

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

**ADMINISTRATIVE
POLICY/CODE
INTERPRETATION #:**

CI-128

**MUNICIPAL
CODE SECTIONS:**

4-4-070, Landscaping; 4-1-230, Sureties and Bonds; and 4-9-150, Planned Urban Development Regulations.

REFERENCE:

SUBJECT:

Security Devices for Landscaping Maintenance

BACKGROUND:

RMC 4-4-070.P.3, Security Required, states that a financial security device is required for a five-year period prior to any final approval or occupancy permit. The security device is required for the purpose of maintaining the landscaping; however, the subsection informs readers that the device will need to provide an amount equal to the provisions of RMC 4-9-060, Deferral of Improvement Installation Procedures, which does not provide information regarding security devices used to ensure maintenance.

RMC 4-1-230, Sureties and Bonds, also provides standards regarding security devices for the purpose of either:

1. Ensuring protection of City-owned facilities or the completion of required improvements prior to issuance of a public works construction permit; or
2. To approve deferral requests, occupancy permit requests in advance of installation of required landscaping or other improvements, or for critical areas mitigation performance, and critical areas monitoring/maintenance.

RMC 4-4-070.P.3, Security Required, states that the security device is required prior to the issuance of any final approval, and the landscaping must be maintained for five years prior to the release of the security device.

Planned Urban Development regulations contain nearly identical language with regard to the installation, maintenance, and required security devices for landscaping.

DECISION:

RMC 4-4-070.P.3 is amended to require a security device prior to the recording of any plat instead of prior to a final approval. The security device must be in an amount equal to 20% of the estimated cost of materials and their installation. The security device must be valid for two years instead of five, and the security device must meet the requirements of RMC 4-1-230, Sureties and Bonds. Landscaping is required to be maintained for the life of the

development.

The applicability of RMC 4-1-230.C, Types of Security Accepted for All Other Purposes, is amended to include landscaping maintenance and to allow a performance or maintenance bond exclusively for landscaping maintenance.

Similarly, RMC 4-9-150.E.3, Installation and Maintenance of Common Open Space, is amended to require compliance with RMC 4-4-070, Landscaping, unless an approved landscaping plan cites deviations from typical landscaping requirements.

JUSTIFICATION:

A security device is required prior to the recording of a plat so that requirement appropriately applies to both short plats and plats. Because subsection "L, Bonds and Liability Insurance Required," of RMC 4-6-030, Drainage (Surface Water) Standards, requires a maintenance and defect bond in an amount equal to 20% of the estimated cost of construction for a two-year period, the precedent of using these more appropriate standards for landscaping maintenance is established. Subsection "3" of RMC 4-4-070.P., Maintenance, contains ambiguous and contradictory language in that it's stated landscaping must be maintained for five years prior to the release of the security device; this language is unclear because the cited timeframe for maintenance is tied to the release of the security device and therefore isn't conclusive, and it contradicts subsections "1" and "2" that speak to continued maintenance without mention of a timeframe (i.e., continuous maintenance is required with no end date).

A performance or maintenance bond is one approved security device exclusively for landscaping maintenance because such a bond would not be applicable to deferrals, and would be inadequate for critical areas mitigation performance, and critical areas monitoring/maintenance.

Planned Urban Development regulations permit development which is not limited by the strict application of the City's zoning, parking, street, and subdivision regulations when it is demonstrated that such new development will be superior to traditional development under standard regulations. While deviations from certain code requirements are permitted, Title IV standards and requirements apply *unless* otherwise approved; therefore, RMC -9-150.E.3, Installation and Maintenance of Common Open Space, is amended to require compliance with RMC 4-4-070, Landscaping, unless an approved landscaping plan cites deviations from typical landscaping requirements.

**ADMINISTRATOR
APPROVAL:**

C. E. "Chip" Vincent

EFFECTIVE DATE:

January 5, 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. 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
DETERMINATION(S):**

4-1-230 SURETIES AND BONDS

C. TYPES OF SECURITY ACCEPTED FOR ALL OTHER PURPOSES:

The following security devices are acceptable for the purposes of deferral requests, occupancy permit requests in advance of installation of required landscaping or other improvements, critical areas mitigation performance, ~~and~~ critical areas monitoring/maintenance, and landscaping maintenance:

1. Cash;
2. Letter of credit;
3. Set aside letter; provided, that the funds cannot be withdrawn, spent, or committed to any third party; or
4. Savings account assigned to the City and blocked as to withdrawal by the secured party without the City's approval.

5. Performance or maintenance bond exclusively for the purpose of ensuring continued maintenance of on- or off-site landscaping.

4-4-070 LANDSCAPING:

P. MAINTENANCE:

1. Maintenance Required: Landscaping required by this Section shall be maintained by the owner and shall be subject to periodic inspection by the Department of Community and Economic Development. Plantings are to be maintained in a healthy, growing condition and those dead or dying shall be replaced. Property owners shall keep the planting areas reasonably free of weeds and litter.

2. Failure to Maintain Landscaping: The Department of Community and Economic Development is authorized to notify the owner that any required landscaping is not being adequately maintained and the specific nature of the failure to maintain. The Department shall send the property owner written notice, specifying what corrections shall be made.

3. Security Required: Prior to recording a plat or the issuance of any final approval or any occupancy permit(s), the developer shall furnish a security device to the City in an amount equal to ~~the provisions of RMC 4-9-060~~ twenty percent (20%) of the estimated cost of materials and their installation; the estimated cost shall be decided by the Administrator. A security device meeting the requirements of RMC 4-1-230, Sureties and Bonds, Landscaping shall be maintained for a period of ~~five (5)~~ two (2) years after the plat recording or issuance of any ~~final approval or~~ occupancy permit(s) prior to the release of the security device. (Ord. 5676, 12-3-2012; Ord. 5841, 6-12-2017)

4-9-150 PLANNED URBAN DEVELOPMENT REGULATIONS:

D. DECISION CRITERIA:

The City may approve a planned urban development only if it finds that the following requirements are met.

1. Demonstration of Compliance and Superiority Required: Applicants must demonstrate that a proposed development is in compliance with the purposes of this Section and with the Comprehensive Plan, that the proposed development will be superior to that which would result without a planned urban development, and that the development will not be unduly detrimental to surrounding properties.

2. Public Benefit Required: In addition, applicants shall demonstrate that a proposed development will provide specifically identified benefits that clearly outweigh any adverse impacts or undesirable effects of the proposed planned urban development, particularly those adverse and undesirable impacts to surrounding properties, and that the proposed development will provide one or more of the following benefits than would result from the development of the subject site without the proposed planned urban development:

a. Critical Areas: Protects critical areas that would not be protected otherwise to the same degree as without a planned urban development; or

b. Natural Features: Preserves, enhances, or rehabilitates natural features of the subject property, such as significant woodlands, native vegetation, topography, or noncritical area wildlife habitats, not otherwise required by other City regulations; or

c. Public Facilities: Provides public facilities that could not be required by the City for development of the subject property without a planned urban

development; or

d. Use of Sustainable Development Techniques: Design which results in a sustainable development; such as LEED certification, energy efficiency, use of alternative energy resources, low impact development techniques beyond that required by the Surface Water Design Manual, etc.; or

e. Overall Design: Provides a planned urban development design that is superior to the design that would result from development of the subject property without a planned urban development. A superior design may include the following:

i. Open Space/Recreation:

(a) Provides increased open space or recreational facilities beyond standard code requirements and considered equivalent to features that would offset park mitigation fees in Resolution 3082; and

(b) Provides a quality environment through either passive or active recreation facilities and attractive common areas, including accessibility to buildings from parking areas and public walkways; or

ii. Circulation/Screening: Provides superior circulation patterns or location or screening of parking facilities; or

iii. Landscaping/Screening: Provides superior landscaping, buffering, or screening in or around the proposed planned urban development; provided, common open space containing natural features worthy of preservation may be left unimproved; or

iv. Site and Building Design: Provides superior architectural design, placement, relationship or orientation of structures, or use of solar energy; or

v. Alleys: Provides alleys for proposed detached or attached units with individual, private ground related entries.

E. DEVELOPMENT STANDARDS:

3. Installation and Maintenance of Common Open Space:

a. Installation: All common area and open space shall be landscaped within one year of the date of final approval of the planned urban development, and in accordance with RMC 4-4-070, Landscaping; provided that the landscaping plan submitted by the applicant and

approved by the City shall prevail upon any conflict; provided, that common open space containing natural features worthy of preservation may be left unimproved. Prior to the issuance of any occupancy permit, the developer shall furnish a security device to the City in an amount equal to the provisions of RMC 4-9-060. Landscaping shall be planted within one year of the date of final approval of the planned urban development, and maintained for a period of five (5) years thereafter prior to the release of the security device.

b. Maintenance: Landscaping shall be maintained pursuant to requirements of RMC 4-4-070, Landscaping.

STAFF CONTACT: Paul Hintz, x7436