



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19250

Proposed No. 2019-0448.2

Sponsors Dunn

1 AN ORDINANCE relating to the surface water
 2 management fees charged to unincorporated parcels; and
 3 amending Ordinance 7590, Section 9, as amended and
 4 K.C.C. 9.08.080.

5 **STATEMENT OF FACTS:**

6 1. The water and land resources division of the department of natural
 7 resources and parks provides essential public services that protect human
 8 health, the environment and the quality of life in our region.

9 2. King County charges property owners within its surface water
 10 management service area, which is unincorporated King County, a
 11 graduated annual service charge based on six nonresidential rate classes
 12 tied to relative amount of impervious surface and one uniform rate class
 13 for all residential parcels. RCW 36.89.080 authorizes counties to impose
 14 surface water management service charges and sets forth factors that may
 15 be considered, including the income level of persons who own and reside
 16 at parcels to which the charges apply.

17 3. The service charge was established in 1986 by Ordinance 7590.
 18 Ordinance 7590 included an exemption from the charge for persons
 19 approved by the department of assessments for the senior citizen or

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20 disabled persons property tax exemption under RCW 84.36.381.

21 4. A new low-income discount program for the service charge would
22 assist persons who have not been approved for the senior citizen or
23 disabled persons exemption.

24 5. The 2019-2020 budget for the surface water management program
25 assumes implementation of a new low-income discount program.

26 6. The low-income discount program would establish a fifty percent
27 discount based on income equal to or less than two hundred percent of the
28 federal poverty level.

29 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

30 SECTION 1. Ordinance 7590, Section 9, as amended, and K.C.C. 9.08.080 are
31 hereby amended to read as follows:

32 A. Any person billed for service charges may file a request for rate adjustment
33 with the division within three years of the date from which the bill was sent. However,
34 filing of such a request does not extend the period for payment of the charge.

35 B. Requests for rate adjustment may be granted or approved by the director only
36 when one of the following conditions exists:

37 1. The parcel is owned by and is the personal residence of a person or persons
38 ~~((determined))~~ who are:

39 a. approved by the county assessor ~~((as qualified))~~ for a ~~((low income))~~ senior
40 citizen or disabled persons property tax exemption ~~((authorized))~~ under RCW
41 84.36.381. Parcels qualifying under this subsection B.1.a. shall be exempt from all
42 charges imposed in K.C.C. 9.08.070; or

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43 b. approved by the director for a low-income discount based on a verified
44 household income equal to or less than two hundred percent of the federal poverty
45 guidelines updated periodically in the Federal Register by the U.S. Department of Health
46 and Human Services under the authority of 42 U.S.C. 9902(2). Income verification shall
47 be performed in accordance with written requirements approved by the director, which
48 requirements shall be crafted to impose the least burden possible on the parcel owner.
49 Parcels qualifying under this subsection B.1.b. shall receive a fifty percent discount from
50 all charges imposed in K.C.C. 9.08.070;

51 2. The acreage of the parcel charged is in error;

52 3. The parcel is nonresidential and the actual impervious surface coverage of the
53 parcel charged places it in a different rate category than the rate category assigned by the
54 division;

55 4. The parcel is nonresidential and the parcel meets the definition of open space
56 in K.C.C. 9.08.010. Parcels qualifying under this subsection B.4. shall be charged only
57 for the area of impervious surface and at the rate that the parcel is classified under using
58 the total parcel acreage;

59 5. The parcel is nonresidential and is served by one or more of the following
60 types of controls used to mitigate the impacts of surface and storm water runoff from the
61 impervious surfaces of the parcel, and any source control best management practices
62 applicable to the facilities or activities occurring on the parcel must be implemented in
63 accordance with the standards in K.C.C. chapter 9.12 to prevent contaminants from
64 entering surface water, storm water or ground water:

65 a. one or more flow control facilities that are required under K.C.C. chapter

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66 9.04, or that is demonstrated by the property owner to provide flow control of surface and
67 storm water to the standards in K.C.C. chapter 9.04, when any such a facility is
68 maintained at the expense of the parcel owner to the standards required by the
69 department. Parcels qualifying under this subsection B.5.a. shall receive a twenty percent
70 discount when runoff is controlled on fifty percent or more of the property's impervious
71 surface by the single or multiple flow control facilities;

72 b. one or more flow control facilities that are required under K.C.C. chapter
73 9.04 and designed to the standards in the 1990 or later editions of the Surface Water
74 Design Manual, or that is demonstrated by the property owner to provide flow control of
75 surface and storm water to the standards in the 1990 or later editions of the Surface Water
76 Design Manual, when any such a facility is maintained at the expense of the parcel owner
77 to the standards required by the department. Parcels qualifying under this subsection
78 B.5.b. shall receive a twenty percent discount when runoff is controlled on fifty percent
79 or more of the property's impervious surface by the qualifying single or multiple flow
80 control facilities. This discount is available in addition to other qualifying discounts in
81 this subsection B.5.;

82 c. one or more flow control best management practices or infiltration facilities
83 that are either required under K.C.C. chapter 9.04, or is demonstrated by the property
84 owner to provide absorption or dispersion of surface and storm water to the standards in
85 K.C.C. chapter 9.04, when any such a practice or facility is maintained at the expense of
86 the parcel owner to the standards required by the department. Parcels qualifying under
87 this subsection B.5.c. shall receive a twenty percent discount when runoff is absorbed or
88 dispersed on fifty percent or more of the property's impervious surface by flow control

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89 best management practices or infiltration facilities. This discount is available in addition
90 to other qualifying discounts in this subsection B.5.;

91 d. one or more water quality treatment facilities that are required under K.C.C.
92 chapter 9.04, or that is demonstrated by the property owner to provide water quality
93 treatment of surface and storm water to the standards in K.C.C. chapter 9.04, when any
94 such a facility is maintained at the expense of the parcel owner to the standards required
95 by the department. Parcels qualifying under this subsection B.5.d. shall receive a twenty
96 percent discount when runoff is treated on fifty percent or more of the property's
97 impervious surface by the single or multiple water quality treatment facilities. This
98 discount is available in addition to other qualifying discounts in this subsection B.5.;

99 e. increased surface and storm water management activities conducted by the
100 parcel owner as mandated by the state through a National Pollutant Discharge
101 Elimination System permit for post construction stormwater discharges. The activities
102 include, but are not limited to, frequent facility inspections, surface water monitoring,
103 reporting of facility performance and prompt correction of identified surface water
104 problems. Satisfactory compliance with the permit is required for this discount, as
105 determined by the department. Parcels qualifying under this subsection B.5.e. shall
106 receive a ten percent discount in addition to other qualifying discounts in this subsection
107 B.5.; and

108 f. when the requirements of subsection B.5.a. through d. of this section stating
109 the specified facilities must address the impacts of at least fifty percent of the impervious
110 surfaces on-site cannot be met, the discounts provided in said subsections shall be
111 prorated as follows:

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112 (1) forty to less than fifty percent of impervious surface: sixteen percent

113 discount;

114 (2) thirty to less than forty percent of impervious surface: twelve percent

115 discount;

116 (3) twenty to less than thirty percent of impervious surface: eight percent

117 discount; and

118 (4) four to less than twenty percent of impervious surface: four percent

119 discount;

120 6. The parcel is residential and is served by one or more flow control or water
121 quality treatment facilities required under K.C.C. chapter 9.04, or is demonstrated by the
122 property owner to provide flow control or water quality treatment of surface and storm
123 water to the standards in K.C.C. chapter 9.04, and any such a facility is maintained at the
124 expense of the parcel owner to the standards required by the department. In addition any
125 source control best management practices applicable to the facilities or activities
126 occurring on the parcel must be implemented in accordance with the standards in K.C.C.
127 chapter 9.12 to prevent contaminants from entering surface water, storm water, or ground
128 water. Residential parcels qualifying under this subsection B.6. shall receive a fifty
129 percent discount;

130 7. The parcel contains at least sixty-five percent forest and no more than twenty
131 percent impervious surface, the runoff from which is dispersed through the forested area
132 to the standards in the surface water management fee protocols, resulting in an effective
133 impervious area of no more than ten percent for the entire parcel. In addition to the
134 previous requirement, any source control best management practices applicable to the

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135 facilities or activities occurring on the parcel must be implemented in accordance with
136 the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water,
137 storm water, or ground water. Nonresidential parcels qualifying under this subsection
138 B.7. shall receive an eighty percent discount. Residential parcels qualifying under this
139 subsection B.7. shall receive a fifty percent discount. The discounts in this subsection
140 B.7. may be applied in lieu of but not in addition to other qualifying discounts in
141 subsection B.5. and B.6.;

142 8. The parcel is owned or leased by a public school district that provides
143 activities that directly benefit the surface water management program. The activities may
144 include, but are not limited to: curriculum specific to the issues and problems of surface
145 and storm water management, and student activities in the community to expose students
146 to the efforts required to restore, monitor or enhance the surface and storm water
147 management system. According to RCW 36.89.085, the amount of the rate adjustment
148 shall be determined by the director based upon the cost of the activities to the school
149 district but not to exceed the value of the activity to the surface water management
150 program. Determination of which activities qualify for the surface water management
151 service charge reduction shall be made by the division. Reductions in surface water
152 management service charges may only be granted to school districts that provide
153 programs that have been evaluated by the division. The rate adjustment for the school
154 district activity may be applied to any parcel in the service area that is owned or operated
155 by the school district;

156 9. The parcel is owned by a federally recognized tribe or member of such tribe
157 and is located within the historical boundaries of a reservation and thus is not subject to

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158 the charges provided for in this chapter; or

159 10. The service charge bill was otherwise not calculated in accordance with this
160 chapter.

161 C. The dollar amount of debt service on revenue or general obligation bonds
162 issued to finance storm water control facilities shall not be reduced by the rate
163 adjustments referred to in subsection B.5., 6. and 7. of this section.

164 D. The property owner shall have the burden of proving that the rate adjustment
165 sought should be granted.

166 E. Decisions on requests for rate adjustments shall be made by the director based
167 on information submitted by the applicant and by the division within thirty days of the
168 adjustment request except when additional information is needed. The applicant shall be
169 notified in writing of the director's decision. If an adjustment is granted under subsection
170 B.1., 2., 3. and 4. of this section that reduces the charge for the current year or two prior
171 years, the applicant shall be refunded the amount overpaid in the current and two prior
172 years. The adjustments provided for in subsection B.5., 6. and 7. of this section are
173 prospective only from January 1, 2013. A reduction in charges for the billing years
174 before January 1, 2013, shall not be granted under subsection B.5., 6. and 7. of this
175 section.

176 F. If the director finds that a service charge bill has been undercharged, then
177 either an amended bill shall be issued that reflects the increase in the service charge or the
178 undercharged amount shall be added to the next year's bill. The amended bill shall be
179 due and payable under K.C.C. 9.08.100. The director may include in the bill the amount
180 undercharged for two previous billing years in addition to the current bill.

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181 G. Decisions of the director on requests for rate adjustments shall be final unless
182 the applicant files an appeal in accordance with K.C.C. 20.22.080. The examiner's
183 decision shall be a final decision as authorized by K.C.C. 20.22.040.
184

Ordinance 19250 was introduced on 11/6/2019 and passed by the Metropolitan King
County Council on 3/9/2021, by the following vote:

Yes: 9 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles,
Ms. Lambert, Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer
and Mr. Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:
Claudia Balducci
7E1C273CE9994B6...

Claudia Balducci, Chair

ATTEST:

DocuSigned by:
Melani Pedroza
8DE1BB375AD3422...

Melani Pedroza, Clerk of the Council

APPROVED this _____ day of 3/25/2021, _____.

DocuSigned by:
Dow Constantine
4FBCAB8196AE4C6...

Dow Constantine, County Executive

Attachments: None

Certificate Of Completion

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King County Council
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Required hardware and software

Operating Systems:	Windows® 2000, Windows® XP, Windows Vista®; Mac OS® X
Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)
PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum

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