

SUMMARY and FISCAL NOTE

Department:	Contact Person/Phone:	Executive Contact/Phone:
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1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to the implementation of the 2016 Stormwater Code update; ensuring that the City's local program for stormwater regulation meets substantive requirements of the State Department of Ecology; amending Sections 22.170.120, 23.22.028, 23.22.074, 23.24.050, and 23.76.032 of the Seattle Municipal Code; amending Section 106 of the 2012 Seattle Building Code; and amending Section R105 of the 2012 Seattle Residential Code.

Summary and background of the Legislation:

This legislation is related to an update to the Stormwater Code that will: 1) incorporate new requirements from the Washington State Department of Ecology; 2) incorporate SPU and DPD policy changes; and 3) improve usability. As part of this process, DPD is proposing related updates to the City's Building, Residential, Land Use and Grading Codes to ensure all City regulations meet the substantive requirements of Ecology for stormwater regulation. The requirements apply to the City of Seattle for its municipal stormwater discharges covered by the 2013-2018 Phase I Municipal Stormwater Permit that Ecology issued under federal Clean Water Act and state authority, as amended (MS4 Permit). This legislation provides for application of the 2016 updates to the Stormwater Code to land use, building and grading permit applications, in association with the target effective date of the 2016 Stormwater Code (January 1, 2016). The proposed changes specifically relate to the applicability of the Stormwater Code to construction project application dates and project start dates and are intended to ensure that all City regulations affecting these dates apply in the same way.

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.

Appropriations Notes:

This legislation does not have a fiscal impact separate from the accompanying Stormwater Code legislation.

This legislation affects the timing of implementation of the Stormwater Code. The revised

Stormwater Code will apply to permits for which a request for renewal is made after January 1, 2016 if construction hasn't begun by that date. The fiscal impact of the increment of cost due to this legislation is considered in the fiscal analysis of the Stormwater Code.

As discussed in the Stormwater Code legislation, DPD anticipates additional staffing requirements as a result of the Stormwater Code update due to a sizeable increase in the number of projects requiring on-site drainage review and the increased complexity of on-site inspections. As part of the 2016 budget process, DPD will request an additional \$569,778 in annual appropriations to fund requests for 2 additional FTE Drainage Reviewers (\$258,426 annual total or \$129,213 per reviewer) and 2 additional FTE DPD Site Inspectors and associated vehicles (\$311,352 annual total, or \$155,676 per reviewer and vehicle).

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?** No
- 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 Seattle Public Utility and Neighborhood 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 must be made in *The Daily Journal of Commerce* and in the City's Land Use Information Bulletin (LUIB). Additionally, environmental review under the State Environmental Policy Act is required, and publication of notice of the environmental determination was made in *The Daily Journal of Commerce*, *The Seattle Times*, and in the City's Land Use Information Bulletin on March, 9, 2015, when amendments to the Stormwater Code legislation were first proposed. An addendum to the environmental review covering the current proposed legislation has been issued and publication of notice of the addendum was made in *The Daily Journal of Commerce* and *The Seattle Times* on June 25, 2015.
- 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
- 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.**
NA

i) Other Issues:

List attachments below:

Exhibit A – Directors’ Report

Exhibit A

Directors' Report and Recommendation Stormwater Implementation Amendments

July 17, 2015

Introduction

SPU and DPD updating the Stormwater Code to: 1) incorporate new Ecology requirements, 2) incorporate SPU and DPD policy changes, and 3) improve usability. As part of this process, DPD is also proposing related updates to the City's Building, Residential, Land Use, and Grading Codes to ensure that all City regulations meet the substantive requirements of the Washington State Department of Ecology (Ecology) for stormwater regulation. The requirements apply to the City of Seattle for its municipal stormwater discharges covered by the 2013-2018 Phase I Municipal Stormwater Permit that Ecology issued under federal Clean Water Act and state authority, as amended in the Municipal Separate Storm Sewer Systems (MS4) Permit). This Director's Report is associated with legislative process for the Building, Residential, Land Use, and Grading Codes updates that are directly tied to the 2016 Stormwater Code update. The amendments are proposed for transition to the 2016 updates to the Stormwater Code, in association with the target effective date of the 2016 Stormwater Code (January 1, 2016). The proposed changes specifically relate to the applicability of the Stormwater Code to construction project application dates and project start dates and are intended to ensure that all City regulations affecting these dates apply in the same way. See the "Modifications" section below for additional details.

Frequently Asked Questions

Why are we updating the Stormwater Code? The Stormwater Code is being updated in order to comply with the City's obligations under the MS4 Permit, incorporate SPU/DPD policy changes, and improve usability.

How does the proposed 2016 Stormwater Code update affect other codes? One of the sections of the City's MS4 Permit regards the applicability of Stormwater Code revisions in relation to construction project application dates and project start dates. For consistency across all City Codes, new MS4 Permit requirements must also be reflected in the Building, Residential, Land Use, and Grading Codes. See the "Modifications" section below for additional details.

What has been the extent of public participation for the Stormwater Code update? As part of the project to prepare the Stormwater Code legislation, there has been an ongoing series of public meetings and presentations made to specific stakeholders. A summary listing is provided in the table below.

Date	Group
January 24, 2013	Thornton Creek Alliance
March 18, 2013	External User Stakeholders
May 8, 2013	Master Builders Association of King and Snohomish Counties
May 9, 2013	Fauntleroy Watershed Council
June 27, 2013	Seattle Builders Council Master Builders Association
November 7, 2013	Public Open House
November 19, 2013	Thornton Creek Alliance
November 26, 2013	North Seattle Industrial Association
December 17, 2013	King County
June 3, 2014	Public Meeting
June 5, 2014	Seattle Builders Council Master Builders Association
June 11, 2014	American Council of Engineering Companies (ACEC)
July 15, 2014	Washington Society of Landscape Architects (WASLA)
July 16, 2014	Master Builders Association (MBA)
July 17, 2014	American Society of Civil Engineers (ASCE)
July 18, 2014	American Public Works Association (APWA)
August 13, 2014	Urban Forestry Commission
January 26, 2015	Puget Soundkeeper Alliance (PSA)
February 24, 2015	North Seattle Industrial Association
March 19, 2015	SPU Developer Services Advisory Committee
June 3, 2015	Urban Forestry Commission
June 10, 2015	Public Meeting

Modifications to Related Regulations

The modifications being proposed for the Building, Residential, Land Use, and Grading Codes are directly related to proposed modifications to the Seattle Stormwater Code to achieve equivalency with MS4 Permit requirements. In a parallel ordinance to amend the Seattle Stormwater Code (Chapters 22.800 – 22.808), the City proposes to add a new section to the Stormwater Code (SMC 22.800.100) for transition to the 2016 updates to that code. In association with its target effective date of January 1, 2016, the 2016 Stormwater Code update includes new language regarding the applicability of Code revisions in relation to specified project permit application and construction dates. The 2016 Stormwater Code update will apply to permit applications submitted on or after January 1, 2016. In addition, for projects considered under the current Stormwater Code before amendment, if construction has not started by June 30, 2020, the 2016 Stormwater Code update will apply. This revision was added to achieve equivalency with the MS4 Permit requirements (which apply to areas that discharge to the City’s

municipal stormwater system) and affects both building and master use permits (including short plats).

The modifications being proposed for the Building, Residential, Land Use and Grading Codes as part of this legislation are provided below.

1. Revised Land Use Code - Effect of preliminary plat approval (23.22.028): The proposed revision adds references to the new Stormwater Code Section 22.800.100, making the vesting language for preliminary full subdivision plat approvals subject to the new Stormwater Code as provided in Section 22.800.100.
2. Revised Land Use Code - Council determination of final plat (23.22.074): The proposed revision adds a reference to the new Stormwater Code Section 22.800.100 to Section 23.22.074.A, making Council determination of whether a full subdivision final plat meets the requirements of state law and the Seattle Municipal Code that were in effect at the time of preliminary plat approval subject to the new Stormwater Code as provided in Section 22.800.100.
3. Revised Land Use Code - Director's decision (23.24.050): For short subdivisions, the proposed revision adds a reference to the new Stormwater Code Section 22.800.100 to Section 23.54.050.C, which now says that short plats are deemed to meet the requirements of the Land Use Code for five years following the date of the Director's decision except as changed by the new Stormwater Code as provided in Section 22.800.100.
4. Revised Land Use Code - Expiration and renewal of Type I and II Master Use Permits (23.76.032): Section 23.76.032 generally says that a Master Use Permit expires three years from the date a permit is approved for issuance, with various exceptions. Those exceptions would now include a new exception in subsection 23.76.032.A.1.h for permits that may expire earlier pursuant to the new Stormwater Code as provided in Section 22.800.100.
5. Revised Building Code – Expiration of permits (106.9): The proposed revision states that expired permits are subject to Section 22.800.100 of the Stormwater Code.
6. Revised Building Code – Renewal of permits (106.10): The proposed revision provides that applications for renewal of building permits received on or after January 1, 2016 will be subject to the Stormwater Code in effect when the renewal application is received if construction hasn't begun.
7. Revised Building Code – Reestablishment of expired permits (106.11): The proposed revision provides that applications for reestablishment of permits that were expired for less than one year are subject to the Stormwater Code in effect when the renewal application is received if construction hasn't begun.
8. Revised Residential Code – Expiration of permits (R105.9): The proposed revision states that expired permits are subject to Section 22.800.100 of the Stormwater Code.
9. Revised Residential Code – Renewal of permits (R105.10): The proposed revision provides that applications for renewal of building permits received on or after January 1, 2016 will be subject to the Stormwater Code in effect when the renewal application is received if construction hasn't begun.
10. Revised Residential Code – Reestablishment of expired permits (R105.11): The proposed revision provides that applications for reestablishment of permits that were

expired for less than one year are subject to the Stormwater Code in effect when the renewal application is received if construction hasn't begun.

11. Revised Grading Code – Expiration and Renewal of Grading Permit (22.170.120): The proposed revision provides that applications for renewal of grading permits received on or after January 1, 2016 will be subject to the Stormwater Code in effect when the renewal application is received if construction hasn't begun.

Conclusion & Recommendation

The Director of SPU and the Director of DPD recommend that the proposed modifications to City regulations be adopted in order to ensure that all City regulations meet the substantive requirements of Ecology for stormwater regulation.