

ORDINANCE No. 122821

COUNCIL BILL No. 116352

AN ORDINANCE relating to drainage services of Seattle Public Utilities (SPU); updating definitions; providing a rate discount for open space properties; and amending Chapters 21.33 and 21.76 of the Seattle Municipal Code.

*Richard Conlin*

# The City of Seattle--Legislative Department

Date Reported and Adopted

## REPORT OF COMMITTEE

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council Bill No. \_\_\_\_\_ report that we have considered the same and respectfully recommend that the same:

*9/27/08 amended <sup>passed</sup> yes 3-0 Conlin, McIver, Burgess*

*9/27/08 passed 3-0 yes Conlin, McIver, Burgess*

*(E)*  
*(V)*

*9-29-08 <sup>(E)</sup> <sup>(V)</sup> Passed 9-0*

*AS Amended*

*[Signature]*

*9/23/08*

Committee Chair

LAW DEPARTMENT

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: <i>9.22.08</i>	By: _____
Referred:	To: <i>Environment, Emergency Mgmt &amp; Utilities (EEMU)</i>
Referred:	To: _____
Referred:	To: _____
Reported: <i>9-29-08</i>	Second Reading: _____
Third Reading: <i>9-29-08</i>	Signed: <i>9-29-08</i>
Presented to Mayor: <i>9-30-08</i>	Approved: <i>10.8.08</i>
Returned to City Clerk: <i>10.8.08</i>	Published: <i>Full 12</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:



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

3 C. "Billing year" means the calendar year that bills are sent. The first billing year shall be from  
4 January 1, 1989 through December 31, 1989.  
5

6 D. "City" means The City of Seattle.

7 E. "Condominiums" or "townhouses" means properties which contain more than two (2)  
8 residential dwelling units which are individually owned and are billed separately for property  
9 taxes.  
10

11 F. "Drainage discharge point" means the end or receiving point of the City's stormwater system  
12 that a parcel's stormwater flows to, which may include a combined or sanitary sewer treatment  
13 facility, a largebody of surface water, or a major creek basin, which dictates the type of  
14 stormwater performance goals and management facilities that may be required or accepted to  
15 manage the flow or quality, or both, of stormwater from that parcel.  
16  
17

18 G. "Drainage service charge" means the fee for surface and stormwater management services  
19 imposed by the City upon all parcels of real property, except exempted properties, located within  
20 the boundaries of the City. The drainage service charge shall be calculated in accordance with  
21 Section 33.030 of this Chapter.  
22

23 H. "Drainage rate" means the dollar charge assigned to each rate category which shall be used in  
24 the calculation of the drainage service charge.  
25  
26



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

4 J. "Highly infiltrative pervious surface" means vegetated surface of specific types such as forests  
5 or non-forested land that is in the natural progression back to a forested state.  
6

7 K. "Houseboats and piers" means property or parcels that rest on or over natural bodies of water.  
8

9 L. "Impervious surface" or "impervious ground cover" means those hard areas which prevent or  
10 retard the entry of water into the soil in the manner that such water entered the soil under natural  
11 conditions pre-existent to development, or which cause water to run off the surface in greater  
12 quantities or at an increased rate of flow than that present under natural conditions pre-existent to  
13 development, including, but not limited to, such surfaces as rooftops, asphalt or concrete paving,  
14 driveways, parking lots, walkways, patio areas, storage areas, hardpan, compacted surfaces, or  
15 other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to  
16 development.  
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18 M. "Large residential property or parcel" means any single family residential property whose  
19 total area is 10,000 square feet or greater.  
20

21 N. "Open space properties or parcels" means any General Service or Large Residential  
22 properties, parcels, or portions thereof classified for current use taxation under King County  
23 Code (K.C.C.) chapter 20.36 and chapter 84.34 RCW. This definition includes lands which have  
24



1 been classified as open space, agricultural or timber lands under criteria contained in K.C.C.  
2 chapter 20.36 and chapter 84.34 RCW.

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

6  
7 ((O))P. "Percent of impervious surface" means the quotient of the total amount of estimated  
8 impervious surface located on the parcel divided by the parcel's total billable area. For purposes  
9 of rate category determination, the resulting amount shall be rounded to the nearest whole  
10 percent.

11  
12 ((P))Q. "Property owner of record" shall be the person or persons recorded by the King County  
13 Assessor to be the owner(s) of property and to whom property tax statements are directed.

14  
15 ((Q))R. "Rate category" means the classification of properties into groups based on their common  
16 characteristics (such as percentage of impervious surface), for purposes of establishing drainage  
17 service charges.

18  
19 ((R))S. "Residence" means a building or structure or portion thereof, designed to be used as a  
20 place of abode for human beings and not used for any other purpose. The term "residence"  
21 includes the term "residential," "residential unit," and "dwelling unit" as referring to the type of  
22 or intended use of a building or structure.  
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1 ~~((S))~~I. "Single-family residential property or parcel" means any property or parcel which  
2 contains one (1) or two (2) residential dwelling units, excluding townhouses which are  
3 considered general service properties or parcels.

4 ~~((F))~~U. "Small residential property or parcel" means any single family residential property whose  
5 total area is less than 10,000 square feet.

7 ~~((U))~~V. "Stormwater facility credit" means a percentage credit, up to the allowable maximum, in  
8 accordance with Section 33.040 of this Chapter, which reduces the drainage service charge for a  
9 particular parcel because one or more approved stormwater management facilities are installed  
10 and maintained on the parcel that relieve some of the burden on the City's stormwater system.  
11

12 ~~((V))~~W. "Stormwater performance goals" mean the standards for  
13

- 14 1) water quality as shown by total suspended solids;  
15 2) total volume;  
16 3) two-year peak volume and duration; and  
17 4) twenty-five-year peak volume as appropriate for the drainage discharge point as more  
18 particularly described in the Stormwater, Grading and Drainage Code (Seattle Municipal Code  
19 22.802).  
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22 ~~((W))~~X. "Stormwater system" means the entire system of flood protection and stormwater  
23 drainage and surface water runoff facilities owned or leased by the City or over which the City  
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1 has right of use for the movement and control of storm drainage and surface water runoff,  
2 including both naturally occurring and man-made facilities.

3 ((X))Y. "Submerged" means that portion of a parcel that extends beyond the shoreline, as  
4 delineated by the City's Geographic Information System (GIS).  
5

6 ((Y))Z. "Utility" means Seattle Public Utilities.  
7

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

9 **SMC 21.33.030 Drainage service charges and drainage rates -- Schedule -- Exemptions.**

10 A. A drainage service charge is imposed on every parcel within the City, and the owner(s)  
11 thereof, except for the following exempted property(ies):  
12

- 13 1. Houseboats and piers;
- 14 2. That portion of a parcel that is submerged. If the parcel is entirely submerged, the entire parcel  
15 is exempt. If a portion of the parcel is submerged, only the submerged part will be exempt and  
16 the remainder of the parcel shall be billed as all other properties;  
17
- 18 3. City streets;
- 19 4. State of Washington highways, so long as the State of Washington shall agree to maintain,  
20 construct and improve all drainage facilities associated with State highways as required by the  
21 Utility in conformance with all Utility standards for maintenance, construction and improvement  
22 hereafter established by the Utility and so far as such maintenance, construction and  
23 improvements shall be achieved at no cost to the Utility or to the City; and  
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1 5. All other streets, so long as such streets provide drainage services in the same manner as City  
2 streets and the owner(s) shall agree to maintain, construct and improve all drainage facilities  
3 associated with such streets as required by the Utility in conformance with all Utility standards  
4 for maintenance, construction and improvement hereafter established by the Utility and so far as  
5 such maintenance, construction and improvements shall be achieved at no cost to the Utility or to  
6 the City.  
7

8 B. The drainage service charge shall be based upon a parcel's estimated contribution to City-wide  
9 surface and storm water runoff. A parcel's run-off is estimated based on its size and surface  
10 characteristics, including the amount and type of impervious and pervious surface it contains.  
11

12 C. Drainage service charges shall be determined as follows:

13  
14 1. Small single-family residential properties shall be assigned to one of four (4) flat rate  
15 categories based on a billable area. Within each category, properties will be charged a uniform  
16 annual drainage rate per parcel which is calculated based on an estimated average contribution of  
17 surface and storm water runoff for the category. The applicable drainage rate shall equal the  
18 drainage service charge.  
19

20 2. General service and large residential properties shall be assigned to a rate category based on  
21 the estimated percent of impervious surface contained within the parcel. Subsequently, properties  
22 assigned to the "undeveloped," "light," and "moderate" rate categories that also contain sufficient  
23 quantities of highly infiltrative pervious surface cover to meet Utility-defined performance  
24 requirements shall be assigned to a "low impact" rate category. A separate drainage rate shall  
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1 apply to each general service and large residential rate category. The drainage service charge  
2 shall be calculated by multiplying the drainage rate, as determined by the parcel's rate category  
3 assignment, by the parcel's billable area (rounded to the nearest whole number of a square foot  
4 and divided by one thousand). For condominiums, the drainage service charge shall be  
5 determined for the entire parcel and then divided evenly among the owners. Present use code, site  
6 visits, planimetric maps based on aerial photography, and other information shall be used to  
7 estimate the percentage of impervious area.  
8

9 D. Drainage rates used in the calculation of drainage service charges shall be the sum of the  
10 treatment rate and the system rate, as follows:  
11

12 1. Treatment rate: The "treatment rate" shall be the rate required to pay the drainage share of  
13 "treatment cost" which is the cost of wastewater treatment, interception and disposal service, and  
14 any associated costs necessary to meet Drainage and Wastewater Fund policies. The treatment  
15 rate shall be the amount obtained when (a) the projected drainage treatment cost for each rate  
16 category is divided by (b) the projected number of billing units in each rate category and the  
17 result is multiplied by one hundred sixteen and three-tenths percent (116.3%) to cover the costs  
18 of taxes and low income rate assistance. The projected treatment cost shall be the treatment cost  
19 anticipated for the upcoming calendar year, which may include an adjustment to reflect the  
20 difference, whether positive or negative, between the drainage share of expected total treatment  
21 cost for the current year and the total drainage service charge revenues attributable to the  
22 treatment rate expected for the current year. The treatment rate is designed to pass through cost  
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changes driven by King County and may be adjusted by ordinance at any time in response to such charges.

2. System rate: The "system rate" shall be the rate required to fund the expense associated with operating, maintaining, and constructing the City's surface and stormwater management system, including any share of combined sanitary and stormwater system expense assigned to drainage.

3. The rate categories and the corresponding annual drainage rates are as follows:

**~~((Effective Jan. 1, 2007~~**

<del>Single-family Residential</del>	<del>\$142.00 per parcel</del>
<del>General Service Properties:</del>	
<del>Open Space (0 — 2% impervious)</del>	<del>187.31 per acre</del>
<del>(0 — 15% impervious)</del>	<del>325.49 per acre</del>
<del>(16 — 35% impervious) —</del>	<del>539.49 per acre</del>
<del>(36 — 65% impervious)</del>	<del>978.87 per acre</del>
<del>(66 — 85% impervious)</del>	<del>1,275.27 per acre</del>
<del>(86 — 100% impervious)</del>	<del>1584.92 per acre))</del>

**Effective January 1, 2008:**

<i>Rate Category</i>	<i>Treatment Rate</i>	<i>System Rate</i>	<i>Total Drainage Rate</i>	<i>Billing Unit</i>
<b>Small Residential</b>				
Under 3000 sq. ft.	\$2.00	\$89.38	\$92.38	per parcel
3000 -- 4999 sq. ft.	\$2.90	\$129.75	\$132.65	per parcel
5000 -- 6999 sq. ft.	\$3.92	\$175.35	\$179.27	per parcel



1	7000 -- 9999 sq. ft.	\$4.96	\$208.04	\$213.00	per parcel
2	<b>General Service/Large Residential</b>				
3					
4	Undeveloped (0 -- 15% impervious)				
5	Low Impact	\$0.20	\$8.89	\$9.09	per 1000 sq. ft.
6	Regular	\$0.32	\$10.89	\$11.21	per 1000 sq. ft.
7	Light (16 -- 35% impervious)				
8	Low Impact	\$0.37	\$16.62	\$16.99	per 1000 sq. ft.
9	Regular	\$0.49	\$18.09	\$18.58	per 1000 sq. ft.
10	Moderate (36 -- 65% impervious)				
11					
12	Low Impact	\$0.58	\$26.05	\$26.63	per 1000 sq. ft.
13	Regular	\$0.71	\$32.12	\$32.83	per 1000 sq. ft.
14	Heavy (66 -- 85% impervious)				
15	Very Heavy (86 -- 100% impervious)	\$1.09	\$49.44	\$50.53	per 1000 sq. ft.
16					

**Effective January 1, 2009:**

19	<i>Rate Category</i>	<i>Treatment Rate</i>	<i>System Rate</i>	<i>Total Drainage Rate</i>	<i>Billing Unit</i>
20	<b>Small Residential</b>				
21					
22	Under 3000 sq. ft.	\$3.98	\$98.42	\$102.40	per parcel
23	3000 -- 4999 sq. ft.	\$5.78	\$143.06	\$148.84	per parcel
24	5000 -- 6999 sq. ft.	\$7.81	\$193.39	\$201.20	per parcel
25	7000 -- 9999 sq. ft.	\$9.91	\$245.25	\$255.16	per parcel
26					



**General Service/Large Residential**

Undeveloped (0 -- 15% impervious)

Low Impact	\$0.39	\$ 9.75	\$10.14	per 1000 sq. ft.
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Regular	\$0.65	\$16.12	\$16.77	per 1000 sq. ft.
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Light (16 -- 35% impervious)

Low Impact	\$0.73	\$18.16	\$18.89	per 1000 sq. ft.
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Regular	\$0.97	\$24.11	\$25.08	per 1000 sq. ft.
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Moderate (36 -- 65% impervious)

Low Impact	\$1.14	\$28.41	\$29.55	per 1000 sq. ft.
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Regular	\$1.41	\$35.02	\$36.43	per 1000 sq. ft.
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Heavy (66 -- 85% impervious)	\$1.82	\$45.28	\$47.10	per 1000 sq. ft.
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Very Heavy (86 -- 100% impervious)	\$2.16	\$53.78	\$55.94	per 1000 sq. ft.
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4. SPU shall provide a 10% reduction in drainage rates for 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 rate reduction only if the system is sized to meet the performance requirement stated above. Qualifying for the drainage rate



1 reduction does not relieve the property owner from the obligation to comply with applicable  
2 stormwater and drainage code requirements for the buildings and site.

3 5. Effective on the effective date of this ordinance, open space properties or parcels shall be  
4 charged only for the area of impervious surface and at the rate under which the parcel is  
5 classified using the total parcel acreage.

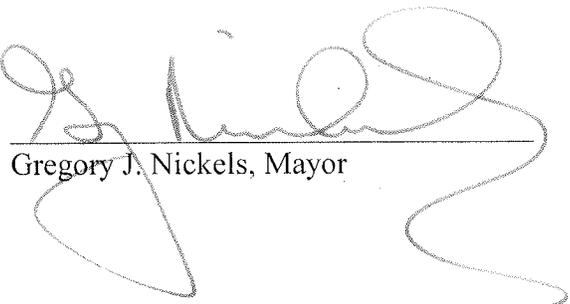
7 E. Each bill shall be rounded to the nearest cent. The minimum annual drainage service charge  
8 shall be Five Dollars (\$5) per parcel.  
9

10 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after  
11 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
12 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

13  
14 Passed by the City Council the 29<sup>th</sup> day of September, 2008, and  
15 signed by me in open session in authentication of its passage this  
16 29<sup>th</sup> day of September, 2008.

17  
18  
19   
20 President \_\_\_\_\_ of the City Council

21 Approved by me this 8<sup>th</sup> day of October, 2008.

22  
23  
24   
25 Gregory J. Nickels, Mayor  
26  
27  
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Filed by me this 8<sup>th</sup> day of October, 2008.

  
\_\_\_\_\_  
City Clerk

(Seal)

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**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Legislative	Meg Moorehead 4-8929	

**Legislation Title:**

AN ORDINANCE relating to drainage services of Seattle Public Utilities (SPU); updating definitions; providing a rate discount for open space properties; and amending Chapters 21.33 and 21.76 of the Seattle Municipal Code.

• **Summary of the Legislation:**

This legislation amends the City’s drainage code to establish reduced drainage rates for properties enrolled for current use taxation as authorized under Chapter 84.34 of the Revised Code of Washington (RCW) and King County Code (KCC) Chapter 9.08.

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

As established under Chapter 84.34 of the Revised Code of Washington (RCW) and King County Code (KCC) Chapter 9.08, current use taxation is intended to maintain the natural resource and economic benefits of agricultural, timber and open space lands (herein collectively referred to as “open space properties”). This program grants significant property tax reductions to owners who agree to maintain qualifying properties in their current uses. Further development of those properties is strongly discouraged by charging back-taxes and penalties for early withdrawal from the program. Because undeveloped land is retained for the long-term, current use taxation properties provide vegetated open space that benefits local surface waters and stormwater systems.

Prior to 2008, lower drainage rates were applied to a list of open space properties identified through a previous City planning effort. Open space rates were eliminated as part of redesigned 2008 rates because eligible properties had not been verified in several years and a new low-impact rate was available under the new rate design. Even with the low-impact rates, however, owners of most properties enrolled in the current use taxation program saw large bill increases under the 2008 rate structure. For example, owners of large residential current use taxation properties ( $\geq 10,000$  sq. ft.) saw their bills change from \$142/parcel in 2007 to \$9.09- \$50.53 per 1,000 sq. ft. in 2008. There is a concern that the high rates may discourage these owners from maintaining their properties in an undeveloped state.

King County property records show that 68 properties covering about 47 acres in the City are enrolled in the current use taxation program. Several p-patches are in the program as well as groups of single-family parcels where current use taxation is applied to a portion of each property to protect natural areas along ravines and creeks. These properties also include the Sferra horse farm in south Seattle, another agricultural property near the West Seattle Reservoir,



and the Puetz Golf Range on north Aurora. This legislation encourages keeping these properties in their current uses by charging reduced drainage rates for the General Service and Large Residential current use taxation properties.

- 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
<b>TOTAL</b>				

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

**Notes:**

Specific expenditure reductions are not proposed.

**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	Seattle Public Utilities	Drainage rates	(\$21,000)	(\$24,000)
<b>TOTAL</b>			<b>(\$21,000)</b>	<b>(\$24,000)</b>

**Notes:**

Under adopted 2008 drainage rates, the Drainage and Wastewater Fund (DWF) would receive about \$26,000 of revenue from current use taxation properties. This ordinance reduces drainage rates for General Service and Large Residential current use taxation properties. If the reduced rates were applied in 2008, revenues to the DWF would be about \$20,000 lower than under the adopted 2008 rates and about \$23,000 lower in 2009. Because no increases in other customers' rates are proposed to compensate for this rate reduction,



planned drainage services or financial performance would be reduced to accommodate reduced revenues.

**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*
<b>TOTAL</b>							

\* 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:**

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

**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
<b>TOTAL</b>				

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

**Notes:**

- **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.)
- **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.)



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

**Please list attachments to the fiscal note below:**

1  
2 **ORDINANCE \_\_\_\_\_**

3 AN ORDINANCE relating to drainage services of Seattle Public Utilities (SPU); updating  
4 definitions; providing a rate discount for open space properties; and amending Chapters  
5 21.33 and 21.76 of the Seattle Municipal Code.

6 WHEREAS, drainage rates were last increased on January 1, 2008, as authorized by Ordinance  
7 122517;

8 WHEREAS, open space properties provide a benefit to the City's surface and storm water  
9 management system by retaining property in an undeveloped state; and

10 WHEREAS, the City wishes to encourage the retention of property as open space by providing a  
11 drainage rate discount for those properties; NOW, THEREFORE,

12 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

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

14 **SMC 21.33.010 Definitions.**

15  
16 For purposes of this chapter, the words or phrases below shall have the following meanings:

17 A. "Approved stormwater management facility" means a drainage control facility or  
18 improvement installed and properly maintained on any parcel in the City subject to a drainage  
19 service charge that reduces or controls flow or improves water quality, or both, of stormwater  
20 flowing from all or part of the impervious surfaces on the parcel to the City's stormwater system,  
21 and which meets the technical design requirements for the drainage discharge point applicable to  
22 the parcel as more particularly described in the Stormwater, Grading and Drainage Code (Seattle  
23 Municipal Code 22.802) and SPU Director's Rules 03-00 and 04-00, as may be amended from  
24 time to time.  
25  
26



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

3 C. "Billing year" means the calendar year that bills are sent. The first billing year shall be from  
4 January 1, 1989 through December 31, 1989.  
5

6 D. "City" means The City of Seattle.

7 E. "Condominiums" or "townhouses" means properties which contain more than two (2)  
8 residential dwelling units which are individually owned and are billed separately for property  
9 taxes.  
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11 F. "Drainage discharge point" means the end or receiving point of the City's stormwater system  
12 that a parcel's stormwater flows to, which may include a combined or sanitary sewer treatment  
13 facility, a largebody of surface water, or a major creek basin, which dictates the type of  
14 stormwater performance goals and management facilities that may be required or accepted to  
15 manage the flow or quality, or both, of stormwater from that parcel.  
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20 the boundaries of the City. The drainage service charge shall be calculated in accordance with  
21 Section 33.030 of this Chapter.  
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24 the calculation of the drainage service charge.  
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1 I. "General service properties or parcels" means properties or parcels with no existing single  
2 family or duplex dwelling unit, including vacant properties, condominium complexes,  
3 townhouses, apartment buildings, and institutional, commercial or industrial properties.

4 J. "Highly infiltrative pervious surface" means vegetated surface of specific types such as forests  
5 or non-forested land that is in the natural progression back to a forested state.  
6

7 K. "Houseboats and piers" means property or parcels that rest on or over natural bodies of water.  
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9 L. "Impervious surface" or "impervious ground cover" means those hard areas which prevent or  
10 retard the entry of water into the soil in the manner that such water entered the soil under natural  
11 conditions pre-existent to development, or which cause water to run off the surface in greater  
12 quantities or at an increased rate of flow than that present under natural conditions pre-existent to  
13 development, including, but not limited to, such surfaces as rooftops, asphalt or concrete paving,  
14 driveways, parking lots, walkways, patio areas, storage areas, hardpan, compacted surfaces, or  
15 other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to  
16 development.  
17

18 M. "Large residential property or parcel" means any single family residential property whose  
19 total area is 10,000 square feet or greater.  
20

21 N. "Open space properties or parcels" means any General Service or Large Residential  
22 properties, parcels, or portions thereof classified for current use taxation under King County  
23 Code (K.C.C.) chapter 20.36 and chapter 84.34 RCW. This definition includes lands which have  
24



1 been classified as open space, agricultural or timber lands under criteria contained in K.C.C.  
2 chapter 20.36 and chapter 84.34 RCW.

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

7 ((O))P. "Percent of impervious surface" means the quotient of the total amount of estimated  
8 impervious surface located on the parcel divided by the parcel's total billable area. For purposes  
9 of rate category determination, the resulting amount shall be rounded to the nearest whole  
10 percent.  
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12 ((P))Q. "Property owner of record" shall be the person or persons recorded by the King County  
13 Assessor to be the owner(s) of property and to whom property tax statements are directed.  
14

15 ((Q))R. "Rate category" means the classification of properties into groups based on their common  
16 characteristics (such as percentage of impervious surface), for purposes of establishing drainage  
17 service charges.  
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19 ((R))S. "Residence" means a building or structure or portion thereof, designed to be used as a  
20 place of abode for human beings and not used for any other purpose. The term "residence"  
21 includes the term "residential," "residential unit," and "dwelling unit" as referring to the type of  
22 or intended use of a building or structure.  
23



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

4 ((F))U. "Small residential property or parcel" means any single family residential property whose  
5 total area is less than 10,000 square feet.  
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7 ((U))V. "Stormwater facility credit" means a percentage credit, up to the allowable maximum, in  
8 accordance with Section 33.040 of this Chapter, which reduces the drainage service charge for a  
9 particular parcel because one or more approved stormwater management facilities are installed  
10 and maintained on the parcel that relieve some of the burden on the City's stormwater system.  
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12 ((V))W. "Stormwater performance goals" mean the standards for

- 13 1) water quality as shown by total suspended solids;  
14 2) total volume;  
15 3) two-year peak volume and duration; and  
16 4) twenty-five-year peak volume as appropriate for the drainage discharge point as more

17 particularly described in the Stormwater, Grading and Drainage Code (Seattle Municipal Code  
18 22.802).  
19  
20  
21

22 ((W))X. "Stormwater system" means the entire system of flood protection and stormwater  
23 drainage and surface water runoff facilities owned or leased by the City or over which the City  
24  
25  
26



1 has right of use for the movement and control of storm drainage and surface water runoff,  
2 including both naturally occurring and man-made facilities.

3 ((X))Y. "Submerged" means that portion of a parcel that extends beyond the shoreline, as  
4 delineated by the City's Geographic Information System (GIS).  
5

6 ((Y))Z. "Utility" means Seattle Public Utilities.  
7

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

9 **SMC 21.33.030 Drainage service charges and drainage rates -- Schedule -- Exemptions.**

10 A. A drainage service charge is imposed on every parcel within the City, and the owner(s)  
11 thereof, except for the following exempted property(ies):  
12

13 1. Houseboats and piers;

14 2. That portion of a parcel that is submerged. If the parcel is entirely submerged, the entire parcel  
15 is exempt. If a portion of the parcel is submerged, only the submerged part will be exempt and  
16 the remainder of the parcel shall be billed as all other properties;  
17

18 3. City streets;

19 4. State of Washington highways, so long as the State of Washington shall agree to maintain,  
20 construct and improve all drainage facilities associated with State highways as required by the  
21 Utility in conformance with all Utility standards for maintenance, construction and improvement  
22 hereafter established by the Utility and so far as such maintenance, construction and  
23 improvements shall be achieved at no cost to the Utility or to the City; and  
24  
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1 5. All other streets, so long as such streets provide drainage services in the same manner as City  
2 streets and the owner(s) shall agree to maintain, construct and improve all drainage facilities  
3 associated with such streets as required by the Utility in conformance with all Utility standards  
4 for maintenance, construction and improvement hereafter established by the Utility and so far as  
5 such maintenance, construction and improvements shall be achieved at no cost to the Utility or to  
6 the City.  
7

8 B. The drainage service charge shall be based upon a parcel's estimated contribution to City-wide  
9 surface and storm water runoff. A parcel's run-off is estimated based on its size and surface  
10 characteristics, including the amount and type of impervious and pervious surface it contains.  
11

12 C. Drainage service charges shall be determined as follows:

13 1. Small single-family residential properties shall be assigned to one of four (4) flat rate  
14 categories based on a billable area. Within each category, properties will be charged a uniform  
15 annual drainage rate per parcel which is calculated based on an estimated average contribution of  
16 surface and storm water runoff for the category. The applicable drainage rate shall equal the  
17 drainage service charge.  
18

19 2. General service and large residential properties shall be assigned to a rate category based on  
20 the estimated percent of impervious surface contained within the parcel. Subsequently, properties  
21 assigned to the "undeveloped," "light," and "moderate" rate categories that also contain sufficient  
22 quantities of highly infiltrative pervious surface cover to meet Utility-defined performance  
23 requirements shall be assigned to a "low impact" rate category. A separate drainage rate shall  
24  
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1 apply to each general service and large residential rate category. The drainage service charge  
2 shall be calculated by multiplying the drainage rate, as determined by the parcel's rate category  
3 assignment, by the parcel's billable area (rounded to the nearest whole number of a square foot  
4 and divided by one thousand). For condominiums, the drainage service charge shall be  
5 determined for the entire parcel and then divided evenly among the owners. Present use code, site  
6 visits, planimetric maps based on aerial photography, and other information shall be used to  
7 estimate the percentage of impervious area.  
8

9 D. Drainage rates used in the calculation of drainage service charges shall be the sum of the  
10 treatment rate and the system rate, as follows:  
11

12 1. Treatment rate: The "treatment rate" shall be the rate required to pay the drainage share of  
13 "treatment cost" which is the cost of wastewater treatment, interception and disposal service, and  
14 any associated costs necessary to meet Drainage and Wastewater Fund policies. The treatment  
15 rate shall be the amount obtained when (a) the projected drainage treatment cost for each rate  
16 category is divided by (b) the projected number of billing units in each rate category and the  
17 result is multiplied by one hundred sixteen and three-tenths percent (116.3%) to cover the costs  
18 of taxes and low income rate assistance. The projected treatment cost shall be the treatment cost  
19 anticipated for the upcoming calendar year, which may include an adjustment to reflect the  
20 difference, whether positive or negative, between the drainage share of expected total treatment  
21 cost for the current year and the total drainage service charge revenues attributable to the  
22 treatment rate expected for the current year. The treatment rate is designed to pass through cost  
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changes driven by King County and may be adjusted by ordinance at any time in response to such charges.

2. System rate: The "system rate" shall be the rate required to fund the expense associated with operating, maintaining, and constructing the City's surface and stormwater management system, including any share of combined sanitary and stormwater system expense assigned to drainage.

3. The rate categories and the corresponding annual drainage rates are as follows:

**~~((Effective Jan. 1, 2007~~**

<del>Single family Residential</del>	<del>\$142.00 per parcel</del>
<del>General Service Properties:</del>	
<del>Open Space (0 — 2% impervious)</del>	<del>187.31 per acre</del>
<del>(0 — 15% impervious)</del>	<del>325.49 per acre</del>
<del>(16 — 35% impervious) —</del>	<del>539.49 per acre</del>
<del>(36 — 65% impervious)</del>	<del>978.87 per acre</del>
<del>(66 — 85% impervious)</del>	<del>1,275.27 per acre</del>
<del>(86 — 100% impervious)</del>	<del>1584.92 per acre))</del>

**Effective January 1, 2008:**

<i>Rate Category</i>	<i>Treatment Rate</i>	<i>System Rate</i>	<i>Total Drainage Rate</i>	<i>Billing Unit</i>
<b>Small Residential</b>				
Under 3000 sq. ft.	\$2.00	\$89.38	\$92.38	per parcel
3000 -- 4999 sq. ft.	\$2.90	\$129.75	\$132.65	per parcel
5000 -- 6999 sq. ft.	\$3.92	\$175.35	\$179.27	per parcel



1	7000 -- 9999 sq. ft.	\$4.96	\$208.04	\$213.00	per parcel
2	<b>General Service/Large Residential</b>				
3					
4	Undeveloped (0 -- 15% impervious)				
5	Low Impact	\$0.20	\$8.89	\$9.09	per 1000 sq. ft.
6	Regular	\$0.32	\$10.89	\$11.21	per 1000 sq. ft.
7	Light (16 -- 35% impervious)				
8	Low Impact	\$0.37	\$16.62	\$16.99	per 1000 sq. ft.
9	Regular	\$0.49	\$18.09	\$18.58	per 1000 sq. ft.
10	Moderate (36 -- 65% impervious)				
11					
12	Low Impact	\$0.58	\$26.05	\$26.63	per 1000 sq. ft.
13	Regular	\$0.71	\$32.12	\$32.83	per 1000 sq. ft.
14	Heavy (66 -- 85% impervious)				
15	Very Heavy (86 -- 100% impervious)	\$0.92	\$41.60	\$42.52	per 1000 sq. ft.
16		\$1.09	\$49.44	\$50.53	per 1000 sq. ft.

**Effective January 1, 2009:**

19	<i>Rate Category</i>	<i>Treatment Rate</i>	<i>System Rate</i>	<i>Total Drainage Rate</i>	<i>Billing Unit</i>
20	<b>Small Residential</b>				
21					
22	Under 3000 sq. ft.	\$3.98	\$98.42	\$102.40	per parcel
23	3000 -- 4999 sq. ft.	\$5.78	\$143.06	\$148.84	per parcel
24	5000 -- 6999 sq. ft.	\$7.81	\$193.39	\$201.20	per parcel
25	7000 -- 9999 sq. ft.	\$9.91	\$245.25	\$255.16	per parcel



**General Service/Large Residential**

Undeveloped (0 -- 15% impervious)

Low Impact	\$0.39	\$ 9.75	\$10.14	per 1000 sq. ft.
Regular	\$0.65	\$16.12	\$16.77	per 1000 sq. ft.

Light (16 -- 35% impervious)

Low Impact	\$0.73	\$18.16	\$18.89	per 1000 sq. ft.
Regular	\$0.97	\$24.11	\$25.08	per 1000 sq. ft.

Moderate (36 -- 65% impervious)

Low Impact	\$1.14	\$28.41	\$29.55	per 1000 sq. ft.
Regular	\$1.41	\$35.02	\$36.43	per 1000 sq. ft.

Heavy (66 -- 85% impervious)

Very Heavy (86 -- 100% impervious)	\$2.16	\$53.78	\$55.94	per 1000 sq. ft.
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4. SPU shall provide a 10% reduction in drainage rates for 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 rate reduction only if the system is sized to meet the performance requirement stated above. Qualifying for the drainage rate



1 reduction does not relieve the property owner from the obligation to comply with applicable  
2 stormwater and drainage code requirements for the buildings and site.

3 5. Open space properties or parcels shall be charged only for the area of impervious surface and  
4 at the rate under which the parcel is classified using the total parcel acreage.

5  
6 E. Each bill shall be rounded to the nearest cent. The minimum annual drainage service charge  
7 shall be Five Dollars (\$5) per parcel.

8  
9 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after  
10 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
11 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

12  
13 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2008, and  
14 signed by me in open session in authentication of its passage this  
15 \_\_\_\_ day of \_\_\_\_\_, 2008.

16  
17  
18 \_\_\_\_\_  
19 President \_\_\_\_\_ of the City Council

20 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2008.

21  
22 \_\_\_\_\_  
23 Gregory J. Nickels, Mayor

24  
25 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2008.



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(Seal)

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City Clerk





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

3 C. "Billing year" means the calendar year that bills are sent. The first billing year shall be from  
4 January 1, 1989 through December 31, 1989.  
5

6 D. "City" means The City of Seattle.

7 E. "Condominiums" or "townhouses" means properties which contain more than two (2)  
8 residential dwelling units which are individually owned and are billed separately for property  
9 taxes.  
10

11 F. "Drainage discharge point" means the end or receiving point of the City's stormwater system  
12 that a parcel's stormwater flows to, which may include a combined or sanitary sewer treatment  
13 facility, a largebody of surface water, or a major creek basin, which dictates the type of  
14 stormwater performance goals and management facilities that may be required or accepted to  
15 manage the flow or quality, or both, of stormwater from that parcel.  
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18 G. "Drainage service charge" means the fee for surface and stormwater management services  
19 imposed by the City upon all parcels of real property, except exempted properties, located within  
20 the boundaries of the City. The drainage service charge shall be calculated in accordance with  
21 Section 33.030 of this Chapter.  
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23 H. "Drainage rate" means the dollar charge assigned to each rate category which shall be used in  
24 the calculation of the drainage service charge.  
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1 I. "General service properties or parcels" means properties or parcels with no existing single  
2 family or duplex dwelling unit, including vacant properties, condominium complexes,  
3 townhouses, apartment buildings, and institutional, commercial or industrial properties.

4 J. "Highly infiltrative pervious surface" means vegetated surface of specific types such as forests  
5 or non-forested land that is in the natural progression back to a forested state.  
6

7 K. "Houseboats and piers" means property or parcels that rest on or over natural bodies of water.  
8

9 L. "Impervious surface" or "impervious ground cover" means those hard areas which prevent or  
10 retard the entry of water into the soil in the manner that such water entered the soil under natural  
11 conditions pre-existent to development, or which cause water to run off the surface in greater  
12 quantities or at an increased rate of flow than that present under natural conditions pre-existent to  
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14 driveways, parking lots, walkways, patio areas, storage areas, hardpan, compacted surfaces, or  
15 other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to  
16 development.  
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19 total area is 10,000 square feet or greater.  
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22 properties, parcels, or portions thereof classified for current use taxation under King County  
23 Code (K.C.C.) chapter 20.36 and chapter 84.34 RCW. This definition includes lands which have  
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1 been classified as open space, agricultural or timber lands under criteria contained in K.C.C.  
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4 identified owner(s), boundaries, and area as defined by the King County Assessor and recorded  
5 in the King County Assessor Real Property File or in the King County Assessor maps.  
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7 ~~((O))~~P. "Percent of impervious surface" means the quotient of the total amount of estimated  
8 impervious surface located on the parcel divided by the parcel's total billable area. For purposes  
9 of rate category determination, the resulting amount shall be rounded to the nearest whole  
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1 ((S))T. "Single-family residential property or parcel" means any property or parcel which  
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19 3. City streets;

20 4. State of Washington highways, so long as the State of Washington shall agree to maintain,  
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22 Utility in conformance with all Utility standards for maintenance, construction and improvement  
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1 5. All other streets, so long as such streets provide drainage services in the same manner as City  
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8 B. The drainage service charge shall be based upon a parcel's estimated contribution to City-wide  
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7 3. The rate categories and the corresponding annual drainage rates are as follows:

8  
 9 ~~((Effective Jan. 1, 2007~~

10 <del>Single family Residential</del>	<del>\$142.00 per parcel</del>
11 <del>General Service Properties:</del>	
12 <del>Open Space (0 — 2% impervious)</del>	<del>187.31 per acre</del>
13 <del>(0 — 15% impervious)</del>	<del>325.49 per acre</del>
14 <del>(16 — 35% impervious)</del>	<del>539.49 per acre</del>
15 <del>(36 — 65% impervious)</del>	<del>978.87 per acre</del>
16 <del>(66 — 85% impervious)</del>	<del>1,275.27 per acre</del>
17 <del>(86 — 100% impervious)</del>	<del>1584.92 per acre))</del>

18  
 19 **Effective January 1, 2008:**

20 <i>Rate Category</i>	<i>Treatment Rate</i>	<i>System Rate</i>	<i>Total Drainage Rate</i>	<i>Billing Unit</i>
21 <b>Small Residential</b>				
22 Under 3000 sq. ft.	\$2.00	\$89.38	\$92.38	per parcel
23 3000 -- 4999 sq. ft.	\$2.90	\$129.75	\$132.65	per parcel
24 5000 -- 6999 sq. ft.	\$3.92	\$175.35	\$179.27	per parcel



1	7000 -- 9999 sq. ft.	\$4.96	\$208.04	\$213.00	per parcel
2	<b>General Service/Large Residential</b>				
3					
4	Undeveloped (0 -- 15% impervious)				
5	Low Impact	\$0.20	\$8.89	\$9.09	per 1000 sq. ft.
6	Regular	\$0.32	\$10.89	\$11.21	per 1000 sq. ft.
7	Light (16 -- 35% impervious)				
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9	Regular	\$0.49	\$18.09	\$18.58	per 1000 sq. ft.
10	Moderate (36 -- 65% impervious)				
11					
12	Low Impact	\$0.58	\$26.05	\$26.63	per 1000 sq. ft.
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15	Very Heavy (86 -- 100% impervious)	\$0.92	\$41.60	\$42.52	per 1000 sq. ft.
16		\$1.09	\$49.44	\$50.53	per 1000 sq. ft.

17

18 **Effective January 1, 2009:**

19	<i>Rate Category</i>	<i>Treatment Rate</i>	<i>System Rate</i>	<i>Total Drainage Rate</i>	<i>Billing Unit</i>
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24	5000 -- 6999 sq. ft.	\$7.81	\$193.39	\$201.20	per parcel
25	7000 -- 9999 sq. ft.	\$9.91	\$245.25	\$255.16	per parcel

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**General Service/Large Residential**

Undeveloped (0 -- 15% impervious)

Low Impact	\$0.39	\$ 9.75	\$10.14	per 1000 sq. ft.
Regular	\$0.65	\$16.12	\$16.77	per 1000 sq. ft.

Light (16 -- 35% impervious)

Low Impact	\$0.73	\$18.16	\$18.89	per 1000 sq. ft.
Regular	\$0.97	\$24.11	\$25.08	per 1000 sq. ft.

Moderate (36 -- 65% impervious)

Low Impact	\$1.14	\$28.41	\$29.55	per 1000 sq. ft.
Regular	\$1.41	\$35.02	\$36.43	per 1000 sq. ft.

Heavy (66 -- 85% impervious)

Very Heavy (86 -- 100% impervious)	\$2.16	\$53.78	\$55.94	per 1000 sq. ft.
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4. SPU shall provide a 10% reduction in drainage rates for 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 rate reduction only if the system is sized to meet the performance requirement stated above. Qualifying for the drainage rate



1 reduction does not relieve the property owner from the obligation to comply with applicable  
2 stormwater and drainage code requirements for the buildings and site.

3 5. Effective calendar year 2008, open space properties or parcels shall be charged only for the  
4 area of impervious surface and at the rate under which the parcel is classified using the total  
5 parcel acreage.

7 E. Each bill shall be rounded to the nearest cent. The minimum annual drainage service charge  
8 shall be Five Dollars (\$5) per parcel.

10 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after  
11 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
12 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

14 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2008, and  
15 signed by me in open session in authentication of its passage this  
16 \_\_\_\_ day of \_\_\_\_\_, 2008.

19 \_\_\_\_\_  
20 President \_\_\_\_\_ of the City Council

21 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2008.

24 \_\_\_\_\_  
25 Gregory J. Nickels, Mayor



Meg Moorehead/mm  
LEG OS drainage rate ORD  
September 19, 2008  
Version #4

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2008.

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\_\_\_\_\_  
City Clerk

(Seal)



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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230159  
CITY OF SEATTLE, CLERKS OFFICE

No.

**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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

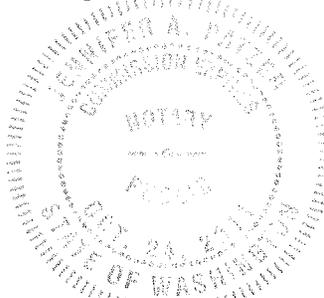
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122821 ORDINANCE

was published on

10/14/08

The amount of the fee charged for the foregoing publication is the sum of \$ 632.25, which amount has been paid in full.



Affidavit of Publication

10/14/08

Subscribed and sworn to before me on

Notary public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 122821

AN ORDINANCE relating to drainage services of Seattle Public Utilities (SPU); updating definitions; providing a rate discount for open space properties; and amending Chapters 21.33 and 21.76 of the Seattle Municipal Code.

WHEREAS, drainage rates were last increased on January 1, 2008, as authorized by Ordinance 122517;

WHEREAS, open space properties provide a benefit to the City's surface and storm water management system by retaining property in an undeveloped state; and

WHEREAS, the City wishes to encourage the retention of property as open space by providing a drainage rate discount for those properties; 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 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.

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

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.

D. "City" means The City of Seattle.

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.

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

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.

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.

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

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.

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

N. "Open space properties or parcels" means any General Service or Large Residential properties, parcels, or portions thereof classified for current use taxation under King County Code (K.C.C.) chapter 20.36 and chapter 84.34 RCW. This definition includes lands which have been classified as open space, agricultural or timber lands under criteria contained in K.C.C. chapter 20.36 and chapter 84.34 RCW.

(N)O. "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.

((O))P. "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.

((P))Q. "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.

((Q))R. "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.

((R))S. "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.

((S))T. "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.

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

((U))V. "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))W. "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).

((W))X. "Stormwater 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.

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

((Y))Z. "Utility" means Seattle Public Utilities.

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

### SMC 21.33.030 Drainage service charges and drainage rates -- Schedule -- Exemptions.

A. A drainage service charge is imposed on every parcel within the City, and the owner(s) thereof, except for the following exempted property(ies):

1. Houseboats and piers;
2. That portion of a parcel that is submerged. If the parcel is entirely submerged, the entire parcel is exempt. If a portion of the parcel is submerged, only the submerged part will be exempt and the remainder of the parcel shall be billed as all other properties;
3. City streets;
4. State of Washington highways, so long as the State of Washington shall agree to maintain, construct and improve all drainage facilities associated with State highways as required by the Utility in conformance with all Utility standards for maintenance, construction and improvement hereafter established by the Utility and so far as such maintenance, construction and improvements shall be achieved at no cost to the Utility or to the City; and

5. All other streets, so long as such streets provide drainage services in the same manner as City streets and the owner(s) shall agree to maintain, construct and improve all drainage facilities associated with such streets as required by the Utility in conformance with all Utility standards for maintenance, construction and improvement hereafter established by the Utility and so far as such maintenance, construction and improvements shall be achieved at no cost to the Utility or to the City.

B. The drainage service charge shall be based upon a parcel's estimated contribution to City-wide surface and storm water runoff. A parcel's run-off is estimated based on its size and surface characteristics, including the amount and type of impervious and pervious surface it contains.

C. Drainage service charges shall be determined as follows:

1. Small single-family residential properties shall be assigned to one of four (4) flat rate categories based on a billable area. Within each category, properties will be charged a uniform annual drainage rate per parcel which is calculated based on an estimated average contribution of surface and storm water runoff for the category. The applicable drainage rate shall equal the drainage service charge.

2. General service and large residential properties shall be assigned to a rate category based on the estimated percent of impervious surface contained within the parcel. Subsequently, properties assigned to the "undeveloped," "light," and "moderate" rate categories that also contain sufficient quantities of highly infiltrative pervious surface cover to meet Utility-defined performance requirements shall be assigned to a "low impact" rate category. A separate drainage

rate shall apply to each general service and large residential rate category. The drainage service charge shall be calculated by multiplying the drainage rate, as determined by the parcel's rate category assignment, by the parcel's billable area (rounded to the nearest whole number of a square foot and divided by one thousand). For condominiums, the drainage service charge shall be determined for the entire parcel and then divided evenly among the owners. Present use code, site visits, planimetric maps based on aerial photography, and other information shall be used to estimate the percentage of impervious area.

D. Drainage rates used in the calculation of drainage service charges shall be the sum of the treatment rate and the system rate, as follows:

City of Seattle

ORDINANCE 122821

AN ORDINANCE relating to drainage services of Seattle Public Utilities (SPU); updating definitions; providing a rate discount for open space properties; and amending Chapters 21.33 and 21.76 of the Seattle Municipal Code.

WHEREAS, drainage rates were last increased on January 1, 2008, as authorized by Ordinance 122517;

WHEREAS, open space properties provide a benefit to the City's surface and storm water management system by retaining property in an undeveloped state; and

WHEREAS, the City wishes to encourage the retention of property as open space by providing a drainage rate discount for those properties; 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 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.

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

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.

D. "City" means The City of Seattle.

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 largebody 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.

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

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.

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.

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

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.

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

N. "Open space properties or parcels" means any General Service or Large Residential properties, parcels, or portions thereof classified for current use taxation under King County Code (K.C.C.) chapter 20.36 and chapter 84.34 RCW. This definition includes lands which have been classified as open space, agricultural or timber lands under criteria contained in K.C.C. chapter 20.36 and chapter 84.34 RCW.

(N)O. "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.

((O)P. "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.

(P)Q. "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.

((Q)R. "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.

((R)S. "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 or intended use of a building or structure.

((S)T. "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.

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

((U)V. "Stormwater facility credit" means a percentage credit, up to the allowable maximum, in accordance with Section 93.040 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)W. "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).

((W)X. "Stormwater 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.

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

((Y)Z. "Utility" means Seattle Public Utilities.

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

SMC 21.33.030 Drainage service charges and drainage rates -- Schedule -- Exemptions.

A. A drainage service charge is imposed on every parcel within the City, and the owner(s) thereof, except for the following exempted property(ies):

1. Houseboats and piers;
2. That portion of a parcel that is submerged. If the parcel is entirely submerged, the entire parcel is exempt. If a portion of the parcel is submerged, only the submerged part will be exempt and the remainder of the parcel shall be billed as all other properties;
3. City streets;
4. State of Washington highways, so long as the State of Washington shall agree to maintain, construct and improve all drainage facilities associated with State highways as required by the Utility in conformance with all Utility standards for maintenance, construction and improvement hereafter established by the Utility and so far as such maintenance, construction and improvements shall be achieved at no cost to the Utility or to the City; and
5. All other streets, so long as such streets provide drainage services in the same manner as City streets and the owner(s) shall agree to maintain, construct and improve all drainage facilities associated with such streets as required by the Utility in conformance with all Utility standards for maintenance, construction and improvement hereafter established by the Utility and so far as such maintenance, construction and improvements shall be achieved at no cost to the Utility or to the City.

B. The drainage service charge shall be based upon a parcel's estimated contribution to City-wide surface and storm water runoff. A parcel's run-off is estimated based on its size and surface characteristics, including the amount and type of impervious and pervious surface it contains.

C. Drainage service charges shall be determined as follows:

1. Small single-family residential properties shall be assigned to one of four (4) flat rate categories based on a billable area. Within each category, properties will be charged a uniform annual drainage rate per parcel which is calculated based on an estimated average contribution of surface and storm water runoff for the category. The applicable drainage rate shall equal the drainage service charge.
2. General service and large residential properties shall be assigned to a rate category based on the estimated percent of impervious surface contained within the parcel. Subsequently, properties assigned to the "undeveloped," "light," and "moderate" rate categories that also contain sufficient quantities of highly infiltrative pervious surface cover to meet Utility-defined performance requirements shall be assigned to a "low impact" rate category. A separate drainage

rate shall apply to each general service and large residential rate category. The drainage service charge shall be calculated by multiplying the drainage rate, as determined by the parcel's rate category assignment, by the parcel's billable area (rounded to the nearest whole number of a square foot and divided by one thousand). For condominiums, the drainage service charge shall be determined for the entire parcel and then divided evenly among the owners. Present use code, site visits, planimetric maps based on aerial photography, and other information shall be used to estimate the percentage of impervious area.

D. Drainage rates used in the calculation of drainage service charges shall be the sum of the treatment rate and the system rate, as follows:

1. Treatment rate: The "treatment rate" shall be the rate required to pay the drainage share of "treatment cost" which is the cost of wastewater treatment, interception and disposal service, and any associated costs necessary to meet Drainage and Wastewater Fund policies. The treatment rate shall be the amount obtained when (a) the projected drainage treatment cost for each rate category is divided by (b) the projected number of billing units in each rate category and the result is multiplied by one hundred sixteen and three-tenths percent (116.3%) to cover the costs of taxes and low income rate assistance. The projected treatment cost shall be the treatment cost anticipated for the upcoming calendar year, which may include an adjustment to reflect the difference, whether positive or negative, between the drainage share of expected total treatment cost for the current year and the total drainage service charge revenues attributable to the treatment rate expected for the current year. The treatment rate is designed to pass through cost changes driven by King County and may be adjusted by ordinance at any time in response to such charges.

2. System rate: The "system rate" shall be the rate required to fund the expense associated with operating, maintaining, and constructing the City's surface and stormwater management system, including any share of combined sanitary and stormwater system expense assigned to drainage.

3. The rate categories and the corresponding annual drainage rates are as follows:

**((Effective Jan. 1, 2007**

Single-family Residential -- \$142.00 per parcel

**General Service Properties:**

Open Space (0 -- 2% impervious) -- 187.91 per acre

(0 -- 15% impervious) -- 325.49 per acre

(16 -- 35% impervious) -- 599.49 per acre

(36 -- 65% impervious) -- 978.87 per acre

(66 -- 85% impervious) -- 1,275.27 per acre

(86 -- 100% impervious) --

1584.92 per acre)

**Effective January 1, 2008:**

Rate Category -- Treatment Rate --  
System Rate -- Total Drainage Rate --  
Billing Unit

**Small Residential**

Under 3000 sq. ft. -- \$2.00 -- \$89.38 --  
\$92.38 -- per parcel

3000 -- 4999 sq. ft. -- \$2.90  
\$129.75 -- \$132.65 -- per parcel

5000 -- 6999 sq. ft. -- \$3.92 -- \$175.35 --  
\$179.27 -- per parcel

7000 -- 9999 sq. ft. -- \$4.96 -- \$208.04 --  
\$213.00 -- per parcel

**General Service/Large Residential**

Undeveloped (0 -- 15% impervious)

Low Impact -- \$0.20 -- \$8.89 -- \$9.09 --  
per 1000 sq. ft.

Regular -- \$0.32 -- \$10.89 -- \$11.21 -- per  
1000 sq. ft.

Light (16 -- 35% impervious)

Low Impact -- \$0.37 -- \$16.62 -- \$16.99 --  
per 1000 sq. ft.

Regular -- \$0.49 -- \$18.09 -- \$18.58 -- per  
1000 sq. ft.

Moderate (36 -- 65% impervious)

Low Impact -- \$0.58 -- \$26.05 -- \$26.63 --  
per 1000 sq. ft.

Regular -- \$0.71 -- \$32.12 -- \$32.83 -- per  
1000 sq. ft.

Heavy (66 -- 85% impervious) -- \$0.92 --  
\$41.60 -- \$42.52 -- per 1000 sq. ft.

Very Heavy (86 -- 100% impervious) --  
\$1.09 -- \$49.44 -- \$50.53 -- per 1000 sq. ft.

**Effective January 1, 2009:**

Rate Category -- Treatment Rate --  
System Rate -- Total Drainage Rate --  
Billing Unit

**Small Residential**

Under 3000 sq. ft. -- \$3.98 -- \$98.42 --  
\$102.40 -- per parcel

3000 -- 4999 sq. ft. -- \$5.78 -- \$143.06 --  
\$148.84 -- per parcel

5000 -- 6999 sq. ft. -- \$7.81 -- \$193.39 --  
\$201.20 -- per parcel

7000 -- 9999 sq. ft. -- \$9.91 -- \$245.25 --  
\$255.16 -- per parcel

**General Service/Large Residential**

Undeveloped (0 -- 15% impervious)

Low Impact -- \$0.39 -- \$9.75 -- \$10.14 --  
per 1000 sq. ft.

Regular -- \$0.65 -- \$16.12 -- \$16.77 -- per  
1000 sq. ft.

Light (16 -- 35% impervious)

Low Impact -- \$0.73 -- \$18.16 -- \$18.89 --  
per 1000 sq. ft.

Regular -- \$0.97 -- \$24.11 -- \$25.08 -- per  
1000 sq. ft.

Moderate (36 -- 65% impervious)

Low Impact -- \$1.14 -- \$28.41 -- \$29.55 --  
per 1000 sq. ft.

Regular -- \$1.41 -- \$35.02 -- \$36.43 -- per  
1000 sq. ft.

Heavy (66 -- 85% impervious) -- \$1.82 --  
\$45.28 -- \$47.10 -- per 1000 sq. ft.

Very Heavy (86 -- 100% impervious) --  
\$2.16 -- \$53.78 -- \$55.94 -- per 1000 sq. ft.

4. SPU shall provide a 10% reduction in drainage rates for 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 rate reduction only if the system is sized to meet the performance requirement stated above. Qualifying for the drainage 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.

5. Effective on the effective date of this ordinance, open space properties or parcels shall be charged only for the area of impervious surface and at the rate under which the parcel is classified using the total parcel acreage.

E. Each bill shall be rounded to the nearest cent. The minimum annual drainage service charge shall be Five Dollars (\$5) per parcel.

Section 3. 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 Municipal Code Section 1.04.020.

Passed by the City Council the 29th day of September, 2008, and signed by me in open session in authentication of its passage this 29th day of September, 2008.

Richard Conlin

President of the City Council

Approved by me this 8th day of October, 2008.

Gregory J. Nickels, Mayor

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

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN,  
City Clerk

Date of publication in the Seattle Daily  
Journal of Commerce, October 14, 2008.

10/14(280159)

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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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230159  
CITY OF SEATTLE, CLERKS OFFICE

No.

**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 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

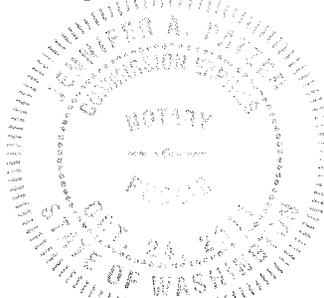
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122821 ORDINANCE

was published on

10/14/08

The amount of the fee charged for the foregoing publication is the sum of \$ 632.25, which amount has been paid in full.



Affidavit of Publication

10/14/08

Subscribed and sworn to before me on

Notary public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 122821

AN ORDINANCE relating to drainage services of Seattle Public Utilities (SPU); updating definitions; providing a rate discount for open space properties; and amending Chapters 21.33 and 21.76 of the Seattle Municipal Code.

WHEREAS, drainage rates were last increased on January 1, 2008, as authorized by Ordinance 122517;

WHEREAS, open space properties provide a benefit to the City's surface and storm water management system by retaining property in an undeveloped state; and

WHEREAS, the City wishes to encourage the retention of property as open space by providing a drainage rate discount for those properties; 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 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.

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

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.

D. "City" means The City of Seattle.

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.

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

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.

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.

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

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.

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

N. "Open space properties or parcels" means any General Service or Large Residential properties, parcels, or portions thereof classified for current use taxation under King County Code (K.C.C.) chapter 20.36 and chapter 84.34 RCW. This definition includes lands which have been classified as open space, agricultural or timber lands under criteria contained in K.C.C. chapter 20.36 and chapter 84.34 RCW.

(N)O. "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.

((O))P. "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.

((P))Q. "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.

((Q))R. "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.

((R))S. "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.

((S))T. "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.

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

((U))V. "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))W. "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).

((W))X. "Stormwater 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.

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

((Y))Z. "Utility" means Seattle Public Utilities.

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

### SMC 21.33.030 Drainage service charges and drainage rates -- Schedule -- Exemptions.

A. A drainage service charge is imposed on every parcel within the City, and the owner(s) thereof, except for the following exempted property(ies):

1. Houseboats and piers;
2. That portion of a parcel that is submerged. If the parcel is entirely submerged, the entire parcel is exempt. If a portion of the parcel is submerged, only the submerged part will be exempt and the remainder of the parcel shall be billed as all other properties;
3. City streets;
4. State of Washington highways, so long as the State of Washington shall agree to maintain, construct and improve all drainage facilities associated with State highways as required by the Utility in conformance with all Utility standards for maintenance, construction and improvement hereafter established by the Utility and so far as such maintenance, construction and improvements shall be achieved at no cost to the Utility or to the City; and

5. All other streets, so long as such streets provide drainage services in the same manner as City streets and the owner(s) shall agree to maintain, construct and improve all drainage facilities associated with such streets as required by the Utility in conformance with all Utility standards for maintenance, construction and improvement hereafter established by the Utility and so far as such maintenance, construction and improvements shall be achieved at no cost to the Utility or to the City.

B. The drainage service charge shall be based upon a parcel's estimated contribution to City-wide surface and storm water runoff. A parcel's run-off is estimated based on its size and surface characteristics, including the amount and type of impervious and pervious surface it contains.

C. Drainage service charges shall be determined as follows:

1. Small single-family residential properties shall be assigned to one of four (4) flat rate categories based on a billable area. Within each category, properties will be charged a uniform annual drainage rate per parcel which is calculated based on an estimated average contribution of surface and storm water runoff for the category. The applicable drainage rate shall equal the drainage service charge.

2. General service and large residential properties shall be assigned to a rate category based on the estimated percent of impervious surface contained within the parcel. Subsequently, properties assigned to the "undeveloped," "light," and "moderate" rate categories that also contain sufficient quantities of highly infiltrative pervious surface cover to meet Utility-defined performance requirements shall be assigned to a "low impact" rate category. A separate drainage

rate shall apply to each general service and large residential rate category. The drainage service charge shall be calculated by multiplying the drainage rate, as determined by the parcel's rate category assignment, by the parcel's billable area (rounded to the nearest whole number of a square foot and divided by one thousand). For condominiums, the drainage service charge shall be determined for the entire parcel and then divided evenly among the owners. Present use code, site visits, planimetric maps based on aerial photography, and other information shall be used to estimate the percentage of impervious area.

D. Drainage rates used in the calculation of drainage service charges shall be the sum of the treatment rate and the system rate, as follows:

City of Seattle

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

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.

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

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

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.

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((S)T. "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.

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

((U)V. "Stormwater facility credit" means a percentage credit, up to the allowable maximum, in accordance with Section 93.040 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.

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- 1) water quality as shown by total suspended solids;
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3. City streets;
4. State of Washington highways, so long as the State of Washington shall agree to maintain, construct and improve all drainage facilities associated with State highways as required by the Utility in conformance with all Utility standards for maintenance, construction and improvement hereafter established by the Utility and so far as such maintenance, construction and improvements shall be achieved at no cost to the Utility or to the City; and
5. All other streets, so long as such streets provide drainage services in the same manner as City streets and the owner(s) shall agree to maintain, construct and improve all drainage facilities associated with such streets as required by the Utility in conformance with all Utility standards for maintenance, construction and improvement hereafter established by the Utility and so far as such maintenance, construction and improvements shall be achieved at no cost to the Utility or to the City.

B. The drainage service charge shall be based upon a parcel's estimated contribution to City-wide surface and storm water runoff. A parcel's run-off is estimated based on its size and surface characteristics, including the amount and type of impervious and pervious surface it contains.

C. Drainage service charges shall be determined as follows:

1. Small single-family residential properties shall be assigned to one of four (4) flat rate categories based on a billable area. Within each category, properties will be charged a uniform annual drainage rate per parcel which is calculated based on an estimated average contribution of surface and storm water runoff for the category. The applicable drainage rate shall equal the drainage service charge.
2. General service and large residential properties shall be assigned to a rate category based on the estimated percent of impervious surface contained within the parcel. Subsequently, properties assigned to the "undeveloped," "light," and "moderate" rate categories that also contain sufficient quantities of highly infiltrative pervious surface cover to meet Utility-defined performance requirements shall be assigned to a "low impact" rate category. A separate drainage

rate shall apply to each general service and large residential rate category. The drainage service charge shall be calculated by multiplying the drainage rate, as determined by the parcel's rate category assignment, by the parcel's billable area (rounded to the nearest whole number of a square foot and divided by one thousand). For condominiums, the drainage service charge shall be determined for the entire parcel and then divided evenly among the owners. Present use code, site visits, planimetric maps based on aerial photography, and other information shall be used to estimate the percentage of impervious area.

D. Drainage rates used in the calculation of drainage service charges shall be the sum of the treatment rate and the system rate, as follows:

1. Treatment rate: The "treatment rate" shall be the rate required to pay the drainage share of "treatment cost" which is the cost of wastewater treatment, interception and disposal service, and any associated costs necessary to meet Drainage and Wastewater Fund policies. The treatment rate shall be the amount obtained when (a) the projected drainage treatment cost for each rate category is divided by (b) the projected number of billing units in each rate category and the result is multiplied by one hundred sixteen and three-tenths percent (116.3%) to cover the costs of taxes and low income rate assistance. The projected treatment cost shall be the treatment cost anticipated for the upcoming calendar year, which may include an adjustment to reflect the difference, whether positive or negative, between the drainage share of expected total treatment cost for the current year and the total drainage service charge revenues attributable to the treatment rate expected for the current year. The treatment rate is designed to pass through cost changes driven by King County and may be adjusted by ordinance at any time in response to such charges.

2. System rate: The "system rate" shall be the rate required to fund the expense associated with operating, maintaining, and constructing the City's surface and stormwater management system, including any share of combined sanitary and stormwater system expense assigned to drainage.

3. The rate categories and the corresponding annual drainage rates are as follows:

**((Effective Jan. 1, 2007**

Single-family Residential -- \$142.00 per parcel

**General Service Properties:**

Open Space (0 -- 2% impervious) -- 187.91 per acre

(0 -- 15% impervious) -- 325.49 per acre

(16 -- 35% impervious) -- 599.49 per acre

(36 -- 65% impervious) -- 978.87 per acre

(66 -- 85% impervious) -- 1,275.27 per acre

(66 -- 100% impervious) --

1584.92 per acre)

**Effective January 1, 2008:**

Rate Category -- Treatment Rate --  
System Rate -- Total Drainage Rate --  
Billing Unit

**Small Residential**

Under 3000 sq. ft. -- \$2.00 -- \$89.38 --  
\$92.38 -- per parcel

3000 -- 4999 sq. ft. -- \$2.90  
\$129.75 -- \$132.65 -- per parcel

5000 -- 6999 sq. ft. -- \$3.92 -- \$175.35 --  
\$179.27 -- per parcel

7000 -- 9999 sq. ft. -- \$4.96 -- \$208.04 --  
\$213.00 -- per parcel

**General Service/Large Residential**

Undeveloped (0 -- 15% impervious)

Low Impact -- \$0.20 -- \$8.89 -- \$9.09 --  
per 1000 sq. ft.

Regular -- \$0.32 -- \$10.89 -- \$11.21 -- per  
1000 sq. ft.

Light (16 -- 35% impervious)

Low Impact -- \$0.37 -- \$16.62 -- \$16.99 --  
per 1000 sq. ft.

Regular -- \$0.49 -- \$18.09 -- \$18.58 -- per  
1000 sq. ft.

Moderate (36 -- 65% impervious)

Low Impact -- \$0.58 -- \$26.05 -- \$26.63 --  
per 1000 sq. ft.

Regular -- \$0.71 -- \$32.12 -- \$32.83 -- per  
1000 sq. ft.

Heavy (66 -- 85% impervious) -- \$0.92 --  
\$41.60 -- \$42.52 -- per 1000 sq. ft.

Very Heavy (86 -- 100% impervious) --  
\$1.09 -- \$49.44 -- \$50.53 -- per 1000 sq. ft.

**Effective January 1, 2009:**

Rate Category -- Treatment Rate --  
System Rate -- Total Drainage Rate --  
Billing Unit

**Small Residential**

Under 3000 sq. ft. -- \$3.98 -- \$98.42 --  
\$102.40 -- per parcel

3000 -- 4999 sq. ft. -- \$5.78 -- \$143.06 --  
\$148.84 -- per parcel

5000 -- 6999 sq. ft. -- \$7.81 -- \$193.39 --  
\$201.20 -- per parcel

7000 -- 9999 sq. ft. -- \$9.91 -- \$245.25 --  
\$255.16 -- per parcel

**General Service/Large Residential**

Undeveloped (0 -- 15% impervious)

Low Impact -- \$0.39 -- \$9.75 -- \$10.14 --  
per 1000 sq. ft.

Regular -- \$0.65 -- \$16.12 -- \$16.77 -- per  
1000 sq. ft.

Light (16 -- 35% impervious)

Low Impact -- \$0.73 -- \$18.16 -- \$18.89 --  
per 1000 sq. ft.

Regular -- \$0.97 -- \$24.11 -- \$25.08 -- per  
1000 sq. ft.

Moderate (36 -- 65% impervious)

Low Impact -- \$1.14 -- \$28.41 -- \$29.55 --  
per 1000 sq. ft.

Regular -- \$1.41 -- \$35.02 -- \$36.43 -- per  
1000 sq. ft.

Heavy (66 -- 85% impervious) -- \$1.82 --  
\$45.28 -- \$47.10 -- per 1000 sq. ft.

Very Heavy (86 -- 100% impervious) --  
\$2.16 -- \$53.78 -- \$55.94 -- per 1000 sq. ft.

4. SPU shall provide a 10% reduction in drainage rates for 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 rate reduction only if the system is sized to meet the performance requirement stated above. Qualifying for the drainage 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.

5. Effective on the effective date of this ordinance, open space properties or parcels shall be charged only for the area of impervious surface and at the rate under which the parcel is classified using the total parcel acreage.

E. Each bill shall be rounded to the nearest cent. The minimum annual drainage service charge shall be Five Dollars (\$5) per parcel.

Section 3. 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 Municipal Code Section 1.04.020.

Passed by the City Council the 29th day of September, 2008, and signed by me in open session in authentication of its passage this 29th day of September, 2008.

Richard Conlin

President of the City Council

Approved by me this 8th day of October, 2008.

Gregory J. Nickels, Mayor

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

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN,  
City Clerk

Date of publication in the Seattle Daily  
Journal of Commerce, October 14, 2008.

10/14(280159)