



CITY OF SEATAC

PLANNING COMMISSION MEETING

Riverton Room, SeaTac City Hall, 4800 S. 188th Street
March 1, 2016, 5:30 p.m.

MEETING AGENDA

- 1) Call to Order/Roll Call – 5:30 p.m.
- 2) Approve Minutes of February 16, 2016 Planning Commission meeting (Exhibit A)
- 3) Public Comment: Public comment will be accepted on items not scheduled for a public hearing
- 4) Briefing on GMA Consistency Amendments (Exhibits B1-B4)
- 5) Zoning Code Phase 1 Updates: Follow Up from Reformatting Project (Exhibit C1-C3)
- 6) Briefing on Implementing Regulations for the Angle Lake Station Area Plan (Exhibit D)
- 7) CED Director's Report
- 8) Planning Commission Comments (including suggestions for next meeting agenda)
- 9) 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.

**CITY OF SEATAC
PLANNING COMMISSION
Minutes of February 16, 2016
Regular Meeting**

Members present: Roxie Chapin, Tom Dantzler, Jim Todd
Members absent: Joe Adamack (excused); Robert Scully (excused)
Staff present: Joseph Scorcio, CED Director; Steve Pilcher, Planning Manager; Mike Scarey, Senior Planner; Anita Woodmass, Senior Planner; Justin Rowland, Planning Intern; Jeff Robinson, Economic Development Manager

1. Call to Order

Tom Dantzler called the meeting to order at 5:32 p.m.

2. Approval of minutes

Moved and seconded to approve the minutes of the February 2, 2016 meeting as presented.

Passed 3-0.

3. Election of officers

Joe Adamack was nominated for Chair and Jim Todd was nominated for Vice-Chair. The Commission concurred about these nominations.

4. GMA Consistency amendments – Critical Areas

Senior Planner Mike Scarey noted that this would be a continuation of a series of briefings concerning updates to the City's wetland regulations, being proposed to ensure consistency with State requirements. Last year, the State Department of Ecology (DOE) had noted areas of our code that needed to be updated. The City needs to do so in order to maintain eligibility for State grants.

Mr. Scarey noted that the amendments being presented accomplish three essential things: 1) required wetland buffers are being increased per DOE guidance; 2) buffer width averaging is becoming more flexible; and 3) reduced buffer widths will be allowed in defined circumstances, more flexible than currently allowed.

Mr. Scarey also noted that before, the City's system referred to three wetland *classes*; under the new definitions, there are now four wetland *categories*. The required width of a buffer is dependent upon the wetland category and its "habitat rating", which is assigned when a wetland study is performed. Mr. Scarey noted that he had conferred with the City's on-call wetland consultant, who confirmed it is unlikely that many of the wetlands within the city would score very high on the habitat rating scale.

The need to update the existing wetland map was discussed, as was how buffer averaging works.

Mr. Scarey mentioned he will be back at the future Commission meetings with a complete amendment package for review. He noted that although DOE has formulated model regulations, each community adopts its own standards.

5. Angle Lake Station District Implementing Regulations

Senior Planner Anita Woodmass noted that purpose of this evening's meeting was to discuss site planning and open space issues. She reviewed the policies contained in the Station District Plan and the illustrations included therein, which are intended to provide an example of how the area might develop.

Ms. Woodmass noted that a zero foot front yard setback can be difficult to achieve, especially in an area where many lots are not "square" with the street. She provided a photographic example of the WallyPark development in the City Center, noting that it provided a varying setback, public plaza, seating options, and landscaping.

Staff is recommending that a minimum 8 foot sidewalk "clear zone" be required in back of a 4 ft. landscaping zoning for International Blvd. frontages. A 4 foot clear zone should be required on other streets. In order to achieve an 8 ft. width, a property owner could provide additional space as part of their open space obligation.

In regards to open space, Ms. Woodmass noted that current standards (10% requirement) are problematic. Staff is recommending reducing the standard to 5% of total site area and that the requirement for 10 feet of front yard landscaping be eliminated. Open space can consist of plazas, sidewalks, landscaping, etc.: anything other than building and parking. She presented a prioritized list for providing open space amenities.

Parking lot layout options were then discussed. Ms. Woodmass noted there are minimal changes to the existing standards. Parking would not be allowed between a building and the street frontage, but may be provided next to a building. In those instances, a minimum of 20 feet of landscaping should be provided to buffer the lot from the public right-of-way.

It was suggested that if 20 feet of landscaping is to be required, then the need to provide a landscaped island every 7 stalls could be eliminated. It was also suggested that a developer should be required to provide 5% open space in addition to required landscaping.

There was further discussion of the benefits of providing awnings or other forms of weather protection; developer-friendly regulations; and providing developers with choices in the regulations. Ms. Woodmass mentioned that in her experience at the City, most developers are concerned with parking and landscaping requirements.

6. City Council Vision & Goals

The Planning Commission decided to review these individually and provide their comments to staff. Comments are due by the end of the month.

7. CED Director’s Report

Director Joe Scorcio noted that the new Airport Director, Lance Little, will be speaking briefly at next week’s (February 25) City Council meeting. The airport staff will also be making a presentation regarding the Sustainable Airport Master Plan (SAMP).

Mr. Scorcio provided an update on some free webinars in which staff will likely participate; he noted the Commissioners are welcome to attend.

New Public Works Director Will Appleton began today; he comes to the City from the City of Federal Way.

Economic Development Director Jeff Robinson gave an update on the International Marketplace grant and planning process.

8. Planning Commissioner Comments

Commissioner Dantzler stated positive comments regarding the recent letter the Council sent to Sound Transit.

9. Adjournment

Moved and seconded to adjourn. Motion passed 3-0. The meeting adjourned at 7:34 p.m.

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Code Amendments to Implement the 2015 Comprehensive Plan



SeaTac Planning Commission
March 1, 2016

Background

The Dept. of Ecology notified the City last year that

1. “the existing wetland mitigation requirements are not consistent with the joint Corps/EPA/Ecology guidance ...” and
2. “by requiring mitigation based on this guidance, you will be providing consistency for applicants who must also apply for state and federal permits.”

Tonight's Review – Draft Amendment 7

Amendment 7 significantly amends
Wetland Mitigation Requirements consistent with
Dept. of Ecology (ECY) guidance

(See Exhibit B-4 for existing Wetland Mitigation code section)

1. Moves “Mitigation ...” definition’s language
(*mitigation sequencing*) to Sec. 15.700.120,
and
2. Updates sequencing language per ECY
guidance

3

Amendment 7 Summary Continued

3. Includes flexibility for allowed wetland buffer
alterations
 - a. Reduced buffer allowance, and
 - b. Buffer averaging
(reviewed at last meeting)
4. Includes new *Compensatory Mitigation*
section
 - a. Including new wetland *mitigation ratios*
5. Updates *Illegal Alterations* section
6. Includes new definitions for terms used in
Wetland Mitigation section

4

Next Steps

- Next Planning Commission meeting, March 15
- Review amendments to Critical Aquifer Recharge Areas

5

DRAFT Schedule

For the Critical Areas regulation amendments
which must be adopted by 6/30/16*

All dates in 2016

Planning Commission Review	January – May
1 st Council Review	March 8
Public Hearing	May 3 April 19
Planning Commission Recommendation	May 17 3
Council Review.....	May 10
CSS	May 24
Council Action	June 14

* Council action may occur earlier if work is completed

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END OF PRESENTATION

Questions? Comments?



SeaTac Planning Commission
March 1, 2016

Code Amendments to Implement the 2015 Comprehensive Plan

Amendment #7..... ECY Communication

15.700.120 Mitigation, Maintenance, Monitoring and Contingency

- A. ~~Before impacting any critical area or its buffer, an applicant shall demonstrate that the following actions have been taken. Actions are listed in the order of preference: As determined by the City, mitigation, maintenance and monitoring measures shall be in place to protect sensitive areas and buffers from alterations occurring on the development proposal site.~~
- ~~A.1. Avoid the impact altogether by not taking a certain action; or parts of an action.~~
- ~~B.2. Minimizing the impact 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 the impact; impacts.~~
- ~~C.3. Rectifying Rectify the impact by repairing, rehabilitating, or restoring the affected sensitive area or buffer; environment.~~
- ~~D.4. Reducing Reduce or eliminating eliminate the impact over time by preservation or and maintenance operations during the life of the development proposal;.~~
- ~~E.5. Compensating Compensate for the impact by replacing, enhancing, or providing substitute sensitive areas and resources or environments; and.~~
- ~~F.6. Monitoring Monitor the impact required compensation and taking appropriate take remedial or corrective measures. when necessary.~~
- B. ~~Where monitoring reveals a significant deviation from predicted impacts or a failure of mitigation or maintenance measures, the applicant shall be responsible for appropriate corrective action which, when approved, shall be subject to further monitoring.~~

SMC 15.700.300.310 Wetland Mitigation Requirements

A. Mitigation Sequencing:

~~Before impacting any wetland or its buffer, an applicant shall demonstrate that the actions pursuant to SMC 15.700.120 (A) have been taken.~~

B. Requirements for Compensatory Mitigation:

~~1. Compensatory mitigation for alterations to wetlands shall be used only~~

~~a. When impacts cannot be addressed by steps 1 through 4 of SMC 15.700.120(A);~~

~~b. And shall not apply to allowed alterations pursuant to SMC 15.700.285(F) or (G);~~

~~c. And shall achieve equivalent or greater biological functions.~~

- ~~2. Compensatory mitigation plans shall be consistent with this Chapter (SMC 15.700) and Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans, Version 1, (Ecology Publication #06-06-011b) or as amended, and Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Publication #09-06-32, Olympia, WA, December 2009), or other best available science as recommended by Dept. of Ecology;~~
- ~~3. A performance bond or other approved financial surety is required before any project permits are issued. The purpose of the financial surety is to hold an applicant accountable for implementing the mitigation, monitoring plans. The release of financial surety is contingent on satisfactory completion by the applicant of the proposed construction mitigation and monitoring plans.~~
- ~~4. Mitigation ratios shall be consistent with Subsection G of this Section.~~

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 will best meet formally identified regional goals, 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.~~
 - ~~b. The goal of rehabilitation is repairing natural or historic functions of a degraded wetland.~~
- ~~2. Creation (establishment) wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native species or noxious weeds.
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.~~
- ~~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. 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 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.

E. Location of Compensatory Mitigation.

Mitigation actions shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of the following apply:

1. There are no reasonable ~~on-site or in sub-drainage basin~~ opportunities, or ~~on-site and in subdrainage basin~~ opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site ~~buffers~~ or connectivity are inadequate;
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; and
4. Off site locations shall be in the same sub-drainage basin and in the same Water Resource Inventory Area (WRIA) unless;
 - a. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established 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;
 - d. If compensatory wetland or wetland buffer mitigation is proposed off site, a signed statement of consent is required from owners of all affected properties. This statement shall be submitted to the City and a Notice on Title recorded with King County Department of Assessments prior to approval of a compensatory mitigation plan.

F. Timing of Compensatory Mitigation

Mitigation shall be completed immediately following disturbance and prior to use or occupancy of the activity or development causing the wetland alteration. Construction of mitigation projects shall be timed to reduce impacts to existing wildlife and flora.

G. Wetland Mitigation Ratios:

In the following table the first number indicates the acreage of replacement wetlands and the second number indicates the acreage of wetlands altered.

<u>Category and Type of Wetland</u>	<u>Creation or Re-establishment</u>	<u>Rehabilitation</u>	<u>Enhancement</u>
<u>Category I: Mature Forested</u>	<u>6:1</u>	<u>12:1</u>	<u>24:1</u>
<u>Category I: Based on Functions</u>	<u>4:1</u>	<u>8:1</u>	<u>16:1</u>
<u>Category II</u>	<u>3:1</u>	<u>6:1</u>	<u>12:1</u>
<u>Category III</u>	<u>2:1</u>	<u>4:1</u>	<u>8:1</u>
<u>Category IV</u>	<u>1.5:1</u>	<u>3:1</u>	<u>6:1</u>

H. Illegal Alteration

1. When a wetland or its buffer has been altered in violation of this chapter, all ongoing development work on the site shall stop and the critical area shall be restored. The City shall have the authority to issue a “stop work” order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner’s or other responsible party’s expense to compensate for violating provisions of this Chapter.
2. ~~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~~a. The original wetland structure, functions and values of the wetland ~~configuration~~ shall be restored ~~replicated~~ including hydrologic function, water quality and habitat functions; its depth, width, length and gradient at the original location;
 - ~~2~~b. The original soil type and configuration shall be restored ~~replicated~~;
 - ~~3~~c. The wetland edge and buffer configuration shall be restored to its original condition; and
 - ~~4~~d. The wetland, edge and buffer shall be replanted with vegetation native to the regional ecology ~~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~~;
- ~~3~~B. The requirements in subsection ~~2~~ (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. (Ord. 03-1037 § 3; Ord. 92-1041 § 1)~~

New or amended definitions relevant to wetland mitigation requirements, all under Section 15.700.015

15.700.015 Mitigation of Environmental Impacts

The use of any or all of the following

This definition is no longer needed because this language is included under section 15.700.120.A with language as recommended by Dept. of Ecology

~~actions, listed in descending order~~

~~of preference:~~

- ~~A. Avoiding the impact by not taking a certain action;~~
- ~~B. Minimizing the impact by limiting the degree or magnitude of the action by using appropriate technology or by taking affirmative steps to avoid or reduce the impact;~~
- ~~C. Rectifying the impact by repairing, rehabilitating or restoring the affected critical area or buffer;~~
- ~~D. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal~~
- ~~E. Compensating for the impact by replacing, enhancing or providing substitute sensitive areas and environments; and~~
- ~~F. Monitoring the impact and taking appropriate corrective measures.~~

Alteration [New Definition consistent with Dept. of Ecology Guidance]

Any human induced change to an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing of vegetation, construction, compaction, excavation, or any other activity that changes the character of the critical area or its buffer.

Creation [New Definition consistent with Dept. of Ecology Guidance]

The manipulation of the physical, chemical, or biological characteristics to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Creation results in a gain in wetland acreage and function. A typical action is the excavation of upland soils to elevations that will produce a wetland hydroperiod and hydric soils, and support the growth of hydrophytic plant species

Enhancement [New Definition consistent with Dept. of Ecology Guidance]

The manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Examples are planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods.

Functions and Values [New Definition consistent with Dept. of Ecology Guidance]

The services provided by critical areas to society, including but not limited to, improving and maintaining water quality, providing fish and wildlife habitat, supporting terrestrial and aquatic food chains, reducing flooding and erosive flows, wave attenuation, historical or archaeological importance, educational opportunities, and recreation.

Stream Functions

Natural processes performed by streams 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 the availability and quality of water, such as purifying water; acting as recharge and discharge areas for groundwater aquifers; moderating surface and storm water flows and maintaining the free flowing conveyance of water, sediments and other organic matter.

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.

Re-establishment [New Definition consistent with Dept. of Ecology Guidance]

The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in rebuilding a former wetland and results in a gain in wetland acres and functions. Activities could include removing fill, plugging ditches, or breaking drain tiles.

Rehabilitation [New Definition consistent with Dept. of Ecology Guidance]

The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes 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 returning tidal influence to a wetland.

Restoration [Amended Definition consistent with Dept. of Ecology Guidance]

Measures taken to restore an altered or damaged natural feature, including:

1. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
2. Actions performed to re-establish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

~~Returning a stream, wetland or other sensitive area or any associated buffer to a state in which its stability and functions approach its unaltered (or original) state as closely as possible~~

Wetland Mitigation Bank [New Definition consistent with Dept. of Ecology Guidance]

A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing advance mitigation to compensate for future, permitted impacts to similar resources.

Code Amendments to Implement the 2015 Comprehensive Plan

Amendment #7..... ECY Communication

15.700.120 Mitigation, Maintenance, Monitoring and Contingency

- A. Before impacting any critical area 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.

SMC 15.700.310 Wetland Mitigation Requirements

A. Mitigation Sequencing.

Before impacting any wetland or its buffer, an applicant shall demonstrate that the actions pursuant to SMC 15.700.120 (A) have been taken.

B. Requirements for Compensatory Mitigation:

- 1. Compensatory mitigation for alterations to wetlands shall be used only
 - a. When impacts cannot be addressed by steps 1 through 4 of SMC 15.700.120(A);
 - b. And shall not apply to allowed alterations pursuant to SMC 15.700.285(F) or (G);
 - c. And shall achieve equivalent or greater biological functions.
- 2. Compensatory mitigation plans shall be consistent with this Chapter (SMC 15.700) and *Wetland Mitigation in Washington State, Part 2: Developing Mitigation Plans, Version 1*, (Ecology Publication #06-06-011b) or as amended, and *Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)* (Publication #09-06-32, Olympia, WA, December 2009), or other best available science as recommended by Dept. of Ecology;

3. A performance bond or other approved financial surety is required before any project permits are issued. The purpose of the financial surety is to hold an applicant accountable for implementing the mitigation, monitoring plans. The release of financial surety is contingent on satisfactory completion by the applicant of the proposed construction mitigation and monitoring plans.
4. Mitigation ratios shall be consistent with Subsection G of this Section.

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 will best meet formally identified regional goals, 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:

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 - a. The goal of re-establishment is returning natural or historic functions to a former wetland.
 - b. The goal of rehabilitation is repairing natural or historic functions of a degraded wetland.
2. Creation (establishment) wetlands on disturbed upland sites such as those with vegetative cover consisting primarily of non-native species or noxious weeds.

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.

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. Applicants proposing to enhance wetlands or associated buffers shall demonstrate:

- a. How the proposed enhancement will increase the wetland's/buffer's functions;
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- c. How all other existing wetland functions at the mitigation site will be protected.

4. 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.

E. Location of Compensatory Mitigation.

Mitigation actions shall be conducted within the same sub-drainage basin and on the site of the alteration except when all of the following apply:

1. There are no reasonable on-site or in sub-drainage basin opportunities, or on-site and in subdrainage basin opportunities do not have a high likelihood of success due to development pressures, adjacent land uses, or on-site buffers or connectivity are inadequate;
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; and
4. Off site locations shall be in the same sub-drainage basin and in the same Water Resource Inventory Area (WRIA) unless;
 - a. Established watershed goals for water quality, flood storage or conveyance, habitat, or other wetland functions have been established 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;
 - d. If compensatory wetland or wetland buffer mitigation is proposed off site, a signed statement of consent is required from owners of all affected properties. This statement shall be submitted to the City and a Notice on Title recorded with King County Department of Assessments prior to approval of a compensatory mitigation plan.

F. Timing of Compensatory Mitigation

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G. Wetland Mitigation Ratios:

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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. Illegal Alteration

1. When a wetland or its buffer has been altered in violation of this chapter, all ongoing development work on the site shall stop and the critical area shall be restored. The City shall have the authority to issue a “stop work” order to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner’s or other responsible party’s expense to compensate for violating provisions of this Chapter.
2. The following minimum requirements shall be met for the restoration of a wetland:
 - a. The original wetland structure, functions and values of the wetland shall be restored including hydrologic function, water quality and habitat functions;
 - b. The original soil type and configuration shall be restored;
 - c. The wetland edge and buffer configuration shall be restored to its original condition; and
 - d. The wetland, edge and buffer shall be replanted with vegetation native to the regional ecology County which replicates the original vegetation in species, sizes and densities.
3. The requirements in subsection 2 may be modified if the applicant demonstrates that greater wetland functions can otherwise be obtained;

(Ord. 03-1037 § 3; Ord. 92-1041 § 1)

New or amended definitions relevant to wetland mitigation requirements, all under Section 15.700.015

Alteration [New Definition consistent with Dept. of Ecology Guidance]

Any human-induced change to an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing of vegetation, construction, compaction, excavation, or any other activity that changes the character of the critical area or its buffer.

Creation [New Definition consistent with Dept. of Ecology Guidance]

The manipulation of the physical, chemical, or biological characteristics to develop a wetland on an upland or deepwater site, where a wetland did not previously exist. Creation results in a gain in wetland acreage and function. A typical action is the excavation of upland soils to elevations that will produce a wetland *hydroperiod* and hydric soils, and support the growth of hydrophytic plant species

Enhancement [New Definition consistent with Dept. of Ecology Guidance]

The manipulation of the physical, chemical, or biological characteristics of a wetland to heighten, intensify, or improve specific function(s) or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention, or wildlife habitat. Enhancement results in a change in wetland function(s) and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Examples are planting vegetation, controlling non-native or invasive species, and modifying site elevations to alter hydroperiods.

Functions and Values [New Definition consistent with Dept. of Ecology Guidance]

The services provided by critical areas to society, including but not limited to, improving and maintaining water quality, providing fish and wildlife habitat, supporting terrestrial and aquatic food chains, reducing flooding and erosive flows, wave attenuation, historical or archaeological importance, educational opportunities, and recreation.

Re-establishment [New Definition consistent with Dept. of Ecology Guidance]

The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in rebuilding a former wetland and results in a gain in wetland acres and functions. Activities could include removing fill, plugging ditches, or breaking drain tiles.

Rehabilitation [New Definition consistent with Dept. of Ecology Guidance]

The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes 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 returning tidal influence to a wetland.

Restoration [Amended Definition consistent with Dept. of Ecology Guidance]

Measures taken to restore an altered or damaged natural feature, including:

1. Active steps taken to restore damaged wetlands, streams, protected habitat, or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
2. Actions performed to re-establish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.

Wetland Mitigation Bank [New Definition consistent with Dept. of Ecology Guidance]

A site where wetlands are restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing advance mitigation to compensate for future, permitted impacts to similar resources.

15.700.310 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) of this section 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) of this section 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. (Ord. 15-1018 § 1 (Exh. A))

Exhibit: C-1
Date: 3-1-2016

Zoning Code Phase 1: Proposed Changes

Review #2



Planning Commission
March 1, 2016

1

PRESENTATION OUTLINE

- 1) Recap Project Goals**
- 2) Respond to PC Question from First Review**
- 3) Complete Review of Proposed "Phase 1" Items**
- 4) Project Review Schedule & Next Steps**

1) RECAP PROJECT GOALS

Main Goal of “Phase 1” of Project:

Address follow up items from Zoning Code Reformatting Project including:

- Revising other titles of Municipal Code to make consistent with new zoning code numbering system
- Addressing “clean-up” items from reformatting project

Note:

These items DO NOT change the provisions in the code

2) RESPOND TO PC QUESTION FROM FIRST REVIEW

Question: Is reformatted zoning code currently on-line?

Response: *Yes. The reformatted code and the archival version of the original code are both currently on-line. (The archival version will be deleted once the web version of the code with active links has been completed.)*

Note:

Example of how to access the reformatted code on-line on following page.

SEATAC MUNICIPAL CODE

A Codification of the General Ordinances of the City of Sea Tac, Washington

CODE PUBLISHING COMPANY | Seattle, Washington

Archival version of Code

Adopted Reformatted Code

Ordinance

Disclaimer: The City Clerk's Office has the official version of the ordinance. To assist users of the code, the following reference materials are available:

- Archived version of [former SeaTac zoning code](#)
- Background information on reformatted zoning code now in effect (www.ci.seatac.wa.us/zoningcode)

3) Complete Review of Proposed "Phase 1" Items

Items Reviewed on 1/19/16:

- ✓ *SeaTac Municipal Code*: Changing zoning code references to match new numbering system
- ✓ *SMC 15.200.010 Table*: Adding names and descriptions of existing zones

Items for Today's Review:

- *SMC 15.430.015*: Reinserting Electrical Vehicle Infrastructure (EVI) definitions into code
- *SMC 15.455.150*: Rearranging/correcting section on Location of Parking

3) Complete Review of Proposed “Phase 1” Items (cont.)

SMC 15.430.015: Reinserting Electrical Vehicle Infrastructure (EVI) Definitions

- EVI definitions from original code inadvertently dropped from reformatted code
- See **Exhibit C-2** for proposed location of reinserted definitions in EVI chapter

SMC 15.455.150: Rearranging “Location of Parking”

- Section of parking code mistakenly included in wrong section, and needs to be rearranged for clarity and consistency
- See **Exhibit C-3** for proposed revisions

4) PROJECT REVIEW SCHEDULE

Required State Reviews

- ✓ Department of Commerce review completed
- ✓ SEPA: Exempt

Planning Commission:

- ✓ **1/19: Project Review #1**
- **3/1: Project Review #2 (Today)**
- **3/15 : Public Hearing and PC Recommendation**

4) PROJECT REVIEW SCHEDULE (cont.)

City Council:

- **4/12: Council Study Session**
- **4/26: Anticipated Council Action**

5) NEXT STEPS FOR ZONING CODE

Current/Upcoming Zoning Code Proposals:

- Final standards for Angle Lake Station Area
- Zoning Code Streamlining Phase 2 including:
 - *Reducing/consolidating uses in use charts and related changes to Definitions chapter*
- Updated standards for S. 154th St. Station Area

Chapter 15.430 Electrical Vehicle Infrastructure

SECTIONS:

- 15.430.005 Purpose**
 - 15.430.010 Authority and Application**
 - 15.430.015 Definitions**
 - 15.430.100 Battery Charging Station or Rapid Charging Station – Retrofitting in Existing Development**
 - 15.430.110 Electric Vehicle Charging Station Spaces – Allowed as Required Spaces**
 - 15.430.120 Off-Street Electric Vehicle Charging Station Spaces**
 - 15.430.130 Accessible Electric Vehicle Charging Stations**
 - 15.430.140 Electric Vehicle Charging Station Spaces – Signage**
 - 15.430.150 Stacking Spaces for Electric Vehicle Battery Exchange Stations**
-

15.430.005 Purpose

To establish “electric vehicle infrastructure” (EVI) regulations for the City to allow EVI and to meet the intent of RCW 35.63.126 requiring the City to allow EVI in all zones except for residential zones.

15.430.010 Authority and Application

Electric vehicle infrastructure is allowed as specified in the citywide use charts under SMC 15.205 Use Charts, and within the use charts for the designated overlay districts.

15.430.015 Definitions

Battery Charging Station

An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meets or exceeds any standards, codes, and regulations set forth in Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

Battery Electric Vehicle (BEV)

Any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero (0) emissions or pollution when stationary or operating.

Battery Exchange Stations

A fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

Charging Levels

Means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

- Level 1 is considered slow charging.
- Level 2 is considered medium charging.
- Level 3 is considered fast or rapid charging or DC fast charge.

Level 1 is present in homes and businesses and typically operates on a fifteen (15) or twenty (20) amp breaker on a one hundred (120) volt alternating current (AC) circuit and standard outlet.

Level 2 is expected to become the standard for home and public charging and typically operates on a forty (40) amp to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.

Level 3 is primarily for commercial and public applications (e.g., taxi fleets and charging along freeways) and typically operates on a sixty (60) amp or higher dedicated breaker on a four hundred eighty (480) volt or higher three (3) phase circuit with special grounding equipment. Note that the term "Level 3" is recommended to identify the increased power need in a numerical fashion (i.e., "3"), but the Level 3 charging level is also sometimes referred to as "DC Fast" charging and "Rapid" charging (see definition of "Rapid Charging Station").

Electric Scooters and Motorcycles

Any two (2) wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries and produces zero (0) emissions or pollution when stationary or operating.

Electric Vehicle

Any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes: (A) a battery electric vehicle (BEV); (B) a plug-in hybrid electric vehicle (PHEV); (C) a neighborhood electric vehicle; and (D) medium-speed electric vehicle.

Electric Vehicle Charging Station

A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

Electric Vehicle Charging Station – Public

An electric vehicle charging station that is (A) publicly owned and publicly available (e.g., park and ride parking, public library parking lot) or (B) privately owned and publicly available (e.g., shopping center parking, nonreserved parking in multi-family parking lots).

Electric Vehicle Charging Station – Private

An electric vehicle charging station that is (A) privately owned and has restricted access (e.g., single-family home, multi-family parking, executive parking, designated employee parking) or (B) publicly owned and restricted (e.g., fleet parking with no access to the general public).

Electric Vehicle Infrastructure

Structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

Electric Vehicle Parking Space

Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

Electric Vehicle Waiting Space

An off-street parking space where an electric vehicle, plug-in hybrid electric vehicle, electric scooters, and motorcycles wait to use a public electric vehicle charging station.

Medium-Speed Electric Vehicle

A self-propelled, electrically powered four (4) wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one (1) mile is more than twenty-five (25) miles per hour but not more than thirty-five (35) miles per hour and otherwise meets or exceeds the Federal regulations set forth in 49 CFR 571.500.

Neighborhood Electric Vehicle

A self-propelled, electrically powered four (4) wheeled motor vehicle whose speed attainable in one (1) mile is more than twenty (20) miles per hour and not more than twenty-five (25) miles per hour and conforms to Federal regulations under Title 49 CFR Part 571.500. (Ord. 10-1024 § 19)

Nonelectric Vehicle

Any vehicle not defined as an electric vehicle under SMC 15.10.239. (Ord. 10-1024 § 20)

Plug-In Hybrid Electric Vehicle (PHEV)

An electric vehicle that (1) contains an internal combustion engine, and also allows power to be delivered to the drive wheels by an electric motor; (2) is able to recharge its battery by connecting to the grid or other off-board electrical source; and (3) has the ability to travel short distances (typically ten (10) miles or more) powered all, or substantially all, by electricity. (Ord. 10-1024 § 21)

Rapid or DC Fast Charging Station

An industrial grade electrical outlet that allow for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540. (Ord. 10-1024 § 22)

15.430.100 Battery Charging Station or Rapid Charging Station – Retrofitting in Existing Development

- A. Required off-street parking spaces within any existing development listed within the land use charts listed below may be converted to battery charging station spaces or rapid charging station spaces for battery electric vehicles (BEVs) and plug-in hybrid electric vehicles (PHEVs), ; provided, that the battery charging and/or rapid charging stations are accessory to the permitted use/s on the property.
1. SMC 15.205.040 Use Chart, all non-residential uses.
 2. SMC 15.300.055 City Center Overlay District Use Chart, retail/commercial uses only.
 3. SMC 15.305.055 South 154th Street Station Area Overlay District Use Chart, retail/commercial uses only.
- B. At least 0.65 spaces shall be set aside as “electric vehicle waiting spaces” for each Level 3 publicly owned public electric vehicle charging station provided on site. Waiting spaces for Level 1 and 2 publicly owned public electric vehicle charging stations shall not be required.

15.455.150 Location of Parking

A. **Off-Street Parking Facilities.** Off-street parking facilities shall not be located more than five hundred (500) feet from the building they are required to serve for all uses, except those specified below, and a marked pedestrian walkway shall be incorporated into the layout. Where parking facilities do not abut the building they serve, the required maximum distance shall be measured along the pedestrian walkways from the parking facility to the nearest building entrance.

1. ~~Assisted Living Facility Senior Citizen Assisted Housing~~ and **Community Residential Facilities (CRFs)**. All senior citizen assisted housing facilities and CRFs shall have the parking facilities connected to the building they are required to serve.
2. **Residential Dwellings Except for Assisted Living Facility**~~Senior Citizen Assisted Housing~~ and **CRFs**. For all other residential dwellings, the parking facilities shall not be located more than one hundred (100) feet from the building(s) they are required to serve.
3. **Religious Organizations and Hospitals.** For all religious organizations and hospitals, the parking facilities shall not be located more than one hundred fifty (150) feet from the building they are required to serve.

~~4. Accessory Uses or Uses Up to Thirty Percent (30%) of Primary Use. The Director may authorize a portion of the required parking for an accessory use (or for up to thirty percent (30%) of the primary use) to be located on a site other than the subject property if:~~

- ~~a. Adequate parking exists for the primary use on the property receiving the additional parking. For the purpose of this section, adequate parking is parking that conforms to current off-street parking requirements for the primary use on the property.~~
- ~~b. Adequate pedestrian, van or shuttle connection between the sites exists;~~
- ~~c. The sites are within one (1) mile of each other; and~~
- ~~d. The site used for off-site parking is zoned to allow public/private parking as a permitted use.~~

Note: Section 4 was mistakenly located here- it has been re-located to letter B – to be consistent with the original code

This does not change the standards but makes the requirements clearer.

B. **Off-Site Parking Facilities** Allowed Off-Site.

41. Accessory Uses or Uses Up to Thirty Percent (30%) of Primary Use. The Director may authorize a portion of the required parking for an accessory use (or for up to thirty percent (30%) of the primary use) to be located on a site other than the subject property if:

- a. Adequate parking exists for the primary use on the property receiving the additional parking. For the purpose of this section, adequate parking is parking that conforms to current off-street parking requirements for the primary use on the property.
- b. Adequate pedestrian, van or shuttle connection between the sites exists;
- c. The sites are within one (1) mile of each other; and
- d. The site used for off-site parking is zoned to allow public/private parking as a permitted use.

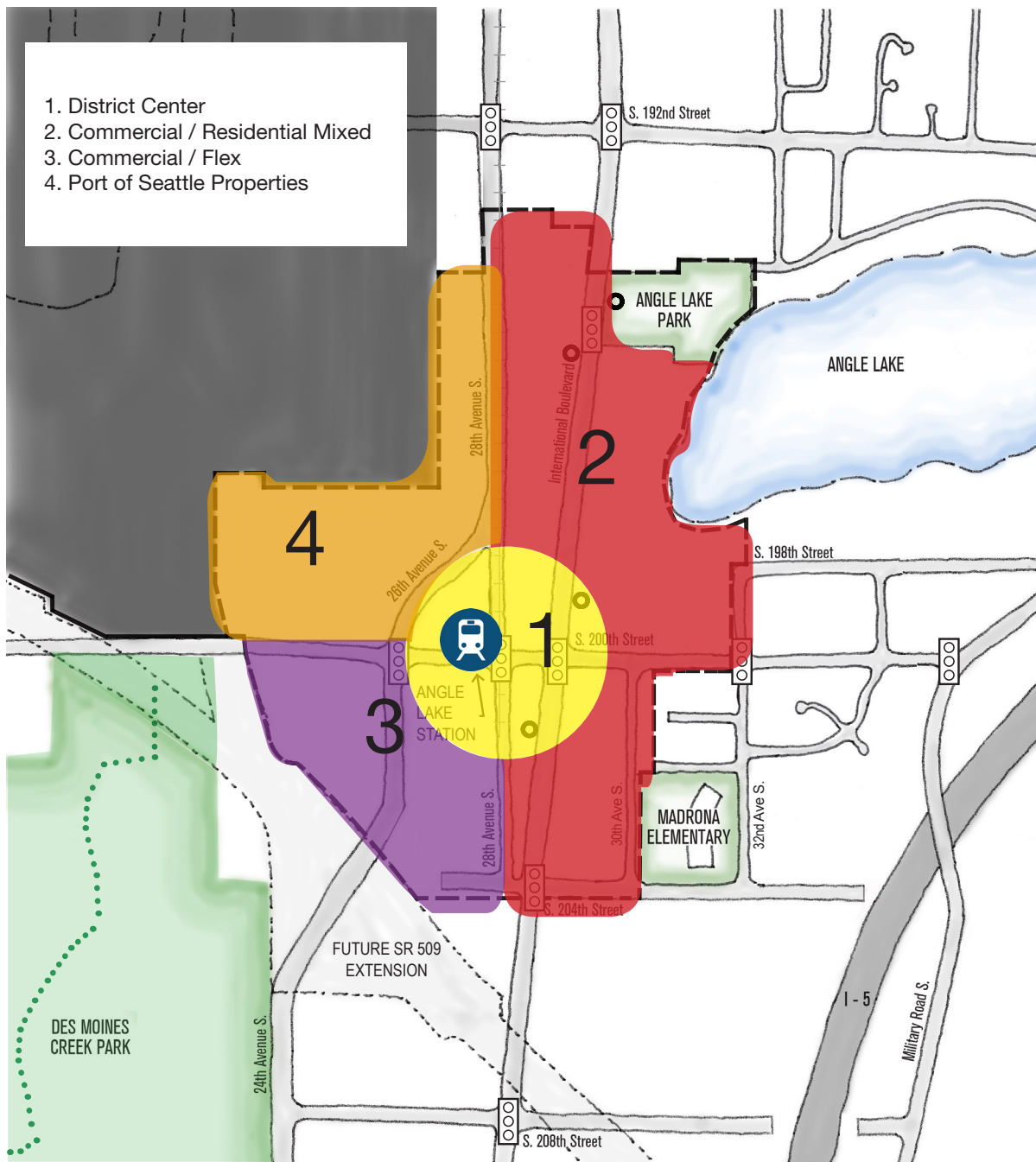
2. **Off-Site Parking Criteria.** Criteria to be used by the Director in authorizing off-site parking are:

- ~~1~~a. Off-site parking shall be accessed only by employees, not by the general public.
- ~~2~~b. The proposed connections between the sites are safe for pedestrians and vehicles.
- ~~3~~c. The proposed plan is compatible with adjacent uses.
- ~~4~~d. Off-site impacts are negligible or minimized.
- ~~5~~e. A contingency plan is submitted by the applicant and approved by the City that would provide for the parking to be developed on the subject property or established elsewhere if the off-site parking arrangement is no longer available.
- ~~6~~f. Legal documentation is required for the approved, off-site parking location and shall be recorded with the City of SeaTac City Clerk and the Department. Off-site parking may be removed only if alternative parking is provided in conformance with the code and such parking is approved by the Director.

URBAN DESIGN FRAMEWORK

FIGURE 13: SUB-DISTRICTS WITHIN THE ANGLE LAKE DISTRICT

This diagram illustrates the general land use pattern envisioned for the Angle Lake District. A mix of higher density, people-intensive development is focused in the immediate vicinity of the light rail station surrounded by employment, retail, commercial and housing uses.



LEGEND

-  Angle Lake Light Rail Station
-  Link Light Rail Track
-  District Boundary
-  RapidRide Line A Stops
-  Signalized Intersections
-  Des Moines Creek Trail