

Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

Environmentally Critical Areas — Small Project Waivers

Application Instructions and Submittal Requirements

Updated August 12, 2019

Note: When this Tip refers to ECA regulations that apply within the Shoreline District, please reference ECA regulations dated before May 15, 2017. When the Tip refers to ECA regulations that apply outside the Shoreline District, please reference ECA regulations dated May 15, 2017.

The City of Seattle environmentally critical areas (ECAs) ordinance (SMC Chapter 25.09) regulates development affecting landslide-prone areas, liquefaction-prone areas, peat settlement-prone areas, abandoned landfills, flood-prone areas, wetlands, riparian corridors, ECA buffers, and other fish and wildlife habitat conservation areas.

In some cases SDCI may allow new accessory structures or additions to existing principal structures, fences, rockeries, or utility lines to intrude into an ECA or buffers if they qualify as a “small project waiver” under SMC Section 25.09.055 for projects within the Shoreline District and subsections 25.09.090.D, 25.09.160.G and 25.09.200.A.4 for projects outside the Shoreline District). What type of development is allowed by a small project waiver varies by the type of ECA for areas outside the shoreline district. This Tip explains project eligibility, what mitigation will be required, and the submittal requirements for a small project waiver.

These projects are not eligible for small project waivers:

- Work in ECA peat settlement-prone areas
- Work in shoreline setback areas
- Work in flood-prone areas

- Retaining walls or drainage features within landslide-prone areas
- Work in known landslide or potential landslide areas
- Work in fish and wildlife habitat conservation areas other than riparian corridors
- Work in liquefaction hazard areas

A small project waiver does not supersede requirements of another code or ordinance within any ECA or ECA buffer.

Small project waivers for areas in the Shoreline District that are outside the shoreline setback area shall mitigate adverse impacts pursuant to subsection SMC 25.60A.156.F.2. For more information on projects in the shoreline, please see Tips 209, *Master Use Permits*.

Application requirements for Shoreline Permits, and 209A, Shoreline Substantial Development Exemptions Application Instructions.

A small project waiver allows limited disturbance of ECAs and ECA buffers to the extent indicated below:

- Up to 150 square feet in riparian management areas and wetland buffers (see SMC Section 25.09.055 for projects within the Shoreline District and subsections 25.09.160.G and 25.09.200.A.4 for projects outside the Shoreline District).
- Up to 300 square feet in steep slope erosion hazard areas or buffers and the total project area is 750 square feet or less.

These disturbance allowances are cumulative; therefore, no further development in the ECA is allowed under another small project waiver once the square foot maximum has been reached whether by previous small project waivers, Relief from Prohibition on Steep Slope Development, Exemption, Variance, or Exception.

The size of development disturbance in the critical area and its buffer is determined by using the coverage of the proposed development including ground disturbance (e.g. disturbance for construction access or staging), plus previously permitted development since Oct. 31, 1992, as



seen from a “bird's-eye” view. All portions of the structure, including eaves and other projections, are included in this coverage calculation for the portions of structure proposed in the critical area and its buffer. The proposed structure must be fully dimensioned on the project site plan, and calculations for the ECA or buffer disturbance area must be provided on the site plan.

The Director may approve these new accessory structures or additions to existing structures that meet the requirements for small project waiver for the specific ECAs (see SMC Section 25.09.055 for projects within the Shoreline District and subsections 0.90.D.1.e for steep slope erosion hazard areas, .160.G.1.d for wetlands and .200.A.4 for riparian corridors outside the Shoreline District) provided that no construction occurs over or in a water course, water body, or wetland, when the applicant demonstrates the proposal meets the following criteria:

1. The new accessory structure or addition to an existing structure is on a lot that has been in existence as a legal building site prior to Oct. 31, 1992.
2. It is not possible to build the accessory structure or addition to an existing structure for the intended purpose out of the ECA or buffer.
3. The location of the accessory structure or addition to an existing structure keeps impact on the ECA and buffer to a minimum.
4. In steep slope erosion hazard areas, the Director may require a geotechnical report prepared by a qualified geotechnical engineer licensed by the state of Washington demonstrating that it is safe to construct the new accessory structure or the addition to an existing structure.

Approval of a small project waiver does not mean that ECA review is not required. Generally ECA review is still required for these projects.

Required Protection and Mitigation for Projects Using the Small Project Waiver

In all cases, mitigation is required (see Section 23.60A.158 for areas within the Shoreline District and Section 25.09.065 for areas outside the shoreline district) and protective fencing with a durable barrier is required to be installed during construction as close to the construction as feasible to mark the limit of construction and to protect the remainder of the critical area. Additional best management practices may be required to protect the critical area.

Mitigation in the form of new native plantings in the environmentally critical area or buffer will be required to offset any impacts resulting from the removal or disturbance of vegetation in the ECA and buffer areas due to the small project construction. The intent of this provision is to ensure that revegetation of all disturbed areas occurs, with native plantings that will help ensure long-term restoration of natural habitat.

Lawns and manicured landscape areas are not included in the areas that require replanting with native vegetation. The Director does, however, strongly encourage the restoration and maintenance of these existing landscaped areas in order to protect against erosion and restore the existing planted condition and any change from landscaped areas to hardscaped areas are required to comply with SMC Section 25.09.070.

Basic directions for preparing a planting mitigation plan can be found in Tip 331A, [Environmentally Critical Areas: Vegetation Restoration](#), and in SDCI's Environmentally Critical Areas Standard Mitigation Plan. Both documents are available on our Tree & Vegetation Removal website at [www.seattle.gov/sdci/permits/permits-we-issue-\(a-z\)/tree-and-vegetation-removal](http://www.seattle.gov/sdci/permits/permits-we-issue-(a-z)/tree-and-vegetation-removal).

Additional information about identifying native plant choices that will work well for your particular site conditions is available on King County's Native Plant Guide website at green2.kingcounty.gov/gonative/.

Plan Submittal Requirements for Small Project Waiver

In addition to the normal plan documentation that is required for an addition, alteration, or new accessory structure, some additional specific information is required to assist in reviewing the ECA small project waiver. At a minimum, projects desiring to utilize the small project waiver must include the following documentation on their project site plan and/or the ECA Standard Mitigation Plan:

1. ECA is clearly delineated.
2. ECA buffer is clearly dimensioned and delineated.
3. The area of encroachment into the ECA and/or buffer of the proposed addition or new accessory structure, including ground disturbance, is fully dimensioned, and the calculations of the structure and ground disturbance of ECA/buffer areas are shown.
4. Show on the plans and include calculations for all development in the ECA or buffer since Oct. 31, 1992.
5. Location of protective fencing to limit the areas of construction disturbance is shown.

6. Landscaping information or a separate landscape plan showing:
- Existing lawn and manicured landscape areas are clearly documented, as well as areas of existing undisturbed natural vegetation, especially in the critical area and buffer areas.
 - Rough dimensions of disturbed natural vegetation areas, and the related calculations that determine the mitigation planting area required for natural vegetation and the proposed plan for any landscaped area that is disturbed. Where possible, species of natural vegetation should be noted.
 - Proposed native plantings for the re-vegetation plan, showing size, spacing and species of plantings. Refer to the standard mitigation plan.

APPLICATION INSTRUCTIONS

All requests must be part of a specific development proposal and should be submitted before you apply for your permit application. To submit the small project waiver request, you must first complete a preliminary application through the Seattle Services Portal, <https://cosaccela.seattle.gov/portal/>, and pay the fee for your pre-application site visit (if applicable).

A pre-application site visit (PASV) is required for most projects that involve ground disturbance. Once the site visit has been completed and you have received your PASV report you may apply for the small project waiver online via the Seattle Services Portal.

The request for a small project waiver is accessed through the SDCI Project Portal Request under the Exemption / Exception process. For full instructions on how to apply, click on the Help tab and type “exemption” in the search box.

For assistance with the process, you can email us at PRC@seattle.gov or call us at (206) 684-8467 (message line).

There is an hourly review fee for requests for small project waivers. You must pay the initial minimum review fee when you apply; it is non-refundable once we begin review of the request.

We recommend that you speak with a permit leader or a permit specialist before submitting your request for a small project waiver. Visit the Applicant Services Center, located on the 20th floor of Seattle Municipal Tower.

OTHER ECA-RELATED DOCUMENTS

- Director’s Rule 3-2007, [Application Submittal Requirements in Environmentally Critical Areas](#)
- Tip 103, [Site Plan Requirements](#)
- Tip 103B, [Environmentally Critical Area Site Plan Requirements](#)
- Tip 111, [Construction and Development in Floodplains](#)
- Tip 209, [Master Use Permit Application Requirements for Shoreline Permits](#)
- Tip 209A, [Shoreline Substantial Development Exemptions Application Instructions](#)
- Tip 324, [Reducing Landslide and Stormwater Erosion Damage: What You Can Do](#)
- Tip 328, [Environmentally Critical Areas Exceptions](#)
- Tip 329, [Environmentally Critical Areas Administrative Conditional Use Permit](#)
- Tip 330, [Environmentally Critical Areas Yard & Set-back, Steep Slope Erosion Hazard and Wetland Buffer Variances — Application Instructions and Submittal Requirements](#)
- Tip 331, [Environmentally Critical Areas — Tree and Vegetation Overview](#)
- Tip 331A, [Environmentally Critical Areas: Vegetation Restoration](#)
- Tip 331B, [Hazard Trees](#)

Access to Information

Links to electronic versions of SDCI publications are available on the "Resources" page of our website at www.seattle.gov/sdci. Paper copies are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in downtown Seattle, (206) 684-8467.