CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to the Stormwater Code; amending Sections 22.800.040, 22.805.050, and 22.805.060 of the Seattle Municipal Code.

..body

WHEREAS, Chapter 22.800 of the Seattle Municipal Code was established, and Chapter 22.805 of the Seattle Municipal Code was added, by Ordinance 123105, which repealed and amended by re-enacting, relocating and amending the text of Chapters 22.800, 22.801, 22.802, and 22.808 of the Seattle Municipal Code, previously amended by Ordinances 122738, 122055, 121276, 119965, 118396, 117852, 117789, 117697, and 117432 and adopted by Ordinance 116425; and

WHEREAS, the City of Seattle is subject to the terms of the National Pollutant Discharge Elimination System and State Waste Discharge General Permit for Discharges from Large and Small Municipal Separate Storm Sewer Systems, issued August 1, 2012, by the State of Washington Department of Ecology in compliance with the federal Clean Water Act and state law, as amended effective January 16, 2015; and

WHEREAS, the City of Seattle approved Resolution 31534, adopting a 2015-2020 Strategic Business Plan for Seattle Public Utilities and is committed to efficient, forward-looking utility services that keep Seattle the best place live; and

WHEREAS, the revisions to Seattle 2009 Stormwater Code will increase efficiency and streamline stormwater code implementation for the City of Seattle departments, residents, and businesses, while continuing protections for Seattle's waterways from stormwater-based impacts; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection A of Section 22.800.040 of the Seattle Municipal Code, enacted by Ordinance 123105, is amended as follows:

22.800.040 Exemptions, Adjustments, and Exceptions

A. Exemptions.

1. The following land uses are exempt from the provisions of this subtitle:

a. Commercial agriculture, including only those activities conducted on lands defined in RCW 84.34.020(2), and production of crops or livestock for wholesale trade; and

b. Forest practices regulated under Title 222 Washington Administrative Code, except for Class IV general forest practices, as defined in WAC 222-16-050, that are conversions from timber land to other uses.

2. The following land disturbing activities are not required to comply with the specific minimum requirements listed below.

a. Maintenance, repair, or installation of underground or overhead utility facilities, such as, but not limited to, pipes, conduits and vaults, and that includes replacing the ground surface with in-kind material or materials with similar runoff characteristics are not required to comply with Section 22.805.080 (Minimum Requirements for Flow Control), or Section 22.805.090 (Minimum Requirements for Treatment), except as modified as follows:

1) Installation of a new or replacement of an existing public drainage system, public combined sewer, or public sanitary sewer ((~~, or public water supply system~~)) in the public right-of-way shall comply with Section 22.805.060 (Minimum requirements for Roadway Projects) when these activities are implemented as publicly bid capital improvement projects funded by Seattle Public Utilities; and

2) Installation of underground or overhead utility facilities that are integral with and contiguous to a road-related project shall comply with Section 22.805.060 (Minimum requirements for Roadway Projects).

b. Road maintenance practices limited to the following activities are not required to comply with Section 22.805.060 (Minimum requirements for Roadway Projects), Section 22.805.080 (Minimum Requirements for Flow Control), or Section 22.805.090 (Minimum Requirements for Treatment):

1) Pothole and square cut patching;

2) Overlaying existing asphalt or concrete or brick pavement with asphalt or concrete without expanding the area of coverage;

3) Shoulder grading;

4) Reshaping or regrading drainage ditches;

5) Crack sealing; and

6) Vegetation maintenance.

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Section 2. Section 22.805.050 of the Seattle Municipal Code, enacted by Ordinance 123105, is amended as follows:

22.805.050 Minimum Requirements for Parcel-Based Projects

A. Flow Control. Parcel-based projects shall meet the minimum requirements for flow control contained in Section 22.805.080, to the extent allowed by law, as prescribed below.

1. Discharges to Wetlands. Parcel-based projects discharging into a wetland shall comply with subsection 22.805.080.B.1 (Wetland Protection Standard) if:.

a. The total new plus replaced impervious surface is 5,000 square feet or more; or

b. The project converts 3/4-acres or more of native vegetation to lawn or landscaped areas and from which there is a surface discharge into a natural or man-made conveyance system from the site; or

c. The project converts 2.5 acres or more of native vegetation to pasture and from which there is a surface discharge into a natural or man-made conveyance system from the site.

2. Discharges to Listed Creek Basins. Parcel-based projects discharging into Blue Ridge Creek, Broadview Creek, Discovery Park Creek, Durham Creek, Frink Creek, Golden Gardens Creek, Kiwanis Ravine/Wolfe Creek, Licton Springs Creek, Madrona Park Creek, Mee-Kwa-Mooks Creek, Mount Baker Park Creek, Puget Creek, Riverview Creek, Schmitz Creek, Taylor Creek, or Washington Park Creek shall:

a. Comply with subsection 22.805.080.B.2 (Pre-developed Forested Standard) if the existing impervious coverage is less than 35 percent and one or more of the following apply:

1) The project adds 5,000 square feet or more of new impervious surface and the total new plus replaced impervious surface is 10,000 square feet or more; or

2) The project converts 3/4 acres or more of native vegetation to lawn or landscaped areas and from which there is a surface discharge into a natural or man-made conveyance system from the site; or

3) The project converts 2.5 acres or more of native vegetation to pasture and from which there is a surface discharge into a natural or man-made conveyance system from the site; or

4) The project adds 5,000 square feet or more of new impervious surface and, through a combination of effective impervious surfaces and converted pervious surfaces, causes a 0.1 cubic feet per second increase in the 100-year recurrence interval flow frequency as estimated using a continuous model approved by the Director.

b. Comply with subsection 22.805.080.B.3 (Pre-developed Pasture Standard) if the criteria in subsection 22.805.050.A.2.a do not apply and the total new plus replaced impervious surface is 2,000 square feet or more.

3. Discharges to Non-listed Creek Basins. Parcel-based projects discharging into a creek not listed in subsection 22.805.050.A.2 shall:

a. Comply with subsection 22.805.080.B.2 (Pre-developed Forested Standard) if the existing land cover is forested and one or more of the following apply:

1) The project adds 5,000 square feet or more of new impervious surface and the total new plus replaced impervious surface is 10,000 square feet or more; or

2) The project converts 3/4 acres or more of native vegetation to lawn or landscaped areas and from which there is a surface discharge into a natural or man-made conveyance system from the site; or

3) The project converts 2.5 acres or more of native vegetation to pasture and from which there is a surface discharge into a natural or man-made conveyance system from the site; or

4) The project adds 5,000 square feet or more of new impervious surface and, through a combination of effective impervious surfaces and converted pervious

surfaces, causes a 0.1 cubic feet per second increase in the 100-year recurrence interval flow frequency as estimated using a continuous model approved by the Director.

b. Comply with subsection 22.805.080.B.3 (Pre-developed Pasture Standard) if the criteria in subsection 22.805.050.A.3.a do not apply and the total new plus replaced impervious surface is 2,000 square feet or more.

4. Discharges to Small Lake Basins. Parcel-based projects discharging into Bitter Lake, Green Lake, or Haller Lake drainage basins shall comply with subsection 22.805.080.B.4 (Peak Control Standard) if the total new plus replaced impervious surface is 2,000 square feet or more.

5. Discharges to Public Combined Sewer. Unless the Director of SPU has exercised its discretion to determine and has determined that the public combined sewer has sufficient capacity to carry existing and anticipated loads, ((~~Parcel-based~~)) parcel-based projects discharging into the public combined sewer shall comply with subsection 22.805.080.B.4 (Peak Control Standard) if the total new plus replaced impervious surface is 10,000 square feet or more.

6. Discharges to a Capacity-constrained System. In addition to applicable minimum requirements for flow control in subsection 22.805.050.A.1 through subsection 22.805.050.A.5, parcel-based projects discharging into a capacity-constrained system shall also comply with subsection 22.805.080.B.4 (Peak Control Standard) if the total new plus replaced impervious surface is 2,000 square feet or more.

B. Treatment. Parcel-based projects not discharging to the public combined sewer shall comply with the minimum requirements for treatment contained in Section 22.805.090, to the extent allowed by law, if:

1. The total new plus replaced pollution-generating impervious surface is 5,000 square feet or more; or

2. The total new plus replaced pollution-generating pervious surfaces is 3/4 of an acre or more and from which there is a surface discharge in a natural or man-made conveyance system from the site.

Section 3. Section 22.805.060 of the Seattle Municipal Code, enacted by Ordinance 123105, is amended as follows:

22.805.060 Minimum Requirements for Roadway Projects

A. Flow Control. Roadway projects shall meet the minimum requirements for flow control contained in Section 22.805.080, to the extent allowed by law, as prescribed below.

1. Discharges to Wetlands. Roadway projects discharging into a wetland shall comply with subsection 22.805.080.B.1 (Wetland Protection Standard) if:

a. The total new plus replaced impervious surface is 5,000 square feet or more; or

b. The project converts 3/4 acres or more of native vegetation to lawn or landscaped areas and from which there is a surface discharge into a natural or man-made conveyance system from the site; or

c. The project converts 2.5 acres or more of native vegetation to pasture and from which there is a surface discharge into a natural or man-made conveyance system from the site.

2. Discharges to Listed Creek Basins. Roadway projects discharging into Blue Ridge Creek, Broadview Creek, Discovery Park Creek, Durham Creek, Frink Creek, Golden Gardens Creek, Kiwanis Ravine/Wolfe Creek, Licton Springs Creek, Madrona Park Creek, Mee-Kwa-Mooks Creek, Mount Baker Park Creek, Puget Creek, Riverview Creek, Schmitz Creek, Taylor Creek, or Washington Park Creek shall:

a. Comply with subsection 22.805.080.B.2 (Pre-developed Forested Standard) if the existing impervious coverage is less than 35 percent and one or more of the following apply:

1) The project adds 5,000 square feet or more of new impervious surface and the total new plus replaced impervious surface is 10,000 square feet or more; or

2) The project converts 3/4 acres or more of native vegetation to lawn or landscaped areas and from which there is a surface discharge into a natural or man-made conveyance system from the site; or

3) The project converts 2.5 acres or more of native vegetation to pasture and from which there is a surface discharge into a natural or man-made conveyance system from the site; or

4) The project adds 5,000 square feet or more of new impervious surface and, through a combination of effective impervious surfaces and converted pervious surfaces, causes a 0.1 cubic feet per second increase in the 100-year recurrence interval flow frequency as estimated using a continuous model approved by the Director.

b. Comply with subsection 22.805.080.B.3 (Pre-developed Pasture Standard) if the criteria in subsection 22.805.060.A.2.a do not apply and the total new plus replaced impervious surface is 10,000 square feet or more.

3. Discharges to Non-listed Creek Basins. Roadway projects discharging into a creek not listed in subsection 22.805.060.A.2 shall:

a. Comply with subsection 22.805.080.B.2 (Pre-developed Forested Standard) if the existing land cover is forested and one or more of the following apply:

1) The project adds 5,000 square feet or more of new impervious surface and the total new plus replaced impervious surface is 10,000 square feet or more; or

2) The project converts 3/4 acres or more of native vegetation to lawn or landscaped areas and from which there is a surface discharge into a natural or man-made conveyance system from the site; or

3) The project converts 2.5 acres or more of native vegetation to pasture and from which there is a surface discharge into a natural or man-made conveyance system from the site; or

4) The project adds 5,000 square feet or more of new impervious surface and, through a combination of effective impervious surfaces and converted pervious surfaces, causes a 0.1 cubic feet per second increase in the 100-year recurrence interval flow frequency as estimated using a continuous model approved by the Director.

b. Comply with subsection 22.805.080.B.3 (Pre-developed Pasture Standard) if the criteria in subsection 22.805.060.A.3.a do not apply and the total new plus replaced impervious surface is 10,000 square feet or more.

4. Discharges to Small Lake Basins. Projects discharging into Bitter Lake, Green Lake, or Haller Lake drainage basins shall comply with subsection 22.805.080.B.4 (Peak Control Standard) if the total new plus replaced impervious surface is 10,000 square feet or more.

5. Discharges to Public Combined Sewer. Unless the Director of SPU has exercised its discretion to determine and has determined that the public combined sewer has sufficient capacity to carry existing and anticipated loads, ((~~Roadway~~)) roadway projects discharging into the public combined sewer shall comply with subsection 22.805.080.B.4 (Peak Control Standard) if the total new plus replaced impervious surface is 10,000 square feet or more.

6. Discharges to a Capacity-constrained System. In addition to applicable minimum requirements for flow control in subsection 22.805.060.A.1 through subsection 22.805.060.A.5, roadway projects discharging into a capacity-constrained system shall also

comply with subsection 22.805.080.B.4 (Peak Control Standard) if the total new plus replaced impervious surface is 10,000 square feet or more.

B. Treatment. Roadway projects not discharging to the public combined sewer shall ((~~comply with the minimum requirements for treatment contained in Section 22.805.090~~)), to the extent allowed by law ((~~, if~~)) :

1. ((~~The~~)) <u>If the site has less than 35 percent existing impervious surface coverage, and the project's total new plus replaced pollution-generating impervious surface is 5,000 square feet or more, comply with the minimum requirements for treatment contained in Section 22.805.090 for flows from the total new plus replaced pollution-generating impervious surface; and</u>

<u>2. If the site has greater than or equal to 35 percent existing impervious surface coverage and the project's</u> total new ((~~plus replaced~~)) pollution-generating impervious surface is 5,000 square feet or more ((~~; or~~)) <u>, and</u>

<u>a. If the new pollution-generating impervious surface adds 50 percent or more to the existing impervious surfaces within the project limits, comply with the minimum requirements for treatment contained in Section 22.805.090 for flows from the total new plus replaced pollution-generating impervious surface. The project limits are defined by the length of the project and the width of the right-of-way; or</u>

<u>b. If the new pollution-generating impervious surface adds less than 50 percent to the existing impervious surfaces within the project limits, comply with the minimum requirements for treatment contained in Section 22.805.090 for flows from the total new pollution-generating impervious surface. The project limits are defined by the length of the project and the width of the right-of-way; and</u>

((~~2~~)) <u>3</u>. <u>If</u> ((~~The~~)) <u>the</u> total new plus replaced pollution-generating pervious surfaces is three-quarters of an acre or more and from which there is a surface discharge in a

natural or man-made conveyance system from the site, comply with the minimum requirements for treatment contained in Section 22.805.090 for flows from the total new plus replaced pollution-generating pervious surface .

Section 4. This ordinance does not affect any existing right acquired or liability or obligation incurred under the sections amended in this ordinance or under any rule or order adopted under those sections, nor does it affects any proceeding instituted under those sections. An applicant for a permit that is not subject to the provisions of this ordinance may ask the City to review the entire application under the provisions of this ordinance.

Section 5. The provisions of this ordinance are hereby declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, subsection or portion of this ordinance or the invalidity of the application thereof to any person or circumstance does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 6. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2015, and signed by me in open session in authentication of its passage this _____ day of _____, 2015.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2015.

_____

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2015.

_____

Monica Martinez Simmons, City Clerk

(Seal)