

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Seattle Public Utilities	Mike Wynne (SPU) 206-684-7859	Anna Hurst/733-9317
Seattle Department of Parks and Recreation	Stephanie Secord (SPU) 206-386-9778	
	Louis Webster (SPR) 206-684-5461	

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to the Seattle Department of Parks and Recreation and Seattle Public Utilities; transferring partial jurisdiction of a portion of the West Ewing Mini Park from the Seattle Department of Parks and Recreation to Seattle Public Utilities for installation, maintenance, repair, and operation of a combined sewer underground microtunnel and associated internal underground pipes, ducts, and electrical lines; and finding that transfer of partial jurisdiction meets the requirements of Ordinance 118477, which adopted Initiative 42.

Summary and background of the Legislation:

This legislation would transfer partial jurisdiction for the subsurface area of a parking, recreating and landscaped portion of the West Ewing Mini Park from Seattle Department of Parks and Recreation (DPR) to Seattle Public Utilities (SPU). SPU needs to use the subsurface area to install, maintain, repair, operate, and protect a proposed 8-ft diameter micro-tunnel containing combined sewage pipes in addition to an air duct and electrical lines, to comply with state and federal water quality regulations.

The legislation includes findings that the transfer of partial jurisdiction meets the requirements of Ordinance 118477 (Initiative 42). Specifically, (a) the proposed use is necessary because there is no reasonable and practical alternative location for the underground microtunnel and associated internal facilities; (b) transfer of limited and partial jurisdiction for installation, maintenance, repair, operation, and protection of the microtunnel and the associated internal facilities is equivalent to a subsurface or utility easement, as permitted by Section 3 of Ordinance 118477; and (c) the microtunnel internal pipes, ducts, electrical lines, are compatible with the current use of the property for recreating, parking and landscaping.

The City of Seattle is required by a Federal Consent Decree, as authorized by Ordinance 123908 and amended by Ordinance 124129, to construct control measures to reduce untreated combined sewer overflows in accordance with State of Washington requirements by December 31, 2025.

To achieve the goals of the Consent Decree, SPU and King County are working together to construct a proposed facility that handles combined sewage from Ballard, Fremont, Wallingford and north Queen Anne neighborhoods. SPU and the King County Department of Natural Resources and Parks (DNRP) will build a 2.7-mile-long underground storage tunnel between Ballard and Wallingford to temporarily hold peak combined sewage flows that exceed the

collection system capacity (Combined Sewer Overflows, CSO), and then gradually release the excess volume back into the sewer collection system for conveyance to the King County West Point Treatment Facility. The microtunnel is part of the system for intercepting and transporting excess flows from the combined sewer system in the north Queen Anne neighborhood to the storage tunnel. The proposed storage tunnel and micro-tunnel will be owned and operated by SPU.

Through a comprehensive siting analysis and public involvement process, SPU and King County determined that the only practical and reasonable alternative for reducing CSOs in north Queen Anne and transferring the combined sewage to the storage tunnel is to construct an underground microtunnel and internal facilities under the West Ewing Mini Park.

Ordinance 118477 does not require replacement property for transfer or change of use for subsurface or utility easements compatible with park use. This proposed transfer of partial and limited jurisdiction is equivalent to a subsurface or utility easement and the installation of an underground microtunnel with associated internal facilities is compatible with park use because it is compatible with the current use of the property for recreating, landscaping and parking.

2. CAPITAL IMPROVEMENT PROGRAM

- a. Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

- a. Does this legislation amend the Adopted Budget? Yes No

- b. Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

Seattle Public Utilities will pay the Seattle Department of Parks and Recreation \$17,880 for this partial transfer of jurisdiction. The amount was calculated using a method agreed to by both departments. The transfer includes 267 square feet at \$133.94/square foot with SPU getting a 50% share of the area (use is only underground). $\$133.94 \times 267 \times 50\% = \$17,880$.

Separately from this partial transfer, SPU and DPR are negotiating on the terms of a Revocable Use Permit (similar to a temporary construction easement) to provide adequate space for construction activities adjacent to West Ewing Mini Park. The funds for the Permit will come from the Ship Canal project budget, which is part of the adopted budget of the Drainage and Wastewater Fund, combined Sewer Overflows BCL.

- c. Is there financial cost or other impacts of *not* implementing the legislation?

Yes, not utilizing the West Ewing Mini Park parcel for the alignment of the microtunnel would require significant engineering and re-design for a new alignment which would result in increased capital costs, community impacts, and operation and maintenance costs. A new alignment may require additional real properties acquisitions and

associated costs. A delay that causes the Ship Canal Water Quality Project schedule to miss Consent Decree deadlines will result in financial penalties listed in the Consent Decree. In addition, uncontrolled CSOs in the north Queen Anne neighborhood are a violation of the Clean Water Act, the City's National Pollutant Discharge Elimination System (NPDES) permit and the City's Consent Decree, which could result in additional fines.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

There is no effect to other departments except the Seattle Department of Parks and Recreation and Seattle Public Utilities. A portion of West Ewing Mini Park will be temporarily inaccessible during construction in accordance with the DPR Revocable Use Permit for this project.

b. Is a public hearing required for this legislation?

Yes, pursuant to Ordinance 118477 a public hearing is required. The public hearing will be held at the City Council's Civic Development, Public Assets and Native Communities Committee meeting.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

e. Does this legislation affect a piece of property?

Yes, this legislation affects one parking space and a small landscaped area of a DPR-owned parcel located at 170 W. Ewing St., known as the West Ewing Mini Park. The parking space and landscaping will be restored to existing condition. See attached vicinity map.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

No known RSJI impacts.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

This legislation is not precedent setting and does not include a new initiative or programmatic expansion. However, it is required to maintain the schedule and water quality requirements of the Consent Decree. The microtunnel is a critical-path component of the Ship Canal Water Quality project, meaning a delay to this component delays completion of the overall project. The Ship Canal Water Quality project will reduce CSOs, thereby improving the water quality of the Ship Canal and Puget Sound with the corresponding reduction in public health risks.

List attachments/exhibits below:
Summary Exhibit A – Vicinity Map