



Legislation Text

File #: CB 118417, Version: 1

CITY OF SEATTLE
ORDINANCE _____
COUNCIL BILL _____

AN ORDINANCE relating to drainage services of Seattle Public Utilities; amending Sections 21.33.010, 21.33.030, and 21.33.040, and subsection 21.76.040.A of the Seattle Municipal Code to update definitions; adjust drainage rates and provide clarification regarding assignment of parcels to rate categories; define additional conditions under which rate credits may be applicable; and revise credits to low-income drainage customers.

WHEREAS, Seattle City Council Resolution 31534, passed August 11, 2014, adopted a six-year Strategic Business Plan for Seattle Public Utilities (SPU), which guides utility investments, service levels, and rate paths through 2020; and

WHEREAS, the Strategic Business Plan 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, SPU has completed a rate study showing that rate increases are required because existing drainage rates will not provide sufficient revenues to pay the costs of providing drainage services and debt service; and

WHEREAS, SPU has identified the need to further clarify how properties eligible for exemptions for qualifying riparian corridors, undeveloped islands, and wetlands are assigned to applicable rate categories; and

WHEREAS, SPU has determined stormwater management facilities that are located on one parcel may reduce or control flow or improve water quality of stormwater runoff from another parcel in a manner similar to approved stormwater management facilities located on the same parcel as the runoff and which are

currently allowed a stormwater facility credit under the Seattle Municipal Code; and

WHEREAS, credits for qualified low-income customers need to be revised to reflect an increase in drainage rates; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 21.33.010 of the Seattle Municipal Code, last amended by Ordinance 124443, is amended as follows:

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 a ~~((ny))~~ 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))~~ a parcel subject to a drainage service charge to the City's stormwater system, and which meets the technical design requirements for the drainage discharge point applicable to the parcel being billed as more particularly described in the Stormwater Code Chapters 22.800 through 22.808 and associated Director's Rules.

* * *

~~((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.))~~

~~((Q))~~P. "Property owner of record", also referred to as "owner" or "property owner," ~~((;))~~ ~~((shall be))~~ means 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.

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

charges.

~~((S))~~R. "Residence" means a building or structure or portion ~~((thereof))~~ of a structure, 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.

~~((F))~~S. "Riparian corridors" ~~((are))~~ means the riparian watercourse and riparian management area as defined in ~~((SMC))~~ subsection 25.09.020.D.5.a.

~~((U))~~I. "Single-family residential property or parcel" means any property or parcel which contains one ~~((+))~~ or two ~~((+2))~~ residential dwelling units, including townhouses.

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

~~((W))~~V. "Stormwater facility credit" means a percentage credit, up to the allowable maximum, in accordance with Section 21.33.040 ~~((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.

~~((X))~~W. "Stormwater performance goals" means minimum requirements for flow control and treatment as appropriate for the drainage discharge point and thresholds as more particularly described in the Stormwater Code Chapters 22.800 through 22.808

~~((Y))~~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.

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

~~((AA))~~Z. "Utility" means Seattle Public Utilities.

~~((AB))~~AA. "Wetlands" means "wetlands" as defined in ~~((SMC))~~ Section 25.09.020 ~~((of the Seattle~~

Municipal Code)), as may be amended from time to time.

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Section 2. Section 21.33.030 of the Seattle Municipal Code, last amended by Ordinance 124443, is amended as follows:

21.33.030 Drainage service charges and drainage rates -- Schedule -- Exemptions((±))

* * *

C. Drainage service charges shall be determined as follows:

1. Small single-family residential properties shall be assigned to one of ~~((four))~~ five 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. For rate category assignment purposes, percent of impervious surface shall be based on the parcel's total non-submerged area for parcels qualifying for exemptions under subsections 21.33.030.A.6, 21.33.030.A.7, and 21.33.030.A.8. For rate class assignment for all other parcels, percent of impervious surface shall be based on the parcel's total billable area. 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 118 percent to cover the costs of taxes, low income rate assistance, and other allowances. 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 January 1, 2012:

Rate Category	Treatment Rate	System Rate	Total Drainage Rate	Billing Unit
Small Residential				
Under 30	\$11.44	\$137.89	\$149.33	per parcel
3000-499	\$14.78	\$178.01	\$192.79	per parcel

	5000-699	\$20.06	\$241.60	\$261.66	per parcel
	7000-999	\$25.34	\$306.89	\$332.23	per parcel
General Service/Large Residential					
Undeveloped	(0-15% impervio				
	Regular	\$1.69	\$20.27	\$21.96	per 1000 Sq Ft
	Low Imp	\$1.06	\$12.70	\$13.76	per 1000 Sq Ft
Light	(16-35% impervio				
	Regular	\$2.53	\$30.45	\$32.98	per 1000 Sq Ft
	Low Imp	\$2.01	\$24.13	\$26.14	per 1000 Sq Ft
Moderate	(36-65% impervio				
	Regular	\$3.66	\$44.10	\$47.76	per 1000 Sq Ft
	Low Imp	\$2.94	\$35.41	\$38.35	per 1000 Sq Ft
Heavy	(66-85% impervio	\$4.83	\$58.18	\$63.01	per 1000 Sq Ft
Very Heavy	(86-100% impervio	\$5.70	\$68.79	\$74.49	per 1000 Sq Ft

Effective January 1, 2013

Rate Category	Treatment Rate	System Rate	Total Drainage Rate	Billing Unit	
Small Residential					
	Under 30	\$15.92	\$148.13	\$164.05	per parcel
	3000-499	\$20.88	\$192.04	\$212.92	per parcel
	5000-699	\$28.40	\$260.71	\$289.11	per parcel
	7000-999	\$35.92	\$330.05	\$365.97	per parcel
General Service/Large Residential					
Undeveloped	(0-15% impervio				

	Regular	\$2.40	\$20.91	\$23.31	per 1000 Sq Ft
	Low Imp	\$1.40	\$12.25	\$13.65	per 1000 Sq Ft
Light	(16-35% impervie				
	Regular	\$3.60	\$32.45	\$36.05	per 1000 Sq Ft
	Low Imp	\$2.82	\$25.53	\$28.35	per 1000 Sq Ft
Moderate	(36-65% impervie				
	Regular	\$5.13	\$47.22	\$52.35	per 1000 Sq Ft
	Low Imp	\$4.14	\$37.98	\$42.11	per 1000 Sq Ft
Heavy	(66-85% impervie	\$6.82	\$63.42	\$70.23	per 1000 Sq Ft
Very He	(86-100% impervie	\$8.02	\$75.06	\$83.08	per 1000 Sq Ft

Effective January 1, 2014

Rate Category	Treatment Rate	System Rate	Total Drainage Rate	Billing Unit	
Small Residential					
	Under 30	\$19.03	\$161.93	\$180.96	per parcel
	3000-499	\$24.95	\$209.93	\$234.87	per parcel
	5000-699	\$33.93	\$285.00	\$318.92	per parcel
	7000-999	\$42.88	\$360.82	\$403.70	per parcel
General Service/Large Residential					
Undeveloped	(0-15% impervio				
	Regular	\$2.85	\$22.86	\$25.71	per 1000 Sq Ft
	Low Imp	\$1.66	\$13.39	\$15.06	per 1000 Sq Ft
Light	(16-35% impervio				
	Regular	\$4.29	\$35.47	\$39.76	per 1000 Sq Ft
	Low Imp	\$3.37	\$27.90	\$31.27	per 1000 Sq Ft
Moderate	(36-65% impervio				
	Regular	\$6.13	\$51.62	\$57.75	per 1000 Sq Ft
	Low Imp	\$4.94	\$41.51	\$46.45	per 1000 Sq Ft

Heavy	(66-85% impervious)	\$8.15	\$69.33	\$77.48	per 1000 Sq Ft
Very Heavy	(86-100% impervious)	\$9.60	\$82.05	\$91.65	per 1000 Sq Ft)

Effective January 1, 2015

Rate Category	Treatment Rate	System Rate	Total Drainage Rate	Billing Unit	
Small Residential					
	Under 3000	\$18.90	\$179.93	\$198.83	per parcel
	3000-4999	\$24.79	\$233.27	\$258.06	per parcel
	5000-6999	\$33.73	\$316.67	\$350.40	per parcel
	7000-9999	\$42.65	\$400.90	\$443.55	per parcel
General Service/Large Residential					
Undeveloped	(0-15% impervious)				
	Regular	\$2.85	\$25.40	\$28.25	per 1000 Sq Ft
	Low Impervious	\$1.66	\$14.88	\$16.54	per 1000 Sq Ft
Light	(16-35% impervious)				
	Regular	\$4.27	\$39.41	\$43.69	per 1000 Sq Ft
	Low Impervious	\$3.35	\$31.01	\$34.36	per 1000 Sq Ft
Moderate	(36-65% impervious)				
	Regular	\$6.09	\$57.36	\$63.45	per 1000 Sq Ft
	Low Impervious	\$4.92	\$46.12	\$51.04	per 1000 Sq Ft
Heavy	(66-85% impervious)	\$8.10	\$77.03	\$85.12	per 1000 Sq Ft
Very Heavy	(86-100% impervious)	\$9.53	\$91.16	\$100.69	per 1000 Sq Ft

Effective January 1, 2016

Rate Category	Treatment Rate	System Rate	Total Drainage Rate	Billing Unit

Small Residential					
	Under 20	\$12.37	\$111.44	\$123.81	per parcel
	2000-299	\$18.90	\$188.03	\$206.93	per parcel
	3000-499	\$24.79	\$261.84	\$286.63	per parcel
	5000-699	\$33.73	\$356.30	\$390.03	per parcel
	7000-999	\$42.65	\$448.75	\$491.40	per parcel
General Service/Large Residential					
Undeveloped	(0-15% impervious)				
	Regular	\$2.85	\$28.39	\$31.24	per 1000 Sq Ft
	Low Imp	\$1.66	\$16.91	\$18.57	per 1000 Sq Ft
Light	(16-35% impervious)				
	Regular	\$4.27	\$44.25	\$48.52	per 1000 Sq Ft
	Low Imp	\$3.35	\$34.96	\$38.31	per 1000 Sq Ft
Moderate	(36-65% impervious)				
	Regular	\$6.09	\$64.58	\$70.67	per 1000 Sq Ft
	Low Imp	\$4.92	\$52.29	\$57.21	per 1000 Sq Ft
Heavy	(66-85% impervious)	\$8.10	\$85.46	\$93.56	per 1000 Sq Ft
Very Heavy	(86-100% impervious)	\$9.53	\$102.85	\$112.38	per 1000 Sq Ft

Effective January 1, 2017

Rate Category	Treatment Rate	System Rate	Total Drainage Rate	Billing Unit	
Small Residential					
	Under 20	\$12.37	\$126.78	\$139.15	per parcel
	2000-299	\$18.90	\$210.68	\$229.58	per parcel
	3000-499	\$24.79	\$288.84	\$313.63	per parcel
	5000-699	\$33.73	\$391.25	\$424.98	per parcel
	7000-999	\$42.65	\$491.94	\$534.59	per parcel
General Service/Large Residential					
Undeveloped	(0-15% impervious)				
	Regular	\$2.85	\$31.39	\$34.24	per 1000 Sq Ft

	Low Imp	\$1.66	\$18.69	\$20.35	per 1000 Sq Ft
Light	(16-35% imperviou				
	Regular	\$4.27	\$48.37	\$52.64	per 1000 Sq Ft
	Low Imp	\$3.35	\$38.19	\$41.54	per 1000 Sq Ft
Moderate	(36-65% imperviou				
	Regular	\$6.09	\$70.12	\$76.21	per 1000 Sq Ft
	Low Imp	\$4.92	\$56.81	\$61.73	per 1000 Sq Ft
Heavy	(66-85% imperviou	\$8.10	\$92.61	\$100.71	per 1000 Sq Ft
Very Hea	(86-100% imperviou	\$9.53	\$111.11	\$120.64	per 1000 Sq Ft

Effective January 1, 2018

Rate Category	Treatment Rate	System Rate	Total Drainage Rate	Billing Unit	
Small Residential					
	Under 20	\$12.37	\$141.28	\$153.65	per parcel
	2000-299	\$18.90	\$231.22	\$250.12	per parcel
	3000-499	\$24.79	\$315.40	\$340.19	per parcel
	5000-699	\$33.73	\$425.42	\$459.15	per parcel
	7000-999	\$42.65	\$533.98	\$576.63	per parcel
General Service/Large Residential					
Undevelo	(0-15% imperviou				
	Regular	\$2.85	\$34.26	\$37.11	per 1000 Sq Ft
	Low Imp	\$1.66	\$20.40	\$22.06	per 1000 Sq Ft
Light	(16-35% imperviou				
	Regular	\$4.27	\$52.31	\$56.58	per 1000 Sq Ft
	Low Imp	\$3.35	\$41.29	\$44.64	per 1000 Sq Ft
Moderate	(36-65% imperviou				
	Regular	\$6.09	\$75.44	\$81.53	per 1000 Sq Ft

	Low Imp	\$4.92	\$61.17	\$66.09	per 1000 Sq Ft
Heavy	(66-85% impervio	\$8.10	\$99.37	\$107.47	per 1000 Sq Ft
Very Hea	(86-100% impervio	\$9.53	\$119.03	\$128.56	per 1000 Sq Ft

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Section 3. Section 21.33.040 of the Seattle Municipal Code, last amended by Ordinance 123106, is amended as follows:

21.33.040 Stormwater ~~(F)~~facility ~~(C)~~credit ~~(P)~~program~~(S)~~

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

1. The applicant must be able to demonstrate that the approved stormwater management facility located on a different parcel is designed to manage the stormwater originating on the parcel being billed; and
2. If the owner of the parcel being billed does not own the parcel on which the approved stormwater management facility is installed, the applicant must be able to provide adequate documentation confirming that the Utility will have the right to inspect the facility for the applicable purposes under subsection 21.33.040.C; and
3. The approved stormwater management facility managing the stormwater from the parcel being billed must not be owned by the Utility, except where the applicant for the credit is the Utility.

B. Property owners must complete a stormwater facility credit application and submit it to the

Utility by November 1st of any calendar year for credit against the subsequent year's drainage service charge. The stormwater facility credit will not be applied until the Utility has approved the application in writing.

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

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

1. ~~((t))~~ The type and size of the approved stormwater management facility(ies) ~~((installed on the parcel))~~. The Utility will assign a uniform rate credit to each type of approved stormwater management facility based on a weighting of the stormwater performance goals the facility satisfies and that are applicable to the appropriate drainage discharge point for the parcel being billed; ~~((s))~~
2. ~~((t))~~ The percentage of impervious surface on the parcel that is managed by the approved stormwater management facility(ies); ~~((s))~~ and
3. ~~((t))~~ The percentage of the parcel's drainage service charge which is based on runoff from impervious surfaces, as determined using flow calculation data for the applicable drainage service charge rate category.

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Section 4. Subsection 21.76.040.A.2 of the Seattle Municipal Code, which section was last amended by Ordinance 124660, is amended as follows:

21.76.040 ~~((Low Income Rate Credits.))~~ Low-income rate credits

A. Drainage, ~~((W))wastewater~~, and ~~((W))water~~. Persons qualified by the Human Services Department as eligible recipients of low-income utility credits provided for in Section 21.76.010 <<http://clerk.ci.seattle.wa.us/~scripts/nph-brs.exe?d=CODE&s1=21.76.010.snum.&Sect5=CODE1&Sect6=HITOFF&l=20&p=1&u=%2F%7Epublic%2Fcode1.htm&r=1&f=L3%3B1%3B21.76.010.SNUM.>> (eligible recipients) shall be granted low-income billing credits in the following amounts:

* * *

2. Drainage. Eligible recipients residing inside The City of Seattle shall receive the following credits for drainage services based on dwelling type:

	((Effective <u>Effective</u> January 1, <u>January 1,</u> 2012	Effective <u>Effective</u> January 1, <u>January 1,</u> 2013	Effective <u>Effective</u> January 1, <u>January 1,</u> 2014	Effective	<u>Effective</u> <u>January 1,</u> <u>2016</u>	<u>Effective</u> <u>January 1,</u> <u>2017</u>	<u>Effective</u> <u>January 1,</u> <u>2018</u>
Single-family	\$10.90 per month	\$11.93 per month	\$13.15 per month	\$14.60 per month	\$16.25 per month	\$17.71 per month	\$19.13 per month
Duplex	\$5.45 per month	\$5.97 per month	\$6.58 per month	\$7.30 per month	\$8.13 per month	\$8.85 per month	\$9.57 per month
Multifamily	\$1.17 per month	\$1.28 per month	\$1.41 per month	\$1.56 per month	\$1.74 per month	\$1.89 per month	\$2.05 per month

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Section 5. The provisions of this ordinance are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, finds any provision of this ordinance to be invalid or unenforceable as to any person or circumstance, then such provision or provisions shall be null and severed from the rest of this ordinance with respect to the particular person or circumstance. The offending provision with respect to all other persons and all other circumstances, as well as all other provisions of this ordinance, shall remain valid and enforceable.

Section 6. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as

provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2015, and
signed by me in open session in authentication of its passage this
____ day of _____, 2015.

President _____ of the City Council

Approved by me this ____ day of _____, 2015.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2015.

Monica Martinez Simmons, City Clerk

(Seal)