CITY OF SEATAC
PLANNING COMMISSION MEETING

Riverton Room, SeaTac City Hall, 4800 S. 188th Street
September 1, 2015, 5:30 p.m.

MEETING AGENDA

1) Call to Order/Roll Call – 5:30 p.m.
2) Approve Minutes of August 4, 2015 Planning Commission meeting (Exhibit A)
3) Public Comment: Public comment will be accepted on items not scheduled for a public hearing
4) Briefing on potential amendments to wetlands regulations (Exhibit B)
5) CED Director's Report
6) Planning Commission Comments (including suggestions for next meeting agenda)
7) Adjournment

The Planning Commission consists of five members appointed by the Mayor and confirmed by the City Council. The Commission primarily considers plans and regulations relating to the physical development of the city, plus other matters as assigned. The Commission is an advisory body to the City Council.

All Commission meetings are open to the public and comments are welcome. Please be sure to be recognized by the Chair prior to speaking.

EXHIBIT A
7/7/15

CITY OF SEATAC
PLANNING COMMISSION
Minutes of August 4, 2015
Regular Meeting

Members present: Joe Adamack, Tom Dantzler and Jim Todd
Members absent: Roxie Chapin, Robert Scully (both excused)
Staff present: Joe Scorcio, CED Director; Steve Pilcher, Planning Manager

1. Call to Order
Chair Adamack called the meeting to order at 5:30 p.m.

2. Approval of minutes
Moved and seconded to approve the minutes of the July 21, 2015 meeting with a minor correction. **Passed 3-0.**

3. Public Hearing on proposed amendments to SeaTac Municipal Code, Title 14 (Subdivision Code), regarding the number of lots allowed within a short plat, and bonding issues

Chair Adamack opened the public hearing a 5:31 p.m.

Planning Manager Steve Pilcher presented the staff report, noting that the proposal is to increase the number of lots allowed within a short plat from four (4) to nine (9), the maximum number allowed by State law. He noted that several jurisdictions in King County have made this change and that it would be consistent with previous amendments made to the City's SEPA categorical exemption levels. He noted there are approx. 39 parcels in the City that could potentially benefit from this amendment. Mr. Pilcher also listed the benefits of raising the threshold.

Mr. Pilcher noted for the record that the proposed amendments had been sent to the State Dept. of Commerce for review and that a SEPA determination had been issued and advertised.

Mr. Pilcher read into the record a letter that had been received by Daryl Tapio (copies were provided to the Commission members). He also handed out a letter that had been received from Sam Pace of the Board of Realtors, expressing support for the proposal.

The Commission discussed Mr. Tapio's concern with the definition of original tract, but decided the language as drafted should remain unchanged. The Commission agreed with his other concern regarding keeping the maintenance bond period at one year (SMC 14.28.110).

The Chair noted there was no public present to provide comment and closed the public hearing to testimony a 6:00 p.m.

Moved and seconded to approve the proposed amendments. Moved and seconded to amend the proposal to continue with a one-year maintenance bond period as currently found in SMC 14.28.110. **Motion to amend passed 3-0.**

It was then moved and seconded to approve the proposal as amended. **Passed 3-0.**

4. Code Compliance code amendments

An initial group of proposed amendments to the Municipal Code concerning code compliance/enforcement were presented at the last meeting. This batch involves additions to Chapter 7.15, Property Maintenance and Chapter 7.25, Junk Vehicles – Vehicle Storage. The Commission had requested additional time to review these proposals and provide comment.

After discussion, the Commission voted 3-0 to endorse the amendment package. Staff will relay this decision to the Council when the code amendments are presented for their consideration and adoption.

5. CED Director's Report

Mr. Scorcio advised the Commission that staff is target a date in November for a public hearing of the reformatted Zoning Code. This will allow for Council action before the end of the year.

He reminded the Commission that this evening was National Night Out and they could possibly visit some gatherings after the meeting.

Mr. Pilcher handed out a summary report from the MRSC website, outlining changes that occurred during this past legislative session concerning both medical and recreational marijuana.

Mr. Scorcio suggested that the August 18th meeting be canceled; the Commission concurred.

7. Planning Commission comments

Commissioners inquired about an issue with the Wat Buddharam Buddhist study center. Staff indicated this is being pursued as a code violation, as the conditional use permit for the facility limited its use to no more than 15 individuals at a given time.

8. Adjournment

Moved and seconded to adjourn. Motion passed 3-0. The meeting adjourned at 6:43 p.m.

EXHIBIT _B_

DATE: 09/01/15

MEMORANDUM

COMMUNITY & ECONOMIC DEVELOPMENT

Date: August 27, 2015

To: Planning Commission

From: Steve Pilcher, Planning Manager

Subject: Wetland Regulations

In May of this year, we received notification from the Washington State Department of Ecology (DOE) that at least a portion of the City's wetland regulations are in need of being updated. (See email from Donna Bunten dated May 7, 2015). DOE is involved in an on-going process of evaluating the efficacy of methods being used to protect wetlands and in 2014, provided some updated guidance of how to best protect these environmental resources. Apparently they were reviewing individual jurisdiction's regulations and noted that the City's regulations were in need of updating.

As noted in Ms. Bunten's email, updating our environmental regulations was not on our work program for this year. In reviewing the materials cited in the email (particularly the "Guidance for Small Cities" document), it does appear that we should place a thorough overview on a future work program. In the meantime, the bullet points outlined in the email communication appear to be a minimal level of potential amendments that should be considered in advance of any major update.

We look forward to reviewing these materials with you next Tuesday.

Steve Pilcher

From: Bunten, Donna (ECY) [DBUN461@ECY.WA.GOV]
Sent: Thursday, May 07, 2015 1:23 PM
To: Steve Pilcher
Subject: SeaTac Wetland Regulations
Attachments: Guidance on Frequently Flooded Areas January 2015-FINAL.pdf

Hi, Steve,
Thanks for returning my call and pointing me to your wetland regulations in Chapter 15. It looks like it's been a while since the City updated this language (1992?). I took a quick look at it and made a couple of observations below. I strongly recommend that you take a look at *Wetlands & CAO Updates: Guidance for Small Cities (Western Washington Version)* (Ecology Publication #10-06-002, January 2010). You can view that document here: http://www.ecy.wa.gov/programs/sea/wetlands/gma/guidance.html .

I'm also attaching some guidance from our floodplain management staff regarding frequently flooded areas and floodplain management ordinances. If you have any questions about this, please call or email David Radabaugh at (425) 649-4260, david.radabaugh@ecy.wa.gov.

- 15.10.675: The wetland definition should be revised to match the definition required by RCW 36.70A.030(21):
  "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands.

- 15.10.680: The state delineation manual was repealed in 2011. Delineation is now done in accordance with "the approved federal wetland delineation manual and applicable regional supplements." All areas within the City meeting the wetland designation criteria in that procedure should be designated as critical areas.

- 15.10.700: Isolated wetlands are not determined by size. I'm assuming that the intention here is to exclude these wetlands from regulation. We recommend including additional criteria. See page A-4 of the Small Cities Guidance.

- 15.30.190: The existing buffers are not consistent with the best available science and may not be providing adequate protection for SeaTac's wetlands. See the revised Table XX.1 in the Small Cities Guidance at http://www.ecy.wa.gov/programs/sea/wetlands/pdf/2014TableXX1West.pdf

- 15.30.320: The City's mitigation requirements are not consistent with the joint Corps/EPA/Ecology guidance. See pages A-14 through A-24 in the Small Cities Guidance. By requiring mitigation based on this guidance, you will be providing consistency for applicants who must also apply for state and federal permits. Requiring less compensatory mitigation would create unrealistic expectations for your constituents.

There may be some other details that need to be revised, but these represent our major concerns. I understand that updating your CAO was not part of your work plan this year; however, you should review these comments as supporting the purpose of your code to prevent cumulative adverse environmental impacts on wetlands (15.30.010.E).

Modified to use with the 2014 Wetland Rating System for Western Washington

Table XX.1 Wetland Buffer Requirements for Western Washington

Wetland Category	Buffer width (in feet) based on habitat score			
	3-4	5	6-7	8-9
Category I: Based on total score	75	105	165	225
Category I: Bogs and Wetlands of High Conservation Value	190			225
Category I: Coastal Lagoons	150		165	225
Category I: Interdunal				225
Category I: Forested	75	105	165	225
Category I: Estuarine	150 (buffer width not based on habitat scores)			
Category II: Based on score	75	105	165	225
Category II: Interdunal Wetlands	110		165	225
Category II: Estuarine	110 (buffer width not based on habitat scores)			
Category III (all)	60	105	165	225
Category IV (all)	40			

June 2015
Modified from Table XX.1 in the *Guidance for Small Cities: Western Washington Version* (Publication No. 10-06-002)

available, impacts should be mitigated through the purchase of credits from an in-lieu fee program or mitigation bank, consistent with the terms and conditions of the program or bank. In order to verify the following conditions, a critical area report for wetlands meeting the requirements in Chapter XX.060 must be submitted.

1. All isolated Category III and IV wetlands less than 1,000 square feet that:

   a. Are not associated with riparian areas or buffers

   b. Are not part of a wetland mosaic

   c. Do not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife or species of local importance identified in Chapter XX.XX.

B. Activities Allowed in Wetlands. The activities listed below are allowed in wetlands. These activities do not require submission of a critical area report, except where such activities result in a loss of the functions and values of a wetland or wetland buffer. These activities include:

1. Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030, where state law specifically exempts local authority, except those developments requiring local approval for Class 4 – General Forest Practice Permits (conversions) as defined in RCW 76.09 and WAC 222-12.

2. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.

3. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.

4. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer, provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.

5. Enhancement of a wetland through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to

areas; grading and clearing limits; areas of proposed impacts to wetlands and/or buffers (include square footage estimates).

b. A depiction of the proposed stormwater management facilities and outlets (to scale) for the development, including estimated areas of intrusion into the buffers of any critical areas. The written report shall contain a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod alterations from the project.

XX.XXX Compensatory Mitigation.

A. Mitigation Sequencing. Before impacting any wetland or its buffer, an applicant shall demonstrate that the following actions have been taken. Actions are listed in the order of preference:

1. Avoid the impact altogether by not taking a certain action or parts of an action.

2. Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.

4. Reduce or eliminate the impact over time by preservation and maintenance operations.

5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.

6. Monitor the required compensation and take remedial or corrective measures when necessary.

B. Requirements for Compensatory Mitigation:

1. Compensatory mitigation for alterations to wetlands shall be used only for impacts that cannot be avoided or minimized and shall achieve equivalent or greater biologic functions. Compensatory mitigation plans shall be consistent with *Wetland Mitigation in Washington State – Part 2: Developing Mitigation Plans--Version 1,* (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised), and *Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)* (Publication #09-06-32, Olympia, WA, December 2009).

2. Mitigation ratios shall be consistent with Subsection G of this Chapter.

3. Mitigation requirements may also be determined using the credit/debit tool described in "*Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report* (Ecology Publication #10-06-011, Olympia, WA, March 2012, or as revised) consistent with subsection H of this Chapter.

C. Compensating for Lost or Affected Functions. Compensatory mitigation shall address the functions affected by the proposed project, with an intention to achieve functional equivalency or improvement of functions. The goal shall be for the compensatory mitigation to provide similar wetland functions as those lost, except when either:

1. The lost wetland provides minimal functions, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limiting within a watershed through a formal Washington state watershed assessment plan or protocol; or

2. Out-of-kind replacement of wetland type or functions will best meet watershed goals formally identified by the City, such as replacement of historically diminished wetland types.

D. Preference of Mitigation Actions. Mitigation for lost or diminished wetland and buffer functions shall rely on the types below in the following order of preference:

1. Restoration (re-establishment and rehabilitation) of wetlands:

   a. The goal of re-establishment is returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.

   b. The goal of rehabilitation is repairing natural or historic functions of a degraded wetland. Rehabilitation results in a gain in wetland function but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

2. Creation (establishment) of wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native species. Establishment results in a gain in wetland acres. This should be attempted only when there is an adequate source of water and it can be shown that the surface and subsurface hydrologic regime is conducive to the wetland community that is anticipated in the design.

   a. If a site is not available for wetland restoration to compensate for expected wetland and/or buffer impacts, the approval authority may authorize creation of a wetland and buffer upon demonstration by the applicant's qualified wetland scientist that:

i. The hydrology and soil conditions at the proposed mitigation site are conducive for sustaining the proposed wetland and that creation of a wetland at the site will not likely cause hydrologic problems elsewhere;

ii. The proposed mitigation site does not contain invasive plants or noxious weeds or that such vegetation will be completely eradicated at the site;

iii. Adjacent land uses and site conditions do not jeopardize the viability of the proposed wetland and buffer (e.g., due to the presence of invasive plants or noxious weeds, stormwater runoff, noise, light, or other impacts); and

iv. The proposed wetland and buffer will eventually be self-sustaining with little or no long-term maintenance.

3. Enhancement of significantly degraded wetlands in combination with restoration or creation. Enhancement should be part of a mitigation package that includes replacing the altered area and meeting appropriate ratio requirements. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement alone will result in a loss of wetland acreage and is less effective at replacing the functions lost. Applicants proposing to enhance wetlands or associated buffers shall demonstrate:

   a. How the proposed enhancement will increase the wetland's/buffer's functions;

   b. How this increase in function will adequately compensate for the impacts; and

   c. How all other existing wetland functions at the mitigation site will be protected.

4. Preservation. Preservation of high-quality, at-risk wetlands as compensation is generally acceptable when done in combination with restoration, creation, or enhancement, provided that a minimum of 1:1 acreage replacement is provided by re-establishment or creation. Ratios for preservation in combination with other forms of mitigation generally range from 10:1 to 20:1, as determined on a case-by-case basis, depending on the quality of the wetlands being altered and the quality of the wetlands being preserved.

   Preservation of high-quality, at-risk wetlands and habitat may be considered as the sole means of compensation for wetland impacts when the following criteria are met:

   a. The area proposed for preservation is of high quality. The following features may be indicative of high-quality sites:

i. Category I or II wetland rating (using the wetland rating system for western Washington)

ii. Rare wetland type (for example, bogs, mature forested wetlands, estuarine wetlands)

iii. The presence of habitat for priority or locally important wildlife species.

iv. Priority sites in an adopted watershed plan.

b. Wetland impacts will not have a significant adverse impact on habitat for listed fish, or other ESA listed species.

c. There is no net loss of habitat functions within the watershed or basin.

d. Mitigation ratios for preservation as the sole means of mitigation shall generally start at 20:1. Specific ratios should depend upon the significance of the preservation project and the quality of the wetland resources lost.

e. Permanent preservation of the wetland and buffer will be provided through a conservation easement or tract held by a land trust.

f. The impact area is small (generally <½ acre) and/or impacts are occurring to a low-functioning system (Category III or IV wetland).

All preservation sites shall include buffer areas adequate to protect the habitat and its functions from encroachment and degradation.

E. Location of Compensatory Mitigation. Compensatory mitigation actions shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of paragraphs 1-4 below apply. In that case, mitigation may be allowed off-site within the subwatershed of the impact site. When considering off-site mitigation, preference should be given to using alternative mitigation, such as a mitigation bank, an in-lieu fee program, or advanced mitigation.

1. There are no reasonable opportunities on site or within the sub-drainage basin (e.g., on-site options would require elimination of high-functioning upland habitat), or opportunities on site or within the sub-drainage basin do not have a high likelihood of success based on a determination of the capacity of the site to compensate for the impacts. Considerations should include: anticipated replacement ratios for wetland mitigation, buffer conditions and proposed widths, available water to maintain anticipated hydrogeomorphic classes of wetlands when restored, proposed flood storage capacity, and potential to mitigate riparian fish and wildlife impacts (such as connectivity);

2. On-site mitigation would require elimination of high-quality upland habitat.

3. Off-site mitigation has a greater likelihood of providing equal or improved wetland functions than the altered wetland.

4. Off-site locations shall be in the same sub-drainage basin unless:

    a. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established by the City and strongly justify location of mitigation at another site; or

    b. Credits from a state-certified wetland mitigation bank are used as compensation, and the use of credits is consistent with the terms of the certified bank instrument;

    c. Fees are paid to an approved in-lieu fee program to compensate for the impacts.

The design for the compensatory mitigation project needs to be appropriate for its location (i.e., position in the landscape). Therefore, compensatory mitigation should not result in the creation, restoration, or enhancement of an atypical wetland. An atypical wetland refers to a compensation wetland (e.g., created or enhanced) that does not match the type of existing wetland that would be found in the geomorphic setting of the site (i.e., the water source(s) and hydroperiod proposed for the mitigation site are not typical for the geomorphic setting). Likewise, it should not provide exaggerated morphology or require a berm or other engineered structures to hold back water. For example, excavating a permanently inundated pond in an existing seasonally saturated or inundated wetland is one example of an enhancement project that could result in an atypical wetland. Another example would be excavating depressions in an existing wetland on a slope, which would require the construction of berms to hold the water.

F. Timing of Compensatory Mitigation. It is preferred that compensatory mitigation projects be completed prior to activities that will disturb wetlands. At the least, compensatory mitigation shall be completed immediately following disturbance and prior to use or occupancy of the action or development. Construction of mitigation projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

1. The Administrator may authorize a one-time temporary delay in completing construction or installation of the compensatory mitigation when the applicant provides a written explanation from a qualified wetland professional as to the rationale for the delay. An appropriate rationale would include identification of the environmental conditions that could produce a high probability of failure or significant construction difficulties (e.g., project delay lapses past a fisheries window, or installing plants should be delayed until the dormant season to ensure greater survival of installed materials). The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the

delay shall not be injurious to the health, safety, or general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the compensatory mitigation plan. The justification must be verified and approved by the City.

G. Wetland Mitigation Ratios[1]:

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement
Category I: Bog, Natural Heritage site	Not considered possible	Case by case	Case by case
Category I: Mature Forested	6:1	12:1	24:1
Category I: Based on functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

H. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance *"Wetland Mitigation in Washington State Parts I and II"* (Ecology Publication #06-06-011a-b, Olympia, WA, March, 2006), the administrator may allow mitigation based on the "credit/debit" method developed by the Department of Ecology in "*Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report,"* (Ecology Publication #10-06-011, Olympia, WA, March 2012, or as revised).

[1] Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or re-establishment. See Table 1a, *Wetland Mitigation in Washington State – Part 1: Agency Policies and Guidance--Version 1,* (Ecology Publication #06-06-011a, Olympia, WA, March 2006 or as revised). See also Paragraph D.4 for more information on using preservation as compensation.

I. Compensatory Mitigation Plan. When a project involves wetland and/or buffer impacts, a compensatory mitigation plan prepared by a qualified professional shall be required, meeting the following minimum standards:

1. Wetland Critical Area Report. A critical area report for wetlands must accompany or be included in the compensatory mitigation plan and include the minimum parameters described in *Minimum Standards for Wetland Reports* (Section XX.060.B) of this Chapter.

2. Compensatory Mitigation Report. The report must include a written report and plan sheets that must contain, at a minimum, the following elements. Full guidance can be found in *Wetland Mitigation in Washington State–Part 2: Developing Mitigation Plans (Version 1)* (Ecology Publication #06-06-011b, Olympia, WA, March 2006 or as revised).

    a. The written report must contain, at a minimum:

        i. The name and contact information of the applicant; the name, qualifications, and contact information for the primary author(s) of the compensatory mitigation report; a description of the proposal; a summary of the impacts and proposed compensation concept; identification of all the local, state, and/or federal wetland-related permit(s) required for the project; and a vicinity map for the project.

        ii. Description of how the project design has been modified to avoid, minimize, or reduce adverse impacts to wetlands.

        iii. Description of the existing wetland and buffer areas proposed to be altered. Include acreage (or square footage), water regime, vegetation, soils, landscape position, surrounding lands uses, and functions. Also describe impacts in terms of acreage by Cowardin classification, hydrogeomorphic classification, and wetland rating, based on *Wetland Ratings* (Section XX.XX) of this Chapter.

        iv. Description of the compensatory mitigation site, including location and rationale for selection. Include an assessment of existing conditions: acreage (or square footage) of wetlands and uplands, water regime, sources of water, vegetation, soils, landscape position, surrounding land uses, and functions. . Estimate future conditions in this location if the compensation actions are NOT undertaken (i.e., how would this site progress through natural succession?).

        v. A description of the proposed actions for compensation of wetland and upland areas affected by the project. Include overall goals of the proposed mitigation, including a description of the

targeted functions, hydrogeomorphic classification, and categories of wetlands.

vi. A description of the proposed mitigation construction activities and timing of activities.

vii. A discussion of ongoing management practices that will protect wetlands after the project site has been developed, including proposed monitoring and maintenance programs (for remaining wetlands and compensatory mitigation wetlands).

viii. A bond estimate for the entire compensatory mitigation project, including the following elements: site preparation, plant materials, construction materials, installation oversight, maintenance twice per year for up to five (5) years, annual monitoring field work and reporting, and contingency actions for a maximum of the total required number of years for monitoring.

ix. Proof of establishment of Notice on Title for the wetlands and buffers on the project site, including the compensatory mitigation areas.

b. The scaled plan sheets for the compensatory mitigation must contain, at a minimum:

i. Surveyed edges of the existing wetland and buffers, proposed areas of wetland and/or buffer impacts, location of proposed wetland and/or buffer compensation actions.

ii. Existing topography, ground-proofed, at two-foot contour intervals in the zone of the proposed compensation actions if any grading activity is proposed to create the compensation area(s). Also existing cross-sections of on-site wetland areas that are proposed to be altered, and cross-section(s) (estimated one-foot intervals) for the proposed areas of wetland or buffer compensation.

iii. Surface and subsurface hydrologic conditions, including an analysis of existing and proposed hydrologic regimes for enhanced, created, or restored compensatory mitigation areas. Also, illustrations of how data for existing hydrologic conditions were used to determine the estimates of future hydrologic conditions.

iv. Conditions expected from the proposed actions on site, including future hydrogeomorphic types, vegetation community types by dominant species (wetland and upland), and future water regimes.

v. Required wetland buffers for existing wetlands and proposed compensation areas. Also, identify any zones where buffers are proposed to be reduced or enlarged outside of the standards identified in this Chapter.

vi. A plant schedule for the compensation area, including all species by proposed community type and water regime, size and type of plant material to be installed, spacing of plants, typical clustering patterns, total number of each species by community type, timing of installation.

vii. Performance standards (measurable standards reflective of years post-installation) for upland and wetland communities, monitoring schedule, and maintenance schedule and actions by each biennium.

J. Buffer Mitigation Ratios. Impacts to buffers shall be mitigated at a 1:1 ratio. Compensatory buffer mitigation shall replace those buffer functions lost from development.

K. Protection of the Mitigation Site. The area where the mitigation occurred and any associated buffer shall be located in a critical area tract or a conservation easement consistent with Chapter XX.XX.

L. Monitoring. Mitigation monitoring shall be required for a period necessary to establish that performance standards have been met, but not for a period less than five years. If a scrub-shrub or forested vegetation community is proposed, monitoring may be required for ten years or more. The project mitigation plan shall include monitoring elements that ensure certainty of success for the project's natural resource values and functions. If the mitigation goals are not obtained within the initial five-year period, the applicant remains responsible for restoration of the natural resource values and functions until the mitigation goals agreed to in the mitigation plan are achieved.

M. Wetland Mitigation Banks.

1. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

   a. The bank is certified under state rules;

   b. The Administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

   c. The proposed use of credits is consistent with the terms and conditions of the certified bank instrument.

2. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the certified bank instrument.

3. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the certified bank instrument. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

N. In-Lieu Fee. To aid in the implementation of off-site mitigation, the City may develop an in-lieu fee program. This program shall be developed and approved through a public process and be consistent with federal rules, state policy on in-lieu fee mitigation, and state water quality regulations. An approved in-lieu-fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor, a governmental or non-profit natural resource management entity. Credits from an approved in-lieu-fee program may be used when paragraphs 1-6 below apply:

1. The approval authority determines that it would provide environmentally appropriate compensation for the proposed impacts.

2. The mitigation will occur on a site identified using the site selection and prioritization process in the approved in-lieu-fee program instrument.

3. The proposed use of credits is consistent with the terms and conditions of the approved in-lieu-fee program instrument.

4. Land acquisition and initial physical and biological improvements of the mitigation site must be completed within three years of the credit sale.

5. Projects using in-lieu-fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland scientist using the method consistent with the credit assessment method specified in the approved instrument for the in-lieu-fee program.

6. Credits from an approved in-lieu-fee program may be used to compensate for impacts located within the service area specified in the approved in-lieu-fee instrument.

O. Advance Mitigation. Mitigation for projects with pre-identified impacts to wetlands may be constructed in advance of the impacts if the mitigation is implemented according to federal rules, state policy on advance mitigation, and state water quality regulations.

P. Alternative Mitigation Plans. The Administrator may approve alternative critical areas mitigation plans that are based on best available science, such as priority restoration plans that achieve restoration goals identified in the SMP. Alternative

mitigation proposals must provide an equivalent or better level of protection of critical area functions and values than would be provided by the strict application of this chapter.

The Administrator shall consider the following for approval of an alternative mitigation proposal:

1. The proposal uses a watershed approach consistent with *Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)* (Ecology Publication #09-06-32, Olympia, WA, December 2009).

2. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas.

3. Mitigation according to Section E is not feasible due to site constraints such as parcel size, stream type, wetland category, or geologic hazards.

4. There is clear potential for success of the proposed mitigation at the proposed mitigation site.

5. The plan shall contain clear and measurable standards for achieving compliance with the specific provisions of the plan. A monitoring plan shall, at a minimum, meet the provisions in Section I.

6. The plan shall be reviewed and approved as part of overall approval of the proposed use.

7. A wetland of a different type is justified based on regional needs or functions and values; the replacement ratios may not be reduced or eliminated unless the reduction results in a preferred environmental alternative.

8. Mitigation guarantees shall meet the minimum requirements as outlined in Section.I.a.viii.

9. Qualified professionals in each of the critical areas addressed shall prepare the plan.

10. The City may consult with agencies with expertise and jurisdiction over the resources during the review to assist with analysis and identification of appropriate performance measures that adequately safeguard critical areas.

XX.080 Unauthorized Alterations and Enforcement

A. When a wetland or its buffer has been altered in violation of this Chapter, all ongoing development work shall stop, and the critical area shall be restored. The City

15.10.675 Wetland

Those areas in the City which are inundated or saturated by ground or surface water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. According to the 33 CFR 328.3 (1988), wetlands generally include swamps, marshes, bogs and similar areas. Where the vegetation has been removed or substantially altered, a wetland shall be determined by the presence or evidence of hydric or organic soil, as well as by other documentation, such as aerial photographs of the previous existence of wetland vegetation. When the areas of any wetlands are hydrologically connected to each other, they shall be added together to determine which of the following categories of wetlands apply:

A. Class I Wetland. Only includes wetlands assigned the Unique/Outstanding #1 rating in the 1983 King County Wetlands Inventory (or the most recent City inventory) or which meet any of the following criteria:

1. Are wetlands which have present species listed by the Federal or State government as endangered or threatened or outstanding actual habitat for those;

2. Are wetlands which have forty percent (40%) to sixty percent (60%) permanent open water in dispersed patches with two (2) or more classes of vegetation;

3. Are wetlands equal to or greater than ten (10) acres in size and have three (3) or more wetland classes, one of which is open water;

4. Are wetlands which have present plant associations of infrequent occurrence;

5. Spaghnum or peat wetlands; or

6. Forested wetlands equal to or greater than one (1) acre in size.

B. Class II Wetland. Only includes wetlands assigned the Significant #2 rating in the 1983 King County Wetlands Inventory (or the most recent City inventory) or which meet any of the following criteria:

1. Are wetlands greater than one (1) acre in size; or

2. Are wetlands equal to or less than one (1) acre in size and have three (3) or more wetland classes; or

3. Are forested wetlands less than one (1) acre in size but are larger than two thousand five hundred (2,500) square feet; or

4. Are wetlands which have present heron rookeries or raptor nesting trees.

C. Class III Wetland. Only includes wetlands assigned the Lesser Concern #3 rating in the 1983 King County Wetlands Inventory (or most recent City inventory) or which are wetlands equal to or less than one (1) acre in size and have two (2) or fewer wetland classes. This does not include drainage ditches used as part of an approved public storm drainage system that may support wetland vegetation or retention/detention systems. (Ord. 92-1041 § 1)

15.10.680 Wetland Edge

The line delineating the outer edge of a wetland established by using the *1987 U.S. Army Corps of Engineers Wetlands Delineation Manual* in conjunction with the *Washington Regional Guidance on the 1987 Wetland Delineation Manual* dated May 23, 1994. (Ord. 95-1016 § 7; Ord. 92-1041 § 1)

15.10.685 Wetland, Forested

A wetland which is characterized by woody vegetation at least twenty (20) feet tall. (Ord. 92-1041 § 1)

15.10.690 Wetland Functions

Natural processes performed by wetlands including functions which are important in facilitating food chain production, providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species, maintaining availability and quality of water, acting as recharge and discharge areas for groundwater aquifers and moderating surface and storm water flows, as well as providing other functions including, but not limited to, those set forth in 33 CFR 320.4(b)(2), 1988. (Ord. 92-1041 § 1)

15.10.700 Wetland, Isolated

A wetland which has a total size less than two thousand five hundred (2,500) square feet excluding buffers, which is hydrologically isolated from other wetlands or streams, and which does not have permanent open water. (Ord. 92-1041 § 1)

15.10.705 Wet Meadow, Grazed

Palustrine emergent wetland typically having up to six (6) inches of standing water during the wet season and dominated under normal conditions by meadow emergents such as reed, canary grass, spike rushes, bulrushes, sedges and other rushes. During the growing season, the soil is often saturated but not covered with water. These meadows frequently have been or are being used for livestock activities. (Ord. 92-1041 § 1)

15.30.010 Purpose

The purpose of this chapter is to implement the goals and policies of the Washington State Environmental Policy Act, Chapter 43.21C RCW, and the SeaTac Comprehensive Plan which call for protection of the natural environment and the public health and safety by:

A. Establishing development standards to protect defined sensitive areas;

B. Protecting members of the public, public resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, landslides, seismic and soil subsidence or steep slope failures;

C. Protecting unique, fragile and valuable elements of the environment including, but not limited to, wildlife and its habitat;

D. Requiring mitigation of unavoidable impacts on environmentally sensitive areas by regulating alterations in or near sensitive areas;

E. Preventing cumulative adverse environmental impacts on water availability, water quality, wetlands and streams;

F. Measuring the quantity and quality of wetland and stream resources and preventing overall net loss of wetland and stream functions;

G. Protecting the public trust as to navigable waters and aquatic resources;

H. Meeting the requirements of the National Flood Insurance Program and maintaining SeaTac as an eligible community for federal flood insurance benefits;

I. Alerting members of the public including, but not limited to, appraisers, owners, real estate agents, potential buyers or lessees to the development limitations of sensitive areas; and

J. Providing City officials with sufficient information to protect sensitive areas.

15.30.190 Building Setbacks

Unless otherwise provided, buildings and other structures shall be set back a distance of fifteen (15) feet from the edges of all sensitive area buffers or from the edges of all sensitive areas if no buffers are required. The following may be allowed in the building setback area:

A. Landscaping;

B. Uncovered decks;

C. Building overhangs if such overhangs do not extend more than eighteen (18) inches into the setback area; and

D. Impervious ground surfaces, such as driveways and patios; provided, that such improvements may be subject to special drainage provisions specified in City policies and rules adopted for the various sensitive areas.

The following Sensitive Areas Setback Requirements Chart specifies setback buffers and additional building setbacks. The setback buffers specified are minimum requirements, and may be increased based on special studies completed by qualified professionals pursuant to SMC 15.30.300.

	SETBACK BUFFER	BUILDING SETBACK FROM BUFFER
Class I Wetland	100 feet	15 feet
Class II Wetland	50 feet	15 feet
Class III Wetland	35 feet	15 feet
Class 1 Stream	100 feet	15 feet
Class 2 Stream with Salmonids	100 feet	15 feet
Class 2 Stream	50 feet	15 feet
Class 3 Stream	25 feet	15 feet
Slopes 40% or greater	50 feet from top, toe, or side of slope	N/A
Landslide Hazard Areas	50 feet from all edges of the landslide hazard area	N/A

(Ord. 03-1037 § 1; Ord. 92-1041 § 1)

15.30.320 Wetlands – Mitigation Requirements

A. Restoration shall be required when a wetland or its buffer is altered in violation of law or without any specific permission or approval by the City. The following minimum requirements shall be met for the restoration of a wetland:

1. The original wetland configuration shall be replicated including its depth, width, length and gradient at the original location;

2. The original soil type and configuration shall be replicated;

3. The wetland edge and buffer configuration shall be restored to its original condition;

4. The wetland, edge and buffer shall be replanted with vegetation native to the City and King County which replicates the original vegetation in species, sizes and densities; and

5. The original wetland functions shall be restored including, but not limited to, hydrologic and biologic functions;

B. The requirements in subsection (A) may be modified if the applicant demonstrates that greater wetland functions can otherwise be obtained;

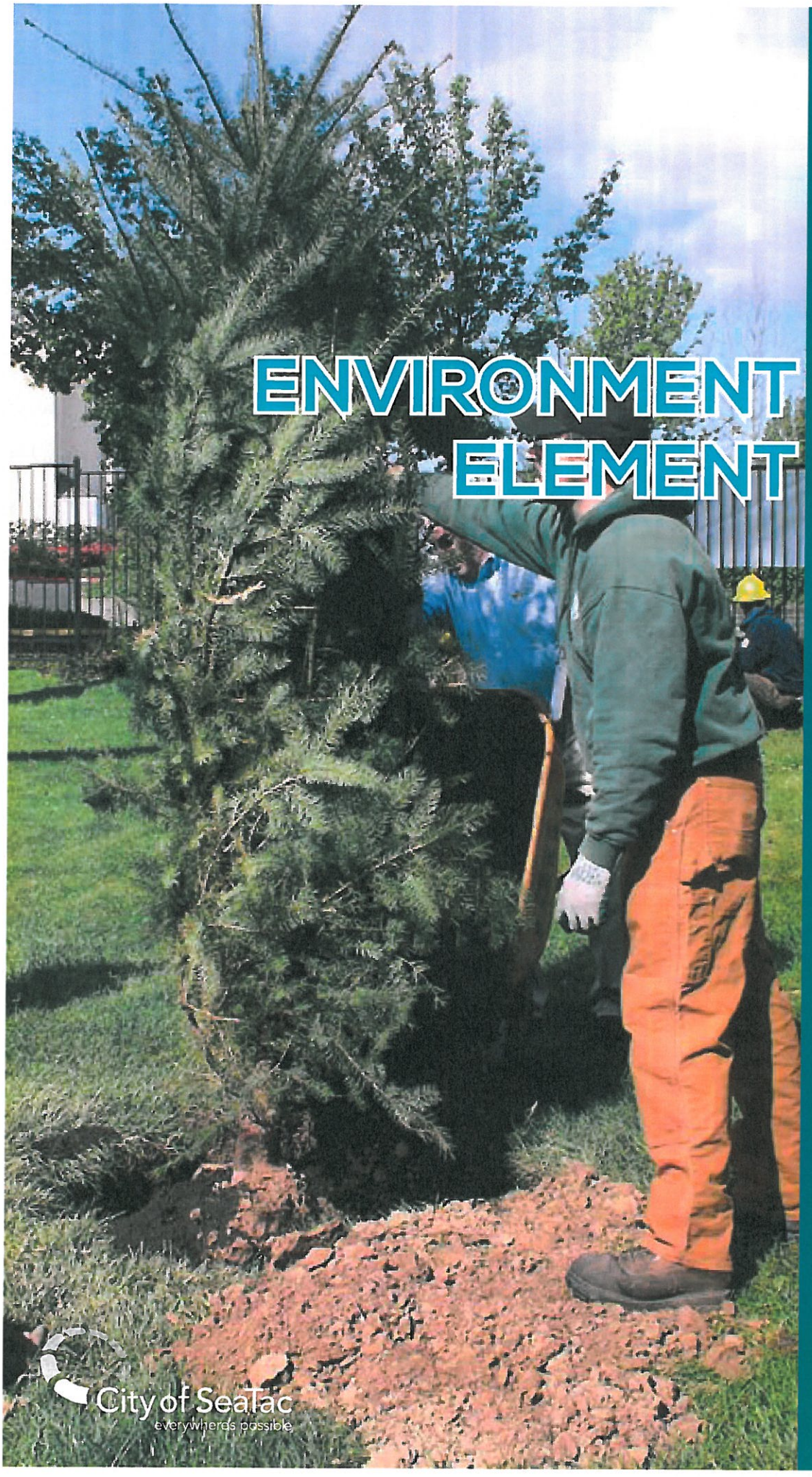
C. Enhancement shall be required when a wetland or buffer will be altered pursuant to a development proposal. Minimum requirements for enhancement shall be established in the SEPA process but must maintain or improve the wetland's biologic and/or hydrologic functions;

D. Replacement may be allowed when a wetland or buffer is altered pursuant to an approved development proposal if no reasonable opportunities exist for enhancement;

E. All alterations of wetlands shall be replaced or enhanced on the site using the following formulas: Class I and II wetlands on a two (2) to one (1) basis and Class III on a one (1) to one (1) basis with equivalent or greater biologic functions including, but not limited to, habitat functions and with equivalent hydrologic functions, including, but not limited to, storage capacity;

F. Replacement or enhancement off the site may be allowed if the applicant demonstrates to the satisfaction of the City that the off-site location is in the same drainage sub-basin as the original wetland and that greater biologic and hydrologic functions will be achieved. The formulas in subsection (E) shall apply to replacement and enhancement off the site; and

G. Surface water management or flood control alterations including, but not limited to, wetponds shall constitute replacement or enhancement unless other functions are simultaneously improved.



ENVIRONMENT ELEMENT

CHAPTER 9

City of SeaTac
everywhere possible

SeaTac 2035

GOALS AND POLICIES

This section contains SeaTac's environment goals and policies. Goals represent the City's general objectives, while policies provide more detail about the steps needed to achieve each goal's intent.

Overarching Environment Goals

GOAL 9.1

Ensure that environmental management policies and regulations are based on the most current scientific information.

The City of SeaTac manages its sensitive areas, including streams and wetlands, based on the most current, reliable, and accurate scientific information available. To keep pace with the best available science, the City periodically reviews its goals, policies and regulations and makes amendments as necessary.

Policy 9.1A

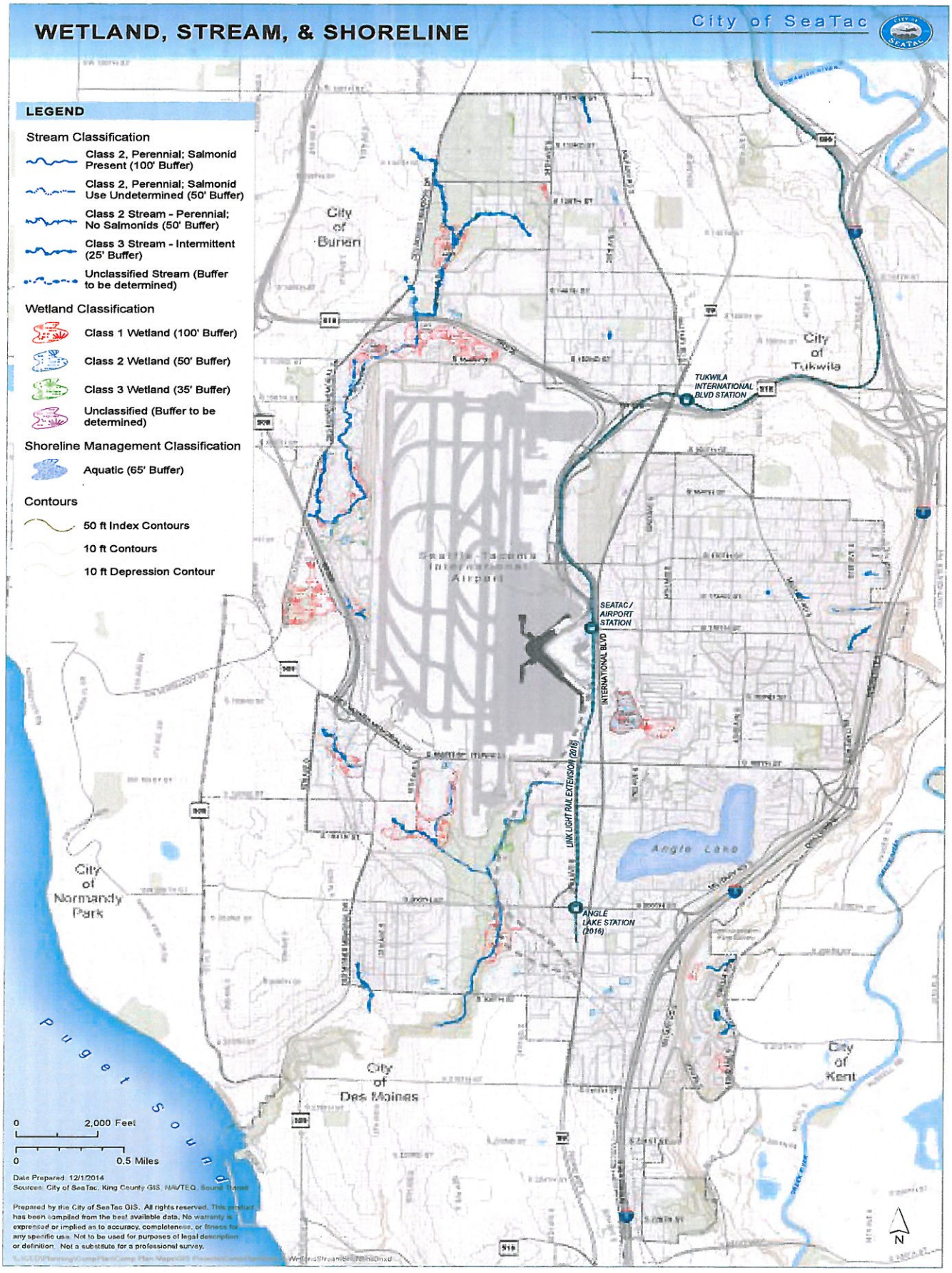
Wetlands, streams, shorelines of the state, fish and wildlife habitats, aquifers and aquifer recharge areas (including wellhead protection areas), landslide, erosion and seismic hazard areas, are all hereby designated as environmentally sensitive areas.

Policy 9.1B

Base regulations on the best available science to protect the functions and values of environmentally sensitive areas.

Best practices for designating and protecting environmentally sensitive areas can change over time based on field and academic research. During the last periodic Plan review and update in 2004, the literature on best practices for setting wetland and stream buffers, including guidance documents from the Washington Department of Commerce Growth Management Services (previously named Department of Community Trade and Economic Development), were focused on these features in a natural setting. Because SeaTac is an urbanized setting largely disturbed by development activity for many years, the "best available science" was not relevant to most of the wetlands and streams in SeaTac.

To supplement the BAS, staff reviewed existing and proposed sensitive area regulations in seven local cities and SeaTac's existing sensitive areas regulations, endeavoring to balance the natural functions and environmental considerations with existing conditions and community values.



Map 9.1. Wetland, Stream, and Shoreline Classifications

Policy 9.6D
Rehabilitate degraded stream channels and banks by using public programs and new development or redevelopment, where conditions permit. Require any necessary alteration of creeks to include mitigation and ongoing maintenance which at a minimum address water quality, floodplain protection, fish and wildlife habitat, channel stability, vegetative cover, maintenance of instream flows, and impacts to downstream property owners.

Miller and Des Moines Creeks, plus the smaller unnamed creeks in SeaTac, have been degraded by past development and its resulting uneven urban stormwater flow. Rehabilitating stream channels increases their fisheries values while enhancing the amenity of the stream. Where riparian vegetation has been removed, new development or redevelopment can mitigate their impacts by planting new native vegetation to provide shading for the stream and enhancing the biologic integrity of streams.

Policy 9.6E
Require the use of stormwater infiltration techniques where feasible in private and public developments in order to maintain or restore natural flows in streams and protect fisheries and recreation resources.

GOAL 9.7

Preserve or enhance wetlands important for flood control, drainage, water quality, aquifer recharge, habitat functions, or visual or cultural values.

Policy 9.7A
Preserve and enhance unique, outstanding, peat, sphagnum, forested, or significant wetlands from adjacent new development by providing a buffer around the wetland adequate to protect its natural functions. Encroachments into significant wetlands may be allowed when no feasible alternative exists and enhancements are provided to replace the lost wetland's functions and values.

Wetlands provide valuable habitat functions. As encroachment on these areas increase, their value decreases. Species, such as blue herons, marsh hawks, and green herons are easily disturbed by human intrusion. Adequate buffers from development need to be provided to protect these species and many others.

Policy 9.7B
Develop public access to wetlands for scientific and recreational use when sensitive habitats are protected.

Access to wetlands increases their value as a community educational and recreational resource. Careful trail and viewing area planning allows public enjoyment of wetlands while assuring safety and preventing environmental problems.

In determining the boundary of a wetland, the City of SeaTac Zoning Code specifies use of the U.S. Army Corps of Engineers Wetlands Delineation Manual in conjunction with the Washington Regional Guidance on the 1987 Wetland Delineation Manual dated May 23, 1994.

SeaTac encourages school classrooms to visit wetlands to study wetland biology and ecology.

Policy 9.7C
Allow reasonable use of property containing existing wetlands to avoid a "regulatory taking" when the following criteria can be met:

- **If existing sensitive area regulations prohibit any use on the property;**
- **Either due to a court decision or by provision of the codes, a reasonable use of the property is required;**
- **The development of the wetland and/or its buffer is limited to only that portion of the property to allow a reasonable use, and;**
- **A soil analysis shows that construction measures can successfully mitigate potential hazards of unstable soil and drainage problems.**

In some cases, the application of "Sensitive Areas" regulations regarding wetlands would preclude the possibility to develop a property. Based on court cases, if a reasonable use of the property is not allowed, a "regulatory taking" occurs, and the local government must pay for the property. However, if a reasonable use is proposed (such as a single family residence), it would be allowed provided it minimizes and mitigates impacts to the wetland. Mitigation could entail special studies.

Wetlands are difficult building foundations

Avoiding building in wetlands is good not only for the environment but also typically for building structural stability. Soil in many wetlands is highly unstable or subject to liquefaction. Many wetlands have underlying layers of peat. During earthquakes, if proper construction practices (such as pilings to load bearing soils) are not used, buildings on top of the peat will be subject to greater ground movement causing extensive damage. Seattle Muck is another type of soil found in the wetlands of SeaTac. These soils are subject to liquefaction during earthquakes. Subsequently, buildings on these soils may suffer extensive damage.

Policy 9.7D
Prohibit altering of wetlands for speculative purposes.
Where a wetland is altered or filled in relation to a development proposal, the development proposal can address mitigating measures to decrease impacts to the wetland. If wetlands are filled speculatively, the site's value is entirely lost until development mitigates the fill.

Policy 9.7E
In wetlands used as stormwater detention sites, maintain water level fluctuations similar to natural conditions, unless plants and animals in the wetland can adapt to new levels as documented by a wetland biologist.
Wetland vegetation and species are adapted to the localized drainage conditions. Changing water levels upsets the balance between the different plants and animals within the wetland, degrading the wetland's value.

GOAL 9.8
Protect the quality and quantity of groundwater used for public water supplies.

Aquifers supply domestic water.

Policy 9.8A
Protect aquifers, aquifer recharge areas, and wellhead protection areas used for domestic water supply from contamination.
The City of Seattle and the Highline Water District draw water from aquifers within the City to supplement their domestic water supply. Aquifers also provide a valuable function in helping to maintain stream flows and water levels in lakes and wetlands in the summer months.