

ORDINANCE No. 116253

COUNCIL BILL No. 109142

ORDINANCE

AN ORDINANCE rescinding Seattle Municipal Code Chapter 25.09, Interim Regulations for Critical Areas, and replacing it with a new Seattle Municipal Code Chapter 25.09, Regulations for Environmentally Critical Areas, to implement the City's Environmentally Critical Areas Policies; that supplement and overlay existing regulations on land development and building construction in environmentally critical areas; defining environmentally critical areas; setting forth mapping criteria for environmentally critical areas; setting forth new development standards for environmentally critical areas; setting forth new submittal requirements for applications to develop and build in environmentally critical areas; setting forth new minimum requirements for subdivisions and short subdivisions in environmentally critical areas; setting forth new requirements for vegetation removal in environmentally critical areas; providing for exemptions, exceptions, and an Environmentally Critical Areas variance, conditional use and exception; and providing for the administration of these regulations and setting forth penalties, to implement the City's Environmentally Critical Areas Policies.

Law Department

The City of

Honorable President:

Your Committee on Land Use
 to which was referred the within Council Bill
 report that we have considered the same

3-0
Full

COM

Introduced: <u>MAY 1 1992</u>	By: <u>DONALDSON</u>
Referred: <u>MAY 1 1992</u>	To: <u>Land Use</u>
Referred:	To:
Referred:	To:
Reported: <u>JUL 1 1992</u>	Second Reading: <u>JUL 1 1992</u>
Third Reading: <u>JUL 1 1992</u>	Signed: <u>JUL 1 1992</u>
Presented to Mayor: <u>JUL 1 1992</u>	Approved: <u>JUL 1 1992</u>
Returned to City Clerk: <u>JUL 1 1992</u>	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

OK

Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on Law Use

was referred the within Council Bill No.

we have considered the same and respectfully recommend that the same:

3-0 Do Pass as amended 7/8
Full Council vote 8-0

critical areas, zoning, land use

Committee Chair

ORDINANCE 116253

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AN ORDINANCE rescinding Seattle Municipal Code Chapter 25.09, Interim Regulations for Critical Areas, and replacing it with a new Seattle Municipal Code Chapter 25.09, Regulations for Environmentally Critical Areas, to implement the City's Environmentally Critical Areas Policies; that supplement and overlay existing regulations on land development and building construction in environmentally critical areas; defining environmentally critical areas; setting forth mapping criteria for environmentally critical areas; setting forth new development standards for environmentally critical areas; setting forth new submittal requirements for applications to develop and build in environmentally critical areas; setting forth new minimum requirements for subdivisions and short subdivisions in environmentally critical areas; setting forth new requirements for vegetation removal in environmentally critical areas; providing for exemptions, exceptions, and an Environmentally Critical Areas variance, conditional use and exception; and providing for the administration of these regulations and setting forth penalties, to implement the City's Environmentally Critical Areas Policies.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Chapter 25.09 is hereby added to Title 25, Environmental Protection and Historic Preservation, of the Seattle Municipal Code, to read as follows:

CHAPTER 25.09 REGULATIONS FOR ENVIRONMENTALLY CRITICAL AREAS

25.09.020 Environmentally Critical Areas.

A. This Chapter shall apply to all development and platting located in environmentally critical areas as defined below and characterized by specific site conditions. It is expressly the purpose of this Chapter to provide for and promote the health, safety and welfare of the general public, and to not create or otherwise establish or designate any particular person or class or group of persons who will or

1 should be especially protected or benefited by the terms or
2 provisions of this Chapter.

3
4 B. The following shall constitute environmentally critical
5 areas regulated by this Chapter:

6 1. Geologic Hazard Areas:

7
8 a. Landslide-Prone Areas. Landslide-prone areas
9 are characterized by the following:

10
11 (1) Known landslide areas identified by
12 documented history, or any areas that have shown significant
13 movement during the last 10,000 years or is underlain by mass
14 wastage debris that occurred during this period; or

15 (2) Potential landslide areas based on
16 documented geological characteristics, and based on a
17 combination of geologic, topographic and hydrologic factors,
18 including the following:

19
20 (a) Areas over fifteen percent (15%)
21 slope which have at least one of the following
22 characteristics:

23 (i) Impermeable soils (typically
24 silt and clay) interbedded with permeable granular soils
25 (predominantly sand and gravel); or impermeable soils
26 overlain with permeable soils. This includes the area within
27 one hundred (100) feet either side of the contact between
28 Esperance Sand and either Lawton Clay or Pre-Lawton sediments
as is shown on the area noted as Class Four (4) on the Slope

1 Stability Map of Seattle, in "Causes, Mechanisms and
2 Prediction of Landsliding in Seattle," by Donald Willis
3 Tubbs, PH.D. Dissertation, University of Washington, 1975
4 (Tubbs Map), or as otherwise mapped; or

5
6 (ii) Identified relatively unstable
7 soils in either Lawton Clay or Pre-Lawton sediments, as is
8 shown on the area noted as Class Three (3) of the Tubbs Map,
9 or as otherwise mapped; or

10 (iii) Springs or groundwater seepage.

11
12 (b) **Steep slopes** of forty percent (40%)
13 average slope or greater as defined by the Director. A slope
14 must have a vertical elevation change of at least ten (10)
15 feet to be considered a steep slope, although the ten (10)
16 feet may cross the boundaries of a site. Slopes that meet
17 these characteristics shall be considered steep slope
18 environmentally critical areas in addition to being
19 classified as potential landslide areas.

20 (c) Areas that would be covered under
21 either (a) or (b), but where the slope has been previously
22 modified through the provision of retaining walls or
23 nonengineered cut and fill operations.

24 (d) Any slope area potentially unstable
25 as a result of rapid stream incision or stream bank erosion.

26
27 b. **Liquefaction-Prone Areas.** Liquefaction-prone
28 areas are areas underlain by cohesionless soils of low

1 density usually in association with a shallow groundwater
2 table which lose substantial strength during earthquakes.

3
4 **2. Flood-Prone Areas.** Flood-prone areas are those
5 areas that would likely be covered with or carry water as a
6 result of a one hundred (100) year storm, or that would have
7 a one percent (1%) or greater chance of being covered with or
8 of carrying water in any given year based on current
9 circumstances or maximum development permitted under existing
10 zoning. This includes areas identified on the Seattle
11 Floodplain Development Ordinance FEMA maps, streams
12 identified by the Washington State Department of Fisheries'
13 *Catalog of Washington Streams*, and areas with drainage
14 problems known to the Seattle Drainage and Wastewater
15 Utility.

16 **3. Riparian Corridors.** Riparian corridors include all
17 areas within one hundred (100) feet measured horizontally
18 from the top of the bank, or if that cannot be determined,
19 from the ordinary high water mark of the watercourse and
20 water body, or a one hundred (100) year flood plain as mapped
21 by FEMA, as regulated by the Seattle Floodplain Development
22 Ordinance, whichever is greater, and are classified as either
23 a Class A Riparian Corridor or a Class B Riparian Corridor.
24 Class A Riparian Corridors are stable, established streams
25 and lakes that flow year-round and/or support salmonids, and
26 include, but are not limited to, corridors that have an
27 established floodplain as mapped by the *FEMA Flood Insurance*
28 *Program*, and include Longfellow, Thornton, Pipers, Venema,
Mohlendorph, Fauntleroy, Ravenna, Mapes, DeadHorse/Mill,
Maple Leaf and Little Brook Creeks, and Haller and Bitter
Lakes. Class B Riparian Corridors are not mapped by FEMA and

1 are intermittent streams without salmonids that still
2 demonstrate a high water mark. Riparian corridors do not
3 normally include those artificial drainage areas
4 intentionally created from grass-lined swales, canals,
5 detention facilities, wastewater treatment facilities, and
6 landscape amenities.

7
8 4. **Wetlands.** Wetlands are those areas that are
9 inundated or saturated by ground or surface water at a
10 frequency and duration sufficient to support, and under
11 normal circumstances do support, a prevalence of vegetation
12 typically adapted for life in saturated soil conditions.
13 Wetlands generally include swamps, marshes, bogs, and other
14 similar areas. Where the vegetation has been removed or
15 substantially altered, a wetland shall be determined by the
16 presence or evidence of hydric or organic soil, as well as
17 other documentation of the previous existence of wetland
18 vegetation such as aerial photographs or the testimony of
19 persons familiar with the property. The method for
20 delineating wetlands shall follow the *1989 Federal Manual For*
21 *Delineating Jurisdictional Wetlands*. Wetlands do not
22 normally include those artificial wetlands intentionally
23 created from non-wetland sites, grass-lined swales, canals,
24 detention facilities, wastewater treatment facilities, and
25 landscape amenities. However, wetlands include those
26 artificial wetlands intentionally created from non-wetland
27 areas created to mitigate conversion of wetlands.

28 5. **Fish and Wildlife Habitat Conservation Areas.** Fish
and wildlife habitat conservation areas include, but are not
limited to, the following:

1 a. Areas identified by the Washington State
2 Department of Wildlife as priority habitat and species areas
3 or urban natural open space habitat areas;

4
5 1. Corridors connecting other priority
6 habitat areas, especially areas that would otherwise be
7 isolated;

8 2. Areas that remain an isolated remnant of
9 natural habitat of ten (10) acres or more and surrounded by
10 urban development, with local consideration given to areas
11 smaller than ten (10) acres;

12
13 b. All bodies of water that provide migration
14 corridors and habitat for fish, especially salmonids,
15 including Lake Washington, Lake Union and the Lake Washington
16 Ship Canal, Duwamish River, and that portion of Elliott Bay
17 within the City's jurisdiction;

18 c. Commercial and recreational shellfish areas
19 and kelp and eelgrass beds; and

20
21 d. Areas which provide habitat for species of
22 local importance.

23 6. **Abandoned Landfills.** Abandoned landfills include
24 those abandoned solid waste landfills identified by the
25 Seattle-King County Health Department in their 1986 *Abandoned*
26 *Landfill Toxicity/Hazard Assessment Project*, additional sites
27 identified by public or historical research, and areas within
28 one thousand (1,000) feet of methane producing landfills.

1 **C. Environmentally Critical Areas Maps.** Environmentally
2 critical areas defined and identified in subsections A and B
3 shall be mapped whenever possible. These maps shall be
4 advisory and used by the Director to provide guidance in
5 determining applicability of the standards to a property.
6 Sites that include environmentally critical areas which are
7 not mapped shall be subject to the provisions of this
8 Chapter.

9 The Director may update or amend the environmentally
10 critical areas maps by Director's Rule, according to Seattle
11 Municipal Code Chapters 3.02 and 3.06, as new information and
12 improved mapping resources become available. Mapping
13 amendments may occur at a frequency not to exceed once every
14 year.

15 **25.09.040 Application of Standards.**

16
17 The standards of this Chapter shall apply to all public and
18 private proposals for new structures, additions to
19 structures, short subdivisions and subdivisions, grading and
20 drainage activity, and tree and vegetation removal per
21 Section 25.09.320 located on either public or private
22 property within environmentally critical areas and their
23 buffers. Public projects proposed by any public agency shall
24 comply with the standards of this Chapter. Projects shall be
25 exempted from the requirements of the Chapter when the
26 following situations and/or conditions apply:

27 **A.** When the Director determines there is an emergency
28 threatening the public health, safety and welfare.

1 B. Maintenance, repair, renovation or structural alteration
2 of structures in existence on the effective date of this
3 chapter, unless otherwise prohibited by law. Expansion or
4 extension in any manner which increases the extent of
5 nonconformity with the environmentally critical area
6 provisions of the Chapter shall not be permitted. When these
7 structures are damaged by an act of nature, they may be
8 rebuilt or replaced within one (1) year of the act of nature
9 provided that the new construction or related activity does
10 not further intrude into an environmentally critical area or
11 required buffer and is subject to the flood hazard areas
12 reconstruction restrictions.

13 C. New accessory structures and additions to structures
14 whose development coverage does not exceed a cumulative
15 addition of seven hundred and fifty (750) square feet of
16 impervious surface after the effective date of the Chapter,
17 provided the addition is not constructed over a watercourse,
18 water body or wetland.

19 D. When the applicant demonstrates to the satisfaction of
20 the Director through site surveys, topographic maps,
21 technical environmental analysis, and other means as
22 determined necessary by the Director that the site is not an
23 environmentally critical area as defined in Section
24 25.09.020.

25 E. Normal and routine operation, maintenance, remodeling,
26 and repair of existing public facilities and utilities,
27 including the maintenance, vegetation management and
28 revegetation of public parkland and open spaces, when

1 undertaken pursuant to best management practices to avoid
2 impacts to environmentally critical areas.

3
4 F. The following electric, natural gas, cable
5 communications, telephone, public facility and utility, and
6 right-of-way improvement projects, with the Director's
7 approval of the location and limits of the project, only when
8 the project is not a prerequisite to development. The
9 exemption shall only be approved when the project is
10 undertaken pursuant to best management practices to avoid
11 impacts to environmentally critical areas, and when it can be
12 demonstrated that (1) no practicable alternative exists, (2)
13 the encroachment into a critical area is minimized to the
14 greatest extent practicable, and (3) mitigation measures are
15 employed before, during and after construction:

16 1. Relocation of electric facilities, lines, equipment
17 or appurtenances, not including substations, with an
18 associated voltage of 55,000 volts or less only when required
19 by a governmental agency;

20 2. Relocation of natural gas, cable communications,
21 gas, telephone facilities, and public utility lines, pipes,
22 mains, equipment or appurtenances only when required by a
23 governmental agency;

24 3. Installation or construction in improved public
25 road rights-of-way, and replacement, operation or alteration,
26 of all electric facilities, lines, equipment or
27 appurtenances, not including substations, with an associated
28 voltage of 55,000 volts or less;

1 4. Installation or construction in improved public
2 road rights-of-way, and replacement, operation, repair or
3 alteration of all natural gas, cable communications,
4 telephone facilities, and public utility lines, pipes, mains,
5 equipment or appurtenances;

6 5. Public projects designed to enhance streams and
7 wetlands and their buffers, including drainage related
8 functions, that require a Hydraulic Project Approval from
9 either the Washington Departments' of Fisheries or Wildlife;
10 and

11 6. Public projects that promote a public objective,
12 such as trails providing access to a creek or wetland area,
13 when located and designed to minimize environmental
14 disturbance to the greatest extent possible.
15

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18 **25.09.060 Application Submittal Requirements, General**
19 **Requirements and Development Standards.**

20
21 All proposals listed in Section 25.09.040, and located in
22 critical areas listed in Section 25.09.020 shall meet the
23 following application submittal requirements, general
24 requirements and development standards:

25 **A. Application submittal requirements:** In addition to the
26 application submittal requirements specified in other codes,
27 development proposals subject to this Chapter shall include
28 the following additional information as applicable:

1 1. **Surveyed site plan:** A surveyed site plan, prepared
2 and stamped by a State of Washington licensed surveyor, shall
3 be required for sites which include landslide-prone, flood-
4 prone, riparian corridor, wetland, and steep slope
5 environmentally critical areas. The surveyed site plan shall
6 include the following:

7 a. Existing topography at two (2) foot contour
8 intervals on-site, on adjacent lands within twenty-five (25)
9 feet of the site's property lines, and on the full width of
10 abutting public and private rights-of-way and easements;

11 b. Terrain and drainage flow characteristics
12 within the site, on adjacent sites within twenty-five (25)
13 feet of the site's property lines, and on the full width of
14 abutting public and private rights-of-way and easements;

15 c. Location and boundaries of all critical areas
16 on-site and on adjacent lands within twenty-five (25) feet of
17 the site's property lines, noting both total square footage
18 and percentage of site;

19 d. Proposed location and boundaries of all
20 required undisturbed fenced areas and buffers on-site and on
21 adjacent lands within twenty five (25) feet of the site's
22 property lines;

23 e. General location of areas with significant
24 amounts of vegetation, and specific location and description
25 of all trees and shrubs over six (6) inch caliper measured
26 three (3) feet above the base of the trunk, and noting their
27 species;
28

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2 f. Location and boundaries of all existing and
3 proposed site improvements on the site, on adjacent lands
4 within twenty-five (25) feet of the site's property lines,
5 and on the full width of abutting public and private rights-
6 of-way and easements. This shall include the amounts of
7 development coverage, including all impervious surfaces and
8 construction activity areas (noting total square footage and
9 percentage of site occupied);

10 g. Location and identification of all riparian
11 corridors and wetlands within one hundred (100) feet of the
12 site's property lines.

13
14 h. Location of all grading activities in progress
15 or proposed, and all natural and artificial drainage control
16 facilities or systems in existence, in progress or proposed
17 on site or on adjacent lands within twenty-five (25) feet of
18 the site's property lines, and in the full width of abutting
19 public and private rights-of-way and easements;

20 i. Location of all existing and proposed
21 utilities (water, sewer, gas, electric, phone, cable, etc.),
22 both above and below ground, on-site, on adjacent lands
23 within twenty-five (25) feet of the site's property lines, in
24 the full width of abutting public rights-of-way, and any
25 proposed extension required to connect to existing utilities,
26 and proposed methods and locations for the proposed
27 development to hook-up to these services; and
28

1 j. Such additional site plan information as
2 required by the Director to complete review of a project
3 subject to the standards of Chapter 25.09.
4

5 2. **Technical Reports:** Technical reports shall be
6 prepared as required by the Director detailing soils,
7 geological, hydrological, drainage, plant ecology and botany,
8 vegetation, and other pertinent site information. The
9 reports shall be used to condition development to prevent
10 potential harm and to protect the critical nature of the
11 site, adjacent properties, and the drainage basin.

12 **B. General requirements for the lot, adjacent lots,
13 surrounding area, and drainage basin.**

14 The developer shall ensure safe, stable and compatible
15 development which avoids adverse environmental impacts and
16 potential harm on the lot, to adjacent lots, the surrounding
17 neighborhood, and the drainage basin. Detailed analysis of
18 impacts, including cumulative impacts of development, of the
19 proposed development upon wetlands, riparian corridors,
20 native vegetation and wildlife habitats, water quality,
21 fisheries, natural water temperature, slope and soil
22 conditions, and surface water drainage may be required by the
23 Director when lot and area conditions indicate the need for
24 such analysis. Supplemental technical reports may be
25 required by the Director to specify measures to preserve,
26 protect, and maintain adjacent sites and the drainage basin
27 and ensure safe, stable and compatible development.
28

1 **C. General Development standards:** General development
2 standards as applicable shall include, but are not limited to
3 the following:

4
5 1. All buffer areas and other designated protected
6 areas shall be fenced with a highly visible and durable
7 protective barrier during construction to prevent access and
8 protect environmentally critical areas. The buffer area
9 shall be described and recorded as a permanent covenant with
10 the property. After construction, small permanent visible
11 markers shall be placed to delineate the buffer. No removal
12 of vegetation or wildlife habitat shall be permitted within
13 the protected wetlands and their buffers, riparian corridors
14 and their buffers, and steep slopes and their buffers either
15 during or after construction, except as otherwise permitted
16 by the Chapter.

17 2. All disturbed areas on the site, including
18 development coverage and construction activity areas, shall
19 be managed in a manner sufficient to control drainage and
20 prevent erosion during construction, and revegetated to
21 promote drainage control and prevent erosion after
22 construction. The Director may require an erosion control
23 plan and a vegetation removal and replacement plan when
24 erosion potential is severe. The erosion control plan shall
25 be prepared and followed using best management practices.
26 The vegetation removal and replacement plan shall be prepared
27 by a qualified professional with landscaping, plant ecology
28 and botany education and experience. All revegetation shall
consist of trees, shrubs, and ground cover that does not
require permanent irrigation systems for long-term survival
and is suitable for the location.

1
2 3. All sites shall be cleared in stages just prior to
3 construction, and cleared areas shall only be as large as
4 necessary for construction. Revegetation shall occur after
5 the particular phase of construction is completed. When
6 required by the Director, the vegetation removal and
7 replacement plan shall establish a staged vegetation removal
8 and replacement program which minimizes the amount of exposed
9 soil during and after construction. In drier months,
10 irrigation or temporary installation of intermediate
11 plantings may be required until weather or seasonal
12 conditions permit installation of the permanent plantings.

13 4. The Director shall restrict development coverage
14 and construction activity areas to the most environmentally
15 suitable and naturally stable portion of the site. Grading
16 activities and impervious surfaces shall be minimized and
17 limited to areas approved by the Director.

18 5. All drainage associated with the development shall
19 be connected to City approved drainage control systems with
20 approved discharge points in compliance with the SMC Title
21 22, Subtitle VIII, Grading and Drainage Control Ordinance.
22 If an adequate drainage conveyance system is not available
23 and safety and erosion concerns dictate, the Director may
24 require design of drainage facilities to handle up to a one
25 hundred (100) year storm, and/or require a release rate
26 slower than the rate normally required.

27 6. All construction activity on environmentally
28 critical area sites in watersheds containing designated
critical watercourses and associated riparian corridors shall

1 follow best management practices. These practices include
2 installation of siltation barriers to minimize erosion and
3 pollutants entering the watercourse, as well as other methods
4 such as diversion measures, slope drains, and structural and
5 vegetative stabilization techniques.

6
7 7. When calculating detention requirements, all
8 disturbed areas on the site shall be calculated as
9 development coverage, including revegetated areas, excluding
10 enhanced or restored areas as approved by the Director.

11 8. The Director may require a development proposal's
12 design to account for a one hundred (100) year seismic and
13 one hundred (100) year flood event, unless a design for a
14 greater event is required by other applicable codes.

15 9. All grading in environmentally critical areas shall
16 be completed or stabilized by October 31st of each year
17 unless demonstrated to the satisfaction of the Director based
18 on approved technical analysis that no environmental harm or
19 safety problems would result from grading between October
20 31st and April 1st.

21 10. Development occurring in riparian corridor, wetland
22 and steep slope sites shall preserve the integrity of
23 wildlife habitat corridors, and minimize the intrusion of
24 development into designated wildlife habitat areas.

25
26 11. Construction activity shall adhere to a prepared
27 schedule and mitigation plan to be approved by the Director
28 prior to the start of construction. This schedule and
mitigation plan shall include, but not be limited to, a

1 schedule for compliance with project conditions, limits of
2 construction and work activities, equipment to be used, start
3 and duration of each phase, work sequencing, and shall
4 include the design, implementation, maintenance, and
5 monitoring of mitigation requirements to prevent erosion,
6 siltation, and destruction of vegetation. This plan shall be
7 reviewed with the owner's representative and approved by the
8 Director at a pre-construction meeting prior to the start of
9 construction.

10 12. The Director may require additional construction
11 practices and methods and requirements, including, but not
12 limited to best management practices as outlined in Federal,
13 State and Seattle manuals and limitations on construction
14 equipment permitted on the site, to protect environmentally
15 critical areas on-site, on adjacent sites, and within the
16 drainage basin of a proposed development.

17 **25.09.080 Development Standards for Landslide-Prone Hazard**
18 **Areas.**

19
20 **A. Site.** Complete stabilization of all portions of a site
21 which are disturbed or affected by the proposed development,
22 including all development coverage and construction activity
23 areas, shall be required. Complete stabilization of all
24 portions of a site refers to the process and actions
25 necessary to ensure that proposed site improvements are
26 stabilized, and that all on-site areas and adjacent
27 properties, including adjacent public and private rights-of-
28 way, which are disturbed or impacted are stabilized. The
proposed development shall be limited and controlled to avoid
adverse impacts and potential harm, and to ensure safe,

1 stable and compatible development appropriate to site
2 conditions. Other reasonable and appropriate solutions to
3 solve site stability problems may be required by the
4 Director.

5
6 **B. Staged Review Process.** Projects proposed in landslide-
7 prone areas shall be subject to a Staged Review Process.

8 1. The Staged Review Process may consist of one or more
9 of the following steps:

10
11 a. Site visit and reconnaissance;

12
13 b. Preliminary soils investigations including
14 tests and borings; and

15
16 c. Detailed geotechnical studies and engineering
17 plans.

18 2. During the Staged Review process, more extensive
19 studies and investigations may be required for more hazardous
20 sites, based on the degree of slope, hydrology and
21 underlying soils and geology. The Director may require
22 detailed site investigation including, but not limited to the
23 following:

24 a. Review of available literature regarding the
25 site and surrounding areas;

26
27 b. Detailed topographic analysis;

28 c. Subsurface data and exploration logs;

- 1
- 2 d. Ground surface profiles;
- 3
- 4 e. Analysis of relationship of vegetated cover and
- 5 slope stability;
- 6
- 7 f. Site stability analysis;
- 8
- 9 g. Geotechnical considerations to reduce risk; and
- 10
- 11 h. Construction and post-construction monitoring.

12 3. The Director shall determine the amount of

13 additional study necessary depending on the degree of

14 landslide-prone hazard on a site based on the information

15 disclosed during the Staged Review Process. The Director may

16 require third party review.

17 4. As part of the Staged Review Process, the Director

18 shall provide mailed notice to adjacent property owners and

19 post placards on the site. The purpose of this notice is to

20 allow for an exchange of information between the applicant,

21 adjacent property owners and the Director. Adjacent property

22 owners may review and comment on site investigations and

23 technical studies, and provide information and documentation

24 of any previous landslide problems on the site. Notice will

25 include information on how to find out whether or not third

26 party review is required.

27 **C. Third Party Review.** The Director shall determine when

28 third party review shall be required. Third party review

requires the applicant's geotechnical and/or additional

1 technical studies to be reviewed by an independent third
2 party, paid for by the applicant but hired by the Director.
3 Third party review shall be conducted by a qualified
4 engineering consultant. In determining the need for third
5 party review, the Director shall consider whether or not the
6 project is to be constructed on deep soft soil areas, areas
7 identified as being affected by deep slide masses or block
8 movements, sites with excessive groundwater, and sites
9 subject to lateral ground failure due to earthquakes.

10 **D. Bonds and Insurance.** The Director may require adequate
11 bonds or insurance to cover potential claims for property
12 damage which may arise from or be related to excavation or
13 fill within a landslide-prone area. The Director shall
14 require such bonds or insurance when the depth of the
15 proposed excavation shall exceed four (4) feet and the bottom
16 of the proposed excavation shall be below a one-hundred
17 percent (100%) slope line (forty-five (45) degrees from a
18 horizontal line) from the property line. The Director may
19 require such bonds and insurance in other circumstances where
20 the Director determines that there is a potential for
21 significant harm to a critical area during the construction
22 process.

23 **25.09.100 Development Standards for Liquefaction-prone**
24 **Areas.**

25 **A.** Soils engineering studies shall be required of all
26 proposed development in areas subject to liquefaction to
27 determine the physical properties of the surficial soils,
28 especially the thickness of unconsolidated deposits, and
their liquefaction potential.

1
2 B. If it is determined that the site is subject to
3 liquefaction, mitigation measures appropriate to the scale of
4 the development shall be recommended and implemented through
5 requirements of SMC Title 22, Subtitle VIII, Grading and
6 Drainage Control Ordinance, SMC Title 22, Subtitle I,
7 Building Code, and any other applicable codes or regulations
8 pertaining to development within liquefaction-prone areas.

9 **25.09.120 Development Standards for Flood-Prone Areas.**

10
11 A. No development shall be permitted within the "floodway"
12 of flood-prone areas. Permitted development within flood-
13 prone areas lying outside the "floodway" shall not contribute
14 to increased downstream flow of flood waters and shall comply
15 with the provisions of SMC Chapter 25.06, Seattle Floodplain
16 Development Ordinance (FEMA). A drainage control plan shall
17 be required for all proposed development.

18 B. **Drainage Control Plan.** If the site is mapped or
19 determined to be flood-prone, a drainage control plan shall
20 be submitted with the permit application showing the flood-
21 prone area, the tributary watershed, and all drainage
22 features to describe the existing situation and proposed
23 modifications to the drainage system. The drainage control
24 plan shall provide for control of water quality and quantity
25 in compliance with the SMC Title 22, Subtitle VIII, Grading
26 and Drainage Control Ordinance, SMC Chapter 25.06, Seattle
27 Floodplain Development Ordinance, and any other subsequent
28 applicable flood control codes or ordinances to protect the
public interest and prevent harm.

1 **C. Elevation Above Base Flood Level.** The lowest floor
2 elevation of any structure located in a flood-prone area
3 shall be two (2) feet above the one hundred (100) year flood
4 elevation unless otherwise specified by the Director of
5 Engineering.

6 **25.09.140 Development Standards for Riparian Corridors.**
7

8 **A. Riparian Corridor Watercourse.** No development shall be
9 permitted within or over the watercourse as delineated by
10 survey and accepted by the Director. If no other access is
11 available to the property, the Director may approve access
12 over the watercourse as long as it maintains the natural
13 channel and floodway of the watercourse and minimizes the
14 disturbance of the buffer to the greatest extent possible.

15 **B. Minimum Riparian Corridor Buffer.** In order to prevent
16 harm on-site and downstream, and in order to minimize
17 degradation of water quality, a buffer shall be established
18 within the corridor within which development shall not be
19 permitted. All buffers shall be measured horizontally from
20 the top of the bank, or if that cannot be determined, from
21 the ordinary high water mark as surveyed in the field. In
22 cases with braided channels and alluvial fans, the top of the
23 ordinary high water mark shall be determined so as to include
24 the entire stream feature. The buffer shall not extend
25 beyond an existing public road if the road has an adequate
26 storm water catchment facility. The minimum buffer shall be
27 as follows:

28 1. **Class A Riparian Corridor Buffers:** Fifty (50)
Feet; and

1
2 2. **Class B Riparian Corridor Buffers:** Twenty-five
3 (25) Feet.

4
5 **C. Buffer Vegetation and Restoration.**

6
7 1. **Natural Buffer.** If the vegetation within the
8 buffer is generally in a natural state that prevents erosion,
9 protects water quality, and provides a diverse habitat, the
10 retention of the buffer's existing vegetation shall be
11 required.

12 2. **Buffer Restoration.** If the vegetation within the
13 buffer has been previously disturbed or degraded, the
14 preparation of a plan to enhance the buffer through
15 replanting or augmenting the existing vegetation with native
16 or similar plants may be required by the Director. Any
17 revegetation plan shall be prepared by a qualified
18 professional with landscaping, plant ecology, or botany
19 education and experience. The plan shall be approved by the
20 Director. Vegetation shall not be removed or otherwise
21 disturbed until the applicant is ready to replant
22 immediately.

23 3. **Buffer Restoration Exception.** When the site is a
24 single lot, located adjacent to properties where natural
25 vegetation has already been removed for lawns or other
26 residential activities, the Director may conclude that a
27 buffer restoration plan is not to be required or that buffer
28 restoration is limited to planting trees for creek shading
when no significant increase in protection of the water body
would result from full restoration of the buffer.

1
2 **D. Buffer Reductions on Existing Lots.** The Director may
3 reduce a Class A buffer if development of adjacent lots is
4 less than fifty (50) feet from the watercourse. However, the
5 buffer shall not be less than the distance to the watercourse
6 from the adjacent structure that is furthest from the
7 watercourse, or less than twenty-five (25) feet, whichever is
8 greater.

9 **E. Riparian Corridor Restoration.**

10
11 1. To encourage restoration of a riparian corridor
12 presently located in an underground pipe or culvert, the
13 following conditions shall apply:

14 a. Every effort shall be made to avoid building
15 over a riparian corridor located in an underground pipe or
16 culvert, except when located under a street right-of-way; and
17

18 b. Uncovering of the riparian corridor should be
19 encouraged and allowed with the Director's approval of the
20 following exceptions to riparian corridor standards:

21 (1) The minimum buffer may not be required if
22 there is no space available; and

23
24 (2) The open riparian corridor may be located
25 elsewhere on-site or on adjacent sites.

26
27 2. To encourage restoration of a riparian corridor
28 presently located in an open channel or drainage-way, the
Director may waive the minimum buffer.

1
2 **F. More intensive site review and application of stricter**
3 development standards may be applied in areas outside of the
4 riparian corridor buffer where any of the following
5 conditions are present:

6 1. High, steep slopes that could produce debris slides
7 directly to surface waters; or

8
9 2. Sites with polluted groundwater seeps or springs;
10 or

11
12 3. Other areas of potentially extreme adverse impacts.

13
14 **G. Other Agency Regulations.** Review of projects subject
15 to the riparian corridor provisions of this Chapter shall be
16 coordinated with the Washington State Departments' of
17 Fisheries or Wildlife when hydraulic project approval is
18 required, and the U.S. Army Corps of Engineers when they have
19 jurisdiction under Section 404 of the federal Clean Water
20 Act. The applicant shall be encouraged to make early contact
21 with these agencies to ensure compliance with local, state
22 and federal riparian corridor regulations.

23 **25.09.160 Development Standards for Wetlands.**

24 **A. Wetland.** Wetland provisions of this Chapter shall apply
25 only to wetlands of one hundred (100) square feet or greater
26 in area, unless a smaller wetland or a combination of
27 adjacent, smaller wetlands are part of a larger drainage
28 system. No grading, filling, draining and/or development
shall be permitted within or over a wetland of exceptional

1 value and its buffer as delineated by a survey accepted by
2 the Director. Grading, filling, draining and/or development
3 within wetlands and their buffers, other than *wetlands of*
4 *exceptional value*, shall only be permitted under the
5 following limited situations and conditions:

6
7 1. Wetlands altered for use as lawns or playfields
8 prior to the effective date of this ordinance shall not be
9 regulated as wetlands unless the Director determines that the
10 wetland could be restored when new development or
11 redevelopment occurs on the site; and

12 2. Wetlands, excluding *wetlands of exceptional value*,
13 may be considered for alteration if the proposal meets the
14 criteria for an Environmentally Critical Areas Exception,
15 Section 25.09.300 of this Chapter, and complies with the
16 following wetland compensation requirements:

17 a. Restoration of an existing degraded wetland;
18 or

19
20 b. Creation of additional substitute wetlands,
21 although the Director shall give preference to restoration;
22 and

23 c. Restoration of an existing degraded wetland or
24 creation of substitute wetlands shall meet the following
25 conditions:

26
27 (1) The applicant shall fund the wetland
28 restoration or creation under the direction and authority of
the Director;

1
2 (2) To the greatest extent practical,
3 restoration or creation may occur either on or off site, but
4 within the same drainage basin;

5
6 (3) Restoration or creation shall be of a
7 similar type and shall take place before alteration of the
8 original wetland;

9 (4) Restoration or creation shall require the
10 original wetland to be replaced at a ratio of 2 to 1; and

11
12 (5) The restored or substitute wetland shall
13 provide comparable water quality benefits and be of at least
14 equal habitat and hydrologic value.

15 **B. Wetland Buffer.** In order to protect wetland areas and
16 maintain water quality, a minimum wetland buffer of fifty
17 (50) feet shall be established within which no development
18 shall be permitted and all vegetation shall remain
19 undisturbed. The wetland buffer shall be measured
20 horizontally from the edge of the wetland.

21 **C. Buffer Vegetation and Restoration.**

22
23 1. **Natural Buffer.** If the vegetation within the
24 buffer is generally in a natural state that prevents erosion,
25 protects water quality, and provides a diverse habitat, the
26 retention of the buffer's existing vegetation shall be
27 required.

28

1 2. **Buffer Restoration.** If the vegetation within the
2 buffer has been previously disturbed or degraded, the
3 preparation of a plan to enhance the buffer through
4 replanting or augmenting the existing vegetation with native
5 or similar plants may be required by the Director. Any
6 revegetation plan shall be prepared by a qualified
7 professional with landscaping, plant ecology, or botany
8 education and experience. The plan shall be approved by the
9 Director. Vegetation shall not be removed or otherwise
10 disturbed until the applicant is ready to replant
11 immediately.

12 3. **Buffer Revegetation Exceptions.** The Director shall
13 allow the removal by hand of invasive plants, such as purple
14 loosestrife. No machines or chemical removal shall be
15 permitted without the Director's approval.

16 **D. Buffer Reductions on Existing Lots.**

17
18 1. The Director may reduce a wetland buffer only if a
19 yard reduction exception and/or an Environmentally Critical
20 Areas Yard Reduction Variance is not approved or the
21 remaining area is inadequate to provide reasonable use of the
22 property. The wetland buffer reduction shall be the minimum
23 amount necessary, but never to less than the twenty-five (25)
24 foot minimum buffer, to provide for use of the property and
25 to prevent harm to the wetland.

26 2. The Director may reduce a wetland buffer only for
27 wetlands which are determined to be degraded under the
28 following circumstances:

1 a. If the degraded portion of the wetland is
2 restored on site at a four to one (4:1) ratio, restored land
3 area to reduced buffer, for wetlands larger than fifteen
4 hundred (1,500) square feet; and at a two to one (2:1) ratio
5 for wetlands under fifteen hundred (1,500) square feet; and

6 b. Such buffer reduction adjacent to the degraded
7 wetland shall not result in a buffer of less than twenty-five
8 (25) feet and does not apply to the wetland itself.

9
10 **E. Constructed Wetlands.** Wetlands constructed by a
11 private interest or public agency for stormwater control,
12 biofiltration or aesthetic purposes shall not be subject to
13 the wetland buffer requirements of this Chapter. Maintenance
14 activities shall not be restricted. This does not apply to
15 wetlands constructed for mitigation or replacement purposes.

16 **F. Other Agency Regulations.** Review of projects subject
17 to the wetland provisions of this Chapter shall be
18 coordinated with the Washington State Departments' of
19 Fisheries or Wildlife when hydraulic project approval is
20 required, and the U.S. Army Corps of Engineers when they have
21 jurisdiction under Section 404 of the federal Clean Water
22 Act. The applicant shall be encouraged to make early contact
23 with these agencies to ensure compliance with local, state
24 and federal riparian corridor regulations.

25 **25.09.180 Development Standards for Steep Slopes.**

26
27 **A. Development Limitations on Steep Slopes and Buffers on**
28 **Existing Lots.**

1 1. Development shall be avoided on areas over forty
2 percent (40%) slope whenever possible.

3
4 2. Generally, the Director shall require a fifteen
5 (15) foot buffer from the top or toe of a slope whenever
6 practicable based on geotechnical and hydrological site
7 constraints and the impacts of proposed construction methods
8 on the stability of the slope, increased erosion potential,
9 and disruption of existing topography and vegetation. The
10 width of the buffer may be increased or decreased as
11 determined by the Director based on the following
12 considerations:

13 a. Proposed construction method and its affect on
14 the stability of the slope and increased erosion potential;

15 b. Techniques used to minimize disruption of
16 existing topography and vegetation; and

17
18 c. Preparation of technical reports and plans to
19 address and propose remedies regarding soils and hydrology
20 site constraints.

21
22 3. When it is not practicable to avoid development on
23 areas over forty percent (40%) slope and the buffer area, the
24 following conditions shall apply:

25 a. Grading and development activity and other
26 site disturbances shall not exceed thirty percent (30%) of
27 the areas measured over forty percent (40%) slope. This
28 shall not include vegetation removal for the purposes of
replacing existing vegetation with more suitable plants; and

1
2 b. The Director may impose conditions concerning
3 the type and method of construction that reflect the specific
4 constraints of the site, as well as the landslide-prone area
5 regulations of this Chapter, Section 25.09.080.A.

6 **B. Vegetation Removal and Replanting.** Removal of
7 vegetation in steep slope areas shall be minimized. Any
8 replanting that occurs shall consist of trees, shrubs, and
9 ground cover that is compatible with the existing surrounding
10 vegetation, meets the objectives of erosion prevention and
11 site stabilization, and does not require permanent irrigation
12 for long-term survival.

13 **C. Site Design Guidelines.** The following guidelines shall
14 be followed for development in steep slopes areas:
15

16 1. Structures should be designed and placed on the
17 hillside to minimize negative impacts, such as grading and
18 site disturbance;
19

20 2. Driveways and utility corridors should be minimized
21 through the use of common access drives and corridors where
22 feasible. Roads, walkways, and parking areas should be
23 designed parallel to topographic contours with consideration
24 given to maintaining consolidated areas of natural topography
25 and vegetation. Access should be located in a way that
26 minimizes impacts to steep slopes or other critical areas;
27

28 3. Development should be located on the least
sensitive portion of the site to preserve the natural land
forms, geological features, and vegetation;

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4. Terracing of land shall be kept to a minimum; and

5. Cluster development may be allowed pursuant to the provisions of Section 25.09.260 to emphasize the existing topography and conserve existing resources if compatible with the surrounding residential character.

D. Waivers and Exemptions.

1. **Highly Developed Areas.** Steep slope regulations for existing lots and short subdivisions and subdivisions may be waived by the Director for highly developed and urbanized areas, such as Downtown, Highrise, and certain Midrise and commercially zoned areas, unless the site is characterized by or adjacent to at least one of the following areas:

a. A wetland over 1,500 square feet in size, or a stream or creek designated as a riparian corridor;

b. A large undeveloped steep slope system; or

c. Areas designated by the Washington Department of Wildlife as urban natural open space habitat areas or other large areas with significant tree cover that provides valuable wildlife habitat.

2. **Previously Developed Sites.** The Director may waive steep slope requirements on sites that have been previously developed, under the following conditions:

1 a. If the objectives of the steep slope
2 regulations would not be compromised; and

3
4 b. If the degree of nonconformity with the
5 environmentally critical areas regulations, if applicable, is
6 not increased.

7 3. **Limited Exemptions.** Slopes with a vertical
8 elevation change of up to twenty (20) feet and not part of a
9 larger steep slope system, or slopes which have been created
10 through previous, legal grading activities, may be exempted
11 by the Director from the steep slopes regulations based on a
12 geotechnical report demonstrating that no adverse impact will
13 result from the exception.

14 4. Any project receiving a waiver or exemption shall
15 be subject to steep slope drainage control and vegetation
16 removal regulations, as well as applicable landslide-prone
17 area regulations of this Chapter.

18
19 **25.09.200 Development Standards for Fish and Wildlife**
20 **Habitat Conservation Areas.**

21 The characteristics of fish and wildlife habitat
22 conservation areas shall be used to evaluate development
23 within wetlands, riparian corridors and steep slopes.
24 Preserving the integrity of fish and wildlife habitat
25 corridors, and minimizing the intrusion of development into
26 these designated habitat areas shall be considered in
27 applications for buffer reductions and conditional use
28 permits to transfer development potential to non-critical
portions of a site.

1
2 **25.09.220 Development Standards for Abandoned Landfills.**

3
4 **A. Regulation of Development on Abandoned Landfills.**

5 Development on abandoned landfills shall be subject to
6 Seattle-King County Health Department requirements for the
7 applicant to submit an Excavation and Development Work Plan,
8 prepared by a licensed engineer with experience in landfill
9 construction and/or management, and comply with other
10 applicable requirements to prevent damage from methane gas
11 buildup, subsidence, and earthquake induced groundshaking as
12 contained in SMC Title 22, Subtitle VIII, Grading and
13 Drainage Control Ordinance, SMC Title 22, Subtitle I,
14 Building Code, and regulations pertaining to development on
15 abandoned landfill sites. Technical studies shall be
16 required to indicate whether these areas pose a threat to
17 development on an abandoned landfill site.

18 **B. Areas within One Thousand Feet of Methane Producing**
19 **Landfills.** Areas within 1,000 feet of methane producing
20 landfills may be susceptible to methane leakage. Methane
21 barriers or appropriate ventilation may be required in these
22 areas as specified in SMC Title 22, Subtitle VIII, Grading
23 and Drainage Control Ordinance, SMC Title 22, Subtitle I,
24 Building Code, and Seattle-King County Health Department
25 regulations.

26 **25.09.240 Short Subdivisions and Subdivisions.** All short
27 subdivision and subdivision proposals located in riparian
28 corridor buffers, wetlands and wetland buffers, and steep
slopes (over 40%) shall comply with the following specified
development standards in addition to the standards set forth

1 in Subtitle III, Platting Requirements, of SMC Title 23, Land
2 Use Code:

3
4 A. New lots shall contain at least one building site and
5 access to the site that are outside the identified
6 environmentally critical area and its required buffer, except
7 that access may be provided by a bridge over a riparian
8 corridor watercourse and buffer as long as it is a free-
9 standing structure and minimizes the disturbance of the
10 buffer to the greatest extent practicable. Covenants shall be
11 recorded with the subdivision or short plat that restrict
12 development to the areas specified on the approved site plan.

13 B. Lots shall be configured to preserve the identified
14 environmentally critical area and its buffer by:

15 1. Establishing a separate buffer tract or lot with
16 each owner having an undivided interest; or

17
18 2. Establishing buffer easements on individual lots.

19
20 C. Easements and/or fee simple property used for shared
21 vehicular access to proposed lots shall not be counted when
22 calculating minimum lot area requirements.

23 D. The identified environmentally critical areas and their
24 required buffer areas within a proposed subdivision or short
25 plat shall receive no development credit for use in
26 calculating the number of lots permitted.

27
28 E. Application submittal requirements: All short
subdivision and subdivision proposals, in addition to the

1 application submission requirements included in SMC Title 23,
2 Land Use Code, shall meet the applicable application
3 submittal requirements of this Chapter, Section 25.09.060.A,
4 and shall include the information contained in this
5 subsection and Section 25.09.260, as applicable, on the
6 surveyed site plan.

7 **25.09.260 Administrative Conditional Use Permit to Recover**
8 **Development Credit or Permit Clustered Development**
9 **On-site.**

10
11 A. Up to full development credit on-site may be granted by
12 the Director through an administrative conditional use
13 permit, authorized under SMC Section 23.42.042, Conditional
14 Uses, in the Land Use Code. Notice of application for this
15 administrative conditional use and of the Director's decision
16 on the application shall be provided in the manner prescribed
17 for Type II land use decisions as set forth SMC Chapter
18 23.76.

19 B. The Director may approve, condition or deny an
20 application for an administrative conditional use. The
21 Director's decision shall be based on a determination of
22 whether the proposed transfer of development credit meets the
23 criteria for allowing the specific conditional use and
24 whether the use will be materially detrimental to the public
25 welfare or injurious to property in the zone or vicinity in
26 which the property is located.

27 C. In authorizing an administrative conditional use, the
28 Director may mitigate adverse negative impacts by imposing
requirements and conditions deemed necessary for the

1 protection of other properties in the zone or vicinity in
2 which the property is located.

3
4 D. The Director shall issue written findings of fact and
5 conclusions to support the Director's decision.

6
7 E. The Director may approve the transfer of development
8 potential if it can be shown that the development would meet
9 the following conditions and findings:

10 1. The transfer of development potential shall not
11 result in any significant increase of negative environmental
12 impacts, including erosion, on the identified environmentally
13 critical area and its buffer;

14 2. The development shall be reasonably compatible with
15 neighborhood characteristics. This shall include but not be
16 limited to concerns such as height, bulk, scale, yards,
17 pedestrian environment, and amount of vegetation remaining;

18
19 3. In no case shall development credit be allowed for
20 the area covered by a water area of a wetland or riparian
21 corridor;

22 4. The development shall retain and protect vegetation
23 on designated undisturbed areas on and off site. Significant
24 species or stands of trees shall be protected, and tree
25 removal shall be minimized. Replacement and establishment of
26 trees and vegetation shall be required where it is not
27 possible to save trees;

28

1 5. The ability of natural drainage systems to control
2 the quality and quantity of stormwater runoff shall not be
3 significantly impaired;

4
5 6. The development shall not adversely affect water
6 quality and quantity, erosion potential, drainage, and slope
7 stability of other environmentally critical areas located in
8 the same drainage basin;

9 7. The development's site plan shall include measures
10 to minimize potential negative effects of the development on
11 the undeveloped portion of the site, including the provision
12 of natural barriers;

13
14 8. Adequate infrastructure (streets and utilities)
15 shall be available or will be provided; and

16 9. The Site Design Guidelines of Section 23.09.180.C
17 shall be followed for designated steep slope areas.

18
19 F. The Director may allow development credit to be
20 recovered through **clustering** of the additional dwelling
21 units. The Director may approve smaller than required lot
22 sizes and yards to accommodate recovery of development
23 credit, and to encourage larger buffers, reduce impermeable
24 surfaces, and decrease size of affected areas. Where
25 dwelling units are attached, they shall not exceed the
26 height, bulk and building height standards of the Lowrise 1
27 (L1) zone. Overall, on-site density shall not be increased
28 beyond that permitted by underlying zoning.

1 The Director may require that structures be placed in order
2 to preserve or enhance topographical conditions, adjacent
3 uses and the layout of the project and to maintain a
4 compatible scale and design with the surrounding community.
5 In order to approve clustered dwelling units in all
6 environmentally critical areas, the following criteria shall
7 be met:

8 1. Clustering of units shall help to protect the
9 following critical areas: riparian corridors, wetlands and
10 steep slopes;

11 2. Clustering of units shall require siting of
12 structures to minimize disturbance of the environment;

13 3. Clustering of units shall help to protect priority
14 species or stands of mature trees;

15 4. Clustering of units shall ensure maximum retention
16 of topographic features;

17 5. Clustering of units shall limit location of access
18 and circulation to maximize the protection of an area's
19 natural character and environmental resource;

20 6. Clustering of units shall help protect the visual
21 continuity of natural greenery, tree canopy, and wildlife
22 habitat;

23 7. Clustering of units shall not have an adverse impact
24 on the character, design and scale of the surrounding
25 neighborhood; and
26
27
28

1
2 8. Clustering of units shall promote expansion,
3 restoration or enhancement of a riparian corridor and its
4 buffer, a wetland and its buffer or a steep slope area and
5 its buffer.

6 H. Additional Conditional Use Provisions for Steep Slopes
7 and Steep Slope Buffers.

8
9 1. In steep slope areas and their buffers, the Director
10 may allow clustering on the steep slope portions of the site
11 when the site is predominantly characterized by steep slopes.
12 However, the preference shall be to cluster away from steep
13 slope and buffer areas.

14 2. The Director shall require clear and convincing
15 evidence that the clustering criteria and findings of this
16 subchapter are met when a transfer in development potential
17 within a steep slope area is also characterized by or
18 adjacent to:

19
20 a. A wetland over fifteen hundred (1,500) square
21 feet in size, or a stream or creek designated as a riparian
22 corridor; or

23 b. A large (over 5 acres) undeveloped steep slope
24 system; or

25 c. Areas designated by the Washington Department
26 of Wildlife as urban natural open space habitat areas or
27 areas with significant tree cover providing valuable wildlife
28 habitat.

1
2 3. Any development permitted through the conditional
3 use process on steep slopes of forty percent (40%) shall be
4 subject to the landslide-prone area provisions of this
5 Chapter, Section 25.09.080.

6 **25.09.280 Environmentally Critical Areas Yard and Setback**
7 **Reduction and Variance for Existing Lots.**
8

9 A. A twenty-five percent (25%) reduction, up to a maximum
10 of five (5) feet, in yard or setback requirements for front
11 or rear yards shall be permitted when necessary to maintain
12 the full width of a riparian corridor, wetland or steep slope
13 buffer.

14 B. Any yard or setback reduction greater than five (5) feet
15 that is necessary to maintain the full width of a riparian
16 corridor, wetland or steep slope buffer shall require
17 approval through an Environmentally Critical Areas Yard or
18 Setback Reduction Variance. Notice of application for an
19 Environmentally Critical Areas Yard or Setback Reduction
20 Variance and of the Director's decision on the application
21 shall be provided in the manner prescribed for Type II land
22 use decisions as set forth in SMC Chapter 23.76. An
23 Environmentally Critical Areas Yard Reduction Variance shall
24 be authorized only when all the following facts and
25 conditions are found to exist:

26 1. Because of the location of the subject property in
27 or abutting an environmentally critical area or areas, and
28 the size and extent of any required environmentally critical
areas buffer, the strict application of the applicable yard

1 or setback requirements of Chapter 25.09 would cause
2 unnecessary hardship; and

3
4 2. The requested variance does not go beyond the
5 minimum necessary to maintain the full width of the required
6 buffer and to afford relief; and

7
8 3. The granting of the variance will not be injurious
9 to the property or improvements in the zone or vicinity in
10 which the property is located; and

11
12 4. The yard or setback reduction will not result in a
13 development that is materially detrimental to the character,
14 design and streetscape of the surrounding neighborhood,
15 considering such factors as height, bulk, scale, yards,
16 pedestrain environment, and amount of vegetation remaining;
17 and

18 5. The requested variance would be consistent with the
19 spirit and purpose of the Environmentally Critical Policies
20 and Regulations.

21 C. When an Environmentally Critical Areas Variance is
22 authorized, conditions may be attached regarding the
23 location, character and other features of a proposed
24 structure or use as may be deemed necessary to carry out the
25 spirit and purpose of SMC Chapter 25.09, Regulations for
26 Environmentally Critical Areas.
27
28

1 **25.09.300 Environmentally Critical Area Exception.**

2
3 A. An applicant for a City permit to develop or use real
4 property that abuts or upon which is located an
5 environmentally critical area may apply to the Director for
6 modification of environmentally critical area development
7 standards. Notice of application for an Environmentally
8 Critical Areas Exception and of the Director's decision on
9 the application shall be provided in the manner prescribed
10 for Type II land use decisions as set forth in SMC Chapter
11 23.76.

12 B. An applicant requesting modification shall provide the
13 Director with the following information:

14 1. Technical studies and other data that describe the
15 possible injurious effects of the proposed development on
16 occupiers of the land, on other properties, on public
17 resources, and on the environment. Possible injurious
18 effects must be described even when the injurious effect will
19 become significant only in combination with similar effects
20 from other developments; and

21 2. An explanation with supporting evidence of how and
22 why compliance with the unmodified environmentally critical
23 areas development standards would not permit reasonable use
24 of the property.

25
26 C. The Director may modify an environmentally critical
27 areas development standard when an applicant demonstrates to
28 the Director's satisfaction that strict application of the
development standards would be unreasonable and that

1 development undertaken pursuant to the modified standards
2 would not cause significant injury to occupiers of the land,
3 to other properties, and to public resources, or to the
4 environment.

5
6 D. An environmentally critical areas development standard
7 may be reduced, waived or otherwise modified only to the
8 extent necessary to make the standard reasonable in light of
9 all the facts and circumstances of a particular case. In
10 modifying a development standard the Director may impose
11 reasonable conditions that prevent or mitigate the same harm
12 that the modified regulation was intended to prevent or
13 mitigate.

14
15 E. A Director's decision to deny a request for relief or
16 modify a development standard may be appealed to the Hearing
17 Examiner according to the procedures provided for appeals of
18 Master Use Permit decisions by SMC 23.76.022. The Director's
19 decision as to whether development pursuant to a modified
20 development standard will cause significant injury shall be
21 affirmed unless found to be clearly erroneous. The
22 Director's decision as to whether strict application of a
23 development standard is reasonable shall be given no
24 deference, and the burden of proof of justifying the
25 Environmentally Critical Areas Exception shall be on the
26 applicant.

27
28 **25.09.320 Vegetation and Tree Removal Permit in
Environmentally Critical Areas.**

A. Removal, clearing or any action detrimental to trees or
vegetation within wetlands, wetland buffers and riparian

1 corridor buffers is prohibited unless the Director has given
2 prior approval to a restoration plan pursuant to buffer
3 restoration, reduction or exception provisions contained in
4 this Chapter.

5 B. Removal, clearing or any action detrimental to trees
6 including, but not limited to, tree-topping, or vegetation
7 within landslide-prone, steep slope, and fish and wildlife
8 habitat areas shall require a permit from the Director when
9 any of the following thresholds are exceeded:

10
11 1. Any tree of six (6) inch caliper or greater,
12 measured three (3) feet above the ground; or

13
14 2. Any combination of trees over one and one-half
15 (1.5) inch caliper, measured three (3) feet above the ground,
16 which total a cross-section area greater than twenty-eight
17 (28) square inches or equivalent to a tree cross-section of
18 six (6) inches; or

19 3. Any other combination of trees and other vegetation
20 covering an area of seven hundred and fifty (750) square feet
21 or more.

22 C. A Vegetation and Tree Removal Permit shall always be
23 required even in cases where an application for a building
24 permit or master use permit has not been submitted. The
25 permit shall only be required for that portion of the site
26 which is designated as environmentally critical as listed in
27 Subsections A and B.
28

1 D. A Vegetation and Tree Removal Permit shall not be
2 required when the Director determines there is an emergency
3 that threatens the public health, safety and welfare.

4
5 E. The Director shall consider the following circumstances
6 and conditions in rendering a decision on a Vegetation and
7 Tree Removal Permit:

8 1. The applicant shall justify the need for tree
9 and/or vegetation removal;

10
11 2. The applicant shall demonstrate that any tree
12 and/or vegetation removal shall not adversely affect
13 stability, erosion potential, existing drainage conditions,
14 and/or fish and wildlife habitat areas on site, on adjacent
15 sites or within the drainage basin;

16 3. The applicant shall demonstrate that the activity
17 shall not be a precursor of a later development proposal,
18 except where the removal is needed to conduct soil testing
19 subject to DCLU's Director's Rule for Investigative Field
20 Work in Environmentally Critical Areas; and

21 4. The Director may require a Vegetation and Tree
22 Removal and Replacement Plan and may otherwise condition the
23 permit to protect the public health and safety and prevent
24 harm to the affected environmentally critical area.

25
26 F. Normal and routine pruning, maintenance and vegetation
27 management and revegetation on private property which does
28 not exceed the thresholds established in Subsections A and B
shall be exempt from a Vegetation and Tree Removal Permit.

1
2 G. Normal and routine pruning operations, maintenance, and
3 tree and vegetation management and revegetation of public
4 parkland and open spaces by responsible public agencies or
5 departments shall be exempt when undertaken pursuant to best
6 management practices to avoid impacts on environmentally
7 critical areas.

8 **25.09.340 Administration.**

9
10 A. The Director in consultation with the Director of the
11 Seattle Engineering Department shall review and analyze a
12 permit application to determine whether the proposed
13 development meets the requirements and standards of this
14 Chapter. The Director may also consult with other City
15 departments and regional public agencies as necessary to
16 obtain additional technical and environmental review
17 assistance. The Director shall review and approve all non-
18 exempt public projects in public rights-of-way in
19 environmentally critical areas and may institute inter-
20 departmental charges to recover the cost of such review.

21 B. Permit applications shall only be approved when the
22 Director is satisfied that the proposed development meets the
23 requirements and development standards of this Chapter, does
24 not harm the general public health, safety and welfare, and
25 prevents degradation and harm to the environment. If the
26 general conditions and development standards or exception
27 provisions contained in this Chapter are not met, the
28 Director shall deny the proposal.

1 C. All conditions of approval associated with an approved
2 development application and permit shall be recorded as
3 official permit conditions at the Department of Construction
4 and Land Use, and all permanent conditions shall be recorded
5 with the title to the property in the King County Department
6 of Records and Elections. The Director may require
7 conditions to be posted on the site in such a manner as to be
8 visible from public rights-of-way.

9 **25.09.360 State Environmental Policy Act.**

10
11 This Chapter establishes minimum standards which are to be
12 applied to specific land use and platting actions in order to
13 prevent further degradation of environmentally critical areas
14 in the city, and is not intended to limit the application of
15 the State Environmental Policy Act (SEPA). Projects subject
16 to SEPA shall be reviewed and may also be conditioned or
17 denied pursuant to Seattle Municipal Code Chapter 25.05.

18 **25.09.380 Compliance with Environmentally Critical Areas**
19 **Regulations.**

20 Notwithstanding the provisions of Chapter 23.76, Seattle
21 Municipal Code, authorizing issuance of Master Use Permits
22 and Council Land Use Decisions upon compliance with the
23 criteria and procedures of that chapter, no permit for a
24 development proposal described in Seattle Municipal Code
25 25.09.040 shall be issued unless it also complies with the
26 regulations of this chapter.
27
28

1 **25.09.400 Violations and Penalties.**

2
3 **A.** It shall be a violation of this Chapter for any person,
4 firm or corporation to erect, construct, modify, improve,
5 enlarge, repair, move, remove, convert or demolish, occupy or
6 maintain any property, vegetation, building or structure
7 contrary to or in violation of any provision of this Chapter.
8 It shall be a violation of the Chapter for any person, firm
9 or corporation to knowingly aid and abet, counsel, encourage,
10 hire, commend, induce or otherwise procure another to violate
11 or fail to comply with this Chapter.

12 **B. Civil Penalties.**

13
14 1. Any person owner, person, firm or corporation who
15 fails to comply with any provision of this Chapter or any
16 notice, decision or order issued by the Director pursuant to
17 this Chapter shall be subject to a cumulative civil penalty
18 in the amount of five hundred dollars (\$500.00) per day for
19 each day of noncompliance, measured from the date the
20 violation begins or occurs until the owner, person, firm or
21 corporation complies with the requirements of this Chapter.
22 The Director shall notify the City Attorney in writing of the
23 name of any person subject to the penalty, and shall assist
24 the City Attorney in collecting the penalty.

25 2. Violations causing significant damage as defined by
26 the following acts shall be assessed penalties at an amount
27 reasonably determined by the Director to be equivalent to the
28 economic benefit that the violator derives from the violation
as measured by the greater of the resulting increase in
market value of the property or the value received by the

1 violator, or savings of construction costs realized by the
2 violator:

3
4 a. Grading (filling and/or excavation), clearing
5 of vegetation and trees, and draining of riparian corridors,
6 wetlands and their buffers; or

7 b. Destruction of trees, including tree-topping
8 detrimental to trees, over twelve (12) inches caliper; or

9
10 c. Any six (6) foot vertical cut or fill within a
11 potential landslide area.

12
13 **C. Stop Work Order.** Whenever a continuing violation of
14 this Chapter will materially impair the Director's ability to
15 secure compliance with this Chapter, when the continuing
16 violation threatens the health or safety of the public, or
17 when the continuing violation threatens or harms the
18 environment, the Director may issue a Stop Work Order
19 specifying the violation and prohibiting any work or other
20 activity at the site. The posting of the stop work order on
21 the site shall be deemed adequate notice of the stop work
22 order. A failure to comply with a Stop Work Order shall
23 constitute a violation of this Chapter.

24 **D. Emergency Order.** Whenever any use or activity in
25 violation of this Chapter threatens the health and safety of
26 the occupants of the premises or property or any member of
27 the public, the Director may issue an Emergency Order
28 directing that the use or activity be discontinued and the
condition causing the threat to the public health and safety
or threat and harm to the environment be corrected. The

1 Emergency Order shall specify the time for compliance and
2 shall be posted in a conspicuous place on the property, if
3 posting is physically possible. A failure to comply with an
4 Emergency Order shall constitute a violation of this Chapter.
5 Any condition described in the Emergency Order which is not
6 corrected within the time specified is hereby declared to be
7 a public nuisance and the Director is authorized to abate
8 such nuisance summarily by such means as may be available.
9 The cost of such abatement shall be recovered from the owner
10 or person responsible or both in the manner provided by law.

11 **E. Criminal Penalty.**

12
13 1. Anyone violating or failing to comply with any
14 order issued by the Director pursuant to this Chapter shall,
15 upon conviction thereof, be punished by a fine of not more
16 than one thousand dollars (\$1,000) or by imprisonment for not
17 more than 360 days, or by both such fine and imprisonment.
18 Each day's violation or failure to comply shall constitute a
19 separate offense.

20 2. Anyone violating or failing to comply with any of
21 the provisions of this Chapter and who within the past five
22 (5) years has had a judgement against them pursuant to
23 subsection B shall upon conviction thereof, be fined in a sum
24 not to exceed five hundred dollars (\$500) or by imprisonment
25 for not more than one hundred and eighty (180) days, or by
26 both such fine and imprisonment. Each day's violation or
27 failure to comply shall constitute a separate offense.
28

1 **25.09.420. Definitions.**

2
3 "Best management practices" (BMPs) refer to physical and
4 structural systems and/or managerial practices, that when
5 used singly or in combination, prevent or reduce water
6 pollution. Source control BMPs include those which keep a
7 pollutant from ever coming in contact with stormwater, and
8 stormwater treatment BMPs include those which consist of
9 various methods of treating stormwater.

10 "Biologist" means a person who has earned a degree in
11 biological sciences from an accredited college or university,
12 or a professional who has equivalent educational training and
13 has experience as a practicing biologist.

14 "Buffer" means a designated area adjacent to and/or a
15 part of an environmentally critical area and intended to
16 protect the environmentally critical area.

17
18 "Construction activity area" refers to all areas within
19 a site or on adjacent sites or rights-of-way disturbed and/or
20 used during construction including, but not limited to,
21 development coverage areas and construction access and
22 storage areas.

23 "Detention" refers to temporary storage of storm water
24 runoff so that the rate of discharge from a site can be
25 reduced, thereby lessening the effects downstream caused by
26 drainage water.

27
28 "Development" refers to all components and activities
related to construction, disturbance and/or use of a site.

1
2 "Development coverage" refers to all areas within a
3 subject property currently developed and/or planned to be
4 developed as a consequence of issuance of a permit or
5 approval including, but not limited to, rooftops, pedestrian
6 access, driveways, carports, accessory buildings, retaining
7 walls, parking areas, areas in which soils, slopes and
8 vegetation have been altered, and roadways and other pervious
9 and impervious surfaces.

10 "Director" means the Director of the Department of
11 Construction and Land Use or his or her designee.

12
13 "Discharge point" refers to the location to which
14 drainage water from a specific site is released.

15 "Drainage control" means the management of drainage
16 water. Drainage control is accomplished through the
17 collection, conveyance, and discharge of drainage water,
18 controlling the rate of discharge from a site, or separating
19 and treating pollutants.

20
21 "Drainage control elements" refer to the individual
22 parts of a drainage control system, including, but not
23 limited to, collection devices, storage facilities,
24 conveyance pipes, pumps and flow control structures. These
25 elements may include natural features such as creeks, ponds,
26 or ravines.

27 "Drainage control facility" means any facility installed
28 or constructed for the purpose of controlling the rate and/or
quality of drainage water runoff.

1
2 "Drainage control plan" means a plan for collecting,
3 controlling, transporting and disposing of drainage water
4 falling upon, entering, flowing within, and exiting the
5 subject property.

6 "Drainage control system" means a system intended to
7 collect, convey, and control release of drainage water from a
8 specific area. The system may serve public or private
9 property. It includes drainage control elements, artificial
10 and/or natural components and may include a means to store
11 drainage water and to separate or treat pollutants.

12 "Drainage water" means storm water, rainwater, snow
13 melt, and irrigation runoff which drains from a building,
14 structure or property by surface or shallow subsurface flow
15 and flow other than sewage from drainage facilities
16 incorporated in a building or structure design.

17 "Erosion" means the wearing away of the ground surface
18 as a result of mass wasting or of the movement of wind,
19 water, and/or ice.

20 "Geologist" means a person who has earned a degree in
21 geology from an accredited college or university and has at
22 least five years experience as a practicing geologist or four
23 years of experience and at least two years of post-graduate
24 study, research or teaching. The practical experience shall
25 include at least three years of work in applied geology and
26 evaluation, in close association with qualified practicing
27 geologists or geotechnical/civil engineers.
28

1 "Geotechnical/civil engineer" means a practicing
2 geotechnical/civil engineer licensed as a professional civil
3 engineer by the State of Washington who has at least four
4 years of professional experience as a geotechnical engineer
5 including experience with landslide evaluation.

6 "Hydrologist" means a person who has earned a degree in
7 hydrological sciences from an accredited college or
8 university, or a professional who has equivalent educational
9 training and has experience as a practicing hydrologist.

10 "Impervious surface" means any surface from which most
11 water runs off including, but not limited to, paved streets,
12 graveled or paved areas including driveways and parking
13 areas, walkways, roof surfaces, patios and formal planters.

14 "Improved Public Right-of-Way" means a right-of-way
15 which either contains utilities or is paved.

16 "Lot" means a platted or unplatted parcel or parcels of
17 land abutting upon and accessible from a private or public
18 street sufficiently improved for vehicle travel or abutting
19 upon and accessible from an exclusive, unobstructed permanent
20 access easement. A lot may not be divided by a street or
21 alley.

22 "Native vegetation" means vegetation comprised of plant
23 species which are indigenous and non-invasive naturalized to
24 the Puget Sound region and which reasonably can be expected
25 to naturally occur on a site. Native vegetation does not
26 include noxious weeds.

1 "Ordinary high water mark" means, on all lakes, streams,
2 and tidal water, that mark that will be found by examining
3 the bed and banks and ascertaining where the presence and
4 action of waters are so common and usual, and so long
5 continued in all ordinary years, as to mark upon the soil a
6 character distinct from that of the abutting upland, in
7 respect to vegetation as that condition exists on June 1,
8 1971, or as it may naturally change thereafter or as it may
9 change thereafter in accordance with permits issued by the
10 Director of the Department of Ecology; provided that in any
11 area where the ordinary high water mark cannot be found, the
12 ordinary high water mark adjoining salt water shall be the
13 line of mean higher high tide and the ordinary high water
14 mark adjoining fresh water shall be the line of mean high
15 water.

15 "Short subdivision" means the division or redivision of
16 land into nine (9) or fewer lots, tracts, parcels, sites or
17 divisions for the purpose of sale, lease, development or
18 financing, and shall include all resubdivision of previously
19 platted land and properties divided for the purpose of sale
20 or lease of townhouse units.

21 "Species of Local Importance" are those species that are
22 of local concern due to their population status or their
23 sensitivity to habitat manipulation or that are game species.
24

25 "Stabilize" means to possess permanent characteristics,
26 either naturally or by man-made improvements, which can be
27 shown to have sufficient resistance to forces normally
28 expected to occur, and those forces which may occur as a
result of a one in 100 year event.

1
2 "Subdivision" means the division or redivision of land
3 into ten (10) or more lots, tracts, parcels, sites, or
4 divisions for the purpose of sale, lease and transfer of
5 ownership.

6 "Urban Natural Open Space Habitat" refers to those fish
7 and wildlife habitat areas mapped by the Washington State
8 Department of Wildlife.

9
10 "Vegetation" means any and all organic plant life
11 growing on, below, or above the soil surface.

12
13 "Wetland of Exception Value" refers to wetlands with the
14 following values: (1) rare or unique species listed by the
15 federal or state government as endangered or threatened and
16 needing special protection; (2) presence of plants or group
17 of plants that occur infrequently in the Seattle or Puget
18 Sound region; (3) habitat diversity; (4) sensitivity to
19 disturbance; and (5) difficulty in replacement of ecological
20 functions unique to Seattle.

21 "Wetland, degraded" refers to those wetlands which have
22 been altered or damaged by past human activities and/or
23 biologically diminished by invasive, non-native plants so
24 that the natural biofiltration and habitat values have been
25 rendered inefficient or non-functional.

26 "Wildlife" includes all undomesticated animals.
27
28

1 "Wildlife Habitat" refers to those areas that support
2 individual or populations of animals defined as wildlife for
3 all or part of an annual cycle.

4
5 **25.09.440 Construction.**

6 In any case where the provisions of this Chapter conflict
7 with the provisions of the underlying zoning or the Seattle
8 Shoreline Master Program, the provisions of this Chapter
9 shall apply. For purposes of this Chapter, the singular
10 shall include the plural and vice versa, and the masculine
11 gender shall include the feminine and neutral genders.

12
13 **25.09.460 Severability.**

14 The provisions of this ordinance are declared to be
15 separate and severable. The invalidity of any clause,
16 sentence, paragraph, subdivision, section or portion of this
17 ordinance, or the invalidity of the application thereof to
18 any person, owner, or circumstance shall not affect the
19 validity of the remainder of this ordinance, or the validity
20 of its application to other persons, owners or circumstances.

21
22 **Section 2. Vesting.** Vesting of development rights
23 shall be subject to the provisions of the Seattle Municipal
24 Code Chapter 23.76.026, Master Use Permit and Council Land
25 Use Decisions and RCW 19.27.

26
27 **Section 3.** This ordinance shall take effect and be in
28 force on October 31, 1992.

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PASSED by the City Council the 13th day of July, 1992, and signed by me in open session in authentication of its passage this 13th day of July, 1992.

Bob Benson
President of the City Council

Approved by me this 17th day of July, 1992.

Norman B. Free
Mayor

Filed by me this 17 day of July, 1992.

ATTEST: *Ralph...*
City Comptroller and City Clerk

BY: *Margaret Carter*
Deputy

(SEAL)
Published _____

KD
caord4
7/9/92

STATE OF WASHINGTON - KING COUNTY

19611
City of Seattle

—ss.

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD:116253

was published on

07/28/92

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

Subscribed and sworn to before me on

07/28/92

V. J. Beck

Notary Public for the State of Washington,
residing in Seattle

City of Seattle

Executive Department—Office of Management and Budget

Diana Gale, Director
Norman B. Rice, Mayor
May 8, 1992

COPY RECEIVED

92 MAY 11 PM 12:00

SEATTLE CITY ATTORNEY



The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT

Construction and Land Use

SUBJECT:

AN ORDINANCE rescinding Seattle Municipal Code Chapter 25.09, Interim Regulations for Critical Areas, and replacing it with a new Seattle Municipal Code Chapter 25.09, Regulations for Environmentally Critical Areas, to implement the City's Environmentally Critical Areas Policies; that supplement and overlay existing regulations on land development and building construction in environmentally critical areas; defining environmentally critical areas; setting forth mapping criteria for environmentally critical areas; setting forth new development standards for environmentally critical areas; setting forth new submittal requirements for applications to develop and build in environmentally critical areas; setting forth new minimum requirements for subdivisions and short subdivisions in environmentally critical areas; setting forth new requirements for vegetation removal in environmentally critical areas; providing for exemptions, exceptions, and an Environmentally Critical Areas variance, conditional use and exception; and providing for the administration of these regulations and setting forth penalties, to implement the City's Environmentally Critical Areas Policies.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to Ms. Judy Barbour for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB by 5:00 p.m. on Monday, May 11. Any specific questions regarding the legislation can be directed to Desiree Leigh, at 684-8087.

Sincerely,

Norman B. Rice
Mayor

by

DIANA GALE
Budget Director

DG\d\lka

Enclosure

cc: Director, Department of Construction and Land Use

Accommodations for people with disabilities provided on request. An equal employment opportunity - affirmative action employer.
Office of Management and Budget 300 Municipal Building, Seattle, Washington 98104-1826 (206) 684-8080

OK
JBB
5-11-92

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Justin Malden

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE