

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

**ADMINISTRATIVE
POLICY/CODE**

INTERPRETATION #: CI-71

**MUNICIPAL
CODE SECTIONS:**

4-6-090G, Utility Lines – Underground Installation Variance Procedures

REFERENCE:

N/A

SUBJECT:

Underground Utilities Exemption Process

BACKGROUND:

Applications for a variance to the utility undergrounding requirements are currently processed as a Type II Permit per RMC 4-8-080G, Land Use Permit Procedures. Type II Permits are administrative decision which require public notice with a 14-day public comment period and 14-day appeal period and are appealable to the Hearing Examiner. The fee for an administrative variance is \$1,200.

JUSTIFICATION:

The requirement for utilities variances to be processed as a Type II Permit seems onerous given that the circumstances under which a utilities variance would be granted are relatively small scale projects (i.e. single family additions, single family detached accessory structures, single family garages, etc.). A more appropriate process for Utilities Variances would be to provide an outright exemption in instances where the applicant can demonstrate compliance with the criteria, which would not require public notice or the 14-day public comment period and would have no fee.

DECISION:

Amend RMC 4-6-090G as specified below.

**ADMINISTRATOR
APPROVAL:**

C. E. "Chip" Vincent

DATE:

April 17, 2015

**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: 4-6-090 UTILITY LINES – UNDERGROUND INSTALLATION:

A. PURPOSE:

The purpose of these provisions is to ensure the health, safety, and welfare of the residents of the community and to establish minimum requirements and procedures for the underground installation and relocation of electrical and communication facilities within the City.

B. ADMINISTERING AND ENFORCING AUTHORITY:

The Community and Economic Development Administrator is responsible for the general administration and coordination of this Section.

C. APPLICABILITY:

All new electrical or communication facilities shall be required to be installed underground, pursuant to the standards of this Section, unless specifically listed as exempt in Subsection D.

D. EXEMPTIONS:

1. The following are exemptions to the requirements of this Section:

- a. Electric utility substations, pad-mounted transformers and switching facilities not located on the public right-of-way.
- b. Electric transmission systems of a voltage fifty five (55) kv or more (including poles and wires) and equivalent communication facilities where the utility provider providing electrical energy provides at its expense an underground street lighting circuit (including all conductor and conduit) to a point on the poles at least forty feet (40') above ground to serve utility provider owned street lighting fixtures to be mounted on the poles at said location.
- c. Ornamental street lighting standards.

- d. Telephone pedestals and other equivalent communication facilities.
- e. Police and fire sirens, or any similar municipal equipment, including traffic-control equipment.
- f. Replacement of overhead facilities for a distance of three (3) or more spans (four (4) poles) or five hundred feet (500') exclusive or replacements due to casualty damage,
- g. Extensions, duplications, relocations or rebuilds to existing overhead electrical and communication facilities under the following conditions:
- i. When there are continuing requirements for poles, such as services to residences of King County when those residences are not required to be undergrounded. However, if there is a reasonable likelihood that undergrounding would occur in the foreseeable future, conduit for underground crossings should be installed whenever feasible as part of any ongoing street construction, reconstruction or overlayment project.
 - ii. When there are existing overhead electrical or communication facilities that will not be removed (such as high tension wires), and the electrical and communication facilities to be removed by undergrounding are parallel to facilities that will not be removed.
- h. Installations where, upon determination of the Administrator,
- There is a technological difficulty associated with the particular facility, or the particular real property involved, or
 - The cost of undergrounding such a facility which is deemed by the Administrator to outweigh the general welfare consideration implicit in underground installation, or
 - The growth pattern of the area has not been sufficiently established to determine the ultimate service requirements or major service routes.

E. PERMITS:

1. Permit Required: All new or replaced electrical or communication facilities shall require a permit from the City of Renton prior to construction.

2. Fees Required: Fees shall be set forth in the City's Fee Schedule published and on file with the City Clerk.

3. As-Built Plans Required for Underground Projects: As-built, project drawings in a form and scale conforming to generally accepted engineering practice shall be submitted in duplicate to the Development Services Division of the Department of Community and Economic Development within thirty (30) calendar days of the completion of any underground project within the City.

F. DESIGN STANDARDS:

1. Standards Applicable: All conductors, switches, transformers, and regulating devices shall be installed in accordance with the applicable national, State, and local safety standards. All structural devices shall be designed in accordance with the provisions of the latest edition of the International Building Code, subject to the provisions of the immediately following subsection.

2. Coordination with Other Facilities Required: All underground facilities shall be installed to coordinate with other underground facilities, i.e., water, sewer and gas pipelines, traffic control and other signal systems. When coordination requires installation practices that are more restrictive or demanding than the minimum standards required by applicable national, State and local codes and safety standards, the requirements of coordination shall be governing and controlling.

3. Wheel Load Requirements – Minimum: All vaults, handholes, ventilation gratings, and access covers and conduit in public rights-of-way shall be strong enough to withstand a minimum ten thousand (10,000) pound wheel load. This wheel load requirement may be restricted to traveled street areas, provided the utility provider assumes responsibility for upgrading facilities beyond the original traveled street areas if subsequent widening occurs.

4. Grading of Streets: Streets shall be graded to subgrade prior to the installation of underground facilities.

5. Joint Trenches: The utilization of a single trench (a joint or common trench) by all utility providers and/or franchise holders is authorized and encouraged.

a. Delay of Permit Issuance: If at the time of application for an underground permit it does not appear that all utility providers involved in the undergrounding project have made appropriate arrangements for common trenches, the Administrator may delay issuance of the permit until all utility providers involved in the relocation have provided satisfactory justification to the Administrator for not utilizing the common trench.

b. Provision for Joint Services Across Public Right-of-Way Required: Where new structures require underground services that extend into or across public right-of-way to existing overhead distribution systems the property owner, owner's agent or other persons applying for underground services shall provide adequate provisions and capacity for joint service usage in a trench with conduit or other required facilities for present and future service extensions to the structure.

c. Responsibility for Notice: The principal utility to initiate the street crossing by owners, owners' agent or other persons' request shall notify the remaining electrical or communication utility when the common trench is available.

6. Standards for Above-Ground Installations: Any equipment exempted in subsection D of this Section, or otherwise permitted to be installed above-ground shall:

- a. Be placed within an enclosure or part of the building being served, or
- b. Be screened with masonry, decorative panels, and/or evergreen trees, shrubs, and landscaping sufficient to form an effective sight barrier within a period of five (5) years. The utility provider shall be responsible for the installation, maintenance, repair, or replacement of the screening materials when the above-ground facility is located on real property owned by the utility provider. When an above-ground facility is located on non-utility owned real property, the owner(s) shall bear the expense of installation, maintenance, repair or replacement of screening materials.
- c. Be constructed with space frames and structural arrangements for holding equipment that is designed to have an uncluttered and neat appearance.

7. Standards for Above-Grade Pole Line Installations: If above-grade pole line installations are permitted under the variance procedures of this Section, conductors shall be placed in vertical alignment or any other alignment designated by the Public Works Administrator or designee.

G. ~~VARIANCE PROCEDURES:~~ VARIANCES: Requests to modify undergrounding requirements which do not meet the above exemption criteria shall be processed as variances. See RMC 4-9-250.

1. ~~Authority and Discretion:~~ ~~All applications for variances shall be filed with the Community and Economic Development Administrator. The Administrator has the authority to determine the rules and regulations governing application for, hearings pertaining to, and the granting of variances from the underground requirements. The granting of a variance is at the discretion of the Administrator.~~

2. ~~Review Criteria:~~ ~~Underground requirements may be waived by a variance only if the utility owner, user, or any other affected party can demonstrate an undue hardship in the placement of facilities underground. The criteria to determine if there is an undue hardship are:~~

- ~~a. There is a technological difficulty associated with the particular facility, or the particular real property involved; or~~
- ~~b. The cost of undergrounding such a facility which is deemed by the Administrator to outweigh the general welfare consideration implicit in underground installation; or~~
- ~~c. The growth pattern of the area has not been sufficiently established to determine the ultimate service requirements or major service routes.~~

H. APPEALS:

Any decisions made in the administrative process described in this Section may be appealed pursuant to RMC [4-8-110](#), as it exists or may be amended.

I. VIOLATIONS OF THIS SECTION AND PENALTIES:

Unless otherwise specified, violations of this Section are code violations subject to RMC 1-3-2, as it exists or may be amended.

STAFF CONTACT: Jill Ding, x6598