ORDINANCE NO. 538

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING CHAPTER 13.03 OF THE WOODINVILLE MUNICIPAL CODE AND ORDINANCE NO. 26, WHICH ESTABLISHED A STORM AND SURFACE WATER UTILITY BY ADOPTING BY REFERENCE CHAPTER 9.08 OF THE KING COUNTY CODE, BY EXCEPTING CERTAIN SECTIONS OF CHAPTER 9.08 PROVIDING EXCEPTIONS TO THE CHARGES FOR THE USE OF THE STORM AND SURFACE WATER UTILITY; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 26 adopted by reference, with limited exceptions, King County Code Chapter 9.08 relating to a Surface Water Management program; and

WHEREAS, a review of Chapter 9.08 identified certain exemptions and adjustments to the surface water assessments charged by King County with the surface water assessments established by City resolution; and

WHEREAS, the City is reviewing the surface water rate structure and revenue required to provide operations and funding for capital projects; and

WHEREAS, there are certain exemptions provided in King County Ordinance No. 26 that the City Council desires to exempt from its adoption by reference of Ch. 9.08;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Ordinance No. 26 and Section 13.03.020 of the Woodinville Municipal Code are hereby amended by the addition of the following modification to the City's adoption by reference of Chapter 9.08 of the King County Code:

(5) Sections 9.08.080(B)4, 9.08.080(B)5, 9.08.080(B)8, and 9.08.080(B)9, which provide certain exemptions and adjustments to storm and surface water charges, are hereby excepted from the City's adoption of Chapter 9.08 of the King County Code. All exceptions and adjustments to the storm and surface water utility assessments established by the City shall be set forth in the fee resolution establishing the assessments and any provisions of Chapter 9.08 adopted by King County in conflict herewith are exempted from adoption by the City by this reference.

Section 2. Effective date. This ordinance shall take effect five days after passage and publication of an approved summary thereof consisting of the title.

Section 3. Severability. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 15th DAY OF NOVEMBER 2011.

Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:

By: _____
Jennifer Kuhn, CMC, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
Greg Rubstello, City Attorney

PASSED BY THE CITY COUNCIL: 11-15-2011
PUBLISHED: 11-21-2011
EFFECTIVE DATE: 11-28-2011
ORDINANCE NO. 538

King County Code
Chapter 9.08.080
SURFACE WATER MANAGEMENT

9.08.080 Rate adjustments and appeals.

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

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

1. The parcel is owned and is the personal residence of a person or persons determined by the county assessor as qualified for a low income senior citizen property tax exemption authorized under RCW 84.36.381. Parcels qualifying under this subsection B.1. shall be exempt from all charges imposed in K.C.C. 9.08.070;

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

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

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

5. The parcel is served by one or more flow control or water quality treatment facilities required under K.C.C. chapter 9.04, or can be demonstrated by the property owner to provide flow control or water quality treatment of surface and storm water to the standards in K.C.C. chapter 9.04, and any such facility is maintained at the expense of the parcel owner to the standards required by the department. In addition to the previous requirement, any source control best management practices applicable to the facilities or activities occurring on the parcel must be implemented pursuant to the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water, storm water, or ground water. Nonresidential parcels except in the light category qualifying under this subsection shall be charged at the rate of one lower rate category than as classified by its percentage of impervious surface coverage. Nonresidential parcels in the light rate category qualifying under this subsection shall be charged at the rate of one hundred eleven dollars per acre per year; Residential parcels and parcels in the very light category qualifying under this subsection shall be charged fifty-five dollars and fifty cents per parcel per year;

6. The parcel contains at least sixty-five percent forest and no more than twenty percent impervious surface, the runoff from which is dispersed through the forested area to the standards in the surface water management fee protocols, resulting in an effective impervious area of no more than ten percent for the entire parcel. In addition to the previous requirement, any source control best management practices applicable to the facilities or activities occurring on the parcel must be implemented in accordance with the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water, storm water, or ground water. Nonresidential parcels, except parcels in the light category, qualifying under this subsection shall be charged at the rate of one lower rate category than as classified by its percentage of impervious surface coverage. Nonresidential parcels in the light rate category qualifying under this subsection shall be charged at the rate of one hundred eleven dollars per acre per year. Residential parcels and parcels in the very light category qualifying under this subsection shall be charged fifty-five dollars and fifty cents per parcel per year;

7. The parcel is not served by a flow control or water quality treatment facility, and the parcel's pervious surface is used to absorb the runoff from its impervious surface to the standards in the surface water management fee protocols. In addition to the previous requirement, any source control best management practices applicable to the facilities or activities occurring on the parcel must be implemented in accordance with the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water, storm water, or ground water. Nonresidential parcels that qualify under this subsection, and that do not qualify under this section shall receive a discount based on the percentage of impervious surface from which runoff is absorbed or dispersed according to the standards in the surface water management fee protocols. The maximum discount allowed shall be twenty-five percent and shall be reduced below twenty-five percent in accordance with a schedule developed by the department based on the relative reduction of impact to the surface and storm water management system;

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

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

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

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

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

E. Decisions on requests for rate adjustments shall be made by the director based on information submitted by the applicant and by the division within thirty days of the adjustment request except when additional information is needed. The applicant shall be notified in writing of the director's decision. If an adjustment is granted which reduces the charge for the current year or two prior years, the applicant shall be refunded the amount overpaid in the current and two prior years.

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

G. Decisions of the director on requests for rate adjustments shall be final unless within thirty days of the date the decision was mailed, the applicant submits in writing to the director a notice of appeal setting forth a brief statement of the grounds for appeal and requesting a hearing before the King County hearing examiner. The examiner's decision shall be a final decision pursuant to K.C.C. 20.24.080. (Ord. 15638 § 4, 2006: Ord. 14261 § 5, 2001: Ord. 13695 § 6, 1999: Ord. 11015 § 6, 1993: Ord. 10187 § 8, 1991: Ord. 7817 § 2, 1986: Ord. 7590 § 9, 1986).