

WATER AND SEWER SYSTEMS

Title 13
WATER AND SEWER SYSTEMS¹

Exhibit A
Ordinance No. 88
Title 13
King County Code

Chapters:

- 13.04 Side Sewer Work and Connections
- 13.08 Design, Installation and Repair of Disposal Systems
- 13.12 Sewerage Cleaning and Removal
- 13.16 Federal Funding of Sewerage Disposal Systems
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CROSS REFERENCE:

For provisions requiring purchasers of real property to install a private sewer system when none is provided, and for provisions regarding required percolation tests for vendors of real property, see Chapter 8.60 of this code. For provisions requiring nondelinquent property tax certification for septic tank permits, see Ch. 4.68 of this code.

¹. [For statutory provisions relating to county sewerage, water and drainage systems, see RCW 36.94.]

Chapter 13.04
SIDE SEWER WORK AND CONNECTIONS

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13.04.010 Definitions. A. Certain words and phrases in this chapter, unless otherwise clearly indicated by their context, mean as follows:

1. "Director of public works; director of public health" means the director of the King County Department of Public Works; the director of the King County Department of Public Health or their authorized assistants or inspectors.

2. "Industrial waste" means any liquid, solid or gaseous substances, or combination thereof, resulting from any process of industry, manufacturing, commercial food processing, business, trade or research, including the development, recovery or processing of natural resources.

3. "Person" means any individual, firm, association, copartnership, corporation, governmental agency or political subdivision, whether acting by themselves or as a servant, agent or employee.

4. "Public sewer" means any sewer or appurtenant facility other than a side sewer, either owned or operated by or within the jurisdiction of King County.

5. "Sewage" means water-carried waste discharged from the sanitary facilities of buildings occupied or used by people.

6. "Slide sewer" means any sewer line used or installed by any person to conduct waste from any property to a public sanitary sewer.

7. "Residence" means a building designed and/or used to house a single family. The definition of residence shall include trailers on an individual lot and condominium units.

8. "Commercial" means premises used for or housing commercial or industrial concerns. For the purposes of this chapter, multifamily dwellings of two or more units, condominiums and mobile home courts shall be included in this definition.

9. "County sewerage systems" means any sewerage system consisting of sewerage facilities owned and/or operated by the county.

10. "Residential customer equivalent (RCE)" means each nine hundred cubic feet of water used or metered sewage flow shall be considered as one residential customer equivalent.

B. DEFINITION OF ADDITIONAL TERMS. Words, terms or expressions peculiar to the art or science of sewerage not herein defined shall have the respective meanings given in Glossary, Water and Sewage Control Engineering, published in 1949, prepared by a Joint Committee representing American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Federation of Sewage Works Association. (The last association is now known as Water Pollution Control Federation). (Ord. 5221 § 2, 1980: Ord. 5083 § 1, 1980: Ord. 4608 § 3, 1979: Ord. 1322 § 2, 1972).

13.04.020 Connection with public sewer required. The owner or occupant of lands or premises shall connect the sewage waste pipes located thereon with the nearest accessible public sewer whenever, in the case of platted lands, there is a public sewer within one block thereof or, in the case of unplatted lands, within one hundred fifty feet thereof. The director of public works shall prescribe the manner in which such connection shall be made. When in the opinion of the director of public works or the director of public health a sewer connection is unreasonable or impossible, another method of sewage disposal may be specified.

The director of public health is authorized and empowered, and it shall be his duty to prohibit the use of any privy, well, septic tank or vault upon any premises whenever the use and maintenance thereof is detrimental or dangerous to public health and safety, to order any such privy, well, septic tank or vault to be disinfected and filled with fresh earth, and to order the plumbing installed in any structure or building located thereon to be connected with a public sewer system. (Ord. 1322 § 3, 1972).

13.04.030 County may connect and assess cost. Whenever the public health or public safety requires that any building or premises be connected with the public sewer in the manner provided in Section 13.04.020, the director of public health shall serve upon the owner, agent or occupant of said premises a notice in writing, specifying the time within which such connection must be made, which shall not be more than sixty days from the date of service of such notice. If such owner, agent or occupant fails, neglects or refuses to connect said building or premises with the public sewer within the time specified in such notice, King County may make such connection, and the cost of the connection shall be assessed against the property so connected, and the amount thereof shall become a lien upon the premises so connected. (Ord. 2910 § 14, 1976: Ord. 1322 § 4, 1972).

13.04.040 Opening public sewer. It is unlawful for any person to make any opening in any public sewer or to connect any private sewer or side sewer therewith, or to lay, repair, alter or connect any private sewer or side sewer in a public road, street, avenue, alley or other public place without complying with the provisions of this chapter. (Ord. 1322 § 5, 1972).

13.04.050 Side sewers in public road - bond required. It is unlawful for any person to make any opening in any public sewer situated in a public road or to excavate for the purpose of sewer installation in any public road, street, avenue, alley or other public place unless such person has first obtained and filed with the director of public works a surety bond in the sum of two thousand dollars. (Ord. 1322 § 6, 1972).

13.04.060 Restoration of public roads. Where, in order to make a connection to a public sewer, it is necessary to excavate in any public road, street, avenue, alley or other public place, such excavation shall be restored promptly and expeditiously following inspection and approval of the new line. The requirements for such excavation and restoration shall be as follows:

A. BITUMINOUS OR ASPHALTIC CONCRETE SURFACES.

1. Surfacing shall be cut completely through before removal. Surfacing shall be cut a minimum of one foot wider than the subbase trench excavation. Edges of the existing surfacing shall be trimmed to a neat line. Where excavations are made for the full width of the surfaced roadway, existing surfacing shall be cut a sufficient width to permit the use of an eight-ton roller for compaction of the new asphalt concrete surfacing.

2. Backfilling shall be with select material. Native material may be used for backfill only when specifically authorized by the director of public works.

3. Backfill material shall be installed in six-inch lifts, and each lift shall be mechanically tamped and compacted to ninety-five percent of maximum density as measured by the modified AASHTO method.

4. The top six-inch lift of backfill material shall be three-fourths inch crushed surfacing.

5. All asphaltic concrete or bituminous surfaces shall be restored by the application of one course of two inches of compacted Class B asphaltic concrete produced by an asphalt plant approved by the director of public works.

Applicable items of Section 32 of the Washington State Department of Highways Standard Specifications shall apply. Asphalt paint shall be applied to the joints of existing surfacing prior to application of new surface material. Where excavations are made the full width of the surfaced roadway, a minimum eight-ton roller shall be used for compaction of the new asphalt surfacing. If final restoration of surfacing is delayed for weather or other reasons, a temporary repair shall be made by the installation of cold-mix asphalt.

B. CONCRETE PAVING AND CONCRETE BASE WITH ASPHALT SURFACING. The tunnel method or the cut-and-tunnel method shall be used in preference to the open-cut method of excavation in concrete or concrete base pavement. Where cutting is necessary, the following shall be required:

1. Line drilling with rotary drills shall be required along the trench or cut outline. Six-inch spacing center-to-center shall be required for drill holes in pavement nine inches or less in depth. Drill holes shall be perpendicular to the surface. Drill holes parallel to a longitudinal joint will not be required if the panel removed extends to the joint itself.

2. Backfilling shall be with select material. Native material shall be used for backfill only when specifically authorized by the director of public works.

3. Backfill material shall be installed in six-inch lifts, and each lift shall be mechanically tamped and compacted to ninety-five percent of maximum density as measured by the modified AASHTO method.

4. The top four-inch lift of backfill material shall be five-eighths inch, minus crushed surfacing.

5. Concrete surfacing or concrete base shall be Class A cement concrete pavement. Applicable items of Section 33 of the Washington State Department of Highways Standard Specifications shall apply.

6. Asphaltic concrete surfacing shall be Class A asphaltic concrete.

7. If final restoration of surfacing is delayed for weather or other reasons, a temporary repair shall be made by the installation of cold-mix asphalt.

C. UNSURFACED RIGHT-OF-WAY AREAS. Trench backfill through right-of-way areas other than surfaced areas shall be native material except where native material shall be deemed unsuitable by the director of public works. Backfill through unsurfaced right-of-way areas shall be compacted to ninety percent of maximum theoretical density. (Ord. 1322 § 7, 1972).

13.04.070 Traffic control at sewer excavations. On arterials or other streets or roads designated by the director of public works, all traffic lanes must be open for rush hours. The use of uniformed flagmen may be required. Generally, construction on such arterials, streets and roads will be restricted to the hours between nine-thirty a.m. and three p.m.

On residential streets, roads, avenues, alleys or other public areas where sewer excavations are made perpendicular to traffic flow, one-half of the street, road, or alley shall be kept open for moving traffic at all times.

All work shall be carried on with due regard for the safety and convenience of the public. Open trenches shall be provided with barricades that can be seen at a reasonable distance, and at night shall be adequately lighted. Lighted signs for detours and construction in progress shall be provided. Traffic control devices shall be in accordance with Manual on Uniform Traffic Control Devices - Part V, Traffic Controls for Highway Construction and Maintenance Operations, published by the U. S. Department of Commerce, Bureau of Public Roads, 1961. Safety instructions from the director of public works shall be strictly observed but following of such instructions shall in no way relieve the person doing construction of his responsibility or liability. (Ord. 1322 § 8, 1972).

13.04.080 Opening public sewer - Permit required. It is unlawful for any person to make an opening in any public sewer, or to connect any private sewer or side sewer therewith, or to lay, repair, alter or construct any sewer to be connected to a public sewer unless such person has first obtained a side sewer permit from the director of public works. (Ord. 1322 § 9, 1972).

13.04.090 Side sewer permit - How obtained. In order to obtain the permit provided for in Section 13.04.080, the owner, occupant or the side sewer contractor employed to do the work shall file an application with the director of public works stating the name of the owner or occupant of the premises to be connected, giving lot, block, and addition or other legal description, the number of buildings on said premises, and the purpose for which they are, or are to be used, together with plans drawn to a satisfactory scale, and

specifications showing the whole course of the line from the public sewer or other outlet, to its connections with the plumbing or drain from the building or premises and all branches to be connected. The plans and specifications shall be submitted to the director of public works for approval, and he may change or modify the same and designate the manner in which such connecting sewers shall be connected to the building plumbing, the place where such connections with the public sewer shall be made, and specify the material, size, and grade of such connecting sewer, and shall endorse his approval on such plans and specifications as originally prepared or as modified and changed.

Upon approval of said plans and specifications, and upon payment of all required fees and charges and upon approval of a surety bond, if required, the director of public works shall issue a permit to perform the work.

The director of public works shall have the right, and is authorized, to refuse to issue a permit to any person, or side sewer contractor, where a reasonable doubt exists that such person, or side sewer contractor, may refuse to, or be unable to comply with the provisions of this chapter. If, in the judgment of the director of public works, the reputation or past performance of any person indicates a lack of ability to install a side sewer in accordance with the accepted standards of the trade, and the provisions of this chapter, a side sewer permit shall be denied that person. (Ord. 1322 § 10, 1972).

13.04.100 Fees for permits. A. The fee for a permit issued as herein provided shall be sixty dollars. Permit fee shall include the cost of the required inspection. Work shall be completed under the terms of the permit within a period of sixty calendar days. In the event that work is not completed within sixty calendar days, a new permit must be obtained and an additional fee of sixty dollars paid.

B. Low Income Elderly Discount. The county service charge for residents of county-operated sewer systems who satisfy the criteria set forth in this section may receive a low income elderly discount of \$2.20 applied to the county service charge portion of the base sewer rate.

C. The criteria shall be that:

1. The head of household or spouse is sixty-two years of age or older;
2. The gross household income may not exceed \$10,764 for a one-person household or \$14,076 for a two-person household;
3. Water service to the dwelling is separately metered. (Ord. 7018 § 2, 1984: Ord. 6245 § 1, 1982: Ord. 5784 § 1, 1981: Ord. 5221 § 5, 1980: Ord. 4608 § 7, 1979: Ord. 1322 § 11, 1972).

13.04.110 Charges for service. All property to which county-operated sewer service is available shall pay the service charges set forth in the following schedule:

A. The base sewer rate shall be:

Metro treatment and disposal charge/RCE	\$7.80
County service charge/RCE	<u>6.60</u>
Base sewer rate/RCE	\$14.40

B. The base sewer rate shall be the minimum monthly charge per connection for the first RCE or any portion thereof.

C. Charges for water used or effluent metered beyond the initial nine hundred cubic feet shall be proportional to the quantity used or metered.

D. Costs not included in the county portion of base sewer rate and which

are specific to a particular county-operated sewerage system shall be as set forth below:

Trend ULID No. 1: The monthly service for connections to the Trend ULID sewerage system shall include the following amounts:

Bond maintenance and redemption	\$1.75/RCE
Kirkland wheeling charge	0.40/RCE

Metro: In addition to the Metro treatment and disposal charge reflected in the base sewer rate, the county shall bill each customer any additional amount which the county is billed by Metro for that customer.

E. Commercial customers served by a county-operated sewer system, who can demonstrate to the satisfaction of the director of public works that a portion of the customer's water usage does not enter the sanitary sewer system may receive a reduction in the service charge. (Ord 7018 § 3, 1984: Ord. 6600 § 1, 2, 1983: Ord. 6245 § 2, 1982: Ord. 5784 § 2, 1981: Ord. 5221 § 3, 1980: Ord. 4608 § 4, 1979).

13.04.120 Collection of charges. A. Richmond Beach Sewer and Drainage District No. 3 and Skyway Sewer and Drainage District No. 4. The maintenance assessment for the Richmond Beach and Skyway service areas shall be billed annually and may be paid in two installments as set forth in RCW 85.08.480.

B. All other county-operated sewer systems. All other county-operated sewer systems shall be charged in accordance with the provisions of RCW 36.94.140. The service charge for connections to the county-operated sewer systems may be billed bimonthly with charges due and payable to the county within thirty days of the billing date. A late payment penalty of ten percent of the amount due will be imposed if payment is not received within fifty days of the billing day. (Ord. 4608 § 5, 1979).

13.04.130 Lien for delinquent charges. King County shall have a lien for delinquent service charges together with interest at eight percent per year from the date due until paid.

A lien may be filed against the property if payment is not received within ninety days of the due date. The lien shall be for all charges, interest, and penalties and shall be attached to the premises to which the services were furnished. The lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments of the county.

Upon the expiration of sixty days after the attachment of the lien, the county may bring suit in foreclosure by civil action in the Superior Court of King County. In addition to the costs and disbursements provided by statute, the court may allow the county a reasonable attorney's fee. The lien shall be foreclosed in the same manner as foreclosure of real property tax liens. (Ord. 4608 § 6, 1979).

13.04.140 Sewer connection charges. A sewer connection charge shall be paid to the county before any structure not previously served by a county sewer system is connected to the system.

The connection charge shall be computed according to the following schedule:

A. The connection charge for any structure not previously served by a county-operated sewer system, or for additional water meter connections to property previously served, shall be based upon the size of the water meter serving the property. The connection charge shall be:

1/2 or 3/4 inch water meter	\$ 165
1 inch water meter	185
1-1/2 inch water meter	220

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2 inch water meter	260
3 inch water meter	375
4 inch water meter	535
6 inch or larger water meter	1,000

In cases where the water meter size is increased, an additional charge for the differential between the smaller and larger meter sizes shall be made.

B. The additional connection charge for property located outside the assessment boundaries of a county-operated sewer system and not previously served by the system, may vary according to the capital costs required to provide sewer service to the sewer system and shall be as set forth below:

Sewer 7 Drainage Districts No. 3 and Sub. 1. The additional connection charge shall be \$.027 per square foot plus \$5.3301 per front foot of property served.

Sewer and Drainage District No. 4. The additional connection charge shall be \$.02 per square foot of property served.

Trend ULID No. 1. The additional connection charge shall be \$.02 per square foot of property served plus \$1,375 per lot; except that if the service is provided by a developer extension the \$1,375 per lot charge will not be imposed.

Duwamish ULID No. 2. The additional connection charge shall be computed in the same manner as the final assessments for property assessed within the ULID boundaries. (Ord. 5221 § 4, 1980: Ord. 5083 § 2, 1980: Ord. 4608 § 8, 1979).

13.04.150 Inspection of side sewers. It is unlawful for any person to cover or back-fill any side sewer, private sewer or lateral without having called for and received an inspection and approval by the director of public works. The director of public works or his authorized inspectors shall be given twenty-four hours notice when such construction is ready for inspection. The director of public works shall inspect and make such tests deemed necessary to ensure that the new work meets all requirements of the plans, specifications and permit and is in strict accordance with all applicable provisions of this chapter in respect to materials and workmanship.

The director of public works may require side sewers to be tested by means of water or air. Such tests, where required, shall be at the expense of the person installing the side sewer. (Ord. 1322 § 12, 1972).

13.04.160 Work without permit to be stopped. It shall be the duty of the director of public health or the director of public works in case they find any person engaged in the work of breaking ground for the purpose of making connection with a public sewer, to ascertain if such person has a permit from the director of public works to make such sewer connection, and in the event that such person has no permit for making such connection it shall be the duty of the director of public works to notify the offending person to stop work immediately. (Ord. 1322 § 13, 1972).

13.04.170 Permit fee when sewer district has agreement with county. In all sewer districts having agreements and bonds posted with King County guaranteeing restoration of roads after construction of sewer system the fee of two dollars for digging in the street for a sewer connection shall be waived on all permits issued until the street has been satisfactorily restored and accepted by King County, except if in the opinion of the county road engineer the contractor or sewer district are unnecessarily delaying

restoration of any street they shall be notified by the county that all connections in said street from then on shall be subject to the two dollar fee. (Res. 12873 (part), 1951).

13.04.180 Side sewers - Requirements, materials and workmanship. A. All side sewers installed shall conform to the following minimum requirements:

1. Minimum grade: Two percent;
2. Minimum size: Four inches;
3. Minimum cover at edge of surfaced area of road, street, avenue, alley or other public way: Four feet;
4. Minimum cover at property line: One foot, six inches;
5. Minimum cover inside property line: One foot.

B. Side sewers shall be constructed of any of the following materials, or other equivalent materials when approved by the director of public works;

1. Concrete sewer pipe, ASTM C-14, with rubber gasket joints;
2. Vitrified clay pipe, non-glazed, ASTM C200-55T, with "Speed Seal" or equal joints;
3. Cement-asbestos pipe, ASTM C296 or C428 with standard gasket joints;
4. Soil pipe, ASTM A21.6 or A21.8 with mechanical joints or roll-on type rubber joints;
5. Cast iron pipe, ASTM A21.6 or A21.8 with mechanical joints or roll-on type rubber joints.

C. Cast iron pipe or soil pipe shall be used where a side sewer is constructed within ten feet of a potable water pipe. Special pipe bedding consisting of gravel or concrete may be required, where, in the judgment of the director of public works, unsuitable ground conditions exist.

D. The connection of the side sewer into the public sewer shall be made at a wye or tee if such is available at a suitable location. If no properly located wye or tee is available, a neat hole shall be cut into the public sewer to receive the side sewer. The spigot end shall be cut so as to not extend past the inner surface of the public sewer. Entry to the public sewer shall be made at an angle of not less than forty-five degrees. A smooth, neat joint shall be made and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection when approved by the director of public works.

E. All side sewer pipes shall be laid in a straight line between bends. All changes in grade or line shall be made with a one-eighth bend or a wye.

F. Whenever a situation exists involving an unusual danger of backups from the public sewer, the director of public works may prescribe a minimum elevation at which the side sewer may be discharged to the public sewer. (Ord. 1322 § 14, 1972).

13.04.190 Use of the public sewers. It is unlawful for any person to discharge or cause to be discharged any of the following into any public sewer or into any side sewer discharging into any public sewer: Subsoil, foundation, footing, window-well, door-well, yard, or unroofed basement floor drains; unpolluted industrial process water; roof-drains or downspouts from areas exposed to rainfall or other precipitation; surface or underground water from any source.

The director of public works is authorized and empowered and it shall be his duty to prohibit the discharge of storm water, rainwater, roof runoff, cooling water or unpolluted industrial process waters or wastes directly or indirectly into any public sewer, and to prohibit the discharge of:

- A. Any liquid or vapor having a temperature higher than one hundred fifty

degrees Fahrenheit:

B. Any water or waste which may contain more than one hundred parts per million, by weight, of fat, oil, or grease;

C. Any gasoline, benzine, naphtha, fuel oil, or other flammable liquid, solid or gas;

D. Any garbage that is not properly shredded garbage;

E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system;

F. Any waters or wastes having a pH lower than five point five or higher than nine point zero or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewer system;

G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant;

H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;

I. Any noxious or malodorous gas or substance capable of creating a public nuisance.

When, in the judgment of the director of public works, the use of grease, oil and sand traps is required and necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, such traps shall be installed by the owner or occupant of any property or premises before such property or premises is connected to the public sewers. Where installed, all grease, oil and sand traps shall be maintained by the owner or occupant, at his expense, in continuously efficient operation at all times.

It is unlawful to admit into the public sewers any waters or wastes having: A. A five-day biochemical oxygen demand greater than three hundred parts per million by weight; or B. Containing more than three hundred fifty parts per million by weight of suspended solids. Where necessary, in the opinion of the director of public works, the owner or occupant of property or premises producing waste of such objectionable characteristics shall, at his own expense, provide such preliminary treatment as is required to bring the waste into conformity with the requirements of this chapter.

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

All waste discharged to the public sewers shall be in conformity with the current requirements of the municipality of metropolitan Seattle. (Ord. 1322 § 15, 1972).

13.04.200 Protection from damage. It is unlawful for any person to maliciously, wilfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the public sewer system. (Ord. 1322 § 16, 1972).

13.04.210 Powers and authority of inspectors. The director of public works and the director of public health, their inspectors and other authorized employees, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing and making connection of sanitary facilities

of any structure or premises to the public sewer in accordance with the provisions of this chapter. (Ord. 1322 § 17, 1972).

13.04.220 - Repair of broken or obstructed side sewers. When any house connection or side sewer is constructed, laid, connected or repaired and does not comply with the provisions of this chapter or where it is determined by the director of public health or the director of public works that a house connection or side sewer is obstructed, broken or inadequate and is a menace to health or is liable to cause damage to public or private property, the director of public health or the director of public works shall give notice to the owner, agent, or occupant of the property at which such condition exists and if such owner, agent, or occupant fails to repair the same after ten days when notified to do so by the director of public health or director of public works, King County may perform such work as may be necessary to comply with this chapter. The reasonable cost of such work as done by King County shall be collected from the person responsible for such condition, or the amount thereof shall become a lien upon the said property and the prosecuting attorney is authorized, empowered and directed to collect such cost either by the foreclosure of said lien or by a suit against the owner or occupant of such property, or other person responsible for such condition, the suit shall be maintained in the name of King County, as plaintiff, in any court of competent jurisdiction. Such action shall be commenced within eight months. (Ord. 1322 § 18, 1972).

13.04.230 Planting of certain trees and shrubbery prohibited - Removal of obstructions in sewers. It is unlawful to plant willow, poplar, cottonwood, soft maples, or gum, or any other tree or any shrub whose roots are likely to obstruct public or private sewers within thirty feet of any public sewer. The director of public works is authorized to remove any trees or shrubs from any public street, or the roots of any trees or shrubs which extend from any public street, when said roots or trees thereof are obstructing, or when he shall determine that they are liable to obstruct public or private sewers; provided, however, that he shall give ten days' notice in writing to the owner or occupant of the abutting property to remove the same. If such owner or occupant fails or refuses to do so, the reasonable cost of such removal when done by King County, shall be a lien upon the abutting property from which such trees or shrubs are removed. The prosecuting attorney is authorized, empowered and directed to collect such charge by suit maintained in the name of King County as plaintiff, in any court of competent jurisdiction. Such action shall be commenced within eight months. (Ord. 1322 § 19, 1972).

13.04.240 Pumps and pressure lines. In the event that buildings, structures, or premises are situated at an elevation which does not allow for the proper gravity flow of sewage to the public sewer, such sewage may be lifted by artificial means and discharged into the public sewer. Pumps and pressure lines shall remain the private property of the owner or occupant and he shall be responsible for their operation and maintenance. (Ord. 1322 § 20, 1972).

13.04.250 Developer extensions of the public sewer. Private developers, owners, or occupants of property not serviced by public sewers may be authorized by the county executive to construct extensions to public sewers. Such extensions shall be designed by a licensed professional engineer experienced in the design of public sewers. Contracts for extensions of the

public sewer shall provide: that the property to be served shall be annexed to the area of the sewer district; that the developer shall pay all costs and fees related thereto including, but not restricted to, engineering, inspection, construction, permits, fees, legal costs; that upon completion of all work and restoration and the payment of all fees and costs thereto, and upon acceptance of the work by the director of public works, a bill of sale and all easements required shall be furnished the sewerage and drainage district. A performance bond, written by a surety authorized to do business in the State of Washington, shall be provided prior to beginning of the construction work. This performance bond, written for the dollar amount of the construction contract, shall guarantee the work for a period of one year after acceptance by the director of public works.

The director of department of public works may contract with developers of such extensions to collect a latecomer's fee for the reimbursement of such owners and their assigns, for a period not to exceed fifteen years, by any owner of real estate who did not contribute to the original cost of such sewer facilities and who subsequently tap onto or use the same, of a fair pro rata share of the cost of the construction of said sewer facilities, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto. Said contract will be recorded with the county office of records.

The department of public works may, by agreement with the developer, retain twenty percent of said latecomer fees for administrative costs.

Before construction work may commence on extensions of the public sewer, the plans and specifications of the proposed work shall be reviewed by the Washington State Department of Ecology and the Washington State Department of Social and Health Services and formal approval of said plans and specifications shall be received by the director of public works from both state agencies, in accordance with the provisions of RCW 90.48.110, 43.21A.060 and 56.020.060. Plans and specifications on proposed extensions to the public sewers shall be submitted to the municipality of metropolitan Seattle for its review and approval. (Ord. 7016 § 2, 1984: Ord. 1322 § 21, 1972).

13.04.260 Rules and regulations. The director of public works or director of public health may make and issue such additional rules and regulations as may be expedient and necessary to carry out the provisions of this chapter. (Ord. 1322 § 22, 1972).

13.04.270 Collection of costs. Whenever any sum of money is to be charged as a lien against a particular property upon which work is to be done by King County under the terms and provisions of this chapter, the manner and method of collecting said amounts shall be substantially as follows:

SIDE SEWER WORK AND CONNECTIONS

13.04.270

The owner or agent of the property shall be given a notice in writing by King County. Said owner or agent is required to do the particular work at the expense of the property owner. The notice shall be in substantially the following form:

"To Owner, and
..... Agent, of that
certain property described as:

.....:
You are hereby notified to perform the following work upon the above
described property within ten (10) days of the date of the service of
this notice upon you, viz:

.....
And you are further notified that if you do not perform said work with
-in said period of ten (10) days, then King County will perform the
same and charge the amount of said work against said property, and
will proceed to collect the same according to law.

KING COUNTY

By"

A copy of this notice shall be posted upon the property affected and a
further copy shall be mailed to the agent or owner at his last known address.
In case the agent or owner fails to perform said work within ten days after
said notice has been mailed and posted, then the work shall be done by King
County. As soon as practicable after said work is performed, the owner or

agent shall be notified in the same manner as provided above, that the work has been done by King County and the amount of the charge for doing said work. The owner or agent shall be required to pay to the comptroller of King County said amount within thirty days after the date of the posting and mailing of said notice to him.

The form of notice just provided for shall be substantially as follows:

"TO Owner, and
 Agent, of
:
 You are hereby notified that pursuant to a former notice given you upon the day, of, 19, that King County has performed the work required to be done pursuant to the said former notice, and that the cost and expense of doing said work is the sum of dollars. You are further notified that unless you pay said amount to the Comptroller or file objections against said amount with the director of public works within thirty days of the date of service of this notice upon you, that the same shall be a lien against the above described real property and will be collected by King County according to law.

KING COUNTY

By"

A person may appeal within thirty days charges resulting from the department of public works' actions, as described in Sections 13.04.180 and 13.04.190, by filing written objections on forms provided by the director of public works. The director of public works shall transmit a copy of the completed form and other papers received in connection with the appeal to the King County board of appeals. The board of appeals shall within sixty days of the initial filing with the director of public works, set a hearing date on the appeal. The board of appeals shall adopt such procedures and regulations that may be necessary for conducting a hearing and rendering a decision.

After said hearing, or after the expiration of the thirty-day period provided for filing objection, the amount thereof shall become a lien against the property upon which said work was performed, and the prosecuting attorney is authorized to proceed to collect said amount in any lawful manner. (Ord. 1322 § 23, 1972).

13.04.280 **Constitutionality.** If any provisions of this chapter shall be construed by any court to be unconstitutional, such invalidity shall not affect the other provisions of this chapter. (Ord. 1322 § 24, 1972).

13.04.290 **Enforcement.** The director of the Seattle-King County department of public health is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23. (Ord. 2910 § 2 (part), 1976: Ord. 1322 (part), 1972).

Chapter 13.08
 DESIGN, INSTALLATION AND REPAIR OF
 DISPOSAL SYSTEMS¹

CROSS REFERENCE

¹. [For provisions regarding the department of public health board of review, see Ch. 2.32 of this code.]

Sections:

- 13.08.010 Definitions.
- 13.08.020 Chapter not retroactive.
- 13.08.030 Designer's certificate.
- 13.08.040 Installer's certificate.
- 13.08.050 Permits.
- 13.08.055 Mobile home and recreational vehicle park inspection fee.
- 13.08.060 Where private sewage disposal systems required.
- 13.08.070 Location of systems.
- 13.08.080 Design of systems.
- 13.08.090 Installation and alteration.
- 13.08.100 Inspection.
- 13.08.110 Approval or disapproval of system - Notice.
- 13.08.120 Maintenance of system.
- 13.08.130 Sewage disposal technical advisory committee.
- 13.08.140 Enforcement.
- 13.08.150 Severability.

13.08.010 Definitions. Certain words and phrases in this chapter, unless otherwise clearly indicated by their context, mean as follows:

- A. "Approved" means approved in writing by the director of public health.
- B. "Director of public health" means the director of the Seattle-King County department of public health or his authorized representative.
- C. "Sanitary drainage system" means the piping which conveys sewage from plumbing fixtures to a public sewer or private sewage disposal system.
- D. "Sewage" means any liquid or liquid-borne waste from the ordinary living processes, or liquid or liquid-borne waste which contains animal or vegetable matter in suspension or solution, or liquid or liquid-borne waste which may contain chemical in solution, and which may be lawfully discharged into a public sanitary sewer.
- E. "Sewage disposal system" means sanitary drainage systems, septic tanks, leaching pits, surface and subsurface leaching filter beds, and appurtenances; or other approved facilities for the disposal of sewage by means other than through a public sewer.
- F. "Repair" means the replacement, addition, or alteration of a septic tank, distribution box, tight line, or other appurtenances to an existing individual sewage disposal system, and including any replacement, addition, or alteration to a subsurface disposal field where at least a portion of the original subsurface disposal field is used. In those instances where no portion of the existing drainfield or septic system is to be used, it will be considered the same as a new system and will require a design.
- G. "Resident owner or intended resident owner" means a person who constructs not more than one residence in any one year for his own occupancy. (Ord. 1385 § 1, 1972: Ord. 1139 § 1, 1972: Ord. 931 § 1, 1971).

13.08.020 Chapter not retroactive. This chapter shall not apply to any work on a sewage disposal system for which a permit had been issued by the director of public health, and which permit was valid and existing at the time of adoption of the ordinance codified herein, but any such work shall be subject to applicable resolutions existing at the time such permit was issued. (Ord. 1139 § 3, 1972: Ord. 931 § 3, 1971).

13.08.030 Designer's certificate. A. It is unlawful to engage in business as a sewage disposal system designer without a currently valid sewage

disposal system designer's certificate of competency, as provided for in this chapter, or a currently valid state of Washington sanitary or civil engineer's license.

B. The fee for a sewage disposal system designer's certificate of competency shall be fifty dollars per year.

C. The fee for the sewage disposal system designer's examination shall be twenty-five dollars, payable in advance and not refundable. Separate, special examinations shall be given to those licensed designers desiring to design dosing systems and/or prepare subdivision reports. The fees for these additional examinations shall be ten dollars each, payable in advance and not refundable.

D. The director of public health may suspend or revoke any sewage disposal system designer's certificate of competency for incompetency, negligence, misrepresentation, or failure to comply with this chapter or the rules and regulations of the director of public health adopted pursuant to this chapter. (Ord. 2910 § 15, 1976: Ord. 1385 § 2, 1972: Ord. 1139 § 4, 1972: Ord. 931 § 4, 1971).

13.08.040 Installer's certificate. A. It is unlawful to engage in business as a sewage disposal system installer without a currently valid sewage disposal system installer's certificate of competency.

B. The fee for a sewage disposal system installer's certificate of competency shall be one hundred dollars per year.

C. Prior to the issuance of a commercial installer's certificate of competency, the applicant must provide a surety bond approved as to form by the King County prosecuting attorney in the sum of one thousand dollars running to King County, Washington, executed by a surety company authorized to do business in the state of Washington. The bond shall be conditioned that the holder of the certificate of competency and his agents in performing work governed by the ordinance shall exercise all reasonable care and skill and shall fully comply with all provisions of this chapter pertaining to sewage disposal.

D. Application for a sewage disposal system installer's certificate of competency shall be made to the director of public health, who may examine the applicant, and may deny the application if in his judgment the applicant is not qualified to install sewage disposal systems.

E. The director of public health may suspend or revoke any sewage disposal system installer's certificate of competency for incompetency, negligence, misrepresentation, or failure to comply with this chapter or the rules and regulations of the director of public health adopted pursuant to the ordinance codified in this chapter.

F. Sewage disposal system installer's certificates of competency shall expire December 31st of each year. (Ord. 2910 § 16, 1976: Ord. 1139 § 5, 1972: Ord. 931 § 5, 1971).

13.08.050 Permits. A. It is unlawful to construct, install, repair or alter a sewage disposal system without a sewage disposal system permit. Such permit shall be posted on the building or premises where the work permitted is being done, before the work is begun, and unless revoked, shall not be removed until such work has been finally approved by the director of public health.

B. The fee for a sewage disposal system permit shall be fifteen dollars for such system serving a single family residence, or twenty-five dollars for any other such system.

C. Application for a sewage disposal system permit shall be made to the

director of public health, who may deny the application if in his judgment the physical features of property on which it is proposed to locate the sewage disposal system, or the design of the proposed sewage disposal system, are not adequate for safe operation of such system.

D. Application for a sewage disposal system permit shall be supported by the following:

1. A completely dimensioned plot plan, drawn to scale, showing direction of surface drainage, approximate slope, and other topographical features relevant to the design and installation of an adequate and efficient sewage disposal system.

2. Construction plans and specifications.

3. A log of soil formation and ground water level as determined by test holes in the proposed disposal field.

4. A statement of absorption characteristics of the soil as determined by percolation tests made in the proposed disposal field.

5. Such other information as the director of public health may require.

Provided, however, that Paragraph D., Items 1, 2, 3, and 4, are not applicable when application is made for a sewage disposal permit for repairs to an existing system.

E. Sewage disposal system permits shall expire one year from date of issue. (Ord. 1139 § 6, 1972: Ord. 931 § 6, 1971).

13.08.055 Mobile home and recreational vehicle park inspection fee. An annual fee shall be charged by the Seattle King/County health department for inspection of mobile home parks and recreational vehicle parks, based on the following schedule:

Spaces	Fee
Two to ten mobile homes or recreational vehicle spaces, inclusively	\$50.00 per year
For each additional space over ten	\$ 2.50 per year

(Ord. 8330 § 35, 1987).

13.08.060 Where private sewage disposal systems required. Every plumbing fixture and every sanitary drainage system not connected to a public sewer, or not required by law to be connected to a public sewer, shall be connected to a private sewage disposal system. (Ord. 1139 § 7, 1972: Ord. 931 § 7, 1971).

13.08.070 Location of systems. Sewage disposal systems shall be located on the same lot as the buildings they are designed to serve, or, if an easement therefor is obtained and recorded, on other property if approved by the director of public health. (Ord. 1139 § 8, 1972: Ord. 931 § 8, 1971).

13.08.080 Design of systems. A. Sewage disposal systems shall be designed by a sewage disposal systems designer, certificated as provided in this chapter, or by a sanitary or civil engineer licensed by the state of Washington, except that a resident owner, or intended resident owner may personally design a system for his own single family residence; provided he designs not more than one system in any one calendar year. The fee for plan review of the design shall be ten dollars.

B. Design of sewage disposal systems shall be such as to accommodate all sewage from the buildings and premises to be served, and in accordance with this chapter and the rules and regulations of the director of public health adopted pursuant to this chapter. The type of system shall be determined by location, soil porosity, ground water level and other relevant conditions.

C. After the plumbing stub-out has been installed and prior to the installation of the sewage disposal system, the designer shall inspect the site to determine compatibility with his original design criteria. Before an installation permit will be issued, the health department shall be notified by the designer that the preinstallation inspection is acceptable. In the event the sewage disposal system must be installed prior to construction of the building, waiver of the plumbing stub-out requirement may be made. (Ord. 1385 § 3, 1972: Ord. 1139 § 9, 1972: Ord. 931 § 9, 1971).

13.08.090 Installation and alteration. A. Sewage disposal systems shall be constructed, installed or repaired only by a sewage disposal system installer, certificated as provided in this chapter, except that a resident owner, or intended resident owner may personally construct, install or repair a system for his own single family residence, provided he constructs not more than one system in any one calendar year.

B. Construction, installation or repair of sewage disposal systems shall be such as to accommodate all sewage from the buildings and premises to be served, and in accordance with this chapter and the rules and regulations of the director of public health adopted pursuant to the ordinance codified herein. No down-spout or footing drain shall be directly or indirectly connected to a sewage disposal system, and sewage disposal systems shall be so constructed and installed that surface water or ground water will not interfere with the operation of such system. (Ord. 1139 § 10, 1972: Ord. 931 § 10, 1971).

13.08.100 Inspection. A. Any work done on a sewage disposal system, and any material used, may be inspected by the director of public health at any reasonable time, and if he shall find that any work done, or material used, is not in accordance with this chapter or with the rules and regulations of the director of public health adopted pursuant to the ordinance codified herein he may revoke the permit for the work, or he may notify the owner or installer to make such changes in the work as he shall specify, and if such changes are not made within a reasonable time, the director of public health shall then revoke the permit and it shall be unlawful to use such sewage disposal system.

B. When the work of constructing or installing a sewage disposal system has been otherwise completed, it shall be left open and uncovered. The owner shall be notified, and he shall cause an inspection of such work and such system to be made by a designer. When the work of repairing a sewage disposal system has been completed under a waiver of design as provided for in Section 13.08.050 D., it shall be left open and uncovered. The owner shall be notified, and he shall call for an inspection of such work and such system to be made by the director of public health.

C. If upon inspection by him following work on a sewage disposal system, a designer finds that such work or system is not in accordance with this chapter, he shall so notify the owner who shall cause such changes in the work as are specified by the designer, and shall then again notify a designer that such work is ready for inspection.

D. When upon inspection by him following work on a sewage disposal system, a designer finds that such work and system are in accordance with this chapter, he shall so certify to the director of public health, and shall submit to the director of public health with such certification, a detailed "as-built" drawing of such system. (Ord. 1139 § 11, 1972: Ord. 931 § 11, 1971).

13.08.110 Approval or disapproval of system - Notice. A. Within a reasonable time after receipt of certification by a designer that work done on a private sewage disposal system and such system are in accordance with this chapter, the director of public health shall approve or disapprove thereof.

B. If the director of public health disapproves such work or system, he shall so notify the owner, stating his reasons for such disapproval, and it is then unlawful to use such system.

C. If the director of public health finally approves such work and such system, he shall so notify the owner, and then such work shall be covered, and such system may be used. (Ord. 1139 § 12, 1972: Ord. 931 § 12, 1971).

13.08.120 Maintenance of system. Sewage disposal systems shall be maintained in accordance with this chapter and the rules and regulations of the director of public health adopted pursuant to the ordinance codified herein, and no sewage disposal system shall be used which directly or indirectly discharges upon the surface of the ground or into any waters within the county unless the contents of such system have been subjected to approved purification and bactericidal treatment. (Ord. 1139 § 13, 1972: Ord. 931 § 13, 1971).

13.08.130 Sewage disposal technical advisory committee. There is established a sewage disposal technical advisory committee, the members of which shall be the director of public health, ex officio, and twelve appointive members, one representative of each of the following:

- A. Sanitary or civil engineer licensed by the state of Washington;
- B. Sewage disposal system designer holding currently valid certificate of competency in King County;
- C. Sewage disposal system installer holding currently valid certificate of competency in King County;
- D. Civil or sanitary engineer, department of housing and urban development;
- E. Washington State Department of Social and Health Services, Division of Health, Water and Waste Section;
- F. U.S. Department of Agriculture, Soil Conservation Service;
- G. Washington State Department of Ecology;
- H. Seattle master builders' association;
- I. Seattle-King County board of realtors;
- J. King County policy development commission;
- K. Land surveyor with a designer's certificate of competency and a subdivision report permit;
- L. Consumer.

Members of the sewage disposal technical advisory committee, other than ex officio, shall be appointed by the county executive, subject to confirmation by the county council. Appointments shall be for a term of three years ending December 31st of the third year of such term, subject to reappointment; provided that any vacancy shall be filled for the unexpired term in the same manner as original appointments; and provided, further, that the term of office for the first members shall be staggered so that four serve for a term ending December 31, 1973, and four serve for a term ending December 31, 1974. Members shall serve without compensation.

The sewage disposal technical advisory committee shall organize and elect a chairman and secretary who shall serve at the pleasure of the members. Such committee may adopt rules of procedure for its own government and shall meet at the call of the chairman subject to three days' written notice to each member of the time and place of such meeting.

The sewage disposal technical advisory committee may examine sewage disposal ordinances, rules and regulations adopted by the director of public health pursuant thereto, make recommendations thereon and may review and recommend new methods and techniques of sewage disposal, but shall act in an advisory capacity only. (Ord. 1385 § 4, 1972: Ord. 1139 (part), 1972: Ord. 931 (part), 1971).

13.08.140 Enforcement. The director of the Seattle-King County Department of Public Health is authorized to enforce the provisions of this chapter, the

ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23. (Ord. 2910 § 2(part), 1976: Ord. 931 (part), 1971).

13.08.150 Severability. Should any part of this chapter be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remainder. (Ord. 1139 § 15, 1972: Ord. 931 § 15, 1971).

Chapter 13.12 SEWERAGE CLEANING AND REMOVAL

Sections:

- 13.12.010 Certificate required for cleaning disposal units.
- 13.12.020 Application for registration and inspection certificate.
- 13.12.030 Examination of applicant - Inspection of disposal site - Time limit for acting on application - Registration and inspection fee - Painting registration number on vehicles.
- 13.12.040 Approval required for alternate disposal sites.
- 13.12.050 Maintenance of disposal sites.
- 13.12.060 Enforcement.
- 13.12.070 Severability.

13.12.010 Certificate required for cleaning disposal units. It is unlawful for any person, firm or corporation to carry on or engage in the business of cleaning of septic tanks, cesspools, grease traps or seepage pits or to transport over the highways or to dispose of the cleanings therefrom in King County unless he or it holds an unrevoked registration and inspection certificate issued by the King County health officer for carrying on such business. (Res. 11304 § 1, 1949).

13.12.020 Application for registration and inspection certificate. All applicants for registration under this chapter shall be filed with the King County health officer. The application shall state the name in full, if a partnership, then the names of the partners, the relation of the applicant to the firm or partnership, the name of the corporation, if a corporation, the place of business and place of residence of the applicant, and of each of the partners in the business if a partnership and the place of business of the corporation. The application shall also state the number of vehicles to be used and the type, and the legal description of the site that the applicant is planning to use to dispose of the contents of septic tanks, cesspools, grease traps and seepage pits, and the name and address of the person, firm or corporation who is responsible for the operation of the disposal site. A written statement acknowledging responsibility and signed by the person, firm or corporation responsible for the disposal site must accompany the application. The application shall be signed by the authorized officer of the corporation, if a corporation, or by the managing partner, if a partnership, or by the individual owner, if owned by an individual. (Res. 11304 § 2, 1949).

13.12.030 Examination of applicant - Inspection of disposal site - Time limit for acting on application - Registration and inspection fee - Painting registration number on vehicles. Registration shall be issued only after a satisfactory examination by the King County health officer or his authorized

representative of the equipment to be used, the applicant's knowledge of sanitary principles affecting public health and nuisances, the reliability of the applicant in observing sanitary laws, ordinances and directions, and in selecting laborers who collect and transport and dispose of the contents of septic tanks, cesspools, grease traps or seepage pits without endangering human health or comfort. An inspection shall also be made of the applicant's disposal site to determine its suitability for the disposal of contents of septic tanks, cesspools, grease traps or seepage pits.

The health officer shall be required to act upon each applicant within thirty days.

Registration and inspection fee shall be twenty-five dollars per year, said fee to be paid to the health department and to be used to defray expenses in issuing registration certificates, conducting inspections and otherwise administering this chapter.

After registration has been approved by the King County health officer, the applicant will be issued a registration number. Said numbers, preceded by the letters K.C. No., shall be painted on each applicant's collecting vehicles in a contrasting color to that of the vehicle and in letters at least three inches high and placed in a conspicuous place designated by the health officer.

Applicants may be registered under such terms, conditions, orders and direction as the health officer may deem necessary for the protection of human health and comfort. (Res. 11304 § 3, 1949).

13.12.040 Approval required for alternate disposal sites. Should a holder of a certificate of registration and inspection desire to dispose of the contents of the septic tanks, cesspools, grease traps or seepage pits at a disposal site other than the site listed in his application for registration, he shall first obtain written approval of said site from the King County health officer. (Res. 11304 § 5, 1949).

13.12.050 Maintenance of disposal sites. Any person, firm or corporation responsible for the operation of a refuse site on which the contents of septic tanks, cesspools, grease traps or seepage pits are disposed of shall maintain said disposal site in a safe and sanitary condition according to the instructions of the health department. (Res. 11304 § 6, 1949).

13.12.060 Enforcement. The director of the Seattle-King County department of public health is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23. (Ord. 2910 § 2 (part), 1976: Res. 11304 (part), 1949).

13.12.070 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Res. 11304 § 9, 1949).

Chapter 13.16
FEDERAL FUNDING OF SEWERAGE DISPOSAL SYSTEMS

Sections:

- 13.16.010 Health officer to approve disposal systems in federal government buildings.
 13.16.020 Bond or escrow fund required.
 13.16.030 Charge against bond or escrow fund authorized.

13.16.010 Health officer to approve disposal systems in federal government buildings. No individual person, firm or corporation shall cause to be constructed, built or installed any sewerage disposal system financed or insured directly or indirectly by the federal government for any house, houses or buildings, unless said sewerage system is approved by the health officer or his agent. (Res. 9203 (part), 1944).

13.16.020 Bond or escrow fund required. The King County health officer or his agent may require either a bond executed by a reputable bonding company doing business within the state of Washington, or a cash deposit to be held in escrow for a period of one year after occupancy of the premises, or until approval by the Seattle-King County health department, whichever is the longer period of time, that the bond or cash so deposited in trust or escrow be used as a guarantee that the sewerage disposal system will work effectively and comply with all sanitary regulations. (Res. 9203 (part), 1944).

13.16.030 Charge against bond or escrow fund authorized. In the event that repairs or changes are necessary in the sewerage disposal system during the aforementioned period, the bond or escrow funds shall be subject to any charge or expense that may be incurred in the repairing or change of the sewerage system. (Res. 9203 (part), 1944).

Chapter 13.20
WATER AND SEWER SYSTEM
CONDITION REPORTS

Sections:

- 13.20.010 Application for information.
 13.20.020 Fee for report.
 13.20.030 Submittal of water samples for analysis - Fee.

13.20.010 Application for information. Any person, agency or company desiring a report on the condition of a water supply or sewage disposal system shall make application for such information to the department of public health on a form provided by that department. (Ord. 3054 § 1, 1977: Res. 15311 § 1, 1955).

13.20.020 Fee for report. Application for a report on such water supply or individual sewage disposal system shall be accompanied by a fee as follows:

For a report on a water supply\$115.00
 For a report on a sewage disposal system 90.00
 For a report on water supply and a sewage disposal system on the same premises 135.00

(Ord. 11138 § 1, 1993: 9225, 1989: Ord. 7862, 1986: Ord. 5782 § 1, 1981: Ord. 3556 § 1, 1977: Ord. 3054 § 2, 1977: Ord. 880 § 1, 1971: Res. 15311 § 2, 1955).

13.20.030 Submittal of water samples for analysis - Fee. Any person, agency or company may submit water samples to the department of public health for analysis. The fee for each water sample is fifteen dollars. (Ord. 11138 § 2, 1993; 5782 § 2, 1981; Ord. 5230 § 1, 1980; Ord. 3556 § 2, 1977; Ord. 3054 § 3, 1977).

Chapter 13.24
SEWER AND WATER COMPREHENSIVE PLANS¹

Sections:

- 13.24.005 Purpose.
- 13.24.010 Water and sewer system comprehensive plans.
- 13.24.015 Exemption from council approval of Group B water systems.
- 13.24.020 Approving engineer.
- 13.24.030 Comprehensive plans - Water purveyors.
- 13.24.040 Comprehensive plans - Sewer districts.
- 13.24.050 Comprehensive plans - Modification of requirements.
- 13.24.060 Comprehensive plans - Approval requirements.
- 13.24.070 Comprehensive plans - Environmental review.
- 13.24.080 Utilities technical review committee - Creation and composition.
- 13.24.090 Utilities technical review committee - Authority.
- 13.24.100 Procedures.
- 13.24.110 Approval of certain sewer and water district comprehensive plans.
- 13.24.120 Certificates of water availability.
- 13.24.130 Periodic revision - water system plans.
- 13.24.200 Severability.

13.24.005 Purpose. The purpose of this chapter is to accomplish the following:

A. Assure that sewer and water system comprehensive plans are consistent with adopted county plans, policies and land use controls;

B. Provide information to assist in the preparation of future county plans and policies;

C. Provide information to assist in the review of new development proposals and right-of-way construction permits; and

D. To fulfill the county's responsibilities set forth in RCW 90.54 (Water Resources Act of 1971), RCW 36.70 (State Planning Enabling Act), RCW 36.94, RCW 56.02, RCW 57.02 and WAC 248.54.065. (Ord. 10095 § 2, 1991).

13.24.010 Water and sewer system comprehensive plans. A. Comprehensive plans for water and sewer districts or any other public or private entities which distribute or obtain water or provide sewer collection or treatment, except for the Municipality of Metropolitan Seattle, in unincorporated areas of King County, Washington, shall be adopted by each such entity and approved by the King County council as a prerequisite for the following:

1. Operating in unincorporated King County;
2. Approval of annexation proposals;
3. Granting of new right-of-way franchises and right-of-way franchise renewals; and
4. Approval of right-of-way construction permits.

¹[For statutory provisions regarding sewer districts, see RCW Title 56.]

B. Except as provided in K.C.C. 13.24.015, such plans shall be reviewed by a utilities technical review committee established by this chapter prior to submission to the King County council for approval. (Ord. 10095 § 1, 1991: Ord. 4307 § 1, 1979: Ord. 2865 § 1, 1976: Ord. 1709 § 1, 1973).

13.24.015 Exemption from council approval of Group B water systems. As provided by RCW 43.20 and WAC 248.54 and K.C.C. Title 12, plans for Group B water systems in unincorporated King County shall be reviewed and approved by the Seattle-King County health department. Plans for Group B water systems shall not require approval of the county council pursuant to this chapter unless a right-of-way construction permit is required. The health department shall prepare and regularly update a list of those Group B systems that have been approved. Included in the list shall be the important characteristics of the systems such as water quality, water quantity, reliability, the operator or manager, and the capacity of the system to serve existing and additional customers. The list shall be provided annually to the utilities technical review committee and shall be consulted when preparing recommendations for, but not limited to, franchises, other water plans, and new developments. (Ord. 10095 § 3, 1991).

13.24.020 Approving engineer. The director of the department of public works, or his authorized designee, shall be the engineer designated by King County for the approvals required by RCW 56.08.020 and 57.16.010. (Ord. 4307 § 2, 1979).

13.24.030 Comprehensive plans - Water purveyors. Water district and distributor comprehensive plans for water systems shall contain the following:

A. A narrative report which provides the following information:

1. A short history of the district or company,
2. Population projection for the existing service area, and for the area anticipated to be served in the future as described in paragraph 8 of this subsection, together with the source or basis of the projection,

3. A description of the existing water sources, storage and distribution facilities, and the physical, chemical and bacteriological quality of the supply. An application for a water right to the Washington State Department of Ecology shall not be adequate proof of a valid water source.

4. For those systems utilizing surface supplies, with disinfection only, the purveyor shall include a report identifying all facilities, conditions and activities within its watershed, together with a proposed program for necessary surveillance, limitation and control,

5. A proposed time schedule for constructing improvements required to correct any existing deficiencies of supply, storage, distribution or quality, including any treatment facilities not in compliance with state or local health requirements,

6. Proposed schedule for covering any open distribution reservoirs. Interim facilities, including chlorination, may be considered in the plans for covering,

7. A water conservation plan consisting of a water shortage response element dealing with seasonal drought conditions and shortages caused by high turbidity; and a long-range resource conservation element to reduce overall water usage per capita which will use the geographically relevant coordinated water system plan and the percentages and deadlines contained in the approval legislation as the standard. For those purveyors not included as part of a coordinated water system plan, the conservation element standard will be that of the nearest critical water supply service area.

8. A list of anticipated system improvements for at least ten years into the future for water systems having more than one thousand services; or a list of anticipated system improvements for at least five years in the future for all other water systems,

9. A proposed construction schedule to meet projected system needs and a plan setting forth the means for financing the proposed improvements,

10. A description of any agreements, or any attempts to reach agreements, with neighboring sewer and water districts, municipalities or special districts,

11. A list of minimum criteria and standards for developer extension agreements required by the purveyor to be met by developers,

12. A description of the satellite management program, including sample agreements and conditions for service.

13. An explanation of the relationship between the purveyor's existing and proposed system and the basinwide water and/or sewerage plan as approved by the State Department of Ecology and the State Department of Health,

14. A discussion of the consistency between the purveyor's comprehensive system plan and county adopted plans, policies, and land use controls;

B. Maps which depict the following requirements:

1. Existing and proposed mains, and existing and proposed fire hydrants, with documentation demonstrating that such system meets county standards,

2. Critical elevation and pressure zones,

3. Storage and pumping facilities, with capacities noted,

4. Existing corporate and service area boundaries and proposed future service area (planning area) boundaries consistent with the relevant coordinated water system plans (RCW 70.116) where applicable.

5. Existing zoning,

6. Existing land use. (Ord. 10095 § 4, 1991: Ord. 9218 § 1, 1989: Ord. 2638 § 1, 1976: Ord. 1709 § 2, 1973).

13.24.040 Comprehensive plans - Sewer districts. Sewer district comprehensive plans shall consist of the following:

A. A narrative report which provides the following information:

1. A short history of the district, including its authorization, purpose, objectives and a description of its service area,

2. A description of physical and natural features such as, but not limited to, topography, drainage basin characteristics, and land use, and the relationship to sewer system planning by the district,

3. A population projection for the service area of the district, and for any area anticipated to be served by the district, in ten years, together with the source or basis of the projection,

4. Established district sewerage facility design criteria, together with explanation and justification of such criteria,

5. A description of existing disposal systems and facilities,

6. A time schedule for improvements required to meet any existing deficiencies, or to meet federal, state or local treatment standards,

7. A proposed construction schedule to meet projected system needs and a plan setting forth the means for financing the proposed improvements,

8. A description of developer extension plans and/or a statement of minimum criteria and standards required by the district to be met by developers,

9. A description of any agreements, or any attempts to reach agreements, with neighboring sewer and water districts, water distributors, municipalities or special districts,

10. An explanation of the relationship between the district's existing and proposed system and the basinwide water and/or sewerage plan as approved by the State Department of Ecology and the State Department of Social and Health Services,

11. A discussion of the relationship between the district comprehensive plan and county adopted plans, policies, and land use controls;

B. Maps of the plan area which depict the following requirements:

1. Existing system, with capacities noted,
2. Proposed future system, with capacities noted,
3. Location of pump stations, trunk interceptors, major facilities, etc.,
4. Existing boundary and anticipated boundary or service area expansion,
5. The relationship between the district system and the county comprehensive sewer plan,
6. State Department of Ecology or Department of Social and Health Services identified health hazard area, if any,
7. Potential health hazard area,
8. Existing zoning,
9. Existing land use. (Ord. 2638 § 2, 1976: Ord. 1709 § 3, 1973).

13.24.050 Comprehensive plans - Modification of requirements.- A. The utilities technical review committee may require information and material additional to that required in the sections above, as necessary.

B. For the purpose of satisfying the requirements of Section 13.24.010, a sewer comprehensive plan covering a subarea of a sewer district or any other public or private provider of sewage services shall be eligible for consideration provided that it:

1. Covers a system of sewer facilities, existing or proposed, having no connection to any other portion of the purveyor's system and discharging directly into a METRO facility;
2. Contains the plan elements required by Section 13.24.040 as applied to conditions within the subarea only, and
3. Satisfies the consistency requirements of Section 13.24.060. (Ord. 10416 § 1, 1992: Ord. 1709 § 4, 1973).

13.24.060 Comprehensive plans - Approval requirements. Comprehensive plans approved by the county shall contain the elements listed in Sections 13.24.030 or 13.24.040 and shall not be inconsistent with the following:

- A. King County Code Chapter 17.08 relating to the installation of fire hydrants and water mains;
- B. State and local health standards;
- C. The creation and maintenance of logical service areas consistent with the relevant coordinated water system plan (RCW 70.116);
- D. The elimination and/or prevention of duplicate facilities;
- E. The promotion of the most reliable and healthful service to the public;
- F. The provision of service at a reasonable cost and maximization of the use of existing public facilities;
- G. The reduction of the number of entities providing sewer and/or water service in King County;
- H. County comprehensive plan; adopted community plans, and other pertinent county adopted plans and policies;
- I. Coordinated water system plans RCW 70.116;
- J. The basinwide water and/or sewerage plan when approved by the State Department of Ecology and the State Department of Health;
- K. Applicable state water quality and waste management standards;
- L. The State Water Resources Act, RCW 90.554;
- M. The King County Sewerage General Plan; and
- N. Adopted ground water management plans pursuant to RCW 90.44.400 and WAC 173-100. (Ord. 10095 § 6, 1991: Ord. 9218 § 2, 1989: Ord. 4307 § 3, 1979: Ord. 2638 § 3, 1976: Ord. 1709 § 5, 1973).

13.24.070 Comprehensive plans - Environmental review. Each plan submitted by a public agency for utilities technical review committee review shall be accompanied by four copies each of the documentation required by Washington Administrative Code Chapter 197 - 10, as follows:

A. A statement explaining the basis of categorical exemption from State Environmental Policy Act requirements; or

B. An environmental assessment, together with the agency's threshold determination; or

C. An environmental impact statement. (Ord. 2638 § 5, 1976).

13.24.080 Utilities technical review committee - Creation and composition. A utilities technical review committee is created consisting of one representative each from the department of parks, planning and resources, the divisions of planning and community development and building and land development; department of executive administration, the real property division; the department of public works; the Seattle-King County department of public health; the King County fire marshal and a King County council staff member. Such representatives shall be appointed by the director of each department. (Ord. 10095 § 7, 1991: Ord. 2638 § 4, 1976: Ord. 1709 § 6, 1973).

13.24.090 Utilities technical review committee - Authority. The utilities technical review committee shall review and make recommendations to the King County executive and the King County council on the adequacy of all sewer and water system comprehensive plans and related matters, and determination of their consistency with the King County comprehensive plan; provided, further, that the committee shall have the authority to approve additions and betterments to council-approved sewer and water comprehensive plans without referral to the council in order to serve developments which have received preliminary approval from the King County council. The utilities technical review committee shall serve as an appeals body to hear issues relating to the creation of new public water systems and the extension of existing public water service within the boundaries of a critical water supply service area as provided for in the utility service review procedures contained in the coordinated water system plans; the key determinant is whether an existing water purveyor can provide service in a timely and reasonable manner (WAC 2248-56-620). (Ord. 10095 § 8, 1991: Ord. 4307 § 4, 1979: Ord. 1709 § 7, 1973).

13.24.100 Procedures. A. Required copies of all sewer and water comprehensive plans shall be submitted to the King County division of building and land development. The division of building and land development shall have the major responsibility for coordination and support for the utilities technical review committee.

B. Notice of the time and place of the utilities technical review committee meeting shall be provided to the applicant for comprehensive plan approval prior to the meeting.

C. The applicant shall have the right to attend or be represented at any and all meetings upon request. (Ord. 4307 § 5, 1979: Ord. 1709 § 8, 1973).

13.24.110 Approval of certain sewer and water district comprehensive plans.

A. The King County council approves those comprehensive plans not previously approved by the council for the sewer and water districts listed in "Exhibits A" and "B" (attached to Ordinance 3579, copies of which are on file in the council clerk's office) to the extent that such plans are not inconsistent with an adopted community plan and on the condition that the board of commissioners for said districts provide to the King County council

administrator-clerk certification that such plans have been duly adopted by the district pursuant to state law.

B. The King County council approves that portion of any sewer or water district comprehensive plan not previously approved, which will provide public sewer service or water service to areas within districts encompassing the criteria for plat approval under Section 19.08.250 or Section 19.08.260 on condition that the board of commissioners for such districts provides to the King County council clerk certification that said plan has been duly adopted by the district pursuant to state law.

C. All sewer comprehensive plans affected by this section shall also be subject to the county sewerage general plan, as amended by the county council, consistent with Motion No. 3221.

D. All sewer and water comprehensive plans affected by subsection B. of this section shall be required to obtain approval by the council, pursuant to this chapter, for authorization of sewer and water service improvements beyond the limited areas authorized by subsection B. of this section.

E. No right-of-way construction permits for sewer or water facility construction shall be issued to the water or sewer districts whose plans are approved in whole or part by subsections A. and B. of this section, unless the division of real property receives certification from the division of building and land development that such construction is consistent with said approval. (Ord. 3579 § 4, 1978).

13.24.120 **Certificates of water availability.** The issuance of a certificate of water availability is required to document that adequate water service is available to proposed development projects within King County. Water availability shall be consistent with a system's supply, provided, that a district shall not issue certificates of water availability which when added to existing connections, exceed the system's supply by two percent. (Ord. 10095 § 9, 1991).

13.24.130 **Periodic revision - water system plans.** Water system plans shall be revised every five years from the date of the last approval of the county council. (Ord. 10095 § 5, 1991).

13.24.200 **Severability.** Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 10095 § 10, 1991).

Chapter 13.28 CRITICAL WATER SUPPLY AREAS

Sections:

- 13.28.010 Areas designated.
- 13.28.020 Skyway Critical Water Supply Area.
- 13.28.025 Skyway Coordinated Water Supply Plan.
- 13.28.030 Vashon Critical Water Supply Area.
- 13.28.035 Vashon Water System Plan.
- 13.28.040 South King County Critical Water Supply Area.
- 13.28.045 South King County Water System Plan.
- 13.28.050 East King County Critical Water Supply Area.
- 13.28.055 East King County Water System Plan.

13.28.010 **Areas designated.** Pursuant to Chapter 70.116 R.C.W., the King

County council hereby declares the areas of South King County, Skyway, Vashon, and East King County, as critical water supply areas (as preliminarily mapped in the Preliminary Assessment accepted by Motion 6407 and Ordinance 7893.) The county executive shall notify the Department of Social and Health Services, State of Washington, and form water utility coordinating committees pursuant to R.C.W. 70.116.040 for the purpose of preparing coordinated water supply plans for the declared areas. (Ord. 7893 § 2, 1986: Ord. 7578, 1986).

13.28.020 Skyway Critical Water Supply Area. A. Establishment of Committee. A water utility coordinating committee for the Skyway Critical Water Supply Area is established for the purpose of implementing the Public Water System Coordination Act of 1977.

B. Representatives. The committee shall consist of representatives from the following agencies:

1. The King County council
2. Parks, planning and resources department
3. The Seattle-King County health department
4. The Department of Social and Health Services
5. King County Water District 14
6. King County Water District 25
7. King County Water District 57
8. King County Water District 63
9. King County Water District 125
10. City of Renton
11. City of Seattle
12. Skyway Sewer and Water District
13. City of Tukwila
14. And all other purveyors with fifty or more service connections.

Each of the listed agencies shall appoint a member and an alternate to the committee. Appointed members shall continue to serve until replaced by the appointing authority in accordance with the by-laws of the committee.

C. Rules of Procedure.

1. In order for the committee to conduct business, a quorum consisting of not less than half of the appointed members shall be present.
2. At the first meeting of the committee, a chairperson and rules for conducting business shall be determined by consensus.

3. Within six months of its establishment, the committee shall be responsible for developing and recommending external critical water area boundaries to the county council in the manner prescribed in WAC 248-56-600.

4. Following the establishment of the external boundaries¹, the committee shall be responsible for developing a coordinated water system plan for the critical water supply service area in accordance with the procedures provided in WAC 248-56-740. On completion of the plan, the committee shall submit the plan to the Washington State Department of Social and Health Services via King County which shall conduct the local review required by law. The plan shall be submitted within eighteen months of the establishment of the committee.

5. The coordinated water system plan and external critical water service area boundaries shall be reviewed and updated as appropriate by the committee at a minimum of every five years, or sooner if the committee deems it necessary, as prescribed in WAC 248-56-760.

¹ [Ordinance 8532 establishes boundaries, available in office of clerk of the council.]

D. Termination. The water utility coordinated committee shall be terminated effective June 30th, 1992 unless specifically extended by ordinance. (Ord. 7587 § 1-4, 1986).

13.28.025 Skyway Coordinated Water System Plan. A. Ratification. The Skyway coordinated water system plan (CWSP) is ratified in accordance with the regulations of the Washington State Department of Health (DOH) found in WAC 248-56. The King County council finds the CWSP to be consistent with the county's adopted land use plans and policies as called for in RCW 70.116 and K.C.C. 13.24 and recommends that DOH approve it.

B. Conservation element. A water conservation program is an integral element of the Skyway Coordinated Water System Plan. All purveyors shall develop a conservation element as part of their individual water comprehensive plan. The conservation program to reduce water consumption as outlined in an addendum to Skyway Coordinated Water System Plan shall be in place and operating by 1995 and will be reviewed at that time for its effectiveness by the Washington State Department of Health with assistance from the Water Utility Coordinating Committee. King County will monitor the effectiveness of purveyor conservation plans in conjunction with the approval of their water comprehensive plans.

C. Base year measurement. 1990 will be the base year used to establish the average annual per capita water consumption figure for measurement purposes, adjusted for any weather abnormalities or previous reductions as a result of an existing conservation program. All purveyors within the Skyway critical water supply service area shall achieve a 6.5 percent per capita reduction in water use from the 1990 average annual per capita consumption figure (base year measurement) by 1995. A minimum total reduction in average per capita water consumption of eight percent from the 1990 base figure is the goal for the Skyway Coordinated Water System Plan by the year 2000. (Ord. 9332 §§ 1-2, 1990).

13.28.030 Vashon Critical Water Supply Area. A. Establishment of Committee. A water utility coordinating committee for the Vashon Critical Water Supply Area is established for the purpose of implementing the Public Water System Coordination Act of 1977.

B. Representatives. The committee shall consist of representatives from the following agencies:

1. The King County council
2. Parks, planning and resources department
3. The Seattle-King County health department
4. The Department of Social and Health Services
5. King County Water District 19
6. Burton Water System
7. Dockton Water System
8. Gold Beach Water System
9. Heights Water System
10. Maury Mutual Water System
11. Westside Water System
12. And all other purveyors with fifty or more service connections.

Each of the listed agencies shall appoint a member and an alternate to the committee. Appointed members shall continue to serve until replaced by the appointing authority in accordance with the by-laws of the committee.

C. Rules of Procedure.

1. In order for the committee to conduct business, a quorum consisting of not less than half of the appointed members shall be present.
2. At the first meeting of the committee, a chairperson and rules for conducting business shall be determined by consensus.

3. Within six months of its establishment, the committee shall be responsible for developing and recommending external critical water area boundaries to the county council in the manner prescribed in WAC 248-56-600.

4. Following the establishment of the external boundaries², the committee shall be responsible for developing a coordinated water system plan for the critical water supply service area in accordance with the procedures provided in WAC 248-56-740. On completion of the plan, the committee shall submit the plan to the Washington State Department of Social and Health Services via King County which shall conduct the local review required by law. The plan shall be submitted within eighteen months of the establishment of the committee.

5. The coordinated water system plan and external critical water service area boundaries shall be reviewed and updated as appropriate by the committee at a minimum of every five years, or sooner if the committee deems it necessary, as prescribed in WAC 248-56-760.

D. Termination. The water utility coordinating committee shall be terminated effective June 30th, 1992 unless specifically extended by ordinance. (Ord. 7588 § 1-4, 1986).

13.28.035 Vashon Water System Plan. A. Ratification. The Vashon Coordinated Water System Plan is ratified in accordance with the regulations of the Washington State Department of Health found in WAC 248-56. King County finds the Coordinated Water System Plan to be consistent with the county's adopted land use plans and policies, as called for in RCW 70.116 and K.C.C. 13.24 and recommends its approval by the Washington State Department of Health with the following conditions:

1. Service Area. A principal requirement and objective of the Coordinated Water System Plan is the establishment of service areas to assist the water utilities in providing an effective process for the planning and development of a water system. The Coordinated Water System Plan defines a service area as a geographical area assigned to a water purveyor for the purpose of providing both current and future public water service consistent with local land use plans. The geographic boundaries are defined by agreements among adjacent utilities and are recorded on a set of maps on file with the building and land development division, the Seattle/King County health department, and the real property division. Water service provided within a designated service area is to be consistent with county land use plans and policies and existing county review procedures regarding water utility comprehensive plans, a water utility's service area and a planning area. An existing service area is a geographic area within which service to customers is available as specifically defined on a map in a utility's comprehensive plan which is approved by King County as consistent with its land use policies.

A planning area is the remaining geographic area identified on the service area maps contained in the Coordinated Water System Plan which is a logical area for expansion of the system. Extension of service into the planning area requires King County approval as part of the utility's comprehensive plan to make certain that the proposed utility service is consistent with land use plans and policies.

2. Land Use Policies. Vashon Island purveyors recognize the county's land use policies and will not use water service as a vehicle to supersede the land use policies and zoning on Vashon Island. The purveyors may perform satellite management of all class 2, 3 and 4 water systems within their service areas as provided for by the Vashon Coordinated Water System Plan.

² [Ordinance 7750 establishes boundaries, available in office of clerk of the council.]

3. Conservation Element. An application has been submitted to the U.S. Environmental Protection Agency to declare Vashon/Maury Island water supply as a sole source aquifer. For this reason, a water conservation program is an integral element of the Vashon Coordinated Water System Plan. All purveyors shall develop a conservation element as part of their individual water comprehensive plans. The conservation programs to reduce water consumption as outlined in the Coordinated Water System Plan shall be in place and operating by 1996 and will be reviewed by the Washington State Department of Health with assistance from the Water Utility Coordinating Committee. King County will monitor and review the effectiveness of purveyor conservation plans in conjunction with the approval of their water comprehensive plans. 1991 will be the base year used to establish the average annual per capita water consumption figure for measurement purposes, adjusted for any weather abnormalities or previous reduction as a result of an existing conservation program. All water utilities shall achieve a four percent minimum total reduction in water use from the 1991 average annual per capita consumption figure (base year measurement) by 1996.

A minimum total reduction in average per capita water consumption of six percent from the 1991 base figure is the stated goal for the entire Vashon/Maury Island Critical Water Supply Service Area by the year 2000.

B. Service areas in dispute. The Coordinated Water System Plan identified an unresolved service area dispute between Westside Water Association and Island Spring Water Company. King County recommends to the Washington State Department of Health that the area in question be assigned as part of the designated water service area of Westside Water Association.

C. Plan consistency. King County approvals of water service areas through water comprehensive plans or developer extensions will be based upon consistency with V-59 and V-60 of the Vashon Community Plan and F-111, F-305, F-309, and F-310 of the King County Comprehensive Plan.

D. Fire protection. K.C.C. 17.08.020E exempting new or replacement water mains from fire flow requirements as long as the main will serve exempt uses only shall be utilized in sizing water mains, and further, consistent with K.C.C. 17.08.030 A.4 and A.5, if fire protection measures are warranted for buildings over 2,500 square feet, sprinkler systems, on-site water storage facilities or other measures shall be proven infeasible before requiring fire flow to the site. (Ord. 9839 §§ 1-4, 1991).

13.28.040 South King County Critical Water Supply Area. A. Establishment of Committee. A water utility coordinating committee for the South King County Critical Water Supply Area is established for the purpose of implementing the Public Water System Coordination Act of 1977.

B. Representatives. The committee shall consist of representatives from the following agencies:

1. The King County council
2. Parks, planning and resources department
3. The Seattle-King County health department
4. The Department of Social and Health Services
5. King County Water District 54
6. King County Water District 56
7. King County Water District 75
8. King County Water District 94
9. King County Water District 105
10. King County Water District 111
11. City of Algona
12. City of Auburn

13. Auburn East Mobile Home Park
14. Auburn Mobile Park
15. City of Black Diamond
16. Crestview West Water System
17. Cherokee Bay Water System
18. Cristalina Water System
19. City of Enumclaw
20. Easthill Community Well Company
21. Federal Way Water and Sewer District
22. Forest Grove Hills Water System
23. City of Kent
24. Masonic Home of Washington Water System
25. City of Milton
26. City of Pacific
27. Ravensdale Water System
28. Shed Water Supply - Pink Thunderbird
29. City of Tacoma
30. Y Bar S Water System
31. And all other purveyors with fifty or more service connections.

Each of the listed agencies shall appoint a member and an alternate to the committee. Appointed members shall continue to serve until replaced by the appointing authority in accordance with the by-laws of the committee.

C. Rules of Procedures.

1. In order for the committee to conduct business, a quorum consisting of not less than half of the appointed members shall be present.

2. At the first meeting of the committee, a chairperson and rules for conducting business shall be determined by consensus.

3. Within six months of its establishment, the committee shall be responsible for developing and recommending external critical water area boundaries to the county council in the manner prescribed in WAC 248-56-600.

4. Following the establishment of the external boundaries³, the committee shall be responsible for developing a coordinated water system plan for the critical water supply service area in accordance with the procedures provided in WAC 248-56-740. On completion of the plan, the committee shall submit the plan to the Washington State Department of Social and Health Services via King County which shall conduct the local review required by law. The plan shall be submitted within eighteen months of the establishment of the committee.

5. The coordinated water system plan and external critical water service area boundaries shall be reviewed and updated as appropriate by the committee at a minimum of every five years, or sooner if the committee deems it necessary, as prescribed in WAC 248-56-760.

D. Termination. The water utility coordinating committee shall be terminated effective June 30th, 1992 unless specifically extended by ordinance. (Ord. 7589 § 1-4, 1986).

13.28.045 South King County Water System Plan. A. Ratification. The South King County Coordinated Water System Plan is ratified in accordance with the regulations of the Washington State Department of Health found in WAC 248-56. King County council finds the Coordinated Water System Plan to be consistent with the county's adopted land use plans and policies, as called for in RCW 70.116 and K.C.C. 13.24 and recommends its approval by the Washington State Department of Health with the following three conditions:

³ [Ordinance 7785 establishes boundaries, available in office of clerk of the council.]

1. **Service Area.** A principal requirement and objective of the Coordinated Water System Plan is the establishment of service areas to assist the water utilities in providing an effective process for the planning and development of a water system. The Coordinated Water System Plan defines a service area as a geographical area assigned to a water purveyor for the purpose of providing both current and future public water service consistent with local land use plans. The geographic boundaries are defined by agreements among adjacent utilities and are recorded on a set of maps on file with the building and land development division, the Seattle-King County health department, and the real property division. Water service provided within a designated service area is to be consistent with local land use plans. In order to be consistent with county land use plans and policies and existing county review procedures regarding water utility comprehensive plans, a water utility's service area boundary in the context of the Coordinated Water System Plan is understood to consist of an existing service area and a planning area. An existing service area is a geographic area within which service to customers is available as specifically defined on a map in a utility's comprehensive plan which is approved by King County as consistent with its land use policies.

A planning area is the remaining geographic area identified on the service area maps contained in the Coordinated Water System Plan which is a logical area for expansion of the system. Extension of service into the planning area requires King County approval as part of the utility's comprehensive plan to make certain that the proposed utility service is consistent with land use plans and policies.

2. **Land Use Policies.** South King County purveyors recognize the county's land use policies and will not use water service as a vehicle to supersede the land use policies and zoning within unincorporated King County.

The purveyors may perform satellite management of all class 2, 3 and 4 water systems within their service areas as provided for by the South King County Coordinated Water System Plan.

3. **Conservation Element.** A water conservation program is an integral element of the South King County Coordinated Water System Plan. All purveyors shall develop a conservation element as part of their individual water comprehensive plans. The conservation program to reduce water consumption as outlined in the Coordinated Water System Plan shall be in place and operating by 1995 and will be reviewed at that time for its effectiveness by the Washington State Department of Health with assistance from the Water Utility Coordinating Committee. King county will monitor and review the effectiveness of purveyor conservation plans in conjunction with the approval of their water comprehensive plans.

1990 will be the base year used to establish the average annual per capita water consumption figure for measurement purposes, adjusted for any weather abnormalities or previous reduction as a result of an existing conservation program.

All utilities of five hundred or fewer customers shall achieve a four percent minimum total reduction in water use from the 1990 average annual per capita consumption figure (base year measurement) by 1995.

Utilities with five hundred to ten thousand customers and those utilities with greater than ten thousand customers shall achieve a 6.5 percent reduction per capita consumption figure by 1995.

A minimum total reduction in average per capita water consumption of eight percent from the 1990 base figure is the stated goal for the entire South King County Critical Water Supply Service Area by the year 2000.

B. Changes to the Plan. The Seattle-King County health department requests that the following changes to the plan be forwarded to the Washington State Department of Health for consideration during the final Washington State Department of Health approval process:

SECTION IX, Part 4 of the South King County Coordinated Water System Plan follows:

a. 4A, 1st paragraph, insert before the last sentence:

"SKCHD maintains a database for data related to groundwater systems."
Replace the last sentence with: "However, there is currently no unified program for developing a common utility planning database for storage and use of all utility planning information."

b. Change the first sentence of the 3rd paragraph to read:

"A database will also be maintained by the SKCHD for groundwater systems and related regulatory information using information provided by USGS, EPA, Ecology, and utilities." (Ord. 9461 §§ 1-2, 1990).

13.28.050 East King County Critical Water Supply Area. A. Establishment of Committee. A Water utility coordinating committee for the East King County CWSSA is hereby established for the purpose of implementing the Public Water Systems Coordination Act of 1977 by preparing a coordinated water supply plan.

B. Representatives. The Committee shall consist of representatives from the following agencies:

1. The King County council
2. The Seattle-King County department of public health
3. The King County department of parks, planning and resources
4. The State of Washington Department of Social and Health Services
5. Avon Villa Trailer Park
6. Ames Lake Water Association
7. Beaux Arts Water Department
8. City of Bellevue
9. City of Bothell
10. Campton Water System
11. City of Carnation
12. Cedar River Water and Sewer District
13. City of Duvall
14. Dorre Don Water System
15. Echo Glen Childrens Center
16. Four Lakes
17. Plat of Heathercrest
18. City of Issaquah
19. King County Water District No. 1
20. King County Water District No. 17
21. King County Water District No. 20
22. King County Water District No. 42
23. King County Water District No. 58
24. King County Water District No. 82
25. King County Water District No. 83
26. King County Water District No. 90
27. King County Water District No. 107
28. King County Water District No. 117
29. King County Water District No. 119
30. King County Water District No. 122
31. King County Water District No. 123
32. King County Water District No. 127

33. City of Kirkland
34. Locloman Subdivision
35. Lake Margaret
36. Maplewood Addition Water Cooperative
37. Mercer Crest Water Association
38. City of Mercer Island
39. Mirrormont Water Association
40. Mobile Home Wonderland
41. Mount Si Mobile Home Park
42. City of North Bend
43. Northeast Lake Washington Sewer and Water District
44. Northeast Sammamish Sewer and Water District
45. Overdale Park Water Association
46. Preston Industrial
47. City of Redmond
48. City of Renton
49. River Bend Homesites
50. River Bend Mobile Home Park
51. River Bend Water Association
52. Rose Hill Water and Sewer District
53. Sallal Water Association
54. Selleck Water Association
55. Shorewood Apartments
56. City of Snoqualmie
57. Spring Glen Association
58. Sunset Park Water Company
59. Trails End
60. Twenty-Three 800 Tiger Mountain
61. Union Hill Water Association
62. Wilderness Rim Maintenance Corporation
63. Woodinville Water and Sewer District
64. City of Seattle - Water Department

And all other purveyors with fifty or more service connections. Each of the listed agencies shall appoint a member and an alternate to the committee. Appointed members shall continue to serve until replaced by the appointing authority in accordance with the by-laws of the committee.

C. Rules of Procedures.

1. At the first meeting of the committee, a chairperson and rules for conducting business shall be determined by consensus.

2. Within six months of its establishment, the committee shall be responsible for developing and recommending specific external critical water supply service area boundaries to the county council in the manner prescribed in WAC 248-56-600.

3. The committee may determine, through its by-laws, whether to divide itself into sub-committees in order to more efficiently accommodate the large size of the area and complexity of issues involved. If such action is taken, a steering committee comprised of, as a minimum, the committee chair, chairs of each subcommittee, and representatives of King County, DSHS, and Seattle Water Department shall be established. Upon approval of the external boundaries, members who are excluded from the approved area may be dropped from the committee, or retained as non-voting members at their discretion.

4. Following the establishment of the external boundaries, the committee shall be responsible for developing a coordinated water system plan for the

critical water supply service area in accordance with the procedures provided in WAC 248-56-740. On completion of the plan, the committee shall submit the plan to the Washington State Department of Social and Health Services via King County which shall conduct the local review required by law. The plan shall be submitted within eighteen months of the establishment of the committee.

5. The coordinated water system plan and external critical water supply service area boundaries shall be reviewed and updated as appropriate by the committee at a minimum of every five years, or sooner if the committee deems it necessary, as prescribed in WAC 248-56-760.

D. Termination. The Water Utility Coordinating Committee shall be terminated effective January 1, 1994 unless specifically extended by ordinance. (Ord. 7894 §§ 1-4, 1986).

13.28.055 East King County Water System Plan. A. Ratification. The East King County Coordinated Water System Plan is ratified in accordance with the regulations of the Washington State Department of Health found in WAC 248-56. King County council finds the Coordinated Water System Plan to be consistent with the county's adopted land use plans and policies, as called for in RCW 70.116 and K.C.C. 13.24 and recommends its approval by the Washington State Department of Health with the following conditions:

1. Service Area. A principle requirement and objective of the Coordinated Water System Plan is the establishment of service areas to assist the water utilities in providing an effective process for the planning and development of a water system. The Coordinated Water System Plan defines a service area as a geographical area assigned to a water purveyor for the purpose of providing both current and future public water service consistent with local land use plans. The geographic boundaries are defined by agreements among adjacent utilities and are recorded on a set of maps on file with the building and land development division, the Seattle-King County health department, and the real property division. Water service provided within a designated service area is to be consistent with local land use plans. In order to be consistent with county land use plans and policies and existing county review procedures regarding water utility comprehensive plans, a water utility's service area boundary in the context of the Coordinated Water System Plan is understood to consist of an existing service area and a planning area. An existing service area is a geographic area within which service to customers is available as specifically defined on a map in a utility's comprehensive plan which is approved by King County as consistent with its land use policies.

A planning area is the remaining geographic area identified on the service area maps contained in the Coordinated Water System Plan which is a logical area for expansion of the system. Extension of service into the planning area requires King County approval as part of the utility's comprehensive plan to make certain that the proposed utility service is consistent with land use plans and policies.

2. Land Use Policies. East King County purveyors recognize the county's land use policies and will not use water service as a vehicle to supersede the land use policies and zoning within unincorporated King County.

The purveyors may perform satellite management of all class 2, 3 and 4 water systems within their service areas as provided for by the East King County Coordinated Water System Plan.

3. Conservation Element. A water conservation program is an integral element of the East King County Coordinated Water System Plan. All purveyors shall develop a conservation element as part of their individual water

comprehensive plans. The conservation program to reduce water consumption as outlined in the Coordinated Water System Plan shall be in place and operating by 1995 and will be reviewed at that time for its effectiveness by the Washington State Department of Health with assistance from the Water Utility Coordinating Committee. King County will monitor and review the effectiveness of purveyor conservation plans in conjunction with the approval of their water comprehensive plans.

1990 will be the base year used to establish the average annual per capita water consumption figure for measurement purposes, adjusted for any weather abnormalities or previous reduction as a result of an existing conservation program.

All utilities of five hundred or fewer customers shall achieve a four percent minimum total reduction in water use from the 1990 average annual per capital consumption figure (base year measurement) by 1995.

Utilities with five hundred to ten thousand customers and those utilities with greater than ten thousand customers shall achieve a 6.5 percent reduction per capital consumption figure by 1995.

A minimum total reduction in average per capita water consumption of eight percent from the 1990 base figure is the stated goal for the entire East King County Critical Water Supply Service Area by the year 2000.

B. Unresolved service area between City of Redmond and Union Hill Water Association. King County recommends to the Washington State Department of Health that the area in question be assigned as a part of Redmond's designated water service area with the following provisions:

1. The City of Redmond shall establish an implementation schedule to finalize water service arrangements to this area in a timely and reasonable manner and the area shall be addressed in their Comprehensive Water Plan updated by year end 1990. If this is not accomplished, reconsideration will be given to another service provider for the area.

2. The City of Redmond shall endorse land use and zoning as provided in the Bear Creek Community Plan and Area Zoning and shall not use water service to supersede King County land use authority. Failure to comply will cause King County to withdraw its approval of this portion of the coordinated water system plan and to decertify that particular service area for consistency with county land use plans and policies. Washington State Department of Health will be notified of this action and the consequences.

3. King County supports the City of Redmond and the Woodinville Sewer and Water District in the effort to re-examine their existing interlocal agreement regarding provision of water service in this area and to consider changes based on property ownership lines.

C. Changes to the Plan. The Seattle-King County health department requests that the following changes to the plan be forwarded to the Washington State Department of Health for consideration during the final Washington State Department of Health approval process:

SECTION XI, Part 4 of the East King County Coordinated Water System Plan follows:

a. 4A, 1st paragraph, insert before the last sentence:

"SKCHD maintains a database for data related to ground water systems."
Replace the last sentence with: "However, there is currently no unified program for developing a common utility planning database for storage and use of all utility planning information."

b. Change the first sentence of the 3rd paragraph to read: "A database will also be maintained by the SKCHD for groundwater systems and related regulatory information using information provided by USGSS, EPA, Ecology, and utilities." (Ord. 9462, §§ 1-3, 1990).

City of Seattle Ordinance

referenced by KC Title 13 (adopted by
Ord. 98)

ORDINANCE No.

117432

Law Department

COUNCIL BILL No.

110484

The

AN ORDINANCE relating to the processing of certain development permits; transferring from the Engineering Department to the Department of Construction and Land Use the responsibility for certain permits, fees, and plans review relating to shoring and excavation, drainage, and traffic and street impacts associated with development permits; and making amendments to Titles 21 (Subtitle II), 22 (Subtitle VIII), and 23 of the Seattle Municipal Code in connection therewith.

Honorable President:

Your Committee on

to which was referred the
report that we have consid

COMPTROLLER FILE No.

Introduced: 12-5-94	By: Harris
Referred:	To: Comm of the Whole
Referred:	To:
Referred:	To:
Reported: DEC 12 1994	Second Reading: DEC 12 1994
Third Reading: DEC 12 1994	Signed: DEC 12 1994
Presented to Mayor: DEC 13 1994	Approved: DEC 13 1994
Returned to City Clerk: DEC 20 1994	Published: NP
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Legislative Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

Honorable President:

Committee on _____

Which was referred the within Council Bill No. _____

That we have considered the same and respectfully recommend that the same:

Full Council Vote 8-0 (Weeks out of Chamber)

Committee Chair

ORDINANCE 117432

AN ORDINANCE relating to the processing of certain development permits; transferring from the Engineering Department to the Department of Construction and Land Use the responsibility for certain permits, fees, and plans review relating to shoring and excavation, drainage, and traffic and street impacts associated with development permits; and making amendments to Titles 21 (Subtitle II), 22 (Subtitle VIII), and 23 of the Seattle Municipal Code in connection therewith.

WHEREAS, to foster the City's goal of regulatory reform it is desirable to further streamline permit review, reduce procedural redundancies, and reduce the cost of doing business for permit applicants and for the City; and

WHEREAS, the Mayor has recommended to the City Council that certain plan review functions currently performed by the Engineering Department be consolidated into the Department of Construction and Land Use; and

WHEREAS, in order to carry out the consolidated functions, the 1995 adopted position lists for the Engineering Department and the Department of Construction and Land Use have been adjusted to reflect the transfer of approximately nine (9) positions from the former to the latter department; Now Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Responsibility for carrying out the following functions in connection with development permits is hereby transferred from the Engineering Department to the Department of Construction and Land Use:

a. review of the geotechnical and structural shoring designs necessary to protect the public rights of way during temporary excavations necessary for private development;

1 b. review of drainage system and erosion control design
2 necessary for development permits required by the Stormwater,
3 Grading, and Drainage Code;

4 c. determination of required street improvements
5 associated with activity that requires a development permit;

6 d. review of site access, including truck
7 loading/unloading; and

8 e. review of necessary transportation analyses, and
9 related improvements.

10 Section 2. A new subsection 6 is added to Section
11 21.16.030 of the Seattle Municipal Code (Ordinance 97016, § 2,
12 as last amended by Ordinance 114293, § 2) and the ensuing
13 subsections are renumbered and amended as follows:

14 21.16.030 Definitions.

15 6. "Director of Construction and Land Use" means the
16 Director or employees of The City of Seattle Department of
17 Construction and Land Use.

18 ((6+)) 7. "Director of Engineering" means the Director
19 of Engineering or employees of The City of Seattle Engineering
20 Department.

21 ((7+)) 8. "Downspout" means a pipe which conducts water
22 from a roof of a building.

1 ((8-)) 9. "Footing drain" means an open joint or
2 perforated pipe located near the foundation of a building,
3 intended to intercept and carry groundwater.

4 ((9-)) 10. "Garbage" means putrescible waste from the
5 preparation, cooking and dispensing of food, and from the
6 handling, storage and sale of produce.

7 ((10-)) 11. "Garbage, properly shredded" means garbage
8 that has been shredded to such a degree that it will be
9 carried or suspended freely under the flow conditions normally
10 prevailing in public sewers, with no particle larger than
11 three-eighths inch (3/8") in any dimension.

12 ((11-)) 12. "Industrial waste" means a liquid, solid or
13 gaseous substance, or combination thereof, resulting from any
14 process of industry, manufacturing, food processing, business,
15 trade or research, including the development, recovering or
16 processing of natural resources and including garbage, but
17 distinguished from sanitary sewage or storm drainage.

18 ((12-)) 13. "Main sewer" means a pipe which is part of
19 the public sewer system and to which a side sewer is
20 connected.

21 ((13-)) 14. "Metro" means ((the Municipality of
22 Metropolitan Seattle)) King County.

1 ((14-)) 15. "Natural outlet" means a watercourse, pond,
2 lake, sound, stream, river, ditch, or other body of surface
3 water.

4 ((15-)) 16. "Owner or occupant" means the owner of real
5 property or the agent or lessee of the owner.

6 ((16-)) 17. "Permit card" means a card issued in
7 conjunction with a permit (or a carbon copy of the permit)
8 which shall be posted on the premises of the work being
9 accomplished.

10 ((17-)) 18. "Person" means any individual, company,
11 partnership, corporation, association, society or group and
12 the singular term shall include the plural.

13 ((18-)) 19. "Ph" means a numerical indicator of the
14 degree of acidity or alkalinity of a substance.

15 ((19-)) 20. "Plumbing outlet, sanitary" means a
16 plumbing outlet from a building or structure which carries the
17 wastewater from sanitary facilities and plumbing fixtures, and
18 which is not primarily designed to carry stormwater or
19 unpolluted water.

20 ((20-)) 21. "Plumbing outlet, storm" means a plumbing
21 outlet from a building or structure which carries stormwater
22 or unpolluted water.

23 ((21-)) 22. "Pretreatment" means the treatment of
24 effluent from a sanitary plumbing outlet or of industrial
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1 waste prior to its introduction into the public sewer system
2 to the extent required by the Director of Engineering.

3 ((22-)) 23. Public place," "public area" or "street
4 area" means and includes streets, avenues, ways, boulevards,
5 drives, places, alleys, sidewalks, and planting strips,
6 squares, triangles and rights-of-way dedicated for the use of
7 the public, and the space above or beneath the surface of the
8 same.

9 ((23-)) 24. "Registered side sewer contractor" means a
10 person approved and registered by the Director of Engineering
11 to construct or repair side sewers.

12 ((24-)) 25. "Public sewer system" means the sewer or
13 storm drainage facilities owned and maintained by the City,
14 Rainier Vista Sewer District, Southwest Suburban Sewer
15 District or Metro, or any sewage facilities acquired,
16 constructed or maintained by such agencies.

17 ((25-)) 26. "Service drain" means a privately owned and
18 maintained drainage system which carries only stormwater
19 runoff, surface water, foundation drainage and/or other
20 unpolluted waters and which discharges at an approved outlet
21 as defined by the Director of Engineering. Service drains
22 include, but are not limited to, conveyance pipes, catchbasin
23 connections, downspout connections, detention pipes, and
24 subsurface drainage connections to an approved outlet.

1 Service drains do not include groundwater collection systems
2 upstream from the point of connection to a service drain.

3 ((26-)) 27. "Sewage" means waste discharged from
4 sanitary plumbing outlets of buildings.

5 ((27-)) 28. "Sewage treatment plant" means an
6 arrangement of devices, structures and equipment for treating
7 wastewater.

8 ((28-)) 29. "Sewer, combined" means a publicly owned
9 and maintained sewerage system which carries surface runoff
10 water, polluted water, unpolluted water, industrial waste,
11 effluent from storm plumbing outlets, sewage, and water from
12 foundation drains.

13 ((29-)) 30. "Sewer, sanitary" means a publicly owned
14 and maintained sewage system which carries wastewater, and is
15 not designed to carry stormwater or unpolluted water.

16 ((30-)) 31. "Side sewer" means a privately owned and
17 maintained pipe system which is designed to carry sewage
18 and/or stormwater runoff, surface water, foundation drainage,
19 and other unpolluted water leading from a plumbing outlet,
20 drain or other facilities to the public sewer system or
21 approved outlet.

22 ((31-)) 32. "Sidewalk" means the walkway in a public
23 area lying generally parallel to the roadway.

1 ((32-)) 33. "Standard Plans and Specifications" means
2 the standard plans and specifications adopted by the Board of
3 Public Works and in effect on the date of issuance of the
4 permit.

5 ((33-)) 34. "Storm drain" means a publicly owned and
6 maintained drainage system which carries stormwater runoff,
7 surface water, foundation drainage, and other unpolluted
8 water.

9 ((34-)) 35. "Suspended solids" means solids that either
10 float on the surface of or are in suspension in water, sewage,
11 or other liquids, and which are removable by filtering the
12 liquid, and includes matter which, upon dilution with water or
13 sewage, results in the formation of suspended solids.

14 ((35-)) 36. "Unpolluted water" means water in its
15 natural state, or water which, after use for any purpose, is
16 not substantially changed as to chemical or biochemical
17 qualities. The Director of Health or the Director of
18 Engineering has the authority to determine which waters are
19 unpolluted waters.

20 ((36-)) 37. "Use" means and includes use or occupancy
21 of a public place pursuant to Chapter 15.02 of the Seattle
22 Municipal Code for the purpose of doing work, disturbing the
23 surface, or erecting any structure under, along or over the
24 public place.

1 ((37-)) 38. "Wastewater" is a comprehensive term
2 including industrial waste, sewage, and other unpolluted
3 waters, as determined by the Director of Health or Director of
4 Engineering.

5 ((38-)) 39. "Watercourse" means a channel in which a
6 natural flow of stormwater and/or groundwater occurs either
7 continuously or intermittently.

8 Section 3. Section 21.16.040 of the Seattle Municipal
9 Code (Ordinance 97016, § 3, as last amended by Ordinance
10 114298, § 3) is further amended as follows:

11 21.16.040 Connection or abandonment of side sewers.

12 A. Wastewater Side Sewer Connections. The owner or
13 occupant of any lands, premises or habitable structures shall
14 connect all buildings, habitable structures, sanitary plumbing
15 outlets, and other sources of polluted water located thereon,
16 unless exempt under subsection C of this section, with the
17 nearest accessible sanitary sewer or combined sewer, whenever
18 such sewer is located within three hundred feet (300') of the
19 closest point of the building, habitable structure, sanitary
20 plumbing outlet, or source of polluted water. Except in
21 conjunction with activity requiring a development permit, the
22 ((The)) Director of Engineering shall determine whether a
23 sanitary sewer or combined sewer is accessible and whether the
24 connection shall be made by a side sewer or by an extension of
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the public sewer system. In conjunction with activity requiring a development permit, the Director of Construction and Land Use, after consulting with the Director of Engineering, shall make such determination.

B. Service Drain Connections. Connections of service drains to combined sewers or storm drains shall be as specified in Chapters 22.800 and 22.802 of the Seattle Municipal Code.

C. Exemptions from Connection. In conjunction with activity requiring a development permit, ((F)) the Director of Construction and Land Use, after consulting with the Director of Engineering, may exempt any otherwise accessible developed property from connecting to the public sewer system; and except in conjunction with activity requiring a development permit the Director of Engineering may exempt any otherwise accessible developed property from connecting to the public sewer system; provided, in all cases, that the following conditions are met:

1. The owner or occupant has agreed to pay to the City a charge in an amount equal to the charge that would be made for sewer service if the property were connected to the sewer system, which amount shall be paid and collected at the times and in the manner provided by ordinance for the payment and collection of sewer service charges; and

1 2. The Director of Health has waived the
2 requirement as provided in subsection A of this section that
3 properties within three hundred feet (300') of a sanitary
4 sewer or combined sewer must connect to that sewer; and

5 3. The property has a currently functioning
6 on-site sewage disposal system as determined by the Director
7 of Health. The exemption will remain in effect until the
8 on-site sewer system fails, or the property is sold or
9 otherwise transferred, or the owner or occupant fails to
10 timely pay the charges referred to in subdivision 1 of this
11 subsection, whichever occurs first, at which time the property
12 shall be connected to the public sewer system as required in
13 subsection A herein.

14 D. Abandonment of Side Sewers. Whenever a side sewer
15 is abandoned, the owner or occupant shall cap the side sewer.

16 Section 4. Section 21.16.070 of the Seattle Municipal
17 Code (Ordinance 97016, § 6, as last amended by Ordinance
18 114298, § 7) is further amended as follows:

19 21.16.070 Permit required.

20 A. A side sewer permit is required for any work on a
21 side sewer including, but not limited to, construction,
22 alteration, repair, removal, and capping.

1 B. When an existing structure is removed from a site
2 and a new structure is constructed, a side sewer permit is
3 required to connect the new structure to the public sewer
4 system or approved outlet.

5 C. Unless an emergency exists, as determined by the
6 Director of Engineering, a side sewer permit must be ((issued
7 by)) obtained from the Director of Engineering before any work
8 may be started on a side sewer located within the City's sewer
9 service area, either on private property or within a public
10 place.

11 D. No permit shall be altered and no work shall be
12 performed on a side sewer other than that provided for in the
13 permit. If additional work is necessary, the Director of
14 Engineering may require an additional permit and/or fees.

15 Section 5. Subsection A of Section 21.16.150 of the
16 Seattle Municipal Code (Ordinance 97016, § 14, as amended by
17 Ordinance 114298, § 15) is further amended as follows:

18 21.16.150 Trenches and excavations.

19 A. Trenches and excavations shall be subject to the
20 requirements established ((~~in Chapter 4.40 of The City of~~
21 ~~Seattle Board of Public Works Rules (Street and Sidewalk~~
22 ~~Pavement Opening and restoration Rules~~)) by the Director of
23 Engineering. No excavation shall be made in any public area

1 except at the times and in the manner prescribed by the
2 Director of Engineering.

3 Section 6. Section 21.16.200 of the Seattle Municipal
4 Code (Ordinance 97016, § 19, as amended by Ordinance 114298, §
5 20) is further amended as follows:

6 21.16.200 Use of existing sewer for new building.

7 Where a new or converted building or new installation
8 replaces an old one, the use of an existing side sewer will be
9 permitted when approved by the Director of ((Engineering))
10 Construction and Land Use as conforming to all requirements of
11 this chapter.

12 Section 7. Section 21.16.260 of the Seattle Municipal
13 Code (Ordinance 97016, § 25, as amended by Ordinance 114298,
14 §____) is further amended as follows:

15 21.16.260 Installation when compliance
16 is impractical -- Conditional permit.

17 If, in the opinion of the Director of Construction and
18 Land Use, after consulting with the Director of Engineering,
19 physical conditions make compliance with the provisions of
20 this chapter impracticable, the Director of Engineering may
21 issue a permit for installation of a side sewer requiring
22 compliance with the provisions insofar as is reasonably
23 possible, and such permit shall be issued only upon the
24 condition that the property owner shall record with the King
25 County Department of Records and Elections an instrument

1 acceptable to the Director of Engineering agreeing to save
2 harmless and indemnify the City from any damage or injury
3 resulting from the installation, operation and maintenance of
4 said side sewer. Such instrument shall be upon a form
5 approved by the Director of Engineering. This section is not
6 intended to be used to allow storm drainage connections to a
7 sanitary sewer.

8 Section 8. Section 21.16.350 of the Seattle Municipal
9 Code (Ordinance 97016, § 35, as amended by Ordinance 114298, §
10 33) is further amended as follows:

11 21.16.350 Authority to make rules and
12 regulations.

13 The Director of Engineering and the Director of
14 Construction and Land Use may make rules and regulations and
15 amend the same from time to time, not inconsistent with the
16 provisions of this chapter, as he or she or they shall deem
17 necessary and convenient to carry out the provisions of this
18 chapter.

19 Section 9. Subsections D and G of Section 21.24.021 of
20 the Seattle Municipal Code (Ordinance 116421, Section 1
21 (part)) are amended as follows:

22 21.24.021 Permit application and fee.

23 The permit application for a sewer or drain connection,
24 repair, alteration or addition shall be made by the owner of
25 such property or premises or by a registered side sewer
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contractor representing the owner, and the Director of Engineering shall determine whether the permit application conforms to the requirements of this chapter and other ordinances of the City regulating side sewers and compute the amount of the fee in accordance with the following schedule:

D. STORM DRAINAGE.

1. Drainage Systems Connecting Directly to Storm Drains or Discharging Directly to Receiving Waters.

Single-Family connection fee \$ 160.00

(Less than Nine
Thousand (9,000)
Square Feet of
Developmental
Coverage)

~~((review fee \$ 55.00))~~

INSPECTION TIME IN EXCESS OF ONE HOUR WILL BE BILLED SEPARATELY.

Multi-Family or
Commercial with
less than 9,000
square feet of
developmental
coverage

connection fee \$ 300.00
~~((review fee 110.00))~~

INSPECTION TIME IN EXCESS OF TWO HOURS WILL BE BILLED SEPARATELY.

All developments
with greater than
9000 square feet
of developmental
coverage

connection fee . . . \$0.02 per square
foot plus \$285.00

~~((review fee (per square foot) . . \$0.06))~~

INSPECTION TIME IN EXCESS OF TWO HOURS WILL BE BILLED SEPARATELY

2. Drainage Systems with Detention Required

Single-Family connection fee \$ 245.00
(Less than 9000 square feet of developmental coverage) ((review fee ~~110.00~~))

INSPECTION TIME IN EXCESS OF ONE HOUR WILL BE BILLED SEPARATELY

Multi-Family or connection fee \$ 400.00
Commercial with less than 9000 square feet of developmental coverage ((review fee ~~300.00~~))

INSPECTION TIME IN EXCESS OF TWO HOURS WILL BE BILLED SEPARATELY

All developments connection fee . . \$0.02 per square
with greater than 9000 square feet of developmental coverage foot plus \$350
((review fee (per square foot) ~~\$0.06~~))

INSPECTION TIME IN EXCESS OF TWO HOURS WILL BE BILLED SEPARATELY

~~((3. TEMPORARY DRAINAGE AND EROSION CONTROL~~

~~All developments over 9000 square feet of developmental coverage \$ 100.00))~~

G. INSPECTION FEE.

For the purpose of the ordinance inspection time in excess of the base fee will be charged per hour. . \$ ((~~60.00~~) 90.00)

In all cases of dispute regarding fees, permits or other matters relating to this chapter, the decision of the Director of Engineering shall be final and conclusive.

1 Section 10. Subsection A of Section 22.800.080 of the
2 Seattle Municipal Code (Ordinance 116425, § 2 (part)) is
3 amended as follows:

4 **22.800.080 Authority.**

5 A. 1. The Director of Construction and Land Use shall
6 have authority regarding the provisions of this subtitle
7 pertaining to grading, review of drainage control plans, and
8 review of erosion control plans, and shall have inspection and
9 enforcement authority pertaining to temporary erosion/sediment
10 control measures (~~((for small projects, as defined in Section~~
11 22.801.200))).

12 2. The Director of Engineering shall have authority
13 regarding all other provisions of this subtitle pertaining to
14 stormwater, drainage, and erosion control, including
15 inspection and enforcement authority (~~((for temporary drainage~~
16 and erosion control measures for large projects, as defined in
17 Section 22.801.130))).

18 Section 11. The subsections "Director of Construction
19 and Land Use" and "Director of Engineering" in Section
20 22.801.050 of the Seattle Municipal Code (Ordinance 116425, §
21 2 (part)) are amended as follows:

22 **22.801.050 "D."**

23 "Director of Construction and Land Use" means the
24 Director of the Department of Construction and Land Use of The
25
26

1 City of Seattle and/or the designee of the Director of
2 Construction and Land Use, who may be employees of that
3 department or another City department.

4 "Director of Engineering" means the Director of
5 Engineering of The City of Seattle and/or the designee of the
6 Director of Engineering, who may be employees of that
7 department or another City department.

8 Section 12. A new subsection is added to section
9 22.801.170 (Ordinance 116425, § 2 (part)) as follows:

10 "Public place" has the meaning given to it in Chapter
11 15.02.

12 Section 13. Subsections A, D, and F of Section
13 22.802.012 of the Seattle Municipal Code (Ordinance 116425, §
14 2 (part)) are amended as follows:

15 22.802.012 Prohibited discharges.

16 A. Stormwater Discharges to Sanitary and Combined
17 Sewers. In consultation with the local sewage treatment
18 agency, the Director of Engineering may approve/discharges of
19 stormwater to a public combined sewer or sanitary sewer if
20 other methods of controlling pollutants in the discharge are
21 not adequate or reasonable, the discharging party certifies
22 that the discharge will not harm the environment and will not
23 overburden or otherwise harm the public combined sewer or
24 sanitary sewer systems. The Director of Engineering shall

1 condition approval of such a discharge on compliance with
2 local pretreatment regulations.

3 D. Permissible Discharges. Discharges from the sources
4 listed below shall only be illicit discharges if the Director
5 of Engineering determines that the type of discharge, whether
6 singly or in combination with others, is causing or
7 contributing to a violation of the City's NPDES stormwater
8 permit or is causing or contributing to a water quality
9 problem, such as those which contain more contamination than
10 typical discharges in the City, or which contain a type of
11 contamination that is more toxic or is otherwise a more
12 serious problem than typical discharges in the City: Potable
13 water sources; washing of potable water storage reservoirs;
14 flushing of potable water lines; natural contaminated
15 surface water; natural uncontaminated groundwater;
16 air-conditioning condensation; natural springs; uncontaminated
17 water from crawl space pumps; runoff from lawn watering;
18 irrigation runoff; runoff from residential car washing by
19 individuals; flows from riparian habitats and wetlands; heat;
20 discharges in compliance with an NPDES permit; and discharges
21 from approved footing drains and other subsurface drains
22 (~~((approved by the Director of Engineering))~~) or, where approval
23 is not required, installed in compliance with this subtitle
24 and rules promulgated pursuant to this subtitle.
25
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1 F. Testing for Illicit Discharges. When the Director
2 of Engineering has reason to believe that any discharge is an
3 illicit discharge, the Director of Engineering may sample and
4 analyze the discharge and recover the costs from a responsible
5 party in an enforcement proceeding. When the discharge is
6 likely to contain illicit discharges on a recurring basis, the
7 Director of Engineering may conduct, or may require the
8 responsible party to conduct, ongoing monitoring at the
9 responsible party's expense.

10 Section 14. Subsections A and B of Section 22.802.013 of
11 the Seattle Municipal Code (Ordinance 116424, § 2 (part)) are
12 amended as follows:

13 22.802.013 Requirements for existing discharges
14 and land uses.

15 A. General.

16 1. For all existing discharges directly or
17 indirectly to a public drainage control system, responsible
18 parties shall implement and maintain nonstructural best
19 management practices as specified in rules promulgated jointly
20 by the Director of Engineering and the Director of
21 Construction and Land Use. "Nonstructural best management
22 practices" shall include, but not be limited to, maintenance
23 and housekeeping practices such as cleaning of catchbasins and
24 detention facilities, sweeping of parking lots, storing oil
25 barrels and other contaminant sources out of the rain,
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1 covering material stockpiles, and proper use and storage of
2 hazardous materials.

3 2. If the Director of Engineering determines that
4 discharges from a drainage control facility are causing or
5 contributing to a water quality problem, such as discharges
6 that violate the City's municipal stormwater NPDES permit or
7 that cannot be adequately addressed by nonstructural best
8 management practices, including, but not limited to, areas
9 with recurrent spills such as discharges from vehicle
10 maintenance shops or gas stations, then the Director of
11 Engineering may require the responsible party to undertake
12 more stringent or additional best management practices. These
13 best management practices may include structural best
14 management practices, or other action necessary to cease
15 causing or contributing to the water quality problem or the
16 violation of the City's permit. Structural best management
17 practices include but shall not be limited to constructed
18 facilities such as detention tanks, wet ponds, oil/water
19 separators, grassed swales, roofing and berming of container
20 storage areas, and revised piping systems.

21 B. Spill Prevention Required.

22 1. All commercial and industrial responsible
23 parties shall take measures to prevent spills or other
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1 accidental introduction of illicit discharges into a public
2 drainage control system. Such measures shall include:

3 a. Establishment and implementation of plans
4 and procedures to prevent spills and other accidental releases
5 of materials that may contaminate stormwater;

6 b. Implementation of procedures for immediate
7 containment and other appropriate action regarding spills and
8 other accidental releases to prevent contamination of
9 stormwater and;

10 c. Provision of necessary containment and
11 response equipment on-site, and training of personnel
12 regarding the procedures and equipment to be used.

13 2. The provisions of this subsection may be
14 satisfied by a Stormwater Pollution Prevention Plan prepared
15 in compliance with an NPDES industrial stormwater permit for
16 the site.

17 3. The responsible parties shall make the plans
18 and procedures required by this Subsection available to the
19 Director of Engineering when requested.

20 Section 15. Section 22.802.015 of the Seattle Municipal
21 Code (Ordinance 116425, § 2 (part)) is amended as follows:

22 22.802.015 Stormwater, drainage, and
23 erosion control requirements.

24 A. When Compliance is Required.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 1. New Development. All new development,
2 regardless of type, and regardless of whether or not a permit
3 is required, must comply with the minimum requirements set
4 forth in subsection C below. Projects exceeding nine thousand
5 (9,000) square feet of developmental coverage shall also
6 comply with the requirements for large projects set forth in
7 subsection D below. Only those projects meeting the review
8 thresholds set forth in subsection B must prepare and submit
9 the required plans.

10 2. Redevelopment. The portion of the site being
11 redeveloped shall at least comply with the minimum
12 requirements set forth in subsection C below. Projects
13 exceeding nine thousand (9,000) square feet of developmental
14 coverage must also comply with the additional requirements set
15 forth in subsection D below. Compliance is required
16 regardless of the type of redevelopment, and regardless of
17 whether or not a permit is required. However, only those
18 projects meeting the review thresholds set forth in subsection
19 B below must prepare and submit the required plans.

20 3. Approval of Exceptions Required. Exceptions to
21 the requirements of this subtitle may not be used on any
22 projects, including those that are below the threshold sizes
23 specified in subsection B, unless allowed by rule promulgated
24 jointly by the Director of Engineering and the Director of

1 Construction and Land Use or approved by the Director of
2 Construction and Land Use. Approval shall be obtained prior
3 to initiating land-disturbing activities or new development or
4 redevelopment. Approvals must be obtained for exceptions to
5 any and all requirements of this subtitle, including but not
6 limited to the requirement that natural drainage patterns be
7 maintained and the requirement that watercourses not be
8 obstructed.

9 B. Thresholds for Drainage Control Review. The
10 ((Director)) City may, by interagency agreement signed by both
11 the Director of Engineering and the Director of Construction
12 and Land Use, waive the drainage and erosion control permit
13 and document requirements for property owned by public
14 entities, when discharges from the property do not enter the
15 public drainage control system or the public combined sewer
16 system. Whether or not they are required to obtain permits or
17 submit documents, public entities are subject to the
18 substantive requirements of this subtitle, unless exceptions
19 are granted as set forth in Section 22.808.010. Except as
20 provided in this subsection, drainage control review and
21 approval shall be required as provided below:

22 1. Where an application for either a master use
23 permit or building permit includes the cumulative addition of
24 seven hundred fifty (750) square feet or more of developmental
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1 coverage after the effective date of the ordinance codified in
2 this subtitle;

3 2. Where an application for a grading permit or
4 approval is required;

5 3. Where a street use permit is required and the
6 permit is for the cumulative addition of seven hundred fifty
7 (750) square feet or more of developmental coverage after the
8 effective date of the ordinance codified in this subtitle;

9 4. Where a City public works project or
10 construction contract, including contracts for day labor and
11 other public works purchasing agreements, is for the
12 cumulative addition of seven hundred fifty (750) square feet
13 or more of developmental coverage to the site after the
14 effective date of the ordinance codified in this subtitle,
15 except for projects in a City-owned right-of-way and except
16 for work performed for the operation and maintenance of park
17 lands under the control or jurisdiction of the Department of
18 Parks and Recreation;

19 5. Where any permit approval or contract includes
20 any new or additional developmental coverage on a site deemed
21 a potentially hazardous location, as specified in Section
22 22.800.050;

23 6. Whenever an exception to a requirement set
24 forth in this subtitle or in a rule promulgated under this
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1 subtitle is desired, whether or not review and approval would
2 otherwise be required, including but not limited to alteration
3 of natural drainage patterns or the obstruction of
4 watercourses.

5 C. Minimum Requirements for All Projects. All projects
6 must comply with the requirements of this subsection.

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

20 1. Discharge Point. The discharge point for
21 drainage water from each site shall be selected as set forth
22 in rules promulgated jointly by the Director of Engineering
23 and the Director of Construction and Land Use specifying
24 criteria, guidelines and standards for determining drainage
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1 discharge points to meet the purposes of this subtitle. The
2 criteria shall include, but not be limited to, preservation of
3 natural drainage patterns and whether the capacity of the
4 drainage control system is adequate for the additional volume.
5 For those projects meeting the review threshold, the proposed
6 discharge point shall be identified in the drainage control
7 plan required by paragraph C4 below, for review and approval
8 or disapproval by the Director of ((Engineering)) Construction
9 and Land Use.

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

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

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

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

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

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

8 5. Memorandum of Drainage Control. The owner(s)
9 of the site shall sign a "memorandum of drainage control" that
10 has been prepared by the Director of Engineering. Completion
11 of the memorandum shall be a condition precedent to issuance
12 of any permit or approval for which a drainage control plan is
13 required. The memorandum shall not be required when the
14 drainage control facility will be owned and operated by the
15 City. A memorandum of drainage control shall include:

16 a. The legal description of the site;
17 b. A summary of the terms of the drainage
18 control plan, including any known limitations of the drainage
19 control facilities, and an agreement by the owners to
20 implement those terms;

21 c. An agreement that the owner(s) shall
22 inform future purchasers and other successors and assignees of
23 the existence of the drainage control facilities and other
24 elements of the drainage control plan, the limitations of the
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1 drainage control facilities, and of the requirements for
2 continued inspection and maintenance of the drainage control
3 facilities;

4 d. The side sewer permit number and the date
5 and name of the permit or approval for which the drainage
6 control plan is required;

7 e. Permission for the City to enter the
8 property for inspection, monitoring, correction, and abatement
9 purposes;

10 f. An acknowledgment by the owner(s) that the
11 City is not responsible for the adequacy or performance of the
12 drainage control plan, and a waiver of any and all claims
13 against the City for any harm, loss, or damage related to the
14 plan, or to drainage or erosion on the property, except for
15 claims arising from the City's sole negligence; and

16 g. The owner(s)' signature, acknowledged by a
17 notary public.

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

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

10 7. Natural Drainage Patterns. Natural drainage
11 patterns shall be maintained.

12 8. Obstruction of Watercourses. Watercourses shall
13 not be obstructed.

14 D. Additional Requirements for Large Projects. All
15 projects exceeding nine thousand (9,000) square feet of
16 developmental coverage and those small projects identified by
17 the Director according to subsection C above must comply with
18 the requirements set forth in this subsection. These
19 requirements are in addition to the requirements set forth in
20 subsection C above. When the Directors develop rules
21 prescribing best management practices for particular purposes,
22 whether or not those rules are adopted by ordinance, BMPs
23 prescribed in the rules shall be the BMPs required for
24 compliance with this subsection.. Best management practices
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1 shall include, but not be limited to: maintenance and
2 housekeeping practices such as proper storage of oil barrels
3 and other contaminant sources, covering material stockpiles,
4 proper use and storage of hazardous materials, as well as
5 constructed facilities such as detention tanks, wet ponds,
6 extended detention dry ponds, infiltration, vegetated
7 streambank stabilization, structural stabilization,
8 catchbasins, oil/water separators, grassed swales, and
9 constructed wetlands.

10 1. In addition to detaining a twenty-five (25)
11 year storm to a release rate of 0.2 cubic feet per second per
12 acre, the peak drainage water discharge rate from projects of
13 more than nine thousand (9,000) square feet of developmental
14 coverage shall not exceed 0.15 cubic feet per second per acre
15 in a two (2) year storm;

16 2. Control the sources of sediment and other
17 contaminants and pollutants that could enter drainage water,
18 including the selection, design and maintenance of temporary
19 and permanent best management practices;

20 3. Minimize streambank erosion and effects on
21 water quality in streams, including the selection, design and
22 maintenance of temporary and permanent best management
23 practices, where stormwater is discharged directly to a stream
24 or to a conveyance system that discharges to a stream;

1 4. Minimize the introduction of sediment, heat and
2 other pollutants and contaminants into wetlands, including the
3 selection, design and maintenance of temporary and permanent
4 best management practices, where stormwater discharges
5 directly to a wetland or to a conveyance system that
6 discharges into a wetland;

7 5. Analyze impacts to off-site water quality
8 resulting from the project. The analysis shall comply with
9 this subsection and rules promulgated pursuant to this
10 subsection. The analysis shall provide for mitigation of all
11 surface water quality or sediment quality impacts. The
12 impacts to be evaluated and mitigated shall include at-least
13 the following:

- 14 a. Amount of sedimentation,
- 15 b. Streambank erosion,
- 16 c. Discharges to groundwater contributing to
17 recharge zones,
- 18 d. Violations of state or federal surface
19 water, groundwater, or sediment quality standards, and
20 e. Spills and other accidental illicit
21 discharges;

22 6. A schedule shall be provided for inspection and
23 maintenance of proposed temporary and permanent drainage
24 control facilities and other best management practices. The
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1 schedule shall meet the requirements of this subtitle and
2 rules promulgated under this subtitle.

3 7. In addition to the requirements described
4 above, for land-disturbing activities and demolition of
5 structures, an erosion/sediment control plan designed to
6 comply with the requirements and purposes of this subtitle and
7 rules promulgated hereunder shall be submitted and
8 implemented. The erosion/sediment control plan shall be
9 designed to accomplish the following,

- 10 a. Stabilization of exposed soils and
11 sediment trapping,
- 12 b. Delineation of limits on clearing and
13 easements,
- 14 c. Protection of adjacent property,
- 15 d. Appropriate timing and stabilization of
16 sediment trapping measures,
- 17 e. Minimization of erosion on cut-and-fill
18 slopes,
- 19 f. Control of off-site erosion,
- 20 g. Stabilization of temporary conveyance
21 channels and outlets,
- 22 h. Protection of storm drain inlets,
- 23 i. Minimization of transport of sediment by
24 construction vehicles,
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j. Appropriate timing for removal of temporary best management practices,

k. Control of discharges from construction site dewatering devices to minimize contamination of drainage water, and

l. Inspection and maintenance of best management practices for erosion/sediment control to insure functioning at design capacity;

8. Comprehensive Drainage Control Plan. A comprehensive drainage control plan to comply with the requirements of this subtitle and rules promulgated hereunder and to accomplish the purposes of this subtitle shall be submitted with the permit application. It shall be prepared by a licensed civil engineer in accordance with standards adopted by the Director of ((Engineering)) Construction and Land Use.

E. Basin Plans. The Director of ((Engineering)) Construction and Land Use may determine that, for a particular project, compliance with a drainage basin plan satisfies subsections D1 through D4 above. The basin plan must have been adopted by rule or ordinance and must provide a level of protection for surface water and groundwater that equals or exceeds that which would otherwise be achieved.

1 Section 16. Section 22.802.020 of the Seattle Municipal
2 Code (Ordinance 116425, § 2 (part)) is amended as follows:

3 22.802.020 Scope of drainage control review
4 and application requirements.

5 A. Scope of Review. Where drainage review and approval
6 are required by Section 22.802.015, the scope of this review
7 shall at least include the following.

8 1. Master Use Permit Applications. Master use
9 permit applications shall contain sufficient information to
10 allow the Director of ((Engineering)) Construction and Land
11 Use to determine the effects of stormwater on-and off-site,
12 including the propriety of a proposed discharge point,
13 compliance with requirements for permanent drainage control
14 facilities, compliance with the requirements to maintain
15 natural drainage patterns and not obstruct watercourses,
16 compliance with applicable flood control requirements, and
17 whether improvements to the public drainage control system
18 shall be required. These determinations shall be part of
19 approved master use permit conditions, and shall be used as a
20 basis for further drainage planning for building permits and
21 other permits listed below.

22 2. Applications for Building and Other Permits.
23 The Director of ((Engineering)) Construction and Land Use
24 shall review any application for a building permit or other
25 permit listed in Section 22.802.015, other than master use
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1 permit applications, for compliance with Section 22.802.015
2 and to determine whether improvements to the public drainage
3 control system shall be required.

4 3. Projects Exceeding Nine Thousand (9,000) Square
5 Feet. For projects exceeding nine thousand (9,000) square
6 feet of developmental coverage, in addition to the review
7 criteria set forth above, the Director of ((Engineering))
8 Construction and Land Use shall review the comprehensive
9 drainage control plan for compliance with applicable
10 requirements.

11 4. Exceptions. Requests for exceptions to
12 requirements shall be reviewed as set forth in Section
13 22.808.010.

14 B. Application and Approval Requirements.

15 1. Drainage control plans for projects subject to
16 review under Section 22.802.015 shall be reviewed by the
17 Director of ((Engineering)) Construction and Land Use. The
18 Director of Construction and Land Use may approve those plans
19 which comply with the provisions of this subtitle and rules
20 promulgated hereunder, and may place conditions upon the
21 approval in order to assure compliance with the provisions of
22 this subtitle. Submission of the required drainage control
23 application information shall be a condition precedent to the
24 processing of any of the above-listed permits. Approval of
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1 drainage control shall be a condition precedent to issuance of
2 any of the above-listed permits.

3 2. The Director of ((Engineering)) Construction
4 and Land Use may disapprove plans which do not comply with the
5 provisions of this subtitle and rules promulgated hereunder.
6 Disapproved plans shall be returned to the applicant, who may
7 correct and resubmit the plans.

8 C. Submittal Requirements.

9 1. Applications shall be prepared and submitted in
10 accordance with provisions of this section, with Chapter 21.16
11 (Side Sewers) and with associated rules and regulations
12 adopted jointly by the Director of Construction and Land Use
13 and the Director of Engineering.

14 2. The Director of Construction and Land Use may
15 require additional information necessary to adequately
16 evaluate applications for compliance with the requirements and
17 purposes of this subtitle and other laws and regulations,
18 including SMC Chapter 25.09, Regulations for Environmentally
19 Critical Areas. The Director of Construction and Land Use may
20 also require appropriate information about adjoining
21 properties which may be related to, or affected by, the
22 drainage control proposal in order to evaluate effects on the
23 adjacent property. This additional information may be
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1 required as a precondition for permit application review and
2 approval.

3 3. Where an applicant simultaneously applies for
4 more than one of the permits listed in subsection A above for
5 the same property, the application shall comply with the
6 requirements for the permit which are the most detailed and
7 complete.

8 Section 17. Section 22.802.060 of the Seattle Municipal
9 Code (Ordinance 116424, § 2 (part)) is amended as follows:

10 22.802.060 Installation of drainage control facilities.

11 A. All privately owned and operated drainage control
12 facilities or systems, whether or not they discharge to a
13 public drainage control system, shall be considered side
14 sewers and shall be subject to Title 21 of the Seattle
15 Municipal Code, the Engineering Department Director's Rules
16 promulgated under that title, and the ((Engineering Depart-
17 ment's)) design and installation specifications and permit
18 requirements of the Engineering Department and Department of
19 Construction and Land Use for side sewer and drainage control
20 systems.

21 B. Side sewer permits and inspections shall be required
22 for construction, capping, alterations, or repairs of
23 privately owned and operated drainage control systems as
24 provided in Chapter 21.16 of the Seattle Municipal Code. When
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1 the work is ready for inspection, the permittee shall notify
2 the Director of Engineering. If the work is not in accordance
3 with plans approved under this subtitle and in accordance with
4 Chapter 21.16, Engineering Department and Department of
5 Construction and Land Use Director's Rules, and Engineering
6 Department and Department of Construction and Land Use design
7 and installation specifications, the Engineering Department,
8 after consulting with the Department of Construction and Land
9 Use, may order the work stopped by written notice to the
10 persons engaged in performing the work or causing the work to
11 be done, and may require modifications as provided in this
12 subtitle and Chapter 21.16.

13 Section 18. Subsection A of Section 22.802.070 of the
14 Seattle Municipal Code (Ordinance 116425, § 2 (part)) is
15 amended as follows:

16 22.802.070 Modifications of drainage control
17 facilities during construction.

18 A. During construction the Director of Engineering may
19 require, or the applicant may request, that the construction
20 of drainage control facilities and associated project designs
21 be modified if physical conditions are discovered on the site
22 which are inconsistent with the assumptions upon which the
23 approval was based, including but not limited to unexpected
24 soil and/or water conditions, weather generated problems, or
25 changes in the design of the improved areas. Modifications
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1 shall be submitted to the Director of Construction and Land
2 Use for approval prior to implementation.

3 Section 19. Subsections C and E of Section 22.802.090 of
4 the Seattle Municipal Code (Ordinance 116425, § 2 (part)) are
5 amended as follows:

6 22.802.090 Maintenance and inspection.

7 C. Entry for Inspection and Abatement Purposes.

8 1. New Installations and Connections. When any
9 new drainage control facility is installed on private
10 property, and when any new connection is made between private
11 property and a public drainage control system, sanitary sewer
12 or combined sewer, the property owner shall execute a
13 permission form provided by the Director of Engineering. The
14 property owner shall grant the City the right to enter the
15 property at reasonable times and in a reasonable manner
16 pursuant to an inspection program established pursuant to
17 subsection B above, and to enter the property when the City
18 has a reasonable basis to believe that a violation of this
19 subtitle is occurring or has occurred, and to enter when
20 necessary for abatement of a public nuisance or correction of
21 a violation of this subtitle.

22 2. Existing Land Uses and Discharges. Owners of
23 property with existing discharges or land uses subject to this
24 subtitle who are not installing a new drainage control
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1 facility or making a new connection between private property
2 and a public drainage control system, sanitary sewer or
3 combined sewer, shall have the option to execute a permission
4 form for the purposes described above when provided with the
5 form by the Director of Engineering.

6 E. Records of Installation and Maintenance Activities.

7 When a new drainage control facility is installed, the party
8 having the facility installed shall obtain a copy of the
9 as-built plans from the Director of Engineering. Responsible
10 parties shall make records of the installation and of all
11 maintenance and repair, and shall retain the records for at
12 least ten (10) years. These records shall be made available
13 to the Director of Engineering during inspection of the
14 facility and at other reasonable times upon request of the
15 Director of Engineering.

16 Section 20. Subsection A of Section 22.804.030 of the
17 Seattle Municipal Code (Ordinance 116425 § 2 (part)) is
18 amended as follows:

19 22.804.030 Grading permit or approval required.

20 A. Grading Permit Required. A grading permit shall be
21 required for all grading activities as specified below.
22 Actions exempt from a grading permit are specified in
23 Subsection C.
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1 1. Special Sites. A permit shall be required for
2 any site located in one (1) of the following areas if the
3 combined volume of excavation, fill, dredging, or other
4 movement of earth materials is more than twenty-five (25)
5 cubic yards:

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

11 b. Environmentally critical areas.

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

16 3. General Sites. For sites not included in
17 subsections A1 and A2 above, a permit shall be required where
18 the grade at any location is changed more than three feet (3')
19 and either:

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

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

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

7 5. Temporary Stockpiles. A grading permit or approval
8 shall be required for temporary stockpiles which meet the
9 thresholds of subsections A1 through A3 above and are not
10 located on sites for which a valid grading permit or grading
11 approval has been issued.

12 6. Grading Near Public Places. A permit shall be
13 required for all grading activities in excess of four feet
14 (4'), measured vertically, on private property within any area
15 between the vertical prolongation of the margin of an improved
16 public place, and a one hundred percent (100%) slope line
17 (forty-five degrees (45°) from a horizontal line) from the
18 existing elevation of the margin of the traveled surface of an
19 improved public place to the proposed elevation of the private
20 property.

21 Section 21. Subsections B and C of Section 22.808.020 of
22 the Seattle Municipal Code (Ordinance 116425, § 2 (part)) are
23 amended as follows:

22.808.020 Liability and defenses of
responsible parties.

B. Joint and Several Liability. Each responsible party is jointly and severally liable for a violation of this subtitle. The Director of Engineering or the Director of Construction and Land Use or both of them may take enforcement action, in whole or in part, against any responsible party. All applicable civil penalties may be imposed against each responsible party. In the event enforcement action is taken against more than one (1) responsible party, recoverable damages, costs, and expenses may be allocated among the responsible parties by the court or the Hearing Examiner based upon the extent to which each responsible party's acts or omissions caused the violation, unless this factor cannot be determined, or the party receiving the allocation under this factor is unable to correct the violation, or is unable to pay the damages, costs, expenses, and any penalty imposed, in which case the trier of fact shall consider:

1. Awareness of the violation;
2. Ability to correct the violation;
3. Ability to pay the damages, costs, and expenses;
4. Cooperation with government agencies;

1 5. Degree to which any impact or threatened impact
2 on water or sediment quality, human health, or the environment
3 is related to acts or omissions by each responsible party.

4 6. Degree to which the responsible parties made
5 good-faith efforts to avoid a violation or to mitigate its
6 consequences; and

7 7. Other equitable factors.

8 C. Defenses. A responsible party shall not be liable
9 under this subtitle when the responsible party carries the
10 burden of proving, by a preponderance of the evidence, one (1)
11 of the following defenses:

12 1. The violation was caused solely by an act of
13 God;

14 2. The violation was caused solely by another
15 responsible party over whom the defending responsible party
16 had no authority or control and the defending responsible
17 party could not have reasonably prevented the violation;

18 3. The violation was caused solely by a prior
19 owner or occupant when the defending responsible party took
20 possession of the property without knowledge of the violation,
21 after using reasonable efforts to identify violations.

22 However, the defending responsible party shall be liable for
23 all continuing, recurrent, or new violations after becoming
24 the owner or occupant.

1 4. The responsible party implemented and
2 maintained all appropriate best management practices
3 identified in rules promulgated by the Director of
4 Construction and Land Use and the Director of Engineering, or
5 in manuals published by the State Department of Ecology until
6 superseded by rules of the Director.

7 Section 22. Section 22.808.030 of the Seattle Municipal
8 Code (Ordinance 116, 425, § 2 (part)) is amended as follows:
9 22.808.030 Enforcement actions.

10 A. Investigation. The Director of Engineering or the
11 Director of Construction and Land Use or both of them may
12 investigate any site where there is reason to believe that
13 there may be a failure to comply with the requirements of this
14 subtitle.

15 B. Notice of Violation.

16 1. Issuance. Whenever the Director determines
17 that a violation of this subtitle has occurred or is
18 occurring, the Director is authorized to issue a notice of
19 violation to the property owner or other responsible party.
20 The notice of violation shall be considered an order of the
21 Director.

22 2. Contents.

23 a. The notice of violation shall include the
24 following information:
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1 i. A description of the violation and
2 the action necessary to correct it;

3 ii. The date of the notice; and

4 iii. A deadline by which the action
5 necessary to correct the violation must be completed.

6 b. A notice of violation may be amended at
7 any time to correct clerical errors and to add citations of
8 authority.

9 3. Service. The Director of Engineering or the
10 Director of Construction and Land Use shall serve the notice
11 upon the responsible party either by personal service or by
12 certified mail, return receipt requested, sent to the party's
13 last known address and, where possible, by posting a copy on
14 the site. Service by certified mail shall be effective on the
15 date of mailing. If the whereabouts of the responsible party
16 is unknown and cannot be ascertained in the exercise of
17 reasonable diligence, and ((the)) either Director makes an
18 affidavit to that effect, then service may be accomplished by
19 publishing the notice once each week for two (2) consecutive
20 weeks in the City official newspaper.

21 C. Alternatives to Notice of Violation.

22 1. Stop-Work Order.

23 a. In lieu of issuing a notice of violation,
24 the Director of Engineering or the Director of Construction
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1 and Land Use may order work on a site stopped when ((the
2 Director)) he or she determines it is necessary to do so in
3 order to obtain compliance with or to correct a violation of
4 any provision of this subtitle or rules promulgated hereunder
5 or to correct a violation of a permit or approval granted
6 under this subtitle. The stop-work notice shall contain the
7 following information:

8 i. A description of the violation; and
9 ii. An order that the work be stopped
10 until corrective action has been completed and approved by
11 ((the)) either Director.

12 b. The stop-work order shall be posted
13 conspicuously on the premises or personally served on the
14 property owner or other person known to be responsible for the
15 work. It is unlawful for any work to be done after posting or
16 service of a stop-work order, except work necessary to conduct
17 the required corrective action, until authorization to proceed
18 is given by ((the)) either Director. It is unlawful for any
19 person to remove, obscure or mutilate a posted stop work
20 order.

21 2. Emergencies.

22 a. The Director of Engineering and the
23 Director of Construction and Land Use are each ((is))
24 authorized to enter any property when it reasonably appears
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1 that a condition associated with grading, drainage, erosion
2 control or a drainage control facility creates a substantial
3 and present or imminent danger to the public health, safety or
4 welfare, the environment, or public or private property. The
5 Director of Engineering and the Director of Construction and
6 Land Use each may enter property without permission or an
7 administrative warrant in the case of an extreme emergency
8 placing human life, property or the environment in immediate
9 and substantial jeopardy which requires corrective action
10 before either permission or an administrative warrant can be
11 obtained.

12 b. The Director of Engineering or the
13 Director of Construction and Land Use or both of them may
14 order the responsible party to take corrective action and set
15 a schedule for compliance(~~(The Director)~~) and may require
16 immediate compliance with an order to correct. Any emergency
17 which is not corrected as ordered by the Director of
18 Engineering or the Director of Construction and Land Use is a
19 public nuisance which ((the)) each Director is authorized to
20 abate summarily. The costs of abatement shall be collected as
21 set forth in Section 22.808.080.

22 D. Appeal of Director's Decisions. Any Notice of
23 Violation or final order other than a stop-work order or
24 emergency order issued by the Director of Engineering or the
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1 Director of Construction and Land Use pursuant to this
2 subtitle may be appealed to the Hearing Examiner by an
3 aggrieved person. Appeals shall be initiated by filing a
4 written notice with the applicable fee, as set forth in SMC
5 Section 23.76.022. When, as set forth in Section 22.808.070,
6 an invoice is issued without a prior hearing, the appeal
7 period shall commence upon issuance of the invoice.

8 E. Filing Notice or Order. A notice of violation,
9 voluntary compliance agreement or an order issued by a
10 Director of Engineering, Director of Construction and Land
11 Use, Hearing Examiner or municipal Judge, may be filed with
12 the King County Department of Records and Elections.

13 F. Change of Ownership. When a notice of violation,
14 voluntary compliance agreement or an order issued by a
15 Director of Engineering, Director of Construction and Land
16 Use, Hearing Examiner or municipal Judge has been filed with
17 the King County Department of Records and Elections, a notice
18 of violation or an order regarding the same violations need
19 not be served upon a new owner of the property where the
20 violation occurred. If no notice of violation or order is
21 served upon the new owner, the Director of Engineering or
22 Director of Construction and Land Use may grant the new owner
23 the same number of days to comply as was given the previous
24 owner. The compliance period for the new owner shall begin on
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1 the date that the conveyance of title to the new owner is
2 completed.

3 Section 23. Section 22.808.040 of the Seattle Municipal
4 Code (Ordinance 116425, § 2 (part)) is amended as follows:

5 22.808.040 Enforcement of notice of violation.

6 A. Hearing Examiner and Municipal Court. The Director
7 of Engineering or the Director of Construction and Land Use or
8 both of them may choose to enforce a Notice of Violation
9 through either of the following means:

10 1. An enforcement hearing through the Hearing
11 Examiner's Office, as set forth in this section; or

12 2. Referral to the City Attorney's Office for
13 action in the appropriate court according to that court's
14 normal rules and procedures.

15 B. Enforcement Through Hearing Examiner's Office.
16 Enforcement actions through the Office of the Hearing Examiner
17 shall proceed according to this subsection.

18 1. Hearing Schedule. The Hearing Examiner's
19 Office shall schedule a hearing after notification by the
20 Director that enforcement will be pursued through the Hearing
21 Examiner's Office.

22 2. Conduct of the Hearing. The Hearing Examiner
23 shall conduct a hearing on the violation pursuant to the rules
24 of procedure of the Hearing Examiner, as modified by this
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1 section. The Director, the person to whom the notice of
2 violation was issued, and any other responsible party
3 regarding the matters addressed in the notice of violation may
4 participate as parties in the hearing, with or without
5 representation by an attorney. Each party may call and compel
6 the attendance of witnesses.

7 3. Standard of Review and Burden of Proof. The
8 ((Director's)) determinations of the Director of Engineering
9 and the determinations of the Director of Construction and
10 Land Use shall be accorded substantial weight by the Hearing
11 Examiner. The defending responsible party shall have the
12 burden of proving by a preponderance of the evidence all
13 defenses, mitigating factors and objections to the required
14 corrective action or schedule.

15 4. Hearing Examiner's Order. The Hearing Examiner
16 shall affirm, vacate or modify the Director's determinations.
17 The Hearing Examiner shall issue an order within fifteen (15)
18 days following the close of the record unless all parties
19 agree to an extension of time. The order shall contain the
20 following information:

21 a. The decision regarding the alleged
22 violation;

23 b. Findings of fact and conclusions based
24 thereon in support of the decision;
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1 c. The required corrective action (if any);
2 d. The date and time by which the corrective
3 action must be completed;

4 e. The monetary penalties and other costs,
5 expenses, or damages being assessed against the responsible
6 party;

7 f. Notice that the responsible party has
8 fifteen (15) days from service of the order for appeal to
9 Superior Court; and

10 g. Authorization for the City to abate or
11 correct the violation following expiration of the appeal
12 period and the time set for compliance with the order if the
13 responsible party has not completed the required corrective
14 action, and to charge the responsible party for its costs, as
15 set forth in Section 22.808.080. The order shall not require
16 the City to abate or correct the violation.

17 5. Failure to Appear. If the responsible party to
18 whom the notice of violation was issued fails to appear at a
19 scheduled hearing before the Hearing Examiner, and no other
20 responsible party appears to defend, then, upon an offer of
21 proof by the City, which may be made by declaration, the
22 Hearing Examiner shall issue an order finding that the
23 violation occurred. The order shall contain the information
24 set forth in subsection B4 above. In the absence of an offer
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1 of proof by the City, the Hearing Examiner shall issue an
2 order finding the responsible party to be in default, and
3 setting forth the penalties and other relief described in
4 subsection B4.

5 Section 24. Section 22.808.050 of the Seattle Municipal
6 Code (Ordinance 116425, § 2 (part)) is amended as follows:]

7 22.808.050 Voluntary compliance agreement.

8 A. Initiation. Either a responsible party or the
9 Director of Engineering or the Director of Construction and
10 Land Use may initiate negotiations for a voluntary compliance
11 agreement at any time. ((The)) Neither Director has ((no))
12 any obligation to enter into any voluntary compliance
13 agreement.

14 B. Contents. A voluntary compliance agreement shall
15 set forth actions to be taken by the responsible party that
16 will correct past or existing violations of this subtitle. It
17 may also set forth actions to mitigate the impacts of
18 violations. The voluntary compliance agreement shall set
19 forth a schedule for completion of the corrective and
20 mitigating actions. It shall contain a provision allowing the
21 Director of Engineering and the Director of Construction and
22 Land Use to inspect the premises to determine compliance with
23 the agreement.

24 C. Effect of Agreement.
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1 1. A voluntary compliance agreement is a binding
2 contract between the party executing it and the City. It is
3 not enforceable by any other party. All voluntary compliance
4 agreements shall provide that the responsible party agrees the
5 City may perform the actions set forth in the agreement if the
6 responsible party fails to do so according to the terms and
7 schedule of the agreement, and the responsible party will pay
8 the costs, expenses and damages the City incurs in performing
9 the actions, as set forth in Section 22.808.080 regarding
10 abatements. By entering into a voluntary compliance
11 agreement, a responsible party waives the right to an
12 administrative appeal of the violation.

13 2. Penalties may be reduced or waived if
14 violations are corrected or mitigated according to the terms
15 and schedule of a voluntary compliance agreement. If the
16 responsible party fails to perform according to the terms and
17 schedule of the voluntary compliance agreement, penalties for
18 each violation addressed in the agreement may be assessed
19 starting from the date the violation occurred.

20 D. Modification. The terms and schedule of the
21 voluntary compliance agreement may be modified by mutual
22 agreement of the responsible party and ((the)) either Director
23 if circumstances or conditions outside the responsible party's
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1 control, or unknown at the time the agreement was made, or
2 other just cause necessitate such modifications.

3 Section 25. Section 22.808.070 of the Seattle Municipal
4 Code (Ordinance 116425, § 2 (part)) is amended as follows:

5 22.808.070 Collection of costs and penalties.

6 A. Invoice and Demand for Payment. When ((the)) either
7 Director has abated a public nuisance or corrected a violation
8 of this subtitle and a hearing has not been conducted, the
9 Director shall issue an invoice and demand for payment of the
10 City's abatement costs. The invoice shall include:

11 1. The amount of the City's abatement or
12 correction costs;

13 2. Either a legal description of the property
14 corresponding as nearly as possible to that used for the
15 property on the rolls of the King County Assessor or, where
16 available, the property's street address;

17 3. A notice that the Director's determinations
18 regarding the abatement and correction, including the amount
19 owed, may be appealed to the Hearing Examiner by following the
20 procedure set forth in SMC Section 23.76.022;

21 4. Notice that if the amount due is not paid
22 within thirty (30) days, the outstanding balance may be
23 collected in any of the manners set forth in subsection B of
24 this section; and
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1 5. Notice that interest shall accrue on the unpaid
2 balance.

3 B. Collection Following a Hearing. The Director of
4 Construction and Land Use and the Director of Engineering
5 ~~((is))~~ are not required to issue an invoice for payment when a
6 hearing has been conducted as set forth in Section 22.808.040,
7 and an order has issued imposing any penalties, costs,
8 damages, expenses or abatement costs. If the order is not
9 appealed within fifteen (15) days of mailing or other delivery
10 of the order to the responsible party, the Director of
11 Construction and Land Use or the Director of Engineering may
12 immediately seek to collect the amounts owed by:

13 1. Referral to the City Attorney's Office for
14 action in the appropriate court; or

15 2. Referral, after consultation with the City
16 Attorney's Office to a collection agency; or

17 3. Addition of a surcharge in the amount owed
18 under the order to the Drainage and Wastewater Utility bill
19 for the site. If unpaid, the surcharge may become a lien on
20 the property, may be foreclosed, and may accrue interest as
21 provided by state law or SMC Section 21.33.110.

22 Section 26. Subsections E and F of Section 22.808.080 of
23 the Seattle Municipal Code (Ordinance 116425, § 2 (part)) are
24 amended as follows:

1 22.808.080 Public nuisance.

2 E. Abatement by the City. The Director of Engineering
3 and the Director of Construction and Land Use ((is)) are
4 authorized, but not required, to investigate a condition that
5 ((the)) either Director suspects of being a public nuisance
6 under this subtitle, and to abate any public nuisance. If a
7 public nuisance is an immediate threat to the public health,
8 safety or welfare or to the environment, the Director of
9 Engineering or the Director of Construction and Land Use may
10 summarily and without prior notice abate the condition. The
11 Director of Engineering or the Director of Construction and
12 Land Use shall give notice of the abatement to the responsible
13 party as soon as reasonably possible after the abatement.

14 F. Collection of Abatement Costs. The costs of
15 abatement may be collected from the responsible party,
16 including a reasonable charge for attorney time and a
17 fifteen-percent (15%) charge for administrative expenses as
18 set forth in Section 22.808.060 C. Abatement costs and other
19 damages, expenses and penalties collected by the City shall go
20 into an abatement account for the department collecting the
21 moneys. The money in the abatement account shall be used for
22 abatements and corrections of violations conducted by the
23 City. When the account is insufficient the Director of

1 Engineering and the Director of Construction and Land Use may
2 use other available funds.

3 Section 27. Subsection B of Section 22.808.090 of the
4 Seattle Municipal Code (Ordinance 116425, § 2 (part)) is
5 amended as follows:

6 22.808.090 Violations.

7 B. Criminal Violations.

8 1. Failing to Comply with Orders. Failing to
9 comply with an order properly issued pursuant to this subtitle
10 by the Director of Engineering, the Director of Construction
11 and Land Use, the Hearing Examiner, or a Judge is a criminal
12 violation, punishable upon conviction by a fine of not more
13 than Five Thousand Dollars (\$5,000.00) per day of each
14 violation or imprisonment for each violation for not more than
15 three hundred sixty (360) days, or both such fine and
16 imprisonment.

17 Section 28. Section 22.808.110 of the Seattle Municipal
18 Code (Ordinance 116425, § 2 (part)) is amended as follows:

19 22.808.110 Suspension or revocation.

20 Approvals or permits granted in error, or on the basis of
21 incomplete, inaccurate or misleading information, or in
22 violation of any law, ordinance or regulation may be suspended
23 or revoked. Other permits or approvals interrelated with an
24 approval suspended or revoked under this section, including
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1 certificates of occupancy or approvals for occupancy, may also
2 be suspended or revoked. When an approval or permit is
3 suspended or revoked, the Director of Engineering or the
4 Director of Construction and Land Use may require the
5 applicant to take corrective action to bring the project into
6 compliance with this subtitle by a deadline set by the
7 Director of Engineering or the Director of Construction and
8 Land Use, or may take other enforcement action.

9 Section 29. Section 22.808.120 of the Seattle Municipal
10 Code (Ordinance 116425, § 2 (part)) is amended as follows:

11 22.808.120 Fees.

12 Fees for grading permits, drainage control plan review
13 and approvals shall be as set forth in the Permit Fee
14 Ordinance, (~~Chapter 22.900~~) Subtitle IX of Title 22, Seattle
15 Municipal Code. Fees for (~~drainage control plan review~~)
16 recordkeeping or other activities pursuant to this subtitle
17 shall, unless otherwise provided for in this subtitle, be
18 prescribed by ordinance.

19 Section 30. Section 22.808.130 of the Seattle Municipal
20 Code (Ordinance 116425, § 2 (part)) is amended as follows:

21 22.808.130 Financial assurance and covenants.

22 As a condition precedent to issuance of any permit or
23 approval provided for in this subtitle, the Director of
24 Construction and Land Use may require an applicant for a

1 permit or approval to submit financial assurances as provided
2 in this section.

3 A. Insurance.

4 1. The Director of Construction and Land Use may
5 require the owner(s), or contractor to carry liability and
6 property damage insurance against damage, naming the City as
7 an additional insured. The amount shall be commensurate with
8 the risks as determined by the Director.

9 2. The Director of Construction and Land Use may
10 also require the owner(s) to maintain a policy of general
11 public liability insurance against personal injury, death,
12 property damage and/or loss from activities conducted pursuant
13 to the permit or approval, or conditions caused by such
14 activities, and naming the City as an additional insured. The
15 policy shall be in an amount which the Director determines to
16 be commensurate with the risks. It shall cover a period of
17 not more than ten (10) years from the date of issuance of a
18 certificate of occupancy or finalization of the permit or
19 approval. A certificate evidencing such insurance shall be
20 filed with the Director of Construction and Land Use before
21 issuance of a certificate of occupancy or finalization of a
22 permit for any single family dwelling or duplex.

23 3. The insurance policy shall provide that the
24 City will be notified of cancellation of the policy at least
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1 thirty (30) days prior to cancellation. The notice shall be
2 sent to the Director of Construction and Land Use who required
3 the insurance and shall state the insured's name and the
4 property address. If a property owner's insurance is canceled
5 and not replaced, the permit or approval and any interrelated
6 permit or approval may be revoked, including a certificate of
7 occupancy or approval for occupancy.

8 B. Bonds, Cash Deposits or Instruments of Credit.

9 1. a. Surety Bond. The Director of Construction
10 and Land Use may require that the owner or contractor deliver
11 to the Director for filing in the Office of the City Clerk a
12 surety bond, cash deposit or an instrument of credit in such
13 form and amounts deemed by the Director to be necessary to
14 ensure that requirements of the permit or approval are met. A
15 surety bond may be furnished only by a surety company licensed
16 to do business in The State of Washington. The bond shall be
17 conditioned that the work will be completed in accordance with
18 the conditions of the permit or approval, or, if the work is
19 not completed, that the site will be left in a safe condition.
20 The bond shall also be conditioned that the site and nearby,
21 adjacent or surrounding areas will be restored if damaged or
22 made unsafe by activities conducted pursuant to the permit or
23 approval.
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1 b. The bond will be exonerated one (1) year
2 after a determination by the Director of Construction and Land
3 Use that the requirements of the permit or approval have been
4 met. For work under a building permit, issuance of a
5 certificate of occupancy or approval for occupancy following a
6 final inspection shall be considered to be such a
7 determination. For grading, completion of the final grading
8 inspection and submittal of required final reports in
9 accordance with Section 22.804.200 shall be such a
10 determination.

11 2. Assurance in Lieu of Surety Bond. In lieu of a
12 surety bond, the owner may elect to file a cash deposit or
13 instrument of credit with the Director in an amount equal to
14 that which would be required in the surety bond and in a form
15 approved by the Director of Construction and Land Use. The
16 cash deposit or instrument of credit shall comply with the
17 same conditions as required for surety bonds.

18 C. Covenants.

19 1. The Director of Construction and Land Use may
20 require a covenant between the owner(s) of the property and
21 the City. The covenant shall be signed by the owner(s) of the
22 site and notarized prior to issuance of any permit or approval
23 in a potential landslide area, potentially hazardous location,
24 flood prone zone, or other area of potentially hazardous soils
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1 or drainage or erosion conditions. The covenant shall not be
2 required where the permit or approval is for work done by the
3 City. The covenant shall include:

4 a. A legal description of the property; and
5 b. A description of the property condition
6 making this subsection applicable; and

7 c. A statement that the owner(s) of the
8 property understands and accepts the responsibility for the
9 risks associated with development on the property given the
10 described condition, and agrees to inform future purchasers
11 and other successors and assignees of the risks; and

12 d. The application date, type, and number of
13 the permit or approval for which the covenant is required; and

14 e. A statement waiving the right of the
15 owner(s), the owner's heirs, successors and assigns to assert
16 any claim against the City by reason of or arising out of
17 issuance of the permit or approval by the City for the
18 development on the property, except only for such losses that
19 may directly result from the negligence of the City.

20 2. The covenant shall be filed by the Director of
21 Construction and Land Use with the King County Department of
22 Records and Elections, at the expense of the owner, so as to
23 become part of the King County real property records.

1 D. Bonds for Grading Near Public Places.

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3 Security for grading activity covered under Section
4 15.44.020 shall be in accordance with Section 15.44.030.

5 Section 31. Subsection A of Section 23.22.016 of the
6 Seattle Municipal Code (Ordinance 110570, § 1 (part), as
7 amended by Ordinance 112522, § 15, (part)) is further amended
8 as follows:

9 23.22.016 Application.

10 A. Official filing of an application for subdivision
11 with the Director shall be preceded by a preliminary review of
12 the proposed subdivision by the Director ~~((and the Director of~~
13 ~~Engineering))~~.

14 Section 32. Subsection B of Section 23.47.006 of the
15 Seattle Municipal Code (Ordinance 112777 § 25 (part), as last
16 amended by Ordinance 117263, § 25) is further amended as
17 follows:

18 23.47.006 Conditional uses.

19 B. The following uses identified as administrative
20 conditional uses on Chart A of Section 23.47.004, may be
21 permitted by the Director when the provisions of this
22 subsection and subsection A are met:

23 1. Fast-food restaurants which have a gross floor
24 area greater than seven hundred fifty (750) square feet are
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1 identified as heavy traffic generators and may be permitted as
2 a conditional use according to the following criteria:

3 a. The design of the structure, including
4 architectural treatment, signage, landscaping and lighting, is
5 compatible with other structures in the vicinity; and

6 b. Appropriate litter-control measures are
7 provided; and

8 c. The applicant, if required by the
9 Director, prepares an analysis of traffic, circulation and
10 parking impacts, and demonstrates that the use does not:

11 (1) Cause significant additional traffic
12 to circulate through adjacent residential neighborhoods; or

13 (2) Disrupt the pedestrian character of
14 an area by significantly increasing the potential for
15 pedestrian-vehicle conflicts; or

16 (3) Create traffic or access problems
17 which will require the expenditure of City funds to mitigate;
18 or

19 (4) Interfere with peak-hour transit
20 operations, by causing auto traffic to cross a designated
21 high-occupancy vehicle lane adjacent to the lot; or

22 (5) Cause cars waiting to use the
23 facility to queue across the sidewalk or onto the street; or
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1 (6) Interrupt established retail or
2 service frontage designed to serve pedestrians.

3 d. In addition to the criteria in subsections
4 B1a, B1b and B1c, in pedestrian-designated zones, the use
5 shall not:

- 6 (1) Include a drive-in facility; or
7 (2) Provide any accessory parking; or
8 (3) Attract a significant number of
9 customers who drive to the pedestrian district for the primary
10 purpose of patronizing the business.

11 This shall be determined by a transportation
12 analysis of travel modes and patterns of customers of similar
13 businesses in the same or similar commercial areas, which
14 shall be prepared by a traffic consultant retained by the
15 applicant. ~~((The Director shall review the application and
16 the transportation analysis in conjunction with the Director
17 of Engineering.))~~

18 e. Fast-food restaurants which are drive-in
19 businesses shall also comply with the provisions of Section
20 23.47.028, Standards for drive-in businesses.

21 2. Taverns and brewpubs in NC1 and NC2 zones may
22 be permitted as conditional uses. A tavern or brewpub in an
23 NC1 or NC2 zone shall be evaluated according to the following
24 criteria:
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1 a. The size of the tavern or brewpub, design
2 of the structure, signing and illumination shall be compatible
3 with the character of the commercial area and other structures
4 in the vicinity, particularly in areas where a distinct and
5 definite pattern or style has been established.

6 b. The location, access and design of parking
7 shall be compatible with adjacent residential zones.

8 c. Special consideration shall be given to
9 the location and design of the doors and windows of taverns
10 and brewpubs to ensure that noise standards will not be
11 exceeded. The Director may require additional setbacks and/or
12 restrict openings on lots which abut residential zones.

13 d. Taverns and brewpubs shall not generate
14 traffic which creates traffic congestion or further aggravates
15 spillover parking on residential streets.

16 3. Park-and-ride lots in NC3, C1 and C2 zones may
17 be permitted as conditional uses.

18 a. Conditional Use Criteria.

19 (1) The park-and-ride lot shall have
20 direct vehicular access to a designated arterial improved to
21 City standards.

22 (2) If the proposed park-and-ride lot is
23 located on a lot containing accessory parking for other uses,
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1 there shall be no substantial conflict in the principal
2 operating hours of the park-and-ride lot and the other uses.

3 b. Mitigating Measures. Landscaping and
4 screening in addition to that required for surface parking
5 areas, noise mitigation, vehicular access controls, signage
6 restrictions, and other measures may be required to provide
7 comfort and safety for pedestrians and bicyclists and to
8 insure the compatibility of the park-and-ride lot with the
9 surrounding area.

10 4. In order to conserve the limited amount of
11 commercially zoned land for commercial uses, single-purpose
12 residential structures shall generally not be allowed in
13 commercial zones. Single-purpose residential structures as
14 provided for in Section 23.47.008 may be permitted in NC1,
15 NC2, NC3 and C1 zones as an administrative conditional use
16 only if the following circumstances exist:

17 a. The amount of residential development
18 existing and proposed would not reduce the current viability
19 or significantly impact the longer-term potential of the
20 commercial area; and

21 b. Residential development would not displace
22 existing commercial uses at street level or disrupt a
23 continuous commercial street front, particularly of retail and
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1 personal services uses, or significantly detract from the
2 area's overall commercial character; and

3 c. There is an ample amount of vacant
4 commercial land in the zone and/or, due to location, terrain
5 or parcel size, the proposed site is not particularly suited
6 to commercial development; and

7 d. There is limited demand for commercial use
8 in the commercial zone (as evidenced by a lack of commercial
9 activity for a prolonged period of time (three (3) to five (5)
10 years), commercial structures in disrepair, and/or high
11 vacancy rates) coupled with a variety of commercial services
12 available in nearby commercially zoned areas, and/or ample
13 land which is particularly suited for additional commercial
14 development.

15 5. Residential Uses in C2 Zones.

16 a. Residential uses in single-purpose or
17 mixed-use structures may be permitted in C2 zones as
18 administrative conditional uses according to the following
19 criteria:

20 (1) Availability of suitable Land for C2
21 Activities. Residential uses shall generally be discouraged in
22 areas which have limited vacant land and where, due to terrain
23 and large parcel size, land is particularly suitable for
24 commercial rather than residential development.

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 (2) Relationship to Transportation
2 Systems. Residential uses shall generally be discouraged in
3 areas with direct access to major transportation systems such
4 as freeways, state routes and freight rail lines.

5 (3) Competibility With Surrounding Areas.
6 Residential uses shall not be allowed in close proximity to
7 industrial areas and/or in areas where nonresidential uses may
8 create a nuisance or adversely affect the desirability of the
9 area for living purposes.

10 b. Residential uses required to obtain a
11 shoreline conditional use shall not be required to obtain an
12 administrative conditional use.

13 6. Residential Use in International Special Review
14 District. Single-purpose residential structures shall be
15 permitted outright in those parts of the International Special
16 Review District east of the Interstate 5 Freeway as provided
17 in Section 23.66.330.

18 7. Low-income Housing Projects. Single-purpose
19 residential structures for low-income housing projects shall
20 be permitted outright in all commercial zones if:

21 a. Applications for a reservation of tax
22 credits for 1988 and 1989 under the low-income tax credit
23 program administered by the Washington State Housing Finance
24 Commission have been filed on or before March 15, 1988; or
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1 b. A nonprofit corporation has purchased
2 sites, signed options or entered into real estate purchase
3 agreements prior to March 15, 1988.

4 8. Development of a medical service use over ten
5 thousand (10,000) square feet, outside but within two thousand
6 five hundred feet (2,500') of a medical Major Institution
7 overlay district boundary, shall be subject to administrative
8 conditional use approval, unless included in an adopted master
9 plan. In making a determination whether to approve or deny a
10 medical service use, the Director shall determine whether an
11 adequate supply of commercially zoned land for businesses
12 serving neighborhood residents will continue to exist. The
13 following factors shall be used in making this determination:

14 a. Whether the amount of medical service use
15 development existing and proposed in the vicinity would reduce
16 the current viability or significantly impact the longer-term
17 potential of the neighborhood-serving character of the
18 commercial area; and

19 b. Whether medical service use development
20 would displace existing neighborhood-serving commercial uses
21 at street level or disrupt a continuous commercial street
22 front, particularly of retail and personal services uses, or
23 significantly detract from an area's overall neighborhood-
24 serving commercial character.

9. Change of One (1) Nonconforming Use to Another.

a. A nonconforming use may be converted by an administrative conditional use authorization to a use not otherwise permitted in the zone based on the following factors:

(1) New uses shall be limited to those first permitted in the next more intensive zone;

(2) The relative impacts of size, parking, traffic, light, glare, noise, odor and similar impacts of the two (2) uses, and how these impacts could be mitigated.

b. The Director must find that the new nonconforming use is no more detrimental to property in the zone and vicinity than the existing nonconforming use.

Section 33. Subsection C of Section 23.47.028 of the Seattle Municipal Code (Ordinance 112777, § 25 (part), as amended by Ordinance 113263, § 18) is further amended as follows:

23.47.028 Standards for drive-in businesses.

c. If the drive-in bank or car wash is located along either a principal arterial, a minor arterial, or along a street with only one (1) lane for moving traffic in each direction, the Director shall determine, after consulting with the Seattle Engineering Department, ((shall determine))

whether additional queuing spaces are necessary or whether access should be restricted. ~~((Based on the Engineering Department's determination))~~ ((t))The Director may for the purpose of environmental mitigation restrict access to the facility from that arterial or street, or may require additional queuing space up to a maximum of:

1. Banks with one (1) or two (2) drive-in lanes, eight (8) spaces per lane;
2. Banks with three (3) or more drive-in lanes, six (6) spaces per lane;
3. Car washes, twenty (20) spaces per lane.

Section 34. Subsection C of Section 23.47.044 of the Seattle Municipal Code (Ordinance 112777, § 25 (part), as amended by Ordinance 117263, § 31) is further amended as follows:

23.47.044 Required parking in pedestrian-designated zones.

C. Additional parking waivers may be permitted by the Director as a special exception according to the following provisions:

1. In P1 designated zones, additional parking waivers may be permitted up to the maximum size of use permitted outright or permitted by special exception for the following uses:

1 a. Personal and household retail sales and
2 service uses;

3 b. Eating and drinking establishments;

4 c. Customer service offices;

5 d. Entertainment uses.

6 2. In P2 designated zones, additional parking
7 waivers may be permitted as special exception for the
8 following uses:

9 a. Eating and drinking establishments, up to
10 a maximum waiver of five thousand (5,000) square feet;

11 b. Motion picture theaters, up to a maximum
12 waiver of three hundred (300) seats.

13 3. The following factors shall be considered by
14 the Director in determining whether to permit additional
15 parking waivers:

16 a. Anticipated parking demand for the
17 proposed use;

18 b. The extent to which an additional parking
19 waiver is likely to create or add significantly to spillover
20 parking in adjacent residential areas;

21 c. The availability of shared parking
22 opportunities within eight hundred feet (800') of the
23 business;

1 d. Whether land is available for parking
2 without demolishing an existing commercial structure,
3 displacing a commercial use, or rezoning property to
4 commercial.

5 4. Transportation Study.

6 a. In order to determine whether to permit,
7 condition, or deny additional parking waivers, the Director
8 may require that a transportation study be submitted for
9 review (~~((by the Seattle Engineering Department and the~~
10 ~~Department of Construction and Land Use))~~).

11 b. The Director shall determine the level of
12 detail to be disclosed in the transportation study based on
13 the following factors:

14 (1) The size and type of the proposed
15 use; and

16 (2) The size of the requested parking
17 waiver; and

18 (3) Any anticipated impacts of an
19 additional parking waiver.

20 Section 35. Section 23.49.018 of the Seattle Municipal
21 Code (Ordinance 112303, § 3 (part) as amended by Ordinance
22 13279, § 3) is further amended as follows:

23 23.49.018 Standards for location of access to parking.

24 A. Curbcut Location.

1 1. When a lot abuts more than one (1)
2 right-of-way, the location of access shall be determined by
3 the Director (~~((in consultation))~~) after consulting with the
4 Director of Engineering. Except as provided in subsection A3,
5 the location of access shall be determined by the
6 classification of rights-of-way on Map IB and the ranking of
7 the classification below, from most to least preferred:

8 a. Alley - if of sufficient width to
9 accommodate anticipated uses;

10 b. Access street;

11 c. Class II pedestrian street - Minor
12 arterial;

13 d. Class II pedestrian street - Principal
14 arterial;

15 e. Class I pedestrian street - Minor
16 arterial;

17 f. Class I pedestrian street - Principal
18 arterial;

19 g. Principal transit street.

20 2. Curbcut controls on street parks shall be
21 evaluated on a case-by-case basis, but generally access from
22 street parks shall not be allowed.

23 3. The Director, (~~and~~) after consulting with the
24 Director of Engineering, shall also determine whether the
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1 location of the access will expedite the movement of vehicles,
2 facilitate a smooth flow of traffic, avoid the on-street
3 queuing of vehicles, enhance vehicular safety and pedestrian
4 comfort, and will not create a hazard.

5 B. Curbcut Width and Number. Curbcut width and the
6 number of curbcuts shall satisfy the provisions of Section
7 23.54.030, Parking space standards..

8 Section 36. Subsection D of Section 23.53.015 of the
9 Seattle Municipal Code (Ordinance 115326, § 26 (part), as last
10 amended by Ordinance 116262, § 15) is further amended as
11 follows:

12 23.53.015 Improvement requirements for existing
13 streets in residential and commercial
zones.

14 D. Exceptions.

15 1. Streets With Existing Curbs.

16 a. Streets With Right-of-Way Greater Than or
17 Equal to the Minimum Width. When a street with existing curbs
18 abuts a lot and the existing right-of-way is greater than or
19 equal to the minimum width established in subsection A6, but
20 the roadway width is less than the minimum established in the
21 Street Improvement Manual, the following requirements shall be
22 met:

1 (1) All structures on the lot shall be
2 designed to accommodate the grade of the future street
3 improvements.

4 (2) A no-protest agreement to future
5 street improvements shall be required, as authorized by RCW
6 Chapter 35.43. The agreement shall be recorded with the King
7 County Department of Records and Elections.

8 (3) If there is no sidewalk, a sidewalk
9 shall be constructed in the portion of the right-of-way
10 abutting the lot, except when the following types of projects
11 are proposed:

12 i. Remodeling and use changes
13 within existing structures; and

14 ii. Additions to existing structures
15 which are exempt from environmental review.

16 b. Streets With Less than the Minimum
17 Right-of-Way Width. When a street with existing curbs abuts a
18 lot and the existing right-of-way is less than the minimum
19 width established in subsection A5, the following requirements
20 shall be met:

21 (1) Setback Requirement. A setback equal
22 to half the difference between the current right-of-way width
23 and the minimum right-of-way width established in subsection
24 A6 shall be required; provided, however, that if a setback has
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1 been provided under this provision, other lots on the block
2 shall provide the same setback. In all residential zones
3 except Highrise zones, an additional three-foot (3') setback
4 shall also be required. The area of the setback may be used
5 to meet any development standards, except that required
6 parking may not be located in the setback. Underground
7 structures which would not prevent the future widening and
8 improvement of the right-of-way may be permitted in the
9 required setback by the Director of Construction and Land Use
10 after consulting with the Director of Engineering ((in the
11 required setback)).

12 (2) Grading Requirement. When a setback
13 is required, all structures on the lot shall be designed to
14 accommodate the grade of the future street according to the
15 Street Improvement Manual.

16 (3) No-Protest Agreement Requirement. A
17 no-protest agreement to future street improvements shall be
18 required, as authorized by RCW Chapter 35.43. The agreement
19 shall be recorded with the King County Department of Records
20 and Elections.

21 2. Projects With Reduced Improvement Requirements.

22 a. One (1) or Two (2) Dwelling Units. When
23 one (1) or two (2) dwelling units are proposed to be
24 constructed, or one (1) or two (2) Single Family zoned lots
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are proposed to be created, the following requirements shall be met:

(1) If there is no existing hard-surfaced roadway, a crushed-rock roadway at least sixteen feet (16') in width shall be required, according to the Street Improvement Manual.

(2) All structures on the lot(s) shall be designed to accommodate the grade of the future street improvements.

(3) A no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Department of Records and Elections.

b. Other Projects With Reduced Requirements.
The types of projects listed in this subsection D2b are exempt from right-of-way dedication requirements and are subject to the street improvement requirements of this subsection:

(1) Types of Projects.

i. Proposed developments which contain fewer than ten (10) units in SF, LDT and L1 zones, and six (6) residential units in all other zones;

ii. The following uses when they are smaller than seven hundred fifty (750) square feet of gross

1 floor area: fast-food restaurants, major and minor vehicle
2 repair uses, and multipurpose convenience stores;

3 iii. Nonresidential structures which
4 have less than four thousand (4,000) square feet of gross
5 floor area and which do not contain uses listed in subsection
6 D2b(1)ii which are larger than seven hundred fifty (750)
7 square feet;

8 iv. Structures containing a mix of
9 residential and nonresidential uses, if there are fewer than
10 ten (10) units in SF, LDT and LI zones, or fewer than six (6)
11 residential units in all other zones, and the square footage
12 of nonresidential use is less than specified in D2b(1)ii and
13 D2b(1)iii;

14 v. Remodeling and use changes
15 within existing structures;

16 vi. Additions to existing structures
17 which are exempt from environmental review; and

18 vii. Expansions of a surface parking
19 area or open storage area of less than twenty percent (20%) of
20 parking area or storage area or number of parking spaces.

21 (2) Paving Requirement. For the types of
22 projects listed in subsection D2b(1), the streets abutting the
23 lot shall have a hard-surfaced roadway at least eighteen feet
24 (18') wide. If there is not an eighteen-foot (18') wide
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1 hard-surfaced roadway, the roadway shall be paved to a width
2 of at least twenty feet (20') from the lot to the nearest
3 hard-surfaced street meeting this requirement, or one hundred
4 feet (100'), whichever is less. Streets that form a dead end
5 at the property to be developed shall be improved with a
6 cul-de-sac or other vehicular turnaround in accordance with
7 the Street Improvement Manual. The Director, (~~in consulta-~~
8 ~~tion~~) after consulting with the Director of Engineering,
9 shall determine whether the street has the potential for being
10 extended or whether it forms a dead end because of topography
11 and/or the layout of the street system.

12 (3) Other Requirements. The setback,
13 grading and no-protest agreement requirements of subsection
14 D1b shall also be met.

15 3. Exceptions from Required Street Improvements.
16 The Director(~~in consultation with the Director of~~
17 ~~Engineering~~) may waive or modify the requirements for paving
18 and drainage, dedication, setbacks, grading, no-protest
19 agreements, landscaping and curb and sidewalk installation
20 when it is determined that one (1) or more of the following
21 conditions are met:

22 a. Location in an environmentally critical
23 area, disruption of existing drainage patterns, or removal of
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1 natural features such as significant trees makes widening
2 and/or improving the right-of-way impractical or undesirable.

3 b. The existence of a bridge, viaduct or
4 structure such as a substantial retaining wall makes widening
5 the right-of-way impractical or undesirable.

6 c. Widening the right-of-way and/or improving
7 the street would adversely affect the character of the street,
8 as it is defined in an adopted neighborhood plan or adopted
9 City plan for street parks, boulevards, or other special
10 rights-of-way, or would otherwise conflict with the stated
11 goals of such a plan.

12 d. Widening and/or improving the right-of-way
13 would eliminate street access to an existing lot.

14 e. Widening and/or improving the right-of-way
15 would make building on a lot infeasible by reducing it to
16 dimensions where development standards cannot reasonably be
17 met.

18 f. One (1) or more substantial principal
19 structures on the same side of the block as the proposed
20 project are located in the area needed for future expansion of
21 the right-of-way and the structure(s)' condition and size make
22 future widening of the remainder of the right-of-way unlikely.

23 g. Widening and/or improving the right-of-way
24 is impractical because topography would preclude the use of
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1 the street for vehicular access to the lot, for example due to
2 an inability to meet the required twenty percent (20%) maximum
3 driveway slope.

4 h. Widening and/or improving the right-of-way
5 is not necessary because it is adequate for current and
6 potential pedestrian and vehicular traffic, for example, due
7 to the limited number of lots served by the development or
8 because the development on the street is at zoned capacity.

9 Section 37. Section 23.53.020 of the Seattle Municipal
10 Code (Ordinance 115326, § 26 (part), as last amended by
11 Ordinance 116744, § 26) is further amended as follows:

12 23.53.020 Improvement requirements for existing
13 streets in industrial zones.

14 A. General Requirements.

15 1. When new lots are created or any type of
16 development is proposed in an industrial zone, existing
17 streets abutting the lot(s) shall be required to be improved
18 in accordance with this section. One (1) or more of the
19 following types of improvements may be required:

- 20 a. Pavement;
- 21 b. Curb and sidewalk installation;
- 22 c. Pedestrian walkways;
- 23 d. Drainage;
- 24 e. Grading to future right-of-way grade;

1 f. Design of structures to accommodate future
2 right-of-way grade;

3 g. No-protest agreements;

4 h. Planting of street trees and other
5 landscaping.

6 A setback from the property line, or dedication of
7 right-of-way may be required to accommodate the improvements.

8 2. Subsection E contains exceptions from the
9 standard requirements for streets which already have curbs,
10 projects which are smaller than a certain size, and for
11 special circumstances, such as location in an environmentally
12 critical area.

13 3. Off-site improvements such as provision of
14 drainage systems or fire access roads, will be required
15 pursuant to the authority of this Code or other ordinances to
16 mitigate the impacts of development.

17 4. Detailed requirements for street improvements
18 are located in the current Street Improvement Manual, as
19 adopted by joint Rule of the Director and the Director of the
20 Seattle Engineering Department.

21 5. The regulations in this section are not
22 intended to preclude the use of Chapter 25.05 of the Seattle
23 Municipal Code, the Seattle SEPA Ordinance, to mitigate
24 adverse environmental impacts.

6. Minimum Right-of-Way Widths.

a. Arterials. The minimum right-of-way widths for arterials designated on Exhibit 23.53.015 A shall be as specified in the Street Improvement Manual.

b. Nonarterials.

(1) The minimum right-of-way width for an existing street which is not an arterial designated on Exhibit 23.53.015 A shall be as shown on Chart A for Section 23.53.020.

(2) When a block is split into more than one (1) zone, the zone category with the most frontage shall determine the minimum width on the chart. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

B. Improvements on Designated Streets in All Industrial Zones. In all industrial zones, except as provided in subsection E, when a lot abuts a street designated on the Industrial Streets Landscaping Maps, Exhibits 23.50.016 A and 23.50.016 B, the following on-site improvements shall be provided:

1. Dedication Requirement. When the street right-of-way is less than the minimum width established in subsection A6, dedication of additional right-of-way equal to

1 half the difference between the current right-of-way and the
2 minimum right-of-way width established in subsection A shall
3 be required; provided, however, that if right-of-way has been
4 dedicated since 1982, other lots on the block shall not be
5 required to dedicate more than that amount of right-of-way.

6 2. Curbs and Sidewalks. A paved roadway with a
7 concrete curb and sidewalk and drainage facilities shall be
8 provided in the portion of the street right-of-way abutting
9 the lot, as specified in the Street Improvement Manual.

10 3. Street Trees.

11 a. Street trees shall be provided along
12 designated street frontages. Street trees shall be provided
13 in the planting strip according to City (~~of Seattle~~
14 ~~Engineering Department~~) Tree Planting Standards.

15 b. Exceptions to Street Tree Requirements.

16 (1) Street trees required by subsection
17 B3a may be located on the lot at least two feet (2') from the
18 street lot line instead of in the planting strip when:

19 i. Existing trees and/or land-
20 scaping on the lot provide improvements substantially
21 equivalent to those required in this section;

22 ii. It is not feasible to plant
23 street trees according to City standards. A five-foot (5')
24 foot deep landscaped setback area shall be required along the
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1 street property lines and trees shall be planted there. If an
2 on-site landscaped area is already required, the trees shall
3 be planted there if they cannot be placed in the planting
4 strip.

5 C. General Industrial 1 and 2 (IG1 and IG2) Zones.

6 Except as provided in subsection E, the following improvements
7 shall be required in IG1 and IG2 zones. Further improvements
8 may be required on streets designated in subsection B.

9 1. Pedestrian Walkway Requirement. When an
10 existing street right-of-way abuts a lot and the street does
11 not have curbs, pedestrian walkways shall be provided
12 according to the Street Improvement Manual.

13 2. Setback Requirement. When the right-of-way
14 abutting a lot has less than the minimum width established in
15 subsection A6, a setback equal to half the difference between
16 the current right-of-way width and the minimum right-of-way
17 width established in subsection A shall be required; provided,
18 however, that if a setback has been provided under this
19 provision, other lots on the block shall provide the same
20 setback. The area of the setback may be used to meet any
21 development standards, except that required parking may not be
22 located in the setback. Underground structures which would not
23 prevent the future widening and improvement of the right-of-
24 way may be permitted in the required setback by the Director

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IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 of Construction and Land Use after consulting with the
2 Director of Engineering (~~((in the required setback))~~).

3 3. Grading Requirement. When an existing street
4 abutting a lot is less than the width established in sub-
5 section A6, all structures shall be designed to accommodate
6 the grade of the future street improvements.

7 4. Fire Access. If the lot does not have
8 vehicular access from a street or private easement which meets
9 the regulations for fire access roads in Chapter 10 of the
10 Seattle Fire Code, such access shall be provided. When an
11 existing street does not meet these regulations, the Chief of
12 the Fire Department may approve an alternative which provides
13 adequate emergency vehicle access.

14 5. Dead-end Streets. Streets that form a dead end
15 at the property to be developed shall be improved with a
16 cul-de-sac or other vehicular turnaround in accordance with
17 the Street Improvement Manual. The Director, (~~((in consulta-~~
18 ~~tion))~~ after consulting with the Director of Engineering,
19 shall determine whether the street has the potential for being
20 extended or whether it forms a dead end because of typography
21 and/or the layout of the street system.

22 6. No-Protest Agreement Requirement. When a
23 setback and/or pedestrian walkway is required according to
24 subsections C1 and/or C2, a no-protest agreement to future
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1 street improvements shall be required, as authorized by RCW
2 Chapter 35.43. The agreement shall be recorded with the King
3 County Department of Records and Elections.

4 D. Industrial Buffer (IB) and Industrial Commercial
5 (IC) Zones. Except as provided in subsection E, the following
6 improvements shall be provided in IB and IC zones:

7 1. The requirements of this subsection D1 shall
8 apply when projects are proposed on lots in IB zones which are
9 directly across a street from, or which abut, a lot in a
10 residential or commercial zone, and to all projects in IC
11 zones:

12 a. Improvements to Arterials.

13 (1) When a street is designated as an
14 arterial on Exhibit 23.53.015 A, a paved roadway with a
15 concrete curb and sidewalk, drainage facilities, and any
16 landscaping required by the zone in which the lot is located
17 shall be provided in the portion of the street right-of-way
18 abutting the lot, according to the Street Improvement Manual.

19 (2) If necessary to accommodate the
20 right-of-way widths specified in the Street Improvement
21 Manual, dedication of right-of-way shall be required.

22 b. Improvements to Nonarterial Streets.

23 (1) Nonarterial Streets With Right-of-Way
24 Greater Than or Equal to the Minimum Width.

1 i. When an existing nonarterial
2 street right-of-way is greater than or equal to the minimum
3 right-of-way width established in subsection A6, a paved
4 roadway with a concrete curb and sidewalk, drainage
5 facilities, and any landscaping required by the zone in which
6 the lot is located shall be provided in the portion of the
7 street right-of-way abutting the lot, according to the Street
8 Improvement Manual.

9 ii. If the lot does not have
10 vehicular access from a street or private easement which meets
11 the regulations for fire access roads in Chapter 10 of the
12 Seattle Fire Code, such access shall be provided. When an
13 existing street does not meet these regulations, the Chief of
14 the Fire Department may approve an alternative which provides
15 adequate emergency vehicle access.

16 iii. Streets that form a dead end at
17 the property to be developed shall be improved with a
18 cul-de-sac or other vehicular turnaround in accordance with
19 the Street Improvement Manual. The Director, ((in consulta-
20 tion)) after consulting with the Director of Engineering,
21 shall determine whether the street has the potential for being
22 extended or whether it forms a dead end because of topography
23 and/or the layout of the street system.

1 (2) Nonarterial Streets Which Have Less
2 Than the Minimum Right-of-Way Width.

3 1. Dedication Requirement. When an
4 existing nonarterial street has less than the minimum right-
5 of-way established in subsection A6, dedication of additional
6 right-of-way equal to half the difference between the current
7 right-of-way width and the minimum right-of-way width
8 established in subsection A shall be required; provided,
9 however, that if right-of-way has been dedicated since 1982,
10 other lots on the block shall not be required to dedicate more
11 than that amount of right-of-way.

12 ii. Improvement Requirement. A
13 paved roadway with a concrete curb and sidewalk, drainage
14 facilities, and any landscaping required by the zone in which
15 the lot is located shall be provided in the portion of the
16 street right-of-way abutting the lot, according to the Street
17 Improvement Manual.

18 iii. Fire Access. If the lot does
19 not have vehicular access from a street or private easement
20 which meets the regulations for fire access roads in Chapter
21 10 of the Seattle Fire Code, such access shall be provided.

22 iv. Dead-end Streets. When an
23 existing street does not meet these regulations, the Chief of
24 the Fire Department may approve an alternative which provides
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1 adequate emergency vehicle access. The Director, ((in
2 consultation)) after consulting with the Director of
3 Engineering, shall determine whether the street has the
4 potential for being extended or whether it forms a dead end
5 because of topography and/or the layout of the street system.

6 2. When projects are proposed on lots in IB zones
7 which are not directly across a street from, and do not abut,
8 a lot in a residential or commercial zone, the requirements of
9 subsection C shall be met.

10 E. Exceptions.

11 1. Streets With Existing Curbs.

12 a. Streets With Right-of-Way Greater Than or
13 Equal to the Minimum Right-of-Way Width. When a street with
14 existing curbs abuts a lot, and improvements would be required
15 by subsections B or D, and the existing right-of-way is
16 greater than or equal to the minimum width established in
17 subsection A, but the roadway width is less than the minimum
18 established in the Street Improvement Manual, the following
19 requirements shall be met:

20 (1) All structures on the lot shall be
21 designed to accommodate the grade of the future street
22 improvements.

23 (2) A no-protest agreement to future
24 street improvements shall be required, as authorized by RCW
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Chapter 35.43. The agreement shall be recorded with the title to the property with the King County Department of Records and Elections.

(3) If there is no sidewalk, a sidewalk shall be constructed, except when the following projects are proposed:

i. Remodeling and use changes within existing structures;

ii. Additions to existing structures which are exempt from environmental review.

b. Streets With Less Than the Minimum Right-of-Way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection A6, the following requirements shall be met:

(1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection A6 shall be required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. The area of the setback may be used to meet any development standards, except that required parking may not be located in the setback. Underground structures which would not prevent the future widening

1 and improvements of the right-of-way may be permitted in the
2 required setback by the Director of Construction and Land Use
3 after consulting with the Director of Engineering ((in the
4 required setback)).

5 (2) Grading Requirement. When a setback
6 is required, all structures on the lot shall be designed to
7 accommodate the grade of the future street, according to the
8 Street Improvement Manual.

9 (3) A no-protest agreement to future
10 street improvements shall be required, as authorized by RCW
11 Chapter 35.43. The agreement shall be recorded with the title
12 to the property with the King County Department of Records and
13 Elections.

14 2. Projects With Reduced Improvement Requirements.
15 The following types of projects are exempt from all dedication
16 and improvement requirements of subsections B, C and D, but
17 shall meet the setback, grading and no-protest requirements of
18 subsection E1b if the street right-of-way abutting the lot has
19 less than the minimum right-of-way width established in
20 subsection A or does not meet the grade of future street
21 improvements.

22 a. Structures with fewer than ten (10)
23 artist's studio dwellings;

1 b. The following uses when they are smaller
2 than seven hundred fifty (750) square feet of gross floor
3 area: fast-food restaurants; major and minor vehicle repair
4 uses; and multi- purpose convenience stores;

5 c. Nonresidential structures which have less
6 than four thousand (4,000) square feet of gross floor area and
7 which do not contain uses listed in subsection D2b which are
8 larger than seven hundred fifty (750) square feet;

9 d. Structures containing a mix of artist's
10 studio dwellings and nonresidential uses, if there are fewer
11 than ten (10) artist's studio dwellings, and the square
12 footage of nonresidential use is less than specified in D2b
13 and D2c;

14 e. Remodeling and use changes within existing
15 structures;

16 f. Additions to existing structures which are
17 exempt from environmental review; and

18 g. Expansions of a surface parking area or
19 open storage area of less than twenty percent (20%) of parking
20 area or storage area or number of parking spaces.

21 3. Exceptions From Required Street Improvement
22 Requirements. The Director(~~(in consultation with the~~
23 ~~Director of Engineering,~~) may waive or modify the
24 requirements for paving, dedication, setbacks,
25
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grading, no-protest agreements, landscaping and sidewalk and pedestrian walkway installation when it is determined that one (1) or more of the following conditions are met:

a. Location in an environmentally sensitive area, disruption of existing drainage patterns, or removal of natural features such as significant trees makes widening and/or improving the right-of-way impractical or undesirable.

b. The existence of a bridge, viaduct or structure such as a substantial retaining wall makes widening the right-of-way impractical or undesirable.

c. Widening the right-of-way and/or improving the street would adversely affect the character of the street, as it is defined in an adopted neighborhood plan or adopted City plan for street parks, boulevards, or other special right-of-way, or would otherwise conflict with the stated goals of such a plan.

d. Widening and/or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.

e. Widening and/or improving the right-of-way would eliminate street access to an existing lot.

f. One (1) or more substantial principal structures on the same side of the block as the proposed

1 project are located in the area needed for future expansion of
2 the right-of-way and the structure(s)' condition and size make
3 future widening of the remainder of the right-of-way unlikely.

4 g. Widening and/or improving the right-of-way
5 is impractical because topography would preclude the use of
6 the street for vehicular access to the lot, for example due to
7 an inability to meet the required twenty percent (20%) maximum
8 driveway slope.

9 h. Widening and/or improving the right-of-way
10 is not necessary because it is adequate for current and
11 potential pedestrian and vehicular traffic, for example, due
12 to the limited number of lots served by the development or
13 because the development on the street is at zoned capacity.

14 Section 38. Subsections F and G of Section 23.53.030 of
15 the Seattle Municipal Code (Ordinance 115326, § 26, as last
16 amended by Ordinance 117263, § 50) is further amended as
17 follows:

18 **23.53.030 Alley improvements in all zones.**

19 **F. Existing Alleys Which Do Not Meet the Minimum Width.**

20 1. When an existing alley is used for access to
21 parking spaces, open storage, or loading berths on a lot, and
22 the alley does not meet the minimum width established in
23 subsection D, except as provided in subsection G, a dedication
24 equal to half the difference between the current alley
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1 right-of-way width and minimum right-of-way width established
2 in subsection D shall be required; provided, however, that if
3 right-of-way has been dedicated since 1982, other lots on the
4 block shall not be required to dedicate more than that amount
5 of right-of-way. Underground and overhead portions of
6 structures that would not interfere with the functioning of
7 the alley may be allowed by the Director of Construction and
8 Land Use after consulting with the Director of Engineering.

9 When existing structures are located in the portion of the lot
10 to be dedicated, that portion of the lot shall be exempt from
11 dedication requirements. The improvements required under E1
12 shall then be installed, depending on the type of project.

13 2. When an existing alley is not used for access
14 to parking spaces or loading berths on an abutting lot, but
15 the alley does not meet the minimum width established in
16 subsection D, except as provided in subsection G, the
17 following requirements shall be met:

18 a. A setback equal to half the distance
19 between the current alley right-of-way width and the minimum
20 right-of-way width established in subsection D shall be
21 required; provided, however, that if a setback has been
22 provided under this provision, other lots on the block shall
23 provide the same setback. The area of the setback may be used
24 to meet any development standards, except that required
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1 parking may not be located in the setback. Underground and
2 overhead structures which would not prevent the future
3 widening and improvement of the right-of-way may be permitted
4 in the required setback by the Director of Construction and
5 Land Use after consulting with the Director of Engineering
6 ((in the required setback)).

7 b. All structures shall be designed to
8 accommodate the grade of the future alley right-of-way.

9 c. A no-protest agreement to future street
10 improvements shall be required, as authorized by RCW Chapter
11 35.43. The agreement shall be recorded with the title to the
12 property with the King County Department of Records and
13 Elections.

14 G. Exceptions. The Director, ((in consultation)) after
15 consulting with the Director of the Department of Engineering,
16 may modify or waive the requirements for dedication, paving
17 and drainage, setbacks, grading and no-protest agreements, if
18 it is determined that one (1) or more of the following
19 conditions are met. The Director may require access to be
20 from a street if alley improvements are also waived.

21 1. Location in an environmentally critical area,
22 disruption of existing drainage patterns, or removal of
23 natural features such as significant trees makes widening
24 and/or improving the right-of-way impractical or undesirable;
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1 2. Widening and/or improving the right-of-way
2 would make a building on a lot infeasible by reducing it to
3 dimensions where development standards cannot reasonably be
4 met;

5 3. Widening and/or improving the right-of-way
6 would eliminate alley access to an existing lot;

7 4. Widening and/or improving the right-of-way is
8 impractical because topography precludes the use of the alley
9 for vehicular access to the lot;

10 5. The alley is in a historic district or special
11 review district, and the Community Development Director finds,
12 after review and recommendation by the appropriate review
13 board, that the widening and/or improvement would be
14 detrimental to the character and goals of the district.

15 Section 39. Subsections D and F of Section 23.54.030 of
16 the Seattle Municipal Code (Ordinance 110381, § 1 (part), as
17 last amended by Ordinance 117263, § 52) are further amended as
18 follows:

19 23.54.030 Parking space standards.

20 D. Driveways. Driveway requirements for residential
21 and nonresidential uses are described below. When a driveway
22 is used for both residential and nonresidential parking, it
23 shall meet the standards for nonresidential uses described in
24 subsection D2.

1 1. Residential Uses.

2 a. Driveways shall be at least ten feet (10')
3 wide. Driveways with a turning radius of more than thirty-five
4 degrees (35°) shall conform to the minimum turning path radius
5 shown in Exhibit 23.54.030 B.

6 b. Vehicles may back onto a street from a
7 parking area serving five (5) or fewer vehicles, provided
8 that:

9 (1) The street is not an arterial as
10 defined in Section 11.18.010 of the Seattle Municipal Code;

11 (2) The slope of the driveway does not
12 exceed ten percent (10%) in the first twenty feet (20') from
13 the property line; and

14 (3) For one single family structure, the
15 Director (~~(, in consultation with the Seattle Engineering~~
16 ~~Department,))~~ may waive the requirements of subsections D1b(1)
17 and (2) above, and may modify the parking access standards
18 based upon a safety analysis, addressing visibility, traffic
19 volume and other relevant issues.

20 c. Driveways less than one hundred feet
21 (100') in length, which serve thirty (30) or fewer parking
22 spaces, shall be a minimum of ten feet (10') in width for one
23 (1) way or two (2) way traffic.

1 d. Except for driveways serving one
2 single-family dwelling, driveways more than one hundred feet
3 (100') in length which serve thirty (30) or fewer parking
4 spaces shall either:

5 (1) Be a minimum of sixteen feet (16')
6 wide, tapered over a twenty-foot (20') distance to a ten-foot
7 (10') opening at the property line; or

8 (2) Provide a passing area at least
9 twenty feet wide (20') and twenty feet (20') long. The
10 passing area shall begin twenty feet (20') from the property
11 line, with an appropriate taper to meet the ten-foot (10')
12 opening at the property line. If a taper is provided at the
13 other end of the passing area, it shall have a minimum length
14 of twenty feet (20').

15 e. Driveways serving more than thirty (30)
16 parking spaces shall provide a minimum ten-foot (10') wide
17 driveway for one (1) way traffic or a minimum twenty-foot
18 (20') wide driveway for two (2) way traffic.

19 f. Nonconforming driveways. The number of
20 parking spaces served by an existing driveway that does not
21 meet the standards of this subsection D1 shall not be
22 increased. This prohibition may be waived by the Director
23 ((in consultation)) after consulting with the Seattle
24 Engineering Department based on a safety analysis.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE,
IT IS DUE TO THE QUALITY OF THE DOCUMENT.

2. Nonresidential Uses.

a. Driveway Widths.

(1) The minimum width of driveways for one (1) way traffic shall be twelve feet (12') and the maximum width shall be fifteen feet (15').

(2) The minimum width of driveways for two (2) way traffic shall be twenty-two feet (22') and the maximum width shall be twenty-five feet (25').

b. Driveways shall conform to the minimum turning path radius shown in Exhibit 23.54.030 B.

3. Maximum grade curvature for all driveways shall not exceed the curvature shown in Exhibit 23.54.030 C.

4. Driveway Slope. No portion of a driveway, whether located on private property or on a right-of-way, shall exceed a slope of twenty percent (20%), except as provided in this subsection. The maximum twenty percent (20%) slope shall apply in relation to both the current grade of the right-of-way to which the driveway connects, and to the proposed finished grade of the right-of-way if it is different from the current grade. The Director may permit a driveway slope of more than twenty percent (20%) if it is found that:

a. The topography or other special characteristic of the lot makes a twenty percent (20%) maximum driveway slope infeasible;

b. The additional amount of slope permitted is the least amount necessary to accommodate the conditions of the lot; and

c. The driveway is still useable as access to the lot.

F. Curbcuts. Curbcut requirements shall be determined by whether the parking served by the curbcut is for residential or nonresidential use, and by the zone in which the use is located. When a curbcut is used for more than one (1) use, the requirements for the use with the largest curbcut requirements shall apply.

1. Residential Uses in Single-family and Multi-family Zones and Single-purpose Residential Uses in All Other Zones.

a. For lots not located on a principal arterial as designated on Exhibit 23.53.015 A, the number of curbcuts permitted shall be according to the following chart:

Street or Easement Frontage of the Lot	Number of curb- cuts Permitted
0 - 80 feet	1
81 - 160 feet	2
161 - 240 feet	3
241 - 320 feet	4

For lots with frontage in excess of three hundred twenty feet (320'), the pattern established in the chart shall be continued.

b. Curbcuts shall not exceed a maximum width of ten feet (10') except that:

(1) One (1) curbcut greater than ten feet (10') but in no case greater than twenty feet (20') in width may be substituted for each two (2) curbcuts permitted by subsection Fla; and

(2) A greater width may be specifically permitted by the development standards in a zone; and

(3) When subsection D of Section 23.54.030 requires a driveway greater than ten feet (10') in width, the curbcut may be as wide as the required width of the driveway.

c. For lots on principal arterials designated on Exhibit 23.53.015 A, curbcuts of a maximum width of twenty-three feet (23') shall be permitted according to the following chart.

Street Frontage of the Lot	Number of curb- cuts Permitted
0 - 160 feet	1
161 - 320 feet	2
321 - 480 feet	3

For lots with street frontage in excess of four hundred eighty feet (480'), the pattern established in the chart shall be continued.

d. There shall be at least thirty feet (30') between any two (2) curbcuts located on a lot.

1 e. A curbcut may be less than the maximum
2 width permitted but shall be at least as wide as the minimum
3 required width of the driveway it serves.

4 f. Where two (2) adjoining lots share a
5 common driveway according to the provisions of Section
6 23.54.030 D1, the combined frontage of the two (2) lots shall
7 be considered one (1) in determining the maximum number of
8 permitted curbcuts.

9 2. Nonresidential Uses in Single-family and
10 Multi-family Zones, and All Uses, Except Single-purpose
11 Residential Uses, in All Other Zones Except Industrial Zones.

12 a. Number of Curbcuts.

13 (1) In RC, NC1, NC2, NC3, and Major
14 Institution zones, a maximum of two (2) curbcuts for one (1)
15 way traffic or one (1) curbcut for two (2) way traffic shall
16 be permitted on lots with street frontage of eighty feet (80')
17 or less. On lots with street frontage of more than eighty
18 feet (80'), up to two (2) two (2) way curbcuts shall be
19 permitted for each two hundred forty feet (240') of street
20 frontage.

21 (2) In C1 and C2 zones, the Director ((of
22 Engineering)) shall review and make a recommendation on shall
23 review and determine the number and location of curbcuts.

(3) In downtown zones, a maximum of two (2) curbcuts for one (1) way traffic at least forty feet (40') apart, or one (1) curbcut for two (2) way traffic, shall be permitted on each street front where access is permitted by Section 23.49.018. No curbcut shall be located within forty feet (40') of an intersection. These standards may be modified by the Director on lots with steep slopes or other special conditions, the minimum necessary to provide vehicular and pedestrian safety and facilitate a smooth flow of traffic, in accordance with the Downtown Land Use Policies.

(4) For public schools, the minimum number of curbcuts determined necessary by the Director shall be permitted.

b. Curbcut Widths.

(1) For one (1) way traffic, the minimum width of curbcuts shall be twelve feet (12'), and the maximum width shall be fifteen feet (15').

(2) For two (2) way traffic, the minimum width of curbcuts shall be twenty-two feet (22'), and the maximum width shall be twenty-five feet (25'), except that the maximum width may be increased to thirty feet (30') when truck and auto access are combined.

(3) For public schools, the maximum width of curbcuts shall be twenty-five feet (25'). Development

standards departure may be granted or required pursuant to the procedures and criteria set forth in Chapter 23.79.

(4) When one (1) of the following conditions applies, the Director (~~in consultation with the Seattle Engineering Department,~~) may require a curbcut of up to thirty feet (30') in width, if it is found that a wider curbcut is necessary for safe access:

i. The abutting street has a single lane on the side which abuts the lot; or

ii. The curb lane abutting the lot is less than eleven feet (11') wide; or

iii. The proposed development is located on an arterial with an average daily traffic volume of over seven thousand (7,000) vehicles; or

iv. Off-street loading space is required according to subsection H of Section 23.54.015.

c. The entrances to all garages accessory to nonresidential uses and the entrances to all principal use parking garages shall be at least six feet nine inches (6'9") high.

3. All Uses in Industrial Zones.

a. Number and Location of Curbcuts. The number and location of curbcuts shall be determined by the Director (~~in consultation with the Director of Engineering~~).

1 b. Curbcut Width. Curbcut width in
2 Industrial zones shall be provided as follows:

3 (1) When the curbcut provides access to a
4 parking area or structure it shall be a minimum of fifteen
5 feet (15') wide and a maximum of thirty feet (30') wide.

6 (2) When the curbcut provides access to a
7 loading berth, the maximum width of thirty feet (30') set in
8 subsection E3b(1) may be increased to fifty feet (50').

9 (3) Within the minimum and maximum widths
10 established by this subsection, the Director shall determine
11 the size of the curbcuts (~~((in consultation with the Director~~
12 ~~of Engineering))~~).

13 4. Curbcuts for Access Easements.

14 a. When a lot is crossed by an access
15 easement serving other lots, the curbcut serving the easement
16 may be as wide as the easement roadway.

17 b. The curbcut serving an access easement
18 shall not be counted against the number or amount of curbcut
19 permitted to a lot if the lot is not itself served by the
20 easement.

21 5. Curbcut Flare. A flare with a maximum width of
22 two and one-half feet (2 1/2') shall be permitted on either
23 side of curbcuts in any zone.

6. Replacement of Unused Curbs. When a curb is no longer needed to provide access to a lot, the curb and any planting strip shall be replaced.

Section 40. Subsection C of Section 23.54.035 of the Seattle Municipal Code (Ordinance 113658, S 10) is amended as follows:

23.54.035 Loading berth requirements and space standards.

C. Standards for Loading Berths.

1. Width and Clearance. Each loading berth shall be not less than ten feet (10') in width and shall provide not less than fourteen feet (14') vertical clearance.

2. Length.

a. High-demand Uses. Each loading berth for a high-demand use shall be a minimum of fifty-five feet (55') in length unless reduced by determination of the Director as provided at subsection C2c.

b. Low- and Medium-demand Uses. Each loading berth for low- and medium-demand uses, except those uses identified in subsection C2d, shall be a minimum of thirty-five feet (35') in length unless reduced by determination of the Director as provided at subsection C2c.

c. Exceptions to Loading Berth Length. Where the Director finds, upon ~~consultation~~ after consulting with ((~~the Seattle Engineering Department and~~)) the property user,

1 that site design and use of the property will not result in
2 vehicles extending beyond the property line, loading berth
3 lengths may be reduced to not less than the following:

4 (i) High-demand Uses. Thirty-five feet
5 (35') when access is from a collector arterial or local access
6 street; and forty-five feet (45') when access is from a
7 principal or minor arterial street;

8 (ii) Low- and Medium-demand Uses.
9 Twenty-five feet (25').

10 d. Multi-purpose convenience stores, sales,
11 service and rental of major durables, and specialty food
12 stores may be required by the Director (~~((following review by~~
13 ~~the Seattle Engineering Department,))~~) to increase the length
14 of required loading berths; however, these uses shall not be
15 required to provide loading berths in excess of fifty-five
16 feet (55'). The review of loading berth length requirements
17 for these uses shall focus on the size of vehicles that
18 frequently serve the business and the frequency of loading
19 activity that will extend beyond the lot line during daytime
20 hours (six (6:00) a.m. to six (6:00) p.m.). Large-truck
21 loading occurring on a daily basis shall generally require
22 longer loading berths; when such activity occurs on at least a
23 weekly basis, it will be evaluated regarding the amount of
24 traffic disruption and safety problems potentially created;

1 such activity occurring on less than a weekly basis shall
2 generally not require longer loading berths.

3 3. For uses not listed in Chart A, the Director
4 (~~(following review by the Seattle Engineering Department)~~)
5 shall determine the loading berth length requirements.
6 Loading demand and loading requirements for similar uses shall
7 be considered.

8 4. Maneuvering Space for Loading Berths. In
9 addition to the length of the loading berth, additional
10 maneuvering space may be required by the Director (~~(following review by the Seattle Engineering Department)~~) in
11 the following cases:
12

13 a. For any uses with over ten thousand
14 (10,000) square feet of gross floor area with loading berth
15 access from a principal or minor arterial street;

16 b. For high-demand uses with over ten
17 thousand (10,000) square feet of gross floor area with loading
18 berth access from a collector arterial or local access street,
19 especially if located across the street from another
20 high-demand use. When required, the additional maneuvering
21 space shall be designed and arranged to allow the most
22 efficient use of all required loading berths by motor vehicles
23 of the types typically employed by the activities served.
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1 (~~5. The location, design and access for loading~~
2 ~~areas shall be determined by the Director, following review by~~
3 ~~the Seattle Engineering Department, to ensure that safe~~
4 ~~traffic conditions are maintained. The cost and availability~~
5 ~~of land, and the goal of providing for industrial activity,~~
6 ~~shall also be considered.))~~

7 Section 41. Subsection B of Section 23.71.016 of the
8 Seattle Municipal Code (Ordinance 116795, § 2 (part)) is
9 amended as follows:

10 23.71.016 Parking and access.

11 B. Additional Parking Waivers on Major Pedestrian
12 Streets.

13 1. When the amount of required parking has been
14 determined pursuant to subsection A of this section, waivers
15 are permitted, as follows:

16 a. Parking shall not be required for the
17 first one hundred fifty (150) seats of all motion picture
18 theatre uses and the first seventy hundred fifty (750) square
19 feet for all eating and drinking establishments.

20 b. Parking shall not be required for an
21 additional two thousand five hundred (2,500) square feet to a
22 maximum of five thousand (5,000) square feet for all other
23 required street-level personal and household retail sales and
24 service uses.

1 2. The Director may permit an additional parking
2 waiver up to a maximum of four thousand (4,000) square feet
3 for eating and drinking establishments as a special exception
4 subject to the provisions of Chapter 23.76, Procedures for
5 Master Use Permits and Council Land Use Decisions. The
6 following factors shall be considered by the Director in
7 making a determination whether to allow additional parking
8 waivers for eating and drinking establishments:

9 a. Anticipated parking demand for the
10 proposed use;

11 b. The extent to which an additional parking
12 waiver is likely to create or add significantly to spillover
13 parking in adjacent residential neighborhoods;

14 c. Whether land is available for parking
15 without demolishing an existing commercial structure,
16 displacing a commercial use, or rezoning land to a commercial
17 designation;

18 d. The availability of shared or joint use
19 parking within eight hundred feet (800') of the business
20 establishment;

21 e. The Director may require that a
22 transportation study be submitted for review by the Director
23 ((and the Seattle Engineering Department));

1 f. The Director ~~((and SEP))~~ shall determine
2 the content of the transportation study based on the following
3 factors:

4 i. The size and type of the proposed
5 use;

6 ii. The size of the requested parking
7 waiver;

8 iii. Any anticipated impacts of an
9 additional parking waiver.

10 3. Parking waivers permitted by this subsection
11 shall apply to each street-level business establishment in a
12 structure.

13 Section 42. Subsections D and G of Section 23.71.018 of
14 the Seattle Municipal Code (Ordinance 116795, § 2 (part)) are
15 amended as follows:

16 23.71.018 Transportation management program.

17 D. The TMP shall be approved by the Director ~~if, after~~
18 ~~((he or she receives a recommendation from the Director of~~
19 ~~Engineering)) consulting with the Seattle Engineering~~
20 ~~Department, the Director determines~~ that the TMP measures are
21 likely to achieve the SOV goals.

22 G. After approval of a TMP and issuance of a master use
23 permit as prescribed in subsections C and D of this section,
24 if the owner applies for a master use permit for additional
25
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1 development, before approving the new master use permit, the
2 Director, (~~in consultation~~) after consulting with the
3 Director of Engineering, shall review the implementation of
4 the TMP. If substantial progress has not been made in
5 achieving the goal for the proportion of SOV trips, the
6 Director may:

- 7 1. Require the applicant to revise the TMP to
8 include additional measures in order to achieve compliance
9 with the TMP goal before the issuance of a permit; and/or
10 2. Require measures in addition to those in the
11 TMP that encourage alternative means of transportation for the
12 proposed new development; and/or
13 3. Deny the permit if the Director determines that
14 the owner has failed to make a good-faith effort to implement
15 the TMP; or
16 4. Determine that a revised or new program is not
17 needed, and that the permit can be issued without changes to
18 the existing TMP.

19 Section 43. Repeal. Section 21.24.060 of the Seattle
20 Municipal Code (Ordinance 82583, § 3, amended by Ordinance
21 91436, § 2) is hereby repealed.

22 Section 44. Continuation of Authority. Existing rules
23 and administrative standards of the Director of Engineering
24 related to the functions transferred by this ordinance shall
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1 remain in effect unless and until they expire by their own
2 terms, or they are amended, superseded, or repealed. All
3 pending notices and enforcement proceedings related to the
4 functions transferred by this ordinance shall continue
5 unaffected by this ordinance, except that in each of those
6 proceedings either the Director of Engineering or the Director
7 of Construction and Land Use or both of them may exercise the
8 powers and responsibilities heretofore possessed by the
9 Director of Engineering.

10 Section 45. Publication. The City Clerk shall publish
11 in the City's official newspaper the title and sections one
12 (1) and forty-four (44) of this ordinance, a numerical
13 tabulation by Code number of the Seattle Municipal Code
14 sections that are amended under the caption "Amendments to
15 Code Sections," and a listing of the Seattle Municipal Code
16 section repealed under the caption "Section Repealed" as the
17 summary of this ordinance, and state that the entire text may
18 be examined at the offices of the City Clerk, 1st Floor,
19 Seattle Municipal Building, 600 - 4th Avenue, Seattle,
20 Washington, 98104, or will be mailed upon request.

21 Section 46. Severability. The several provisions of
22 this ordinance are declared to be separate and severable and
23 the invalidity of any clause, sentence, paragraph,
24 subdivision, section, subsection, or portion of this
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1 ordinance, or the invalidity of the application thereof to any
2 person or circumstance, shall not affect the validity of the
3 remainder of this ordinance or the validity of its application
4 to other persons or circumstances.

5 Section 47. Ratification and Confirmation. All acts
6 consistent with the authority and prior to the effective date
7 of this ordinance are hereby ratified and confirmed.

8 Section 48. Construction. It is the intent of the city
9 legislative authority that the amendments made by this
10 ordinance to subsection B of section 23.47.006 of the Seattle
11 Municipal Code and the amendments made to that same subsection
12 by the ordinance designated Council Bill 110464 (An Ordinance
13 relating to land use and zoning and the building code)
14 both be given full force and effect.

15 Section 49. Effective Date. This ordinance shall take
16 effect and be in force thirty (30) days from and after its

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1 approval by the Mayor, but if not approved and returned by
2 the Mayor within ten (10) days after presentation, it shall
3 take effect as provided by Municipal Code Section 1.04.020.

4
5 Passed by the City Council the 12 day of December,
6 1994, and signed by me in open session in authentication of
7 its passage this 12 day of December, 1994.

8
9 
President of the City Council

10 Approved by me this 19 day of December, 1994.

11
12 
Mayor

13
14 Filed by me this 20 day of December, 1994.

15
16 
City Clerk