

Ordinance No. 124758

Council Bill No. 118362

AN ORDINANCE relating to the Stormwater Code; amending Sections 22.800.040, 22.805.050, and 22.805.060 of the Seattle Municipal Code.

Related Legislation File: _____

Date Introduced and Referred:	To: (committee):
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action:	Date Presented to Mayor:
Date Signed by Mayor:	Date Returned to City Clerk:
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text _____	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: _____

Committee Action:

Date	Recommendation	Vote

This file is complete and ready for presentation to Full Council. _____

Full Council Action:

Date	Decision	Vote



SEATTLE CITY COUNCIL

Legislative Summary

CB 118362

Record No.: CB 118362

Type: Ordinance (Ord)

Status: Attested by City Clerk

Version: 1

In Control: City Clerk

File Created: 02/26/2015

Final Action: 04/24/2015

Title: AN ORDINANCE relating to the Stormwater Code; amending Sections 22.800.040, 22.805.050, and 22.805.060 of the Seattle Municipal Code.

	<u>Date</u>
Notes:	Filed with City Clerk:
Sponsors: Bagshaw	Mayor's Signature:
	Vetoed by Mayor:
	Veto Overridden:
	Veto Sustained:

Attachments:

Drafter: bob.hennessey@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: Yes No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	03/05/2015	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council to the City Clerk						
	Notes:						
1	City Clerk	03/10/2015	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review to the Council President's Office						
	Notes:						
1	Council President's Office	03/11/2015	sent for review	Seattle Public Utilities and Neighborhoods Committee			
	Action Text: The Council Bill (CB) was sent for review to the Seattle Public Utilities and Neighborhoods Committee						
	Notes:						
1	Full Council	03/30/2015	referred	Seattle Public Utilities and Neighborhoods Committee			

Action Text: The Council Bill (CB) was referred. to the Seattle Public Utilities and Neighborhoods Committee
Notes:

1 Seattle Public Utilities and 04/03/2015 held
Neighborhoods
Committee

Action Text: The Council Bill (CB) was held.
Notes:

1 Seattle Public Utilities and 04/14/2015 approve
Neighborhoods
Committee

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
In Favor: 3 Chair Bagshaw, Vice Chair Sawant, Member Harrell
Opposed: 0

Pass

1 Full Council 04/20/2015 passed

Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
In Favor: 7 Councilmember Bagshaw, Council President Burgess, Councilmember
Godden, Councilmember Harrell, Councilmember O'Brien,
Councilmember Rasmussen, Councilmember Sawant
Opposed: 0

Pass

1 City Clerk 04/21/2015 submitted for Mayor
Mayor's signature

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

1 Mayor 04/24/2015 Signed

Action Text: The Council Bill (CB) was Signed
Notes:

1 Mayor 04/24/2015 returned City Clerk

Action Text: The Council Bill (CB) was returned to the City Clerk
Notes:

1 City Clerk 04/24/2015 attested by City
Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk
Notes:

CITY OF SEATTLE
ORDINANCE 124758
COUNCIL BILL 118362

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4 AN ORDINANCE relating to the Stormwater Code; amending Sections 22.800.040, 22.805.050,
5 and 22.805.060 of the Seattle Municipal Code.

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7 WHEREAS, Chapter 22.800 of the Seattle Municipal Code was established, and Chapter 22.805
8 of the Seattle Municipal Code was added, by Ordinance 123105, which repealed and
9 amended by re-enacting, relocating and amending the text of Chapters 22.800, 22.801,
10 22.802, and 22.808 of the Seattle Municipal Code, previously amended by Ordinances
11 122738, 122055, 121276, 119965, 118396, 117852, 117789, 117697, and 117432 and
12 adopted by Ordinance 116425; and

13
14 WHEREAS, the City of Seattle is subject to the terms of the National Pollutant Discharge
15 Elimination System and State Waste Discharge General Permit for Discharges from
16 Large and Small Municipal Separate Storm Sewer Systems, issued August 1, 2012, by
17 the State of Washington Department of Ecology in compliance with the federal Clean
18 Water Act and state law, as amended effective January 16, 2015; and

19
20 WHEREAS, the City of Seattle approved Resolution 31534, adopting a 2015-2020 Strategic
21 Business Plan for Seattle Public Utilities and is committed to efficient, forward-looking
22 utility services that keep Seattle the best place to live; and

23 WHEREAS, the revisions to Seattle 2009 Stormwater Code will increase efficiency and
24 streamline stormwater code implementation for the City of Seattle departments, residents,
25

1 and businesses, while continuing protections for Seattle's waterways from stormwater-
2 based impacts; NOW, THEREFORE,

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

4 Section 1. Subsection A of Section 22.800.040 of the Seattle Municipal Code, enacted by
5 Ordinance 123105, is amended as follows:

6 **22.800.040 Exemptions, Adjustments, and Exceptions**

7
8 A. Exemptions.

9 1. The following land uses are exempt from the provisions of this subtitle:

10 a. Commercial agriculture, including only those activities conducted on
11 lands defined in RCW 84.34.020(2), and production of crops or livestock for wholesale trade;
12 and

13 b. Forest practices regulated under Title 222 Washington Administrative
14 Code, except for Class IV general forest practices, as defined in WAC 222-16-050, that are
15 conversions from timber land to other uses.
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17 2. The following land disturbing activities are not required to comply with the
18 specific minimum requirements listed below.

19 a. Maintenance, repair, or installation of underground or overhead utility
20 facilities, such as, but not limited to, pipes, conduits and vaults, and that includes replacing the
21 ground surface with in-kind material or materials with similar runoff characteristics are not
22 required to comply with Section 22.805.080 (Minimum Requirements for Flow Control), or
23 Section 22.805.090 (Minimum Requirements for Treatment), except as modified as follows:
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1 Section 2. Section 22.805.050 of the Seattle Municipal Code, enacted by Ordinance
2 123105, is amended as follows:

3 **22.805.050 Minimum Requirements for Parcel-Based Projects**

4 A. Flow Control. Parcel-based projects shall meet the minimum requirements for flow
5 control contained in Section 22.805.080, to the extent allowed by law, as prescribed below.

6 1. Discharges to Wetlands. Parcel-based projects discharging into a wetland shall
7 comply with subsection 22.805.080.B.1 (Wetland Protection Standard) if:.

8 a. The total new plus replaced impervious surface is 5,000 square feet or
9 more; or
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11 b. The project converts 3/4-acres or more of native vegetation to lawn or
12 landscaped areas and from which there is a surface discharge into a natural or man-made
13 conveyance system from the site; or
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15 c. The project converts 2.5 acres or more of native vegetation to pasture
16 and from which there is a surface discharge into a natural or man-made conveyance system from
17 the site.

18 2. Discharges to Listed Creek Basins. Parcel-based projects discharging into Blue
19 Ridge Creek, Broadview Creek, Discovery Park Creek, Durham Creek, Frink Creek, Golden
20 Gardens Creek, Kiwanis Ravine/Wolfe Creek, Licton Springs Creek, Madrona Park Creek, Mee-
21 Kwa-Mooks Creek, Mount Baker Park Creek, Puget Creek, Riverview Creek, Schmitz Creek,
22 Taylor Creek, or Washington Park Creek shall:
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1 a. Comply with subsection 22.805.080.B.2 (Pre-developed Forested
2 Standard) if the existing impervious coverage is less than 35 percent and one or more of the
3 following apply:

4 1) The project adds 5,000 square feet or more of new impervious
5 surface and the total new plus replaced impervious surface is 10,000 square feet or more; or

6 2) The project converts 3/4 acres or more of native vegetation to
7 lawn or landscaped areas and from which there is a surface discharge into a natural or man-made
8 conveyance system from the site; or

9 3) The project converts 2.5 acres or more of native vegetation to
10 pasture and from which there is a surface discharge into a natural or man-made conveyance
11 system from the site; or

12 4) The project adds 5,000 square feet or more of new impervious
13 surface and, through a combination of effective impervious surfaces and converted pervious
14 surfaces, causes a 0.1 cubic feet per second increase in the 100-year recurrence interval flow
15 frequency as estimated using a continuous model approved by the Director.

16 b. Comply with subsection 22.805.080.B.3 (Pre-developed Pasture
17 Standard) if the criteria in subsection 22.805.050.A.2.a do not apply and the total new plus
18 replaced impervious surface is 2,000 square feet or more.

19 3. Discharges to Non-listed Creek Basins. Parcel-based projects discharging into
20 a creek not listed in subsection 22.805.050.A.2 shall:
21

1 a. Comply with subsection 22.805.080.B.2 (Pre-developed Forested
2 Standard) if the existing land cover is forested and one or more of the following apply:

3 1) The project adds 5,000 square feet or more of new impervious
4 surface and the total new plus replaced impervious surface is 10,000 square feet or more; or

5 2) The project converts 3/4 acres or more of native vegetation to
6 lawn or landscaped areas and from which there is a surface discharge into a natural or man-made
7 conveyance system from the site; or

8 3) The project converts 2.5 acres or more of native vegetation to
9 pasture and from which there is a surface discharge into a natural or man-made conveyance
10 system from the site; or

11 4) The project adds 5,000 square feet or more of new impervious
12 surface and, through a combination of effective impervious surfaces and converted pervious
13 surfaces, causes a 0.1 cubic feet per second increase in the 100-year recurrence interval flow
14 frequency as estimated using a continuous model approved by the Director.

15 b. Comply with subsection 22.805.080.B.3 (Pre-developed Pasture
16 Standard) if the criteria in subsection 22.805.050.A.3.a do not apply and the total new plus
17 replaced impervious surface is 2,000 square feet or more.

18 4. Discharges to Small Lake Basins. Parcel-based projects discharging into Bitter
19 Lake, Green Lake, or Haller Lake drainage basins shall comply with subsection 22.805.080.B.4
20 (Peak Control Standard) if the total new plus replaced impervious surface is 2,000 square feet or
21 more.
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1 5. Discharges to Public Combined Sewer. Unless the Director of SPU has
2 exercised its discretion to determine and has determined that the public combined sewer has
3 sufficient capacity to carry existing and anticipated loads, ((Parcel-based)) parcel-based projects
4 discharging into the public combined sewer shall comply with subsection 22.805.080.B.4 (Peak
5 Control Standard) if the total new plus replaced impervious surface is 10,000 square feet or
6 more.

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8 6. Discharges to a Capacity-constrained System. In addition to applicable
9 minimum requirements for flow control in subsection 22.805.050.A.1 through subsection
10 22.805.050.A.5, parcel-based projects discharging into a capacity-constrained system shall also
11 comply with subsection 22.805.080.B.4 (Peak Control Standard) if the total new plus replaced
12 impervious surface is 2,000 square feet or more.

13 B. Treatment. Parcel-based projects not discharging to the public combined sewer shall
14 comply with the minimum requirements for treatment contained in Section 22.805.090, to the
15 extent allowed by law, if:

16 1. The total new plus replaced pollution-generating impervious surface is 5,000
17 square feet or more; or
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19 2. The total new plus replaced pollution-generating pervious surfaces is 3/4 of an
20 acre or more and from which there is a surface discharge in a natural or man-made conveyance
21 system from the site.
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2 Section 3. Section 22.805.060 of the Seattle Municipal Code, enacted by Ordinance
3 123105, is amended as follows:

4 **22.805.060 Minimum Requirements for Roadway Projects**

5 A. Flow Control. Roadway projects shall meet the minimum requirements for flow
6 control contained in Section 22.805.080, to the extent allowed by law, as prescribed below.

7
8 1. Discharges to Wetlands. Roadway projects discharging into a wetland shall
9 comply with subsection 22.805.080.B.1 (Wetland Protection Standard) if:

10 a. The total new plus replaced impervious surface is 5,000 square feet or
11 more; or

12 b. The project converts 3/4 acres or more of native vegetation to lawn or
13 landscaped areas and from which there is a surface discharge into a natural or man-made
14 conveyance system from the site; or

15 c. The project converts 2.5 acres or more of native vegetation to pasture
16 and from which there is a surface discharge into a natural or man-made conveyance system from
17 the site.

18
19 2. Discharges to Listed Creek Basins. Roadway projects discharging into Blue
20 Ridge Creek, Broadview Creek, Discovery Park Creek, Durham Creek, Frink Creek, Golden
21 Gardens Creek, Kiwanis Ravine/Wolfe Creek, Licton Springs Creek, Madrona Park Creek, Mee-
22 Kwa-Mooks Creek, Mount Baker Park Creek, Puget Creek, Riverview Creek, Schmitz Creek,
23 Taylor Creek, or Washington Park Creek shall:
24

1 a. Comply with subsection 22.805.080.B.2 (Pre-developed Forested
2 Standard) if the existing impervious coverage is less than 35 percent and one or more of the
3 following apply:

4 1) The project adds 5,000 square feet or more of new impervious
5 surface and the total new plus replaced impervious surface is 10,000 square feet or more; or

6 2) The project converts 3/4 acres or more of native vegetation to
7 lawn or landscaped areas and from which there is a surface discharge into a natural or man-made
8 conveyance system from the site; or

9 3) The project converts 2.5 acres or more of native vegetation to
10 pasture and from which there is a surface discharge into a natural or man-made conveyance
11 system from the site; or

12 4) The project adds 5,000 square feet or more of new impervious
13 surface and, through a combination of effective impervious surfaces and converted pervious
14 surfaces, causes a 0.1 cubic feet per second increase in the 100-year recurrence interval flow
15 frequency as estimated using a continuous model approved by the Director.

16 b. Comply with subsection 22.805.080.B.3 (Pre-developed Pasture
17 Standard) if the criteria in subsection 22.805.060.A.2.a do not apply and the total new plus
18 replaced impervious surface is 10,000 square feet or more.

19 3. Discharges to Non-listed Creek Basins. Roadway projects discharging into a
20 creek not listed in subsection 22.805.060.A.2 shall:
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1 a. Comply with subsection 22.805.080.B.2 (Pre-developed Forested
2 Standard) if the existing land cover is forested and one or more of the following apply:

3 1) The project adds 5,000 square feet or more of new impervious
4 surface and the total new plus replaced impervious surface is 10,000 square feet or more; or

5 2) The project converts 3/4 acres or more of native vegetation to
6 lawn or landscaped areas and from which there is a surface discharge into a natural or man-made
7 conveyance system from the site; or

8 3) The project converts 2.5 acres or more of native vegetation to
9 pasture and from which there is a surface discharge into a natural or man-made conveyance
10 system from the site; or

11 4) The project adds 5,000 square feet or more of new impervious
12 surface and, through a combination of effective impervious surfaces and converted pervious
13 surfaces, causes a 0.1 cubic feet per second increase in the 100-year recurrence interval flow
14 frequency as estimated using a continuous model approved by the Director.
15

16 b. Comply with subsection 22.805.080.B.3 (Pre-developed Pasture
17 Standard) if the criteria in subsection 22.805.060.A.3.a do not apply and the total new plus
18 replaced impervious surface is 10,000 square feet or more.
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20 4. Discharges to Small Lake Basins. Projects discharging into Bitter Lake, Green
21 Lake, or Haller Lake drainage basins shall comply with subsection 22.805.080.B.4 (Peak Control
22 Standard) if the total new plus replaced impervious surface is 10,000 square feet or more.
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1 5. Discharges to Public Combined Sewer. Unless the Director of SPU has
2 exercised its discretion to determine and has determined that the public combined sewer has
3 sufficient capacity to carry existing and anticipated loads, ((Roadway)) roadway projects
4 discharging into the public combined sewer shall comply with subsection 22.805.080.B.4 (Peak
5 Control Standard) if the total new plus replaced impervious surface is 10,000 square feet or
6 more.

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8 6. Discharges to a Capacity-constrained System. In addition to applicable
9 minimum requirements for flow control in subsection 22.805.060.A.1 through subsection
10 22.805.060.A.5, roadway projects discharging into a capacity-constrained system shall also
11 comply with subsection 22.805.080.B.4 (Peak Control Standard) if the total new plus replaced
12 impervious surface is 10,000 square feet or more.

13 B. Treatment. Roadway projects not discharging to the public combined sewer shall
14 ~~((comply with the minimum requirements for treatment contained in Section 22.805.090))~~, to the
15 extent allowed by law ~~((,if))~~ :

16 1. ~~((The))~~ If the site has less than 35 percent existing impervious surface
17 coverage, and the project's total new plus replaced pollution-generating impervious surface is
18 5,000 square feet or more, comply with the minimum requirements for treatment contained in
19 Section 22.805.090 for flows from the total new plus replaced pollution-generating impervious
20 surface; and
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1 2. If the site has greater than or equal to 35 percent existing impervious surface
2 coverage and the project's total new ((plus replaced)) pollution-generating impervious surface is
3 5,000 square feet or more ((~~5,000~~)) , and

4 a. If the new pollution-generating impervious surface adds 50 percent or
5 more to the existing impervious surfaces within the project limits, comply with the minimum
6 requirements for treatment contained in Section 22.805.090 for flows from the total new plus
7 replaced pollution-generating impervious surface. The project limits are defined by the length of
8 the project and the width of the right-of-way; or

9 b. If the new pollution-generating impervious surface adds less than 50
10 percent to the existing impervious surfaces within the project limits, comply with the minimum
11 requirements for treatment contained in Section 22.805.090 for flows from the total new
12 pollution-generating impervious surface. The project limits are defined by the length of the
13 project and the width of the right-of-way; and

14 ((2)) 3. If ((The)) the total new plus replaced pollution-generating pervious
15 surfaces is three-quarters of an acre or more and from which there is a surface discharge in a
16 natural or man-made conveyance system from the site, comply with the minimum requirements
17 for treatment contained in Section 22.805.090 for flows from the total new plus replaced
18 pollution-generating pervious surface .

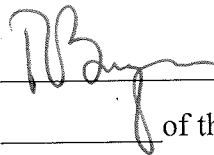
19 Section 4. This ordinance does not affect any existing right acquired or liability or
20 obligation incurred under the sections amended in this ordinance or under any rule or order
21 adopted under those sections, nor does it affects any proceeding instituted under those sections.
22

1 An applicant for a permit that is not subject to the provisions of this ordinance may ask the City
2 to review the entire application under the provisions of this ordinance.

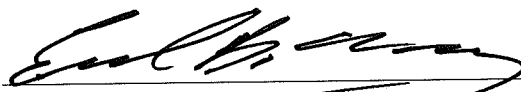
3 Section 5. The provisions of this ordinance are hereby declared to be separate and
4 severable. The invalidity of any clause, sentence, paragraph, subdivision, subsection or portion
5 of this ordinance or the invalidity of the application thereof to any person or circumstance does
6 not affect the validity of the remainder of this ordinance or the validity of its application to other
7 persons or circumstances.
8

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 20th day of April, 2015, and
5 signed by me in open session in authentication of its passage this
6 20th day of April, 2015.

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8
9 
10 President _____ of the City Council

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12 Approved by me this 24th day of April, 2015.

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14
15 
16 Edward B. Murray, Mayor

17
18 Filed by me this 24th day of April, 2015.

19
20
21 
22 Monica Martinez Simmons, City Clerk

23 (Seal)