

Summary and Fiscal Note

1. Legislation Summary

Department:

Seattle Public Utilities

Title:

AN ORDINANCE relating to the 2026 Stormwater Code Update; updating stormwater control requirements for development, roadways, utilities, and maintenance activities; strengthening stormwater treatment and infiltration standards; clarifying vesting and review thresholds; ensuring the City's compliance with requirements of the State Department of Ecology; and amending Chapters 22.800, 22.801, 22.802, 22.803, 22.805, and 22.807 of the Seattle Municipal Code.

Background:

This legislation would update the City's Stormwater Code. The purpose of the Stormwater Code is to protect life, property, public health, and the environment from the adverse impacts of urban stormwater runoff. Adverse impacts can include flooding, water pollution, landslides, and erosion. This Stormwater Code revision includes various additions and revisions to the Stormwater Code and associated Director's Rule (Stormwater Manual¹). In addition, a new Director's Rule is proposed in association with

¹ See Stormwater Code and Manual Update 2026 [Project Documents page](#) to access January 2026 second public review draft of Stormwater Manual (Volumes 1-5, Appendices A-J) and summary of changes document.

this legislation related to public mainline extensions and drainage requirements in the public right-of-way.

The Stormwater Code and associated joint Seattle Public Utilities/Seattle Department of Construction and Inspections (SPU/SDCI) Directors' Rules (Stormwater Manual) are being revised to comply with the City's 2024-Phase I Municipal Stormwater Permit (MS4 Permit) which was effective on August 1, 2024. The MS4 Permit requires that the Stormwater Code and associated Stormwater Manual include minimum requirements, thresholds, definitions, and other specified requirements, limitations and criteria be equivalent to the MS4 Permit for new development, redevelopment and construction. In addition, maintenance provisions must be at least as protective of facility function as, and source control provisions must be functionally equivalent to, Ecology's Stormwater Management Manual for Western Washington.

SPU, SDCI, and other City departments with input from external stakeholders are updating the Stormwater Code to: 1) incorporate new Ecology requirements; 2) incorporate policy changes; and 3) improve usability. All updates to the Stormwater Code must occur at one time with an effective date of July 1, 2026.

Summary Attachments:

Summary Exhibit A – Legislative Summary

Summary Exhibit B – Ecology Conditional Approval Letter

Summary Exhibit C – Environmentally Critical Areas: Best Available Science Review

2. Capital Improvement Program (CIP)

Does this legislation create, fund, or amend a CIP Project?

- Yes
 No
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3. Summary of Financial Implications

Does this legislation have financial impacts to the City?

- Yes
 No

Capital and operations and maintenance costs to City departments are discussed in section 3.d.

3d. Other Financial Impacts

a. Does this legislation create any other financial impacts for The City of Seattle, such as direct or indirect costs, one-time or ongoing, that aren't mentioned above? If yes, please explain these impacts.

Yes, details on specific cost impacts by department are outlined below.

b. If the legislation has costs that can be covered within the current budget, explain how. Does the department have extra resources in its budget to handle these costs? Or does the department need to shift resources away from other work to handle these costs?

This legislation does not make appropriations. However, the 2026 Stormwater Code Update will impact costs and work requirements in several departments. Additional training for SPU, SDCI, SDOT, SPR, SCL, and FAS staff will be required in 2026 to prepare for the implementation of the 2026 Stormwater Code Update. It is unlikely these departments will need additional appropriations in 2026. However, if additional appropriations are needed to prepare for the change in code, the affected department will bring forward a supplemental budget request prior to the end of 2026.

The following department-specific notes are provided for illustrative purposes. Any budget or staffing adjustments will be addressed through the budget process by each department as needed.

SPU

1. SPU Future Capital.

There may be a relatively small increase in SPU capital costs for some projects due to the water quality threshold changes for Roadway Projects. At this time, sufficient information to accurately project long-term cost increases does not exist. However, those increases are anticipated to be relatively small compared to overall project costs or may not increase depending on a project's scope.

2. SPU Future Operation & Maintenance

SPU typically takes ownership and assumes all operation and maintenance responsibilities for subsurface drainage structures installed in the public right-of-way, including flow control and water quality facilities. As a result of the 2026 Stormwater Code Update, more water quality facilities are expected to be installed in the right-of-way due to Ecology's required threshold changes to account for "replaced" pollution-generating hard surface in addition to such "new" surface to address contaminants of emerging concern such as 6PPD found in a tire preservative that is harmful to juvenile salmon. Sufficient information to accurately project long-term impacts does not currently exist but a minimal net increase in future O&M costs is anticipated overtime.

SDCI

1. SDCI Future Operation & Maintenance

Other than potential training costs noted above, SDCI does not anticipate fiscal impacts due to this legislation.

SDOT

Based on the current draft of the 2026 City of Seattle Stormwater Code (SWC) and associated Directors' Rule (DR), Seattle Department of Transportation (SDOT) has analyzed the impact on the planned Capital Improvement Program (CIP) as well as maintenance and operations functions for the next five years (July 2026 – July 2031).

An analysis of five years was chosen as it corresponds to the timeframe for the current draft of the SWC.

The analysis below indicates that SDOT costs may increase between 2026 to 2031 due to the proposed changes.

1. SDOT Capital Project Construction Cost Analysis

2026 SWC – Flow Control Treatment (FC) Water Quality Treatment (WQ) and On-Site Stormwater Management (OSM) Changes

The currently proposed SWC will make the following changes:

- 1) Update definitions for new and replaced hard surfaces to be consistent with 2024 Municipal Storm Sewer System (MS4) Permit:
 - Revise “new hard surface” to clarify it is the creation of a hard surface or upgrade from existing hard surface.
 - Revise “replaced hard surface” to clarify existing foundation or subgrade/base course must remain.
- 2) Add “new plus replaced” hard surface to flow control and water quality treatment thresholds for Roadway Projects to be consistent with 2024 MS4 Permit.
- 3) Update on-site lists to facilitate increase in tree canopy and stormwater management, improve feasibility of bioretention in space-limited urban areas, provide additional BMP options, address temperature increases and atmospheric deposition, and reduce feasibility barriers for certain BMPs.
 - Add that “Infiltrating Soil Cell Bioretention with Tree” can be used as an OSM BMP in Category 2
- 4) Revise terminology from “enhanced” to “metals” treatment and update Metals Treatment thresholds to be consistent with 2024 MS4 Permit.
 - For Metals Treatment, lowered the annual average daily traffic (AADT) threshold for roadways, and will include roadways that provide on-street parking for commercial and industrial areas and sites that are subject to “industrial activities.”
- 5) Remove 5,000 square feet “new” hard surface threshold for flow control and treatment thresholds for Roadway Projects based on Ecology’s equivalency comments.
- 6) Add a treatment requirement that all projects that newly convey runoff from 5,000 square feet or more of pollution-generating hard surface to a receiving water must provide stormwater treatment for that area where that area previously dispersed or infiltrated.

SDOT anticipates increases in construction costs for Arterial Asphalt and Concrete (AAC) Program projects resulting from the City’s adoption of the 2026 SWC to meet equivalency with the 2024 MS4 permit; SDOT does not anticipate increased construction costs for projects in Multi-Modal Corridor

(MMC), Pedestrian Master Plan (PMP), and Sidewalks Programs projects (see Table 1).

Updates primarily affect Large Projects that trigger OSM, FC, and WQ treatment requirements including metals treatment. Table 1 below presents estimated net cost increases for SDOT Program projects during each year. Original budgets assumed 2021 SWC; amounts reflect difference between 2021 SWC and 2026 SWC.

Per 2026 SWC transition provisions (see Code section 22.800.070, Minimum Requirements for City Agency Projects):

- City projects may vest under the 2021 SWC if funded by 7/1/2021 and before 7/1/2026 if construction starts by 7/1/2031 (avoids new requirements if deadline is met).
- Projects not starting construction before 7/1/2031 must revise plans to comply with 2026 SWC.

Therefore, FC, WQ treatment, and related cost increases primarily apply to:

- Projects that will not vest under 2021 SWC, or
- Projects that trigger stricter 2026 SWC requirements regardless.

Table-1 Overall Flow Control Treatment & OSM Cost Changes Resulting from 2026 SWC by Year

Year	Programs	Funding Source	FC Treatment Cost	WQ Treatment Cost	OSM Cost	Overall Cost Change
2026	AAC, MMC, PMP, Sidewalks	STL ¹	\$0	\$0	\$0	\$0
2027	AAC, MMC, PMP, Sidewalks	STL	\$0	\$0	\$0	\$0
2028	AAC, MMC, PMP, Sidewalks	STL	\$0	\$0	\$0	\$0
2029	AAC, MMC, PMP	STL	\$0	\$0	\$0	\$0
2030	AAC, MMC, PMP	STL	\$0	\$0	\$0	\$0
2031	AAC	STL	\$0	\$1,800,000	\$0	\$1,800,000
Total						\$1,800,000

• ¹STL – Seattle Transportation Levy

The adoption of the 2026 SWC is anticipated to increase total costs for SDOT CIP projects by \$1.8 million. The net cost increase is minimized because many projects funded through the Seattle Transportation Levy are scheduled

for construction between 2026 and 2030 and can vest under the 2021 SWC, thereby not requiring the more stringent 2026 SWC requirements.

2. SDOT Operations & Maintenance Cost Analysis

Training for SDOT staff will be required in 2026 to prepare for the implementation of the 2026 SWC Update. These trainings would be required for up to 198 staff across five SDOT Divisions, including Capital Projects, Street Use, Project Development, Urban Design, Pavement Engineering/ROW Crew Construction, and ROW Maintenance/Urban Forestry. Funding may be needed to ensure that SDOT staff have an adequate understanding of the stormwater code requirements.

3. Legal and Consent Decree Obligations

The City of Seattle has an obligation under a consent decree implemented in the terms of *Reynoldson v. City of Seattle* to deliver Citizen Requested Curb Ramps (CSR). There is an established number of ramps that SDOT is committed to building each year, and there is currently a finite budget to accomplish this work.

Due to uncertainty regarding locations, extent of work, and existing drainage infrastructure, the impact of this legislation to the CSR program is not possible to determine. However, should project sites require additional substantial costs to meet the SWC requirements, additional funding will be needed.

SPR

1. SPR Future Capital

As a result of the 2026 Stormwater Code Update, SPR may see cost increases on a wide variety of project types including: accessibility projects, play area renovations, construction of new facilities, pathways and sidewalks, athletic fields, park irrigation and drainage, dog off-leash areas, and beaches and shoreline structures (piers, floats, etc.).

These projects may be affected by a revision of the types of projects that qualify as exempt in the 2026 Stormwater Code, specifically the removal of exemptions for utility work and pavement maintenance for parcel-based projects. Project costs for SPR may also increase due to the change in definition of a “Large project” from one acre to 10,000 sf of land disturbing activities, requiring more projects to include a “Large Project” Construction Stormwater Control plan sheet.

SPR will evaluate associated cost impacts on a project-by-project basis and endeavor to manage higher costs within existing capital appropriation to the

extent possible. However, the amount per project is dependent on the type of capital improvement and actual costs will not be known until projects go into design. Depending on how the code updates ultimately impact capital projects, SPR may submit a funding request as part of a future budget process.

2. SPR Future Operation & Maintenance

As a result of the 2026 Stormwater Code Update, additional staff time may be needed to address new requirements in the code referencing Volume 4 on source control. At this time, there is not sufficient information to accurately project long-term costs. SPR is currently evaluating how to best meet any future staffing need and will, if deemed necessary, submit a funding request as part of the future budget process. Examples of source control changes that may have ongoing budget impact include the following:

Due to the need to collect washwater at buildings suspected of containing PCBs, SPR will likely need to use contractor services and equipment rental in order to maintain a number of buildings, or purchase new equipment to maintain these buildings and properly dispose of washwater. Ongoing costs are unknown and depend on the level and frequency of maintenance and the wastewater treatment necessary.

The requirement to collect and dispose of any washwater generated from hosing down, pressure washing, scrubbing or otherwise cleaning graffiti-impacted areas into the sanitary sewer may also require the rental or purchase and deployment of new equipment to conduct this work in locations where there is not ready access to the sanitary sewer system. Ongoing costs are unknown and depend on the level and frequency of maintenance and the wastewater treatment necessary.

SCL

1. SCL Future Operation & Maintenance

Building cleaning/maintenance: Due to the need to collect washwater at buildings suspected of containing PCBs, SCL will likely need to use contractor services and equipment rental in order to maintain a handful of buildings. Ongoing costs are unknown and depend on the level and frequency of maintenance and the wastewater treatment necessary.

FAS

1. FAS Future Operation & Maintenance

Building cleaning/maintenance: Due to the need to collect washwater at buildings suspected of containing PCBs, FAS will likely need to use contractor services and equipment rental in order to maintain a handful of buildings. Ongoing costs are unknown and depend on the level and frequency of maintenance and the wastewater treatment necessary.

c. What financial costs or other impacts might happen if this legislation is not implemented?

The possible cost implication of not implementing are primarily the risk of non-compliance with the City's MS4 Permit, based on the Federal Clean Water Act and state law (Washington State Water Pollution Control Act, RCW 90.48). Any person who violates the federal Clean Water Act is subject to maximum criminal penalties of \$25,000 per day, one year imprisonment, or both, for negligent violations and maximum criminal penalties of \$50,000 per day, or three years imprisonment, or both for knowing violations – with fines increased for repeat violations. Willful violations of the State Water Pollution Control Act are also subject to maximum criminal penalties of \$10,000 per day, one year imprisonment, or both. Additionally, violating the City's MS4 Permit presents a risk of up to \$68,445, the current inflation-adjusted civil penalty per day, recoverable through a third-party (citizen) lawsuit.

d. How might this legislation affect other City departments besides the one that proposed it?

The primary departments other than SPU that will be impacted by this legislation include SDCI, SDOT, SPR, SCL, and FAS. This legislation applies city-wide and includes revisions to minimum requirements related to on-site stormwater management, flow control, water quality treatment, and development projects. The effect of this legislation on other departments will vary to the degree departments engage in ongoing activities

to which source control measures apply, or to the degree that each department is involved in capital projects.

4. Other Impacts

a. Does this legislation require a public hearing?

Yes

No

Environmental review under the State Environmental Policy Act (SEPA) is required for this legislation, and publication of notice of the environmental determination was made in *The Daily Journal of Commerce* and in the City’s Land Use Information Bulletin on January 12, 2026. No appeals were received. The SEPA Determination of Non-Significance was closed out on February 9th, 2026.

In addition, below is a summary of the previous public engagement activities conducted in developing this Stormwater Code Update.

Public Engagement on Stormwater Code Update Process

Date	Meetings, Announcements, Newsletters, Updates
12/11/2024	Listening Session with Developers, Builders, Design/Engineering Community
12/15/2024	Listening Session with Port of Seattle
5/8/2025	SDCI Building Connections Newsletter Announcement – General information and What’s Coming Up
5/8/2025	SDCI Listserv Announcement - General Information and What’s Coming Up
5/29/2025	DSO Listserv Newsletter Announcement – Save the Date for First Public Review Draft and Meeting
5/29/2025	SDCI Listserv Announcement - Save the Date for First Public Review Draft and Meeting
7/1/2025	SDCI Listserv Announcement – Public Meeting Details and Registration Info
7/7/2025	SDCI Listserv Announcement – Documents Available and Repeat of Public Meeting Details and Registration Info
7/14/2025	SDCI Listserv Announcement – Public Meeting Reminder
7/15/2025	1 st Public Meeting

Date	Meetings, Announcements, Newsletters, Updates
7/22/2025	SDCI Listserv Announcement – Public Meeting Recording Available Online
8/11/2025	SDCI Listserv Announcement – Reminder to Provide Comments
8/22/2025	Mayor's Office Briefing - SW Code Update
9/3/2025	SDCI Listserv Announcement – Fall Listening Session Registration
9/3/2025	DSO Listserv Newsletter Announcement – Fall Listening Session Registration
9/15/2025	DWW LOB E-Team WQ BMP ROW Briefing
9/22/2025	SDCI Listserv Announcement – Fall Listening Session Reminder and Response to Comments Available Online
9/23/2025	DSO Listserv Newsletter Announcement- Fall Listening Session Reminder and Response to Comments Available Online
9/25/2025	Fall Listening Session – General Public
9/18/2025	Mayor's Office Weekly
10/15/2025	Listening Session with Port of Seattle
10/20/2025	Listening Session with WDFW
11/25/2025	SDCI Listserv Announcement – Second Public Meeting Details and Registration
11/26/2025	DSO Listserv Newsletter Announcement - Second Public Meeting Details and Registration
12/1/2025	SDCI Building Connections Newsletter Announcement - Second Public Meeting Details and Registration
12/16/2025	Reminder SDCI Listserv Announcement - Second Public Meeting Details and Registration
1/7/2026	SDCI Listserv Announcement – Public Meeting Reminder and Documents Available Online
1/7/2026	DSO Listserv Newsletter Announcement - Public Meeting Reminder and Documents Available Online
1/14/2026	Second Public Meeting
1/22/2026	SDCI Listserv Announcement – Public Meeting Materials Available Online, Public Comment Reminder, and Clarifications
1/22/2026	DSO Listserv Newsletter Announcement - Public Meeting Materials Available Online, Public Comment Reminder, and Clarifications

b. Does this legislation require a notice to be published in The Daily Journal of Commerce and/or The Seattle Times?

Yes

No

Environmental review under the State Environmental Policy Act (SEPA) is required for this legislation, and publication of notice of the environmental determination was made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin on January 12, 2026.

c. Does this legislation affect a piece of property?

No. The proposal is a non-project legislative action with no specific site. As Stormwater Code requirements are city-wide, specific projects affected by the proposal may occur anywhere within Seattle's city limits.

d. Race and Social Justice Initiative impacts:

1. How does this legislation affect vulnerable or historically disadvantaged communities? How did you come to this conclusion? Please consider both impacts within City government (like employees and internal programs) and in the broader community.

There is no perceived implication for the principles of the Race and Social Justice Initiative. This legislation does not impact vulnerable or historically disadvantaged communities as the requirements are applied throughout the city.

2. Please attach any Racial Equity Toolkits or other racial equity analyses used to develop or assess this legislation.

None.

3. What is the Language Access Plan for communicating with the public about this legislation?

A plain language summary of the ordinance was distributed to potential permit applicants, developers, architects and the general public via SDCI Stormwater Code Listserv, SPU Development Services Office (DSO) Subscribers Listserv, and SDCI's Building Connection Newsletter.

e. Climate change impacts:

1. Emissions: Will this legislation significantly increase or decrease carbon emissions? Attach any studies or materials that inform your answer.

With more options to include trees along with other stormwater requirements such as soil cell bioretention, it's more likely that trees will be utilized in addition to, and as part of, stormwater management. This will have the potential to increase carbon sequestration and reduce ground level and building temperatures, due to the shading effect of trees, which may lower energy consumption.

2. Resiliency: Will this legislation make Seattle more or less able to adapt to climate change? If it reduces resiliency, explain what can be done to lessen the impact.

The proposed legislation and Stormwater Manual updates are expected to increase Seattle's climate resiliency by expanding the use of integrated green infrastructure. Clarified alignment between bioretention and tree requirements, along with a new soil cell bioretention option, increases opportunities for urban tree canopy and distributed stormwater management. Revisions to flow control thresholds and facility sizing reduce reliance on pumped systems in shallow drainage areas, lowering vulnerability during power outages while maintaining capacity to manage larger storm events. Together, these changes support more reliable, passive, and climate-adaptive stormwater infrastructure.

f. If this legislation creates a new program or expands an existing one, what are the long-term, measurable goals? How will this legislation help achieve those goals? What methods will be used to track progress?

This legislation does not include a new initiative or a major programmatic expansion.

g. Does this legislation create a non-utility CIP that involves shared funding with a non-City partner or organization?

This legislation does not create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization.