

Section 6. Section 22.170.110 of the Seattle Municipal Code, which section was enacted by Ordinance 123107, is amended as follows:

22.170.110 Granting or Denial of ~~(G)~~grading ~~(P)~~permits

A. Granting~~(-)~~

1. If the Director finds that an application for a grading permit complies with the requirements of this code and rules promulgated hereunder, that the fees specified in the Fee Subtitle have been paid, and that the applicant has satisfied all other conditions precedent imposed by or pursuant to this code, the Stormwater Code, and rules promulgated under those codes, the Director shall issue a permit to the applicant. A permit may be granted with or without conditions. Conditions may include, but are not limited to: restricting grading work to specific seasons, months or weather conditions; limiting vegetation removal; sequencing of work; requiring that recommendations contained in the geotechnical investigation are followed; requiring observation by a licensed civil or geotechnical engineer; requiring special inspection pursuant to Section 22.170.130; requiring structural safeguards; specifying methods of erosion, sedimentation, and drainage control; specifying methods for maintenance of slope stability; retaining existing trees; requiring revegetation and grass seeding and/or long term maintenance activities; requiring compliance with ~~(SMC)~~Chapter 25.09, Regulations for Environmentally Critical Areas, Chapter 23.60A of the Seattle Municipal Code, Shoreline Master Program, and other regulations of the City or other agencies with jurisdiction.

* * *

Section 7. Section 22.805.020 of the Seattle Municipal Code, which section was enacted by Ordinance 123105, is amended as follows:

22.805.020 Minimum ~~(R)~~requirements for ~~(A)~~all ~~(P)~~projects

* * *

I. Protect Shorelines. All projects discharging directly or indirectly through a drainage system into the shoreline district as defined in Chapter 23.60A shall prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions as defined in WAC 173-26-020 (11).

* * *

Section 8. Section 22.807.020 of the Seattle Municipal Code, which section was enacted by Ordinance 123105, is amended as follows:

22.807.020 Drainage ~~((C))~~control ~~((R))~~review and ~~((A))~~application ~~((R))~~requirements

* * *

B. Submittal Requirements for Drainage Control Review and Approval~~((:))~~

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4. The Director of DPD may require additional information necessary to adequately evaluate applications for compliance with the requirements and purposes of this subtitle and other laws and regulations, including but not limited to Chapter 25.09 (Regulations for Environmentally Critical Areas) and Chapter 23.60A. The Director of DPD may also require appropriate information about adjoining properties that may be related to, or affected by, the drainage control proposal in order to evaluate effects on the adjacent property. This additional information may be required as a precondition for permit application review and approval.

* * *

Section 9. Section 23.28.030 of the Seattle Municipal Code, last amended by Ordinance 123809, is amended as follows:

23.28.030 Criteria for approval

A. The Director shall approve an application for a lot boundary adjustment if it is determined that:

1. No additional lot, tract, parcel, site or division is created by the proposed adjustment;

2. No lot contains insufficient area and dimensions to meet the minimum requirements for development as calculated under the development standards of the zone in which the lots affected are situated, except as provided in Section 23.44.010, and under any applicable regulations for siting development on parcels with riparian corridors, ~~((shoreline habitat, shoreline habitat buffers,))~~ wetlands, wetland buffers or steep slopes in Chapter 25.09 or on parcels containing priority freshwater habitat or priority saltwater habitat in Section 23.60A.160. Any required nondisturbance area shall be legibly shown and described on the site plan, and a covenant shall be required as set out in Section 25.09.335;

* * *

Section 10. Section 23.34.007 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

23.34.007 Rezone evaluation~~((;))~~

C. Compliance with the provisions of this ~~((e))~~Chapter 23.34 shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones, except that Comprehensive Plan Shoreline Environment Policies~~((Area Objectives))~~ shall be used in shoreline environment redesignations as provided in ~~((SMC S))~~subsection 23.60A.042.C~~((;060-B3))~~.

E. The procedures and ~~((locational))~~criteria for shoreline environment redesignations are located in Sections 23.60A.042, 23.60A.060 and 23.60A.220~~((; respectively))~~.

Section 11. Section 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.41.004 Applicability

* * *

C. Exemptions. The following structures are exempt from design review:

1. New structures located in special review districts, regulated by Chapter 23.66; design review is not available for an applicant applying for additional building height under the provisions of Section 23.49.180;

2. New structures in Landmark districts regulated by ((SMC))Title 25, Environmental Protection and Historic Preservation;

3. New structures that are within the **Central Waterfront Landmark Designated Area** ((historic character area)) of the Downtown Harborfront 1 zone regulated by Section 23.60A.458((23.60.704)), or that are otherwise required to undergo shoreline design review pursuant to Chapter 23.60A; and

4. New light rail transit facilities that have been subject to review by the Seattle Design Commission.

* * *

Section 12. Section 23.41.012 of the Seattle Municipal Code, last amended by Ordinance 123809, is amended as follows:

23.41.012 Development standard departures

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B. Departures may be granted from any Land Use Code standard or requirement, except for the following:

* * *

14. Provisions of the Shoreline District, Chapter 23.60A;

* * *

Section 13. Section 23.42.038 of the Seattle Municipal Code, which section was enacted by Ordinance 123566, is amended as follows:

23.42.038 Uses allowed on vacant and underused lots in certain zones

* * *

B. Requirements(((-))

1. A permit for the uses permitted by subsection 23.42.038.A.1 shall be authorized for a period of three years and may be renewed for one additional three-year term.

2. A permit for short-term principal use parking pursuant to subsection 23.42.038.A.2 may be issued for a period not to exceed three years. The permit for short-term principal use parking pursuant to subsection 23.42.038.A.2 may not be renewed or extended and a new permit to reauthorize the permit for short-term principal use parking shall not be issued.

3. Permits under Section 23.42.038 may not be issued for property that is located within a riparian corridor, ~~((a shoreline habitat, a shoreline habitat buffer,))~~a wetland, a wetland buffer, a steep slope, or a steep slope buffer pursuant to the provisions of Chapter 25.09, Regulations for Environmentally Critical Areas or within priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160.

* * *

Section 14. Section 23. 42.040 of the Seattle Municipal Code, last amended by Ordinance 123565, is amended as follows:

23.42.040 Intermittent, temporary and interim uses

* * *

G. Interim Use Parking.

1. Permitted use. A Master Use Permit may be issued for principal use surface parking in all zones within the Station Area Overlay District within the area bounded by I-5 to the west, I-90 to the north, Lake Washington to the east, and the Seattle

corporate limits to the south, except within the boundaries of the North Beacon Hill station area, and in any zone on sites occupied or owned by established institutions within a quarter mile of a light rail station, including the North Beacon Hill light rail station.

2. Eligibility. A site is eligible for interim principal use surface parking if there is existing, legally established parking on the site, or if the site or a portion of the site was interrupted at any time since January 1, 2001 by a government agency for construction staging purposes, provided that no existing principal structures may be demolished to facilitate establishment of interim principal use parking.

3. Requirements((-))

a. A permit for interim principal use surface parking may be issued for a period not to exceed three years. A permit for interim principal use surface parking may not be renewed or extended, and a new permit to reauthorize the principal use surface parking shall not be issued.

b. A permit for interim principal use surface parking may not be issued for property that is located within a riparian corridor, ~~((a shoreline habitat, a shoreline habitat buffer,))~~ a wetland, a wetland buffer, a steep slope, or a steep slope buffer pursuant to the provisions of Chapter 25.09, Regulations for Environmentally Critical Areas or within priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160.

* * *

Section 15. Section 23.42.100 of the Seattle Municipal Code, which section was enacted by Ordinance 120293, is amended as follows:

23.42.100 Nonconformity -- Applicability and intent((-))

A. The nonconformity provisions of this ((e))Chapter 23.42 apply to uses and sites in all zones, except for the shoreline overlay district (see Chapter 23.60A).

* * *

Section 16. Section 23.44.006 of the Seattle Municipal Code, last amended by Ordinance 123378, is amended as follows:

23.44.006 Principal ~~((U))~~uses ~~((P))~~permitted ~~((O))~~outright

The following principal uses are permitted outright in single-family zones:

* * *

B. Floating Homes. Floating homes, subject to the requirements of Chapter 23.60A;

Section 17. Section 23.44.008 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.44.008 Development standards for uses permitted outright

* * *

C. Floating homes are subject to the provisions of Chapter 23.60A, Shoreline Master Program, and are also subject to the parking provisions of this ~~((Chapter-))~~Section 23.44.008.

* * *

Section 18. Section 23.44.010 of the Seattle Municipal Code, last amended by Ordinance 123809, is amended as follows:

23.44.010 Lot requirements

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B. Exceptions to Minimum Lot Area Requirements. The following exceptions to minimum lot area requirements are allowed, subject to the development standards for undersized lots in subsection 23.44.010.C, except as limited under subsection 23.44.010.B.2:

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2. Limitations~~((:))~~

a. Development may occur on a substandard lot containing a riparian corridor, ~~((a shoreline habitat and shoreline habitat buffer,))~~ a wetland and wetland buffer, or a steep slope and steep slope buffer pursuant to the provisions of Chapter 25.09, Regulations for Environmentally Critical Areas or containing priority freshwater habitat or priority saltwater habitat described in Section 23.60A.160, if the following conditions apply:

1) The substandard lot is not held in common ownership with an adjacent lot or lots at any time after October 31, 1992, or

2) The substandard lot is held in common ownership with an adjacent lot or lots, or has been held in common ownership at any time after October 31, 1992, if proposed and future development will not intrude into the environmentally critical area or buffer or priority freshwater habitat or priority saltwater habitat.

b. Lots on totally submerged lands do not qualify for any minimum lot area exceptions.

* * *

Section 19. Section 23.44.014 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.44.014 Yards

Yards are required for every lot in a single-family zone. A yard that is larger than the minimum size may be provided.

* * *

D. Exceptions from Standard Yard Requirements. No structure shall be placed in a required yard except pursuant to the following:

* * *

10. Freestanding Structures and Bulkheads.

* * *

e. If located in shoreline setbacks or in view corridors in the Shoreline District as regulated in Chapter 23.60A, structures shall not obscure views protected by Chapter 23.60A, and the Director shall determine the permitted height.

* * *

Section 20. Section 23.44.052 of the Seattle Municipal Code, last amended by Ordinance 110669, is amended as follows:

23.44.052 Open wet moorage((:))

Piers and floats for open wet moorage of private pleasure craft are permitted as regulated by the Shorelines District, Chapter 23.60A.

Section 21. Section 23.45.536 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.45.536 Parking location, access, and screening

* * *

B. Location of parking((:))

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5. On waterfront lots in the Shoreline District, parking may be located between the structure and the front lot line, if necessary to prevent blockage of view corridors or to keep parking away from the edge of the water, as required by Chapter 23.60A, Shoreline District.

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Section 22. Section 23.45.545 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

23.45.545 Standards for certain accessory uses

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F. Open wet moorage facilities for residential uses are permitted as an accessory use pursuant to Chapter 23.60A, Shoreline District, if only one slip per residential unit is provided.

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Section 23. Section 23.50.002 of the Seattle Municipal Code, last amended by Ordinance 122311, is amended as follows:

23.50.002 Scope of provisions((~~r~~))

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B. In addition to the regulations in this ((~~e~~))Chapter 23.50, certain industrial areas may be regulated by other chapters or titles of the Seattle Municipal Code, including but not limited to: Special Review Districts, Chapter 23.66; Landmark Districts, Chapter 25.12; or the Seattle Shoreline District, Chapter 23.60A.

* * *

Section 24. Section 23.50.014 of the Seattle Municipal Code, last amended by Ordinance 123872, is amended as follows:

23.50.014 Conditional uses

* * *

B. Administrative Conditional Uses. The following uses, identified as administrative conditional uses in Table A for 23.50.012, may be permitted by the Director if the provisions of this subsection 23.50.014.B and subsection 23.50.014.A are met.

1. Artist's studio/dwellings in an existing structure may be permitted as a conditional use in General Industrial 1 (IG1), General Industrial 2 (IG2), Industrial Buffer (IB) and Industrial Commercial (IC) zones, except as provided in the Shoreline District, Chapter 23.60A, upon showing that the occupant is a bona fide working artist, and subject to the following criteria:

* * *

Section 25. Section 23.50.018 of the Seattle Municipal Code, which section was enacted by Ordinance 113658, is amended as follows:

23.50.018 View corridors((:))

* * *

C. Measurement, modification or waiving of the view corridor requirement shall be according to the Shoreline District measurement regulations, Chapter 23.60A.

* * *

Section 26. Section 23.50.026 of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.50.026 Structure height in IC zones

* * *

B. Water-dependent uses within the Shoreline District are subject to only the height limits of the applicable shoreline environment, Chapter 23.60A.

* * *

C. Within the area shown on Exhibit A for 23.50.026 ((~~A~~)) areas zoned IC 45 are subject to the following height regulations (See Exhibit A for 23.50.026 ((~~A~~))):

2. A 65 foot structure height is permitted as a special exception provided that:

a. Provision is made for view corridor(s) looking from Elliott Avenue toward Puget Sound;

* * *

4) Measurement, modification or waiver of the view corridor(s) shall be according to the Seattle Shoreline Master Program measurement regulations, Chapter 23.60A. Where a waiver under these provisions is granted by the Director, the 65 foot structure height shall still be permitted,

* * *

Section 27. Section 23.55.015 of the Seattle Municipal Code, last amended by Ordinance 121477, is amended as follows:

23.55.015 Sign kiosks and community bulletin boards((:))

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C. Development Standards for Sign Kiosks((:))

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2. Location((:))

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d. Sign kiosks shall be located in compliance with ((SMC))Section 23.55.042 and Chapter 23.60A.

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Section 28. Section 23.57.002 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.57.002 Scope and applicability of provisions

* * *

C. Lots located in the Shoreline District shall meet the requirements of Chapter 23.60A, the Seattle Shoreline Master Program, in addition to the provisions of this ((e))Chapter 23.57. If there is a conflict between the regulations of the Shoreline Master Program and this ((e))Chapter 23.57, the provisions of Chapter 23.60A apply.

* * *

Section 29. Section 23.72.006 of the Seattle Municipal Code, last amended by Ordinance 118624, is amended as follows:

SMC 23.72.006 Application of regulations((:))

All land located within the Sand Point Overlay District is subject to the regulations of the underlying zone unless specifically modified by the provisions of this ((e))Chapter 23.72. In the event of irreconcilable differences between the provisions of

the Sand Point Overlay District and the underlying zone, the provisions of this ((e))Chapter 23.72 shall apply. Portions of the Sand Point Overlay District that lie within the Shoreline District, regulated by the Seattle Shoreline Master Program (SSMP), Chapter 23.60A, shall be governed by the provisions of the SSMP in addition to this ((e))Chapter 23.72. In the event of a conflict the provisions of the SSMP shall prevail.

Section 30. Section 23.72.008 of the Seattle Municipal Code, last amended by Ordinance 122829, is amended as follows:

23.72.008 Uses permitted in specified areas within the Sand Point Overlay District.

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B. Uses Permitted Within Portions of Subarea B depicted on Map A for 23.72.008.

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2. Accessory Uses. Accessory uses that meet the following standards and that are customarily incidental to the principal uses permitted outright, are permitted outright:

a. The area devoted to the accessory use is limited no more than 20 percent of the gross floor area of the principal use it serves;

b. Only principal uses permitted by this section and by the applicable provisions of Chapter 23.60A are allowed as accessory uses.

* * *

Section 31. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.76.006 Master Use Permits required

A. Type I, II and III decisions are components of Master Use Permits. Master Use Permits are required for all projects requiring one or more of these decisions.

* * *

C. The following are Type II decisions:

* * *

2. The following decisions, including any integrated decisions to approve, condition or deny based on SEPA policies, are subject to appeal to the Hearing Examiner (except shoreline decisions and related environmental determinations, which are appealable to the Shorelines Hearings Board):

* * *

g. The following shoreline decisions (supplemental procedures for shoreline decisions are established in Chapter 23.60A):

- 1) Shoreline substantial development permits;
- 2) Shoreline variances;
- 3) Shoreline conditional uses;

* * *

Section 32. Section 23.76.066 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.76.066 Shoreline Master Program amendments

Council decisions approving an amendment to the text of Chapter 23.60A, Shoreline District, shall be sent to the Director of the Department of Ecology. Such amendments shall become effective as provided by applicable state law.

Section 33. Section 23.80.004 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.80.004 Review criteria

C. Light rail transit facilities((-))

1. Light rail transit facilities necessary to support the operation and maintenance of a light rail transit system are permitted in all zones and shoreline environments within the City of Seattle, except the CP Environment; such facilities are allowed in the CP Environment if in or on existing bridges, existing tunnels, or existing infrastructure

related to a bridge or tunnel, or if other locations are infeasible under the Shoreline Master Program.

Section 34. Section 23.88.020 of the Seattle Municipal Code, last amended by Ordinance 123649, is amended as follows:

23.88.020 Land use interpretations

* * *

D. Notice of Request for Interpretation. If an interpretation relates to a project application under consideration, and is requested by a person other than the applicant for that project, notice of the request for interpretation shall be provided to the permit applicant. If an interpretation relates to the provisions of Chapter 23.60A (Seattle Shoreline Master Program), notice of the request shall be provided to the Washington State Department of Ecology. If an interpretation is requested by a Major Institution as to whether a proposal constitutes a major or minor amendment to an adopted Major Institution Master Plan, notice of the request shall be provided to all members of the Citizens' Advisory Committee for that Major Institution.

E. Notice of Interpretation. Notice of an interpretation shall be provided to the person requesting the interpretation, and to the applicant(s) for the specific project or projects to which the interpretation relates. If the interpretation relates to provisions of Chapter 23.60A (Seattle Shoreline Master Program), notice shall be provided to the Washington State Department of Ecology. If the interpretation is related to a project requiring public notice, the interpretation shall be published concurrently with other land use decisions relating to that project. Notice of any interpretation subject to appeal before the Hearing Examiner or the Shoreline Hearings Board shall be provided by Land Use Information Bulletin.

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Section 35. Section 23.90.006 of the Seattle Municipal Code, last amended by Ordinance 122407, is amended as follows:

23.90.006 Investigation and notice of violation((=))

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B. If after investigation the Director determines that the standards or requirements have been violated, the Director may issue a notice of violation to the owner, tenant or other person responsible for the condition. The notice of violation shall state separately each standard or requirement violated, shall state what corrective action, if any, is necessary to comply with the standards or requirements, and shall set a reasonable time for compliance. In the event of violations of the standards or requirements of the Seattle Shoreline Master Program, Chapter 23.60A, the required corrective action shall include, if appropriate, but shall not be limited to, mitigating measures such as restoration of the area.

* * *

Section 36. Section 23.91.002 of the Seattle Municipal Code, last amended by Ordinance 123546, is amended as follows:

23.91.002 Scope of Chapter 23.91

A. Violations of the following provisions of ((~~Seattle Municipal Code~~))Title 23 shall be enforced under the citation or criminal provisions set forth in this Chapter 23.91:

1. Junk storage in residential zones (Sections 23.44.006 and 23.44.040, and Chapter 23.45), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A;
2. Construction or maintenance of structures in required yards or setbacks in residential zones (Sections 23.44.014 and 23.44.040, and Chapter 23.45);
3. Parking of vehicles in a single-family zone (Section 23.44.016), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A;

4. Keeping of animals (Section 23.42.050);
5. Home occupations (Section 23.42.052); and
6. The following violations of the Seattle Shoreline Master Program,

Chapter 23.60A:

a. Discharging, leaking, or releasing solid or liquid waste and untreated effluent, oil, chemicals, or hazardous materials into the water (subsection 23.60A.152.R);

b. Releasing debris and other waste materials from construction into any water body (subsections 23.60A.152.H, 23.60A.152.T and 23.60A.152.U).

c. Conducting activity in or over water outside the allowed work windows (subsection 23.60.152.J); and

d. Closing required public access (Section 23.60A.164).

* * *

Section 37. Section 25.09.015 of the Seattle Municipal Code, last amended by Ordinance 122738, is amended as follows:

25.09.015 Application of chapter((-))

A. This ((e))Chapter 25.09 applies to any development, as defined in Section 25.09.520, or platting carried out by any person on publicly or privately owned parcels containing an environmentally critical area or buffer, except that:

1. ((p))Parcels that are solely within seismic or volcanic hazards areas, as defined in Sections 25.09.020.A.6 and 25.09.020.A.7, and that are not liquefaction-prone areas are subject only to Section((s)) 25.09.010, subsections A, B, C and F of Section 25.09.017((-A, B, C and F,)) and Sections 25.09.020, and 25.09.030; and

2. For parcels, including submerged land, that are in the Shoreline District, as described in Section 23.60A.010, this Chapter 25.09 as incorporated by reference into

Section 23.60A.156 applies to development and shoreline modifications, as defined in Chapter 23.60A, uses, platting, and actions described in subsection 25.09.015.C.

B. This ~~((e))~~Chapter 25.09 applies to altering vegetation, trees, or habitat carried out by any person in landslide-prone critical areas (including steep slopes), steep slope buffers, riparian corridors, ~~((shoreline habitat, shoreline habitat buffers,))~~wetlands, and wetland buffers on publicly or privately owned parcels, except for parcels, including submerged land, in the Shoreline District, where such actions shall comply with Section 23.60A.190.

C. Section 25.09.200~~((A4))~~A.4 applies to daylighting pipes and culverts defined in that subsection 25.09.200.A.4.

Section 38. Section 25.09.020 of the Seattle Municipal Code, last amended by Ordinance 122738, is amended as follows:

25.09.020 - Environmentally critical areas definitions~~((s))~~

The following are environmentally critical areas designated by this chapter 25.09 geologic hazard areas, steep slope areas, flood-prone areas, wetlands, fish and wildlife habitat conservation areas, and abandoned landfills.

* * *

D. Fish and Wildlife Habitat Conservation Areas. The following are fish and wildlife habitat conservation areas:

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~~((6. Shoreline habitat, which is Type 1 waters, defined in WAC 222-16-031, that provide migration corridors for fish listed by WDFW as a priority species waterward of the ordinary high water mark.))~~

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Section 39. Section 25.09.045 of the Seattle Municipal Code, which section was enacted by Ordinance 122050, is amended as follows:

25.09.045 – Exemptions((e))

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H.

1. The activities identified in subsection 25.09.045.H.3 below are exempt from the provisions of this ((e))Chapter 25.09 when the applicant demonstrates:

- a. The work is not a prerequisite to other development;
- b. No practicable alternative to the work with less impact on the environmentally critical area or buffer exists; and
- c. The work does not pose an unreasonable threat to the public health, safety or welfare on or off the parcel.

2. The Director's decision shall:

- a. include the approved location and limits of the work; and
- b. require specific mitigation measures for impacts to all environmentally critical areas and their buffers before, during, and after construction.

3. The provisions of this subsection 25.09.045.H apply to the following activities:

- a. Relocation of electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of ~~((fifty five thousand (55,000))~~~~(+))~~ 55,000((+)) volts or less only when required by a governmental agency,
- b. Relocation of natural gas, cable communications, gas, telephone facilities, and public utility lines, pipes, mains, equipment or appurtenances only when required by a governmental agency,
- c. Installation or construction in improved public road rights-of-way, and replacement, operation or alteration, of all electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of ~~((fifty five thousand (55,000))~~~~(+))~~ 55,000((+)) volts or less,
- d. Installation or construction in improved public road rights-of-

way, and replacement, operation, repair or alteration of all natural gas, cable communications, telephone facilities, and public utility lines, pipes, mains, equipment or appurtenances,

e. Public or private projects designed to enhance riparian corridors, ~~((shoreline habitat and its buffer,))~~ and wetlands and their buffers, including stormwater-related functions, that require either a Hydraulic Project Approval from the Washington Department of Fish and Wildlife or a Section 404 permit under the federal Clean Water Act from the United States Army Corps of Engineers, Aquatic Habitat Matching Grant program, established by City Council Resolution 30719, and

f. Public projects where the intrusion into the environmentally critical area or buffer benefits the public, such as trails providing access to a creek or wetland area, when located and designed to keep environmental disturbance to a minimum. The applicant shall protect vegetation and trees pursuant to a tree and vegetation plan consistent with best management practices. The plan shall be prepared by a qualified expert with experience related to the type of environmentally critical area or buffer where work will occur. In landslide-prone areas of the plan shall also be approved by a geotechnical engineer or geologist licensed in the State of Washington with experience in analyzing geological hazards related to slope stability and vegetation removal on steep slopes.

Section 40. Section 25.09.200 of the Seattle Municipal Code, last amended by Ordinance 123106, is amended as follows:

25.09.200 - Development standards for fish and wildlife habitat conservation areas

A. Development standards for parcels with riparian corridors~~((:-))~~

* * *

2. Riparian Watercourse~~((:-))~~

a. Development is prohibited within or over the watercourse, except as provided in this subsection 25.09.200.A.2.a or subsection 23.09.200.A.2.b. If no other access is available to the property, the Director may approve access over the watercourse, provided that it maintains the natural channel and floodway of the watercourse and that disturbance of the riparian management area is kept to a minimum.

b. On Haller and Bitter Lakes, piers are regulated pursuant to the development standards for similar structures in the Seattle Shoreline Master Program, Chapter 23.60A, Part XVI, The Urban Residential Environment. If a pier is allowed, access to it through the riparian management area is also allowed, provided the impact on the naturally functioning condition of the riparian management area from the pier's location, method of construction, and construction materials is kept to a minimum.

* * *

~~((B.—((Development Standards for Shoreline Habitat.~~

~~1. The provisions of this subsection B apply to all parcels with shoreline habitat defined in subsection 25.09.020 D6 or its buffer.~~

~~2. In addition, the provisions of subsection C below apply to parcels with shoreline habitat or its buffer, except subsection C2 with respect to fish. In the event of an irreconcilable conflict between the provisions of this subsection B and subsection C, the provision most protective of wildlife habitat applies.~~

~~3. Development is prohibited in shoreline habitat, except when all of the following criteria are met:~~

~~a. The development is allowed under Title 23, including chapter 23.60, the Shoreline Master Program; and~~

~~b. Mitigation is provided for all impacts to the ecological functions of fish habitat on the parcel resulting from any permitted increase in or alteration of existing overwater coverage.~~

~~4. Buffers.~~

a. ~~Shoreline habitat has a 100 foot buffer from the ordinary high water mark.~~

b. ~~Bioengineered solutions, such as using plants or other approved natural material, to stabilize the shoreline are allowed in the buffer, provided they are allowed under Title 23, including Chapter 23.60, the Shoreline Master Program.~~

c. ~~Other development for water dependent and water related uses is prohibited in the buffer, except when:~~

1) ~~The development is allowed under Title 23, including Chapter 23.60, the Shoreline Master Program; and~~

2) ~~no vegetation is removed, the amount of impervious surface is not increased, and no surface that is permeable by water at the time of the application will be covered with an impervious surface so that impervious surface will be closer to the ordinary high water mark; or~~

3) ~~if any of the actions described in subsection 25.09.200.B.4.c.2 occur and that action impacts the ecologic function of the shoreline, those impacts are mitigated as set out in subsection 25.09.200.B.4.e below.~~

~~If the standards in subsections 25.09.200.B.4.c.1 and 25.09.200.B.4.c.2 are met, then the application is not subject to the application submittal requirements in Section 25.09.330 and the general development standards in Section 25.09.060.~~

d. ~~Other development for non water dependent and non water related uses is prohibited in the buffer, except when:~~

1) ~~The development is allowed under Title 23, including Chapter 23.60, the Shoreline Master Program; and~~

2) ~~for non residential uses~~

a) ~~the lot was in existence before May 9, 2006; and~~

b) ~~the development is 25 feet or more from the ordinary high water mark unless the development is allowed in the shoreline habitat~~

under Title 23, including Chapter 23.60, the Shoreline Master Program; and

e)

i no vegetation is removed, impervious surface is not increased and no net loss of ecological function of the critical area or buffer from other actions occurs; or

ii if any of the actions described in subsection 25.09.200.B.4.d.2.c.i above occur, all impacts on the ecological function are mitigated as set out in subsection 25.09.200.B.4.e below; or

3) for residential uses the residence is 25 feet or more from the ordinary high water mark

a) and no vegetation is removed, impervious surface is not increased and no net loss of ecological function of the critical area or buffer from other actions occurs; or

b) if any of the actions described in subsection 25.09.200.B.4.d.3.a above occur, all impacts on the ecological function are mitigated as set out in subsection 25.09.200.B.4.e below.

e. Mitigation.

1) Mitigation must prevent net loss of ecological function. Mitigation must achieve the equivalent ecologic functions as the conditions existing in the shoreline habitat buffer at the time of development. Mitigation under this Section is not intended to duplicate mitigation for the same ecologic function that is required under other City regulations or under state and federal permits. The permit condition most protective of the ecologic function shall be enforced.

2) For the purpose of this Section, mitigation is action that replaces ecological functions lost as a result of a project impact. Depending on the type of lost ecological function these include:

a) providing habitat, or

b) creating new pervious ground or
e) replicates the function of the pervious ground
through methods that are engineered and designed according to the requirements of
Chapters 22.800 through 22.808, Stormwater Code.

(3) Mitigation for habitat impacts in the buffer shall occur
in the following order of preference:

(a) on the parcel within the buffer as close to the
ordinary high water mark as possible;

(b) within the buffer as close to the ordinary high
water mark as possible on a parcel that abuts the ordinary high watermark within one
quarter (1/4) mile along the shoreline from where the vegetation removal, placement of
impervious surface or other loss of habitat occurred;

(c) farther along the shoreline within the buffer as
close to the ordinary high water mark as possible.

(4) The following mitigation ratios are required for habitat
impacts in the buffer under subsection 2(a) and 2(b); the first number specifies the area of
replacement habitat, and second specifies the area of altered habitat:

(a) 1:1 for areas on the parcel or on a parcel that
abuts the ordinary high water mark within one quarter (1/4) mile along the shoreline from
where the vegetation removal, placement of impervious surface or other loss of habitat
occurred. If the applicant demonstrates that the ecological function can be replaced at a
different ratio, the Director may approve that ratio.

(b) 3:1 farther along the shoreline, provided that if a
five (5) year bonded monitoring program is provided that monitors the effectiveness of
mitigation measures and provides a means for ensuring the attainment of the goals of the
program, the Director may approve a 2:1 ratio.

5. Bulkheads.

~~a. New bulkheads are prohibited, except when the bulkhead is necessary to the continued operation or expansion of a water dependent or water related use.~~

~~b. Major repair of existing bulkheads is prohibited, except when~~

~~(1) the bulkhead is necessary to the continued operation or expansion of a water dependent or water related use; or~~

~~(2) a bioengineered solution, such as using plants or other approved natural material to stabilize the shore, will not achieve the same level of shoreline stabilization and property protection.~~

~~6. Streets.~~

~~a. Existing public or private streets are excluded from these buffer regulations, provided that if the provisions of Chapters 22.800 through 22.808, the Stormwater Code apply, the Director shall require adequate stormwater detention to prevent harm from the street to habitat and to keep degradation of water quality for habitat to a minimum.~~

~~b. New streets are allowed when the following criteria are met:~~

~~1) the street is allowed under Title 23, including Chapter 23.60, the Shoreline Master Program; and~~

~~2) no vegetation is removed, impervious surface is not increased, and no net loss of ecological function of the critical area or buffer from other actions occurs; or~~

~~3) if the actions described in subsection 25.09.200.B.6.b.2 occur, any impacts on the ecological function are mitigated as set out in subsection 25.09.200.B.4.e above.~~

~~7. The following provisions apply to all parcels containing shoreline habitat and buffers to prevent impacts to the habitat and buffer:~~

~~a. Any increases in surface runoff from development shall be kept~~

~~to a minimum, and surface water run off shall be controlled, treated and released so that receiving water quality and any shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catch basins or settling ponds, interceptor drains and planted buffers. Allowable means to achieve this include bioswales, catch basin filters, and other methods prescribed in Chapters 22.800 through 22.808, the Stormwater Code.~~

~~b. Pavement in the habitat and buffer shall be kept to a minimum and permeable surfacing, where practicable, shall be used to keep surface water accumulation and runoff into the habitat and buffer to a minimum. Recommended methods are found in Chapters 22.800 through 22.808, Stormwater Code. Permeable surfaces include, but are not limited to, porous asphalt, concrete, brick, or pavers; or plastic confinement systems with grass or gravel filler.~~

~~c. Best management practices shall be employed for the safe handling of fuels and toxic or hazardous materials to prevent them from entering the water. Direct runoff of these materials is prohibited. Best management practices shall be employed for prompt and effective clean up of any spills that do occur. A spill prevention and response plan may be required by the Director.~~

~~d. Any cleaning or resurfacing operation occurring over water that may result in the entry of debris, such as paint chips, shall employ tarpaulins securely affixed above the water line to prevent material from entering the water. Prior to removing the tarpaulins, the accumulated contents shall be removed by vacuuming or an equivalent method that prevents material from entering the water.~~

~~e. No over water application of paint, preservative treatment, or other chemical compounds is permitted, except in accordance with best management practices.~~

~~f. Wooden components that will be in contact with standing water or floodwaters shall not contain polycyclic aromatic hydrocarbons (PAH), creosote,~~

~~pentachlorophenol, or similar toxic substances. Durable, non-toxic components is the preferred material for in-water and over-water structures. Where treated wood is considered necessary, it shall be applied and used in accordance with the American Wood Preserver Association (AWPA) standards for aquatic use.~~

~~g. For projects involving concrete, a concrete truck chute cleanout area shall be established to contain wet concrete. No concrete or clean-out shall be allowed to enter the water body. This does not prohibit piers or other concrete structures authorized by a valid permit.~~

~~h. All inlets and catch basins shall be protected from fresh concrete, paving, paint stripping and other high-risk pollution-generating activities during construction.~~

~~i. Construction staging areas shall be as far from the ordinary high water mark as practicable.~~

~~j. Planting native vegetation may be required to mitigate impacts of development on the shoreline habitat or buffer.~~

~~k. If at any time project-related activities cause a fish kill to occur, the permittee shall stop all work relating to the fish kill and immediately notify the Department of Planning and Development, Washington Department of Fish and Wildlife, and the Washington Department of Ecology.~~

~~l. In- and over-water structures shall be designed and located to keep impacts from shading of any bank and shallow water habitat to a minimum.~~

~~8. Removal of, clearing, or any action detrimental to habitat, trees or vegetation in shoreline habitat or its buffer is prohibited, except as authorized under subsections 1-6 above and section 25.09.320.)~~

~~((C))B.~~

1. Development on parcels containing fish and wildlife habitat conservation areas shall comply with any species habitat management plan set out in a

Director's Rule. The Director may establish by rule a species habitat management plan to protect any priority species identified by the Washington State Department of Fish and Wildlife or to protect species of local importance.

2. Any person proposing development on a parcel containing fish and wildlife habitat conservation areas shall consult with the Washington State Department of Fish and Wildlife and comply with any requirements of that agency, except as limited in subsections 25.09.200.A and 25.09.200.B above.

~~((D))~~C. Based on information provided by a qualified wildlife biologist, the Director may condition development on parcels containing wildlife habitat or corridors defined in subsection 25.09.020, D₃ to protect fish or wildlife habitat corridors.

Conditions may include, but are not limited to:

1. Establishment of buffer zones;
2. Preservation of important vegetation and habitat features;
3. Limitation of access to habitat areas;
4. Seasonal restriction of construction activities;
5. Preservation of the ability for fish to pass between fish habitat in Type 1-5 waters upstream and downstream of the parcel. The application requirements and general conditions of this chapter, Sections 25.09.330 and 25.09.060, do not apply if the person responsible for development of the parcel has either a Hydraulic Project Approval from the Washington Department of Fish and Wildlife or a Section 404 permit under the federal Clean Water Act from the United States Army Corps of Engineers. Nothing in this subsection 23.60.200.C alters the rights of the owner of the pipe or culvert, if that person is not an applicant for a permit.

6. Requiring the developer to daylight a pipe or culvert defined in ~~((SMC))~~ subsection 25.09.020.D.3.c, when the conditions in subsection 25.09.200.C.6.a below are met. When requiring daylighting, the Director is authorized to modify the conditions set out in subsection 25.09.200.C.6.b below. Nothing in this subsection 25.09.200.C.6 alters

the rights of the owner of the pipe or culvert, if that person is not an applicant for a permit.

a. The Director may require daylighting under the following conditions:

((f))1) When the existing pipe or culvert cannot remain in its current location and provide an effective passage for anadromous fish due to the development.

((f))2) Other methods for preserving fish passage such as pipe or culvert placement or site engineering are not feasible.

b. If daylighting is required then the applicant must prepare a plan that demonstrates the following:

((f))1) The ecological functions of the daylighted waters and resulting new riparian management area are compatible with and protect the functions of pipes and culverts upstream and downstream and the ecological functions of the existing riparian corridor upstream and downstream and do not contribute to flooding.

((f))2) The ecological functions include preventing erosion, protecting water quality, and providing diverse habitat.

c. The Director determines that daylighting the pipe or culvert and the impacts from the development to fish passage on the parcel are roughly proportionate.

d. When requiring daylighting, the Director is authorized to modify the following conditions:

((f))1) Yard and/or setback requirements on the property may be reduced to provide sufficient area for daylighting and creating a riparian management area, unless reducing them is injurious to safety.

((f))2) The riparian corridor watercourse and riparian management area may count toward open space requirements for all multifamily or commercial zone requirements.

((f))3) Required parking may be reduced up to ~~((twenty five percent))~~ 25((%)) percent.

((f))4) The riparian management area may be reduced to the extent needed to provide sufficient area for the plan described in subsection ~~((6a(2)))~~ 25.09.200.C.6.a.2 above.

((E))D. Designating Species of Local Importance and their Habitat((-))

1. The Director on an annual basis shall accept and consider nominations for species of wildlife and their habitat to be designated as locally important. The designation of a species of local importance and its habitat shall require an amendment to this ~~((e))~~ Chapter 25.09.

2. Species or habitat to be designated shall exhibit the following characteristics:

a. Local populations of native species are in danger of extinction based on existing trends:

((f))1) Local populations of native species that are likely to become endangered; or

((f))2) Local populations of native species that are vulnerable or declining;

b. The species has recreational, commercial, game, tribal, or other special value;

c. Long-term persistence of a species is dependent on the protection, maintenance, and/or restoration of the nominated habitat;

d. Protection by other county, state, or federal policies, laws, regulations, or nonregulatory tools is not adequate to prevent degradation of the species or habitat in Seattle;

e. Areas nominated to protect a particular habitat or species have either high-quality habitat or habitat with a high potential to recover to a suitable quality,

and the habitat is limited in quantity, highly vulnerable to alteration, or connects habitats.

3. Species and habitats may be nominated for designation by any person. Nominations shall be in writing, address the characteristics listed in subsection ~~((2))~~ 25.09.200.D.2, and state whether specific habitat features are being nominated (for example, nest sites, breeding areas, and nurseries), or whether the habitat or ecosystem is being nominated in its entirety. Where restoration of habitat is proposed, a specific plan for restoration shall be provided with the application, or the nomination shall include management strategies for the species or habitats. Restoration plans and management strategies shall be supported by the best available science.

4. The Director shall determine whether the nomination proposal is complete, and if complete, shall evaluate it under the criteria in subsection ~~((2))~~ 25.09.200.D.2 and make a recommendation to the Mayor and Council based on that information. If the nomination is adopted, the Director may establish habitat restoration plans and habitat and species management strategies by rule.

E. Designating Species of Local Importance and their Habitat.

Section 41. Section 25.09.240 of the Seattle Municipal Code, last amended by Ordinance 122050, is amended as follows:

25.09.240 - Short subdivisions and subdivisions~~((:))~~

A. This ~~((s))~~ Section 25.09.240 applies to all applications for short subdivisions and subdivisions, excluding unit lot subdivisions, on parcels containing any part of a riparian corridor, ~~((shoreline habitat, shoreline habitat buffers,))~~ wetlands, wetland buffers, or steep slope areas in addition to the standards in Title 23.

B. Parcels shall be divided so that each lot contains an area for the principal structure, all accessory structures, and necessary walkways and for access to this area that are outside all environmentally critical areas and buffers identified in subsection 25.09.240.A above except as follows:

* * *

~~((4. Development may encroach into the Shoreline habitat buffer provided that:~~

~~a. a condition is recorded on the plat restricting the development in the buffer to water dependent or water related uses or to single family residential uses; and~~

~~b. for single family residential uses the condition requires each residence to be no further waterward than twenty five feet (25') from the ordinary high water mark; and~~

~~c. a condition is recorded on the plat (1) requiring mitigation at the time of development for removal of vegetation, addition of impervious surface, and all other harm to the ecological function of the buffer and habitat resulting from development and (2) setting out on the plat the mitigation standards in subsection 25.09.200 B4e.))~~

Section 42. Section 25.09.260 of the Seattle Municipal Code, last amended by Ordinance 123495, is amended as follows:

25.09.260 - Environmentally critical areas administrative conditional use

A. When the applicant demonstrates it is not practicable to comply with the requirements of ~~((§))~~subsection 25.09.240.B considering the parcel as a whole, the applicant may apply for an administrative conditional use permit, authorized under Section 23.42.042, under this ~~((s))~~Section 25.09.260 to allow the Director to count environmentally critical areas and their buffers that would otherwise be excluded in calculating the maximum number of lots and units allowed on the parcel under ~~((§))~~subsection 25.09.240.E.

B. Standards. The Director may approve an administrative conditional use for smaller than required lot sizes and yards, and/or more than one dwelling unit per lot if the applicant demonstrates that the proposal meets the following standards:

1. Environmental impacts on critical areas~~((:-))~~

a. No development is in a riparian corridor, (~~shoreline habitat, shoreline habitat buffer,~~) wetland, or wetland buffer.

b. No riparian management area (~~(, shoreline habitat buffer,)~~) or wetland buffer is reduced.

* * *

Section 43. Section 25.09.320 of the Seattle Municipal Code, last amended by Ordinance 122050, is amended as follows:

25.09.320 - Trees and vegetation(~~(,)~~)

A.

1. Removing, clearing, or any action detrimental to habitat, vegetation or trees is prohibited, except as provided below, within the following areas: landslide-prone critical areas, (including steep slopes), steep slope buffers, riparian corridors, (~~shoreline habitat, shoreline habitat buffers,~~) wetlands, and wetland buffers.

* * *

Section 44. Section 25.09.330 of the Seattle Municipal Code, which section was enacted by Ordinance 122050, is amended as follows:

25.09.330 - Application submittal requirements(~~(,)~~)

All activities identified in Section 25.09.015 and not exempt from permit application requirements under Sections 25.09.045, 25.09.055, and subsections 25.09.200(~~(A4)~~), A.4(~~(,)~~) and 25.09.320(~~(A3)~~) A.3 shall meet the following application submittal requirements in addition to the application submittal requirements specified in other codes:

A. Topographic Survey. A topographic site plan, prepared and stamped by a State of Washington licensed surveyor, is required for sites that include landslide-prone, flood-prone, riparian corridor, (~~shoreline habitat or its buffer,~~) wetland or its buffer, and steep slope areas or their buffers. The topographic site plan shall include the following existing physical elements:

* * *

Section 45. Section 25.09.520 of the Seattle Municipal Code, last amended by Ordinance 123106, is amended as follows:

25.09.520 – Definitions((=))

* * *

~~(("Shoreline habitat" means Type 1 waters defined in WAC 222-16-031 that provide migration corridors for fish listed by WDFW as a priority species waterward of the ordinary high water mark.))~~

* * *