

Seattle Permits

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

Environmentally Critical Areas Administrative Conditional Use Permit

Application Instructions and Submittal Requirements

Updated October 10, 2006

City of Seattle regulations for Environmentally Critical Areas (ECAs) set strict platting standards (see SMC 25.09.240) on parcels containing riparian corridors, shoreline habitat, shoreline habitat buffers, wetlands, wetland buffers, and steep slopes.

In circumstances where the presence of an ECA or buffer limits the number of lots or dwelling units that may be developed on a parcel in a single family zone, applicants may apply for an ECA Administrative Conditional Use Permit to allow them to count environmentally critical areas and their buffers in calculating the maximum number of lots and units allowed on the parcel (see SMC 25.09.260). DPD may modify lot size and setback requirements or allow more than one dwelling unit per lot as necessary to allow for an increase in the number of lots and units on the portion outside the critical area.

DPD may approve, condition, or deny an application for an ECA administrative conditional use. The decision will be based on a determination of whether the application meets the standards for allowing the conditional use including whether the proposal will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

In authorizing an administrative conditional use, DPD may mitigate adverse negative impacts by imposing requirements and conditions necessary for the protection of the ECA and buffers as well as other properties in the vicinity of the property.

STANDARDS FOR ALLOWING AN ECA ADMINISTRATIVE CONDITIONAL USE

Approval of an administrative conditional use will be based on demonstration that the proposal meets the standards outlined in SMC 25.09.260B.

Development will not be allowed in a riparian corridor, shoreline habitat, shoreline habitat buffer, wetland, or wetland buffer. Development in a steep slope area may be allowed only under specific conditions outlined in SMC 25.09.260B.1.c. The total number of lots permitted may not be increased beyond that allowed by the underlying single-family zone nor may the open water areas of shoreline habitat, wetland, and riparian corridors be counted in determining permitted number of lots. Where dwelling units are proposed to be attached, they may not exceed the height, bulk and other applicable development standards of a Lowrise 1 (L-1) zone.

Additionally, it must be demonstrated that:

- The proposal promotes the enhancement of the identified environmentally critical area and buffer and will not result in unmitigated negative environmental impacts on these areas.
- Potential negative effects of the development on the undeveloped portion of the site will be kept to a minimum including preservation of topographic features and existing vegetation.
- Development will be reasonably compatible with the surrounding neighborhood including land use, design, bulk, and pedestrian environment.

CONDITIONS FOR APPROVAL

In authorizing an administrative conditional use, DPD may mitigate adverse negative impacts by imposing requirements and conditions necessary to protect riparian corridors, wetlands and their buffers, shoreline habitats and their buffers, and steep slope areas and their buffers, and to protect other properties in the zone or vicinity in which the property is located.

Replacement and establishment of native vegetation

www.seattle.gov/dpd



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will be required where it is not possible to save trees or vegetation.

New lots created through an administrative conditional use will be required to meet the provisions of Section 23.22.062 regulating unit lot subdivisions, regardless of whether the proposal is a unit lot subdivision. This condition is applied so that subsequent development will not lead to an overall increase in the number of lots or dwelling units allowed.

APPLICATION INSTRUCTIONS

Attached is the ECA administrative conditional use permit application form and a list of the information necessary to submit a complete application. The application must be fully completed with the required information and documentation attached before it can be accepted. Additional information may be requested of the applicant during the review process.

ECA administrative conditional use permit applications are filed with DPD by appointment with a land use planner at the Applicant Services Center (ASC) located on the 20th floor of the Seattle Municipal Tower at 700 Fifth Avenue. An appointment may be scheduled by calling (206) 684-8850. Prior to making an appointment (unless associated with a project under review), the applicant must submit an Addressing/Records Research Worksheet at the Applicant Services Center, available there or online at www.seattle.gov/dpd/publications/forms.

There is a fee for an ECA administrative conditional use permit application. This fee may be revised annually and is collected at the time of application.

For assistance on fees and procedural requirements, applicants should visit the DPD ASC or call (206) 684-8850. When an applicant seeks more detailed information about the ECA administrative conditional use review process, a land use planner will be available at the DPD Coaching Counter in the ASC. For more complicated proposals, a pre-application conference with a land use planner may be needed.

APPLICATION REVIEW AND APPEAL PROCESS

Upon receipt of a complete application, notice will be published and a land use planner will be assigned to the project to complete review and analysis. The application may be distributed to other City departments for their comments.

DPD will evaluate the request for an ECA conditional

use permit in the context of the applicant's written analysis, proposed development scheme, measures to protect the environment, and measures to minimize and reduce impacts on the surrounding development pattern and zoning designation.

When an ECA administrative conditional use application is controversial and/or significant interest in the application is shown by neighborhood groups, DPD will coordinate meetings between the applicant and neighborhood groups early in the application process to allow the applicant to hear neighborhood concerns and take these into consideration during final project planning.

Once the staff analysis is completed, a decision will be made and published in the Land Use Information Bulletin and Daily Journal of Commerce. Notice of the decision will also be sent to individuals who have indicated their interest in receiving it.

A decision on the ECA administrative use permit request may be appealed to the Hearing Examiner. The Hearing Examiner's decision is the final City decision.

OTHER HELPFUL DOCUMENTS

- **CAM 103B**, *ECA Site Plan Requirements*
- **CAM 327**, *ECA Exemptions and Modifications to ECA Submittal Requirements—Application Instructions and Submittal Requirements*
- **CAM 328**, *ECA Exception—Application Instructions and Submittal Requirements*
- **CAM 330**, *ECA Yard and Setback Variance—Application Instructions and Submittal Requirements*
- **CAM 331**, *ECA: Tree and Vegetation Overview*
- **CAM 331A**, *ECA: Vegetation Restoration*
- **CAM 331B**, *ECA: Hazard Trees*



Seattle Department of Planning and Development
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Environmentally Critical Areas Administrative Conditional Use Permit Application

T O B E C O M P L E T E D B Y A P P L I C A N T

SITE AND PROJECT INFORMATION

Property Address: _____

Description of Proposed Project: _____

Legal Description of Property: _____

Assessor's Parcel Number: _____

If your application is related to a DPD project, please enter the project number here: _____

T O B E C O M P L E T E D B Y D P D S T A F F

Application Number: _____ Receipt #: _____

Land Use Planner: _____ Fee: _____

Analyst: _____ Land Use Map Page: _____

Zone: _____

Type of Critical Area(s): _____

Other Land Use Designations: _____

Approved: _____ Denied: _____

LEGAL DISCLAIMER: This Client Assistance Memo (CAM) should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this CAM.

T O B E C O M P L E T E D B Y A P P L I C A N T

NAME AND ADDRESS OF OWNER(S) OF THE PROPERTY

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone: _____

NAME AND ADDRESS OF AGENT FOR OWNER(S)

Name: _____

Address: _____

City/State/Zip Code: _____

Telephone: _____

Applicant's Signature: _____

Date of Application: _____

APPLICATION REQUIREMENTS:

ECA Administrative Conditional Use Permit

All applications must include the following.

- A. **Reason for the ECA Administrative Conditional Use Permit.** You must prepare a written analysis about how your application meets *all the standards and conditions detailed in SMC 25.09.260*.
- B. **A surveyed site plan** prepared by a State of Washington licensed surveyor and complying with DPD CAM 103B, *ECA Site Plan Requirements*, is required. The site plan must note boundaries of all ECAs, ECA buffers, limits of development coverage, limits of site disturbance, location of significant trees and vegetation areas, proposed and existing utility locations, variations from land use and zoning standards, and dimensions and areas of any proposed lots.

Additional Requirements:

The Director may require the following technical reports:

- _____ a. Vegetation and Revegetation Report
- _____ b. Soils Report
- _____ c. Geology Report
- _____ d. Hydrology Report
- _____ e. Wetlands/Riparian Corridor Report
- _____ f. Other reports as required by the Director such as ECA technical reports, additional site topography and survey information, and building elevations