

CITY OF SEATTLE

ORDINANCE 127072

COUNCIL BILL 120819

AN ORDINANCE relating to drainage services of Seattle Public Utilities; adjusting drainage rates; and amending Sections 21.33.010, 21.33.030, 21.33.040, 21.33.050, and 21.33.090 of the Seattle Municipal Code to reflect adjusted rates.

WHEREAS, Seattle Public Utilities has been able to utilize new technologies in drainage billing to enable automatic identification of hard and infiltrative surfaces; and

WHEREAS, the classifications of hard, infiltrative, pervious, impervious, and similar terminologies regarding surface types require explicit definitions or redefinitions in light of these new technologies; and

WHEREAS, Seattle Public Utilities recently completed a rate study incorporating guidance for its adopted 2025-2030 Strategic Business Plan Update; and

WHEREAS, the 2025-2030 Strategic Business Plan Update included increases in the capital and operating requirements of the Drainage and Wastewater Fund in response to federal and state regulatory requirements, as well as environmental and infrastructure concerns, with a resulting increase in revenue requirements; and

WHEREAS, drainage and wastewater rates are calculated in accordance with the financial policies adopted by Resolution 30612 and Statement of Legislative Intent 13-1-A-1; and

WHEREAS, Seattle Public Utilities' drainage rates are designed to pass through all expenses in maintaining and operating the drainage system, and any related taxes or discounts incurred; NOW, THEREFORE,

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

2 Section 1. Section 21.33.010 of the Seattle Municipal Code, last amended by Ordinance
3 125292, is amended as follows:

4 **21.33.010 Definitions**

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

6 A. “Approved stormwater management facility” means a drainage control facility or
7 improvement installed and properly maintained on a parcel in the City that reduces or controls
8 flow or improves water quality, or both, of stormwater flowing from all or part of the
9 ~~((impervious))~~ hard surfaces on a parcel subject to a drainage service charge ~~((to the City’s~~
10 ~~stormwater system,))~~ and which meets the technical design requirements ~~((for the drainage~~
11 ~~discharge point))~~ applicable to the parcel being billed as more particularly described in the
12 Stormwater Code, Chapters 22.800 through 22.808, and associated Director’s Rules.

13 B. “Billable area” means the total parcel area less any portion of the parcel which is
14 exempt from drainage service charges pursuant to ~~((Subsection 21.33.030 A of the Seattle~~
15 ~~Municipal Code))~~ subsection 21.33.030.A.

16 C. “Billing year” means the calendar year that bills are sent. The first billing year shall be
17 from January 1, 1989, through December 31, 1989.

18 D. “City” means The City of Seattle.

19 E. “Condominiums” or “townhouses” means properties which contain two or more
20 residential dwelling units which are individually owned and are billed separately for property
21 taxes.

22 F. “Drainage discharge point” means the end or receiving point ~~((of the City’s stormwater~~
23 ~~system))~~ that a parcel’s stormwater flows to, which may include a combined or sanitary sewer

1 treatment facility, a large body of surface water, or a major creek basin, which dictates the type
2 of stormwater performance goals and management facilities that may be required or accepted to
3 manage the flow or quality, or both, of stormwater from that parcel.

4 G. “Drainage service charge” means the fee for surface and stormwater management
5 services imposed by the City upon all parcels of real property, except exempted properties,
6 located within the boundaries of the City. The drainage service charge shall be calculated in
7 accordance with Section ~~((33.030 of this Chapter))~~ 21.33.030.

8 H. “Drainage rate” means the dollar charge assigned to each rate category, which shall be
9 used in the calculation of the drainage service charge.

10 I. “General service properties or parcels” means properties or parcels with no existing
11 single-family or duplex dwelling unit, including vacant properties, condominium complexes,
12 apartment buildings, and institutional, commercial, or industrial properties.

13 J. “Hard surface” means “hard surface” as defined in Chapter 22.801, as may be amended
14 from time to time.

15 ~~((J))~~ K. “Highly infiltrative pervious surface” means vegetated surface ~~((of specific types
16 such as forests or non-forested land that is in the natural progression back to a forested state, or
17 athletic fields that have been designed to substantially meet the same Seattle Public Utilities–
18 defined performance characteristics for infiltrating stormwater))~~ containing significant tree
19 canopy or undeveloped grassland.

20 ~~((K))~~ L. “Houseboats” and “piers” ~~((means))~~ mean property or parcels that rest on or over
21 natural bodies of water.

1 (~~(L. “Impervious surface” or “impervious ground cover” means “Impervious surface” as~~
2 ~~defined in Section 22.801 of the Seattle Municipal Code, as may be amended from time to~~
3 ~~time.)~~)

4 M. “Large residential property or parcel” means any single-family residential property or
5 townhouse whose billable area is 10,000 square feet or greater.

6 N. “Open space properties or parcels” means any (~~(General Service)~~) general service or
7 (~~(Large Residential)~~) large residential properties, parcels, or portions thereof classified for
8 current use taxation under King County Code (K.C.C.) chapter 20.36 and chapter 84.34 RCW.
9 This definition includes lands which have been classified as open space, agricultural, or timber
10 lands under criteria contained in K.C.C. chapter 20.36 and chapter 84.34 RCW.

11 O. “Parcel” means the smallest separately segregated unit or plot of land having an
12 identified owner(s), boundaries, and area as defined by the King County Assessor and recorded
13 in the King County Assessor Real Property File or in the King County Assessor maps.

14 P. “Property owner of record” (~~(s)~~) also referred to as “owner” or “property owner,”
15 means the person or persons recorded by the King County Assessor to be the owner(s) of
16 property and to whom property tax statements are directed.

17 Q. “Rate category” means the classification of properties into groups based on their
18 common characteristics (such as percentage of (~~(impervious)~~) hard surface), for purposes of
19 establishing drainage service charges.

20 R. “Residence” means a building or structure, or portion of a structure, designed to be
21 used as a place of abode for human beings and not used for any other purpose. The term
22 “residence” includes the term “residential,” “residential unit,” and “dwelling unit” as referring to
23 the type of or intended use of a building or structure.

1 S. “Riparian corridors” means the riparian watercourse and riparian management area as
2 defined in subsection 25.09.012.D.5.a.

3 T. “Single-family residential property or parcel” means any property or parcel which
4 contains one or two residential dwelling units, including townhouses.

5 U. “Small residential property or parcel” means any single-family residential property or
6 townhouse whose billable area is less than 10,000 square feet.

7 V. “Stormwater facility credit” means a percentage credit, up to the allowable maximum,
8 in accordance with Section 21.33.040, which reduces the drainage service charge for a particular
9 parcel because one or more approved stormwater management facilities are installed and
10 maintained on the parcel. ~~((that relieve some of the burden on the City’s stormwater system.))~~

11 W. “Stormwater performance goals” means minimum requirements for flow control and
12 treatment as appropriate for the drainage discharge point and thresholds as more particularly
13 described in the Stormwater Code, Chapters 22.800 through 22.808.

14 X. “Stormwater management system” means the entire system of flood protection,
15 ~~((and))~~ stormwater drainage, ~~((and))~~ surface water runoff facilities, and stormwater treatment
16 facilities owned or leased by the City or over which the City has right of use for the movement
17 and control of storm drainage and surface water runoff, including both naturally occurring and
18 ~~((man-made))~~ constructed facilities, and any combined sanitary and stormwater system.

19 Y. “Submerged” means that portion of a parcel that extends beyond the shoreline, as
20 delineated by Geographic Information System (GIS).

21 Z. “Utility” means Seattle Public Utilities.

22 AA. “Wetlands” means “wetlands” as defined in Section ~~((25.09.020))~~ 25.09.012, as may
23 be amended from time to time.

1 Section 2. Section 21.33.030 of the Seattle Municipal Code, last amended by Ordinance
2 126690, is amended as follows:

3 **21.33.030 Drainage service charges and drainage rates—Schedule—Exemptions**

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

6 1. The portion of a parcel that contains houseboats or piers that extend beyond the
7 shoreline, as delineated by Geographic Information Systems (GIS) data;

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

11 3. City streets;

12 4. State of Washington highways, so long as the State of Washington shall agree
13 to maintain, construct, and improve all drainage facilities associated with State highways as
14 required by the Utility in conformance with all Utility standards for maintenance, construction,
15 and improvement hereafter established by the Utility and so far as such maintenance,
16 construction, and improvements shall be achieved at no cost to the Utility or to the City; and

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

1 6. Effective January 1, 2013, that portion of a parcel containing a riparian corridor
2 that contains highly infiltrative pervious surface and meeting all qualification criteria established
3 by the Utility by Director’s Rule under Section 3.32.020_ ~~((of the Seattle Municipal Code.))~~ The
4 Utility may consider Geographic Information System data and any other information determined
5 necessary in identifying qualifying riparian corridors.

6 7. Effective January 1, 2013, that portion of a parcel containing an island that
7 contains highly infiltrative pervious surface and less than ten percent ~~((impervious))~~ hard surface
8 area. The Utility may consider Geographic Information System data and any other information
9 determined necessary in identifying qualifying islands.

10 8. Effective upon the date set by ~~((Directors))~~ Director’s Rule, but no later than
11 January 1, 2014, that portion of a parcel containing a wetland that meets all qualification criteria
12 as established by the Utility by Director’s Rule under Section 3.32.020_ ~~((of the Seattle
13 Municipal Code.))~~ The Director’s Rule shall also establish administrative schedules and
14 procedures for demonstrating initial and ongoing compliance with exemption criteria. For the
15 2014 billing year only, the Utility will accept applications and supporting exemption
16 qualification documentation specified in the Director’s Rule through May 15, 2014_ as a basis for
17 an adjustment to the 2014 drainage service charge for a particular parcel. Applications and
18 supporting qualification documentation submitted after May 15, 2014_ will be considered for
19 future billing years under ~~((SMC))~~ subsection 21.33.070.A. The Utility may consider Geographic
20 Information System data and any other necessary information in identifying qualifying wetlands.

21 B. The drainage service charge shall be based upon a parcel’s estimated contribution to
22 City-wide surface and storm water runoff. A parcel’s ~~((run-off))~~ runoff is estimated based on its

1 size and surface characteristics, including the amount and type of (~~impervious~~) hard and
2 pervious surface it contains.

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

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

9 2. General service and large residential properties shall be assigned to a rate
10 category based on the estimated percent of (~~impervious~~) hard surface contained within the
11 parcel. For rate category assignment purposes, percent of (~~impervious~~) hard surface shall be
12 based on the parcel's total non-submerged area for parcels qualifying for exemptions under
13 subsections 21.33.030.A.6, 21.33.030.A.7, and 21.33.030.A.8. For rate class assignment for all
14 other parcels, percent of (~~impervious~~) hard surface shall be based on the parcel's total billable
15 area.

16 Subsequently, through December 31, 2024, properties assigned to the
17 “undeveloped,” “light,” and “moderate” rate categories that also contain sufficient quantities of
18 highly infiltrative pervious surface cover to meet Utility-defined performance requirements shall
19 be assigned to a “low impact” rate category. A separate drainage rate shall apply to each general
20 service and large residential rate category. Effective January 1, 2025, properties with sufficient
21 quantities of highly infiltrative surface areas may qualify for low-impact discounts with discount
22 percentages and surface area qualifications as determined by the Director of Seattle Public
23 Utilities.

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

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

9 ~~((1. Treatment rate. The “treatment rate” shall be the rate required to pay the~~
10 ~~drainage share of “treatment cost” which is the cost of wastewater treatment, interception and~~
11 ~~disposal service as paid to external treatment providers by the Department, and any taxes~~
12 ~~incurred on treatment rate revenue, and any other associated costs necessary to meet Drainage~~
13 ~~and Wastewater Fund policies. The treatment rate shall be adjusted for utility discount program~~
14 ~~credits or any other revenue reducing credits. The treatment rate may be adjusted at any time in~~
15 ~~response to such charges.~~

16 ~~If an external treatment provider implements new rates for wastewater treatment~~
17 ~~or related services, the updated treatment contract cost under the new rates for the subsequent 12-~~
18 ~~month period shall be compared with the Department’s cost assumption used in the adopted~~
19 ~~revenue requirement for the same time period. If the calculated difference for the rate year is~~
20 ~~\$500,000 greater than what was adopted, then it will be deemed material and passed through in~~
21 ~~rates. Treatment rates in all rate schedules will be adjusted upwards or downwards by a~~
22 ~~consistent amount such that the identified material cost difference, including taxes and Utility~~

1 ~~Discount Program expense, is collected from or credited to customers over the subsequent 12-~~
 2 ~~month period from the onset of the rate adjustment.~~

3 ~~2. System rate. The “system rate” shall be the rate required to fund the expense~~
 4 ~~associated with operating, maintaining, and constructing the City’s surface and stormwater~~
 5 ~~management system, including any share of combined sanitary and stormwater system expense~~
 6 ~~assigned to drainage.~~

7 ~~3. Annual drainage treatment rates and dates effective are as follows:~~

8 ~~For small residential parcels, per parcel:~~

| Small Residential Parcels | Jan 1, 2021 | Jan 1, 2022 |
|----------------------------------|--------------------|--------------------|
| Under 2,000 sq. ft. | \$10.97 | \$12.83 |
| 2,000 – 2,999 sq. ft. | \$21.36 | \$22.45 |
| 3,000 – 4,999 sq. ft. | \$30.16 | \$31.47 |
| 5,000 – 7,999 sq. ft. | \$41.00 | \$43.00 |
| 8,000 – 9,999 sq. ft. | \$52.09 | \$54.43 |

9 ~~For general service and large residential parcels, per 1,000 sq. ft.:~~

| | Jan 1, 2021 | Jan 1, 2022 |
|--|--------------------|--------------------|
| Undeveloped (0% to 15% impervious) | \$3.44 | \$3.65 |
| Undeveloped (Low Impact) | \$2.02 | \$2.09 |
| Light (16% to 35% impervious) | \$5.19 | \$5.44 |
| Light (Low Impact) | \$4.02 | \$4.22 |
| Moderate (36% to 65% impervious) | \$7.34 | \$7.74 |
| Moderate (Low Impact) | \$5.82 | \$6.24 |
| Heavy (66% to 85% impervious) | \$9.75 | \$10.25 |
| Very Heavy (86% to 100% impervious) | \$11.62 | \$12.23 |

10 ~~4. Annual drainage system rates are as follows:~~

11 ~~For small residential parcels, per parcel:~~

| | Jan 1, 2021 | Jan 1, 2022 | Jan 1, 2023 | Jan 1, 2024 |
|----------------------------------|---------------------|---------------------|---------------------|---------------------|
| Under 2,000 sq. ft. | \$184.60 | \$191.38 | \$202.85 | \$215.11 |
| 2,000 – 2,999 sq. ft. | \$299.22 | \$314.68 | \$333.50 | \$353.65 |
| 3,000 – 4,999 sq. ft. | \$415.09 | \$434.44 | \$460.41 | \$488.24 |

| | Jan 1, 2021 | Jan 1, 2022 | Jan 1, 2023 | Jan 1, 2024 |
|----------------------------------|---------------------|---------------------|---------------------|---------------------|
| 5,000 – 7,999 sq. ft. | \$558.94 | \$589.67 | \$624.92 | \$662.69 |
| 8,000 – 9,999 sq. ft. | \$705.60 | \$743.56 | \$788.00 | \$835.63 |

1 For general service and large residential parcels, per 1,000 sq. ft.:

| | Jan 1, 2021 | Jan 1, 2022 | Jan 1, 2023 | Jan 1, 2024 |
|-------------------------------------|--------------------|--------------------|--------------------|--------------------|
| Undeveloped (0% to 15% impervious) | \$46.05 | \$50.03 | \$53.03 | \$56.23 |
| Undeveloped (Low Impact) | \$27.43 | \$29.02 | \$30.75 | \$32.61 |
| Light (16% to 35% impervious) | \$68.73 | \$74.22 | \$78.65 | \$83.40 |
| Light (Low Impact) | \$53.85 | \$57.70 | \$61.15 | \$64.85 |
| Moderate (36% to 65% impervious) | \$97.81 | \$105.13 | \$111.41 | \$118.14 |
| Moderate (Low Impact) | \$79.18 | \$84.96 | \$90.03 | \$95.47 |
| Heavy (66% to 85% impervious) | \$129.42 | \$138.87 | \$147.17 | \$156.07 |
| Very Heavy (86% to 100% impervious) | \$154.49 | \$165.60 | \$175.49 | \$186.10 |

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

12 ((6)) 1. Effective November 7, 2008, open space properties or parcels shall be
 13 charged only for the area of ((impervious)) hard surface and at the rate under which the parcel is
 14 classified using the total parcel acreage.

15 2. For small residential parcels:

| <u>Small Residential Parcels</u> | <u>Effective Jan 1, 2024</u> |
|---|---|
| <u>Under 2,000 sq. ft.</u> | <u>\$229.93</u> |
| <u>2,000—2,999 sq. ft.</u> | <u>\$379.58</u> |
| <u>3,000—4,999 sq. ft.</u> | <u>\$524.59</u> |
| <u>5,000—7,999 sq. ft.</u> | <u>\$712.36</u> |
| <u>8,000—9,999 sq. ft.</u> | <u>\$898.51</u> |

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| <u>Small Residential Parcels</u> | <u>Effective Jan 1, 2025</u> | <u>Effective Jan 1, 2026</u> | <u>Effective Jan 1, 2027</u> |
|---|---|---|---|
| <u>Under 2,000 sq. ft.</u> | <u>\$235.28</u> | <u>\$247.09</u> | <u>\$259.54</u> |
| <u>2,000—3,499 sq. ft.</u> | <u>\$447.08</u> | <u>\$469.52</u> | <u>\$493.18</u> |
| <u>3,500—4,499 sq. ft.</u> | <u>\$572.64</u> | <u>\$601.39</u> | <u>\$631.68</u> |
| <u>4,500—5,499 sq. ft.</u> | <u>\$672.93</u> | <u>\$706.71</u> | <u>\$742.31</u> |
| <u>5,500—6,499 sq. ft.</u> | <u>\$764.98</u> | <u>\$803.38</u> | <u>\$843.85</u> |
| <u>6,500—9,999 sq. ft.</u> | <u>\$929.48</u> | <u>\$976.13</u> | <u>\$1,025.31</u> |

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3. For general service and residential parcels 10,000 square feet or greater:

| | <u>Effective Jan 1, 2024</u> |
|--|---|
| <u>Undeveloped (0% to 15% hard surface)</u> | <u>\$60.44</u> |
| <u>Undeveloped (Low Impact)</u> | <u>\$35.02</u> |
| <u>Light (16% to 35% hard surface)</u> | <u>\$89.69</u> |
| <u>Light (Low Impact)</u> | <u>\$69.72</u> |
| <u>Moderate (36% to 65% hard surface)</u> | <u>\$127.08</u> |
| <u>Moderate (Low Impact)</u> | <u>\$102.68</u> |
| <u>Heavy (66% to 85% hard surface)</u> | <u>\$167.91</u> |
| <u>Very Heavy (86% to 100% hard surface)</u> | <u>\$200.23</u> |

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| | <u>Effective Jan 1, 2025</u> | <u>Effective Jan 1, 2026</u> | <u>Effective Jan 1, 2027</u> |
|--|---|---|---|
| <u>Undeveloped (0% to 10% hard surface)</u> | <u>\$59.82</u> | <u>\$54.23</u> | <u>\$53.34</u> |
| <u>Very Light (11% to 20% hard surface)</u> | <u>\$65.11</u> | <u>\$70.91</u> | <u>\$74.48</u> |
| <u>Light (21% to 35% hard surface)</u> | <u>\$94.46</u> | <u>\$97.01</u> | <u>\$101.90</u> |
| <u>Moderate (36% to 50% hard surface)</u> | <u>\$123.19</u> | <u>\$129.37</u> | <u>\$135.89</u> |
| <u>Heavy (51% to 64% hard surface)</u> | <u>\$138.77</u> | <u>\$152.60</u> | <u>\$166.88</u> |
| <u>Very Heavy (65% to 84% hard surface)</u> | <u>\$183.25</u> | <u>\$192.45</u> | <u>\$202.15</u> |
| <u>Impervious (85% to 100% hard surface)</u> | <u>\$216.17</u> | <u>\$232.15</u> | <u>\$243.84</u> |

1 E. Each bill shall be rounded to the nearest cent. The minimum annual drainage service
2 charge shall be \$5 per parcel.

3 Section 3. Section 21.33.040 of the Seattle Municipal Code, last amended by Ordinance
4 124801, is amended as follows:

5 **21.33.040 Stormwater facility credit program**

6 A. The Utility may apply a stormwater facility credit to be effective beginning January 1
7 of the 2009 billing year, in accordance with this Section 21.33.040, to reduce the annual drainage
8 service charge for a particular parcel within the City if the stormwater originating from the parcel
9 being billed is managed by one or more approved stormwater management facilities that are
10 installed on the parcel being billed; or that are installed on a parcel different than the parcel being
11 billed, subject to the following conditions:

12 1. The applicant must be able to demonstrate that the approved stormwater
13 management facility located on a different parcel is designed to manage the stormwater
14 originating on the parcel being billed; and

15 2. If the owner of the parcel being billed does not own the parcel on which the
16 approved stormwater management facility is installed, the applicant must be able to provide
17 adequate documentation confirming that the Utility will have the right to inspect the facility for
18 the applicable purposes under subsection 21.33.040.C; and

19 3. The approved stormwater management facility managing the stormwater from
20 the parcel being billed must not be owned by the Utility, except where the applicant for the credit
21 is the Utility.

22 B. Property owners must complete a stormwater facility credit application and submit it
23 to the Utility by November 1st of any calendar year for credit against the subsequent year's

1 drainage service charge. The stormwater facility credit will not be applied until the Utility has
2 approved the application in writing.

3 C. Prior to approving a stormwater facility credit, and annually after a facility credit is
4 approved, the Utility shall have the right to inspect the approved stormwater management
5 facility(ies) and parcel being billed to confirm application information and continued eligibility
6 for the credit. Inspection may include confirmation of parcel characteristics, such as
7 ~~((impervious))~~ hard surface area, and determination that the facility meets the technical design
8 requirements and is being inspected and maintained in accordance with Stormwater Code
9 Chapters 22.800 through 22.808 and associated Director’s Rules.

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

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

16 2. The percentage of ~~((impervious))~~ hard surface on the parcel that is managed by
17 the approved stormwater management facility(ies); and

18 3. The percentage of the parcel’s drainage service charge which is based on runoff
19 from ~~((impervious))~~ hard surfaces, as determined using flow calculation data for the applicable
20 drainage service charge rate category.

21 E. To assign the uniform rate credit by facility type under ~~((Section))~~ subsection
22 21.33.040.D.1 and calculate the stormwater facility credit only, the Utility will use the
23 stormwater performance goals under the Stormwater, Grading and Drainage Code adopted by

1 Ordinance No. 119965, effective July 5, 2000, for any approved stormwater management facility
2 installed prior to July 5, 2000. The Utility will use the stormwater performance goals under the
3 Stormwater Code in effect at the time the approved stormwater management facility is installed
4 for any such facility installed after July 5, 2000.

5 F. The allowable maximum credit to the drainage service charge per parcel, including the
6 stormwater facility credit and the reduction for rainwater harvesting systems under ~~((Section))~~
7 subsection 21.33.030.D.4, may not exceed 50 percent of the drainage service charge for the
8 parcel. The stormwater facility credit and reduction for rainwater harvesting systems may not
9 reduce the drainage service charge per parcel below the minimum drainage service charge under
10 ~~((Section))~~ subsection 21.33.030.E.

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

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

16 2. ~~((the))~~ The parcel changes ownership;

17 3. ~~((the))~~ The parcel is re-developed or the parcel boundaries change.

18 Section 4. Section 21.33.050 of the Seattle Municipal Code, last amended by Ordinance
19 125191, is amended as follows:

20 **21.33.050 Drainage service charges—Adjustments.**

21 A. Any person receiving a drainage service charge may apply in writing to the Utility for
22 a bill adjustment. Filing such a request does not extend the period for payment of the charge.
23 Requests for adjustments on delinquent accounts will not be acted upon until paid in full.

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

2 1. The billable area of the parcel is incorrect;

3 2. The percent of (~~(impervious))~~ hard surface on a large residential or general
4 service parcel places the parcel in a different rate category than the category assigned by the
5 Utility;

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

9 4. The parcel meets the definition of exempted property and fulfills any
10 qualification criteria established in (~~(SMC))~~ Section 21.33.030 or any Director's Rule referred to
11 therein;

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

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

15 7. The drainage service charge is otherwise erroneous in applying the terms of this
16 (~~(chapter))~~ Chapter 21.33.

17 C. Applications for adjustments may be made to the Utility. The burden of proof shall be
18 on the applicant to show that the adjustment sought should be granted. All decisions of the
19 Utility shall be final.

20 D. If the Utility grants an adjustment which reduces the charge, the applicant shall
21 receive an adjusted bill or be refunded the amount overpaid. If the Utility determines that an
22 adjustment should be made which increases the charge due for the current year, the applicant

1 shall receive a supplemental bill that will be due within 45 days of the date of issue. Applicants
2 for rate adjustments shall be notified in writing of the Utility’s decision.

3 Section 5. Section 21.33.090 of the Seattle Municipal Code, last amended by Ordinance
4 122682, is amended as follows:

5 **21.33.090 Revenue disposition and expenditure conditions ((-))**

6 All moneys obtained pursuant to this ((chapter)) Chapter 21.33 shall be credited and deposited in
7 the Drainage and Wastewater Fund. Moneys deposited in the Drainage and Wastewater Fund
8 from drainage service charges shall be expended for administering, operating, maintaining, or
9 improving the Utility’s stormwater management system, including all or any part of the cost of
10 planning, designing, acquiring, constructing, repairing, replacing, improving, regulating,
11 educating the public, or operating present or future stormwater management facilities owned by
12 the Utility, or to pay or secure the payment of all or any portion of any debt issued for such
13 purpose and the related reserve and coverage requirements. Moneys shall not be transferred to
14 any other funds of the City except to pay for expenses attributable to the stormwater system.

15 Section 6. This ordinance does not affect any existing right acquired or liability or
16 obligation incurred under the sections amended or repealed in this ordinance or under any rule or
17 order adopted under those sections, nor does it affect any proceeding instituted under those
18 sections.

19 Section 7. The provisions of this ordinance are declared to be separate and severable. If a
20 court of competent jurisdiction, all appeals having been exhausted or all appeal periods having
21 run, finds any provision of this ordinance to be invalid or unenforceable as to any person or
22 circumstance, then such provision or provisions shall be null and severed from the rest of this
23 ordinance with respect to the particular person or circumstance. The offending provision with

1 respect to all other persons and all other circumstances, as well as all other provisions of this
2 ordinance, shall remain valid and enforceable.

3 Section 8. This ordinance shall take effect as provided by Seattle Municipal Code
4 Sections 1.04.020 and 1.04.070.

5 Passed by the City Council the 3rd day of September, 2024,
6 and signed by me in open session in authentication of its passage this 3rd day of
7 September, 2024.

8 

9 President _____ of the City Council

Approved / returned unsigned / vetoed this 5th day of September, 2024.

10 

11 Bruce A. Harrell, Mayor

12 Filed by me this 5th day of September, 2024.

13 

14 Scheereen Dedman, City Clerk

15 (Seal)