

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

**ADMINISTRATIVE
POLICY/CODE
INTERPRETATION #:** CI-80

**MUNICIPAL
CODE SECTIONS:** RMC 4-9-070

REFERENCE: RMC 4-3-050, RMC 4-3-090, and WAC 197-11-800

SUBJECT: SEPA Exemption for Single Family Residential Construction

BACKGROUND: RMC 4-9-070 and WAC 197-11 outline the rules and procedures applicable to projects which require Environmental (SEPA) Review. RMC 4-9-070G and WAC 197-11-800 provide a list of categorical exemptions from Environmental (SEPA) Review. Residential development of nine (9) or fewer dwelling units is exempt from Environmental (SEPA) Review unless the site contains critical areas (i.e. protected slopes, very high landslide hazard areas, wetlands, 100 year floodway, and streams and lakes), then the exemption does not apply. This requirement would mean that SEPA is required for the construction of a new or the alteration of an existing single family residence on a legally established lot if critical areas are present.

JUSTIFICATION: WAC 197-11 would not require SEPA review for the construction of a new or the alteration of an existing single family residence on a legally established lot where critical areas are present. The additional requirement for SEPA review added to the WAC provisions for short plats and other land use permits effectively extends to single family residences. It was not the intent of the expanded SEPA review to include stand alone single family residences and or additions. Furthermore, the newly adopted critical areas regulations (ORD 5757) and shoreline regulations (ORD 5633) provide sufficient environmental protections for infill projects.

DECISION: Amend RMC 4-9-070H to provide an exemption from SEPA Review for the construction of a new or the alteration of an existing single family residence on a legally established lot where critical areas (i.e. protected slopes, very high landslide hazard areas, wetlands, 100 year floodway, and streams and lakes) are present, provided the proposed development

complies with the adopted Critical Areas Regulations (RMC 4-3-050) and/or Shoreline Master Program (RMC 4-3-090). This exemption would not apply to single family developments that require a variance or reasonable use exception to the Critical Areas Regulations and/or Shoreline Master Program.

**ADMINISTRATOR
APPROVAL:**

C. E. "Chip" Vincent

EFFECTIVE DATE: February 22, 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:**

H. CRITICAL AREAS/INAPPLICABLE EXEMPTIONS:

1. Critical Areas Maps: The map(s) in RMC 4-3-050Q identify critical areas. The maps in RMC 4-3-090 identify regulated Shorelines of the State. The specific environmentally critical areas where SEPA exemptions are not applicable are identified in subsection H2 of this Section.

2. Critical Areas Designated: Wetlands, Protected Slopes, Very High Landslide Hazard Areas, Class 2 to 4 Streams and Lakes, Shorelines of the State designated as Natural or Conservancy, or Shorelines of the State designated Urban if also meeting the requirement of subsection H3a or H3c of this Section, and the one hundred (100) year floodway, as mapped and identified pursuant to subsection H1 of this Section, or when present according to the critical area classification criteria of RMC 4-3-050, are designated as environmentally critical areas pursuant to the State Environmental Policy Act, WAC 197-11-908.

3. Inapplicable Exemptions:

a. Certain exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped. Unidentified exemptions shall continue to apply within environmentally critical areas of the City.

b. For each critical area, the exemptions within WAC 197-11-800 that are inapplicable for that area are:

WAC 197-11-800(1), except for the construction of one (1) new single family residence on an existing legal lot, provided the proposed development complies with RMC 4-3-050 and RMC 4-3-090. This exemption would not apply to projects requiring a variance or reasonable use exception from RMC 4-3-050 or RMC 4-3-090.

WAC 197-11-800(2)(d, e, f, g)

WAC 197-11-800(6)(a)

WAC 197-11-800(13)(c)

WAC 197-11-800(23)(c, e)

WAC 197-11-800(24)(a, b, c, d, f, g)

WAC 197-11-800(25)

c. The following SEPA categorical exemptions shall not apply to wetlands:

WAC 197-11-800(1), except for the construction of one (1) new single family residence on an existing legal lot, provided the proposed development complies with RMC 4-3-050 and RMC 4-3-090. This exemption would not apply to projects requiring a variance or reasonable use exception from RMC 4-3-050 or RMC 4-3-090.

WAC 197-11-800(2), except for the repair, remodeling, or maintenance of an existing single family residence, provided the proposed development complies with RMC 4-3-050 and RMC 4-3-090. This exemption would not apply to projects requiring a variance or reasonable use exception from RMC 4-3-050 or RMC 4-3-090.

WAC 197-11-800(3)

WAC 197-11-800(4)

WAC 197-11-800(6)

WAC 197-11-800(8)

WAC 197-11-800(25)

4. Proposals Located within Critical Areas: The City shall treat proposals located wholly or partially within a critical area no differently than other proposals under this Section, making a threshold determination for all such proposals. The City shall not automatically require an EIS for a proposal merely because it is proposed for location in a critical area.

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