

ORDINANCE No. 117697  
117697

*Law Department*

AN ORDINANCE repealing Seattle Municipal Code Chapter 22 806; amending Chapters 22 801, 22 802, 22 804 and 22 808, and adding a new Section 22 808.025 to the Stormwater, Grading and Drainage Control Code, to clarify the definition of public place, to give the Directors of Construction and Land Use and Engineering authority to revise the stormwater discharge rate requirements for some sites, to amend grading permit requirements, and revising the City's enforcement authority.

The City of Seattle - Legislative Department

REPORT OF COMMITTEE

Council Bill 110758

Honorable President:

Your Committee on \_\_\_\_\_

OK

to which was referred the within Council Bill No. \_\_\_\_\_  
 report that we have considered the same and respectfully recommend that the same

COMPTROLLER FILE No.

Introduced:	By:
Referred:	To:
Referred:	To:
Referred:	To:
Reported: <i>JUL 10 1995</i>	Second Reading: <i>JUL 10 1995</i>
Third Reading:	Sign: <i>JUL 10 1995</i>
Presented to Mayor: <i>JUL 11 1995</i>	Approved: <i>JUL 13 1995</i>
Returned to City Clerk: <i>JUL 13 1995</i>	Published: <i>Full</i>
Vetoed by Mayor:	Veto Published: <input checked="" type="checkbox"/>
Passed over Veto:	Veto Sustained:

*Passed 20 June 6/27/95*

*Public Hearing: No Speakers*

*Full Council vote 9-0*

Committee Chair

ORDINANCE 117697

1 AN ORDINANCE repealing Seattle Municipal Code Chapter 22.806; amending  
2 Chapters 22.801, 22.802, 22.804 and 22.808, and adding a new Section 22.808.025 to  
3 the Stormwater, Grading and Drainage Control Code; to clarify the definition of public  
4 place; to give the Directors of Construction and Land Use and Engineering authority  
5 to revise the stormwater discharge rate requirements for some sites; to amend grading  
6 permit requirements; and revising the City's enforcement authority.

7 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

8 **Section 1.** Seattle Municipal Code Chapter 22.806, Administrative Provisions, as  
9 last amended by Ordinances 108090 and 111043, is hereby repealed.

10 **Section 2.** Seattle Municipal Code Section 22.801.170, is amended as follows:

11 **22.801.170 "P."**

12 "Person" means an individual, firm, partnership, corporation, municipal corporation,  
13 and government, and the individual's or entity's heirs, successors and assigns.

14 "Plan" means, for the purposes of this Subtitle, and unless a different meaning is set  
15 forth or clearly required, a graphic or schematic representation, with accompanying  
16 notes, schedules, specifications and other related documents.

17 "Plot plan" is a scaled map of a site and adjacent public rights-of-way showing  
18 locations and dimensions of various existing and proposed features, such as buildings,  
19 curbs, driveways, sidewalks, trees, grades and drainage patterns.

20 "Preloading" means the temporary stockpiling of earth material over a site for the  
21 purpose of consolidating the existing soils.

22 "Public combined sewer" means a publicly owned and maintained sewage system  
23 which carries drainage water and sewage and flows to a publicly owned treatment  
24 works.

25 "Public drainage control system" means a drainage control system owned or used by  
26 the City of Seattle serving City streets and adjacent property.

27 "Public place" (~~has the meaning given to it in Chapter 15.02~~) means and includes  
28 streets, avenues, ways, boulevards, drives, places, alleys, sidewalks, and planting  
(parking) strips, squares, triangles and right-of-way for public use and the space above  
or beneath its surface, whether or not opened or improved.

"Public storm drain" means the part of a public drainage control system which is  
wholly or partially piped, is owned or operated by a public entity, and is designed to  
carry only drainage water.

**Section 3.** Seattle Municipal Code Section 22.802.015C, Minimum Requirements  
for All Projects, is amended as follows:

C. Minimum Requirements for All Projects. All projects must comply with the  
requirements of this subsection. Projects with more than nine thousand (9,000) square  
feet of developmental coverage shall also comply with the requirements of subsection  
D below. The Director of Construction and Land Use may also require projects with  
nine thousand (9,000) square feet or less of developmental coverage to comply with  
the requirements set forth in subsection D when necessary to accomplish the purposes  
of this subtitle. In making this determination, the Director of Construction and Land  
Use may consider, but not be limited to, the following attributes of the site: location  
within an Environmentally Critical Area; proximity and tributary to an Environmentally  
Critical Area; proximity and tributary to an area with known erosion or flooding  
problems.

1. Discharge Point. The discharge point for drainage water from each site  
shall be selected as set forth in rules promulgated jointly by the Director of  
Engineering and the Director of Construction and Land Use specifying criteria,

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1 guidelines and standards for determining drainage discharge points to meet the  
2 purposes of this subtitle. The criteria shall include, but not be limited to, preservation  
3 of natural drainage patterns and whether the capacity of the drainage control system is  
4 adequate for the additional volume. For those projects meeting the review threshold,  
5 the proposed discharge point shall be identified in the drainage control plan required  
6 by paragraph C4 below, for review and approval or disapproval by the Director of  
7 Construction and Land Use

8 2. Discharge Rate. To the extent practical, the peak drainage water discharge  
9 rate from pervious and impervious surfaces on the site shall not exceed 0.2 cubic feet  
10 per second per acre under design storm conditions. The Director of Construction and  
11 Land Use and the Director of Engineering may jointly promulgate rules modifying the  
12 discharge rate requirement for projects (~~in which the additional impervious surface is  
13 less than seven hundred fifty (750) square feet or the total impervious surface is less  
14 than two thousand (2,000) square feet~~) which will result in less than 2,000 square feet  
15 of new impervious surface. The Director of Construction and Land Use and the  
16 Director of Engineering may jointly promulgate rules allowing exceptions to the  
17 permissible peak discharge rate for property which discharges water directly to a  
18 designated receiving water or directly to a public storm drain which the Director of  
19 Engineering determines has sufficient capacity to carry existing and anticipated loads  
20 from the point of connection to a receiving water. The design storm used to determine  
21 detention volume necessary to obtain the required discharge rate shall be a storm with  
22 a statistical probability of occurrence of one (1) in twenty-five (25) in any given year.  
23 If the project is within an environmentally critical area, the design storm requirements  
24 of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, shall be  
25 applied. The Director of Engineering and the Director of Construction and Land Use  
26 shall jointly adopt rules specifying the methods of calculation to determine the  
27 discharge rate. Where laws or regulations of the federal government or the State of  
28 Washington impose a more stringent requirement, the more stringent requirement shall  
apply.

3. Control Measures. During new development, redevelopment and land-  
disturbing activities, best management practices, as further specified in rules  
promulgated jointly by the Director of Engineering and the Director of Construction  
and Land Use, shall be used to accomplish the following:

a. Control erosion and the transport of sediment from the site through  
measures such as mulching, matting, covering, silt fences, sediment traps and  
catchbasins, settling ponds and protective berms;

b. Permanently stabilize exposed soils that are not being actively  
worked, through such methods as the installation of permanent vegetative cover and  
installation of slope-protective materials; and

c. Control the introduction of contaminants and pollutants into, and  
reduce and treat contaminants in drainage water, drainage control facilities, surface  
water and groundwater, and the public drainage control system by methods such as  
covering of material stockpiles; proper disposal of hazardous materials; regular  
cleaning of catchbasins, gravel truck loading and heavy equipment areas; spill control  
for fueling operations; sweeping; and maintaining erosion control protective features  
described above.

4. Drainage Control Plan. For those projects meeting the review thresholds  
set forth in subsection B above and which are less than nine thousand (9,000) square  
feet, the applicant shall submit a drainage control plan as set forth in rules promulgated  
jointly by the Director of Engineering and the Director of Construction and Land Use.  
Standard designs for drainage control facilities as set forth in the rules may be used.  
Projects exceeding nine thousand (9,000) square feet must submit a comprehensive  
drainage control plan as set forth in subsection D below. The Director of  
Construction and Land Use may impose additional requirements, including a  
comprehensive drainage control plan prepared by a licensed civil engineer, when the  
project has complex or unusual drainage, or when additional requirements are  
otherwise necessary to accomplish the purposes of this subtitle.

5. Memorandum of Drainage Control. The owner(s) of the site shall sign a  
"memorandum of drainage control" that has been prepared by the Director of  
Engineering. Completion of the memorandum shall be a condition precedent to  
issuance of any permit or approval for which a drainage control plan is required. The

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memorandum shall not be required when the drainage control facility will be owned and operated by the City. A memorandum of drainage control shall include:

- a. The legal description of the site;
- b. A summary of the terms of the drainage control plan, including any known limitations of the drainage control facilities, and an agreement by the owners to implement those terms;
- c. An agreement that the owner(s) shall inform future purchasers and other successors and assignees of the existence of the drainage control facilities and other elements of the drainage control plan, the limitations of the drainage control facilities, and of the requirements for continued inspection and maintenance of the drainage control facilities;
- d. The side sewer permit number and the date and name of the permit or approval for which the drainage control plan is required;
- e. Permission for the City to enter the property for inspection, monitoring, correction, and abatement purposes;
- f. An acknowledgment by the owner(s) that the City is not responsible for the adequacy or performance of the drainage control plan, and a waiver of any and all claims against the City for any harm, loss, or damage related to the plan, or to drainage or erosion on the property, except for claims arising from the City's sole negligence; and
- g. The owner(s)' signature, acknowledged by a notary public.

The applicant shall file the memorandum of drainage control with the King County Department of Records and Elections so as to become part of the King County real property records. The applicant shall give the Director of Engineering proof of filing of the memorandum.

6. Flood-Prone Areas. Sites within flood-prone areas must employ measures to minimize the potential for flooding on the site and for the project to increase the risk of floods on adjacent or nearby properties. Flood control measures shall include those set forth in other titles of the Seattle Municipal Code and rules promulgated thereunder, including but not limited to, SMC Chapter 25.06 (Floodplain Development) and Chapter 25.09 (Environmentally Critical Areas), and in rules promulgated jointly by the Director of Engineering and the Director of Construction and Land Use to meet the purposes of this subsection.

7. Natural Drainage Patterns. Natural drainage patterns shall be maintained.
8. Obstruction of Watercourses. Watercourses shall not be obstructed.

**Section 4. Seattle Municipal Code Section 22.804.030A, Grading Permit Required, is amended as follows:**

A. Grading Permit Required. A grading permit shall be required for all grading activities as specified below. Actions exempt from a grading permit are specified in subsection C.

1. Special Sites. A permit shall be required for any site located in one (1) of the following areas if the combined volume of excavation, fill, dredging, or other movement of earth materials is more than twenty-five (25) cubic yards:

a. Shoreline districts, except a permit shall be required for any grading within ten feet (10') of the line of mean higher high tide adjoining saltwater or the line of mean high water adjoining fresh water and for any grading of lands covered by water; or

b. Environmentally critical areas (except Liquefaction-prone and Abandoned Landfills).

Grading may be prohibited in certain Environmentally Critical Areas. For additional requirements see Regulations for Environmentally Critical Areas, SMC 25.09.

2. Potentially Hazardous Locations. A permit shall be required for any site identified under the provisions of Section 22.800.050 for any volume of excavation, fill, dredging or other movement of earth materials.

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1 ((6)) 3. Grading Near Public Places. A permit shall be required for all grading  
2 activities in excess of four feet (4'), measured vertically, on private property within  
3 any area between the vertical prolongation of the margin of a ~~an~~ public  
4 place, and a one hundred percent (100%) slope line (forty-five degrees (45°) from a  
5 horizontal line) from the existing elevation of the margin of ~~the traveled surface of~~  
6 a ~~an~~ public place to the proposed elevation of the private property.

7 ((3)) 4. General Sites. For sites not included in subsections A-1 and A-2 above, a  
8 permit shall be required where the grade at any location is changed more than three  
9 feet (3') and either:

10 a. The cumulative volume of excavation, fill, dredging or other  
11 movement of earth materials is more than one hundred (100) cubic yards over the  
12 lifetime of the site; or

13 b. The grading will result in a slope steeper than three (3) horizontal  
14 to one (1) vertical.

15 ((4)) 5. In-Place Ground Modification. A permit shall be required for any site  
16 where in-place ground modification will take place. The Director of Construction and  
17 Land Use may waive the requirement for a permit when the Director determines the  
18 in-place ground modification will be insignificant in amount or type.

19 ((5)) 6. Temporary Stockpiles. A grading permit or approval shall be required for  
20 temporary stockpiles which meet the thresholds of subsections A-1 through A-3, A2  
21 and A-4 above and are not located on sites for which a valid grading permit or grading  
22 approval has been issued.

23 **Section 5. Seattle Municipal Code Section 22.804.030C, Exemptions, is amended**  
24 **as follows:**

25 C. Exemptions. The following grading activities shall be exempt from a grading  
26 permit, but must still comply with the provisions of this subtitle:

27 1. Activity conducted under a street use permit which specifically authorizes  
28 the grading work to be performed;

29 2. Excavations and filling of cemetery graves;

30 3. Exploratory excavations which comply with the requirements of Section  
31 22.804.050;

32 4. Operation of sewage treatment plant sludge settling ponds;

33 5. Operation of surface mines for the extraction of mineral and earth materials  
34 subject to the regulations and under a permit of The State of Washington;

35 6. Stockpiling and handling of earth material when the earth material is  
36 consumed or produced in a process which is the principal use of the site and which  
37 complies with the requirements of Section 22.804.050;

38 7. Maintenance or reconstruction of active tracks and yards of a railroad in  
39 interstate commerce within its existing right-of-way;

40 8. Maintenance or reconstruction of the facilities of parks and playgrounds  
41 including work required for the protection, repair, replacement or reconstruction of  
42 any existing paths, trails, sidewalks, public improvement or public or private utility,  
43 and the stockpiling of material for maintenance activities;

44 9. Excavation and filling of post holes;

45 10. On-site work required for construction, repair, repaving, replacement or  
46 reconstruction of an existing road, street or utility installation in a public right-of-way.

47 11. Trenching and backfilling for the installation, reconstruction or repair of  
48 utilities on property other than a public right-of-way;

49 12. Grading done in performance of work authorized by the City for public  
50 works projects (See also Section 22.800.070);

51 13. Public works and other publicly funded activities on property owned by  
52 public entities, when discharges from the property do not enter the public drainage  
53 control system or the public combined sewer system, and the project will not undercut  
54 or otherwise endanger adjacent property, and the Director has waived the permit  
55 requirements by interagency agreement.

56 14. Underground storage tank removal and replacement that is subject to  
57 regulation by a state or federal agency, except where excavation meets the criteria of  
58 Section 22.804.030 A (3), Grading Near Public Places.

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Section 6. A new Seattle Municipal Code Section 22.808.025 is added as follows:

**22.808.020 Right of Entry.**

With the consent of the owner or occupier of a building or premises, or pursuant to a lawfully-issued warrant, the Director of Construction and Land Use may enter a building or premises at any reasonable time to perform the duties imposed by this code.

Section 7. Seattle Municipal Code Section 22.808.150, Date of initial enforcement, is amended as follows:

**22.808.150 Date of initial enforcement.**

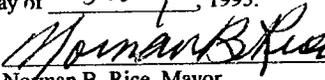
The Directors of Engineering and Construction and Land Use shall ~~((not enforce provisions of this Code which require))~~ allow existing discharges and land uses ~~six (6) months~~ to adopt operational and nonstructural best management practices ~~((until six (6) months))~~ after adoption of rules ~~((identifying the))~~ or after such best management practices ~~((to be required))~~ have been communicated in writing by the Director following a site inspection, whichever comes first. The Directors shall ~~((not enforce the provisions of this Code which require))~~ allow existing discharges and land uses ~~twelve (12) months~~ to install structural best management practices ~~((until one (1) year after adoption of rules identifying the best management practices to be required))~~ after the Directors determine that discharges from a site are causing or contributing to a water quality problem, and notify the discharger in writing of that determination and of the best management practices which must be installed.

Section 8. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by the Municipal Code Section 1.04.020.

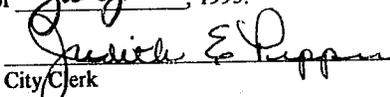
Passed by the City Council the 10 day of July, 1995, and signed by me in open session in authentication of its passage this 10 day of July, 1995.

  
President of the City Council

Approved by me this 13 day of July, 1995.

  
Norman B. Rice, Mayor

Filed by me this 13 day of July, 1995.

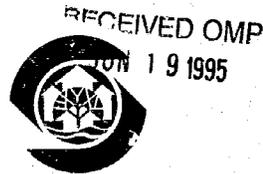
  
City Clerk

(SEAL)

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Seattle  
Department of Construction and Land Use

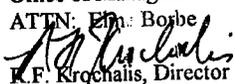
R. F. Krochalis, Director  
Norman B. Rice, Mayor



**Memorandum**

**TO:** Councilmember Jim Street, President

**VIA:** Tom Tierney, Director  
Office of Management and Planning  
ATTN: Elm Borbe

**FROM:**   
R. F. Krochalis, Director

**DATE:** June 16, 1995

**SUBJECT:** Revisions to the Stormwater, Grading and Drainage Control Code

With this memorandum we are transmitting to you proposed revisions to the Stormwater, Grading and Drainage Control Code. The amendments are minor.

The ordinance repeals Chapter 22.806, Administrative Provisions. The chapter's sections are redundant with other sections of the code, with the exception of Right of Entry. A new Right of Entry section is proposed which authorizes the Director of Construction and Land Use to enter a building or premises, with consent or pursuant to a warrant, to perform the duties imposed by this code. Such authority exists in the code for the Director of Engineering.

The ordinance grants the authority to the Directors of DCLU and Engineering to modify by rule the discharge rate for new development with new impervious areas of less than 2000 square feet. Currently, such modifications are allowed for new impervious areas of less than 750 square feet. This change reflects the inability of detention systems to properly detain runoff on areas of less than 2000 square feet.

The ordinance changes grading permit requirements in those Environmentally Critical Areas (ECAs) for which grading poses no special concerns. Liquefaction-prone Areas and Abandoned Landfills will have reduced restrictions and be treated the same as non-ECA sites. For the remaining Environmentally Critical Areas the current threshold for permit requirement of 25 cubic yards will continue to apply. A statement has been added to the section stating that further restrictions on grading activities exist in the Environmentally Critical Areas Ordinance.

The ordinance revises the regulation of grading near public places to include unimproved public places. Currently the regulations are limited to grading near improved public places.

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The proposed revision incorporates a similar revision in the Street Use Code (Ordinance 117569, effective May 10, 1995). This ordinance also adds the definition of public place currently found in the Street Use Code.

The ordinance exempts from grading permit requirement the removal and replacement of underground storage tanks when those tanks are subject to state or federal regulations. Not proposed for exemption is the removal and replacement of tanks which meet the criteria for grading near public places.

The ordinance revises the restrictions on the enforcement of Best Management Practices (BMPs). The proposal allows a six month compliance period for non-structural and operational BMP requirements for existing sites, measured from either the adoption of new rules or from written notice from SED following a site inspection, whichever comes first. For structural BMP requirements, a twelve month compliance period would follow inspection and written notice.

We estimate the budget impacts for staff training, distribution of the amended code and the revision of related documents will be \$2250 in one-time costs which will be absorbed as part of the department's work program with no increase in ongoing costs for the department.

We would appreciate consideration and action as soon as possible. If you have any questions, please call Alan Justad, project manager, at 233-3891, or his supervisor Maureen Traxler at 233-3892.

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TIME AND DATE STAMP

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

*Gene B. ...*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

C.S. 20 20

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# City of Seattle

Executive Department—Office of Management and Planning

Thomas M. Tierney, Director  
Norman B. Rice, Mayor

June 20, 1995

The Honorable Mark Sidran  
City Attorney  
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING DEPARTMENT Department of Construction and Land Use

SUBJECT: AN ORDINANCE repealing Seattle Municipal Code Chapter 22.806; amending Chapters 22.801, 22.802, 22.804 and 22.808, and adding a new Section 22.808.025 to the Stormwater, Grading and Drainage Control Code; to clarify the definition of public place; to give the Directors of Construction and Land Use and Engineering authority to revise the stormwater discharge rate requirements for some sites; to amend grading permit requirements; and revising the City's enforcement authority.

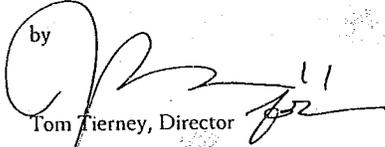
Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Elma Borbe at 4-8687.

Sincerely,

Norman B. Rice  
Mayor

by

  
Tom Tierney, Director

legis:borbc3

Enclosure

cc: Director, Department of Construction and Land Use

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*JS*  
*6/21/95*

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STATE OF WASHINGTON - KING COUNTY

58193  
City of Seattle, City Clerk

-s.

No. ORDINANCE IN

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 117697

was published on  
07/25/95

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_, which amount has been paid in full.

Subscribed and sworn to before me on  
07/25/95

*A. Name*  
*A. Kent*  
Notary Public for the State of Washington,  
residing in Seattle

Affidavit of Publication

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