



Legislation Details (With Text)

**File #:** CB 118774    **Version:** 1    **Name:** CB 118774  
**Type:** Ordinance (Ord)    **Status:** Passed  
**In control:** City Clerk

**On agenda:** 9/26/2016  
**Final Action:** 9/29/2016    **Ord. No.** Ord 125140

**Title:** AN ORDINANCE related to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to enter into an Interlocal Agreement with the Port of Seattle to serve as an operating agreement between Seattle Public Utilities and the Port of Seattle Drainage Utility including code modifications to exclude all Port-owned properties from the requirement to pay City stormwater and drainage fees; terminating the 1997 stormwater credit from the City to the Port; accepting a settlement payment from the Port of Seattle; containing details related to ownership and maintenance of infrastructure, authorities and responsibilities, system interconnections, access, coordination and dispute resolution; amending Section 21.33.030 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.

**Sponsors:** Lisa Herbold

**Indexes:**

**Attachments:** 1. Att 1 Ex A – List of Parcels Removed from SPU Drainage Billing, 2. Att 1 Ex B - City-Port of Seattle Drainage System Connections, 3. Att 1 Ex C - Stormwater Infrastructure Ownership Resolution, 4. Att 1 Ex C Att 1 - Current Ownership Shilshole Bay Marina, 5. Att 1 Ex C Att 2 - Current Ownership Terminal 91, 6. Att 1 Ex C Att 3 - Terminal 115 Easement Needed, 7. Att 1 Ex C Att 4 - Easements to be Resolved, 8. Att 1 Ex D - Example Connection Agreement, 9. Summary and Fiscal Note, 10. Presentation, 11. Central Staff Memo, 12. Signed Ord 125140, 13. Affidavit of Publication

Date	Ver.	Action By	Action	Result
9/29/2016	1	City Clerk	attested by City Clerk	
9/29/2016	1	Mayor	returned	
9/29/2016	1	Mayor	Signed	
9/28/2016	1	City Clerk	submitted for Mayor's signature	
9/26/2016	1	City Council	passed	Pass
9/16/2016	1	Civil Rights, Utilities, Economic Development, and Arts Committee	pass	Pass
9/6/2016	1	City Council	referred	
8/5/2016	1	Council President's Office	sent for review	
8/2/2016	1	City Clerk	sent for review	
8/2/2016	1	Mayor	Mayor's leg transmitted to Council	

**CITY OF SEATTLE**

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

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

AN ORDINANCE related to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to enter

into an Interlocal Agreement with the Port of Seattle to serve as an operating agreement between Seattle Public Utilities and the Port of Seattle Drainage Utility including code modifications to exclude all Port-owned properties from the requirement to pay City stormwater and drainage fees; terminating the 1997 stormwater credit from the City to the Port; accepting a settlement payment from the Port of Seattle; containing details related to ownership and maintenance of infrastructure, authorities and responsibilities, system interconnections, access, coordination and dispute resolution; amending Section 21.33.030 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.

WHEREAS, on January 1, 2015, the Port of Seattle (Port) established a stormwater utility for Port-owned land within Seattle city limits as defined in the Port Stormwater Utility Charter; and

WHEREAS, The City of Seattle (City) must modify subsection 21.33.030.A of the Seattle Municipal Code to exclude all Port-owned property from the requirement to pay City stormwater and drainage fees; and

WHEREAS, in consideration for the City's release of claims against the Port for the creation and existence of the Port's Stormwater Utility, the Port will pay Seattle Public Utilities \$3.99 million; and

WHEREAS, the City and Port have agreed to terminate a \$100,000 credit from a January 1997 Interlocal Agreement; and

WHEREAS, the City passed Ordinance 124912 to include the Port-owned stormwater utility under utility taxes; and

WHEREAS, the City and Port recognize a need for ongoing cooperation and coordination related to operating separate but interconnected drainage utilities, and as Permittees under the Phase I Municipal Stormwater Permit have a duty to coordinate stormwater-related policies, programs and projects with physically interconnected municipal storm sewer systems, NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. The Director of Seattle Public Utilities is authorized to execute an Interlocal Agreement that is substantially similar to the attachments attached hereto as Attachments 1 and 2, to serve as the operating agreement between SPU and the Port of Seattle Stormwater Utility.

Section 2. The Director of Seattle Public Utilities is authorize to accept, on behalf of the City, \$3.99 million to be deposited in the Drainage and Wastewater Fund #44010.

Section 3. Section 3 of the January 17, 1997 Interlocal Agreement between the City of Seattle and Port

of Seattle pertaining to the \$100,000 annual credit from the City to the Port for in-kind services is terminated.

Section 4. Subsection 21.33.030.A of the Seattle Municipal Code, which section was last amended by Ordinance 124801, is amended as follows:

**21.33.030 Drainage service charges and drainage rates-Schedule-Exemptions**

A. A drainage service charge is imposed on every parcel within the City, and the owner(s) thereof, except for the following exempted property(ies):

1. The portion of a parcel that contains houseboats or piers that extend beyond the shoreline, as delineated by Geographic Information Systems (GIS) data;
2. That portion of a parcel that is submerged. If the parcel is entirely submerged, the entire parcel is exempt. If a portion of the parcel is submerged, only the submerged part will be exempt and the remainder of the parcel shall be billed as all other properties;
3. City streets;
4. State of Washington highways, so long as the State of Washington shall agree to maintain, construct, and improve all drainage facilities associated with State highways as required by the Utility in conformance with all Utility standards for maintenance, construction and improvement hereafter established by the Utility and so far as such maintenance, construction, and improvements shall be achieved at no cost to the Utility or to the City; and
5. All other streets, so long as such streets provide drainage services in the same manner as City streets and the owner(s) shall agree to maintain, construct, and improve all drainage facilities associated with such streets as required by the Utility in conformance with all Utility standards for maintenance, construction and improvement, hereafter established by the Utility and so far as such maintenance, construction and improvements, shall be achieved at no cost to the Utility or to the City.
6. Effective January 1, 2013, that portion of a parcel containing a riparian corridor that contains highly infiltrative pervious surface and meeting all qualification criteria established by the Utility by Director's

Rule under Section 3.32.020 (~~(of the Seattle Municipal Code)~~). The Utility may consider Geographic Information System data and any other information determined necessary in identifying qualifying riparian corridors.

7. Effective January 1, 2013, that portion of a parcel containing an island that contains highly infiltrative pervious surface and less than ten percent impervious surface area. The Utility may consider Geographic Information System data and any other information determined necessary in identifying qualifying islands.

8. Effective upon the date set by Director's Rule, but no later than January 1, 2014, that portion of a parcel containing a wetland that meets all qualification criteria as established by the Utility by Director's Rule under Section 3.32.020 (~~(of the Seattle Municipal Code)~~). The Director's Rule shall also establish administrative schedules and procedures for demonstrating initial and ongoing compliance with exemption criteria. For the 2014 billing year only, the Utility will accept applications and supporting exemption qualification documentation specified in the Director's Rule through May 15, 2014 as a basis for an adjustment to the 2014 drainage service charge for a particular parcel. Applications and supporting qualification documentation submitted after May 15, 2014 will be considered for future billing years under ~~((SMC))~~ subsection 21.33.070.A. The Utility may consider Geographic Information System data and any other necessary information in identifying qualifying wetlands.

9. Effective January 1, 2015, the City may, by interagency agreement signed by the Director of Seattle Public Utilities, waive the drainage service charge for parcels owned by public entities operating a stormwater utility within City limits.

Section 5. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

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 \_\_\_\_\_, 2016, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Edward B. Murray, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

- Attachment 1 - Port of Seattle-City of Seattle Interlocal Agreement
  - Exhibit A - List of Port Parcels Removed from SPU Drainage Billing
  - Exhibit B - City-Port of Seattle Drainage System Connections
  - Exhibit C - Stormwater Infrastructure Ownership Resolution and Seattle Public Utilities Easements Needed from the Port of Seattle
- Attachment 1 - Current Ownership Shilshole Bay Marina
- Attachment 2 - Current Ownership Terminal 91
- Attachment 3 - Terminal 115 Easement Needed

Attachment 4 - Easements to be Resolved  
Exhibit D - Example Connection Agreement