

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL 118045

AN ORDINANCE relating to drainage services of Seattle Public Utilities; clarifying definitions and criteria for the wetlands exemption from drainage services charges and updating administrative procedures for bill adjustments and right of entry for inspections related to exemptions; and amending Section 21.33 of the Seattle Municipal Code in connection therewith.

WHEREAS, Ordinance 124049 established, effective upon the date set by Directors Rule, but no later than January 1, 2014, an exemption from drainage service charges under Section 21.33.030 for the portion of a parcel containing a wetland that contains highly infiltrative pervious surface and meets all qualifications criteria as established by the Utility by Director's Rule under Section 3.32.020 of the Seattle Municipal code; and

WHEREAS, in development of the Director's Rule, subject matter experts verified that wetlands generally do not contain highly infiltrative pervious surface, but rather provide hydrologic and water quality functions by storing and filtering storm water requiring a revision to the wetland exemption and related definition in the Seattle Municipal Code; and

WHEREAS, revisions to Section 21.33 of the Seattle Municipal Code are necessary to further clarify that eligibility for exemptions may be a basis for drainage service charge bill adjustments and subject to verification under the right of entry for inspection; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new definition is added to Section 21.33.010 of the Seattle Municipal Code as Subsection AB as follows:

SMC 21.33.010 Definitions

For purposes of this chapter, the words or phrases below shall have the following meanings:

* * *

1 AB. "Wetlands" means "wetlands" as defined in SMC 25.09.020 of the Seattle Municipal Code,
2 as may be amended from time to time.

3
4 Section 2. Subsection 21.33.030.A.8 of the Seattle Municipal Code is amended as
5 follows:

6 **SMC 21.33.030 Drainage service charges and drainage rates --Schedule -- Exemptions.**
7

8 A. A drainage service charge is imposed on every parcel within the City, and the
9 owner(s) thereof, except for the following exempted property(ies):

10 * * *

11
12 8. Effective upon the date set by Directors Rule, but no later than January 1, 2014, that
13 portion of a parcel containing a wetland that (~~contains highly infiltrative pervious surface and~~)
14 meets all qualification criteria as established by the Utility by Director's Rule under Section
15 3.32.020 of the Seattle Municipal Code. The Director's Rule shall also establish administrative
16 schedules and procedures for demonstrating initial and ongoing compliance with exemption
17 criteria. For the 2014 billing year only, the Utility will accept applications and supporting
18 exemption qualification documentation specified in the Director's Rule through May 15, 2014 as
19 a basis for an adjustment to the 2014 drainage service charge for a particular parcel. Applications
20 and supporting qualification documentation submitted after May 15, 2014 will be considered for
21 future billing years under SMC 21.33.070.A. The Utility may consider Geographic Information
22 System data and any other necessary information in identifying qualifying wetlands.
23

24 Section 3. Subsection 21.33.050.B.4 of the Seattle Municipal Code is amended as
25 follows:
26
27

SMC 21.33.050 Drainage service charges -- Adjustments.

* * *

B. A request for a bill adjustment may be based on one or more of the following:

* * *

4. The parcel meets the definition of exempted property, and fulfills any qualification criteria established in SMC 21.33.030 or any Director's Rule referred to therein;

* * *

Section 4. Section 21.33.120 of the Seattle Municipal Code is amended as follows:

SMC 21.33.120 Right of entry for inspection.

A. The Director of Seattle Public Utilities or his or her duly authorized representatives, bearing proper credentials and identification, may with the consent of the owner or pursuant to lawfully issued warrant enter at all reasonable times upon any City of Seattle parcel ~~((and all premises which generate surface or stormwater run-off))~~ for the purpose of ascertaining any property-related information, as required for determination of the parcel's drainage service charge or exemption from the service charge under SMC 21.33.030, area and type of such surfaces as required to determine the appropriate assignment of such property to a drainage rate category,) or information required for the calculation of a stormwater facility credit or verification of initial and ongoing compliance with storm water facility program requirements under SMC 21.33.040. ~~((the installation and proper maintenance of an approved stormwater management facility.))~~

1 Section 5. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the ____ day of _____, 2014, and
5 signed by me in open session in authentication of its passage this
6 ____ day of _____, 2014.

7
8
9 _____
10 President _____ of the City Council

11 Approved by me this ____ day of _____, 2014.

12
13 _____
14 Edward B. Murray, Mayor

15
16 Filed by me this ____ day of _____, 2014.

17
18 _____
19 Monica Martinez Simmons, City Clerk

20 (Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle Public Utilities	Leanne Galati/4-0455	Saroja Reddy/5-1232

Legislation Title: AN ORDINANCE relating to drainage services of Seattle Public Utilities; clarifying definitions and criteria for the wetlands exemption from drainage services charges and updating administrative procedures for bill adjustments and right of entry for inspections related to exemptions; and amending Section 21.33 of the Seattle Municipal Code in connection therewith.

Summary of the Legislation:

The legislation eliminates the requirement that properties must contain highly infiltrative pervious surface to qualify for a wetlands exemption from drainage rates and clarifies the terms for bill adjustments related to exemptions and Seattle Public Utilities' right of inspection with respect to exemptions.

Background:

In November 2012 the City approved Ordinance 124049 which adopted drainage rates for 2013 to 2015. The ordinance contained exemptions from drainage fees, including an exemption for "the portion of a parcel containing a wetland that contains highly infiltrative pervious surface and meets all qualifications criteria as established by the Utility by Director's Rule". The ordinance also established that the wetlands exemption be effective upon a date set by Directors Rule, but no later than January 1, 2014.

In developing the Director's Rule, which has been adopted, staff verified wetlands generally do not contain highly infiltrative pervious surface, but are instead characterized by wetland hydrology, hydric soils, and hydrophytic vegetation that provide the potential and opportunity to improve water quality, reduce flooding and erosion, or reduce stream degradation. This proposed ordinance would strike the pervious surface requirement from code and clarify certain terms related to exemptions and the right of Seattle Public Utilities to inspect properties to verify ongoing compliance with exemption requirements.

Please check one of the following:

X **This legislation does not have any financial implications.**

Fiscal impacts associated with the implementation of the wetlands exemption in 2014 are captured in the fiscal note impacts associated with Ordinance 124049.

Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No.
- b) **What is the financial cost of not implementing the legislation?**
There is no financial cost.
- c) **Does this legislation affect any departments besides the originating department?**
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** There are none.
- e) **Is a public hearing required for this legislation?**
No.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.
- g) **Does this legislation affect a piece of property?**
No.
- h) **Other Issues:**
None.

List attachments to the fiscal note below:

None



City of Seattle
Edward B. Murray
Mayor

February 11, 2014

Honorable Tim Burgess
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Burgess:

I am pleased to transmit the attached proposed Council Bill which would clarify eligibility criteria and other terms for a payment exemption from drainage charges for properties in the city containing wetlands.

In November 2012, the City approved Ordinance 124049 which enacted certain exemptions from payment of drainage charges, including an exemption for wetlands. This exemption was included in recognition of the fact that wetlands can improve water quality, reduce flooding and erosion and reduce stream degradation. The Ordinance further specified that qualifying wetlands must contain highly infiltrative soils. In drafting the Director's Rule to implement this latter standard, SPU determined this latter standard is not desirable or practicable.

The proposed legislation provides for clearer procedures and parameters to enable a more transparent implementation of this new exemption which recognizes the benefits of wetlands to the City's drainage system. Thank you for considering this legislation. If you have questions, please contact Leanne Galati of SPU at 684-0455.

Sincerely,

Edward B. Murray
Mayor of Seattle

cc: Honorable Members of the Seattle City Council