

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

**ADMINISTRATIVE
POLICY/CODE**

INTERPRETATION #: CI-90

MUNICIPAL

CODE SECTIONS: RMC 4-3-050 and 4-8-120

REFERENCE:

N/A

SUBJECT:

Critical Area Permit Implementation

BACKGROUND:

Several sections of RMC 4-3-050 Critical Areas Regulations identify a “critical area permit” for development or alteration of a property containing a critical area where no other development permit or letter of exemption is required. The land use permit submittal requirements (RMC 4-8-120C) also identify a critical area permit that includes the type and submittal items needed for the critical area permit application. No other classification or procedures are provided in RMC 4-8-080 and the City’s adopted Development Fees schedule does not provide a fee for the permit.

JUSTIFICATION:

A permit is needed to adequately review and mitigate impacts to critical areas within the City. An underlying governmental action (i.e. permit) is also needed to issue an environmental threshold determination under the *State Environmental Policy Act* (SEPA). There are instances where a development permit is not required, such as minor improvements (e.g. retaining walls less than 4-feet in height and structures less than 200 square feet) to established single-family residential properties in RC through R-8 zones. Such proposals would be exempt from Site Plan Review (RMC 4-9-200B2) and a building permit (RMC 4-5-055). Critical area permits are the appropriate method to adequately review a proposal for compliance under the Critical Areas Regulations and SEPA when no other permit would be required. The permit is referred to in RMC 4-3-050D5ai with the specific purpose of issuing decisions for proposals that do not require a development permit.

A fee proportionate to the level of review and consistent with the current land use permit fee schedule is also needed. The following are similar City of Renton administrative land use permits with their associated fees:

- Site Plan Review - \$1,500.00
- Conditional Use Permit - \$1,000.00
- Variance - \$1,200.00

The following chart provides a list of nearby cities that issue critical area permits along with their associated permit fees.

Jurisdiction	Critical Area Permit Fees
Bellevue	\$1,296.00
Kent	\$2,174.00
Tukwila	\$1601.25
SeaTac	\$880.00
Burien	\$2,439
Des Moines	\$1,050
Kirkland	\$2,150
	Average \$1655.75
	Median \$1601.25

The median permit fee for the seven above-referenced cities is \$1,601.25, which is greater than the City’s Site Plan Review application. The level of review for a critical area permit will likely be less than a Site Plan Review application and comparable to a Conditional Use Permit or Variance. Site Plan Review is a holistic analysis of numerous sections of the development regulations whereas a Conditional Use Permit or Variance is typically limited to several decisional criteria.

DECISION: Implement the Critical Area Permit as a Type II Permit when no other development permit or letter of exemption is required. Decisional criteria not otherwise identified in the Critical Area Regulations shall adequately mitigate all ecological and/or hazardous area impacts and be determined on a case-by-case basis. The fee for a Critical Areas Permit shall be \$1,200.00 plus a 3 percent technology fee.

ADMINISTRATOR APPROVAL: _____
C. E. “Chip” Vincent

EFFECTIVE DATE: July 8, 2016

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: 4-8-080 PERMIT CLASSIFICATION:

G. LAND USE PERMIT PROCEDURES:

LAND USE PERMITS	PUBLIC NOTICE OF APPLICATION	RECOMMENDATION	OPEN RECORD HEARING ⁷	DECISION/ ADOPTION	OPEN RECORD APPEAL	CLOSED RECORD HEARING	JUDICIAL APPEAL
TYPE II							
Additional Animals Permit	Yes	No	No	Staff	HE	CC	SC
Administrative Variances	Yes	No	No	Staff	HE	CC	SC
Business Licenses for Home Occupations (with customer visits/deliveries)	Yes	No	No	Staff	HE	CC	SC
Conditional Approval Permit (nonconforming structures)	Yes	No	No	Staff	HE	CC	SC
<u>Critical Area Permit</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>Staff</u>	<u>HE</u>	<u>CC</u>	<u>SC</u>
Planned Urban Development, final	Yes	No	No	Staff	HE	CC	SC
Temporary Use Permits: Tier II	Yes	No	No	Staff	HE	CC	SC
Temporary Emergency Wetland Permit	Yes	No	No	Staff	HE	CC	SC
Variances, Administrative	Yes	No	No	Staff	HE	CC	SC
Binding Site Plans	Yes	No	No	Staff	HE	CC	SC
Conditional Use Permit (administrative)	Yes	No	No	Staff	HE	CC	SC
Development Permit (special flood hazard)	Yes	No	No	Staff	HE	CC	SC
Environmental Review ⁹	Yes	No	No	Staff	HE	CC	SC
Master Site Plan Approvals (individual phases)	Yes	No	No	Staff	HE	CC	SC
Site Plan Review (administrative)	Yes	No	No	Staff	HE	CC	SC
Shoreline Permit	Yes	No	No	Staff	DOE	CC	SC
Short Plats	Yes	No	No	Staff	HE	CC	SC

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