternatives Hierarchy shall qualify for a setback reduction that correlates with the degree in improvement in ecological function and value that is expected to result from the change, as reported in a standard stream/lake study.

(d) Properties that propose projects to improve habitat functions and values shall qualify for a setback reduction that correlates with the degree in improvement in ecological function and value that is expected to result from the project, as reported in a standard stream/lake study.

iii. Modifications for Narrow Lots: For such lots with a lot width of less than sixty feet (60'), setbacks and buffers may be reduced by ten percent (10%), but no less than:

(a) Building setback: twenty-five feet (25').

(b) Vegetated buffer: fifteen feet (15').

iv. Other Setbacks May be Reduced: Modification from the front and side yard standards may be granted administratively if needed to meet the established setback from the OHWM, as specified in this section and if standard variance criteria are met in RMC 4-9-250B Variances.

**d. Reduction of Vegetated Buffer or Setback Width:**

i. Administrator of the Department of Community and Economic Development or Designee May Reduce: Based upon an applicant's request, the Administrator of the Department of Community and Economic Development or designee may approve a reduction in the standard buffer widths/setbacks where the applicant can demonstrate compliance with criteria in the subsections below. Buffer enhancement shall be required where appropriate to site conditions, habitat sensitivity, and proposed land development characteristics.

ii. Water-dependent Uses:

(a) Areas approved for water-dependent use or public access may be excluded from vegetated buffer if the approval is granted through review of a Substantial Development Permit, Conditional Use Permit, or Variance, provided that the area excluded is the minimum needed to provide for the water-dependent use or public access.

(b) Access to private docks through a vegetated buffer may be provided by a corridor up to six feet (6') wide.



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iii. Vegetation Conservation Standard Table Applied: Vegetated buffers specified for areas enumerated in Table RMC 4-3-090F.1.I, Vegetation Conservation Standards by Reach, shall be applied in accordance with those provisions.

iv. Buffer and Setback Reduction Standards: Based upon an applicant's request, and the acceptance of a Standard Stream or Lake Study, the Administrator of the Department of Community and Economic Development or designee may approve a reduction in the standard buffer widths/setbacks by up to fifty percent (50%) if within the High Intensity Overlay or by up to twenty-five percent (25%) in all other Shoreline Overlays except when the buffer widths/setbacks are established by subsection 4-3-090F.1.c Alternative Vegetated Buffer Widths and Setbacks for Existing Single-Family lots, above, where the applicant can demonstrate compliance with applicable criteria in the subsections below:

(a) The proposal complies with either of the following two criteria:

(1) The area of the proposed reduced-width buffer is already extensively vegetated with native species, including trees and shrubs, and has less than five percent (5%) non-native invasive species cover; or

(2) The area of the proposed reduced-width buffer can be enhanced with native vegetation and removal of non-native species; and

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(b) The proposed project, with width reduction, will result in no net loss of ecological functions as consistent with subsection RMC 4-3-090D.2.a No Net Loss of Ecological Functions; and

(c) Reduction of the buffer/setback shall not create the need for rigid shoreline stabilization as described in subsections (d) and (e) of RMC 4-3-090F.4.a.iii Shoreline Stabilization Alternatives Hierarchy; and

(d) The reduction shall not create any significant unmitigated adverse impacts to other property in the vicinity.

(e) Review Procedures:

(1) Buffer reductions in the High Intensity Overlay shall be approved by the Administrator of the Department of Community and Economic Development or designee as part of a Substantial Development Permit. Buffer reductions in all other Shoreline Overlays shall be processed through a Shoreline Conditional Use Permit, pursuant to RMC 4-9-190I Variances and Conditional Uses.

(2) Written findings shall be made to demonstrate that the buffer reduction substantially implements the criteria of this section.

v. Buffer Reductions for the Conversion on Non-Conforming Uses: Based upon an applicant's request, and the acceptance of a Supplemental Stream or Lake Study, the Administrator of the Department of Community and Economic Development or designee may approve a reduction in the standard buffer in a case where an existing non-conforming site is not re-developed and

the proposal includes removal of existing over-water structures or removal or reconstruction of shoreline protection structures or other restoration of shorelines or buffer areas in a manner that meets the standards of the Shoreline Master Program, to a vegetated buffer a minimum ten feet (10') from existing buildings or impervious surface such as parking areas and driveways in current use to serve the non-conforming buildings or uses.

e. **Increased Buffer Widths:** Vegetated buffers may be increased by the Administrator of the Department of Community and Economic Development or designee as required or allowed by the criteria below.

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 Administrator of the Department of Community and Economic Development or designee.

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.

f. **Averaging of Buffer Width:**

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i. Authority: Based upon an applicant's request, and the acceptance of a Standard Stream or Lake Study, the Administrator of the Department of Community and Economic Development or designee may approve buffer width averaging except where specific vegetation buffers in Table RMC 4-3-090F.1.I Vegetation Conservation Standards by Reach are stated.

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;

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

(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;

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

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

g. **Buffer Enhancement:** Buffer Enhancement as a separate action may be proposed on any property and may be implemented without full compliance with the standards of this section, provided that 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. Any change to existing non-conforming facilities or use on a site shall meet the provisions for non-conforming sites.

h. **Exemption Criteria:** As determined by the Administrator of the Department of Community and Economic Development or designee, for development proposed on sites separated from the shoreline by intervening, and lawfully created public roads, railroads, other off-site substantial existing improvements, or an intervening parcel under separate ownership, the requirements of this code for a vegetation buffer may be waived. For the purposes of this section, the intervening lots/parcels, roads, 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 ecological functions from the subject upland property to the water body.

i. **Vegetation Management:** Vegetation adjacent to water bodies in the shoreline shall be managed to provide the maximum ecological functions feasible, in accordance with these standards.

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i. Streams and lakes with Vegetation Conservation Buffer areas that are largely undisturbed native vegetation, shall be retained except where the buffer is to be enhanced or where alteration is allowed in conformance with this section for a specific development proposal.

ii. In the absence of a development proposal, existing, lawfully established landscaping and gardens within a Vegetation Conservation Buffer, may be maintained in its existing condition including but not limited to, mowing lawns, weeding, removal of noxious and invasive species, harvesting and replanting of garden crops, pruning and replacement planting of ornamental vegetation or indigenous native species to maintain the condition and appearance of such areas as they existed prior to adoption of this code, provided this does not apply to areas previously established as native growth protection areas, mitigation sites, or other areas protected via conservation easements or similar restrictive covenants.

iii. Removal of noxious weeds and/or invasive species may be allowed without permit review in any Vegetation Conservation Buffer area provided that removal consists of physical uprooting or chemical treatment of individual plants or shallow excavation of no more than one thousand (1,000) square feet of dense infestations.

iv. New development or redevelopment of non conforming uses shall develop and implement a vegetation management plan that complies with the standards of this code. Unless otherwise provided, a vegetation management

plan shall preserve, enhance or establish native vegetation within the specified vegetation buffer. If a low impact development storm water system is proposed in accordance with RMC 4-3-090E.11.d.iv(f), it must be included in the vegetation management plan. When required, vegetation management plans shall be prepared by a qualified professional, provided that the Administrator of the Department of Community and Economic Development or designee may establish prescriptive standards for vegetation conservation and management as an alternative to requiring a specific plan for a development. Vegetation management plans shall describe actions that will be implemented to ensure that buffer areas provide ecological functions equivalent to a dense native vegetation community to the extent possible. Required vegetation shall be maintained over the life of the use and/or development. For private development a conservation easement or similar recorded legal restriction shall be recorded to ensure preservation of the vegetation conservation and management area.

v. The Administrator of the Department of Community and Economic Development or designee may approve, in cases of redevelopment or alteration of existing single family residential lots, a vegetation management plan that does not include large native trees, if such trees would block more than thirty percent (30%) of existing water views allowed from the existing residence on a lot. Native vegetation consisting of groundcover, shrubs and small trees

shall be provided to provide as many of the vegetation functions feasible. This provision shall not apply to new lots created by subdivision or other means.

**j. Documentation:**

i. Provisions of subsection RMC 4-3-090F.1 Vegetation Conservation as they pertain to existing single family residences and lots determinations and evidence shall be included in the application file.

ii. For all development requiring a Shoreline Substantial Development Permit, findings and determinations regarding the application of increased or reduced buffer width shall be included as specific findings in the permit.

iii. For development not requiring a Shoreline Substantial Development Permit, approval of a reduced buffer width shall be require review as a shoreline variance by the Hearing Examiner per RMC 4-9-190. The setback provisions of the zoning district for the use must also be met unless a variance to the zoning code is achieved.

**k. Off-site Vegetation Conservation Fund:** The City shall provide a fund for off-site provision of areas for Vegetation Conservation. The Administrator of the Department of Community and Economic Development or designee shall assess charges to new development that has been granted a shoreline variance because the Vegetation Conservation Buffer requirement under RMC 4-3-090D.7.a Shoreline Bulk Standards, or as modified under RMC 4-3-090F.1 Vegetation Conservation, cannot be met on site. The Administrator of the



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Department of Community and Economic Development or designee shall also assess charges to existing development subject to major alteration in which on-site shoreline stabilization mitigation, if required, is infeasible according to RMC 4-10-095F Partial and Full Compliance, Alterations of an Existing Structure or Site. Credit shall be given for areas of vegetation buffer on the shoreline provided by development. Expenditures from such a fund for provision of areas where the functions of shoreline vegetation conservation would be provided shall be in accordance with the Restoration Plan or other watershed and aquatic habitat conservation plans and shall be spent within the WRIA in which the assessed property is located.

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I. Vegetation Conservation Buffer Standards by Reach: The following table identifies the performance standards for maintenance and restoration of the vegetation conservation buffer and shall be applied if required by the use regulations or development standards of the Shoreline Master Program.

<u>SHORELINE REACH</u>	<u>Vegetation Conservation Objectives</u>
<u>Lake Washington</u>	
<u>Lake Washington Reach A and B</u>	<u>This developed primarily single-family area provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts shall be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.</u>
<u>Lake Washington Reach C</u>	<u>If areas redevelop, the full one hundred (100)-foot buffer of native vegetation shall be provided, except where water-dependent uses are located. Buffer averaging, pursuant to RMC 4-3-090F.1.f, may be used if consistent with a NOAA Natural Resources Damage Settlement and approved by the US EPA and the National Marine Fisheries Service.</u>
<u>Lake Washington Reach D and E</u>	<u>This developed primarily single-family area provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts shall be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.</u>
<u>Lake Washington Reach F</u>	<u>Enhancement of native riparian vegetation shall be implemented as part of park management, balanced with opportunities to provide public visual and physical access to the shoreline. The City may fund shoreline enhancement through fees paid for off-site mitigation from development elsewhere on Lake Washington.</u>
<u>Lake Washington</u>	<u>Enhancement of native riparian vegetation shall be implemented as part of park</u>

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<u>Reach G</u>	<u>management, while recognizing that in this portion of the park is oriented primarily to opportunities to provide public visual and physical access to the shoreline including over water structures, supporting concessions, boat launch and public beach facilities.</u>
<u>Lake Washington Reach H</u>	<u>Buffers for vegetation management are not required in this reach. This site has an approved Master Site Plan that includes significant public access. Opportunities for public access along the waterfront and the development of water-oriented uses are the designated priorities for this reach.</u>
<u>Lake Washington Reach I</u>	<u>The area of vegetation on public aquatic lands should be enhanced in the short term. Upon redevelopment, vegetation buffers shall be extended into the site adjacent to vegetated areas along the shoreline. Vegetation restoration shall be balanced with public access and water-oriented use on the balance of the site. Public access shall not impact any restored lands on this site.</u>
<u>Lake Washington Reach J</u>	<u>Enhanced riparian vegetation shall be provided in a manner consistent with maintaining aviation safety as part of airport management.</u>
<u>Lake Washington Reach K</u>	<u>Redevelopment of multi-family sites shall provide vegetation buffers at the full standard, with possible employment of provisions for averaging or reduction. Single-family development in this reach provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts shall be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.</u>
<u>May Creek</u>	
<u>May Creek A and B</u>	<u>Full standard native vegetation buffers shall be provided with development of this property.</u>
<u>May Creek C and D</u>	<u>Full standard native vegetation buffers shall be provided on this reach with existing private lots, subject to buffer standards related to lot depth, together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.</u>
<u>Cedar River</u>	

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<u><b>Cedar River A</b></u>	<u>Enhancement of native riparian vegetation shall be implemented as part of park management, balanced with needs of flood control levees and opportunities to provide public visual and physical access to the shoreline.</u>
<u><b>Cedar River B</b></u>	<u>Enhancement of native riparian vegetation shall be implemented as part of flood control management programs that may be integrated with opportunities to provide public visual and physical access to the shoreline. Vegetation management and public access should be addressed in a comprehensive management plan prior to issuance of shoreline permits for additional flood management activities. This developed single-family area shall implement vegetation management based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation as provided for alternation of non-conforming uses, structures, and sites.</u>
<u><b>Cedar River C</b></u>	<u>Enhancement of native riparian vegetation shall be implemented as part of management of public parks. Full standard native vegetation buffers should be maintained on the public open space on the south side of the river, subject to existing trail corridors and other provisions for public access. Enhancement of native riparian vegetation within the standard or modified buffers shall be provided upon redevelopment of the north shore, except in areas where public/community access is provided. The vegetation conservation buffer may be designed to incorporate floodplain management features including floodplain compensatory storage.</u>
<u><b>Cedar River D</b></u>	<u>Full standard native vegetation buffers shall be provided on this reach with existing private lots subject to buffer standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.</u>
<u><b>Green River</b></u>	
<u><b>Green River Reach A</b></u>	<u>Full standard native vegetation buffers shall be provided with redevelopment of this property in this reach, balanced with provisions for public access. Vegetation conservation within railroad rights of way shall not be required within areas necessary for railway operation. Vegetation preservation and</u>

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	<u>enhancement should be encouraged in areas of railroad right of way not devoted to transportation uses. Expansion of railroad facilities may require specific vegetation preservation and enhancement programs, consistent with the standards of the Shoreline Master Program.</u>
<b><u>Black River / Springbrook Creek</u></b>	
<b><u>Black River/Springbrook A</u></b>	<u>Public open space that exceeds buffer standards should be maintained and native vegetation enhanced. Full standard buffers should be provided upon redevelopment of adjacent land, recognizing the constraints of existing transportation and public facilities.</u>
<b><u>Springbrook B</u></b>	<u>Full standard buffers should be provided upon redevelopment of adjacent land, recognizing the constraints of existing transportation and public facilities.</u>
<b><u>Springbrook C and D</u></b>	<u>Vegetation enhancement should be implemented within the drainage district channels in conjunction with management plans including adjustments to channel dimensions to assure continued flood capacity with the additional hydraulic roughness provided by vegetation. Full standard vegetated buffers should be provided upon redevelopment of adjacent land presuming re-vegetation of the stream channel. Vegetation management should retain a continuous trail system that may be relocated further from the stream edge.</u>
<b><u>Lake Desire</u></b>	
<b><u>Lake Desire</u></b>	<u>This developed primarily single-family area provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts should be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation. Shoreline vegetation enhancement should take place at the WDFW boat launching site balancing values of riparian vegetation with public access. Existing shoreline vegetation in the publicly owned natural areas should be preserved with some accommodation for interpretive access to the water as a part of park management plans, subject to the primary objective of protecting ecological functions.</u>

**2. Landfill and Excavation:**

**a. General Provisions:** Landfill and excavation shall only be permitted in conjunction with an approved use or development and allowed with assurance of no net loss of shoreline ecological functions. Excavation below the OHWM is considered "dredging" and is addressed in a separate section.

**b. Criteria for Allowing Landfills and Excavations Below Ordinary High Water Mark:** Landfills and excavations shall generally be prohibited below the OHWM, except for the following activities, and in conjunction with documentation of no net loss of ecological functions as documented in appropriate technical studies:

- i. Beach or aquatic substrate replenishment in conjunction with an approved ecological restoration activity;
- ii. Replenishing sand on public and private community beaches;
- iii. Alteration, maintenance and/or repair of existing transportation facilities and utilities currently located within shoreline jurisdiction, when alternatives or less impacting approaches are not feasible;
- iv. Construction of facilities for public water-dependent uses or public access; when alternatives or less impacting approaches are not feasible and provided that filling and/or excavation are limited to the minimum needed to accommodate the facility;

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v. Activities incidental to the construction or repair of approved shoreline protection facilities, or the repair of existing shoreline protection facilities;

vi. Approved flood control projects;

vii. In conjunction with a stream restoration program including vegetation restoration; and

viii. Activities that are part of a remedial action plan approved by the Department of Ecology pursuant to the Model Toxics Control Act, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or otherwise authorized by the Department of Ecology, U.S. Army Corps of Engineers, or other agency with jurisdiction, after review of the proposed fill for compliance with the policies and standards of the Shoreline Master Program.

c. **Review Standards:** All landfills and excavations shall be evaluated in terms of all of the following standards:

i. The overall value to the public of the results of the fill or excavation site as opposed to the value of the shoreline in its existing state as well as evaluation of alternatives to fill that would achieve some or all of the objectives of the proposal.

ii. Effects on ecological functions including, but not limited to functions of the substrate of streams and lakes and affects on aquatic organisms, including the food chain, effects on vegetation functions, effects on local

currents and erosion and deposition patterns, effects on surface and subsurface drainage, and effects on flood waters.

iii. Whether shoreline stabilization will be necessary to protect materials placed or removed and whether such stabilization meets the policies and standards of the Shoreline Master Program.

iv. Whether the landfill or excavation will adversely alter the normal flow of floodwater, including obstructions of flood overflow channels or swales, after taking into account any compensating flood storage provided by the proposal.

v. Whether public or tribal rights to the use and enjoyment of the shoreline and its resources and amenities are impaired.

d. Performance Standards: Performance standards for fill and excavation include:

i. Disturbed areas shall be immediately stabilized and revegetated to avoid or minimize erosion and sedimentation impacts, both during initial work and over time. Natural and self-sustaining control methods are preferred over structures.

ii. Landfills and excavation shall be designed to blend physically and visually with existing topography.

e. Shoreline Conditional Use Required: All fill and excavation waterward of the OHWM not associated with ecological restoration, flood



control or approved shoreline stabilization shall require a Shoreline Conditional Use Permit.

**3. Dredging:**

**a. General:** Dredging and dredge material disposal, when permitted, shall be done in a manner which avoids or minimizes significant ecological impacts. Impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions.

**b. Dredging Limited:** Dredging is permitted only in cases where the proposal, including any necessary mitigation, will result in no net loss of shoreline ecological functions and is limited to the following:

i. Establishing, expanding, relocating or reconfiguring navigation channels and basins where necessary to assure safe and efficient accommodation of existing navigational uses. Maintenance dredging of established navigation channels and basins shall be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.

ii. For flood control purposes, when part of a publicly adopted flood control plan.

iii. For restoration or enhancement of shoreline ecological functions benefiting water quality and/or fish and wildlife habitat and approved by applicable local, state and federal agencies.

iv. For development of approved water-dependent uses provided there are no feasible alternatives.

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v. 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.

vi. Maintenance dredging for access to existing legally established boat moorage slips including public and commercial moorage and moorage accessory to single family residences, provided that dredging shall be limited to maintaining the previously dredged and/or existing authorized location, depth, and width. Dredging shall be disallowed to maintain depths of existing private moorage where it results in a net loss of ecological functions.

vii. Minor trenching to allow the installation of necessary underground pipes or cables if no alternative, including boring, is feasible, and:

(a) Impacts to fish and wildlife habitat are avoided to the maximum extent possible.

(b) The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.

(c) Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.

viii. Dredging is performed pursuant to a remedial action plan approved under authority of the Model Toxics Control Act, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), or pursuant to other authorization by the Department of Ecology, U.S. Army Corps of

Engineers, or other agency with jurisdiction, after review of the proposed materials for compliance with the policies and standards of the Shoreline Master Program.

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

c. Dredging Prohibited: Dredging shall be prohibited in the following cases:

i. Dredging shall not be performed within the deltas of the Cedar River and May Creek except for purposes of ecological restoration, for public flood control projects, for water-dependent public facilities, or for limited maintenance dredging in conformance with this section.

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

iii. Dredging for new moorage is prohibited.

iv. Dredging may not be performed to maintain facilities established for water-dependent uses in cases where the primary use is discontinued unless the facility meets all standards for a new water-dependent use.

v. Dredging of public aquatic lands is prohibited unless approval is granted from the Washington State Department of Natural Resources.

d. Review Criteria:

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i. New development, including the development of associate piers and docks, should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging. Where alternatives such as the utilization of shallow access to mooring buoys is feasible, such measures shall be used.

ii. All proposed dredging operations shall be designed by an appropriate State licensed professional engineer. A stamped engineering report and an assessment of potential impacts on ecological functions shall be prepared by qualified consultants and shall be submitted to the Renton Planning Division as part of the application for a shoreline permit.

iii. The responsibility rests solely with the applicant to demonstrate the necessity of the proposed dredging operation.

iv. The responsibility rests solely with the applicant to demonstrate that:

(a) There will be no net loss of ecological functions including but not limited to adverse effect on aquatic species including fish migration.

(b) There will be no adverse impact on recreational areas or public recreation enjoyment of the water.

v. Adjacent bank protection:

(a) 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.

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(b) If it is absolutely necessary to disturb the adjacent 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.

vi. Avoidance of Adverse Effects: The responsibility rests with the applicant to demonstrate the proposed dredging will avoid conditions that may adversely affect adjacent properties including:

(a) Creating a nuisance to the public or nearby activity.

(b) Damaging property in or near the area.

(c) Causing substantial adverse effect to plant, animal, aquatic or human life in or near the area.

(d) Endangering public safety in or near the area.

vii. The applicant shall demonstrate control of contamination and pollution to water, air, and ground through specific operation and mitigation plans.

viii. Disposal of Dredge Material: The applicant shall demonstrate that the disposal of dredged material will not result in net loss of ecological functions or adverse impacts to properties adjacent to the disposal site.

(a) The applicant shall provide plans for the location and method of disposing of all dredged material.

(b) Dredged material shall not be deposited in a lake, stream, or marine water except if approved as habitat enhancement or other beneficial

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environmental mitigation as part of ecological restoration, a contamination remediation project approved by appropriate State and/or Federal agencies, or is approved in accordance with the Puget Sound Dredged Disposal Analysis evaluation procedures for managing in-water-disposal of dredged material by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 10 (Rivers and Harbors Act) and Section 404 (Clean Water Act) permits, and Washington State Department of Fish and Wildlife Hydraulic Project Approval.

(c) In no instance shall dredged material be stockpiled in a shoreland area that would result in the clearing of native vegetation. Temporary stockpiling of dredged material is limited to one hundred eighty (180) days.

(d) If the dredged material is contaminant or pollutant in nature, the applicant shall propose and carry out a method of disposal that complies with all regulatory requirements.

(e) Permanent land disposal shall demonstrate that:

(1) Shoreline ecological functions will be preserved, including protection of surface and ground water.

(2) Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions or property.

(3) Sites will be adequately screened from view of local residents or passersby on public right-of-ways.

(4) The site is not located within a Channel Migration Zone.

e. Shoreline Conditional Use Required: Dredging shall require a Shoreline Conditional Use unless associated with existing water-dependent uses, habitat enhancement, a remedial action plan approved under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or the Model Toxics Control Act, or public recreation facilities or uses.

4. Shoreline Stabilization:

a. General Criteria for New or Expanded Shoreline Stabilization

Structures:

i. Avoidance of Need for Stabilization: The need for future shoreline stabilization should be avoided to the extent feasible for new development. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis.

ii. Significant Impact to Other Properties Prohibited: The need for shoreline stabilization shall be considered in the determination of whether to approve new water-dependent uses. Development of new water-dependent uses that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas should not be allowed.

iii. Shoreline Stabilization Alternatives Hierarchy: Structural shoreline stabilization measures should be used only when more natural, flexible, non-structural methods such as vegetative stabilization, beach nourishment and

bioengineering have been determined infeasible. Alternatives for shoreline stabilization should be based on the following hierarchy of preference:

(a) No action (allow the shoreline to retreat naturally), increase building setbacks, and relocate structures.

(b) Flexible defense works constructed of natural materials including measures such as soft shore protection, bioengineering, including beach nourishment, protective berms, or vegetative stabilization.

(c) Flexible defense works, as described above, with rigid works, as described below, constructed as a protective measure at the buffer line.

(d) A combination of rigid works, as described below, and flexibly defense works, as described above.

(e) Rigid works constructed of artificial materials such as riprap or concrete.

iv. Limited New Shoreline Stabilization Allowed: New structural stabilization measures shall not be allowed except when necessity is demonstrated in one of the following situations:

(a) To protect existing primary structures:

(1) New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by



currents, or waves within three (3) years, or where waiting until the need is immediate would prevent the opportunity to use measures that avoid impacts on ecological functions. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization if on-site drainage is a cause of shoreline instability at the site in question.

(2) The shoreline stabilization is evaluated by the hierarchy in subsection a.iii above.

(3) The shoreline stabilization structure will not result in a net loss of shoreline ecological functions.

(4) Measures to reduce shoreline erosion in a channel migration zone (CMZ) require a geomorphic assessment by a Washington licensed geologist with engineering geology or hydrogeology specialty license plus experience in conducting fluvial geomorphic assessments. Erosion control measures are only allowed if it is demonstrated that: the erosion rate exceeds that which would normally occur in a natural condition; the measure does not interfere with fluvial hydrological and geomorphologic processes normally acting in natural conditions; and the measure includes appropriate mitigation of impacts to ecological functions associated with the stream.

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(b) New Development: In support of new development when all five (5) of the conditions listed below apply and are documented by a geotechnical analysis:

(1) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

(2) Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

(3) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as currents, and waves.

(4) The shoreline stabilization structure is evaluated by the hierarchy in subsection a.iii, above.

(5) The shoreline stabilization structure together with any compensatory mitigation proposed by the applicant and/or required by regulatory agencies is not expected to result in a net loss of shoreline ecological functions.

(6) The proposed new development is not located in a channel migration zone (CMZ).

(c) Restoration and Remediation Projects: To protect projects for the restoration of ecological functions or hazardous substance remediation

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projects pursuant to Chapter 70.105D RCW when all three (3) of the conditions below apply and are documented by a geotechnical analysis:

(1) The shoreline stabilization structure together with any compensatory mitigation proposed by the applicant and/or required by regulatory agencies is not expected to result in a net loss of shoreline ecological functions.

(2) The shoreline stabilization structure is evaluated by the hierarchy in subsection a.iii, above.

(d) Protect Navigability: To protect the navigability of a designated harbor area when necessity is demonstrated in the following manner by a geotechnical report:

(1) Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

(2) The shoreline stabilization structure together with any compensatory mitigation proposed by the applicant and/or required by regulatory agencies is not expected to result in a net loss of shoreline ecological functions.

(3) The shoreline stabilization structure is evaluated by the hierarchy in subsection a.iii above.

v. Content of Geotechnical Report: Geotechnical analysis pursuant to this section that addresses the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating

time frames and rates of erosion and report on the urgency associated with the specific situation. The geotechnical analysis shall evaluate the need and effectiveness of both hard and soft armoring solutions in preventing potential damage to a primary structure. Consideration should be given to permit requirements of other agencies with jurisdiction.

vi. Stream Bank Protection Required: New or expanded shoreline stabilization on streams should assure that such structures do not unduly interfere with natural stream processes. The Administrator of the Department of Community and Economic Development or designee shall review the proposed design for consistency with state guidelines for stream bank protection as it relates to local physical conditions and meet all applicable criteria of the Shoreline Master Program, subject to the following:

(a) A geotechnical analysis of stream geomorphology both upstream and downstream shall be performed to assess the physical character and hydraulic energy potential of the specific stream reach and adjacent reaches upstream or down, and assure that the physical integrity of the stream corridor is maintained, that stream processes are not adversely affected, and that the revetment will not cause significant damage to other properties or valuable shoreline resources.

(b) Revetments or similar hard structures are prohibited on point and channel bars, and in salmon and trout spawning areas, except for the purpose of fish or wildlife habitat enhancement or restoration.

(c) Revetments or similar hard structures shall be placed landward of associated wetlands unless it can be demonstrated that placement waterward of such features would not adversely affect ecological functions.

(d) Revetments or similar structures shall not be developed on the inside bend of channel banks in a stream except to protect public works, railways and existing structures.

(e) Revetments shall be designed in accordance with WDFW stream bank protection guidelines.

(f) Groins, weirs and other in-water structures may be authorized only by Shoreline Conditional Use Permit, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams. A geotechnical analysis of stream geomorphology both upstream and downstream shall document that alternatives to in-water structures are not feasible. Documentation shall establish impacts on ecological functions that must be mitigated to achieve no net loss.

**b. Design Criteria for New or Expanded Shoreline Stabilization**

**Structures:** When any structural shoreline stabilization measures are demonstrated to be necessary, the following design criteria shall apply:

i. Professional Design Required: Shoreline stabilization measures shall be designed by a qualified professional. Certification by the design professional may be required to ensure that installation meets all design parameters.

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ii. General Requirements: The size of stabilization measures shall be limited to the minimum necessary. Use measures shall be designed to assure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses or to meet resource agency permitting conditions.

iii. Restriction of Public Access Prohibited: Publicly financed or subsidized shoreline erosion control measures shall be ensured to not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. See public access provisions; WAC 173-26-221(4). Where feasible, ecological restoration and public access improvements shall be incorporated into the project.

iv. Restriction of Navigation Prohibited: Shoreline stabilization should not be permitted to unnecessarily interfere with public access to public shorelines, nor with other appropriate shoreline uses including, but not limited to, navigation, public or private recreation and Indian treaty rights.

v. Aesthetic Qualities to be Maintained: Where possible, shoreline stabilization measures shall be designed so as not to detract from the aesthetic qualities of the shoreline.

vi. Public Access to be Incorporated: Required restoration and/or public access should be incorporated into the location, design and maintenance of shoreline stabilization structures for public or quasi-public developments

whenever safely compatible with the primary purpose. Shore stabilization on publicly owned shorelines should not be allowed to decrease long term public use of the shoreline.

c. Existing Shoreline Stabilization Structures: Existing shoreline stabilization structures not in compliance with this code may be retained, repaired, or replaced if they meet the applicable criteria below:

i. Repair of Existing Structures: An existing shoreline stabilization structure may be repaired as long as it serves to perform a shoreline stabilization function for a legally established land use, but shall be subject to the provisions below if the land use for which the shoreline stabilization structure was constructed is abandoned per RMC 4-10-060 Non-conforming Uses, or changed to a new use.

ii. Additions to Existing Structures: Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.

iii. Changes in Land Use: An existing shoreline stabilization structure established to serve a use that has been abandoned per RMC 4-10-060 Non-conforming Uses, discontinued, or changed to a new use may be retained or replaced with a similar structure if:

(a) There is a demonstrated need documented by a geotechnical analysis to protect principal uses or structures from erosion caused by currents or waves; and

(b) An evaluation of the existing shoreline stabilization structure in relation to the hierarchy of shoreline stabilization alternatives established in subsection a.iii, above, shows that a more preferred level of shoreline stabilization is infeasible. In the case of an existing shoreline stabilization structure composed of rigid materials, if alternatives 1-3 of the hierarchy in subsection a.iii would be infeasible then the existing shoreline stabilization structures could be retained or replaced with a similar structure.

iv. Waterward Replacement Prohibited for Structures Protecting Residences: Replacement walls or bulkheads, if allowed, shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

v. Restoration and Maintenance of Soft Shorelines Allowed: Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark. Replenishment of substrate materials to maintain the specifications of the permitted design may be allowed as maintenance.

vi. No Net Loss: Where a net loss of ecological functions associated with critical habitats would occur by leaving an existing structure that is being replaced, the structure shall be removed as part of the replacement measure.

**5. Flood Control:**



a. Permitted Flood Control Projects: Flood control works shall be permitted when it is demonstrated by engineering and scientific evaluations that:

i. They are necessary to protect health, safety and/or existing development;

ii. Non-structural flood hazard reduction measures are infeasible;  
and

iii. Measures are consistent with an adopted comprehensive flood hazard management plan that evaluates cumulative impacts to the watershed system.

b. Prohibited Flood Control Projects: New or expanding development or uses in the shoreline, including subdivision of land, that would likely require new structural flood control works within a stream, channel migration zone, or floodway shall not be allowed.

c. Long Term Compatibility: New or expanded flood control works and in stream structures should be planned and designed to be compatible with appropriate multiple uses of stream resources over the long term, especially in shorelines of statewide significance.

d. Criteria for Allowing Flood Control Projects: New flood control works should only be allowed in the shoreline if they are necessary to protect existing development and where non-structural flood hazard reduction measures are infeasible.

e. **Native Vegetation:** Flood control works should incorporate native vegetation to the extent feasible to enhance ecological functions, create a more natural appearance, improve ecological functions, and provide more flexibility for long term shoreline management.

f. **Consideration of Alternatives:** To minimize flood damages and to maintain natural resources associated with streams, overflow corridors and other alternatives to traditional bank levees, revetments and/or dams shall be considered. Setback levees and similar measures should be employed where they will result in lower flood peaks and velocities, and more effective conservation of resources than with high bank levees. On Cedar River Reach D, setting back existing levees to provide for enhanced natural stream processes may be pursued when adequate provisions are made for protecting existing public and private uses.

g. **Public Access Required:** Flood control works shall provide access to public shorelines whenever possible, unless it is demonstrated that public access would cause unavoidable public health and safety hazards, security problems, unmitigatable ecological impacts, unavoidable conflicts with proposed uses, or unreasonable cost. At a minimum, flood control works should not decrease public access or use potential of shorelines.

**6. Stream Alteration:**

a. **Definition of Stream Alteration:** Stream alteration is the relocation or change in the flow of a river, stream or creek.

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b. Alterations to be Minimized: Stream alteration shall be minimized, and when allowed should change natural stream processes as little as possible.

c. Allowed if No Feasible Alternative: Unless otherwise prohibited by subsections RMC 4-3-090E.10 Transportation and RMC 4-3-090E.11 Utilities, stream alteration may be allowed for transportation and utility crossings and in-stream structures only where there is no feasible alternative.

d. Allowed for Flood Hazard Reduction: Stream alteration may be permitted if it is part of a public flood hazard reduction program or a habitat enhancement project approved by appropriate State and/or Federal agencies.

e. Prohibited Alterations: 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.

f. Detriment to Adjacent Parcels Prohibited: Stream alteration is prohibited if it would be significantly detrimental to adjacent parcels.

g. Applicant's Responsibility: The applicant has the sole responsibility to demonstrate the necessity of the proposal and compliance with the criteria of the Shoreline Master Program.

h. Professional Design Required: All proposed stream alterations shall be designed by an appropriately state-licensed professional engineer. The design shall be submitted with a supplemental lake/stream study to the Planning Division as part of the application.

i. Impacts to Aquatic Life to be Minimized: The design timing and the methods employed will have minimal adverse effects on aquatic life including minimizing erosion, sedimentation and other pollution during and after construction.

j. Flow Levels to Be Maintained: The project must be designed so that the low flow is maintained and fish escapement is provided for.

k. Conditional Use Required in a Channel Migration Zone (CMZ): Stream alterations within a channel migration zone require a shoreline conditional use permit.

**SECTION II.** Subsection 4-8-120C, Table 4-8-120C – Land Use Permit Submittal Requirements, 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”, is hereby amended so the submittal requirement rows entitled “Landscape Plan, conceptual”, “Site Plan”, “Statement for Addressing Basis for Alternate and/or Modification”, “Stream/Lake Study (8)”, “Title Report or Plat Certificate” and “Wetland Mitigation Plan-Final” for only the “Shoreline Exemption”, “Shoreline Substantial Development Permit”, “Shoreline Conditional Use Permit” and “Shoreline Variance” type of application/permit columns are hereby amended as shown below. A new submittal requirement row entitled “Vegetation Management Plan (Shoreline)” shall be added in alphabetical order, as shown below. Note 8 of the Legend shall also be amended, as shown below. All other portions of this subsection shall remain as currently codified.

Submittal Requirements	Shoreline Exemption	Shoreline Substantial	Shoreline Conditional Use	Shoreline Variance
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		Development Permit	Permit	
Landscape Plan, conceptual		5	5	<u>5</u>
Site Plan		<u>12</u>	<u>12</u>	<u>12</u>
Statement for Addressing Basis for Alternate and/or Modification		<u>5</u>	<u>5</u>	<u>5</u>
Stream/Lake Study (8)	<u>124</u>	12	12	12
Title Report or Plat Certificate		<u>5</u>	<u>5</u>	<u>5</u>
<u>Vegetation Management Plan (Shoreline)</u>		<u>5</u>	<u>5</u>	
Wetland Mitigation Plan-Final	<u>3</u>	<u>3</u>	<u>3</u>	<u>3</u>

Table 4-8-120C Legend

8. A standard stream or lake study is required for any application proposal.

A supplemental stream or lake study is also required if an unclassified stream is involved, or if there are proposed alterations of the water body or buffer, as identified in the standard stream or lake study. If substantial impacts to the existing vegetation within the buffer required by RMC 4-3-090D.7.a Shoreline Bulk Standards, or as modified under RMC 4-3-090F.1 Vegetation Conservation are identified in the standard stream or lake study, a supplemental stream or lake study may be required by the Administrator of the Department of Community and Economic Development or designee. A stream or lake mitigation plan will be required prior to final approval for any plans or permits that result in mitigation identified in the supplemental stream or lake study.

**SECTION III:** The definition for “Elevations, Architectural” in subsection 4-8-120D.5, Definitions E, of Chapter 8, Permits – General and Appeals, of Title IV (Development

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Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended to add a new subsection i, to read as follows:

i. Required for shoreline permits:

i. Include measurements of the existing and proposed elevations of the stream, river, or lake bottom in relationship to the proposed structure, if the proposed structure is located fully or partially in, or over, the water.

ii. Projects exceeding 35 ft. in height must demonstrate compliance with the height requirement in RMC 4-3-090D.7.a.

**SECTION IV:** The definition for "Geotechnical Report" in subsection 4-8-120D.7, Definitions G, 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", is hereby amended as follows:

Geotechnical Report: A study prepared in accordance with generally accepted geotechnical practices and stamped by a professional engineer licensed in the State of Washington which includes soils and slope stability analysis, boring and test pit logs, and recommendations on slope setbacks, foundation design, retaining wall design, material selection, and all other pertinent elements. If the evaluation involves geologic evaluations or interpretations, the report shall be reviewed and approved by a geologist. Further recommendations, additions or exceptions to the original report based on the plans, site conditions, or other supporting data shall be signed and sealed by the geotechnical engineer. If the geotechnical engineer who reviews the plans and

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specifications is not the same engineer who prepared the geotechnical report, the new engineer shall, in a letter to the City accompanying the plans and specifications, express his or her agreement or disagreement with the recommendations in the geotechnical report and state that the plans and specifications conform to his or her recommendations. If the site contains a geologic hazard regulated by the critical areas regulations, the preparation and content requirements of RMC 4-8-120D, Table 18 shall also apply. If the site is within a channel migration zone, within shoreline jurisdiction, the geotechnical report shall also include a geomorphic assessment by a Washington State licensed geologist with engineering geology or hydrogeology specialty license plus experience in conducting fluvial geomorphic assessments.

Table 18- Geotechnical Report- Detailed Requirements

REPORT PREPARATION/CONTENT REQUIREMENTS	STEEP SLOPES	LANDSLIDE-MEDIUM	LANDSLIDE-HIGH	LANDSLIDE-VERY HIGH	HIGH EROSION	SEISMIC	COAL MINE-MEDIUM	COALMINE-HIGH	VOLCANIC HAZARDS	SHORELINE
1. Characterize soils, geology and drainage.	X	X	X	X	X	X	X	X	X	<u>X</u>
2. Describe and depict all natural and man-made features within one hundred fifty feet (150') of the site boundary.	X	X	X	X	X	X	X	X	X	<u>X</u>
3. Identify any areas that have previously been disturbed or degraded by human activity or natural processes.	X	X	X	X	X	X	X	X	X	<u>X</u>
4. Characterize ground water	X	X	X	X	X	X	X	X		<u>X</u>

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conditions including the presence of any public or private wells within one-quarter (1/4) mile of the site.										
5. Provide a site evaluation review of available information regarding the site.	X	X	X	X	X	X	X	X	X	<u>X</u>
6. Conduct a surface reconnaissance of the site and adjacent areas.	X	X	X	X	X	X	X	X		<u>X</u>
7. Conduct a subsurface exploration of soils and hydrologic conditions.	X	X	X	X	X	X	X	X		<u>X</u>
8. Provide a slope stability analysis.	X	X	X	X	X		X	X		
9. Address principles of erosion control in proposal design including: <ul style="list-style-type: none"> <li>• Plan the development to fit the topography, drainage patterns, soils and natural vegetation on site;</li> <li>• Minimize the extent of the area exposed at one time and the duration of the exposure;</li> <li>• Stabilize and protect disturbed areas as soon as possible;</li> <li>• Keep runoff velocities low;</li> <li>• Protect disturbed areas from stormwater runoff;</li> <li>• Retain the sediment within the site area;</li> <li>• Design a thorough maintenance and follow-up inspection program to ensure erosion control practices are effective.</li> </ul>	X	X	X	X	X		X	X		<u>X</u>
10. Provide an evaluation of site response and liquefaction potential relative to the proposed development.						X				
11. Conduct sufficient subsurface exploration to provide a site coefficient (S) for use in the International Building Code to the						X				



satisfaction of the Building Official Administrator of the Department of Community and Economic Development or designee.										
12. Calculate tilts and strains, and determine appropriate design values for the building site.							X	X		
13. Review available geologic hazard maps, mine maps, mine hazard maps, and air photographs to identify any subsidence features or mine hazards including, but not limited to, surface depressions, sinkholes, mine shafts, mine entries, coal mine waste dumps, and any indication of combustion in underground workings or coal mine waste dumps that are present on or within one hundred feet (100') of the property.							X	X		
14. Inspect, review and document any possible mine openings and potential trough subsidence, and any known hazards previously documented or identified.							X	X		
15. Utilize test pits to investigate coal mine waste dumps and other shallow hazards such as slope entry portals and shaft collar areas. Drilling is required for coal mine workings or other hazards that cannot be adequately investigated by surface investigations.							X	X		
16. Provide an analysis of proposed clearing, grading and construction activities including construction scheduling. Analyze potential direct and indirect on-site and off-site impacts from development.	X	X	X	X	X	X	X	X		<u>X</u>
17. Propose mitigation measures, such as any special construction techniques, monitoring or	X	X	X	X	X	X	X	X	X	<u>X</u>

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inspection programs, erosion or sedimentation programs during and after construction, surface water management controls, buffers, remediation, stabilization, etc.										
18. Critical facilities on sites containing areas susceptible to inundation due to volcanic hazards shall require an evacuation and emergency management plan. The applicant for critical facilities shall evaluate the risk of inundation or flooding resulting from mudflows originating on Mount Rainier in a geotechnical report, and identify any engineering or other mitigation measures as appropriate.									X	
<u>19. Address factors specific to the site, or to the proposed shoreline modification, as required in RMC 4-3-090 Shoreline Master Program Regulations</u>										X
Note: An "X" indicates that the requirement applies in the identified critical area.										

**SECTION V.** Subsection e of the definition for "Landscaping Plan, Conceptual" in subsection 4-8-120D.12, Definitions L, 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", is hereby amended as follows:

e. Location, size, and purpose of planting areas, including those required in RMC 4-4-070, Landscaping, and those required in RMC 4-3-090 Shoreline Master Program Regulations,

**SECTION VI:** The definition for "Stream or Lake Mitigation Plan" in subsection 4-8-120D.19, Definitions S, of Chapter 8, Permits – General and Appeals, of Title IV (Development

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Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended as follows:

**Stream or Lake Mitigation Plan:** The mitigation plan must ensure compensation for ~~unavoidable significant adverse~~ impacts that result from the chosen development alternative or from a violation as identified in the impact evaluation. A mitigation plan must include:

a. Site Map: Site map(s) indicating, at a scale no smaller than one inch equals twenty feet (1" = 20') (unless otherwise approved by the ~~Development Services Director~~ Administrator of the Department of Community and Economic Development or designee):

i. The entire parcel of land owned by the applicant, including one hundred feet (100') of the abutting parcels through which the water body(ies) flow(s);

ii. The ordinary high water mark (OHWM) determined in the field by a qualified biologist pursuant to RMC 4-3-050L1b (the OHWM must also be flagged in the field);

iii. Stream or lake classification, as recorded in the City of Renton Water Class Map in RMC 4-3-050Q4 or RMC 4-3-090 ~~or as determined through a supplemental stream or lake study approved by the Administrator~~ (if unclassified, see "Supplemental Stream or Lake Study");

iv. Topography of the site and abutting lands in relation to the stream(s) and its/their buffer(s) at contour intervals of two feet (2') where slopes

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are less than ten percent (10%), and of five feet (5') where slopes are ten percent (10%) or greater;

v. One hundred (100) year floodplain and floodway boundaries, including one hundred feet (100') of the abutting parcels through which the water body(ies) flow(s);

vi. Site drainage patterns, using arrows to indicate the direction of major drainage flow;

vii. Top view and typical cross-section views of the stream or lake bed, banks, and buffers to scale;

viii. The vegetative cover of the entire site, including the stream or lake, banks, riparian area, and/or abutting wetland areas, extending one hundred feet (100') upstream and downstream from the property line. Include position, species, and size of all trees at least ten inches (10") average diameter that are within one hundred feet (100') of the OHWM;

ix. The location, width, depth, and length of all existing and proposed structures, roads, stormwater management facilities, wastewater treatment and installations in relation to the stream/lake and its/their buffer(s); ~~and~~

x. Location of site access, ingress and egress; and

xi. ~~Indication~~ Location of where all proposed mitigation or remediation measures ~~will take~~ have taken place on the site; or are proposed to take place.

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~~xii. Separate indication of areas where revegetation is to take place and areas where vegetation is anticipated to be removed; and~~

~~xiii. Any other areas of impact with clear indication of type and extent of impact indicated on site plan.~~

b. Mitigation narrative: Mitigation narrative on 8.5" x 11" paper that includes the following elements:

i. ~~Description of existing conditions on the site and associated water resource (baseline information)~~ Description of the mitigation plan, which includes a summary of mitigation proposal required in the supplemental stream or lake study;

ii. ~~Resource(s) and functional values to be restored, created, or enhanced on the mitigation site(s)~~ Performance standards with specific criteria provided for evaluating whether or not the goals and objectives of the project are achieved; and

iii. ~~Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies~~ Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies.

iv. ~~Construction schedule;~~

v. ~~Operations and maintenance practices for protection and maintenance of the site;~~

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~~vi. Environmental goals, objectives, and performance standards to be achieved by mitigation;~~

~~vii. Monitoring and evaluation procedures, including minimum monitoring standards and timelines (i.e., annual, semi-annual, quarterly);~~

~~viii. Contingency plan with remedial actions for unsuccessful mitigation;~~

~~ix. Cost estimates for implementation of mitigation plan for purposes of calculating surety device;~~

~~x. Discussion of compliance with criteria or conditions allowing for the proposed stream/lake alteration or buffer reduction or buffer averaging, and a discussion of conformity to applicable mitigation plan approval criteria; and~~

~~xi. A review of the best available science supporting the proposed request for a reduced standard and/or the method of impact mitigation; a description of the report author's experience to date in restoring or creating the type of critical area proposed; and an analysis of the likelihood of success of the compensation project.~~

c. Monitoring and Maintenance Plan: The plan shall be on 8.5" x 11" paper that includes the following elements:

i. Operations and maintenance practices for protection and maintenance of the site;

ii. Monitoring and evaluation procedures, including minimum monitoring standards and timelines (i.e., annual, semi-annual, quarterly);

iii. Contingency plan with remedial actions for unsuccessful mitigation.

d. A surety device that must be filed with the City of Renton.

**SECTION VII.** Subsections a, Site Map, a.iii, and c, Stream or Lake Assessment Narrative, of the definition for “Stream or Lake Study, Standard” in subsection 4-8-120D.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 as shown below. All other subsections of the definition shall remain as currently codified.

a. **Site Map:** Site map(s) indicating, at a scale no smaller than one inch equals twenty feet (1’=20’) (unless otherwise approved by the ~~Development Services Director~~ Administrator of the Department of Community and Economic Development or designee):

iii. Stream or lake classification, as recorded in the City of Renton Water Class Map in RMC 4-3-050Q.4 or RMC 4-3-090 (if unclassified, see “Supplemental Stream or Lake Study” below);

c. **Stream or Lake Assessment Narrative:** A narrative report on 8.5” x 11” paper shall be prepared to accompany the site plan ~~which~~ and describes:

i. The stream or lake classification as recorded in the City of Renton Water Class Map in RMC 4-3-050Q.4 or RMC 4-3-090;

ii. The vegetative cover of the site, including the stream or lake, banks, riparian area, wetland areas, and flood hazard areas extending one

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hundred feet (100') upstream and downstream from the property line, including the impacts of the proposal on the identified vegetation;

iii. The ecological functions currently provided by the stream/lake and existing riparian area and the impacts of the proposal on the identified ecological functions;

iv. Observed or reported fish and wildlife that make use of the area including, but not limited to, salmonids, mammals, and bird nesting, breeding, and feeding/foraging areas, including the impacts of the proposal on the identified fish and wild life;

v. Measures to protect trees, as defined per RMC 4-11-200, and vegetation-; and

vi. For shorelines regulated under RMC 4-3-090 Shoreline Master Program, the study shall demonstrate if the proposal meets the criteria of no net loss of ecological functions as described in RMC 4-3-090D.2. If the proposal requires mitigation for substantial impacts to the existing vegetation buffer in order to demonstrate no net loss of ecological functions, a supplemental stream or lake study may be required by the Administrator of the Department of Community and Economic Development or designee.

**SECTION VIII.** The definition of "Stream or Lake Study, Supplemental", in subsection 4-8-120D.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", is hereby amended as follows:



**Stream or Lake Study, Supplemental:** The application shall include the following information:

a. **Unclassified Stream Assessment:** If the site contains an unclassified stream, a qualified biologist shall provide a proposed classification of the stream(s) based on RMC 4-3-050L.1 and a rationale for the proposed rating.

b. ~~Alterations to Stream/Lake and/or Buffer(s):~~ **Analysis of Alternatives:**  
A supplemental report on 8.5" x 11" paper prepared by a qualified biologist shall evaluate alternative methods of developing the property using the following criteria for justification. The following alternatives shall be analyzed, including justification of the feasibility of each alternative:

i. Avoid any disturbances to the stream, lake, or buffer by not taking a certain action, by not taking parts of an action, or by moving the action;

ii. Minimize any stream, lake, or buffer impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce the impacts;

iii. ~~Compensate for any stream, lake or buffer impacts;~~ Rectifying the impacts by repairing, rehabilitating, or restoring the affected area;

iv. ~~Restore any stream, lake or buffer area impacted or lost temporarily~~ Reducing or eliminating the adverse impact over time by preservation and maintenance operations over the life of the action;

v. ~~Enhance degraded stream or lake habitat to compensate for lost functions and values~~ Compensate for any stream, lake or buffer impacts by replacing, enhancing, or providing similar substitute resources or environments and monitoring the impact and taking appropriate corrective measures.

c. **Impact Evaluation:**

i. An impact evaluation for any unavoidable impacts prepared by a qualified biologist, to include:

(a) Identification, by characteristics and quantity, of resources (stream, lake) and corresponding functional values found on the site;

(b) Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options(s) reduce(s) the impacts on the identified resource(s) and function values of the site;

(c) Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable;

(d) To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system;

(e) For shorelines regulated by RMC 4-3-090, evaluation of how the preferred alternative achieves the standard of no net loss of ecological functions under RMC 4-3-090D2.

ii. For a violation, the impact evaluations must also include:

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(a) Description, by characteristics and quantity, of the resource(s) and functional values on the site prior to the violations; and

(b) Determination of the impact of the violation on the resource(s) and functional values.

**d. Mitigation Proposal shall include the following:**

i. A Site Plan, at a scale approved by the City, containing all the elements of the site plan required in the standard stream and lake study, and the following:

(a) Indication of where proposed mitigation or remediation measures will take place on the site;

(b) Separate indication of areas where revegetation is to take place and areas where vegetation is anticipated to be removed; and

(c) Any other areas of impact with clear indication of type and extent of impact indicated on site plan.

ii. A mitigation narrative on 8.5" x 11" paper addressing all of the following:

(a) Resource(s) and functional values to be restored, created, or enhanced on the mitigation site(s);

(b) Environmental goals, objectives, and performance standards to be achieved by mitigation;

(c) Discussion of compliance with criteria or conditions allowing for the proposed stream/lake alteration or buffer reduction or buffer

averaging, and a discussion of conformity to applicable mitigation plan approval criteria;

(d) A review of the best available science supporting the proposed request for a reduced standard and/or the method of impact mitigation; a description of the report author's experience to date in restoring or creating the type of critical area proposed; and an analysis of the likelihood of success of the compensation project; and

(e) Cost estimates for implementation of mitigation plan for purposes of calculating surety device.

iii. For shorelines regulated by RMC 4-3-090, a discussion of how the proposed plans meet or exceed the standard of no net loss of ecological functions under RMC 4-3-090D.2;

iv. The proposed construction schedule.

**SECTION IX.** Subsection 4-8-120D.22 Definitions V, 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”, is hereby amended to add a new definition for “Vegetation Management Plan”, to read as follows:

**Vegetation Management Plan:** A plan prepared by a qualified professional that details how to preserve, maintain, enhance, or establish native vegetation within a Vegetation Conservation Buffer required by the Shoreline Master Program Regulations in RMC 4-3-090. The plan shall describe actions that will be implemented to ensure that buffer areas provide ecological functions equivalent

to a dense native vegetation community to the greatest extent possible. It shall also specify what is necessary to maintain the required vegetation over the life of the use and/or development, consistent with the provisions of RMC 4-3-090F.1.i, Vegetation Management.

**SECTION X.** 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 amended as follows:

**4-9-190 SHORELINE PERMITS:**

**A. PURPOSE: ~~(RESERVED)~~**

The purpose of this section is to ensure consistency with the State Shoreline Management Act and with the City’s Shoreline Master Program.

**B. ~~APPLICABILITY: (RESERVED)~~ SHORELINE DEVELOPMENT APPROVAL:**

**1. Development Compliance:** All uses and developments within the jurisdiction of the Shoreline Management Act (hereinafter the “Act”) shall be planned and carried out in a manner that is consistent with the Shoreline Master Program and the policy of the Act as required by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required. The Administrator of the Department of Community and Economic Development or designee shall assure compliance with the provisions of the Shoreline Master Program for all permits and approvals processed by the City.

2. Shoreline Overlay: Shoreline regulations shall apply as an overlay and in addition to Development Regulations, including but not limited to zoning, environmental regulations, development standards, subdivision regulations, and other regulations established by the City.

a. Allowed uses shall be limited by the general policies and specific regulations regarding use preferences for water-dependent and water-oriented uses. Allowed uses may be specified and limited in specific shoreline permits. In the case of non-conforming development, the use provisions of this code shall be applied to any change of use, including occupancy permits.

b. In the event of any conflict between Shoreline policies and regulations and any other regulations of the City, Shoreline policies and regulations shall prevail unless other regulations provide greater protection of the shoreline natural environment and aquatic habitat

c. All regulations applied within the shoreline shall be liberally construed to give full effect to the objectives and purposes for which they have been enacted. Shoreline Master Program policies, found in the City's Comprehensive Plan, establish intent for the shoreline regulations in addition to RCW 90.58 and Chapter 173 of the Washington Administrative Code, sections 173-26 and 173-27.

3. Substantial Development Permit: A substantial development permit shall be required for all proposed use and development of shorelines unless the proposal is specifically exempt pursuant to RCW 90.58.140(1). An exemption

from obtaining a shoreline substantial development permit is not an exemption from compliance with the Act, the Shoreline Master Program, or from any other regulatory requirements.

a. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one (1) or more of the listed exemptions may be granted exemptions from the substantial development permit process.

b. The burden of proof that a development or use is exempt is on the applicant/proponent of the exempt development action.

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

4. Shoreline Conditional Use Permit: A development or use that is listed as a shoreline conditional use pursuant to the Shoreline Master Program or is an unlisted use, must obtain a conditional use permit even if the development or use does not require a substantial development permit.

5. Shoreline Variance: When an activity or development is proposed that does not comply with the bulk, dimensional, and/or performance standards of the Program, such development or use shall only be authorized by approval of a shoreline variance even if the development or use does not require a substantial development permit.

6. Land Division: In the case of land divisions, such as short subdivisions, long plats and planned unit developments, the Administrator of the Department of Community and Economic Development or designee shall document

compliance with bulk and dimensional standards as well as policies and regulations of the Shoreline Master Program and attach appropriate conditions and/or mitigating measures to such approvals to ensure the design, development activities and future use associated with such land division(s) are consistent with the Shoreline Master Program.

7. Approval Criteria: In order to be approved, the Administrator of the Department of Community and Economic Development or designee must find that a proposal is consistent with the following criteria:

a. All regulations of the Shoreline Master Program appropriate to the shoreline designation and the type of use or development proposed shall be met, except those bulk and dimensional standards that have been modified by approval of a shoreline variance.

b. All policies of the Shoreline Master Program appropriate to the shoreline area designation and the type of use or development activity proposed shall be considered and substantial compliance demonstrated. A reasonable proposal that cannot fully conform to these policies may be permitted, provided it is demonstrated to the Administrator of the Department of Community and Economic Development or designee that the proposal is clearly consistent with the overall goals, objectives and intent of the Shoreline Master Program.

c. For projects located on Lake Washington the criteria in RCW 90.58.020 regarding shorelines of statewide significance, and relevant policies and regulations of the Shoreline Master Program shall be also be adhered to.



8. Written Findings Required: All permits or statements of exemption issued for development or use within shoreline jurisdiction shall include written findings prepared by the Administrator of the Department of Community and Economic Development or designee, including compliance with bulk and dimensional standards and policies and regulations of the Shoreline Master Program. The Administrator of the Department of Community and Economic Development or designee may attach conditions to the approval of exempt developments and/or uses as necessary to assure consistency of the project with the Act and the Program.

9. Building Permit Compliance: For all development within shoreline jurisdiction, the Administrator of the Department of Community and Economic Development or designee shall not issue a building permit for such development until compliance with the Shoreline Master Program has been documented. If a shoreline substantial development permit is required, no permit shall be issued until all comment and appeal periods have expired. Any permit issued by the Administrator of the Department of Community and Economic Development or designee for such development shall be subject to the same terms and conditions that apply to the shoreline permit.

10. Restoration Project Relief: The City may grant relief from Shoreline Master Program development standards and use regulations when the following apply:

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a. A shoreline restoration project causes or would cause a landward shift in the OHWM, resulting in the following:

i. Land that had not been regulated under this chapter prior to construction of the restoration project is brought under shoreline jurisdiction; or

ii. Additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of the applicable Shoreline Master Program; and

iii. Application of Shoreline Master Program regulations would preclude or interfere with use of the property permitted by local development regulations, thus presenting a hardship to the project proponent.

b. The proposed relief meets all of the following criteria:

i. The proposed relief is the minimum necessary to relieve the hardship;

ii. After granting the proposed relief, there is net environmental benefit from the restoration project;

iii. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the Shoreline Master Program; and

iv. Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section.

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c. The application for relief must be submitted to the Department of Ecology for written approval or disapproval. This review must occur during the department's normal review of a shoreline substantial development permit, conditional use permit, or variance. If no such permit is required, then the department shall conduct its review when the local government provides a copy of a complete application and all supporting information necessary to conduct the review.

i. Except as otherwise provided in subsection d of this section, the Department of Ecology shall provide at least twenty (20) days notice to parties that have indicated interest to the department in reviewing applications for relief under this section, and post the notice on to their web site.

ii. The department shall act within thirty (30) calendar days of close of the public notice period, or within thirty (30) days of receipt of the proposal from the local government if additional public notice is not required.

d. The public notice requirements of subsection c of this section do not apply if the relevant shoreline restoration project was included in a Shoreline Master Program or shoreline restoration plan as defined in WAC 173-26-201, as follows:

i. The restoration plan has been approved by the department under applicable Shoreline Master Program guidelines; and

ii. The shoreline restoration project is specifically identified in the Shoreline Master Program or restoration plan or is located along a shoreline

reach identified in the Shoreline Master Program or restoration plan as appropriate for granting relief from shoreline regulations; and

iii. The Shoreline Master Program or restoration plan includes policies addressing the nature of the relief and why, when, and how it would be applied.

**C. EXEMPTIONS FROM PERMIT SYSTEM:**

The following shall not be considered substantial developments for the purpose of this Master Program and are exempt from obtaining a Shoreline Substantial Development Permit (SSDP). An exemption from an SSDP is not an exemption from compliance with the Act or the Shoreline Master Program, or from any other regulatory requirements.

**1. Governor's Certification:** Any project with a certification from the Governor pursuant to chapter 80.50 RCW.

**2. Projects Valued at \$5,000 or less:** Any development of which the total cost or fair market value does not exceed ~~two thousand five hundred five~~ thousand dollars (~~\$2,500.00~~ \$5,000), if such development does not materially interfere with the normal public use of the water or shorelines of the state.

**3. Maintenance and Repair:** 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.

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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 development 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 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).~~

**5.4. Emergency Construction:** 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~~ the Shoreline Master 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 the Shoreline Master Program~~ shall be obtained.

c. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and ~~this program~~ the Shoreline Master 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.

**6.5. Agricultural Construction or Practices:** 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 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.

**7.6. Construction of Single-Family Residence and Accessory Buildings:**

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 (1) 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~~ OHWM and the perimeter of a wetland.

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

**8.7. Construction of Non-Commercial Docks:** 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).

ii. In fresh waters, the fair market value of the dock does not exceed ten thousand dollars (\$10,000.00); however, if a 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.

This exception applies if the fair market value of the dock does not exceed ten thousand dollars (\$10,000); however, if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500) occurs within five (5) years of completion of the prior construction, the subsequent construction shall be considered a substantial development permit;  
and

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

**9.8. Construction Authorized by the Coast Guard:** 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.

**10.9. Operation, Maintenance, or Construction Related to Irrigation:**

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.

**11.10. Marking of Property Lines on State-Owned Lands:** 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.

**12.11. Operation and Maintenance of Agricultural Drainage or Dikes:**

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.

**13.12. Activities Necessary for Permit Application:** Site exploration and investigation activities that are prerequisites to preparation of an application for development authorization under ~~this program~~ the Shoreline Master Program, if:

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

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~~ the Shoreline Master Program first posts a performance bond or provides other evidence of financial responsibility to the ~~Development Services Planning~~ 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.

**14.13. Removal or Control of Aquatic Noxious Weeds:** 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.

**15.14. Watershed Restoration Projects:** 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 (1) or more of the following activities:

i. A project that involves less than ten (10) miles of stream\_reach, 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.

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 in\_stream 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~~ OHWM 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, recreation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed.

**16-15. Projects to Improve Fish and Wildlife Passage or Habitat:** 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.

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

**17-16. Hazardous Substance Remediation:** Hazardous substance remedial actions pursuant to WAC 173-27-040(3).

**17. Projects on Lands Not Subject to Shoreline Jurisdiction Prior to Restoration:** Actions on land that otherwise would not be under the jurisdiction of the Shoreline Management Act except for a change in the location of OHWM or other criteria due to a shoreline restoration project creating a landward shift in the OHWM that brings the land under the jurisdiction of the Act.

**D. EXEMPTION CERTIFICATION PROCEDURES:**

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1. **Application Required:** Any person claiming exemption from the permit requirements of ~~this~~ the Shoreline 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~~ Planning Division in the manner prescribed by that division.

2. **Consistency Required:** 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. **Conditions Authorized:** 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~~ the Shoreline Master Program.

4. **Permit Required if Project Not Exempt in Part:** 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~~ Planning Division. This will enable the applicant to become familiar with the requirements of ~~this~~ the

Shoreline Master Program, Building and Zoning procedures, and enforcement procedures.

**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~~ Planning Division.

**3. Shoreline Substantial Development Permit Application Forms and Fees:** Fees shall be as listed in RMC 4-1-170, Land Use Review Fees. Applications for such permits shall be made on forms and reviewed according to procedures prescribed by the ~~Development Services~~ Planning Division. Application forms may be revised from time-to-time by the ~~Development Services~~ Planning Division without prejudice to any existing applications. Such forms should be designed to provide such information as is necessary to determine whether such a permit is justified.

~~Applications shall be made by the property owner, or his authorized agent, lessee, contract purchaser, or other person entitled to possession of the property and, except for applications filed by or on behalf of the City or other governmental agencies, shall be accompanied by a receipt issued by the Finance Department showing payment of the applicable fees which are established by RMC 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 Administrator of the Department of Community and Economic Development or designee may require the applicant to prepare or fund analyses or activities conducted by third party or parties selected by the Administrator of the Department of Community and Economic Development or designee 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 feet (300') ~~feet~~ thereof. The notice of development application shall also be mailed to property owners within three hundred feet (300') ~~feet~~ of the boundaries of the subject property. The required contents of the notice of development application are detailed in RMC 4-8-090B, Public Notice Requirements.

**6. Standard Public Comment Time:** Each ~~such~~ notice of development application shall include a statement that persons desiring to present their views to the ~~Development Services~~ Planning Division with regard to said application may do so in writing to that ~~D~~ivision and persons interested in the ~~Development Services~~ Planning Division's action on an application for a permit may submit their views in writing or notify the ~~Development Services~~ Planning Division in writing of their interest within ~~thirty (30) days from the last date of publication of such notice~~ fourteen (14) 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)~~ fourteen (14) day comment period. \_\_\_\_\_

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

**4-8. Review Guidelines:** Unless exempted or authorized through the variance or conditional use permit provisions of ~~this~~ the Shoreline Master Program, no substantial development permit and no other permit shall be granted unless the proposed development is consistent with the provisions of ~~this~~ the Shoreline



Master Program, the Shoreline Management Act of 1971, and the rules and regulations adopted by the Department of Ecology there under.

**5.9. Conditional Approval:** Should the ~~Development Services Division~~ Director Administrator of the Department of Community and Economic Development or his/her designee find that any application does not substantially comply with criteria imposed by the Shoreline Master Program and the Shoreline Management Act of 1971, he/she may deny such application or attach any terms or condition which he/she deems suitable and reasonable to effect the purpose and objective of ~~this~~ the Shoreline Master Program.

**6.10. Notification of City Departments:** It shall be the duty of the ~~Development Services Planning~~ 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, including any state or federal agencies and Indian tribes.

**F. REVIEW CRITERIA:**

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

- a. The application.
- b. The environmental checklist or environmental impact statement, if one is required.
- c. Written comments from interested persons.
- d. Information and comments from all affected City departments.

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e. ~~Independent study by the Development Services Division and the Policy Development Department~~ Evidence presented at a public hearing.

f. ~~Evidence presented at a public hearing should the Development Services Division and the Policy Development Department decide that it would be in the public interest to hold a public hearing. The Development Services Division and the Policy Development Department shall have powers to prescribe rules and regulations for such hearings. No authorization to undertake use or development on shorelines of the state shall be granted by the Administrator of the Department of Community and Economic Development or designee unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the Shoreline Master Program.~~

2. **Additional Information:** ~~The Development Services Planning~~ 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 of Community and Economic Development 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-SURETY DEVICES:**

The ~~Development Services~~ Planning Division may require the applicant to post a ~~bond-surety device~~ 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-surety device~~ shall be in an amount to reasonably assure the City that any deferred improvement will be carried out within the time stipulated and in accordance with RMC 4-1-230 Surety and Bonds.

**H. ADMINISTRATIVE APPEALS:**

The Department of Community and Economic Development shall have the final authority to interpret the Shoreline 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:**

ORDINANCE NO. 5633

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.~~ Conditional Use Permits: Conditional use permits shall be processed either by the Hearing Examiner or administratively in accordance with the provisions of RMC 4-2-060 Zoning Use Table, provided that:

i. Additional requirements for conditional use permits may be provided within shoreline jurisdiction in this section and will prevail over the provisions of RMC 4-2-060.

ii. If an administrative process is not specified, a conditional use permit shall be processed by the Hearing Examiner.

iii. Proposed uses not specified in this Section or in RMC 4-2-060 and not prohibited may be allowed by Hearing Examiner conditional use permit.

b. Variances: The Hearing Examiner shall have authority to grant conditional use permits and variances in the administration of the Renton Master Program.

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**b.c. 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.d. 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.

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~~ Maintenance of Permitted Uses Allowed:** It shall be recognized that a lawful use at the time the Shoreline 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~~ Shoreline 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~~ Shoreline 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 Shoreline 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.

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~~ the Shoreline 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~~ shall 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~~ the  
Shoreline Master Program.

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

vii. Proposals that vary the size of the vegetation conservation buffer  
must provide for off-site mitigation in accordance RMC4-3-090F.1.k.

**5. Conditional Use:**

a. **Purpose:** Upon proper application, and findings of compliance with  
conditional use permit criteria, 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 Shoreline 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~~ may be granted subject to the Administrator of the Department of  
Community and Economic Development or designee determining compliance  
with 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.

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

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

**2. Unspecified Time Limits:** 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 J.6 and J.8 of this Section apply.

~~b.~~ **3. Discretionary Time Limits for Shoreline Substantial Developments:** If it is determined that standard time requirements of subsections ~~J.2 and J.3~~ J.6 and J.8 of this Section should not be applied, the ~~Development Services Planning~~ 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~~ the Shoreline Master Program and RCW 90.58.143. \_\_\_\_\_

**4. Discretionary Time Limits for Shoreline Conditional Uses or Shoreline**



**Variances:** If it is determined that standard time requirements of subsections ~~J2~~ and ~~J3~~ J.6 and J.8 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.

~~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.~~ **5. Extension Requests:** Requests for permit extension shall be made in accordance with subsections ~~J2 and J3~~ J.6 and J.8 of this Section.

~~2. Construction Commencement:~~ **6. Standard Period of Validity:** \_\_\_\_\_  
 \_\_\_\_\_ a. Unless a different time period is specified in the shoreline permit as authorized by RCW 90.58.143 and subsection ~~J1~~ J.2 or J.3 of this Section, construction activities, or a use or activity, for which a permit has been granted pursuant to ~~this~~ the Shoreline 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~~ Planning Division may authorize a single extension for a period not to exceed one (1) year based on reasonable factors, if a request for extension has been filed with the Planning Division before the expiration date, and notice of

the proposed extension is given to parties of record and the Department of Ecology.

~~b.~~ **7. Certification of Construction Commencement:** Construction activities or commencement of construction referenced in subsection ~~J2a~~-J.6 of this Section means that construction applications must be submitted, permits must be issued, and foundation inspections must be approved and completed before the end of the two (2)-year period.

~~3.~~ **8. Time Allowed for 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 subsections ~~J1~~-J.2 or J.3 of this Section. If an applicant files a request for an extension prior to expiration of the shoreline permit the ~~Development Services~~-Planning Division shall review the permit and upon a showing of good cause may authorize a single extension of the shoreline permit for a period of up to one (1) 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.

**4.9. Effective Date of Filing:**

~~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~~ J.6 and J.8 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.~~ 10. Notification to City of Other Permits and Legal Actions: It is the responsibility of the applicant to inform the ~~Development Services-Planning~~ 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.~~ 11. Permit Processing Time: The City shall issue permits within applicable time limits specified in the ~~Type III and Type VI review processes in RMC 4-8-080H~~ by state law. 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

from shoreline erosion shall be issued within twenty one (21) days of the last day of the comment periods specified in RMC ~~4-9-190E3~~ 4-9-190E.6 and 7.

~~5. Review Period – Construction Authorization:~~

~~a.~~ 12. Construction Not Authorized Until Proceedings Completed: 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.~~ 13. Special Allowance for Construction: 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~~ the Shoreline 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 Planning~~ 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.

**M. ENFORCEMENT:**

All provisions of ~~this~~ the Shoreline Master Program shall be enforced by the ~~Development Services Planning~~ Division. For such purposes, the ~~Director~~ Administrator of the Department of Community and Economic Development 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~~ the Shoreline Master Program may be rescinded or suspended by the ~~Development Services Planning~~ 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 Planning~~ Division shall cause to have notice posted in three (3) public places of which one (1) 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 or Recommendation:** 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 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. ~~For conditional uses or variances, the Department of Ecology has thirty (30) days to make a final decision followed by a twenty one (21) day appeal period.~~

**O. APPEALS:**

See RMC 4-8-110H.

**P. VIOLATIONS OF THIS CHAPTER AND PENALTIES:**

~~1. Violations of This Chapter and Penalties: Unless otherwise specified, violations of this Section are misdemeanors subject to RMC 1-3-1.~~ **Prosecution:** Every person violating any of the provisions of the Shoreline Master Program or the Shoreline Management Act of 1971 shall be punishable under conviction by a fine not exceeding one thousand dollars (\$1,000), 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 within the City's jurisdiction which are in conflict with the provisions and programs of ~~this~~ the Shoreline 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~~ Violators Liable for Damages: Any person subject to the regulatory program of ~~this~~ the Shoreline Master Program who violates any provision of ~~this~~ the /Shoreline 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 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.

**Q. SHORELINE MORATORIUM:**

1. The City Council may adopt moratoria or other interim official controls as necessary and appropriate to implement the provisions of the Shoreline Management Act.

2. Prior to adopting such moratorium or other interim official controls, the City Council shall:

a. Hold a public hearing on the moratorium or control within sixty (60) days of adoption;

b. Adopt detailed findings of fact that include, but are not limited to, justifications for the proposed or adopted actions and explanations of the desired and likely outcomes; and

c. Notify the Department of Ecology of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing held.

3. Said moratorium or other official control shall provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.

4. Said moratorium or control adopted under this Section may be effective for up to six (6) months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made



available for public review. A moratorium or control may be renewed for two (2) six (6)-month periods if the City Council complies with subsection 4-9-190Q.2.a before each renewal.

5. If a moratorium or control is in effect on the date a proposed Master Program or amendment is submitted to the Department of Ecology, the moratorium or control must remain in effect until the department's final action under RCW 90.58.090; however, the moratorium expires six (6) months after the date of submittal if the department has not taken final action.

**SECTION XI.** 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 amended to add a new section 4-10-095, entitled "Shoreline Master Program, Nonconforming Uses, Activities, Structures, and Sites", to read as follows:

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

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, with the exception of docks and piers, which shall be governed

by RMC 4-3-090E.7 Piers and Docks, and shoreline stabilization structures, which shall be governed by RMC 4-3-090F.4 Shoreline Stabilization.

**B. Nonconforming Uses.** Nonconforming uses shall be governed by RMC 4-10-060.

**C. Nonconforming Site:** A lot which does not conform to development regulations on a site not related to the characteristics of a structure including, but not limited to, the vegetation conservation, shoreline stabilization, landscaping, parking, fence, driveway, street opening, pedestrian amenity, screening and other regulations of the district in which it is located due to changes in Code requirements, condemnation or annexation.

**D. Pre-Existing Legal Lot:** Reserved.

**E. Continuation of Use:** The continuation of existing use and activities does not require prior review or approval. Operation, maintenance, or repair of existing legally established structures, infrastructure improvements, utilities, public or private roads, or drainage systems, that do not require construction permits are allowed. Such improvements are only allowed if the activity does not modify the character, scope, or size of the original structure or facility or increase the impact to, or encroach further within, the sensitive area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair. Operation and maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or

utilities, provided that such management actions are part of regular and ongoing maintenance, do not expand further into the sensitive area, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species.

**F. Partial and Full Compliance, Alteration of an Existing Structure or Site:**

The following provisions shall apply to lawfully established uses, buildings and/or structures and related site development that do not meet the specific standards of the Shoreline Master Program. Alteration or expansion of existing structures may take place with partial compliance with the standards of this code, as provided below, provided that the proposed alteration or expansion will result in no net loss of shoreline ecological function. In no case shall a structure with a non-conforming setback from the shoreline be allowed to extend further waterward than the existing structure.

**1. Partial Compliance for Non-Single-Family Development:** The following provisions shall apply to all development except single family:

<b><u>Alteration of an Existing Structure</u></b>		<b><u>Compliance Standard</u></b>
<b><u>Alteration Without Expansion</u></b>	<u>Expansion or remodel that does not change the building footprint or increase impervious surface.</u>	<u>No site changes required.</u>
<b><u>Minor Alteration</u></b>	<u>Expansion of building footprint by up to 500 sq. ft. or up to 10% (whichever is less); or</u>	<ul style="list-style-type: none"> <li>• <u>Install site improvements that protect the ecological functions and processes of the shoreline, consisting of either:</u> <ul style="list-style-type: none"> <li>○ <u>Partial compliance with Vegetation Conservation provisions of RMC 4-3-090F.1 Vegetation Conservation consisting of revegetation of a native community of at least 50% of the area</u></li> </ul> </li> </ul>
	<u>Expansion of impervious surface by up to 1,000 sq. ft. or up to 10% (whichever is less); or</u>	
	<u>Remodeling or renovation that equals less than 30% of the replacement</u>	

	<p><u>value of the existing structures or improvements, excluding plumbing, electrical and mechanical systems and normal repair and maintenance.</u></p>	<p><u>between an existing building and the water's edge, provided that the area to be revegetated does not exceed 10 ft., unless a greater area is desired by the applicant, or</u></p> <ul style="list-style-type: none"> <li>○ <u>An alternate mitigation proposal prepared by a qualified professional and approved by Administrator of the Department of Community and Economic Development or designee that would provide at least equal protection of ecological functions and processes as the full required* setback and buffer.</u></li> <li>● <u>Remove over water structures that do not provide public access, or do not serve a water-dependent use.</u></li> </ul>
Moderate Alteration	<p><u>Expansion of building footprint by more than 500 sq. ft. or between 10.1-25% (whichever is less); or</u></p> <p><u>Expansion of impervious surface by more than 1,000 sq. ft., or between 10.1-25% (whichever is less); or</u></p> <p><u>Remodeling or renovation that equals 30.1-50% of the replacement value of the existing structures or improvements, excluding plumbing, electrical and mechanical systems and normal repair and maintenance.</u></p>	<ul style="list-style-type: none"> <li>● <u>Install site improvements that protect the ecological functions and processes of the shoreline, consisting of either:</u> <ul style="list-style-type: none"> <li>○ <u>Partial compliance with Vegetation Conservation provisions of RMC 4-3-090F.1 Vegetation Conservation consisting of revegetation of a native community of at least 80% of the area between an existing building and the water's edge, or at least 10 ft., or</u></li> <li>○ <u>An alternate mitigation proposal prepared by a qualified professional and approved by the Administrator of the Department of Community and Economic Development or designee that would provide at least equal protection of ecological functions and processes as the full required* setback and buffer.</u></li> </ul> </li> <li>● <u>Remove over water structures that do not provide public access, or do not serve a water-dependent use.</u></li> <li>● <u>Piers and Docks shall be required to replace any solid decking with light penetrating surfacing materials.</u></li> </ul>

<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><u>Major Alteration</u></p>	<p><u>Expansion of building footprint by more than 25%; or</u></p> <p><u>Expansion of impervious surface by more than 25%; or</u></p> <p><u>Remodeling or renovation that equals more than 50% of the replacement value of the existing structures or improvements, excluding plumbing, electrical and mechanical systems and normal repair and maintenance.</u></p>	<ul style="list-style-type: none"> <li>• <u>Install site improvements that protect the ecological functions and processes of the shoreline, consisting of either:</u> <ul style="list-style-type: none"> <li>○ <u>Full compliance with Vegetation Conservation provisions of RMC 4-3-090F.1 Vegetation Conservation consisting of revegetation of a native community of the full required* buffer, or 100% of the area between an existing building and the water's edge if the full buffer cannot be planted, or at least 10 ft., or</u></li> <li>○ <u>An alternate mitigation proposal prepared by a qualified professional and approved by the Administrator of the Department of Community and Economic Development or designee that would provide at least equal protection of ecological functions and processes as the full required* setback and buffer.</u></li> </ul> </li> <li>• <u>Remove over water structures that do not provide public access, or do not serve a water-dependent use.</u></li> <li>• <u>Piers and Docks shall be required to replace any solid decking with light penetrating surfacing materials.</u></li> <li>• <u>Developments with existing shoreline stabilization shall mitigate for the impacts of shoreline stabilization in one of the following ways:</u> <ul style="list-style-type: none"> <li>○ <u>Shoreline stabilization structures not conforming to, or otherwise permitted by, the provisions of this code shall be reviewed and upgraded according to the standards of RMC 4-3-090F.4.a.iii Shoreline Stabilization Alternatives Hierarchy, or</u></li> <li>○ <u>An alternative mitigation proposal prepared by a qualified professional and approved by the Administrator of the Department of Community and Economic Development or designee</u></li> </ul> </li> </ul>
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		<p><u>that would identify near shore mitigation to improve shoreline function or values on-site, or</u></p> <ul style="list-style-type: none"> <li>○ <u>If the two alternatives above are infeasible, then the project proponent shall contribute to an off-site vegetation conservation fund, in accordance with RMC 4-3-090F.1.k.</u></li> </ul>
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\*The full buffer/setback as required in RMC 4-3-090D.7.a Shoreline Bulk Standards, or as modified under RMC 4-3-090F.1 Vegetation Conservation.

**2. Partial Compliance for Single-Family Development:** Lawfully constructed single-family homes built before the adoption of the Shoreline Master Program ({Insert Ordinance Adoption Date Here}) shall be considered conforming if expansion or replacement is consistent with the standards below:

<b><u>Alteration of an Existing Structure</u></b>		<b><u>Compliance Standard</u></b>
<u>Alteration Without Expansion</u>	<u>Expansion or remodel that does not change the building footprint or increase impervious surface.</u>	<u>No site changes required.</u>
<u>Minor Alteration</u>	<u>Expansion of building footprint by up to 500 sq. ft. outside of the required* setback; or</u>	<u>No site changes required.</u>
	<u>Expansion of impervious surface by up to 1,000 sq. ft. outside of the required* setback.</u>	
<u>Moderate Alteration</u>	<u>Expansion of building footprint within the required* setback in any amount, or total expansion of 500 sq. ft. to 1,000 sq. ft.; or</u>	<ul style="list-style-type: none"> <li>• <u>Install site improvements that protect the ecological functions and processes of the shoreline, consisting of either:</u> <ul style="list-style-type: none"> <li>○ <u>Partial compliance with Vegetation Conservation provisions of RMC 4-3-090F.1 Vegetation</u></li> </ul> </li> </ul>



	<p><u>Expansion of impervious surface within the required* setback in any amount, or total expansion of 1,000 sq. ft. to 1,500 sq.ft.</u></p>	<p><u>Conservation consisting of revegetation of a native community of at least 80% of the area between an existing building and the water's edge provided that the area to be revegetated need not be more than 25% of the lot depth in feet, or</u></p> <ul style="list-style-type: none"> <li>○ <u>An alternate mitigation proposal prepared by a qualified professional and approved by the Administrator of the Department of Community and Economic Development or designee that would provide at least equal protection of ecological functions and processes as the full required* setback and buffer.</u></li> <li>• <u>Docks shall be required to replace solid decking with light penetrating surfacing materials.</u></li> </ul>
<p><u>Major Alteration</u></p>	<p><u>Expansion of building footprint by more than 1,000 sq. ft., or</u></p> <p><u>Expansion of impervious surface by more than 1,500 sq. ft.</u></p>	<ul style="list-style-type: none"> <li>• <u>Install site improvements that protect the ecological functions and processes of the shoreline, consisting of either:</u> <ul style="list-style-type: none"> <li>○ <u>Full compliance with Vegetation Conservation provisions of RMC 4-3-090F.1 Vegetation Conservation consisting of revegetation of a native community of the full required* buffer, or 100% of the area between an existing building and the water's edge if the full buffer cannot be planted, or</u></li> <li>○ <u>An alternate mitigation proposal prepared by a qualified professional and approved by the Administrator of the Department of Community and Economic Development or designee that would provide at least equal protection of ecological functions and processes as the full required* setback and buffer.</u></li> </ul> </li> <li>• <u>Docks shall be required to replace solid decking with light penetrating surfacing materials.</u></li> <li>• <u>Developments with existing shoreline stabilization shall mitigate for the impacts of shoreline stabilization in one of the following ways:</u> <ul style="list-style-type: none"> <li>○ <u>Shoreline stabilization structures not conforming to, or otherwise permitted by, the provisions of this code shall be reviewed and upgraded according to the standards of RMC 4-3-090F.4.a.iii Shoreline Stabilization Alternatives</u></li> </ul> </li> </ul>

		<p><u>Hierarchy, or</u></p> <ul style="list-style-type: none"> <li>○ <u>An alternative mitigation proposal prepared by a qualified professional and approved by the Administrator of the Department of Community and Economic Development or designee that would identify near shore mitigation to improve shoreline function or values on-site, or</u></li> <li>○ <u>If the two alternatives above are infeasible, then the project proponent shall contribute to an off-site vegetation conservation fund, in accordance with RMC 4-3-090F.1.k.</u></li> </ul>
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\*The full buffer/setback as required in RMC 4-3-090D.7.a Shoreline Bulk Standards, or as modified under RMC 4-3-090F.1 Vegetation Conservation.

**SECTION XI.** The definition of “Act” in section 4-11-010, Definitions A, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled “Code of General Ordinances of the City of Renton, Washington”, is hereby amended 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.

**SECTION XII.** Section 4-11-020, Definitions B, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled “Code of General Ordinances of the City of Renton, Washington”, is hereby amended to add a new definition of “Breakwater” and to revise the definition of “Buffer, Shorelines”, as follows:

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

BUFFER, SHORELINES: A ~~parcel or~~ strip of land that is ~~designed and~~ 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. Uses and activities within the buffer are extremely limited.

**SECTION XIII.** Section 4-11-030, Definitions C, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended to add definitions of "Community Access" and "Conditional Use, Shoreline", to read as follows:

COMMUNITY ACCESS: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) A means of physical approach to and/or along the shoreline available to the residents, tenants, customers, patrons, guests, and/or other authorized users of a development. Community access may also include space set aside for outdoor recreation including: picnic areas, view points, water craft launch facilities, and may also include other similar features.

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.

**SECTION XIV.** The definition of "Floodway" in section 4-11-060, Definitions F, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended as follows:

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FLOODWAY: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) For purposes of determining the jurisdiction of the Shoreline Master Program in conjunction with the definition of "shoreland," "floodway" means ~~those portions of~~ the area as identified in a Master Program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

**SECTION XV.** The definition of "Hearings Board" in section 4-11-080, Definitions H, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended as follows:

HEARINGS BOARD, SHORELINE: The Shorelines Hearings Board established by the Shoreline Management Act.

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**SECTION XVI.** The definitions of “Landfill” and “Local Service Utilities” in section 4-11-120, Definitions L, of 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 as follows:

**LANDFILL:** ~~Creation or maintenance of beach or creation of dry upland area by the deposit of sand, soil, gravel or other materials into shoreline areas.~~  
Addition of soil, sand, rock, gravel, sediment, earth retaining structure, or other material to an area waterward of the OHWM, in wetlands, or on shorelands, in a manner that raises the elevation or creates dry land.

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

**SECTION XVII.** The definition of “Multiple use” in section 4-11-130, Definitions M, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled “Code of General Ordinances of the City of Renton, Washington”, is hereby amended as follows:

**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.~~ in which water-oriented and non-water-oriented uses are included.

**SECTION XVIII.** Section 4-11-140, Definitions N, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended to add definitions of "Nonconforming Site", "Non-Water-Dependant Use" and "Non-Water-Oriented Use", to read as follows:

NONCONFORMING SITE: A lot which does not conform to development regulations not related to the characteristics of a structure but to the facilities provided on a site including but not limited to, the vegetation conservation, shoreline stabilization, landscaping, parking, fence, driveway, street opening, pedestrian amenity, screening and other regulations of the district in which it is located due to changes in Code requirements, or annexation.

NON-WATER-DEPENDENT USE: Those uses which are not water-dependent.

NON-WATER-ORIENTED USE: Those uses which are not water-dependent, water-related, or water-enjoyment.

**SECTION XIX.** The definition of "Ordinary High Water Mark" in subsection 4-11-150, Definitions O, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended as follows:

ORDINARY HIGH WATER MARK (OHWM): 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

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years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists ~~on June 1, 1971~~ 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:

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.

**SECTION XX.** Section 4-11-160, Definitions P, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended to add definitions of "Party of Record", "Permit, Shoreline", "Public Aquatic Lands" and "Public Interest", and to revise the definitions of "Pier" and "Public Access", as follows:

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 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.

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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.

PIER: A general term including docks and similar structures consisting of a fixed or floating platform extending from the shore over the water. This definition does not include overwater trails.

PUBLIC AQUATIC LANDS: Land managed by the Washington State Department of Natural Resources (DNR) located inside the designated inner harbor line.

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.

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.

**SECTION XXI.** The definition of "Recreation" in section 4-11-180, Definitions R, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended as follows:

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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. This definition includes both public and private facilities.

**SECTION XXII.** Section 4-11-190, Definitions S, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended to add a definition of "Shoreline Stabilization", and to revise the definitions of "Setback", "Structure" and "Substantial Development", as follows:

SETBACK: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) A required open space specified in the Shoreline Master Program, measured horizontally upland from and perpendicular to the ~~ordinary~~ high water mark-OHWM.

SHORELINE STABILIZATION: Structural and nonstructural methods to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as currents, floods, tides, wind, or wave action.

STRUCTURE: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) ~~A combination of material constructed or erected on the ground or water or attached to something having a location on the ground or water.~~ A permanent or temporary edifice or building, or any piece of work

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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 ~~two thousand five hundred dollars (\$2,500.00)~~ 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.

**SECTION XXIII.** Section 4-11-220, Definitions V, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended to add a definition of "Vessel", to read as follows:

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 XXIV.** Section 4-11-230, Definitions W, of Chapter 11, Definitions, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", is hereby amended to revise the definitions of "Water-Dependant", "Water-Enjoyment", "Water-Oriented/Nonwater Oriented" and "Water-Related", as follows:



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WATER-DEPENDENT USE: Referring to uses or portions of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities and sewer outfalls.

WATER-ENJOYMENT USE: Referring to a recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through the location, design and operation assures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers and other improvements facilitating public access to the shorelines of the state; and general water-enjoyment uses may include, but are not limited to, restaurants, museums, aquariums, scientific/ecological reserves, resorts/hotels, riverwalk developments, and mixed/multiple use commercial/office/residential developments; provided that such uses conform to the above water-enjoyment specifications and the provisions of the Shoreline Master Program.

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~~WATER-ORIENTED USE/NONWATER-ORIENTED: "Water-oriented refers to any combination of water dependent, water related, and/or water enjoyment uses and serves as an all encompassing definition for priority uses under the Shoreline Management Act. "Nonwater-oriented" serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the Shoreline Management Act. Examples of nonwater-oriented uses include professional offices, automobile sales or repair shops, min-storage facilities, multi-family residential development, department stores and gas stations; these uses may be considered water-oriented where there is significant public access. "Water-oriented" refers to a use that is water-dependent, water-related, water-enjoyment, or a combination of such uses.~~

WATER-RELATED USE: Referring to a use or portion of a use which is not intrinsically dependent on a waterfront location, but whose economic viability is dependent upon a waterfront location because:

1. Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
2. The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the products cost, professional services serving primarily water-dependent activities and storage of water-transported foods.

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Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage.

**SECTION XV.** The Shoreline Management Element of the Comprehensive Plan, the Shoreline Environment Overlays Map and the Shoreline Restoration Plan are hereby adopted in their entirety as shown on Exhibits A, B and C, respectively, and incorporated herein as if fully set forth.

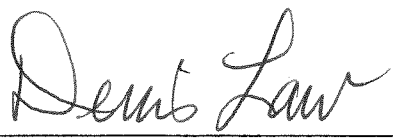
**SECTION XVI.** The Administrator of the Department of Community and Economic Development or designee is hereby authorized and directed to make the necessary changes to the City's Comprehensive Plan to evidence the aforementioned amendment.

**SECTION XVII.** This ordinance shall be effective upon its passage, approval, and five (5) days after publication.

PASSED BY THE CITY COUNCIL this 24th day of October, 2011.

  
\_\_\_\_\_  
Bonnie I. Walton, City Clerk

APPROVED BY THE MAYOR this 24th day of October, 2011.

  
\_\_\_\_\_  
Denis Law, Mayor

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Approved as to form:

A handwritten signature in black ink, appearing to read "Lawrence J. Warren", written over a horizontal line.

Lawrence J. Warren, City Attorney

Date of Publication: 10/28/2011 (summary)

ORD:1693:10/17/11:scr

