



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

October 11, 2012

### Ordinance

**Proposed No.** 2012-0389.1

**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, Ordinance 16958,  
6 Ordinance 17246, and K.C.C. 9.08.010, Ordinance 7590,  
7 Section 8, as amended, and K.C.C. 9.08.070 and Ordinance  
8 7590, Section 9, as amended, and K.C.C. 9.08.080.

9 **STATEMENT OF FACTS:**

- 10 1. King County works in partnership with property owners and state and  
11 federal agencies to minimize the impacts of storm and surface runoff on  
12 the water quantity and quality of the waters of the state.
- 13 2. King County charges property owners within its surface water  
14 management ("SWM") service area, which is unincorporated King  
15 County, a graduated fee based on six nonresidential rate classes tied to  
16 relative amount of impervious surface and one uniform rate class for all  
17 residential parcels.
- 18 3. In 1986, the King County council adopted Ordinance 7590, which  
19 established the SWM program to provide a comprehensive approach to

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

35 4. Since establishment of the current SWM program in 1986, the  
36 requirements for proper management of surface water quality and quantity  
37 have continued to become more stringent. This is evidenced by the  
38 requirements in King County's 2007-2012 NPDES municipal stormwater  
39 permit, which was administratively extended by the Washington state  
40 Department of Ecology ("Ecology") for an additional year, expiring on  
41 July 31, 2013. The new NPDES municipal storm water permit requires  
42 King County's compliance with even more stringent requirements during

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

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

65 as well as to maintain or restore water quality and ecological functions in  
66 receiving waters.

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

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

79 8. An increase in the base amount of the SWM charge from one hundred  
80 and thirty-three dollars to one hundred and sixty-nine dollars per  
81 residential parcel, a thirty-six dollar increase, and corresponding  
82 adjustments in the rates for classes of nonresidential property are needed  
83 to meet the rising costs of permit compliance and for providing necessary  
84 surface water management services to protect public health and safety.

85 9. It is in the public interest, and is necessary for the protection of health,  
86 safety, and welfare of the residents of King County, that the necessary  
87 costs of providing SWM services continue to be funded and that such

88 costs continue to be charged against those parcels benefitting from such  
89 services and/or contributing to the increase of surface water runoff, which  
90 the King County SWM program must address.

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

94 11. King County grants requests for rate adjustments based on  
95 demonstration that one or more of several conditions listed in K.C.C.  
96 9.08.080 are met. A number of these rate adjustments function as  
97 discounts to the standard charge.

98 12. The current rate adjustment program can be improved by offering  
99 additional discounts to the existing discount program based on sound  
100 technical grounds.

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

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

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

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

127           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY

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

130           The following definitions shall apply in the interpretation and enforcement of this  
131 chapter:

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

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

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

137 ~~€:))~~ "Department" means the department of natural resources and parks or its  
138 successor agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

248 Surface Water Design Manual is available from the department of development and  
249 environmental services or the department of natural resources and parks, water and land  
250 resources division, or its successor agency.

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

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

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

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

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

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

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

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

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

287 Class	Impervious Surface %
288 Rate	
289 Residential	NA
290 (( <del>\$133.00</del> )) <u>\$169.00</u> /parcel/year	
291 Very Light	0 to less than or equal to 10%
292 (( <del>\$133.00</del> )) <u>\$169.00</u> /parcel/year	
293 Light	Greater than 10% to less than or equal

294 to 20%

295 ~~((320.61))~~\$428.29/acre/year

296 Moderate Greater than 20% to less than or equal

297 to 45%

298 ~~((702.61))~~\$888.77/acre/year

299 Moderately Heavy Greater than 45% to less than or

300 equal to 65%

301 ~~((1,199.36))~~\$1,527.41/acre/year

302 Heavy Greater than 65% to less than or equal

303 to 85%

304 ~~((1,641.53))~~\$2,076.29/acre/year

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

306 to 100%

307 ~~((2,046.72))~~\$2,598.62/acre/year

308 County Roads NA Set in accordance with RCW

309 90.03.525

310 State Highways NA Set in accordance with RCW

311 90.03.525

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

313 hundred sixty-nine dollars per parcel per year. Mobile home parks' maximum annual

314 service charges in any class shall be ~~((one hundred thirty three))~~ one hundred sixty-nine

315 dollars times the number of mobile home spaces.

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

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

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

332 SECTION 3. Ordinance 7590, Section 9, as amended, and K.C.C. 9.08.080 are  
333 each hereby amended to read as follows:

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

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

- 339           1. The parcel is owned and is the personal residence of a person or persons  
340 determined by the county assessor as qualified for a low income senior citizen property  
341 tax exemption authorized under RCW 84.36.381. Parcels qualifying under this  
342 subsection B.1. shall be exempt from all charges imposed in K.C.C. 9.08.070;
- 343           2. The acreage of the parcel charged is in error;
- 344           3. The parcel is nonresidential and the actual impervious surface coverage of the  
345 parcel charged places it in a different rate category than the rate category assigned by the  
346 division;
- 347           4. The parcel is nonresidential and the parcel meets the definition of open space  
348 in K.C.C 9.08.010. Parcels qualifying under this subsection B.4. ~~((will))~~ shall be charged  
349 only for the area of impervious surface and at the rate ~~((which))~~ that the parcel is  
350 classified under using the total parcel acreage;
- 351           5.a. The parcel is nonresidential and is served by one or more ~~((flow control or  
352 water quality treatment facilities required under K.C.C. chapter 9.04, or can be  
353 demonstrated by the property owner to provide flow control or water quality treatment of  
354 surface and storm water to the standards in K.C.C. chapter 9.04, and any such facility is  
355 maintained at the expense of the parcel owner to the standards required by the  
356 department. In addition to the previous requirement,))~~ of the following types of controls  
357 used to mitigate the impacts of surface and storm water runoff from the impervious  
358 surfaces of the parcel, and any source control best management practices applicable to the  
359 facilities or activities occurring on the parcel must be implemented ~~((pursuant to))~~ in  
360 accordance with the standards in K.C.C. chapter 9.12 to prevent contaminants from  
361 entering surface water, storm water(;) or ground water((- Non-residential parcels except

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

368 (1) one or more flow control facilities that are required under K.C.C. chapter  
369 9.04, or that is demonstrated by the property owner to provide flow control of surface and  
370 storm water to the standards in K.C.C. chapter 9.04, when any such a facility is  
371 maintained at the expense of the parcel owner to the standards required by the  
372 department. Parcels qualifying under this subsection B.5.a.(1) shall receive a twenty  
373 percent discount when runoff is controlled on fifty percent or more of the property's  
374 impervious surface by the single or multiple flow control facilities;

375 (2) one or more flow control facilities that are required under K.C.C. chapter  
376 9.04 and designed to the standards in the 1990 or later editions of the Surface Water  
377 Design Manual, or that is demonstrated by the property owner to provide flow control of  
378 surface and storm water to the standards in the 1990 or later editions of the Surface Water  
379 Design Manual, when any such a facility is maintained at the expense of the parcel owner  
380 to the standards required by the department. Parcels qualifying under this subsection  
381 B.5.a.(2) shall receive a twenty percent discount when runoff is controlled on fifty  
382 percent or more of the property's impervious surface by the qualifying single or multiple  
383 flow control facilities. This discount is available in addition to other qualifying discounts  
384 in this subsection B.5.a.;

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

394           (4) one or more water quality treatment facilities that are required under  
395 K.C.C. chapter 9.04, or that is demonstrated by the property owner to provide water  
396 quality treatment of surface and storm water to the standards in K.C.C. chapter 9.04,  
397 when any such a facility is maintained at the expense of the parcel owner to the standards  
398 required by the department. Parcels qualifying under this subsection B.5.a.(4). shall  
399 receive a twenty percent discount when runoff is treated on fifty percent or more of the  
400 property's impervious surface by the single or multiple water quality treatment facilities.  
401 This discount is available in addition to other qualifying discounts in this subsection  
402 B.5.a.;

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

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

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

415 6. The parcel is residential and is served by one or more flow control or water  
416 quality treatment facilities required under K.C.C. chapter 9.04, or is demonstrated by the  
417 property owner to provide flow control or water quality treatment of surface and storm  
418 water to the standards in K.C.C. chapter 9.04, and any such a facility is maintained at the  
419 expense of the parcel owner to the standards required by the department. In addition any  
420 source control best management practices applicable to the facilities or activities  
421 occurring on the parcel must be implemented in accordance with the standards in K.C.C.  
422 chapter 9.12 to prevent contaminants from entering surface water, storm water, or ground  
423 water. Residential parcels qualifying under this subsection B.6. shall receive a fifty  
424 percent discount;

425 7. The parcel contains at least sixty-five percent forest and no more than twenty  
426 percent impervious surface, the runoff from which is dispersed through the forested area  
427 to the standards in the surface water management fee protocols, resulting in an effective  
428 impervious area of no more than ten percent for the entire parcel. In addition to the  
429 previous requirement, any source control best management practices applicable to the  
430 facilities or activities occurring on the parcel must be implemented in accordance with

431 the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water,  
432 storm water, or ground water. Nonresidential parcels(~~(, except parcels in the light~~  
433 ~~category;))~~ qualifying under this subsection B.7. shall ~~((be charged at the rate of one~~  
434 ~~lower rate category than as classified by its percentage of impervious surface coverage.~~  
435 ~~Non residential parcels in the light rate category qualifying under this subsection shall be~~  
436 ~~charged at the rate of one hundred [thirty three] dollars per acre per year. Residential~~  
437 ~~parcels and parcels in the very light category qualifying under this subsection shall be~~  
438 ~~charged [sixty six] dollars and fifty cents per parcel per year;~~

439         7. ~~The parcel is not served by a flow control or water quality treatment facility,~~  
440 ~~and the parcel's pervious surface is used to absorb the runoff from its impervious surface~~  
441 ~~to the standards in the surface water management fee protocols. In addition to the~~  
442 ~~previous requirement, any source control best management practices applicable to the~~  
443 ~~facilities or activities occurring on the parcel must be implemented in accordance with~~  
444 ~~the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water,~~  
445 ~~storm water, or ground water. Non residential parcels that qualify under this subsection,~~  
446 ~~and that do not qualify under this section shall receive a discount based on the percentage~~  
447 ~~of impervious surface from which runoff is absorbed or dispersed according to the~~  
448 ~~standards in the surface water management fee protocols. The maximum discount~~  
449 ~~allowed shall be twenty five percent and shall be reduced below twenty five percent in~~  
450 ~~accordance with a schedule developed by the department based on the relative reduction~~  
451 ~~of impact to the surface and storm water management system;)) receive an eighty percent  
452 discount. Residential parcels qualifying under this subsection B.7. shall receive a fifty~~

453 percent discount. The discounts in this subsection B.7 may be applied in lieu of but not  
454 in addition to other qualifying discounts in subsection B.5 and B.6;

455           8. The parcel is owned or leased by a public school district (~~which~~) that  
456 provides activities (~~which~~) that directly benefit the surface water management program.  
457 The activities may include, but are not limited to: curriculum specific to the issues and  
458 problems of surface and storm water management, and student activities in the  
459 community to expose students to the efforts required to restore, monitor or enhance the  
460 surface and storm water management system. (~~Pursuant~~) According to RCW  
461 36.89.085, the amount of the rate adjustment shall be determined by the director based  
462 upon the cost of the activities to the school district but not to exceed the value of the  
463 activity to the surface water management program. Determination of which activities  
464 qualify for the surface water management service charge reduction (~~will~~) shall be made  
465 by the division. Reductions in surface water management service charges (~~will~~) may  
466 only be granted to school districts (~~which~~) that provide programs that have been  
467 evaluated by the division. The rate adjustment for the school district activity may be  
468 applied to any parcel in the service area (~~which~~) that is owned or operated by the school  
469 district;

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

473           10. The service charge bill was otherwise not calculated in accordance with this  
474 chapter.

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

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

480 E. Decisions on requests for rate adjustments shall be made by the director based  
481 on information submitted by the applicant and by the division within thirty days of the  
482 adjustment request except when additional information is needed. The applicant shall be  
483 notified in writing of the director's decision. If an adjustment is granted (~~which~~) under  
484 subsections B.1, 2., 3., and 4. of this section that reduces the charge for the current year  
485 or two prior years, the applicant shall be refunded the amount overpaid in the current and  
486 two prior years. The adjustments provided for in subsection B.5., 6., and 7. of this  
487 section are prospective only from January 1, 2013. A reduction in charges for the billing  
488 years before January 1, 2013, shall not be granted under subsection B.5., 6., and 7. of this  
489 section.

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

496 G. Decisions of the director on requests for rate adjustments shall be final unless  
497 within thirty days of the date the decision was mailed, the applicant submits in writing to

498 the director a notice of appeal setting forth a brief statement of the grounds for appeal and  
499 requesting a hearing before the King County hearing examiner. The examiner's decision  
500 shall be a final decision (~~((pursuant to))~~) as authorized by K.C.C. 20.24.080.

501 SECTION 4. This ordinance takes effect January 1, 2013.

502

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Larry Gossett, Chair

ATTEST:

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Anne Noris, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None