

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

**ADMINISTRATIVE  
POLICY/CODE**

**INTERPRETATION #:** CI-122

**MUNICIPAL**

**CODE SECTIONS:** RMC 4-9-250

**REFERENCE:**

N/A

**SUBJECT:**

Critical Areas Variances

**BACKGROUND:**

The City's Critical Areas Regulations are intended to provide protection of environmental habitats and resources such as wetlands, streams, and aquifers. These development regulations also protect health, safety, welfare, and property from potential impacts caused by constructing improvements in and around geologic and flood hazard areas. The code prescribes vegetative buffers and/or building setbacks on most of the critical areas, however the regulations also provide processes to alter buffers and their corresponding critical areas with specified criteria, mitigation, maintenance, and monitoring.

When proposals are unable to meet specified criteria for alterations, the Critical Areas Regulations cross-reference the Variance code section for potential relief. Special variance review criteria is detailed for specified proposals located within each critical area with the exception of Steep Slopes greater than forty percent (40%) and Very High Landslide Areas. The only potential recourse for proposals in steep slope/very high landslide areas is to apply for a Reasonable Use Variance.

**JUSTIFICATION:**

The Variance Procedures allow for administrative variances and special review criteria for each critical area with the exception of steep slopes and very high landslide hazards. A reasonable use variance is not intended to provide relief comparable to a typical hardship and special circumstance variance. Reasonable use variances are intended to provide relief to property owners when the Critical Areas Regulations would result in a regulatory taking.

The Variance Procedures clearly provide authority to the Community and Economic Development Director to grant variances from the geologic

hazard requirements of RMC 4-3-050. However, special review criteria is not specified as it is with each of the other critical areas. Providing a special review criteria for steep slopes and very high landslide hazards allows for variance requests that do not meet the strict test of a Reasonable Use Variance.

**DECISION:** Amend RMC variance procedures to provide special review criteria for alterations to steep slopes greater than forty percent (40%) and very high landslide hazard areas as detailed in the attachment.

**ADMINISTRATOR  
APPROVAL:**

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

**EFFECTIVE DATE:** August 31, 2017

**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.

*DISCLAIMER: Excerpts from the Renton Municipal Code shown below may not contain the most recently codified text. In such instances, code amendments implemented through this Administrative Code Interpretation shall be construed to affect the current code and past/future Administrative Code Interpretations not yet codified in the same manner as shown below. Should any conflicts result the Administrator shall determine the effective code.*

**CODE  
AMENDMENTS  
NEEDED TO  
IMPLEMENT**

**DETERMINATIONS:** See Attachment A

**STAFF CONTACT:** Matt Herrera, Senior Planner x6593

**Attachment A**

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

**9. Special Review Criteria – Steep Slopes Forty Percent (40%) or Greater and Very High Landslide Hazards:** For variance requests to alter steep slopes over forty percent (40%) or greater and very high landslide hazard areas and their associated setbacks, the following criteria shall apply:

- a. The variance granted is the minimum amount necessary to accommodate the proposal; and
- b. Alternative development concepts that comply with RMC 4-3-050 have been evaluated and that practical difficulties and unnecessary hardship would result in the strict application of the code; and
- c. The proposal does not adversely impact geological hazards or other critical areas on adjacent properties; and
- d. The need for the variance is not the result of actions of the applicant or property owner; and
- e. The proposal does not create or increase a risk to the public health, safety, and welfare, or to public or private property; and
- f. If the Administrator approves a variance under this subsection, the following conditions of approval, among others, may be imposed:
  - i. The recommendations of the geotechnical report are followed;
  - ii. Project plans shall be reviewed and sealed by a geotechnical engineer or the geotechnical engineer shall submit a sealed letter stating that they have reviewed the plans and in their opinion the plans and specifications meet the intent of the geotechnical report; and
  - iii. An appropriate number of site visits by the geotechnical engineer to establish proper methods, techniques, and adherence to plan drawings is demonstrated during and after construction.

**[Re-number the remaining sections of the code accordingly]**