

# 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 June 2, 2022

**The following information applies to environmentally critical areas OUTSIDE the Shoreline District. See page 3 for information that applies inside the Shoreline District.**

City of Seattle regulations for Environmentally Critical Areas (ECAs) set strict platting standards (see SMC 25.09.240) on parcels containing any part of a biodiversity area or corridor (see fish and wildlife habitat conservation areas listed in 25.09.012.D), riparian corridors, priority habitat, priority area setback, wetlands, wetland buffers, and steep slope erosion hazard areas.

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 neighborhood residential 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). SDCI may modify yard requirements, establish minimum building separations, or allow more than one dwelling unit per lot as necessary to allow for siting of development on the portion of the entire original parcel that is either outside the critical area or within a steep slope erosion hazard area buffer or steep slope erosion hazard area subject to specific disturbance limits. Subdivision of the original parcel may be proposed, but subdivision is limited to unit lot subdivision only to ensure that development standards apply to the entire original parcel.

SDCI may approve, condition, or deny an application for an ECA administrative conditional use permit for proposals more than 200 feet from any shoreline. 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. Within any Shoreline District, the ECA administrative conditional use permit is not available.

In authorizing an administrative conditional use, SDCI 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.

It should be noted that an ECA Administrative Conditional Use permit can only modify certain development standards specifically contained within the ECA ordinance or within the Land Use Code. There may be other codes that regulate environmentally critical areas that cannot be modified with an ECA Administrative Conditional Use permit such as the platting requirements in the Floodplain Ordinance.

### STANDARDS FOR ALLOWING AN ECA ADMINISTRATIVE CONDITIONAL USE

Approval of an administrative conditional use is based on demonstrating that the proposal meets the criteria outlined in SMC 25.09.260.B and subject to the conditions in SMC 25.09.260.C, including platting conditions if a platting application is included.

Development will not be allowed in a biodiversity area or corridor, riparian corridor, wetland, or wetland buffer. Development in a steep slope erosion hazard area or buffer may be allowed only under specific conditions outlined in SMC 25.09.260.B.1.c. The total number of single-family dwelling units permitted may not exceed the number allowed by the use regulations and minimum lot area standards of the underlying neighborhood residential zone. The open water areas wetlands and riparian corridors may not be counted in determining permitted number of lots.

[www.seattle.gov/sdci](http://www.seattle.gov/sdci)



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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.
- The proposal protects priority species and habitat.
- Development is limited to single-family dwelling units as the sole type of principal use.
- Minimum development standards for yards and building separations listed in 25.09.260.B.3.b must be met, as well as other development standards in Chapter 23.44 of the Land Use Code.

## CONDITIONS FOR APPROVAL

In authorizing an administrative conditional use, SDCI may mitigate adverse negative impacts by imposing requirements and conditions necessary to protect biodiversity areas and corridors, priority habitat and setbacks, riparian corridors, wetlands, wetland buffers, and steep slope erosion hazard areas and their buffers, and to protect other properties that could be adversely affected in the zone or vicinity in which the property is located.

Replacement and establishment of native trees and vegetation will be required where it is not possible to save trees and vegetation.

New lots created through an administrative conditional use must be established through a unit lot short subdivision or subdivision proposal. This condition is applied to ensure that subsequent development will not lead to an overall increase in the number of lots or dwelling units allowed on the original parcel.

## APPLICATION INSTRUCTIONS

Attached is the ECA administrative conditional use permit application form and a list of the information necessary to submit a complete application. You will need to submit this information online through the Seattle Services Portal at [cosaccela.seattle.gov/Portal/welcome.aspx](https://cosaccela.seattle.gov/Portal/welcome.aspx). 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 SDCI by appointment through the Project Portal. Prior to making an appointment (unless associated with a project under review), the applicant must upload a completed Preliminary Application Form available at [www.seattle.gov/sdci/permits/forms](http://www.seattle.gov/sdci/permits/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 ASC or call (206) 684-8850. If you need more detailed information about the ECA administrative conditional use review process, you should visit the Online Land Use Q&A at <http://web6.seattle.gov/dpd/LUQnA> or meet with a land use planner in the ASC (a fee will apply if you meet with a land use planner). 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.

SDCI 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, SDCI may 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

- **Tip 103B**, [Environmentally Critical Area Site Plan Requirements](#)
- **Tip 111**, [Construction and Development in Floodplains](#)
- **Tip 327a**, [Environmentally Critical Area Exemptions, Relief from Prohibition on Development, and Modifications to Submittal Requirements](#)
- **Tip 327b**, [Environmentally Critical Areas — Small Project Waivers](#)
- **Tip 328**, [Environmentally Critical Areas Exceptions](#)
- **Tip 330**, [Environmentally Critical Areas — Yard and Setback, 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](#)

### The following information applies to environmentally critical areas INSIDE the Shoreline District.

City of Seattle regulations for Environmentally Critical Areas (ECAs) set strict platting standards (see SMC 25.09.240) on parcels containing area designated by the Washington Department of Fish and Wildlife (WDFW) as urban natural open space habitat areas, riparian corridors, 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 neighborhood residential 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). SDCI 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.

SDCI may approve, condition, or deny an application for an ECA administrative conditional use permit for proposals more than 200 feet from any shoreline. 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 detrimen-

tal to the public welfare or injurious to property in the zone or vicinity in which the property is located. Within any Shoreline District (SMC 23.60A), the ECA administrative conditional use permit is not available.

In authorizing an administrative conditional use, SDCI 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.

It should be noted that an ECA Administrative Conditional Use permit can only modify certain development standards specifically contained within the ECA ordinance or within the Land Use Code. There may be other codes that regulate environmentally critical areas that cannot be modified with an ECA Administrative Conditional Use permit such as the platting requirements in the Floodplain Ordinance.

## STANDARDS FOR ALLOWING AN ECA ADMINISTRATIVE CONDITIONAL USE

Approval of an administrative conditional use is based on demonstrating that the proposal meets the standards outlined in SMC 25.09.260B.

Development will not be allowed in a riparian corridor, wetland, or wetland buffer. Development in a steep slope area or buffer may be allowed only under specific conditions outlined in SMC 25.09.260.B.1.c. The total number of lots permitted may not be increased beyond that allowed by the underlying neighborhood residential zone nor may the 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, SDCI may mitigate adverse negative impacts by imposing requirements and conditions necessary to protect areas designated by the Washington Department of Fish and Wildlife (WDFW) as urban natural open space habitat areas, riparian corridors, wetlands, wetland buffers, and steep slope areas and their buffers, and to protect other properties that could be adversely affected in the zone or vicinity in which the property is located.

Replacement and establishment of native trees and vegetation will be required where it is not possible to save trees and 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.

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- **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 **Tip**, **Director's Rules**, and **Forms** are available on the "Tools & Resources" page of our website at [www.seattle.gov/sdci](http://www.seattle.gov/sdci). Paper copies of these documents 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.





**Seattle Department of Construction and Inspections**  
700 Fifth Ave., Suite 2000, P.O. Box 34019, Seattle, WA 98124-4019

# 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 SDCI project, please enter the project number here: \_\_\_\_\_

T O B E C O M P L E T E D B Y S D C I 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 Tip 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 Tip.*

TO BE COMPLETED BY APPLICANT

**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 SDCI Tip 103B, [Environmentally Critical Areas 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, compliance with the specific development standards of SMC 25.09.260, 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