CITY OF RENTON
Community and Economic Development Department

Renton Shoreline Master Plan (SMP) Periodic Review

Staff: Paul Hintz via Erika Rhett, BERK Consulting
Date: October 3, 2018
Applicant or Requestor: State of Washington

General Description: Renton is conducting a periodic review of its Shoreline Master Program (SMP) in compliance with RCW 90.58.080(4). The periodic review is required to keep SMPs current with changes to state and local policies and regulations. Proposed changes to the SMP include the following:

- Housekeeping updates to RMC Title IV to ensure consistency and compliance with state law, as outlined in the Ecology Periodic Review Checklist.
- Change to the Shoreline Environment Designation at the Barbee Mill site.
- Adoption by reference of updates to the Critical Areas regulations.
- Amendments to Title IV to improve the clarity, consistency, and administration of the SMP, which includes amendments to text and tables in sections specifically identified as part of the SMP (RMC 4-3-090 Shoreline Master Program Regulations, RMC 4-9-190 Shoreline Permits, RMC 4-10-095 Shoreline Master Program, Nonconforming Uses, Activities, Structures, and Sites) as well as amendments to sections of the code that are cross-referenced by the SMP (RMC 4-3-050 Critical Areas Regulations, RMC 4-4-130 Tree Retention and Land Clearing Regulations, 4-9-070 Environmental Review Procedures, 4-9-195 Routine Vegetation Management Permits, and 4-11 Definitions).

Background

Every eight years the Shoreline Management Act requires cities to conduct a periodic review of its SMP. This review is primarily a housekeeping exercise to ensure that SMPs are consistent with changes in state and local law. Where local conditions have changed, more substantive changes may be introduced. However, since the adoption of Renton's SMP in 2011, there have been no significant changes in local conditions to merit a major reconsideration of the policies and regulations in the SMP. This periodic review is an opportunity for Renton to amend the SMP to improve consistency with state and local law and to clarify and improve upon provisions that have been difficult to administer.

Renton is engaging in a joint process with the Washington State Department of Ecology (Ecology) to conduct the periodic review. Unlike other policy and development regulation changes the City makes, changes to the SMP must be approved Ecology as well as Renton City Council. By utilizing the joint process the City hopes to complete the periodic update efficiently. The City began consultation with Ecology early in the development of the proposed amendments. The City and Ecology will hold a joint comment period on the proposal from September 28 – October 29 and will conduct a joint public hearing on October 17 before both the Planning Commission and Ecology officials. Once submitted, Ecology has 30 days to respond to the recommendation for approval. This process is in contrast to the standard process in which the City develops a draft, the City and Ecology hold their own hearings, and Ecology is allowed more time to process and respond to the recommendation for approval.

Amendments for Consistency with State Regulations

Since the adoption of the SMP, the state continued to refine and update the Shoreline Management Act (RCW 90.58), the shoreline guidelines (WAC 173-26), shoreline permitting rules (WAC 173-27) and made a few changes in other state laws that affect shoreline management. Ecology maintains a checklist of these changes to help local jurisdictions identify potential amendments to their SMPs. A copy of the checklist is attached to this staff report to provide a full understanding of the changes required at the state level. The list below summarizes the proposed changes to the Renton SMP to ensure consistency with state policies and regulations:

- Adjust the cost threshold for a substantial development permit to $7,047.
- Amend the definition of development to clarify that it does not include dismantling structures.
- Include a section to clarify exceptions to local review for shoreline permitting.
- Allow a shoreline exemption for projects that retrofit structures for ADA (Americans with Disabilities Act) accessibility.
- Add a 90-day review timeline for review of Washington State Department of Transportation projects.
- Adjust the cost threshold for a substantial development permit for replacement docks to $20,000.
- Adopt by reference the federal wetland delineation manual.
- Allow existing residential structures within the shoreline to be classified as conforming.
- Allow wetland mitigation banks as an impact mitigation option.

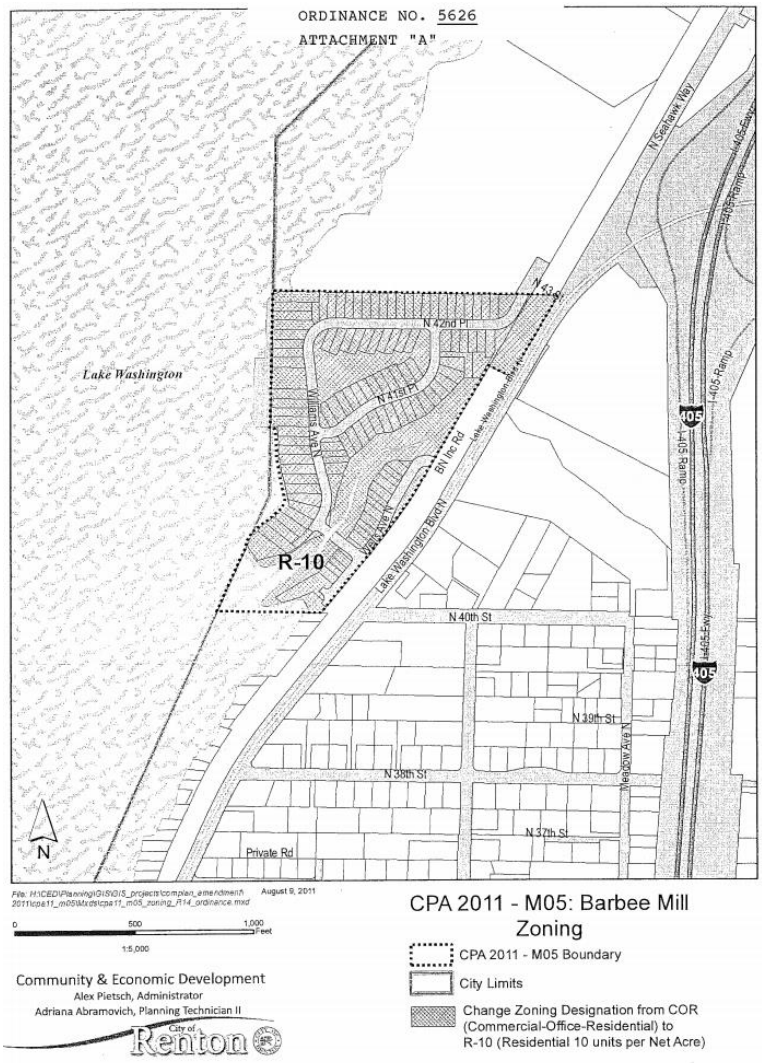
Redesignation of the Barbee Mill Site

One of the proposed changes to the SMP includes an environment redesignation at the Barbee Mill site. In 2011, Renton City Council approved a Comprehensive Plan change (Ordinance 5624) resdesignating the site from COR (Commercial Office Residential) land use to HD (Residential High Density). They also approved a rezone for the site from COR to R-10 (Residential 10) zoning (Ordinance 5626), shown in A private applicant and the City of Renton applied for change in land use and zoning for the Barbee Mill site to recognize the current and future use of this property. Under the COR zoning, the applicant was able to plat and develop residential use on this site. Although the COR zoning had the potential to allow higher intensity commercial uses including retail and office development, the applicant entered into a development agreement with the City of Renton that limited development on the site to residential uses. The development agreement was also approved in 2011. With current and future residential use secured through existing development and the development agreement, the City of Renton changed the Comprehensive Plan designation and zoning to match this use.

Exhibit 1 .

A private applicant and the City of Renton applied for change in land use and zoning for the Barbee Mill site to recognize the current and future use of this property. Under the COR zoning, the applicant was able to plat and develop residential use on this site. Although the COR zoning had the potential to allow higher intensity commercial uses including retail and office development, the applicant entered into a development agreement with the City of Renton that limited development on the site to residential uses. The development agreement was also approved in 2011. With current and future residential use secured through existing development and the development agreement, the City of Renton changed the Comprehensive Plan designation and zoning to match this use.

Exhibit 1. Rezoning Map of the Barbee Mill Site



Source: City of Renton Ordinance 5626, 2011.

The SMP was adopted in 2011 prior to the City's approval of the development agreement, land use designation change, and rezone of the property. In the adopted SMP, developable portions of the Barbee Mill site were designated as a Shoreline High Intensity Environment (see

Exhibit 2).[1] This matched the COR land use and zoning designation of that site at the time of adoption.

[1] The portion of the Barbee Mill site that was part of a restoration and enhancement project on May Creek was designated for Shoreline Urban Conservancy and that designation is proposed to remain in place.

Exhibit 2. Shoreline Environment Designation for the Barbee Mill Site – Current (Left) and Proposed (Right)

Source, City of Renton, 2018.

Per WAC 173-26-110(3) the City is to shows the amended environment designation map(s), showing both existing and proposed designations, together with corresponding boundaries described in text for each change of environment. All proposals for changes in environment designation and redesignation shall provide written justification for such based on existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and aspirations of the local citizenry as reflected in the locally adopted comprehensive land use plan;

Boundaries: Exhibit 2 illustrates the current High Intensity designation. The boundaries of the property in Exhibit 1 more closely indicate the property that would change from High Intensity to Shoreline Residential.

Development Patterns: WAC 173-26-211 establishes the basic requirements of the shoreline environment designation system and sets forth designation criteria and management policies for each of the environments. The criteria for shoreline residential environments is in WAC 173-26-211(5)(f). Under the WAC the purpose of the shoreline residential environment is to "… accommodate residential development and appurtenant structures…" Areas should be included in the shoreline residential environment if they are inside urban growth areas or municipalities, if they are developed with mostly single-family or multifamily residential uses, or if they are planned and platted for residential

development. With existing residential use on an approved plat bound by development agreement to residential use, the Barbee Mill site meets the purpose and designation criteria of the WAC for shoreline residential uses.

Goals and Aspirations**:** Renton adopts related shoreline environment criteria for its SMP in RMC 4-3-090C and in the Shoreline Management Element of the Comprehensive Plan. The Comprehensive Plan mirrors the WAC in its statement that "the objective of the Single-Family Residential Shoreline Overlay District is to accommodate residential development and appurtenant structures that are consistent with this chapter." Areas to be designated include those characterized by single-family use and zoning. The Barbee Mill site meets both the objective and the designation criteria of the Renton SMP for the Shoreline Single-Family Residential environment.

Biophysical Capabilities: A review of the Cumulative Effects Analysis of the Shoreline Master Program[2] indicates that this change would be unlikely to affect the standard of no net loss. The Barbee Mill site includes reaches on portions of May Creek and Lake Washington. Table 3-1 of the Cumulative Effects Analysis shows that because of its location within the watershed and the small area affected, the SMP in general has limited influence on most of the ecological functions and processes for May Creek or Lake Washington. The only exception to this is where forested areas, upland and outside of the Barbee Mill property contribute to terrestrial habitat functions in May Creek. There is some potential to affect aquatic and terrestrial habitat on Lake Washington, although the magnitude of change is relatively small since the area is already fully developed. The greatest impact on the functions and processes for aquatic and terrestrial habitat would be the enhancement of shoreline vegetation and removing shoreline stabilization. The Barbee Mill development was platted with less invasive shoreline stabilization (bulkhead setback from OHWM with sloping, naturalized shoreline between the bulkhead and OHWM) and with vegetation enhancement along May Creek. The change in environment designation does not affect these improvements either positively or negatively.

Adoption of the Critical Areas Regulations within Shoreline Jurisdiction

At the time the SMP was developed, the City of Renton had not updated it critical areas regulations or best available science report. After review of the rules in effect at the time, Ecology became concerned that the critical areas requirements may not result in no net loss of ecological processes and functions if applied within shoreline jurisdiction. As a result, Ecology required that Renton either update its critical areas regulations or adopt the model ordinance for critical areas within shoreline jurisdiction. Since SMP adoption in 2011 Renton has had two different standards for critical areas: one standard applicable only within shoreline jurisdiction and one applicable in the rest of the City. Renton updated its best available science and adopted updated critical areas regulations in 2015. These standards are consistent with the no net loss standard and are suitable for application within shoreline jurisdiction. They are proposed to be adopted by reference into the SMP to create a single standard for the regulation of critical areas, which improves clarity and ease of administration of these rules.

[2] Parametrix, 2010. City of Renton Shoreline Master Program Update Shoreline Cumulative Effects Analysis.

To ensure consistency with between state shoreline laws and the critical areas codes, amendments to RMC 4-3-050 are also proposed to ensure that uses and activities allowed within the shoreline under state law are properly exempted from critical areas regulations. WAC 173-27-040(2) exempts a list of uses from the requirements of a substantial development permit. That means these uses are allowed in the shoreline, subject to the standards of the SMP and no net loss. As a result, the proposed amendments include critical areas regulations updates that allow these uses in critical areas and/or critical area buffers. However, the amendment makes clear that the uses are subject both to the standards of the SMP and the use is only allowed as described by the WAC. The amendment includes the following:

- Uses and activities already exempt within critical areas are amended to defer to the SMP and WAC: conservation, restoration, and enhancement projects; site investigative work; existing and on-going agricultural activities; existing and improved utilities and infrastructure facilities; normal maintenance and repair of existing structures; and emergency activities.
- Additional uses and activities that may be allowed in critical areas and buffers within shoreline jurisdiction include: bulkheads for single-family residential development, navigational aids, residential docks, the operation and maintenance of irrigation systems, control of noxious aquatic weeds, and retrofitting to improve ADA compliance.
- Single-family residential homes are allowed in critical area buffers, subject to SMP rules and requirements for buffer averaging.

Clarity, Consistency, and Administration Amendments

A variety of amendment to Title IV are intended to improve the clarity, consistency, and administration of the SMP, which includes amendments to text and tables in sections specifically identified as part of the SMP (RMC 4-3-090 Shoreline Master Program Regulations, RMC 4-9-190 Shoreline Permits, RMC 4-10-095 Shoreline Master Program, Nonconforming Uses, Activities, Structures, and Sites) as well as amendments to sections of the code that are cross-referenced by the SMP (RMC 4-3-050 Critical Areas Regulations, RMC 4-4-130 Tree Retention and Land Clearing Regulations, 4-9-070 Environmental Review Procedures, 4-9-195 Routine Vegetation Management Permits, and 4-11 Definitions). The rest of this section identifies major areas of clarification and the reasoning to support the proposed changes.

The proposed regulatory amendments specifically clarify the application of rules for existing single-family development, including when modified setbacks and buffers are applied and when rules regarding non-conforming sites and structures are activated. This intends to clarify which rules are applied under different circumstances and allows required vegetation conservation rules to be applied consistently. Presently, the SMP includes alternative standards for single-family buffers and setbacks given the existing developed condition of many shoreline reaches with homes, but the rules are unclear and could benefit from a finer range based on lot depth. Accordingly, in the proposal, single-family developments with lots over 130 feet are required to have larger buffers with the proposed changes, but they are still part of a sliding-scale approach that allows a buffer less than 100 ft. from the OHWM (ordinary high water mark). By adding language regarding common-line setbacks, the proposal attempts to hold the line of existing development and prevent it from moving closer to the OHWM. It is expected that more single-family

residential properties will conform with the setback and buffer standards as amended and fewer single-family residential properties will require application of the standards for non-conforming structures and sites. Some changes are also made to simplify and clarify the application of the standards for non-conforming structures and sites, but that section still requires vegetation conservation and site improvements with the expansion of a non-conforming structure.

Proposed changes address the administration of regulations for tree protection and vegetation conservation. Amendments also clarify that city tree retention standards apply within shoreline jurisdiction. This closes a potential loop hole and ensures that properties within shoreline jurisdiction are subject to the same standard as all properties. However, SMP rules still apply within the vegetation conservation buffer. Additionally, the City's routine vegetation management regulations would apply with the proposed text changes to help maintain no-net-loss of shoreline ecological function for single-family activities proposed outside of the buffer or setback but within shoreline jurisdiction. This supports the 2010 cumulative effects analysis results indicating, the low level of expected change and redevelopment but the "*Relative importance of change in vegetation cover and curtailed discharge of herbicides, pesticides and other chemicals from maintenance of lawns and landscaping adjacent to the lake may have a much greater effect since populations of Chinook salmon at a critical lifecycle stage are higher in Renton Shorelines as a function of distance from the Cedar River.*[3]"

Several changes are proposed to the development standards table in RMC 4-3-090D.7.a. With the exception of some amendments for existing single-family uses (outlined above), the changes do not change the standards applied. In the rest of the RMC setbacks are measured from the edge of buffer, whereas the current SMP measures both setbacks and buffers from the OHWM. For clarity and consistency this method of measurement is adjusted to match the citywide system. In addition, the language of several notes to this table was changed to be more specific, clear, and avoid potential conflicts.

Staff Recommendation: Recommend the proposed SMP amendments to Council for approval.

Impact Analysis

<u>Effect on rate of growth, development, and conversion of land as envisioned in the Plan</u>

The proposed changes to the SMP should not affect the growth, development, or conversion of the land. The current SMP establishes a standard of no net loss of ecological function and processes within the shoreline. This standard allows for growth and development in the shoreline as long as ecological impacts are avoided and/or mitigated.

<u>Effect on the City's capacity to provide adequate public facilities</u>

The proposed changes to the SMP do not affect the City's capacity to provide adequate public facilities.

[3] Parametrix, 2010. City of Renton Shoreline Master Program Update Shoreline Cumulative Effects Analysis.

Effect on the rate of population and employment growth

The proposed changes to the SMP do not affect the rate of population and employment growth.

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

The Shoreline Management Element of the Comprehensive Plan establishes the objectives to guide SMP regulations. The proposed changes to the SMP meet the objectives of this element. Specifically:

- Objective SH-B development is subject to no net loss of ecological functions and processes.
- Objective SH-C ensure consistency with the Comprehensive Plan.
- Objective SH-D ensure the shoreline is healthy so it may be used and enjoyed by future generations.

Effect on general land values or housing costs

The proposed changes to the SMP should not affect general land values or housing costs.

Whether capital improvements or expenditures are being made or completed as expected

The proposed changes to the SMP do not affect capital improvements or expenditures.

Consistency with GMA and Countywide Planning Policies

The current SMP is consistent with GMA and the Countywide Planning policies and there are no policy level changes proposed to the SMP. The proposed regulatory amendments to the SMP are intended to ensure consistency with changes in state regulation, or to improve consistency between city regulations. For example, the proposed change in environment designation for the Barbee Mill site is consistent with a land use and zoning change made in that area in 2011, or the adoption of the critical areas rules for the shoreline ensures consistent administration of critical areas protections across the city. Such city regulatory changes were found to be consistent with GMA and the Countywide Planning Policies at the time of their adoption.

Effect on critical areas and natural resource lands

The proposed changes to the SMP have no effect on natural resource lands but may have a slight positive affect on critical areas over time. The *Cumulative Effects Analysis*[4] for the SMP acknowledges that the SMP's potential for overall impacts on ecological processes and functions is small because of its geographical location and due to the small portion of the watersheds it is a part of. The area with the largest potential impact is the conservation and enhancement of vegetation, which has benefits for both terrestrial and aquatic habitats. The proposed changes to the SMP include changes in how rules are applied and administered for critical areas in shoreline jurisdiction and should improve the consistency with which vegetation conservation buffers are applied to existing single-family development. By improving the consistency of administration of these rules, there is a slight potential for net positive impact on critical areas.

[4] *Parametrix, 2010. Renton Shoreline Master Program Update Cumulative Effects Analysis.*

Periodic Review Checklist

Introduction

This document is intended for use by counties, cities and towns conducting the "periodic review" of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the Shoreline Management Act (SMA) at RCW 90.58.080(4). Ecology's rule outlining procedures for conducting these reviews is at WAC 173-26-090.

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2017 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See Section 2 of Ecology's *Periodic Review Checklist Guidance* document for a description of each item, relevant links, review considerations, and example language.

At the beginning: Use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

At the end: Use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Local governments should coordinate with their assigned Ecology regional planner for more information on how to use this checklist and conduct the periodic review.

Row	Summary of change	Review	Action
2017			
a.	OFM adjusted the **cost threshold for substantial development** to $7,047.	RMC 4-9-190.C.2 lists the old exemption threshold of $5,000.	Update 4-9-190.C.2 to reflect this change. *The City will also update its permit application forms to ensure consistency with this exemption.*
b.	Ecology amended rules to clarify that the **definition of "development"** does not include dismantling or removing structures.	RMC 4-11-040 does not specifically include dismantling or removing structures.	The following sentence is added to the definition: "'Development' does not include dismantling or removing structures if there is no other associated development or re-development."
c.	Ecology adopted rules that clarify **exceptions to local review under the SMA.**	RMC 4-9-190.C does not include exceptions to local review.	Amend 4-9-190.C to include the current section on exceptions for substantial development permits. This will require renumbering. Add a new section that includes the new exceptions, using the example language in the Periodic Review Checklist Guidance document.
d.	Ecology amended rules that clarify **permit filing procedures** consistent with a 2011 statute.	RMC 4-9-190.K and RMC 4-9-190.J.9 both refer to "date of filing" and refer to RCW 90.58.140(6).	No code change is needed. *The City will ensure its internal procedures for filing are up to date with this change in statute.*
e.	Ecology amended **forestry use regulations** to clarify that forest practices that only involves timber cutting are not SMA "developments" and do not require SDPs.	Renton's SMP does not address forestry use regulations because there are no forestry uses within shoreline jurisdiction	No change is needed.
f.	Ecology clarified the SMA does not apply to lands under **exclusive federal jurisdiction**	Renton does not have lands within shoreline jurisdiction that are witihin exclusive federal jurisdiction.	No change is needed.
g.	Ecology clarified "default" provisions for **nonconforming uses and development**.	RMC 4-10-095 adopts local provisions for nonconforming use and development.	No change is needed.
h.	Ecology adopted rule	Renton has not adopted local	No change is needed.

Row	Summary of change	Review	Action
	amendments to clarify the scope and process for conducting **periodic reviews**.	language to specify the process for conducting periodic reviews.	
i.	Ecology adopted a new rule creating an **optional SMP amendment process** that allows for a shared local/state public comment period.	Renton's SMP amendment process is governed by RMC 4-9-020 Comprehensive Plan Adoption and Amendment Process and RMC 4-9-025 Title IV Development Regulation Revision Process. Neither process incudes review provisions that would impede the optional SMP amendment process.	No change is needed.
j.	**Submittal** to Ecology of proposed SMP amendments.	Renton does not include the Ecology submittal process in its code.	No code change is needed. The City will ensure that its internal procedures for submittal are updated.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the **Americans with Disabilities Act**.	RMC 4-9-190.C does not include this exemption for retrofitting existing structures to comply with ADA requirements.	Add the ADA exmption to RMC 4-9-190.C using the example language in the SMP Periodic Review Checklist Guidance document.
b.	Ecology updated **wetlands critical areas guidance** including implementation guidance for the 2014 wetlands rating system.	RMC 4-3-090.D.2.c addresses critical areas within shoreline jurisdiction. The City updated its critical area ordinance in 2015 and plans to update the SMP for compliance as part of this update.	Update RMC 4-3-090.D.2.c to reflect updates to the critical areas ordinance in 2015. Ensure these updates included the 2014 amendments to the Wetland Rating System.
2015			
a.	The Legislature adopted a **90-day target** for local review of Washington State Department of Transportation (WSDOT) projects.	RMC 4-9-190.J does not include this review target for WSDOT projects. However 4-9-190.J.11 does include a provision that permits shall be processed according to state requirements.	The following is added to RMC 4-9-190.J or J.11: Pursuant to RCW 47.01.485, the Legislature established a target of 90 days review time for local governments.
2014			
a.	The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for **replacement docks on lakes and rivers** to $20,000 (from	RMC 4-9-190.C repeats the WAC but does not include the exemption for replacement docks on lakes and rivers.	Add a provision to 4-9-190.C to allow an exemption for replacement docks on lakes and rivers valued at less than $20,000 under certain

Row	Summary of change	Review	Action
	$10,000).		circumstances using the example language in the SMP Periodic Review Checklist Guidance document.
b.	The Legislature created a new definition and policy for **floating on-water residences** legally established before 7/1/2014.	Renton does not have any floating on-water residences legally established before 7/1/2014.	No change is needed.
2012			
a.	The Legislature amended the SMA to clarify **SMP appeal procedures**.	Renton does not include the process for SMP approval/appeal pathway by Ecology in its code.	No change is needed.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved **federal wetland delineation manual**.	RMC 4-3-090.D.2.d includes a reference to the old delineation manual. The City updated its critical area ordinance in 2015 and plans to update the SMP for compliance as part of this update.	Update RMC 4-3-090.D.2.d to reflect updates to the critical areas ordinance in 2015. Ensure these updates included the correct wetland delineation manual reference.
b.	Ecology adopted rules for new commercial **geoduck aquaculture**.	Renton does not have any marine shorelines to support geoduck aquaculture.	No change is needed.
c.	The Legislature created a new definition and policy for **floating homes** permitted or legally established prior to January 1, 2011.	Renton does not have any floating homes permitted or legally established prior to January 1, 2011	No change is needed.
d.	The Legislature authorized a new **option to classify existing structures as conforming**.	RMC 4-10-095 does not identify existing structures within the shoreline as conforming.	The language recommended in the SMP Periodic Review Checklist Guidance document is added to classify legally established residential structures as conforming even if they do not meet updated standards in the SMP. This would allow redevelopment, expansion, and replacement as long as it is consistent with the SMP and no net loss requirements.

Row	Summary of change	Review	Action
2010			
a.	The Legislature adopted **Growth Management Act – Shoreline Management Act clarifications**.	Renton's SMP was adopted after these provisions went into effect. The RMC does not specify the effective date of amendments to the SMP.	No change is needed.
2009			
a.	The Legislature created new "relief" procedures for instances in which a **shoreline restoration project within a UGA** creates a shift in Ordinary High Water Mark.	RMC 4-9-190.B.10 already contains these provisions since it was adopted after this change went into effect.	No change is needed.
b.	Ecology adopted a rule for certifying **wetland mitigation banks**.	RMC 4-3-090.D.2.d.x.(f) allows for mitigation banks to be used for wetland impacts. The City updated its critical area ordinance in 2015 and plans to update the SMP for compliance as part of this update.	Update RMC 4-3-090.D.2.x.(f) to reflect updates to the critical areas ordinance in 2015. Ensure these updates included wetland banks as a mitigation option.
c.	The Legislature added **moratoria authority** and procedures to the SMA.	RMC 4-9-190 already includes these provisions since it was adopted after this change went into effect.	No change is needed.
2007			
a.	The Legislature clarified **options for defining "floodway"** as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	RMC 4-11-060 already includes both options in its definition since it was adopted after this change went into effect.	No change is needed.
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a **list and map of streams and lakes** that are in shoreline jurisdiction.	RMC 4-3-090A.7 adopts the shoreline map by reference. RMC 4-3-090B adopts the list of shorelines. No shorelines have been added since Renton's last update.	No change is needed.
c.	Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include **fish habitat enhancement projects** that conform to the provisions of RCW 77.55.181.	RMC 4-3-090.C.15 includes an exemption for projects to improve fish habitat.	No change is needed.

City proposed updates to the SMP: see attached Table of SMP Changes

Table of SMP Changes

Draft August 1, 2018

Section	Summary of Change	Discussion
4-3-050C Critical Areas Regulations – Exempt, Prohibited and Nonconforming Activities		
3. Exemptions	Adds exemptions that apply to critical areas and buffers with shoreline jurisdiction consistent with WAC 173-27-040(2).	These changes clarify the uses and activities that are allowed within critical areas and buffers when the critical areas are located in shoreline jurisdiction. It adds references to the WAC for exemptions that are similar in the CAO and SMP to ensure that the shoreline exemptions (and any associated limitations or conditions on those exemptions) set under state law are clear. It also adds a list of uses and activities specific to shoreline jurisidiction (such as bulkheads, navigational aids, etc.)
4. Exemptions – In Buffers Only	Adds an exemption from WAC 173-27-040(2) for single-family residential structures.	This change clarifies that within shoreline jurisdiction single-family homes are allowed in critical area buffers, allowing for buffer averaging and city review of a study to ensure no net loss.
4-3-050G Critical Areas Regulations – Development Standards		
6. Habitat Conservation Areas:	Adds cross referencing information to SMP.	The CAO was updated since the SMP was adopted and one of the amendments in this document adopts the CAO by reference. This change creates cross referencing to

Section	Summary of Change	Discussion
		the SMP for priority habitats.
4-3-090 Shoreline Master Program Regulations		
B. REGULATED SHORELINES:		
3. The Jurisdictional Area Includes:	Strike section b. contiguous flood plain areas.	Language struck to be consistent with RCW 90.58.030(d) and the Renton SMP Inventory Report.
C. SHORELINES OVERLAY DISTRICTS:		
3. Single Family Residential Overlay District:	Adds May Creek to list of Single Family Residential Environments.	The Barbee Mill area was rezoned from a commercial/office/residential zoning to a residential zoning designation. The residential zoning designation reflects the development already on the site. As a result, the shoreline environment is changed accordingly. See the justification for environment designation change at the end of this table.
4. Shoreline High Intensity Overlay District:	Amends the High Intensity environment to remove the Barbee Mill area.	The Barbee Mill area was rezoned from a commercial/office/residential zoning to a residential zoning designation. The residential zoning designation reflects the development already on the site. As a result, the shoreline environment is changed accordingly.
D. GENERAL DEVELOPMENT STANDARDS:		
1. Applicability:	Adds a reference to citywide standards for tree retention.	This clarifies that Renton's citywide tree retention standards apply outside of the SMP buffer.
2. Environmental Effects:	Adopts CAO by reference	The CAO was updated since

Section	Summary of Change	Discussion
	and deletes existing critical areas language within shoreline jurisdiction. Includes clarification on exceptions to the CAO within shoreline jurisdiction.	the SMP was adopted and can now be applied within shoreline jurisdiction. This improves consistency.
3. Use Compatibility and Aesthetic Effects:	Amended to refer to the bulk standards table.	Clarification and consistency change.
5. Building and Development Location – Shoreline Orientation:	Remove redundant language on site planning. Provide a cross reference to the submittal requirements for a stream or lake study so they do not need to be repeated here. Relocate fencing standards to the development standards table.	Clarification and consistency changes.
7. Standards for Density, Setbacks, and Height:	Modified the setback and buffer standards for clarity and consistency. It also adds a modified buffer standard for lots over 150' in length. Setbacks are established as 15' or the common line standard, whichever is greater. The changes also clarify when this standard is applied- only to existing single family residences and existing single family lots. This includes an addition to table note 5, which holds the setback line at the current 100' from OHWM standard even if the buffer is modified. Amended the application of table footnotes for clarity and consistency.	Elsewhere in the code Renton measures setbacks from the edge of the buffer, so for the ease and consistency of administration, the setback standards are modified to reflect this. There are several clarifications related to this change. However, the standards themselves did not change. Table note 3 is moved from section F1 Vegetation Conservation for ease of administration and added to the table. It also includes changes that applies a modified standard for single-family lots over 150' in length that was not there before and clarifies when the modified standards are applied. This change was intended to ensure that

Section	Summary of Change	Discussion
	Added language to specify standards for portions property within 100' of OHWM, but landward of the buffer. Table note 1 adds clarifying language about allowed projections into setbacks and buffers. Table note 2 adds clarifying language about setbacks for water-dependent uses. Table note 3 specifies how modified buffer and set back standards for single-family residential development are applied. Table notes 4, 6, 10, 11, and 12 reworded for clarification, but the standards remain unchanged. Table note 5 is enhanced to be clear that no structures are allowed closer to the OHWM than 100 ft. with existing exceptions for single family and High Intensity modifications. Table note 7 is added to clarify that the modified buffer standard is allowed for single-family residential short-plats. Table note 9 is deleted. Table note 13 provides a standard for allowing fences for properties in the Single-family or High Intensity environments.	development or new development achieves no net loss. The table does not apply to newly platted development, redevelopment or expansion must comply with the buffer and setback standards. Teardowns must also meet these standards, which now specify a standard setback of 15' from the buffer or a common line setback, whichever is greater, to prevent teardowns from moving closer to the OHWM. Table note 9 is not necessary because in the only area where it can be applied, it would potentially allow more height than what is allowed by the underlying zoning. Table 14 is based on allowances in other SMPs that addressed this issue.

Section	Summary of Change	Discussion
E. USE REGULATIONS:		
1. Shoreline Use Table:	Added clarification that development is subject to a shoreline permit, even if the use is permitted. Changed the adult family home use in single family residential environments to refer to the underlying zoning.	Clarification added for ease of administration. Adult family homes are allowed according to their own provisions in Washington State Law.
F. SHORELINE MODIFICATION:		
1. Vegetation Conservation:	Moved the table for Alternative Vegetated Buffer Widths and Setbacks for Existing Single Family Lots to the development standards table. Amendments for clarification related to the moving of the table for Alternative Vegetative Buffer Widths and Setbacks for Existing Single Family Lots. Amended subsection F.1.c.ii.(a) to clarify that in order to qualify for a setback reduction, impervious surface must be removed within the building setback or lateral to the primary structure. Removed subsections F.1.c.ii.(c) and (d) which provide incentives to reduce shoreline armoring and improve habitat in exchange for a smaller setback. Amended subsection F.1.a.iii to clarify its application	See 4-3-090 D7 for discussion on the Alternative Vegetated Buffer Widths and Setbacks for Existing Single Family Lots to the development standards table. The amendment to subsection F.1.c.ii.(a) specifically would prevent someone from using this provision to remove impervious surface on the far side of a structure to locate a structure closer to OHWM. The removal of subsections F.1.c.ii.(c) and (d) remove a potential incentive for removing shoreline stabilization or improving habitat values. However, the standard is currently too ambiguous to apply and would be difficult to achieve. Subsection F.1.c.iii is amended to remove inconsistent and unnecessary language. Subsection F.1.d.iv currently creates a situation where reduction is allowed in any situation, but the intention is to require native species, so it

Section	Summary of Change	Discussion
	and that setbacks may be reduced for narrow lots. Amend subsection F.1.d.iv to add clarifying language and to specify that the reduced buffer may have no more than 5% non native species. Amend subsection F.1.g to remove unnecessary reference to non conforming regualtions. Added a subsection to F.1.i that addresses maintenance of dangerous trees in the buffer. Remove the requirement in F.1.j.iii for a shoreline variance for development not requiring a substantial development permit that want to modify their buffer or setbacks under the vegetation management provisions. Added a new vegetation conservation objective for May Creek Reach A in table 4-3-090F.1.l.	has been amended to do so. There was no regulation specified for the removal of dangerous trees so it was added, consistent with notes 7 and 8 of the critical areas exemptions table in 4-3-050, to F.1.i.iv. F.1.j.iii is not needed because any property that does not meet the standards must obtain a variance. A new vegetation conservation objective for May Creek Reach A was needed due to the Barbee Mill rezone and shoreline environment change. The zoning change and this new objective better reflect the residential development that is already fully developed there.
4-4-130 Tree Retention and Land Clearing Regulations		
C. ALLOWED TREE REMOVAL ACTIVITIES:		
9. Minor Tree Removal Activities:	Amended to require a Routine Vegetation Management Permit in the shoreline jurisdiction if maintenance activities do not require a land use permit. Also specifies that tree removal is not allowed in the buffer in	There were no previous provisions that specified what type of tree removal was allowed in shoreline jurisdiction, so this was added.

Section	Summary of Change	Discussion
	the shoreline.	
D. PROHIBITED ACTIVITIES:		
3. Restrictions for Critical Areas – General:	The amendment specifies that the SMP controls the removal of vegetation and trees within the buffer.	Clarification so the appropriate standards apply.
4-9-070 Environmental Review Procedures		
H. CRITICAL AREAS/INAPPLICABLE EXEMPTIONS:		
2. Critical Areas Designated:	Amended to update the environments to match the current SMP.	This amendment does not change the standard, only clarifies the applicable environments that are designated as critical areas.
4-9-190 Shoreline Permits		
B. SHORELINE DEVELOPMENT APPROVAL:		
1. Development Compliance:	Amended to add the authority for the City to add conditions of approval in order to achieve compliance with the SMP.	This change specifically gives the City authority to condition development.
3. Substantial Development Permit:	Updated the reference to RCW 90.58.140(1) to be inclusive of several sections in the WAC and RCW that exempt projects.	From SMP update checklist.
C. EXEMPTIONS FROM PERMIT SYSTEM:		
1.	Subsection C renumbered and amended to add subsection 2 for consistency with item 2017 c on the Ecology checklist.	From SMP update checklist.

Section	Summary of Change	Discussion
	Updated for consistency with Items 2014a and 2017a on Ecology checklist to change the project value threshold for a shoreline exemption. Added section r related to ADA provisions in response to item 2016a on the Ecology checklist.	
J. TIME REQUIREMENTS FOR SHORELINE PERMITS:		
11. Permit Processing Time:	Updated for consistency with item 2015a on the Ecology checklist.	From SMP update checklist.
4-9-195 Routine Vegetation Management Permits		
D. PROCEDURES AND REVIEW CRITERIA:		
4. Review Criteria:	Added a subsection h to create a linkage to the SMP vegetation management rules.	This change cross references vegetation management regulations so they can be used as part of the decision making criteria for routine vegetation management permits.
5. Routine Vegetation Management Permit Conditions:	Added a subsection f to create a linkage to the SMP vegetation management rules.	This change cross references vegetation management regulations so they can be used to condition routine vegetation management permits.
4-10-095 Shoreline Master Program, Nonconforming Uses, Activities, Structures, and Sites		
A. NONCONFORMING STRUCTURES:	Amended to clarify that tear downs must meet the full requirements of the SMP (unless destroyed by fire, natural disaster, etc.)	Clarified to ensure that teardowns are required to meet the full standards of development.

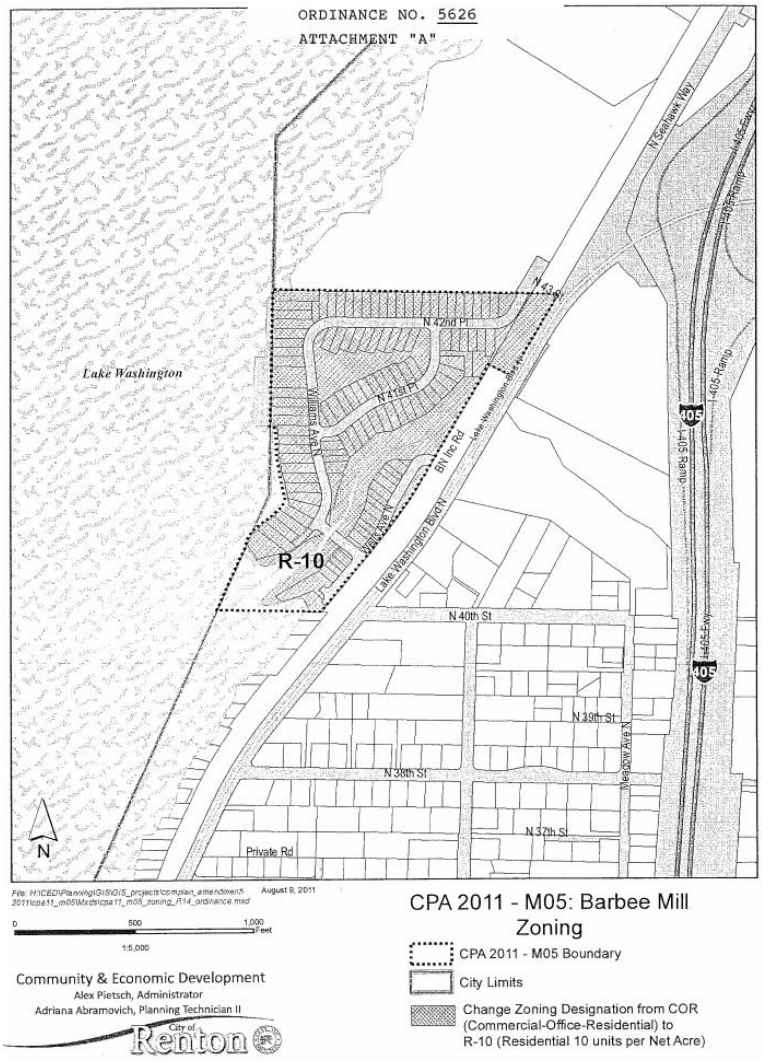
Section	Summary of Change	Discussion
B. NONCONFORMING USES:	Amended so clarify that non conforming uses are still subject to shoreline rules.	Amended for clarity.
C. NONCONFORMING SITE:	Removed this section.	Nearly all sites are currently nonconforming sites, but are brought into compliance through development. In that case either the standard SMP rules apply or the non-conforming structure standards result in site upgrade. As a result this section is not needed.
D. RESERVED	Amended to remove header.	Amended for clarity.
F. PARTIAL AND FULL COMPLIANCE, ALTERATION OF AN EXISTING STRUCTURE OR SITE:	Adds language to clarify applicability for the partial and full compliance standards for nonconforming structures.	Amended for clarity.
1. Partial Compliance for Non-Single-Family Development:	Removed standards for compliance with remodeling.	Ecology has stated that internal improvements that do not increase footprint or impervious surface should not trigger site upgrades.
2. Partial Compliance for Single Family Development	The table is removed and replaced with text for clarity and consistency of administration.	The purpose of this section is to allow upgrades to single-family homes that don't fully comply with SMP requirements by requiring site upgrades. The purpose of the site upgrades is to mitigate, ensure no net loss, and to bring the site more into compliance with provisions that support ecological functions and values. The standards remain the same, except for the change to a 40% remodeling threshold (from 50%) which was amended for consistency

Section	Summary of Change	Discussion
		with provisions outside of the shoreline.
4-11 Definitions		
4-11-020 DEFINITIONS B:	Amend the definition of a shoreline buffer to clarify that it is measure horizontally upland from, and perpendicular to, the OHWM.	Clarification change.
4-11-040 Definitions D:	Change to definition of Development to reflect Ecology review checklist item 2017b.	From SMP Update checklist.
4-11-190 DEFINITIONS S:	Amend the definition of shoreline setback as measured from the edge of the buffer.	Clarification change.
UNIVERSAL CHANGES	Removed language that specifies "Administrator of the Department of Community and Economic Development or designee." Clarified use of setback/buffer throughout the document.	Title IV already specifies that "Administrator" refers to the Department of Community and Economic Development or designee, so it's not necessary to repeat it throughout the SMP. With the change to how setbacks and buffers are measured, to ensure consistency of administration, the document also reviews and updates the references to setbacks and buffers for consistency and clarity.

Justification for Shoreline Environment Redesignation

One of the propsed changes to the SMP includes an environment redesignation at the Barbee Mill site. In 2011, Renton City Council approved a Comprehensive Plan change (Ordinance 5624) resdesignating the site from COR (Commercial Office Residential) land use to HD (Residential High Density). They also approved a rezone for the site from COR to R-10 (Residential 10) zoning (Ordinance 5626), shown in Exhibit 1 .

Exhibit 1. Rezoning Map of the Barbee Mill Site

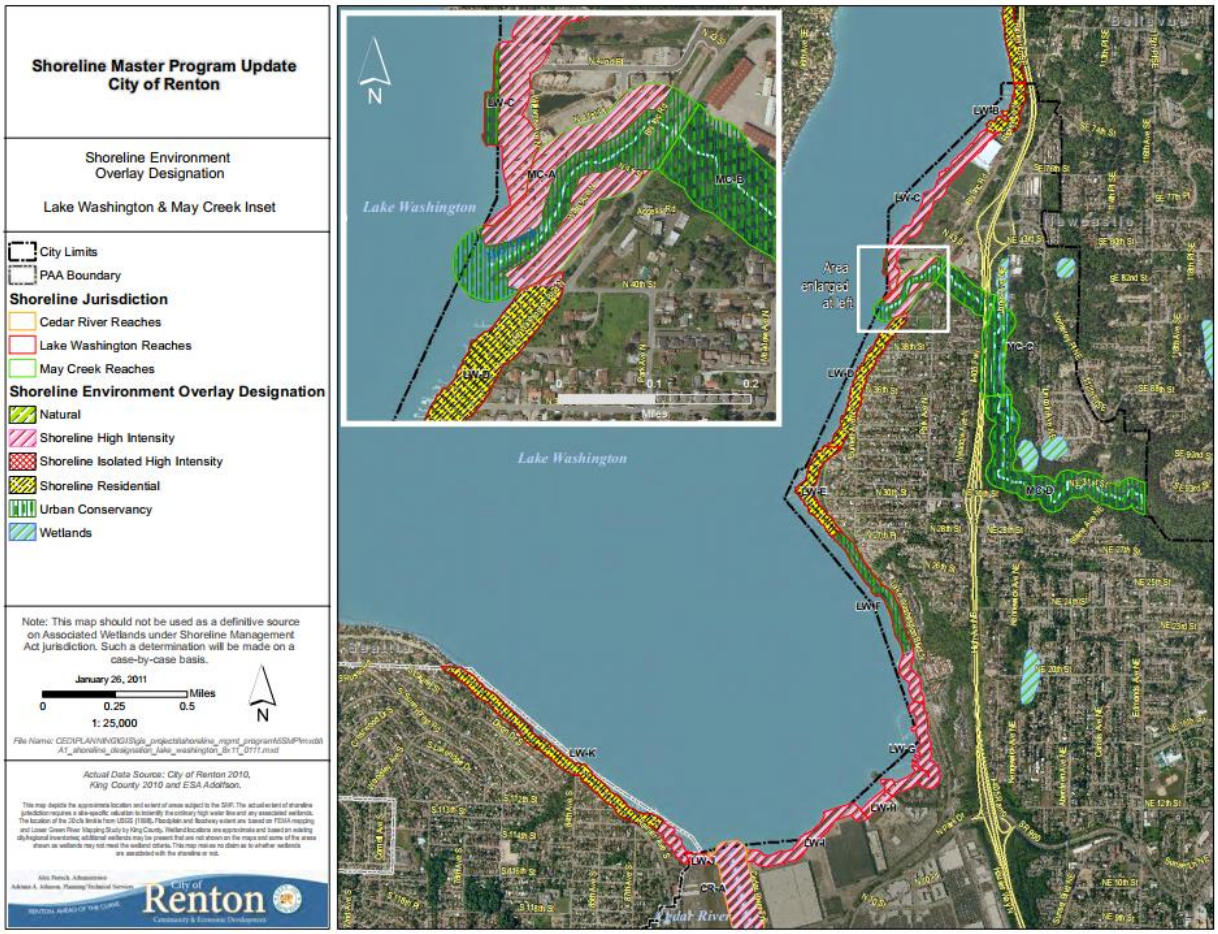


Source: City of Renton Ordinance 5626, 2011.

A private applicant and the City of Renton applied for change in land use and zoning for the Barbee Mill site to recognize the current and future use of this property. Under the COR zoning, the applicant was able to plat and develop residential use on this site. Although the COR zoning had the potential to allow higher intensity commercial uses including retail and office development, the applicant entered into a development agreement with the City of Renton that limited development on the site to residential uses. The development agreement was also approved in 2011. With current and future residential use secured through existing development and the development agreement, the City of Renton changed the Comprehensive Plan designation and zoning to match this use.

The SMP was adopted in 2011 prior to the City's approval of the development agreement, land use designation change, or rezone of the property. In the adopted SMP, developable portions of the Barbee Mill site were designated as a Shoreline High Intensity Environment (see Exhibit 2) .[1] This matched the COR land use and zoning designation of that site at the time of adoption.

Exhibit 2. 2011 Shoreline Environment Designation for the Barbee Mill Site



Source, City of Renton, 2011.

[1] The portion of the Barbee Mill site that was part of a restoration and enhancement project on May Creek was designated for Shoreline Urban Conservancy and that designation is proposed to remain in place.

Per WAC 173-26-110(3) the City is to shows the amended environment designation map(s), showing both existing and proposed designations, together with corresponding boundaries described in text for each change of environment. All proposals for changes in environment designation and redesignation shall provide written justification for such based on existing development patterns, the biophysical capabilities and limitations of the shoreline being considered, and the goals and aspirations of the local citizenry as reflected in the locally adopted comprehensive land use plan;

Boundaries: Exhibit 2 illustrates the current High Intensity designation. The boundaries of the property in Exhibit 1 more closely indicate the property that would change from High Intensity to Shoreline Residential.

Development Patterns: WAC 173-26-211 establishes the basic requirements of the shoreline environment designation system and sets forth designation criteria and management policies for each of the environments. The criteria for shoreline residential environments is in WAC 173-26-211(5)(f). Under the WAC the purpose of the shoreline residential environment is to "… accommodate residential development and appurtenant structures…" Areas should be included in the shoreline residential environment if they are inside urban growth areas or municipalities, if they are developed with mostly single-family or multifamily residential uses, or if they are planned and platted for residential development. With existing residential use on an approved plat bound by development agreement to residential use, the Barbee Mill site meets the purpose and designation criteria of the WAC for shoreline residential uses.

Goals and Aspirations: Renton adopts related shoreline environment criteria for its SMP in RMC 4-3-090C and in the Shoreline Management Element of the Comprehensive Plan. The Comprehensive Plan mirrors the WAC in its statement that "the objective of the the Single-Family Residential Shoreline Overlay District is to accommodate residential development and appurtenant structures that are consistent with this chapter." Areas to be designated include those characterized by single-family use and zoning. The Barbee Mill site meets both the objective and the designation criteria of the Renton SMP for the Shoreline Single-Family Residential environment.

Biophysical Capabilities: A review of the Cumulative Effects Analysis of the Shoreline Master Program[2] indicates that this change would be unlikely to affect the standard of no net loss. The Barbee Mill site includes reaches on portions of May Creek and Lake Washington. Table 3-1 of the Cumulative Effects Analysis shows that because of its location within the watershed and the small area affected, the SMP in general has limited influence on most of the ecological functions and processes for May Creek or Lake Washington. The only exception to this is where forested areas, upland and outside of the Barbee Mill property contribute to terrestrial habitat functions in May Creek. There is some potential to affect aquatic and terrestrial habitat on Lake

[2] Parametrix, 2010. City of Renton Shoreline Master Program Update Shoreline Cumulative Effects Analysis.

Washington, although the magnitude of change is relatively small since the area is already fully developed. The greatest impact on the functions and processes for aquatic and terrestrial habitat would be the enhancement of shoreline vegetation and removing shoreline stabilization. The Barbee Mill development was platted with less invasive shoreline stabilization (bulkhead setback from OHWM with sloping, naturalized shoreline between the bulkhead and OHWM) and with vegetation enhancement along May Creek. The change in environment designation does not affect these improvements either positively or negatively.

Recommendation: Given that the change in the environment designation improves consistency with Renton's land use and zoning, is consistent with the environment criteria in the WAC and the SMP, and should not affect ecological functions or processes, it should approved as part of the Periodic Update.