



Planning Commission Agenda

July 1, 2025
5:30 pm
Hybrid Meeting

The Planning Commission consists of seven 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.

Members: Alyne Hansen (Chair), Bandhanjit Singh (Vice Chair), Andrew Barker, Damiana Merryweather, Dee Abasute, Karin Ellis, Tony Zuniga Sanchez.

Staff Coordinator: Jenn Kester, Planning Manager

A quorum of the Council may be present.

ITEM	TOPIC	PROCESS	WHO	TIME
1	Call to Order / Roll Call		Chair	5:30 (2 min)
2	Approval of the minutes of June 17, 2025 meeting.	Review and Approve	Members	5:32 (3 min)
3	Public Comment on items <u>not</u> on the agenda. <i>Comments on agenda items will be addressed after the staff presentation and Commission discussion on each item below.</i> <i>See Public Comment Process below.</i>		Chair	5:35 (5 min)
4	Industrial and RBX Code Update: Introduction	Presentation and Discussion	Staff and Members	5:40 (20 min)
5	Critical Area Code Amendments	Presentation and Discussion	Staff and Members	6:00 (30 min)
6	Planning Commission 2025-2026 Work Plan	Review and Approve	Staff and Members	6:30 (10 min)
7	CED Staff Report	Briefing	Staff	6:40 (3 min)
8	Planning Commission Comments (including suggestions for next meeting agenda)	Discussion	Members	6:43 (2 min)
9	Adjourn			6:45

This meeting will be conducted in a hybrid format with in-person and remote options for public participation. The meeting will be broadcast on SeaTV Government Access Comcast Channel 21 and live-streamed on the City's website <https://www.seatacwa.gov/seatvlive>.

Public Comment Process: The commission will hear in-person public comments and is also providing remote oral and written public comment opportunities. All comments shall be respectful in tone and content. Providing written comments and registering for oral comments must be done by 3:30 pm, the day of the meeting. Registration is required for remote comments

and encouraged for in-person comments. Any requests to speak or provide written public comments which are not submitted following the instructions provided or by the deadline will not be included as part of the record.

- Instructions for providing remote oral public comments are located at the following link: [Council Committee and Citizen Advisory Committee Virtual Meetings](#).
- Submit email/text public comments to PCPublicComment@seatacwa.gov. The comment will be mentioned by name and subject and then placed in the committee handout packet posted to the website.

CITY OF SEATAC
PLANNING COMMISSION MEETING
Minutes of June 17, 2025, Meeting

Members present: *Vice Chair* **Bandhanjit Singh, Andrew Barker, Damiana Merryweather, Dee Abasute, Karin Ellis, Tony Zuniga Sanchez**

Members absent: *Chair* **Alyne Hansen**

Staff & Others

Present: *Planning Manager* **Jenn Kester, Principal Planner Kaelene Nobis, Admin Asst 3 Barb Mailo**

1. Call to Order/Roll Call

- *Vice Chair* **Bandhanjit** called the meeting to order and roll call at **5:37 pm**.

2. Approval of May 20, 2025, meeting minutes.

(Review and Approve)

- *Commissioner* **Merryweather** motioned to approve the meeting minutes.
- Second by *Commissioner* **Ellis**.

Motion passed: **6-0**

3. Public Comment on items not on the agenda.

None

4. Critical Areas Code Amendments: Introduction

(Presentation and Discussion)

Presented by *Principal Planner* **Nobis**

The purpose of the presentation was to provide an introduction to critical areas and a proposed Critical Areas Ordinance (CAO) update.

Discussion commenced with *Commissioner* **Barker, Principal Planner Nobis, Planning Manager Kester, Commissioner Ellis, and Commissioner Merryweather.**

5. Planning Commission 2025-2026 Work Plan

(Presentation and Discussion)

Presented by *Planning Manager* **Kester**

Discussion commenced with *Commissioner* **Merryweather, Planning Manager Kester, and Commissioner Ellis.**

6. CED Staff Report

(Briefing)

Report by *Planning Manager* **Kester**

- SeaTac's Farmers Market has started up and is scheduled every Wednesday for 4 months.
- *Director* **Maxim** will be on vacation most of June and *Planning Manager* **Kester** will be on vacation from Mid-July to Mid-August. *Planning Manager* **Kester** will send *Principal Planner* **Nobis's** email out to Commissioners.

- July 1st PC meeting: so far has no schedule conflicts.
- July 15th PC Meeting: *Chair Hansen* will be out. *Commissioner Barker* will only be available until 6pm. *Commissioner Singh* will chair the PC meeting.
- August 5th PC Meeting will be cancelled due to staff vacation.
- August 19th PC Meeting: both *Chair Hansen* and *Vice Chair Singh* will be out. Need someone to chair public hearing meeting.
- September 2nd PC Meeting: *Vice Chair Singh* and *Commissioner Ellis* are out. *Principal Planner Nobis* will be present, but *Director Maxim* and *Planning Manager Kester* will be out.
- September 16th PC Meeting: *Vice Chair Singh* will be out.

7. Planning Commission Comments (including suggestions for next meeting agenda)
(Discussion)

None

8. Adjournment

- *Commissioner Merryweather* motioned to adjourn the meeting.
- Second by *Vice Chair Singh*.

Motion passed: **6-0**

The meeting adjourned at **6:42 pm**.



MEMORANDUM COMMUNITY & ECONOMIC DEVELOPMENT

Date: 7/1/2025
To: Planning Commission (PC)
From: Laura Stilwell, Associate Planner
Subject: Code Amendments: Industrial and RBX Code Updates

Purpose

This meeting is intended to introduce the Planning Commission to the topic of code amendments for the Industrial and Regional Business Mix (RBX) zones. The purpose of these amendments is to simplify, consolidate, and modernize the list of uses within these zones, particularly manufacturing and industrial-adjacent commercial activities. The amendments will include reorganization of land use categories, updated definitions, and potential introduction of new compatible land uses.

Background

SeaTac's proximity to Seattle-Tacoma International Airport makes it an ideal location for industrial and commercial activities. In any city – especially one like SeaTac with regional infrastructure such as an international airport, light rail, and major highways – carefully-planned industrial and commercial zones are essential for economic and quality of life reasons. Certain industrial and commercial activities can generate nuisances such as noise, traffic and emissions. Designating specific Industrial and RBX zones ensures that these effects are appropriately managed and contained, protecting the health, safety, and quality of life for SeaTac's residents.

Industrial Zones

Per the SeaTac Municipal Code, the Industrial zone's purpose is to "provide for the location and grouping of industrial enterprises, regional airport, airport related facilities, and activities involving manufacturing, assembly, fabrication, processing, bulk handling, storage, research, warehousing and heavy trucking".

Industrial zoning is a critical component in SeaTac's land use strategy because it provides designated areas for activities that are essential to the City's economy, but are often incompatible with residential uses. Industrial zoning allows for land uses that require larger parcels, specialized infrastructure, and proximity to transportation corridors. Concentrating industrial uses in certain areas ensures that these activities can occur efficiently, while minimizing conflicts with residential neighborhoods and commercial corridors.

RBX Zones

The RBX zone's purpose is to "provide a higher intensity commercial zone providing areas for the compatible development of heavy commercial uses such as warehouse/distribution, light assembly and service commercial in tandem with people-intensive commercial uses, such as office and related retail uses. It is a transitional zone between industrial areas and less intensive commercial, mixed use or residential zones."

Transitional zones such as RBX are intended to accommodate a wide range of employment-generating uses while providing a functional and physical buffer between more intense industrial or commercial areas and

residential, school and park uses. Without clear, well-defined transition areas like the RBX zone, industrial encroachment into commercial and residential areas can erode neighborhood quality and increase land use conflicts.

Assessment and Strategies

To help strengthen these zones and align them with their purpose statements, staff have evaluated their allowed uses and identified several issues with the current allowed uses in the Industrial and RBX zones, including:

- Uses are inconsistently grouped (e.g. automotive, business services, and public facilities scattered across use table)
- Not enough distinction between light industrial, heavy industrial, and business park uses
- Too many conflicting uses in the RBX zone
- Lack of clarity on modern/emerging uses like data centers and maker spaces
- Many uses don't have corresponding definitions

This code amendment project aims to directly support Envision SeaTac 2044 Comprehensive Plan policy implementation, including:

- **Policy 2.4M:** The Regional Business Mix designation is intended to create a built environment which facilitates the compatible development of heavy commercial uses in tandem with people intensive-uses, while providing an appropriate transition between industrial areas and less intensive commercial, mixed use or residential zones.
 - The amendments will help clarify and modernize the types of industrial and heavy commercial uses appropriate within the RBX designation, supporting a balanced mix of employment-based and people-intensive uses while establishing clear and appropriate transitions between Industrial, RBX, and adjacent mixed-use or residential zones.
- **Policy 2.5A:** Concentrate manufacturing, industrial, and warehouse/distribution uses in specific and appropriate locations to provide services and protect existing residential and other commercial areas.
 - By refining and updating land uses in the Industrial and RBX zones, the amendments will help encourage light manufacturing, logistics, and warehousing/distribution uses that are compatible with nearby land uses.
- **Policy 2.5B:** Discourage inappropriate, heavy manufacturing businesses from locating in SeaTac, excluding Airport-sited uses.
 - In alignment with this policy, the code amendments will reevaluate and potentially limit or exclude heavy industrial uses with significant environmental or community impacts that are not appropriate for the SeaTac community. Emphasis will be placed on retaining uses that support clean industry, light manufacturing, and industrial-adjacent services that align with SeaTac's built environment and economic goals.

- **Policy 2.5F:** Provide for industrial enterprises and activities involving manufacturing, assembly, fabrication, processing, bulk handling, storage, warehousing, and heavy trucking through the Industrial designation.
 - The Industrial and RBX code amendments will strengthen the Industrial zone's role as the primary location for industrial enterprises and activities as identified in this policy. Updates to the permitted uses will ensure that the Industrial designation remains flexible and accommodating to a broad range of appropriate industrial activities – from manufacturing and fabrication to logistics, warehousing, and heavy trucking – while providing clarity to applicants and staff, and ensuring uses are consistent with City goals.

PC Direction

Staff is seeking initial Planning Commission questions, comments, and concerns to prepare code revisions for further discussions.

Packet Materials

- Memo
- Presentation

RBX/Industrial Code Amendments

Planning Commission

July 1, 2025



PURPOSE OF PRESENTATION

- Provide an overview of the Industrial and RBX zones
- Review current code issues
- Discuss code update strategies

WHY IS THIS ISSUE IMPORTANT?

1. Code needs to be modernized to address emerging land uses.
2. RBX and Industrial code updates supported by Comprehensive Plan policies.



- Location and grouping of:
 - Industrial enterprises
 - Regional airport
 - Airport-related facilities
- Activities involving:
 - Manufacturing
 - Assembly
 - Fabrication
 - Processing
 - Bulk handling
 - Storage
 - Research
 - Warehousing
 - Heavy trucking



INDUSTRIAL ZONE – CHARACTERISTICS

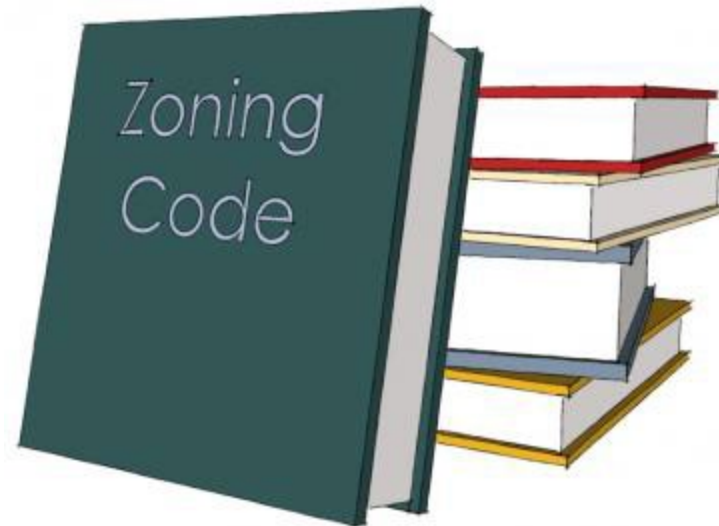
- Activities often incompatible with residential uses
- Larger parcels
- Requires specialized infrastructure and proximity to transportation corridors
- Uses concentrated in certain areas to minimize conflicts with neighborhoods and commercial corridors



- Higher intensity commercial, transitional zone
- Heavy commercial uses
 - Warehouse/distribution
 - Light assembly
 - Service commercial
- People-intensive commercial uses
 - Office
 - Retail
- Buffer between industrial or commercial areas and residential/schools/parks

RBX & I - CODE ASSESSMENT FINDINGS

- Uses are inconsistently grouped
- Not enough distinction between light industrial, heavy industrial, and business park uses in the RBX zone
- Lack of clarity on modern/emerging uses such as data centers and maker spaces
- Too many use types
- Missing definitions



RBX – AMENDMENTS & POLICY IMPLEMENTATION

Policy	How will amendments implement the policy?
2.4L: Allow a mix of employment activities primarily related to high intensity commercial uses including distribution/warehouse, light assembly, R&D testing, service commercial uses, office and related retail commercial uses. Residential uses may be allowed under certain conditions.	<ul style="list-style-type: none">• Remove overlapping or conflicting land uses

Policy	How will amendments implement the policy?
2.4M: The Regional Business Mix designation is intended to create a built environment which facilitates the compatible development of heavy commercial uses, while providing an appropriate transition between industrial areas and less intensive commercial, mixed use or residential zones.	<ul style="list-style-type: none">• Help clarify and modernize industrial and heavy commercial use types appropriate for RBX• Support a balanced mix of employment-based and people-intensive uses• Establish clear and appropriate transitions between Industrial, RBX, and adjacent zones.

INDUSTRIAL – AMENDMENTS & POLICY IMPLEMENTATION

EXHIBIT 4b: Page 10 of 14
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Policy	How will amendments implement the policy?
2.5A: Concentrate manufacturing, industrial, and warehouse/distribution uses in specific and appropriate locations to provide services and protect existing residential and other commercial areas.	<ul style="list-style-type: none">• Refining and updating land uses• Encourage uses that are compatible with nearby land uses
2.5B: Discourage inappropriate, heavy manufacturing businesses from locating in SeaTac, excluding Airport-sited uses.	<ul style="list-style-type: none">• Reevaluate and potentially limit or exclude heavy industrial uses• Retain uses that support clean industry, light manufacturing, and industrial-adjacent services.



INDUSTRIAL – AMENDMENTS & POLICY IMPLEMENTATION

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Policy	How will amendments implement the policy?
2.5F: Provide for industrial enterprises and activities involving manufacturing, assembly, fabrication, processing, bulk handling, storage, warehousing, and heavy trucking through the Industrial designation.	<ul style="list-style-type: none">• Refining and updating land uses• Help encourage light manufacturing, warehousing/distribution uses, etc. that are compatible with land uses nearby.



NEXT STEPS IN PLANNING COMMISSION REVIEW

NEXT STEPS

- Staff will review and consider what are other cities in the region have done
- Draft potential code amendments and present for PC edits and feedback

LATER STEPS

- Conduct SEPA and Department of Commerce review
- Hold Public Hearing at Planning Commission and make recommendation to City Council
- Bring recommendation back to PED
- Bring ordinance to City Council



FOR PC CONSIDERATION

- What topics do you want staff to consider as they review amendments to the City's code?
- What are SeaTac's overall manufacturing/industrial needs?
- Which high-intensity commercial activities/uses are appropriate for RBX?



END

QUESTIONS?





MEMORANDUM COMMUNITY & ECONOMIC DEVELOPMENT

Date: 7/1/2025
To: Planning Commission
From: Kaelene Nobis, AICP, Principal Planner
Subject: Critical Areas Ordinance Update

PURPOSE

This meeting is intended to provide the Planning Commission with an overview of how the changes to the Critical Areas Ordinance might impact property owners.

BACKGROUND

What is a Critical Areas Ordinance?

The Critical Areas Ordinance (CAO) is a locally adopted set of regulations intended to protect environmentally sensitive areas, referred to as “critical areas”, from potential adverse impacts due to development or land use changes. Under the Washington State Growth Management Act (GMA), RCW 36.70A.172, all cities and counties are required to adopt a CAO and to ensure its provisions are based on Best Available Science (BAS).

The City of SeaTac’s CAO is codified in SMC 15.700 and 18.10 and applies to the following designated critical areas:

- Wetlands
- Streams and riparian zones
- Flood hazard areas
- Geologically hazardous areas (e.g., landslide-prone or seismic zones)
- Critical aquifer recharge areas

The CAO influences local permitting and land use by requiring that development proposals within or near critical areas undergo environmental review, adhere to siting and design standards, and, where necessary, incorporate mitigation measures. The CAO also plays a key role in protecting public safety by restricting development in areas prone to natural hazards.

Why an Update is Required

The Growth Management Act mandates that critical area regulations be reviewed and updated periodically in conjunction with the Comprehensive Plan to reflect Best Available Science (BAS). SeaTac’s last major CAO update occurred in 2015, and the deadline for the update is the end of 2025. Since that time, new research and state agency guidance have emerged, particularly in the areas of stream buffer widths, riparian ecosystem management, and wetland mitigation.

Overview of Code Amendments

At the June 17, 2025, meeting staff introduced preliminary recommendations for amendments to the CAO. The Planning commission provided feedback that it would be helpful to know about major changes and their impact to property owners. No action is required at this stage; this is the second of several briefings that will culminate in a formal review of the draft code update at the public hearing, currently estimated for September 23, 2025.

Biggest Functional Changes to the Critical Areas Code and How They Impact Property Owners

While most changes are required under state law, the City is focused on helping property owners understand and adapt to these updates through clear timelines, education, and flexible tools. Key changes include:

- **Expanded stream buffers and stronger riparian protections**, which may reduce buildable area near streams. Focus on “no-net-loss” of function for streams and wetlands.
- **Stronger protections in flood-prone and landslide-risk zones**, requiring more detailed site assessments or added setbacks.
- **New protections for groundwater recharge areas**, potentially limiting certain land uses in those zones.
- **New voluntary incentives** like grants and stewardship programs for landowners who wish to protect or enhance critical areas.
- **Climate resilience requirements**, asking larger projects to plan for future environmental impacts.
- **More flexible technical review processes**, allowing property owners to choose qualified consultants with City oversight as needed.

For most property owners, especially those not near sensitive areas, these changes will have minimal impact. However, those near streams, wetlands, or hazard areas may experience more review steps or reduced development footprints, balanced by new support tools and clearer guidance.

Draft Updates to the City’s Critical Areas Ordinance (CAO)

Science-based updates

1. **Designation of Critical Areas (15.700.005/040/050/060; see also Comp Plan)**: Add regulations for agricultural, forestry, and mining lands, which are not currently covered.
2. **Best Available Science (15.700.110(A), 15.700.285(B))**: Clearly state that all critical area protections are based on the best available science.
3. **No Net Loss (15.700.005(F), 15.700.350, 15.700.285(E/F))**: Strengthen the language to emphasize that no net loss of wetland and stream functions is a core goal of protection and mitigation efforts.
4. **Critical Aquifer Recharge Areas (CARA) (15.700.360)**: Add mapping and protective measures for CARAs, which are currently missing.
5. **Frequently Flooded Areas (15.700.200; 18.10)**: Add Channel Migration Zone (CMZ) maps and protection strategies based on Ecology’s and Riparian Ecosystem guidance.
6. **NFIP Biological Opinion (18.10)**: Update floodplain regulations to meet requirements from the federal NFIP Biological Opinion, including habitat assessment procedures.
7. **Geologically Hazardous Areas (15.700.015, 15.700.190/250/260/270)**: Add a formal definition of “Geologically Hazardous Areas” consistent with RCW 36.70A.030(14).
8. **Erosion Hazard Areas (15.700.190)**: Define erosion hazard areas and create a corresponding GIS map layer or manage under steep slope regulations.
9. **Fish and Wildlife Habitat Conservation Areas (15.700.370)**: Strengthen protections based on best available science and add measures for protecting species like salmon and other threatened wildlife.
10. **Waters of the State (15.700.330, 15.700.370(A)4)**: Reference the state’s Ordinary High Water Mark (OHWM) manual and include updated stream typing and riparian zone protection guidance.
11. **Anadromous Fisheries (15.700.330.A.2, 15.700.340.G/L/M, 15.700.370)**: Expand stream buffer widths and apply updated riparian management practices to better protect migratory fish.
12. **Good Ideas (15.700.300.D.4)**: Add voluntary and incentive-based tools such as Stewardship Programs, grant opportunities, and partnerships for protecting critical areas.
13. **Monitoring and Adaptive Management**: Add a formal process for monitoring and updating protections based on results and new science.

14. **Mitigation (15.700.350.D, 15.700.270, 15.700.140):** Add requirements for detailed mitigation plans for streams, steep slopes, and vegetation—ensuring actions like buffer restoration and invasive plant removal.
15. **Five Key Riparian Functions:** Include riparian ecosystem functions (shade, habitat strength, nutrients, wood, and pollution control) and management strategies to support them.
16. **Watershed Management:** Add guidance for managing watersheds as a whole, not just individual stream segments, including climate change preparation.
17. **Riparian Habitat Management Plans:** Include requirements for developing Riparian Habitat Management Plans.
18. **Hazard Trees:** Encourage leaving safe snags (standing dead trees) in critical areas to provide wildlife habitat instead of full removal.
19. **Recreational Trails (15.700.340(F)):** Update trail management rules to reduce ecological impacts.
20. **Stream Crossings (15.700.340):** Require new stream crossings to follow fish-friendly standards from WDFW and NMFS design guides.
21. **Climate Resilience (15.700.110):** Require critical area reports to address how projects will handle climate impacts like changing stream flows and the need for more shade or habitat connectivity.
22. **Wetland Mitigation (15.700.310.2):** Update mitigation references to match the latest state guidance for developing and reviewing wetland mitigation plans.

Administrative and process updates

1. **Outdated reference (15.700.005):** Purpose statement mentions that the code section is to implement SEPA, however, GMA is the tool used as the foundational authority for critical areas regulations.
2. **Relocated section (15.700.005.H):** Is about flood hazards and should be in Chapter 18.
3. **Qualified Consultant List (SMC 15.700.100):** The current code references a requirement for the City to maintain a list of qualified consultants, originally sourced from King County. This external list is no longer maintained, and as a result, the provision is outdated. The proposed amendment removes this requirement and instead allows applicants to select their own qualified professional, consistent with standard professional practice, accountability measures, and a procedure for when the City will peer review those reports.
4. **Code Organization – Chapter 15 vs. Chapter 18:** Sections of the Critical Areas Ordinance are currently split between the zoning code (SMC Chapter 15) and the environmental code (SMC Chapter 18). Staff are proposing to move everything into Chapter 18 to improve clarity, consistency, and ease of use for staff, applicants, and the public.

PROJECT TIMELINE (PRELIMINARY)

- JUNE 17 – PLANNING COMMISSION FIRST LOOK OF MATERIALS
- JULY 1 – PLANNING COMMISSION SECOND REVIEW OF MATERIALS
- JULY 15 - PLANNING COMMISSION THIRD REVIEW OF MATERIALS IF REQUESTED
- SEPTEMBER 16 – PUBLIC HEARING
- OCTOBER 16 – PED
- NOVEMBER 25 - COUNCIL

PACKET MATERIALS

- This memo
- Proposed Code Amendments shown in track changes (in review order)
- Presentation

Critical Areas Ordinance Update Planning Commission July 1, 2025

EXHIBIT 5b: Page 1 of 18
DATE: 7/1/2025



PURPOSE OF PRESENTATION

- Provide a deeper dive into the proposed Critical Areas Ordinance (CAO) update and potential impacts.

WHY IS THIS ISSUE IMPORTANT?

- Aligns the City's Critical Areas Ordinance (CAO) with Best Available Science (BAS), last updated in 2015
- Ensures compliance with the Washington State Growth Management Act (GMA)
- Supports implementation of Envision SeaTac 2044, specifically Goal 9.1: Protect and restore natural systems
- Protects water quality, fish and wildlife habitat, and climate-resilient ecosystems
- Advances community values of sustainability, environmental stewardship, and public health



POTENTIAL COMMISSION ACTION

EXHIBIT 5b: Page 3 of 18
DATE: 7/1/2025

ACTION REQUESTED: None. This is an informational briefing.

REVIEWS TO DATE:

- February 18, 2025, Critical Areas Ordinance discussed as part of the Planning Commission workplan.
- June 17, 2025, Introduction to the Critical Areas Ordinance

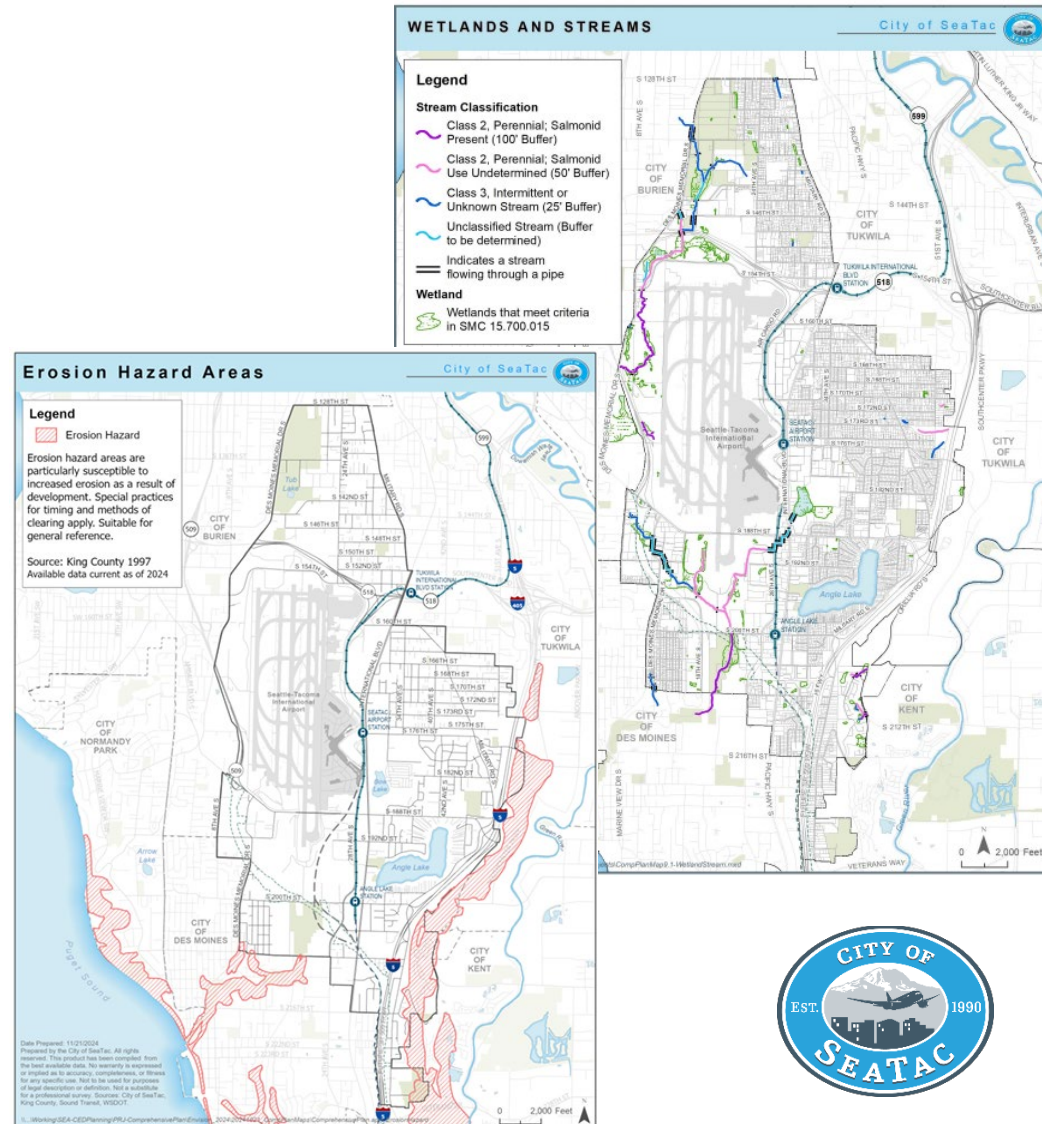


WHAT IS A CRITICAL AREA?

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The City designates the following types of critical areas:

- Wetlands
- Streams and riparian zones
- Flood hazard areas
- Geologically hazardous areas (e.g., landslide-prone or seismic zones)
- Critical aquifer recharge areas



WHY WE NEED TO UPDATE THE CAO

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DATE: 7/1/2025

- State law requires regular updates (tied to the comprehensive plan)
 - Last major update: 2015
- New science and data are available
- Climate change and development are creating new risks
- Helps meet legal and environmental responsibilities



BIG CHANGES

EXHIBIT 5b: Page 6 of 18
DATE: 7/1/2025



Stream buffers are
now Riparian
Management Zones



Buffers AKA Riparian
Management Zones
are bigger



Stronger flood and
Landslide Protections



New focus on
Groundwater and
drinking water



More flexibility with
incentives



Climate change is now
a factor



Technical Report
changes



What's changing:

The buffer widths for streams are being expanded, and riparian management is being strengthened with a focus on ecological function and no net loss.

Why it matters:

Larger no-build zones help protect water quality and fish habitat.

Impact:

If you're planning to build near a stream, you'll need to account for more distance between the development and the waterbody.

Code Sections:

SMC 15.700.330,
15.700.340.G/L/M, 15.700.370,
15.700.310.2

- Five Key Riparian Functions, Stream Buffer Expansion, Riparian Habitat Plans

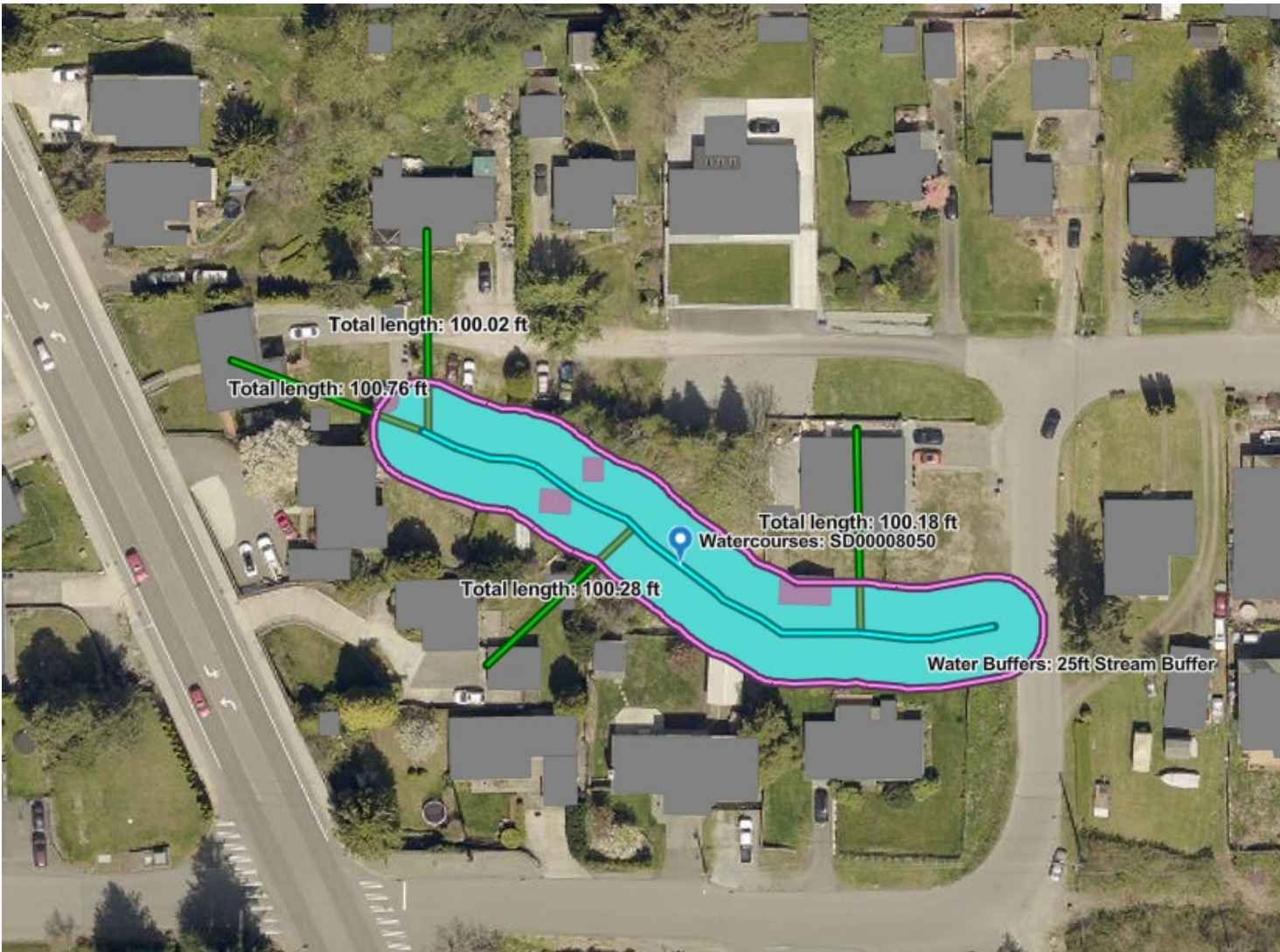


Old code	New Code
Class 1 stream: 100 feet	Type S: See shoreline management regulations at SMC 18.05 (Shoreline Master Program)
Class 2 stream (used by salmonids): 100 feet	Type F: 200 feet
Class 2 stream(not used by salmonids): 50 feet	Type Np: 100 feet
Class 3 stream: 25 feet	Type Ns: 100 feet



POTENTIAL IMPACT

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STRONGER FLOOD HAZARD AND LANDSLIDE PROTECTION

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DATE: 7/1/2025

What's changing:

The City is adding new definitions for erosion hazard areas, and stronger protections for areas prone to flooding or landslides.

Why it matters:

These rules help reduce damage to structures and improve emergency resilience.

Impact:

Projects in these zones may need new site analysis, added setbacks, or mitigation plans.

Code Sections:

SMC 15.700.015, 15.700.190,
15.700.200, 15.700.250–270,
18.10

- CMZ Maps, Erosion Hazard Areas, Geologic Hazard Definitions, NFIP Biological Opinion



NEW FOCUS ON GROUNDWATER AND DRINKING WATER PROTECTION

EXHIBIT 5b: Page 11 of 18

DATE: 7/1/2025

What's changing:

Critical Aquifer Recharge Areas (CARAs) are being added to the code, including maps and protective measures to prevent groundwater contamination.

Why it matters:

These areas recharge the water that flows to wells and drinking supplies.

Impact:

May restrict some activities (e.g., hazardous materials storage) in mapped aquifer areas.

Code Sections:

SMC 15.700.360 – Critical Aquifer Recharge Areas (CARAs)



What's changing:

The code introduces voluntary tools like conservation programs, grants, and public-private partnerships for habitat protection.

Why it matters:

These are proactive ways to improve the environment without mandating changes.

Impact:

Property owners can opt into programs that benefit their land and the community.

Code Sections:

SMC 15.700.300.D.4 – “Good Ideas” Section on stewardship and incentives



CLIMATE RESILIENCE IS NOW A FACTOR

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What's changing:

New requirements ask projects in critical areas to consider climate-related impacts like flooding, streamflow changes, and the need for more shade or connectivity.

Why it matters:

Builds in long-term resilience as the environment continues to change.

Impact:

Larger developments may need to address climate considerations in their environmental reports.

Code Sections:

SMC 15.700.110, 15.700.340, 15.700.370 – Requirements for Climate Response in Project Review



UPDATED REVIEW PROCESS FOR TECHNICAL REPORTS

EXHIBIT 5b: Page 14 of 18
DATE: 7/1/2025

What's changing:

The City is removing the outdated requirement for a pre-approved list of consultants and will now allow applicants to select their own professionals—subject to peer review if needed.

Why it matters:

More flexibility and accountability in environmental documentation.

Impact:

Easier consultant hiring for applicants, with maintained quality assurance.

Code Sections:

SMC 15.700.100 – Revised to remove requirement for King County's Qualified Consultant List



BOTTOM LINE FOR PROPERTY OWNERS

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DATE: 7/1/2025

- If the property isn't near a stream, wetland, slope, or flood zone, these updates likely won't change anything for property owners.
- If your property is in or near a critical area:
 - The development footprint might shrink slightly due to wider buffers.
 - Projects may need more technical review (e.g., reports, studies).
 - There are new voluntary options to improve land while protecting sensitive resources.



Many of the changes are required in order to adhere to best available science, what feedback are we looking for from planning commission?

- Review draft language
- Ask questions and raise community concerns
- Recommend revisions to the chapter that might also be needed
- Suggestions on ways we can communicate these changes to the public and make the application process smoother?



NEXT STEPS

- Conduct SEPA review
- Finalize Draft Amendments
- Department of Commerce Notice
- Tentative Public Hearing – September 16, 2025

LATER STEPS

- Make recommendation to City Council
- Bring recommendation to PED – October 16, 2025
- Bring ordinance to City Council – November 25, 2025
- GIS Data Integration - Ongoing



END

COMMENTS AND/OR QUESTIONS?



Chapter 15.700

Critical Areas

Sections:

15.700.005	Purpose
15.700.010	Authority and Application
15.700.015	Definitions
15.700.020	Appeals
15.700.030	Critical Area Rules
15.700.040	Complete Exemptions
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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~~ Growth Management Act (GMA), Chapter 36.70A 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 critical areas based on Best Available Science as defined in WAC 365-195-900 through 365-195-925, consistent with RCW 36.70A.172;

Commented [KN1]: Critical areas are governed by the GMA (RCW 36.70A.172). SEPA is still a useful environmental review tool, but it is not the foundational authority for the critical areas regulations.

Commented [EL2]: Repealed Section 15.700.280

- 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 critical areas by regulating alterations in or near 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~~ ensuring no net loss of wetland and stream functions and values in compliance with WAC 365-196-830 (4);
- 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;~~

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

I. Providing City officials with sufficient information to make informed land use decisions ~~that~~ protect 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;
- C. The provisions of this chapter do not apply to any habitat areas which come under the jurisdiction of the Shoreline Management Program; and
- D. 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 critical 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 in 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 ~~a the~~ critical area ~~or its buffer~~.

Base Flood

TheA flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the "one hundred (100) year flood." Designation on maps always includes the letter A or V.

Buffer or Buffer Zone

The area contiguous with a critical area that maintains the functions and/or structural stability of the critical area. For stream- related buffer areas, see riparian management zones.

Commented [KN3]: Flood Hazard areas are in 18.10, moved there.

Commented [KN4]: Felt like we were missing the how here.

Commented [KN5]: Check

Channel Migration Zone (CMZ)

Means the area within which a river channel is likely to move laterally over a specified period (e.g., 100 years)

Commented [KN6]: KN added per convo with WDFW 5.13

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 Area

Any of those areas in the City which are subject to natural hazards (e.g. geologically hazardous areas) 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. 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, wetlands and critical aquifer recharge areas. For purposes of this chapter, wellhead protection areas and general groundwater resources are not considered to be critical aquifer recharge areas. Critical aquifer recharge areas are not mapped within city limits.

Commented [EL7]: Recharge areas are not mapped within city limits.

Critical Aquifer Recharge Areas

Areas with a critical recharging effect on aquifers used for potable water.

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.

Ecosystem functions

The products, physical and biological conditions, and environmental qualities of an ecosystem that result from interactions among ecosystem processes and ecosystem structures. Ecosystem functions include, but are not limited to, sequestered carbon, attenuated peak stream flows, aquifer water level, reduced pollutant concentrations in surface and ground waters, cool summer in-stream water temperatures, and fish and wildlife habitats.

Ecosystem values

The cultural, social, economic, and ecological benefits attributed to ecosystem functions.

Commented [KN8]: KN added per convo with WDFW 5.13

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.

Erosion Hazard Areas

Areas likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils pursuant to WAC 365-190-120.

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 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.

Floodplain

Any land area susceptible to being inundated by water from any source.

Functions and Values

The beneficial 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.

Geologically Hazardous Areas

Areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

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.

Hazard Tree

Trees that are a threat to life, property, or public safety.

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. The ordinary high water mark should be delineated in accordance with current federal and state guidance manuals, such as Determining the Ordinary High Water Mark for Shoreline Management Act Compliance in Washington State (2016), as amended.

Qualified Professional

Commented [EL9]: Determine Ordinary High Water

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 or hydrogeologist licensed in the State of Washington with at least two (2) 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, or engineer licensed in the State of Washington, or other scientist with experience in preparing hydrogeologic assessments.

Reestablishment

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. Reestablishment results in rebuilding a former wetland and results in a gain in wetland acres and functions. Activities could include removing fill, plugging ditches, or breaking drain tiles.

Rehabilitation

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:

A. 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

B. Actions performed to reestablish structural and functional characteristics of a critical area that have been lost by alteration, past management activities, or catastrophic events.

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.

Riparian management zone (RMZ)

Riparian Management Zone are the lands that occur along the edges of rivers and streams that are to remain vegetated and managed, often referred to as a buffer. The RMZ area has the potential to provide full riparian

functions. In many forested regions of the state, this area occurs within one 200-year site potential tree height measured from the edge of the stream channel. In situations where a Channel Migration Zone (CMZ) is present, this occurs within one site potential tree height measured from the edges of the CMZ. In non-forest zones, the RMZ is defined by the greater of the outermost point of the riparian vegetative community or the pollution removal function, at 100 feet.

Commented [KN10]: Added per comments from WDFW

Commented [KN11R10]: I feel like this would also be a good place to explain that the RMZ. I added the first sentence the rest is from WDFW.

Seismic Hazard Area

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.

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 twenty (20) 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 critical areas section, there are the following stream classifications consistent with WAC 222-16-030 or as amended:

A. Type S: only including streams inventoried as "Shorelines of the State" under the adopted Shoreline Master Program, pursuant to Chapter 90.58 RCW

B. Type F: those watercourses that are known to be used by fish or meet the physical criteria to be potentially used by fish (as established in WAC 222-16-031(3) or as amended, and that have perennial (year-round) or seasonal flows.

C. Type Np: those watercourses that have perennial flows and do not meet the criteria of a Type F stream or have been proven not to contain fish using methods described in the Forest Practices Board Manual Section 13.

D. Type Ns: those watercourses that have intermittent flows (do not have surface flow during at least some portion of the year); do not meet the physical criteria of a Type F watercourse; or have been proven to not support fish using methods described in the Forest Practices Board Manual Section 13.

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.

Commented [EL12]: **Consistent with WAC 222-16-030**

Stream Functions

Natural processes performed by streams including functions which are important in facilitating food chain production; providing habitat for nesting, rearing and resting sites for aquatic, terrestrial and avian species; maintaining the availability and quality of water, such as purifying water; acting as recharge and discharge areas for groundwater aquifers; moderating surface and stormwater flows and maintaining the free flowing conveyance of water, sediments and other organic matter.

Wetland

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from 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 to mitigate conversion of wetlands.

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.

Wetland, Forested

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

Wetland Functions

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

Wetland, Isolated

A wetland that is outside of and not contiguous to any one hundred (100) year flood plain of a lake, river or stream, and has no contiguous hydric soil or hydrophytic vegetation between the wetland and any surface water including other wetlands.

Wetland Mitigation Bank

A site where wetlands are restored, created, enhanced, or in exceptional circumstances preserved expressly for the purpose of providing compensatory mitigation in advance of unavoidable impacts to wetlands or other aquatic resources typically unknown at the time of certification to compensate for future, permitted impacts to similar resources.

Wetland Mosaic

An area with a concentration of multiple small wetlands, in which each patch of wetland is less than one (1) acre; on average, patches are less than one hundred (100) feet from each other; and areas delineated as vegetated wetland are more than fifty percent (50%) of the total area of the entire mosaic, including uplands and open water.

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 this chapter, Critical Areas, may be appealed according to, and as part of, the appeal procedure for the permit or approval involved.

15.700.030 Critical Area Rules

Applicable City departments are authorized to adopt administrative rules and regulations as are necessary and appropriate to implement this chapter, Critical Areas, 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; however, all exempt activities must be conducted in a manner that ensures no net loss of ecological functions and values of critical areas. If incidental impacts occur, they shall be addressed in accordance with the mitigation sequence outlined in SMC 15.700.120:

- 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 to 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. Public water, electric and natural gas distribution, public and private sewer collection, stormwater treatment and/or flow control facilities, 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;

D. Improvements, ongoing 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);

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

F. 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);

G. 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 chapter and any administrative rules promulgated thereunder, except for the notice on title provisions, SMC 15.700.160, Notice on Title: however, all exempt activities must be conducted in a manner that ensures no net loss of ecological functions and values of critical areas. If incidental impacts occur, they shall be addressed in accordance with the mitigation sequence outlined in SMC 15.700.120:

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, critical area or buffer;

B. Structural modification of, addition to, or replacement of single-family detached dwelling 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 critical area or, if the existing residence is in the critical area, extends further in the 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 as follows:

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 application shall be processed as a Type II application pursuant to Chapter 16A.03 SMC;
2. The Director shall review the application and issue a decision based on the following criteria:
 - a. There is no other practical alternative to the proposed development with less impact on the critical area; and
 - b. The proposal minimizes the impact on critical areas;

Commented [LS13]: Should we also mention middle housing in this section as being partially exempt?

Commented [EL14R13]: No need? Double check other cities to see if they include middle housing - if not, don't update.

Commented [EL15R13]: Residential, Down-
differentiate between single-family residential and non-residential. They just have a single exemption for all apartly established buildings.

Bellevue - doesn't specific to single family

Renton - separates and specifies single family

3. This exception shall not allow the use of the following 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 I~~ Type S 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 SMC 15.700.290(L)(2) for additional criteria.

B. If the application of this chapter would deny all reasonable use of the property, the applicant may apply for a reasonable use exception pursuant to this subsection:

1. The applicant shall apply to the Department, which shall process the application as a Type II application pursuant to Chapter 16A.03 SMC. 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 chapter.

2. The Director shall review the application and make a final decision based on the following criteria:

- a. The application of this chapter would deny all reasonable use (as defined in SMC 15.105.180) of the property;
- b. There is no other reasonable use with less impact on the 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 critical area shall be the minimum necessary to allow for reasonable use of the property.

e. The inability of the applicant to derive reasonable use of the property is not the result of actions by the current or previous owner in subdividing the property or adjusting a boundary line, thereby creating the undevelopable condition, after the effective date of the ordinance codified in this chapter.

Commented [KN16]: Added per Convo with WDFW

f. The fact that property may be utilized more profitably than allowed based on strict interpretation of this title shall not be an element of consideration in any review of a reasonable use request

3. Any authorized alteration of a critical area under this subsection shall be subject to conditions established by the Director including, but not limited to, mitigation under an approved mitigation plan.

15.700.070 Critical Area Maps and Inventories

The distribution of critical areas in the City is displayed on maps in the Environment Element of the City's Comprehensive Plan, available from the Community and Economic Development Department and through the City's website. 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 critical areas shall govern.

15.700.080 Disclosure by Applicant

A. The applicant shall disclose to the City the presence of critical areas on the development proposal site.

B. If the development proposal site contains or is within a critical area, the applicant shall submit an affidavit which declares whether the applicant has knowledge of any illegal alteration to any or all 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 Critical Area Review

A. The City shall review any development proposal, permit application, or other request for permission to proceed with an alteration on a site which includes a potential or confirmed critical area or buffer.

B. As part of the review, the City shall:

1. Determine whether a critical area report is required;
2. Evaluate the critical area report;
3. Determine whether the development proposal is consistent with this chapter;
4. Determine whether any proposed alteration to the critical area is necessary; and
5. 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 Critical Area Report Requirement

A. An applicant for a development proposal which requires a critical area report pursuant to SMC 15.700.090 shall submit a critical area report that complies with the requirements of this chapter.

~~B. The Director shall maintain a roster of qualified professionals from which the applicant may select a consultant. If the applicant uses a qualified professional from this roster, the City will accept the results of the report and will not require peer review of the report.~~

~~If the critical area report concludes that the proposed development site does not contain a critical area or buffer, the City shall apply a credit to the cost of the applicant's subsequent development permit(s); provided, that such application, along with proof of payment for the report, is submitted within one hundred eighty (180) days of submittal of the critical area report. The credit shall be in the amount of the cost of the critical area report, up to the cost of the development permit(s). In no case shall the credit exceed the cost of the development permit(s).~~

~~C. Alternatively, if the applicant chooses to use a consultant not on the City's roster of qualified professionals as provided in subsection (B) of this section, the applicant 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) from the roster to provide peer review of the applicant's critical area report. The selection of the consultant(s) hired by the City shall be at the sole discretion of the City.~~

DB. The City may waive the requirement for a critical area report if the applicant shows to the City's satisfaction that:

1. There will be no alteration of the critical area or buffer;
2. The development proposal will not have an impact on the 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.

EC. If necessary to insure compliance with this chapter, the City may require additional information from the applicant and/or require third-party peer review consultant pursuant to the agreement specified in subsection (C) of this section.

Commented [KN17]: This is a good location for us to try to have a policy decision, do we want every decision to be peer reviewed.

Commented [KN18R17]: Here are some ideas!

If the City requires peer review of any Critical Area Report, it shall be conducted at the applicant's expense when additional technical evaluation is necessary to assess site conditions, report accuracy, or potential impacts. The review shall be conducted by a qualified professional selected by the City.

Commented [KN19]: Complimentary policy.

15.700.110 Contents of Critical Area Report

A. The critical area report shall be based on the best available science as defined in RCW 36.70A.172 and WAC 365-195-900 through 365-195-925, as amended, and shall be conducted by a qualified professional(s), as defined in SMC 15.700.015.

Commented [EL20]: Reference the vegetation management plan code section here? And other sections?

B. The critical area report shall contain the following:

1. Identification and characterization of all critical areas on or encompassing the development proposal site;
2. Assessment of the impacts of any alteration proposed for a 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, including

a. Identify measurable standards and expectations to monitor compliance (e.g., areal extent of vegetative cover, composition of riparian tree species, maximum invasive plant cover),

b. Identify the frequency of site visits for monitoring (e.g., at years 1, 2, 3, 5, 8, and 10) and measurable triggers that may require further action (e.g., maximum percent area coverage of invasive plants),

c. If deemed necessary by the city, include a cost estimate for monitoring, with the project proponent posting a bond for this amount or more to account for potential overages;

4. A scale map of the development proposal site; ~~and~~

5. Detailed studies, as required by the City; and

6. Assessment of the project's climate resiliency within critical areas (e.g., increasing habitat connectivity, planning for wider range of stream flows, and increasing stream shading). Measures to address the project's climate resiliency within critical areas, including but not limited to increasing habitat connectivity, planning for a wider range of stream flows, and enhancing stream shading.

7. An analysis in-line with the mitigation sequence (SMC 15.700.120), demonstrating that the following were considered as options to satisfy avoidance of impacts. This shall include but is not limited to:

I) Alternative building locations on the property;

II) Adjustments to the project footprint and orientation;

III) Modification of setbacks, where feasible, as a first option before encroaching into critical areas or their buffers;

IV) Multi-story design or alternate building design

C. A critical area report may be combined with any studies required by other laws and regulations.

D. When a vegetation management plan is required by this code (SMC 15.700.140), it is recommended that the qualified professional(s) preparing the critical area report include the vegetation management plan in the critical area report.

E. Watershed Management. Critical area reports for streams and Riparian Management Zones should incorporate watershed-scale management considerations, including the restoration and protection of watersheds and connectivity, as well as planning for climate change.

1. Restore and Protect Watershed Processes – Maintain the frequencies, magnitudes, and durations of natural disturbances (flood and fire being the most common) to the greatest extent that surrounding land uses can tolerate.
2. Restore and Protect Connectivity – Manage watersheds to avoid creating longitudinal (e.g., dams, road crossings), lateral (e.g., levees and roads/buildings that cut off riparian areas and floodplains from their stream), and vertical (water withdrawals, reductions of floodplains) barriers to fish and wildlife movement and fragmentation of their habitat.
3. Plan for Climate Change – Impending changes to aquatic systems caused by climate change increases risk to species already threatened, and riparian ecosystem protection is one of the most useful responses to ameliorate those risks.

Commented [JK21]: I think we can remove “buffers” here since RMZs are the new buffers.

Commented [KN22R21]: Good catch!

Commented [EL23]: Moved from it's own section (previous redlines had it as a new section 15.700.380 Watershed Management).

15.700.120 Mitigation, Maintenance, Monitoring and Contingency

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

1. Avoid the impact altogether by not taking a certain action or parts of an action.
2. Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
3. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reduce or eliminate the impact over time by preservation and maintenance operations.
5. Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.
6. Monitor the required compensation and take remedial or corrective measures when necessary.

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 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.

Commented [JK29]: Are easements ok or do we make them go through a subdividing process to create a tract?

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~~, Riparian Management Zones.

Commented [JK30]: RMZ

B. Any required 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 critical area buffers, Riparian Management Zones or from the edges of all critical areas if no buffers are required. The following may be allowed in the building setback area:

Commented [JK31]: How to handle RMZs?

- A. Landscaping (such as vegetated LID BMPs);
- 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 critical areas. Driveways and patio areas shall be permeable pavement where feasible.

Critical area buffer requirements may be found in the development standards section for each type of critical area.

15.700.185 Hazard Tree Removal in Critical Areas

Commented [EL32]: Moved up from previous section (new section SMC 15.700.390).

Hazard trees are a threat to life, property, or public safety and require that the method of tree removal not adversely affect critical area functions if possible, with the following considerations:

- A. Any removal of hazard trees should involve avoidance and minimization of damage to remaining trees and vegetation within the critical area.
- B. A qualified arborist must evaluate requests for hazard tree removal.
- C. The qualified arborist should determine when a tree presents an imminent threat to life, property, or public safety.
- D. The hazard tree is encouraged to be retained as a snag for wildlife habitat.
- E. Hazard tree removal in critical areas and buffers requires a minimum 3:1 replacement ratio.

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 SMC, Landscaping and Tree Retention; 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 current water quality standards.

D. 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

If an area of special flood hazard is located on or adjacent to a development site, all activities on the site shall be in compliance with the following requirements and restrictions:

A. The provisions of Chapter 18.10 SMC.

B. Prior to approval of any development proposal within an area of special flood hazard, special environmental studies must demonstrate that the proposed development and related construction activities will not result in an increase in the frequency, severity, or magnitude of flooding on the development site or on properties within the same hydrologic system.

15.700.210 Flood Fringe – Development Standards and Permitted Alterations

Repealed by Ord. 21-1015.

15.700.220 Zero-Rise Floodway – Development Standards and Permitted Alterations

Repealed by Ord. 21-1015.

15.700.230 FEMA Floodway – Development Standards and Permitted Alterations

Repealed by Ord. 21-1015.

15.700.240 Flood Hazard Areas – Certification by an Engineer or Surveyor

Repealed by Ord. 21-1015.

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 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:

Commented [JK33]: How does the use of Hazard Tree here relate to the new definition and new section?

Commented [EL34R33]: Will double check.

Commented [EL35R33]: Meant to be the more standard reference - double check naming convention

Commented [EL36R33]: "Hazard Tree" is only used in the Critical Area rule sections - Specifically in the landslide and steep slope sections.

For the proposed new definition including requirements to snag trees in CAs and their buffers - "snag" trees could still be a recommendation for hazard tree removal in all critical areas - reasoning here is to preserve the slope stabilization benefits of the roots, while removing the threat of the hazard tree falling.

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, the City determines that the reduction will adequately protect the proposed development and the critical area. For ~~single-family~~ detached dwelling 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 critical area, and the critical area was created by a previously permitted man-made retaining wall and/or engineered slope;

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 runoff, 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 supplement. All areas within the City meeting the wetland designation criteria in that procedure are hereby designated critical areas and are

Commented [JK37]: Change to "detached dwelling"

Commented [LS38]: What about ADUs?

Commented [EL39R38]: If keeping this waiver, include middle housing and accessory structures (detached garage, ADUs, etc)?

Look at other Cities for example of how they apply waivers. Potentially just flag for another future update?

Commented [EL40R38]: ~~Revised - no similar reduction options~~

~~Bellevue - no similar reduction options~~

~~Renton - no similar reduction options~~

Commented [EL41R38]: Add language specifying it applies to "Previously permitted man-made retaining walls/engineered slopes...."

Planning Commission?

subject to the provisions of this chapter. Wetland delineations are valid for five (5) years; after which time the City may 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: 2014 Update (Ecology Publication No. 04-06-029, 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.

15.700.280 Wetlands – Limited Exemption

~~The following wetlands may be exempted from the requirement to avoid impacts (SMC 15.700.120(A)(1)) and may be filled if the City determines that the impacts are fully mitigated based on the actions in SMC 15.700.120(A)(5) and (6).~~

~~A. All isolated Category III and IV wetlands less than one thousand (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.~~

15.700.2805 Wetlands – Development Standards

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

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, 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 [RCW 36.70A.172](#) and WAC 365-195-900 through 365-195-925). 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 (I) of this section:

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

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. Activities listed under “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 thirty-three percent (33%) increase in the

width of all buffers is required. For example, a seventy-five (75) foot buffer with the measures implemented would increase to a one hundred (100) foot buffer without them.

Wetland Impact Minimization Measures

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

* "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.

E. Increased Buffers. Increased buffer widths may be required on a case-by-case basis when necessary to protect wetland functions and values. This determination shall be supported by a critical area report or other appropriate documentation showing that it is reasonably related to protection of the functions and values of the wetland, 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.

F. Buffer Width Averaging. Buffer width averaging may be allowed in accordance with an approved critical area report; provided, that all of the following criteria are met:

Commented [JK42]: I wonder how this averaging relates to WDFW comments that there is no BAS to support averaging.

Commented [KN43R42]: I wondered this, but they said their isn't any BAS to support averaging for Riparian Management zones, and this is for wetlands.

1. It will not reduce protection to wetlands or their functions;
2. The total area contained in the buffer after averaging does not decrease;
3. The buffer at its narrowest point is not less than seventy-five percent (75%) 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 [in compliance with WAC 365-196-830 \(4\)](#).

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, and
2. Additional protection to the wetland is provided through the implementation of a buffer enhancement plan.
3. 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 subsection (G)(3)(a) of this section.

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

I. **Buffer Exemption.** When a property redevelops, if portions of a buffer width required by this chapter are already developed with legally established physical improvements (e.g., buildings, pavement), those portions of the proposed redevelopment area within the required buffer width are exempt from the buffer requirements of this chapter.

J. **Buffers on Mitigation Sites.** All mitigation sites shall have buffers consistent with the buffer requirements of this chapter. Buffers shall be based on the target or expected category of the wetland.

K. **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.

L. **Hazardous Substances Prohibited.** The use of hazardous substances, pesticides, herbicides and fertilizers in a wetland or its buffer is prohibited except as provided in SMC 15.700.290(D).

15.700.290 Wetlands – Permitted Alterations and Allowed Uses

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 completed by qualified professionals, that the proposed development will protect or enhance the wildlife habitat, natural drainage or other valuable functions of the wetland and will be consistent with the purposes of this chapter.

To establish the conditions in this subsection, detailed studies may be required as part of the critical area report on habitat value, functions, hydrology, erosion, and/or water quality. Such detailed studies shall include at a minimum:

1. Specific recommendations for mitigation;
2. Existing and proposed wetland acreage;
3. Vegetative, faunal and hydrologic conditions;
4. Relationship within watershed and to existing waterbodies;
5. Soil and substrate conditions, topographic elevations;
6. Existing and proposed adjacent site conditions;
7. Required wetland buffers;
8. Property ownership; and
9. A discussion of ongoing management practices to monitor and maintain wetland functions and habitat value.

The requirements in this subsection 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. The 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 is prohibited;

D. Enhancement of a wetland buffer through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species;

E. Conservation or restoration activities aimed at protecting the soil, water, vegetation, or wildlife;

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

G. Educational and scientific research activities;

H. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way; provided, that the maintenance or repair does not expand the footprint of the facility or right-of-way;

I. 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;

J. 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;
- K. Joint use of an approved sewer utility corridor by other utilities may be allowed;
- L. 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;
 4. Vegetated LID BMPs are allowed within the outer twenty-five percent (25%) of the wetland buffer if:
 - a. Constructed in accordance with the requirements of the Surface Water Design Manual;
 - b. There are no significant adverse impacts to the wetland; and

5. 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;

M. Wetlands can be used for retention/detention facilities other than for regional facilities;

N. Passive recreation facilities designed and in accordance with an approved critical area report, including:

1. Walkways and trails; provided, that those pathways are limited to minor crossings having no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland, located only in the outer twenty-five percent (25%) of the wetland buffer area, and located to avoid removal of significant trees. The trail surface should not be made of impervious materials, not more than five (5) feet in width for pedestrian use only; and

2. Wildlife viewing structures;

O. A dock, pier, moorage, float or launch facility may be allowed, subject to the provisions of the Shoreline 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;

P. 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;

Q. 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;

R. Repair and maintenance of non-conforming uses or structures, where legally established within the buffer, provided they do not increase the degree of nonconformity;

S. Subject to a clearing and grading permit issued pursuant to Chapter 15.445 SMC, Landscaping and Tree Retention, 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;

T. 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 professional, 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 (1) 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 15.700.200, Flood Hazard Areas; 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 0.99 acres of fill within an altered wetland.

15.700.310 Wetlands – Mitigation Requirements

A. 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), (G), or (I);
 - 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 No. 06-06-011b) or as amended, and Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington) (Publication No. 09-06-32, Olympia, WA, December 2009), Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance (Version 2) (Ecology et al. 2021), as amended, and Part 2: Developing~~

Mitigation Plans (Ecology et al. 2006), as amended 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.

B. 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.

C. 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 (Reestablishment and Rehabilitation) of Wetlands.

- a. The goal of reestablishment 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) of 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 reestablishment 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.

D. Location of Compensatory Mitigation. Mitigation actions shall be conducted within the same subdrainage basin and on the site of the alteration except when all of the following apply:

1. There are no reasonable on-site or in subdrainage 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 subdrainage 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 recorded with the King County Recorder prior to approval of a compensatory mitigation plan.

E. **Responsible Party for Mitigation Site.** Mitigation for lost or diminished critical area functions and values for either wetlands or streams shall use the following options:

1. **Applicant-Responsible Mitigation.** The applicant is responsible for the implementation, monitoring and success of the mitigation pursuant to this chapter.
2. **Non-Applicant-Responsible Mitigation – In-Lieu Fee Mitigation.**
 - a. Funds are collected from the applicant by the sponsoring agency, nonprofit, private party or jurisdiction. The sponsor is responsible from that point forward for the completion and success of the mitigation. The applicant's fee is based on the project impact and includes all costs for the mitigation, including design, land acquisition, materials, construction, administration, monitoring, and stewardship.
 - b. Credits purchased by an applicant from an in-lieu fee mitigation program that is certified under Federal and State rules may be used as a method of mitigation if approved by the City to compensate for impacts when all of the following apply:
 - i. The City determines as part of the critical area approval that it would provide equivalent or greater replacement of wetland functions and values when compared to conventional permittee-responsible mitigation;
 - ii. The City reviews and approves the assessment of debits associated with the proposed impacts calculated by the applicant's qualified professional using the credit assessment method or appropriate method for the impact as specified in the approved instrument for the program;
 - iii. The proposed use of credits is consistent with the terms and conditions of the in-lieu fee program instrument; and
 - iv. The compensatory mitigation agreement occurs before the building or grading and clearing permits for the authorized impact.

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.

Category and Type of Wetland	Creation or Reestablishment	Rehabilitation	Enhancement
Category I: Mature Forested	6:1	12:1	24:1
Category I: Based on Functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

H. 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 Chapter 1.15 SMC, to cease all ongoing development work and order restoration, rehabilitation, or replacement measures at the owner’s or other responsible party’s expense to compensate for violating provisions of this chapter.
2. The following minimum requirements shall be met for the restoration of a wetland:
 - a. The original wetland structure, functions and values of the wetland shall be restored including hydrologic function, water quality and habitat functions;
 - b. The original soil type and configuration shall be restored;
 - c. The wetland edge and buffer configuration shall be restored to its original condition; and
 - d. The wetland, edge and buffer shall be replanted with vegetation native to the regional ecology which replicates the original vegetation in species, sizes and densities.
3. The requirements in subsection (H)(2) of this section may be modified if the applicant demonstrates that greater wetland functions can otherwise be obtained. (Ord. 18-1039 § 2; Ord. 16-1016 § 1 (Exh. B); Ord. 15-1018 § 1)

15.700.330 Streams – Development Standards

A development proposal on a site containing a stream shall meet the following requirements. [Refer to the Department of Ecology’s ordinary high water mark delineation manual \(Anderson et al., 2016\) titled *Determining the Ordinary High Water Mark for Shoreline Management Act Compliance in Washington State*.](#)

A. ~~The following minimum Riparian Management Zones (RMZ) shall be established based on the estimated average 200-year site potential tree height per WDFW guidance. RMZs shall be established from the Channel Migration Zone (CMZ), if one is present, the ordinary high water mark (OHWM), or from the top of the bank if the OHWM cannot be identified. 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. ~~Type S: See shoreline management regulations at SMC 18.05 (Shoreline Master Program);~~
2. ~~Type F: 200 feet;~~
3. ~~Type Np: 100 feet;~~
4. ~~Type Ns: 100 feet;~~

~~5. Any stream restored, relocated, replaced or enhanced because of a stream alteration shall have the minimum RMZ required for the stream type involved, unless otherwise approved by the Director;~~

Commented [KN44]: So, now we need to crosswalk the term Buffer with RMZs, this will need to change in multiple locations.

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

7. Any stream adjoined by a riparian wetland or other contiguous critical area shall have the buffer RMZ required for the stream class type involved or the buffer which applies to the wetland or other critical area, whichever is greater;

8. Where a legally established roadway or structure transects a buffer, a modification to the minimum required buffer width may be granted to the edge of the roadway or structure; provided, it is demonstrated the roadway or structure completely obstructs all ecosystem functions and values typically associated with the buffer, and that the proposed development does not increase the degree of nonconformity.

Commented [EL45]: Restored/modified edits from 7/1

~~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 critical area shall have the buffer required for the stream class involved or the buffer which applies to the wetland or other critical area, whichever is greater;~~

~~9. Any management of streams and RMZs should incorporate watershed-scale considerations, including the restoration and protection of watersheds and connectivity, as well as planning for climate change, in accordance with guidance in SMC 15.700.380.~~

Commented [KN46]: This was added by bobo and then deleted. Looks like it should be number 9.

~~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~~

Commented [KN47]: WDFW comment.

~~B.C. The use of hazardous substances, pesticides and fertilizers in the stream corridor and its buffer RMZ is prohibited unless specifically allowed by the City.~~

15.700.340 Streams – Permitted Alterations

Alterations to streams and buffer RMZs 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 RMZ](#) unless authorized by a State or Federal permit or approval by the City;
- D. Utilities may be allowed in stream [buffer RMZs](#) 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 and Allowed Uses) 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 [buffer RMZs](#) 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 type F or Np](#) 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 type Ns](#) 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 [buffer RMZs](#) 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. [buffer RMZs](#) shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas; [and](#)
 3. [Recreational trails and interpretive facilities should minimize impacts to the extent practicable, informed by the Priority Habitats and Species \(PHS\) data and associated management recommendations.](#)
 4. [There will be no net loss of ecosystem functions or values.](#)
- G. Stream crossings may be allowed if:

Commented [KN48]: Confirm

Commented [KN49]: Check

Commented [KN50]: Check 2- buffer averaging isn't a thing, so why is this required?

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~~ Type F, Np and Ns streams if the applicant demonstrates that such methods and their implementation will pose no harm to the stream or inhibit migration of fish;

Commented [KN51]: Check

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;

8. Any stream crossings shall follow Washington Department of Fish and Wildlife's 2013 Water Crossing Design Guidelines, or as updated, along with consideration of National Marine Fisheries System's (NMFS) 2011 Anadromous Salmonid Passage Facility Design, or as updated. Stream crossing design shall follow BAS and be coordinated with Washington Department of Fish and Wildlife.

9. There will be no net loss of ecosystem functions or values.

H. Stream relocations may be allowed only for:

1. ~~Class 2 Type F or Np~~ 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

Commented [KN52]: Check

2. ~~Class 3~~ Type Ns streams for the purpose of enhancing resources in the stream if:

Commented [KN53]: Check

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;

c. There will be no net loss of ecosystem functions or values.

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 15.700.200, Flood Hazard Areas, 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 15.445.400 through 15.445.450, 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.
- O. Daylighting and meandering of watercourses is encouraged. Culvert replacement is required where applicable, and upgrades are required to meet State standards. Culverts are piped segments of streams that flow under a road, trail or driveway. Daylighting of a stream refers to taking a stream out of a pipe that is flowing underground, but not necessarily under a road. All watercourse alterations shall be carried out as specified by the State Department of Fish and Wildlife in accordance with an approved Hydraulic Project Approval (HPA).
1. The City encourages daylighting of piped watercourses or previously altered watercourses to restore streams to a more natural and open condition. As an incentive for daylighting, the Director may approve reduced buffers or setbacks. Daylighting or meandering of a watercourse is only permitted if the following criteria are met:
- a. The values and functions of the watercourse are improved, including reducing stream flow during storm and flood events, and providing fish and wildlife habitat.
 - b. No adverse impact to fish are expected to occur.

c. Water quality is equal or better than existing condition.

d. Hydraulic capacity is maintained within the new channel.

e. The watercourse design is consistent with the Washington Department of Fish and Wildlife Water Crossing Design Guidelines Manual (2013) and Aquatic Habitat Restoration Guidelines (2012), as it now reads and hereafter updated or amended.

Commented [EL54]: Recommended addition comment

15.700.350 Streams – Mitigation Requirements

- A. Restoration shall be required when a stream or its buffer RMZ 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 RMZs configuration shall be restored to its original condition;
 6. The channel, bank and buffer RMZs 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) of this section 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 RMZ is altered pursuant to an approved development proposal. There shall be no net loss of stream functions and values on a development proposal site in compliance with WAC 365-196-830 (4), and there shall be 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) of this section 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 subbasin 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. (Ord. 16-1016 § 1 (Exh. B); Ord. 15-1018 § 1)

15.700.360 Wellhead Protection Areas and General Groundwater Resources

The aquifer identified as Q(A)c by the U.S. 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 one hundred (100) feet above and one hundred (100) feet below sea level. A deeper aquifer identified as Q(B)c is generally encountered between sea level and two hundred (200) feet 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 protect from contamination the areas around wellheads and critical aquifer recharge areas (CARAs) serving as sources of potable water, as identified by the water districts operating those wells and CARAs; to limit activities that may adversely affect groundwater resources more generally; and to prevent contaminants from entering the aquifers underlying the City.

B. **Application of Regulations in This Section.** This section regulates uses and/or activities in the following areas:

1. Wellhead protection areas (WHPA) as delineated on the wellhead protection areas map (see Map 9.2 in the SeaTac Comprehensive Plan’s Environment Element).

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.

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. Critical aquifer recharge areas (CARAs) as delineated on the critical aquifer recharge protection area map.

3.2. All other areas of the City.

C. **Prohibited Uses.** The following activities and uses are prohibited in wellhead protection areas and all other areas of the City:

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 with the exception of those listed in subsections (C)(2)(a) through (i) of this section. All underground injection wells shall comply with the requirements of Chapter 173-218 WAC.

- a. Surface water management facilities pursuant to the Surface and Stormwater Management Code (Chapter 12.10 SMC).
- b. Drainage wells such as those used to drain stormwater 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.

Commented [KN55]: Is this the correct citation

Commented [JK56R55]: Yes. 9.2 is still the map.

Commented [BC57]: Per BAS Tech Memo: There is no map, or discussion, of the protection of CARAs. Suggest CAO update includes a GIS layer for Wellhead Protection Areas and CARAs,

Commented [JK58R57]: Does Otak have a map we could put into our GIS layers or is there a methodology our GIS teams could use to create one? Can we locate the map elsewhere than the Comp Plan since we are adopting this code after the CP update?

Commented [EL59R57]: The DOE’s Critical Aquifer Recharge Areas Guidance Document - Critical Aquifer Recharge Areas Guidance - on page 115 discusses what jurisdictions need to map CARAs.

Commented [KN60R57]: Note to Kaelene to confirm what happened with track changes here. Seems off.

- 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.**

- 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 (Chapter 12.10 SMC), the Clearing and Grading Code (Chapter 13.190 SMC) and the International Building Code (Chapter 13.110 SMC);
- 4. If applicable, the proposed activity must comply with the requirements of the International Fire Code (Chapter 13.150 SMC).

E. **Development Within a Wellhead Protection Area and Critical Aquifer Recharge Areas.**

- 1. Any proposed non-residential development located in a wellhead protection area and critical aquifer recharge areas shall submit a hazardous materials inventory sheet (HMIS) with any 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 wellhead protection areas, critical aquifer recharge areas, or other groundwater resources. The City may require a critical area report in order to determine the potential impacts of contamination on aquifers or other groundwater resources.

3. The critical area report shall be prepared by a qualified professional, as specified in SMC 15.700.015, Definitions, and shall include the following site and proposal-related information:

- a. Available information regarding geologic and hydrogeologic characteristics of the site including the 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 one thousand three hundred (1,300) feet of the project site;
- d. Location of other critical areas, including surface waters, within one thousand three hundred (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 and contamination prevention plans proposed to be utilized should consider:
 - i. Protect groundwater by minimizing activities and conditions that pose contamination risks.
 - ii. Manage groundwater withdrawals and recharge impacts to:
 - (A) Maintain availability for drinking water sources
 - (B) Maintain stream base flow from groundwater to support in-stream flows, especially for salmon-bearing streams
- g. Upon receipt of the critical area report the Department shall forward a copy of the critical area report to the appropriate water district for review and comment.

Commented [BC61]: Incorporate protection measures for CARAs per Ecology's 2021 CARA Guidance Document

F. Performance Standards, Specific – Applicable to Specific Uses.

1. **Storage Tanks.** All storage tanks must comply the terms of subsection (D) of this section and either subsection (F)(1)(a) or (b) of this section:

- 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 Chapter 15.105 SMC, 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 (1) occur.
- b. No dry wells shall be allowed 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 RCW 90.46.010(10) and 90.46.080(1). The State Department of Ecology may establish additional discharge limits in accordance with RCW 90.46.080(2).
- b. Direct injection must be in accordance with the standards developed by authority of RCW 90.46.042.

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**

Activity	Statute – Regulation – Guidance
Above Ground Storage Tanks	WAC 173-303-640
Automobile Washers	Chapter 173-216 WAC, Best Management Practices for Vehicle and Equipment Discharges (Washington Department of Ecology WQ-R-95-56)
Below Ground Storage Tanks	Chapter 173-360 WAC
Chemical Treatment Storage and Disposal Facilities	Chapter 173-303 WAC
Injection Wells	Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC
Hazardous Waste Generator (Boat Repair Shops, Biological Research Facility, Dry Cleaners, Furniture Stripping, Motor	Chapter 173-303 WAC

Activity	Statute – Regulation – Guidance
Vehicle Service Garages, Photographic Processing, Printing and Publishing Shops, etc.)	
Junk Yards/Salvage Yards	Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (Washington State Department of Ecology 94-146)
Oil and Gas Drilling	Chapter 332-12 WAC, Chapter 173-218 WAC
On-Site Sewage Systems (Large Scale)	Chapter 173-240 WAC
On-Site Sewage Systems (< 14,500 gal/day)	Chapter 246-272A WAC, Local Health Ordinances
Pesticide Storage and Use	Chapter 15.58 RCW, Chapter 17.21 RCW
Sawmills	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)
Solid Waste Handling and Recycling Facilities	Chapter 173-304 WAC
Wastewater Application to Land Surface	Chapter 173-216 WAC, Chapter 173-200 WAC, Washington State Department of Ecology Land Application Guidelines, Best Management Practices for Irrigated Agriculture
Maintain Groundwater Quality	WAC 173-200-030, Washington Antidegradation Policy

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 subpopulations 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;
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.

B. Fish and wildlife habitat conservation areas may, and probably will, include one (1) or more of other critical areas identified in this chapter. The following classification system is based on the presence of one (1) or more of these 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 or [RMZ](#) areas or any area identified as habitat for endangered, threatened, sensitive or priority species by the [State Washington](#) Department of Fish and Wildlife ([WDFW](#)) 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 or RMZ areas or any area identified as habitat for endangered, threatened, sensitive, or priority species by the WDFW 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 or RMZ areas or any area identified as habitat for endangered, threatened, sensitive or priority species by the WDFW and which is characterized by single-family residential areas immediately adjacent to multi-family or nonresidential land uses.

4. Category 4 habitat is classified as an area which does not include a wetland or stream or their buffer or RMZ areas or any area identified as habitat for endangered, threatened, sensitive, or priority species by the WDFW and which is characterized by nonresidential land uses.

C. Buffers.

1. For any fish and wildlife habitat conservation areas which include other critical areas as identified and regulated in this chapter, the buffer for those critical areas shall apply except where species or habitats identified by the WDFW 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 identifying such species, their required habitat, and recommend appropriate buffers based on the WDFW priority habitat and species management recommendations as well as any other proposed mitigation measures considered appropriate to the protection of said species and habitat.

2. Refer to the resources below for species listings:

- a. Washington Department of Fish and Wildlife's (WDFW) Priority Habitat and Species webpage for up-to-date information.
- b. WDFW's Threatened and Endangered Species list and U.S. Fish and Wildlife Service's Information for Planning and Consultation resources for up to date information on all state and federal listed species.
- d. Puget Sound Partnership's Salmon Recovery website for Water Resource Inventory Area (WRIA) Plans in Puget Sound.

3. Refer to the recommendations below, or as amended, for priority habitats and species management:

- a. Landscape Planning for Washington's Wildlife (2009)
- b. Land Use Planning for Salmon, Steelhead and Trout (2011)
- c. Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications (2020)
- d. Riparian Ecosystems, Volume 2: Management Recommendations (2020)
- e. Riparian Management Zone Checklist for CAOs (2023)
- f. Shrub-Steppe Management Recommendations (2020)
- g. Oregon White Oak Woodlands Ecosystems Management Recommendations (1998)
- h. Management recommendations for Washington's Priority Species (by taxa)

Commented [KN62]: This seems like it will get out of date fast? I think the website seems sufficient. I would lean to not including this unless the list is required.

Commented [JK63R62]: Agreed. Or keep the list and add "as amended"

4. Any management of streams and buffers should incorporate watershed-scale considerations, including the restoration and protection of watersheds and connectivity, as well as planning for climate change, in accordance with guidance in SMC 15.700.380.

15.700.380—Watershed Management

Streams, buffers, and Riparian Management Zones should incorporate watershed-scale management considerations, including the restoration and protection of watersheds and connectivity, as well as planning for climate change.

A. —Restore and Protect Watershed Processes—Maintain the frequencies, magnitudes, and durations of natural disturbances (flood and fire being the most common) to the greatest extent that surrounding land uses can tolerate.

B. —Restore and Protect Connectivity—Manage watersheds to avoid creating longitudinal (e.g., dams, road crossings), lateral (e.g., levees and roads/buildings that cut off riparian areas and floodplains from their stream), and vertical (water withdrawals, reductions of floodplains) barriers to fish and wildlife movement and fragmentation of their habitat.

C. —Plan for Climate Change—Impending changes to aquatic systems caused by climate change increases risk to species already threatened, and riparian ecosystem protection is one of the most useful responses to ameliorate those risks.

15.700.390—Hazard Tree Removal

Hazard trees are a threat to life, property, or public safety and require that the method of tree removal not adversely affect riparian ecosystem functions if possible, with the following considerations:

A. —Any removal of hazard trees should involve avoidance and minimization of damage to remaining trees and vegetation within the RMZ.

B. —A qualified arborist must evaluate requests for hazard tree removal.

C. —The qualified arborist should determine when a tree presents an imminent threat to life, property, or public safety.

D. —Snags are a Priority Habitat feature for wildlife and should be preserved if not hazardous (refer to SMC 15.700.285 (G)(3)(b)).

Chapter 18.10

FLOOD HAZARD AREAS

Sections:

- 18.10.010 Purpose
- 18.10.020 Authority and Application
- 18.10.030 Definitions
- 18.10.040 Basis for Establishing the Areas of Special Flood Hazard
- 18.10.050 Development Permit Required
- 18.10.060 Designation of the Administrator
- 18.10.070 Duties and Responsibilities of the Administrator
- 18.10.080 General Standards for Flood Hazard Reduction
- 18.10.090 Specific Standards for Flood Hazard Reduction
- 18.10.100 AE and A1-30 Zones with Base Flood Elevations but No Floodways
- 18.10.110 Floodways
- 18.10.120 Critical Facilities
- 18.10.130 Floodplain Habitat Assessment
- 18.10.1340 Variances

Commented [JK64]: This doesn't yet read like regulations for an applicant to follow. Will need to update.

Commented [EL65R64]: Seems like this should be included as requirements for the Critical Area Report. The report for these critical areas should include considerations of...

These are taken from RMZ Vol. 2, Sect. 3.A.1.

Commented [EL66R64]: Move to critical area report requirements.

Commented [JK67]: This appears to be written for riparian critical areas. If such and intended to be only for those area, this section should be updated to reflect that. As it's own section and without reference to other sections or a purpose statement, one could assume that hazard trees are their own critical area. In addition, tree retention is regulated in 15.445 and the SMP 18.05.240. How does this section relate to those?

Commented [EL68R67]: Move to the definitions section? But don't want regulations in the definitions.

Commented [EL69R67]: Updated definition of hazard trees per Jeff's guidance. Recommend moving this section up in the code - above the specific critical areas, and opening this section to apply to all critical areas - not just RMZs.

Commented [EL70R67]: Moved up - right after the building setbacks.

18.10.1450 Warning and Disclaimer of Liability

18.10.010 Purpose

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

I. To meet the requirements of the National Flood Insurance Program and maintain SeaTac as an eligible community for Federal flood insurance benefits;

18.10.020 Authority and Application

- A. Authority. The Legislature of the State of Washington through Chapter 86.16 RCW has delegated the responsibility to local communities to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry.
- B. Application. This chapter shall apply to all areas of special flood hazard within boundaries of the City of SeaTac.
- C. Compliance. All development within special flood hazard areas is subject to the terms of this chapter and other applicable regulations.
- D. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be addressed in accordance with SMC 1.15.045 through 1.15.075 by way of correction agreement and/or notice of infraction. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to abate any violation.
- E. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and other regulations, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation. In the interpretation and application of this chapter, all provisions shall be:
 - 1. Considered as minimum requirements;
 - 2. Liberally construed in favor of the governing body; and
 - 3. Deemed neither to limit nor repeal any other powers granted under State statutes.

18.10.030 Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Alteration of watercourse” means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine water body.

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. It is shown on the flood insurance rate map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard.”

“ASCE 24” means the most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

“Base flood” means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also referred to as the “one hundred (100) year flood.” Designation on maps always includes the letter A or V.

“Base flood elevation (BFE)” means the elevation to which floodwater is anticipated to rise during the base flood.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

“Flood” or “flooding” means:

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters; and/or
 2. The unusual and rapid accumulation of runoff of surface waters from any source.
 3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (A)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- B. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (A)(1) of this definition.

“Flood elevation study” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a flood insurance study (FIS).

“Flood insurance rate map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map (DFIRM).

“Floodplain” or “flood prone area” means any land area susceptible to being inundated by water from any source. See “Flood” or “flooding.”

“Floodplain Administrator” means the City of SeaTac official designated to administer and enforce the floodplain management regulations.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Floodproofed structures are those that have the structural integrity and design to be impervious to floodwater below the base flood elevation.

“Floodway” or “regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved State program as determined by the Secretary of the Interior; or
 2. Directly by the Secretary of the Interior in states without approved programs.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of SMC 18.10.090(A).

“Manufactured home” means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the vertical datum to which base flood elevations shown on a community’s flood insurance rate map are referenced.

“New construction” means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial flood insurance rate map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the

effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

“Reasonably safe from flooding” means development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, “reasonably safe from flooding” means that the lowest floor is at least two (2) feet above the highest adjacent grade.

“Recreational vehicle” means a vehicle that is:

- A. Built on a single chassis; and
- B. Four hundred (400) square feet or less when measured at the largest horizontal projection; and
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building including a gas or liquid storage tank that is principally aboveground, as well as a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct previously identified existing violations of State or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a historic structure; provided, that the alteration will not preclude the structure’s continued designation as a historic structure.

“Variance” means a grant of relief by a community from the terms of a floodplain management regulation.

18.10.040 Basis for Establishing the Areas of Special Flood Hazard

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for King County, Washington and Incorporated Areas,” dated August 19, 2020, and any revisions thereto, with accompanying flood insurance rate maps (FIRMs), and any revisions thereto, are hereby adopted by reference. The FIS and the FIRM are on file at SeaTac City Hall with the

City of SeaTac Department of Public Works. The best available information for flood hazard area identification as outlined in SMC 18.10.070(B) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under SMC 18.10.070(B).

18.10.050 Development Permit Required

A. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in SMC 18.10.040. The permit shall be for all structures, including manufactured homes, and for all development, including fill and other activities as defined in SMC 18.10.030.

B. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures recorded on a current elevation certificate with Section B completed by the Floodplain Administrator;
2. Elevation in relation to mean sea level to which any structure has been floodproofed;
3. Where a structure is to be floodproofed, certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in SMC 18.10.090(B);
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development;
5. Where development is proposed in a floodway, an engineering analysis indicating no rise of the base flood elevation; and
6. Any other such information that may be reasonably required by the Floodplain Administrator in order to review the application.

18.10.060 Designation of the Administrator

The City Manager or designee is appointed as Administrator and shall implement the provisions of this chapter by granting or denying development permit applications in accordance with this Code and relevant statutes.

18.10.070 Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local government agencies from which prior approval is required.
3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of SMC 18.10.110(A) are met.
4. Determine that the site is reasonably safe from flooding.
5. Notify FEMA when annexations occur in the special flood hazard area.

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with SMC 18.10.040, obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer SMC 18.10.090 and 18.10.110.

C. Information to Be Obtained and Maintained.

1. Where base flood elevation data is provided through the flood elevation study or as required in subsection (B) of this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, whether or not the structure contains a basement.
2. For all new or substantially improved floodproof nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection (B) of this section:
 - a. Obtain and maintain a record of the elevation (in relation to mean sea level) to which the structure was floodproofed; and
 - b. Maintain the floodproofing certifications in SMC 18.10.050(B)(3).
3. Certification required by SMC 18.10.110(A).
4. Records of all variance actions, including justification for their issuance.
5. Improvement and damage calculations.
6. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses.

1. Notify adjacent communities and the appropriate department of the State of Washington prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. Interpretation of FIRM Boundaries. Make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59 through 76).

18.10.080 General Standards for Flood Hazard Reduction

In all areas of special flood hazard, the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

4. Water wells shall be located on high ground that is not in the floodway.

D. Subdivision Proposals and Development.

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

4. Where subdivision proposals and other proposed developments contain greater than fifty (50) lots or five (5) acres (whichever is the lesser) base flood elevation data shall be included as part of the application.

E. Review of Building Permits. Where elevation data is not available either through the flood elevation study or from another authoritative source (as per SMC 18.10.070(B)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is based on, not limited to, local historical data, high water marks, and available photographs of past flooding in the area. Failure to elevate at least two (2) feet above grade in these zones may result in higher insurance rates.

F. Certification by a Land Surveyor.

1. For all new structures or substantial improvements in a flood hazard area, the applicant shall provide certification by a land surveyor licensed by the State of Washington of:

- a. The actual, as-built elevation of the lowest floor, including basement; and
- b. The actual, as-built elevation to which the structure is floodproofed, if applicable.

2. The surveyor shall indicate if the structure has a basement.

3. The City shall maintain the certifications required by this section for public inspection.

18.10.090 Specific Standards for Flood Hazard Reduction

In all areas of special flood hazard where base flood elevation data has been provided as set forth in SMC 18.10.040 or 18.10.070(B) the following provisions are required:

A. Residential Construction.

1. In AE and A1-30 zones or other A-zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor,

including basement, elevated one (1) foot or more above the BFE. Mechanical equipment and utilities shall be waterproof or elevated least one (1) foot above the BFE.

2. New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements of Appendix A of the ordinance codified in this chapter.
3. New construction and substantial improvement of any residential structure in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two (2) feet above the highest adjacent grade.
4. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs must meet or exceed the following minimum criteria:
 - a. Have a minimum of two (2) openings with a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
 - b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwater.
 - d. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of subsection (B)(1) or (2) of this section.

1. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
 - a. In AE and A1-30 zones or other A-zoned areas where the BFE has been determined or can be reasonably obtained:

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one (1) foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated least one (1) foot above the BFE, or as required by ASCE 24, whichever is greater.
 - b. If construction is located in an AO zone, the structure shall meet the requirements in Appendix A of the ordinance codified in this chapter.
 - c. If construction is located in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two (2) feet above the highest adjacent grade.
 - d. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless the structure is designed to automatically equalize hydrostatic flood forces on exterior walls in order to allow for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i. Have a minimum of two (2) openings with a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
 - ii. The bottom of all openings shall be no higher than one (1) foot above grade.

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwater.

iv. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

Alternatively, a registered engineer or architect may design and certify engineered openings.

2. If the requirements of subsection (B)(1) of this section are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

a. Be dry floodproofed so that below one (1) foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry floodproofed to the elevation required by ASCE 24, whichever is greater;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in SMC 18.10.070(C)(2);

d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A)(4) of this section.

3. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one (1) foot below that level).

C. Manufactured Homes. All manufactured homes to be placed or substantially improved within appropriate zones of the City shall be elevated on a permanent foundation such that the lowest floor of the manufactured homes is at or above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of SMC 18.10.080(A)(2).

D. Recreational Vehicles. Recreational vehicles placed on sites are required to either:

1. Be on the site for fewer than one hundred eighty (180) days; or

2. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

3. Meet the requirements of subsection (C) of this section.

E. Enclosed Area Below the Lowest Floor. If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

F. Appurtenant Structures (Detached Garages and Small Storage Structures). For A zones (A, AE, A1-30, AH, AO):

1. Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

a. Use of the appurtenant structure must be limited to parking of vehicles or limited storage;

- b. The portions of the appurtenant structure located below the BFE must be built using flood-resistant materials;
 - c. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
 - d. Any machinery or equipment servicing the appurtenant structure must be elevated or floodproofed to or above the BFE;
 - e. The appurtenant structure must comply with floodway encroachment provisions in SMC 18.10.110(A);
 - f. The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with subsection (A)(4) of this section;
 - g. The structure shall have low damage potential;
 - h. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use; and
 - i. The structure shall not be used for human habitation.
2. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in subsection (A) of this section.
3. Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

18.10.100 AE and A1-30 Zones with Base Flood Elevations but No Floodways

In areas with BFEs (when a regulatory floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

18.10.110 Floodways

Located within areas of special flood hazard established in SMC 18.10.040 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. No Rise Standard. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. Residential Construction in Floodway. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (1) repairs, reconstruction, or improvements to a structure which do not increase the ground floor areas; and (2) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent (50%) of the market value of the structure either (a) before the repair, reconstruction, or improvement is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places shall not be included in the fifty percent (50%).
- C. Substantially Damaged Residences in Floodway.
1. For all substantially damaged residential structures, other than farmhouses, located in a designated floodway, the Floodplain Administrator may make a written request that the Department of Ecology assess the risk of harm to life and property posed by the specific conditions of the floodway. Based on analysis of depth,

velocity, flood-related erosion, channel migration, debris load potential, and flood warning capability, the Department of Ecology may exercise best professional judgment in recommending to the local permitting authority repair, replacement, or relocation of a substantially damaged structure consistent with WAC 173-158-076. The property owner shall be responsible for submitting to the local government and the Department of Ecology any information necessary to complete the assessment. Without a favorable recommendation from the Department for the repair or replacement of a substantially damaged residential structure located in the regulatory floodway, no repair or replacement is allowed per WAC 173-158-070(1).

2. All requirements of the NFIP and relevant State requirements under Chapter 86.16 RCW and all applicable local regulations must be satisfied before any repair, replacement, or reconstruction commences. In addition, the following conditions must be met:

- a. There is no potential safe building location for the replacement residential structure on the same property outside the regulatory floodway.
- b. A replacement residential structure is a residential structure built as a substitute for a legally existing residential structure of equivalent use and size.
- c. Repairs, reconstruction, or replacement of a residential structure shall not increase the total square footage of floodway encroachment.
- d. The elevation of the lowest floor of the substantially damaged or replacement residential structure is a minimum of one (1) foot higher than the BFE.
- e. New and replacement water supply systems are designed to eliminate or minimize infiltration of floodwater into the system.
- f. New and replacement sanitary sewerage systems are designed and located to eliminate or minimize infiltration of floodwater into the system and discharge from the system into the floodwaters.
- g. All other utilities and connections to public utilities are designed, constructed, and located to eliminate or minimize flood damage.

D. All Other Building Standards Apply in the Floodway. If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of SMC 18.10.080, 18.10.090, and this section. (Ord. 21-1015 § 1 (Exh. A))

18.10.120 Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (one hundred (100) year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above BFE or to the height of the five hundred (500) year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.

18.10.130 Floodplain Habitat Assessment

A. A floodplain habitat assessment is required. A habitat assessment determines if the project is likely to have no effect, not likely to adversely affect, or likely to adversely affect critical habitat or threatened and endangered species. If required, the habitat assessment shall be prepared at the applicant's sole expense by a qualified consultant in accordance with the requirements of the Floodplain Habitat Assessment and Mitigation Regional Guidance 2013 prepared by FEMA Region X, or any successor guidance document approved by FEMA for habitat assessment and mitigation. The city's actual costs of review of applicant's habitat assessment and mitigation plan shall be paid by the applicant pursuant to the city's adopted taxes, rates and fee schedule.

B. If the assessment conducted under subsection A of this section concludes the project is expected to have an adverse effect on Endangered Species Act ("ESA") listed species and/or their critical habitat, the applicant shall

Commented [JK71]: When is this report required?
Who conducts the report?

Commented [KN72R71]: A biologist would do this, and we should get it pretty early on in the process. I asked my friend who is a certified floodplain manager and she said we should likely require it at earliest submittal. So I can look into our permit process for things in the floodplain. Likely at a land use permit if that is needed or building permit.

[provide a plan to mitigate those impacts, in accordance with the Floodplain Habitat Assessment and Mitigation Regional Guidance 2013 prepared by FEMA Region X.](#)

18.10.1430 Variances

A. The variance criteria set forth in this section is based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

B. It is the duty of the City of SeaTac to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the base flood elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

C. Requirements for Variances.

1. Variances shall only be issued:

- a. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
- b. For the repair, rehabilitation, or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;
- c. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- d. Upon a showing of good and sufficient cause;
- e. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;
- f. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in SMC 18.10.030 in the definition of "functionally dependent use."

2. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

3. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the BFE, provided the procedures of SMC 18.10.040 and 18.10.090 have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance increases.

D. Variance Criteria.

1. In considering variance applications, the City shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and:

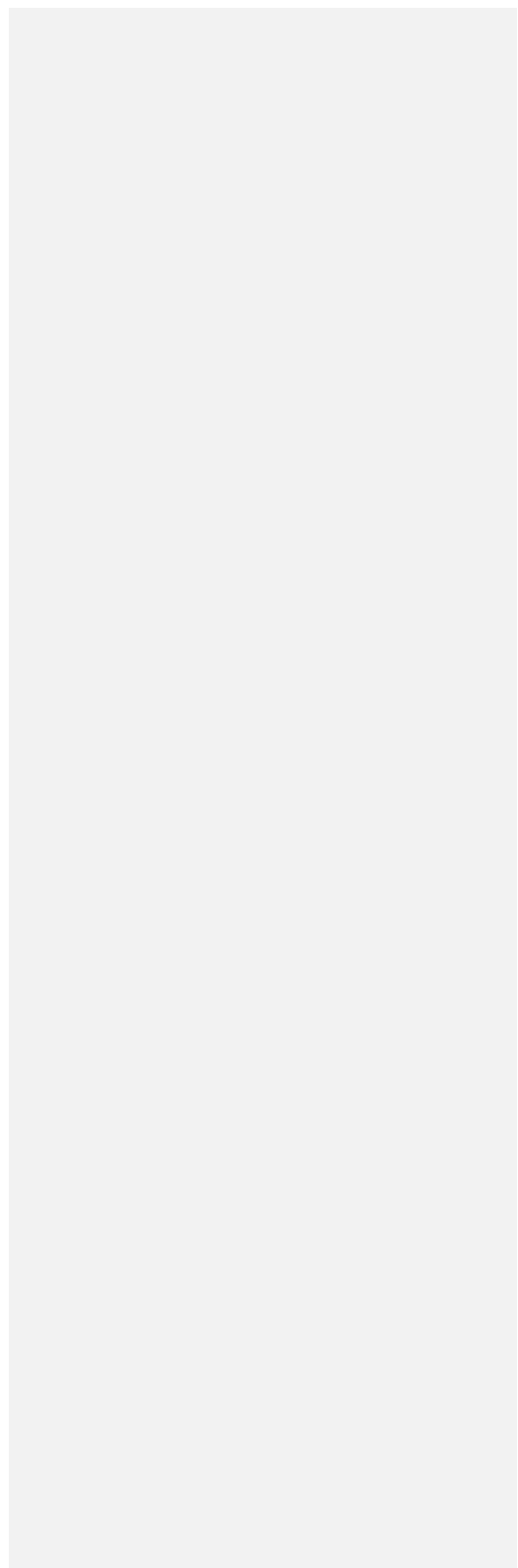
- a. The danger that materials may be swept onto other lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity to the facility of a waterfront location, where applicable;
- f. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
- g. The compatibility of the proposed use with existing and anticipated development;
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. The safety of access to the property in time of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
- k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, water system, and streets and bridges.

E. Additional Requirements for the Issuance of a Variance.

1. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
 - a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage; and
 - b. Such construction below the BFE increases risks to life and property.
2. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.
3. The Floodplain Administrator shall condition the variance as needed to ensure that the requirements and criteria of this chapter are met.
4. Variances as interpreted in the NFIP are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, or economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from flood elevations should be quite rare.

18.10.1540 Warning and Disclaimer of Liability

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of SeaTac, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.





MEMORANDUM COMMUNITY & ECONOMIC DEVELOPMENT

Date: 7/1/2025
To: Planning Commission
From: Jenn Kester, Planning Manager
Subject: July 2025 to June 2026 Work Plan

By July 15th of each year, the Planning Commission is to submit a work plan for the next year, along with a progress report, to the City Council (SMC 2.15.200(A)(5)).

The attached work plan for July 2025 through June 2026 has been drafted by staff. The Commission reviewed this at the last meeting and should vote on the final work plan tonight.

Also included is a progress report of topics covered since July 2024 when the last work program was approved by the Commission.

Topics Reviewed: July 2024 – June 2025:

1. SeaTac 2044: Major Comprehensive Plan & Transportation Master Plan (TMP): Recommendation to City Council on October 29, 2024; Ordinance passed by City Council on December 10, 2024.
2. Multi-Family Housing Property Tax Exemption (MFTE) Program Code Amendments: Recommendation to City Council on October 29, 2024; Ordinance passed by City Council on December 10, 2024.
3. Local Program Review Process Code Amendments: Recommendation to City Council on October 29, 2024; Ordinance passed by City Council on December 10, 2024.
4. Middle Housing and ADU Code Amendments: Recommendation to City Council on April 29, 2025; Ordinance passed by City Council on June 10, 2025.
5. Co-Living Code Amendments Introduction
6. Critical Area Code Amendments Introduction

July 2025 – June 2026 Planning Commission Work Plan

WORK ITEM	3rd Quarter (Jul-Sep 2025)	4th Quarter (Oct-Dec 2025)	1st Quarter (Jan-Mar 2026)	2nd Quarter (Apr-Jun 2026)
City Center / Airport District Subarea Plan and Code Development Project Update to City Center Plan and Code; Restart in June 2025.	Worksessions	Worksessions	Worksessions	Worksessions Public Hearing assumed in October 2026.
Co-Living Code Amendments Required by HB 1998. Due 12/2025.	Public hearing and recommendation.	NA	NA	NA
Critical Area Code Amendments Required by GMA. Due 12/2025.	Public hearing and recommendation.	NA	NA	NA
Industrial/RBX Uses Code Amendment Updates to Land Use Charts; Envision SeaTac 2044 Implementation	Worksessions	Public hearing and recommendation.	NA	NA
23-Hour Crisis Centers Code Amendments Moratorium passed prohibiting use in Urban Center. Due 4/8/2026	NA	Worksessions	Public hearing and recommendation.	NA
Mobile Food Vending Code Amendments Updates for FIFA World Cup activities	Worksessions	Worksessions	Public hearing and recommendation.	NA
Bldg. Conversions to Residential Required by HB 1757. Due 6/30/2026.			Worksessions	Public hearing and recommendation.
Parking Code Amendments Based on 2025 Parking Study			Worksessions	Public hearing and recommendation.
CED Project Briefings	Ongoing	Ongoing	Ongoing	Ongoing