ORDINANCE 122682

AN ORDINANCE relating to drainage services of Seattle Public Utilities; establishing a stormwater facility credit to reduce drainage service charges for parcels with approved stormwater management facilities; updating definitions, revising the performance requirements for rainwater harvesting systems qualifying for drainage service charge reductions, revising the basis for bill adjustment requests and revising the right of entry for inspection in connection with the credit program; and amending Chapter 21.33 of the Seattle Municipal Code.

WHEREAS, Resolution 30886, adopted by the City Council and approved by the Mayor in March 2007, directed Seattle Public Utilities ("SPU") to implement a drainage rate credit program to be effective beginning in 2009, and to establish a process for customers to submit applications for the rate credits beginning in 2008; and

WHEREAS, SPU has determined that installation of approved stormwater management facilities on parcels throughout the city can help relieve some of the burden on the City's stormwater system by reducing or controlling flow or improving the water quality of stormwater entering into the City's stormwater system; and

WHEREAS, SPU recommends recognizing the contribution that approved stormwater management facilities have on the City's stormwater system by establishing stormwater facility credits, that will reduce the drainage service charge on parcels that have installed such facilities; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 21.33.010 of the Seattle Municipal Code is amended as follows:

SMC 21.33.010

Definitions.

For purposes of this chapter, the words or phrases below shall have the following meanings:

A. "Approved stormwater management facility" means a drainage control facility or improvement installed and properly maintained on any parcel in the City subject to a drainage

CITY CLERK

service charge that reduces or controls flow or improves water quality, or both, of stormwater flowing from all or part of the impervious surfaces on the parcel to the City's stormwater system, and which meets the technical design requirements for the drainage discharge point applicable to the parcel as more particularly described in the Stormwater, Grading and Drainage Code (Seattle Municipal Code 22.802) and SPU Director's Rules 03-00 and 04-00, as may be amended from time to time.

((~~K.~~))B. "Billable area" means the total parcel area less any portion of the parcel which is exempt from drainage service charges pursuant to Subsection 21.33.030A of the Seattle Municipal Code.

((~~A.~~))C. "Billing year" means the calendar year that bills are sent. The first billing year shall be from January 1, 1989 through December 31, 1989.

((~~B.~~))D. "City" means The City of Seattle.

((~~C.~~))E. "Condominiums" or "townhouses" means properties which contain more than two (2) residential dwelling units which are individually owned and are billed separately for property taxes.

F. "Drainage discharge point" means the end or receiving point of the City's stormwater system that a parcel's stormwater flows to, which may include a combined or sanitary sewer treatment facility, a large body of surface water, or a major creek basin, which dictates the type of stormwater performance goals and management facilities that may be required or accepted to manage the flow or quality, or both, of stormwater from that parcel.

((~~D.~~))G. "Drainage service charge" means the fee for surface and stormwater management services imposed by the City upon all parcels of real property, except exempted properties,

CITY CLERK

located within the boundaries of the City. The drainage service charge shall be calculated in accordance with Section 33.030 of this Chapter.

((~~E.~~))H. "Drainage rate" means the dollar charge assigned to each rate category which shall be used in the calculation of the drainage service charge.

I. "General service properties or parcels" means properties or parcels with no existing single family or duplex dwelling unit, including vacant properties, condominium complexes, townhouses, apartment buildings, and institutional, commercial or industrial properties.

((~~H.~~))J. "Highly infiltrative pervious surface" means vegetated surface of specific types such as forests or non-forested land that is in the natural progression back to a forested state.

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((~~G.~~))L. "Impervious surface" or "impervious ground cover" means those hard areas which prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions pre-existent to development, or which cause water to run off the surface in greater quantities or at an increased rate of flow than that present under natural conditions pre-existent to development, including, but not limited to, such surfaces as rooftops, asphalt or concrete paving, driveways, parking lots, walkways, patio areas, storage areas, hardpan, compacted surfaces, or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.

((~~Q.~~))M."Large residential property or parcel" means any single family residential property whose ((~~total~~)) billable area is 10,000 square feet or greater.

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((~~J.~~))N."Parcel" means the smallest separately segregated unit or plot of land having an identified owner(s), boundaries, and area as defined by the King County Assessor and recorded in the King County Assessor Real Property File or in the King County Assessor maps.

((~~L.~~))O. "Percent of impervious surface" means the quotient of the total amount of estimated impervious surface located on the parcel divided by the parcel's total billable area. For purposes of rate category determination, the resulting amount shall be rounded to the nearest whole percent.

((~~M.~~))P. "Property owner of record" shall be the person or persons recorded by the King County Assessor to be the owner(s) of property and to whom property tax statements are directed.

((~~N.~~))Q. "Rate category" means the classification of properties into groups based on their common characteristics (such as percentage of impervious surface), for purposes of establishing drainage service charges.

((~~O.~~))R. "Residence" means a building or structure or portion thereof, designed to be used as a place of abode for human beings and not used for any other purpose. The term "residence" includes the term "residential," "residential unit," and "dwelling unit" as referring to the type of or intended use of a building or structure.

((~~P.~~))S. "Single-family residential property or parcel" means any property or parcel which contains one (1) or two (2) residential dwelling units, excluding townhouses which are considered general service properties or parcels.

((~~R.~~))T. "Small residential property or parcel" means any single family residential property whose ((~~total~~)) billable area is less than 10,000 square feet.

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U. "Stormwater facility credit" means a percentage credit, up to the allowable maximum, in accordance with Section 33.040 of this Chapter, which reduces the drainage service charge for a particular parcel because one or more approved stormwater management facilities are installed and maintained on the parcel that relieve some of the burden on the City's stormwater system.

V. "Stormwater performance goals" mean the standards for 1) water quality as shown by total suspended solids; 2) total volume; 3) two-year peak volume and duration; and 4) twenty-five-year peak volume as appropriate for the drainage discharge point as more particularly described in the Stormwater, Grading and Drainage Code (Seattle Municipal Code 22.802).

((~~T.~~))W. "Stormwater ((~~S~~))system" means the entire system of flood protection and stormwater drainage and surface water runoff facilities owned or leased by the City or over which the City has right of use for the movement and control of storm drainage and surface water runoff, including both naturally occurring and man-made facilities.

((~~S.~~))X. "Submerged" means that portion of a parcel that extends beyond the shoreline, as delineated by the City's Geographic Information System (GIS).

((~~U.~~))Y. "Utility" means Seattle Public Utilities.

Section 2. Subsection D of 21.33.030 of the Seattle Municipal Code is amended as follows:

SMC 21.33.030

DNS CITY CLERK

Drainage service charges and drainage rates – Schedule – Exemptions

* * * * *

4. SPU shall provide a 10% reduction in the drainage service charge ((~~rates~~)) for parcels ((~~properties~~)) containing new or remodeled commercial buildings that, after July 27, 2003, install and utilize rainwater harvesting systems that meet the performance requirement that the systems are sized to use ((~~or infiltrate~~)) the amount of rain that falls on the roofs of such buildings during a one year, 24-hour storm event. A system that involves indoor uses of rainwater must be permitted by Seattle-King County Department of Health to qualify for the rate reduction. A system that relies solely on the capture and indoor use of rainwater shall qualify for the drainage service charge ((~~rate~~)) reduction only if the system is sized to meet the performance requirement stated above. Qualifying for the drainage service charge ((~~rate~~)) reduction does not relieve the property owner from the obligation to comply with applicable stormwater and drainage code requirements for the buildings and site.

* * * * *

Section 3. A new Section is added to Chapter 21.33 of the Seattle Municipal Code to read as follows:

SMC 21.33.040

Stormwater Facility Credit Program.

A. The Utility may apply a stormwater facility credit to be effective beginning January 1 of the 2009 billing year, in accordance with this section, to reduce the annual drainage service charge for a particular parcel within the City if one or more approved stormwater management facilities are installed on the parcel.

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B. Property owners must complete a stormwater facility credit application and submit it to the Utility by November 1st of any calendar year for credit against the subsequent year's drainage service charge. The stormwater facility credit will not be applied until the Utility has approved the application in writing.

C. Prior to approving a stormwater facility credit, and annually thereafter, the Utility shall have the right to inspect the approved stormwater management facility(ies) and parcel to confirm application information and continued eligibility for the credit. Inspection may include confirmation of parcel characteristics, such as impervious surface area, and determination that the facility meets the technical design requirements and is maintained in a clean and properly functioning manner.

D. The Utility will calculate a stormwater facility credit for each eligible parcel that has applied for such credit based on the following:

1. the type and size of the approved stormwater management facility(ies) installed on the parcel. The Utility will assign a uniform rate credit to each type of approved stormwater management facility based on a weighting of the stormwater performance goals the facility satisfies and that are applicable to the appropriate drainage discharge point for the parcel,

2. the percentage of impervious surface on the parcel that is managed by the approved stormwater management facility(ies), and

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3. the percentage of the parcel's drainage service charge which is based on runoff from impervious surfaces, as determined using flow calculation data for the applicable drainage service charge rate category.

E. To assign the uniform rate credit by facility type under Section 21.33.040.D.1 and calculate the stormwater facility credit only, the Utility will use the stormwater performance goals under the Stormwater, Grading and Drainage Code adopted by Ordinance No. 119965, effective July 5, 2000, for any approved stormwater management facility installed prior to July 5, 2000. The Utility will use the stormwater performance goals under the Stormwater, Grading and Drainage Code in effect at the time the approved stormwater management facility is installed for any such facility installed after July 5, 2000.

F. The allowable maximum credit to the drainage service charge per parcel, including the stormwater facility credit and the reduction for rainwater harvesting systems under Section 21.33.030.D.4, may not exceed 50 percent of the drainage service charge for the parcel. The stormwater facility credit and reduction for rainwater harvesting systems may not reduce the drainage service charge per parcel below the minimum drainage service charge under Section 21.33.030.E.

G. The Utility may terminate the stormwater facility credit for any parcel, upon written notice, for the following reasons:

1. The property owner does not maintain the approved stormwater management facility in a clean and properly functioning manner and does not take corrective action within the time specified by a Utility inspector;

CITY CLERK

2. the parcel changes ownership;

3. the parcel is re-developed or the parcel boundaries change.

Section 4. Subsection B of 21.33.050 of the Seattle Municipal Code is amended as follows:

SMC 21.33.050

Drainage service charges -- Adjustments.

* * * * *

B. A request for a bill adjustment may be based on one (1) or more of the following:

1. The billable area of the parcel is incorrect;

2. The percent of impervious surface on a large residential or general service parcel places the parcel in a different rate category than the category assigned by the Utility;

3. The parcel is a large residential or general service parcel which contains highly infiltrative pervious surface and meets all Utility requirements for low-impact rate category designation but has not been properly assigned to such a category by the Utility;

4. The parcel meets the definition of exempted property;

5. The parcel is wholly or partially outside City of Seattle limits; or

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6. The parcel's stormwater facility credit was calculated with inaccurate data related to the parcel or to the approved stormwater management facility.

((6.))7. The drainage service charge is otherwise erroneous in applying the terms of this chapter.

Section 5. Subsection B of 21.33.070 of the Seattle Municipal Code is amended as follows:

SMC 21.33.070

Billing and collection procedures.

* * * * *

B. The drainage service charge shall be displayed and billed on the annual King County property tax statement for the parcel and shall be mailed to the name and address shown on the real property tax roll at the time annual property bills are prepared. Properties not subject to property taxes and not otherwise exempted will receive a separate drainage service charge billing statement. The drainage service charge billed on the annual King County property tax statement, or separate drainage service charge billing statement, shall be net of any stormwater facility credit, that has been approved by December 1st of the calendar year prior to the applicable billing year. Stormwater facility credit applications that are received timely in accordance with Section 21.33.040.B, but not approved until after December 1, will receive credit within the applicable billing year.

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* * * * *

Section 6. Section 21.33.090 of the Seattle Municipal Code is amended as follows:

SMC 21.33.090

Revenue disposition and expenditure conditions.

All moneys obtained pursuant to this chapter shall be credited and deposited in the Drainage and Wastewater Fund. Moneys deposited in the Drainage and Wastewater Fund from drainage service charges shall be expended for administering, operating, maintaining, or improving the ((~~drainage and wastewater~~)) stormwater system, including all or any part of the cost of planning, designing, acquiring, constructing, repairing, replacing, improving, regulating, educating the public, or operating present or future ((~~drainage and wastewater~~)) stormwater management facilities owned by the Utility, or to pay or secure the payment of all or any portion of any debt issued for such purpose and the related reserve and coverage requirements. Moneys shall not be transferred to any other funds of the City except to pay for expenses attributable to the stormwater system.

Section 7. Subsection A of 21.33.120 of the Seattle Municipal Code is amended as follows:

SMC 21.33.120

Right of entry for inspection.

A. The Director of Seattle Public Utilities or his or her duly authorized representatives, bearing proper credentials and identification, may with the consent of the owner or pursuant to lawfully issued warrant enter at all reasonable times upon any and all premises which generate surface

CITY CLERK

or stormwater run-off for the purpose of ascertaining the area and type of such surfaces as required to determine the appropriate assignment of such property to a drainage rate category, calculation of a stormwater facility credit or verification of the installation and proper maintenance of an approved stormwater management facility.

Section 8. The Utility shall evaluate the effect of the stormwater facility credit program on revenue requirements and on cost allocations across customer classes during the first five years of its operation and may propose changes to the program beginning with the 2014 billing cycle, including revision of the allowable maximum credit or termination of the program.

Section 9. The provisions of this ordinance are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, finds any provision of this ordinance to be invalid or unenforceable as to any person or circumstance, such offending provision or provisions, if feasible, shall be deemed to be modified to be within the limits of enforceability or validity. However, if the offending provision cannot

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be so modified, it shall be null and void with respect to the particular person or circumstance, and the offending provision with respect to all other persons and all other circumstances, as well as all other provisions of this ordinance in all other respects, shall remain valid and enforceable.

Section 10. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 28th day of April, 2008, and signed by me in open session in authentication of its passage this 28th day of April, 2008.

President _____ of the City Council

Approved by me this 5th day of May, 2008.

Gregory J. Nickels, Mayor

Filed by me this 8th day of May, 2008.

City Clerk

(Seal)

CITY CLERK

[illegible]

Zen [illegible]

Form revised February 6, 2008

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Seattle Public Utilities	Julia Veghte 684-7779	John McCoy 615-0768

Legislation Title:
AN ORDINANCE relating to drainage services of Seattle Public Utilities; establishing a stormwater facility credit to reduce drainage service charges for parcels with approved stormwater management facilities; updating definitions, revising the performance requirements for rainwater harvesting systems qualifying for drainage service charge reductions, revising the basis for bill adjustment requests and revising the right of entry for inspection in connection with the credit program; and amending Chapter 21.33 of the Seattle Municipal Code.

- **Summary of the Legislation:**

This ordinance adopts a Stormwater Facility Credit program that reduces the drainage service charge on parcels within the City of Seattle that have installed approved stormwater management facilities such as detention vaults, green roofs, and bioswales. The credit reflects the fact that these facilities reduce burdens on the City's stormwater system by reducing the flow or improving the water quality of stormwater entering it.

- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

Stormwater facility credits are the final piece of the drainage rate re-design called for in Resolution 30886, signed by the Council and Mayor in 2007. An updated drainage rate design was enacted with the 2008 drainage rates. The resolution called for a program that would provide credit to drainage customers who have installed stormwater facilities and directed SPU to establish a process for customers to submit applications beginning in 2008. The credits will be applied against 2009 drainage service charges.

- *Please check one of the following:*

____ **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

__X__ **This legislation has financial implications.** *(Please complete all relevant sections that follow.)*

Appropriations: *This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation, please provide details in the Notes section below.*

Fund Name and Number	Department	Budget Control Level*	2008 Appropriation	2009 Anticipated Appropriation
TOTAL				

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**See budget book to obtain the appropriate Budget Control Level for your department.*

Notes: SPU's 2008 adopted budget includes an appropriation of $220,000 for the development and administration of the stormwater facility credit program. Any additional appropriations will be evaluated during future budget processes.

Anticipated Revenue/Reimbursement: Resulting From This Legislation: *This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.*

Fund Name and Number	Department	Revenue Source	2008 Revenue	2009 Revenue
Drainage and Wastewater Fund 44010	Seattle Public Utilities	Drainage Utility Services	$0	($200,000)
TOTAL				

Notes: The credits will be effective in 2009. A $200,000 reduction in drainage rate revenue due to the credit program was assumed in the 2008-2009 adopted drainage rates, although that estimate is highly uncertain and will depend fundamentally on the take-up rate among applicants.

Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact: *This table should only reflect the actual number of positions affected by this legislation. In the event that positions have been, or will be, created as a result of other legislation, please provide details in the Notes section below the table.*

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2008 Positions	2008 FTE	2009 Positions*	2009 FTE*
TOTAL							

** 2009 positions and FTE are total 2009 position changes resulting from this legislation, not incremental changes. Therefore, under 2009, please be sure to include any continuing positions from 2008.*

Notes: A Senior Civil Engineer was hired in 2007 to manage the Stormwater Facility Credit Program and provide technical assistance for low-impact development to SPU customers. An existing inspector will perform the parcel inspections for this program. Any additional staffing needs for this program will be requested via the regular budget and rate-setting process.

- **Do positions sunset in the future?** *(If yes, identify sunset date):*

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Spending/Cash Flow: *This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.*

Fund Name & #	Department	Budget Control Level*	2008 Expenditures	2009 Anticipated Expenditures
TOTAL				

** See budget book to obtain the appropriate Budget Control Level for your department.*

Notes *Not applicable to this legislation.*

- **What is the financial cost of not implementing the legislation?** *(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented.)*

  There are no direct financial costs associated with not implementing the legislation.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** *(Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)*

  Other rate credit designs could potentially also enhance ratepayer equity.

- **Is the legislation subject to public hearing requirements:** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)*

No.

- **Other Issues** (*including long-term implications of the legislation*):

None.

Please list attachments to the fiscal note below:

CITY CLERK

City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

March 25, 2008

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that would implement a new Stormwater Facility Credit Program, to be administered by Seattle Public Utilities (SPU). These facility credits are the final piece of the drainage rate re-design called for in Resolution 30886, which we approved last year.

The new credit program will encourage property owners to install stormwater management facilities, such as detention vaults, green roofs, and bioswales on their properties. It will also improve ratepayer equity by recognizing how these actions reduce impacts, and thus costs, on the City's stormwater management system. While some of these facilities are required by our stormwater code, the credit program recognizes and rewards voluntary efforts that exceed code requirements. SPU has designed a simple application process that will encourage participation in the program by minimizing the applicant's administrative burden. The Utility is prepared to accept applications as soon as this legislation is adopted, with the first credits to be applied against 2009 drainage bills. As Program costs were assumed in SPU's 2008 Adopted Budget, no additional appropriations are called for in this legislation.

The Stormwater Facility Credit Program is a critical component of the new drainage rate design and will ensure that drainage bills more accurately reflect each customer's individual contribution to drainage system costs. Thank you for your consideration of this legislation. Should you have questions, please contact Julia Veghte at 684-7779.

Sincerely,

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749
Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, Email: mayors.office@seattle.gov
An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.

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ORDINANCE _____

AN ORDINANCE relating to drainage services of Seattle Public Utilities; establishing a stormwater facility credit to reduce drainage service charges for parcels with approved stormwater management facilities; updating definitions, revising the performance requirements for rainwater harvesting systems qualifying for drainage service charge reductions, revising the basis for bill adjustment requests and revising the right of entry for inspection in connection with the credit program; and amending Chapter 21.33 of the Seattle Municipal Code.

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WHEREAS, SPU has determined that installation of approved stormwater management facilities on parcels throughout the city can help relieve some of the burden on the City's stormwater system by reducing or controlling flow or improving the water quality of stormwater entering into the City's stormwater system; and

WHEREAS, SPU recommends recognizing the contribution that approved stormwater management facilities have on the City's stormwater system by establishing stormwater facility credits, that will reduce the drainage service charge on parcels that have installed such facilities; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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BNS CITY CLERK

service charge that reduces or controls flow or improves water quality, or both, of stormwater flowing from all or part of the impervious surfaces on the parcel to the City's stormwater system, and which meets the technical design requirements for the drainage discharge point applicable to the parcel as more particularly described in the Stormwater, Grading and Drainage Code (Seattle Municipal Code 22.802) and SPU Director's Rules 03-00 and 04-00, as may be amended from time to time.

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CITY CLERK

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SMC 21.33.030

CITY CLERK

Drainage service charges and drainage rates – Schedule – Exemptions

* * * * *

4. SPU shall provide a 10% reduction in the drainage service charge ((~~rates~~)) for parcels ((~~properties~~)) containing new or remodeled commercial buildings that, after July 27, 2003, install and utilize rainwater harvesting systems that meet the performance requirement that the systems are sized to use ((~~or infiltrate~~)) the amount of rain that falls on the roofs of such buildings during a one year, 24-hour storm event. A system that involves indoor uses of rainwater must be permitted by Seattle-King County Department of Health to qualify for the rate reduction. A system that relies solely on the capture and indoor use of rainwater shall qualify for the drainage service charge ((~~rate~~)) reduction only if the system is sized to meet the performance requirement stated above. Qualifying for the drainage service charge ((~~rate~~)) reduction does not relieve the property owner from the obligation to comply with applicable stormwater and drainage code requirements for the buildings and site.

* * * * *

Section 3. A new Section is added to Chapter 21.33 of the Seattle Municipal Code to read as follows:

21.33.40

Stormwater Facility Credit Program.

A. The Utility may apply a stormwater facility credit to be effective beginning January 1 of the 2009 billing year, in accordance with this section, to reduce the annual drainage service charge for a particular parcel within the City if one or more approved stormwater management facilities are installed on the parcel.

CITY CLERK

B. Property owners must complete a stormwater facility credit application and submit it to the Utility by November 1st of any calendar year for credit against the subsequent year's drainage service charge. The stormwater facility credit will not be applied until the Utility has approved the application in writing.

C. Prior to approving a stormwater facility credit, and annually thereafter, the Utility shall have the right to inspect the approved stormwater management facility(ies) and parcel to confirm application information and continued eligibility for the credit. Inspection may include confirmation of parcel characteristics, such as impervious surface area, and determination that the facility meets the technical design requirements and is maintained in a clean and properly functioning manner.

D. The Utility will calculate a stormwater facility credit for each eligible parcel that has applied for such credit based on the following:

1. the type and size of the approved stormwater management facility(ies) installed on the parcel. The Utility will assign a uniform rate credit to each type of approved stormwater management facility based on a weighting of the stormwater performance goals the facility satisfies and that are applicable to the appropriate drainage discharge point for the parcel,

2. the percentage of impervious surface on the parcel that is managed by the approved stormwater management facility(ies), and

CITY CLERK

3. the percentage of the parcel's drainage service charge which is based on runoff from impervious surfaces, as determined using flow calculation data for the applicable drainage service charge rate category.

E. To assign the uniform rate credit by facility type under Section 21.33.040.D.1 and calculate the stormwater facility credit only, the Utility will use the stormwater performance goals under the Stormwater, Grading and Drainage Code adopted by Ordinance No. 119965, effective July 5, 2000, for any approved stormwater management facility installed prior to July 5, 2000. The Utility will use the stormwater performance goals under the Stormwater, Grading and Drainage Code in effect at the time the approved stormwater management facility is installed for any such facility installed after July 5, 2000.

F. The allowable maximum credit to the drainage service charge per parcel, including the stormwater facility credit and the reduction for rainwater harvesting systems under Section 21.33.030.D.4, may not exceed 50 per cent of the drainage service charge for the parcel. The stormwater facility credit and reduction for rainwater harvesting systems may not reduce the drainage service charge per parcel below the minimum drainage service charge under Section 21.33.030.E.

G. The Utility may terminate the stormwater facility credit for any parcel, upon written notice, for the following reasons:

1. The property owner does not maintain the approved stormwater management facility in a clean and properly functioning manner and does not take corrective action within the time specified by a Utility inspector;

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2. the parcel changes ownership;

3. the parcel is re-developed or the parcel boundaries change.

Section 4. Subsection B of 21.33.050 of the Seattle Municipal Code is amended as follows:

SMC 21.33.050

Drainage service charges -- Adjustments.

* * * * *

B. A request for a bill adjustment may be based on one (1) or more of the following:

1. The billable area of the parcel is incorrect;

2. The percent of impervious surface on a large residential or general service parcel places the parcel in a different rate category than the category assigned by the Utility;

3. The parcel is a large residential or general service parcel which contains highly infiltrative pervious surface and meets all Utility requirements for low-impact rate category designation but has not been properly assigned to such a category by the Utility;

4. The parcel meets the definition of exempted property;

5. The parcel is wholly or partially outside City of Seattle limits; or

bns CITY CLERK

6. The parcel's stormwater facility credit was calculated with inaccurate data related to the parcel or to the approved stormwater management facility.

((6.))7. The drainage service charge is otherwise erroneous in applying the terms of this chapter.

Section 5. Subsection B of 21.33.070 of the Seattle Municipal Code is amended as follows:

SMC 21.33.070

Billing and collection procedures.

* * * * *

B. The drainage service charge shall be displayed and billed on the annual King County property tax statement for the parcel and shall be mailed to the name and address shown on the real property tax roll at the time annual property bills are prepared. Properties not subject to property taxes and not otherwise exempted will receive a separate drainage service charge billing statement. The drainage service charge billed on the annual King County property tax statement, or separate drainage service charge billing statement, shall be net of any stormwater facility credit, that has been approved by December 1st of the calendar year prior to the applicable billing year. Stormwater facility credit applications that are received timely in accordance with Section 21.33.040.B, but not approved until after December 1, will receive credit within the applicable billing year.

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* * * * *

Section 6. Section 21.33.090 of the Seattle Municipal Code is amended as follows:

SMC 21.33.090

Revenue disposition and expenditure conditions.

All moneys obtained pursuant to this chapter shall be credited and deposited in the Drainage and Wastewater Fund. Moneys deposited in the Drainage and Wastewater Fund from drainage service charges shall be expended for administering, operating, maintaining, or improving the ((~~drainage and wastewater~~)) stormwater system, including all or any part of the cost of planning, designing, acquiring, constructing, repairing, replacing, improving, regulating, educating the public, or operating present or future ((~~drainage and wastewater~~)) stormwater management facilities owned by the Utility, or to pay or secure the payment of all or any portion of any debt issued for such purpose and the related reserve and coverage requirements. Moneys shall not be transferred to any other funds of the City except to pay for expenses attributable to the stormwater system.

Section 7. Subsection A of 21.33.120 of the Seattle Municipal Code is amended as follows:

SMC 21.33.0120

Right of entry for inspection.

A. The Director of Seattle Public Utilities or his or her duly authorized representatives, bearing proper credentials and identification, may with the consent of the owner or pursuant to lawfully issued warrant enter at all reasonable times upon any and all premises which generate surface

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or stormwater run-off for the purpose of ascertaining the area and type of such surfaces as required to determine the appropriate assignment of such property to a drainage rate category, calculation of a stormwater facility credit or verification of the installation and proper maintenance of an approved stormwater management facility.

Section 8. The Utility shall evaluate the effect of the stormwater facility credit program on revenue requirements and on cost allocations across customer classes during the first five years of its operation and may propose changes to the program beginning with the 2014 billing cycle, including revision of the allowable maximum credit or termination of the program.

Section 9. The provisions of this ordinance are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, finds any provision of this ordinance to be invalid or unenforceable as to any person or circumstance, such offending provision or provisions, if feasible, shall be deemed to be modified to be within the limits of enforceability or validity. However, if the offending provision cannot

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be so modified, it shall be null and void with respect to the particular person or circumstance, and the offending provision with respect to all other persons and all other circumstances, as well as all other provisions of this ordinance in all other respects, shall remain valid and enforceable.

Section 10. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2008, and signed by me in open session in authentication of its passage this _____ day of _____, 2008.

_____
President _____of the City Council

Approved by me this ____ day of _____, 2008.

_____
Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2008.

_____
City Clerk

(Seal)

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Leanne Galati/mm
SPU Stormwater Facility Credit ORD
4/21/2008
Version #6b

ORDINANCE 122682

AN ORDINANCE relating to drainage services of Seattle Public Utilities; establishing a stormwater facility credit to reduce drainage service charges for parcels with approved stormwater management facilities; updating definitions, revising the performance requirements for rainwater harvesting systems qualifying for drainage service charge reductions, revising the basis for bill adjustment requests and revising the right of entry for inspection in connection with the credit program; and amending Chapter 21.33 of the Seattle Municipal Code.

WHEREAS, Resolution 30886, adopted by the City Council and approved by the Mayor in March 2007, directed Seattle Public Utilities ("SPU") to implement a drainage rate credit program to be effective beginning in 2009, and to establish a process for customers to submit applications for the rate credits beginning in 2008; and

WHEREAS, SPU has determined that installation of approved stormwater management facilities on parcels throughout the city can help relieve some of the burden on the City's stormwater system by reducing or controlling flow or improving the water quality of stormwater entering into the City's stormwater system; and

WHEREAS, SPU recommends recognizing the contribution that approved stormwater management facilities have on the City's stormwater system by establishing stormwater facility credits, that will reduce the drainage service charge on parcels that have installed such facilities; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 21.33.010 of the Seattle Municipal Code is amended as follows:

SMC 21.33.010

Definitions.

For purposes of this chapter, the words or phrases below shall have the following meanings:

A. "Approved stormwater management facility" means a drainage control facility or improvement installed and properly maintained on any parcel in the City subject to a drainage

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service charge that reduces or controls flow or improves water quality, or both, of stormwater flowing from all or part of the impervious surfaces on the parcel to the City's stormwater system, and which meets the technical design requirements for the drainage discharge point applicable to the parcel as more particularly described in the Stormwater, Grading and Drainage Code (Seattle Municipal Code 22.802) and SPU Director's Rules 03-00 and 04-00, as may be amended from time to time.

((~~K.~~))B. "Billable area" means the total parcel area less any portion of the parcel which is exempt from drainage service charges pursuant to Subsection 21.33.030A of the Seattle Municipal Code.

((~~A.~~))C. "Billing year" means the calendar year that bills are sent. The first billing year shall be from January 1, 1989 through December 31, 1989.

((~~B.~~))D. "City" means The City of Seattle.

((~~C.~~))E. "Condominiums" or "townhouses" means properties which contain more than two (2) residential dwelling units which are individually owned and are billed separately for property taxes.

F. "Drainage discharge point" means the end or receiving point of the City's stormwater system that a parcel's stormwater flows to, which may include a combined or sanitary sewer treatment facility, a large body of surface water, or a major creek basin, which dictates the type of stormwater performance goals and management facilities that may be required or accepted to manage the flow or quality, or both, of stormwater from that parcel.

((~~D.~~))G. "Drainage service charge" means the fee for surface and stormwater management services imposed by the City upon all parcels of real property, except exempted properties,

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located within the boundaries of the City. The drainage service charge shall be calculated in accordance with Section 33.030 of this Chapter.

((~~E.~~))H. "Drainage rate" means the dollar charge assigned to each rate category which shall be used in the calculation of the drainage service charge.

I. "General service properties or parcels" means properties or parcels with no existing single family or duplex dwelling unit, including vacant properties, condominium complexes, townhouses, apartment buildings, and institutional, commercial or industrial properties.

((~~H.~~))J. "Highly infiltrative pervious surface" means vegetated surface of specific types such as forests or non-forested land that is in the natural progression back to a forested state.

((~~F.~~))K. "Houseboats and piers" means property or parcels that rest on or over natural bodies of water.

((~~G.~~))L. "Impervious surface" or "impervious ground cover" means those hard areas which prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions pre-existent to development, or which cause water to run off the surface in greater quantities or at an increased rate of flow than that present under natural conditions pre-existent to development, including, but not limited to, such surfaces as rooftops, asphalt or concrete paving, driveways, parking lots, walkways, patio areas, storage areas, hardpan, compacted surfaces, or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.

((~~Q.~~))M."Large residential property or parcel" means any single family residential property whose ((~~total~~)) billable area is 10,000 square feet or greater.

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((~~J.~~))N."Parcel" means the smallest separately segregated unit or plot of land having an identified owner(s), boundaries, and area as defined by the King County Assessor and recorded in the King County Assessor Real Property File or in the King County Assessor maps.

((~~L.~~))O. "Percent of impervious surface" means the quotient of the total amount of estimated impervious surface located on the parcel divided by the parcel's total billable area. For purposes of rate category determination, the resulting amount shall be rounded to the nearest whole percent.

((~~M.~~))P. "Property owner of record" shall be the person or persons recorded by the King County Assessor to be the owner(s) of property and to whom property tax statements are directed.

((~~N.~~))Q. "Rate category" means the classification of properties into groups based on their common characteristics (such as percentage of impervious surface), for purposes of establishing drainage service charges.

((~~O.~~))R. "Residence" means a building or structure or portion thereof, designed to be used as a place of abode for human beings and not used for any other purpose. The term "residence" includes the term "residential," "residential unit," and "dwelling unit" as referring to the type of or intended use of a building or structure.

((~~P.~~))S. "Single-family residential property or parcel" means any property or parcel which contains one (1) or two (2) residential dwelling units, excluding townhouses which are considered general service properties or parcels.

((~~R.~~))T. "Small residential property or parcel" means any single family residential property whose ((~~total~~)) billable area is less than 10,000 square feet.

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U. "Stormwater facility credit" means a percentage credit, up to the allowable maximum, in accordance with Section 33.040 of this Chapter, which reduces the drainage service charge for a particular parcel because one or more approved stormwater management facilities are installed and maintained on the parcel that relieve some of the burden on the City's stormwater system.

V. "Stormwater performance goals" mean the standards for 1) water quality as shown by total suspended solids; 2) total volume; 3) two-year peak volume and duration; and 4) twenty-five-year peak volume as appropriate for the drainage discharge point as more particularly described in the Stormwater, Grading and Drainage Code (Seattle Municipal Code 22.802).

((~~T.~~))W. "Stormwater ((~~S~~))system" means the entire system of flood protection and stormwater drainage and surface water runoff facilities owned or leased by the City or over which the City has right of use for the movement and control of storm drainage and surface water runoff, including both naturally occurring and man-made facilities.

((~~S.~~))X. "Submerged" means that portion of a parcel that extends beyond the shoreline, as delineated by the City's Geographic Information System (GIS).

((~~U.~~))Y. "Utility" means Seattle Public Utilities.

Section 2. Subsection D of 21.33.030 of the Seattle Municipal Code is amended as follows:

SMC 21.33.030

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Drainage service charges and drainage rates – Schedule – Exemptions

* * * * *

4. SPU shall provide a 10% reduction in the drainage service charge ((~~rates~~)) for parcels ((~~properties~~)) containing new or remodeled commercial buildings that, after July 27, 2003, install and utilize rainwater harvesting systems that meet the performance requirement that the systems are sized to use ((~~or infiltrate~~)) the amount of rain that falls on the roofs of such buildings during a one year, 24-hour storm event. A system that involves indoor uses of rainwater must be permitted by Seattle-King County Department of Health to qualify for the rate reduction. A system that relies solely on the capture and indoor use of rainwater shall qualify for the drainage service charge ((~~rate~~)) reduction only if the system is sized to meet the performance requirement stated above. Qualifying for the drainage service charge ((~~rate~~)) reduction does not relieve the property owner from the obligation to comply with applicable stormwater and drainage code requirements for the buildings and site.

* * * * *

Section 3. A new Section is added to Chapter 21.33 of the Seattle Municipal Code to read as follows:

SMC 21.33.040

Stormwater Facility Credit Program.

A. The Utility may apply a stormwater facility credit to be effective beginning January 1 of the 2009 billing year, in accordance with this section, to reduce the annual drainage service charge for a particular parcel within the City if one or more approved stormwater management facilities are installed on the parcel.

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B. Property owners must complete a stormwater facility credit application and submit it to the Utility by November 1st of any calendar year for credit against the subsequent year's drainage service charge. The stormwater facility credit will not be applied until the Utility has approved the application in writing.

C. Prior to approving a stormwater facility credit, and annually thereafter, the Utility shall have the right to inspect the approved stormwater management facility(ies) and parcel to confirm application information and continued eligibility for the credit. Inspection may include confirmation of parcel characteristics, such as impervious surface area, and determination that the facility meets the technical design requirements and is maintained in a clean and properly functioning manner.

D. The Utility will calculate a stormwater facility credit for each eligible parcel that has applied for such credit based on the following:

1. the type and size of the approved stormwater management facility(ies) installed on the parcel. The Utility will assign a uniform rate credit to each type of approved stormwater management facility based on a weighting of the stormwater performance goals the facility satisfies and that are applicable to the appropriate drainage discharge point for the parcel,

2. the percentage of impervious surface on the parcel that is managed by the approved stormwater management facility(ies), and

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3. the percentage of the parcel's drainage service charge which is based on runoff from impervious surfaces, as determined using flow calculation data for the applicable drainage service charge rate category.

E. To assign the uniform rate credit by facility type under Section 21.33.040.D.1 and calculate the stormwater facility credit only, the Utility will use the stormwater performance goals under the Stormwater, Grading and Drainage Code adopted by Ordinance No. 119965, effective July 5, 2000, for any approved stormwater management facility installed prior to July 5, 2000. The Utility will use the stormwater performance goals under the Stormwater, Grading and Drainage Code in effect at the time the approved stormwater management facility is installed for any such facility installed after July 5,.2000.

F. The allowable maximum credit to the drainage service charge per parcel, including the stormwater facility credit and the reduction for rainwater harvesting systems under Section 21.33.030.D.4, may not exceed 50 percent of the drainage service charge for the parcel. The stormwater facility credit and reduction for rainwater harvesting systems may not reduce the drainage service charge per parcel below the minimum drainage service charge under Section 21.33.030.E.

G. The Utility may terminate the stormwater facility credit for any parcel, upon written notice, for the following reasons:

1. The property owner does not maintain the approved stormwater management facility in a clean and properly functioning manner and does not take corrective action within the time specified by a Utility inspector;

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2. the parcel changes ownership;

3. the parcel is re-developed or the parcel boundaries change.

Section 4. Subsection B of 21.33.050 of the Seattle Municipal Code is amended as follows:

SMC 21.33.050

Drainage service charges -- Adjustments.

* * * * *

B. A request for a bill adjustment may be based on one (1) or more of the following:

1. The billable area of the parcel is incorrect;

2. The percent of impervious surface on a large residential or general service parcel places the parcel in a different rate category than the category assigned by the Utility;

3. The parcel is a large residential or general service parcel which contains highly infiltrative pervious surface and meets all Utility requirements for low-impact rate category designation but has not been properly assigned to such a category by the Utility;

4. The parcel meets the definition of exempted property;

5. The parcel is wholly or partially outside City of Seattle limits; or

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6. The parcel's stormwater facility credit was calculated with inaccurate data related to the parcel or to the approved stormwater management facility.

((6.))7. The drainage service charge is otherwise erroneous in applying the terms of this chapter.

Section 5. Subsection B of 21.33.070 of the Seattle Municipal Code is amended as follows:

SMC 21.33.070

Billing and collection procedures.

* * * * *

B. The drainage service charge shall be displayed and billed on the annual King County property tax statement for the parcel and shall be mailed to the name and address shown on the real property tax roll at the time annual property bills are prepared. Properties not subject to property taxes and not otherwise exempted will receive a separate drainage service charge billing statement. The drainage service charge billed on the annual King County property tax statement, or separate drainage service charge billing statement, shall be net of any stormwater facility credit, that has been approved by December 1st of the calendar year prior to the applicable billing year. Stormwater facility credit applications that are received timely in accordance with Section 21.33.040.B, but not approved until after December 1, will receive credit within the applicable billing year.

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* * * * *

Section 6. Section 21.33.090 of the Seattle Municipal Code is amended as follows:

SMC 21.33.090

Revenue disposition and expenditure conditions.

All moneys obtained pursuant to this chapter shall be credited and deposited in the Drainage and Wastewater Fund. Moneys deposited in the Drainage and Wastewater Fund from drainage service charges shall be expended for administering, operating, maintaining, or improving the ((~~drainage and wastewater~~)) stormwater system, including all or any part of the cost of planning, designing, acquiring, constructing, repairing, replacing, improving, regulating, educating the public, or operating present or future ((~~drainage and wastewater~~)) stormwater management facilities owned by the Utility, or to pay or secure the payment of all or any portion of any debt issued for such purpose and the related reserve and coverage requirements. Moneys shall not be transferred to any other funds of the City except to pay for expenses attributable to the stormwater system.

Section 7. Subsection A of 21.33.120 of the Seattle Municipal Code is amended as follows:

SMC 21.33.120

Right of entry for inspection.

A. The Director of Seattle Public Utilities or his or her duly authorized representatives, bearing proper credentials and identification, may with the consent of the owner or pursuant to lawfully issued warrant enter at all reasonable times upon any and all premises which generate surface

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or stormwater run-off for the purpose of ascertaining the area and type of such surfaces as required to determine the appropriate assignment of such property to a drainage rate category, calculation of a stormwater facility credit or verification of the installation and proper maintenance of an approved stormwater management facility.

Section 8. The Utility shall evaluate the effect of the stormwater facility credit program on revenue requirements and on cost allocations across customer classes during the first five years of its operation and may propose changes to the program beginning with the 2014 billing cycle, including revision of the allowable maximum credit or termination of the program.

Section 9. The provisions of this ordinance are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, finds any provision of this ordinance to be invalid or unenforceable as to any person or circumstance, such offending provision or provisions, if feasible, shall be deemed to be modified to be within the limits of enforceability or validity. However, if the offending provision cannot

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be so modified, it shall be null and void with respect to the particular person or circumstance, and the offending provision with respect to all other persons and all other circumstances, as well as all other provisions of this ordinance in all other respects, shall remain valid and enforceable.

Section 10. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 28th day of April, 2008, and signed by me in open session in authentication of its passage this 28th day of April, 2008.

President _____ of the City Council

Approved by me this 5th day of May, 2008.

Gregory J. Nickels, Mayor

Filed by me this 8th day of May, 2008.

City Clerk

(Seal)

2008 CITY CLERK

STATE OF WASHINGTON – KING COUNTY

--ss.

224463 No. TITLE ONLY

CITY OF SEATTLE,CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122682 & 122683

was published on

05/19/08

The amount of the fee charged for the foregoing publication is the sum of $ 49.18, which amount has been paid in full.

Subscribed and sworn to before me on

05/19/08

Notary public for the State of Washington,
residing in Seattle

JENNIFER A. PATZER
COMMISSION EXPIRES
NOTARY
PUBLIC
OCT. 24, 2011
STATE OF WASHINGTON

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on April 28, 2008, and published here by title only, will be mailed, at no cost, on request for two months after this publication. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 122683

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

ORDINANCE NO. 122682

AN ORDINANCE relating to drainage services of Seattle Public Utilities; establishing a stormwater facility credit to reduce drainage service charges for parcels with approved stormwater management facilities; updating definitions, revising the performance requirements for rainwater harvesting systems qualifying for drainage service charge reductions, revising the basis for bill adjustment requests and revising the right of entry for inspection in connection with the credit program; and amending Chapter 21.33 of the Seattle Municipal Code.

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, May 19, 2008.

5/19(224463)