

May 7, 2026

MEMORANDUM

To: Governance and Utilities Committee
From: Brian Goodnight, Analyst
Subject: CB 121190: 2026 Stormwater Code Update

On May 14, 2026, the Governance and Utilities Committee (Committee) will continue its consideration of, and possibly vote on, [Council Bill \(CB\) 121190](#) that would amend the City's Stormwater Code to maintain compliance with state and federal water quality permits, align with recent land use code updates, and improve clarity. Seattle Public Utilities (SPU) briefed the Committee on the proposed bill at the Committee's April 9 meeting.

This memorandum provides background information, a summary of proposed major changes, and the anticipated financial impacts of the proposed changes on City departments.

Background

The City uses its Stormwater Code ([Chapters 22.800 – 22.808 of the Seattle Municipal Code](#)) to protect people, property, and the environment from the adverse impacts of urban stormwater runoff, such as flooding, landslides, erosion, and pollution. The Stormwater Code is also necessary to comply with state and federal regulations. In 2024, the Washington State Department of Ecology (Ecology) issued a new stormwater permit to the City, known as the 2024–2029 Phase 1 Municipal Stormwater Permit (MS4 Permit).

The MS4 Permit requires that the City's Stormwater Code and its associated technical manual create an effective local program to prevent and control the impacts of stormwater runoff from new development, redevelopment, and construction activity so that it does not pollute downstream waters. The technical manual is known as the Seattle Stormwater Manual and is promulgated via a joint Directors' Rule by the Directors of Seattle Public Utilities (SPU) and the Seattle Department of Construction and Inspections (SDCI). A draft version of the updated Stormwater Manual is available on [SPU's Project Documents](#) webpage.

The Council last amended the Stormwater Code in May 2021, via [ORD 126336](#), in response to Ecology's issuance of the 2019–2024 Phase 1 MS4 Permit. SPU and SDCI began the public process for the 2026 Stormwater Code Update, as proposed in CB 121190, in December 2024. The departments have informed stakeholders and solicited input on proposed updates through public meetings, email announcements, newsletter articles, and briefings at stakeholder meetings. A complete list of public engagement activities is included in the [Summary and Fiscal Note](#).

Summary of Proposed Major Changes

The 2026 Stormwater Code Update contains a variety of changes in response to the issuance of the 2024 MS4 Permit and direction from Ecology, alignment with the City's updated Land Use Code and City policies around housing development and improving water quality outcomes, and an attempt to provide clarity and predictability for applicants and reviewers.

Two of the more significant changes in the 2026 Update are:

1. Related Projects – In response to direction from Ecology, the proposed legislation would revise the definition for “closely related projects,” move the definition from the Stormwater Manual to the Seattle Municipal Code, and would create a new definition for “common plan of development or sale” that is equivalent to the 2024 MS4 Permit. The intent of these changes is to ensure that the impacts of projects that have physical or functional interdependencies (e.g., shared structures, shared driveways, shared drainage or utility designs, etc.) or are under a “single plan” (e.g., common ownership or control together with coordinated timing for elements such as design, permitting, etc.) are considered together, rather than as distinct and unrelated projects.
2. Flow Control Requirements for Small Sites – The proposed legislation would soften the detention requirements for small projects located within small lake basins and capacity-constrained systems. The existing code requires projects that equal or exceed 2,000 square feet of new plus replaced hard surface to comply with certain limits on peak stormwater release rates. The proposed update would raise this threshold to only apply to projects that equal or exceed 5,000 square feet of new plus replaced hard surface.

The higher threshold would align with changes made in the 2021 Stormwater Code Update to set flow control thresholds for other areas of the city at 5,000 square feet, and it would remain more restrictive than Ecology's threshold of 10,000 square feet.

A related change addresses how projects perform on-site stormwater management. All projects citywide that equal or exceed 1,500 square feet of new plus replaced hard surface are required to provide on-site stormwater best management practices. The 2026 Update proposes to increase the applicable sizes of one of the commonly used methods, non-infiltrating bioretention facilities, that provide both flow control and stormwater treatment. Overall, SPU believes that the updated sizing requirements and use of other on-site stormwater management practices (e.g., permeable pavements) provide comparable environmental benefits to the existing requirements for small projects.

In addition to the larger changes described above, some of the other proposed updates include:

- Increasing water quality treatment requirements for roadway projects by revising the threshold to include new and replaced hard surface, rather than just new hard surface, to meet Ecology's new permit requirements.

- Expanding the on-site stormwater management options available for projects, such as the addition of “soil cell bioretention,” which is akin to a rain garden-like area that includes an engineered structure underneath to create suitable soil conditions for trees and stormwater treatment.
- Removing references to outdated single-family terminology.

Ecology has reviewed the City’s proposed revisions that require Ecology approval and has made a preliminary determination that the revisions meet the regulatory requirements of the MS4 Permit. Ecology requires that the City’s updates have an effective date of July 1, 2026, and, after the updates are formally adopted, it is anticipated that Ecology will modify the City’s MS4 Permit to include Ecology’s determination that the City’s updated local program meets the state’s requirements.

Financial Impact for City Departments

Although the proposed legislation does not appropriate funds or amend the 2026 Adopted Budget, certain City departments will be impacted by the changing Ecology requirements and the updated Stormwater Code. The impacted departments include SPU, SDCI, Seattle Department of Transportation (SDOT), Seattle Parks and Recreation (SPR), Seattle City Light (SCL), and Finance and Administrative Services (FAS).

Each of these six departments has staff that will need training in preparation for administering the updated stormwater requirements. At this time, the departments are not expecting to require additional appropriation authority in 2026 for the training, but any future resource requests would come via supplemental budget legislation.

Some of the departments have also identified areas where they are likely to experience increased costs as a result of the updated stormwater requirements, although most departments have not quantified the estimated cost increases. The expected impacts include:

- SPU – Anticipates a small increase in capital costs due to water quality threshold changes for roadway projects, and an increase in operation and maintenance costs resulting from an increasing number of water quality facilities being installed in the public right-of-way.
- SDOT – Expects increased construction costs in the Arterial Asphalt and Concrete Program (\$1.8 million in 2031), and possible increased costs related to the curb ramp program.
- SPR – Anticipates increased costs for its capital program depending on the types of projects pursued, as well as potentially for operations and maintenance related to building cleaning and enhanced Ecology rules around the collection of wash water.
- SCL & FAS – Expect cost increases for operations and maintenance related to the Ecology rules for the collection of wash water.

Next Steps

The Committee is scheduled to discuss and possibly vote on CB 121190 at its meeting on May 14. If the Committee votes to recommend passage of the bill at that time, the City Council could consider the legislation at its meeting on May 19, at the earliest.

cc: Lish Whitson, Director
Calvin Chow, Deputy Director