

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

**MUNICIPAL  
CODE SECTIONS:**

RMC 4-3-050J.5.c Protected Slopes: Exceptions through Variance, RMC 4-3-050N.3.c.i Geologic Hazards – Variance: Applicability, RMC 4-9-250B.1.c.iii Variance Procedures, and RMC 4-9-250B6 Special Review Criteria – Reasonable Use Variance – Critical Areas Regulations Only.

**REFERENCE:**

N/A

**SUBJECT:**

Allowing applications for Variances to Steep Slope and Landslide Hazard Regulations and clarifying applicable variance criteria.

**BACKGROUND:**

RMC 4-3-0505.a states that “development is prohibited on protected slopes.” RMC 4-3-050J.5.c states that a variance may be granted for the “construction, reconstruction, additions, and associated accessory structures of a *single family home* on an existing legal lot”. RMC 4-3-050N.3.c.iii states that a variance application may be submitted if the “strict application of this Section would deny all reasonable use of the property containing a critical area or associated buffer, or would deny installation of public transportation or utility facilities...” *Currently*, RMC 4-9-250B1.c *only* grants authority to the Community and Economic Development Administrator for the approval of variances to steep slopes and very high landslide hazard areas for the construction of one single family home on a pre-existing platted lot and for public/quasi-public utilities or agencies.

The purpose of the Variance Regulations is to “grant relief from the requirements of this Title” when an applicant can demonstrate compliance with the applicable variance criteria. The City’s adopted Critical Areas Regulations and Variance Regulations limit the instances in which an application for a variance to the Protected Slope and Landslide Hazard area regulations (RMC 4-3-050J) may be submitted to the City for review.

**JUSTIFICATION:**

The City’s regulations should not preclude the submittal of applications for variances or deny the applicant access to the administrative appeal process, but should instead rely on the existing critical areas variance criteria in RMC 4-9-250B6 to guide the decision maker in granting/denying applications for variance.

**DECISION:** To allow the submittal of applications for variance from the City's adopted Critical Areas Regulations relative to steep slopes and landslide hazard areas and allow access to the administrative appeal process for those applications which do not adequately address the applicable variance criteria (RMC 4-9-250B6) and are denied.

**ADMINISTRATOR/  
PLANNING DIRECTOR  
APPROVAL:**

\_\_\_\_\_  
C. E. "Chip" Vincent

**DATE:** \_\_\_\_\_

**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:**

As shown on Exhibit A, amend Section 4-3-050J.5.c of the Critical Areas Regulations and Section 4-9-250B.1.c.iii of the Variance Procedures to allow the submittal of applications for a Variance request to alter Protected Slopes and Landslide Hazard areas in instances other than just for the construction of a new single family residence or work proposed by a public/quasi-public utility.

## EXHIBIT A

### **4-3-050 CRITICAL AREAS REGULATIONS:**

#### **J. GEOLOGIC HAZARDS:**

##### **5. Protected Slopes:**

**a. Prohibited Development:** Development is prohibited on protected slopes. This restriction is not intended to prevent the subdivision or development of property that includes forty percent (40%) or greater slopes on a portion of the site, provided there is enough developable area elsewhere to accommodate building pads.

**b. Exceptions through Modification:** Exceptions to the prohibition may be granted for:

i. Filling against the toe of a natural rock wall or rock wall, or protected slope created through mineral and natural resource recovery activities or public or private road installation or widening and related transportation improvements, railroad track installation or improvement, or public or private utility installation activities pursuant to subsection N2 of this Section, Modifications.

ii. Grading to the extent that it eliminates all or portions of a mound or to allow reconfiguration of protected slopes created through mineral and natural resource recovery activities or public or private road installation or widening and related transportation improvements, railroad track installation or improvement, or public or private utility installation activities, pursuant to subsection N2 of this Section, Modifications.

**c. Exceptions through Variance:** Exceptions to the prohibition may be granted ~~for construction, reconstruction, additions, and associated accessory structures of a single family home on an existing legal lot~~ pursuant to a variance as stated in RMC [4-9-250B1](#) and [4-9-250B6](#).

##### **7. Very High Landslide Hazards:**

**a. Prohibited Development:** Development shall not be permitted on land designated with very high landslide hazards, except by variance, administered pursuant to RMC [4-9-250B1](#), ~~for construction of a single family home on an existing legal lot.~~

### **4-9-250 VARIANCES, WAIVERS, MODIFICATIONS, AND ALTERNATES:**

#### **A. PURPOSES:**

**1. Variances:** A grant of relief from the requirements of this Title which permits construction in a manner that otherwise is prohibited by this Title.

**2. Waivers:** (Reserved)

**3. Modifications:** To modify a Code requirement when there are practical difficulties involved in carrying out the provisions of this Title when a special individual reason makes the strict letter of this Code impractical. (Ord. 4346, 3-9-1992)

**4. Alternates:** To allow the use of any material or method of construction not specifically prescribed by this Title. (Ord. 4346, 3-9-1992; Ord. 5137, 4-25-2005)

## **B. VARIANCE PROCEDURES:**

**1. Authority and Applicability for Administrative Variances:** The Community and Economic Development Administrator shall have the authority to grant variances from the following development standards when no other permit or approval requires Hearing Examiner review: (Ord. 5676, 12-3-2012)

**a. Residential Land Uses:** Lot width, lot depth, setbacks, allowed projections into setbacks, and lot coverage. Lot width, lot depth, and setback variations do not require a variance if the request is part of a stream daylighting proposal and meets criteria in RMC 4-3-050L; and

**b. Commercial and Industrial Land Uses:** Screening of surface-mounted equipment and screening of roof-mounted equipment.

### **c. Proposals Located Within Critical Areas:**

**i. Aquifer Protection Areas:** If an applicant feels that the strict application of aquifer protection regulations would deny all reasonable use of the property or would deny installation of public transportation or utility facilities determined by the public agency proposing these facilities to be in the best interest of the public health, safety and welfare, the applicant of a development proposal may apply for a variance.

**ii. Flood Hazards:** Variances from the flood hazard requirements of RMC 4-3-050, Critical Areas Regulations.

**iii. Steep Slopes Forty Percent (40%) or Greater and Very High Landslide Hazards:** ~~The construction of one single family home on a pre-existing platted lot where there is not enough developable area elsewhere on the site to accommodate building pads and provide practical off-street parking.~~ Variances from the geologic hazard requirements of RMC 4-3-050, Critical Areas Regulations.

### **iv. Wetlands:**

(a) Creation/restoration/enhancement ratios: Categories 1 and 2.

(b) Buffer width reductions not otherwise authorized by RMC 4-3-050M6e and M6f: Category 3.

(c) A new or expanded single family residence on an existing, legal lot, having a regulated Category 3 wetland.

(d) Buffer width reductions not otherwise authorized by RMC 4-3-050M6e and M6f – Category 1 or 2.

**v. Streams and Lakes:**

(a) A new or expanded single family residence on a pre-existing platted lot where there is not enough developable area elsewhere on the site to accommodate building pads and provide practical off-street parking, providing reasonable use of the property.

(b) Buffer width reductions not otherwise authorized by RMC 4-3-050L, Streams and Lakes (Class 2 to 4).

(c) Activities proposing to vary from stream regulations not listed elsewhere in subsection B1a of this Section, and authorized to be requested as variances in RMC 4-3-050L.

**vi. General:** Public/quasi-public utility or agency proposing to alter aquifer protection, geologic hazard, habitat or wetlands regulations not listed above.