



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 6, 2012

Ordinance 17451

Proposed No. 2012-0389.2

Sponsors McDermott

1 AN ORDINANCE regarding surface water management;
2 revising surface water management service charges;
3 revising rate adjustments for non-residential parcels served
4 by one or more flow control or water quality treatment
5 facilities; and amending Ordinance 7590, Section 1, as
6 amended, and K.C.C. 9.08.010, Ordinance 7590, Section 8,
7 as amended, and K.C.C. 9.08.070, Ordinance 7590, Section
8 8, as amended, and K.C.C. 9.08.070 and Ordinance 7590,
9 Section 9, as amended, and K.C.C. 9.08.080.

10 **STATEMENT OF FACTS:**

- 11 1. King County works in partnership with property owners and state and
12 federal agencies to minimize the impacts of storm and surface runoff on
13 the water quantity and quality of the waters of the state.
- 14 2. King County charges property owners within its surface water
15 management ("SWM") service area, which is unincorporated King
16 County, a graduated fee based on six nonresidential rate classes tied to
17 relative amount of impervious surface and one uniform rate class for all
18 residential parcels.

19 3. In 1986, the King County council adopted Ordinance 7590, which
20 established the SWM program to provide a comprehensive approach to
21 surface and storm water problems including "basin planning, land use
22 regulation, construction of facilities, maintenance and public education."
23 In 1991, the council increased the services provided by the SWM program
24 and set a rate structure and service charges by adopting Ordinance 10187.
25 In 2001, the council passed Ordinance 14261, acknowledging that the
26 costs to provide SWM had increased due to the ordinary impacts of
27 inflation and due to increased and more stringent federal and state
28 requirements for the proper management of surface water quality and
29 quantity. In 2006, the council passed Ordinance 15638, acknowledging
30 that the soon to be effective new National Pollutant Discharge Elimination
31 System ("NPDES") permit would require King County's compliance with
32 more stringent requirements. In 2010, the council passed Ordinance
33 16958, acknowledging that costs had increased to comply with the
34 stringent requirements of the NPDES permit and to meet the ordinary
35 impacts of inflation.

36 4. Since establishment of the current SWM program in 1986, the
37 requirements for proper management of surface water quality and quantity
38 have continued to become more stringent. This is evidenced by the
39 requirements in King County's 2007-2012 NPDES municipal stormwater
40 permit, which was administratively extended by the Washington state
41 Department of Ecology ("Ecology") for an additional year, expiring on

42 July 31, 2013. The new NPDES municipal storm water permit requires
43 King County's compliance with even more stringent requirements during
44 the permit period, which will run from August 1, 2013, through July 31,
45 2018. The permit mandates a wide variety of programs and actions to
46 manage surface water and improve water quality. The permit's schedule
47 for implementing such programs and actions will result in escalating costs
48 for each succeeding year of the permit term. These programs and actions
49 must be reflected in and written into the King County's storm water
50 management program ("SWMP"), as a matter of permit compliance, and
51 must be updated and reported on to Ecology each year. Future compliance
52 will continue to be based on increasingly more stringent requirements for
53 actions that must be performed as part of the SWMP. Noncompliance
54 with the terms of the permit can result in enforcement actions both by
55 Ecology and third party citizen law suits, seeking fines, penalties, or
56 rulings directing the expenditure of county funds. Operations impacted by
57 this new NPDES permit will include King County roads, solid waste,
58 transit, parks, airport, permitting and environmental review, as well as
59 direct SWM services.

60 5. The King County SWM program has documented capital construction
61 needs in the upcoming 2013-2014 biennium at a total cost of
62 approximately \$16.41 million. The King County road services program
63 has documented construction needs to mitigate stormwater impacts in the
64 upcoming 2013-2014 biennium at a total cost of approximately \$3.16

65 million. These capital projects are necessary to protect life and property
66 as well as to maintain or restore water quality and ecological functions in
67 receiving waters.

68 6. The costs of NPDES permit compliance and of implementing the
69 SWMP, including capital project costs, together with the ordinary impacts
70 of inflation and revenue losses from recent and upcoming annexations of
71 unincorporated county areas to cities, will necessitate an increase in the
72 surface water management charges in order to meet King County's permit
73 obligations and to provide SWM services to property owners within
74 unincorporated King County.

75 7. The current one hundred and thirty-three dollars per residential parcel
76 fee charged by King County is insufficient to meet the projected revenue
77 requirement and continues to be well below the mean average of one
78 hundred fifty-three dollars per residential parcel charged by comparable
79 local jurisdictions.

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

88 9. It is in the public interest, and is necessary for the protection of health,
89 safety, and welfare of the residents of King County, that the necessary
90 costs of providing SWM services continue to be funded and that such
91 costs continue to be charged against those parcels benefitting from such
92 services and/or contributing to the increase of surface water runoff, which
93 the King County SWM program must address.

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

97 11. King County grants requests for rate adjustments based on
98 demonstration that one or more of several conditions listed in K.C.C.
99 9.08.080 are met. A number of these rate adjustments function as
100 discounts to the standard charge.

101 12. The current rate adjustment program can be improved by offering
102 additional discounts to the existing discount program based on sound
103 technical grounds.

104 13. In 2010, the King County council adopted and in 2011, amended,
105 Ordinance 16958, which revised the SWM service charge and rate
106 adjustment program for nonresidential parcels, pending the development
107 of a program that would more comprehensively take into account the
108 effectiveness of onsite management of storm and surface water runoff.
109 The stormwater services section of the water and land resources division
110 of the department of natural resources and parks undertook an effort to

111 develop such a program and the outcome of this effort resulted in a
112 number of guiding principles that became the foundation for evaluating
113 changes to the existing program. They include:

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

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

130 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY

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

133 The following definitions shall apply in the interpretation and enforcement of this
134 chapter:

135 A. "Basin plan" means a plan and all implementing regulations and procedures
136 including but not limited to capital projects, public education activities, land use
137 management regulations adopted by ordinance for managing surface and storm water
138 management facilities and features within individual subbasins.

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

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

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

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

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

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

152 ~~(H.)~~ G. "Flow control facility" means a drainage facility designed to mitigate
153 the impacts of increased surface and storm water runoff generated by site development in
154 accordance with the drainage requirements in this chapter. A flow control facility is
155 designed either to hold water for a considerable length of time and then release it by any

156 combination of evaporation, plant transpiration or infiltration into the ground or to hold
157 runoff for a short period of time and then release it to the conveyance system.

158 H. "Flow control best management practice" means a method or design for
159 dispersing, infiltrating or otherwise reducing or preventing development-related increases
160 in surface and storm water runoff at, or near, the sources of those increases. "Flow
161 control best management practice" includes the methods and designs specified in the
162 Surface Water Design Manual.

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

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

176 K. "Impervious surface" means either a hard surface area ~~((which))~~ that either
177 prevents or retards the entry of water into the soil mantle as it entered under natural
178 conditions ~~((prior to))~~ before development, ~~((and/))~~ or a hard surface area ~~((which))~~ that

179 causes water to run off the surface in greater quantities or at an increased rate of flow
180 from the flow present under natural conditions (~~((prior to))~~) before development, or both.
181 Common impervious surfaces include, but are not limited to, roofs, walkways, patios,
182 driveways, parking lots, storage areas, areas (~~((which))~~) that are paved, graveled or made
183 of packed or oiled earthen materials or other surfaces (~~((which))~~) that similarly impede the
184 natural infiltration of surface and storm water. Open, uncovered flow control facilities
185 shall not be considered as impervious surfaces (~~((for the purpose of this chapter))~~).

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

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

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

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

200 P. "Open space" means any parcel, property or portion thereof classified for
201 current use taxation under K.C.C. chapter 20.36 and chapter 84.34 RCW, or for which the

202 development rights have been sold to King County under K.C.C. chapter 26.04. This
203 definition includes lands ~~((which))~~ that have been classified as open space, agricultural or
204 timber lands under criteria contained in K.C.C. chapter 20.36 and chapter 84.34 RCW.

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

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

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

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

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

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

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

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

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

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

234 ~~((Z-))~~ AA. "Surface water management fee protocols" ~~((or "SWM fee~~
235 ~~protœols"))~~ means the surface water management fee standards and procedures that have
236 been formally adopted by rule under the procedures specified in K.C.C. chapter 2.98.
237 The ~~((SWM))~~ surface water management fee protocols are available from the department
238 of natural resources and parks, water and land resources division, or ~~((their))~~ its successor
239 ~~((ageneies))~~ agency.

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

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

247 DD. "Surface Water Design Manual" means the manual, and supporting
248 documentation referenced or incorporated in the manual, describing surface and storm
249 water design and analysis requirements, procedures and guidance that has been formally
250 and most recently adopted by rule under the procedures in K.C.C. chapter 2.98. The
251 Surface Water Design Manual is available from the department of permitting and
252 environmental review or the department of natural resources and parks, water and land
253 resources division, or its successor agency.

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

257 ~~((DD.))~~ FF. "Water quality treatment facility" means a drainage facility designed
258 to reduce pollutants once they are already contained in surface and storm water runoff.
259 "Water quality treatment ((facilities are)) facility" means the structural component of best
260 management practices. When used singly or in combination, a water quality treatment
261 ((facilities)) facility reduces the potential for contamination of either surface or ground
262 waters, or both.

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

265 A. The service charges shall be based on the relative contribution of increased
266 surface and storm water runoff from a given parcel to the surface and storm water
267 management system. The percentage of impervious surfaces on the parcel, the total
268 parcel acreage and any mitigating factors as provided in KC.C 9.08.080 ~~((will))~~ shall be
269 used to indicate the relative contribution of increased surface and storm water runoff

270 from the parcel to the surface and storm water management system. The relative
271 contribution of increased surface and storm water runoff from each parcel ~~((will))~~
272 determines that parcel's share of the service charge revenue needs. The service charge
273 revenue needs of the program are based upon all or any part, as determined by the
274 council, of the cost of meeting stormwater permit obligations of state and federal law and
275 the cost of surface and storm water management services ~~((or))~~ and to pay or secure the
276 payment of all or any portion of any issue of general obligation or revenue bonds issued
277 for that purpose.

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

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

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

290	Class	Impervious Surface %
291	Rate	

292 Residential NA
293 ~~(((\$133.00))~~
294
295 \$151.00/parcel/year
296 Very Light 0 to less than or equal to 10%
297 ~~(((\$133.00))~~
298
299 \$151.00/parcel/year
300 Light Greater than 10% to less than or equal
301 to 20%
302 ~~(((\$320.61))~~
303
304 \$363.89/acre/year
305 Moderate Greater than 20% to less than or equal
306 to 45%
307 ~~(((\$702.61))~~
308
309 \$797.46/acre/year
310 Moderately Heavy Greater than 45% to less than or
311 equal to 65%
312 ~~(((\$1,199.36))~~
313
314 \$1,361.27/acre/year

315 Heavy Greater than 65% to less than or equal

316 to 85%

317 ~~(((\$1,641.53))~~

318

319 \$1,863.37/acre/year

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

321 to 100%

322 ~~(((\$2,046.72))~~

323

324 \$2,323.03/acre/year

325 County Roads NA Set in accordance

326 with

327 RCW

328 90.03.525

329 State Highways NA Set in accordance

330 with

331 RCW

332 90.03.525

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

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

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

336 dollars times the number of mobile home spaces.

337 D. The county council (~~(will)~~) shall review the surface water management service
338 charges (~~(annually)~~) biennially to ensure the long term fiscal viability of the program and
339 to guarantee that debt covenants are met. The program (~~(will)~~) shall use equitable and
340 efficient methods to determine service charges.

341 E. When a parcel that has impervious surface is divided by the boundary of the
342 service area and a portion of the parcel's impervious surface drains into the service area,
343 the parcel shall be charged as otherwise provided herein on the basis of the lands and
344 impervious surfaces (~~(which)~~) that drain into the service area. When the director has
345 determined that the impervious surface of a parcel, divided by the boundary of the service
346 area, completely drains outside of the service area, the parcel (~~(will be)~~) is exempt from
347 the rates and charges of this chapter.

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

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

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

356 A. The service charges shall be based on the relative contribution of increased
357 surface and storm water runoff from a given parcel to the surface and storm water
358 management system. The percentage of impervious surfaces on the parcel, the total
359 parcel acreage and any mitigating factors as provided in K.C.C 9.08.080 shall be used to

360 indicate the relative contribution of increased surface and storm water runoff from the
361 parcel to the surface and storm water management system. The relative contribution of
362 increased surface and storm water runoff from each parcel determines that parcel's share
363 of the service charge revenue needs. The service charge revenue needs of the program
364 are based upon all or any part, as determined by the council, of the cost of meeting
365 stormwater permit obligations of state and federal law and the cost of surface and storm
366 water management services and to pay or secure the payment of all or any portion of any
367 issue of general obligation or revenue bonds issued for that purpose.

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

370 Residential and very lightly developed nonresidential parcels shall receive a flat
371 rate service charge for the reasons in K.C.C 9.08.060. Light to very heavily developed
372 parcels shall be classified into the appropriate rate category by their percentage of
373 impervious surface coverage. Land use codes or data collected from parcel
374 investigations, or both shall be used to determine each parcel's percentage of impervious
375 surface coverage. After a parcel has been assigned to the appropriate rate category, the
376 service charge for the parcel shall be calculated by multiplying the total acreage of the
377 parcel times the rate for that category.

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

380	Class	Impervious Surface %
381	Rate	

382 Residential NA
383 ((~~\$151.00~~))
384
385 \$171.50/parcel/year
386 Very Light 0 to less than or equal to 10%
387 ((~~\$151.00~~))
388
389 \$171.50/parcel/year
390 Light Greater than 10% to less than or equal
391 to 20%
392 ((~~\$363.89~~))
393
394 \$413.38/acre/year
395 Moderate Greater than 20% to less than or equal
396 to 45%
397 ((~~\$797.46~~))
398
399 \$905.91/acre/year
400 Moderately Heavy Greater than 45% to less than or
401 equal to 65%
402 ((~~\$1,361.27~~))
403
404 \$1,546.40/acre/year

405 Heavy Greater than 65% to less than or equal

406 to 85%

407 ((\$1,863.37))

408

409 \$2,116.79/acre/year

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

411 to 100%

412 ((\$2,323.03))

413

414 \$2,638.96/acre/year

415 County Roads NA

Set in accordance

416 with

417

RCW

418 90.03.525

419 State Highways NA

Set in accordance

420 with

421

RCW

422 90.03.525

423 The minimum service charge in any class shall be ~~((one hundred fifty-one))~~ one

424 hundred seventy-one dollars and fifty cents per parcel per year. Mobile home parks'

425 maximum annual service charges in any class shall be ~~((one hundred fifty-one))~~ one

426 hundred seventy-one dollars and fifty cents times the number of mobile home spaces.

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

431 E. When a parcel that has impervious surface is divided by the boundary of the
432 service area and a portion of the parcel's impervious surface drains into the service area,
433 the parcel shall be charged as otherwise provided herein on the basis of the lands and
434 impervious surfaces that drain into the service area. When the director has determined
435 that the impervious surface of a parcel, divided by the boundary of the service area,
436 completely drains outside of the service area, the parcel is exempt from the rates and
437 charges of this chapter.

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

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

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

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

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

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

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

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

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

461 5.a. The parcel is nonresidential and is served by one or more ~~((flow control or~~
462 ~~water quality treatment facilities required under K.C.C. chapter 9.04, or can be~~
463 ~~demonstrated by the property owner to provide flow control or water quality treatment of~~
464 ~~surface and storm water to the standards in K.C.C. chapter 9.04, and any such facility is~~
465 ~~maintained at the expense of the parcel owner to the standards required by the~~
466 ~~department. In addition to the previous requirement,))~~ of the following types of controls
467 used to mitigate the impacts of surface and storm water runoff from the impervious
468 surfaces of the parcel, and any source control best management practices applicable to the
469 facilities or activities occurring on the parcel must be implemented ~~((pursuant to))~~ in
470 accordance with the standards in K.C.C. chapter 9.12 to prevent contaminants from
471 entering surface water, storm water~~((;))~~ or ground water~~((. Non-residential parcels except~~
472 ~~in the light category qualifying under this subsection shall be charged at the rate of one~~

473 ~~lower rate category than as classified by its percentage of impervious surface coverage.~~
474 ~~Non residential parcels in the light rate category qualifying under this subsection shall be~~
475 ~~charged at the rate of one hundred thirty three dollars per parcel per year. Residential~~
476 ~~parcels and parcels in the very light category qualifying under this subsection shall be~~
477 ~~charged sixty six dollars and fifty cents per parcel per year)):~~

478 (1) one or more flow control facilities that are required under K.C.C. chapter
479 9.04, or that is demonstrated by the property owner to provide flow control of surface and
480 storm water to the standards in K.C.C. chapter 9.04, when any such a facility is
481 maintained at the expense of the parcel owner to the standards required by the
482 department. Parcels qualifying under this subsection B.5.a.(1) shall receive a twenty
483 percent discount when runoff is controlled on fifty percent or more of the property's
484 impervious surface by the single or multiple flow control facilities;

485 (2) one or more flow control facilities that are required under K.C.C. chapter
486 9.04 and designed to the standards in the 1990 or later editions of the Surface Water
487 Design Manual, or that is demonstrated by the property owner to provide flow control of
488 surface and storm water to the standards in the 1990 or later editions of the Surface Water
489 Design Manual, when any such a facility is maintained at the expense of the parcel owner
490 to the standards required by the department. Parcels qualifying under this subsection
491 B.5.a.(2) shall receive a twenty percent discount when runoff is controlled on fifty
492 percent or more of the property's impervious surface by the qualifying single or multiple
493 flow control facilities. This discount is available in addition to other qualifying discounts
494 in this subsection B.5.a.;

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

504 (4) one or more water quality treatment facilities that are required under
505 K.C.C. chapter 9.04, or that is demonstrated by the property owner to provide water
506 quality treatment of surface and storm water to the standards in K.C.C. chapter 9.04,
507 when any such a facility is maintained at the expense of the parcel owner to the standards
508 required by the department. Parcels qualifying under this subsection B.5.a.(4). shall
509 receive a twenty percent discount when runoff is treated on fifty percent or more of the
510 property's impervious surface by the single or multiple water quality treatment facilities.
511 This discount is available in addition to other qualifying discounts in this subsection
512 B.5.a.;

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

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

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

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

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

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

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

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

535 6. The parcel is residential and is served by one or more flow control or water
536 quality treatment facilities required under K.C.C. chapter 9.04, or is demonstrated by the
537 property owner to provide flow control or water quality treatment of surface and storm
538 water to the standards in K.C.C. chapter 9.04, and any such a facility is maintained at the
539 expense of the parcel owner to the standards required by the department. In addition any
540 source control best management practices applicable to the facilities or activities

541 occurring on the parcel must be implemented in accordance with the standards in K.C.C.
542 chapter 9.12 to prevent contaminants from entering surface water, storm water, or ground
543 water. Residential parcels qualifying under this subsection B.6. shall receive a fifty
544 percent discount;

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

559 ~~7. The parcel is not served by a flow control or water quality treatment facility,~~
560 ~~and the parcel's pervious surface is used to absorb the runoff from its impervious surface~~
561 ~~to the standards in the surface water management fee protocols. In addition to the~~
562 ~~previous requirement, any source control best management practices applicable to the~~
563 ~~facilities or activities occurring on the parcel must be implemented in accordance with~~

564 ~~the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water,~~
565 ~~storm water, or ground water. Non-residential parcels that qualify under this subsection,~~
566 ~~and that do not qualify under this section shall receive a discount based on the percentage~~
567 ~~of impervious surface from which runoff is absorbed or dispersed according to the~~
568 ~~standards in the surface water management fee protocols. The maximum discount~~
569 ~~allowed shall be twenty five percent and shall be reduced below twenty five percent in~~
570 ~~accordance with a schedule developed by the department based on the relative reduction~~
571 ~~of impact to the surface and storm water management system;)) receive an eighty percent~~
572 ~~discount. Residential parcels qualifying under this subsection B.7. shall receive a fifty~~
573 ~~percent discount. The discounts in this subsection B.7 may be applied in lieu of but not~~
574 ~~in addition to other qualifying discounts in subsection B.5 and B.6;~~

575 8. The parcel is owned or leased by a public school district ((which)) that
576 provides activities ((which)) that directly benefit the surface water management program.
577 The activities may include, but are not limited to: curriculum specific to the issues and
578 problems of surface and storm water management, and student activities in the
579 community to expose students to the efforts required to restore, monitor or enhance the
580 surface and storm water management system. ((Pursuant)) According to RCW
581 36.89.085, the amount of the rate adjustment shall be determined by the director based
582 upon the cost of the activities to the school district but not to exceed the value of the
583 activity to the surface water management program. Determination of which activities
584 qualify for the surface water management service charge reduction ((will)) shall be made
585 by the division. Reductions in surface water management service charges ((will)) may
586 only be granted to school districts ((which)) that provide programs that have been

587 evaluated by the division. The rate adjustment for the school district activity may be
588 applied to any parcel in the service area ((which)) that is owned or operated by the school
589 district;

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

593 10. The service charge bill was otherwise not calculated in accordance with this
594 chapter.

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

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

600 E. Decisions on requests for rate adjustments shall be made by the director based
601 on information submitted by the applicant and by the division within thirty days of the
602 adjustment request except when additional information is needed. The applicant shall be
603 notified in writing of the director's decision. If an adjustment is granted ((which)) under
604 subsections B.1, 2., 3., and 4. of this section that reduces the charge for the current year
605 or two prior years, the applicant shall be refunded the amount overpaid in the current and
606 two prior years. The adjustments provided for in subsection B.5., 6., and 7. of this
607 section are prospective only from January 1, 2013. A reduction in charges for the billing
608 years before January 1, 2013, shall not be granted under subsection B.5., 6., and 7. of this
609 section.

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

616 G. Decisions of the director on requests for rate adjustments shall be final unless
617 within thirty days of the date the decision was mailed, the applicant submits in writing to
618 the director a notice of appeal setting forth a brief statement of the grounds for appeal and
619 requesting a hearing before the King County hearing examiner. The examiner's decision

620 shall be a final decision (~~(pursuant to)~~) as authorized by K.C.C. 20.24.080.

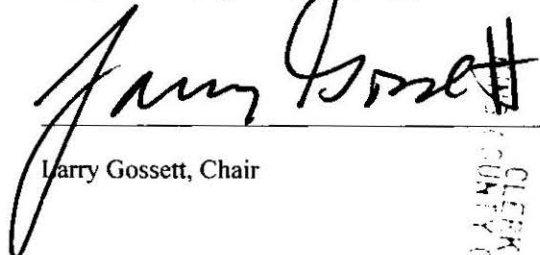
621 SECTION 6. Sections 1, 2 and 5 of this ordinance take effect January 1, 2013.

622

Ordinance 17451 was introduced on 10/1/2012 and passed as amended by the Metropolitan King County Council on 11/5/2012, by the following vote:

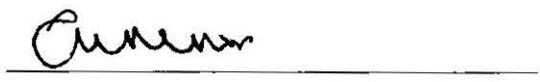
Yes: 6 - Mr. Phillips, Mr. Gossett, Ms. Hague, Ms. Patterson, Ms. Lambert and Mr. McDermott
No: 3 - Mr. von Reichbauer, Mr. Ferguson and Mr. Dunn
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Gossett, Chair

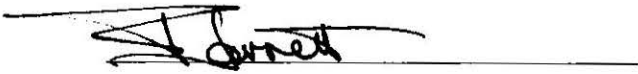
ATTEST:



Anne Noris, Clerk of the Council

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CLERK
KING COUNTY COUNCIL

APPROVED this 16 day of November, 2012.



Dow Constantine, County Executive

Attachments: None