



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 8, 2016

Ordinance 18401

Proposed No. 2016-0490.2

Sponsors Upthegrove

1 AN ORDINANCE regarding surface water management;
2 revising surface water management service charges; and
3 amending Ordinance 7590, Section 8, as amended, and
4 K.C.C. 9.08.070.

5 STATEMENT OF FACTS:

- 6 1. King County works in partnership with property owners and state and
7 federal agencies to minimize the impacts of storm and surface runoff on
8 the water quantity and quality of the waters of the state.
- 9 2. King County charges property owners within its surface water
10 management service area, which is unincorporated King County, a
11 graduated fee based on six nonresidential rate classes tied to relative
12 amount of impervious surface and one uniform rate class for all residential
13 parcels.
- 14 3. In 1986, the King County council adopted Ordinance 7590, which
15 established the surface water management program to provide a
16 comprehensive approach to surface and storm water problems including
17 "basin planning, land use regulation, construction of facilities,
18 maintenance and public education." In 1991, the council increased the
19 services provided by the surface water management program and set a rate

20 structure and service charges by adopting Ordinance 10187. In 2001, the
21 council adopted Ordinance 14261, acknowledging that the costs to provide
22 surface water management had increased due to the ordinary impacts of
23 inflation and due to increased and more stringent federal and state
24 requirements for the proper management of surface water quality and
25 quantity. In 2006, the council adopted Ordinance 15638, acknowledging
26 that the then soon to be effective new National Pollutant Discharge
27 Elimination System permit would require King County's compliance with
28 more stringent requirements. In 2010, the council passed Ordinance
29 16958, acknowledging that costs had increased to comply with the
30 stringent requirements of the National Pollutant Discharge Elimination
31 System permit and to meet the ordinary impacts of inflation. In 2012, the
32 council adopted Ordinance 17451, acknowledging that the surface water
33 management program had increased capital construction needs, increased
34 costs of National Pollutant Discharge Elimination System permit
35 compliance, and revenue losses from annexations of unincorporated
36 county areas to cities. It also acknowledged that the King County road
37 services program had identified construction needs to mitigate stormwater
38 impacts and that these capital projects were necessary to protect life and
39 property as well as to maintain or restore water quality and ecological
40 functions in receiving waters. Ordinance 17451 also incorporated changes
41 to the rate adjustment program that provided incentives to property owners

42 to improve on-site control of stormwater through the granting of additional
43 discounts.

44 4. The current one hundred seventy-one dollars and fifty cents per
45 residential parcel fee charged by King County is insufficient to meet the
46 projected revenue requirements. Since the fee was set in 2014, the cost of
47 providing services has increased year over year, so revenues generated by
48 the fee cannot support current programming including stormwater
49 management and habitat restoration project implementation. A number of
50 County-managed stormwater assets are at risk of failure and will require
51 additional investments above and beyond existing resources to maintain.
52 There is a growing demand for agricultural drainage assistance to increase
53 local agriculture productivity. There are currently insufficient resources to
54 adequately address chronic drainage and flooding problems associated
55 with the natural drainage system, including streams, lakes, wetlands and
56 other natural surface waters.

57 5. An increase in the base amount of the surface water management
58 charge from one hundred seventy-one dollars and fifty cents per
59 residential parcel to two hundred forty dollars and forty-four cents per
60 residential parcel in 2017, a sixty-eight dollar and ninety-four cent
61 increase over 2016, and corresponding adjustments in the rates for classes
62 of nonresidential property are needed to provide necessary surface water
63 management services to protect public health and safety.

64 6. It is in the public interest, and is necessary for the protection of health,
65 safety, and welfare of the residents of King County, that the necessary
66 costs of providing surface water management services continue to be
67 funded and that such costs continue to be charged against those parcels
68 benefitting from such services and/or contributing to the increase of
69 surface water runoff, which the King County surface water management
70 program must address.

71 7. Parcels owned by federally recognized tribes or members of such tribes
72 that are located within the historical boundaries of a reservation are not
73 subject to the surface water management charges provided for in K.C.C
74 chapter 9.08.

75 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

76 SECTION 1. Ordinance 7590, Section 8, as amended, and K.C.C. 9.08.070 are
77 each hereby amended to read as follows:

78 A. The service charges shall be based on the relative contribution of increased
79 surface and storm water runoff from a given parcel to the surface and storm water
80 management system. The percentage of impervious surfaces on the parcel, the total parcel
81 acreage and any mitigating factors as provided in K.C.C. 9.08.080 shall be used to
82 indicate the relative contribution of increased surface and storm water runoff from the
83 parcel to the surface and storm water management system. The relative contribution of
84 increased surface and storm water runoff from each parcel determines that parcel's share
85 of the service charge revenue needs. The service charge revenue needs of the program
86 are based upon all or any part, as determined by the council of the cost of meeting

87 stormwater permit obligations of state and federal law and the cost of surface and storm
88 water management services and to pay or secure the payment of all or any portion of any
89 issue of general obligation or revenue bonds issued for that purpose.

90 B. The division shall determine the service charge for each parcel within the
91 service area by the following methodology:

92 Residential and very lightly developed nonresidential parcels shall receive a flat
93 rate service charge for the reasons in K.C.C 9.08.060. Light to very heavily developed
94 parcels shall be classified into the appropriate rate category by their percentage of
95 impervious surface coverage. Land use codes or data collected from parcel
96 investigations, or both shall be used to determine each parcel's percentage of impervious
97 surface coverage. After a parcel has been assigned to the appropriate rate category, the
98 service charge for the parcel shall be calculated by multiplying the total acreage of the
99 parcel times the rate for that category.

100 C. There is hereby imposed upon all developed properties in the service area
101 annual service charges as follows:

102	Class	Impervious Surface %	Rate
103	Residential	NA	(((\$171.50)) <u>\$240.44/parcel/year</u>
104	Very Light	0 to less than or equal to 10%	(((\$171.50)) <u>\$240.44/parcel/year</u>
105	Light	Greater than 10% to less than	(((\$413.38)) <u>\$647.96/acre/year</u>
106		or equal to 20%	
107	Moderate	Greater than 20% to less than	(((\$905.91)) <u>\$1,251.59/acre/year</u>
108		or equal to 45%	
109	Moderately	Greater than 45% to less than	(((\$1,546.40)) <u>\$2,133.78/acre/year</u>

110 Heavy or equal to 65%
111 Heavy Greater than 65% to less than or ~~(((\$2,116.79))~~ \$2,955.98/acre/year
112 or equal to 85%
113 Very Heavy Greater than 85% to less than or ~~(((\$2,638.96))~~ \$3,669.84/acre/year
114 equal to 100%

115 County Roads NA Set in accordance with RCW 90.03.525

116 State Highways NA Set in accordance with RCW 90.03.525

117 The minimum service charge in any class shall be ~~((one hundred seventy one~~
118 ~~dollars and fifty cents))~~ two hundred forty dollars and forty-four cents per parcel per year.

119 Mobile home parks' maximum annual service charges in any class shall be ~~((one hundred~~
120 ~~seventy one dollars and fifty cents))~~ two hundred forty dollars and forty-four cents times
121 the number of mobile home spaces.

122 D. The county council shall review the surface water management services
123 biennially to ensure the long term fiscal viability of the program and to guarantee that
124 debt covenants are met. The program shall use equitable and efficient methods to
125 determine service charges.

126 E. When a parcel that has impervious surface is divided by the boundary of the
127 service area and a portion of the parcel's impervious surface drains into the service area,
128 the parcel shall be charged as otherwise provided herein on the basis of the lands and
129 impervious surfaces that drain into the service area. When the director has determined
130 that the impervious surface of a parcel, divided by the boundary of the service area,
131 completely drain outside of the service area, the parcel is exempt from the rates and
132 charges of this chapter.

133 F. The King County council by ordinance may supplement or alter charges within
134 specific basins and subbasins of the service area so as to charge properties or parcels of
135 one basin or subbasin for improvements, studies or maintenance that the council deems to

136 provide service or benefit the property owners of one or more basins or subbasins.

137 SECTION 2. This ordinance takes effect January 1, 2017.

138

Ordinance 18401 was introduced on 10/24/2016 and passed by the Metropolitan King County Council on 11/7/2016, by the following vote:

Yes: 6 - Mr. Gossett, Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles and Ms. Balducci
No: 3 - Mr. von Reichbauer, Ms. Lambert and Mr. Dunn
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

J. Joseph McDermott, Chair

ATTEST:

Melani Pedroza, Acting Clerk of the Council

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CLERK
KING COUNTY COUNCIL

APPROVED this 17th day of November, 2016.

Dow Constantine, County Executive

Attachments: None