APPENDIX D DRAFT RENTON SHORELINE MASTER PROGRAM BUFFER REGULATIONS

The following presents the City of Renton's April 2005 adopted Shoreline Master Program (SMP) regulation amendments. They will not be effective until the Ecology approves them. However, several sections such as those relating to landfill and dredging have not changed in a substantive way since the 1998 adopted regulations.

J. GENERAL USE REGULATIONS FOR ALL SHORELINE USES:

1. Applicability and Exemptions:

a. Applicability:

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

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

b. Exemptions:

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

ii. Use or Activity Exemptions: Reserved.

2. Studies Required:

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

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

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

i. Timing of Mitigation Plan – Final Submittal and Commencement: When a Stream or Lake Mitigation Plan is required, the applicant shall submit a final mitigation plan for

the approval of the Administrator prior to the issuance of building or construction permits, whichever comes first. The applicant shall receive written approval of the final mitigation plan prior to commencement of any mitigation activity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) Seasonal restriction of construction activities; and

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

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

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

iv. Alternative Mitigation: The mitigation requirements set forth in this Subsection may be modified at the Administrator's discretion if the applicant demonstrates that improved habitat functions, on a per function basis, can be obtained in the affected sub-drainage basin as a result of alternative mitigation measures.

d. Studies Waived:

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

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

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

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

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

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

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

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

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

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

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

a. Buffer Width:

i. Standard Buffer Width: Shorelines shall have a minimum 100-foot buffer measured from the 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.

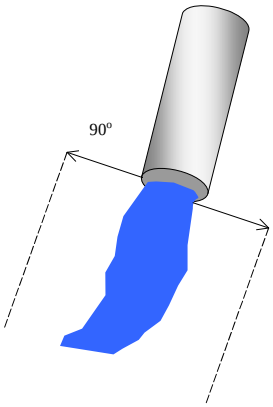

Figure 4-3-090.J.4.a.i. Buffer measurement at pipe opening.

ii. Piped Streams:

(1) Building structures over a natural stream located in an underground pipe or culvert except as may be granted by a variance is prohibited. Roads, bridges, trail, or utility crossings or other alterations pursuant to Section K are allowed. Pavement over a pre-existing piped stream is allowed. Relocation of the piped stream system around structures is allowed. If structure locations are proposed to be changed or the piped stream is being relocated around buildings, a hydrologic and hydraulic analysis of existing piped stream systems will be required for any development project site that contains a piped stream to ensure it is sized to convey the 100-year runoff level from the total upstream tributary area based on future land use conditions.

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

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

b. Use of Buffers:

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

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

c. Increased Buffer Width:

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

ii. Buffers Falling Within Protected Slopes or Very High Landslide Areas: When the required stream/lake buffer falls within a protected slope or very high landslide hazard area or buffer, the stream/lake buffer width shall extend to the boundary of the protected slope or the very high landslide hazard buffer.

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

d. Reduction of Buffer or Setback Width:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Buffer Enhancement:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

e. Averaging of Buffer Width:

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

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

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

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

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

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

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

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

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

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

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

i. Modified Standards:

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

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

(i.) Where greater lot coverage allowances are provided for structured parking in RMC 4-2, lot coverage may be increased to the limit allowed for structured parking if instead a stream is daylighted. The increase in impervious surface allowed shall be equal to the area of stream restoration.

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

ii. Standard buffers may be reduced per 4-3-090J.4.d. If reduced buffers in J.4.d along with other development standards of the zone would not allow the same development

level as without the watercourse daylighting, the Administrator may approve a reduction consistent with the following criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Streams and lakes shall be undisturbed.

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

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

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

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

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

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

i. Authorization in the Use Environment.

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

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

iv. Consistency with applicable specific criteria in Subsection K in addition to Subsections J.2, J.5 and J.6.

6. Permit Evaluation Criteria for Shoreline Developments:

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

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

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

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

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

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

g. Revegetation Required: Revegetation may be required in order to achieve reduced buffer widths; in cases where water body or buffer disturbance has occurred during construction

or other activities; or as a result of findings addressed in required studies. When revegetation is required, it shall meet the following standards:

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

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

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

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

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

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

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

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

v. Outdoor Activities:

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

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

j. Public Access:

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

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

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

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

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

K. SPECIFIC USE REGULATIONS:

6. Dredging:

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

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

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

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

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

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

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

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

c. Prohibited Dredging:

i. Dredging is prohibited in unique or fragile areas (see RMC 4-11-210) except for the purposes identified in Subsection K.6.b of this Section where appropriate federal and/or state authorization has been received, and any required environmental review and mitigation is conducted.

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

d. Regulations on Permitted Dredging:

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

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

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

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

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

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

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

(b) Damage property in or near the area.

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

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

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

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

8. Landfills:

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

i. For detached single family residential uses, when the property is located between two (2) existing bulkheads, the property may be filled to the line of conformity provided the fill does not exceed one hundred twenty five feet (125') in length along the OHWM and

thirty five feet (35') into the water, and provided the provisions of RMC 4-9-197I4b(i) through 4-9-197I4b(vi) are satisfactorily met; or

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

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

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

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

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

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

15. Roads and Railroads:

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

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

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

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

iii. The crossing minimizes interruption of downstream movement of wood and gravel; and

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

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

vi. Crossings are designed according to the Washington Department of Fish and Wildlife Fish Passage Design at Road Culverts, 1999, and the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossings, 2000, as may be updated, or equivalent manuals as determined by the Responsible Official; and

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

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

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

18. Utilities:

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

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

c. Screening of Public Utilities: When a public utility building, telephone exchange, sewage pumping operation or a public utility is built in the shoreline area, the requirements of this Master Program shall be met and the following screening requirements shall be met. If the requirements of Subsection K.18.a of this Section, Native Vegetation, and the requirements of this Subsection are in disagreement, the requirements of this Subsection shall take precedence.

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

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

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

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

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

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

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

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

e. Major Utilities – Specifications:

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

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

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

iv. Pipeline Utilities: All pipeline utilities shall be underground. When underground projects are completed on the bank of a water body or in the shoreland or a shoreline, the disturbed area shall be restored to the original configuration. Underground utility installations shall be permitted only when the finished installation shall not impair the appearance of such areas.

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

f. Local Service Utilities, Specifications:

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

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

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

iv. Discharges of Pollutants and Petroleum Products:

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

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

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

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

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

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

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

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

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

iii. New utility routes shall avoid paralleling the stream or following a down-valley course near the channel; and

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

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

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

This page intentionally blank.