



Director's Rule

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| Title Utility System Improvement Dispute Process | | Number ENG-430 | Rev. no. ((2)) <u>3</u> |
| Responsibility Development Services Office | | Supersedes N/A | Pages 4 |
| General Manager/CEO signature | Approval date | Effective date | |

A. PURPOSE

The purpose of this Director's Rule is to establish and outline the dispute procedure for utility system improvements. The requirements apply to water Seattle Municipal Code (SMC 21.04, Water Rates and Regulations) and drainage and wastewater (DWW), which includes the public sanitary sewer, public combined sewer, (SMC 21.16 – Side Sewers) and public storm drain systems (SMC 22.800 - 22.808 – Stormwater Code).

B. ROLES AND RESPONSIBILITIES

- Seattle Public Utilities (SPU) is responsible for determining ((water)) utility system improvement requirements through the Water, Drainage, and Wastewater Availability Certificate (WAC) and/or the Preliminary Assessment Report (PAR) ((process)) for DWW system improvement requirements.
- Seattle Department of Transportation (SDOT) is responsible for permitting Street Improvement Plans (SIP) and Utility Major Permits (UMP) when a utility main extension is required.

C. MANAGER LEVEL DETERMINATION REVIEW

After the initial utility system improvement requirement is determined, an applicant may request a Manager Level Determination Review for a water and/or DWW system improvement requirement.

1. ~~((The request must be submitted by noon on Monday for consideration in the next Manager Level Determination Review meeting.))~~ Requests submitted by noon on the Monday prior to the next Manager Level Determination Review meeting are reviewed for consideration.
2. The Manager Level Determination Review Committee:
 - a) Meets every two weeks, or as necessary.
 - b) Consists of appropriate SPU managers and subject matter experts as determined by SPU's Development Services Office (DSO).
3. In some cases, the Manager Level Determination Review Committee will review a complex project prior to WAC issuance. In these cases, a Manager Level Determination Review request will go directly to the Division Director Level Determination Review.

D. DIVISION DIRECTOR LEVEL DETERMINATION REVIEW

If the applicant requests further review after receiving the Manager Level Determination response, the project may be escalated to the SPU Division Director Level. This is the last administrative review and the decision is final, as determined by the DSO Division Director. The Division Director Level Determination Review committee:

1. Meets as necessary.
2. Consists of appropriate SPU Directors, subject matter experts as determined by SPU's DSO, and the Seattle City Attorney's Office.

E. CRITERIA FOR REQUESTING DETERMINATION REVIEW

The criteria for requesting a Determination, at any level, must directly relate to a specific City of Seattle requirement. The applicant must have legal standing with the project to make the request. Accepted criteria include:

- Engineering infeasibility with documented professional engineering support. Documentation may include:
 - Memorandum listing reasons for engineering infeasibility and description of proposed alternative. The memorandum should include references to a plan sheet.
 - Plan view (scaled) showing the entire parcel and surrounding right-of-way for the full extent of the required improvements.
 - Section view (scaled and set at NAVD-88 datum).
 - Extents of street pavement, sidewalk, and planting strip.
 - ~~((Locations of existing buried utilities.))~~
 - Locations of existing and planned street trees, power poles, buried utilities, and fire hydrants.
 - Plan and section views of required improvements, with callouts for horizontal and vertical setbacks from existing utilities.
 - Plan and section views of alternative utility system improvements (if proposed).
 - Reference specific Standard Plans, Standard Specifications, SPU Design Standards, or other relevant codes that can or cannot be met.
 - Other items may be required as necessary to evaluate infeasibility.
- Requirement issued in error. Applicant must provide substantive facts.
- A code alternative is applicable. Applicant must provide specific code reference and supporting documentation on applicability.

Other reasons will be rejected, including proportionality, financial hardship, or the general benefits of the project.

F. GENERAL INFORMATION

- Incomplete submittals will be rejected.
- The WAC must be valid at the time the Determination Review request is submitted.
- The applicant submits the Determination Review request through Seattle's Services Portal.
- The request is linked directly to the WAC or PAR outlining the disputed requirement.

- SPU communicates in writing via email to the applicant within two weeks of the committee meeting, or as soon as possible thereafter. The communication outlines the justification for upholding, modifying, or overturning the utility system improvement requirement.

G. AUTHORITY/REFERENCES

- [SMC 22.800 - 22.808](#) – Stormwater Code
- [SMC 21.16](#) – Side Sewers
- [SMC 21.04](#) – Water Rates and Regulations