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CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

..title
AN ORDINANCE relating to the Stormwater Code; amending Sections 22.800.100, 22.805.070, 22.805.080, and 22.807.020 of the Seattle Municipal Code to correct section references, make minor amendments, and clarify administrative requirements.

..body
WHEREAS, this ordinance, to be known at the 2016 Stormwater Code Revision, contains amendments to further the purposes of the Stormwater Code; and

WHEREAS, the Sections of the Seattle Municipal Code amended herein were enacted or amended by Ordinance 124872, effective January 1, 2016, as part of a major update to the Stormwater Code; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.800.100 of the Seattle Municipal Code, enacted by Ordinance 124872, is amended as follows:

22.800.100 Transition to Revised Stormwater Code

A. Any building or grading permit (a) which was not considered, either in the initial application process or in a renewal process, under the version of the Stormwater Code in effect on or after January 1, 2016, and (b) pursuant to which construction has not started by June 30, 2020, shall expire on June 30, 2020.

B. Any master use permit for a project not requiring a building permit (a) which was not considered, either in the initial application process or in a renewal process, under the version of

1 the Stormwater Code in effect on or after January 1, 2016, and (b) pursuant to which
2 construction has not started by June 30, 2020, shall expire on June 30, 2020.

3 C. Neither Section 23.22.028, Section (~~(23.22.064)~~) 23.22.074, Section 23.24.050, RCW
4 58.17.033, nor RCW 58.17.170 shall require any permit application submitted on or after
5 January 1, 2016, to be considered under a version of the Stormwater Code in effect prior to
6 January 1, 2016. For purposes of this subsection 22.800.100.C, "permit application" means an
7 application for any permit required for construction within a plat or short plat or for construction
8 of facilities and improvements for a plat or short plat, including, but not limited to, master use,
9 building and grading permits.

10 D. Neither Section 23.22.028 nor (~~(23.22.064)~~) 23.22.074 shall authorize starting
11 construction, after June 30, 2020, of facilities or improvements for any plat without compliance
12 with the version of the Stormwater Code in effect on or after January 1, 2016.

13 E. For purposes of this (~~section~~) Section 22.800.100, "starting construction" or "started
14 construction" means the site work associated with and directly related to the approved project
15 has begun. For example: grading the project site to final grade or utility installation. Simply
16 clearing the project site does not constitute the start of construction.

17 Section 2. Section 22.805.070 of the Seattle Municipal Code, last amended by Ordinance
18 124872, is amended as follows:

19 **22.805.070 Minimum Requirements for On-Site Stormwater Management**

20 A. Applicability. The requirements of this subsection 22.805.070 apply as required in
21 Section 22.805.030 to Section 22.805.060.

1 B. Requirements. On-site stormwater management shall be installed to the extent allowed
2 by law and maintained in compliance with the rules promulgated by the Director to receive flows
3 from that portion of the site being developed and shall:

4 1. Comply with either:

5 a. Subsection 22.805.070.C (On-site Performance Standard); or

6 b. Subsection 22.805.070.D (On-site Lists).

7 C. On-site Performance Standard:

8 1. If the existing hard surface coverage is less than 35 percent and the project
9 discharges to a listed creek, or to the drainage basin of such creek:

10 a. The post-development discharge durations shall match the discharge
11 durations of a pre-developed forested condition for the range of pre-developed discharge rates
12 from 8 percent of the 2-year peak flow to 50 percent of the 2-year peak flow.

13 2. For all other projects:

14 a. The post-development discharge durations shall match the discharge
15 durations of a pre-developed pasture condition for the range of pre-developed discharge rates
16 between the 1 percent and 10 percent exceedance values.

17 D. On-site Lists:

18 1. For each project surface, follow the appropriate project table in subsection
19 22.805.070.D.2 to subsection 22.805.070.D.5 to evaluate on-site BMPs shown for that type of
20 surface, by category. All on-site BMPs used must comply with the rules promulgated by the
21 Director. For each surface, consider all of the applicable on-site BMPs in the first category. Use
22 any that is considered feasible. If none is feasible for that surface, move on to each successive
23 category and repeat the selection process as necessary. Once one on-site BMP is used for a surface,

1 no other on-site BMP is necessary for that surface. If no BMP in the appropriate categories is
2 feasible, then no further evaluation is required for that surface under this subsection
3 22.805.070.D.1. Feasibility shall be determined by evaluation against:

4 a. Design criteria, minimum size, limitations, and infeasibility criteria
5 identified for each BMP in this subsection 22.805.070 and the rules promulgated by the Director;
6 and

7 b. Competing Needs: Subsection 22.805.070.D (On-site Lists) can be
8 superseded or reduced by the Director if the installation of the BMPs is in conflict with:

9 1) Any of the following federal or state laws, rules, and standards,
10 as may be amended or superseded: Historic Preservation and Archaeology Laws identified in
11 subsection 22.805.070.E (Historic Preservation and Archaeology Laws), Federal Superfund or
12 Washington State Model Toxics Control Act, Federal Aviation Administration requirements for
13 airports, the Americans with Disabilities Act, and related rules and standards; or

14 2) Special zoning district design criteria adopted and being
15 implemented pursuant to a community planning process. Special zoning districts include, for
16 example, historic and preservation districts, pedestrian zone overlays, station area overlays, special
17 review districts, multifamily residential zones, urban centers and urban villages, and master
18 planned communities. Specific criteria in these areas include, but are not limited to, minimum
19 Floor Area Ratio standards; zero lot line development; usable open space requirements; minimum
20 sidewalk width and required bicycle facilities; alley, loading, and access requirements; pitched
21 roof standards; and street-level development standards for modulation and projections; or

22 3) Public health and safety standards; or

1 4) Transportation regulations to maintain the option for future
 2 expansion or multi-modal use of public rights-of-way; or

3 5) Chapter 15.43 (Tree and Vegetation Management in Public
 4 Places); Chapter 25.09 (Regulations for Environmentally Critical Areas); Chapter 25.11 (Tree
 5 Protection); and Chapter 23.60A (Standards for Vegetation in the Shoreline Master Plan).

6 2. For single-family residential projects, Table A for 22.805.070 applies.

Table A for 22.805.070 On-site List for Single-family Residential Projects		
Category	BMPs	All Discharge Locations
1	Full Dispersion	R, S
	Infiltration Trenches	R ((,S))
	Dry Wells	R ((,S))
2	Rain Gardens ^a	R, S
	Infiltrating Bioretention	R, S
	Rainwater Harvesting	X
	Permeable Pavement Facilities	R, S
	Permeable Pavement Surfaces	S
3	Sheet Flow Dispersion	R, S
	Concentrated Flow Dispersion	S
	Splashblock Downspout Dispersion	R
	Trench Downspout Dispersion	R
	Non-infiltrating Bioretention	R, S
	Vegetated Roofs	X
4	Single-family Residential Cisterns	R
	Perforated Stub-out Connections	R
	Newly Planted Trees	S

Note that subsection 22.805.070.D.1 requires consideration of all on-site BMPs in a category for feasibility before moving on to each successive category as necessary. Within a category, BMPs may be considered in any order.
 Key to Table A for 22.805.070

R = Evaluation is required for all roof runoff from Single-family residential projects.
 S = Evaluation is required for all surfaces of Single-family residential projects.
 X = Evaluation is not required but is allowed.

^a Installation is only allowed for projects with less than 5,000 square feet of hard surface infiltrating on the project site.

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3. For trail and sidewalk projects, Table B for 22.805.070 applies.

Table B for 22.805.070
 On-site List for Trail and Sidewalk Projects

Category	BMPs	Projects Discharging to a Receiving Water Not Designated by Section 22.801.050, or its Basin	Projects Discharging to a Public Combined Sewer or Capacity-constrained System, ^c or its Basin	Projects Discharging to a Designated Receiving Water, or its Basin
1	Full Dispersion	S	S	S
2	Rain Gardens	S	S	X
	Permeable Pavement Facilities	X	X ^a	X ^{a, b}
	Permeable Pavement Surfaces	S	S ^a	X ^{a, b}
3	Sheet Flow Dispersion	S	S	S
	Concentrated Flow Dispersion	S	S	S

Note that subsection 22.805.070.D.1 requires consideration of all on-site BMPs in a category for feasibility before moving on to each successive category as necessary. Within a category, BMPs may be considered in any order.

Key to Table B for 22.805.070

S = Evaluation is required for all surfaces of trail or sidewalk projects.

X = Evaluation is not required for trail or sidewalk projects.

^a Minimum permeable pavement area allowed in right-of-way is 2,000 square feet of pavement within the project site.

^b Installation is not allowed in the right-of-way if new plus replaced pollution-generating hard surface area is less than 2,000 square feet of pavement within the project site.

^c Does not include any project discharging to a receiving water not designated by Section

22.801.050, or its basin, even if the project discharges to a capacity-constrained system or its basin.

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4. For parcel-based projects, Table C for 22.805.070 applies.

Table C for 22.805.070 On-site List for Parcel-based Projects			
Category	BMPs	Projects Discharging to a Receiving Water Not Designated by Section 22.801.050, Public Combined Sewer, or Capacity-constrained System, or its Basin	Projects Discharging to a Designated Receiving Water or its Basin
1	Full Dispersion	R, S	R, S
	Infiltration Trenches	R ((S))	R ((S))
	Dry Wells	R ((S))	R ((S))
2	Rain Gardens	R ^a , S ^a	R ^a , S ^a
	Infiltrating Bioretention	R, S	R, S
	Rainwater Harvesting	R ^b	X
	Permeable Pavement Facilities	R, S	R, S
	Permeable Pavement Surfaces	S	S
3	Sheet Flow Dispersion	R, S	R, S
	Concentrated Flow Dispersion	S	S
	Splashblock Downspout Dispersion	R	R
	Trench Downspout Dispersion	R	R
	Non-infiltrating Bioretention	R, S	R, S

	Vegetated Roofs	R ^c	X
4	Perforated Stub-out Connections	R	R
	Newly Planted Trees	S	S

Note that subsection 22.805.070.D.1 requires consideration of all on-site BMPs in a category for feasibility before moving on to each successive category as necessary. Within a category, BMPs may be considered in any order.

Key to Table C for 22.805.070

R = Evaluation is required for all roof runoff from parcel-based projects.

S = Evaluation is required for all surfaces of parcel-based projects, unless otherwise noted below.

X = Evaluation is not required but is allowed.

^a Installation is only allowed for projects not required to meet Section 22.805.080 (Minimum Requirements for Flow Control) or Section 22.805.090 (Minimum Requirements for Treatment) and with less than 5,000 square feet of hard surface infiltrating on the project site.

^b Evaluation is not required for projects with less than ((10,000)) 20,000 square feet of new plus replaced rooftop surface.

^c Evaluation is not required for projects with less than 5,000 square feet of new plus replaced rooftop surface.

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5. For roadway projects, Table D for 22.805.070 applies.

Table D for 22.805.070 On-site List for Roadway Projects				
Category	BMPs	Projects Discharging to a Receiving Water Not Designated by Section 22.801.050, or its Basin	Projects Discharging to a Public Combined Sewer or Capacity-constrained System, ^g or its Basin	Projects Discharging to a Designated Receiving Water or its Basin
1	Full Dispersion	S	S	S
2	Rain Gardens	S ^a	S ^a	((S)) <u>X</u> ^a
	Infiltrating Bioretention	S	S ^b	((S)) <u>P</u> ^{b, c}
	Permeable Pavement Facilities	X ^d	X ^{e, f}	X ^{c, e, f}
	Permeable Pavement Surfaces	S ^d	S ^{e, f}	((S)) <u>P</u> ^{c, e, f}
3	Sheet Flow Dispersion	S	S	S
	Concentrated Flow Dispersion	S	S	S

Note that subsection 22.805.070.D.1 requires consideration of all on-site BMPs in a category for feasibility before moving on to each successive category as necessary. Within a category, BMPs may be considered in any order.

Key to Table D for 22.805.070

S = Evaluation is required for all surfaces of Roadway Projects, unless otherwise noted below.

X = Evaluation is not required for Roadway Projects, but is allowed.

P = Evaluation is required for all pollution-generating hard surfaces of Roadway Projects, unless otherwise noted below.

^a Installation is only allowed for projects not required to meet Section 22.805.080 (Minimum Requirements for Flow Control) or Section 22.805.090 (Minimum Requirements for Treatment) and with less than 5,000 square feet of hard surface infiltrating on the project site.

^b Minimum bioretention cell size top area in right-of-way is 500 square feet (including pre-settling area). Evaluation is only required and installation only allowed when contributing area is sufficient to warrant minimum bioretention cell size in right-of-way.

^c Evaluation is not required, and installation is not allowed, if new plus replaced pollution-generating hard surface is less than 2,000 square feet.

^d Evaluation of roadway surfaces is not required, and installation is not allowed, if roadway is an arterial street/collector.

^e Evaluation of roadway surfaces, including alleys, is not required and installation is not allowed.

^f Minimum permeable pavement area allowed in right-of-way is 2,000 square feet of pavement within the project site.

^g Does not include any project discharging to a receiving water not designated by Section 22.801.050, or its basin, even if the project discharges to a capacity-constrained system or its basin.

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Section 3. Subsection 22.805.080.B of the Seattle Municipal Code, which section was

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last amended by Ordinances 124919 and 124872, is amended as follows:

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22.805.080 Minimum requirements for flow control

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* * *

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B. Requirements. Flow control facilities shall be installed to the extent allowed by law and

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maintained pursuant to rules promulgated by the Director to receive flows from that portion of the

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site being developed. Post-development discharge determination must include flows from

1 dewatering activities. All projects shall use on-site BMPs identified in Section 22.805.070.D to
2 the maximum extent feasible to meet the minimum requirements. Flow control facilities that
3 receive flows from less than that portion of the site being developed may be installed if the total
4 new plus replaced impervious surface is less than 10,000 square feet, the project site uses only on-
5 site BMPs to meet the requirement, and the on-site BMPs provides substantially equivalent
6 environmental protection as facilities not using on-site BMPs that receive flows from all of the
7 portion of the site being developed.

8 1. Wetland Protection Standard. Protect the functions and values of wetlands and
9 their buffers from all projects discharging stormwater directly or indirectly to them. The
10 hydrologic conditions, vegetative community, and substrate characteristics of the wetlands shall
11 be protected, and impacts caused by changes in water flows and pollutants shall be prevented. The
12 introduction of sediment, heat and other pollutants and contaminants into wetlands shall be
13 minimized through the selection, design, installation, and maintenance of temporary and
14 permanent controls. The total volume of stormwater discharging into a wetland shall not be more
15 than:

16 during a single precipitation event, 20 percent higher or lower than the pre-
17 project volume, and

18 on a monthly basis, 15 percent higher or lower than the pre-project volume.

19 Before authorizing new discharges to a wetland, alternative discharge
20 locations shall be evaluated and infiltration options outside the wetland shall be maximized unless
21 doing so will adversely impact the functions and values of the affected wetlands. If one or more
22 of the flow control requirements contained in 22.805.080.B.2 through 22.805.080.B.4 also apply
23 to the project, an analysis shall be conducted to ensure that the functions and values of the affected

1 wetland are protected before implementing these flow control requirements. Projects triggering
2 this requirement shall refer to Guide Sheets #1 through #3 presented in Appendix I-D of Ecology's
3 Stormwater Management Manual for Western Washington (Ecology 2014) for additional
4 guidance. Notwithstanding any provision in this subtitle, no net loss of wetland functions of values
5 shall result from actions regulated by this subtitle.

6 2. Pre-developed Forested Standard. The post-development discharge durations
7 shall match the discharge durations of a pre-developed forested condition for the range of pre-
8 developed discharge rates from 50 percent of the 2-year peak flow to the 50-year peak flow.

9 3. Pre-developed Pasture Standard. The post-development discharge durations shall
10 match the discharge durations of a pre-developed pasture condition for the range of pre-developed
11 discharge rates from 50 percent of the 2-year peak flow to the 2-year peak flow.

12 4. Peak Control Standard. The post-development peak flow with a 4 percent annual
13 probability (25-year recurrence flow) shall not exceed 0.4 cubic feet per second per acre.
14 Additionally, the peak flow with a 50 percent annual probability (2-year recurrence flow) shall not
15 exceed 0.15 cubic feet per second per acre.

16 * * *

17 Section 4. Subsection 22.807.020.B of the Seattle Municipal Code, which section was
18 last amended by Ordinances 124919 and 124872, is amended as follows:

19 **22.807.020 Drainage control review and application requirements**

20 * * *

21 B. Submittal Requirements for Drainage Control Review and Approval

1 1. Information Required for Standard Drainage Control Review. The following
2 information shall be submitted to the Director for all projects for which drainage control review is
3 required.

4 a. Site Plan. A site plan shall be submitted to the Director.

5 b. Standard Drainage Control Plan. A drainage control plan shall be
6 submitted to the Director. Standard designs for drainage control facilities as set forth in rules
7 promulgated by the Director may be used. For a project with no accessible offsite discharge point,
8 the drainage control plan shall be prepared by a licensed civil engineer in accordance with
9 standards adopted by the Director.

10 c. Construction Stormwater Control Plan. A construction stormwater
11 control plan demonstrating controls sufficient to determine compliance with subsection
12 22.805.020.D shall be submitted. The Director may approve a checklist in place of a plan, pursuant
13 to rules promulgated by the Director.

14 d. Memorandum of Drainage Control. The owner(s) of the site shall sign a
15 "memorandum of drainage control" on a form that has been prepared by the Director of SPU.
16 Completion of the memorandum shall be a condition precedent to issuance of any permit or
17 approval for which a drainage control plan is required. The applicant shall file the memorandum
18 of drainage control with the King County Recorder's Office so as to become part of the King
19 County real property records. The applicant shall give the Director of SPU proof of filing of the
20 memorandum. The memorandum shall not be required when the drainage control facility will be
21 owned and operated by the City. A memorandum of drainage control shall include:

22 1) The legal description of the site;

1 2) A summary of the terms of the drainage control plan, including
2 any known limitations of the drainage control facilities, and an agreement by the owners to
3 implement those terms;

4 3) An agreement that the owner(s) shall inform future purchasers
5 and other successors and assignees of the existence of the drainage control facilities and other
6 elements of the drainage control plan, the limitations of the drainage control facilities, and of the
7 requirements for continued inspection and maintenance of the drainage control facilities;

8 4) The ~~((side sewer))~~ permit or approval number and the ~~((date and))~~
9 name of the permit or approval for which the drainage control plan is required;

10 5) Permission for the City to enter the property for inspection,
11 monitoring, correction, and abatement purposes;

12 6) An acknowledgment by the owner(s) that the City is not
13 responsible for the adequacy or performance of the drainage control plan, and a waiver of any and
14 all claims against the City for any harm, loss, or damage related to the plan, or to drainage or
15 erosion on the property, except for claims arising from the City's sole negligence; and

16 7) The owner(s)' signatures acknowledged by a notary public.

17 e. Submittals identified by rule. Additional information shall be submitted
18 to the Director to comply with the requirements of this subtitle and rules promulgated hereunder
19 and to accomplish the purposes of this subtitle.

20 2. Information Required for Large Project Drainage Control Review. In addition to
21 the submittal requirements for standard drainage control review, the following information is
22 required for large projects:

1 a. Comprehensive Drainage Control Plan. A comprehensive drainage
2 control plan, in lieu of a standard drainage control plan, to comply with the requirements of this
3 subtitle and rules promulgated hereunder and to accomplish the purposes of this subtitle shall be
4 submitted with the permit application. It shall be prepared by a licensed civil engineer in
5 accordance with standards adopted by the Director.

6 b. Inspection and Maintenance Schedule. A schedule shall be submitted that
7 provides for inspection of temporary and permanent flow control facilities, treatment facilities, and
8 source controls to comply with Section 22.805.070 (Minimum Requirements for On-site
9 Stormwater Management), Section 22.805.080 (Minimum Requirements for Flow Control) and
10 Section 22.805.090 (Minimum Requirements for Treatment).

11 c. Construction Stormwater Control Plan. A construction stormwater
12 control plan prepared in accordance with subsection 22.805.020.D shall be submitted.

13 3. Applications for drainage control review and approval shall be prepared and
14 submitted in accordance with provisions of this subsection, with Chapter 21.16 (Side Sewer Code),
15 and with associated rules and regulations adopted jointly by the Directors of SDCI and SPU.

16 4. The Director may require additional information necessary to adequately
17 evaluate applications for compliance with the requirements and purposes of this subtitle and other
18 laws and regulations, including, but not limited to, Chapter 25.09 (Regulations for
19 Environmentally Critical Areas) and Chapter 23.60A. The Director may also require appropriate
20 information about adjoining properties that may be related to, or affected by, the drainage control
21 proposal in order to evaluate effects on the adjacent property. This additional information may be
22 required as a precondition for permit application review and approval.

23 * * *

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

6

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

4 Passed by the City Council the _____ day of _____, 2017,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2017.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2017.

10 _____
11 _____, Mayor

12 Filed by me this _____ day of _____, 2017.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)