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Amendment 1 Version #1 to CB 121190 – 2026 Stormwater Code Update

Sponsor: Council President Hollingsworth

Technical corrections

Effect: This amendment would correct technical drafting errors identified after the introduction of the bill. The changes include the addition of underlines to proposed new code language, removing errant punctuation and superscripts, and adding a serial comma.

1. Amend SMC 22.801.020 "A" in Section 2 of CB 121190 as follows:

22.801.020 "A"

* * *

"Aquatic life use, fresh water" means "aquatic life uses" as defined in WAC 173-201A-200 (Fresh Water Designated Uses and Criteria). For the purposes of this subtitle, at minimum the following water bodies are designated for fresh water aquatic life use: small lakes, ~~((creeks,))~~ streams, wetlands, and fresh water designated receiving waters.

"Aquatic life use, marine water" means "aquatic life uses" as defined in WAC 173-201A-210 (Marine Water Designated Uses and Criteria) and includes marine surface waters of the state of Washington.

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2. Amend 22.801.150 "N" in Section 2 of CB 121190 as follows:

22.801.150 "N"

"Native vegetation" means "native vegetation" as defined in Section 25.09.520.

"New hard surface" means ~~((a))~~ the creation of a hard surface ~~((that is: changed from a pervious surface to a hard surface))~~ or the conversion, modification, or upgrade

of an existing hard surface to another hard surface. Examples of a new hard surface include, but are not limited to, ((e.g.,)) converting, modifying, or upgrading:

1. ~~Vegetation, lawn, dirt, or other earthen material to a~~ hard surface (e.g., compact gravel, packed earthen material, permeable pavement, ~~(resurfacing by upgrading from dirt to gravel,))~~ a bituminous surface treatment ("chip seal"), asphalt, concrete, or a ~~((hard surface))~~ structure); ~~((or upgraded from gravel))~~

2. Gravel to permeable pavement, chip seal, asphalt, concrete, or a ~~((hard surface))~~ structure; ~~((or from a))~~

3. A hard surface to a modified hard surface (e.g., grading an existing parking area and repaving);

4. A hard surface to a ~~((hard surface))~~ structure; or

5. A structure to another hard surface or another structure not otherwise meeting the definition of replaced hard surface ~~((?))~~.

~~((Note that if))~~ If asphalt or concrete has been overlaid by a chip seal, the existing condition ~~((should be))~~ is considered ~~((as))~~ asphalt or concrete.

If, for a structure, the existing foundation is removed or, for any other hard surface, the subgrade or base course grade elevation is modified beyond what is required to repair the existing hard surface or base course, then the structure or other hard surface is a new hard surface.

~~("New impervious surface" means a surface that is: changed from a pervious surface to an impervious surface (e.g., resurfacing by upgrading from dirt to gravel, a bituminous surface treatment ("chip seal"), asphalt, concrete or an impervious structure); or upgraded from gravel to chip seal, asphalt, concrete, or an impervious~~

~~structure; or from a impervious surface to an impervious structure. Note that if asphalt or concrete has been overlaid by a chip seal, the existing condition should be considered as asphalt or concrete.))~~

* * *

3. Amend SMC 22.801.200 "S" in Section 2 of CB 121190 as follows:

22.801.200 "S"

* * *

~~(("Single family residential project" means a project that constructs one Single family Dwelling Unit as defined in subsection 23.84A.032 and any associated accessory dwelling unit located in land classified as being Neighborhood Residential 1 (NR1), Neighborhood Residential 2 (NR2), or Neighborhood Residential 3 (NR3) pursuant to Section 23.30.010, and the total new plus replaced hard surface is less than 5,000 square feet.))~~

"Site" means the area defined by the legal boundaries of a parcel or parcels of land subject to development. For roadway projects, the length of the project site and the right-of-way boundaries define the site. A site may include multiple parcels and/or sections of right of-way, if multiple parcels and/or sections of right-of-way are subject to development.

"Slope" means an inclined ground surface.

"Small lakes" means Bitter Lake, Green Lake, and Haller Lake.

"Small project" means a project with:

1. Less than 5,000 square feet of new and replaced hard surface; and

2. Less than ~~((one-acre))~~ 10,000 square feet of land disturbing activities.

* * *

"Stream" means a ~~((Type S, F, Np or Ns water as defined in WAC 222-16-031, or as defined in WAC 222-16-030 after state water type maps are adopted, and is used synonymously with "creek."))~~ watercourse through which naturally occurring surface waters flow sufficiently, whether on a perennial or intermittent basis, to carve a defined channel or bed evidencing the passage of water, including but not limited to bedrock channels, gravel beds, alluvial mineral beds, defined-channel swales, and beds containing hydraulically sorted sediments. "Stream" does not include watercourses created entirely by artificial means, such as irrigation or roadside ditches, stormwater runoff devices, or canals, unless the watercourse conveys a stream that flowed naturally prior to the creation of the watercourse. "Stream" is used synonymously with "creek".

"Surface waters" means "surface waters of the state" as defined in chapter 173-201A WAC (Water Quality Standards for Surface Waters of the State of Washington) and includes lakes, rivers, ponds, streams, inland waters, saltwaters, wetlands and all other surface waters and watercourses within the jurisdiction of the state of Washington.

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4. Amend Table A (On-site List for Parcel-based Projects) in SMC 22.805.070 in Section 5 of CB 121190 as follows:

Table A for 22.805.070 On-site List for Parcel-based Projects

((Table C for 22.805.070 On-site List for Parcel-based Projects))
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Category	BMPs	Projects Discharging to a Receiving Water Not Designated by Section 22.801.050, Public Combined Sewer, or Capacity-constrained System, or its Basin	Projects Discharging to a Designated Receiving Water or its Basin
1	Full Dispersion	R, S	R, S
1	Infiltration Trenches	R, S ^g	R, S ^g
1	Drywells	R, S ^g	R, S ^g
<u>1</u>	<u>Rainwater Harvesting—Category 1 Sizing</u>	<u>X^e</u>	<u>X^e</u>
2	Rain Gardens <u>With or Without Tree</u>	R ^a , S ^a	R ^a , S ^a
2	Infiltrating Bioretention <u>With or Without Tree</u>	R, S	R, S
<u>2</u>	<u>Infiltrating Soil Cell Bioretention With Tree</u>	<u>X</u>	<u>X</u>
((2))	((<u>Rainwater Harvesting—Category 2 Sizing</u>))	((<u>X^e</u>))	((<u>X^e</u>))
2	Permeable Pavement Facilities <u>or approved equivalent</u>	R, S	R, S
2	Permeable Pavement Surfaces <u>or approved equivalent^h</u>	S	S
2	Sidewalk/Trail Compost-Amended Strip ^h	S	S
<u>3</u>	<u>Infiltrating Soil Cell Bioretention Without Tree</u>	<u>X</u>	<u>X</u>
3	Sheet Flow Dispersion	R, S	R, S
3	Concentrated Flow Dispersion	S	S
3	Splashblock Downspout Dispersion	R	R
3	Trench Downspout Dispersion	R	R

4	Non-infiltrating Bioretention	R ^d , S ^d	R ^d , S ^d
<u>4</u>	<u>Non-Infiltrating Soil Cell Bioretention With Tree</u>	<u>X</u>	<u>X</u>
4	Rainwater Harvesting—Category 4 Sizing	R ^{b, f}	X ^f
4	Vegetated Roofs	R ^c	((X)) <u>R^c</u>
<u>4</u>	<u>Residential Cistern</u>	<u>X</u>	<u>X</u>
5	Perforated Stub-out Connections	R	R
5	Trees ^(t)	S	S

Note that subsection 22.805.070.D.1 requires consideration of all on-site BMPs in a category for feasibility before moving on to each successive category as necessary. Within a category, BMPs may be considered in any order.

Key to Table ((C)) A for 22.805.070

R = Evaluation is required for all roof runoff from parcel-based projects.

S = Evaluation is required for all other hard (non-roof) surfaces of parcel-based projects, unless otherwise noted below.

X = Evaluation is not required but is allowed.

^a Rain gardens cannot be used to meet Section 22.805.080 (Minimum Requirements for Flow Control) or Section 22.805.090 (Minimum Requirements for Treatment) or for projects with areas of 5,000 square feet or more hard surface infiltrating on the project site.

^b Evaluation is not required for projects with less than 20,000 square feet of new plus replaced rooftop surface.

^c Evaluation is not required for projects with less than 5,000 square feet of new plus replaced rooftop surface.

^d Water quality treatment BMPs sized to meet Section 22.805.090 (Minimum Requirements for Treatment) may be installed in lieu of non-infiltrating bioretention unless the project discharges to a public combined sewer basin.

^e Category ((2)) 1 rainwater harvesting shall be sized to meet the on-site performance standard, subsection 22.805.070.C.

^f Category 4 rainwater harvesting shall be sized to reduce the runoff volume by 25 percent or more on an annual average basis.

Brian Goodnight
Governance and Utilities Committee
5/14/2026

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^g Evaluation of other hard (non-roof) surfaces is not required but is allowed.

^h Infiltration testing is not required to use for the on-site list approach; it is only necessary to prove infeasibility.