

SUMMARY and FISCAL NOTE*

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** 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 land disturbing activity; updating the Grading Code to align with updates to other codes; and amending Sections 22.170.020, 22.170.050, 22.170.060, 22.170.070, 22.170.080, 22.170.110, and 22.170.190 of the Seattle Municipal Code.

Summary and background of the Legislation: This legislation adopts the 2021 Seattle Grading Code. SDCI is revising SMC 22.170 to align relevant thresholds, definitions, and exemptions with the concurrent 2021 Seattle Stormwater Code update to SMC 22.800-22.808. The Grading Code was last updated in January 2009. The update is occurring to ensure compliance with Seattle’s National Pollution Distribution Elimination System (NPDES) permit and to ensure compliance with Ecology’s Stormwater Management Manual for Western Washington. The updates to this code are minimal:

Threshold adjustments

- The Grading Code will require a grading permit when there is 5,000 square feet or more of land disturbing activity on a site, rather than 1 acre. This is consistent with Ecology’s expectations for management of large projects and aligns with current thresholds in the Stormwater Code.
- The Grading Code will require a grading permit when there is 750 square feet of new plus replaced hard surface, rather than 2000 square feet. This is consistent with Ecology’s expectations for management of hard surfaces and aligns with current thresholds in the Stormwater Code.
- The Grading Code will require a grading permit when extracting groundwater.

Definition adjustments

- The term “impervious surface” is replaced by “hard surface” as defined in SMC Section 22.801.090, which defines “hard surface” as an impervious surface, a permeable pavement, or a vegetated roof.
- “Development” means land disturbing activity or the addition or replacement of hard surface, rather than impervious surface.
- “Potentially hazardous location” is broadened to include any site on a list, register, or database compiled by EPA or Ecology for investigation, cleanup, or other action regarding contamination under any federal or state environmental law, rather than being defined as a location on Ecology’s Hazardous Sites List or on Superfund sites. When EPA or Ecology removes the site from the list, register or database, or when the Director of SDCI or the Director of SPU determines the owner has otherwise established the

contamination does not pose a present or potential threat to human health or the environment, the site will no longer be considered a potentially hazardous location.

New Exemptions

- Trenching and backfilling for the reconstruction or repair of existing utilities on property other than a public right-of-way that includes replacing the ground surface with in-kind material or materials with similar runoff characteristics.
- Trenching and backfilling for the installation of utilities on property other than a public right-of-way or an Environmentally Critical Area that includes replacing the ground surface with in-kind material or materials with similar runoff characteristics, with the exception that installation of drainage systems and facilities for Short Plats and Subdivisions that are subject to SMC 22.805.010.D are not exempt.

Eliminated Exemptions

- Underground storage tank removal subject to state or federal regulation is no longer exempt.

The update also includes various clarifications of grading plan requirements, and includes a new requirement that the geotechnical/civil engineer who prepares the soils analysis and report may need to submit a letter attesting that the risk of damage to proposed development or adjacent properties is minimal.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes **X** No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes **X** No

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?
No

Is there financial cost or other impacts of not implementing the legislation?

Yes. If Seattle is audited by the Washington State Department of Ecology, it may be determined that the City is out of compliance with our NPDES permit requirements and the Stormwater Management Manual for Western Washington if this update does not occur. There are significant fines associated with lack of compliance.

4. OTHER IMPLICATIONS

- a. **Does this legislation affect any departments besides the originating department?** The legislation will require that all departments that build or renovate buildings in the city of Seattle comply with the 2021 codes.
- b. **Is a public hearing required for this legislation?** No.
- c. **Is publication of notice with The Daily Journal of Commerce and/or The Seattle Times required for this legislation?** No.
- d. **Does this legislation affect a piece of property?** The legislation will affect large grading projects and projects with new plus replaced hard surface area greater than 750 square feet; however, it is not directed at any specific property.
- e. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?** We perceive no impacts to vulnerable or historically disadvantaged communities. The SDCI communications director will ensure that all public messaging regarding the update utilizes plain language.
- f. **Climate Change Implications**
1. **Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?** Not in a substantial manner but it will provide enhanced environmental protections to the City's receiving water bodies. See 4f.2 below.
 2. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way?** This update will increase the amount of On-Site Stormwater Management Best Management Practices (OSM BMPs) installed in the City (See Seattle Stormwater Code for OSM requirements). OSM provides runoff volume and pollutant mitigation. While some OSM BMPs provide carbon emission reduction, the primary impact is the reduction of pollutants introduced to the City's receiving waters.
- 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 does not include any new initiatives or major expansion of any program.

List attachments/exhibits below: