

Subtitle VIII Stormwater Code

Chapter 22.800 Title, Purpose, Scope, and Authority

22.800.010 Title

This subtitle, comprised of Chapters 22.800 through 22.808, shall be known as the "Stormwater Code" and may be cited as such.

(Ord. 123105, § 2, 2009.)

22.800.020 Purpose

A. The provisions of this subtitle shall be liberally construed to accomplish its remedial purposes, which are:

1. To protect, to the greatest extent practicable, life, property and the environment from loss, injury and damage by pollution, erosion, flooding, landslides, strong ground motion, soil liquefaction, accelerated soil creep, settlement and subsidence, and other potential hazards, whether from natural causes or from human activity;
2. To protect the public interest in drainage and related functions of drainage basins, watercourses and shoreline areas;
3. To protect receiving waters from pollution, mechanical damage, excessive flows and other conditions in their drainage basins which will increase the rate of downcutting, streambank erosion, and/or the degree of turbidity, siltation and other forms of pollution, or which will reduce their low flows or low levels to levels which degrade the environment, reduce recharging of groundwater, or endanger aquatic and benthic life within these receiving waters and receiving waters of the state;
4. To meet the requirements of state and federal law and the City's municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit;
5. To protect the functions and values of environmentally critical areas as required under the state's Growth Management Act and Shoreline Management Act;
6. To protect the public drainage system from loss, injury and damage by pollution, erosion, flooding, landslides, strong ground motion, soil liquefaction, accelerated soil creep, settlement and subsidence, and other potential hazards, whether from natural causes or from human activity; and
7. To fulfill the responsibilities of the City as trustee of the environment for future generations.

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- B. It is expressly the purpose of this subtitle to provide for and promote the health, safety and welfare of the general public. This subtitle is not intended to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by its terms.
- C. It is expressly acknowledged that water quality degradation can result either directly from one discharge or through the collective impact of many small discharges. Therefore, the water quality protection measures in this subtitle are necessary to protect the health, safety and welfare of the residents of Seattle and the integrity of natural resources for the benefit of all and for the purposes of this subtitle. Such water quality protection measures are required under the federal Clean Water Act, 33 U.S.C. Section 1251, et seq., and in response to the obligations of the City's municipal stormwater discharge permit, issued by the State of Washington under the federal NPDES program.
- (Ord. 124872 , § 1, 2015; Ord. 123105, § 2, 2009.)

22.800.030 Scope and applicability

This subtitle applies to:

- A. All grading and drainage and erosion control, whether or not a permit is required;
- B. All land disturbing activities, whether or not a permit is required;
- C. All discharges directly or indirectly to a public drainage system or a public combined sewer;
- D. All discharges directly or indirectly into receiving waters within or contiguous to Seattle city limits;
- E. All new and existing land uses; and
- F. All real property.

(Ord. 124872 , § 2, 2015; Ord. 123105, § 2, 2009.)

22.800.040 Exemptions, adjustments, and exceptions

A. Exemptions

1. The following land uses are exempt from the provisions of this subtitle:
 - a. Commercial agriculture, including only those activities conducted on lands defined in RCW 84.34.020(2), and production of crops or livestock for wholesale trade; and
 - b. Forest practices regulated under Title 222 Washington Administrative Code, except for Class IV general forest practices, as defined in WAC 222-16-050, that are conversions from timber land to other uses.
2. The following land disturbing activities are ~~not required to comply with~~ exempt from the specific minimum requirements listed below.
 - a. Maintenance, repair, upgrade, or installation of underground or overhead utility facilities, such as, but not limited to, pipes, conduits and vaults, ~~and that includes replacing-replaces~~ the ground surface with in-kind material or materials with similar runoff characteristics is exempt from ~~are not required to comply with~~ Section 22.805.070 (Minimum requirements for on-site stormwater management),

Section 22.805.080 (Minimum requirements for flow control), ~~and~~ Section 22.805.090 (Minimum requirements for treatment), except ~~as modified as follows:~~

1) Installation of underground or overhead utility facilities that are integral with and contiguous to a parcel-based project or a road-related project shall comply with Section 22.805.050 (Minimum requirements for parcel-based projects) or Section 22.805.060 (Minimum requirements for roadway projects), respectively.

b. Pavement maintenance practices, as defined in Section 22.801.170, limited to the following activities ~~are not required to comply with exempt from Section 22.805.060 (Minimum requirements for roadway projects),~~ Section 22.805.070 (Minimum requirements for on-site stormwater management), Section 22.805.080 (Minimum requirements for flow control), ~~or and~~ Section 22.805.090 (Minimum requirements for treatment), except:

1. Pavement maintenance practices that are integral with and contiguous to a parcel-based project or a road-related project shall comply with Section 22.805.050 (Minimum requirements for parcel-based projects) or Section 22.805.060 (Minimum requirements for roadway projects), respectively.

a1) Pothole and square cut patching;

b2) Overlaying existing asphalt or concrete or brick pavement with asphalt or concrete without expanding the area of coverage;

c3) Shoulder grading;

d4) Reshaping or regrading drainage ditches;

e5) Crack sealing; and

f6) Vegetation maintenance.

3c. Land disturbing activity that includes replacing the ground surface with in-kind material or with materials having equivalent runoff characteristics and is associated solely with soil remediation or tank removal for the purpose of removing contaminants and pollutants and not associated with other development is not required to comply with subsections 22.805.050.A and 22.805.060.A (Soil amendment), Section 22.805.070 (Minimum requirements for on-site stormwater management), or Section 22.805.080 (Minimum requirements for flow control). Projects that include any development in addition to soil remediation or tank removal ~~replaced with in-kind material or with materials having equivalent runoff characteristics~~ are not exempt.

d. Drainage control facilities that are part of a public retrofit project installed to meet Appendix 12 to the City's municipal stormwater NPDES permit or for combined sewer control, or other voluntary retrofit project, are not required to comply with Section 22.805.070 (Minimum requirements for on-site stormwater management), Section 22.805.080 (Minimum requirements for flow control), or Section 22.805.090 (Minimum requirements for treatment). This exemption does not include land disturbing activities or hard surfaces that are not integral to or are in addition to the drainage control facilities described above, or installation of drainage control facilities that are otherwise required to meet this subtitle.

e. Additional work associated with an activity exempted by this subsection 22.800.040.A.2 that is necessary to comply with the federal Americans with Disabilities Act is included in the exemption granted.

3. Sites that produce no runoff as determined by a licensed civil engineer using a continuous runoff model approved by the Director are not required to comply with Section 22.805.080 (Minimum requirements for flow control).
4. When a portion of the site being developed discharges only to the public combined sewer, and that portion is not required to implement source controls pursuant to Section 22.803.040 for specified activities, the Director has the authority, to the extent allowed by law, to issue an order under Chapter 22.808 requiring the responsible party to undertake source controls, if the Director determines that these activities pose a hazard to public health, safety or welfare; endanger any property; adversely affect the safety and operation of City right-of-way, utilities, or other property owned or maintained by the City; or adversely affect the functions and values of an environmentally critical area or buffer.
5. Residential activities are not required to comply with the provision of subsection 22.805.020.1 (Install source control BMPs) unless the Director determines that these activities pose a hazard to public health, safety or welfare; endanger any property; adversely affect the safety and operation of City right-of-way, utilities, or other property owned or maintained by the City; or adversely affect the functions and values of an environmentally critical area or buffer.
6. With respect to all state highway right-of-way under Washington State Department of Transportation (WSDOT) control within the jurisdiction of The City of Seattle, WSDOT shall use the current, approved Highway Runoff Manual (HRM) for its existing and new facilities and rights-of-way, as addressed in WAC 173-270-030(1) and (2). Exceptions to this exemption, where more stringent stormwater management requirements apply, are addressed in WAC 173-270-030(3)(b) and (c).
 - a. When a state highway is located in the jurisdiction of a local government that is required by Ecology to use more stringent standards to protect the quality of receiving waters, WSDOT shall comply with the same standards to promote uniform stormwater management.
 - b. WSDOT shall comply with standards identified in watershed action plans for WSDOT rights-of-way, to the extent required by state law.
 - c. Other instances where more stringent local stormwater standards apply are projects subject to tribal government standards or to the stormwater management-related permit conditions imposed under Chapter 25.09 to protect environmentally critical areas and their buffers (under the Growth Management Act), an NPDES permit, or shoreline master programs (under the Shoreline Management Act). In addition, WSDOT shall comply with local jurisdiction stormwater standards when WSDOT elects, and is granted permission, to discharge stormwater runoff into a municipality's drainage system or combined sewer system.

B. Adjustments

1. The Director may approve a request for adjustments to the requirements of this subtitle when the Director finds that:

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- 1 a. The adjustment provides substantially equivalent environmental protection; and
 - 2 b. The objectives of safety, function, environmental protection, and facility
 - 3 maintenance are met, based on sound engineering practices.
 - 4 2. During construction, the Director may require, or the applicant may request, that the
 - 5 construction of drainage control facilities and associated project designs be adjusted if
 - 6 physical conditions are discovered on the site that are inconsistent with the
 - 7 assumptions upon which the approval was based, including but not limited to
 - 8 unexpected soil and/or water conditions, weather generated problems, or changes in
 - 9 the design of the improved areas.
 - 10 3. A request by the applicant for adjustments shall be submitted to the Director for
 - 11 approval prior to implementation. The request shall be in writing and shall provide
 - 12 facts substantiating the requirements of subsection 22.800.040.B.1 and, if made
 - 13 during construction, the factors in subsection 22.800.040.B.2. Any such modifications
 - 14 made during the construction of drainage control facilities shall be recorded on the
 - 15 final approved drainage control plan, a revised copy of which shall be filed by the
 - 16 Director.
 - 17 C. Exceptions
 - 18 1. The Director may approve a request for an exception to the requirements of this
 - 19 subtitle when the applicant demonstrates that the exception will not increase risks in
 - 20 the vicinity and/or downstream of the property to public health, safety and welfare,
 - 21 or to water quality, or to public and private property, and:
 - 22 a. The requirement would cause a severe and unexpected financial hardship that
 - 23 outweighs the requirement's benefits, and the criteria for an adjustment cannot be
 - 24 met; or
 - 25 b. The requirement would cause harm or a significant threat of harm to public health,
 - 26 safety and welfare, the environment, or public and private property, and the
 - 27 criteria for an adjustment cannot be met; or
 - 28 c. The requirement is not technically feasible, and the criteria for an adjustment
 - 29 cannot be met; or
 - 30 d. An emergency situation exists that necessitates approval of the exception.
 - 31 2. An exception shall only be granted to the extent necessary to provide relief from the
 - 32 economic hardship, to alleviate the harm or threat of harm, to the degree that
 - 33 compliance with the requirement becomes technically feasible, or to perform the
 - 34 emergency work that the Director determines exists.
 - 35 3. An applicant is not entitled to an exception, whether or not the criteria allowing
 - 36 approval of an exception are met.
 - 37 4. The Director may require an applicant to provide additional information at the
 - 38 applicant's expense, including, but not limited to, an engineer's report or analysis.
 - 39 5. When an exception is granted, the Director may impose new or additional
 - 40 requirements to offset or mitigate harm that may be caused by granting the
 - 41 exception, or that would have been prevented if the exception had not been granted.
 - 42 6. Public notice of an application for an exception and of the Director's decision on the
 - 43 application shall be provided in the manner prescribed for Type II land use decisions,
 - 44 as set forth in Chapter 23.76.

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- 1 7. The Director's decision shall be in writing with written findings of fact. Decisions
2 approving an exception based on severe and unexpected economic hardship shall
3 address all the factors in subsection 22.800.040.C.8.
- 4 8. An application for an exception on the grounds of severe and unexpected financial
5 hardship must describe, at a minimum, all of the following:
6 a. The current, pre-project use of the site; and
7 b. How application of the requirement(s) for which an exception is being requested
8 restricts the proposed use of the site compared to the restrictions that existed
9 prior to the adoption of this current subtitle; and
10 c. The possible remaining uses of the site if the exception were not granted; and
11 d. The uses of the site that would have been allowed prior to the adoption of this
12 subtitle; and
13 e. A comparison of the estimated amount and percentage of value loss as a result of
14 the requirements versus the estimated amount and percentage of value loss as a
15 result of requirements that existed prior to adoption of the requirements of this
16 subtitle; and
17 f. The feasibility of the owner or developer to alter the project to apply the
18 requirements of this subtitle.
- 19 9. In addition to rights under Chapter 3.02, any person aggrieved by a Director's decision
20 on an application for an exception may appeal to the Hearing Examiner's Office by
21 filing an appeal, with the applicable filing fee, as set forth in Section 23.76.022.
22 However, appeals of a Notice of Violation, Director's order, or invoice issued pursuant
23 to this subtitle shall follow the required procedure established in Chapter 22.808.
- 24 10. The Hearing Examiner shall affirm the Director's determination on the exception unless
25 the examiner finds the determination is clearly erroneous based on substantial
26 evidence. The applicant for the exception shall have the burden of proof on all issues
27 related to justifying the exception.
- 28 11. The Director shall keep a record, including the Director's written findings of fact, on
29 all approved requests for exceptions.
- 30 (Ord. 126336 , § 1, 2021; Ord. 124872 , § 3, 2015; Ord. 124758 , § 1, 2015; Ord. 123105, § 2,
31 2009.)

32 **22.800.050 Potentially hazardous locations**

- 33 A. Any site on a list, register, or database compiled by EPA or Ecology for investigation,
34 cleanup, or other action regarding contamination under any federal or state
35 environmental law shall be a potentially hazardous location under this subtitle. When
36 EPA or Ecology removes the site from the list, register or database, or when the Director
37 of SDCI or the Director of SPU determines the owner has otherwise established the
38 contamination does not pose a present or potential threat to human health or the
39 environment, the site will no longer be considered a potentially hazardous location.
- 40 B. The following property may also be designated by the Director of SDCI or the Director of
41 SPU as potentially hazardous locations:
42 1. Existing and/or abandoned solid waste disposal sites;

1 2. Hazardous waste treatment, storage, or disposal facilities, all as defined by the
2 federal Solid Waste Disposal Act, 42 U.S.C. Section 6901, et seq.
3 (Ord. 124919 , § 88, 2015; Ord. 124872 , § 4, 2015; Ord. 123105, § 2, 2009.)

4 **22.800.060 Compliance with other laws**

- 5 A. The requirements of this subtitle are minimum requirements. They do not replace,
6 repeal, abrogate, supersede or affect any other more stringent requirements, rules,
7 regulations, covenants, standards, or restrictions. Where this subtitle imposes
8 requirements that are more protective of human health or the environment than those
9 set forth elsewhere, the provisions of this subtitle shall prevail. When this subtitle
10 imposes requirements that are less protective of human health or the environment than
11 those set forth elsewhere, the provisions of the more protective requirements shall
12 prevail.
- 13 B. Approvals and permits granted under this subtitle are not waivers of the requirements of
14 any other laws, nor do they indicate compliance with any other laws. Compliance is still
15 required with all applicable federal, state and local laws and regulations, including rules
16 promulgated under authority of this subtitle.
- 17 C. Compliance with the provisions of this subtitle and of regulations and manuals adopted
18 by the City in relation to this subtitle does not necessarily mitigate all impacts to the
19 environment. Thus, compliance with this subtitle and related regulations and manuals
20 should not be construed as mitigating all drainage water or other environmental impacts,
21 and additional mitigation may be required to protect the environment. The primary
22 obligation for compliance with this subtitle, and for preventing environmental harm on
23 or from property, is placed upon responsible parties as defined by this subtitle.
24 (Ord. 123105, § 2, 2009.)

25 **22.800.070 Minimum requirements for City agency projects**

- 26 A. Compliance. A City ~~agencies-agency~~ shall comply with all the requirements of this
27 subtitle except as specified below:
- 28 1. City agencies are not required to obtain permits and approvals under this subtitle for
29 work performed within a public right-of-way or for the operation and maintenance of
30 city park lands, except for other than inspections as set out in subsection 22.800.070.B
31 and review and approval when applying roadway project infeasibility as provided in
32 subsection 22.805.060.E, ~~for work performed within a public right-of-way or for work~~
33 ~~performed for the operation and maintenance of park lands under the control or~~
34 ~~jurisdiction of the Department of Parks and Recreation. Where the work occurs in a~~
35 ~~public right-of-way, it shall also comply with Title 15, Street and Sidewalk Use,~~
36 ~~including the applicable requirements to obtain permits or approvals.~~
- 37 2. A City agency project, ~~as defined in Section 22.801.170,~~ that is not required to obtain
38 permit(s) and approval(s) pursuant to subsection 22.800.070.A.1 and meets all of the
39 conditions set forth below, is not required to comply with the amendments to Sections
40 22.800.020 through 22.808.110 that take effect on July 1, ~~2021~~2026, except the
41 amendments to this subsection 22.800.070.A.2.

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- 1 a. The project begins land disturbing activities ~~within five years of the effective date~~
2 ~~of this subtitle~~before July 1, 2031; and
- 3 b. The project complies with the Stormwater Code that was made effective ~~January~~
4 ~~1, 2016~~July 1, 2021, by Ordinance ~~124872-126336~~ which requires compliance with
5 Directors' Rules SDCI ~~17-2017~~10-2021/SPU DWW 200 effective ~~January 1, 2016~~July
6 1, 2021; and
- 7 c. The project ~~meets one or more of the following criteria~~is financed in whole or in
8 part by funds:
- 9 1) ~~Project funding was appropriated as identified in Ordinance 126237 titled, "An~~
10 ~~ordinance adopting a budget, including a capital improvement program and~~
11 ~~position modifications, for The City of Seattle for 2021"~~Appropriated by
12 ordinance as part of the fiscal year 2026 budget; or
- 13 2) ~~Project received or will receive voter approval of financing~~Approved by voters
14 ~~before January 1, 2021~~July 1, 2026; or
- 15 3) ~~Project received~~Received or will receive funds based on pursuant to a grant
16 ~~application(s)~~application submitted before ~~January 1, 2021~~July 1, 2026.
- 17 B. Inspection
- 18 1. When the City conducts projects for which review and approval are required under
19 Chapter 22.807 (Drainage control review and application requirements) the work shall
20 be inspected by the City agency conducting the project or supervising the contract for
21 the project. The inspector for the City agency shall be responsible for ascertaining
22 that the drainage control is done in a manner consistent with the requirements of this
23 subtitle.
- 24 2. A City agency need not provide an inspector from its own agency provided either:
- 25 a. The work is inspected by an appropriate inspector from another City agency; or
- 26 b. The work is inspected by an appropriate inspector hired for that purpose by a City
27 agency; or
- 28 c. The work is inspected by the licensed civil or geotechnical engineer who prepared
29 the plans and specifications for the work; or
- 30 d. A permit or approval is obtained from the Director of SDCI, and the work is
31 inspected by the Director.
- 32 C. Certification of compliance. City agencies shall meet the same standards as non-City
33 projects, except as provided in subsection 22.800.070.A, and shall certify that each
34 individual project meets those standards.
- 35 (Ord. 126336 , § 1, 2021; Ord. 124919 , § 89, 2015; Ord. 124872 , § 5, 2015; Ord. 123105, § 2,
36 2009.)

37 22.800.075 Compliance by public agencies

38 Whether or not they are required to obtain permits or submit documents, public agencies are
39 subject to the substantive requirements of this subtitle, unless adjustments or exceptions are
40 granted as set forth in Section 22.800.040 (Exemptions, Adjustments, and Exceptions) or the
41 requirements have been waived under subsection 22.807.020.A.3.

42 (Ord. 123105, § 2, 2009.)

22.800.080 Authority

- A. For projects not conducted in the public right-of-way, the Director of SDCI has authority regarding the provisions of this subtitle pertaining to grading, review of drainage control plans, and review of construction stormwater control plans, and has inspection and enforcement authority pertaining to temporary erosion and sediment control measures.
- B. The Director of SPU has authority regarding all other provisions of this subtitle pertaining to drainage water, drainage, and erosion control, including inspection and enforcement authority. The Director of SPU may delegate authority to the Director of SDCI or the Director of SDOT regarding the provisions of this subtitle pertaining to review of drainage control plans, inspection of drainage control facilities, review of construction stormwater control plans, and inspection and enforcement authority pertaining to temporary erosion and sediment control measures for projects conducted in the public right-of-way.
- C. The Directors of SDCI, SDOT, and SPU are authorized to take actions necessary to implement the provisions and purposes of this Subtitle VIII in their respective spheres of authority to the extent allowed by law, including, but not limited to, the following: promulgating and amending rules and regulations, pursuant to the Administrative Code, Chapter 3.02; establishing and conducting inspection programs; establishing and conducting or, as set forth in Section 22.802.040, requiring responsible parties to conduct monitoring programs, which may include sampling of discharges to or from drainage control facilities, the public drainage system, or receiving waters; taking enforcement action; abating nuisances; promulgating guidance and policy documents; and reviewing and approving, conditioning, or disapproving required submittals and applications for approvals and permits. The Directors are authorized to exercise their authority under this Subtitle VIII in a manner consistent with their legal obligations as determined by the courts or by statute.
- D. The Director of SPU is authorized to develop, review, or approve drainage basin plans for managing receiving waters, drainage water, and erosion within individual basins. A drainage basin plan may, when approved by the Director of SPU, be used to modify requirements of this subtitle, provided the level of protection for human health, safety and welfare, the environment, and public or private property will equal or exceed that which would otherwise be achieved. A drainage basin plan that modifies the minimum requirements of this subtitle at a drainage basin level subject to the municipal stormwater NPDES Permit must be reviewed and approved by Ecology and adopted by City ordinance.
- E. The Director of SPU is authorized, to the extent allowed by law, to develop, review, or approve an Integrated Drainage Plan as an equivalent means of complying with the requirements of this subtitle, in which the developer of a project voluntarily enters into an agreement with the Director of SPU to implement an Integrated Drainage Plan that is specific to one or more sites where best management practices are employed such that the cumulative effect on the discharge from the site(s) to the same receiving water is the same or better than that which would be achieved by a less integrated, site-by-site implementation of best management practices.

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- 1 F. For projects that do not discharge to the combined sewer system, the Director of SPU is
2 authorized, to the extent allowed by law, to enter into an agreement with the developer
3 to allow a project's flow control, water quality treatment, on-site stormwater
4 management, or wetland protection requirements to be met at an alternative location if
5 the following conditions are met, or if another scenario is approved by Ecology:
- 6 1. The developer enters the agreement voluntarily to contribute funds toward the
7 construction of, or to construct, one or more drainage control facilities at an
8 alternative location to mitigate the impacts to the same receiving water that have
9 been identified as a consequence of the project; and
 - 10 2. The alternative location is for an equivalent area in terms of flow and pollution
11 characteristics when compared with the project, as determined by the Director; and
 - 12 a. The site of the project has greater than or equal to 35 percent existing hard
13 surface coverage and the project discharges to:
 - 14 1) A listed creek and the equivalent area is in-basin, which means that the
15 equivalent area is on the same site as the project, the project is located within
16 contributing area to the equivalent area, or the equivalent area discharges
17 from the public drainage system to the receiving water at the same point as (or
18 upstream of) the point where the project area discharges from the public
19 drainage system to the same receiving water; or
 - 20 2) A receiving water other than a listed creek and the equivalent area discharges
21 to the same receiving water as the project.
- 22 G. For projects that discharge to the combined sewer system, the Director of SPU is
23 authorized, to the extent allowed by law, to enter into an agreement with the developer
24 to allow a project's flow control or on-site stormwater management requirements to be
25 met at an alternative location if the developer enters the agreement voluntarily to
26 contribute funds towards the construction of, or to construct, one or more drainage
27 control facilities at an alternative location, determined by the Director, to mitigate the
28 impacts that have been identified as a consequence of the project.
- 29 H. If the Director of SPU determines that a discharge from a site, real property, or drainage
30 control facility, directly or indirectly to a public drainage system, a private drainage
31 system, or a receiving water within or contiguous to Seattle city limits, has exceeded,
32 exceeds, or will exceed water quality standards at the point of assessment, or has
33 caused or contributed, is causing or contributing, or will cause or contribute, to a
34 prohibited discharge or a known or likely violation of water quality standards in the
35 receiving water or a known or likely violation of the City's municipal stormwater NPDES
36 permit, and cannot be adequately addressed by the required best management
37 practices, then the Director of SPU has the authority, to the extent allowed by law, to
38 issue an order under Chapter 22.808 requiring the responsible party to undertake more
39 stringent or additional best management practices. These best management practices
40 may include additional source control or structural best management practices or other
41 actions necessary to cease the exceedance, the prohibited discharge, or causing or
42 contributing to the known or likely violation of water quality standards in the receiving
43 water or the known or likely violation of the City's municipal stormwater NPDES permit.
44 Structural best management practices may include but shall not be limited to: drainage

control facilities, structural source controls, treatment facilities, constructed facilities such as enclosures, covering and/or berming of container storage areas, and revised drainage systems. For existing discharges as opposed to new projects, the Director may allow 12 months to install a new flow control facility, structural source control, or treatment facility after the Director notifies the responsible party in writing of the Director's determination pursuant to this subsection 22.800.080.H and of the flow control facility, structural source control, or treatment facility that must be installed.

I. Unless an adjustment pursuant to subsection 22.800.040.B or an exception pursuant to subsection 22.800.040.C is approved by the Director, an owner or occupant who is required to connect, or who chooses to connect, to a public drainage system shall be required to extend the public drainage system if a public drainage system is not accessible within an abutting public area across the full frontage of the site.

J. The Director of SDCl or the Director of SPU has the authority, to the extent allowed by law, to require projects with any addition or replacement of hard surface or land disturbing activity to comply with the more stringent requirements set forth in Chapter 22.805 when necessary to accomplish the purposes of this subtitle. In making this determination, the Director of SDCl or the Director of SPU may consider, but is not limited to, the following attributes of the site: location within an Environmentally Critical Area; proximity and tributary to an Environmentally Critical Area; and proximity and tributary to an area with known erosion or flooding problems.

(Ord. 126336 , § 1, 2021; Ord. 124919 , § 90, 2015; Ord. 124872 , § 6, 2015; Ord. 123105, § 2, 2009.)

22.800.090 City not liable

- A. Nothing contained in this subtitle is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents for any injury or damage resulting from the failure of responsible parties to comply with the provisions of this subtitle, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this subtitle, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this subtitle by its officers, employees or agents.
- B. The Director or any employee charged with the enforcement of this subtitle, acting in good faith and without malice on behalf of the City, shall not be personally liable for any damage that may accrue to persons or property as a result of any act required by the City, or by reason of any act or omission in the discharge of these duties. Any suit brought against the Director of SDCl, Director of SPU, or other employee because of an act or omission performed in the enforcement of any provisions of this Subtitle VIII, shall be defended by the City.
- C. Nothing in this subtitle shall impose any liability on the City or any of its officers or employees for cleanup or any harm relating to sites containing hazardous materials, wastes or contaminated soil.
- (Ord. 124919 , § 91, 2015; Ord. 123105, § 2, 2009.)

1 **22.800.100 Transition to revised Stormwater Code**

- 2 A. Any building or grading permit issued prior to ~~June 30~~July 1, 2020~~2026~~, (1) which was not
3 considered, either in the initial application process or in a renewal process, under the
4 version of the Stormwater Code in effect on or after ~~January 1, 2016~~July 1, 2021, and (2)
5 pursuant to which construction has not started by June 30, ~~2020~~2026, shall expire on
6 June 30, ~~2020~~2026 unless the permit is revised to meet the Stormwater Code in effect on
7 or after July 1, 2026.
- 8 B. Any building or grading permit (1) which was considered under a version of the
9 Stormwater Code in effect on or after ~~January 1, 2016~~July 1, 2021, but before July 1,
10 ~~2024~~2026, and (2) pursuant to which construction has not started by July 1, ~~2026~~2031,
11 shall expire on July 1, ~~2026~~2031 unless the permit is revised to meet the Stormwater
12 Code in effect on or after July 1, 2031.
- 13 C. Any master use permit issued prior to June 30, ~~2020~~2026, for a project not requiring a
14 building permit (1) which was not considered, either in the initial application process or
15 in a renewal process, under the version of the Stormwater Code in effect on or after
16 ~~January 1, 2016~~July 1, 2021, and (2) pursuant to which construction has not started by
17 June 30, ~~2020~~2026, shall expire on June 30, ~~2020~~2026 unless the permit is revised to
18 meet the Stormwater Code in effect on or after July 1, 2026.
- 19 D. Any master use permit for a project not requiring a building permit (1) which was
20 considered under a version of the Stormwater Code in effect on or after ~~January 1,~~
21 ~~2016~~July 1, 2021, but before July 1, ~~2024~~2026, and (2) pursuant to which construction
22 has not started by July 1, ~~2026~~2031, shall expire on July 1, ~~2026~~2031 unless the permit is
23 revised to meet the Stormwater Code in effect on or after July 1, 2031.
- 24 E. Neither Section 23.22.028, Section 23.22.~~064~~074, Section 23.24.050, Section 23.76.029,
25 RCW 58.17.033, nor RCW 58.17.170 shall require any permit application submitted on or
26 after ~~January 1, 2016~~July 1, 2021, to be considered under a version of the Stormwater
27 Code in effect prior to July 1, 2021~~January 1, 2016~~, or require any permit application
28 submitted on or after July 1, ~~2024~~2026 to be considered under a version of the
29 Stormwater Code in effect prior to July 1, ~~2024~~2026. For purposes of this subsection
30 22.800.100.E, "permit application" means an application for any permit required for
31 construction within a plat or short plat or for construction of facilities and improvements
32 for a plat or short plat, including, but not limited to, master use, building, and grading
33 permits.
- 34 F. Neither Section 23.22.028, ~~nor~~ Section 23.22.~~064~~074, Section 23.24.050, nor Section
35 23.76.029 shall authorize starting construction, after June 30, ~~2020~~2026, of facilities or
36 improvements for any plat without compliance with the version of the Stormwater Code
37 in effect on or after ~~January 1, 2016~~July 1, 2021, or authorize starting construction,
38 after July 1, ~~2026~~2031, of facilities or improvements for any plat without compliance
39 with the version of the Stormwater Code in effect on or after July 1, ~~2024~~2026.
- 40 G. For purposes of this section, "starting construction" or "started construction" means the
41 site work associated with and directly related to the approved project has begun. For
42 example: grading the project site to final grade or utility installation such as water,
43 sewer, drainage, gas, or electrical infrastructure installed to serve the project and

associated with the application. Simply clearing the project site or installing conduit does not constitute the start of construction.
(Ord. 126336 , § 1, 2021; Ord. 124872 , § 7, 2015.)

Chapter 22.801 Definitions

22.801.010 General

For the purpose of this subtitle, the words listed in this Chapter 22.801 have the following meanings, unless the context clearly indicates otherwise. Terms relating to pollutants and to hazardous wastes, materials, and substances, where not defined in this subtitle, shall be as defined in Washington Administrative Code Chapters 173-303, 173-304 and 173-340, the Seattle Building Code or the Seattle Fire Code, including future amendments to those codes. Words used in the singular include the plural, and words used in the plural include the singular.

(Ord. 124872 , § 8, 2015; Ord. 123105, § 2, 2009.)

22.801.020 "A"

"Agency" means any governmental entity or its subdivision.

"Agency, City" means "City agency" as defined in Section 25.09.520.

"Approved" means approved by the Director.

"Aquatic life use" means "aquatic life use" as defined in WAC 173-201A-200. For the purposes of this subtitle, at minimum the following water bodies are designated for aquatic life use: small lakes, creeks, and fresh designated receiving waters.

"Arterial" means "arterial" as defined in Section 11.14.035.

(Ord. 126336 , § 2, 2021; Ord. 124872 , § 9, 2015; Ord. 123668, § 1, 2011; Ord. 123105, § 2, 2009.)

22.801.030 "B"

"Basic treatment facility" means a drainage control facility designed to reduce concentrations of total suspended solids in drainage water.

"Basic treatment receiving water" means:

1. All marine waters, including Puget Sound;
2. Lake Union;
3. Lake Washington;
4. Ship Canal and bays between Lake Washington and Puget Sound; and
5. Duwamish River.

1 "Best management practice" (BMP) means a schedule of activities, prohibitions of practices,
2 operational and maintenance procedures, structural facilities, or managerial practice or
3 device that, when used singly or in combination, prevents, reduces, or treats contamination
4 of drainage water, prevents or reduces soil erosion, or prevents or reduces other adverse
5 effects of drainage water. When the Directors develop rules and/or manuals prescribing BMPs
6 for particular purposes, whether or not those rules and/or manuals are adopted by ordinance,
7 BMPs specified in the rules and/or manuals shall be the BMPs required for compliance with
8 this subtitle.

9 "Building permit" means a document issued by the Seattle Department of Construction and
10 Inspections authorizing construction or other specified activity in accordance with the Seattle
11 Building Code or the Seattle Residential Code.

12 (Ord. 126336 , § 2, 2021; Ord. 126278 , § 23, 2021 [cross-reference update]; Ord. 124919 , §
13 92, 2015; Ord. 124872 , § 10, 2015; Ord. 123105, § 2, 2009.)

14 **22.801.040 "C"**

15 "Capacity-constrained system" means a drainage system or public combined sewer that the
16 Director of SPU has determined to have inadequate capacity to carry existing and anticipated
17 loads, or a drainage system that includes ditches or culverts.

18 "Certified Erosion and Sediment Control Lead" (CESCL) means an individual who has current
19 certification through an approved erosion and sediment control training program that meets
20 the minimum training standards established by Ecology.

21 "Civil engineer, licensed" means a person who is licensed by the State of Washington to
22 practice civil engineering.

23 "City agency" means "City agency" as defined in Section 25.09.520.

24 "Closely Related Projects" means two or more projects that do not fall under the definition
25 of a "common plan of development" but nonetheless share sufficient physical
26 interdependencies to be treated as a single project under criteria determined by the
27 Director.

28 "Combined sewer." See "public combined sewer."

29 "Combined sewer basin" or "public combined sewer basin" means the area tributary to a public
30 combined sewer feature, including, but not limited to, a combined sewer overflow outfall,
31 trunk line connection, pump station, or regulator.

32 "Common Plan of Development" means a site where multiple separate and distinct
33 construction activities may be taking place at different times on different schedules and/or

by different contractors, but still under a single plan. Examples of common plan of development include:

1. Phased projects and projects with multiple filings or lots, even if the separate phases or filings/lots will be constructed under separate contract or by separate owners (e.g., a development where lots are sold to separate builders);
2. A development plan that may be phased over multiple years, but is still under a consistent plan for long-term development;
3. Projects in a contiguous area that may be unrelated but still under the same contract, such as construction of a building extension and a new parking lot at the same facility; and
4. Linear projects such as roads, pipelines, or utilities.

"Compaction" means the densification, settlement, or packing of earth material or fill in such a way that permeability is reduced by mechanical means.

"Construction Stormwater Control Plan" means a document that explains and illustrates the measures to be taken on the construction site to prevent erosion and discharge of sediment and other pollutants on a construction project.

"Containment area" means the area designated for conducting pollution-generating activities for the purposes of implementing source controls or designing and installing source controls or treatment facilities.

"Contaminate" means the addition of sediment, any other pollutant or waste, or any illicit or prohibited discharge.

"Creek" means a Type S, F, Np or Ns water as defined in WAC 222-16-031, or as defined in WAC 222-16-030 after state water type maps are adopted, and is used synonymously with "stream."

(Ord. 126336 , § 2, 2021; Ord. 124872 , § 11, 2015; Ord. 123105, § 2, 2009.)

22.801.050 "D"

"Damages" means monetary compensation for harm, loss, costs, or expenses incurred by the City, including, but not limited, to the following: costs of abating or correcting violations of this subtitle; fines or penalties the City incurs as a result of a violation of this subtitle; and costs to repair or clean the public drainage system or public combined sewer as a result of a violation. For the purposes of this subtitle, damages do not include compensation to any person other than the City.

"Designated receiving waters" means the Duwamish River, Puget Sound, Lake Washington, Lake Union, Elliott Bay, Portage Bay, Union Bay, the Lake Washington Ship Canal, and other receiving waters determined by the Director of SPU and approved by Ecology as having sufficient capacity to receive discharges of drainage water such that a site discharging to the designated receiving water is not required to implement flow control.

1 "Detention" means temporary storage of drainage water for the purpose of controlling the
2 drainage discharge rate.

3 "Development" means the following activities:

- 4 1. Class IV-general forest practices that are conversions from timberland to other uses;
- 5 2. Land disturbing activity;
- 6 3. The addition or replacement of hard surfaces;
- 7 4. Expansion of a building footprint or addition or replacement of a structure;
- 8 5. Structural development, including construction, installation, or expansion of a building
- 9 or other structure;
- 10 6. Seeking approval of a building permit, other construction permit, grading permit,
- 11 street improvement permit, or master use permit that involves any of the foregoing
- 12 activities; and
- 13 7. Seeking approval of subdivision, short plat, unit lot subdivision, or binding site plans,
- 14 as defined and applied in chapter 58.17 RCW, or other master use permit.

15 Development is a type of project.

16 "Director" means the Director of the Department authorized to take a particular action, and
17 the Director's designees, who may be employees of that department or another City
18 department.

19 "Director of SDCI" means the Director of the Seattle Department of Construction and
20 Inspections or the designee of the Director of the Seattle Department of Construction and
21 Inspections, who may be employees of that department or another City department.

22 "Director of SDOT" means the Director of Seattle Department of Transportation of The City of
23 Seattle or the designee of the Director of Seattle Department of Transportation, who may be
24 employees of that department or another City department.

25 "Director of SPU" means the General Manager and Chief Executive Officer of Seattle Public
26 Utilities of The City of Seattle or the designee of the General Manager and Chief Executive
27 Officer of Seattle Public Utilities, who may be employees of that department or another City
28 department.

29 "Discharge point" means the location from which drainage water from a site is released.

30 "Discharge rate" means the rate at which drainage water is released from a site. The
31 discharge rate is expressed as volume per unit of time, such as cubic feet per second.

32 "Drainage basin" means the geographic and hydrologic tributary area or subunit of a
33 watershed through which drainage water is collected, regulated, transported, and discharged
34 to receiving waters.

35 "Drainage basin plan" means a plan to manage the quality and quantity of drainage water in a
36 watershed or a drainage basin, including watershed action plans.

1 "Drainage control" means the management of drainage water. Drainage control is
2 accomplished through one or more of the following: collecting, conveying, and discharging
3 drainage water; controlling the discharge rate from a site; controlling the flow duration from
4 a site; controlling the quantity from a site; and separating, treating or preventing the
5 introduction of pollutants.

6 "Drainage control facility" means any facility, including best management practices, installed
7 or constructed for the purpose of controlling the discharge rate, flow duration, quantity,
8 and/or quality of drainage water.

9 "Drainage control plan" means a plan for collecting, controlling, transporting and disposing of
10 drainage water falling upon, entering, flowing within, and exiting the site, including designs
11 for drainage control facilities.

12 "Drainage system" means a system intended to collect, convey and control release of only
13 drainage water. The system may be either publicly or privately owned or operated, and the
14 system may serve public or private property. It includes components such as pipes, ditches,
15 culverts, curbs, gutters, and drainage control facilities. Drainage systems are not receiving
16 waters.

17 "Drainage water" means stormwater and all other discharges that are permissible pursuant to
18 subsection 22.802.030.A.

19 (Ord. 126336 , § 2, 2021; Ord. 124919 , § 93, 2015; Ord. 124872 , § 12, 2015; Ord. 123105, § 2,
20 2009.)

21 **22.801.060 "E"**

22 "Earth material" means any rock, gravel, natural soil, fill, or re-sedimented soil, or any
23 combination thereof, but does not include any solid waste as defined by chapter 70A.205
24 RCW.

25 "Ecology" means the Washington State Department of Ecology.

26 "Effective hard surface" means those hard surfaces that are connected via sheet flow or
27 discrete conveyance to a drainage system.

28 "Enhanced treatment facility" means a drainage control facility designed to reduce
29 concentrations of dissolved metals in drainage water.

30 "Environmentally critical area" (ECA) means an area designated in Section 25.09.012.

31 "EPA" means the United States Environmental Protection Agency.

32 "Erodible or leachable materials" means wastes, chemicals, or other substances which, when
33 exposed to rainfall, measurably alter the physical or chemical characteristics of the drainage
34 water. Examples include: erodible soils that are stockpiled; leachable materials that are

1 stockpiled; uncovered process wastes; manure; fertilizers; oily substances; ashes, kiln dust;
2 and garbage dumpster leakage.

3 "Erosion" means the wearing away of the ground surface as a result of mass wasting or of the
4 movement of wind, water, ice, or other geological agents, including such processes as
5 gravitational creep. Erosion also means the detachment and movement of soil or rock
6 fragments by water, wind, ice, or gravity.

7 "Excavation" means the mechanical removal of earth material.

8 "Exception" means relief from a requirement of this subtitle to a specific project.

9 "Existing grade" means "existing grade" as defined in Section 22.170.050.

10 (Ord. 126336 , § 2, 2021; Ord. 125292 , § 1, 2017; Ord. 125248 , § 50, 2017; Ord. 124872 , §
11 13, 2015; Ord. 123105, § 2, 2009.)

12 **22.801.070 "F"**

13 "Fill" means a deposit of earth material placed by artificial means.

14 "Flow control" means controlling the discharge rate, flow duration, or both of drainage water
15 from the site through means such as infiltration or detention.

16 "Flow control facility" means a drainage control facility for controlling the discharge rate,
17 flow duration, or both of drainage water from a site.

18 "Flow duration" means the aggregate time that peak flows are at or above a particular flow
19 rate of interest.

20 (Ord. 124872 , § 14, 2015; Ord. 123105, § 2, 2009.)

21 **22.801.080 "G"**

22 "Garbage" means putrescible waste.

23 "Geotechnical engineer" or "Geotechnical/civil engineer" means a person licensed by The
24 State of Washington as a professional civil engineer who has expertise in geotechnical
25 engineering.

26 "Grading" means excavation, filling, in-place ground modification, removal of roots or stumps
27 that includes ground disturbance, stockpiling of earth materials, or any combination thereof,
28 including the establishment of a grade following demolition of a structure.

29 "Green stormwater infrastructure" means distributed BMPs, integrated into a project design,
30 that use infiltration, filtration, storage, or evapotranspiration, or provide stormwater reuse.

31 "Groundwater" means water in a saturated zone or stratum beneath the surface of land or
32 below a surface water body. Refer to Ground Water Quality Standards, Chapter 173-200 WAC.

(Ord. 124872 , § 15, 2015; Ord. 123105, § 2, 2009.)

22.801.090 "H"

"Hard surface" means an impervious surface, a permeable pavement, or a vegetated roof.

"High-use sites" means sites that typically generate high concentrations of oil due to high traffic turnover or the frequent transfer of oil or other petroleum products. High-use sites include:

1. An area of a commercial or industrial site subject to an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of gross building area, or 300 total trip ends per day;
2. An area of a commercial or industrial site subject to petroleum storage and transfer in excess of 1,500 gallons per year, not including routinely delivered heating oil;
3. An area of a commercial or industrial site subject to parking, storage, or maintenance of 25 or more vehicles that are over 10 tons gross weight (trucks, buses, trains, heavy equipment, etc.);
4. A road intersection with a measured ADT count of 25,000 vehicles or more on the main roadway and 15,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements.

(Ord. 124872 , § 16, 2015; Ord. 123105, § 2, 2009.)

22.801.100 "I"

"Illicit connection" means any direct or indirect infrastructure connection to the public drainage system or receiving water that is not intended, not permitted, or not used for collecting drainage water.

"Impervious surface" means any surface exposed to rainwater from which most water runs off. Impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, formal planters, parking lots or storage areas, concrete or asphalt paving, areas with underdrains designed to remove stormwater from subgrade (e.g. playfields, athletic fields, rail yards), gravel surfaces subjected to vehicular use traffic, compact gravel, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of stormwater modeling.

"Industrial activities" means material handling, transportation, or storage; manufacturing; maintenance; treatment; or disposal. Areas with industrial activities include plant yards, access roads and rail lines used by carriers of raw materials, manufactured products, waste material, or by-products; material handling sites; refuse sites; sites used for the application or disposal of process waste waters; sites used for the storage and maintenance of material

handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to stormwater.

"Infiltration" means the downward movement of water from the surface to the subsoil.

"Infiltration facility" or "infiltration BMP" means a drainage control facility that temporarily stores, and then percolates, drainage water into the underlying soil.

"Integrated Drainage Plan" means a plan developed, reviewed, and approved pursuant to subsection 22.800.080.E.

"Interflow" means that portion of rainfall and other precipitation that infiltrates into the soil and moves laterally through the upper soil horizons until intercepted by a stream channel or until it returns to the surface.

"Inspector" means a City inspector, their designee, or licensed civil engineer performing the inspection work required by this subtitle.

(Ord. 124872 , § 17, 2015; Ord. 123105, § 2, 2009.)

22.801.110 Reserved.

22.801.130 "L"

"Land disturbing activity" means any activity that results in a change in the existing soil cover, both vegetative and nonvegetative, or the existing topography. Land disturbing activities include, but are not limited to, clearing, grading, filling, excavation, or addition of new or the replacement of hard surface. Compaction, excluding hot asphalt mix, that is associated with stabilization of structures and road construction is also considered a land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land disturbing activities. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

"Large project" means a project including:

1. Five thousand square feet or more of new plus replaced hard surface; or
2. ~~One-acre~~ Ten thousand square feet or more of land disturbing activity.
3. ~~Conversion of 3/4 acres or more of vegetation to lawn or landscaped area; or~~
4. ~~Conversion of 2.5 acres or more of native vegetation to pasture.~~

"Listed creeks" means Blue Ridge Creek, Broadview Creek, Discovery Park Creek, Durham Creek, Frink Creek, Golden Gardens Creek, Kiwanis Ravine/Wolfe Creek, Licton Springs Creek, Madrona Park Creek, Mee-Kwa-Mooks Creek, Mount Baker Park Creek, Puget Creek, Riverview Creek, Schmitz Creek, Taylor Creek, and Washington Park Creek.

(Ord. 126336 , § 2, 2021; Ord. 124872 , § 19, 2015; Ord. 123105, § 2, 2009.)

22.801.140 "M"

"Master use permit" means a "master use permit" as defined in subsection 23.84A.025.

"Maximum extent feasible" means the requirement is to be fully implemented, constrained only by the physical limitations of the site, practical considerations of engineering design, and reasonable considerations of financial costs.

"Municipal stormwater NPDES permit" means the permit issued to the City under the federal Clean Water Act for public drainage systems ~~within the City limits.~~

(Ord. 126336 , § 2, 2021; Ord. 124919 , § 94, 2015; Ord. 124872 , § 20, 2015; Ord. 123105, § 2, 2009.)

22.801.150 "N"

"Native vegetation" means "native vegetation" as defined in Section 25.09.520.

"New hard surface" means a surface that is:

1. Changed or upgraded from:

a) ~~aA~~ pervious surface to a hard surface, including: ~~(e.g.,~~

i) ~~-e~~Converting ~~vegetation, lawn, or uncompacted dirt to permeable pavement, resurfacing by upgrading from dirt to gravel,~~ a bituminous surface treatment ("chip seal"), asphalt, concrete, permeable pavement, or a hard surface structure; or

b) A hard surface to a different type of hard surface, including from:

i) ~~Compacted dirt to chip seal, asphalt, concrete, permeable pavement, or a hard surface structure;~~

ii) ~~upgraded from g~~Gravel to chip seal, asphalt, concrete, permeable pavement, or a hard surface structure; ~~or~~

iii) ~~from aA~~ hard surface to a hard surface structure; or

iv) A hard surface structure to impervious gravel, a bituminous surface treatment ("chip seal"), asphalt, concrete, permeable pavement, another structure, or an existing slab not previously subject to vehicular use.

Note that if asphalt or concrete has been overlaid by a chip seal, the existing condition should be considered as asphalt or concrete.

"New impervious surface" means a surface that is: changed from a pervious surface to an impervious surface (e.g., resurfacing by upgrading from dirt to gravel, a bituminous surface treatment ("chip seal"), asphalt, concrete or an impervious structure); or upgraded from gravel to chip seal, asphalt, concrete, or an impervious structure; or from a impervious surface to an impervious structure. Note that if asphalt or concrete has been overlaid by a chip seal, the existing condition should be considered as asphalt or concrete.

"Non-listed creeks" means any creek not identified in the definition of "Listed creeks" in Section 22.801.130.

"NPDES" means National Pollutant Discharge Elimination System, the national program for controlling discharges under the federal Clean Water Act.

"NPDES permit" means an authorization, license or equivalent control document issued by the EPA or Ecology to implement the requirements of the NPDES program.

"Nutrient-critical receiving water" means a surface water or water segment that is determined to be impaired due to phosphorus contributed by stormwater, as specified in rules promulgated by the Director of SPU which shall be based on consideration of waterbodies reported by Ecology, and approved by EPA, under Category 5 (impaired) under Section 303(d) of the Clean Water Act for total phosphorus through Ecology's Water Quality Assessment.

(Ord. 126336 , § 2, 2021; Ord. 124872 , § 21, 2015; Ord. 123105, § 2, 2009.)

22.801.160 "O"

"Oil control treatment facility" means a drainage control facility designed to reduce concentrations of oil in drainage water.

"On-site BMP" means a best management practice identified in subsection 22.805.070.D.

"Owner" means any person having title to and/or responsibility for, a building or property, including a lessee, guardian, receiver or trustee, and the owner's duly authorized agent.

(Ord. 124872 , § 22, 2015; Ord. 123105, § 2, 2009.)

22.801.170 "P"

"Parcel-based project" means any project that is not a roadway project, single-family residential project, sidewalk project, or trail project. The boundary of the public right-of-way shall form the boundary between the parcel and roadway portions of a project.

"Pavement maintenance practices" means:

1) Targeted pothole and square cut patching;

2) Overlaying existing asphalt, concrete, or brick pavement with asphalt or concrete, so long as the base course is not exposed;

3) Shoulder grading;

4) Reshaping or regrading drainage systems, including adding curb, gutter, or wedge curbs;

5) Crack sealing; and

6) Vegetation maintenance.

"Pavement maintenance practices" does not include work that: increases the vehicle capacity of a roadway or parking area; adds new hard surface or results in replaced hard surface; or materially alters a roadway's characteristics.

1 "Person" means an individual, receiver, administrator, executor, assignee, trustee in
2 bankruptcy, trust estate, firm, partnership, joint venture, club, company, joint stock
3 company, business trust, municipal corporation, the State of Washington, political subdivision
4 or agency of the State of Washington, public authority or other public body, corporation,
5 limited liability company, association, society or any group of individuals acting as a unit,
6 whether mutual, cooperative, fraternal, nonprofit or otherwise, and the United States or any
7 instrumentality thereof.

8 "Pervious surface" means a surface that is not impervious. See also "impervious surface."

9 "Phosphorus treatment facility" means a drainage control facility designed to reduce
10 concentrations of phosphorus in drainage water.

11 "Plan" means a graphic or schematic representation, with accompanying notes, schedules,
12 specifications and other related documents, or a document consisting of checklists, steps,
13 actions, schedules, or other contents that has been prepared pursuant to this subtitle, such as
14 a site plan, drainage control plan, construction stormwater control plan, stormwater pollution
15 prevention plan, or integrated drainage plan.

16 "Pollution-generating activity" means any activity that is regulated by the joint SPU/SDCI
17 Directors' Rule titled "Seattle Stormwater Manual" at "Volume 4 - Source Control" or any
18 activity with similar impacts on drainage water. These activities include, but are not limited
19 to: cleaning and washing activities; transfer of liquid or solid material; production and
20 application activities; dust, soil, and sediment control; commercial animal care and handling;
21 log sorting and handling; boat building, mooring, maintenance, and repair; logging and tree
22 removal; mining and quarrying of sand, gravel, rock, peat, clay, and other materials; cleaning
23 and maintenance of swimming pool and spas; deicing and anti-icing operations for airports
24 and streets; maintenance and management of roof and building drains at manufacturing and
25 commercial buildings; maintenance and operation of railroad yards; maintenance of public
26 and utility corridors and facilities; and maintenance of roadside ditches.

27 "Pollution-generating hard surface" means those hard surfaces considered to be a significant
28 source of pollutants in drainage water. Such surfaces include those that are subject to any of
29 the following: vehicular use; industrial activities; storage of erodible or leachable materials,
30 wastes, or chemicals, and that receive direct rainfall or the run-on or blow-in of rainfall. Such
31 surfaces also include roofs subject to venting of significant sources of pollutants and metal
32 roofs unless coated with an inert, non-leachable material (e.g., baked-on enamel coating).

33 See definition of pollution-generating impervious surface in this Section 22.801.170 for
34 surfaces that are considered significant sources of pollutants in drainage water. In addition,
35 permeable pavement subject to vehicular use or other pollutants as described in the
36 definition for pollution-generating impervious surfaces is a pollution-generating hard surface.

37 "Pollution-generating impervious surface" means those impervious surfaces considered to be a
38 significant source of pollutants in drainage water. Such surfaces include those that are
39 subject to any of the following: vehicular use; industrial activities; storage of erodible or

leachable materials, wastes, or chemicals, and that receive direct rainfall or the run-on or blow-in of rainfall. Such surfaces also include roofs subject to venting of significant sources of pollutants and metal roofs unless coated with an inert, non-leachable material (e.g., baked-on enamel coating).

A surface, whether paved or not, shall be considered subject to vehicular use if it is regularly used by motor vehicles. The following are considered regularly used surfaces: roads; unvegetated road shoulders; bike lanes within the traveled lane of a roadway; driveways; parking lots; unfenced fire lanes; vehicular equipment storage yards; rail lines and railways; and airport runways.

The following are not considered regularly used by motor vehicles: sidewalks and trails not subject to drainage from roads for motor vehicles; paved bicycle pathways separated from and not subject to drainage from roads for motor vehicles; fenced fire lanes; and infrequently used maintenance access roads with recurring routine vehicle use of no more than once per day.

"Pollution-generating pervious surface" means any pervious surface subject to any of the following: vehicular use; industrial activities; storage of erodible or leachable materials, wastes, or chemicals, and that receive direct rainfall or run-on or blow-in of rainfall; use of pesticides and fertilizers; or loss of soil. Typical pollution-generating pervious surfaces include lawns, landscaped areas, golf courses, parks, cemeteries, and sports fields (natural and artificial turf).

"Pre-developed condition" means the vegetation and soil conditions that are used to determine the allowable post-development discharge peak flow rates and flow durations, such as pasture or forest.

"Private drainage system" means a drainage system that is not a public drainage system.

"Project" means any proposed action to alter or develop a site. Development is a type of project.

"Project site" means that portion of a property, properties, or rights-of-way subject to land disturbing activities, new hard surfaces, or replaced hard surfaces.

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

"Public drainage system" means a drainage system owned or operated by The City of Seattle.

"Public place" means and includes 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 sanitary sewer" means the sanitary sewer that is owned or operated by The City of Seattle.

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

(Ord. 126336 , § 2, 2021; Ord. 124872 , § 23, 2015; Ord. 123105, § 2, 2009.)

22.801.190 "R"

"Real property" means "real property" as defined in Chapter 3.110.

"Receiving water" means the surface water, such as a creek, stream, river, lake, wetland or marine water, or groundwater, receiving drainage water. Drainage systems and public combined sewers are not receiving waters.

"Repeat violation" means a prior violation of this subtitle within the preceding five years that became a final order or decision of the Director or a court. The violation does not need to be the same nor occur on one site to be considered repeat.

"Replaced hard surface" or "replacement of hard surface" means,

1. ~~for~~For structures, the removal of the structure down to (i.e. exposing the top of) the foundation without removing the foundation and replacement of the structure; and,
2. ~~for~~For other hard surfaces, the removal down to (i.e. exposing the top of) the existing subgrade or base course and replacement, including replacement as required for repairing the base course layer.

The existing foundation must remain in place for a structure to be considered a "replaced hard surface". If the existing foundation is removed or the subgrade or base course is graded, then the hard surface is considered a "new hard surface".

"Replaced impervious surface" or "replacement of impervious surface" means, for structures, the removal down to the foundation and replacement and, for other impervious surfaces, the removal down to existing subgrade or base course and replacement.

"Responsible party" means all of the following persons:

1. Owners, operators, and occupants of property; and
2. Any person causing or contributing to a violation of the provisions of this subtitle.

"Right-of-way" means "right-of-way" as defined in Section 23.84A.032.

"Roadway" means "roadway" as defined in Section 23.84A.032.

"Roadway project" means a project located in the public right-of-way that involves the creation of a new or replacement of an existing roadway or alley. The boundary of the public right-of-way shall form the boundary between the parcel and roadway portions of a project.

"Runoff" means the portion of rainfall or other precipitation that becomes surface flow and interflow.

(Ord. 126336 , § 2, 2021; Ord. 124872 , § 24, 2015; Ord. 123105, § 2, 2009.)

1 **22.801.200 "S"**

2 "Sanitary sewer" means a system that conveys wastewater and is not designed to convey
3 drainage water.

4 "SDCI" means the Seattle Department of Construction and Inspections.

5 "SDOT" means the Seattle Department of Transportation.

6 "Service drain" means "service drain" as defined in Section 21.16.030.

7 "Side sewer" means "side sewer" as defined in Section 21.16.030.

8 "Sidewalk" means "sidewalk" as defined in Section 23.84A.036.

9 "Sidewalk project" means a project for the creation of a new sidewalk or replacement of an
10 existing sidewalk, including any associated planting strip, apron, curb ramp, curb, or gutter,
11 and necessary roadway grading and repair. If the total new plus replaced hard surface in the
12 roadway exceeds 10,000 square feet, the entire project is a roadway project.

13 "Single-family residential project" means a project that results in ~~constructs one Single-family~~
14 ~~Dwelling Unit principal [detached or attached] dwelling unit~~ as defined in subsection
15 ~~23.84A.032~~ 23.84A.008 and any up to two associated accessory dwelling units located on a
16 single lot in land classified as being Neighborhood Residential 1 ~~(NR1)~~, Neighborhood
17 Residential 2 (NR2), or Neighborhood Residential 3 (NR3) pursuant to Section 23.30.010, and
18 the total new plus replaced hard surface is less than 5,000 square feet.

19 "Site" means the area defined by the legal boundaries of a parcel or parcels of land subject to
20 development. For roadway projects, the length of the project site and the right-of-way
21 boundaries define the site. A site may include multiple parcels and/or sections of right-of-
22 way, if multiple parcels and/or sections of right-of-way are subject to development.

23 "Slope" means an inclined ground surface.

24 "Small lakes" means Bitter Lake, Green Lake and Haller Lake.

25 "Small project" means a project with:

- 26 1. Less than 5,000 square feet of new and replaced hard surface; and
27 2. Less than one acre of land disturbing activities.

28 "SMC" means the Seattle Municipal Code.

29 "Soil" means naturally deposited non-rock earth materials.

30 "Solid waste" means "solid waste" as defined in Section 21.36.016.

1 "Source controls" mean structures or operations that prevent contaminants from coming in
2 contact with drainage water through physical separation or careful management of activities
3 that are known sources of pollution.

4 "SPU" means Seattle Public Utilities.

5 "Standard design" is a design pre-approved by the Director for drainage and erosion control
6 available for use at a site with pre-defined characteristics.

7 "Standard Plans and Specifications" means the City of Seattle Standard Plans and
8 Specifications for Road, Bridge, and Municipal Construction in effect on the date of permit
9 application.

10 "Storm drain" means both public storm drain and service drain.

11 "Stormwater" means runoff during and following precipitation and snowmelt events, including
12 surface runoff, drainage and interflow.

13 "Stream" means a Type S, F, Np or Ns water as defined in WAC 222-16-031, or as defined in
14 WAC 222-16-030 after state water type maps are adopted, and is used synonymously with
15 "creek."

16 (Ord. 126509 , § 10, 2022 [zone name change]; Ord. 126336 , § 2, 2021; Ord. 124919 , § 95,
17 2015; Ord. 124872 , § 25, 2015; Ord. 123105, § 2, 2009.)

18 **22.801.210 "T"**

19 "Topsoil" means the weathered surface soil, including the organic layer, in which plants have
20 most of their roots.

21 "Trail" means a path of travel for recreation and/or transportation within a park, natural
22 environment, or corridor.

23 "Trail project" means a project for the creation of a new trail or replacement of an existing
24 trail, and which does not contain pollution-generating hard surfaces.

25 "Treatment facility" means a drainage control facility designed to remove pollutants from
26 drainage water.

27 (Ord. 124872 , § 26, 2015; Ord. 123105, § 2, 2009.)

28 **22.801.220 "U"**

29 "Uncontaminated" means surface water or groundwater not containing sediment or other
30 pollutants or contaminants above natural background levels and not containing pollutants or
31 contaminants in levels greater than City-supplied drinking water when referring to potable
32 water.

1 (Ord. 123105, § 2, 2009.)

2 **22.801.230 "V"**

3 "Vegetation" means "vegetation" as defined in Section 25.09.520.

4 "Vehicular use" means a surface, whether paved or not, regularly used by motor vehicles.
5 The following surfaces are considered regularly used by motor vehicles: roads; unvegetated
6 road shoulders; bike lanes within the traveled lane of a roadway; driveways; parking lots;
7 unfenced fire lanes; vehicular equipment storage yards; rail lines and railways, including light
8 rail elevated and non-elevated guideways and tracks; and airport runways and other surfaces
9 intended for movement or storage of aircraft.

10 The following are not considered regularly used by motor vehicles: sidewalks and trails not
11 subject to drainage from roads for motor vehicles; paved bicycle pathways separated from
12 and not subject to drainage from roads for motor vehicles; fenced fire lanes; and infrequently
13 used maintenance access roads with recurring routine vehicle use of no more than once per
14 day.

15 (Ord. 123105, § 2, 2009.)

16 **22.801.240 "W"**

17 "Wastewater" means "wastewater" as defined in Section 21.16.030.

18 "Water Quality Standards" means Surface Water Quality Standards, Chapter 173-201A WAC,
19 Ground Water Quality Standards, Chapter 173-200 WAC, and Sediment Management
20 Standards, Chapter 173-204 WAC.

21 "Watercourse" means the route, constructed or formed by humans or by natural processes,
22 generally consisting of a channel with bed, banks or sides, in which surface waters flow.
23 Watercourse includes small lakes, bogs, streams, creeks, and other receiving waters but does
24 not include designated receiving waters.

25 "Watershed" means a geographic region within which water drains into a particular river,
26 stream, or other body of water.

27 "Wetland" means a wetland designated under Section 25.09.012.

28 "Wetland function" means the physical, biological, chemical, and geologic interactions among
29 different components of the environment that occur within a wetland. Wetland functions can
30 be grouped into three categories: functions that improve water quality; functions that change
31 the water regime in a watershed, such as flood storage; and functions that provide habitat for
32 plants and animals.

"Wetland values" means wetland processes, characteristics, or attributes that are considered to benefit society.

(Ord. 125292 , § 1, 2017; Ord. 125248 , § 51, 2017; Ord. 124872 , § 27, 2015; Ord. 123105, § 2, 2009.)

Chapter 22.802 Prohibited and Permissible Discharges

22.802.010 General

A. No discharge from a site, real property, or drainage facility, directly or indirectly to a public drainage system, private drainage system, or a receiving water within or contiguous to Seattle city limits, may cause or contribute to a prohibited discharge or a known or likely violation of water quality standards in the receiving water or a known or likely violation of the City's municipal stormwater NPDES permit.

B. Every permit issued to implement this subtitle shall contain a performance standard requiring that no discharge from a site, real property, or drainage facility, directly or indirectly to a public drainage system, private drainage system, or a receiving water within or contiguous to Seattle city limits, cause or contribute to a prohibited discharge or a known or likely violation of water quality standards in the receiving water or a known or likely violation of the City's municipal stormwater NPDES permit.

(Ord. 123105, § 2, 2009.)

22.802.020 Prohibited discharges

A. Prohibited Discharges. The following common substances are prohibited to enter, either directly or indirectly, a public drainage system, a private drainage system, or a receiving water within or contiguous to Seattle city limits, including but not limited to when entering via a service drain, overland flow, or as a result of a spill or deliberate dumping:

1. acids;
2. alkalis including cement wash water;
3. ammonia;
4. animal carcasses;
5. antifreeze, oil, gasoline, grease and all other automotive and petroleum products;
6. chemicals not normally found in uncontaminated water;
7. chlorinated swimming pool or hot tub water;
8. chlorine;
9. commercial and household cleaning materials;
10. detergent;
11. dirt;
12. domestic or sanitary sewage;

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13. drain cleaners;
 14. fertilizers;
 15. filter backwash wastewater;
 16. flammable or explosive materials;
 17. food and food waste;
 18. gravel;
 19. herbicides;
 20. human and animal waste;
 21. ink;
 22. laundry waste;
 23. metals in excess of naturally occurring amounts, whether in liquid or solid form;
 24. painting products;
 25. pesticides;
 26. process wastewater;
 27. sand;
 28. soap;
 29. solid waste;
 30. solvents and degreasers;
 31. steam-cleaning waste; and
 32. yard waste.

- B. Prohibited Discharges to Public and Private Drainage System. Except as provided in Section 22.802.030, any discharge to a public drainage system or to a private drainage system that is not composed entirely of stormwater is prohibited.
 - C. Prohibited Discharges to Receiving Waters. Except as provided in Section 22.802.030, any discharge, either directly or indirectly to receiving waters within or contiguous to Seattle city limits or to a public drainage system, that is not composed entirely of stormwater is prohibited.
 - D. Prohibited Discharges to Public Combined Sewers. For discharges to the public combined sewer, the applicable prohibited discharges are stated in Chapter 21.16 (Side Sewer Code).
- (Ord. 124872 , § 28, 2015; Ord. 123105, § 2, 2009.)

22.802.030 Permissible discharges

- A. Conditionally Permissible Discharges to Drainage Systems and Receiving Waters. Discharges from the sources listed below are permissible discharges only if the stated conditions are met and unless the Director of SPU determines that the type of discharge, directly or indirectly to a public drainage system, private drainage system, or a receiving water within or contiguous to Seattle city limits, whether singly or in combination with others, is causing or contributing to a violation of the City's NPDES stormwater permit or is causing or contributing to a water quality problem:
 1. Discharges from potable water sources, including, but not limited to, flushing of potable water lines, hyperchlorinated water line flushing, fire hydrant system flushing, pipeline hydrostatic test water, and washing of potable water storage reservoirs.

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- 1 Planned discharges shall be de-chlorinated to a total residual chlorine concentration of
2 0.1 ppm or less, pH-adjusted if necessary, and volumetrically and velocity controlled
3 to prevent resuspension of sediments in the drainage system. No chemicals may be
4 added, and settleable solids must be removed prior to discharge;
- 5 2. Discharges from swimming pools, spas, hot tubs, fountains, or similar aquatic
6 recreation facilities and constructed water features, provided the discharges have
7 been de-chlorinated/de-brominated to a total residual ~~chlorine~~ concentration of 0.1
8 ppm or less, free from sodium chloride, pH-adjusted and reoxygenated if necessary,
9 volumetrically and velocity controlled to prevent resuspension of sediments in the
10 drainage system, and thermally controlled to prevent an increase of temperature in
11 the receiving water. Swimming pool cleaning wastewater and filter backwash shall not
12 be discharged;
- 13 3. Discharges of street and sidewalk washwater when the surfaces are swept prior to
14 washing, detergents are not used, and water use is minimized;
- 15 4. Discharges ~~of water~~ from routine external building washdown when detergents are not
16 used and water use is minimized at (i) buildings built or renovated before 1950 and
17 after 1980, (ii) single-family residential buildings, and (iii) structures built or
18 renovated between 1950 and 1980 (inclusive) and determined to be without PCB-
19 containing materials on their exterior~~when detergents are not used and water use is~~
20 ~~minimized~~;
- 21 5. Discharges of water used to control dust when water use is minimized;
- 22 6. Discharges from lawn watering and other irrigation runoff, including from reclaimed
23 water sources, when water use is minimized; and
- 24 ~~6-7.~~ Other non-stormwater discharges, provided that these discharges are in
25 compliance with the requirements of a pollution prevention plan that addresses
26 control of such discharges and is approved by the Director.
- 27 B. Permissible Discharges. Discharges from the sources listed below are permissible
28 discharges unless the Director of SPU determines that the type of discharge, directly or
29 indirectly to a public drainage system, private drainage system, or a receiving water
30 within or contiguous to Seattle city limits, whether singly or in combination with others,
31 is causing or contributing to a violation of the City's NPDES stormwater permit or is
32 causing or contributing to a water quality problem:
- 33 1. Discharges from surface waters, including diverted stream flows;
- 34 2. Discharges of uncontaminated groundwater, including uncontaminated groundwater
35 infiltration (as defined at 40 CFR 35.2005(b)(20), uncontaminated pumped
36 groundwater, and rising groundwaters;
- 37 3. Discharges of air conditioning condensation;
- 38 4. Discharges from springs;
- 39 5. Discharges of uncontaminated water from crawl space pumps;
- 40 ~~6. Discharges from lawn watering;~~
- 41 7. Discharges from irrigation runoff, including irrigation water from agricultural sources
42 that is commingled with stormwater and that does not contain prohibited substances;
- 43 8. Discharges from riparian habitats and wetlands;

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9. Discharges from approved footing drains and other subsurface drains or, where approval is not required, installed in compliance with this subtitle and rules promulgated pursuant to this subtitle;
 10. Discharges from foundation drains;
 11. Non-stormwater discharges authorized by another NPDES permit or State Waste Discharge permit;
 12. Discharges that are from emergency fire fighting activities; and
 13. Discharges of non-toxic tracing dye used to establish or verify a drainage or sewer connection.

- C. Permissible Discharges to Sanitary Sewers. In consultation with the local sewage treatment agency, the Director of SPU may approve discharges of drainage water to a sanitary sewer if the discharging party demonstrates to the satisfaction of the Director of SPU that other methods of controlling pollutants in the discharge are not adequate or reasonable, the discharging party certifies that the discharge will not harm the environment, and the discharging party certifies that the discharge will not overburden or otherwise harm the sanitary sewer. Connections to the sanitary sewer shall be made in accordance with Chapter 21.16 (Side Sewer Code). The Director of SPU shall condition approval of such a discharge on compliance with local pretreatment regulations and on maintaining compliance with the required certifications given by the discharging party.
 - D. Permissible Discharges to Public Combined Sewers. In consultation with the local sewage treatment agency, the Director of SPU may approve discharges of drainage water to a public combined sewer if the discharging party certifies that the discharge will not harm the environment, and the discharging party certifies that the discharge will not overburden or otherwise harm the public combined sewers. Connections to the public combined sewers shall be made in accordance with Chapter 21.16 (Side Sewer Code). The Director of SPU shall condition approval of such a discharge on compliance with local pretreatment regulations and on maintaining compliance with the required certifications given by the discharging party.
- (Ord. 124872 , § 29, 2015; Ord. 123105, § 2, 2009.)

22.802.040 Testing for prohibited discharges

- A. Any person conducting dye testing to establish or verify a drainage connection shall notify the Director of SPU prior to conducting the test.
 - B. When the Director of SPU has reason to believe that any discharge is a prohibited discharge, the Director of SPU may sample and analyze the discharge and recover the costs from a responsible party. When the discharge is likely to be a prohibited discharge on a recurring basis, the Director of SPU may conduct, or may require the responsible party to conduct, ongoing monitoring at the responsible party's expense.
- (Ord. 124872 , § 30, 2015; Ord. 123105, § 2, 2009.)

Chapter 22.803 Minimum Requirements for All Discharges and All Real Property

22.803.010 General

- A. All responsible parties are required to comply with this chapter, even where no development is occurring.
- B. No discharge from a site, real property, or drainage facility, directly or indirectly to a drainage system may cause or contribute to a prohibited discharge or a known or likely violation of water quality standards in the receiving water or a known or likely violation of the City's municipal stormwater NPDES permit.
- C. Every permit issued to implement this subtitle shall contain a performance standard requiring that no discharge from a site, real property, or drainage facility, directly or indirectly to a public drainage system, private drainage system, or a receiving water within or contiguous to Seattle city limits, cause or contribute to a prohibited discharge or a known or likely violation of water quality standards in the receiving water or a known or likely violation of the City's municipal stormwater NPDES permit.
(Ord. 124872 , § 31, 2015; Ord. 123105, § 3, 2009.)

22.803.020 Minimum requirements for all discharges and real property

- A. Requirement to provide documentation and to map infrastructure. The owner is required to make plans, procedures, and schedules required by this subtitle available to the Director when requested. When requested to aid in applying the Stormwater Code, the owner must provide to the Director a complete map of all drainage, side sewer, and plumbing infrastructure on the property.
- B. Requirement to report spills, releases, or dumping. A responsible party is required to, at the earliest possible time, but in any case within 24 hours of discovery, report to the Director of SPU a spill, release, dumping, or other situation that has contributed or is likely to contribute pollutants to a public drainage system, a private drainage system, or a receiving water. This reporting requirement is in addition to, and not instead of, any other reporting requirements under federal, state or local laws.
- C. Requirements to maintain facilities. All treatment facilities, flow control facilities, drainage control facilities, and drainage systems shall be maintained as specified in rules promulgated by the Director in order for these facilities and systems to be kept in continuous working order.
- D. Requirements for disposal of waste from maintenance activities. Disposal of waste from maintenance of drainage control facilities shall be conducted in accordance with federal, state and local regulations, including the Minimum Functional Standards for Solid Waste

1 Handling, Chapter 173-304 WAC, guidelines for disposal of waste materials, and, where
2 appropriate, Dangerous Waste Regulations, Chapter 173-303 WAC.
3 E. Requirements to maintain records of installation and maintenance activities. When a
4 drainage control facility is installed, the party having the facility installed shall make
5 records of the installation and shall identify the party (or parties) responsible for
6 maintenance and operations. The parties shall retain a continuous record of all
7 maintenance and repair activities, and shall retain the records for at least ten years. If a
8 transfer of ownership occurs, these records of installation, repair, and maintenance shall
9 be transferred to the new property owner. These records shall be made available to the
10 Director of SPU during inspection of the facility and at other reasonable times upon
11 request of the Director of SPU.
12 (Ord. 126336 , § 3, 2021; Ord. 124872 , § 32, 2015; Ord. 123105, § 3, 2009.)

13 **22.803.030 Minimum requirements for source controls for all real property**

14 For all discharges, responsible parties shall implement and maintain source controls to
15 prevent or minimize pollutants from leaving a site or property. Source controls that are
16 required for all real property include, but are not limited to, the following, as further
17 described in rules promulgated by the Director:

- 18 A. Eliminate illicit connections and illicit discharges. It is the responsibility of the
19 property owner or other responsible party to ensure that all plumbing connections are
20 properly made and that only connections conveying stormwater or permissible
21 discharges pursuant to Section 22.802.030 are connected to the drainage system.
22 When requested to aid in applying the Stormwater Code, the owner must provide to
23 the Director a complete map of all stormwater and plumbing infrastructure on the
24 property.
- 25 B. Perform routine maintenance. All drainage system components, including, but not
26 limited to, catch basins, flow control facilities, treatment facilities, on-site BMPs, and
27 unimproved drainage pathways shall be kept in continuous working order.
- 28 C. Dispose of fluids and wastes properly. Solid and liquid wastes must be disposed of in a
29 manner that minimizes the risk of contaminating stormwater.
- 30 D. Proper storage of solid wastes. Solid wastes must be stored in a manner that minimizes
31 the risk of contaminating stormwater.
- 32 E. Spill prevention and cleanup. All property owners having the potential to spill
33 pollutants shall take measures to prevent spills of pollutants and to properly clean up
34 spills that might occur.
- 35 F. Provide oversight and training for staff. For businesses and public entities, annually
36 train all employees responsible for the operation, maintenance, or inspection of BMPs,
37 assign oversight responsibilities, and maintain records.
- 38 G. Property maintenance. For businesses and public entities, locate pollution-generating
39 activities away from stormwater pathways where feasible and engage in proper site
40 maintenance to prevent pollutant transport off site, including but not limited to
41 sweeping paved areas and inspecting loading, unloading, storage and parking areas.

1 H. ~~Roof-top-Constructed~~ dog runs. Dog runs located on private property on rooftops,
2 podiums, at-grade or above-grade plazas must prevent stormwater from the dog run
3 from discharging directly or indirectly to a public drainage system, private drainage
4 system, or receiving water body.
5 (Ord. 126336 , § 3, 2021; Ord. 124872 , § 33, 2015; Ord. 123105, § 3, 2009.)

6 **22.803.040 Minimum requirements for source controls for businesses and public entities**
7 **for specific activities**

8 A. For all discharges, source controls shall be implemented, to the extent allowed by law,
9 by businesses and public entities for the following specific pollution-generating activities
10 as specified in the joint SPU/SDCI Directors' Rule titled "Seattle Stormwater Manual" at
11 "Volume 4—Source Control," to the extent necessary to prevent prohibited discharges as
12 described in subsection 22.802.020.A through subsection 22.802.020.D, and to prevent
13 contaminants from coming in contact with drainage water or being discharged to the
14 drainage system, public combined sewer, or directly into receiving waters:

- 15 1. Fueling at dedicated stations, for new or substantially altered fueling stations.
- 16 2. Mobile fueling of vehicles and heavy equipment.
- 17 3. In-water and over-water fueling.
- 18 4. Maintenance and repair of vehicles and equipment.
- 19 5. Concrete and asphalt mixing and production.
- 20 6. Concrete pouring, concrete/asphalt cutting, and asphalt application.
- 21 7. Recycling, wrecking yard, and scrap yard operations.
- 22 8. Storage of liquids in aboveground tanks.

23 Source controls include, but are not limited to, segregating or isolating wastes to prevent
24 contact with drainage water; enclosing, covering, or containing the activity to prevent
25 contact with drainage water; developing and implementing inspection and maintenance
26 programs; sweeping; and taking management actions such as training employees on pollution
27 prevention.

28 B. For all discharges except those that drain only to the public combined sewer, source
29 controls shall be implemented, to the extent allowed by law, by businesses and public
30 entities for specific pollution-generating activities as specified in the joint SPU/SDCI
31 Directors' Rule titled "Seattle Stormwater Manual" at "Volume 4—Source Control," to the
32 extent necessary to prevent prohibited discharges as described in subsection
33 22.802.020.A through subsection 22.802.020.C, and to prevent contaminants from
34 coming in contact with drainage water or being discharged to the drainage system or
35 directly into receiving waters. Source controls include, but are not limited to,
36 segregating or isolating wastes to prevent contact with drainage water; enclosing,
37 covering, or containing the activity to prevent contact with drainage water; developing
38 and implementing inspection and maintenance programs; sweeping; and taking
39 management actions such as training employees on pollution prevention.

40 (Ord. 126336 , § 3, 2021; Ord. 124872 , § 34, 2015; Ord. 123105, § 3, 2009.)

Chapter 22.805 Minimum Requirements for All Projects

22.805.010 General

- A. All projects are required to comply with this chapter, even where drainage control review is not required.
- B. Closely related projects, subdivisions, short plats, and common plans of development shall be considered as one project for purposes of applying the Stormwater Code, including but not limited to determining whether the thresholds for applicability of particular Stormwater Code minimum requirements are met. The Director shall establish criteria for determining whether two or more projects qualify as closely related projects as specified in the joint SPU/SDCI Directors' Rule titled "Seattle Stormwater Manual" at "Volume 1—Project Minimum Requirements."
- C. When an application requires preliminary drainage review according to subsection 22.807.020.A, applications for building permits, grading permits, and other construction permits on the site receiving preliminary drainage review shall comply with the provisions of the approved preliminary drainage control plan.
- D. In the case of a subdivision under Chapter 23.22 and short plat under Chapter 23.24, unless an adjustment pursuant to subsection 22.800.040.B is approved by the Director, for the purposes of applying the thresholds in Chapter 22.805, the following shall apply:
 1. A subdivision of property does not affect or reduce the requirements of the Seattle Stormwater Code, the Seattle Side Sewer Code, and associated rules promulgated by the Directors. The proposed parcels within a subdivision or short plat shall meet the standards required by the higher area threshold of the entire property being subdivided rather than the standards required for each of the proposed parcels individually.
 2. In neighborhood residential (NR) and small lot residential (RSL) zones, the hard surface coverage is the maximum lot coverage allowed per Subtitle III of Title 23, Land Use Code, plus required and proposed pedestrian and vehicular access and amenities, including roadways, driveways, walkways, plazas, and patios identified on the preliminary drainage control plan and associated preliminary site plan, unless otherwise approved by the Director. In all other zones, the hard surface coverage shall be based on an approved site plan showing the maximum allowed build-out including all phases of the subdivision or short plat.
- E. Construction of drainage control facilities and drainage systems for plats
 1. In the case of a subdivision under Chapter 23.22, drainage control facilities or drainage systems that are identified on the associated preliminary drainage control plan or the approved preliminary plat and will serve multiple proposed lots, parcels, tracts, or rights-of-way shall be constructed prior to approval of the final plat unless a bond is

provided according to subsection 23.22.070.C. If a bond is provided in lieu of construction prior to approval of the final plat, the construction permit for the facilities or systems must be issued prior to issuance of any building permit for any other construction within the subdivision and construction of the facilities or systems shall be completed and final inspection approved prior to final inspection approval of any building permit for any other construction within the subdivision and prior to occupancy of any buildings, but in no event later than two years after final plat approval.

2. In the case of a short plat under Chapter 23.24 with shared drainage control facilities or drainage systems that are identified on the preliminary drainage control plan and will serve multiple proposed lots, parcels, tracts, or rights-of-way, the following shall occur:

a. The construction permit ~~for the~~ that includes the shared facilities or systems shall be issued prior to issuance of any other building permit for any other construction within the lots, parcels, tracts, or rights-of-way served by the shared facilities or systems; and

b. Construction of the shared facilities or systems shall be completed and final inspection approved prior to final inspection approval of any building permit for any other construction within the lots, parcels, tracts, or rights-of-way served by the shared facilities, and prior to occupancy of any buildings on these lots, parcels, or tracts.

F. No discharge from a site, real property, or drainage facility, directly or indirectly to a public drainage system, private drainage system, or a receiving water within or contiguous to Seattle city limits, may cause or contribute to a prohibited discharge or a known or likely violation of water quality standards in the receiving water or a known or likely violation of the City's municipal stormwater NPDES permit.

G. Every permit issued to implement this subtitle shall contain a performance standard requiring that no discharge from a site, real property, or drainage facility, directly or indirectly to a public drainage system, private drainage system, or a receiving water within or contiguous to Seattle city limits, cause or contribute to a prohibited discharge or a known or likely violation of water quality standards in the receiving water or a known or likely violation of the City's municipal stormwater NPDES permit.

(Ord. 126336 , § 4, 2021; Ord. 123105, § 3, 2009.)

22.805.020 Minimum requirements for all projects

A. Minimum requirements for maintaining natural drainage patterns. For all projects, natural drainage patterns shall be maintained and discharges shall occur at the natural location to the maximum extent feasible and consistent with subsection 22.805.020.B. Drainage water discharged from the site shall not cause a significant adverse impact to receiving waters or down-gradient properties. Drainage water retained or infiltrated on the site shall not cause significant adverse impact to up-gradient or down-gradient properties.

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- 1 B. Minimum requirements for discharge point. The discharge point for drainage water from
2 each site shall be selected using criteria that shall include, but not be limited to,
3 preservation of natural drainage patterns and whether the capacity of the drainage
4 system is adequate for the flow rate and volume. For those projects meeting the
5 drainage review threshold, the proposed discharge point shall be identified in the
6 drainage control plan required by this subtitle, for review and approval or disapproval by
7 the Director.
- 8 C. Minimum requirements for flood-prone areas. On sites within flood-prone areas,
9 responsible parties are required to employ procedures to minimize the potential for
10 flooding on the site and to minimize the potential for the project to increase the risk of
11 floods on adjacent or nearby properties. Flood control measures shall include those set
12 forth in other titles of the Seattle Municipal Code and rules promulgated thereunder,
13 including, but not limited to, Chapter ~~23.60 (Shoreline District)~~ 23.60A (Seattle Shoreline
14 Master Program), Chapter 25.06 (Floodplain Development) and Chapter 25.09
15 (Regulations for Environmentally Critical Areas).
- 16 D. Minimum requirements for construction stormwater pollution prevention plan.
17 Temporary and permanent construction controls shall be used to accomplish the
18 following minimum requirements. All projects are required to meet each of the elements
19 below or document why an element is not applicable. Additional controls may be
20 required by the Director when minimum controls are not sufficient to prevent erosion or
21 transport of sediment or other pollutants from the site.
- 22 1. Mark clearing limits and environmentally critical areas. Within the boundaries of the
23 project site and prior to beginning land disturbing activities, including clearing and
24 grading, clearly mark all clearing limits, easements, setbacks, all environmentally
25 critical areas and their buffers, and all trees and drainage courses that are to be
26 preserved within the construction area.
- 27 2. Retain top layer. Within the boundaries of the project site, the duff layer, topsoil, and
28 native vegetation, if there is any, shall be retained in an undisturbed state to the
29 maximum extent feasible. If it is not feasible to retain the top layer in place, it should
30 be stockpiled on-site, covered to prevent erosion, and replaced immediately upon
31 completion of the land disturbing activities to the maximum extent feasible.
- 32 3. Establish construction access. Limit construction vehicle access, whenever possible, to
33 one route. Stabilize access points and minimize tracking sediment onto public roads.
34 Promptly remove any sediment tracked off site.
- 35 4. Protect downstream properties and receiving waters. Protect properties and receiving
36 waters downstream from the development sites from erosion due to increases in the
37 volume, velocity, and peak flow rate of drainage water from the project site. If it is
38 necessary to construct flow control facilities to meet this requirement, these facilities
39 shall be functioning prior to implementation of other land disturbing activity. If
40 permanent infiltration facilities are used to control flows during construction, these
41 facilities shall be protected from siltation during the construction phase of the
42 project.
- 43 5. Prevent erosion and sediment transport from the site. Pass all drainage water from
44 disturbed areas through a sediment trap, sediment pond, or other appropriate

1 sediment removal BMP before the water leaves the site or prior to discharge to an
2 infiltration facility. Sediment controls intended to trap sediment on site shall be
3 constructed as one of the first steps in grading and shall be functional before other
4 land disturbing activities take place. BMPs intended to trap sedimentation shall be
5 located in a manner to avoid interference with the movement of juvenile salmonids
6 attempting to enter off-channel areas or drainages. Provide and maintain natural
7 buffers around surface waters, direct stormwater to vegetated areas to increase
8 sediment removal and maximize stormwater infiltration where feasible.

- 9 6. Prevent erosion and sediment transport from the site by vehicles. Whenever
10 construction vehicle access routes intersect paved roads, the transport of sediment
11 onto the paved road shall be minimized. If sediment is transported onto a paved road
12 surface, the roads shall be cleaned thoroughly at the end of each day. Sediment shall
13 be removed from paved roads by shoveling or sweeping and shall be transported to a
14 controlled sediment disposal area. If sediment is tracked off site, roads shall be
15 cleaned thoroughly at the end of each day, or at least twice daily during wet weather.
16 Street washing is allowed only after sediment is removed, and street wash wastewater
17 shall be prevented from entering the drainage system and receiving waters.
- 18 7. Stabilize soils. Prevent on-site erosion by stabilizing all exposed and unworked soils,
19 including stock piles and earthen structures such as dams, dikes, and diversions. From
20 October 1 to April 30, no soils shall remain exposed and unworked for more than two
21 days. From May 1 to September 30, no soils shall remain exposed for more than seven
22 days. Soils shall be stabilized at the end of the shift before a holiday or weekend if
23 needed based on the weather forecast. Soil stockpiles shall be stabilized from erosion,
24 protected with sediment trapping measures, and be located away from storm drain
25 inlets, waterways, and drainage channels. Before the completion of the project,
26 permanently stabilize all exposed soils that have been disturbed during construction.
- 27 8. Protect slopes. Erosion from slopes shall be minimized. Cut and fill slopes shall be
28 designed and constructed in a manner that will minimize erosion. Off-site stormwater
29 run-on or groundwater shall be diverted away from slopes and undisturbed areas with
30 interceptor dikes, pipes, and/or swales. Pipe slope drains or protected channels shall
31 be constructed at the top of slopes to collect drainage and prevent erosion. Excavated
32 material shall be placed on the uphill side of trenches, consistent with safety and
33 space considerations. Check dams shall be placed at regular intervals within
34 constructed channels that are cut down a slope.
- 35 9. Protect storm drains. Prevent sediment from entering all storm drains, including
36 ditches that receive drainage water from the project. Storm drain inlets protection
37 devices shall be cleaned or removed and replaced as recommended by the product
38 manufacturer, or more frequently if required to prevent failure of the device or
39 flooding. Storm drain inlets made operable during construction shall be protected so
40 that drainage water does not enter the drainage system without first being filtered or
41 treated to remove sediments. Storm drain inlet protection devices shall be removed at
42 the conclusion of the project. When manufactured storm drain inlet protection devices
43 are not feasible, inlets and catch basins must be cleaned as necessary to prevent
44 sediment from entering the drainage control system.

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- 1 10. Stabilize channels and outlets. All temporary on-site drainage systems shall be
2 designed, constructed, and stabilized to prevent erosion. Stabilization shall be
3 provided at the outlets of all drainage systems that is adequate to prevent erosion of
4 outlets, adjacent stream banks, slopes, and downstream reaches.
- 5 11. Control pollutants. Measures shall be taken to control potential pollutants and shall
6 include, but not be limited to, the following measures:
- 7 a. All pollutants, including sediment, waste materials, and demolition debris, that
8 occur on site shall be handled and disposed of in a manner that does not cause
9 contamination of drainage water and pursuant to all applicable disposal laws.
 - 10 b. Containment, cover, and protection from vandalism shall be provided for all
11 chemicals, liquid products, petroleum products, and other materials that have the
12 potential to pose a threat to human health or the environment.
 - 13 c. On-site fueling tanks shall include secondary containment.
 - 14 d. Maintenance, fueling, and repair of heavy equipment and vehicles involving oil
15 changes, hydraulic system drain down, solvent and de-greasing cleaning
16 operations, fuel tank drain down and removal, and other activities which may
17 result in discharge or spillage of pollutants to the ground or into drainage water
18 runoff shall be conducted using spill prevention and control measures.
 - 19 e. Contaminated soils shall be removed and surfaces shall be cleaned immediately
20 following any discharge or spill incident.
 - 21 f. Wheel wash or tire bath wastewater shall be discharged to a separate on-site
22 treatment system that prevents discharge to surface water, or to the sanitary
23 sewer or combined sewer system with approval of the Director of SPU. Temporary
24 discharges or connections to the public sanitary and combined sewers shall be
25 made in accordance with Chapter 21.16 (Side Sewer Code).
 - 26 g. Application of fertilizers and pesticides shall be conducted in a manner and at
27 application rates that will not result in loss of chemical to drainage water.
28 Manufacturers' label requirements for application rates and procedures shall be
29 followed.
 - 30 h. BMPs shall be used to prevent or treat contamination of drainage water by pH-
31 modifying sources. These sources include, but are not limited to, recycled
32 concrete stockpiles, bulk cement, cement kiln dust, fly ash, new concrete washing
33 and curing waters, waste streams generated from concrete grinding and sawing,
34 exposed aggregate processes, and concrete pumping and mixer washout waters.
35 Construction site operators may be required to adjust the pH of drainage water if
36 necessary to prevent a violation of water quality standards.
 - 37 i. Construction site operators must obtain written approval from Ecology prior to
38 using chemical treatment other than carbon dioxide (CO₂) dry ice, or food grade
39 vinegar, to adjust pH.
 - 40 j. Uncontaminated water from water-only based shaft drilling for construction of
41 building, road, and bridge foundations may be infiltrated provided the wastewater
42 is managed in a way that prevents discharge to surface waters. Prior to
43 infiltration, water from water-only based shaft drilling that comes into contact
44 with curing concrete must be neutralized until pH is in the range of 6.5 to 8.5 (su).

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- 1 k. Train all employees on proper BMPs for preventing illicit discharges, including
2 spills.
- 3 12. Control dewatering. When dewatering devices discharge on site, to a public drainage
4 system, or to the public combined sewer, dewatering devices shall discharge into a
5 sediment trap, sediment pond, gently sloping vegetated area of sufficient length to
6 remove sediment contamination, or other sediment removal BMP. Foundation, vault,
7 and trench dewatering waters must be discharged into a controlled drainage system
8 prior to discharge to a sediment trap or sediment pond. Clean, non-turbid dewatering
9 water, such as unpolluted well-point groundwater, that is discharged to systems
10 tributary to state surface waters must not cause erosion or flooding. Highly turbid or
11 contaminated dewatering water shall be handled separately from drainage water. For
12 any project with an excavation depth of 12 feet or more below the existing grade and
13 for all ~~large~~ projects with 5,000 sf or more of new plus replaced hard surface or one
14 acre of land disturbing activity, dewatering flows must be determined and it must be
15 verified that there is sufficient capacity in the public drainage system and public
16 combined sewer prior to discharging.
- 17 13. Maintain BMPs. All temporary and permanent erosion and sediment control BMPs shall
18 be maintained and repaired as needed to assure continued performance of their
19 intended function. All temporary erosion and sediment controls shall be removed
20 within five days after final site stabilization is achieved or after the temporary
21 controls are no longer needed, whichever is later. Trapped sediment shall be removed
22 or stabilized on site. Disturbed soil areas resulting from removal shall be permanently
23 stabilized.
- 24 14. Inspect BMPs. BMPs shall be periodically inspected. For projects with 5,000 square feet
25 or more of new plus replaced hard surface or 7,000 square feet or more of land
26 disturbing activity, site inspections shall be conducted by a Certified Erosion and
27 Sediment Control Lead who shall be identified prior to construction and shall be
28 present on-site or on-call at all times.
- 29 15. Execute Construction Stormwater Control Plan. Construction site operators shall
30 maintain, update, and implement their Construction Stormwater Control Plan.
31 Construction site operators shall modify their Construction Stormwater Control Plan to
32 maintain compliance whenever there is a change in design, construction, operation, or
33 maintenance at the site that has, or could have, a significant effect on the discharge
34 of pollutants to waters of the state.
- 35 16. Minimize open trenches. In the construction of underground utility lines, where
36 feasible, no more than 150 feet of trench shall be opened at one time, unless soil is
37 replaced within the same working day, and where consistent with safety and space
38 considerations, excavated material shall be placed on the uphill side of trenches.
39 Trench dewatering devices shall discharge into a sediment trap or sediment pond.
- 40 17. Phase the project. Development projects shall be phased to the maximum extent
41 feasible in order to minimize the amount of land disturbing activity occurring at the
42 same time and shall take into account seasonal work limitations.
- 43 18. Install flow control and water quality facilities. Development projects required to
44 comply with Section 22.805.080 (requirements for flow control) or Section 22.805.090

(Minimum requirements for treatment) shall install permanent flow control and water quality facilities to prevent erosion or transport of sediment or other pollutants from the site during construction.

19. Protect stormwater BMPs

- a. Protect all stormwater BMPs from sedimentation through installation and maintenance of erosion and sediment control BMPs. Restore the BMPs to their fully functioning condition if they accumulate sediment during construction. Restoring the stormwater BMP must include removal of sediment and any sediment-laden stormwater BMP soils, and replacing the removed soils with soils meeting the design specification.
 - b. Prevent compacting on-site-infiltration BMPs by excluding construction equipment and foot traffic. Protect completed lawn and landscaped areas from compaction due to construction equipment.
 - c. Control erosion and avoid introducing sediment from surrounding land uses onto permeable pavements. Do not allow muddy construction equipment on the base material or pavement. Do not allow sediment-laden runoff onto permeable pavements or base materials.
 - d. Permeable pavements fouled with sediments or no longer passing an initial infiltration test must be cleaned until infiltrating per design or replaced.
 - e. Keep all heavy equipment off existing soils under on-site-infiltration BMPs that have been excavated to final grade, to retain the infiltration rate of the soils.
- E. Protect wetlands. All projects discharging into a wetland or its buffer, either directly or indirectly through a drainage system, shall prevent impacts to wetlands that would result in a net loss of functions or values.
- F. Protect Streams and creeks. All projects, including projects discharging directly to a stream or creek, or to a drainage system that discharges to a stream or creek, shall maintain the water quality in any affected stream or creek by selecting, designing, installing, and maintaining temporary and permanent controls.
- G. Protect shorelines. All projects discharging directly or indirectly through a drainage system into the shoreline district as defined in Chapter ~~((23-60))~~ 23.60A shall prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions as defined in WAC 173-26-020(13).
- H. Ensure sufficient capacity. All ~~large~~ projects with 5,000 sf or more of new plus replaced hard surface or one acre of land disturbing activity, all projects with an excavation depth of 12 feet or more below the existing grade, and all projects with an excavation depth of less than 12 feet located in an area expected to have shallow groundwater depths, shall ensure that sufficient capacity exists in the public drainage system and public combined sewer to carry existing and anticipated loads, including any flows from dewatering activities. Capacity analysis shall extend to at least 1/4-mile from the discharge point of the site. Sites at which there is insufficient capacity may be required to install a flow control facility or improve the drainage system or public combined sewer to accommodate flow from the site. Unless approved otherwise by the Director as necessary to meet the purposes of this subtitle:

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1. Capacity analysis for discharges to the public drainage system shall be based on peak flows with a 4 percent annual probability (25-year recurrence interval); and
 2. Capacity analysis for discharges to the public combined sewer shall be based on peak flows with a 20 percent annual probability (5-year recurrence interval).
- I. Install source control BMPs. Source control BMPs shall be installed for discharges, properties, and by businesses and public entities for specific pollution-generating activities as specified in Chapter 22.803 and in the joint SPU/SDCI Directors' Rule titled "Seattle Stormwater Manual" at "Volume 4—Source Control," to the extent necessary to prevent prohibited discharges as described in Section 22.802.020 and to prevent contaminants from coming in contact with drainage water. This requirement applies to the pollution-generating activities that are stationary or occur in one primary location and to the portion of the site being developed. Examples of installed source controls include, but are not limited to, the following:
 1. A roof, awning, or cover erected over the pollution-generating activity area;
 2. Ground surface treatment in the pollution-generating activity area to prevent interaction with, or breakdown of, materials used in conjunction with the pollution-generating activity;
 3. Containment of drainage from the pollution-generating activity to a closed sump or tank. Contents of such a sump or tank must be pumped or hauled by a waste handler, or treated prior to discharge to a public drainage system;
 4. Construct a berm or dike to enclose or contain the pollution-generating activities;
 5. Direct drainage from containment area of pollution-generating activity to a closed sump or tank for settling and appropriate disposal, or treat prior to discharging to a public drainage system;
 6. Pave, treat, or cover the containment area of pollution-generating activities with materials that will not interact with or break down in the presence of other materials used in conjunction with the pollution-generating activity; and
 7. Prevent precipitation from flowing or being blown onto containment areas of pollution-generating activities.
 - J. Do not obstruct watercourses. Watercourses shall not be obstructed.
 - K. Comply with Side Sewer Code
 1. All privately owned and operated drainage control facilities or systems, whether or not they discharge to a public drainage system or public combined sewer, shall be considered side sewers and subject to Chapter 21.16 (Side Sewer Code), SPU Director's Rules promulgated under Title 21, and the design and installation specifications and permit requirements of SPU and SDCI for side sewer and drainage systems.
 2. Side sewer permits and inspections shall be required for constructing, capping, altering, or repairing privately owned and operated drainage systems as provided for in Chapter 21.16. When the work is ready for inspection, the permittee shall notify the Director of SDCI. If the work is not constructed according to the plans approved under this Subtitle VIII, Chapter 21.16, the SPU Director's Rules promulgated under Title 21, and SPU and SDCI design and installation specifications, then the Director may issue a stop work order under Chapter 22.808 and require modifications as provided for in this Subtitle VIII and Chapter 21.16.

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- 1 L. Extension of the public drainage system for projects not constructed in the public right-
2 of-way. For projects not constructed in the public right-of-way, extension of the piped
3 public drainage system across the full extent of the parcel boundary in the abutting
4 public place shall be required for any of the following:
- 5 1. All projects where the Director has determined an extension is required considering,
6 but not limited to, the following attributes of the project:
7 a. Poses a hazard to public health, safety, or welfare;
8 b. Endangers any property;
9 c. Adversely affects the safety and operation of public right-of-way, utilities, or other
10 property owned or maintained by the City;
11 d. Adversely affects the functions and values of an environmentally critical area or
12 buffer;
13 e. Adversely affects an area with known erosion or flooding problems; or
14 f. Adversely affects receiving waters, any properties, or right-of-way.
- 15 2. All projects with 5,000 square feet or more of new plus replaced hard surface, unless:
16 a. The piped public drainage system is already accessible within an abutting public
17 place to each existing, proposed, or adjusted parcel; or
18 b. The project is otherwise not required to extend by rules promulgated by the
19 Director.
- 20 M. Extension of the public drainage system for projects constructed in the public right-of-
21 way. For projects constructed in the public right-of-way, extension of the piped public
22 drainage system across the full extent of the site shall be required for any of the
23 following:
- 24 1. All projects where the Director has determined an extension is required considering,
25 but not limited to, the following attributes of the project:
26 a. Poses a hazard to public health, safety, or welfare;
27 b. Endangers any property;
28 c. Adversely affects the safety and operation of City right-of-way, utilities, or other
29 property owned or maintained by the City;
30 d. Adversely affects the functions and values of an environmentally critical area or
31 buffer;
32 e. Adversely affects an area with known erosion or flooding problems; or
33 f. Adversely affects receiving waters, any properties, or right-of-way.
- 34 2. The project's total new plus replaced hard surface is 50 percent or more of the
35 existing hard surfaces within the project limits. The project limits are defined by the
36 length of the project and the width of the right-of-way. If a project encompasses more
37 than one intersection, the project limits are further defined by one intersection to the
38 other and blocks may vary in length, unless:
39 a. The piped public drainage system is already accessible within the site across the
40 full extent of the site; or
41 b. The project is otherwise not required to extend by rules promulgated by the
42 Director.

N. Public drainage system requirements. Public drainage systems shall be constructed in accordance with the City's Standard Plans and Specifications, SPU's Design Standards and Guidelines, and as specified in rules promulgated by the Director of SPU.
(Ord. 126336 , § 4, 2021; Ord. 124919 , § 96, 2015; Ord. 124872 , § 35, 2015; Ord. 124105 , § 7, 2013; Ord. 123105, § 3, 2009.)

22.805.030 Minimum requirements for single-family residential projects

- A. Soil amendment. Retain and protect undisturbed soil in areas not being developed, and prior to completion of the project, amend all new, replaced, and disturbed topsoil (including construction lay-down areas) with organic matter to the extent required by and in compliance with the rules promulgated by the Director.
- B. On-site stormwater management. Single-family residential projects shall meet the minimum requirements for on-site stormwater management contained in Section 22.805.070, to the extent allowed by law, if:
1. For a project on a lot most recently created, adjusted, altered, or otherwise amended by a plat or other lawful document recorded with the King County Recorder on or after January 1, 2016, and where that document either created the lot or altered the size of the lot, either the total new plus replaced hard surface is 750 square feet or more or land disturbing activity is 7,000 square feet or more; or
 2. For any other project, either the total new plus replaced hard surface is 1,500 square feet or the land disturbing activity is 7,000 square feet or more.
- (Ord. 126336 , § 4, 2021; Ord. 124872 , § 36, 2015; Ord. 123105, § 3, 2009.)

22.805.040 Minimum requirements for trail and sidewalk projects

- A. Soil amendment. Retain and protect undisturbed soil in areas not being developed, and prior to completion of the project, amend all new, replaced, and disturbed topsoil (including construction lay-down areas) with organic matter to the extent required by and in compliance with the rules promulgated by the Director.
- B. On-site stormwater management. All trail and sidewalk projects with 2,000 square feet or more of new plus replaced hard surface or 7,000 square feet or more of land disturbing activity shall meet the minimum requirements for on-site stormwater management contained in Section 22.805.070, to the extent allowed by law.
(Ord. 124872 , § 37, 2015; Ord. 123105, § 3, 2009.)

22.805.050 Minimum requirements for parcel-based projects

- A. Soil amendment. Retain and protect undisturbed soil in areas not being developed, and prior to completion of the project, amend all new, replaced, and disturbed topsoil (including construction lay-down areas) with organic matter to the extent required by and in compliance with the rules promulgated by the Director.
- B. On-site stormwater management. Parcel-based projects shall meet the minimum requirements for on-site stormwater management contained in Section 22.805.070, to the extent allowed by law, if:

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- 1 1. For a project on a lot most recently created, adjusted, altered, or otherwise amended
2 by a plat or other lawful document recorded with the King County Recorder on or after
3 January 1, 2016, and where that document either created the lot or altered the size of
4 the lot, either the total new plus replaced hard surface is 750 square feet or more or
5 land disturbing activity is 7,000 square feet or more; or
6 2. For any other project, either the total new plus replaced hard surface is 1,500 square
7 feet or more or the land disturbing activity is 7,000 square feet or more.
- 8 C. Flow control. Parcel-based projects shall meet the minimum requirements for flow
9 control contained in Section 22.805.080, to the extent allowed by law, as prescribed
10 below.
- 11 1. Discharges to wetlands. Parcel-based projects discharging into a wetland, or to the
12 drainage basin of a wetland, shall:
- 13 a. Comply with Section 22.805.020 (Minimum requirements for all projects),
14 including, but not limited to subsection 22.805.020.E (Protect wetlands).
15 b. Comply with the minimum requirements for wetland protection contained in
16 subsection 22.805.080.B.1 (Wetland protection standards) if:
- 17 1) The total new plus replaced hard surface is 5,000 square feet or more; or
18 2) The project converts 3/4 acres or more of vegetation to lawn or landscaped
19 areas, and from the project there is a surface discharge into a natural or
20 constructed conveyance system from the site; or
21 3) The project converts 2.5 acres or more of native vegetation to pasture and
22 from the project there is a surface discharge into a natural or constructed
23 conveyance system from the site.
- 24 2. Discharges to listed creek basins. Parcel-based projects discharging into Blue Ridge
25 Creek, Broadview Creek, Discovery Park Creek, Durham Creek, Frink Creek, Golden
26 Gardens Creek, Kiwanis Ravine/Wolfe Creek, Licton Springs Creek, Madrona Park
27 Creek, Mee-Kwa-Mooks Creek, Mount Baker Park Creek, Puget Creek, Riverview Creek,
28 Schmitz Creek, Taylor Creek, or Washington Park Creek, or to the drainage basin of
29 such creek, shall:
- 30 a. Comply with subsection 22.805.080.B.2 (Pre-developed forested standard) if the
31 existing hard surface coverage is less than 35 percent and one or more of the
32 following apply:
- 33 1) The project adds 5,000 square feet or more of new hard surface and the total
34 new plus replaced hard surface is 10,000 square feet or more; or
35 2) The project converts 3/4 acres or more of vegetation to lawn or landscaped
36 areas, and from the project there is a surface discharge into a natural or
37 constructed conveyance system from the site; or
38 3) The project converts 2.5 acres or more of native vegetation to pasture, and
39 from the project there is a surface discharge into a natural or constructed
40 conveyance system from the site; or
41 4) The project adds 5,000 square feet or more of new hard surface and, through a
42 combination of effective hard surfaces and converted pervious surfaces, causes
43 a 0.15 cubic feet per second increase in the 100-year recurrence interval flow
44 frequency as estimated using a continuous model approved by the Director.

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- 1 b. Comply with subsection 22.805.080.B.3 (Pre-developed pasture standard) if the
2 criteria in subsection 22.805.050.C.2.a do not apply and one or more apply:
3 1) The total new plus replaced hard surface is 5,000 square feet or more; or
4 2) The project converts 3/4 acres or more of vegetation to lawn or landscaped
5 areas, and from the project there is a surface discharge into a natural or
6 constructed conveyance system from the site; or
7 3) The project converts 2.5 acres or more of native vegetation to pasture, and
8 from the project there is a surface discharge into a natural or constructed
9 conveyance system from the site.
- 10 3. Discharges to non-listed creek basins. Parcel-based projects discharging into a creek
11 not listed in subsection 22.805.050.C.2, or to the drainage basin of such creek, shall:
12 a. Comply with subsection 22.805.080.B.2 (Pre-developed forested standard) if the
13 existing land cover is forested and one or more of the following apply:
14 1) The project adds 5,000 square feet or more of new hard surface and the total
15 new plus replaced hard surface is 10,000 square feet or more; or
16 2) The project converts 3/4 acres or more of vegetation to lawn or landscaped
17 areas, and from the project there is a surface discharge into a natural or
18 constructed conveyance system from the site; or
19 3) The project converts 2.5 acres or more of native vegetation to pasture, and
20 from the project there is a surface discharge into a natural or constructed
21 conveyance system from the site; or
22 4) The project adds 5,000 square feet or more of new hard surface and, through a
23 combination of effective hard surfaces and converted pervious surfaces, causes
24 a 0.15 cubic feet per second increase in the 100-year recurrence interval flow
25 frequency as estimated using a continuous model approved by the Director.
- 26 b. Comply with subsection 22.805.080.B.3 (Pre-developed pasture standard) if the
27 criteria in subsection 22.805.050.C.3.a do not apply and one or more of the
28 following apply:
29 1) The total new plus replaced hard surface is 5,000 square feet or more; or
30 2) The project converts 3/4 acres or more of vegetation to lawn or landscaped
31 areas, and from the project there is a surface discharge into a natural or
32 constructed conveyance system from the site; or
33 3) The project converts 2.5 acres or more of native vegetation to pasture, and
34 from the project there is a surface discharge into a natural or constructed
35 conveyance system from the site.
- 36 4. Discharges to small lake basins. Parcel-based projects discharging into Bitter Lake,
37 Green Lake, or Haller Lake, or to the drainage basin of such lake, shall comply with
38 subsection 22.805.080.B.5 (Peak control standard) if the total new plus replaced hard
39 surface is 2,000 square feet or more.
- 40 5. Discharges to public combined sewer. Unless the Director of SPU has determined that
41 the public combined sewer has sufficient capacity to carry existing and anticipated
42 loads, parcel-based projects discharging into the public combined sewer or its basin
43 shall comply with subsection 22.805.080.B.5 (Peak control standard) if the total new
44 plus replaced hard surface is 5,000 square feet or more.

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- 1 6. Discharges to a capacity-constrained system. In addition to applicable minimum
2 requirements for flow control in subsection 22.805.050.C.1 through subsection
3 22.805.050.C.5, parcel-based projects discharging into a capacity-constrained system
4 or its basin shall also comply with subsection 22.805.080.B.5 (Peak control standard) if
5 the total new plus replaced hard surface is 2,000 square feet or more unless the
6 downstream system only includes ditches or culverts and the system has been
7 determined to have sufficient capacity as specified in subsection 22.805.020.H (Ensure
8 sufficient capacity).
- 9 7. Discharges from groundwater. In addition to applicable minimum requirements for
10 flow control in subsection 22.805.050.C.1 through subsection 22.805.050.C.6, parcel-
11 based projects that will permanently discharge groundwater to a public drainage
12 system or to a public combined sewer shall also comply with subsection 22.805.080.B.5
13 (Peak control standard) if the total new plus replaced hard surface is 2,000 square
14 feet or more.
- 15 D. Treatment. Parcel-based projects not discharging to the public combined sewer shall
16 comply with the minimum requirements for treatment contained in Section 22.805.090
17 for flows from the total new plus replaced pollution-generating hard surface and the new
18 plus replaced pollution-generating pervious surface, to the extent allowed by law, if:
19 1. The total new plus replaced pollution-generating hard surface is 5,000 square feet or
20 more; or
21 2. The total new plus replaced pollution-generating pervious surfaces is 3/4 acres or
22 more, and from ~~the project which~~ there is a surface discharge in a natural or
23 constructed conveyance system from the site.
24 (Ord. 126336 , § 4, 2021; Ord. 124872 , § 38, 2015; Ord. 124758 , § 2, 2015; Ord. 123105, § 3,
25 2009.)

26 **22.805.060 Minimum requirements for roadway projects**

- 27 A. Soil amendment. Retain and protect undisturbed soil in areas not being developed, and
28 prior to completion of the project, amend all new, replaced, and disturbed topsoil
29 (including construction lay-down areas) with organic matter to the extent required by
30 and in compliance with the rules promulgated by the Director.
- 31 B. On-~~Site~~ site stormwater management. All roadway projects with 2,000 square feet or
32 more of new plus replaced hard surface or 7,000 square feet or more of land disturbing
33 activity shall meet the requirements for on-site stormwater management contained in
34 Section 22.805.070, to the extent allowed by law, except as provided in subsection
35 22.805.060.E.
- 36 C. Flow control. Roadway projects shall meet the minimum requirements for flow control
37 contained in Section 22.805.080, to the extent allowed by law, as prescribed below,
38 except as provided in subsection 22.805.060.E.
- 39 1. Discharges to wetlands. Roadway projects discharging into a wetland or to the
40 drainage basin of a wetland, shall:
41 a. Comply with Section 22.805.020 (Minimum requirements for all projects),
42 including, but not limited to subsection 22.805.020.E (Protect wetlands).

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- 1 b. Comply with the minimum requirements for wetland protection contained in
2 subsection 22.805.080.B.1 (Wetland protection standards) if the existing hard
3 surface coverage is less than 35 percent and one or more of the following apply:
4 1) The total new plus replaced hard surface is 5,000 square feet or more; or
5 2) The project converts 3/4 acres or more of vegetation to lawn or landscaped
6 areas, and from the project there is a surface discharge into a natural or
7 constructed conveyance system from the site; or
8 3) The project converts 2.5 acres or more of native vegetation to pasture and
9 from the project there is a surface discharge into a natural or constructed
10 conveyance system from the site.
- 11 c. Comply with the minimum requirements for wetland protection contained in
12 subsection 22.805.080.B.1 (Wetland protection standards) if the existing hard
13 surface coverage is greater than or equal to 35 percent and one or more of the
14 following apply:
15 1) The total new hard surface is 5,000 square feet or more and the new plus
16 replaced hard surface is 10,000 square feet or more; and
17 a. If the new hard surfaces total 50 percent or more of the existing hard
18 surfaces within the project limits, comply with subsection
19 22.805.080.B.1 (Wetland Protection Standards) for the flows from the
20 total new plus replaced hard surfaces. The project limits are defined
21 by the length of the project and the width of the right-of-way; or
22 b. If the new hard surfaces total less than 50 percent of the existing
23 hard surfaces within the project limits, comply with subsection
24 22.805.080.B.1 (Wetland Protection Standards) for the flows from the
25 total new hard surfaces. The project limits are defined by the length
26 of the project and the width of the right-of-way; and-or
- 27 2) The project converts 3/4 acres or more of vegetation to lawn or landscaped
28 areas, and from the project there is a surface discharge into a natural or
29 constructed conveyance system from the site; or
30 3) The project converts 2.5 acres or more of native vegetation to pasture and
31 from the project there is a surface discharge into a natural or constructed
32 conveyance system from the site.
- 33 2. Discharges to listed creek basins. Roadway projects discharging into Blue Ridge Creek,
34 Broadview Creek, Discovery Park Creek, Durham Creek, Frink Creek, Golden Gardens
35 Creek, Kiwanis Ravine/Wolfe Creek, Licton Springs Creek, Madrona Park Creek, Mee-
36 Kwa-Mooks Creek, Mount Baker Park Creek, Puget Creek, Riverview Creek, Schmitz
37 Creek, Taylor Creek, or Washington Park Creek, or to the drainage basin of such creek,
38 shall:
39 a. Comply with subsection 22.805.080.B.2 (Pre-developed forested standard) if the
40 existing hard surface coverage is less than 35 percent and one or more of the
41 following apply:
42 1) The project adds 5,000-10,000 square feet or more of new plus replaced hard
43 surface ~~and the total new plus replaced hard surface is 10,000 square feet or~~
44 ~~more;~~ or

-
- 1 2) The project converts 3/4 acres or more of vegetation to lawn or landscaped
2 areas, and from the project there is a surface discharge into a natural or
3 constructed conveyance system from the site; or
4 3) The project converts 2.5 acres or more of native vegetation to pasture, and
5 from the project there is a surface discharge into a natural or constructed
6 conveyance system from the site; or
7 4) The project adds 5,000 square feet or more of new hard surface and, through a
8 combination of effective hard surfaces and converted pervious surfaces, causes
9 a 0.15 cubic feet per second increase in the 100-year recurrence interval flow
10 frequency as estimated using a continuous model approved by the Director.
11 b. Comply with subsection 22.805.080.B.4 (Existing condition standard) if the criteria
12 in subsection 22.805.060.C.2.a do not apply and the project adds 5,000 square feet
13 or more of new hard surface and the total new **plus replaced** hard surface is
14 10,000 square feet or more, and:
15 1) If the new plus replaced hard surfaces adds-total 50 percent or more ~~to-of~~ the
16 existing hard surfaces within the project limits, comply with subsection
17 22.805.080.B.4 (Existing condition standard) for the flows from the total **new**
18 **plus replaced** hard surfaces. The project limits are defined by the length of
19 the project and the width of the right-of-way; or
20 2) If the new plus replaced hard surfaces adds-total less than 50 percent ~~to-of~~ the
21 existing hard surfaces within the project limits, comply with subsection
22 22.805.080.B.4 (Existing condition standard) for the flows from the total **new**
23 hard surfaces. The project limits are defined by the length of the project and
24 the width of the right-of-way.
25 3. Discharges to non-listed creek basins. Roadway projects discharging into a creek not
26 listed in subsection 22.805.060.C.2, or to the drainage basin of such creek, shall:
27 a. Comply with subsection 22.805.080.B.2 (Pre-developed forested standard) if the
28 existing land cover is forested and one or more of the following apply:
29 1) The project adds 5,000-10,000 square feet or more of new plus replaced hard
30 surface ~~and the total new plus replaced hard surface is 10,000 square feet or~~
31 ~~more~~; or
32 2) The project converts 3/4 acres or more of vegetation to lawn or landscaped
33 areas, and from the project there is a surface discharge into a natural or
34 constructed conveyance system from the site; or
35 3) The project converts 2.5 acres or more of native vegetation to pasture, and
36 from the project there is a surface discharge into a natural or constructed
37 conveyance system from the site; or
38 4) The project adds 5,000 square feet or more of new hard surface and, through a
39 combination of effective hard surfaces and converted pervious surfaces, causes
40 a 0.15 cubic feet per second increase in the 100-year recurrence interval flow
41 frequency as estimated using a continuous model approved by the Director.
42 b. Comply with subsection 22.805.080.B.4 (Existing condition standard) if the criteria
43 in subsection 22.805.060.C.3.a do not apply and the project adds 5,000 square feet

-
- 1 or more of new hard surface and the total new plus replaced hard surface is
- 2 10,000 square feet or more, and:
- 3 1) If the new plus replaced hard surfaces s adds-total 50 percent or more to-of the
- 4 existing hard surfaces within the project limits, comply with subsection
- 5 22.805.080.B.4 (Existing condition standard) for the flows from the total new
- 6 **plus replaced** hard surfaces. The project limits are defined by the length of
- 7 the project and the width of the right-of-way; or
- 8 2) If the new plus replaced hard surfaces s adds-totals less than 50 percent to-of
- 9 the existing hard surfaces within the project limits, comply with subsection
- 10 22.805.080.B.4 (Existing condition standard) for the flows from the total new
- 11 hard surfaces. The project limits are defined by the length of the project and
- 12 the width of the right-of-way.
- 13 4. Discharges to small lake basins. Roadway projects discharging into Bitter Lake, Green
- 14 Lake, or Haller Lake, or to the drainage basin of such lake, shall comply with
- 15 subsection 22.805.080.B.4 (Existing condition standard) if the project adds 5,000
- 16 square feet or more of new hard surface and the total new plus replaced hard surface
- 17 is 10,000 square feet or more, and:
- 18 a. If the new plus replaced hard surfaces s adds-total 50 percent or more to-of the
- 19 existing hard surfaces within the project limits, comply with subsection
- 20 22.805.080.B.4 (Existing condition standard) for the flows from the total new **plus**
- 21 **replaced** hard surfaces. The project limits are defined by the length of the project
- 22 and the width of the right-of-way; or
- 23 b. If the new plus replaced hard surfaces s adds-total less than 50 percent to-of the
- 24 existing hard surfaces within the project limits, comply with subsection
- 25 22.805.080.B.4 (Existing condition standard) for the flows from the total new hard
- 26 surfaces. The project limits are defined by the length of the project and the width
- 27 of the right-of-way.
- 28 5. Discharges to a capacity-constrained system. In addition to applicable minimum
- 29 requirements for flow control in subsection 22.805.060.C.1 through subsection
- 30 22.805.060.C.4, roadway projects discharging into a capacity-constrained system or its
- 31 basin shall also comply with subsection 22.805.080.B.4 (Existing condition standard) if
- 32 the total new hard surface is 10,000 square feet or more unless the downstream
- 33 system only includes ditches or culverts and has been determined to have sufficient
- 34 capacity as specified in 22.805.020.H (Ensure sufficient capacity).
- 35 D. Treatment. Roadway projects not discharging to the public combined sewer shall, to the
- 36 extent allowed by law, except as provided in subsection 22.805.060.E:
- 37 1. If the site has less than 35 percent existing hard surface coverage, and the project's
- 38 total new plus replaced pollution-generating hard surface is 5,000 square feet or
- 39 more, comply with the minimum requirements for treatment contained in Section
- 40 22.805.090 for flows from the total new plus replaced pollution-generating hard
- 41 surface and new plus replaced pollution-generating pervious surface; and
- 42 2. If the site has greater than or equal to 35 percent existing hard surface coverage and
- 43 the project's total new pollution-generating hard surface is 5,000 square feet or more

-
- 1 and the total new plus replaced pollution-generating hard surface is 5,000 square feet
2 or more, and
- 3 a. If the new plus replaced pollution-generating hard surfaces adds-total 50 percent
4 or more to-of the existing hard surfaces within the project limits, comply with the
5 minimum requirements for treatment contained in Section 22.805.090 for flows
6 from the total **new plus replaced** pollution-generating hard surface and new plus
7 replaced pollution-generating pervious surface. The project limits are defined by
8 the length of the project and the width of the right-of-way; or
- 9 b. If the new plus replaced pollution-generating hard surfaces adds-total less than 50
10 percent to-of the existing hard surfaces within the project limits, comply with the
11 minimum requirements for treatment contained in Section 22.805.090 for flows
12 from the total **new** pollution-generating hard surface and new pollution-generating
13 pervious surface. The project limits are defined by the length of the project and
14 the width of the right-of-way; and
- 15 3. If the total new plus replaced pollution-generating pervious surfaces is 3/4 acres or
16 more, and from the project which there is a surface discharge in a natural or
17 constructed conveyance system from the site, comply with the minimum requirements
18 for treatment contained in Section 22.805.090 for flows from the total new plus
19 replaced pollution-generating pervious surface and the new plus replaced pollution-
20 generating hard surface.
- 21 E. For a roadway project that adds less than 50 percent to the existing hard surface within
22 the project limits on a site having greater than 35 percent existing hard surface
23 coverage, the requirements of subsections 22.805.060.B, 22.805.060.C and 22.805.060.D
24 to install drainage control facilities are modified based on infeasibility to the degree that
25 (1) complete installation would require that an existing major publicly or privately
26 owned infrastructure or utility element be relocated, or (2) the drainage control facility
27 cannot be built and operated to discharge stormwater from the site under gravity flow
28 conditions while meeting the applicable engineering standards. Compliance with
29 subsections 22.805.060.B, 22.805.060.C and 22.805.060.D is required to the degree that
30 the project can avoid the infeasibility described in this subsection 22.805.060.E.
31 Standard drainage review and approval shall be required whenever this subsection is
32 used, whether or not Section 22.800.070 applies.
- 33 1. The following are considered existing major infrastructure or utility elements:
34 a. Gravity flow pipe greater than or equal to 24 inches in diameter or gravity flow
35 pipe which cannot be relocated to discharge under gravity flow conditions;
36 b. High-pressure gas pipe;
37 c. Pressure gas pipe greater than 8 inches in diameter;
38 d. Any other pressure pipe greater than 12 inches in diameter (e.g., water or steam);
39 e. Duct banks, vaults, or handholes, for underground electrical, fiber optic, or
40 telecommunication services;
41 f. Bridge, building, or tunnel structural foundations; and
42 g. Foundations for walls greater than 6 feet in height or 15 feet in length.
- 43 (Ord. 126336 , § 4, 2021; Ord. 124872 , § 39, 2015; Ord. 124758 , § 3, 2015; Ord. 123105, § 3,
44 2009.)

22.805.070 Minimum requirements for on-site stormwater management

- A. Applicability. The requirements of this Section 22.805.070 apply as required in Section 22.805.030 to Section 22.805.060.
- B. Requirements. On-site stormwater management shall be installed to the extent allowed by law and maintained in compliance with the rules promulgated by the Director to receive flows from that portion of the site being developed and shall:
 1. Comply with either:
 - a. Subsection 22.805.070.C (On-site performance standard); or
 - b. Subsection 22.805.070.D (On-site lists).
- C. On-site performance standard:
 1. If the existing hard surface coverage is less than 35 percent and the project discharges to a listed creek, or to the drainage basin of such creek:
 - a. The post-development discharge durations shall match the discharge durations of a pre-developed forested condition for the range of pre-developed discharge rates from 8 percent of the 2-year peak flow to 50 percent of the 2-year peak flow.
 2. For all other projects:
 - a. The post-development discharge durations shall match the discharge durations of a pre-developed pasture condition for the range of pre-developed discharge rates between the 1 percent and 10 percent exceedance values.
- D. On-site lists
 1. For each project surface, follow the appropriate project table in subsection 22.805.070.D.2 to subsection 22.805.070.D.5 to evaluate on-site BMPs shown for that type of surface, by category. The project tables apply to roofs and other hard (non-roof) surfaces. All on-site BMPs used must comply with the rules promulgated by the Director. For each surface, consider all ~~of~~ the applicable on-site BMPs in the first category. Use any that is considered feasible. If none is feasible for that surface, move on to each successive category and repeat the selection process as necessary. Once one on-site BMP is used for a surface, no other on-site BMP is necessary for that surface. If no BMP in the appropriate categories is feasible, then no further evaluation is required for that surface under this subsection 22.805.070.D.1. Feasibility shall be determined by evaluation against:
 - a. Design criteria, minimum size, limitations, and infeasibility criteria identified for each BMP in this subsection and the rules promulgated by the Director; and
 - b. Competing needs. Subsection 22.805.070.D (On-site lists) can be superseded or reduced by the Director if the installation of the BMPs is in conflict with:
 - 1) Any of the following federal or state laws, rules, and standards, as may be amended or superseded: Historic Preservation and Archaeology Laws identified in subsection 22.805.070.E (Historic preservation and archaeology laws), Federal Superfund or Washington State Model Toxics Control Act, Federal Aviation Administration requirements for airports, the Americans with Disabilities Act, and related rules and standards; or

-
- 1 2) Special zoning district design criteria adopted and being implemented pursuant
2 to a community planning process. Special zoning districts include, for example,
3 historic and preservation districts, pedestrian zone overlays, station area
4 overlays, special review districts, multifamily residential zones, urban centers
5 and urban villages, and master planned communities. Specific criteria in these
6 areas include, but are not limited to, minimum Floor Area Ratio standards;
7 zero lot line development; usable open space requirements; minimum sidewalk
8 width and required bicycle facilities; alley, loading, and access requirements;
9 pitched roof standards; and street-level development standards for modulation
10 and projections; or
11 3) Public health and safety standards; or
12 4) Transportation regulations to maintain the option for future expansion or
13 multi-modal use of public rights-of-way; or
14 5) Chapter 15.43 (Tree and Vegetation Management in Public Places); Chapter
15 25.09 (Regulations for Environmentally Critical Areas); Chapter 25.11 (Tree
16 Protection); and Chapter 23.60A (Standards for Vegetation in the Shoreline
17 Master Plan).
18 2. For single-family residential projects, Table A for 22.805.070 applies.
19

Table A for 22.805.070

On-site List for Single-family Residential Projects

Category	BMPs	All Discharge Locations
1	Full Dispersion	R, S
1	Infiltration Trenches	R, S ^d
1	Drywells	R, S ^d
1	<u>Rainwater Harvesting—Category 1 Sizing</u>	<u>X^b</u>
2	Rain Gardens <u>with or without tree</u> ^a	R, S
2	Infiltrating Bioretention <u>with or without tree</u>	R, S
2	<u>Infiltrating Structural Bioretention with tree</u>	<u>X</u>
2	<u>Rainwater Harvesting—Category 2 Sizing</u>	<u>X^b</u>
2	Permeable Pavement Facilities ^e	R, S
2	Permeable Pavement Surfaces ^{f,g}	S
2	Sidewalk/Trail Compost-Amended Strip ^g	S
3	<u>Infiltrating Structural Bioretention without tree</u>	<u>X</u>
3	Sheet Flow Dispersion	R, S
3	Concentrated Flow Dispersion	S
3	Splashblock Downspout Dispersion	R
3	Trench Downspout Dispersion	R
4	Non-infiltrating Bioretention	R, S
4	<u>Non-infiltrating Structural Bioretention with tree</u>	<u>X</u>
4	Rainwater Harvesting—Category 4 Sizing	X ^c
4	Vegetated Roofs	X
5	Single-family Residential Cisterns	R
5	Perforated Stub-out Connections	R
5	Trees	S

Note that subsection 22.805.070.D.1 requires consideration of all on-site BMPs in a category for feasibility before moving on to each successive category as necessary. Within a category, BMPs may be considered in any order.

Key to Table A for 22.805.070

R = Evaluation is required for all roof runoff from Single-family residential projects.

S = Evaluation is required for all other hard (non-roof) surfaces of Single-family residential projects, unless otherwise noted below.

X = Evaluation is not required but is allowed.

^a Installation is only allowed for projects with less than 5,000 square feet of hard surface infiltrating on the project site.

^b Category 2 rainwater harvesting shall be sized to meet the on-site performance standard, subsection 22.805.070.C.

^c Category 4 rainwater harvesting shall be sized to reduce the runoff volume by 25 percent or more on an annual average basis.

^d Evaluation of other hard (non-roof) surfaces is not required but is allowed.

^e Permeable Pavement Facilities or approved equivalent per Directors' Rule.

^f Permeable Pavement Surfaces or approved equivalent per Directors' Rule.

^g Infiltration testing is not required to use for the On-site List approach, it is only necessary to prove infeasibility.

3. For trail and sidewalk projects, Table B for 22.805.070 applies.

Table B for 22.805.070 - On-site List for Trail and Sidewalk Projects

Category	BMPs	Projects Discharging to a Receiving Water Not Designated by Section 22.801.050, or its Basin	Projects Discharging to a Public Combined Sewer or Capacity-constrained System, ^c or its Basin	Projects Discharging to a Designated Receiving Water, or its Basin
1	Full Dispersion	S	S	S
2	Rain Gardens <u>with or without tree</u>	S	S	X
2	<u>Infiltrating Structural Bioretention with tree^d</u>	X	X	X
2	Permeable Pavement Facilities	X	X ^a	X ^{a, b}
2	Permeable Pavement Surfaces ^e	S	S ^a	X ^{a, b}
2	Sidewalk/Trail Compost-Amended Strip ^e	S	S	X
3	Sheet Flow Dispersion	S	S	S
	Concentrated Flow Dispersion	S	S	S
4	Trees	S	S	S

Note that subsection 22.805.070.D.1 requires consideration of all on-site BMPs in a category for feasibility before moving on to each successive category as necessary. Within a category, BMPs may be considered in any order.

Key to Table B for 22.805.070

S = Evaluation is required for all surfaces of trail or sidewalk projects.

X = Evaluation is not required for trail or sidewalk projects.

^a Minimum permeable pavement area allowed in right-of-way is 2,000 square feet of pavement within the project site.

^b Installation is not allowed in the right-of-way if new plus replaced pollution-generating hard surface area is less than 2,000 square feet of pavement within the project site.

^c Does not include any project discharging to a receiving water not designated by Section 22.801.050, or its basin, even if the project discharges to a capacity-constrained system or its basin.

^d See Appendix C for criteria for when a tree is not required [criteria TBD].

^e Infiltration testing is not required to use for the On-site List approach, it is only necessary to prove infeasibility.

4. For parcel-based projects, Table C for 22.805.070 applies.

Table C for 22.805.070 - On-site List for Parcel-based Projects

Category	BMPs	Projects Discharging to a Receiving Water Not Designated by Section 22.801.050, Public Combined Sewer, or Capacity-constrained System, or its Basin	Projects Discharging to a Designated Receiving Water or its Basin
1	Full Dispersion	R, S	R, S
1	Infiltration Trenches	R, S ^g	R, S ^g
1	Drywells	R, S ^g	R, S ^g
1	<u>Rainwater Harvesting—Category 1 Sizing</u>	X ^e	X ^e
2	Rain Gardens <u>with or without tree</u>	R ^a , S ^a	R ^a , S ^a
2	Infiltrating Bioretention <u>with or without tree</u>	R, S	R, S
2	<u>Infiltrating Structural Bioretention with tree</u>	X	X
2	<u>Rainwater Harvesting—Category 2 Sizing</u>	X ^e	X ^e
2	Permeable Pavement Facilities ^h	R, S	R, S
2	Permeable Pavement Surfaces ^{i,k}	S	S
2	Sidewalk/Trail Compost-Amended Strip ^k	S	S
3	<u>Infiltrating Structural Bioretention without tree</u>	X	X
3	Sheet Flow Dispersion	R, S	R, S
3	Concentrated Flow Dispersion	S	S
3	Splashblock Downspout Dispersion	R	R
3	Trench Downspout Dispersion	R	R
4	Non-infiltrating Bioretention	R ^d , S ^d	R ^d , S ^d
4	<u>Non-infiltrating Structural Bioretention with tree</u>	X	X
4	Rainwater Harvesting—Category 4 Sizing	R ^{b, f}	X ^f
4	Vegetated Roofs	R ^c	X-R ^c
4	<u>Residential Cistern</u>	X	X
5	Perforated Stub-out Connections	R	R
5	Trees ⁱ	S	S

Note that subsection 22.805.070.D.1 requires consideration of all on-site BMPs in a category for feasibility before moving on to each successive category as necessary. Within a category, BMPs may be considered in any order.

Key to Table C for 22.805.070

R = Evaluation is required for all roof runoff from parcel-based projects.

S = Evaluation is required for all other hard (non-roof) surfaces of parcel-based projects, unless otherwise noted below.

X = Evaluation is not required but is allowed.

^a Rain gardens cannot be used to meet Section 22.805.080 (Minimum Requirements for Flow Control) or Section 22.805.090 (Minimum Requirements for Treatment) or for projects with areas of 5,000 square feet or more hard surface infiltrating on the project site.

- ^b Evaluation is not required for projects with less than 20,000 square feet of new plus replaced rooftop surface.
- ^c Evaluation is not required for projects with less than 5,000 square feet of new plus replaced rooftop surface.
- ^d Water quality treatment BMPs sized to meet Section 22.805.090 (Minimum Requirements for Treatment) may be installed in lieu of non-infiltrating bioretention unless the project discharges to a public combined sewer basin.
- ^e Category 2 rainwater harvesting shall be sized to meet the on-site performance standard, subsection 22.805.070.C.
- ^f Category 4 rainwater harvesting shall be sized to reduce the runoff volume by 25 percent or more on an annual average basis.
- ^g Evaluation of other hard (non-roof) surfaces is not required but is allowed.
- ^h Permeable Pavement Facilities or approved equivalent per Directors' Rule.
- ⁱ Permeable Pavement Surfaces or approved equivalent per Directors' Rule.
- ^j Retained or newly planted trees may also count toward Green Factor, landscaping, and/or tree protection requirements.
- ^k Infiltration testing is not required to use for the On-site List approach, it is only necessary to prove infeasibility.

5. For roadway projects, Table D for 22.805.070 applies.

Table D for 22.805.070 On-site List for Roadway Projects

Category	BMPs	Projects Discharging to a Receiving Water Not Designated by Section 22.801.050, or its Basin	Projects Discharging to a Public Combined Sewer or Capacity-constrained System, ^g or its Basin	Projects Discharging to a Designated Receiving Water or its Basin
1	Full Dispersion	S	S	S
2	Rain Gardens <u>with tree</u> ^h	S ^a	S ^a	S ^a
2	Infiltrating Bioretention <u>with tree</u> ^h	S	S ^b	S ^{b, c}
2	<u>Infiltrating Structural Bioretention with tree</u> ^h	X	X	X
2	Permeable Pavement Facilities	X ^d	X ^{e, f}	X ^{c, e, f}
2	Permeable Pavement Surfaces ⁱ	S ^d	S ^{e, f}	X ^{c, e, f}
2	Sidewalk/Trail Compost-Amended Strip ⁱ	S ^e	S ^e	S ^e
3	Sheet Flow Dispersion	S	S	S
3	Concentrated Flow Dispersion	S	S	S
4	Trees	S	S	S
4	<u>Non-Infiltrating Structural Soil Cell with tree</u> ^h	X	X	X

Note that subsection 22.805.070.D.1 requires consideration of all on-site BMPs in a category for feasibility before moving on to each successive category as necessary. Within a category, BMPs may be considered in any order.

Key to Table D for 22.805.070

S = Evaluation is required for all surfaces of Roadway Projects.

X = Evaluation is not required for Roadway Projects, but is allowed.

^a Rain gardens cannot be used to meet Section 22.805.080 (Minimum Requirements for Flow Control) or Section 22.805.090 (Minimum Requirements for Treatment) or for projects with areas of 5,000 square feet or more hard surface infiltrating on the project site.

^b Minimum bioretention cell size top area in right-of-way is 500 square feet (including pre-settling area). Evaluation is only required and installation only allowed when contributing area is sufficient to warrant minimum bioretention cell size in right-of-way.

^c Evaluation is not required, and installation is not allowed, if new plus replaced pollution-generating hard surface is less than 2,000 square feet.

^d Evaluation of roadway surfaces is not required, and installation is not allowed, if roadway is an arterial street/collector.

-
- ^e Evaluation of roadway surfaces, including alleys, is not required and installation is not allowed.
- ^f Minimum permeable pavement area allowed in right-of-way is 2,000 square feet of pavement within the project site.
- ^g Does not include any project discharging to a receiving water not designated by Section 22.801.050, or its basin, even if the project discharges to a capacity-constrained system or its basin.
- ^h [See Appendix C for criteria for when a tree is not required \[criteria TBD\].](#)
- ⁱ [Infiltration testing is not required to use for the On-site List approach, it is only necessary to prove infeasibility.](#)

E. Historic preservation and archaeology laws. For use with subsection 22.805.070.D.1.b.1:

1. Federal laws on historic preservation:

- a. 16 U.S.C. 470, et seq. (National Historic Preservation Act);
- b. 36 CFR Part 60 (National Register of Historic Places);
- c. 36 CFR Part 61 (Procedures for State, Tribal, and Local Government Historic Preservation Programs);
- d. 36 CFR Part 63 (Determinations of Eligibility for Inclusion in the National Register of Historic Places);
- e. 36 CFR Part 65 (National Historic Landmarks Program);
- f. 36 CFR Part 68 (The Secretary of the Interior's Standards for the Treatment of Historic Properties);
- g. Section 106 of National Historic Preservation Act;
- h. Secretary of the Interior's Standards and Guidelines for Professional Qualifications Standards;
- i. Executive Order 11593 (Protection and Enhancement of the Cultural Environment); and
- j. Executive Order 13006 (Locating Federal Facilities in Historic Properties).

2. Washington State laws on historic preservation:

- a. Archaeological and Cultural Resources (Executive Order 05-05);
- b. Advisory Council on Historic Preservation (chapter 25-12 WAC);
- c. Washington State Historic Building Code (RCW 19.27.120);
- d. Heritage Barn Program (RCW 27.34.400);
- e. State Historical Societies—Historic Preservation (chapter 27.34 RCW); and
- f. Abandoned and Historic Cemeteries and Historic Graves (chapter 68.60 RCW).

3. Federal laws on archaeology:

- a. 16 U.S.C. 470aa, et seq. (Archaeological Resources Protection Act of 1979);
- b. 16 U.S.C. 469 (Archaeological and Historic Preservation Act of 1974);
- c. 25 U.S.C. 3001, et seq. (Native American Graves Protection and Repatriation Act); and
- d. 16 U.S.C. 470, et seq. (National Historic Preservation Act).

4. Washington State laws on archaeology:

- a. Archaeological and Cultural Resources (Executive Order 05-05);
- b. Registration of Historic Archaeological Resources on State-Owned Aquatic Lands (chapter 25-46 WAC);
- c. Archaeological Excavation and Removal Permit (chapter 25-48 WAC);
- d. Indian Graves and Records (chapter 27.44 RCW);
- e. Archaeological Sites and Resources (chapter 27.53 RCW);
- f. Archaeological Site Public Disclosure Exemption (RCW 42.56.300);

-
- 1 g. Abandoned and Historic Cemeteries and Historic Graves (chapter 68.60 RCW); and
2 h. Archaeological Activities on State-owned Aquatic Lands—Agreements, Leases, or
3 Other Conveyances (RCW 79.105.600).
- 4 5. City of Seattle Laws on Historic Preservation as listed below and historic districts that
5 have been or may be designated by ordinance:
6 a. Chapter 23.66 (Pioneer Square and International Special Review Districts);
7 b. Chapter 25.12 (Landmarks Preservation);
8 c. Chapter 25.16 (Ballard Avenue Landmark District);
9 d. Chapter 25.20 (Columbia City Landmark District);
10 e. Chapter 25.21 (Fort Lawton Landmark District);
11 f. Chapter 25.22 (Harvard-Belmont Landmark District);
12 g. Chapter 25.24 (Pike Place Market Historical District); and
13 h. Chapter 25.32 (Table of Historical Landmarks).
14 (Ord. 126336 , § 4, 2021; Ord. 124872 , § 40, 2015; Ord. 123105, § 3, 2009.)

15 **22.805.080 Minimum requirements for flow control**

- 16 A. Applicability. The requirements of this Section 22.805.080 apply to the extent required
17 in Section 22.805.050 to Section 22.805.060.
- 18 B. Requirements. Flow control facilities shall be installed to the extent allowed by law and
19 maintained pursuant to rules promulgated by the Director to receive flows from that
20 portion of the site being developed. Post-development discharge determination must
21 include flows from dewatering activities. All projects shall use on-site BMPs identified in
22 subsection 22.805.070.D or other infiltration BMPs per Directors' Rule to the maximum
23 extent feasible to meet the minimum requirements. Flow control facilities that receive
24 flows from less than that portion of the site being developed may be installed if the total
25 new plus replaced impervious-hard surface is less than 10,000 square feet, the project
26 site uses only on-site BMPs to meet the requirement, and the on-site BMPs provide
27 substantially equivalent environmental protection as facilities not using on-site BMPs that
28 receive flows from all of the portion of the site being developed.
- 29 1. Wetland protection standards. Protect the functions and values of wetlands and their
30 buffers from all projects discharging stormwater directly or indirectly to them. The
31 hydrologic conditions, vegetative community, and substrate characteristics of the
32 wetlands shall be protected, and impacts caused by changes in water flows and
33 pollutants shall be prevented. The introduction of sediment, heat and other pollutants
34 and contaminants into wetlands shall be minimized through the selection, design,
35 installation, and maintenance of temporary and permanent controls.
- 36 Before authorizing new discharges to a wetland, alternative discharge locations shall
37 be evaluated and infiltration options outside the wetland shall be maximized unless
38 doing so will adversely impact the functions and values of the affected wetlands. If
39 one or more of the flow control requirements contained in subsections
40 22.805.080.B.2 through 22.805.080.B.45 also applies to the project, an analysis shall

be conducted to ensure that the functions and values of the affected wetland are protected before implementing these flow control requirements.

Notwithstanding any provision in this subtitle, no net loss of wetland functions or values shall result from actions regulated by this subtitle.

Refer to the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Hruby, 2014) to determine the category, characteristics, and habitat score of the wetland. Wetland classification shall be determined by a wetland professional per rules promulgated under subsection 25.09.330.C (Technical reports).

- a. Comply with subsection 22.805.080.B.1.c (Wetland Protection Standard—Method 1: Monitoring and Wetland Stage Modeling) if the following applies:
 - 1) The project discharges to a Category I or II depressional or riverine impounding wetland; and
 - 2) The project owner has legal access to the entire wetland for purposes of conducting monitoring in the wetland.
- b. Comply with subsection 22.805.080.B.1.d (Wetland Protection Standard—Method 2: Site Discharge Modeling) if the criteria in subsection 22.805.080.B.1.a do not apply and one or more of the following applies (or applicability is unknown):
 - 1) The wetland is Class I or II and does not meet the requirements of subsection 22.805.080.B.1.a.
 - 2) The wetland is Class III or IV and:
 - a) Has a habitat score greater than 5;
 - b) Is interdunal and has special characteristics;
 - c) Provides habitat for rare, threatened, endangered, or sensitive species; or
 - d) Contains breeding population of any native amphibian. Per Ecology's guidance, wetlands with permanent or seasonal ponding or inundation are assumed to have breeding population of native amphibian.
- c. Wetland Protection Standard—Method 1: Monitoring and Wetland Stage Modeling. Comply with I-C.4, Wetland Hydroperiod Protection, presented in Appendix I-C of Ecology's *Stormwater Management Manual for Western Washington* (Ecology ~~2019~~2024).

Projects triggering Method 1 shall refer to I-C-5, Wetland Hydroperiod Data Collection and Evaluation Procedures, presented in Appendix I-C of Ecology's *Stormwater Management Manual for Western Washington* (Ecology ~~2019~~2024) for additional guidance.
- d. Wetland Protection Standard—Method 2: Site Discharge Modeling. The total volume of stormwater discharging from the project site into a wetland shall not be more than:
 - 1) On a daily basis, 20 percent higher or lower than the pre-project volume, and
 - 2) On a monthly basis,
 - a) 20 percent higher or lower than the pre-project volumes for the months of October, November, and December, and
 - b) 15 percent higher or lower than the pre-project ~~volume~~volumes for all remaining months (January through September).

Projects triggering Method 2 shall refer to I-C.4, Wetland Hydroperiod Protection and I-C-5, Wetland Hydroperiod Data Collection ~~and~~, Evaluation Procedures, and Strategies presented in Appendix I-C of Ecology's Stormwater Management Manual *for Western Washington* (Ecology ~~2019~~2024) for additional guidance.

2. Pre-developed forested standard. The post-development discharge durations from the project site shall match the discharge durations of a pre-developed forested condition for the range of pre-developed discharge rates from 50 percent of the 2-year peak flow to the 50-year peak flow.
3. Pre-developed pasture standard. The post-development discharge durations from the project site shall match the discharge durations of a pre-developed pasture condition for the range of pre-developed discharge rates from 50 percent of the 2-year peak flow to the 2-year peak flow.
4. Existing condition standard
 - a. The post-development discharge durations from the project site shall be limited as follows:
 - 1) Match the discharge durations of the existing land cover condition for the range of discharge rates from 50 percent of the 2-year peak flow to the 25-year peak flow; and
 - 2) For discharges to a creek or a creek drainage basin or to a small lake or a small lake basin, also match the discharge durations of the existing land cover condition for the range of discharge rates from 50 percent of the 2-year peak flow to the 50-year peak flow.
5. Peak control standard.
 - a. The post-development release rates from the project site shall be limited as follows:
 - 1) The peak flow with a 50 percent annual probability (2-year recurrence flow) shall not exceed 0.07 cubic feet per second per acre;
 - 2) The peak flow with a 20 percent annual probability (5-year recurrence flow) shall not exceed 0.10 cubic feet per second per acre; and
 - 3) The peak flow with a 4 percent annual probability (25-year recurrence flow) shall not exceed 0.40 cubic feet per second per acre.
- C. Inspection and maintenance schedule. Temporary and permanent flow control facilities shall be inspected and maintained according to rules promulgated by the Director to keep these facilities in continuous working order.
(Ord. 126336 , § 4, 2021; Ord. 124872 , § 41, 2015; Ord. 123105, § 3, 2009.)

22.805.090 Minimum requirements for treatment

- A. Applicability. The requirements of this Section 22.805.090 apply to the extent required in Section 22.805.050 to Section 22.805.060.
- B. Requirements. Water quality treatment facilities shall be installed to the extent allowed by law and maintained pursuant to rules promulgated by the Director to treat flows from the pollution-generating pervious and hard surfaces on the site being developed. When

1 stormwater flows from other areas, including non-pollution generating surfaces (e.g.,
2 roofs), dewatering activities, and off-site areas, cannot be separated or bypassed,
3 treatment BMPs shall be designed for the entire area draining to the treatment facility.
4 All projects shall use on-site BMPs identified in subsection 22.805.070.D or other
5 infiltration BMPs per Directors' Rule to the maximum extent feasible to meet the
6 minimum requirements. For pollution-generating pervious surfaces other than artificial
7 turf, a landscape management plan developed according to rules promulgated by the
8 Director may be utilized in lieu of installing water quality treatment facilities.

- 9 1. Runoff volume. Stormwater treatment facilities shall be designed based on the
10 stormwater runoff volume from the contributing area or a peak flow rate as follows:
 - 11 a. The daily runoff volume at or below which 91 percent of the total runoff volume
12 for the simulation period occurs, as determined using an approved continuous
13 model. It is calculated as follows:
 - 14 1) Rank the daily runoff volumes from highest to lowest.
 - 15 2) Sum all the daily volumes and multiply by 0.09.
 - 16 3) Sequentially sum daily runoff volumes, starting with the highest value, until the
17 total equals 9 percent of the total runoff volume. The last daily value added to
18 the sum is defined as the water quality design volume.
 - 19 b. Different design flow rates are required depending on whether a treatment facility
20 will be located upstream or downstream of a detention facility:
 - 21 1) For facilities located upstream of detention or when detention is not required,
22 the design flow rate is the flow rate at or below which 91 percent of the total
23 runoff volume for the simulation period is treated, as determined using an
24 approved continuous runoff model.
 - 25 2) For facilities located downstream of detention, the design flow rate shall be
26 the full 2-year release rate, as determined using an approved continuous runoff
27 model.
 - 28 c. Infiltration facilities designed for water quality treatment must infiltrate 91
29 percent of the total runoff volume as determined using an approved continuous
30 runoff model. To prevent the onset of anaerobic conditions, an infiltration facility
31 designed for water quality treatment purposes must be designed to drain the water
32 quality design treatment volume (the 91st percentile, 24-hour volume) within 48
33 hours.
- 34 2. Basic treatment. A basic treatment facility shall be required for all projects. The
35 requirements of subsection 22.805.090.B.3 (Oil control treatment), subsection
36 22.805.090.B.4 (Phosphorus treatment), and subsection 22.805.090.B.5 (Enhanced
37 Metals treatment) are in addition to this basic treatment requirement.
- 38 3. Oil control treatment. An oil control treatment facility shall be required for high-use
39 sites, as defined in this subtitle.
- 40 4. Phosphorus treatment. A phosphorus treatment facility shall be required for projects
41 discharging into nutrient-critical receiving waters.
- 42 5. Enhanced-Metals treatment. Unless a project discharges to a basic treatment receiving
43 water (Section 22.801.030 "B"), an enhanced-metals treatment facility for reducing
44 concentrations of dissolved metals shall be required for projects that discharge,

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- 1 directly or through conveyance systems, to fresh waters designated for aquatic life use
2 or having an existing aquatic life use, or that use infiltration strictly for flow control
3 (not treatment) and discharge within one-quarter mile of fresh waters designated for
4 aquatic life use or having an existing aquatic life use, if the project meets one of the
5 following criteria:
- 6 a. For a parcel-based project, the project is industrial, is commercial, or proposes
7 four or more dwelling units or the site is subject to industrial activities.
 - 8 b. For a roadway project, the site ~~is either~~ includes a road:
 - 9 1) ~~A fully controlled or a partially controlled limited access highway with Annual~~
10 ~~Average Daily Traffic counts of 15,000 or more; or~~
 - 11 ~~2) Any other road with~~ With an expected Annual Average Daily Traffic count of
12 7,500 or greater; ~~or-~~
 - 13 2) That provides on-street parking for commercial or industrial areas.
 - 14 6. Discharges to groundwater. Direct discharge of untreated drainage water from
15 pollution-generating hard surfaces to groundwater is prohibited.
 - 16 C. Inspection and maintenance schedule. Temporary and permanent treatment facilities
17 shall be inspected and maintained according to rules promulgated by the Director to
18 keep these facilities in continuous working order.
19 (Ord. 126336 , § 4, 2021; Ord. 124872 , § 42, 2015; Ord. 123105, § 3, 2009.)

20 Chapter 22.807 Drainage Control Review and 21 Application Requirements

22 22.807.010 General

- 23 A. No discharge from a site, real property, or drainage facility, directly or indirectly to a
24 public drainage system, private drainage system, or a receiving water within or
25 contiguous to Seattle city limits, may cause or contribute to a prohibited discharge or a
26 known or likely violation of water quality standards in the receiving water or a known or
27 likely violation of the City's municipal stormwater NPDES permit.
- 28 B. Every permit issued to implement this subtitle shall contain a performance standard
29 requiring that no discharge from a site, real property, or drainage facility, directly or
30 indirectly to a public drainage system, private drainage system, or a receiving water
31 within or contiguous to Seattle city limits, cause or contribute to a prohibited discharge
32 or a known or likely violation of water quality standards in the receiving water or a
33 known or likely violation of the City's municipal stormwater NPDES permit.
34 (Ord. 123105, § 3, 2009.)

35 22.807.020 Drainage control review and application requirements

- 36 A. Thresholds for drainage control review. Drainage control review and approval as
37 described in subsection 22.807.020.B is required for any of the following:
 - 38 1. Preliminary drainage review and approval is required for applications for the following
39 approvals:

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- a. Subdivisions (Chapter 23.22);
 - b. Short plats (Chapter 23.24);
 - c. Unit lot subdivisions (Sections 23.22.062 and 23.24.045);
 - d. Lot boundary adjustments (Chapter 23.28); or
 - e. Master use permits that would allow development that includes 750 square feet or more of new plus replaced hard surface or 5,000 square feet of land disturbing activity where the Director has determined that a preliminary drainage review is required considering, but not limited, to the following attributes of the site:
 - 1) Location within an environmentally critical area or buffer;
 - 2) Proximity and tributary to an environmentally critical area or buffer; and
 - 3) Proximity and tributary to an area with adequacy, erosion, water quality, or flooding problems.
2. Standard drainage review and approval is required for the following:
 - a. Applications other than those listed in subsection 22.807.020.A.1 that include any land disturbing activity and removal of existing structures, even if the slab or foundation remains, encompassing an area of 5,000 square feet or more, including demolition permits;
 - b. Applications for a building permit or other construction permit that authorizes the construction or installation of 750 square feet or more of new plus replaced hard surface;
 - c. Applications for which a grading permit or approval is required pursuant to Chapter 22.170;
 - d. Applications for street use permits for the cumulative addition of 750 square feet or more of new plus replaced hard surface and land disturbing activity;
 - e. City public works projects or construction contracts, including contracts for day labor and other public works purchasing agreements, for the cumulative addition of 750 square feet or more of new plus replaced hard surface and/or land disturbing activity to the site, ~~except for projects in a City-owned right-of-way and~~ except for work performed for the operation and maintenance of park lands under the control or jurisdiction of the Department of Parks and Recreation;
 - f. Applications for approvals and contracts that include any new or replaced hard surface or any land disturbing activity on a site deemed a potentially hazardous location, as specified in Section 22.800.050 (Potentially Hazardous Locations);
 - g. Applications for approvals that include any new hard surface in a Category I peat settlement-prone area delineated pursuant to Section 25.09.012;
 - h. Whenever an exception to a requirement set forth in this Subtitle VIII or in a rule promulgated under this Subtitle VIII is desired, whether or not review and approval would otherwise be required, including, but not limited to, alteration of natural drainage patterns or the obstruction of watercourses;
 - i. Whenever roadway project infeasibility pursuant to subsection 22.805.060.E is applied, whether or not review and approval would otherwise be required; or
 - j. Applications for approvals for activities or projects for:
 1. Fueling at dedicated stations, for new or substantially altered fueling stations.
 2. In-water and over-water fueling.

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3. Maintenance and repair of vehicles and equipment.
 4. Concrete and asphalt mixing and production.
 5. Recycling, wrecking yard, and scrap yard operations.
 6. Storage of liquids in aboveground tanks.
 7. Other projects that the Director determines pose a hazard to public health, safety, or welfare; endanger any property; adversely affect the safety and operation of City right-of-way, utilities, or other property owned or maintained by the City; or adversely affect the functions and values of an environmentally critical area or buffer.
3. Comprehensive drainage review and approval is required for applications other than those listed in subsection 22.807.020.A.1 that include:
 - a. Five thousand square feet or more of new plus replaced hard surface;
 - b. ~~One acre~~ Ten thousand square feet or more of land disturbing activity;
 - c. A project that has no available off-site point of discharge for stormwater as determined by the Director.
 - d. An infiltration facility that is designed to fully infiltrate all stormwater runoff directed to it.
 - e. An installation of a new outfall to a receiving water.
 - ~~c. Conversion of 3/4 acres or more of vegetation to lawn or landscaped area; or~~
 - ~~d. Conversion of 2.5 acres or more of native vegetation to pasture.~~
 - B. For purposes of applying the thresholds in subsection 22.807.020.A, all closely related projects as determined according to subsection 22.805.010.B, all projects that are part of a common plan of development, and all projects in a short plat or subdivision, shall be counted towards the threshold.
 - C. The City may, by interagency agreement signed by the Directors of SPU and SDCI, waive the drainage and erosion control permit and document requirements for property owned by public entities, when discharges for the property do not enter the public drainage system or the public combined sewer system. Whether or not the public entities are required to obtain permits or submit documents, such entities are subject to the substantive requirements of this subtitle.
 - D. Submittal requirements for drainage control review and approval
 1. Information required for preliminary drainage review. The following information shall be submitted to the Director for all projects for which preliminary drainage review is required:
 - a. Preliminary site plan. A site plan as set forth in rules promulgated by the Director.
 - b. Preliminary drainage control plan. A drainage control plan that identifies all new and replaced hard surfaces, new and replaced pollution-generating hard surfaces, drainage control facilities, and best management practices for each lot, parcel, and tract of land within the project.
 - 1) The preliminary drainage control plan shall include all drainage control facilities required to meet the minimum requirements for flow control (Section 22.805.080), water quality treatment (Section 22.805.090), and on-site stormwater management (Section 22.805.070), as well as all other best management practices to ensure drainage adequacy.

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- 1 2) The preliminary drainage control plan shall be prepared by a licensed civil
2 engineer in accordance with standards adopted by the Director, for projects
3 that meet the thresholds for comprehensive drainage control review per
4 subsection 22.807.020.A.3. include any one or more of the following:
5 ~~a. Five thousand square feet or more of new plus replaced hard surface~~
6 ~~b. One acre or more of land disturbing activity~~
7 ~~c. Conversion of 3/4 acres or more of vegetation to lawn or landscaped area;~~
8 ~~d. Conversion of 2.5 acres or more of native vegetation to pasture;~~
9 ~~e. No accessible off-site discharge point.~~
10 c. Submittals identified by rule. Additional information shall be submitted to the
11 Director to comply with the requirements of this subtitle and rules promulgated
12 hereunder and to accomplish the purposes of this subtitle.
13 2. Information required for standard drainage review. The following information shall be
14 submitted to the Director for all projects for which standard drainage review is
15 required.
16 a. Site plan. A site plan shall be submitted to the Director.
17 b. Standard drainage control plan. A drainage control plan shall be submitted to the
18 Director. Standard designs for drainage control facilities as set forth in rules
19 promulgated by the Director may be used. ~~For a project with no accessible off-site~~
20 ~~discharge point or that includes development conducted in or near a receiving~~
21 ~~water requiring a Hydraulic Project Approval (chapter 220-660 WAC), the drainage~~
22 ~~control plan shall be prepared by a licensed civil engineer in accordance with~~
23 ~~standards adopted by the Director.~~
24 c. Construction stormwater control plan. A construction stormwater control plan
25 demonstrating controls sufficient to determine compliance with subsection
26 22.805.020.D shall be submitted. The Director may approve a checklist in place of
27 a plan, pursuant to rules promulgated by the Director.
28 d. Memorandum of drainage control. The owner(s) of the site shall sign a
29 "memorandum of drainage control" that has been prepared by the Director of SPU.
30 Completion of the memorandum shall be a condition precedent to issuance of any
31 permit or approval for which a drainage control plan is required. The applicant
32 shall file the memorandum of drainage control with the King County Recorder's
33 Office so as to become part of the King County real property records. The
34 applicant shall give the Director of SPU proof of filing of the memorandum. The
35 memorandum shall not be required when the drainage control facility will be
36 owned and operated by the City. A memorandum of drainage control shall include:
37 1) The legal description of the site;
38 2) A summary of the terms of the drainage control plan, including any known
39 limitations of the drainage control facilities, and an agreement by the owners
40 to implement those terms;
41 3) An agreement that the owner(s) shall inform future purchasers and other
42 successors and assignees of the existence of the drainage control facilities and
43 other elements of the drainage control plan, the limitations of the drainage

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- 1 control facilities, and of the requirements for continued inspection and
2 maintenance of the drainage control facilities;
- 3 4) The side sewer permit number and the date and name of the permit or
4 approval for which the drainage control plan is required;
- 5 5) Permission for the City to enter the property for inspection, monitoring,
6 correction, and abatement purposes;
- 7 6) An acknowledgment by the owner(s) that the City is not responsible for the
8 adequacy or performance of the drainage control plan, and a waiver of any and
9 all claims against the City for any harm, loss, or damage related to the plan, or
10 to drainage or erosion on the property, except for claims arising from the City's
11 sole negligence; and
- 12 7) The owner(s)' signatures acknowledged by a notary public.
- 13 e. Submittals identified by rule. Additional information shall be submitted to the
14 Director to comply with the requirements of this subtitle and rules promulgated
15 hereunder and to accomplish the purposes of this subtitle.
- 16 3. Information required for comprehensive drainage review. In addition to the submittal
17 requirements for standard drainage review, the following information is required to be
18 submitted to the Director for projects for which comprehensive drainage review is
19 required:
- 20 a. Comprehensive drainage control plan. A comprehensive drainage control plan, in
21 lieu of a standard drainage control plan, to comply with the requirements of this
22 subtitle and rules promulgated hereunder and to accomplish the purposes of this
23 subtitle shall be submitted with the permit application. It shall be prepared by a
24 licensed civil engineer in accordance with standards adopted by the Director unless
25 otherwise not required per rules promulgated by the Director.
- 26 b. Inspection and Maintenance schedule. A schedule shall be submitted that provides
27 for inspection of temporary and permanent flow control facilities, treatment
28 facilities, and source controls to comply with Section 22.805.070 (Minimum
29 requirements for on-site stormwater management), Section 22.805.080 (Minimum
30 requirements for flow control), ~~and~~ Section 22.805.090 (Minimum requirements for
31 treatment), and Section 22.803.040 (Minimum Requirements for Source Controls
32 For Businesses and Public Entities for Specific Activities).
- 33 c. Construction stormwater control plan. A construction stormwater control plan
34 prepared in accordance with subsection 22.805.020.D shall be submitted.
- 35 4. Applications for drainage control review and approval shall be prepared and submitted
36 in accordance with provisions of this subsection, with Chapter 21.16 (Side Sewer
37 Code), and with associated rules and regulations adopted jointly by the Directors of
38 SDCI and SPU.
- 39 5. The Director may require additional information necessary to adequately evaluate
40 applications for compliance with the requirements and purposes of this subtitle and
41 other laws and regulations, including, but not limited to, Chapter 25.09 (Regulations
42 for Environmentally Critical Areas) and Chapter 23.60A. The Director may also require
43 appropriate information about adjoining properties that may be related to, or affected
44 by, the drainage control proposal in order to evaluate effects on the adjacent

1 property. This additional information may be required as a precondition for permit
2 application review and approval.

3 E. Authority to review. The Director may approve those plans that comply with the
4 provisions of this Subtitle VIII and rules promulgated hereunder, and may place
5 conditions upon the approval in order to assure compliance with the provisions of this
6 subtitle. Submission of the required drainage control application information shall be a
7 condition precedent to the processing of any of the above-listed permits. Approval of
8 drainage control shall be a condition precedent to issuance of any of the above-listed
9 permits. The Director may review and inspect activities subject to this Subtitle VIII and
10 may require compliance regardless of whether review or approval is specifically required
11 by this subsection 22.807.020.C. The Director may disapprove plans that do not comply
12 with the provisions of this Subtitle VIII and rules promulgated hereunder. Disapproved
13 plans shall be returned to the applicant, who may correct and resubmit the plans.
14 (Ord. 126336 , § 5, 2021; Ord. 125292 , § 1, 2017; Ord. 125248 , § 52, 2017; Ord. 124919 , §
15 97, 2015; Ord. 124872 , § 43, 2015; Ord. 124105 , § 8, 2013; Ord. 123105, § 3, 2009.)

16 **22.807.090 Maintenance and inspection**

- 17 A. Responsibility for maintenance and inspection. The owner and other responsible parties
18 shall maintain drainage control facilities, source controls, and other facilities and
19 implement landscape management plans required by this subtitle and by rules adopted
20 hereunder to keep these facilities in continuous working order. The owner and other
21 responsible parties shall inspect permanent drainage control facilities, temporary
22 drainage control facilities, and other temporary best management practices or facilities
23 on a schedule consistent with this subtitle and sufficient for the facilities to function at
24 design capacity. The Director may require the responsible party to conduct more
25 frequent inspections and/or maintenance when necessary to ensure functioning at design
26 capacity. The owner(s) shall inform future purchasers and other successors and assignees
27 to the property of the existence of the drainage control facilities and the elements of
28 the drainage control plan, the limitations of the drainage control facilities, and the
29 requirements for continued inspection and maintenance of the drainage control facilities
30 and for implementation of a landscape management plan, if applicable.
- 31 B. Inspection by City. The Director of SPU may establish inspection programs to evaluate
32 and, when required, enforce compliance with the requirements of this subtitle and
33 accomplishment of its purposes. Inspection programs may be established on any
34 reasonable basis, including, but not limited to: routine inspections; random inspections;
35 inspections based upon complaints or other notice of possible violations; inspection of
36 drainage basins or areas identified as higher than typical sources of sediment or other
37 contaminants or pollutants; inspections of businesses or industries of a type associated
38 with higher than usual discharges of contaminants or pollutants or with discharges of a
39 type more likely than the typical discharge to cause violations of state or federal water
40 or sediment quality standards or the City's NPDES stormwater permit; and joint
41 inspections with other agencies inspecting under environmental or safety laws.
42 Inspections may include, but are not limited to: reviewing maintenance and repair

records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other best management practices.

C. Entry for inspection and abatement purposes

1. New installations and connections. When any new drainage control facility is installed on private property, and when any new connection is made between private property and a public drainage system, sanitary sewer or combined sewer, the property owner shall grant, pursuant to subsection 22.807.020.B.1.c (Memorandum of drainage control), the City the right to enter the property at reasonable times and in a reasonable manner pursuant to an inspection program established pursuant to subsection 22.807.090.B, and to enter the property when the City has a reasonable basis to believe that a violation of this subtitle is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this subtitle.

2. Existing real property and discharges. Owners of property with existing discharges or land uses subject to this subtitle who are not installing a new drainage control facility or making a new connection between private property and a public drainage system, sanitary sewer, or combined sewer shall have the option to execute a permission form for the purposes described above when provided with the form by the Director of SPU.

(Ord. 126336 , § 5, 2021; Ord. 124872 , § 44, 2015; Ord. 123105, § 3, 2009.)

Chapter 22.808 Stormwater Code Enforcement

22.808.010 Violations

A. Civil violations

1. The following are civil violations of this subtitle, subject to a maximum civil penalty of up to \$5,000 per day for each violation.

- a. General. It is a violation to not comply with any requirement of, or to act in a manner prohibited by, this subtitle, or a permit, approval, rule, manual, order, Notice of Violation, or Voluntary Compliance Agreement issued pursuant to this subtitle;
- b. Aiding and abetting. It is a violation to aid, abet, counsel, encourage, commend, incite, induce, hire or otherwise procure another person to violate this subtitle;
- c. Alteration of existing drainage. It is a violation to alter existing drainage patterns which serve a tributary area of more than one acre without authorization or approval by the Director;
- d. Obstruction of watercourse or public drainage system. It is a violation to obstruct a watercourse or public drainage system without authorization or approval by the Director;
- e. Dangerous condition. It is a violation to allow to exist, or cause or contribute to, a condition of a drainage control facility, or condition related to grading, drainage water, drainage or erosion that is likely to endanger the public health, safety or welfare, the environment, or public or private property;

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- 1 f. Interference. It is a violation for any person to interfere with or impede the
2 correction of any violation, or compliance with any Notice of Violation, emergency
3 order, stop work order, or the abatement of any nuisance;
4 g. Piecemeal of projects. It is a violation for any person to knowingly divide a larger
5 project into a set of smaller projects specifically for the purpose of avoiding
6 minimum requirements;
7 h. Altering a posted order. It is a violation for any person to remove, obscure, or
8 mutilate any posted order of the Director, including a stop work or emergency
9 order; and
10 i. Continuing work. It is a violation for any work to be done after service or posting of
11 a stop work order, except work necessary to perform the required corrective
12 action, until authorization is given by the Director.
- 13 B. Criminal violations
- 14 1. The following are criminal violations, punishable upon conviction by a fine of not more
15 than \$5,000 per violation or imprisonment for each violation for not more than 360
16 days, or both such fine and imprisonment:
- 17 a. Failing to comply with a Notice of Violation or Director's order issued pursuant to
18 this subtitle;
19 b. Failing to comply with a court order;
20 c. Tampering with or vandalizing any part of a drainage control facility or other best
21 management practice, a public or private drainage system, monitoring or sampling
22 equipment or records, or notices posted pursuant to this subtitle; and
23 d. Anyone violating this subtitle who has had a judgment, final Director's order, or
24 Director's review decision against them for a prior violation of this subtitle in the
25 preceding five years.
- 26 (Ord. 124872 , § 45, 2015; Ord. 123105, § 4, 2009.)

27 **22.808.020 Liability and defenses and responsible parties**

- 28 A. Who must comply. It is the specific intent of this subtitle to place the obligation of
29 complying with its requirements upon the responsible parties, as defined in Section
30 22.801.190. The City and its agencies are intended to have the same obligation for
31 compliance when the City is a responsible party. No provision of this subtitle is intended
32 to impose any other duty upon the City or any of its officers or employees.
- 33 1. Joint and several liability. Each responsible party is jointly and severally liable for a
34 violation of this subtitle. The Director may take enforcement action, in whole or in
35 part, against any responsible party. All applicable civil penalties may be imposed
36 against each responsible party.
- 37 2. Allocation of damages. In the event enforcement action is taken against more than
38 one responsible party, recoverable damages, costs, and expenses may be allocated
39 among the responsible parties by the court based upon the extent to which each
40 responsible party's acts or omissions caused the violation. If this factor cannot be
41 determined the court may consider:
- 42 a. Awareness of the violation;

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- b. Ability to correct the violation;
 - c. Ability to pay the damages, costs, and expenses;
 - d. Cooperation with government agencies;
 - e. Degree to which any impact or threatened impact on water or sediment quality, human health, the environment, or public or private property is related to acts or omissions by each responsible party;
 - f. Degree to which the responsible parties made good-faith efforts to avoid a violation or to mitigate its consequences; and
 - g. Other equitable factors.
- B. Defenses. A responsible party shall not be liable under this subtitle when the responsible party proves, by a preponderance of the evidence, one of the following:
1. The violation was caused solely by an act of God;
 2. The violation was caused solely by another responsible party over whom the defending responsible party had no authority or control and the defending responsible party could not have reasonably prevented the violation;
 3. The violation was caused solely by a prior owner or occupant when the defending responsible party took possession of the property without knowledge of the violation, after using reasonable efforts to identify violations. But, the defending responsible party shall be liable for all continuing, recurrent, or new violations after becoming the owner or occupant; or
 4. The responsible party implemented and maintained all appropriate drainage control facilities, treatment facilities, flow control facilities, erosion and sediment controls, source controls, and best management practices identified in rules promulgated by the Director or in manuals published by Ecology, or as otherwise identified and required of the responsible party by the Director in writing.
- (Ord. 124872 , § 46, 2015; Ord. 123105, § 4, 2009.)

22.808.025 Right of entry for enforcement

With the consent of the owner or occupant of a building, premises, or property, or pursuant to a lawfully issued warrant, the Director may enter a building, premises, or property at any reasonable time to perform the duties imposed by this code.

(Ord. 123105, § 4, 2009.)

22.808.030 Enforcement actions

- A. Investigation. The Director may investigate any site where there is reason to believe that there may be a failure to comply with the requirements of this subtitle.
- B. Notice of Violation
1. Issuance. The Director is authorized to issue a Notice of Violation to a responsible party whenever the Director determines that a violation of this subtitle has occurred or is occurring. The Notice of Violation shall be considered an order of the Director.
 2. Contents
 - a. The Notice of Violation shall include the following information:

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- 1) A description of the violation and the action necessary to correct it;
 - 2) The date of the notice; and
 - 3) A deadline by which the action necessary to correct the violation must be completed.
- b. A Notice of Violation may be amended at any time to correct clerical errors, add citations of authority, or modify required corrective action.
3. Service. The Director shall serve the notice upon a responsible party either by personal service, by first-class mail, or by certified mail return receipt requested, to the party's last known address. If by first-class mail, service shall be deemed complete upon the third day following the day upon which the notice is placed in the mail, or if the third day falls on a Saturday, Sunday or legal holiday, then on the next day following that is not a Saturday, Sunday or legal holiday. If the address of the responsible party cannot be found after a reasonable search, the notice may be served by posting a copy of the notice at a conspicuous place on the property. Alternatively, if the whereabouts of the responsible party is unknown and cannot be ascertained in the exercise of reasonable diligence, and the Director makes an affidavit to that effect, then service may be accomplished by publishing the notice once each week for two consecutive weeks in the City official newspaper.
 4. Nothing in this subtitle shall be deemed to obligate or require the Director to issue a Notice of Violation or order prior to the initiation of enforcement action by the City Attorney's Office pursuant to subsection 22.808.030.E.
- C. Stop work and emergency orders
1. Stop work order. The Director may order work on a site stopped when the Director determines it is necessary to do so in order to obtain compliance with or to correct a violation of any provision of this subtitle or rules promulgated hereunder, or to correct a violation of a permit or approval granted under this subtitle.
 - a. The stop work notice shall contain the following information:
 - 1) A description of the violation; and
 - 2) An order that the work be stopped until corrective action has been completed and approved by the Director.
 - b. The stop work order shall be personally served on the responsible party or posted conspicuously on the premises.
2. Emergency order
- a. The Director may order a responsible party to take emergency corrective action and set a schedule for compliance and/or may require immediate compliance with an emergency order to correct when the Director determines that it is necessary to do so in order to obtain immediate compliance with or to correct a violation of any provision of this subtitle, or to correct a violation of a permit or approval granted under this subtitle.
 - b. An emergency order shall be personally served on the responsible party or posted conspicuously on the premises.
 - c. The Director is authorized to enter any property to investigate and correct a condition associated with grading, drainage, erosion control, drainage water, or a drainage

control facility when it reasonably appears that the condition creates a substantial and present or imminent danger to the public health, safety or welfare, the environment, or public or private property. The Director may enter property without permission or an administrative warrant in the case of an extreme emergency placing human life, property, or the environment in immediate and substantial jeopardy which requires corrective action before either permission or an administrative warrant can be obtained. The cost of such emergency corrective action shall be collected as set forth in Section 22.808.060.

3. Director's review of stop work and emergency order. A stop work order or emergency order shall be final and not subject to a Director's review.

D. Review by Director

1. A Notice of Violation, Director's order, or invoice issued pursuant to this subtitle shall be final and not subject to further appeal unless an aggrieved party requests in writing a review by the Director within ten business days after service of the Notice of Violation, order or invoice. When the last day of the period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next business day.
2. Following receipt of a request for review, the Director shall notify the requesting party, any persons served the Notice of Violation, order or invoice, and any person who has requested notice of the review, that the request for review has been received by the Director. Additional information for consideration as part of the review shall be submitted to the Director no later than 15 business days after the written request for a review is mailed.
3. The Director will review the basis for issuance of the Notice of Violation, order, or invoice and all information received by the deadline for submission of additional information for consideration as part of the review. The Director may request clarification of information received and a site visit. After the review is completed, the Director may:
 - a. Sustain the Notice of Violation, order, or invoice;
 - b. Withdraw the Notice of Violation, order, or invoice;
 - c. Continue the review to a date certain for receipt of additional information; or
 - d. Modify or amend the Notice of Violation, order, or invoice.
4. The Director's decision shall become final and is not subject to further administrative appeal.

E. Referral to City Attorney for enforcement. If a responsible party fails to correct a violation or pay a penalty as required by a Notice of Violation, or fails to comply with a Director's order, the Director may refer the matter to the City Attorney's Office for civil or criminal enforcement action. Civil actions to enforce this subtitle shall be exclusively in Municipal Court.

F. Appeal to Superior Court. Because civil actions to enforce Title 22 are brought exclusively in Municipal Court, notices of violation, orders, and all other actions made under this subtitle are not subject to judicial review under chapter 36.70C RCW. Instead, final decisions of the Municipal Court on enforcement actions authorized by this subtitle

1 may be appealed under the Rules for Appeal of Decisions of Courts of Limited
2 Jurisdiction.

3 G. Filing of Notice or Order. A Notice of Violation, voluntary compliance agreement, or an
4 order issued by the Director or court may be filed with the King County Recorder's Office.

5 H. Change of ownership. When a Notice of Violation, voluntary compliance agreement, or
6 an order issued by the Director or court has been filed with the King County Recorder's
7 Office, a Notice of Violation or an order regarding the same violations need not be
8 served upon a new owner of the property where the violation occurred. If no Notice of
9 Violation or order is served upon the new owner, the Director may grant the new owner
10 the same number of days to comply as was given the previous owner. The compliance
11 period for the new owner shall begin on the date that the conveyance of title to the new
12 owner is completed.

13 (Ord. 124872 , § 47, 2015; Ord. 123105, § 4, 2009.)

14 **22.808.040 Voluntary compliance agreement**

15 A. Initiation. Either a responsible party or the Director may initiate negotiations for a
16 voluntary compliance agreement at any time. Neither has any obligation to enter into
17 any voluntary compliance agreement.

18 B. Contents. A voluntary compliance agreement shall identify actions to be taken by the
19 responsible party that will correct past or existing violations of this subtitle. The
20 agreement may also identify actions to mitigate the impacts of violations. The
21 agreement shall contain a schedule for completion of the corrective actions and any
22 mitigating actions. The agreement shall contain a provision allowing the Director to
23 inspect the premises to determine compliance with the agreement. The agreement shall
24 provide that the responsible party agrees the City may perform the actions set forth in
25 the agreement if the responsible party fails to do so according to the terms and schedule
26 of the agreement, and the responsible party will pay the costs, expenses and damages
27 the City incurs in performing the actions, as set forth in Section 22.808.060.

28 C. Effect of agreement

29 1. A voluntary compliance agreement is a binding contract between the party executing
30 it and the City. It is not enforceable by any other party. By entering into a voluntary
31 compliance agreement, a responsible party waives the right to Director's review of the
32 Notice of Violation or order.

33 2. Penalties may be reduced or waived if violations are corrected or mitigated according
34 to the terms and schedule of a voluntary compliance agreement. If the responsible
35 party fails to perform according to the terms and schedule of the voluntary
36 compliance agreement, penalties for each violation addressed in the agreement may
37 be assessed starting from the date the violation occurred, or as otherwise provided for
38 in a Notice of Violation or Director's order.

39 D. Modification. The terms and schedule of the voluntary compliance agreement may be
40 modified by mutual agreement of the responsible party and either Director if
41 circumstances or conditions outside the responsible party's control, or unknown at the
42 time the agreement was made, or other just cause necessitate such modifications.

(Ord. 124872 , § 48, 2015; Ord. 123105, § 4, 2009.)

22.808.050 Penalties and damages

- A. Assessment of penalties by the Director. The Director, after considering all available information, may assess a penalty for each violation of this subtitle based upon the Schedule of Civil Penalties in subsection 22.808.050.B.
- B. Schedule of Civil Penalties. The Director shall determine penalties as follows:
1. Basic Penalty
 - a. Maximum penalty. A violation of this subtitle is subject to a maximum civil penalty of up to \$5,000. Each day or portion thereof during which a violation of this subtitle exists is a separate violation of this subtitle.
 - b. Commencement date. The penalty shall commence on the date of the violation, unless otherwise provided for in a Notice of Violation or Director's order.
 - c. Assessment Matrix. The penalty shall be assessed using a matrix of criteria and scored as defined in rules promulgated by the Director. The total score will equate with a penalty up to a maximum of \$5,000 for each violation. The penalty shall be rated for severity by using the criteria listed below and by answering "No", "Possibly", "Probably", or "Definitely":
 - 1) Did the violation pose a public health risk?
 - 2) Did the violation result in environmental damage or adverse impacts to infrastructure?
 - 3) Was the action a willful and knowing violation?
 - 4) Was the responsible party unresponsive in correcting the violation?
 - 5) Was the violation a result of improper operation, inadequate maintenance or inadequate implementation of a required plan that addresses stormwater management (e.g. TESC plans, SWPPP, O&M Manual, DCP)?
 - 6) Did the responsible party fail to obtain and comply with relevant permits, certifications, and approvals that require or would have required the responsible party to manage stormwater in a manner that could have prevented or mitigated the Code violation?
 - 7) Did anyone benefit economically from non-compliance?
 - 8) Was the violation a repeat violation?
 - C. Penalty for significant violation. For violations causing significant harm to public health, safety, welfare, the environment, or private or public property, the Director may, as an alternative to the Basic Penalty, refer the matter to the City Attorney's Office for enforcement and request the City Attorney seek a penalty equivalent to the economic benefit the responsible party derived from the violation. Significant harm is damage or injury which cannot be fully corrected or mitigated by the responsible party, and which cannot be adequately compensated for by assessment of the Basic Penalty and costs, expenses, or damages under this subtitle. Economic benefit may be determined by savings in costs realized by the responsible party, value received by the responsible party, increased income to the responsible party, increase in market value of property, or any other method reasonable under the circumstances.

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- 1 D. Damages. Whoever violates any of the provisions of this subtitle shall, in addition to any
2 penalties provided for such violation, be liable for any: investigation cost, cost to
3 correct, or any other cost expense; loss or damage incurred by the City; plus a charge of
4 15 percent for administrative costs. This subtitle does not establish a cause of action
5 that may be asserted by any party other than the City. Penalties, damages, costs, and
6 expenses may be recovered only by the City.
- 7 E. Effect of payment of penalties. The responsible party named in a Notice of Violation or
8 order is not relieved of the duty to correct the violation by paying civil penalties.
9 (Ord. 124872 , § 49, 2015; Ord. 123105, § 4, 2009.)

10 **22.808.060 Collection of costs and penalties**

- 11 A. Invoice and demand for payment of investigation and correction costs. The Director may
12 issue an invoice and demand for payment of the City's costs and expenses when the
13 Director has investigated or corrected a violation of this subtitle. The invoice may
14 include:
- 15 1. The amount of the City's investigation and correction costs, which may include, but
16 are not limited to:
 - 17 a. Billed cost, including labor, administration, overhead, overtime, profit, taxes, and
18 other related costs, for a hired contractor to investigate and/or perform the
19 abatement work;
 - 20 b. Labor, administration, overhead, overtime, and other related costs for the City
21 staff and crews to investigate and/or perform the abatement work;
 - 22 c. Administrative costs to set up contracts and coordinate work;
 - 23 d. Time spent communicating with the responsible party, any other enforcing
24 agencies, and the affected community;
 - 25 e. Inspections for compliance with the Code, documentation of costs, and invoicing
26 the responsible party;
 - 27 f. Cost of equipment, materials, and supplies, including all related expenses for
28 purchasing, renting, and leasing;
 - 29 g. Laboratory costs and analytical expenses;
 - 30 h. Cost of mobilization, disposal of materials, and cleanup; and
 - 31 i. Any associated permit fees;
 - 32 2. Either a legal description of the property corresponding as nearly as possible to that
33 used for the property on the rolls of the King County Assessor or, where available, the
34 property's street address;
 - 35 3. Notice that the responsible party may request a Director's review pursuant to
36 subsection 22.808.030.D;
 - 37 4. Notice that if the amount due is not paid within 30 days, the unpaid amount may be
38 collected in any of the manners identified in subsection 22.808.060.C; and
 - 39 5. Notice that interest shall accrue on the unpaid balance if not paid within 30 days after
40 the invoice date.
- 41 B. Invoice and demand for payment of civil penalties. The Director may issue an invoice and
42 demand for payment of civil penalties when the responsible party has failed to pay a

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- 1 penalty by the deadline in a Notice of Violation or order and has failed to request a
2 Director's review or file an appeal within the required time periods established in
3 subsection 22.808.030.D. The invoice shall include:
- 4 1. The amount of the penalty;
 - 5 2. Either a legal description of the property corresponding as nearly as possible to that
6 used for the property on the rolls of the King County Assessor or, where available, the
7 property's street address;
 - 8 3. Notice that if the amount due is not paid within 30 days, the Director may collect the
9 unpaid amount in any lawful manner, including, but not limited to, referral of the
10 matter to a collection agency; and
 - 11 4. Notice that interest shall accrue on the unpaid balance if not paid within 30 days after
12 the invoice date.
- 13 C. Collection following a judicial review or issuance of a court order affirming the penalty
14 due. If a court has issued an order or judgment imposing penalties, costs, damages, or
15 expenses for a violation of this subtitle, and the court's order or judgment is not
16 appealed within 30 days, the Director may:
- 17 1. Refer the matter to the City Attorney to initiate any appropriate legal action in an
18 appropriate forum; or
 - 19 2. Add a surcharge in the amount owed under the order to the responsible party's bill for
20 drainage and wastewater services to the site. If unpaid, the surcharge may become a
21 lien on the property, may be foreclosed, and may accrue interest as provided by state
22 law or Section 21.33.110.
- 23 (Ord. 124872 , § 50, 2015; Ord. 123105, § 4, 2009.)

24 **22.808.070 Public nuisance**

- 25 A. Abatement required. A public nuisance affecting drainage water, drainage, erosion
26 control, grading and other public nuisances set forth in this Section 22.808.070 are
27 violations of this subtitle. A responsible party shall immediately abate a public nuisance
28 upon becoming aware of its existence.
- 29 B. Dysfunctional facility or practice. Any private drainage control facility or best
30 management practice not installed or maintained as required by this subtitle, or
31 otherwise found to be in a state of dysfunction creating, a threat to the public health,
32 safety or welfare, the environment, or public or private property is a public nuisance.
- 33 C. Obstruction of watercourse or public drainage system. Obstruction of a watercourse or
34 public drainage system without authorization by the Director, and obstruction in such a
35 manner as to increase the risk of flooding or erosion should a storm occur, is a public
36 nuisance.
- 37 D. Dangerous conditions. Any condition relating to grading, drainage water, drainage or
38 erosion which creates a present or imminent danger, or which is likely to create a danger
39 in the event of a storm, to the public health, safety or welfare, the environment, or
40 public or private property is a public nuisance.
- 41 E. Abatement by the City. The Director is authorized, but not required, to investigate a
42 condition that the Director suspects of being a public nuisance under this subtitle, and to

1 abate any public nuisance. If a public nuisance is an immediate threat to the public
2 health, safety, or welfare or to the environment, the Director may summarily and
3 without prior notice abate the condition. The Director shall give notice of the abatement
4 to the responsible party as soon as reasonably possible after the abatement.
5 F. Collection of abatement costs. The costs of abatement may be collected from the
6 responsible party, including a reasonable charge for attorney time and a 15 percent
7 surcharge for administrative expenses as set forth in subsection 22.808.050.D.
8 Abatement costs and other damages, expenses and penalties collected by the City shall
9 go into an abatement account for the department collecting the moneys. The money in
10 the abatement account shall be used for abatements, investigations, and corrections of
11 violations performed by the City. When the account is insufficient the Director may use
12 other available funds.
13 (Ord. 124872 , § 51, 2015; Ord. 123105, § 4, 2009.)

14 **22.808.080 Additional relief**

15 In addition to any remedy provided in this subtitle, the Director may seek any other legal or
16 equitable remedy to enjoin any acts or practice or abate any condition that constitutes or will
17 constitute a violation of this subtitle or a public nuisance.
18 (Ord. 124872 , § 52, 2015; Ord. 123105, § 4, 2009.)

19 **22.808.090 Suspension or revocation**

20 Approvals or permits granted on the basis of inaccurate or misleading information may be
21 suspended or revoked. Other permits or approvals interrelated with an approval suspended or
22 revoked under this subsection, including, but not limited to, certificates of occupancy or
23 approvals for occupancy, may also be suspended or revoked. When an approval or permit is
24 suspended or revoked, the Director may require the applicant take corrective action to bring
25 the project into compliance with this subtitle by a deadline set by the Director, or may take
26 other enforcement action.
27 (Ord. 124872 , § 53, 2015; Ord. 123105, § 4, 2009.)

28 **22.808.100 Fees**

29 Fees for drainage control plan review and approvals shall be as identified in Subtitle IX of
30 Title 22. Fees for record-keeping or other activities pursuant to this subtitle shall, unless
31 otherwise provided for in this subtitle, be prescribed by ordinance.
32 (Ord. 124872 , § 54, 2015; Ord. 123105, § 4, 2009.)

33 **22.808.110 Financial assurance and covenants**

34 As a condition precedent to issuance of any permit or approval provided for in this subtitle,
35 the Director may require an applicant for a permit or approval to submit financial assurances
36 as provided in this subsection.

1 A. Insurance

- 2 1. The Director may require the property owners or contractor to carry liability and
3 property damage insurance naming the City as an additional insured. The amount,
4 as determined by the Director, shall be commensurate with the risks.
- 5 2. The Director may also require the property owner to maintain a policy of general
6 public liability insurance against personal injury, death, property damage and/or
7 loss from activities conducted pursuant to the permit or approval, or conditions
8 caused by such activities, and naming the City as an additional insured. The
9 amount, as determined by the Director, shall be commensurate with the risks. It
10 shall cover a period of not more than ten years from the date of issuance of a
11 certificate of occupancy or finalization of the permit or approval. A certificate
12 evidencing such insurance shall be filed with the Director before issuing a
13 certificate of occupancy or finalizing a permit for any single-family dwelling or
14 duplex.
- 15 3. The insurance policy shall provide that the City will be notified of cancellation of
16 the policy at least 30 days prior to cancellation. The notice shall be sent to the
17 Director who required the insurance and shall state the insured's name and the
18 property address. If a property owner's insurance is canceled and not replaced, the
19 permit or approval and any interrelated permit or approval may be revoked,
20 including a certificate of occupancy or approval for occupancy.

21 B. Bonds, cash deposits or instruments of credit

22 1. Surety bond

- 23 a. The Director may require that the property owners or contractor deliver to the
24 Director for filing in the Office of the City Clerk a surety bond, cash deposit or
25 an instrument of credit in such form and amounts deemed by the Director to be
26 necessary to ensure that requirements of the permit or approval are met. A
27 surety bond may be furnished only by a surety company licensed to do business
28 in The State of Washington. The bond shall be conditioned that the work will
29 be completed in accordance with the conditions of the permit or approval, or,
30 if the work is not completed, that the site will be left in a safe condition. The
31 bond shall also be conditioned that the site and nearby, adjacent or
32 surrounding areas will be restored if damaged or made unsafe by activities
33 conducted pursuant to the permit or approval.
- 34 b. The bond will be exonerated one year after a determination by the Director
35 that the requirements of the permit or approval have been met. For work
36 under a building permit, issuance of a certificate of occupancy or approval for
37 occupancy following a final inspection shall be considered to be such a
38 determination.
- 39 2. Assurance in lieu of surety bond. In lieu of a surety bond, the owners may elect to
40 file a cash deposit or instrument of credit with the Director in an amount equal to
41 that which would be required in the surety bond and in a form approved by the
42 Director. The cash deposit or instrument of credit shall comply with the same
43 conditions as required for surety bonds.

44 C. Covenants

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- 1 1. The Director may require a covenant between the property owners and the City.
2 The covenant shall be signed by the owners of the site and notarized prior to
3 issuing any permit or approval in a potential landslide area, potentially hazardous
4 location, flood-prone zone, or other area of potentially hazardous soils or drainage
5 or erosion conditions. The covenant shall not be required where the permit or
6 approval is for work done by the City. The covenant shall include:
7 a. A legal description of the property;
8 b. A description of the property condition making this subsection applicable;
9 c. A statement that the owners of the property understand and accept the
10 responsibility for the risks associated with development on the property given
11 the described condition, and agrees to inform future purchasers and other
12 successors and assignees of the risks;
13 d. The application date, type, and number of the permit or approval for which the
14 covenant is required; and
15 e. A statement waiving the right of the owners, the owners' heirs, successors and
16 assigns, to assert any claim against the City by reason of or arising out of
17 issuance of the permit or approval by the City for the development on the
18 property, except only for such losses that may directly result from the sole
19 negligence of the City.
20 2. The covenant shall be filed by the Director with the King County Recorder's Office,
21 at the expense of the owners, so as to become part of the King County real
22 property records.
23 (Ord. 124872 , § 55, 2015; Ord. 123105, § 4, 2009.)
24