

Environmentally Critical Areas Code Changes Summary — Staff Draft

<http://www.seattle.gov/dpd/codesrules/changestocode/ecaupdate/whatwhy/default.htm>

White = clarification / reorganization only

Blue = change based on updated Best Available Science (BAS)

Green = potential substantive change to regulations

CODE SECTION		CHANGES WE ARE CONSIDERING
1	<u>25.09.020 Environmentally critical areas definitions</u>	Update Fish and Wildlife definitions per WDFW's new PHS information.
2	<u>25.09.045 Exemptions</u>	Clarify that improving ecological function of ECAs is allowed.
3		Create a new subsection that distinguishes the regulations for rebuilding voluntarily and rebuilding due to an act of nature.
4		Clarify the extent of alteration or improvement allowed under the exemption.
5		Clarify that exemptions for public projects are for enjoyment of the ECA.
6	<u>25.09.055 Small project waiver</u>	Move provisions for small project waivers to each ECA-specific code section.
7	<u>25.09.060 General development standards</u>	Review to identify issues needing clarification.
8	<u>25.09.110 Development standards for peat settlement-prone areas</u>	Clarify that removal of peat below the annual high static groundwater level is prohibited in a Category I peat settlement-prone area.
9	<u>25.09.160 Development standards for wetlands</u>	Update buffer width and buffer averaging based on BAS from the Department of Ecology.
10		Review criteria for buffer reductions.
11	<u>25.09.180 Development standards for steep slope areas</u>	Review what constitutes existing development on a steep slope.
12		Add criteria to guide and allow preemptive stabilization of steep slopes.
13		Consolidate steep slope variance criteria in a new code section 25.09.290.
14	<u>25.09.200 Development standards for fish and wildlife habitat conservation areas</u>	Review for issues needing clarification.
15	<u>25.09.240 Short subdivisions and subdivisions</u>	Review submittal requirements for adequacy.
16	<u>25.09.260 Environmentally critical areas administrative conditional use</u>	Review provisions and requirements for ECA administrative conditional use.
17		Clarify criteria for analyzing neighborhood compatibility for an ECA administrative conditional use.
18	<u>25.09.280 Yard and setback reduction and variance to preserve ECA buffers and riparian corridor management areas</u>	Clarify that the analysis of whether a variance is not injurious to safety or nearby properties is done when all codes are implemented.
19	<u>25.09.320 Trees and vegetation</u>	Review for consistency with updated Shoreline Master Program.
20	<u>25.09.330 Application submittal requirements</u>	Review for adequacy.
21	<u>25.09.520 Definitions</u>	Add definition of salmonid-bearing streams.
22	<u>25.05.908 Environmentally critical areas</u>	Review the SEPA requirements for ECAs.

Low Impact Development Code Changes Summary — Staff Draft

<http://www.seattle.gov/dpd/codesrules/changestocode/lowimpactdevelopment/whatwhy/default.htm>

CODE SECTION	CHANGES WE ARE CONSIDERING
Grading Code	
1 22.170.190.G General Requirements	Clarify that only areas receiving fill shall be prepared so that no unnecessary area is stripped of vegetation.
2 22.170.190.I.7 Requirements for fill materials	Generally, space constraints on urban sites make it infeasible to replace topsoil after construction. However, to address the cases where it does make sense, this would add "topsoil stockpiling" to options the Director may require.
Land Use Code	
3 23.41.018 Streamlined administrative design review	Add stormwater management to the list of criteria by which the Director may waive or allow adjustments to development standards.
4 23.43.008 Development standards for one dwelling unit per lot 23.43.010 Tandem housing 23.43.012 Cottage Housing Developments (CHDs) 23.44.014 Single family residential - Yards 23.45.518 Multifamily - Setbacks and separations 23.47A.009 Standards applicable to specific areas 23.47A.014 Commercial - Setback requirements 23.75.140 Master Planned Communities - Setbacks and projections	Similar to the existing flexibility allowed to retain exceptional trees (25.11.060), this series of changes would allow flexibility to waive yard, separation, and/or setback requirements to accommodate above grade bioretention facilities. In certain zones, sideyard setbacks prevent structures within 5 feet of property lines. We have an existing exception for cisterns in single-family residential, but it's unclear whether or not above-grade bioretention facilities such as bioretention planters are allowed. This change would apply the same exception to both cisterns and above-grade bioretention structures.
5 23.44.022 Institutions	Change the landscaping standards for institutions and require a Green Factor score of 0.3 or greater for certain lots.
6 23.44.024 Clustered housing planned developments 23.44.034 Planned residential development (PRD)	Allow Director to modify required setbacks or require landscaping to minimize impervious surface, preserve native vegetation, and encourage green stormwater infrastructure (GSI); require permeable paving, shared driveways, etc.; and for large sites require phasing to minimize site disturbance.
7 23.45.536.D Multifamily residential parking screening	Add consistency with the commercial parking screening requirements in 23.47A, which allow bioretention as screening provided the vegetation is high enough.
8 23.45.536.C.2 Multifamily residential parking location	If street access rather than alley access is required for parking, stipulate that either driveways to individual rowhouse and townhouse units be paved with permeable materials or that they use shared driveways.
9 23.45.516.C.2 Additional height and extra residential floor area in Midrise and Highrise zones 23.45.522 Amenity area 23.47A.024 Amenity area	Clarify that bioretention facilities and rain gardens count towards required landscaped amenity areas.
10 23.47A.016.D Commercial landscaping and screening standards	Clarify that bioretention can be used as screening in commercial parking lots and that screening must only be protected, not continuously enclosed, by a structural barrier to prevent cars driving onto the landscaped area. This allows for openings that let water into the bioretention area.
11 23.49.019 Downtown parking	Clarify that landscaping required for surface parking downtown need only be protected, not enclosed, by a structural barrier to prevent cars from enter that area.
12 23.49.036 Planned community developments	Add GSI beyond what the Stormwater Code (SMC 22.800-22.808) requires to the list of public benefits PCDs should address.
13 23.49.041 Combined lot development	Add GSI beyond what the Stormwater Code requires to the list of public benefits the Director may consider when considering combined lot development.
14 23.49.045 Downtown principal and accessory parking	Clarify if and where surface parking is allowed in Downtown zones and add criteria for bioretention and GSI.
15 23.49.046 Downtown conditional uses and Council decisions	Allow flexibility for the Director to modify landscaping standards for new surface parking lots for 20 or more vehicles in DOC1, DOC2, or DMC zones in order to accommodate bioretention or GSI.
16 23.50.034 Industrial screening and landscaping	Similar to #10 above, clarify that bioretention is allowed in industrial parking lots provided the vegetation is high enough.
17 23.57.008 Communications Regulations - Development standards	Clarify that bioretention can be used as part of the landscaping requirement provided it results in the same level of screening and mitigation of visual impacts that would otherwise result.
18 23.84A.028 "O"	Add bioretention and rain gardens to the definition of "landscaped open space."
Environmentally Critical Areas Regulations	
19 Chapter 25.09 This will be part of separate ECA legislation.	Development in Environmentally Critical Areas (ECA) and ECA buffers is allowed only under certain circumstances. Consider adding flexibility for LID retrofits for nonconforming structures and LID measures in ECAs and ECA buffers in certain conditions.
Landscape Director's Rule	
20 DR 10-2011	Change to update the soil standard reference and add guidance about trees in bioretention planters.