

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE relating to environmentally critical area (ECA) regulations and the State Environmental Protection Act (SEPA) as it relates to ECAs; amending Sections 21.33.010, 22.170.050, 22.170.210, 22.801.060, 22.801.240, 22.807.020, 22.900C.010, 23.60A.156, 23.60A.160, 23.60A.190, 23.60A.910, 25.05.305, 25.05.800, 25.05.900, 25.06.020, 25.06.040, 25.06.100, 25.06.110, 25.09.010, 25.09.015, 25.09.017, 25.09.030, 25.09.040, 25.09.045, 25.09.060, 25.09.080, 25.09.100, 25.09.110, 25.09.120, 25.09.160, 25.09.200, 25.09.220, 25.09.240, 25.09.260, 25.09.280, 25.09.300, 25.09.330, 25.09.335, 25.09.360, 25.09.380, 25.09.400, 25.09.410, 25.09.420, 25.09.430, 25.09.450, 25.09.460, 25.09.470, 25.09.480, 25.09.520, 25.09.530, 25.11.030, and 25.11.040 of the Seattle Municipal Code (SMC); renumbering Sections 25.09.020, 25.09.050, 25.09.180, and 25.09.320 of the SMC as 25.09.012, 25.09.042, 25.09.090, and 25.09.070 respectively and amending them; repealing Sections 25.05.747, 25.05.908, and 25.09.055 of the SMC; and adding new Sections 25.09.052, 25.09.065, 25.09.075, and 25.09.290 to the SMC.

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Section 2. Section 25.09.020 of the Seattle Municipal Code, last amended by Ordinance 124750, is renumbered 25.09.012 and further amended as follows:

**25.09.012~~((020))~~ Designation and definitions of ~~((E))~~ environmentally critical areas  
~~((definitions))~~**

The following ~~((are))~~ environmentally critical areas are designated by this Chapter 25.09: geologic hazard areas, steep slope erosion hazard areas, flood-prone areas, wetlands, fish and wildlife habitat conservation areas, and abandoned landfills.

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D. Fish and wildlife habitat conservation areas. The following are fish and wildlife habitat conservation areas:

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2 7. Areas that state or federally designated endangered, threatened, and sensitive  
3 species have a primary association.

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5 Section 7. Section 25.09.045 of the Seattle Municipal Code, last amended by Ordinance  
6 124447, is amended as follows:

7 25.09.045 Exemptions

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9 ~~(E.)~~ F. Maintenance and repair, or interior renovation and interior structural alteration  
10 or window, siding, or roof replacement of existing development if:

11 1. It does not increase the size of the development as determined by the plan view  
12 of the project;

13 2. It does not increase the impact to, including construction impacts, encroach  
14 further within, or further alter an environmentally critical area or buffer; and

15 3. In any five-year period starting from the effective date of the ordinance  
16 introduced as Council Bill 118853, the exterior structural alteration to the existing structure is  
17 less than 50 percent, not including window, siding, or roof replacement.

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21 Section 20. Section 25.09.160 of the Seattle Municipal Code, last amended by Ordinance  
22 124447, is amended as follows:

1 **25.09.160 Development standards for wetlands and wetland buffers**

2 A. Wetlands are rated and the habitat function of a wetland is determined according to the  
 3 Washington State Wetland Rating System for Western Washington, (Ecology Publication #((04-  
 4 ~~06-25~~))14-06-029). Illegal grading, filling, draining, or other actions or development will not  
 5 result in a change to that wetland's rating. Wetlands constructed for mitigation or replacement  
 6 purposes are subject to the provisions of this Chapter 25.09.

7 B. Wetland buffer location

8 1. The wetland buffer is measured horizontally and perpendicular to the edges of  
 9 the wetland.

10 2. The size of wetland buffers is set out in Table A for 25.09.160 and is based on  
 11 the size, category, and habitat function of the wetland.

12 3. Wetland habitat function is as follows;

13 a. High level equals a habitat function score of 8 or 9;

14 b. Moderate level equals a habitat function score of 5, 6 or 7; and

15 c. Low level equals a habitat function score of 3 or 4.

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<b><u>Table A for 25.09.160</u></b>	
<b><u>Wetland</u></b>	<b><u>Wetland buffer requirements for non-degraded buffers</u></b>
<u>Category I Bogs and Wetlands of High Conservation Value over 100 square feet in total size or of any size that abut any Type S, F, Np, or Ns water per WAC 222-16-030 and 222-16-031</u>	<u>200 feet for all levels of habitat functions</u>
<u>Category I and II wetlands over 100 square feet in total size or of any size that abut any Type S, F, Np, or Ns</u>	<u>200 feet for wetlands with high level of habitat function</u> <u>110 feet for wetlands with moderate level</u>

<b><u>Table A for 25.09.160</u></b>	
<u>water per WAC 222-16-030 and 222-16-031</u>	<u>habitat function</u> <u>100 feet for wetlands with low level habitat function</u>
<u>Category III wetlands over 100 square feet in total size or of any size that abut any Type S, F, Np, or Ns water per WAC 222-16-030 and 222-16-031</u>	<u>200 feet for wetlands with high level of habitat function</u> <u>110 feet for wetlands with moderate or greater level habitat function</u> <u>60 feet for wetlands with low level habitat function</u>
<u>Category IV wetlands 1,000 square feet or more in total size or of any size that abut any Type S, F, Np, or Ns water per WAC 222-16-030 and 222-16-031</u>	<u>50 feet for all wetlands</u>
<u>Category IV wetlands under 1,000 square feet in total size that do not abut any Type S, F, Np, or Ns water per WAC 222-16-030 and 222-16-031</u>	<u>No buffer. Use mitigation under Sections 25.09.160 and 25.09.065</u>

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G. Small project waiver

1. The Director may approve additions to existing structures or temporary disturbance for installation of utility lines in a wetland buffer if no construction occurs over or in a riparian watercourse, water body, or wetland and if the applicant demonstrates that the proposal meets the following criteria:

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Section 40. Section 25.09.520 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

**25.09.520 Definitions**

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