



## Legislation Details (With Text)

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**Type:** Ordinance      **Status:** Passed

**File created:** 10/24/2016      **In control:** Budget and Fiscal Management Committee

**On agenda:**      **Final action:** 11/7/2016

**Enactment date:** 11/17/2016      **Enactment #:** 18401

**Title:** AN ORDINANCE regarding surface water management; revising surface water management service charges; and amending Ordinance 7590, Section 8, as amended, and K.C.C. 9.08.070.

**Sponsors:** Dave Upthegrove

**Indexes:** Budget, Surface Water

**Code sections:** 9.08.070 -

**Attachments:** 1. 18401.pdf, 2. 2016-0490 legislative review form.pdf, 3. 2016-0490 fiscal note.xls, 4. 2016-0490 transmittal letter.doc, 5. 2016-0490\_SR\_SWM\_Fee\_Increase.pdf, 6. 2016-0490\_ATT4\_2017-2018\_SWM\_Proposed\_Financial\_Plan.pdf, 7. 2016 FEE ORDINANCES readvertise Seattle Times 10-26-16.doc, 8. fee notice Affidavit of Pub Seattle Times 10-1-16.pdf, 9. 2016-0490\_SR\_dated\_11012016\_SWM Fee Increase.docx, 10. 2016-0490\_ATT2\_S1 Striking Amendment Ritzen edits 10-28-16.docx, 11. 2016-0490\_ATT5\_33\_ROW\_Critical\_Assets.docx, 12. 2016-0490\_REVISSED\_SR\_SWM Fee Increase.docx

Date	Ver.	Action By	Action	Result
11/7/2016	2	Metropolitan King County Council	Hearing Held	
11/7/2016	2	Metropolitan King County Council	Passed	Pass
11/1/2016	1	Budget and Fiscal Management Committee	Recommended Do Pass Substitute	Pass
10/26/2016	1	Budget and Fiscal Management Committee	Deferred	
10/25/2016	1	Budget and Fiscal Management Committee	Deferred	
10/24/2016	1	Metropolitan King County Council	Introduced and Referred	

Clerk 11/08/2016

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

### STATEMENT OF FACTS:

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

of the state.

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

3. In 1986, the King County council adopted Ordinance 7590, which established the surface water management program to provide a comprehensive approach to surface and storm water problems including "basin planning, land use regulation, construction of facilities, maintenance and public education." In 1991, the council increased the services provided by the surface water management program and set a rate structure and service charges by adopting Ordinance 10187. In 2001, the council adopted Ordinance 14261, acknowledging that the costs to provide surface water management had increased due to the ordinary impacts of inflation and due to increased and more stringent federal and state requirements for the proper management of surface water quality and quantity. In 2006, the council adopted Ordinance 15638, acknowledging that the then soon to be effective new National Pollutant Discharge Elimination System permit would require King County's compliance with more stringent requirements. In 2010, the council passed Ordinance 16958, acknowledging that costs had increased to comply with the stringent requirements of the National Pollutant Discharge Elimination System permit and to meet the ordinary impacts of inflation. In 2012, the council adopted Ordinance 17451, acknowledging that the surface water management program had increased capital construction needs, increased costs of National Pollutant Discharge Elimination System permit compliance, and revenue losses from annexations of unincorporated county areas to cities. It also acknowledged that the King County road services program had identified construction needs to mitigate stormwater impacts and that these capital projects were necessary to protect life and property as well as to maintain

or restore water quality and ecological functions in receiving waters. Ordinance 17451 also incorporated changes to the rate adjustment program that provided incentives to property owners to improve on-site control of stormwater through the granting of additional discounts.

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

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

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

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

A. The service charges shall be based on the relative contribution of increased surface and storm water runoff from a given parcel to the surface and storm water management system. The percentage of impervious surfaces on the parcel, the total parcel acreage and any mitigating factors as provided in K.C.C. 9.08.080 shall be used to indicate the relative contribution of increased surface and storm water runoff from the parcel to the surface and storm water management system. The relative contribution of increased surface and storm water runoff from each parcel determines that parcel's share of the service charge revenue needs. The service charge revenue needs of the program are based upon all or any part, as determined by the council of the cost of meeting stormwater permit obligations of state and federal law and the cost of surface and storm water management services and to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for that purpose.

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

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

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

Class	Impervious Surface %	Rate
Residential	NA	<del>(((\$171.50))</del> <u>\$240.44/parcel/year</u>
Very Light	0 to less than or equal to 10%	<del>(((\$171.50))</del> <u>\$240.44/parcel/year</u>
Light	Greater than 10% to less than or equal to 20%	<del>(((\$413.38))</del> <u>\$647.96/acre/year</u>
Moderate	Greater than 20% to less than or equal to 45%	<del>(((\$905.91))</del> <u>\$1,251.59/acre/year</u>
Moderately Heavy	Greater than 45% to less than or equal to 65%	<del>(((\$1,546.40))</del> <u>\$2,133.78/acre/year</u>
Heavy	Greater than 65% to less than or equal to 85%	<del>(((\$2,116.79))</del> <u>\$2,955.98/acre/year</u>
Very Heavy	Greater than 85% to less than or equal to 100%	<del>(((\$2,638.96))</del> <u>\$3,669.84/acre/year</u>
County Roads	NA	Set in accordance with RCW 90.03.525
State Highways	NA	Set in accordance with RCW 90.03.525

The minimum service charge in any class shall be ~~((one hundred seventy one dollars and fifty cents))~~ two hundred forty dollars and forty-four cents per parcel per year. Mobile home parks' maximum annual service charges in any class shall be ~~((one hundred seventy one dollars and fifty cents))~~ two hundred forty dollars and forty-four cents times the number of mobile home spaces.

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

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

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

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