

Ordinance No. 123106

Council Bill No. 116615

An ordinance updating code references to stormwater, grading and drainage control provisions, amending Seattle Municipal Code Sections 3.02.125, 3.06.030, 21.33.010, 21.33.040, 22.900D.145, 23.42.040, 25.05.675, 25.09.060, 25.09.120, 25.09.160, 25.09.180, 25.09.200, 25.09.220, and 25.09.520.

Related Legislation File:

Date Introduced and Referred: <u>8.17.09</u>	To: (committee): <u>Environment, Emergency Management & Utilities</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>9-28-09</u>	Date Presented to Mayor: <u>9-29-09</u>
Date Signed by Mayor: <u>9.30.09</u>	Date Returned to City Clerk: <u>10.1.09</u>
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Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin

Committee Action:

Date	Recommendation	Vote
<u>9/22/09</u>	<u>3-0 passed yes, Conlin, Burgess, McIver</u>	

This file is complete and ready for presentation to Full Council. RC 9/22/09

Full Council Action:

Date	Decision	Vote
<u>9-28-09</u>	<u>Passed 8-0 (Excused: McIver)</u>	

Law Department

ORDINANCE 123106

AN ORDINANCE updating code references to stormwater, grading and drainage control provisions, amending Seattle Municipal Code Sections 3.02.125, 3.06.030, 21.33.010, 21.33.040, 22.900D.145, 23.42.040, 25.05.675, 25.09.060, 25.09.120, 25.09.160, 25.09.180, 25.09.200, 25.09.220, and 25.09.520.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection A of Section 3.02.125 of the Seattle Municipal Code, which Section was last amended by Ordinance 122825, is amended as follows:

3.02.125 Hearing Examiner filing fees((-))

A. Filing fees for hearings before the City Hearing Examiner are as follows:

Basis for Hearing	Fee
Admission Tax Deficiency (Ch. 5.40)	\$50
Admission Tax, Revocation of Exemption (Sec. 5.40.085)	No fee
Ballard Avenue Landmark District (Ch. 25.16)	50
Business License Tax Deficiency (Ch. 5.45)	50
Cable Television Ordinance (Ch. 21.60)	No fee
Columbia City Landmark District (Ch. 25.20)	50
Commercial Parking Tax Deficiency (Ch. 5.35)	50
Commute Trip Reduction (CTR) (Ch. 25.02)	50
Design Decision in Multiple Residence - Mixed Density Zone (Ch. 24.38)	50
Employee Hours Tax (Ch. 5.37)	50



1	Fair Employment Practices Ordinance (Ch. 14.04)	No fee
2	Floating Home Moorages (Ch. 7.20)	50
3	/petitioner; maximum fee	150
4	Gambling Tax Deficiency (Ch. 5.52)	50
5	Grading Ordinance (Title 22, Subtitle ((VH)) <u>IB</u>)	50
6	Harvard/Belmont Landmark District (Ch. 25.22)	50
7	Housing Code (Ch. 22.206)	50
8	Land Use Code Enforcement (Ch. 23.90)	50
9	Landmark Preservation Controls and Incentives (Sec. 25.12.530)	No fee
10	Landmarks Preservation (Sec. 25.12.740 and Sec. 25.12.835)	50
11	License Code (Title 6, Subtitle I)	50
12	Master Use Permit (Ch. 23.76)	50
13	Noise Ordinance (Ch. 25.08)	50
14	Open Housing Ordinance (Ch. 14.08)	No fee
15	Pike Place Market Historical District (Ch. 25.24)	50
16	Pioneer Square Minimum Maintenance Ordinance (Ch. 25.28, Subchapter II)	50
17	Planned Unit Development (Ch. 24.66)	50
18	Plumbing Code (Ch. 20.16, Uniform Plumbing Code, Ord. 116594)	50
19	Property Tax Exemption, Cancellation of Exemption (Ch. 5.72)	50
20	Radiofrequency Radiation Ordinance (Ch. 25.10)	50
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Refund Anticipation Loan (Ch. 7.26)	5
Relocation Assistance (Ch. 20.84)	No fee
Seizure of Property– Controlled Substances (RCW 69.50.505(e))	No fee
Special Review Districts (Ch. 23.66)	50
Square Footage Tax (Ch. 5.46)	50
State Environmental Policy Act (SEPA) (when not a Master Use Permit component) (Ch. 25.04)	50
Utility tax (Ch. 5.48)	50
Zoning Map Amendments (Rezoning) (Ch. 23.34)	No fee
Zoning Rulings and Interpretations (Ch. 23.88)	50

Section 2. Subsection A of Section 3.06.030 of the Seattle Municipal Code, which
 Section was last amended by Ordinance 121276, is amended as follows:

3.06.030 Director – Powers and duties

The Director of the Department of Planning and Development, under direction of the
 Mayor, shall manage the Department of Planning and Development, appoint, assign and dismiss
 all employees in conformance with the City's personnel ordinances and rules, and perform the
 following functions:

A. Enforcing building ordinances of the City, including but not limited to the provisions
 of the Building Code; the Electrical Code; the Mechanical Code; the Housing and Building
 Maintenance Code; the Land Use Code; the Pioneer Square Minimum Maintenance Ordinance;
 the Condominium Conversion Ordinance; the Energy Code; ~~((the Stormwater, Grading and~~



1 ~~Drainage Control Ordinance;~~) the Stormwater Code; the Grading Code; and appropriate
2 regulations;

3 ***

4 Section 3. Subsections A and W of Section 21.33.010 of the Seattle Municipal Code,
5 which Section was last amended by Ordinance 122821, are amended as follows:

6 **21.33.010 Definitions((:))**

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9 A. "Approved stormwater management facility" means a drainage control facility or
10 improvement installed and properly maintained on any parcel in the City subject to a drainage
11 service charge that reduces or controls flow or improves water quality, or both, of stormwater
12 flowing from all or part of the impervious surfaces on the parcel to the City's stormwater system,
13 and which meets the technical design requirements for the drainage discharge point applicable to
14 the parcel as more particularly described in the Stormwater(~~(, Grading and Drainage)~~)Code
15 (Chapters 22.800 through 22.808 ((Seattle Municipal Code 22.802))) and associated Director's
16 Rules. ((SPU Director's Rules 03-00 and 04-00, as may be amended from time to time.))

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19 W. "Stormwater performance goals" mean the standards for
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21 ((1)) 1. water quality as shown by total suspended solids;

22 ((2)) 2. total volume;

23 ((3)) 3. two-year peak volume and duration; and
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1 ((4)) 4. twenty-five-year peak volume as appropriate for the drainage discharge
2 point as more particularly described in the Stormwater (~~(, Grading and Drainage)~~) Code
3 (Chapters 22.800 through 22.808 (~~(Seattle Municipal Code 22.802)~~)).

4 ***

5 Section 4. Subsection E of Section 21.33.040 of the Seattle Municipal Code, which
6 Section was adopted by Ordinance 122682, is amended as follows:

7 **21.33.040 Stormwater Facility Credit Program**

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9
10 E. To assign the uniform rate credit by facility type under Section 21.33.040.D.1 and
11 calculate the stormwater facility credit only, the Utility will use the stormwater performance
12 goals under the Stormwater, Grading and Drainage Code adopted by Ordinance No. 119965,
13 effective July 5, 2000, for any approved stormwater management facility installed prior to July 5,
14 2000. The Utility will use the stormwater performance goals under the Stormwater(~~(, Grading~~
15 ~~and Drainage)~~) Code in effect at the time the approved stormwater management facility is
16 installed for any such facility installed after July 5, 2000.

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19 Section 5. Subsection A of Section 22.900D.145 of the Seattle Municipal Code, which
20 Section was last amended by Ordinance 122855, is amended as follows:

21 **22.900D.145 Site review fee(~~(,)~~)**

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23 A. The fees for plan review and inspection of the following are as provided in this section
24 and Table D-SR:
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1 1. Land-disturbing activity as defined in the ((~~Stormwater, Grading and Drainage~~
2 ~~Control Code SMC 22.801.130~~)) Grading Code, Section 22.170.050; and

3 2. Drainage, including temporary drainage and erosion and sedimentation control.

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5 Section 6. Subsection F of Section 23.42.040 of the Seattle Municipal Code, which
6 Section was last amended by Ordinance 122816, is amended as follows:

7 **23.42.040 Intermittent and temporary uses((:))**

8 ***

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10 F. Light Rail Transit Facility Construction. A temporary structure or use that supports
11 the construction of a light rail transit facility may be authorized by the Director pursuant to a
12 Master Use Permit subject to the requirements of ((~~this~~)) subsection 23.42.040.F and subsection
13 23.60.023 if the structure or use is within the Shoreline District.

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15 1. The alignment, station locations, and maintenance base location of the light
16 rail transit system must first be approved by the City Council by ordinance or resolution.

17 2. The temporary use or structure may be authorized for only so long as is
18 necessary to support construction of the related light rail transit facility and must be terminated
19 or removed when construction of the related light rail transit facility is completed or in
20 accordance with the MUP.

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22 3. The applicant must submit plans for the establishment of temporary
23 construction uses and facilities to the Director for approval. When reviewing the application, the
24 Director shall consider the duration and severity of impacts, and the number and special needs of
25 people and businesses exposed, such as frail, elderly, and special needs residents. Following
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review of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior to the issuance of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding uses and area, including but not limited to the following:

a. Noise and Grading and Drainage. Noise impacts will be governed by the Noise Control Ordinance ((SMC) Chapter 25.08) and off-site impacts associated with grading and drainage will be governed by the ~~((Stormwater, Grading and Drainage Ordinance (SMC Chapters 22.800 through 22.808).))~~ Grading Code (Chapter 22.170) and the Stormwater Code (Chapters 22.800 through 22.808).

b. Light. To the extent feasible, light should be shielded and directed away from adjoining properties.

c. Best Management Practices. Construction activities on the site must comply with Volume 2 of the Stormwater Director's Rules, Construction Stormwater Control Technical Requirements Manual. ~~((Director's Rule #6-93, Best Management Practices for Construction Erosion and Sedimentation Control Plans.))~~

Section 7. Subsections C and D of Section 25.05.675 of the Seattle Municipal Code, which Section was adopted by Ordinance 122578, are amended as follows:

25.05.675 Specific environmental policies((r))

C. Drainage.

1. Policy Background.

1 a. Property development and redevelopment often create increased
2 volumes and rates of stormwater runoff, which may cause property damage, safety hazards,
3 nuisance problems and water quality degradation.

4 b. Pollution, mechanical damage, excessive flows, and other conditions in
5 drainage basins will increase the rate of down-cutting and/or the degree of turbidity, siltation,
6 habitat destruction, and other forms of pollution in wetlands, riparian corridors and lakes. They
7 may also reduce low flows or low water levels to a level which endangers aquatic or benthic life
8 within these wetlands, riparian corridors and lakes.

9 c. The aesthetic quality and educational value of the water and
10 watercourses, as well as the suitability of waters for contact recreation and wildlife habitat, may
11 be destroyed.

12 d. Authority provided through the ((~~Grading and Drainage Control~~
13 ~~Ordinance~~³)) Stormwater Code (Chapters 22.800 through 22.808) and ((~~the Environmentally~~
14 ~~Critical Areas Ordinance~~)) Regulations for Environmentally Critical Areas (Chapter 25.09) is
15 intended to achieve mitigation of drainage impacts in most cases, although these ordinances may
16 not anticipate or eliminate all impacts.

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20 2. Policies.

21 a. It is the City's policy to protect wetlands, riparian corridors, lakes,
22 drainage basins, wildlife habitat, slopes, and other property from adverse drainage impacts.

23 b. The decisionmaker may condition or deny projects to mitigate their
24 adverse drainage impacts consistent with the Overview Policy set forth in SMC Section
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25.05.665; provided, that in addition to projects which meet one ~~((1))~~ or more of the threshold criteria set forth in the Overview Policy, the following may be conditioned or denied:

~~((i))~~ 1) Projects located in environmentally critical areas and areas tributary to them;

~~((ii))~~ 2) Projects located in areas where downstream drainage facilities are known to be inadequate; and

~~((iii))~~ 3) Projects draining into streams identified by the State Department of Fish~~((eries or))~~ and Wildlife as bearing anadromous fish.

c. To mitigate adverse drainage impacts associated with the projects identified in the policy set forth ~~((in subsection C2))~~ above in subsection 25.05.675.C.2, projects may be required to provide drainage control measures designed to a higher standard than the design storm specified in the ~~((Grading and Drainage Control Ordinance³))~~ Stormwater Code (Chapters 22.800 through 22.808) and the Environmentally Critical Areas Ordinance. Mitigating measures may include, but are not limited to:

~~((i))~~ 1) Reducing the size or scope of the project;

~~((ii))~~ 2) Requiring landscaping and/or retention of existing vegetation;

~~((iii))~~ 3) Requiring additional drainage control or drainage improvements either on or off site; and

~~((iv))~~ 4) Soil stabilization measures.

D. Earth.

1. Policy Background.



a. Property development and redevelopment sometimes contribute to landslides, accelerated soil creep, settlement and subsidence, and abnormal erosion. They may also be subject to seismic hazards such as strong ground motion and liquefaction.

b. The ~~((Grading and Drainage Control Ordinance³))~~ Grading Code (Chapter 22.170) was specifically developed to prevent or minimize impacts resulting from earth fills and excavations and the Environmentally Critical Areas Ordinance was developed to minimize impacts resulting from activity in environmentally critical areas; however, these ordinances may not anticipate or adequately mitigate such impacts in all cases.

c. Drainage impacts, which are closely related to earth movement hazards, are addressed separately in subsection C of these policies.

Section 8. Subsections H and J of Section 25.09.060 of the Seattle Municipal Code, which Section was last amended by Ordinance 122050, are amended as follows:

25.09.060 General development standards((;))

H. Best management practices shall be used for all construction activity on parcels with or adjacent to environmentally critical areas or buffers to prevent sediment and other pollutants from entering the riparian corridor watercourses or other fish and wildlife habitat conservation areas on or off the property. Best management practices include, but are not limited to, installation of siltation barriers, diversion measures, slope drains, and structural, vegetative stabilization techniques and other methods prescribed in ~~((Title 22, Subtitle VIII))~~ Chapters 22.800 through 22.808, the Stormwater~~((, Grading and Drainage Control))~~ Code.



J. The site, including developmental coverage and construction activity areas, shall be managed in a manner sufficient to control stormwater and prevent erosion during construction, and shall be revegetated to promote stormwater control and prevent erosion after construction, consistent with ~~((Title 22, Subtitle VIII))~~ Chapters 22.800 through 22.808, the Stormwater ~~((Grading and Drainage Control))~~ Code.

Section 9. Subsection B of Section 25.09.120 of the Seattle Municipal Code, which Section was last amended by Ordinance 122050, is amended as follows:

25.09.120 Development standards for flood-prone areas~~((:))~~

* * *

B. Drainage-Control Plan. If the site is mapped or determined to be flood-prone, the Director may require a drainage-control plan to be submitted with the permit application showing the flood-prone area, the tributary watershed, and all drainage features, to describe the existing situation and proposed modifications to the drainage system. If required, the drainage-control plan shall provide for control of water quality and quantity in compliance with ~~((Title 22, Subtitle VIII))~~ Chapters 22.800 through 22.808, Stormwater ~~((Grading and Drainage Control))~~ Code, Chapter 25.06, Seattle Floodplain Development Ordinance, and any other subsequent applicable flood-control codes or ordinances to protect the public interest and prevent harm.

Section 10. Subsection C of Section 25.09.160 of the Seattle Municipal Code, which Section was last amended by Ordinance 122050, is amended as follows:



25.09.160 Development standards for wetlands((r))

C. Wetland Buffers and Mitigation.

1. Establishment of buffers.

a. The wetland buffer is measured horizontally from the edge of the wetland.

b. Wetlands have the following buffers:

Category I and II wetlands over ((one hundred (100))) <u>100</u> square feet in total size or of any size with the characteristics described in subsection <u>25.09.160.B.1.c</u> above	100 feet 110 feet for moderate level habitat function 200 feet for high level of habitat function
Category III wetlands over ((one hundred (100))) <u>100</u> square feet in total size or of any size with the characteristics described in subsection <u>25.09.160.B.1.c</u> above	60 feet 85 feet for moderate or greater level habitat function
Category IV wetlands ((one thousand (1,000))) <u>1000</u> square feet or more in total size or of any size with the characteristics described in subsection <u>25.09.160.B.1.c</u> above	50 feet
Category IV wetlands under ((one thousand (1,000))) <u>1000</u> square feet in total size that do not have the characteristics described in subsection <u>25.09.160.B.1.c</u> above	No buffer. Use mitigation under subsection <u>25.09.160.C.3.</u>

A wetland with a moderate level of function is one that scores 20 to 28 points for habitat function when rated according to Washington State Ecology publication #04-06-025. A wetland with a high level of function for habitat is one that scores of 29 to 36 points for habitat function when rated according to Washington State Ecology publication #04-06-025.

c. Wetlands constructed in upland areas or non-wetland areas by any person for stormwater control, biofiltration or aesthetic purposes are not subject to the wetland



1 buffer requirements of this ((e))Chapter. Maintenance activities are not restricted in these types
2 of wetlands.

3 2. Development is prohibited in wetland buffers, except as approved by the
4 Director under subsection 25.09.160.D.

5 3. The Director may authorize development in a Category IV wetland under ((one
6 thousand-)) 1,000 ((+)) square feet that does not have the characteristics described in subsection
7 25.09.160.B.1.c above, when the Director finds that one of the following measures, which must
8 occur on site, will mitigate wetland function lost by development:
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10 a. Construct a wetland of equal function to the lost wetland function.

11 b. Plant an area of native vegetation equal or greater in size to the area of
12 the developed wetland, and remove invasive species in the area to be planted.

13 c. Construct a bioengineered/infiltration facility, such as a ((bioswale,
14 stormwater or infiltration planter,)) bioretention cell or bioretention planter, that replicates the
15 hydrologic and/or water quality benefit of the developed wetland. This facility shall be designed
16 according to the requirements of ((Title 22, Subtitle VIII)) Chapters 22.800 through 22.808,
17 Stormwater ((Grading and Drainage Control)) Code and associated Director's Rules.
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19 d. Construct a ((eee)) green roof or roof garden that replicates the
20 hydrologic and/or water quality benefit of the developed wetland. These facilities shall be
21 designed according to the requirements of Chapters 22.800 through 22.808 ((Title 22, Subtitle
22 VIII)), Stormwater((Grading and Drainage Control)) Code and associated Director's Rules.
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24 4. Buffer Vegetation.
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a. Removal of, clearing, or any action detrimental to habitat, trees or vegetation in the wetland buffer is prohibited, except as provided in subsection D and Section 25.09.320.

b. Invasive plants and noxious weeds may be removed by hand. No machines or chemical removal shall be permitted without the Director's approval.

Section 11. Subsection B of Section 25.09.180 of the Seattle Municipal Code, which Section was last amended by Ordinance 122050, is amended as follows:

25.09.180 Development standards for steep slope areas((;))

B. Impacts on Steep Slope Areas.

1. Development is prohibited on steep slope areas, unless the applicant demonstrates that the provisions of subsections 25.09.180.B.2 or 25.09.180.E apply.

2. Provided that all the provisions of this ((e))Chapter and all applicable provisions of Title 23 and Chapters 22.800 through 22.808 ((Title 22, Subtitle VII,)) are met, ((the development standards in)) subsection 25.09.180.B.1 does not apply when the applicant demonstrates the development meets one of the following criteria. In determining whether these criteria are met, the Director may require a geotechnical report to verify site conditions and to evaluate the impacts of the development in the steep slope area and shall require such a report for criteria in subsections 25.09.180.B.2.c and 25.09.180.B.2.d. The geotechnical report is subject to the provisions for third party review in Section 25.09.080.C.

a. Development is located where existing development is located, if the impact on the steep slope area is not altered or increased; or

b. Development is located on steep slope areas that have been created through previous legal grading activities, including rockeries or retaining walls resulting from rights of way improvements, if no adverse impact on the steep slope area will result; or

c. Development is located on steep slope areas that are less than 20 feet ~~((20'))~~ in vertical rise and that are 30 feet ~~((thirty feet (30')))~~ or more from other steep slope areas, if no adverse impact on the steep slope area will result; or

d. Development is located on steep slope areas where the Director determines that application of ~~((the development standards in))~~ subsection 25.09.180.B.1 would prevent necessary stabilization of a landslide-prone area.

Section 12. Subsections A and B of Section 25.09.200 of the Seattle Municipal Code, which Section was last amended by Ordinance 122050, are amended as follows:

25.09.200 Development standards for fish and wildlife habitat conservation areas~~((;))~~

A. Development standards for parcels with riparian corridors.

3. Riparian Management Area.

a. The riparian management area is defined in subsection 25.09.020.D.5. Existing public or private streets are excluded from the regulations for the riparian management area, provided that if the provisions of Chapters 22.800 through 22.808 ~~((Title 22, Subtitle VIII))~~, the Stormwater ~~((Grading and Drainage Control))~~ Code apply, the Director shall require



adequate stormwater detention to prevent harm from the street to habitat on the parcel and downstream and to keep degradation of water quality for habitat to a minimum.

b. Activities in the riparian management area.

((f))1) Development is prohibited in the riparian management area, except to provide access to development approved under subsection 25.09.200.A.2 and except under subsections 25.09.200.A.3.b.2, 25.09.200.A.3.c, and 25.09.200.A.3.d. ((A3b(2), A3e, and A3d.))

((f)) 2) Removal of, clearing, or any action detrimental to habitat, trees or vegetation in the riparian management area is prohibited, except as provided in subsection 25.09.200.A.3.c ((below)) and Section 25.09.320.

c. Riparian Management Area Vegetation.

((f))1) If the vegetation in the riparian management area protects the fish habitat and wildlife habitat as they exist on the site at the time development is proposed, including preventing erosion and protecting water quality, the existing vegetation shall remain undisturbed, except as allowed under Section 25.09.320.

((f)) 2) If the riparian management area is not functioning in the manner set out in subsection 25.09.200.A.3.c.1 ((A3e(1))) above, the applicant shall prepare and carry out a tree and vegetation plan that augments the existing vegetation with native vegetation to the extent commensurate with the impact of the development on the riparian management area. The plan shall be prepared and executed consistent with Section 25.09.320. Vegetation in the riparian management area shall not be removed or otherwise disturbed until the applicant is ready to immediately replant according to the approved plan. A monitoring plan shall be

prepared to monitor the establishment of the vegetation. The plan shall cover five ~~((5))~~ growing seasons or the period needed to successfully carry out the plan, whichever is earlier.

d. In addition to subsections 25.09.200.A.3.b.2 and 25.09.200.A.3.c ~~((A3b(2) and A3e))~~, development is allowed in the riparian management area on lots existing prior to May 9, 2006 ~~((at the time Ordinance 122050 takes effect))~~ if the applicant demonstrates that:

~~((f))~~ 1) the development is in the limited riparian development area, which is the area in the riparian corridor but outside of the watercourse and more than 75 feet ~~((seventy five feet (75')))~~ from the top of the watercourse bank for Type 2 and 3 waters with anadromous fish present for any part of the year, more than 50 feet ~~((fifty feet (50')))~~ from the top of the watercourse bank for Type 2 and 3 waters where anadromous fish are not present for any part of the year and more than 50 feet ~~((fifty feet (50')))~~ from the top of the watercourse bank for Type 4 and 5 waters;

~~((f))~~ 2) the development complies with ~~((Section 22.802.016))~~ Sections 22.805.080 and 22.805.090, regardless of the area of land disturbing activity or the size of the addition or replacement of impervious surface, except as provided in subsection 25.09.200.3.e; and

~~((f))~~ 3) any development, including but not limited to coverage by impervious surface, does not exceed 35((%)) percent of the total area of the limited riparian development area, provided that the maximum lot coverage does not exceed that allowed under Title 23, and except as provided in subsection 25.09.200.3.e.



e. When compliance with ~~((Section 22.802.016))~~ Sections 22.805.080 and 22.805.090 is required solely based on subsection 25.09.200.3.d.2 ~~((3d(2) above))~~, the Director may approve a restoration plan in lieu of requiring compliance with subsections 25.09.200.3.d.2 and 25.09.200.3.d.3 ~~((3d(2) and (3)))~~ if the applicant demonstrates that the plan meets the following criteria:

~~((f))~~ 1) The watercourse or riparian management area function will be restored so that it prevents erosion, protects water quality, and provides diverse habitat; and

~~((f))~~ 2) The restoration results in greater protection of the watercourse and riparian management area than compliance with subsections 25.09.200.3.d.2 and 25.09.200.3.d.3 ~~((3d(2) and (3)))~~.

B. Development Standards for Shoreline Habitat.

4. Buffers.

a. Shoreline habitat has a 100 foot ~~((one hundred foot (100')))~~ buffer from the ordinary high water mark.

b. Bioengineered solutions, such as using plants or other approved natural material, to stabilize the shoreline are allowed in the buffer, provided they are allowed under Title 23, including ~~((e))~~ Chapter 23.60, the Shoreline Master Program.

c. Other development for water dependent and water related uses is prohibited in the buffer, except when:



1 ((f)) 1) The development is allowed under Title 23, including
2 ((e))Chapter 23.60, the Shoreline Master Program; and

3 ((f)) 2) no vegetation is removed, the amount of impervious
4 surface is not increased, and no surface that is permeable by water at the time of the application
5 will be covered with an impervious surface so that impervious surface will be closer to the
6 ordinary high water mark; or

7
8 ((f)) 3) if any of the actions described in subsection
9 25.09.200.B.4.c.2 ((e(2)-above)) occur and that action impacts the ecologic function of the
10 shoreline, those impacts are mitigated as set out in subsection 25.09.200.B.4.e below.

11 If the standards in subsections 25.09.200.B.4.c.1 and 25.09.200.B.4.c.2
12 ((e(1)-and-(2))) are met, then the application is not subject to the application submittal
13 requirements in Section 25.09.330 and the general development standards in Section 25.09.060.

14
15 d. Other development for non-water dependent and non-water related uses
16 is prohibited in the buffer, except when:

17 ((f)) 1) The development is allowed under Title 23, including
18 ((e))Chapter 23.60, the Shoreline Master Program; and

19 ((f)) 2) for non-residential uses

20
21 ((f)) a) the lot was in existence before May 9, 2006 ((the
22 effective date of Ordinance 122050)); and

23 ((f)) b) the development is 25 feet ((twenty five feet (25'))
24 or more from the ordinary high water mark unless the development is allowed in the shoreline
25 habitat under Title 23, including ((e))Chapter 23.60, the Shoreline Master Program; and
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1 ((f)) c) ((f)) i. no vegetation is removed, impervious
2 surface is not increased and no net loss of ecological function of the critical area or buffer from
3 other actions occurs; or

4 ((f)) ii. if any of the actions described in
5 subsection 25.09.200.B.4.d.2.c.i ((d(2)(e)(i))) above occur, all impacts on the ecological function
6 are mitigated as set out in subsection 25.09.200.B.4.e below; or

7
8 ((f)) 3) for residential uses the residence is 25 feet ((twenty five
9 feet-(25')) or more from the ordinary high water mark

10 ((f)) a) and no vegetation is removed, impervious surface is
11 not increased and no net loss of ecological function of the critical area or buffer from other
12 actions occurs; or

13
14 ((f)) b) if any of the actions described in subsection
15 25.09.200.B.4.d.3.a ((d(3)(a))) above occur, all impacts on the ecological function are mitigated
16 as set out in subsection 25.09.200.B.4.e below.

17 e. Mitigation.

18 ((f)) 1) Mitigation must prevent net loss of ecological function.
19 Mitigation must achieve the equivalent ecologic functions as the conditions existing in the
20 shoreline habitat buffer at the time of development. Mitigation under this ((s))Section is not
21 intended to duplicate mitigation for the same ecologic function that is required under other City
22 regulations or under state and federal permits. The permit condition most protective of the
23 ecologic function shall be enforced.
24
25
26
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28



1 ((f)) 2) For the purpose of this ((s))Section, mitigation is action that
2 replaces ecological functions lost as a result of a project impact. Depending on the type of lost
3 ecological function these include:

4 ((f)) a) providing habitat, or

5 ((f)) b) creating new pervious ground or

6 ((f)) c) replicates the function of the pervious ground

7 through methods that are engineered and designed according to the requirements of Chapters
8 22.800 through 22.808 ((Title 22, Subtitle VIII)), Stormwater((, Grading and Drainage Control))
9 Code.
10

11 ***

12 6. Streets.

13 a. Existing public or private streets are excluded from these buffer
14 regulations, provided that if the provisions of Chapters 22.800 through 22.808 ((Title 22, Subtitle
15 VIII)), the Stormwater((, Grading and Drainage Control)) Code apply, the Director shall require
16 adequate stormwater detention to prevent harm from the street to habitat and to keep degradation
17 of water quality for habitat to a minimum.
18

19 b. New streets are allowed when the following criteria are met:

20 ((f)) 1) the street is allowed under Title 23, including ((e))Chapter
21 23.60, the Shoreline Master Program; and
22

23 ((f)) 2) no vegetation is removed, impervious surface is not
24 increased, and no net loss of ecological function of the critical area or buffer from other actions
25 occurs; or
26

1 ((f)) 3) if the actions described in subsection 25.09.200.B.6.b.2
2 ~~((b)(2) above))~~ occur, any impacts on the ecological function are mitigated as set out in
3 subsection 25.09.200.B.4.e above.

4 7. The following provisions apply to all parcels containing shoreline habitat and
5 buffers to prevent impacts to the habitat and buffer:

6 a. Any increases in surface runoff from development shall be kept to a
7 minimum, and surface water run off shall be controlled, treated and released so that receiving
8 water quality and any shore properties and features are not adversely affected. Control measures
9 may include, but are not limited to, dikes, catch basins or settling ponds, interceptor drains and
10 planted buffers. Allowable means to achieve this include bioswales, catch basin filters, and other
11 methods prescribed in Chapters 22.800 through 22.808 ~~((Title 22, Subtitle VIII))~~, the
12 Stormwater~~((, Grading and Drainage Control))~~ Code.
13
14

15 b. Pavement in the habitat and buffer shall be kept to a minimum and
16 permeable surfacing, where practicable, shall be used to keep surface water accumulation and
17 runoff into the habitat and buffer to a minimum. Recommended methods are found in Chapters
18 22.800 through 22.808 ~~((Title 22, Subtitle VIII))~~, Stormwater~~((, Grading and Drainage Control))~~
19 Code. Permeable surfaces include, but are not limited to, porous asphalt, concrete, brick, or
20 pavers; or plastic confinement systems with grass or gravel filler.
21

22 ***

23 Section 13. Section 25.09.220 of the Seattle Municipal Code, which Section was last
24 amended by Ordinance 122050, is amended as follows:

25 **25.09.220 Development standards for abandoned landfills((r))**
26
27
28

1 A. Regulation of Development on Abandoned Landfills. Development on abandoned
2 landfills is subject to Seattle-King County Health Department requirements for the applicant to
3 submit an excavation and development work plan, prepared by a licensed engineer with
4 experience in landfill construction and/or management, and comply with other applicable
5 requirements to prevent damage from methane gas buildup, subsidence, and earthquake induced
6 ground shaking as contained in (~~Title 22, Subtitle VIII, Stormwater, Grading and Drainage~~
7 ~~Control Code~~) Chapter 22.170, Grading Code, Title 22, Subtitle I, Building Code, and
8 regulations pertaining to development on abandoned landfill sites. Technical studies shall be
9 required to indicate whether these areas pose a threat to development on an abandoned landfill
10 site.
11

12 B. Areas within 1000 feet (~~One Thousand Feet (1,000')~~) of Methane-producing
13 Landfills. Areas within 1000 feet (~~one thousand feet (1,000')~~) of methane-producing landfills
14 may be susceptible to accumulations of hazardous levels of methane gas in enclosed spaces.
15 Methane barriers or appropriate ventilation may be required in these areas as specified in (~~Title~~
16 ~~22, Subtitle VIII, Stormwater, Grading and Drainage Control Code,~~) Title 22, Subtitle I,
17 Building Code, and Seattle-King County Health Department regulations.
18

19 Section 14. Section 25.09.520 of the Seattle Municipal Code, which Section was last
20 amended by Ordinance 122738, is amended as follows:
21

22 ***

23 **25.09.520 Definitions**

24 "Best management practices" means
25
26
27
28

1 a. the practices defined in Section 22.801.030((;)) of the Stormwater((; Grading
2 and Drainage Control)) Code; and

3 b. structural, nonstructural and managerial techniques identified by the Director,
4 or by the director of a City agency when that agency is making determinations under this
5 ((e))Chapter, as the most effective and practical means in an urban environment to mitigate
6 adverse environmental effects on environmentally critical areas and buffers and their functions.
7

8 ***

9 "Detention" is defined in Section 22.801.050((;)) of the Stormwater((; Grading and
10 Drainage Control)) Code.

11 ***

12 "Drainage((-))control facility" is defined in Section 22.801.050((;)) of the Stormwater((;
13 Grading and Drainage Control)) Code.

14 "Drainage-control system" is defined in Section 22.801.050((;)) of the Stormwater((;
15 Grading and Drainage Control)) Code.

16 ***

17 "Impervious surface" is defined in Section 22.801.100((;)) of the Stormwater((; Grading
18 and Drainage Control)) Code.
19


20 ***

21
22 Section 15. The provisions of this ordinance are declared to be separate and severable.
23 The invalidity of any particular provision shall not affect the validity of any other provision.
24

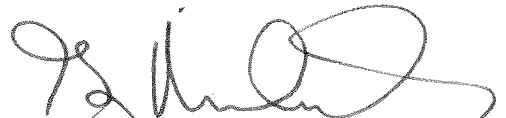
25 Section 16. This ordinance shall take effect and be in force on the latest of: (1) thirty
26 days from and after its approval by the Mayor, or if not approved and returned by the Mayor
27

1 within ten (10) days after presentation, the date when it would take effect as provided by
2 Municipal Code Section 1.04.020; (2) the date when CB 116614 (revising stormwater
3 regulations) takes effect, or would be effective contingent only on the effectiveness of this
4 ordinance and CB 116616(revising grading regulations); and (3) the date when CB 116616
5 (revising grading regulations) takes effect, or would be effective contingent only on the
6 effectiveness of this ordinance and CB 116614 (revising the stormwater regulations). The intent
7 is that all three ordinances will take effect at the same time.

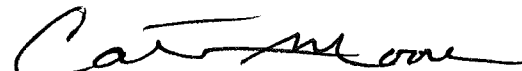
8 Passed by the City Council the 28th day of September, 2009, and
9 signed by me in open session in authentication of its passage this
10 28th day of September, 2009.

11
12
13 
14 President _____ of the City Council

15 Approved by me this 30th day of September, 2009.

16
17 
18 Gregory J. Nickels, Mayor

19
20 Filed by me this 1st day of October, 2009.

21
22 
23 City Clerk

24 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
SPU	Robert Chandler (Project Mgr)/ 386-4576	John McCoy/615-0768
DPD	Dave Cordaro/684-7933	
DPD	Dave LaClergue/733-9668	
DPD	Maureen Traxler/233-3892	

Legislation Title:

An ordinance updating code references to stormwater, grading and drainage control provisions, amending Seattle Municipal Code Sections 3.02.125, 3.06.030, 21.33.010, 21.33.040, 22.900D.145, 23.42.040, 25.05.675, 25.09.060, 25.09.120, 25.09.160, 25.09.180, 25.09.200, 25.09.220, and 25.09.520.

- **Summary of the Legislation:** The purpose of the City of Seattle's existing Stormwater, Grading, and Drainage Code (SMC 22.800-22.808) is to protect life, property, public health and the environment from the adverse impacts of flooding, pollution, landslides, and erosion. In conjunction with related legislation that updates stormwater and grading regulations, this cross-reference update is proposed to maintain accuracy wherever these regulations are referenced in Seattle Municipal Code.
- **Background:** Grading and stormwater regulations are currently mixed together in SMC 22.800-22.808, Stormwater, Grading, and Drainage Code. Because stormwater regulations must be reviewed by the Department of Ecology, the co-location of grading and stormwater code complicates revisions to grading regulations, and in some cases can complicate simple grading permit reviews. In conjunction with comprehensive updates to stormwater regulations, it is proposed that grading provisions are moved into their own code section, SMC 22.170. The Stormwater and Grading Cross-Reference Update is proposed to update references to 22.800-22.808 that occur throughout the SMC.
- *Please check one of the following:*

X **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

Note: Please refer to Clerk File 31034 Directors' Report and Recommendation Revisions to Stormwater Code (SMC 22.800-22.808) & Proposed New Grading Code (SMC 22.170).





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

August 11, 2009

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill, which is one of three companion pieces that address the City's stormwater, grading, and drainage control codes. The legislation is required as part of the City's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit, and will help protect the city and its environment from damage caused by pollution, erosion, flooding, landslides and other adverse impacts resulting from urban stormwater runoff.

Stormwater runoff poses a significant threat not only to Seattle's streams and other environmentally critical areas, but also to the entire Puget Sound ecosystem. Stormwater regulations are one important way the City is addressing this problem and protecting its water resources. The proposed legislation completely revises the Stormwater Code, creates a separate Grading Code, and corrects relevant cross-references throughout the Seattle Municipal Code. These changes are based on the efforts of a talented, cross-departmental team of engineers, planners, economists, and lawyers who have conducted extensive negotiations with the Washington State Department of Ecology. This effort has also included extensive public outreach with a variety of internal and external stakeholders. Key recommendations of this proposal include:

- Revising minimum requirements to increase protection of our receiving waters;
- Incorporating new requirements for the use of green stormwater infrastructure; and
- Modifying enforcement regulations to better match penalties to violations.

State officials have reviewed the proposed regulations and have determined they meet state requirements. Please join me in supporting this important legislation. Should you have questions, please contact Robert Chandler at (206) 386-4576.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels".

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

245695

No.

CITY OF SEATTLE, CLERKS OFFICE

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.

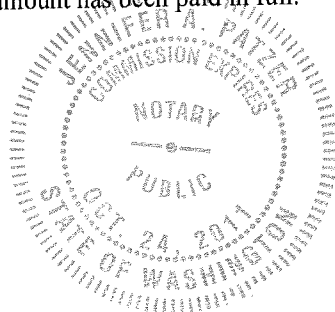
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123106 ORDINANCE

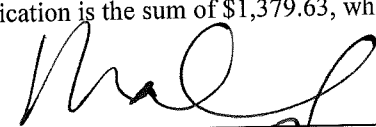
was published on

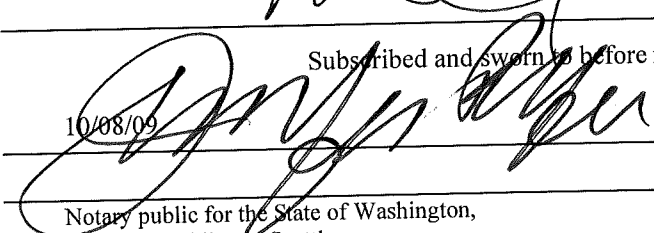
10/08/09

The amount of the fee charged for the foregoing publication is the sum of \$1,379.63, which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
10/08/09 

Notary public for the State of Washington,
residing in Seattle

erty Tax Exemption, Cancellation of
tion (Ch. 5.72) -- 50

adiorefrequency Radiation Ordinance (Ch.
2.40) -- 50

Refund Anticipation Loan (Ch. 7.26) -- 5

Relocation Assistance (Ch. 20.84) -- No
fee

Seizure of Property-- Controlled
Substances (RCW 69.50.505(e)) -- No fee

Special Review Districts (Ch. 23.66) --
50

Square Footage Tax (Ch. 5.46) -- 50

State Environmental Policy Act (SEPA)
(when not a Master Use Permit component)
(Ch. 25.04) -- 50

Utility tax (Ch. 5.48) -- 50

Zoning Map Amendments (Rezoning) (Ch.
23.34) -- No fee

Zoning Rulings and Interpretations (Ch.
23.88) -- 50

Section 2. Subsection A of Section
3.06.030 of the Seattle Municipal Code, which
Section was last amended by Ordinance
122176, is amended as follows:

**3.06.030 Director - Powers and
duties**

The Director of the Department of
Planning and Development, under direction
of the Mayor, shall manage the Department
of Planning and Development, appoint,
assign and dismiss all employees in confor-
mance with the City's personnel ordinances
and rules, and perform the following func-
tions:

A. Enforcing building ordinances of the
City, including but not limited to the pro-
visions of the Building Code; the Electrical
Code; the Mechanical Code; the Housing
and Building Maintenance Code; the Land
Use Code; the Pioneer Square Minimum
Maintenance Ordinance; the Condominium
Conversion Ordinance; the Energy Code;
(the Stormwater, Grading and Drainage
Control Ordinance); the Stormwater Code;
the Grading Code; and appropriate regula-
tions;

Section 3. Subsections A and W of
Section 21.33.010 of the Seattle Municipal
Code, which Section was last amended by
Ordinance 122821, are amended as follows:

21.33.010 Definitions((c))

A. "Approved stormwater management
facility" means a drainage control facility or
improvement installed and properly main-
tained on any parcel in the City subject to
a drainage service charge that reduces or
controls flow or improves water quality, or
both, of stormwater flowing from all or part
of the impervious surfaces on the parcel to
the City's stormwater system, and which
meets the technical design requirements for
the drainage discharge point applicable to
the parcel as more particularly described in
the [W. "Stormwater performance goals" mean
the standards for](http://clerk.ci.seattle.wa.us/%7Escripts/nph-brs.exe?sl=&s2=%22Stormwater+Grading+and+Drainage%22&S3=&S4=AND&l=20&Sect3=PLURON&S5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=3&Sect6=HITOFF&f=G-h0http://clerk.ci.seattle.wa.us/%7Escripts/nph-brs.exe?sl=&s2=%22Stormwater+Grading+and+Drainage%22&S3=&S4=AND&l=20&Sect3=PLURON&S5=CODE1&d=CODE&p=1&u=%2F%7Epublic%2Fcode1.htm&r=3&Sect6=HITOFF&f=G-h2Stormwater((Grading and Drainage))Code (Chapters 22.800 through 22.808 (Seattle Municipal Code 22.800)) and associated Director's Rules. ((SPR Directors Rules 03-00 and 04-00, as may be amended from time to time.))</p></div><div data-bbox=)

((b)) 1. water quality as shown by total
suspended solids;

((b)) 2. total volume;

((b)) 3. two-year peak volume and dura-
tion; and

((b)) 4. twenty-five-year peak volume
as appropriate for the drainage discharge
point as more particularly described in the
Stormwater ((Grading and Drainage)) Code
(Chapters 22.800 through 22.808 ((Seattle
Municipal Code 22.800)).

Section 4. Subsection E of Section
21.33.040 of the Seattle Municipal Code,
which Section was adopted by Ordinance
122682, is amended as follows:

**21.33.040 Stormwater Facility Credit
Program**

E. To assign the uniform rate credit
by facility type under Section 21.33.040.
D.1 and calculate the stormwater facility
credit only, the Utility will use the storm-
water performance goals under the stormwater management facility is installed
for any such facility installed after July 5,
2000.

Section 5. Subsection A of Section
22.900D.145 of the Seattle Municipal
Code, which Section was last amended by
Ordinance 122855, is amended as follows:

22.900D.145 Site review fee((c))

A. The fees for plan review and inspection
of the following are as provided in this section
and Table D-SR:

1. Land-disturbing activity as defined
in the ((Stormwater, Grading and Drainage
Control Code SMC 22.801-199)) Grading
Code, Section 22.170.050; and

2. Drainage, including temporary drain-
age and erosion and sedimentation control.

Section 6. Subsection F of Section
23.42.040 of the Seattle Municipal Code,
which Section was last amended by
Ordinance 122816, is amended as follows:

**23.42.040 Intermittent and tempo-
rary uses((c))**

F. Light Rail Transit Facility
Construction. A temporary structure or use
that supports the construction of a light rail
transit facility may be authorized by the
Director pursuant to a Master Use Permit
subject to the requirements of ((this)) subse-
ction 23.42.040.F and subsection 23.60.023 if

c. Best management practices. Prac-
tices for construction activities on the site must
comply with Volume 2 of the Stormwater
Director's Rules, Construction Stormwater
Control Technical Requirements Manual.
(Director's Rule #6-93, Best Management
Practices for Construction Erosion and
Sedimentation Control Plans.)

Section 7. Subsections C and D of Section
25.05.675 of the Seattle Municipal Code,
which Section was adopted by Ordinance
122578, are amended as follows:

**25.05.675 Specific environmental
policies((c))**

C. Drainage.

1. Policy Background.

a. Property development and redevelop-
ment often create increased volumes and
rates of stormwater runoff, which may cause
property damage, safety hazards, nuisance
problems and water quality degradation.

b. Pollution, mechanical damage, exces-
sive flows, and other conditions in drainage
basins will increase the rate of down-cutting
and/or the degree of turbidity, siltation, habi-
tat destruction, and other forms of pollution
in wetlands, riparian corridors and lakes.
They may also reduce low flows or low water
levels to a level which endangers aquatic or
benthic life within these wetlands, riparian
corridors and lakes.

c. The aesthetic quality and education-
al value of the water and watercourses, as
well as the suitability of waters for contact
recreation and wildlife habitat, may be
destroyed.

d. Authority provided through the
((Grading and Drainage Control Ordinance))
Stormwater Code (Chapters 22.800
through 22.808) and ((the Environmentally
Critical Areas Ordinance)) Regulations for
Environmentally Critical Areas (Chapter
25.09) is intended to achieve mitigation of
drainage impacts in most cases, although
these ordinances may not anticipate or elim-
inate all impacts.

2. Policies.

a. It is the City's policy to protect wet-
lands, riparian corridors, lakes, drainage
basins, wildlife habitat, slopes, and other
property from adverse drainage impacts.

b. The decisionmaker may condition or
deny projects to mitigate their adverse drain-
age impacts consistent with the Overview
Policy set forth in SMC Section 25.05.665;
provided, that in addition to projects which
meet one ((b)) or more of the threshold cri-
teria set forth in the Overview Policy, the fol-
lowing may be conditioned or denied:

((b)) 1) Projects located in environmen-
tally critical areas and areas tributary to
them;

((b)) 2) Projects located in areas where
downstream drainage facilities are known to
be inadequate; and

((b)) 3) Projects draining into streams
identified by the State Department of
Fish((eries)) and Wildlife as bearing anad-
romous fish.

c. To mitigate adverse drainage impacts
associated with the projects identified in the
policy set forth ((in subsection (b)) above in
subsection 25.05.675.C.2, projects may be
required to provide drainage control mea-
sures designed to a higher standard than the
design storm specified in the ((Grading and
Drainage Control Ordinance)) Stormwater
Code (Chapters 22.800 through 22.808)
and the Environmentally Critical Areas
Ordinance. Mitigating measures may include,
but are not limited to:

((b)) 1) Reducing the size or scope of the
project;

((b)) 2) Requiring landscaping and/or
retention of existing vegetation;

((b)) 3) Requiring additional drainage
control or drainage improvements either on
or off site; and

((b)) 4) Soil stabilization measures.

D. Earth.

1. Policy Background.

a. Property development and redevelop-
ment sometimes contribute to landslides,
accelerated soil creep, settlement and subsi-
dence, and abnormal erosion. They may also
be subject to seismic hazards such as strong
ground motion and liquefaction.

b. The ((Grading and Drainage Control
Ordinance)) Grading Code (Chapter 22.170)
was specifically developed to prevent or mini-
mize impacts resulting from earth fills and
excavations and the Environmentally Critical
Areas Ordinance was developed to minimize
impacts resulting from activity in environ-
mentally critical areas; however, these ordi-
nances may not anticipate or adequately miti-
gate such impacts in all cases.

c. Drainage impacts, which are closely
related to earth movement hazards, are
addressed separately in subsection C of these
policies.

Section 8. Subsections H and J of
Section 25.09.060 of the Seattle Municipal
Code, which Section was last amended by
Ordinance 122050, are amended as follows:

**25.09.060 General development stan-
dards((c))**

H. Best management practices shall be
used for all construction activity on parcels
with or adjacent to environmentally critical
areas or buffers to prevent sediment and
other pollutants from entering the riparian
corridor watercourses or other fish and
wildlife habitat conservation areas on or off
the property. Best management practices
include, but are not limited to, installation of
siltation barriers, diversion measures, slope
drains, and structural, vegetative stabiliza-
tion techniques and other methods prescribed
in ((Title 22, Subtitle VIII)) Chapters 22.800
through 22.808, the Stormwater((Grading
and Drainage Control)) Code.

J. The site, including developmental cov-
erage and construction activity areas, shall
be managed in a manner sufficient to con-
trol stormwater and prevent erosion dur-
ing construction, and shall be revegetated
to promote stormwater control and prevent
erosion after construction, consistent with
((Title 22, Subtitle VIII)) Chapters 22.800
through 22.808, the Stormwater((Grading
and Drainage Control)) Code.

Section 9. Subsection B of Section
25.09.120 of the Seattle Municipal Code,
which Section was last amended by
Ordinance 122050, is amended as follows:

**25.09.120 Development standards for
flood-prone areas((c))**

B. Drainage-Control Plan. If the site is
mapped or determined to be flood-prone,
the Director may require a drainage-control
plan to be submitted with the permit
application showing the flood-prone area,
the tributary watershed, and all drainage
features, to describe the existing situation
and proposed modifications to the drain-
age system. If required, the drainage-control
plan shall provide for control of water
quality and quantity in compliance with
((Title 22, Subtitle VIII)) Chapters 22.800
through 22.808, Stormwater((Grading and
Drainage Control)) Code, Chapter 25.06,
Seattle Floodplain Development Ordinance,
and any other subsequent applicable flood-
control codes or ordinances to protect the
public interest and prevent harm.

tion for habitat is one that scores of 29 to 36
points for habitat function when rated accord-
ing to Washington State Ecology publication
#04-06-025.

c. Wetlands constructed in upland areas
or non-wetland areas by any person for
stormwater control, biofiltration or aesthet-
ic purposes are not subject to the wetland
buffer requirements of this ((c)) Chapter.
Maintenance activities are not restricted in
these types of wetlands.

2. Development is prohibited in wetland
buffers, except as approved by the Director
under subsection 25.09.160.D.

3. The Director may authorize develop-
ment in a Category IV wetland under ((one
thousand)) 1,000 ((b)) square feet that does
not have the characteristics described in
subsection 25.09.160.B.1.c above, when the
Director finds that one of the following mea-
sures, which must occur on site, will mitigate
wetland function loss by development:

a. Construct a wetland of equal function
to the lost wetland function.

b. Plant an area of native vegetation equal
or greater in size to the area of the developed
wetland, and remove invasive species in the
area to be planted.

c. Construct a bioengineered/infiltration
facility, such as a ((bioswale, stormwater
or infiltration planter,)) bioretention cell
or bioretention planter, that replicates the
hydrologic and/or water quality benefit of
the developed wetland. This facility shall be
designed according to the requirements of
((Title 22, Subtitle VIII)) Chapters 22.800
through 22.808, Stormwater ((Grading
and Drainage Control)) Code and associated
Director's Rules.

d. Construct a ((eco)) green roof or roof
garden that replicates the hydrologic and/
or water quality benefit of the developed
wetland. These facilities shall be designed
according to the requirements of Chapters
22.800 through 22.808 ((Title 22, Subtitle
VIII)), Stormwater((Grading and Drainage
Control)) Code and associated Director's
Rules.

4. Buffer Vegetation.

a. Removal of, clearing, or any action det-
rimental to habitat, trees or vegetation in the
wetland buffer is prohibited, except as pro-
vided in subsection D and Section 25.09.320.

b. Invasive plants and noxious weeds may
be removed by hand. No machines or chemi-
cal removal shall be permitted without the
Director's approval.

Section 11. Subsection B of Section
25.09.180 of the Seattle Municipal Code,
which Section was last amended by
Ordinance 122050, is amended as follows:

**25.09.180 Development standards for
steep slope areas((c))**

B. Impacts on Steep Slope Areas.

1. Development is prohibited on steep
slope areas, unless the applicant demon-
strates that the provisions of subsections
25.09.180.B.2 or 25.09.180.E apply.

2. Provided that all the provisions of this
((c)) Chapter and all applicable provisions
of Title 23 and Chapters 22.800 through
22.808 ((Title 22, Subtitle VIII)) are met,
((the development standards in)) subsection
25.09.180.B.1 does not apply when the appli-
cant demonstrates the development meets
one of the following criteria. In determining
whether these criteria are met, the Director
may require a geotechnical report to verify
the design and to evaluate the impacts of
the development in the steep slope area and
shall require such a report for criteria in sub-
sections 25.09.180.B.2.c and 25.09.180.B.2.d.
The geotechnical report is subject to the pro-
visions for third party review in Section
25.09.080.C.

a. Development is located where existing
development is located, if the impact on the
steep slope area is not altered or increased;
or

b. Development is located on steep slope
areas that have been created through previ-
ous legal grading activities, including rock-
eries or retaining walls resulting from rights
of way improvements, if no adverse impact on
the steep slope area will result; or

c. Development is located on steep slope
areas that are less than 20 feet ((twenty))
in vertical rise and that are 30 feet ((thirty))
or more from other steep slope areas,
if no adverse impact on the steep slope area
will result; or

d. Development is located on steep slope
areas where the Director determines that
application of ((the development standards in))
subsection 25.09.180.B.1 would prevent
necessary stabilization of a landslide-prone
area.

Section 12. Subsections A and B of
Section 25.09.200 of the Seattle Municipal
Code, which Section was last amended by
Ordinance 122050, are amended as follows:

**25.09.200 Development standards
for fish and wildlife habitat conserva-
tion areas((c))**

A. Development standards for parcels
with riparian corridors.

3. Riparian Management Area.

a. The riparian management area is
defined in subsection 25.09.020.D.5. Existing
public or private streets are excluded from
the regulations for the riparian manage-
ment area, provided that if the provisions of
Chapters 22.800 through 22.808 ((Title 22,
Subtitle VIII)), the Stormwater((Grading
and Drainage Control)) Code apply, the
Director shall require adequate stormwater
detention to prevent harm from the street to
habitat on the parcel and downstream and to
keep degradation of water quality for habitat
to a minimum.

b. Activities in the riparian management
area.

((b))1) Development is prohibited in the
riparian management area, except to pro-
vide access to development approved under
subsection 25.09.200.A.2 and except under
subsections 25.09.200.A.3.b.2, 25.09.200.
A.3.c, and 25.09.200.A.3.d. ((A3b(2), A3c,
and A3d.))

((b))2) Removal of, clearing, or any action
detrimental to habitat, trees or vegetation in
the riparian management area is prohibited,
except as provided in subsection 25.09.200.
A.3.c ((below)) and Section 25.09.320.

c. Riparian Management Area
Vegetation.

((b))1) If the vegetation in the riparian
management area protects the fish habitat
and wildlife habitat as they exist on the site
at the time development is proposed, includ-
ing preventing erosion and protecting water
quality, the existing vegetation shall remain
undisturbed, except as allowed under Section
25.09.320.

((b))2) If the riparian management area
is not functioning in the manner set out in
subsection 25.09.200.A.3.c.1 ((A3c(1))) above,
the applicant shall prepare and carry out a
tree and vegetation plan that augments the
existing vegetation with native vegetation to
the extent commensurate with the impact
of the development on the riparian manage-
ment area. The plan shall be prepared and
executed consistent with Section 25.09.320.
Vegetation in the riparian management area
shall not be removed or otherwise disturbed
until the applicant is ready to immediately
replant according to the approved plan. A
monitoring plan shall be prepared to moni-
tor the establishment of the vegetation. The
plan shall cover five ((b)) growing seasons
or the period needed to successfully carry out
the plan, whichever is earlier.

d. In addition to subsections 25.09.200.
A.3.b.2 and 25.09.200.A.3.c ((A3b(2), A3c,
and A3d.))

that it prevents erosion, protects water qual-
ity, and provides diverse habitat; and

((b))2) The restoration results in greater
protection of the watercourse and riparian
management area than compliance with sub-
sections 25.09.200.3.d.2 and 25.09.200.3.d.3
((b3(2) and (b3))).

B. Development Standards for Shoreline
Habitat.

4. Buffers.

a. Shoreline habitat has a 100 foot ((one
hundred foot)) buffer from the ordinary
high water mark.

b. Bioengineered solutions, such as using
plants or other approved natural material, to
stabilize the shoreline are allowed in the buf-
fer, provided they are allowed under Title 23,
including ((c)) Chapter 23.60, the Shoreline
Master Program.

c. Other development for water dependent
and water related uses is prohibited in the
buffer, except when:

((b))1) The development is allowed under
Title 23, including ((c)) Chapter 23.60, the
Shoreline Master Program; and

((b))2) no vegetation is removed, the
amount of impervious surface is not
increased, and no surface that is permeable
by water at the time of the application will be
covered with an impervious surface so that
impervious surface will be closer to the ordi-
nary high water mark; or

((b))3) if any of the actions described in
subsection 25.09.200.B.4.c.2 ((c4(2) above))
occur and that action impacts the ecologic
function of the shoreline, those impacts are
mitigated as set out in subsection 25.09.200.
B.4.e below.

If the standards in subsections 25.09.200.
B.4.c.1 and 25.09.200.B.4.c.2 ((c4(1) and (c4(2)))
are met, then the application is not subject
to the application submittal requirements in
Section 25.09.330 and the general develop-
ment standards in Section 25.09.060.

d. Other development for non-water depend-
ent and non-water related uses is prohibited
in the buffer, except when:

((b))1) The development is allowed under
Title 23, including ((c)) Chapter 23.60, the
Shoreline Master Program; and

((b))2) for non-residential uses

((b))a) the lot was in existence before
May 9, 2006 ((the effective date of Ordinance
122950)); and

((b))b) the development is 25 feet ((twenty-
five feet)) or more from the ordinary
high water mark unless the development
is allowed in the shoreline habitat under
Title 23, including ((c)) Chapter 23.60, the
Shoreline Master Program; and

((b))c) ((b))i. no vegetation is removed,
impervious surface is not increased and no
net loss of ecological function of the critical
area or buffer from other actions occurs; or

((b))ii. if any of the actions described in
subsection 25.09.200.B.4.d.2.c.i ((d4(2)(c)(i)))
above occur, all impacts on the ecological
function are mitigated as set out in subsection
25.09.200.B.4.e below; or

((b))3) for residential uses the residence is
25 feet ((twenty-five feet)) or more from
the ordinary high water mark

((b))a) and no vegetation is removed,
impervious surface is not increased and no
net loss of ecological function of the critical
area or buffer from other actions occurs; or

((b))b) if any of the actions described in
subsection 25.09.200.B.4.d.3.a ((d4(3)(a)))
above occur, all impacts on the ecological
function are mitigated as set out in subsection
25.09.200.B.4.e below.

e. Mitigation.

((b))1) Mitigation must prevent net loss of
ecological function. Mitigation must achieve
the equivalent ecologic functions as the condi-
tions existing in the shoreline habitat buffer
at the time of development. Mitigation under
this ((b)) Section is not intended to duplicate
mitigation for the same ecologic function that
is required under other City regulations or
under state and federal permits. The permit
condition most protective of the ecologic func-
tion shall be enforced.

((b))2) For the purpose of this ((b)) Section,
mitigation is action that replaces ecological
functions lost as a result of a project impact.
Depending on the type of lost ecological func-
tion these include:

((b))a) providing habitat, or

((b))b) creating new pervious ground or

((b))c) replicates the function of the per-
vious ground through methods that are engi-
neered and designed according to the require-
ments of Chapters 22.800 through 22.808
((Title 22, Subtitle VIII)), Stormwater((Grading
and Drainage Control)) Code.

6. Streets.

a. Existing public or private streets are
excluded from these buffer regulations,
provided that if the provisions of Chapters
22.800 through 22.808 ((Title 22, Subtitle
VIII)), the Stormwater((Grading and
Drainage Control)) Code apply, the Director
shall require adequate stormwater detention
to prevent harm from the street to habitat
and to keep degradation of water quality for
habitat to a minimum.

b. New streets are allowed when the fol-
lowing criteria are met:

((b))1) the street is allowed under Title 23,
including ((c)) Chapter 23.60, the Shoreline
Master Program; and

((b))2) no vegetation is removed, impervi-
ous surface is not increased, and no net loss
of ecological function of the critical area or
buffer from other actions occurs; or

((b))3) if the actions described in subsection
25.09.200.B.4.b.2 ((b4(2) above)) occur,
any impacts on the ecological function are
mitigated as set out in subsection 25.09.200.
B.4.e above.

7. The following provisions apply to all
parcels containing shoreline habitat and
buffers to prevent impacts to the habitat and
buffer:

a. Any increases in surface runoff from
development shall be kept to a minimum,
and surface water run off shall be controlled,
treated and released so that receiving water
quality and any shore properties and features
are not adversely affected. Control measures
may include, but are not limited to, dikes,
catch basins or settling ponds, interceptor
drains and planted buffers. Allowable means
to achieve this include bioswales, catch basin
filters, and other methods prescribed in
Chapters 22.800 through 22.808 ((Title 22,
Subtitle VIII)), the Stormwater((Grading
and Drainage Control)) Code.

b. Pavement in the habitat and buffer
shall be kept to a minimum and permeable
surfacing, where practicable, shall be used to
keep surface water accumulation and runoff
into the habitat and buffer to a minimum.
Recommended methods are found in Chapters
22.800 through 22.808 ((Title 22, Subtitle
VIII)), Stormwater((Grading and Drainage
Control)) Code. Permeable surfaces include,
but are not limited to, porous asphalt, con-
crete, brick, or pavers; or plastic confinement
systems with grass or gravel filler.

Section 13. Section 25.09.220 of the
Seattle Municipal Code, which Section was
last amended by Ordinance 122050, is
amended as follows:

**25.09.220 Development standards for
abandoned landfills((c))**

A. Regulation of Development on
Abandoned Landfills. Development on aban-
doned landfills is subject to Seattle-King