



# CITY OF SEATAC

## PLANNING COMMISSION MEETING

Council Chamber, SeaTac City Hall, 4800 S. 188<sup>th</sup> Street  
May 3, 2016, 5:30 p.m.

### MEETING AGENDA

- 1) Call to Order/Roll Call – 5:30 p.m.
- 2) Public Comment: Public comment will be accepted on items not scheduled for a public hearing
- 3) Public Hearing on GMA Consistency Code Amendments Relating to Environmentally Sensitive Areas (Exhibit A)
- 4) Briefing on Implementing Regulations for the Angle Lake Station Area Plan (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.*

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**Division VII. ~~Environmentally Sensitive~~ Critical Areas**

**CHAPTERS:**

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**15.700 ~~Environmentally Sensitive~~ Critical Areas**

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## Chapter 15.700

### ~~Environmentally Sensitive Critical~~ Areas

#### SECTIONS:

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- 15.700.005 Purpose
- 15.700.010 Authority and Application
- 15.700.015 Definitions
- 15.700.020 Appeals
- 15.700.030 ~~Sensitive Critical~~ Area Rules
- 15.700.040 Complete Exemptions
- 15.700.050 Partial Exemptions
- 15.700.060 Exceptions
- 15.700.070 ~~Sensitive Critical~~ Area Maps and Inventories
- 15.700.080 Disclosure by Applicant
- 15.700.090 ~~Sensitive Critical~~ Area Review
- 15.700.100 ~~Sensitive Critical~~ Area ~~Special Study Report~~ Requirement
- 15.700.110 Contents of ~~Sensitive Critical~~ Area ~~Special Study Report~~
- 15.700.120 Mitigation, Maintenance, Monitoring and Contingency
- 15.700.130 Bonds to Insure Mitigation, Maintenance and Monitoring
- 15.700.140 Vegetation Management Plan
- 15.700.150 ~~Sensitive Critical~~ Area Markers and Signs
- 15.700.160 Notice on Title
- 15.700.170 ~~Sensitive Critical~~ Area Tracts and Designation on Site Plans
- 15.700.180 Building Setbacks
- 15.700.190 Erosion Hazard Areas – Development Standards and Permitted Alterations
- 15.700.200 Flood Hazard Areas – Components
- 15.700.210 Flood Fringe – Development Standards and Permitted Alterations
- 15.700.220 Zero-Rise Floodway – Development Standards and Permitted Alterations
- 15.700.230 FEMA Floodway – Development Standards and Permitted Alterations
- 15.700.240 Flood Hazard Areas – Certification by an Engineer or Surveyor
- 15.700.250 Landslide Hazard Areas – Development Standards and Permitted Alterations

- 15.700.260 Seismic Hazard Areas – Development Standards and Permitted Alterations
  - 15.700.270 Steep Slope Hazard Areas – Development Standards and Permitted Alterations
  - 15.700.275 Wetlands – Identification and Rating**
  - 15.700.~~280~~**320** Wetlands – Limited Exemption
  - 15.700.~~285~~**280** Wetlands – Buffer Requirements~~Development~~  
**Standards**
  - 15.700.290 Wetlands – Permitted Alterations
  - 15.700.300 Wetlands – Alteration of Wetlands Historically and Continuously Used for Agricultural Purposes
  - 15.700.310 Wetlands – Mitigation Requirements
  - ~~15.700.320 Wetlands – Limited Exemption~~
  - 15.700.330 Streams – Development Standards
  - 15.700.340 Streams – Permitted Alterations
  - 15.700.350 Streams – Mitigation Requirements
  - 15.700.360 Critical Recharging Areas for Aquifers Used for Potable Water
  - 15.700.370 Fish and Wildlife Habitat Conservation Areas
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#### 15.700.005 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-critical 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 critical areas by regulating alterations in or near sensitive-critical 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-critical areas; and
- J. Providing City officials with sufficient information to protect sensitive-critical areas.

### **15.700.010 Authority and Application**

- A. The provisions of this chapter shall apply to all land uses in the City and property owners within the City shall comply with the requirements of this chapter;
- B. The City shall not approve any permit or issue any authorization to alter the condition of any land, water or vegetation or to construct any structure or improvement without first assuring compliance with the requirements of this chapter; and

C. The provisions of this of this chapter do not apply to any habitat areas which come under the jurisdiction of the Shoreline Management Program.

Note: Moved here from definition of Fish and Wildlife Conservation Areas
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D.C. When any provision of any other chapter of the SeaTac Municipal Code conflicts with this chapter or when the provisions of this chapter are in conflict, that provision which provides more protection to environmentally sensitive areas shall apply unless specifically provided otherwise in this chapter or unless such provision conflicts with Federal or State laws or regulations.

### **15.700.015 Definitions**

#### **Alteration**

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.

**Base Flood**

A flood having a one percent (1%) chance of being equaled or exceeded in any given year, often referred to as the “100-year flood.”

**Base Flood Elevation**

The water surface elevation of the base flood in relation to the National Geodetic Vertical Datum of 1929.

**Creation**

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

**Critical Drainage Area**

An area which has been formally defined in the City Surface Water Management Program to require more restrictive regulation than is standard in noncritical areas of the City in order to mitigate severe flooding, water quality issues, erosion or sedimentation problems which result from the cumulative impacts of development and urbanization.

**Enhancement**

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.

**Erosion and Deposition**

The removal of soils and the placement of these removed soils elsewhere by the natural forces of wind and/or water runoff.

**Federal Emergency Management Agency (FEMA) Floodway**

The channel of the stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without increasing the base flood elevation more than one (1) foot.

**Flood Fringe**

That portion of the floodplain outside of the zero-rise floodway (See Floodway, Zero-Rise) which is covered by floodwater during the base flood, generally associated with standing water rather than rapidly flowing water.

**Flood Hazard Areas**

Those areas in the City subject to inundation by the base flood including, but not limited to, streams, lakes, wetlands and closed depressions.

**Flood Insurance Rate Map (FIRM)**

The official map on which the Federal Insurance Administration has delineated some of the major areas of flood hazard.

**Flood Insurance Study for King County**

The official report provided by the Federal Insurance Administration which includes flood profiles and the flood insurance rate map.

**Floodplain**

The total area subject to inundation by the base flood.

**Floodproofing**

Adaptations, pursuant to the Building Code, which will make a structure that is below the flood protection elevation substantially impermeable to the passing of water and resistant to hydrostatic and hydrodynamic loads including the impacts of buoyancy.

**Flood Protection Elevation**

An elevation which is one (1) foot above the base flood elevation.

**Floodway, Zero-Rise**

The channel of a stream and that portion of the adjoining floodplain which is necessary to contain and discharge the base flood flow without any measurable increase in flood height. A measurable increase in base flood height means a calculated upward rise in the base flood elevation, equal to or greater than .01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to development in the floodplain. This definition is broader than that of the FEMA floodway, but always includes the FEMA floodway. The boundaries of the one hundred (100) year floodplains, as shown on the FIRM maps for King County, are considered the boundaries of the zero-rise floodway unless otherwise delineated by a sensitive-critical area report, special study.

**Functions and Values**

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.

**Hazardous Production Material (HPM)**

A solid, liquid or gas that has a degree of hazard rating in health, flammability or reactivity of 3 or 4 as ranked by Fire Code Standard No. 79-3 and which is used directly in research, laboratory or production processes which have, as their end product, materials which are not hazardous.

**Hazardous Substances**

Any solid, liquid, gas or sludge, including any material, substance, product, commodity or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or 173-303-100.

**Mitigation of Environmental Impacts**

The use of any or all of the following 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;~~

This definition is no longer needed because this language is included under section 15.700.120.A.1 with language as recommended by Dept. of Ecology

- ~~C. Rectifying the impact by repairing, rehabilitating or restoring the affected sensitive 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.~~

**Ordinary High Water Mark**

The mark found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are common and long maintained in ordinary years as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute. In any area where neither can be found, the top of the channel or lake bank shall substitute. In braided channels and alluvial fans, the ordinary high water mark or line of mean high water shall be measured so as to include the entire stream feature.

**Qualified Professional**

A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and have at least five years of related work experience.

- (a) A qualified professional for wetlands must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional.



including delineating wetlands using the federal manuals and supplements, preparing wetlands reports, conducting function assessments, and developing and implementing mitigation plans.

- (b) A qualified professional for habitat must have a degree in biology or a related degree and professional experience related to the subject species.
- (c) A qualified professional for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.
- (d) A qualified professional for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogologic assessments.

### **Re-establishment**

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.

### **Regulated Wetland**

~~A wetland that meets one or more of the following criteria:~~

- ~~A.—Serves significant biological functions;~~
- ~~B.—Serves significant drainage and sedimentation functions;~~
- ~~C.—Shields other areas from wave action, erosion or storm damage;~~
- ~~D.—Serves as valuable storage area for storm and flood waters;~~
- ~~E.—Is a prime natural recharge area;~~
- ~~F.—Serves significant water purification functions.~~

Wetland definition updated.  
All wetlands are regulated.  
This definition not needed.

~~Although a site specific wetland may not meet the criteria described above, it will be considered a regulated wetland if it is functionally related to another wetland that meets the criteria. Within the wetlands classification process there are the following classes: Class I, Class II, and Class III (See “Wetland” definition,-).~~

### **Rehabilitation**

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**

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~~

### **Retention/Detention Facility**

A type of drainage facility designed either to hold water for a considerable length of time and to release it by evaporation, plant transpiration and/or infiltration into the ground, or to hold runoff via structural controls and then release it to the surface and storm drainage system.

### **Retention/Detention Facility, Regional**

A surface water control structure installed in or adjacent to a drainage facility, stream or wetland of a basin or sub-basin by the City or a project proponent, as required by the City. Such facilities protect downstream properties from predicted significant regional basin flooding or erosion problems.

### **Seismic Hazard Area**

~~(Denoted on critical areas maps.)~~ Those areas in the City subject to severe risk of earthquake damage as a result of soil liquefaction in areas underlain by cohesionless soils of low density and usually in association with a shallow groundwater table or other seismically induced settlement.

### **Sensitive-Critical Area**

Any of those areas in the City which are subject to natural hazards or those land features which support unique, fragile or valuable natural resources including fishes, wildlife and other organisms and their habitat, and such resources which carry, hold or purify water in their natural state. ~~Sensitive-Critical~~ areas include coal mine hazard areas, erosion hazard areas, flood hazard areas, landslide hazard areas, seismic hazard areas, steep slope hazard areas, streams, volcanic hazard areas, ~~and~~ wetlands and critical aquifer recharge areas.

### **SEPA**

The State Environmental Policy Act (Chapter 43.21C RCW) and the adopted City environmental policies.

### **Shoreline Master Program**

The applicable City and State laws/codes related to the shoreline programs.

### Steep Slope Hazard Areas

Those areas in the City on slopes of forty percent (40%) or greater within a vertical elevation change of at least ~~ten-twenty~~ (2019) feet. A slope is delineated by establishing its toe and top, and is measured by averaging the inclination over at least ten (10) feet of vertical relief.

### Stream

A course or route, formed by nature, including those modified by man, generally consisting of a channel with a bed, banks, or sides substantially throughout its length, along which surface waters naturally and normally flow in draining from higher to lower lands. Normal rainfall is rainfall that is at or near the mean of the accumulated annual rainfall record, based upon the water year as recorded at the Seattle-Tacoma International Airport. Pursuant to the ~~sensitive-critical~~ areas section, there are the following stream classifications:

- A. Class 1 streams, only including streams inventoried as “Shorelines of the State” under the adopted Shoreline Master Program, pursuant to Chapter 90.58 RCW;
- B. Class 2 streams, only including streams smaller than Class 1 streams which flow year-round during years of normal rainfall or those which are used by salmonids; and
- C. Class 3 streams, only including streams which are intermittent or ephemeral during years of normal rainfall and which are not used by salmonids.

### ~~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 quality of water; such as purifying water; and groundwater aquifers; moderating surface and storm water flows and maintaining the free flowing conveyance of water, sediments and other organic matter.~~

Replaced by new definition “Functions and Values” consistent with Dept. of Ecology guidance

### Wetland

Those areas in the City ~~which that~~ are inundated or saturated by ~~ground or~~ 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. ~~According to the 33 CFR 328.3 (1988), w~~Wetlands generally include swamps, marshes, bogs and similar areas. ~~Wetlands do not include those artificial wetlands intentionally created from non-wetland 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. 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~~

Note: This section replaced by new section 15.700.275 Identification and Rating

- ~~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. Spagnum 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.~~

### **Wetland Edge**

The line delineating the outer edge of a wetland established in accordance with the approved federal wetland delineation manual and applicable regional supplements.~~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.~~

### **Wetland, Forested**

A wetland with at least thirty percent (30%) of the surface area covered which is characterized by woody vegetation greater than at least twenty (20) feet in height that is at least partially rooted within the wetland.~~tall.~~

### **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 riparian wildlife, 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.~~

Replaced by new definition "Functions and Values" consistent with Dept. of Ecology guidance

### **Wetland, Isolated**

A wetland that is outside of and not contiguous to any 100-year flood plain of a lake, river or 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 has no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface which does not have permanent open water.~~including other wetlands.~~

### **Wetland Mosaic**

An area with a concentration of multiple small wetlands, in which each patch of wetland is less than one acre; on average, patches are less than 100 feet from each other; and areas delineated as vegetated wetland are more than 50% of the total area of the entire mosaic, including uplands and open water

### **Wetland Mitigation Bank**

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.

### **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.

**Wet Pond**

An artificial water body constructed as a part of a surface water management system.

**15.700.020 Appeals**

Any decision to approve, condition or deny a development proposal based on the requirements of Chapter 15.700 ~~Environmentally Sensitive Critical~~ Areas SMC may be appealed according to, and as part of, the appeal procedure for the permit or approval involved.

**15.700.030 ~~Sensitive Critical~~ Area Rules**

Applicable City departments are authorized to adopt administrative rules and regulations as are necessary and appropriate to implement Chapter 15.700 ~~Environmentally Sensitive Critical~~ Areas SMC, and to prepare and require the use of such forms as are necessary for its administration.

**15.700.040 Complete Exemptions**

The following are exempt from the provisions of this chapter and any administrative rules promulgated thereunder:

- A. Emergencies which threaten the public health, safety and welfare or which pose an imminent risk of damage to private and public property as long as any alteration undertaken pursuant this subsection is reported to the Department and Department of Public Works immediately, upon which the Director(s) shall either confirm that an emergency exists or determine if further permit review or mitigation is necessary;
- B. Agricultural activities in existence before November 27, 1990 as follows:
  - 1. Mowing of hay, grass or grain crops;
  - 2. Tilling, dicing, planting, seeding, harvesting and related activities for pasture, food crops, grass seed or sod if such activities do not take place on steep slopes; and
  - 3. Normal and routine maintenance of existing irrigation and drainage ditches not used by salmonids;
- C. In Category 2 Critical Aquifer Recharge Areas, permitted building construction, normal and routine landscaping and maintenance not otherwise prohibited by this chapter.
- DC. Public water, electric and natural gas distribution, public and private sewer collection, storm water systems to include retention/detention ponds, cable communications, telephone distribution and collection system, and related

activities undertaken pursuant to City approved best management practices, as follows:

1. Normal and routine maintenance or repair of existing utility structures or rights-of-way;
2. Relocation of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of fifty-five thousand (55,000) volts or less, only when required by a local governmental agency which approves the new location of facilities;
3. Replacement, operation, repair, modification or installation or construction in an improved city road right-of-way of all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of fifty-five thousand (55,000) volts or less;
4. Relocation or maintenance of sanitary and storm sewer systems, public water local distribution, natural gas, cable communication or telephone distribution and collection facilities, lines, pipes, ditches, mains, equipment or appurtenances, only when required by a local governmental agency which approves the new location of the facilities; and
5. Replacement, operation, repair, modification, installation or construction in an improved City road right-of-way of public local collection, public water distribution, natural gas, cable communication or telephone facilities, lines, pipes, mains, equipment or appurtenances;

| **ED.** Improvements, on-going maintenance, operation, repair or replacement of public roadways and pedestrian improvements in an improved public road right-of-way in existence prior to November 27, 1990 which, at a minimum, is improved with an all-weather driving surface (with any associated shoulders);

| **FE.** Construction and improvements of unimproved public rights-of-way in existence prior to November 27, 1990;

| **GF.** Improvements, on-going maintenance, operation, repair or replacement of public roadways and pedestrian improvements in an improved public road right-of-way constructed after November 27, 1990, in conformance with this chapter which, at a minimum, is improved with an all-weather driving surface (with any associated shoulders);

| **HG.** Emergent wetlands that have been created directly as the result of poorly maintained public storm drainage systems and would have not been created if the storm drainage system had otherwise been maintained;

- H.** Public agency development proposals only to the extent of any construction contract awarded before November 27, 1990; provided, that any law or regulation in effect at the time of such award shall apply to the proposal.

#### **15.700.050 Partial Exemptions**

The following are exempt from the provisions of this and any administrative rules promulgated thereunder, except for the notice on title provisions, SMC 15.700.160 Notice of Title, and the flood hazard area provisions, SMC 15.700.200 Flood Hazard Areas - Components through 15.700.240 Flood Hazard Areas – Certification by an Engineer or Surveyor:

- A. Structural modification of, addition to, or replacement of structures, except single-family detached residences, in existence before November 27, 1990, which do not meet the building setback or buffer requirements for wetlands, streams or steep slope hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the structure lying within the above-described building setback area, ~~sensitive-critical~~ area or buffer;
- B. Structural modification of, addition to, or replacement of single-family detached residences in existence before November 27, 1990, which do not meet the building setback or buffer requirements for wetland, streams or steep slope hazard areas if the modification, addition, replacement or related activity does not increase the existing footprint of the residence lying within the above-described buffer or building setback area by more than one thousand (1,000) square feet over that existing before November 27, 1990, and no portion of the modification, addition or replacement is located closer to the ~~sensitive-critical~~ area or, if the existing residence is in the ~~sensitive-critical~~ area, extends further in the ~~sensitive-critical~~ area; and
- C. Maintenance or repair of structures which do not meet the development standards of this chapter for landslide and seismic hazard areas if the maintenance or repair does not increase the footprint of the structure, and there is no increased risk to life or property as a result of the proposed maintenance or repair.

#### **15.700.060 Exceptions**

- A. If the application of this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this subsection:
1. The public agency or utility shall apply to the Department and shall make available to the Department other related project documents such as permit applications to other agencies, special studies and SEPA documents. The Department shall prepare a recommendation to the Hearing Examiner;



2. The Hearing Examiner shall review the application and conduct a public hearing pursuant to the provisions of Chapter 15.115 Land Use Actions and Procedures SMC. The Hearing Examiner shall make a recommendation to the City Council based on the following criteria:
    - a. There is no other practical alternative to the proposed development with less impact on the ~~sensitive-critical~~ area; and
    - b. The proposal minimizes the impact on ~~sensitive-critical~~ areas;
  3. This exception shall not allow the use of the following ~~sensitive-critical~~ areas for regional retention/detention facilities except where there is a clear showing that the facility will protect public health and safety or repair damaged natural resources:
    - a. Class 1 streams or buffers;
    - b. Class I wetlands or buffers with plant association of infrequent occurrence; or
    - c. Class I or II wetlands or buffers which provide critical or outstanding habitat for herons, raptors or State or Federal designated endangered or threatened species unless clearly demonstrated by the applicant that there will be no impact on such habitat.
    - d. See subsection 15.700.290(G)(2) for additional criteria
- B. If the application of this chapter would deny all reasonable use of the property, the applicant may apply for an exception pursuant to this subsection:
1. The applicant shall apply to the Department who shall prepare a recommendation to the Hearing Examiner. The applicant may apply for a reasonable use exception without first having applied for a variance if the requested exception includes relief from standards for which a variance cannot be granted pursuant to the provisions of this code.
  2. The Hearing Examiner shall review the application in consultation with the City Attorney and shall conduct a public hearing pursuant to the provisions of Chapter 15.115 Land Use Actions and Procedures SMC. The Hearing Examiner shall make a final decision based on the following criteria:
    - a. The application of this chapter would deny all reasonable use of the property;

- b. There is no other reasonable use with less impact on the sensitive critical area;
  - c. The proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and
  - d. Any alterations permitted to the sensitive-critical area shall be the minimum necessary to allow for reasonable use of the property.
3. Any authorized alteration of a sensitive-critical area under this subsection shall be subject to conditions established by the Hearing Examiner including, but not limited to, mitigation under an approved mitigation plan.

#### **15.700.070 Sensitive-Critical Area Maps and Inventories**

The distribution of environmentally sensitive-critical areas in the City is displayed on maps in the Environment Element of the city's Comprehensive Plan, available Sensitive Areas Map Folio by King County from the Community and Economic Development Department and through the city's website. Many of the wetlands are inventoried and rated, and that information is published in the SeaTac Wetlands Inventory Notebooks. Flood hazard areas are mapped by the Federal Insurance Administration. If there is a conflict among the maps, inventory and site-specific features, the actual presence or absence of the features defined in this code as sensitive-critical areas shall govern.

#### **15.700.080 Disclosure by Applicant**

- A. The applicant shall disclose to the City the presence of sensitive-critical areas on the development proposal site.
- B. If the development proposal site contains or is within a sensitive-critical area, the applicant shall submit an affidavit which declares whether the applicant has knowledge of any illegal alteration to any or all sensitive-critical areas on the development proposal site and whether the applicant previously has been found in violation of this chapter. If the applicant previously has been found in violation, the applicant shall declare whether such violation has been corrected to the satisfaction of the City.

#### **15.700.090 Sensitive-Critical Area Review**

- A. The City shall perform a sensitive-critical area review for any SeaTac development proposal permit application or other request for permission to proceed with an alteration on a site which includes a sensitive-critical area or is within an identified sensitive-critical area buffer or building setback area.
- B. As part of the sensitive-critical area review, the City shall:

1. Determine whether any ~~sensitive-critical~~ area exists on the property and confirm its nature and type;
2. Determine whether a ~~sensitive-critical~~ area ~~report special study~~ is required;
3. Evaluate the ~~sensitive-critical~~ area ~~report;special study;~~
4. Determine whether the development proposal is consistent with this chapter;
5. Determine whether any proposed alteration to the ~~sensitive-critical~~ area is necessary; and
6. Determine if the mitigation and monitoring plans and bonding measures proposed by the applicant are sufficient to protect the public health, safety and welfare, consistent with the goals, purposes, objectives and requirements of this chapter.

**15.700.100 ~~Sensitive-Critical~~ Area ~~Report Special Study~~ Requirement**

- A. An applicant for a development proposal which includes a ~~sensitive-critical~~ area or is within an identified ~~sensitive-critical~~ area buffer shall enter into a three (3) party agreement, as approved by the City, whereby the applicant shall pay the costs for the City to hire the appropriate consultant(s) to provide a ~~critical sensitive~~-area ~~report special study~~ to adequately evaluate the proposal and all probable impacts. The selection of the consultant(s) hired by the City shall be at the sole discretion of the City.
- B. The City may waive the requirement for a ~~critical area report special study~~ if the applicant shows, to the City's satisfaction, that:
  1. There will be no alteration of the ~~sensitive-critical~~ area or buffer;
  2. The development proposal will not have an impact on the ~~sensitive-critical~~ area in a manner contrary to the goals, purposes, objectives and requirements of this chapter; and
  3. The minimum standards required by this chapter are met.
- C. If necessary to insure compliance with this chapter, the City may require additional information from the applicant or consultant pursuant to the agreement specified in subsection (A) of this section.

**15.700.110 Contents of ~~Sensitive-Critical~~ Area ~~ReportSpecial Study~~**

- A. The ~~sensitive-critical~~ area ~~report special study~~ shall be based on the best available science as codified at WAC 365-195-900 through 925 and shall be conducted by a qualified professional(s).

B. The critical area report shall ~~be in the form of a written report and shall~~ containing the following:

1. Identification and characterization of all ~~sensitive-critical~~ areas on or encompassing the development proposal site;
2. Assessment of the impacts of any alteration proposed for a ~~sensitive critical~~ area or buffer, as applicable, assessment of the impacts of any alteration on the development proposal, other properties and the environment;
3. Studies which propose adequate mitigation, maintenance, monitoring and contingency plans and bonding measures;
4. A scale map of the development proposal site; and
5. Detailed studies, as required by the City.

CB. A ~~sensitive-critical~~ area ~~report special study~~ may be combined with any studies required by other laws and regulations.

#### **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.~~

### **15.700.130 Bonds to Insure Mitigation, Maintenance and Monitoring**

- A. When mitigation required pursuant to a development proposal is not completed prior to the City finally approving the proposal, the City may delay final approval until mitigation is completed or may require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the City. The bond shall be sufficient to guarantee that all required mitigation measures will be completed no later than the time established by the City in accordance with this chapter.
- B. If the development proposal is subject to mitigation, maintenance or monitoring plans, the applicant shall post a maintenance/monitoring bond or other security in a form and amount deemed acceptable by the City. The bond shall be sufficient to guarantee performance of conditions or mitigation measures required by this chapter for a period of up to five (5) years. The duration of maintenance/monitoring obligations shall be established by the City, based upon the nature of the proposed mitigation, maintenance or monitoring and the likelihood and expense of correcting mitigation or maintenance failures.
- C. Performance and maintenance/monitoring bonds or other security shall also be required for restoration of a ~~sensitive-critical~~ area or buffer not performed as part of a mitigation or maintenance plan, except that no bond shall be required for minor stream restoration carried out pursuant to this chapter. The bond or other security shall be in a form and amount deemed acceptable by the City.
- D. Performance and maintenance/monitoring bonds or other security authorized by this section shall remain in effect until the City determines, in writing, that the standards bonded for have been met.
- E. Depletion, failure or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring or restoration.
- F. Development proposals made by the City shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring or restoration.

### **15.700.140 Vegetation Management Plan**

- A. For all development proposals where preservation of existing vegetation is required by this chapter, a vegetation management plan shall be submitted and

approved prior to issuance of the permit or other request for permission to proceed with any alteration.

- B. The vegetation management plan shall identify the proposed clearing limits for the project and any areas where vegetation in a ~~sensitive-critical~~ area or its buffer is proposed to be disturbed.
- C. Where clearing includes cutting any merchantable stand of timber, as defined in WAC 222-16-010(28), the vegetation management plan shall include a description of proposed logging practices which demonstrates how all ~~sensitive-critical~~ areas will be protected in accordance with the provisions of this chapter.
- D. Clearing limits as shown on the plan shall be marked in the field in a prominent and durable manner. Proposed methods of field marking shall be reviewed and approved by the City prior to any site alteration. Field marking shall remain in place until the certificate of occupancy or final project approval is granted.
- E. The vegetation management plan may be incorporated into a temporary erosion and sediment control plan or landscaping plan where either of these plans is required by other laws or regulations.
- F. Submittal requirements for vegetation management plans shall be set forth in the application packet.

#### **15.700.150 ~~Sensitive-Critical~~ Area Markers and Signs**

- A. Permanent survey stakes delineating the boundary between adjoining properties and ~~sensitive-critical~~ area tracts shall be set, using iron or concrete markers as established by current survey standards.
- B. The boundary between a ~~sensitive-critical~~ area tract and contiguous land shall be identified with permanent signs, printed in two (2) international languages.
- C. In all new developments, short plats, and formal subdivisions, all storm drains shall be stenciled “Dump No Waste, Drains to Stream” prior to the occupancy of any structures within the new development, or prior to the occupancy of any new residence within the short plat or formal subdivision.

#### **15.700.160 Notice on Title**

- A. The owner of any property containing ~~sensitive-critical~~ areas or buffers on which a development proposal is submitted, except a public right-of-way or the site of a permanent public facility, shall file a covenant approved by the City with the King County Records and Elections Division. The required contents and form of the notice shall be set forth in administrative rules. The notice shall inform the public of the presence of ~~sensitive-critical~~ areas or buffers on the property, of the application of this chapter to the property, and that limitations

on actions in or affecting such ~~sensitive-critical~~ areas or buffers may exist. The covenant shall run with the land.

- B. The applicant shall submit proof that the notice has been filed for public record before the City shall approve any development proposal for the property or, in the case of subdivisions, short subdivisions, and binding site plans, at or before recording.

**15.700.170 ~~Sensitive-Critical~~ Area Tracts and Designation on Site Plans**

A. ~~Sensitive-Critical~~ area tracts shall be used to delineate and protect those ~~sensitive-critical~~ areas and buffers listed below in development proposals for subdivisions, binding site plans and easements for short plats and other developments, and shall be recorded on all documents of title of record for all affected lots:

1. All landslide hazard areas and buffers which are one (1) acre or greater in size;
2. All steep slopes hazard areas and buffers which are one (1) acre or greater in size;
3. All wetlands and buffers; and
4. All streams and buffers.

B. Any required ~~sensitive-critical~~ area tract shall be held in undivided interest by each owner of a building lot within the development, with this ownership interest passing with the ownership of the lot, or shall be held by an incorporated homeowner's association or other legal entity which assures the ownership, maintenance and protection of the tract.

C. Site plans submitted as part of development proposals for building permits, master plan developments and clearing and grading permits shall include and delineate all landslide and steep slope hazard areas, streams and wetlands, buffers and building setbacks. The site plans shall be attached to the notice on title required by SMC 15.700.160, Notice on Title.

**15.700.180 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-critical~~ area buffers or from the edges of all ~~sensitive-critical~~ 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-critical~~ areas.

Critical Area buffer requirements may be found in the Development Standards section for each type of critical area.

~~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 15.700.290, Wetlands – Permitted Alterations.~~

	<b>SETBACK BUFFER</b>	<b>BUILDING SETBACK FROM BUFFER</b>
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

**15.700.190 Erosion Hazard Areas – Development Standards and Permitted Alterations**

- A. Clearing on an erosion hazard area is allowed only from April 1st to September 1st, except that:
  - 1. Up to fifteen thousand (15,000) square feet may be cleared on any lot, subject to any other requirement for vegetation retention and subject to any clearing and grading permit required by Chapter 15.445 Landscaping and Tree Retention SMC; and



2. Timber harvest may be allowed pursuant to an approved forest practice permit issued by the Washington Department of Natural Resources or a clearing and grading permit issued by the City.
- B. All development proposals on sites containing erosion hazard areas shall include a temporary erosion control plan consistent with this section and other laws and regulations prior to receiving approval.
- C. All subdivisions, short subdivisions or binding site plans on sites with erosion hazard areas shall comply with the following additional requirements:
1. Except as provided in this section, existing vegetation shall be retained on all lots until building permits are approved for development on individual lots;
  2. If any vegetation on the lots is damaged or removed during construction of the subdivision infrastructure, the applicant shall be required to submit a restoration plan to the City for review and approval. Following approval, the applicant shall be required to implement the plan;
  3. Clearing of vegetation on lots may be allowed without a separate clearing and grading permit if the City determines that:
    - a. Such clearing is a necessary part of a large scale grading plan;
    - b. It is not feasible to perform such grading on an individual lot basis; and
    - c. Drainage from the graded area will meet water current quality standards ~~to be established by administrative rules~~.
- D. Where the City determines that erosion or water quality from a development site poses a significant risk of damage to downstream receiving waters, based either on the size or characteristics of the project or proposed use, ~~the potential of molecular water runoff from the highest, most vertical steel or wooden surface of a structure, more commonly known as a roof, to the roof of an alloy/enamel covered motorized automobile to an impervious surface (including, but not limited to, paved and gravel parking lots) inter mixed with petroleum by-products,~~ the proximity to the receiving water or the sensitivity of the receiving water or the fishes, the applicant shall be required to provide regular monitoring of surface water discharge from the site. If the project does not meet current water quality standards, ~~established by law or administrative rules~~, the City may suspend further development work on the site until such standards are met.
- E. The use of hazardous substances, pesticides and fertilizers in erosion hazard areas may be prohibited by the City under the applicable RCW statutes.

### **15.700.200 Flood Hazard Areas – Components**

- A. A flood hazard area consists of the following components:
  - 1. Floodplain;
  - 2. Flood fringe;
  - 3. Zero-rise floodway; and
  - 4. Federal Emergency Management Agency (FEMA) floodway.
  
- B. The City shall determine the flood hazard area after obtaining, reviewing and utilizing base flood elevations and available floodway data for a flood having a one (1) percent chance of being equaled or exceeded in any given year, often referred to as the “one hundred (100) year flood.” The base flood is determined for existing conditions unless a basin plan including projected flows under future developed conditions has been completed, approved and adopted by the City, in which case these future flow projections shall be used. In areas where the flood insurance study for the City includes detailed base flood calculations, those calculations may be used until projection of future flows are completed and approved by the City in concurrence with FEMA.

### **15.700.210 Flood Fringe – Development Standards and Permitted Alterations**

- A. Development proposals shall not reduce the effective base flood storage volume of the floodplain. Grading or other activity which would reduce the effective storage volume shall be mitigated by creating compensatory storage on the site or off the site if legal arrangements can be made to ensure that the effective compensatory storage volume will be preserved over time.
  
- B. No structure shall be allowed which would be at risk due to stream bank destabilization including, but not limited to, that associated with channel relocation or meandering.
  
- C. All elevated construction shall be designed and certified by a professional structural engineer licensed by the State of Washington and shall be reviewed by the City prior to construction.
  
- D. Subdivisions, short subdivisions and binding site plans shall meet the following requirements:
  - 1. New building lots shall contain five thousand (5,000) square feet or more of buildable land outside the zero-rise floodway, and building setback areas shall be shown on the face of the plat to restrict permanent structures to this buildable area;

2. All utilities and facilities such as sewer, gas, electrical, and water systems shall be located and constructed consistent with subsections (E), (F), (H) and (I) of this section;
3. Base flood data and flood hazard notes shall be shown on the face of the recorded subdivision, short subdivision or binding site plan including, but not limited to, the base flood elevation, required flood protection elevations and the boundaries of the floodplain and the zero-rise floodway, if determined; and
4. The following notice shall also be shown on the face of the recorded subdivision, short subdivision, or binding site plan for all affected lots:

NOTICE

Lots and structures located within flood hazard areas may be inaccessible by emergency vehicles during flood events. Residents and property owners should take appropriate advance precaution.

- E. New residential structures and substantial improvements of existing residential structures shall meet the following requirements:
  1. The lowest floor shall be elevated above the official floodplain elevation;
  2. Portions of a structure which are below the lowest floor area shall not be fully enclosed. The areas and rooms below the lowest floor shall be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for satisfying this requirement shall meet or exceed the following requirements:
    - a. A minimum of two (2) openings on opposite walls having a total open area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
    - b. The bottom of all openings shall be no higher than one (1) foot above grade; and
    - c. Openings may be equipped with screens, louvers or other coverings or devices if they permit the unrestricted entry and exit of floodwaters;
  3. Materials and methods which are resistant to, and minimize, flood damage shall be used; and

4. All electrical, heating, ventilation, plumbing, air conditioning equipment and other utility and service facilities shall be floodproofed to or elevated above the flood protection elevation.
- F. New nonresidential structures and substantial improvements of existing nonresidential structures shall meet the following requirements:
1. The elevation requirement for residential structures contained in subsection (E)(1) shall be met; or
  2. The structure shall be floodproofed to the flood protection elevation and shall meet the following requirements:
    - a. The applicant shall provide certification by a professional civil or structural engineer licensed by the State of Washington that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impacts, uplift forces and other factors associated with the base flood. After construction, the engineer shall certify that the permitted work conforms with the approved plans and specifications; and
    - b. Approved building permits for floodproofed, nonresidential structures shall contain a statement notifying the applicant that flood insurance premiums shall be based upon rates for structures which are one (1) foot below the floodproofed level;
  3. Materials and methods which are resistant to and minimize flood damage shall be used; and
  4. All electrical, heating, ventilation, plumbing, air-conditioning equipment and other utility and service facilities shall be floodproofed to or elevated above the flood protection elevation.
- G. Mobile homes and mobile home parks shall meet the following requirements:
1. Mobile homes shall meet all requirements for flood hazard protection for residential structures and shall be anchored and installed using Building Code methods and practices which minimize flood damage; and
  2. No permit or approval for the following shall be granted unless mobile homes within the mobile home park meet the requirements for flood hazard protection for residential structures:
    - a. A new mobile home park;
    - b. An expansion of an existing mobile home park; or

- c. Annual repair or reconstruction of streets, utilities or pads in an existing mobile home park which equals or exceeds fifty percent (50%) of the value of such streets, utilities or pads.

H. Utilities shall meet the following requirements:

1. New and replacement utilities including, but not limited to, sewage treatment facilities shall be floodproofed to or elevated above the flood protection elevations;
  2. New, on-site sewage disposal systems shall be, to the extent possible, located outside the limits of the base flood elevation. The installation of new, on-site sewage disposal systems in the flood fringe may be allowed if no feasible alternative site is available;
  3. Sewage and agricultural waste storage facilities shall be floodproofed to the flood protection elevation;
  4. Above-ground utility transmission lines, other than electric transmission lines, shall only be allowed for the transport of nonhazardous substances; and
  5. Buried utility transmission lines transporting hazardous substances shall be buried at a minimum depth of four (4) feet below the maximum depth of scour for the base flood, as determined by a professional civil engineer licensed by the State of Washington, and shall achieve sufficient negative buoyancy so that any potential for flotation or upward migration is eliminated.
- I. Critical facilities may be allowed within the flood fringe of the floodplain, but only when no feasible alternative site is available. Critical facilities shall be evaluated through the major conditional use permit process. Critical facilities constructed within the flood fringe shall have the lowest floor elevated to three (3) or more feet above the base flood elevation. Floodproofing and sealing measures shall be taken to ensure that hazardous substances will not be displaced by or released into the floodwaters. Access routes elevated to or above the base flood elevation shall be provided to all critical facilities from the nearest maintained public street or roadway.
- J. Prior to approving any permit for alterations in the flood fringe, the City shall determine that all permits required by State or Federal law have been obtained.

**15.700.220 Zero-Rise Floodway – Development Standards and Permitted Alterations**

- A. The requirements which apply to the flood fringe shall also apply to the zero-rise floodway. The more restrictive requirements shall apply where there is a conflict.
- B. A development proposal including, but not limited to, new or reconstructed structures shall not cause any increase in the base flood elevation unless the following requirements are met:
  - 1. Amendments to the Flood Insurance Rate Map are adopted by FEMA, in accordance with 44 CFR 70, to incorporate the increase in the base flood elevation; and
  - 2. Appropriate legal documents are prepared in which all property owners affected by the increased flood elevations consent to the impacts on their property. These documents shall be filed with the title of record for the affected properties.
- C. The following are presumed to produce no increase in base flood elevation and shall not require a special study to establish this fact:
  - 1. New residential structures outside the FEMA floodway on lots in existence before November 27, 1990, which contain less than five thousand (5,000) square feet of buildable land outside the zero-rise floodway and which have a total building footprint of all proposed structures on the lot of less than two thousand (2,000) square feet;
  - 2. Substantial improvements of existing residential structures in the zero-rise floodway, but outside the FEMA floodway, where the footprint is not increased; or
  - 3. Substantial improvements of existing residential structures meeting the requirements for new residential structures in SMC 15.700.220.
- D. Post or piling construction techniques which permit water flow beneath a structure shall be used.
- E. All temporary structures or substances hazardous to public health, safety and welfare, except for hazardous household substances or consumer products containing hazardous substances, shall be removed from the zero-rise floodway during the flood season from September 30th to May 1st.
- F. New residential or nonresidential structures shall meet the following requirements:

1. The structures shall be outside the FEMA floodway; and
  2. The structures shall be on lots in existence before November 27, 1990, which contain less than five thousand (5,000) square feet of buildable land outside the zero-rise floodway.
- G. Utilities may be allowed within the zero-rise floodway if the City determines that no feasible alternative site is available, subject to the following requirements:
1. Installation of new on-site sewage disposal systems shall be prohibited unless a waiver is granted by the Seattle/King County Department of Public Health; and
  2. Construction of sewage treatment facilities shall be prohibited.
- H. Critical facilities shall not be allowed within the zero-rise floodway.
- I. Structures and installations which are dependent upon the floodway may be located in the floodway if the development proposal is approved by all agencies with jurisdiction. Such structures include, but are not limited to:
1. Dams or diversions for water supply, flood control, irrigation or fisheries enhancement;
  2. Flood damage reduction facilities, such as levees and pumping stations;
  3. Stream bank stabilization structures where no feasible alternative exists for protecting public or private property;
  4. Storm water conveyance facilities subject to the development standards for streams and wetlands and the Surface Water Design Manual;
  5. Recreation structures;
  6. Bridge piers and abutments; and
  7. Other fisheries enhancement or stream restoration projects.

**15.700.230 FEMA Floodway – Development Standards and Permitted Alterations**

- A. The requirements which apply to the zero-rise floodway shall also apply to the FEMA floodway. The more restrictive requirements shall apply where there is a conflict.

- B. A development proposal including, but not limited to, new or reconstructed structures shall not cause any increase in the base flood elevation.
- C. New residential or nonresidential structures are prohibited within the FEMA floodway.
- D. Substantial improvements of existing residential structures in the FEMA floodway meeting the requirements of WAC 173-158-070, as amended, are presumed to produce no increase in base flood elevation and shall not require a special study to establish this fact.

**15.700.240 Flood Hazard Areas – Certification by an Engineer or Surveyor**

- A. For all new structures or substantial improvements in a flood hazard area, the applicant shall provide certification by a professional civil engineer or land surveyor licensed by the State of Washington of:
  - 1. The actual, as-built elevation of the lowest floor, including basement; and
  - 2. The actual, as-built elevation to which the structure is floodproofed, if applicable.
- B. The engineer or surveyor shall indicate if the structure has a basement.
- C. The City shall maintain the certifications required by this section for public inspection.

**15.700.250 Landslide Hazard Areas – Development Standards and Permitted Alterations**

A development proposal on a site containing a landslide hazard area shall meet the following requirements:

- A. A minimum buffer of fifty (50) feet shall be established from all edges of the landslide hazard area. The buffer shall be extended as required to mitigate a steep slope or erosion hazard or as otherwise necessary to protect the public health, safety and welfare;
- B. Unless otherwise provided herein, or as part of an approved alteration, removal of any vegetation from a landslide hazard area or buffer shall be prohibited, except for limited removal of vegetation necessary for surveying purposes and for the removal of hazard trees determined to be unsafe according to tree selection rules promulgated pursuant to this chapter. Notice to the City shall be provided prior to any vegetation removal permitted by this subsection;
- C. Vegetation on slopes within a landslide hazard area or buffer which has been damaged by human activity or infested by noxious weeds may be replaced with



vegetation native to the City pursuant to an enhancement plan approved by the City. The use of hazardous substances, pesticides and fertilizers in landslide hazard areas and their buffers may be prohibited by the City under the applicable RCW statutes; and

- D. Alterations to landslide hazard areas and buffers may be allowed only as follows:
1. A landslide hazard area located on a slope of forty percent (40%) or steeper may be altered only if the alteration meets the standards and limitations set forth for steep slope hazard areas in SMC 15.700.270, Steep Slope Hazard Areas – Development Standards and Permitted Alterations;
  2. A landslide hazard area located on a slope less than forty percent (40%) may be altered only if the alteration meets the following requirements:
    - a. The development proposal will not decrease slope stability on contiguous properties; and
    - b. The landslide hazard area is modified or the development proposal is designed so that the landslide hazard to the project and contiguous property is limited or mitigated, and the development proposal on the site is determined to be safe by the City based on a study prepared by a geologist or geotechnical engineer; and
  3. Neither buffers nor a ~~sensitive-critical~~ area tract shall be required if the alterations meet the standards of subsection (D)(2) of this section.

### **15.700.260 Seismic Hazard Areas – Development Standards and Permitted Alterations**

A development proposal on a site containing a seismic hazard area shall meet the following requirements:

- A. Unless exempt, development proposals shall be subject to review standards based on two (2) occupancy types: critical facilities and other structures. The review standards for critical facilities shall be based on larger earthquake reoccurrence intervals. The review standards for both occupancy types shall be set forth in administrative rules;
- B. Alterations to seismic hazard areas may be allowed only as follows:
  1. The evaluation of site-specific subsurface conditions shows that the proposed development site is not located in a seismic hazard area; or
  2. Mitigation is implemented which renders the proposed development as safe as if it were not located in a seismic hazard area; and

- C. The following are exempt from the provisions of this section:
1. Mobile homes; and
  2. Single story, nonresidential structures which are less than two thousand five hundred (2,500) square feet and are not used as places of employment or public assembly.

### **15.700.270 Steep Slope Hazard Areas – Development Standards and Permitted Alterations**

A development proposal on a site containing a steep slope hazard area shall meet the following requirements:

- A. A minimum buffer of fifty (50) feet shall be established from the top, toe and along all sides of any slope forty percent (40%) or steeper. The buffer shall be extended as required to mitigate a landslide or erosion hazard or as otherwise necessary to protect the public health, safety and welfare. The buffer may be reduced to a minimum of ten (10) feet if, based on a Critical Area Report special study, the City determines that the reduction will adequately protect the proposed development and the sensitive-critical area. For single-family residential building permits only, the City may waive the special study requirement and authorize buffer reductions if the City determines that the reduction will adequately protect the proposed development and the sensitive critical area;
- B. Unless otherwise provided herein or as part of an approved alteration, removal of any vegetation from a steep slope hazard area or buffer shall be prohibited, except for limited removal of vegetation necessary for surveying purposes and for the removal of hazard trees determined to be unsafe according to tree selection rules promulgated pursuant to this chapter. Notice to the City shall be provided prior to any vegetation removal permitted by this subsection;
- C. Vegetation on steep slopes within steep slope hazard areas or their buffers which has been damaged by human activity or infested by noxious weeds may be replaced with vegetation native to the region pursuant to a vegetation management plan approved by the City. The use of hazardous substances, pesticides and fertilizers in steep slope hazard areas and their buffers may be prohibited by the City;
- D. Alterations to steep slope hazard areas and buffers may be allowed only as follows:
1. Approved surface water conveyances, as specified in the Surface Water Design Manual, may be allowed on steep slopes if they are installed in a manner to minimize disturbance to the slope and vegetation;

2. Public and private trails may be allowed on steep slopes if they receive site-specific approval by the City, as guided by the construction and maintenance standards in the U.S. Forest Service “Trails Management Handbook,” FSH 2309.18, June 1987, as amended, and the “Standard Specifications for Construction of Trails” (EM-7720-102, June 1984, as amended). Under no circumstances shall trails be constructed of concrete, asphalt or other impervious surfaces which will contribute to surface water run-off, unless such construction is necessary for soil stabilization or soil erosion prevention or unless the trail system is specifically designed and intended to be accessible to handicapped person(s);
  3. Utility corridors may be allowed on steep slopes if a special study shows that such alterations will not subject the area to the risk of landslide or erosion;
  4. Limited trimming and pruning of vegetation may be allowed on steep slopes pursuant to an approved vegetation management plan for the creation and maintenance of views if the soils are not disturbed and the activity is subject to administrative rules; and
  5. Approved mining and quarrying activities may be allowed; and
- E. The following are exempt from the provisions of this section:
1. Slopes which are forty percent (40%) or steeper with a vertical elevation change of up to twenty (20) feet if no adverse impact will result from the exemption based on the City’s review of and concurrence with a soils report prepared by a geologist or geotechnical engineer; and
  2. The approved regrading of any slope which was created through previous legal grading activities. Any slope which remains forty percent (40%) or steeper following site development shall be subject to all requirements for steep slopes.

### **15.700.275 Wetlands – Identification and Rating**

- A. Identification of wetlands and delineation of their boundaries pursuant to this Chapter shall be 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 are hereby designated critical areas and are subject to the provisions of this Chapter. Wetland delineations are valid for five years; after such date the City shall determine whether a revision or additional assessment is necessary.
- B. Wetlands shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the *Washington State Wetland Rating*

System for Western Washington (Ecology Publication #04-06-025, or as revised and approved by Ecology), which contains the definitions, methods and criteria for determining a wetland's categorization as Category I, II, III or IV.

C. Wetland rating categories shall not change due to illegal modifications.

### **15.700.280320 Wetlands – Limited Exemption**

The following ~~isolated~~ wetlands ~~less than one thousand (1,000) square feet~~ may be exempted from the ~~requirement provisions of to avoid impacts (SMC 15.700.120.A.1) 15.30.290 through 15.30.320~~ and may be filled altered by filling or dredging if the City determines that the ~~cumulative impacts do not unduly counteract the purposes of this chapter and are fully mitigated based on the actions in SMC 15.700.120.A.2 through 6 mitigated pursuant to an approved mitigation plan.~~

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

1. Are not associated with riparian areas or buffers
2. Are not part of a wetland mosaic
3. Do not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife.

### **15.700.285-280 Wetlands – Buffer RequirementsDevelopment Standards**

A development proposal on a site containing a wetland shall meet the following requirements:

~~A. The following minimum buffers shall be established from the wetland edge:~~

- ~~1. A Class I wetland shall have a one hundred (100) foot buffer;~~
- ~~2. A Class II wetland shall have fifty (50) foot buffer;~~
- ~~3. A Class III wetland shall have thirty five (35) foot buffer;~~

~~4. Any wetland restored, relocated, replaced or enhanced because of a wetland alteration shall have the minimum buffer required for the wetland class involved; and~~

#4 Moved to subsection I in this section, and amended

~~5. Any wetland within twenty five (25) feet of the toe of a slope thirty percent (30%) or steeper, but less than forty percent (40%), shall have:~~

#5a & b Moved to subsection E in this section, and amended

~~a. The minimum buffer required for the wetland class involved or a twenty five (25) foot buffer beyond the top of the slope, whichever is greater, if the horizontal length of the~~

~~slope including small benches and terraces is within the buffer for that wetland class; or~~

~~b. A twenty five (25) foot buffer beyond the minimum buffer required for the wetland class involved if the horizontal length of the slope including small benches and terraces extends beyond the buffer for that wetland class;~~

**A. Buffers Required.** A buffer shall be established adjacent to designated wetland areas. The purpose of the buffer area shall be to protect the integrity, and functions and values of the wetland area. Buffer widths shall be appropriate for the sensitivity of the wetland and for the risks associated with land use development.

**B. Standard Buffers Comply With BAS.** The following standard buffers have been established in accordance with the best available science (codified at WAC 365-195-900 through 925). They are based on the category of wetland and the habitat score as determined by a qualified wetland professional.

**Standard Wetland Buffers**

The following table specifies standard buffers, which may be modified pursuant to subsections E through H of this section

<u>Wetland Category</u>	<u>Habitat Score</u>			
	<u>3 – 4</u>	<u>5</u>	<u>6 – 7</u>	<u>8 – 9</u>
	<u>Buffer Width in Feet</u>			
<u>Category I:</u>	<u>75</u>	<u>105</u>	<u>165</u>	<u>225</u>
<u>Category II:</u>	<u>75</u>	<u>105</u>	<u>165</u>	<u>225</u>
<u>Category III</u>	<u>60</u>	<u>105</u>	<u>165</u>	<u>225</u>
<u>Category IV</u>	<u>40</u>			

**C. Impact Minimization Measures Required.** The use of the standard buffer widths requires the implementation of the measures in the following table, where applicable, to minimize the impacts of the adjacent land uses. Examples of Activities That Cause Disturbances include but are not limited to those listed. If an applicant chooses not to apply those measures, then a 33% increase in the width of all buffers is required. For example, a 75-foot buffer with the measures implemented would increase to a 100-foot buffer without them.

**Wetland Impact Minimization Measures**

<u>Disturbance</u>	<u>Examples of Activities and Uses That Cause Disturbances</u>	<u>Required Measures to Minimize Impacts</u>
<u>Lights</u>	<ul style="list-style-type: none"> <li>• <u>Parking lots</u></li> <li>• <u>Warehouses</u></li> <li>• <u>Industrial</u></li> <li>• <u>Multi-family residential</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Direct lights away from wetland</u></li> </ul>
<u>Noise in excess of limitations as set forth in SMC 15.460.020</u>	<ul style="list-style-type: none"> <li>• <u>Industrial</u></li> <li>• <u>Parking lots</u></li> <li>• <u>Multi-family residential</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Locate activity that generates noise away from wetland</u></li> </ul>
<u>Toxic Runoff</u>	<ul style="list-style-type: none"> <li>• <u>Parking lots</u></li> <li>• <u>Roads</u></li> <li>• <u>Industrial</u></li> <li>• <u>Residential</u></li> <li>• <u>Pesticide application</u></li> <li>• <u>Landscaping</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Route all new, untreated runoff away from wetland while ensuring wetland is not dewatered</u></li> <li>• <u>Establish covenants limiting use of pesticides within 150 ft of wetland</u></li> <li>• <u>Apply integrated pest management*</u></li> </ul>
<u>Stormwater Runoff</u>	<ul style="list-style-type: none"> <li>• <u>Roads</u></li> <li>• <u>Driveways</u></li> <li>• <u>Parking Lots</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Retrofit stormwater detention and treatment for roads and existing adjacent development</u></li> <li>• <u>Prevent channelized flow from lawns that directly enters the buffer</u></li> <li>• <u>Use LID BMPs</u></li> </ul>
<u>Changes in water regime</u>	<ul style="list-style-type: none"> <li>• <u>Impervious Surfaces</u></li> <li>• <u>Lawns</u></li> <li>• <u>Tilling</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surfaces and new lawns</u></li> </ul>
<u>Pets and human disturbance</u>	<ul style="list-style-type: none"> <li>• <u>Single family residential</u></li> <li>• <u>Multifamily residential</u></li> <li>• <u>Leash free dog park</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Use privacy fencing OR plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the regional ecology</u></li> <li>• <u>Place wetland and its buffer in a separate tract or protect with a conservation easement</u></li> </ul>
<u>Dust</u>	<ul style="list-style-type: none"> <li>• <u>Excavation</u></li> <li>• <u>Construction</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Use best management practices to control dust</u></li> </ul>

\* Integrated pest management is defined as the careful consideration of all available pest control techniques and subsequent integration of appropriate measures that discourage the development of pest populations and keep pesticides and other

interventions to levels that reduce or minimize risks to human health and the environment.

**D. Vegetated Buffer Assumption.** The buffer widths assume that the buffer is vegetated with a native plant community appropriate for the regional ecology. If the existing buffer is sparsely vegetated, or vegetated with invasive species that do not perform needed functions, the buffer shall either be planted to create the appropriate plant community or widened to ensure that functions and values of the buffer are adequately provided.

**~~C-E~~ Increased Buffers.** Increased buffer widths ~~may shall~~ be required by the City when necessary to protect wetlands. ~~Provisions for additional buffer widths shall be contained in administrative rules promulgated pursuant to this chapter including, but not limited to, provisions pertaining to~~ critical drainage areas, ~~the~~ location of hazardous substances, critical fish and wildlife habitats, ~~landslide or erosion hazard areas contiguous to wetlands,~~ groundwater recharge and discharge areas, ~~and~~ the location of trail or utility corridors; ~~and or when:~~

1. The buffer is within twenty-five (25) feet of the top or toe of a slope that is greater than thirty percent (30%); or
2. The slope is susceptible to erosion and standard best management practices (BMPs) and erosion-control measures will not prevent adverse impacts to the wetland.

**~~B-F~~ Buffer Width Averaging.** Buffer width averaging may be allowed by the City in accordance with an approved Critical Area Report provided that all of the following criteria are met:

1. ~~if it~~ will ~~not reduce provide additional~~ protection to wetlands or ~~enhance~~ their functions;
2. ~~as long as~~ ~~the~~ total area contained in the buffer after averaging on the development proposal site does not decrease;
3. The buffer at its narrowest point is not less than 75 percent of the standard width; and
4. The Critical Area Report shall describe the current functions and values of the wetland and its buffer, and the measures that will be taken to ensure that there is no loss of wetland function due to averaging.

**G. Reduced Buffer Allowance.** Reduced buffers may be allowed, with enhancements, in accordance with an approved Critical Area Report provided:

1. The existing condition of the buffer is degraded, or
2. The existing required buffer width, or portions of it have been impacted by development, and
3. Additional protection to the wetland is provided through the implementation of a buffer enhancement plan.

4. Buffer enhancement may include, but is not limited to:

- a. Planting native vegetation that would increase value for fish and wildlife habitat, improve water quality, or provide aesthetic or recreational value;
- b. Enhancement of wildlife habitat by incorporating structures that are likely to be used by wildlife, including wood duck boxes, bat boxes, nesting platforms, snags, rootwads, stumps, birdhouses, and nesting areas;
- c. Removing non-native plant species and noxious weeds from the buffer area and replanting the area subject to G.4.a of this subsection.

H. Buffer Reductions Limited. Buffer reductions under this Section shall be limited to twenty-five percent (25%) of the standard buffer width.

4.I. Buffers on Mitigation Sites. All mitigation sites ~~Any wetland restored, relocated, replaced, or enhanced because of a wetland alteration shall have the minimum buffers consistent with the buffer requirements of this Chapter. Buffers shall be based on for the target or expected category of the wetland category involved,;~~ and

J. Determination by Wetland Professional. Alterations to buffer width requirements pursuant to this section shall be determined by a qualified wetland professional using established methodologies and approved federal and state manuals.

D, K Hazardous Substances Prohibited. The use of hazardous substances, pesticides and fertilizers in ~~the a~~ wetland ~~and or~~ its buffer ~~may be are~~ prohibited ~~by the City.~~

**15.700.290 Wetlands – Permitted Alterations**

Alterations to wetlands and buffers may be allowed only as follows:

- A. If the City determines, based upon its review of a Critical Area Report special studies completed by qualified professionals, that:
  1. The wetland does not serve any of the ~~valuable~~ functions and values of wetlands identified in this chapter including, but not limited to, biologic and hydrologic functions; or
  2. The proposed development will protect or enhance the wildlife habitat, natural drainage or other ~~valuable~~ functions and values of the wetland and will be consistent with the purposes of this chapter;

To establish the conditions in subsection (A), detailed studies may be required as part of the Critical Area Report special study on habitat value, functions, hydrology, erosion, and/or water quality. Such detailed studies shall include at a minimum:

- a. Specific recommendations for mitigation;



- b. Existing and proposed wetland acreage;
- c. Vegetative, faunal and hydrologic conditions;
- d. Relationship within watershed and to existing waterbodies;
- e. Soil and substrate conditions, topographic elevations;
- f. Existing and proposed adjacent site conditions;
- g. Required wetland buffers;
- h. Property ownership; and
- i. A discussion of ongoing management practices to monitor and maintain wetland functions and habitat value.

The requirements in subsection (A)(2) of this section may be modified upon written approval of the Director, if the applicant demonstrates that the requirements of this section are met or are otherwise unnecessary.

- B. If a wetland is in a flood hazard area, the applicant shall notify affected communities and native tribes of proposed alterations prior to any alteration and submit evidence of such notification to the Federal Insurance Administration;
- C. There shall be no introduction of any plant or wildlife which is not indigenous to the City or King County into any wetland or buffer unless authorized by a State or Federal permit or approval;
- D. Utilities may be allowed in wetland buffers if:
  1. The City determines that no practical alternative location is available; and
  2. The utility corridor meets any additional requirements set forth in administrative rules including, but not limited to, requirements for installation, replacement of vegetation and maintenance;
- E. Sanitary and storm sewer utility corridors may be allowed in wetland buffers only if:
  1. The applicant demonstrates that sewer lines are necessary for gravity flow;
  2. The corridor is not located in a wetland or buffer used by species listed as endangered or threatened by the State or Federal government or contain critical or outstanding actual habitat for those species or heron rookeries or raptor nesting trees;

3. The corridor alignment including, but not limited to, any allowed maintenance roads follows a path beyond a distance equal to seventy-five percent (75%) of the buffer width from the wetland edge;
  4. Corridor construction and maintenance protects the wetland and buffer and is aligned to avoid cutting trees greater than eight (8) inches in diameter as measured four (4) feet above ground level, when possible, and pesticides, herbicides, and hazardous substances are not used;
  5. An additional, contiguous and undisturbed buffer, equal in width to the proposed corridor including any allowed maintenance roads, is provided to protect the wetland;
  6. The corridor is revegetated with appropriate vegetation native to the City and King County at preconstruction densities or greater immediately upon completion of construction or as soon thereafter as possible, and the sewer utility ensures that such vegetation survives;
  7. Any additional corridor access for maintenance is provided, to the extent possible, at specific points rather than by a parallel road; and
  8. The width of any necessary parallel road providing access for maintenance is as small as possible, but not greater than fifteen (15) feet; the road is maintained without the use of herbicides, pesticides or other hazardous substances; and the location of the road is contiguous to the utility corridor on the side away from the wetland;
- F. Joint use of an approved sewer utility corridor by other utilities may be allowed;
- G. The following surface water management activities and facilities may be allowed in wetland buffers only as follows:
1. Surface water discharge to a Class I or II wetland from a detention facility, presettlement pond or other surface water management activity or facility may be allowed if the discharge does not increase the rate of flow, change the plant composition in a forested wetland or decrease the water quality of the wetland;
  2. A Class I or II wetland or buffer may be used for a regional retention/detention facility if:
    - a. A public agency and utility exception is granted pursuant to SMC 15.700.060, Exceptions;

- b. Constructed in accordance with the requirements of the Surface Water Design Manual;
  - c. The use will not alter the rating or the factors used in rating the wetland;
  - d. The proposal is in compliance with the latest adopted findings of the Puget Sound Wetlands Research Project; and
  - e. There are no significant adverse impacts to the wetland;
3. A Class III wetland or buffer which has as its major function the storage of water may be used, expanded or reconstructed as a regional retention/detention facility if requirements of the Surface Water Design Manual are met; and
4. Use of a wetland buffer for a surface water management activity or facility, other than a retention/detention facility, such as an energy dissipater and associated pipes, may be allowed only if the applicant demonstrates, to the satisfaction of the City, that:
- a. No other practical alternative exists; and
  - b. The functions and values of the buffer or the wetland are not adversely affected;
- H. Wetlands can be used for retention/detention facilities other than for regional facilities;
- I. Public and private trails may be allowed in wetland buffers only upon adoption of administrative rules consistent with the following:
- 1. The trail surface shall not be made of impervious materials, except that public, multi-purpose trails may be made of impervious materials if they meet all other requirements including water quality; and
  - 2. Buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas;
- J. A dock, pier, moorage, float or launch facility may be allowed, subject to the provisions of Shorelines Management Act, if:
- 1. The existing and zoned density around the wetland is three (3) dwelling units or more;

2. At least seventy-five percent (75%) of the lots around the wetland have been built upon and no significant buffer or wetland vegetation remains on these lots; and
  3. Open water is a significant component of the wetland;
- K. Alterations to isolated wetlands may be allowed only as follows:
1. On sites less than twenty (20) acres in size, one (1) isolated wetland may be altered by relocating its functions into a new wetland on the site pursuant to an approved mitigation plan;
  2. On sites of less than twenty (20) acres in size, up to three (3) isolated wetlands may be altered by combining their functions into one (1) or more replacement wetland on the site pursuant to an approved mitigation plan; and
  3. Whenever an isolated wetland is altered pursuant to this subsection, the replacement wetland shall include enhancement for wildlife habitat;
- L. One (1) additional agricultural building or associated residence may be allowed within the wetland buffer on a grazed meadow if all hydrologic storage is replaced on the site;
- M. Subject to a clearing and grading permit issued pursuant to Chapter 15.445 Landscaping and Tree Retention SMC and other City Codes, the cutting of up to one (1) cord of firewood may be permitted in buffers of five (5) acres or larger in any year if the overall function of the buffer is not adversely affected. Removal of brush may also be permitted for the purpose of enhancing tree growth if the area of removal is limited to the diameter of the tree canopy at the time of planting;
- N. Wetland road crossings may be allowed if:
1. The City determines that no alternative access is practical;
  2. All crossings minimize impact to the wetland and provide mitigation for unavoidable impacts through restoration, enhancement or replacement of disturbed areas;
  3. Crossings do not change the overall wetland hydrology;
  4. Crossings do not diminish the flood storage capacity of the wetland; and
  5. All crossings are constructed during summer low water periods.

**15.700.300 Wetlands – Alteration of Wetlands Historically and Continuously Used for Agricultural Purposes**

Class II and III wetlands that have been used for agricultural purposes for a minimum of fifty (50) continuous years may be altered subject to the following minimum requirements:

- A. The applicant/property owner can provide evidence that the wetland has been used for agricultural use continuously for fifty (50) years. This evidence, at a minimum, shall include aerial photographs of the site at the beginning of the fifty (50) year span of use. Aerial photographs of the site over the span of the use of the wetland for agricultural uses to the present shall be provided. At no time shall there be more than ten (10) years between the chronology of the photographs;
- B. If an agricultural wetland is located solely on one (1) parcel of property, no more than twenty-five percent (25%) of the wetland may be filled;
- C. If the altered wetland is located on more than one (1) property, no more than twenty-five percent (25%) of the entire wetland may be filled. The remainder of the wetland shall be enhanced as approved by the City provided it can be shown by a qualified wetlands biologist, approved by the City that:
  - 1. The enhancement of the remaining wetland shall provide the same or better hydrologic or biologic functions as the class of wetland identified in the wetland study for the site;
  - 2. If the altered wetland is located on more than one property, the entire altered wetland shall be identified; and
  - 3. Any altered wetlands located in a flood hazard area shall conform with SMC 15.700.140 , Vegetation Management Plan through 15.700.240, Flood Hazard Area – Certification by an Engineer or Surveyor; and
- D. For altered wetlands that are located on more than one property, development rights may be transferred from one owner to the other for development within the altered wetland. This shall be done by a nonrevocable contract, as approved by the City. The transfer of property rights shall run with the land. In no case shall the transfer of development rights allow more than .99 acres of fill within an altered wetland.

**15.700.300310 Wetlands – 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 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 and 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 and values;
  - b. How this increase in function will adequately compensate for the impacts; and
  - c. How all other existing wetland functions and values 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 and values 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;
  - c. 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, pursuant to SMC 1.15, 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:
  - ~~1a. 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;~~
  - ~~2b. The original soil type and configuration shall be restored replicated;~~
  - ~~3c. The wetland edge and buffer configuration shall be restored to its original condition; and~~
  - ~~4d. 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;~~

3B. 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.~~

### ~~15.700.320 Wetlands — Limited Exemption~~

~~Isolated wetlands less than one thousand (1,000) square feet may be exempted from the provisions of SMC 15.700.280, Wetlands — Development Standards through 15.700.310, Wetlands — Mitigation Requirements and may be altered by filling or dredging if the City determines that the cumulative impacts do not unduly counteract the purposes of this chapter and are mitigated pursuant to an approved mitigation plan.~~

Moved to section 15.700.280 and amended
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### 15.700.330 Streams – Development Standards

A development proposal on a site containing a stream shall meet the following requirements.

- A. The following minimum buffers shall be established from the ordinary high water mark (OHWM) or from the top of the bank if the OHWM cannot be identified:
  1. A Class 1 stream shall have a one hundred (100) foot buffer;
  2. A Class 2 stream used by salmonids shall have a one hundred (100) foot buffer;

3. A Class 2 stream not used by salmonids shall have a fifty (50) foot buffer;
  4. A Class 3 stream shall have a twenty-five (25) foot buffer;
  5. Any stream restored, relocated, replaced or enhanced because of a stream alteration shall have the minimum buffer required for the stream class involved;
  6. Any stream with an OHWM within twenty-five (25) feet of the toe of a slope thirty percent (30%) or steeper, but less than forty percent (40%), shall have:
    - a. The minimum buffer required for the stream class involved or a twenty-five (25) foot buffer beyond the top of the slope, whichever is greater, if the horizontal length of the slope including small benches and terraces is within the buffer for that stream class; or
    - b. A twenty-five (25) foot buffer beyond the minimum buffer required for the stream class involved if the horizontal length of the slope including small benches and terraces extends beyond the buffer for that stream class; and
  7. Any stream adjoined by a riparian wetland or other contiguous **sensitive critical** area shall have the buffer required for the stream class involved or the buffer which applies to the wetland or other **sensitive-critical** area, whichever is greater;
- B. Buffer width averaging may be allowed by the City if it will provide additional protection, as long as the total area contained in the buffer on the development proposal site does not decrease; and
- C. The use of hazardous substances, pesticides and fertilizers in the stream corridor and its buffer is prohibited unless specifically allowed by the City.

#### **15.700.340 Streams – Permitted Alterations**

Alterations to streams and buffers may be allowed only as follows:

- A. Alterations may only be permitted if based upon a special study;
- B. The applicant shall notify affected communities and native tribes of proposed alteration(s) prior to any alteration if the stream is in a flood hazard area. The applicant shall submit evidence of such notification to the Federal Insurance Administration;

- C. There shall be no introduction of any plant or wildlife which is not indigenous to the City or King County into any stream or buffer unless authorized by a State or Federal permit or approval by the City;
- D. Utilities may be allowed in stream buffers if:
  - 1. No practical alternative location is available;
  - 2. The utility corridor meets any additional requirements set forth in administrative rules including, but not limited to, requirements for installation, replacement of vegetation and maintenance;
  - 3. The requirements for sewer utility corridors (SMC 15.700.290, Wetlands – Permitted Alterations) shall also apply to streams; and
  - 4. Joint use of an approved sewer utility corridor by other utilities may be allowed;
- E. The following surface water management activities and facilities may be allowed in stream buffers as follows:
  - 1. Surface water discharge to a stream from a detention facility, presettlement pond or other surface water management activity or facility may be allowed if the discharge is in compliance with the Surface Water Design Manual;
  - 2. A Class 2 stream or buffer may be used for a regional retention/detention facility if:
    - a. A public agency and utility exception is granted pursuant to SMC 15.700.060, Exceptions;
    - b. Designed in accordance with the requirements of the Surface Water Design Manual;
    - c. The use will not alter the rating or the factors used in rating the stream;
    - d. There are no significant adverse impacts to the stream; and
  - 3. A Class 3 stream or buffer may be used as a regional retention/detention facility if the alteration will have no lasting adverse impact on any stream and if designed in accordance with the requirements of the Surface Water Design Manual;

- F. Public and private trails may be allowed in the stream buffers only upon adoption of administrative rules consistent with the following:
1. The trail surface shall not be made of impervious materials, except that public multi-purpose trails may be made of impervious materials if they meet all other requirements including water quality; and
  2. Buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas;
- G. Stream crossings may be allowed if:
1. All road crossings use bridges or other construction techniques which do not disturb the stream bed or bank, except that bottomless culverts or other appropriate methods demonstrated to provide fisheries protection may be used for Class 2 and 3 streams if the applicant demonstrates that such methods and their implementation will pose no harm to the stream or inhibit migration of fish;
  2. All crossings are constructed during the summer low flow and are timed to avoid stream disturbance during periods when use is critical to salmonids;
  3. Crossings do not occur over salmonid spawning areas unless the City determines that no other possible crossing site exists;
  4. Bridge piers or abutments are not placed within the FEMA floodway or the ordinary high water mark;
  5. Crossings do not diminish the flood-carrying capacity of the stream;
  6. Underground utility crossings are laterally drilled and located at a depth of four (4) feet below the maximum depth of the scour for the base flood predicted by a civil engineer licensed by the State of Washington; and
  7. Crossings are minimized and serve multiple purposes and properties whenever possible;
- H. Stream relocations may be allowed only for:
1. Class 2 streams as part of a public road project for which a public agency and utility exception is granted pursuant to SMC 15.700.060, Exceptions; and
  2. Class 3 streams for the purpose of enhancing resources in the stream if:
    - a. Appropriate floodplain protection measures are used; and

- b. The relocation occurs on the site, except that relocation off the site may be allowed if the applicant demonstrates that any on-site relocation is impractical, the applicant provides all necessary easements and waivers from affected property owners and the off-site location is in the same drainage sub-basin as the original stream;
- I. For any relocation allowed by this section, the applicant shall demonstrate, based on information provided by a civil engineer and a qualified biologist, that:
  1. The equivalent base flood storage volume and function will be maintained;
  2. There will be no adverse impact to local groundwater;
  3. There will be no increase in velocity;
  4. There will be no interbasin transfer of water;
  5. There will be no increase in the sediment load;
  6. Requirements set out in the mitigation plan are met;
  7. The relocation conforms to other applicable laws; and
  8. All work will be carried out under the direct supervision of a qualified biologist;
- J. A stream channel may be stabilized if:
  1. Movement of the stream channel threatens existing residential or commercial structures, public facilities or improvements, unique natural resources or the only existing access to property; and
  2. The stabilization is done in compliance with the requirements of SMC 15.700.140, Vegetation Management Plan through 15.700.240, Flood Hazard Areas – Certification by an Engineer or Surveyor and administrative rules promulgated pursuant to this chapter;
- K. Stream enhancement not associated with any other development proposal may be allowed if accomplished according to a plan for its design, implementation, maintenance and monitoring prepared by a civil engineer and a qualified biologist and carried out under the direct supervision of a qualified biologist pursuant to provisions contained in administrative rules;
- L. A minor stream restoration project or fish habitat enhancement may be allowed if:

1. The restoration is accomplished by a public agency with a mandate to do such work;
  2. The restoration is unassociated with mitigation of a specific development proposal;
  3. The restoration does not cost more than twenty-five thousand dollars (\$25,000);
  4. The restoration is limited to placement of rock weirs, log controls, spawning gravel and other specific salmonid habitat improvements;
  5. The restoration only involves the use of hand labor and light equipment; and
  6. The restoration is performed under the direct supervision of a qualified biologist;
- M. Roadside and agricultural drainage ditches which carry streams with salmonids may be maintained through use of best management practices developed in consultation with relevant County, State, and Federal agencies. These practices shall be adopted as administrative rules; and
- N. Subject to a clearing and grading permit issued pursuant to tree retention requirements in SMC 15.445.140 through 15.445.148, the cutting of up to one (1) cord of firewood may be permitted in buffers of five (5) acres or larger in any year if the overall function of the buffer is not adversely affected. Removal of brush may also be permitted for the purpose of enhancing tree growth if the area of removal is limited to the diameter of the tree canopy at the time of planting.

### **15.700.350 Streams – Mitigation Requirements**

- A. Restoration shall be required when a stream or its buffer is altered in violation of law or without any specific permission or approval by the City. A mitigation plan for the restoration shall demonstrate that:
1. The stream has been degraded and will not be further degraded by the restoration activity;
  2. The restoration will reliably and demonstrably improve the water quality and fish and wildlife habitat of the stream;
  3. The restoration will have no lasting, significant, adverse impact on any stream functions; and

4. The restoration will assist in stabilizing the stream channel;
- B. The following minimum requirements shall be met for the restoration of a stream:
1. All work shall be carried out under the direct supervision of a qualified biologist;
  2. Basin analysis shall be performed to determine hydrologic conditions;
  3. The natural channel dimensions shall be replicated including its depth, width, length and gradient at the original location, and the original horizontal alignment (meander lengths) shall be replaced;
  4. The bottom shall be restored with identical or similar materials;
  5. The bank and buffer configuration shall be restored to its original condition;
  6. The channel, bank and buffer areas shall be replanted with vegetation native to the City and King County which replicates the original vegetation in species, sizes and densities; and
  7. The original biologic functions of the stream shall be recreated;
- C. The requirements in subsection (B) may be modified if the applicant demonstrates to the satisfaction of the City that a greater biological function can otherwise be obtained;
- D. Replacement or enhancement shall be required when a stream or buffer is altered pursuant to an approved development proposal. There shall be no net loss of stream functions on a development proposal site and no impact on stream functions above or below the site due to approved alterations;
- E. The requirements which apply to the restoration of streams in subsection (B) shall also apply to the relocation of streams, unless the applicant demonstrates to the satisfaction of the City that a greater biological function can be obtained by modifying these requirements;
- F. Replacement or enhancement for approved stream alterations shall be accomplished in streams and on the site unless the applicant demonstrates to the satisfaction of the City:
1. Enhancement or replacement on the site is not possible;



2. The off-site location is in the same drainage sub-basin as the original stream; and
  3. Greater biological and hydrological functions will be achieved; and
- G. Surface water management or flood control alterations shall not be considered “enhancement” unless other functions are simultaneously improved.

**15.700.360 ~~Critical Recharging Areas~~ Aquifer Recharge Areas ~~For Aquifers Used For Potable Water~~ and Wellhead Protection Areas**

The aquifer identified as Q(A)c by the US Geological Survey is considered the major aquifer underlying SeaTac and other cities west of the Green River Valley (the “Des Moines Upland”), and is generally encountered between 100 ft. above and 100 ft. below sea level. A deeper aquifer indentified as Q(B)c is generally encountered between sea level and 200 ft. below sea level. These aquifers are the source of water for the wells in SeaTac operated by the Highline Water District and Seattle Public Utilities.

**A. Purpose and Intent.** It is the purpose and intent of the regulations in this Section to prevent contaminants from entering the aquifers serving as potable water sources, and to limit activities that may adversely affect the recharging of these aquifers.

**B. Critical Aquifer Recharge Areas Designation.** Aquifer recharge areas act to recharge ground water by percolation due to the presence of certain soils, geology and surface water. Critical Aquifer Recharge Areas (CARA) are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(4)(b).

In the City of SeaTac, CARA are designated as follows:

1. Category 1: Wellhead Protection Areas as delineated on the Wellhead Protection Areas Map, [See attached map]

The wellhead protection areas delineated on the referenced map were established by the water districts that operate these wells; Highline Water District and Seattle Public Utilities. They are designated as a category of CARA based on the recommendation of the Department of Ecology.

The Wellhead Protection Areas map is intended as a guide for the city, project applicants and/or property owners and may be updated as new information becomes available.

2. Category 2: All other areas of the city.

**C. Prohibited Uses**

The following activities and uses are prohibited in Category 1 and Category 2 critical aquifer recharge areas:

1. **Landfills.** Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste, and inert and demolition landfills
2. **Underground Injection Wells.** All underground injection wells as defined in Chapter 173-218 WAC except the following:
  - a. Surface water management facilities
    - i. required pursuant to the Surface and Stormwater Management Code (SMC 12.10 and 12.30), or
    - ii. commonly associated with low impact development (LID) systems
  - b. Drainage wells such as those used to drain storm water such as a French drain or infiltration trench containing perforated pipe
  - c. Heat pump or cooling water return flows wells
  - d. Aquifer recharge wells
  - e. Septic systems serving an individual residential property, or as otherwise approved by Public Health-Seattle and King County
  - f. Injection wells used to control flooding of residential basements or as part of a reclaimed water project as allowed under a permit.
  - g. Injection wells used for remediation wells receiving fluids intended to clean up, treat or prevent subsurface contamination
  - h. Injection wells used as part of a reclaimed water project as allowed under a permit
  - i. Injection wells used to inject carbon dioxide for geologic sequestration.
3. **Mining**
  - a. Metals and hard rock mining; and
  - b. Sand and gravel mining;
4. **Wood Treatment Facilities.** Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade);
5. **Dry Cleaning Establishments.** Dry cleaning establishments using the solvent perchloroethylene.

6. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or dispose of radioactive substances; and

7. Other Prohibited Uses or Activities

a. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source;

b. Activities that would significantly reduce the recharge to aquifers that are a source of significant baseflow to a regulated stream.

**D. General Performance Standards: Requirements applicable to any uses proposed in Category 1 or Category 2 Critical Aquifer Recharge Areas**

1. The proposed activity must be designed and constructed to employ all known, available and reasonable (AKART) methods of prevention, control and treatment of pollutants associated with a discharge;

2. The proposed activity must comply with the water source protection requirements and recommendations of the U.S. Environmental Protection Agency, Washington State Department of Health, and Public Health-Seattle and King County;

3. The proposed activity must be designed and constructed in accordance with the requirements of the Surface and Stormwater Management Code (SMC 12.10 and 12.30), the Clearing and Grading Code (SMC 13.190) and the International Building Code (SMC 13.110);

4. If applicable, the proposed activity must comply with the requirements of the International Fire Code (SMC 13.150).

**E. Development Within a Category 1 Critical Aquifer Recharge Area**

1. Any proposed non-residential development located in a Category 1 Critical Aquifer Recharge Area shall submit a Hazardous Materials Inventory Sheet (HMIS) with a permit, land use, or business license application. Ongoing operation and maintenance activities of public wells by public water providers are exempt from these requirements.

2. The city will review the HMIS along with the permit, land use, or business license application to determine whether hazardous substances will be used, stored, transported or disposed of in connection with the proposed activity. The city shall make the following determinations and apply the appropriate measures:

a. No hazardous substances are involved, or;

- b. Hazardous substances are involved; however, existing laws or regulations adequately mitigate any potential impact, and documentation is provided to demonstrate compliance, or;
  - c. Hazardous substances are involved and the proposal has the potential to significantly impact critical aquifer recharge areas. The city may require a Critical Aquifer Recharge Area Critical Area Report in order to determine the potential impacts of contamination on the aquifer.
- 3. The Critical Area Report shall be prepared by a qualified professional, as specified in SMC 15.700.015, "Qualified Professional," and shall include the following site and proposal-related information:
  - a. Available information regarding geologic and hydrogeologic characteristics of the site including the surface location of all critical aquifer recharge areas located on site or abutting the site, and permeability of the unsaturated zone;
  - b. Ground water depth, flow direction, and gradient based on available information;
  - c. Currently available data on wells and springs within 1,300 feet of the project site;
  - d. Location of other critical areas, including surface waters, within 1,300 feet of the project site;
  - e. Available historic water quality data for the area to be affected by the proposed activity; and
  - f. Best management practices proposed to be utilized.

**F. Performance Standards, Specific: Applicable to specific uses in Category 1 or Category 2 Critical Aquifer Recharge Areas**

- 1. **Storage Tanks.** All storage tanks proposed to be located in a critical aquifer recharge area must comply the terms of subsection D of this section, and subsection a or b as follows:
  - a. **Underground Tanks.** All new underground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
    - i. Prevent releases due to corrosion or structural failure for the operational life of the tank;

ii. Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substances; and

iii. Use material in the construction or lining of the tank that is compatible with the substance to be stored.

b. **Above Ground Tanks.** All new above ground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:

i. Not allow the release of a hazardous substance to the ground, ground waters, or surface waters;

ii. Have a primary containment area enclosing or underlying the tank or part thereof; and

iii. A secondary containment system either built into the tank structure or a dike system built outside the tank for all tanks.

2. **Vehicle Repair, and Servicing.**

For the purposes of this subsection the term “vehicle repair and servicing” shall include, as defined in SMC 15.105, Automotive Service Center, Fueling/Service Station, Vehicle Repair, Small, and Vehicle Repair, Large.

a. Vehicle repair and servicing must be conducted over impermeable pads and within a covered structure capable of withstanding normally expected weather conditions. Chemicals used in the process of vehicle repair and servicing must be stored in a manner that protects them from weather and contains leaks should one occur.

b. No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment shall be abandoned using techniques approved by the state Department of Ecology prior to commencement of the proposed activity.

3. **Residential Use of Pesticides and Nutrients.** Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging.

4. **Use of Reclaimed Water for Surface Percolation or Direct Recharge.** Water reuse projects for reclaimed water must be in accordance with the

adopted water or sewer comprehensive plans that have been approved by the state departments of Ecology and Health.

- a. Use of reclaimed water for surface percolation must meet the ground water recharge criteria given in Chapter 90.46.080(1) and Chapter 90.46.010(10) RCW. The state Department of Ecology may establish additional discharge limits in accordance with Chapter 90.46.080(2) RCW.
- b. Direct injection must be in accordance with the standards developed by authority of Chapter 90.46.042 RCW.

5. **State and Federal Regulations.** The uses listed below shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations.

**Statutes, Regulations, and Guidance Pertaining to  
Ground Water Impacting Activities**

<b><u>Activity</u></b>	<b><u>Statute – Regulation - Guidance</u></b>
<u>Above Ground Storage Tanks</u>	<u>Chapter 173-303-640 WAC</u>
<u>Automobile Washers</u>	<u>Chapter 173-216 WAC, Best Management Practices for Vehicle and Equipment Discharges (Washington Department of Ecology WQ-R-95-56)</u>
<u>Below Ground Storage Tanks</u>	<u>Chapter 173-360 WAC</u>
<u>Chemical Treatment Storage and Disposal Facilities</u>	<u>Chapter 173-303 WAC</u>
<u>Injection Wells</u>	<u>Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC</u>
<u>Hazardous Waste Generator (Boat Repair Shops, Biological Research Facility, Dry Cleaners, Furniture Stripping, Motor Vehicle Service Garages, Photographic Processing, Printing and Publishing Shops, etc.)</u>	<u>Chapter 173-303 WAC</u>
<u>Junk Yards/Salvage Yards</u>	<u>Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (Washington State Department of Ecology 94-146)</u>
<u>Oil and Gas Drilling</u>	<u>Chapter 332-12 WAC, Chapter 173-218 WAC</u>
<u>On-Site sewage systems (Large Scale)</u>	<u>Chapter 173-240 WAC</u>
<u>On-Site Sewage Systems (&lt; 14,500 gal/day)</u>	<u>Chapter 246-272A WAC, Local Health Ordinances</u>
<u>Pesticide Storage and Use</u>	<u>Chapter 15.58 RCW, Chapter 17.21 RCW</u>
<u>Sawmills</u>	<u>Chapter 173-303 WAC, Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (Washington State Department of Ecology, 95-53)</u>
<u>Solid Waste Handling and Recycling Facilities</u>	<u>Chapter 173-304 WAC</u>
<u>Wastewater Application to Land Surface</u>	<u>Chapter 173-216 WAC, Chapter 173-200 WAC, Washington State Department of Ecology Land Application Guidelines, Best Management Practices for Irrigated Agriculture</u>

~~A. Purpose. Potable water is an essential life-sustaining element. Once groundwater is contaminated, it is difficult, costly, and sometimes impossible to clean. Preventing contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to the public. It is the City's intent, through this section, to recognize the importance of aquifers and to acknowledge a responsibility common to all governmental agencies to ensure, as much as possible through each jurisdiction's powers, the protection of health, safety and welfare of the public, the continued~~

~~quantity and quality of groundwater supplies through the regulation of land uses which may contribute contamination that may degrade groundwater quality and/or quantity in recharge areas of vulnerability. The extent of regulation shall be based on the degree of vulnerability of an identified recharge area and the contaminant loading potential of the proposed land use.~~

~~B. Where it is determined through special studies or City mapping projects that soil and geologic formation permeability exists such that the presence of a groundwater recharge area is likely, the City Manager, or designee, may require further investigation by the applicant of the existence of recharge areas when the proposed land use involved is considered to be of a type or intensity that has a high contamination potential. Such uses may include, but are not limited to, planned unit developments, waste disposal sites, or agriculture activities.~~

~~C. Any additional required special studies shall address, but are not limited to, the following:~~

- ~~1. Depth of groundwater;~~
- ~~2. Aquifer properties such as hydraulic conductivity and gradients;~~
- ~~3. Soil texture, permeability, and contaminant attenuation properties;~~
- ~~4. Characteristics of the vadose zone (the unsaturated tip layer of soil and geologic material) including permeability and attenuation properties; or~~
- ~~5. Other relevant factors.~~

~~D. Based upon information provided in any required special report or study, the Department of Community and Economic Development shall determine conditions of development which will ensure, to the extent possible, no degradation of groundwater quantity or quality. Such conditions shall be attached to any permit required by the project proposal. (Ord. 11-1002 § 2; Ord. 95-1012 § 1; Ord. 92-1041 § 1)~~

### **15.700.370 Fish and Wildlife Habitat Conservation Areas**

A. Purpose. Fish and wildlife habitat conservation means land management for maintaining species in a wild state in suitable habitats within their natural geographic distribution so that isolated sub-populations are not created. This does not mean maintaining all individuals of all species at all times. It does mean that cooperative and coordinated land use planning is critically important among counties and cities in a region. In some cases, it may be sufficient to assure that a species will usually be found in certain regions across the State. In other cases, it may be necessary to assure protection to each individual species. Protection needs to be species specific and goal-oriented. Fish and wildlife habitat conservation areas include:

1. Areas with which endangered, threatened, and sensitive species, including anadromous fish, have a primary association;
2. Habitats and species of local importance ~~(i.e., herons)~~;
3. Naturally occurring lakes or ponds under twenty (20) acres and their submerged aquatic beds that provide fish or wildlife habitat;



4. Waters of the State;
5. Lakes, ponds, and streams planted with game fish by a governmental or tribal entity.

~~“Fish and wildlife habitat conservation areas” does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.~~

~~The provisions of this of this chapter do not apply to any habitat areas which come under the jurisdiction of the Shoreline Management Program.~~

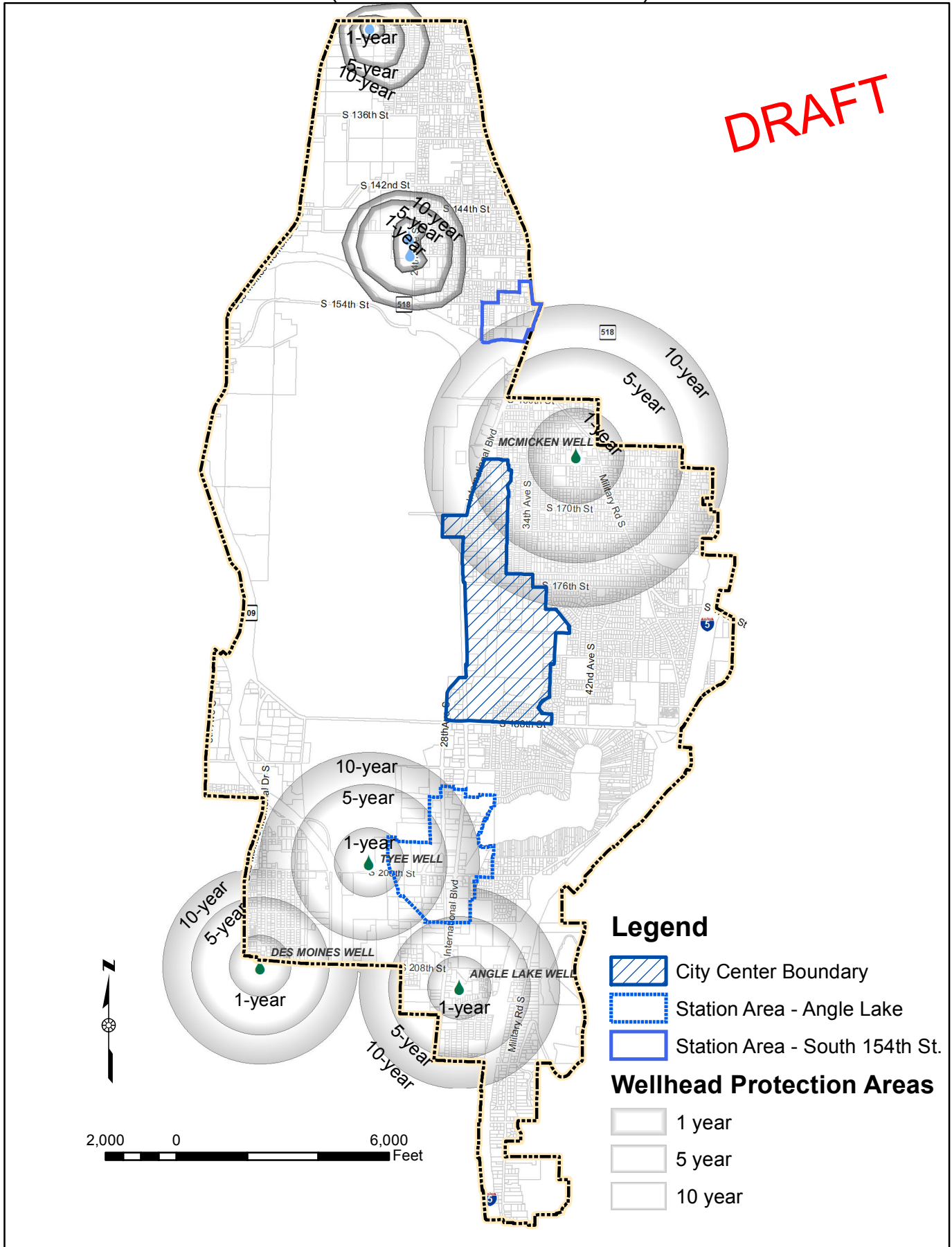
- B. Fish and wildlife habitat conservation areas may, and probably will, include one (1) or more of other ~~sensitive-critical~~ areas identified in this chapter. The following classification system is based on the presence of one (1) or more of these ~~sensitive-critical~~ areas as well as species identified as endangered, threatened, sensitive, or priority, the area’s proximity to developed areas, and the area’s existing use.
1. Category 1 habitat is classified as including any wetland or stream or their buffer areas or any area identified as habitat for endangered, threatened, sensitive or priority species by the State Department of Wildlife (DOW) or heron, and which is characterized by agricultural or low density residential use (one (1) unit or less per acre) and which is not within two hundred (200) feet of more intense land uses.
  2. Category 2 habitat is classified as including any wetland or stream or their buffer areas or any area identified as habitat for endangered, threatened, sensitive, or priority species by the DOW and which is characterized by residential uses of greater density than one (1) unit per acre or which lies within two hundred (200) feet of more intense land uses.
  3. Category 3 habitat is classified as an area which does not include a wetland or stream or their buffer areas or any area identified as habitat for endangered, threatened, sensitive or priority species by the DOW and which is characterized by single-family residential areas immediately adjacent to multifamily or nonresidential land uses.
  4. Category 4 habitat is classified as an area which does not include a wetland or stream or their buffer areas or any area identified as habitat for endangered, threatened, sensitive, or priority species by the DOW and which is characterized by nonresidential land uses.

- C. Buffers. For any fish and wildlife habitat conservation areas which include other ~~sensitive-critical~~ areas as identified and regulated in this chapter, the buffer for those ~~sensitive-critical~~ areas shall apply except where species identified by the DOW as endangered, threatened, sensitive, or priority, or where herons are found to have a primary association. If such species are present, the applicant shall provide a ~~critical area report special study~~ identifying such species, their required habitat, and recommend appropriate buffers based on the DOW priority habitat and species management recommendations as well as any other proposed mitigation measures considered appropriate to the protection of said species and habitat.

# Category 1 Aquifer Recharge Areas

(Wellhead Protection Areas)

**DRAFT**



**Summary of Changes Since Earlier Planning Commission Reviews**  
**GMA Consistency Amendments**  
**Draft Amendments to SMC 15.700 - Environmentally Sensitive Areas**

**Changes in response to comments received**

- In 15.700.040 Complete Exemptions, added exemption for “permitted building construction, normal and routine landscaping and maintenance not otherwise prohibited by this chapter” in Category 2 Critical Aquifer Recharge Areas (CARAs) to address concern that “alteration” could prevent homeowners from routine maintenance activities.
- In 15.700.360(B) Critical Aquifer Recharge Area Designation, updated the description to be more specific regarding soil conditions and ground water movement.
- In 15.700.360(C)(2) Exceptions to prohibited use of Underground Injection Wells in Category 1 & 2 CARAs, 4 new exceptions added:
  1. Surface Water management facilities
    - a. required pursuant to the Surface and Stormwater Management Code (SMC 12.10 and 12.30), or
    - b. commonly associated with low impact development (LID) systems
  2. Injection wells used for remediation wells receiving fluids intended to clean up, treat or prevent subsurface contamination
  3. Injection wells used as part of a reclaimed water project as allowed under a permit
  4. Injection wells used to inject carbon dioxide for geologic sequestration.
- In 15.700.360(E)(1) Development within a Category 1 CARA, updated reference to Hazardous Materials Inventory Sheet

**Changes based on further research**

- Section 15.700.280 Limited Exemptions, updated to include criteria for filling isolated wetlands less than 1,000 square feet.
- In 15.700.360(D) General Performance standards in Category 1 & 2 CARAs, added criterion: “The proposed activity must be designed and constructed to employ all known, available and reasonable (AKART) methods of prevention, control and treatment of pollutants associated with a discharge.”
- In 15.700.360(C) Prohibited Uses in Category 1 & 2 CARAs, removed Metal Manufacturing
- In table “Statutes, Regulations, and Guidance Pertaining to Ground Water Impacting Activities,” corrected references to WAC/RCW as needed.

**Updates to definitions**

- Updated definition of Wetland, Isolated based on consultation with Dept. of Ecology staff.
- Added “Hazardous Substances” definition; restored original language for “Hazardous Production Material” definition.

- Updated definition of Steep Slope Hazard Areas (changed 10 ft. to 20 ft.) for consistency with regulatory language
- Updated definition of Forested Wetland for consistency with Department of Ecology guidance

**Other changes**

- In 15.700.070 Critical Areas Maps and Inventories, updated reference to current maps used and their location.
- In 15.700.190(D) Development Standards for Erosion Hazard Areas, replaced obsolete language referencing stormwater runoff.
- In 15.700.360(F) Storage Tanks in Category 1 & 2 CARAs, referenced section listing applicable codes, rather than listing codes again in this subsection.
- Overall, updated language to use the term “hazardous substances” for uniformity and consistency with definition.



# MEMORANDUM

To: Planning Commission  
From: Anita Woodmass, Senior Planner  
Date: May 3, 2016  
Re: Briefing on the Angle Lake Station Area Zoning Implementing Regulations

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The Planning Commission completed its three (3) month review of the ‘high level’ standards for implementing the Angle Lake Station Area Plan at its April 19, 2016 meeting. At this meeting, the Planning Commission indicated that they would like to receive a copy of the preliminary draft code language ahead of the proposed public hearing (May 17, 2016). As a reminder, the Commission made this request to help facilitate a recommendation immediately following the Public Hearing. This is necessary to allow Council review and action before the interim standards’ June 30, 2016 expiration date.

Attached to the packet is a copy of the great majority of the new zoning code chapter. The remaining portions of code language will be provided to you on Monday, May 2, 2016 as follows:

<b>CODE SECTION</b>	<b>DRAFT PROVIDED TO PC:</b>
15.310.005 Purpose	April 29, 2016
15.310.010 Authority and Applications	April 29, 2016
15.310.050 Use Chart	April 29, 2016
15.310.100 Circulation	May 2, 2016
15.310.200 Site Planning and Building Orientation	April 29, 2016
15.310.300 Open Space and Amenities	April 29, 2016
15.310.400 Parking Standards	May 2, 2016
15.310.500 Landscape Standards	April 29, 2016
15.310.600 Building Design	May 2, 2016
15.310.700 Mixed Use and Multi-Family Development Standards	April 29, 2016
15.310.800 Additional Standards	April 29, 2016
15.310.900 Development Incentives	May 2, 2016
15.510.500 Recreation and Open Space	April 29, 2016
15.105 Definitions	May 2, 2016
15.445 and 15.455 Landscaping and Parking charts	May 2, 2016

new uses)	(revisions to proposed	
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Please note the following important information pertaining to the attached code:

1. This draft version of the code is for your preliminary review prior to the public hearing. Prior to the public hearing, you will be provided with a full and complete version of the draft code for your review.
2. Should any changes to content (outside of general formatting and 'housekeeping') be made between the draft version attached to this memo and the final draft for public hearing, the Planning Commission will be provided a memo summarizing the changes prior to the public hearing, and be briefed regarding these changes at its public meeting.
3. Staff will continue to format the code and look for any errors of grammar, formatting, mis-numbering etc, over the next four (4) weeks. This is very common practice when preparing any ordinance of this size and does not affect the public hearing recommendation.
4. Staff continues to work on figures/diagrams to include in the code which will be provided in the final draft materials for the public hearing. Any diagrams and figures will reflect the code language.
5. Summary tables of proposed standards are included at the beginning of chapters with more substantial content to help with way-finding and to help make it more customer friendly to use.
6. The proposed code language incorporates dimensional standards and other provisions as discussed with the Planning Commission at previous meetings.

The Planning Commission is asked to come with any questions, concerns or comments to the May 3, 2016 meeting. Please do not hesitate to contact me at 206-973-4839 should you wish to discuss any parts of this code prior to the meeting.

# Chapter 15.310

## Angle Lake Station Area Overlay District

EXHIBIT B1  
05/03/2016

Sections:

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### **15.310.005 Purpose**

### **15.310.010 Authority and Applications**

### **15.310.050 Use Chart**

15.310.055 Angle Lake Station Area Overlay District Use Chart

### **15.310.100 Circulation**

15.300.110 Vehicular Circulation Requirements

15.300.120 Pedestrian Circulation Requirements

### **15.310.200 Site Planning and Building Orientation**

15.310.210 Building Placement/Setbacks

15.310.220 Development Abutting Two (2) or More Street Frontages

15.310.240 Projects Abutting a Residential Low Density or Residential Medium Density  
Comprehensive Plan Designation

15.310.250 Layout and Width of Streetfront Pedestrian Zone

15.310.260 Driveway Design

15.310.270 Location of Drive-Through Stacking Lanes

15.310.280 Exterior Lighting

### **15.310.300 Open Space and Amenities**

15.310.310 Minimum Open Space Area Required

15.310.320 Location and Design of Open Space

### **15.310.400 Parking Standards**

15.310.410 Off-Street Parking Requirements and Reductions

15.310.420 Off-Street Loading Requirements

15.310.430 Bicycle Parking Requirements

15.310.440 General Parking Design and Construction Standards

15.310.450 Surface Parking

15.310.460 Structured Parking

### **15.310.500 Landscape Standards**

### **15.310.600 Building Design**

15.310.610 Street Level Design

15.310.620 Pedestrian Building Entries

15.310.630 Building Facades

15.310.640 Roof Lines and Equipment

### **15.310.700 Mixed Use and Multi-Family Development Standards**

15.310.710 Mixed Use Development Standards

15.310.720 Definition of Mixed Use

15.310.740 Multi-Family Development Standards

### **15.310.800 Additional Standards**

15.310.810 Fences

15.310.850 Signs

### **15.310.900 Development Incentives**



## **Chapter 15.310**

### **Angle Lake Station Area Overlay District**

Sections:

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#### **15.310.005 Purpose**

#### **15.310.010 Authority and Applications**

#### **15.310.050 Use Chart**

15.310.055 Angle Lake Station Area Overlay District Use Chart

#### **15.310.005 Purpose**

- A. The following standards are intended to implement the City's vision for the Angle Lake Station Area as set forth in the City of SeaTac Comprehensive Plan, by promoting transit oriented development and pedestrian-oriented design, a diversity of uses within close proximity, a linked series of open spaces, and a focal point for community identity.
- B. Each standard includes examples and illustrations of ways in which the intent of the standard could be achieved. The graphic illustrations are meant to be examples, and not the only acceptable means to accomplishing the intent of the illustrated standards. Applicants and project designers are encouraged to consider designs, styles and techniques not pictured in the examples that fulfill the intent of the design standard.

#### **15.310.010 Authority and Application**

- A. The provisions of this chapter shall apply to the Angle Lake Station Area Overlay District as delineated on the Official Zoning Map. Within the Angle Lake Station Area, Chapter 15.310 SMC shall supersede existing regulations elsewhere in SMC Title 15 when in conflict with this chapter.
- B. The provisions of this chapter shall apply to all development meeting one (1) or more of the following thresholds:
  1. All new construction requiring building permits; and/or
  2. **Major Redevelopment.** Additions or alterations to a building or site, excluding interior-only improvements, which total fifty percent (50%) or more of the gross square footage (GSF) of the existing building(s) or site.

Only the portions of the building or site being altered or added to shall be required to integrate Angle Lake Station Area Overlay District standards into the design of the alteration or addition. Project applicants proposing additions or alterations to a building or site conforming to the above criteria for major redevelopment shall arrange a pre-design meeting with planning staff prior to permit application to establish those design standards applicable to the

proposed addition or alteration.

- C. **Departures.** In order to provide flexibility and creativity of project designs, departures from these overlay district standards may be permitted (except to maximum parking requirements in SMC 15.310.410 and the minimum amount of open space required in SMC 15.310.310 Minimum Open Space Area Required), subject to the approval of the Director. Any request for departure must satisfy the following:
1. If the strict interpretation or application of these special standards would be inconsistent with related provisions of the Zoning Code or would be contrary to the overall purpose or intent of City goals and objectives for the Angle Lake Station Area or Comprehensive Plan; or
  2. If it can be shown that the overall project design and feasibility can be improved, while meeting the intent of the Angle Lake District Station Area Plan.
- D. **Development Agreements.** In order to provide flexibility, to permit creativity of design, style, and technique, and to provide for phased development and interim uses, Development Agreements may be entered into by and between the City and property owners or developers, pursuant to RCW 36.70B.170 through 36.70B.200; provided, that the terms of any such development agreement shall be consistent with the purpose and intent of this chapter. Special conditions or exemptions established for a particular site or project through a development agreement shall include criteria or date for the termination of any such agreement.
- E. **Exemptions From This Chapter.** Single-family homes are exempt from the provisions of this chapter. In addition, the following zoning designation and related land uses are exempt from the provisions of this chapter: Urban Low (UL).
- F. **High Capacity Transit Facilities.** Standards for high capacity transit facilities, as identified in SMC Chapter 15.530 High Capacity Transit Facilities Design Standards, shall apply to all applicable development within the Angle Lake Station District Station Area.

### **15.310.050 Use Chart**

#### **A. Use Chart Guide**

##### **1. About the Use Chart**

The following chart lists all of the permitted and conditional land uses allowed in each zone.

##### **2. How to Use the Use Chart**

The land uses are listed vertically along the left hand side and the zones are listed horizontally across the top. Each square in the chart shows the following possibilities for the use and the zone:

**P:** The use is permitted.

**C:** The use is allowed subject to a conditional use permit.

If the square is blank, the use is not permitted in that zone.

##### **3. Additional Standards According to Use**

Additional standards that apply to a particular use and zone are noted by number and described in the column on the far right of the chart. If the standard is not preceded by a number, the standard applies to all zones.

**15.310.055 City Center Overlay District Use Chart**

**ZONES:**

**UL-Urban Low**

**UM-Urban Medium**

**UH-Urban High**

**UH-UCR-Urban High-Urban**

**ABC-Aviation Business Center**

**CB-C-Community Business in the Urban Center**

**I – Industrial**

**AVO –Aviation Operations**

**AVC-Aviation Commercial**

**P-Park**

P-Permitted Use; C-Conditional Use Permit required

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Division III. Overlay Districts and Zones

LAND USE	UM	UH	UH-UCR	ABC	CB-C	I					Additional Regulations
<b>ANIMALS</b>											
Butterfly/Moth Breeding											
Kennel/Cattery					P (1)(2)	P (1)					(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).  (2) Not permitted within the District Center.
Stables											
Veterinary Clinic			P(1)	P	P	P					(1) Permitted as a part of a residential mixed use development, as described in SMC 15.300.720 Definition of Mixed Use.
<b>BUSINESS SERVICES</b>											
Airport Support Facility											
Cargo Containers											
Commercial/Industrial Accessory Uses											
Conference/ Convention Center				P	P	P					
Construction/Landscaping Yard											
Distribution Center/ Warehouse				C(1)							(1) Not permitted within the District Center. See map in SMC 15.310.015
Equipment Rental, Large											
Equipment Rental, Small				P(1)	P(1)	P					(1) Not permitted within the District Center. See map in SMC 15.310.015
Equipment Repair, Large											
Equipment Repair, Small				P(1)	P(1)	P					(1) Not permitted within the District Center. See map in SMC 15.310.015

Division III. Overlay Districts and Zones

LAND USE	UM	UH	UH-UCR	ABC	CB-C	I				Additional Regulations
Helipad/Airport and Facilities										
Professional Office		P(1)	P(1)	P	P	P				(1) Permitted as a part of a residential mixed use development, as described in SMC 15.310.720 Definition of Mixed Use.
Storage, Self-Service				P(1)(2)						(1) Permitted in a structure with the appearance of an office building  (2) Not permitted within the District Center. See map in SMC 15.310.015
Truck Terminal										
<b>CIVIC AND INSTITUTIONAL</b>										
Cemetery										
Fire Facility	P	P	P	P(1)	P(1)	P				(1) Not permitted within the District Center. See map in SMC 15.310.015
Funeral Home/Crematory				P(1)						(1) Not permitted within the District Center. See map in SMC 15.310.015
Police Facility	P	P	P	P	P	P				
Public Agency Office		P	P	P	P	P				
Public Agency Yard										
<b>EDUCATIONAL</b>										
College/ University	C	P	P	P	P	P				
Elementary/Middle School	C	C	C							
High School	C	C	C		C(1)	C				(1) Not permitted within the District Center. See map in SMC 15.310.015
LAND USE	UM	UH	UH-UCR	ABC	CB-C	I				Additional Regulations
Specialized Instruction School			P(1)	P	P	P				(1) Permitted as a part of a residential mixed use development, as described in SMC 15.310.720 Definition of Mixed Use.
Vocational/Technical School				P	P	P				
<b>HEALTH AND HUMAN SERVICES</b>										
Crisis Diversion Facility (CDF)										
Crisis Diversion Interim Facility (CDIF)										
Day Care I	P	P	P	P	P	P				See SMC Ch. 15.420 Day Care Facilities.

Division III. Overlay Districts and Zones

LAND USE	UM	UH	UH-UCR	ABC	CB-C	I				Additional Regulations
	(1)	(1)	(1)							(1) If family day care providing in-home care, regulations in SMC 15.420.200 Family Day Care Facilities apply.
Day Care II	P	P	P	P	P	P				See SMC Ch. 15.420 Day Care Facilities.
Halfway House										
Hospital										
Medical Lab				P(2)	P(2)	P				(1) Permitted as a part of a residential mixed use development, as described in SMC 15.310.720 Definition of Residential Mixed Use.  (2) Not permitted within the District Center. See map in SMC 15.310.015
Medical Office/ Outpatient Clinic			P	P	P	P				
Opiate Substitution Treatment Facility					C(1)	C				Subject to the CUP-EPF siting process (SMC 15.115.040 Essential Public Facilities).  (1) Not permitted within the District Center. See map in SMC 15.310.015
Overnight Shelter										
Secure Community Transition Facility					C(1)	C				Subject to the CUP-EPF siting process (SMC 15.115.040 Essential Public Facilities).  (1) Not permitted within the District Center. See map in SMC 15.310.015
Transitional Housing		C	C		P(1)	P				Must have adequate on-site and program management, and satisfactory written policies and procedures, including those describing tenant selection, assistance, denial or termination, and housing safety standards. Screening must not allow as residents persons who have been classified as Class III sexual offenders. (1) Not permitted within the District Center. See map in SMC 15.310.015

Division III. Overlay Districts and Zones

LAND USE	UM	UH	UH-UCR	ABC	CB-C	I					Additional Regulations
<b>MANUFACTURING</b>											
Food Processing				P(1)	P(1)(2)	P(2)					(1) Not permitted within the District Center. See map in SMC 15.310.015  (2) Food processing with retail section or restaurant to be oriented to the public street.
Laboratories, Research, Development & Testing				P(1)	P(1)	P					(1) Not permitted within the District Center. See map in SMC 15.310.015
Micro-Winery/ Brewery/Distillery				P(1)	P (1)	P(1)					(1) Permitted in conjunction with the following retail uses: restaurant, tavern, retail sales or tasting room. Retail uses to be oriented to the public street and located at the ground floor.
Recycling Processing											
Assembly and Packaging				P(1)							(1) Not permitted within the District Center. See map in SMC 15.310.015
Manufacturing and fabrication, Light				P(1)							(1) Not permitted within the District Center. See map in SMC 15.310.015
Manufacturing and fabrication, Medium											
<b>MOTOR VEHICLES</b>											
Auto Service Center											
Auto Wrecking											
Electric Vehicle Infrastructure	P(1)	P(2)	P(2)	P	P	P					(1) Restricted electric vehicle charging stations only.  (2) Battery charging stations only, limited in use only to the tenants or customers of the development located on site.
Fueling/Service Station				P(1)	P(1)	P					(1) Not permitted within the District Center. See map in SMC 15.310.015
Public/Private Parking				P(1)	P(1)	P					Permitted as structured parking only. No surface lots permitted  (1) Not permitted within the District Center. See map in SMC 15.310.015
Tire Retreading											



Division III. Overlay Districts and Zones

LAND USE	UM	UH	UH-UCR	ABC	CB-C	I				Additional Regulations
Towing Operation										
Vehicle Rental/Sales										
Vehicle Rental/sales, large						P				
Vehicle Repair, Large						P				
Vehicle Repair, Small				P						
<b>RECREATIONAL AND CULTURAL</b>										
Amusement Park										
Community Center	C	P	P	P	P	P				
Drive-In Theater										
Golf Course										
Health Club		P	P	P	P	P				
Library	P	P	P	P	P	P				
Museum	C	C	P	P	P	P				
Park	P	P	P	P	P	P				
Recreational Center		P	P	P	P	P				
Religious Use Facility	P(1)/ C(2)	P	P	P/C(3)	P/C(3)	P				(1) Permitted as a subsidiary use, subject to criteria in SMC 15.470 Subsidiary Uses.  (2) Permitted as a minor conditional use, subject to criteria under SMC 15.115.020(E) Conditional Use Permit (CUP).  (3) Conditional use within the District Center. See map in SMC 15.310.015
Religious Use Facility Accessory	C(1)	C(1)	P(1)	P/C(2)	P/C(2)	P				(1) Permitted as accessory to primary use not to exceed 20% of total square footage of building(s).  (2) Conditional use within the District Center. See map in SMC 15.310.015
Stadium/Arena										
<b>RESIDENTIAL</b>										
College Dormitory		P	P(1)	P	P	P				(1) Permitted as a part of a mixed use development, as described in SMC 15.300.720 Definition of Mixed Use.

LAND USE	UM	UH	UH-UCR	ABC	CB-C	I				Additional Regulations
Duplex	P(1)	P(1) (2)								See SMC Ch. 15.505 Townhouse and Duplex Development Design Standards.  (1) Duplexes are only permitted as part of a townhouse development.  (2) Townhouse and duplex development allowed only in UH-1800 zone.
Dwelling Unit, Caretaker/Manager		P	P		P	P				
Dwelling Unit, Detached										
Manufactured/ Modular Home										
Mobile Home										
Mobile Home Park										
Multi-Family	P	P	P	P	P	P				
Townhouse	P	P(1)								(1) Townhouse and duplex development allowed only in UH-1800 zone.
<b>RESIDENTIAL, RETIREMENT &amp; ASSISTED LIVING</b>										
Assisted Living		P	P	P	P					
Community Residential Facility I	P	P	P		P(1)					See SMC 15.465.400, Community Residential Facility Standards.  (1) Not permitted within the District Center. See map in SMC 15.310.015

Division III. Overlay Districts and Zones

LAND USE	UM	UH	UH-UCR	ABC	CB-C	I					Additional Regulations
Community Residential Facility II		P	P	P	P	P					See SMC 15.465.400, Community Residential Facility Standards.
Continuing Care Retirement Community		P	P	P	P	P					
Convalescent Center/Nursing Home	P	P	P	P(1)	P(1)	P					(1) Not permitted within the District Center. See map in SMC 15.310.015
Retirement Apartments	P	P	P	P	P	P					
<b>RESIDENTIAL, ACCESSORY</b>											
Home Occupation	P	P	P		P	P					See SMC 15.465.500 Home Occupations.
Shed/Garage	P (1)	P(1)	P(1)								(1) Limited to 1,000 gross square feet and a 20 foot height limit (highest point).
<b>RETAIL AND COMMERCIAL</b>											
Agricultural Crop Sales (Farm Only)											
Arcade (Games/Food)		P(1)	P(1)	P	P	P					(1) Permitted as a part of a residential mixed use development, as described in SMC 15.310.720 Definition of Mixed Use.
Beauty Salon/Personal Grooming Service		P(1)	P(1)	P	P	P					(1) Permitted as a part of a residential mixed use development, as described in SMC 15.310.720 Definition of Mixed Use.
Mobile Vending				P(1)	P(1)						Permitted on private property located within the District Center. See map in SMC 15.310.015
Dry Cleaner		P (1)	P(1)	P	P	P					(1) Permitted as a part of a residential mixed use development, as described in SMC 15.310.720 Definition of Mixed Use.
Financial Institution		P(1)	P(1)	P(2)	P(2)	P					(1) Permitted as a part of a residential mixed use development, as described in SMC 15.310.720 Definition of Mixed Use.  (2) No drive-through facilities allowed within the District Center. See map in SMC 15.310.015

Division III. Overlay Districts and Zones

LAND USE	UM	UH	UH-UCR	ABC	CB-C	I				Additional Regulations
Laundromat		P(1)	P(1)	P	P	P				(1) Permitted as a part of a residential mixed use development, as described in SMC 15.300.720 Definition of Mixed Use.
Restaurant		P (1,2)	P (1,2)	P(3)	P(3)	P				(1) No drive-through facilities allowed.  (2) Permitted as a part of a residential mixed use development, as described in SMC 15.310.720 Definition of Mixed Use.  (3) No drive-through facilities allowed within the District Center. See map in SMC 15.310.015
Restaurant, Fast Food				P(1)	P(1)	P				(1) No drive-through facilities allowed within the District Center. See map in SMC 15.310.015
Retail, Big Box				P(1)						(1) Not permitted within the District Center.
Retail, General		P(1)	P(1)	P	P	P				(1) Permitted as a part of a residential mixed use development, as described in SMC 15.310.720 Definition of Mixed Use.
Sexually-Oriented Business					C(1)	C				See SMC 15.415.200 Sexually Oriented Businesses.  (1) Not permitted within the District Center. See map in SMC 15.310.015
Tavern				P	P	P				
Entertainment Club				P	P	P				
Theater				P	P(1)	P				(1) Not permitted within the District Center. See map in SMC 15.310.015
Wholesale/Bulk Store					C(1)	C				(1) Not permitted within the District Center. See map in SMC 15.310.015
<b>RETAIL AND COMMUNITY LODGING</b>										
Bed and Breakfast	P	P	P							See SMC 15.465.300 Bed and Breakfast Standards.
Hotel/Motel and Associated Uses				P	P	P				Hotel/Motel lobby and restaurant to be located at, and oriented to, the public street and located at the ground floor.
<b>UTILITIES</b>										
Communications Facility	C/P	C/P	C/P	C/P	C/P	C/P				See SMC Chapter 15.480 Wireless Communications Facilities for specific use and development standards.
Utility Substation		C	C	C	C	C				

LAND USE	UM	UH	UH-UCR	ABC	CB-C	I				Additional Regulations
Utility Use	C	C	C		C	C				
Wireless Communications Facility	C/P	C/P	C/P	C/P	C/P	C/P				See SMC Chapter 15.480 Wireless Communications Facilities for specific use and development standards.

DRAFT, PC REVIEW

DRAFT, PC REVIEW

**15.310.200 Site Planning and Building Orientation**

- 15.310.210 Building Placement/Setbacks
- 15.310.220 Development Abutting Two (2) or More Street Frontages
- 15.310.240 Projects abutting a Residential Low Density or Residential Medium Density Comprehensive Plan Designation
- 15.310.250 Layout and Width of Streetfront Pedestrian Zone
- 15.310.260 Driveway Design
- 15.310.270 Location of Drive-Through Stacking Lanes
- 15.310.280 Exterior Lighting

**15.310.200 Site Planning and Building Orientation**

**Purpose:** Design structures to have an external orientation to the streetscape and the pedestrian environment with unifying open space and pedestrian pathways. Design emphasis should be given to the pedestrians, rather than auto mobiles, through placement of parking in a less prominent location (such as structured parking, or to the rear of the building, rather than in front); pedestrian-level retail space; treatment of blank walls and facades and incorporation of prominent architectural features. Site layout should emphasize coordination of open spaces and pedestrian access with adjacent development or public places. Lighting and landscaping should allow for safety and visibility of public and semi-public areas.

**Figure: SUMMARY TABLE, SITE PLANNING AND BUILDING REQUIREMENTS**

<b>Angle Lake District: Site Planning and Building Orientation</b>	<b>Applies To: All Development.</b>
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**Note:** This is a summary of site planning and building requirements within the Angle Lake District. See code references for supplemental details.

**DESIGN STANDARDS (see SMC 15.310.200)**

Setbacks	International Boulevard : <ul style="list-style-type: none"> <li>– 5’-20’ for at least 50% of building front façade</li> <li>– 5’-40’ remaining building façade</li> </ul> Other streets: <ul style="list-style-type: none"> <li>– 5’-10’ for at least 50% of building front façade</li> <li>– 5’-20’ remaining building façade</li> </ul>
Setbacks within District Center	International Boulevard : <ul style="list-style-type: none"> <li>– 5’-20’ for at least 50% of building front façade</li> <li>– 5’-40’ remaining building façade</li> </ul> Other streets: 5’-10’
Projections within the	Weather Protection may extend

Setback	
Through Lots Fronting International Boulevard	Orient front building façade to International Boulevard
Front Yard/Orientation	District Center – per Figure ‘Front Yard in District Center’
Minimum building frontage	AL District: 50% of front yard street frontage to be occupied by front building facade AL District Center: 65% of front yard street frontage to be occupied by frontbuilding facade
Where side yard setbacks and landscaping setbacks conflict	Landscaping setbacks supersede side yard setbacks
Corner Lots	Building facades orient to both streets
Commercial projects abutting RL and RM Comprehensive Plan Designations	Maximum building heights and setbacks specified
Sidewalk Widths	<ul style="list-style-type: none"> <li>• International Boulevard: 8’ paved sidewalk clear-through zone + 4’ landscape zone</li> <li>• Other streets: 4’ paved sidewalk clear-through zone + 4’ landscape zone</li> </ul>
Driveway Entrances SMC15.455.420	Arterial: 1 driveway per 150’ of street frontage Non arterial: 1 driveway per 100’ of street frontage

**15.310.210 Building Placement/Setbacks**

**A. Front Yard Setback.** Front yard setbacks shall be as follows:

1. **Minimum.** Five (5) feet on all public and private streets
2. **Maximum.**
  - a. **Adjacent to International Boulevard:** Twenty (20) feet for at least fifty percent (50%) of the building’s front façade. The remaining building’s front façade may be setback to forty (40) feet for the purposes of accommodating public open space, porte cocheres, landscaping or recessed building entries;
  - b. **All Other Public or Private Streets:** Ten (10) feet for at least fifty (50%) of the building’s front façade. The remaining front building façade may be setback to twenty (20) feet for the purpose of accommodating public open space, porte cocheres, landscaping or recessed building entries.

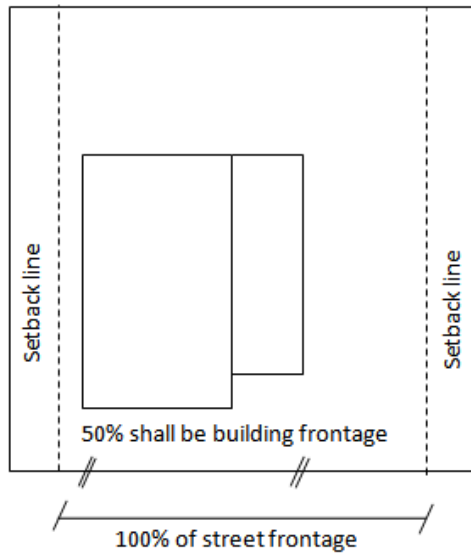


- B. **District Center Front Yard Setback.** For Properties located within the District Center, the front yard setbacks shall be as follows.
1. **Adjacent to International Boulevard:** Twenty (20) feet for at least fifty percent (50%) of the building's front façade. The remaining building's front façade may be setback to forty (40) feet for the purposes of accommodating public open space, porte cocheres, landscaping or recessed building entries;
  2. **All Other Public or Private Streets:** Five (5) to ten (10) feet.
- C. **Projections Permitted Within Setback.** Weather protection awnings and marquees may extend into a required setback.
- D. **Building Orientation.** The front façade of the primary building(s) shall be oriented toward the front property line, with the main pedestrian entrance(s) located on this façade. Additional building entrances may be oriented toward the rear or side of the building for access to and from the parking lots.
1. **Through lots with frontage along International Boulevard:** Shall orient the front building façade to International Boulevard. The main pedestrian entrance(s) shall be located on this facade. Additional building entrances may be oriented toward the rear or side of the building.
  2. **District Center:** Figure: FRONT YARD IN DISTRICT CENTER identifies locations of required front building facades for properties located within the District Center.

**INSERT FIGURE REFERENCED ABOVE**

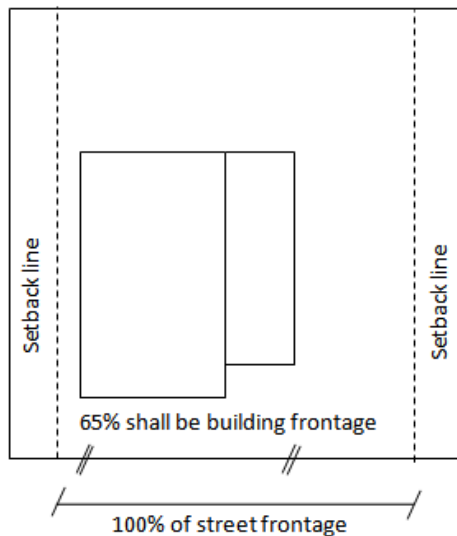
- E. **Building Orientation, District Center.** Figure 'Front Yard in District Center' identifies locations of required front building facades for properties located within the District Center.
- F. **Minimum Building Frontage Coverage.** A minimum of fifty percent 50% of the front yard street frontage shall be occupied by a primary building façade(s) excluding any side yard setbacks.

**Figure: BUILDING FRONTAGE COVERAGE**



- G Building Frontage, District Center.** A minimum of sixty five percent 65% of the front yard street frontage shall be occupied by a primary building façade(s) excluding any side yard setbacks.

**Figure: BUILDING FRONTAGE COVERAGE, DISTRICT CENTER**



- H. Setbacks and Landscaping Standards for CB-C, ABC and I Zone.** In the CB-C, ABC and I zone, where required landscaping in SMC 15.445 exceeds the required side and rear setbacks in SMC 15.400.100, the landscape standards shall

supersede the setback standards. This shall not apply where side and rear property lines abut a residential comprehensive plan designation as per SMC 15.300.240.

**15.310.220 Development Abutting Two (2) or More Street Frontages**

- A. Buildings on corner lots shall orient front facades to both the corner and adjacent public and/or private street fronts. Pedestrian entries near or on the corner are encouraged.
  - 1. **Corner Buildings and Architectural Focal Points.** Development at the intersection of a arterial streets shall include architectural focal points that increase the visibility and landmark status of corner buildings, such as one (1) or more of the following:
    - a. Transparent glazing incorporated into corner building design;
    - b. Tower elements and/or roof lines that accentuate the corner;
    - c. Balconies or building terraces at or near the corner.

**15.310.240 Projects Abutting a Residential Low Density or Residential Medium Density Comprehensive Plan Designation**

Careful siting and design treatment is necessary to achieve a compatible transition between Comprehensive Plan designations of differing height, bulk and scale requirements. In order to mitigate potential impacts, the following standards shall apply:

- A. **Adjacent to Residential Low Density Comprehensive Plan Designation.** Properties abutting a Residential Low Comprehensive Plan designation shall incorporate the following:
  - 1. A maximum building height of thirty-five (35) feet, relative to the base elevation of the adjacent Residential Low Comprehensive Plan designation parcel(s) where that base elevation is higher than the base elevation of the proposed project, shall apply to all portions of a structure within sixty (60) feet of an RL Comprehensive Plan designated parcel, including access roadway widths; provided, that the overall height of any structure shall not exceed the maximum structure height specified in the dimensional standards charts in SMC 15.400.100; and
  - 2. A minimum side and/or rear yard building setback of twenty (20) feet shall apply if the side or rear property boundaries are adjacent to an RL Comprehensive Plan designation. Side/rear yard landscaping shall occupy all or part of the required building setback, as specified in the landscaping chart in SMC15.445.111.

3. Parking shall not be permitted within the side and/or rear yard building setback adjacent to a RL Comprehensive Plan designation parcel.

- B. **Adjacent to UM comprehensive plan designation.** Properties abutting a UM comprehensive plan designation shall maintain a minimum side and/or rear yard building setback of twenty (20) feet, if the side or rear yard property boundaries are adjacent to a UM comprehensive plan designation. Side/rear yard landscaping shall occupy all or part of the required building setback, as specified in the landscaping chart in SMC 15.445.111.

### **15.310.250 Layout and Width of Streetfront Pedestrian Zone**

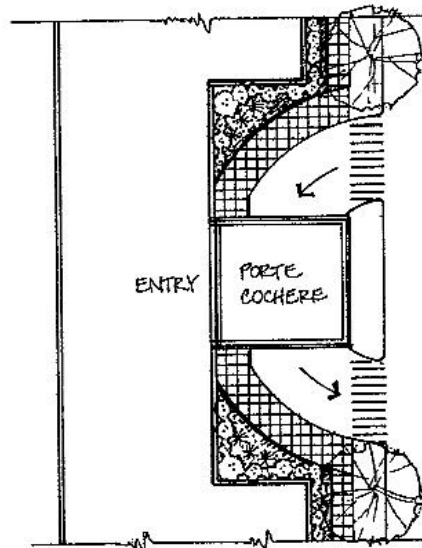
All new sidewalks and street improvements shall include a streetfront pedestrian zone, consisting of street landscaping/buffer zone and a sidewalk clear-through zone.

- A. **Along International Boulevard:** Twelve (12) feet along the length of the property line with the following specifications:
  1. Eight (8) feet paved sidewalk clear-through zone free of physical obstructions. Adjacent to the street curb shall be an additional four (4) foot landscape/buffer zone, comprised of paved sidewalk, with street trees and tree wells spaced no more than every thirty (30) feet.
- B. **Along All Other Streets:** Eight (8) feet along the length of the property line with the following specifications:
  1. Four (4) foot paved sidewalk clear-through zone free of physical obstructions. Adjacent to the street curb shall be an additional four (4) foot landscape zone comprised of paved sidewalk, with street trees and tree wells spaced no more than every thirty (30) feet .
- C. Street trees shall be deciduous shade trees as per SMC Title 11. Variations in tree spacing, may be approved by the Director, to enhance plaza areas, emphasize building focal points or avoid visually blocking retail storefront entrances.

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### **15.310.260 Driveway Design**

- A. Pedestrian walkways interrupted by driveways shall be distinguished from the driveway surface by decorative paving to the building entrance.
- B. Driveways serving front yard porte cochere building entries shall be approved by the Director and include only limited short-term parking that can be accommodated along one (1) double-loaded drive aisle.

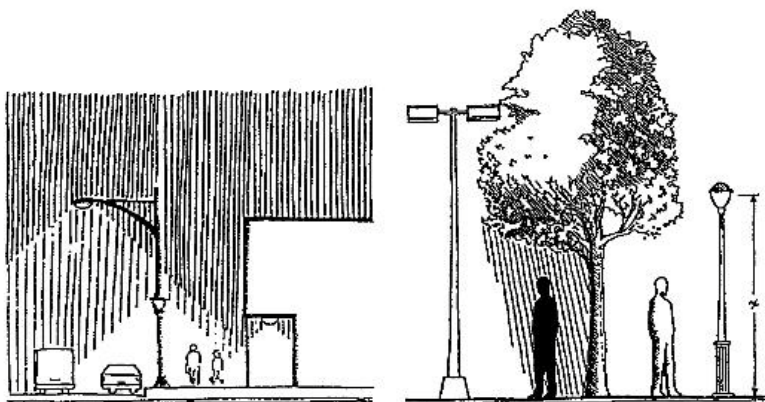


**15.310.270 Location of Drive-Through Stacking Lanes**

Driveway stacking lanes associated with drive-through facilities shall not be located between the building and any property line adjacent to a public and/or private street.

**15.310.280 Exterior Lighting**

- A. Lighting standards shall be no greater than sixteen (16) feet in height, and used to illuminate surfaces intended for pedestrians or vehicles, as well as building entries. Light fixtures shall be sited and directed to minimize glare around residences.
- B. Exterior lighting shall be used to identify and distinguish the pedestrian walkway network from car or transit circulation. Along pedestrian circulation corridors, lighting standards shall be placed between pedestrian ways and public and/or private streets, driveways or parking areas. The level of lighting shall conform with the requirements of Chapter 17.40 SMC, Walkway, Bikeway and Park Lighting.



## 15.310.300 Open Space and Amenities

15.310.310 Minimum Open Space Area Required

15.310.320 Location and Design of Open Space

## 15.310.300 Open Space and Amenities

**Purpose:** Provide for open space that enhances and activates the pedestrian realm through the provision of plazas, courtyards, pocket parks and sidewalks. Open spaces should be inviting, functional, easy to maintain and safe. They should contribute to the character of the area and complement the built environment.

**Figure: Summary Table, Open Space Requirements**

<b>Angle Lake District: Open Space</b>	<b>Applies To:</b>  <b>All commercial and non-residential development.</b>
--	--

Note: This is a summary of open space requirements within the Angle Lake District. See code references for detailed information.

### **OPEN SPACE REQUIRED (see SMC 15.310.310)**

Minimum Open Space Area Required SMC 15.310.310	5% of net site area
Net Site Area	Net Site Area = Total Site Area – Sensitive Areas

### **OPEN SPACE DESIGN (see SMC 15.310.320-340)**

Street Frontage Landscaping Required	No, waived in lieu of open space requirement
Open Space Hierarchy	Open space shall be provided in the following order of importance: 1. sidewalk improvements; 2. plaza, courtyard, pocket park
Sidewalk Improvements SMC15.300.250	<b>Fronting International Boulevard:</b> Increase sidewalk zone to 12 ft as follows: – 8’ paved sidewalk clear-through zone. The landscape zone improvements are already in place and do not require improvement. <b>Other streets:</b> Increase sidewalk zone to 8 ft as follows: – 4’ paved sidewalk clear-through zone and additional 4’ landscape zone comprising paved sidewalk with street trees in wells spaced no more than every 30’.

Design of Plaza, Courtyard, Pocket Park	<ul style="list-style-type: none"> <li>• Min. 200 sq ft in size</li> <li>• Min. 50% decorative paving</li> <li>• Seating areas to be provided</li> <li>• Remaining area may be landscaped</li> <li>• 1 tree per 200 sq ft of paved area</li> <li>• Public art, water feature or performance area encouraged</li> </ul>
Cash in Lieu	No. Cash in Lieu option is not allowed

### 15.310.310 Minimum Open Space Area Required

The following standards are applicable to all commercial or other non residential development. See Multi Family Development Standards SMC 15.510 Multi Family Housing Design Standards for residential development standards

A. **Minimum Area Required:** Five percent (5%) of net site area, shall be set aside as usable outdoor open space accessible to the public.

1. **Net Site Area Calculation.** Net Site Area = Total Site Area – Sensitive Areas

2. **Areas that Do Not Qualify as Open Space.** For the purposes of this chapter, the following shall not be included toward meeting the minimum open space requirement:

- a. Portions of a parcel classified as sensitive area; storm water facility, provided that such storm water facilities are at grade and not covered; or open water.
- b. Required landscaping and sensitive area buffers without common access links, such as pedestrian trails.
- c. Driveways, parking, or other auto serving uses.
- d. Areas of a parcel with slopes greater than eight percent (8%) shall not qualify as usable outdoor open space, unless the area has been developed with an enhanced accessibility system of stairs, ramps, terraces, trails, seating areas, or other site improvements as approved by the Director.

3. **Prohibited Adjacent to Open Space.** The following is prohibited adjacent to pedestrian oriented space:

- a. Unscreened parking lots,
- b. Chain link fences,
- c. Blank walls,
- d. Dumpsters or service areas, and
- e. Outdoor storage (shopping carts, potting soil bags, firewood, etc.)

4. **Areas that Qualify as Open Space.** Open space that qualifies toward meeting the minimum open space requirement shall include one (1) or more of the following:
  1. Active outdoor recreation areas;
  2. Expansion of existing sidewalks;
  3. Pedestrian-only corridors or multi-purpose trails separate from the public or private roadway system that provide through connections to enhance pedestrian and bicycle connectivity or provide access links in sensitive area buffers. The square footage (length times width) of corridors/trails shall be counted as usable open space; and/or
  4. Publicly accessible plazas, courtyards or pocket parks constructed contiguous with new or existing sidewalks. Publicly accessible courtyard designs shall conform to SMC15.310.320

#### **15.310.320 Location and Design of Open Space**

The following open space regulation shall supersede the street frontage landscape requirement as specified in SMC 15.445.010(C) and 15.445.210. The building facade landscaping requirement shall continue to apply to uses in the Angle Lake District, except under pedestrian weather protection structures, as specified in SMC 15.310.610(C).

- A. **Open Space Requirements.** Open space is to be provided onsite in the following order of priority:
  1. **Sidewalk Improvements.** Sidewalk widths shall be enhanced and other improvements shall be provided along all public and private streets as per SMC15.310.250
  2. **Remaining Open Space Area.** After fulfilling the sidewalk improvements, remaining open space shall be provided within the front yard or to the side of the property. The open space shall be developed and arranged in a manner that is accessible to the public at all times, directly connected to a sidewalk or pedestrian pathway, and bordered on at least one (1) side by, or readily accessible from, the primary structure(s) on site. Front yard open space shall be placed in one (1) or more of the following ways:
    - a. **Plaza, Courtyard, or Pocket Park.** Publicly accessible open space shall be placed in a plaza, courtyard or pocket park that includes at a minimum:
      - i. Two hundred (200) square feet in size that is adjacent to a pedestrian building entrance;
      - ii. At least fifty percent (50%) decorative paving, constructed of such materials as stamped, broom finish, or scored concrete; brick or modular pavers;.



- iii. One (1) tree for every two hundred (200) square feet of decorative paving area.
- iv. One (1) linear foot of seating per each forty (40) square feet of plaza, courtyard, or pocket park space on-site and shall be provided in the form of freestanding outdoor benches of a minimum sixteen (16) inches wide or seating incorporated into low walls, raised planters or building foundations at least twelve (12) inches wide and eighteen (18) inches high;
- v. Incorporate one or more of the following to encourage pedestrian use and activity: plantings or grass within or immediately adjacent to the plaza, courtyard, or pocket park, public art such as a water feature or sculpture or other public amenities approved by the director.

**B. General Open Space Design Standards:**

1. **Accessory Site Furnishing.** Accessory site furnishings shall be located so as not to obstruct pedestrian access along sidewalks and to businesses.
  - a. Waste receptacles, movable planters and other accessory site furnishings shall be of a design which is compatible with the design of the plaza, courtyard, or pocket park, through the use of similar detailing or materials
2. **Common space areas.** Common open space should be located to take advantage of surrounding features such as building entrances, significant landscaping, unique topography or architecture, and solar exposure.
3. **Integration with Adjacent Parcels.** Usable open space areas on-site shall be organized and designed in a manner that allows for maximum integration with open space on adjacent parcels.
4. **Linkage of Open Space Elements.** Developments proposing on-site plazas and pocket parks as publicly accessible project amenities shall link the open space elements with adjacent sidewalks, pedestrian paths, and/or bikeways.

## 15.310.500 Landscaping Standards

- A. In addition to the standards of this section and chapter, landscaping requirements shall be provided pursuant to SMC Chapter 15.445 Landscaping and Tree Retention.
- B. **Surface Parking Lot Landscaping and Treatment of Perimeter.** Surface parking shall be visually screened from public and/or private streets by means of building placement and/or landscaping.
1. **Minimum Standards.** The minimum surface parking landscaping standards are located in SMC 15.445.250 Surface Parking Landscaping with the following exceptions.
  2. **Landscape Requirements for Parking Located to the Side of the Building.** Where parking is located to the side of a building, the following standards shall apply:
    - a. **Front Yard Landscape Buffer.** Parking located to the side of a building shall provide a minimum twenty (20') foot landscape buffer from the front property line. The setback area shall be landscaped with Type IV landscaping per SMC 15.445.110 Types of Landscaping .
      - i. A front yard landscape buffer must be established to screen parking in addition to any required open space provided.
    - b. **Landscape Island.** The requirement for landscape islands in SMC 15.445.250 (B) Landscape Islands is waived for surface parking areas located to the side of a building and located behind a twenty (20) foot front yard landscape buffer.
      - i. Surface parking located to the rear of a building shall provide for landscape islands as per SMC 15.445.250(B) Landscape Islands.
  3. **Perimeter Landscaping of Surface Parking Lots.** The perimeter of a parking lot shall be planted with five feet (5') of Type III landscaping, except as required in SMC 15.310.500(B)(2)(a) Front Yard Landscape Buffer.
    - a. **Fence Option.** If a four foot (4') high fence and landscaping sufficient to filter views is provided, the width of the required landscaping may be reduced. Fences must be see-through and constructed with wrought iron or other metal.

### **Figure: SURFACE LOT LANDSCAPING**

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## 15.310.700 Mixed Use and Multi-Family Development Standards

15.310.710 Mixed Use Development Standards

15.310.720 Definition of Mixed Use

15.310.740 Multi Family Development Standards

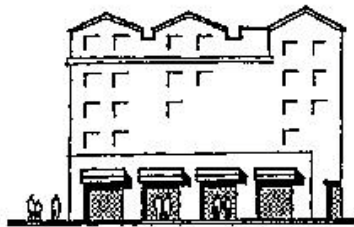
### 15.310.710 Mixed Use Development Standards

**Purpose:** Incorporate a mixture of different types of uses in one (1) structure or in close proximity to encourage pedestrian circulation, maximize site development potential and create an active environment. Design ground floors to accommodate commercial uses that benefit from a high degree of pedestrian activity while upper floors are encouraged to be devoted to residential uses. The following regulations shall supersede the mixed use standard in SMC 15.520.300 Residential Mixed Use Standards, and shall apply to Angle Lake developments proposing land uses specified as being part of a residential mixed use development in SMC 15.310.055 Angle Lake Overlay District Use Chart.

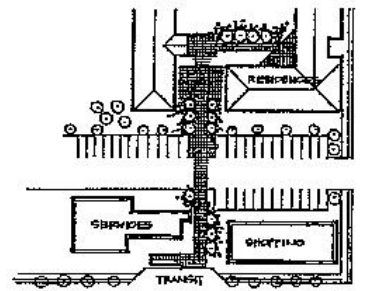
### 15.310.720 Definition of Mixed Use

Mixed use refers to the combining of retail/commercial and/or service uses located on the ground floor with residential use in the same building or on the same site in one (1) of the following ways:

- A. **Vertical Mixed Use.** A single structure with the above floors used for residential use and a portion of the ground floor for retail/commercial or service uses.
- B. **Horizontal Mixed Use – Attached.** A single structure which provides retail/commercial or service use in the portion fronting the public or private street with attached residential uses behind.
- C. **Horizontal Mixed Use – Detached.** Two (2) or more structures on one (1) site which provide retail/commercial or service uses in the structure(s) fronting the public or private street, and residential uses in separate structure(s) behind or to the side.



VERTICAL MIXED USE.



HORIZONTAL MIXED USE – DETACHED

C.

### 15.310.740 Multi-Family Development Standards

**Purpose:** Design multiple-family units that are of high quality, good architectural design, are compatible with adjacent development, especially single-family neighborhoods, and that provide linked open space.

- A. Multi-family development within the Angle Lake Station Area Overlay District shall meet the requirements of SMC 15.510 Chapter Multi-Family Design Standards. Additionally, the following sections of the Angle Lake Station Area Overlay District standards shall apply to projects as stated below:

1. The following standards shall apply to all multi-family projects in the Angle Lake Station Area Overlay District:

**Circulation:**

- SMC 15.310.100 Circulation
- SMC 15.310.110 Vehicular Circulation Requirements
- SMC 15.310.120 Pedestrian Circulation Requirements

**Site Planning:**

- SMC 15.310.200 Site Planning and Building Orientation
- SMC 15.310.210 Building Placement/Setbacks
- SMC 15.310.220 Development Abutting Two (2) or More Street Frontages
- SMC 15.310.250 The Layout and Width of Street front Pedestrian Zone
- SMC 15.310.260 Driveway Design
- SMC 15.310.280 Exterior Lighting

**Parking:**

- SMC 15.310.400 Parking Standards
- SMC 15.310.410 Off-Street Parking Requirements and Reductions
- SMC 15.310.440 General Parking Design and Construction Standards
- SMC 15.310.450 Surface Parking
- SMC 15.310.460 Structured Parking

2. The following standards shall apply only to ground floor commercial in mixed use residential projects:

**Building Design:**

- SMC 15.310.610 Street Level Design
- SMC 15.310.620 Pedestrian Building Entries
- SMC 15.310.630 Treatment of Blank Walls

**Open Space:**

- SMC 15.310.300 Open Space and Amenities
- SMC 15.310.310 Minimum Open Space Area Required
- SMC 15.310.320 Front Yard Open Space

**Mixed Use:**

- SMC 15.310.710 Mixed Use Development Standards
- SMC 15.310.720 Definition of Mixed Use

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## 15.310.800 Additional Standards

### 15.310.810 Fences

- A. Fences over four (4) feet in height or other features that form continuous visual barriers or block views to the windows of a ground level retail/commercial or service are prohibited within the front yard setback.
- B. **Prohibited Fences.** The following types of fences and/or materials are prohibited. Utility sub stations are exempt from this provision:
  - 1. Barbed wire/razor wire
  - 2. Electric fences
  - 3. Chain link fences of any type are not permitted on any street frontage except as follows:
    - a. To secure a site during construction; or
    - b. In connection with any approved temporary or special event use
- C. **Multi-Family Buildings.** Multi-family developments, excluding residential mixed use structures, may have fences to a height of four (4) feet within the front yard setback.

### 15.310.850 Signs

Signs shall be regulated per SMC 15.600 Sign Code.

### 15.510.500 Recreation and Open Space

**Purpose:** To provide for adequate recreation and open space areas for the residents of multiple-family dwellings, to separate such areas from automobile-oriented space, and to enhance the environmental quality of multiple-family residential districts.

#### 15.510.510 Minimum Area Required

**Intent:** Provide opportunities for both active recreation and outdoor areas for passive enjoyment of natural areas. Recreation and open space areas should include amenities appropriate for the ages of people likely to live in the residences and be located with regard to climate conditions and safety.

A. Each multi-family building or complex of five (5) or more units shall provide a minimum area of recreation and open space, as follows:

1. **Outside of Overlay Districts.** For developments located outside the designated City Center, S. 154<sup>th</sup> Street and the Angle Lake Station Area Overlay Districts:

<u>Unit Size</u>	<u>Minimum Required Open Space</u>
2 bedroom or larger	200 square feet
1 bedroom	160 square feet
Studio	120 square feet

- a. In all multi-family developments, at least fifty percent (50%) of the required recreation and open space must be usable outdoor multi-purpose space accessible by all residents as described in subsection (B) of this section.
- b. Up to fifty percent (50%) of the required recreation and open space may be composed of indoor recreational space or outdoor single-purpose recreational facilities as described in SMC 15.510.510(C).

2. **Within Overlay Districts.** For developments located within the designated City Center, S. 154<sup>th</sup> Street Station Area and Angle Lake Station Area overlay districts:

A minimum of sixty (60) square feet per unit of outdoor space. One hundred percent (100%) of such space shall be allocated for outdoor multi-purpose open space accessible by all residents as described in subsection (B) of this section.

B. **Multi-purpose Outdoor Recreation and Open Space.** This requirement shall be satisfied through compliance with one (1) or more of the following elements:

1. Courtyards, plazas or multi-purpose green-spaces which serve to organize the placement of buildings, as described in SMC 15.510.540;
2. Upper level common decks, patios, terraces, or roof gardens;

3. The square footage length and width of publicly accessible pedestrian-only corridors dedicated to passive recreation and separate from the public street system, including access links in sensitive area buffers.

C. **Indoor Facilities and Outdoor Single-Purpose Facilities - Outside of Overlay Districts.** This recreation and open space allowance, for properties outside the City Center, S. 154<sup>th</sup> Street and Angle Lake Station Area overlay districts, may be met through one (1) or more of the following:

1. Tennis/sports courts;
2. Swimming pools;
3. Designated exercise areas;
4. Game rooms;
5. Lounge areas with food preparation facilities; or
6. Other similar facilities.

#### **15.510.810 Applicability**

**Intent:** Ensure that multi-family developments within the City Center, S. 154<sup>th</sup> Street and Angle Lake Station Area overlay districts are subject to the same quality, compatibility and security principles and standards outlined in this chapter unless the specific purposes of the City Center, S. 154<sup>th</sup> Street Station Area, or Angle Lake Station Area overlay districts create a need for a modified standard. The following requirements shall be in addition to the multi-family standards contained in this chapter.

- A. The following requirements shall be in addition to the multi-family standards contained in this chapter.
- B. **Residential Mixed Use Parking.** Parking for residences on a mixed use site shall be clearly delineated and separate from parking for commercial uses.
- C. **City Center Overlay District.**
  1. The following City Center Overlay District Standards shall apply to all multi-family projects in the designated City Center:

#### **Circulation:**

SMC 15.300.100 Circulation

SMC 15.300.110 Vehicular Circulation Requirements

SMC 15.300.120 Pedestrian Circulation Requirements

#### **Site Planning:**

SMC 15.300.200 Site Planning and Building Orientation



SMC 15.300.210 Building Placement/Setbacks  
SMC 15.300.230 Relation to Adjacent Development  
SMC 15.300.250 The Layout and Width of Streetfront Pedestrian Zone

**Open Space:**

SMC 15.300.325 Incorporating Bow Lake as a Focal Point

**Parking:**

SMC 15.300.400 Parking Standards  
SMC 15.300.410 Off-Street Parking Requirements and Reductions  
SMC 15.300.420 Off-Street Loading Requirements  
SMC 15.300.430 Bicycle Parking  
SMC 15.300.440 General Parking Design and Construction Standards  
15.300.450 Surface Parking

**Landscaping:**

SMC 15.300.500(B) Surface Parking Landscaping and Treatment of Perimeter

2. The following City Center Overlay District Standards shall apply only to ground floor commercial in mixed use residential projects in the designated City Center:

**Site Planning:**

SMC 15.300.220 Development Abutting Two (2) or More Street Frontages

**Open Space:**

SMC 15.300.300 Open Space and Amenities  
SMC 15.300.310 Minimum Open Space Area Required  
SMC 15.300.320 Front Yard Open Space

**Building Design:**

SMC 15.300.610(A) Ground Floor Transparency Requirements  
SMC 15.300.610(B) Pedestrian Weather Protection Along Building Facades  
SMC 15.300.620 Pedestrian Building Entries  
SMC 15.300.630(B) Treatment of Blank Walls

SMC 15.300.710 Mixed Use Development Standards  
SMC 15.300.720 Definition of Mixed Use  
SMC 15.300.730 Ground Floor Uses in Mixed Use Projects

**D. S. 154<sup>th</sup> Street Station Area Overlay District.**

1. The following S. 154th Street Station Area Overlay District Standards shall apply to all multi-family projects in the designated S. 154th Street Station Area:

**Circulation:**

SMC 15.305.100 Circulation  
SMC 15.305.110 Circulation Requirements  
SMC 15.305.120 Internal Access Roads  
SMC 15.305.130 Pedestrian Requirements

**Site Planning:**

SMC 15.305.200 Site Planning and Building Orientation

SMC 15.305.210 Building Placement/Setbacks  
SMC 15.305.230 Relation to Adjacent Development  
SMC 15.305.250 The Layout and Width of Streetfront Pedestrian Zone

**Parking:**

SMC 15.305.400 Parking Standards  
SMC 15.305.410 Off-Street Parking Requirements and Reductions  
SMC 15.305.450 Off-Street Loading Requirements

**Landscaping:**

SMC 15.305.500 Landscaping Standards

2. The following S. 154th Street Station Area Overlay District Standards shall apply only to ground floor commercial in mixed use residential projects in the designated S. 154th Street Station Area:

**Site Planning:**

SMC 15.305.220 Development Abutting Two (2) or More Street Frontages

**Open Space:**

SMC 15.305.300 Open Space and Amenities  
SMC 15.305.310 Minimum Open Space Required  
SMC 15.305.320 Front Yard Open Space  
SMC 15.305.330 Alternative Methods for Meeting Usable Open Space Required  
SMC 15.305.340 Open Space Design Standards  
SMC 15.305.350 Open Space Maintenance

**Building Design:**

SMC 15.305.600 Building Design  
SMC 15.305.610 Street Level Design  
SMC 15.305.620 Pedestrian Building Entries  
SMC 15.305.630(C) Treatment of Blank Walls

**Mixed Use:**

SMC 15.305.710 Mixed Use Development Standards  
SMC 15.305.720 Definition of Mixed Use  
SMC 15.305.730 Ground Floor Uses in Mixed Use Projects

E. **Angle Lake Station Area Overlay District.**

1. The following Angle Lake Station Area Overlay District Standards shall apply to all multi-family projects in the designated Angle Lake Station Area:

**Circulation:**

SMC 15.310.100 Circulation  
SMC 15.310.110 Vehicular Circulation Requirements  
SMC 15.310.120 Pedestrian Circulation Requirements

**Site Planning:**

SMC 15.310.200 Site Planning and Building Orientation  
SMC 15.310.210 Building Placement/Setbacks  
SMC 15.310.220 Development Abutting Two (2) or More Street Frontages

SMC 15.310.250 Layout and Width of Streetfront Pedestrian Zone

SMC 15.310.260 Driveway Design

SMC 15.310.280 Exterior Lighting

**Parking Standards:**

SMC 15.310.400 Parking Standards

SMC 15.310.410 Off-Street Parking Requirements and Reductions

SMC.15.310.430 Bicycle Standards

SMC 15.310.440 General Parking Design and Construction Standards

SMC 15.310.450 Surface Parking

SMC 15.310.460 Structured Parking

2. The following Angle Lake Station Area Overlay District Standards shall apply only to ground floor commercial in mixed use residential projects in the designated Angle Lake Station Area:

**Open Space:**

SMC 15.310.300 Open Space and Amenities

SMC 15.310.310 Minimum Open Space Area Required

SMC 15.310.320 Location and Design of Open Space

**Building Design:**

SMC 15.310.610 Street Level Design

SMC 15.310.620 Pedestrian Building Entries

SMC 15.310.630 Building Facades

**Mixed Use:**

SMC 15.310.710 Mixed Use Development Standards

SMC 15.310.720 Definition of Mixed Use

**15.510.820 Open Space in the City Center, S. 154<sup>th</sup> Street and Angle Lake Station Area Overlay Districts**

**Intent:** Provide standards for recreation and open space for multi-family properties located within the City Center, S. 154<sup>th</sup> Street and Angle Lake Station Area overlay districts that allows achievement of urban densities while still providing an attractive streetscape and comfortable open space amenities for residents, including play space for children.

- A. **Minimum Common Open Space.** For developments located within the designated City Center, S. 154<sup>th</sup> Street and Angle Lake Station Area overlay districts, a minimum of sixty (60) square feet per unit of common outdoor space shall be required. Such open space shall be allocated according to the requirements of

SMC 15.510.510(B) Multi-Purpose Outdoor Recreation and Open Space

SMC 15.510.520 Play Space for Children

SMC 15.510.530 Location and Layout of Recreation and Open Space

SMC 15.510.540 Courtyards and Plazas

SMC 15.510.550 Maintenance

SMC 15.510.560 Cash Contribution in Lieu of On-Site Recreation

- B. **Open Space for Residential Mixed Use Development.** For residential mixed use development in the City Center, S. 154<sup>th</sup> Street and Angle Lake Station Area overlay districts, the following commercial open space requirement in shall be applied to that proportion of the site that is commercial, based on building square footage.

**Within City Center Overlay District:**

SMC 15.300.310 Minimum Open Space Area Required

**Within S. 154<sup>th</sup> St. Station Area Overlay District:**

SMC 15.305.300 Open Space and Amenities

SMC 15.305.310 Minimum Open Space Area Required

SMC 15.305.320 Front Yard Open Space

SMC 15.305.330 Alternative Methods for Meeting Usable

SMC 15.305.340 Open Space Design Standards

SMC 15.305.350 Open Space Maintenance

**Within Angle Lake Station Area Overlay District:**

SMC 15.310.300 Open Space and Amenities

SMC 15.310.310 Minimum Open Space Area Required

SMC 15.310.320 Location and Design of Open Space

1. **Waiving Commercial Open Space Requirements.** Commercial open space requirements may be waived for ground floor retail, or service uses specified in SMC 15.300.730 and SMC 15.305.057, at the discretion of the Director, to encourage the inclusion of retail and service uses that will serve the multi-family development and immediate neighborhood. The commercial open space requirement shall not be waived for ground floor uses such as hotel/motel and other commercial uses that generate significant demand for open space.