

5 November 2012 Council Meeting

S1

Sponsor: Joe McDermott, Kathy Lambert

[rb]

Proposed No.: 2012-0389

Joe McD MOVED
Motion CARRIED

1 STRIKING AMENDMENT TO PROPOSED ORDINANCE 2012-0389, VERSION

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3 On page 1, beginning on line 9, strike everything through page 23, line 501, and insert:

4 "STATEMENT OF FACTS:

5 1. King County works in partnership with property owners and state and
6 federal agencies to minimize the impacts of storm and surface runoff on
7 the water quantity and quality of the waters of the state.

8 2. King County charges property owners within its surface water
9 management ("SWM") service area, which is unincorporated King
10 County, a graduated fee based on six nonresidential rate classes tied to
11 relative amount of impervious surface and one uniform rate class for all
12 residential parcels.

13 3. In 1986, the King County council adopted Ordinance 7590, which
14 established the SWM program to provide a comprehensive approach to
15 surface and storm water problems including "basin planning, land use
16 regulation, construction of facilities, maintenance and public education."

17 In 1991, the council increased the services provided by the SWM program

18 and set a rate structure and service charges by adopting Ordinance 10187.
19 In 2001, the council passed Ordinance 14261, acknowledging that the
20 costs to provide SWM had increased due to the ordinary impacts of
21 inflation and due to increased and more stringent federal and state
22 requirements for the proper management of surface water quality and
23 quantity. In 2006, the council passed Ordinance 15638, acknowledging
24 that the soon to be effective new National Pollutant Discharge Elimination
25 System ("NPDES") permit would require King County's compliance with
26 more stringent requirements. In 2010, the council passed Ordinance
27 16958, acknowledging that costs had increased to comply with the
28 stringent requirements of the NPDES permit and to meet the ordinary
29 impacts of inflation.

30 4. Since establishment of the current SWM program in 1986, the
31 requirements for proper management of surface water quality and quantity
32 have continued to become more stringent. This is evidenced by the
33 requirements in King County's 2007-2012 NPDES municipal stormwater
34 permit, which was administratively extended by the Washington state
35 Department of Ecology ("Ecology") for an additional year, expiring on
36 July 31, 2013. The new NPDES municipal storm water permit requires
37 King County's compliance with even more stringent requirements during
38 the permit period, which will run from August 1, 2013, through July 31,
39 2018. The permit mandates a wide variety of programs and actions to
40 manage surface water and improve water quality. The permit's schedule

41 for implementing such programs and actions will result in escalating costs
42 for each succeeding year of the permit term. These programs and actions
43 must be reflected in and written into the King County's storm water
44 management program ("SWMP"), as a matter of permit compliance, and
45 must be updated and reported on to Ecology each year. Future compliance
46 will continue to be based on increasingly more stringent requirements for
47 actions that must be performed as part of the SWMP. Noncompliance
48 with the terms of the permit can result in enforcement actions both by
49 Ecology and third party citizen law suits, seeking fines, penalties, or
50 rulings directing the expenditure of county funds. Operations impacted by
51 this new NPDES permit will include King County roads, solid waste,
52 transit, parks, airport, permitting and environmental review, as well as
53 direct SWM services.

54 5. The King County SWM program has documented capital construction
55 needs in the upcoming 2013-2014 biennium at a total cost of
56 approximately \$16.41 million. The King County road services program
57 has documented construction needs to mitigate stormwater impacts in the
58 upcoming 2013-2014 biennium at a total cost of approximately \$3.16
59 million. These capital projects are necessary to protect life and property
60 as well as to maintain or restore water quality and ecological functions in
61 receiving waters.

62 6. The costs of NPDES permit compliance and of implementing the
63 SWMP, including capital project costs, together with the ordinary impacts

64 of inflation and revenue losses from recent and upcoming annexations of
65 unincorporated county areas to cities, will necessitate an increase in the
66 surface water management charges in order to meet King County's permit
67 obligations and to provide SWM services to property owners within
68 unincorporated King County.

69 7. The current one hundred and thirty-three dollars per residential parcel
70 fee charged by King County is insufficient to meet the projected revenue
71 requirement and continues to be well below the mean average of one
72 hundred fifty-three dollars per residential parcel charged by comparable
73 local jurisdictions.

74 8. An increase in the base amount of the SWM charge from one hundred
75 thirty-three dollars to one hundred fifty-one dollars per residential parcel
76 in 2013, a thirty-six-dollar increase over 2012, and to one hundred
77 seventy-one dollars and fifty cents per residential parcel in 2014, a thirty-
78 eight dollar and fifty cent increase over 2012, and corresponding
79 adjustments in the rates for classes of nonresidential property are needed
80 to meet the rising costs of permit compliance and for providing necessary
81 surface water management services to protect public health and safety.

82 9. It is in the public interest, and is necessary for the protection of health,
83 safety, and welfare of the residents of King County, that the necessary
84 costs of providing SWM services continue to be funded and that such
85 costs continue to be charged against those parcels benefitting from such

86 services and/or contributing to the increase of surface water runoff, which
87 the King County SWM program must address.

88 10. Parcels owned by federally recognized tribes or members of such
89 tribes that are located within the historical boundaries of a reservation are
90 not subject to the SWM charges provided for in K.C.C. chapter 9.08.

91 11. King County grants requests for rate adjustments based on
92 demonstration that one or more of several conditions listed in K.C.C.
93 9.08.080 are met. A number of these rate adjustments function as
94 discounts to the standard charge.

95 12. The current rate adjustment program can be improved by offering
96 additional discounts to the existing discount program based on sound
97 technical grounds.

98 13. In 2010, the King County council adopted and in 2011, amended,
99 Ordinance 16958, which revised the SWM service charge and rate
100 adjustment program for nonresidential parcels, pending the development
101 of a program that would more comprehensively take into account the
102 effectiveness of onsite management of storm and surface water runoff.

103 The stormwater services section of the water and land resources division
104 of the department of natural resources and parks undertook an effort to
105 develop such a program and the outcome of this effort resulted in a
106 number of guiding principles that became the foundation for evaluating
107 changes to the existing program. They include:

- 108 a. The rate adjustment program will be, to the extent possible, linked to
109 the effectiveness of facility or on-site practices that reduce storm water
110 impacts. This means that, the more effective the facility is at reducing
111 storm water impacts, the greater the discount;
- 112 b. The rate adjustment program is, and will be, administratively feasible;
- 113 c. The rate adjustment program will provide property owner incentives to
114 improve on-site control of storm water; for example, via retrofitting
115 existing facility, improved operations and maintenance and similar
116 approaches;
- 117 d. The rate adjustment program is to be consistent, that is, not in conflict,
118 with other King County Code requirements; and
- 119 e. The new rate adjustment program will be available to all nonresidential
120 properties once adopted.

121 14. The guiding principles in subsection 13 of this Statement of Facts
122 establish a reasonable basis for initiating changes to the existing rate
123 adjustment program.

124 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY

125 SECTION 1. Ordinance 7590, Section 1, as amended, and K.C.C. 9.08.010 are
126 each hereby amended to read as follows:

127 The following definitions shall apply in the interpretation and enforcement of this
128 chapter:

129 A. "Basin plan" means a plan and all implementing regulations and procedures
130 including but not limited to capital projects, public education activities, land use

131 management regulations adopted by ordinance for managing surface and storm water
132 management facilities and features within individual subbasins.

133 B. (~~"County"~~ means King County.

134 ~~C.~~) "Department" means the department of natural resources and parks or its
135 successor agency.

136 (~~D.~~) C. "Developed parcel" means any parcel altered from the natural state by
137 the construction, creation or addition of impervious surfaces.

138 (~~E.~~) D. "Director" means the director of the department of natural resources and
139 parks or its successor agency or the director's designee.

140 (~~F.~~) E. "Division" means the department of natural resources and parks, water
141 and land resources division or its successor agency.

142 (~~G.~~) F. "Effective impervious area" means the portion of actual impervious area
143 that is connected, or has the effect of being connected as defined in the King County
144 Surface Water Design Manual, directly to the storm water drainage system via surface
145 flow or discrete conveyances such as pipes, gutters or ditches.

146 (~~H.~~) G. "Flow control facility" means a drainage facility designed to mitigate
147 the impacts of increased surface and storm water runoff generated by site development in
148 accordance with the drainage requirements in this chapter. A flow control facility is
149 designed either to hold water for a considerable length of time and then release it by any
150 combination of evaporation, plant transpiration or infiltration into the ground or to hold
151 runoff for a short period of time and then release it to the conveyance system.

152 H. "Flow control best management practice" means a method or design for
153 dispersing, infiltrating or otherwise reducing or preventing development-related increases

154 in surface and storm water runoff at, or near, the sources of those increases. "Flow
155 control best management practice" includes the methods and designs specified in the
156 Surface Water Design Manual.

157 I. "Lake management plan" means the plan, and supporting documents as
158 appropriate, describing the lake management recommendations and requirements
159 ((which)) that has been formally adopted by rule under the procedures specified in K.C.C.
160 chapter 2.98. Adopted lake management plans are available from the division and the
161 department of development and environmental services. A synopsis of adopted lake
162 management plans ((will)) shall be distributed to all Surface Water Design Manual
163 subscribers as part of the manual's routine update process.

164 J. "Drainage facility" means the system of collecting, conveying, and storing
165 surface and storm water runoff. Drainage facilities shall include but not be limited to all
166 surface and storm water conveyance and containment facilities including streams,
167 pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration
168 facilities, flow control facilities, erosion/sedimentation control facilities and other
169 drainage structures and appurtenances, both natural and constructed.

170 K. "Impervious surface" means either a hard surface area ((which)) that either
171 prevents or retards the entry of water into the soil mantle as it entered under natural
172 conditions ((prior to)) before development, ((and/or)) or a hard surface area ((which)) that
173 causes water to run off the surface in greater quantities or at an increased rate of flow
174 from the flow present under natural conditions ((prior to)) before development, or both.
175 Common impervious surfaces include, but are not limited to, roofs, walkways, patios,
176 driveways, parking lots, storage areas, areas ((which)) that are paved, graveled or made

177 of packed or oiled earthen materials or other surfaces (~~((which))~~ that similarly impede the
178 natural infiltration of surface and storm water. Open, uncovered flow control facilities
179 shall not be considered as impervious surfaces (~~((for the purpose of this chapter))~~).

180 L. "Land use code" means restrictions on the type of development for a specific
181 parcel of land as identified by records maintained by the King County department of
182 assessments as modified or supplemented by information resulting from investigation by
183 the division. Land use codes are preliminary indicators of the extent of impervious
184 surface and are used in the initial analysis to assign an appropriate rate category for a
185 specific parcel.

186 M. "Maintenance" means the act or process of cleaning, repairing or preserving a
187 system, unit, facility, structure or piece of equipment.

188 N. "Natural surface water drainage system" means such landscape features as
189 rivers, streams, lakes and wetlands. This system circulates water in a complex
190 hydrological cycle.

191 O. "National Pollutant Discharge Elimination System permit" means a permit
192 issued by the Washington state Department of Ecology for discharges to waters of the
193 United States under the Clean Water Act.

194 P. "Open space" means any parcel, property or portion thereof classified for
195 current use taxation under K.C.C. chapter 20.36 and chapter 84.34 RCW, or for which the
196 development rights have been sold to King County under K.C.C. chapter 26.04. This
197 definition includes lands (~~((which))~~ that have been classified as open space, agricultural or
198 timber lands under criteria contained in K.C.C. chapter 20.36 and chapter 84.34 RCW.

199 ~~((P-))~~ Q. "Parcel" means the smallest separately segregated unit or plot of land
200 having an identified owner, boundaries and surface area ~~((which))~~ that is documented for
201 property tax purposes and given a tax lot number by the King County assessor.

202 ~~((Q-))~~ R. "Person" means any individual, firm, company, association, corporation
203 or governmental agency.

204 ~~((R-))~~ S. "Program" means the surface water management program as ~~((set forth))~~
205 created and established in this chapter.

206 ~~((S-))~~ T. "Rate category" means the classification in this chapter given to a parcel
207 in the service area based upon the type of land use on the parcel and the percentage of
208 impervious surface area contained on the parcel.

209 ~~((T-))~~ U. "Residence" means a building or structure or portion thereof, designed
210 for and used to provide a place of abode for human beings. ~~((The term))~~ "Residence"
211 includes ~~((the term))~~ "residential" or "residential unit" as referring to the type of or
212 intended use of a building or structure.

213 ~~((U-))~~ V. "Residential parcel" means any parcel ~~((which))~~ that contains no more
214 than three residences or three residential units ~~((which are))~~ within a single structure and
215 is used primarily for residential purposes.

216 ~~((V-))~~ W. "Service area" means unincorporated King County.

217 ~~((W-))~~ X. "Storm water plan" means a King County ordinance specifying the
218 storm water control facilities that will be funded by a bond issue.

219 ~~((X-))~~ Y. "Subbasin" means a drainage area that drains to a water course or water
220 body named and noted on common maps and that is contained within a basin as defined
221 in K.C.C. 9.04.020.

222 ~~((Y-))~~ Z. "Surface and storm water management services" means the services
223 provided by the surface water management program, including but not limited to basin
224 planning, facilities maintenance, regulation, financial administration, public involvement,
225 drainage investigation and enforcement, aquatic resource restoration, surface and storm
226 water quality and environmental monitoring, natural surface water drainage system
227 planning, intergovernmental relations and facility design and construction.

228 ~~((Z-))~~ AA. "Surface water management fee protocols" ~~((or "SWM fee~~
229 ~~protocols"))~~ means the surface water management fee standards and procedures that have
230 been formally adopted by rule under the procedures specified in K.C.C. chapter 2.98.
231 The ~~((SWM))~~ surface water management fee protocols are available from the department
232 of natural resources and parks, water and land resources division, or ~~((their))~~ its successor
233 ~~((agencies))~~ agency.

234 ~~((AA-))~~ BB. "Surface and storm water" means water originating from rainfall and
235 other precipitation that is found in drainage facilities, rivers, streams, springs, seeps,
236 ponds, lakes and wetlands as well as shallow ground water.

237 ~~((BB-))~~ CC. "Surface and storm water management system" means constructed
238 drainage facilities and any natural surface water drainage features that do any
239 combination of collection, storing, controlling, treating or conveying surface and storm
240 water.

241 DD. "Surface Water Design Manual" means the manual, and supporting
242 documentation referenced or incorporated in the manual, describing surface and storm
243 water design and analysis requirements, procedures and guidance that has been formally
244 and most recently adopted by rule under the procedures in K.C.C. chapter 2.98. The

245 Surface Water Design Manual is available from the department of permitting and
246 environmental review or the department of natural resources and parks, water and land
247 resources division, or its successor agency.

248 ~~((CC.))~~ EE. "Undeveloped parcel" means any parcel ~~((which))~~ that has not been
249 altered from its natural state by the construction, creation or addition of impervious
250 surface.

251 ~~((DD.))~~ FF. "Water quality treatment facility" means a drainage facility designed
252 to reduce pollutants once they are already contained in surface and storm water runoff.

253 "Water quality treatment ~~((facilities are))~~ facility" means the structural component of best
254 management practices. When used singly or in combination, a water quality treatment
255 ~~((facilities))~~ facility reduces the potential for contamination of either surface or ground
256 waters, or both.

257 SECTION 2. Ordinance 7590, Section 8, as amended, and K.C.C 9.08.070 are
258 each hereby amended to read as follows:

259 A. The service charges shall be based on the relative contribution of increased
260 surface and storm water runoff from a given parcel to the surface and storm water
261 management system. The percentage of impervious surfaces on the parcel, the total
262 parcel acreage and any mitigating factors as provided in K.C.C 9.08.080 ~~((will))~~ shall be
263 used to indicate the relative contribution of increased surface and storm water runoff
264 from the parcel to the surface and storm water management system. The relative
265 contribution of increased surface and storm water runoff from each parcel ~~((will))~~
266 determines that parcel's share of the service charge revenue needs. The service charge
267 revenue needs of the program are based upon all or any part, as determined by the

268 council, of the cost of meeting stormwater permit obligations of state and federal law and
 269 the cost of surface and storm water management services ~~((øø))~~ and to pay or secure the
 270 payment of all or any portion of any issue of general obligation or revenue bonds issued
 271 for that purpose.

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

274 Residential and very lightly developed nonresidential parcels shall receive a flat
 275 rate service charge for the reasons ~~((set forth))~~ in K.C.C 9.08.060. Light to very heavily
 276 developed parcels shall be classified into the appropriate rate category by their percentage
 277 of impervious surface coverage. Land use codes or data collected from parcel
 278 investigations, or both, ~~((will))~~ shall be used to determine each parcel's percentage of
 279 impervious surface coverage. After a parcel has been assigned to the appropriate rate
 280 category, the service charge for the parcel ~~((will))~~ shall be calculated by multiplying the
 281 total acreage of the parcel times the rate for that category.

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

284	Class	Impervious Surface %	Rate
285	Residential	NA	(((\$133.00))
286			<u>\$151.00/parcel/year</u>
287	Very Light	0 to less than or equal to 10%	(((\$133.00))
288			<u>\$151.00/parcel/year</u>
289	Light	Greater than 10% to less than or equal	
290		to 20%	(((\$320.61))

291 \$363.89/acre/year

292 Moderate Greater than 20% to less than or equal

293 to 45% (\$702.61)

294 \$797.46/acre/year

295 Moderately Heavy Greater than 45% to less than or

296 equal to 65% (\$1,199.36)

297 \$1,361.27/acre/year

298 Heavy Greater than 65% to less than or equal

299 to 85% (\$1,641.53)

300 \$1,863.37/acre/year

301 Very Heavy Greater than 85% to less than or equal

302 to 100% (\$2,046.72)

303 \$2,323.03/acre/year

304 County Roads NA Set in accordance with

305 RCW 90.03.525

306 State Highways NA Set in accordance with

307 RCW 90.03.525

308 The minimum service charge in any class shall be ~~((one hundred thirty three))~~ one

309 hundred fifty-one dollars per parcel per year. Mobile home parks' maximum annual

310 service charges in any class shall be ~~((one hundred thirty three))~~ one hundred fifty-one

311 dollars times the number of mobile home spaces.

312 D. The county council ~~((will))~~ shall review the surface water management service

313 charges ~~((annually))~~ biennially to ensure the long term fiscal viability of the program and

314 to guarantee that debt covenants are met. The program ~~((will))~~ shall use equitable and
315 efficient methods to determine service charges.

316 E. When a parcel that has impervious surface is divided by the boundary of the
317 service area and a portion of the parcel's impervious surface drains into the service area,
318 the parcel shall be charged as otherwise provided herein on the basis of the lands and
319 impervious surfaces ~~((which))~~ that drain into the service area. When the director has
320 determined that the impervious surface of a parcel, divided by the boundary of the service
321 area, completely drains outside of the service area, the parcel ~~((will be))~~ is exempt from
322 the rates and charges of this chapter.

323 F. The King County council by ordinance may supplement or alter charges within
324 specific basins and subbasins of the service area so as to charge properties or parcels of
325 one basin or subbasin for improvements, studies or maintenance ~~((which))~~ that the
326 council deems to provide service or benefit the property owners of one or more basins or
327 subbasins.

328 SECTION 3. Section 4 of this ordinance takes effect January 1, 2014.

329 SECTION 4. Ordinance 7590, Section 8, as amended, and K.C.C 9.08.070 are
330 each hereby amended to read as follows:

331 A. The service charges shall be based on the relative contribution of increased
332 surface and storm water runoff from a given parcel to the surface and storm water
333 management system. The percentage of impervious surfaces on the parcel, the total
334 parcel acreage and any mitigating factors as provided in KC.C 9.08.080 shall be used to
335 indicate the relative contribution of increased surface and storm water runoff from the
336 parcel to the surface and storm water management system. The relative contribution of

337 increased surface and storm water runoff from each parcel determines that parcel's share
 338 of the service charge revenue needs. The service charge revenue needs of the program
 339 are based upon all or any part, as determined by the council, of the cost of meeting
 340 stormwater permit obligations of state and federal law and the cost of surface and storm
 341 water management services and to pay or secure the payment of all or any portion of any
 342 issue of general obligation or revenue bonds issued for that purpose.

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

345 Residential and very lightly developed nonresidential parcels shall receive a flat
 346 rate service charge for the reasons in K.C.C 9.08.060. Light to very heavily developed
 347 parcels shall be classified into the appropriate rate category by their percentage of
 348 impervious surface coverage. Land use codes or data collected from parcel
 349 investigations, or both shall be used to determine each parcel's percentage of impervious
 350 surface coverage. After a parcel has been assigned to the appropriate rate category, the
 351 service charge for the parcel shall be calculated by multiplying the total acreage of the
 352 parcel times the rate for that category.

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

355	Class	Impervious Surface %	Rate
356	Residential	NA	(((\$151.00))
357			<u>\$171.50/parcel/year</u>
358	Very Light	0 to less than or equal to 10%	(((\$151.00))
359			<u>\$171.50/parcel/year</u>

360	Light	Greater than 10% to less than or equal	
361		to 20%	((\$363.89))
362			<u>\$413.38/acre/year</u>
363	Moderate	Greater than 20% to less than or equal	
364		to 45%	((\$797.46))
365			<u>\$905.91/acre/year</u>
366	Moderately Heavy	Greater than 45% to less than or	
367		equal to 65%	((\$1,361.27))
368			<u>\$1,546.40/acre/year</u>
369	Heavy	Greater than 65% to less than or equal	
370		to 85%	((\$1,863.37))
371			<u>\$2,116.79/acre/year</u>
372	Very Heavy	Greater than 85% to less than or equal	
373		to 100%	((\$2,323.03))
374			<u>\$2,638.96/acre/year</u>
375	County Roads	NA	Set in accordance with
376			RCW 90.03.525
377	State Highways	NA	Set in accordance with
378			RCW 90.03.525
379	The minimum service charge in any class shall be ((one hundred fifty one)) <u>one</u>		
380	<u>hundred seventy-one dollars and fifty cents</u> per parcel per year. Mobile home parks'		
381	maximum annual service charges in any class shall be ((one hundred fifty one)) <u>one</u>		
382	<u>hundred seventy-one dollars and fifty cents</u> times the number of mobile home-spaces.		

383 D. The county council shall review the surface water management service
384 charges biennially to ensure the long term fiscal viability of the program and to guarantee
385 that debt covenants are met. The program shall use equitable and efficient methods to
386 determine service charges.

387 E. When a parcel that has impervious surface is divided by the boundary of the
388 service area and a portion of the parcel's impervious surface drains into the service area,
389 the parcel shall be charged as otherwise provided herein on the basis of the lands and
390 impervious surfaces that drain into the service area. When the director has determined
391 that the impervious surface of a parcel, divided by the boundary of the service area,
392 completely drains outside of the service area, the parcel is exempt from the rates and
393 charges of this chapter.

394 F. The King County council by ordinance may supplement or alter charges within
395 specific basins and subbasins of the service area so as to charge properties or parcels of
396 one basin or subbasin for improvements, studies or maintenance that the council deems to
397 provide service or benefit the property owners of one or more basins or subbasins.

398 SECTION 5. Ordinance 7590, Section 9, as amended, and K.C.C. 9.08.080 are
399 each hereby amended to read as follows:

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

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

405 1. The parcel is owned and is the personal residence of a person or persons

406 determined by the county assessor as qualified for a low income senior citizen property
407 tax exemption authorized under RCW 84.36.381. Parcels qualifying under this
408 subsection B.1. shall be exempt from all charges imposed in K.C.C. 9.08.070;

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

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

413 4. The parcel is nonresidential and the parcel meets the definition of open space
414 in K.C.C 9.08.010. Parcels qualifying under this subsection B.4. ~~((will))~~ shall be charged
415 only for the area of impervious surface and at the rate ~~((which))~~ that the parcel is
416 classified under using the total parcel acreage;

417 5.a. The parcel is nonresidential and is served by one or more ~~((flow control or~~
418 ~~water quality treatment facilities required under K.C.C. chapter 9.04, or can be~~
419 ~~demonstrated by the property owner to provide flow control or water quality treatment of~~
420 ~~surface and storm water to the standards in K.C.C. chapter 9.04, and any such facility is~~
421 ~~maintained at the expense of the parcel owner to the standards required by the~~
422 ~~department. In addition to the previous requirement,))~~ of the following types of controls
423 used to mitigate the impacts of surface and storm water runoff from the impervious
424 surfaces of the parcel, and any source control best management practices applicable to the
425 facilities or activities occurring on the parcel must be implemented ~~((pursuant to))~~ in
426 accordance with the standards in K.C.C. chapter 9.12 to prevent contaminants from
427 entering surface water, storm water~~((,))~~ or ground water~~((. Non-residential parcels except~~
428 ~~in the light category qualifying under this subsection shall be charged at the rate of one~~

429 ~~lower rate category than as classified by its percentage of impervious surface coverage.~~
430 ~~Non-residential parcels in the light rate category qualifying under this subsection shall be~~
431 ~~charged at the rate of one hundred thirty-three dollars per parcel per year. Residential~~
432 ~~parcels and parcels in the very light category qualifying under this subsection shall be~~
433 ~~charged sixty-six dollars and fifty cents per parcel per year));~~

434 (1) one or more flow control facilities that are required under K.C.C. chapter
435 9.04, or that is demonstrated by the property owner to provide flow control of surface and
436 storm water to the standards in K.C.C. chapter 9.04, when any such a facility is
437 maintained at the expense of the parcel owner to the standards required by the
438 department. Parcels qualifying under this subsection B.5.a.(1) shall receive a twenty
439 percent discount when runoff is controlled on fifty percent or more of the property's
440 impervious surface by the single or multiple flow control facilities;

441 (2) one or more flow control facilities that are required under K.C.C. chapter
442 9.04 and designed to the standards in the 1990 or later editions of the Surface Water
443 Design Manual, or that is demonstrated by the property owner to provide flow control of
444 surface and storm water to the standards in the 1990 or later editions of the Surface Water
445 Design Manual, when any such a facility is maintained at the expense of the parcel owner
— 446 to the standards required by the department. Parcels qualifying under this subsection
447 B.5.a.(2) shall receive a twenty percent discount when runoff is controlled on fifty
448 percent or more of the property's impervious surface by the qualifying single or multiple
449 flow control facilities. This discount is available in addition to other qualifying discounts
450 in this subsection B.5.a.;

451 (3) one or more flow control best management practices or infiltration
452 facilities that are either required under K.C.C. chapter 9.04, or is demonstrated by the
453 property owner to provide absorption or dispersion of surface and storm water to the
454 standards in K.C.C. chapter 9.04, when any such a practice or facility is maintained at the
455 expense of the parcel owner to the standards required by the department. Parcels
456 qualifying under this subsection B.5.a.(3) shall receive a twenty percent discount when
457 runoff is absorbed or dispersed on fifty percent or more of the property's impervious
458 surface by flow control best management practices or infiltration facilities. This discount
459 is available in addition to other qualifying discounts in this subsection B.5.a.;

460 (4) one or more water quality treatment facilities that are required under
461 K.C.C. chapter 9.04, or that is demonstrated by the property owner to provide water
462 quality treatment of surface and storm water to the standards in K.C.C. chapter 9.04,
463 when any such a facility is maintained at the expense of the parcel owner to the standards
464 required by the department. Parcels qualifying under this subsection B.5.a.(4). shall
465 receive a twenty percent discount when runoff is treated on fifty percent or more of the
466 property's impervious surface by the single or multiple water quality treatment facilities.
467 This discount is available in addition to other qualifying discounts in this subsection
468 B.5.a.;

469 (5) increased surface and storm water management activities conducted by
470 the parcel owner as mandated by the state through a National Pollutant Discharge
471 Elimination System permit for post construction stormwater discharges. The activities
472 include, but are not limited to, frequent facility inspections, surface water monitoring,
473 reporting of facility performance and prompt correction of identified surface-water

474 problems. Satisfactory compliance with the permit is required for this discount, as
475 determined by the department. Parcels qualifying under this subsection B.5.a.(5) shall
476 receive a ten percent discount in addition to other qualifying discounts in this subsection
477 B.5.a.; and

478 (6) when the requirements of subsection B.5.a.(1) through (4) of this section
479 stating the specified facilities must address the impacts of at least fifty percent of the
480 impervious surfaces on-site cannot be met, the discounts provided in said subsections
481 shall be prorated as follows:

482 (a) forty to less than fifty percent of impervious surface: sixteen percent
483 discount;

484 (b) thirty to less than forty percent of impervious surface: twelve percent
485 discount;

486 (c) twenty to less than thirty percent of impervious surface: eight percent
487 discount; and

488 (d) four to less than twenty percent of impervious surface: four percent
489 discount.

490 b. Applications for a two-rate discount on surface water management fees, as
491 authorized in subsection B.5. of this section, as amended by Ordinance 16958 and
492 Ordinance 17246, shall not be accepted after December 31, 2012;

493 6. The parcel is residential and is served by one or more flow control or water
494 quality treatment facilities required under K.C.C. chapter 9.04, or is demonstrated by the
495 property owner to provide flow control or water quality treatment of surface and storm
496 water to the standards in K.C.C. chapter 9.04, and any such a facility is maintained at the

497 expense of the parcel owner to the standards required by the department. In addition any
498 source control best management practices applicable to the facilities or activities
499 occurring on the parcel must be implemented in accordance with the standards in K.C.C.
500 chapter 9.12 to prevent contaminants from entering surface water, storm water, or ground
501 water. Residential parcels qualifying under this subsection B.6. shall receive a fifty
502 percent discount;

503 7. The parcel contains at least sixty-five percent forest and no more than twenty
504 percent impervious surface, the runoff from which is dispersed through the forested area
505 to the standards in the surface water management fee protocols, resulting in an effective
506 impervious area of no more than ten percent for the entire parcel. In addition to the
507 previous requirement, any source control best management practices applicable to the
508 facilities or activities occurring on the parcel must be implemented in accordance with
509 the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water,
510 storm water, or ground water. Nonresidential parcels(~~(, except parcels in the light~~
511 category,)) qualifying under this subsection B.7. shall (~~(be charged at the rate of one~~
512 lower rate category than as classified by its percentage of impervious surface coverage.
513 Non-residential parcels in the light rate category qualifying under this subsection shall be
514 charged at the rate of one hundred [thirty three] dollars per acre per year. Residential
515 parcels and parcels in the very light category qualifying under this subsection shall be
516 charged [sixty six] dollars and fifty cents per parcel per year;

517 ~~7. The parcel is not served by a flow control or water quality treatment facility,~~
518 ~~and the parcel's pervious surface is used to absorb the runoff from its impervious surface~~
519 ~~to the standards in the surface water management fee protocols. In addition to the~~

520 ~~previous requirement, any source control best management practices applicable to the~~
521 ~~facilities or activities occurring on the parcel must be implemented in accordance with~~
522 ~~the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water,~~
523 ~~storm water, or ground water. Non-residential parcels that qualify under this subsection,~~
524 ~~and that do not qualify under this section shall receive a discount based on the percentage~~
525 ~~of impervious surface from which runoff is absorbed or dispersed according to the~~
526 ~~standards in the surface water management fee protocols. The maximum discount~~
527 ~~allowed shall be twenty five percent and shall be reduced below twenty five percent in~~
528 ~~accordance with a schedule developed by the department based on the relative reduction~~
529 ~~of impact to the surface and storm water management system;)) receive an eighty percent~~
530 ~~discount. Residential parcels qualifying under this subsection B.7. shall receive a fifty~~
531 ~~percent discount. The discounts in this subsection B.7 may be applied in lieu of but not~~
532 ~~in addition to other qualifying discounts in subsection B.5 and B.6;~~

533 8. The parcel is owned or leased by a public school district ~~((which))~~ that
534 provides activities ~~((which))~~ that directly benefit the surface water management program.
535 The activities may include, but are not limited to: curriculum specific to the issues and
536 problems of surface and storm water management, and student activities in the
537 community to expose students to the efforts required to restore, monitor or enhance the
538 surface and storm water management system. ~~((Pursuant))~~ According to RCW
539 36.89.085, the amount of the rate adjustment shall be determined by the director based
540 upon the cost of the activities to the school district but not to exceed the value of the
541 activity to the surface water management program. Determination of which activities
542 qualify for the surface water management service charge reduction ~~((will))~~ shall be made

543 by the division. Reductions in surface water management service charges (~~(will)~~) may
544 only be granted to school districts (~~(which)~~) that provide programs that have been
545 evaluated by the division. The rate adjustment for the school district activity may be
546 applied to any parcel in the service area (~~(which)~~) that is owned or operated by the school
547 district;

548 9. The parcel is owned by a federally recognized tribe or member of such a tribe
549 and is located within the historical boundaries of a reservation, and thus is not subject to
550 the charges provided for in this chapter; or

551 10. The service charge bill was otherwise not calculated in accordance with this
552 chapter.

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

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

558 E. Decisions on requests for rate adjustments shall be made by the director based
559 on information submitted by the applicant and by the division within thirty days of the
560 adjustment request except when additional information is needed. The applicant shall be
561 notified in writing of the director's decision. If an adjustment is granted (~~(which)~~) under
562 subsections B.1, 2., 3., and 4. of this section that reduces the charge for the current year
563 or two prior years, the applicant shall be refunded the amount overpaid in the current and
564 two prior years. The adjustments provided for in subsection B.5., 6., and 7. of this
565 section are prospective only from January 1, 2013. A reduction in charges for the billing

566 years before January 1, 2013, shall not be granted under subsection B.5., 6., and 7. of this
567 section.

568 F. If the director finds that a service charge bill has been undercharged, then
569 either an amended bill shall be issued (~~(which)~~) that reflects the increase in the service
570 charge or the undercharged amount (~~(will)~~) shall be added to the next year's bill. (~~(This)~~)
571 The amended bill shall be due and payable under K.C.C. 9.08.100. The director may
572 include in the bill the amount undercharged for two previous billing years in addition to
573 the current bill.

574 G. Decisions of the director on requests for rate adjustments shall be final unless
575 within thirty days of the date the decision was mailed, the applicant submits in writing to
576 the director a notice of appeal setting forth a brief statement of the grounds for appeal and
577 requesting a hearing before the King County hearing examiner. The examiner's decision
578 shall be a final decision (~~(pursuant to)~~) as authorized by K.C.C. 20.24.080.

579 SECTION 6. Sections 1, 2 and 5 of this ordinance take effect January 1, 2013."

580
581 **EFFECT:**

582
583 **Adopts rate increases that will be effective for 2013 only and 2014 onward.**

584
585 **Allows for prorated discounts for facilities that do not meet a 50 percent threshold**
586 **of impervious surface for facilities specified in subsections 3.B.5.a.(1) through (4)**
587 **relating to SWM fee discounts.**

588

5 November 2012

Council Meeting

T1

Sponsor: Joe McDermott, Kathy Lambert

[rb]

Proposed No.: 2012-0389

Joe McD moved
Motion CARRIED

1 **TITLE AMENDMENT TO PROPOSED ORDINANCE 2012-0389, VERSION 1**

2 On page 1, beginning on line 1, strike all material through line 8 and insert:

3 "AN ORDINANCE regarding surface water management;

4 revising surface water management service charges;

5 revising rate adjustments for non-residential parcels served

6 by one or more flow control or water quality treatment

7 facilities; and amending Ordinance 7590, Section 1, as

8 amended, and K.C.C. 9.08.010, Ordinance 7590, Section 8,

9 as amended, and K.C.C. 9.08.070, Ordinance 7590, Section

10 8, as amended, and K.C.C. 9.08.070 and Ordinance 7590,

11 Section 9, as amended, and K.C.C. 9.08.080."

12

13 **EFFECT: Amends the title to reflect Striking Amendment S1.**

14