

D# 97 ADMINISTRATIVE CODE INTERPRETATIONS

General Description

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

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

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

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

Impact Analysis

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

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

Effect on the rate of population and employment growth
None.

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

Effect on general land values or housing costs
None.

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

Consistency with GMA, the Plan, and Countywide Planning Policies

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

Effect on critical areas and natural resource lands

None.

Effect on other considerations

None.

Staff Recommendation

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

- **Revision of Final Short Plat Requirement of Signature and Date Line (CI-32):** The signature requirement on a final short plat would be removed from the development standards of the final short plat process (Attachment A).
- **Applicable Building Setback from Shared Driveways (CI-34):** Revise the definitions of Setback to clarify that only public and private streets require a side yard along a street setback. Shared private driveways require an interior side yard setback (Attachment B).
- **Zones permitting craft distilleries (also known as a micro-distilleries), microbreweries, artisanal wineries, and similar uses with tasting rooms (CI-35):** Craft distilleries with tasting rooms, small wineries, and breweries with tasting rooms would be considered permitted in the Commercial Arterial (CA), Center Village (CV), Center Downtown (CD), Commercial/Office/Residential (COR), Urban Center – North (UC-N1 and UC-N2), and the Light Industrial Zone (IL) zones (Attachment C).
- **Consistency of allowed activities in wetlands and wetland buffers in general critical areas regulations and in critical areas within shoreline jurisdiction (CI-37):** Allow trails in wetlands and wetland buffers for critical areas not under shoreline jurisdiction to be consistent with RMC 4-3-090, Shoreline Master Program Regulations (Attachment D).
- **Landscaping, fencing, pond slopes, and other standards for stormwater tracts and easements and ownership and maintenance responsibility for stormwater facilities (CI-38):** Clarifies rules regarding fencing, side slopes, and landscaping in storm drainage facilities (Attachment E).
- **Consistency of fence regulations in residential zones (CI-39):** Fences in the R-10 and R-14 zones would be regulated in the same manner as fences for all other residential uses; fence heights, location, etc (Attachment F).
- **Tax Segregation of Legal Lots & Definitions (CI-40):** Establish definition of a legal lot in order to determine whether or not to approve requests for segregation applications and eliminate conflicts with the City definition of “Lot Combination” created as part of (CI-36) (Attachment G).

- **Alley Loaded Lots (CI-41):** Explicitly identify where alleys are required, when they are required, and what some exceptions may be. Allowing for greater flexibility within the R-8 zone by allowing those who are willing to build at R-6 density to build without alleys as well as provide for a range of densities within the R-8 zone (Attachment H).
- **Determination of minimum pavement width for new private streets (CI-43):** Private streets as permitted under both IFC 530 and RMC 5-6-060.J shall consist of a minimum twenty-six (26) foot easement with a twenty (20) foot pavement width (Attachment I).
- **Signature authority for Short Plats and Binding Site Plans (CI-44):** As the Community and Economic Development Administrator's designee the Public Works Administrator is in fact the final reviewer and approving authority for Short Plats and Binding Site Plans (Attachment J).

Implementation Requirements

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

Chapter 4-8-120D.6. Definitions F:

Final Plat Plan: The final plat or final short subdivision map (for short subdivisions of five (5) or more lots) shall be drawn to a scale of not less than one inch representing one hundred feet (1" = 100') unless otherwise approved by the Department, and on sheets eighteen inches by twenty four inches (18" x 24"). The original reproducible drawing shall be in black ink on stabilized drafting film, and shall:

- a. Include the date, title, name and location of subdivision, graphic scale, and north arrow.
- b. Include names, locations, widths and other dimensions of existing and proposed streets, alleys, easements, parks, open spaces and reservations.
- c. Include lot lines with all property lines dimensioned and square footage of each lot.
- d. Include location, dimensions, and square footage of any existing structures to remain within or abutting the plat.
- e. Include location of existing conditions (such as wetlands, steep slopes, watercourses, floodplains) on or adjacent to the site which could hinder development. (Amd. Ord. 4835, 3-27-2000)
- f. Include reservations, restrictive covenants, easements (including easement language), and any areas to be dedicated to public use, with notes stating their purpose and any limitations. If a new easement is created on the plat, it must show the grantee of the easement rights. If the grantee is the City, a statement of easement provisions reserving, granting and conveying the easement, with a description of the rights and purposes need to be made on the plat.
- g. Include the lot and block numbering scheme and lot addresses on the plat map. Street names and addresses shall be determined by the Department in accordance with the Street Grid Ordinance (chapter 9-11 RMC), and established Department procedures for addressing of new lots. (Amd. Ord. 4835, 3-27-2000)
- h. Contain data sufficient to determine readily and reproduce on the ground the location, bearing, and length of every street, easement line, lot line, boundary line and block line on-site. Shall include dimensions to the nearest one-hundredth (1/100) of a foot and angles and bearings in degrees, minutes, and seconds.
- i. Include coordinates per City surveying standards for permanent control monuments.
- j. Display all interior permanent control monuments located per City surveying standards.
- k. Be mathematically correct.
- l. Contain a legal description of the land to be subdivided on the final mylar.

m. Include certifications:

- i. Certification showing that streets, rights-of-way and all sites for public use have been dedicated.
- ii. Certification by a licensed land surveyor that a survey has been made and that monuments and stakes will be set.
- iii. Certification by the responsible health agencies that the methods of sewage disposal and water service are acceptable.
- iv. Certification by the King County Finance Department that taxes have been paid in accordance with section 1, chapter No. 188, Laws of 1927 (RCW 58.08.030 and 58.08.040) and that a deposit has been made with the King County Finance Department in sufficient amount to pay the taxes for the following year.
- v. Certification by the City Finance Department that there are no delinquent special assessments and that all special assessments certified to the City Treasurer for collection on any property herein contained dedicated for streets, alleys or other public uses are paid in full. In the case of short plats, the City Treasurer's signature is not required on the face of short plat map.
- vi. Certification of approval to be signed by the Administrator.
- vii. Certification of approval to be signed by the Mayor and attested by the City Clerk.

4-11-250 DEFINITIONS Y:

YARD REQUIREMENT: An open space on a lot unoccupied by structures, unless specifically authorized otherwise. The [Development Services Planning](#) Division shall determine the various requirements for uniquely shaped lots and pipestem lots. (See also SETBACK.)

A. Front Yard: The yard requirement which separates the structure(s) from public right-of-way or private access easement. For through lots, corner lots, and lots without street frontage, the front yard will be determined by the [Development Services Planning](#) Division Director.

B. Side Yard along a Street: The yard requirement which is neither a front yard nor a rear yard, yet it abuts a street right-of-way or private [access-easementstreet](#).

C. Rear Yard: The yard requirement opposite the front yard. Where a lot abuts an alley, the rear yard shall always be the yard abutting the alley. For irregularly shaped lots, the rear yard shall be measured from an imaginary line at least fifteen feet (15') in length located entirely within the lot and farthest removed and parallel to the front lot line or its tangent.

D. Side Yard: The yard requirement which is not a front yard, a side yard along a street, or a rear yard.

4-2-060 ZONING USE TABLE – USES ALLOWED IN ZONING DESIGNATIONS:

ZONING USE TABLE	RESIDENTIAL ZONING DESIGNATIONS							INDUSTRIAL			COMMERCIAL ZONING DESIGNATIONS									
	RC	R-1	R-4	R-8	RMH	R-10	R-14	RM	IL	IM	IH	CN	CV	CA	CD	CO	COR	UC-N1	UC-N2	
N. INDUSTRIAL																				
Industrial, General																				
Assembly and/or packaging operations									P	P	P								P86	P86
Commercial laundries, existing									P29	P29	P29				P4					
Commercial laundries, new									P29	P29	P29									
Construction/contractor's office									P	P	P									
Laboratories: light manufacturing									P29	P29	P29		AD	P20	P3	AD54		P		P86
Laboratories: research, development and testing									P28	P	P		H	P20	AD3	AD	H	P		P86

4-3-050C.5.e.ii Specific Exemptions – Critical Areas and Buffers:

EXEMPT ACTIVITIES – PERMITTED WITHIN CRITICAL AREAS AND ASSOCIATED BUFFERS						
EXEMPT ACTIVITY	Aquifer Protection Area	Flood Hazard Area	Geologic Hazard Area	Habitat Conservation Area	Streams and Lakes: Class 2 to 4	Wetlands
e. Roads, Parks, Public and Private Utilities: (Continued)						
ii. <u>New trails, e</u> Existing Parks, Trails, Roads, Facilities, and Utilities – Maintenance, Operation, Repair, <u>and the Construction of New Trails:</u> Normal and routine maintenance, operation and repair of existing parks and trails <u>or the construction of new trails,</u> streets, roads, rights-of-way and associated appurtenances, facilities and utilities where no alteration or additional fill materials will be placed other than the minimum alteration and/or fill needed to restore those facilities <u>or to construct new trails</u> to meet established safety standards. The use of heavy construction equipment shall be limited to utilities and public agencies that require this type of equipment for normal and routine maintenance and repair of existing utility structures and rights-of-way. In every case, critical area and required buffer			X	X	X	X

impacts shall be minimized and disturbed areas shall be restored during and immediately after the use of construction equipment.						
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4-6-030 DRAINAGE (SURFACE WATER) STANDARDS:

A. PURPOSE:

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

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

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

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

B. ADMINISTERING AND ENFORCING AUTHORITY:

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

C. ADOPTION OF SURFACE WATER DESIGN MANUAL:

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

D. WHEN REQUIRED:

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

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

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

E. DRAINAGE REVIEW:

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

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

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

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

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

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

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

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

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

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

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

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

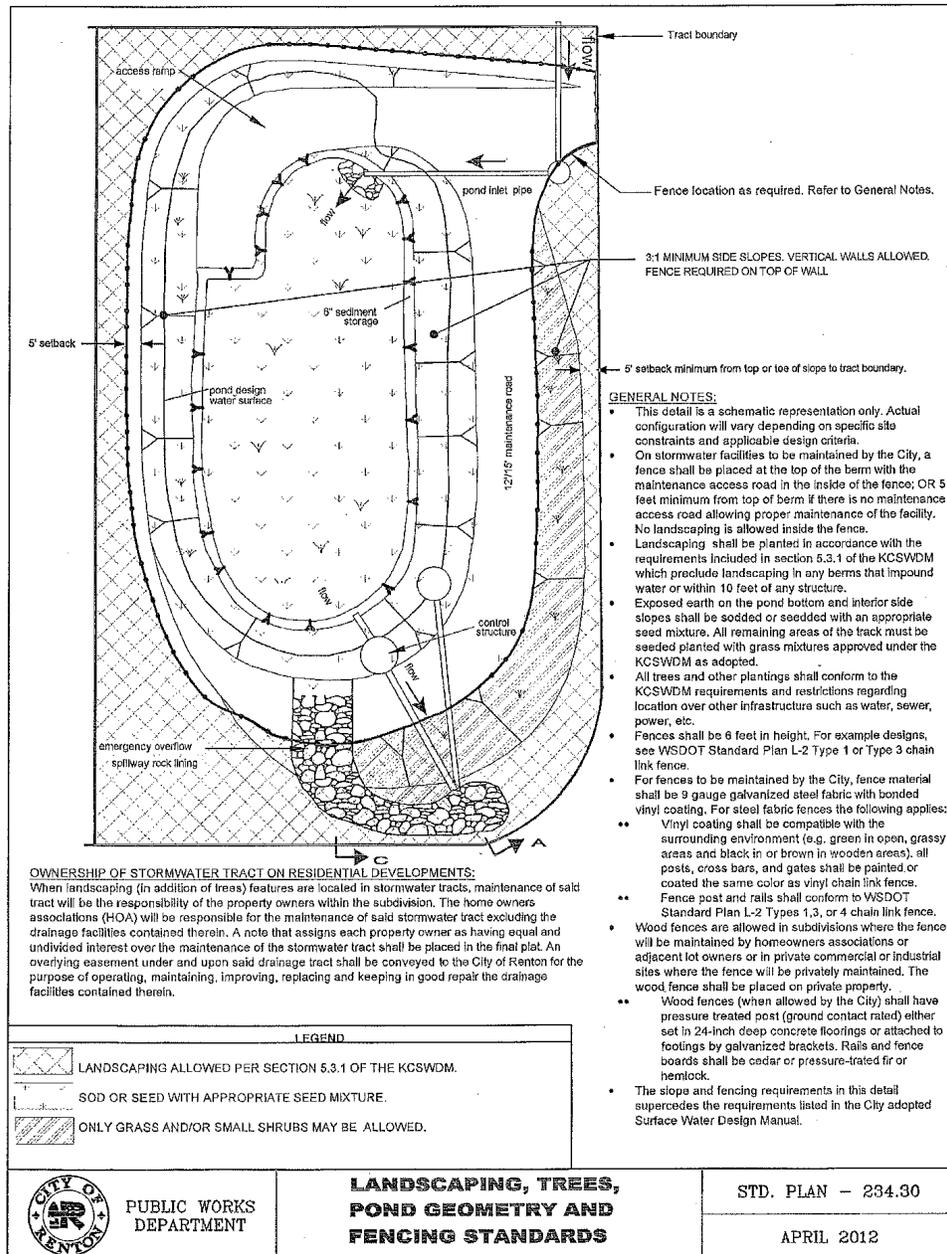
e. Special Requirement 5 – Oil Control: If a proposed project is a high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as specified in the Surface Water Design Manual.

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

F. CREATION OF TRACTS AND/OR EASEMENTS:

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

This requirement is graphically depicted on the following page:



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

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

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

2. Method of Creation for Privately Maintained Facility:

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

3. Method of Creation for Other Developments:

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

G. ADDITIONAL REQUIREMENTS FOR FENCING AND LANDSCAPING:

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

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

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

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

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

HF. REQUIREMENTS FOR DRAINAGE REVIEW:

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

IG. ADOPTION OF STORMWATER POLLUTION PREVENTION MANUAL (SPPM):

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

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

JH. DISCHARGE PROHIBITION:

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

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

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

3. Remedy:

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

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

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

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

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

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

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

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

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

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

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

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

5. Reporting Requirements:

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

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

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

a. Access:

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

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

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

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

KI. REVIEW AND APPROVAL OF PLAN:

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

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

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

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

LJ. BONDS AND LIABILITY INSURANCE REQUIRED:

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

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

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

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

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

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

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

M. MAINTENANCE OF DRAINAGE FACILITIES:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

N. RETROACTIVITY RELATING TO CITY MAINTENANCE OF SUBDIVISION FACILITIES:

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

O. ADJUSTMENT:

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

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

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

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

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

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

PN. VARIANCE:

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

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

QQ. SEVERABILITY:

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

RP. VIOLATIONS OF THIS SECTION AND PENALTIES:

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

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

A. PURPOSE:

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

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

B. APPLICABILITY:

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

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

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

b. All new buildings; and new surfacewater facilities;

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

RMC 4-4-070F:

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

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

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

6. Storm Drainage Facility Landscaping:

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

b) Additional Locations where Trees and Shrubs are Prohibited:

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

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

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

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

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

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

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

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

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

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

5.3.1.1 Landscaping: Replace introductory paragraph with the following:

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

5.3.1.1 Landscaping: Add to bullet #2 the following:

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

5.3.1.1 Signage: Add the following text to this section:

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

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

City of Renton

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

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

Basis for AGREEMENT:

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

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

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

Terms of the AGREEMENT:

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

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

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

City of Renton

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

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

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

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

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

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

APPLICANT

By Title Date

Received for City of Renton By Date

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

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

STATE OF WASHINGTON) SS
COUNTY OF KING)

I certify that I know or have satisfactory evidence that

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

Notary Public in and for the State of Washington
Notary (Print) _____
My appointment expires: _____
Dated:

Notary Seal must be
within box

CORPORATE FORM OF ACKNOWLEDGMENT

STATE OF WASHINGTON) SS
COUNTY OF KING)

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

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

Notary Public in and for the State of Washington
Notary (Print) _____
My appointment expires: _____
Dated:

4-4-040D.1 FENCES AND HEDGES:

D. STANDARDS FOR RESIDENTIAL USES:

1. Height Limitations for Interior Lots:

a. Front Yard Setbacks: Fences, walls or hedges a maximum of forty eight inches (48") in height may be allowed within the required front yard subject to these provisions, ~~except that in the R-10 or R-14 zone, fences in the front yard shall be a maximum of thirty six inches (36").~~

2. Height Limitations for Corner Lots:

a. Front Yard Setbacks: Fences, walls or hedges a maximum of forty two inches (42") in height may be allowed on any part of the clear vision area. Fences, walls, or hedges a maximum of forty eight inches (48") in height may be allowed within any part of the front yard setback when located outside of any clear vision area on said lot, ~~except that in the R-10 or R-14 zone, fences in the front yard shall be a maximum of thirty six inches (36").~~

c. Side Lot Line Abutting Street: Fences, walls or hedges a maximum of forty two inches (42") in height within any clear vision area and forty eight inches (48") in height elsewhere in the front yard setback, ~~except that in the R-10 and R-14 zones, the maximum height of the first fifteen feet (15') of the fencing as measured from the front facade shall be a maximum thirty six inches (36") in height.~~ The remainder of the fence or hedge shall be a maximum seventy two inches (72") in height.

~~**5. Location of Fences in the R-10 and R-14 Zones:** Fences shall be located a minimum of one foot (1') from the parcel line to allow for plantings.~~

~~**6. Fencing Material in the R-10 and R-14 Zones:** Fences shall be constructed of wood, simulated wood, iron, or masonry. Solid fences and chain link are prohibited.~~

Subsection 4-4-040D.5 Fences and Hedges, Standards for Residential Uses, Special Design Features for Front Yard Fences in the R-10 and R-14 Zones, of Chapter 4 (City-wide Property Development Standards) of Title IV (Development Regulations) is hereby deleted:

7. Special Design Features for Front Yard Fences in the R-10 and R-14 Zones: Front yard fences shall be decorative and help define the semi-private area in the front of the home. The fence shall provide a balance of solid surfaces and voids, such as picket fences or Kentucky rail style fences.

4-11-120 Definitions L**Legal Lot:**

- A. A lot created in compliance with applicable state and local land segregation statutes or codes in effect at the time the lot was created and meets the following requirements:
1. The lot was created prior to the effective date of the property's annexation to the City of Renton and meets the following criteria:
 - a. A lot created before October 1, 1972, shall be recognized as a legal lot:
 - i. if before October 1, 1972, it was:
 - (a) conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase; or
 - (b) recognized as a separate tax lot by the county assessor; and
 - ii. if the lot was created before June 9, 1937, it was served by one of the following before January 1, 2000:
 - (a) approved sewage disposal;
 - (b) an approved water system; or
 - (c) a road that was:
 - (1) accepted for maintenance by the King County department of transportation; or
 - (2) located within an access easement for residential use or in a road right-of-way and consists of a smooth driving surface, including, but not limited to, asphalt, concrete, or compact gravel, that complied with the King County road standards in effect at the time the road was constructed;
 - b. A lot created on or after October 1, 1972, shall be recognized as a legal lot if it was created:
 - i. through the subdivision or short subdivision process; or
 - ii. through the following alternative means of lot segregation provided for by state statute or county code:
 - (a) through the following alternative means of lot segregation provided for by state statute or county code:
 - (b) at a size twenty acres or greater, created by a record of survey recorded before January 1, 2000, and not subsequently merged into a larger lot;
 - (c) at a size forty acres or greater created through a larger lot segregation made in accordance with RCW 58.18.010, approved by King County and not subsequently merged into a larger lot;
 - (d) through testamentary provisions or the laws of descent after August 10, 1969; or
 - (e) as a result of deeding land to a public body after April 3, 1977.
 - c. In requesting a determination, the property owner shall submit evidence, deemed acceptable to the department, such as:

- i. Recorded subdivisions or division of land into four lots or less;
 - ii. King County documents indicating approval of a short subdivision;
 - iii. Recorded deeds or contracts describing the lot or lots either individually or as part of a conjunctive legal description (e.g. Lot 1 and Lot 2); or
 - iv. Historic tax records or other similar evidence, describing the lot as an individual parcel. The department shall give great weight to the existence of historic tax records or tax parcels in making its determination; or
2. The lot was created within the corporate limits of the City; and
- a. before March 17, 1937 (Platting: Washington Session Laws of 1937 Ch. 186), and on or before July 22, 1958 , the lot was:
 - (1) conveyed as an individually described parcel to separate, noncontiguous ownerships through a fee simple transfer or purchase; and
 - (2) recognized as a separate tax lot by the county assessor; and
 - (3) no residential structure (house or garage) has been over the lot boundaries which constitutes a defacto Lot Combination as defined in RMC 4-11-120; or
 - b. between March 17, 1937 and July 22, 1958, inclusive, the lot was create in compliance with state segregation statutes and codes; or
 - c. the lot was created after July 22, 1958, through a review and approval process recognized by the City for the creation of two or more lots or via a process recognized as exempt from platting by state law; or
 - d. the lot has not been merged via a Lot Combination as defined in RMC 4-11-120; or
3. Each portion of a Legal Lot meeting the criteria above subsequently split by a right of way under threat of condemnation shall be considered a Legal Lot;
- B. A Legal Lot under this definition is not necessarily a buildable or developable site.

Lot Combination: The merger or aggregation of lots via either:

- 1. the construction of a dwelling unit over an existing lot boundary; or
- 2. a request by the property owner for a permanent merger of two or more lots by the completion, approval and subsequent recording of a Declaration of Lot Combination or Lot Line Adjustment.

4-11-200 Definitions T

Tax Lot Segregation: The separation of two or more Legal Lots as defined in RMC 4-11-120 into individual tax parcels.

RMC 4-7-150.E

DETERMINATIONS: RMC 4-7-150.E.5. **Alley Access:** Alley access is the preferred street pattern for all new residential development, except ~~for properties~~ in the Residential Low Density land use designation. ~~The Residential Low Density land use designation includes the (RC, R-1, and R-4 zones).~~ Prior to approval of a plat without alley access, it shall be determined through an evaluation of alley layout. All new development in an area that has existing alleys shall take access off the alley. New development in areas without existing alleys shall utilize alley access on interior lots. If it can be demonstrated through an evaluation that the use of alley(s) is not feasible practical, the use of alleys may not be required. Any or all of the following factors may apply and should be considered in evaluating whether the use of alleys is not practical:

- a. Size: the new development is a short plat.
- b. Topography: the topography of the site proposed for development is not conducive for an alley configuration.
- c. Environmental Impacts: the use of alleys would have more of a negative impact on the environment than a street pattern without alleys.

~~Within the R-4 zone, alley access may be required based on one or more of the following criteria:~~

- ~~a. Minimum lot widths are reduced; or~~
- ~~b. An increase in density is allowed; or~~
- ~~c. Alley(s) are present in the surrounding area; or~~
- ~~d. If significant trees and/or vegetation are preserved; or~~
- ~~e. The clustering of homes is allowed; or~~
- f. If site characteristics allow for the effective use of alley(s).

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

Maximum Net Density ^{2, 14, 15}	
R-8	8 dwelling units per 1 net acre, <u>except that the maximum shall be 6 dwelling units per net acre when alleys are considered practical, per RMC 4-7-150E.5, and are not part of the street configuration.</u>

4-6-060 Street Standards

J. PRIVATE STREETS:

1. When Permitted: Private streets are allowed for access to six (6) or fewer lots, provided at least two (2) of the six (6) lots abut a public right-of-way. Private streets will only be permitted if a public street is not anticipated by the Department of Community and Economic Development to be necessary for existing or future traffic and/or pedestrian circulation through the subdivision or to serve adjacent property.

2. Minimum Standards: Such private streets shall consist of a minimum of a twenty six foot (26') easement with a ~~twelve-foot (12')~~ twenty feet (20') pavement width. The private street shall provide a turnaround meeting the minimum requirements of this Chapter. No sidewalks are required for private streets; however, drainage improvements per City Code are required, as well as an approved pavement thickness (minimum of four inches (4") asphalt over six inches (6") crushed rock). The maximum grade for the private street shall not exceed fifteen percent (15%), except for within approved hillside subdivisions. The land area included in private street easements shall not be included in the required minimum lot area for purposes of subdivision.

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

D. DEFINITIONS OF TERMS USED IN SUBMITTAL REQUIREMENTS FOR BUILDING, PLANNING AND PUBLIC WORKS PERMIT APPLICATIONS:

19. Definitions S:

Short Plat or Binding Site Plan Map, Final:

x. Signature and date line for:

i. All property owners (signatures must be notarized with an ink stamp),

ii. The King County Assessor,

iii. The Administrative Services Administrator with the following text preceding: “There are no delinquent special assessments and any special assessments for any dedicated property herein contained have been paid in full”, and

iv. The ~~Community and Economic Development~~Public Works Administrator



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

MUNICIPAL CODE SECTIONS: Property Development Standards, Chapter 4-8-120D.6

REFERENCE: N/A

SUBJECT: Revision of Final Short Plat Requirement of Signature and Date Line, Property Development Standards, Chapter 4-8-120D.6

BACKGROUND: The signature requirement of Item X.iii on a final short plat has not been adhered to for many years because the Administrative (Finance) Services Administrator does not check if there are delinquent special assessments or if special assessments on dedicated properties are paid in full. A separate signature line has not been provided on a final short plat for the Finance Department Administrator.

In the past, the review for special assessments had been a function of Property Services. Now it is a function of the Plan Reviewers in Development Services to complete the fee sheets that include any special assessment fees to be paid prior to recording of a short plat.

JUSTIFICATION: Because this is an internal function covered under the final review process, Item X.iii. is redundant and its implementation at this point would lead to an unnecessary extra step requiring further delay in the recording process of a final short plat. The recording of the final short plat must be accomplished prior to any Building Permit and further development of the property being short platted.

DECISION: This item will be removed from the development standards of the final short plat process and, in the interim, this item will not be listed on any instructional handout given to an applicant as a requirement to show a signature line for the Administrative Services Administrator on final short plats.

**ADMINISTRATOR/
PLANNING DIRECTOR
APPROVAL:** 
C. E. "Chip" Vincent

DATE: September 10, 2012

**APPEAL
PROCESS:**

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



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

**MUNICIPAL
CODE SECTIONS:**

RMC 4-11-050, RMC 4-11-190 and RMC 4 -11-250, Definitions of Easement, Access, Setback and Yard, Side Yard Along-a-Street.

REFERENCE:

RMC 4-11-190 states in part that for lots containing private access easements, setbacks are the minimum required distance between the building footprint and the access easement. RMC 4-11-250 states that a side yard along a street is a yard that is neither a front yard nor a rear yard, yet it abuts a street right-of-way or private access easement.

SUBJECT:

Applicable building setbacks from shared driveways

BACKGROUND:

Several platted lots contain easements that provide access to multiple lots. Some of these easements include shared private driveways and private streets. Per RMC 4-6-060K, a shared private driveway may be permitted for access up to a maximum of four lots. Up to three of the lots may use the driveway as primary access. RMC 4-6-060J states private streets are allowed for access to six or fewer lots, provided at least two of the six lots abut a public right-of-way. Setbacks are intended to separate buildings from property lines and access easements, as access easements carry traffic and therefore are more akin to a street. However, shared private driveways do not have the same character of a private or public street, as the number of residences that can use for primary access are limited, therefore they do not require the same level of separation and should be treated differently. An appropriate setback from these types of easements should be the interior side yard setback for the respective zone.

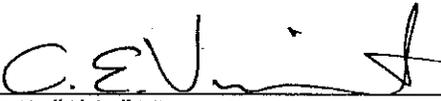
JUSTIFICATION:

Setbacks are intended to separate buildings from other structures, property lines, and streets. Access easements should be treated like streets where automobile traffic is generated. Primary access is limited to three lots for shared private driveways and does not meet the definition of a street where automobile traffic is accommodated. Buildings should be permitted to adhere to the interior side yard setback from a private shared driveway, based upon the interior side yard setback requirement for the respective zone.

DECISION:

Revise the definitions of Setback to clarify that only public and private streets require a side yard along a street setback. Shared private driveways require an interior side yard setback.

**ADMINISTRATOR/
PLANNING DIRECTOR
APPROVAL:**


C. E. "Chip" Vincent

DATE: September 10, 2012

**APPEAL
PROCESS:**

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



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

**MUNICIPAL
CODE SECTIONS:**

RMC 4-2-060, Zoning Use Table, and RMC 4-11, Definitions

REFERENCE:

N/A

SUBJECT:

Zones permitting craft distilleries (also known as a micro-distilleries), micro breweries, artisanal wineries, and similar uses with tasting rooms.

BACKGROUND:

We received an inquiry regarding the possibility of a small craft distillery locating in the Center Downtown (CD) Zone. This use and other similar uses are not specifically addressed in the city's definitions or Zoning Use Table, RMC 4-2-060. An interpretation is needed to properly classify these uses as distinct from larger volume distilleries.

One definition and a brief summation of a "micro-distillery" is as follows: "A micro-distillery is a small, often 'boutique', distillery established to produce beverage grade alcohol in relatively small quantities. While the term is most commonly used in the United States, micro-distilleries have been established in Europe for many years, either as small cognac distilleries supplying the larger cognac houses, or as distilleries of single malt whisky. Throughout much of the world, small distilleries operate throughout communities of various sizes, mostly without being given a special description."

Small scale craft distilleries, small wineries, or brewpubs were likely not envisioned when the City initially created definitions for its industrial type uses: Light, Medium, and Heavy Manufacturing. The city's [abbreviated] manufacturing definitions currently read as follows and seem to have anticipated a much larger scale of industrial distillation:

MANUFACTURING AND FABRICATION, LIGHT: The transformation of materials or substances into new products including construction and assembling of component parts, and the blending of materials such as lubricating oils, plastics, resins or liquors. [] This definition includes but is not limited to manufacture and fabrication of electronic components, office products, furniture, glass products, and other manufacturing and fabrication uses as determined by the reviewing official. This definition excludes slaughterhouses, manufacture of shellac, varnish or turpentine, paper, pulp, rubber from crude material, refining and/or manufacturing of petroleum by-products except as an accessory use of less than fifty thousand (50,000) gallons.

MANUFACTURING AND FABRICATION, MEDIUM: The transformation of materials or substances into new products including construction and assembling of component parts, and the blending of materials such as lubricating oils, plastics, resins or liquors. [] This definition includes but is not limited to manufacture and fabrication of, alcoholic products, paints, printing ink, leather goods, and other manufacturing and fabrication uses as determined by the reviewing official. This definition excludes slaughterhouses, manufacture of shellac, varnish or turpentine, paper, pulp, rubber from crude material, refining and/or manufacturing of petroleum by-products except as an accessory use of less than fifty thousand (50,000) gallons.

MANUFACTURING AND FABRICATION, HEAVY: The transformation of materials or substances into new products including construction and assembling of component parts, and the blending of materials such as lubricating oils, plastics, resins or liquors. [] This definition includes, but is not limited to: manufacture and fabrication of automotive vehicles and their parts, cement, brick, lime, gypsum, asphalt, and other manufacturing and fabrication uses as determined by the reviewing official. This definition excludes slaughterhouses, manufacture of shellac, varnish or turpentine, paper, pulp, rubber from crude material, refining and/or manufacturing of petroleum by-products except as an accessory use of less than fifty thousand (50,000) gallons."

JUSTIFICATION:

Since the scale and impacts of craft distilleries, small wineries, and brewpubs with tasting rooms are significantly different than larger scale industrial distilling plants, wineries, or craft breweries, these uses do not really fit into any of Renton's three existing definitions of "manufacturing" (light, medium, or heavy). Because these uses are not specifically listed in the Zoning Use Table and are not included in any definition, these uses should be considered as "Unclassified Uses".

Section 4-2-050 C6 of the Renton Municipal Code allows the Development Services Division Director to make determinations regarding the permissibility of uses not specifically listed in the zoning code, provided the use is:

- "In keeping with the purpose and intent of the zone, and consistent with the Renton Comprehensive Plan policies; and
- Similar in nature to, and no more intense than, a specifically listed permitted, conditional or accessory use; and
- Consistent with subsection C4 of this Section, if determined to be permissible as an accessory use."

*"The purpose of the **Center Village Zone (CV)** is to provide an opportunity for concentrated mixed-use residential and commercial redevelopment designed to urban rather than suburban development standards that supports transit-oriented development and pedestrian activity. Use allowances promote commercial and retail development opportunities for residents to shop locally. Uses and standards allow complementary, high-density residential development, and discourage garden-style, multi-family development. Scale and Character: The Center Village Zone (CV) is intended to provide suitable environments for district-scaled retail and commercial development serving more than one neighborhood, but not providing City-wide services."*

*"The purpose of the **Commercial Arterial Zone (CA)** is to evolve from "strip commercial" linear business districts to business areas characterized by enhanced site planning and pedestrian orientation, incorporating efficient*

parking lot design, coordinated access, amenities and boulevard treatment with greater densities. The CA Zone provides for a wide variety of retail sales, services, and other commercial activities along high-volume traffic corridors. Residential uses may be integrated into the zone through mixed-use buildings. The zone includes the designated Automall District."

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

*"The purpose of the **Commercial/Office/Residential Zone (COR)** is to provide for a mix of intensive office, hotel, convention center, and residential activity in a high-quality, master-planned development that is integrated with the natural environment. Commercial retail and service uses that are architecturally and functionally integrated are permitted. Also, commercial uses that provide high economic value may be allowed if designed with the scale and intensity envisioned for the COR Zone. The scale and location of these sites will typically denote a gateway into the City and should be designed accordingly."*

*"The **Urban Center – North Zones** are established to provide an area for pedestrian-scale mixed-use development that supports the residential and employment goals of Renton's Urban Center – North. The UC-N1 and UC-N2 Zones are intended to attract a wide range of office, technology, commercial, and residential uses. The overall mix and intensity of uses within both zones will develop over time. Consequently, decisions made in early phases of redevelopment will need to take into consideration the potential for further infill and intensification of uses. The overall mix and intensity of uses is intended to create an urban rather than suburban character. The form of development is expected to use urban development standards and therefore, setbacks, heights, landscaping, parking, and design standards are to be urban in scale and configured in a layout utilizing the street system to create a human-scale, pedestrian-oriented new center. Uses that support urban center development are allowed. Development is expected to include amenities such as gateways, water access, and open space. High-quality development is anticipated, encompassing a mix of residential neighborhoods, shopping, and employment districts and public facilities."*

*"The purpose of the **Light Industrial Zone (IL)** is to provide areas for low-intensity manufacturing, industrial services, distribution, storage, and technical schools. Uses allowed in this zone are generally contained within buildings. Material and/or equipment used in production are not stored outside. Activities in this zone do not generate external emissions such as smoke, odor, noise, vibrations, or other nuisances outside the building. Compatible uses that directly serve the needs of other uses in the zone are also allowed."*

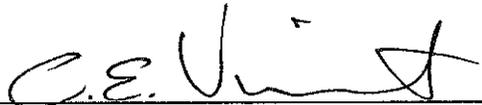
A craft distillery, small winery, or small brewery with tasting room will bring people and add vibrancy to the city's commercial zones and would be in keeping with the purpose and intent of the zones and consistent with the Renton Comprehensive Plan policies. It is also similar in nature to, and no more intense than, restaurant and lounge uses which are outright permitted in these zones. These uses would also be consistent with and appropriate in our Light Industrial (IL) Zone.

DECISION:

Craft distilleries with tasting rooms in compliance with Washington State law (e.g. selling no more than 2 liters per customer per day per WAC 314-28-050) are considered to be a permitted use in the Commercial Arterial Zone (CA), Center Village Zone (CV), Center Downtown (CD) Zone, Commercial/Office/Residential Zone (COR), Urban Center – North Zones (UC-N1 and UC-N2), and the Light Industrial Zone (IL). The State of Washington licenses craft distilleries to produce a maximum of 60,000 proof gallons or less per year (WAC 314-28-050).

Small wineries and breweries with tasting rooms are also permitted uses in all of these same zones.

**ADMINISTRATOR/
PLANNING DIRECTOR
APPROVAL:**


C. E. "Chip" Vincent

DATE:

September 27, 2012

**APPEAL
PROCESS:**

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

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT
DETERMINATIONS:**

The Zoning Use Table was fairly recently collapsed and consolidated from 26 pages of use types to 6 pages. This was done to eliminate conflicts and for ease of use. The level of specificity of this determination is beyond the current level of detail now included in RMC 4-2-060, Zoning Use Table, so this determination and use type should not be incorporated into the table. This determination will be retained for reference in the online list of approved Code Interpretations.



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

**MUNICIPAL
CODE SECTIONS:**

RMC 4-3-050 and 4-3-090

REFERENCE:

N/A

SUBJECT:

Consistency of allowed activities in wetlands and wetland buffers in general critical areas regulations and in critical areas within shoreline jurisdiction.

BACKGROUND:

New development within critical areas, including wetlands and their associated buffers, is generally not allowed. Such development would include new pedestrian trails. However, with the enactment of the Shoreline Master Program in 2011, recreational and educational activities including trails are now allowed within wetlands and wetland buffers under shoreline jurisdiction. Therefore, a conflict now exists between general critical areas regulations and those specific to shoreline jurisdiction.

RMC 4-3-050C.8.a prohibits actions taken by any person, company, agency, or applicant which results in any alteration of a critical area except as consistent with the purpose, objectives, and requirements of the Code.

RMC 4-3-050C.5.e.ii states that exempt activities in wetlands and wetland buffer areas include the maintenance, operation, and repair of existing parks, trails, road facilities, and utilities under specified conditions.

RMC 4-3-090D.2.d.ix addresses allowed activities in wetlands and buffers within shoreline jurisdiction. Recreation or educational activities which do not significantly affect the function of the wetland or regulated buffer including trails may be permitted within Category II, III, or IV wetlands or their buffers. Trails may also be allowed within Category I wetland buffers if the trail does not exceed four (4) feet in width and is surfaced with gravel or pervious material, including boardwalks; the trail 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 interpretative purposes; the trail is constructed and maintained in a manner that minimizes disturbance of the wetland or buffer. Trails within wetlands shall be placed on an elevated structure as an alternative to fill; and wetland mitigation in accordance with RMC 4-2-090D.2.d.x.

Therefore, an inconsistency exists between the Critical Areas Regulations (RMC 4-3-050) and the Shoreline Master Program Regulations (RMC 4-3-090) regarding activities with wetlands and wetland buffers.

JUSTIFICATION:

A case can be made that Critical Areas Regulations affecting wetlands and wetland buffers are far more restrictive than those contained in the Shoreline Master Program Regulations. Adding an exemption for new trails in wetlands and wetland buffers as a critical areas exemption (RMC 4-3-050C.5.e.ii) would create consistency between Critical Areas Regulations and the Shoreline Master Program Regulations.

The allowance of pedestrian trails within wetlands and wetland buffers under shoreline jurisdiction provides for public recreational or educational activities within those areas. Among the other recreational and educational activities allowed within wetlands and wetland buffers under shoreline jurisdiction are wildlife management or viewing structures, and outdoor scientific or interpretive facilities. Such activities are considered to not affect the function of wetlands or regulated buffers. Allowing trails in wetlands and wetland buffers outside of shoreline jurisdiction would provide an opportunity for public enjoyment and study.

Wetland regulations regarding pedestrian trails in the Renton Municipal Code should be internally consistent. That is, regulations within RMC 4-3-050, Critical Areas Regulations, should be consistent with RMC 4-3-090, Shoreline Master Program Regulations

DECISION:

Allow trails in wetlands and wetland buffers for critical areas not under shoreline jurisdiction to be consistent with RMC 4-3-090, Shoreline Master Program Regulations.

**ADMINISTRATOR/
PLANNING DIRECTOR
APPROVAL:**


C. E. "Chip" Vincent

DATE:

January 29, 2013

**APPEAL
PROCESS:**

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

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT**

DETERMINATIONS: RMC 4-3-050C.5.e.ii Specific Exemptions – Critical Areas and Buffers should be amended to read as shown on Attachment A

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

MUNICIPAL

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

REFERENCE: N/A

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

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

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

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

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

pertaining to the landscaping requirements applicable to stormwater facilities.

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

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

DECISION: Briefly, this determination clarifies:

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

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

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

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

**DEVELOPMENT
SERVICES DIRECTOR
APPROVAL**



Neil Watts

**UTILITY SYSTEMS
DIRECTOR
APPROVAL**



Lys Hornsby

DATE: February 4, 2013

**APPEAL
PROCESS:**

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

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

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT**

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



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

**MUNICIPAL
CODE SECTIONS:**

RMC 4-4-040D.1.a, RMC 4-4-040 D.2.a, RMC 4-4-040D.2.c,
RMC 4-4-040D.5, RMC 4-4-040D.6, and RMC 4-4-040D.7

REFERENCE:

N/A

SUBJECT:

Consistency of fence regulations in residential zones

BACKGROUND:

Historically, all residential fences were subject to the same height limits and standards. Several years ago, City code was amended to provide for different standards for residential fencing based on zone. This has proven to be overly complex for staff to consistently implement/enforce and there appears to be no necessity for the standards variations.

RMC 4-4-040 D.1.a addresses fence height limitations in front yard setbacks for interior residential lots. The fence height specified for the R-10 and R-14 zones in front yards is a maximum of 36 inches; for all other residential uses fences in front yard setbacks this height may be a maximum of 48 inches.

RMC 4-4-040D.2.a addresses fence heights in front yard setbacks for residential corner lots. Front yard fences in corner lots in the R-10 and R-14 zones may be a maximum of 36 inches in height. Fence height in the front yard setback for all other residential uses may be a maximum of 42 inches within any part of the clear vision area; or, 48 inches within any part of the front yard when located outside of the clear vision area.

RMC 4-4-040D.2.c addresses fence heights for corner lots with side yards abutting a street. The fence height in the R-10 and R-14 zones for the first 15 feet of the fencing as measured from the front façade may be a maximum, of 36 inches; the remainder of the fence may be a maximum of 72 inches in height. Fences, walls, and hedges in side yard setbacks along a street for all other residential uses may be a maximum of 42 inches and 48 inches in height elsewhere.

RMC 4-4-040D.5 specifies locations of fences within the R-10 and R-14 zones. Such fences must be located a minimum of one foot from the parcel line to allow for plantings. No such requirement is specified for any other residential use.

RMC 4-4-040D.6 specifies fencing materials which may be used in the R-10 and R-14 zones. Fences may be constructed of wood, iron, or masonry. Solid fences and chain link are prohibited. No such requirements are specified for any other residential uses.

RMC 4-4-040D.7 specifies special design features for fences in the R-10 and R-14 zones. Front yard fences must be decorative and help define the semi-private area in the front of the home. The fence must provide a balance of solid surfaces and voids, such as picket fences or Kentucky rail style fences. No such requirement is specified for any other residential uses.

Current fence regulations for the R-10 and R-14 zones can create an odd mixture of fence heights on individual lots, particularly for corner lots in those zones. Additionally, inequities are evident in the fence regulations for the R-10 and R-14 zones in comparison with fence regulations for all other zones. A case can also be made that fence regulations in the R-10 and R-14 zones are far more restrictive than fence regulations for all other residential uses.

JUSTIFICATION:

Residential fences are intended to provide privacy and security to the homeowner. In providing these benefits fences should be aesthetically pleasing to the surrounding community and not be a hazard to vehicular traffic on surrounding streets by impeding the views through clear vision areas. Removing the fence regulations which are specifically pertinent to the R-10 and R-14 zones would maintain the intended purpose of signs as well as providing equal aesthetic and traffic considerations for all residential zones.

DECISION:

Fence regulations contained in the Renton Municipal Code should be consistent for residential uses in all zones. Fences in the R-10 and R-14 zones shall be regulated in the same manner as fences for all other residential uses; fence heights, location, etc.

**ADMINISTRATOR/
PLANNING DIRECTOR
APPROVAL:**



C. E. "Chip" Vincent

DATE:

May 28, 2013

**APPEAL
PROCESS:**

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



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

**MUNICIPAL
CODE SECTIONS:**

4-11-120 DEFINITIONS L
4-11-200 DEFINITIONS T

REFERENCE:

Washington State Session Laws: 1893 Ch. 126, 1937 Ch. 186,
1951 Ch. 195, 1969, Ch. 271, 1974 Ch. 134
Revised Code of Washington: Title 58 Ch. 17
City of Renton Ordinances: Nos. 1688, 2667, 4522
Municipal Research and Services Center of Washington: Report No. 14

SUBJECT:

Tax Segregation of Legal Lots & Definitions

BACKGROUND:

There have been several requests for letters of approval to accompany King County's Request for Segregation applications as the County might not accept and process requests without the City's approval. As a matter of policy, the City has been using the King County definition of "legal lot" to guide its decisions. However, the municipal and urban context is sufficiently different that a local definition is necessary to support the approval process.

For those lots created under King County's jurisdiction, the County's "legal lot" criteria will be used to determine the validity of the lots in question. Otherwise the City's criteria will be applied. The City's criteria follows the general outline of the County's using different dates based on the effective date of the City's Subdivision Ordinances and the City's applicable development thresholds.

In December 2012, an Administrative Policy / Code Interpretation (CI-36) was prepared and adopted to address this issue. A portion of the adopted County code Section 19A.08.070.F conflicted with the City's definition of a "Lot Combination" as defined in the Interpretation.

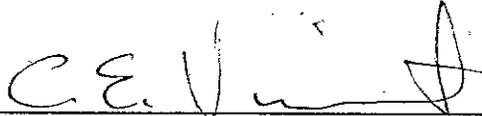
JUSTIFICATION:

The conflict regarding lot combinations between the adopted County code elements and that defined in CI-36 does not yield the desired result with respect to properties within the corporate limits of the City of Renton. The portion of the "Legal Lot" definition referencing County Code will be modified to actually list those elements of the code that are relevant to the definition and eliminate those that reference "reaggregation."

DECISION:

Use the definitions as presented under the Code Amendments section of this document to determine whether or not to approve requests for segregation applications.

**ADMINISTRATOR/
PLANNING DIRECTOR
APPROVAL:**



C. E. "Chip" Vincent

DATE:

August 12, 2013

**APPEAL
PROCESS:**

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



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

**MUNICIPAL
CODE SECTIONS:**

RMC 4-7-150 and RMC 4-2-110

REFERENCE:

N/A

SUBJECT:

Alley loaded lots.

BACKGROUND:

Alleys are an important aspect of design that help to minimize the influence automobiles have on a community and they become increasingly important as density increases. They also contribute to improved public safety by eliminating conflicts for pedestrians where driveways cross over sidewalks. Therefore, the City's code requires alleys for residential projects that are built at higher densities and this requirement is consistent with the residential design standards where the number of requirements increases as density increases.

However, there are multiple problems that have been identified in the application and interpretation of the code section relating to alley access. The code states that "alleys are the preferred street pattern" and that "prior to approval of a plat without alley access, it shall be determined through an evaluation of alley layout that the use of alley(s) is not feasible". This language is not clear to applicants regarding whether or not their project will be required to have alleys or not. The section should be written to clearly state when alleys are required and when they may not be required due to special conditions.

Further, the code states that the evaluation is not required for properties in the Residential Low Density (RLD) land use designation, but then makes a distinction amongst the zones that are within the Residential Low Density (RLD) land use designation. It does not require that alleys be considered in the RC or R-1 zone, but outlines conditions under which alleys may be required in the R-4 zone. In practice, this provision has not been invoked by the Department. To be consistent, the Code should be amended to not require alleys in any of the zones within the RLD land use designation.

This results in the Department implementing the standard requiring the demonstration of the feasibility of alleys in the R-8, R-10, and R-14 zones. For these higher density residential zones, implementing this requirement is appropriate and consistent. However, in addition to the requests to provide clarity about when alleys are required, there have been requests to provide a reasonable and balanced approach in the R-8 zone in particular. Many applicants believe that consumers desire larger

front loaded lots than what is prescribed in the R-8 zone. The code should be amended to balance the public benefit of alleys in higher density areas with the expressed concerns of applicants while preserving the intent of the code to have alleys at higher densities such as the R-8 density. This can be accomplished by allowing projects that do not maximize the density of the zone and that build at a reduced density of R-6 within the R-8 zone, to build without alleys. By not maximizing the density allowed by the zone, the intensity of the requirements that are intended to mitigate the impacts of density can reasonably be reduced. This is consistent with the purpose and intent (4-2-020) of the R-8-zone, to allow for a "range of four (4) to eight (8) dwelling units per net acre" and the City's practice of requiring escalated design requirements as density increases.

JUSTIFICATION:

The City has made considerable effort over the last few years towards ensuring the code is clear and concise. The subsection regarding alley access as it is currently written is not clear. Amending the subsection to explicitly identify where alleys are required, when they are required, and what some exceptions may be, is appropriate given the City's intent of providing predictability for applicants. And although the R-4 zone allows for higher density than the RC and R-1 zones, there would be clearer consistency for staff and applicants if the RLD designation were uniform. Additionally, at the R-4 density, there is more room on a developable lot to mitigate for the impacts of garages on the quality of development. At higher densities, with smaller lot sizes, it is far less practicable to adequately allow for front loaded garages while facilitating the development of a quality neighborhood. The City also consistently works to ensure that policies and the code provide a reasonable and balanced approach to development. Allowing for greater flexibility within the R-8 zone by allowing those who are willing to build at R-6 density to build without alleys is consistent with code requiring increased design standards as density increases, as well as the purpose to provide for a range of densities within the R-8 zone.

DECISION:

Amend the Code as shown below. In the interim, the existing Code shall be interpreted to effectuate the intent of existing code in the manner described above, which also will be clarified by the future amendments.

**ADMINISTRATOR
APPROVAL:**



C. E. "Chip" Vincent

DATE:

October 3, 2013

**APPEAL
PROCESS:**

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

Comment Period ends
10.31.13

City of Renton



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

CODE SECTIONS: Renton Municipal Code (RMC) 4-6-060.J Private Streets and International Fire Code (IFC) Section 503 Fire Apparatus Access Roads

SUBJECT: Determination of minimum pavement width for new private streets.

BACKGROUND: The pavement width for private streets was inadvertently changed in 2009 to twelve (12) feet, which is the allowed width for shared driveways. The Fire Code requires a minimum of twenty (20) feet in width for private access streets exceeding 150 feet in length. Most private streets will exceed 150 feet in length. Standard practice since the inadvertent code change has been to require a minimum of twenty feet of pavement width for new private streets.

JUSTIFICATION: For private access streets and shared driveways, the intention is to match the standards set in the Fire Code. If they are less than 150 feet in length, then the pavement width can be as narrow as twelve (12) feet. If the length exceeds 150 feet, then the minimum width should be twenty (20) feet. The majority of private streets, which serve greater than three lots, exceeds 150 feet, and therefore would correctly be constructed to a twenty (20) foot minimum width.

DECISION: Private streets as permitted under both IFC 530 and RMC 5-6-060.J shall consist of a minimum twenty-six (26) foot easement with a twenty (20) foot pavement width.

DEVELOPMENT SERVICES DIRECTOR APPROVAL:

Neil Watts

DATE:

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



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

MUNICIPAL CODE SECTIONS: 4-8-120 D 19 x. iv (Final Short Plat Signature Requirements)

REFERENCE: *Revised Code of Washington*: Title 58 Ch. 17
City of Renton Ordinances: Nos. 4260, 4947, 5450 & 5676

SUBJECT: Signature authority for Short Plats and Binding Site Plans

BACKGROUND: Prior to the creation of the Economic Development and Neighborhood and Strategic Planning department (now Community and Economic Development) the City's approval signature rested with the Administrator of Planning/Building/Public Works (now Public Works). In 2009, the adoption of Ordinance No.5440 changed the signing authority to the Community and Economic Development Administrator. Since that time the Public Works Administrator has in fact been signing for Community and Economic Development Administrator as designee under RMC 4-11-030.

Since the Public Works Administrator is the defacto signatory and final approver of Short Plats and Binding Site Plans the Public Works Administrator requests that the Approval block on such documents be modified to reflect the appropriate title. Since the code is specific with respect to the department and title of the signatory a change in the code is necessary.

JUSTIFICATION: As the Community and Economic Development Administrator's designee the Public Works Administrator is in fact the final reviewer and approving authority for Short Plats and Binding Site Plans and as such should do so under appropriate title.

DECISION: Modify the signatory as presented under the Code Amendments section of this document.

ADMINISTRATOR APPROVAL:

C. E. "Chip" Vincent

DATE:
