

SUMMARY and FISCAL NOTE

| Department: | Contact Person/Phone: | Executive Contact/Phone: |
|--------------------------|------------------------------|---------------------------------|
| Planning and Development | Margaret Glowacki 386-4036 | Melissa Lawrie 684-5805 |

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use; amending Sections 22.170.190, 23.41.018, 23.43.008, 23.43.010, 23.43.012, 23.44.014, 23.44.022, 23.44.024, 23.44.034, 23.45.516, 23.45.518, 23.45.522, 23.45.536, 23.47A.009, 23.47A.014, 23.47A.016, 23.47A.024, 23.49.019, 23.49.036, 23.49.041, 23.50.034, 23.57.008, 23.75.140, 23.84A.014, and 23.84A.028 of the Seattle Municipal Code to integrate low impact development into land development codes, standards, and rules.

Summary and background of the Legislation: The proposed amendments fall into one of two categories:

1. Modify existing language to *remove* barriers to implementing low impact development (e.g., landscaped areas must be *protected* not *enclosed* by a curb or barrier).
2. Encourage low impact development by listing it as a public benefit item or broadening a term to include LID strategies (e.g., allowing bioretention to count towards amenity area requirements).

The proposed amendments increase flexibility for certain low impact development strategies in a broad range of zones and development types. The proposed changes do not require low impact development; rather these changes remove potential regulatory impediments to implementing low impact development features. Additionally, the proposed amendments do not prohibit any action or development that is currently permitted under the Code.

Examples of the amendments included in this legislation include:

1. Currently the Code provides development standards for cisterns and allows these to be located in yards and setbacks. The proposal also allows this exception for bioretention facilities and includes it in several additional sections of the Code.
2. The proposal allows for rain gardens to fulfill landscaping requirements in surface parking lots and residential or commercial amenity areas.

Background: The City's Municipal Stormwater Permit requires City departments to review all development-related codes and rules to encourage low impact development (LID) and to remove any impediments to implementing LID strategies. LID is a stormwater and land use management strategy that strives to mimic how undeveloped land infiltrates, filters, and stores water. LID strategies include conservation measures, site planning, preservation and use of on-site natural features, and integration of distributed stormwater management practices into project design.

LID strategies emphasize treating stormwater close to its source through careful siting, reduced

impervious surface, and infiltration. Many LID facilities, such as rain gardens, can serve as amenities for building occupants. An LID approach also results in cost savings because it reduces the need for traditional stormwater infrastructure such as pipes and catch basins.

2. CAPITAL IMPROVEMENT PROGRAM

This legislation creates, funds, or amends a CIP Project.

3. SUMMARY OF FINANCIAL IMPLICATIONS

This legislation does not have direct financial implications.

4. OTHER IMPLICATIONS

- a) **Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?**
No
- b) **Is there financial cost or other impacts of not implementing the legislation?**
Yes. The maximum civil penalty for a Clean Water Act violation, which not implementing this legislation would be considered, is \$37,500 per violation, per day.
- c) **Does this legislation affect any departments besides the originating department?**
No
- d) **Is a public hearing required for this legislation?**
Yes. The City Council must hold a public hearing, to be scheduled before the Planning, Land Use, and Sustainability Committee.
- e) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
Yes. Publication of notice of the Council public hearing will be made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin. Environmental review under the State Environmental Policy Act (SEPA) is also required for this legislation, and publication of notice of the environmental determination will be made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin.
- f) **Does this legislation affect a piece of property?**
No.
- g) **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 perceived or real implications to the RSJI and the legislation will not impact

vulnerable or historically disadvantaged communities.

- h) If this legislation includes a new initiative or a major programmatic expansion:
What are the long-term and measurable goals of the program? Please describe how
this legislation would help achieve the program's desired goals.**

N/A

- i) Other Issues:**

None

List attachments below:

None