

AM NO. 09-103

MEMO TO: City Council

FROM: John Marchione, Mayor

DATE: May 19, 2009

SUBJECT: **ORDINANCE: APPROVAL OF MODIFICATIONS TO STORMWATER BILLING CODE**

I. RECOMMENDED ACTION

Approve the attached Ordinance that modifies the stormwater billing code, adds stormwater rate adjustments for rainwater harvesting and regional facilities participation, modifies language regarding the stormwater capital facilities charges, and provides for severability and establishes an effective date.

II. DEPARTMENT CONTACT PERSONS

Bill Campbell, Director of Public Works	556-2733
Mike Bailey, Director of Finance	556-2160
Ron Grant, Assistant Public Works Director/City Engineer	556-2742
Jon Spangler, Natural Resources Division Manager	556-2823
Jeanne Justice, Natural Resources Engineering Supervisor	556-2887
Helen Eckhart, Revenue Manager	556-2182

III. DESCRIPTION

Background

Several proposed changes to the stormwater code were discussed with Council at the March 24, 2009, study session. A summary of the proposed implementation plan based on the discussion with Council is shown below:

- Proceed with “Code Housekeeping” updates presented to City Council at the study session. Ordinance changes for Council action on May 19, effective for July 2009 stormwater bills:
 - Credits for rainwater harvesting and regional facility participation
 - Clarifying language for use of regional facility funds

- Proceed with “Accuracy” updates and the Opt-out provision to Redmond Municipal Code language on May 19, with changes effective for January 2010 stormwater bills:
 - Billing by parcel to the property owner (changes in the ordinance clarify the billing process)
 - Truncation of impervious units calculation to 0.1 (new language in ordinance)
 - Limited opt-out (or reduced charge to opt-in) of regional facilities (new language in ordinance)
 - Impervious area calculations based on aerial photos
 - Digitize gravel areas separately from other impervious areas and do not include with impervious area calculations (will consider with rate study in 2010)
 - Existing parcels with impervious surface that are not currently billed will start to receive bills in January 2010

- Conduct outreach to property owners for “Accuracy” updates this summer:
 - Letter sent prior to the May 19 Council meeting to property owners of parcels with impervious area not currently being billed.
 - Letter to each “other developed” parcel property owner explaining new billing process, amount of bill to begin in January, appeal process, billing options, how to change King County taxpayer information, etc.
 - Develop form for owners to request billing to property management or billing services
 - Appeals/changes due by October to be reflected in the January bill
 - Outreach to current bill payers in July 2009 (with water and sewer bills)
 - Information published in Redmond Reporter, Chamber newsletter, and the City website
 - Specific review of SE Redmond properties (site visits as needed)
 - **Staff report in early October to provide an update to Council**

- Begin fund for stormwater infiltration assistance with increase revenue gained for Accuracy updates (Jan-Dec 2010 excess revenue)
- Review policy issues with the 2010 rate study, for the 2011-2012 budget:
 - Gravel as impervious area
 - Credits for onsite controls
 - Various charges for differing sizes of single family homes

Staff believes that the proposed implementation plan reflects the Council concerns regarding timing, notification of changes, ability of owners to appeal or request changes, and utilizing the expected additional revenue to create a fund to provide assistance to property owners upgrading existing infiltration systems in Wellhead Protection Zones 1 and 2.

This Ordinance

The attached ordinance reflects changes to the code language to include the Code Housekeeping updates, and to reflect the Accuracy updates, which include the following changes:

- Adding credits for rainwater harvesting and participation in regional facilities
- Adding the ability for parcels to opt-out of regional facility participation under certain circumstances
- Adding language to sub-basin facilities charges to clarify spending allowed for design, property acquisition, etc.
- Modifying the billing language to clarify stormwater billing by parcel to the property owner and clarifying certain billing procedures
- Truncating the impervious unit calculation to 0.1

These changes primarily impact non-single family parcels. The attached ordinance amends language in Redmond Municipal Code Chapters 13.17, 13.18, and 13.20 in order to implement the above listed changes and establish effective dates.

IV. IMPACT

- A. Fiscal: The additional credits and opt-out provision will decrease revenue long-term, but is offset by the change to truncate impervious units to 0.1 which increases revenue approximately \$10,000/month. Separating the stormwater bills from the water/sewer bills and sending the bill to the property owner could result in more bills that need to be liened against the property. Overall, the Stormwater Utility will continue to comply with financial policies established by City Council.

V. ALTERNATIVES

Council could choose not to approve the modifications, or could choose to modify the proposal by staff.

VI. TIME CONSTRAINTS

The credits and language changes would become effective on the effective dates indicated in the ordinance.

ATTACHMENT A

**CITY OF REDMOND
ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING RMC 13.17, UTILITY ACCOUNTS; RMC 13.18, STORMWATER MANAGEMENT UTILITY; AND RMC 13.20, STORMWATER DRAINAGE CAPITAL FACILITIES CHARGES, TO CLARIFY STORMWATER BILLING PROCEDURES, TO MODIFY STORMWATER RATE ADJUSTMENTS, AND TO CLARIFY SUB-BASIN CAPITAL FACILITIES CHARGES.

WHEREAS, stormwater is an important environmental concern for all citizens of the City of Redmond; and

WHEREAS, billing of stormwater provides the revenue for the City to design, construct, and maintain the stormwater system; and

WHEREAS, stormwater billing is based on the amount of impervious surface on each parcel of land within the City and modified by rate adjustments; and

WHEREAS, the Natural Resources Division of the City's Public Works Department has recommended clarifying and modifying language in the stormwater code in order to improve accuracy and equity in the billing of stormwater fees, and to add additional credits to those fees for certain actions.

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

Section 1. Classification. This ordinance is of a general and permanent nature, and shall become a part of the City Code.

Section 2. Amendment of Chapter. RMC 13.17, Utility Accounts, is hereby amended to read as follows:

13.17.010 Utility accounts.

A. Utility accounts shall be established for any property, structure, or use receiving water, sewer, or stormwater services. The Finance Department may aggregate or separate accounts for such properties, structures, or uses as it determines appropriate considering property ownerships, tenants, consolidation of bills, [~~EASE OF PAYMENT BY OWNER OR TENANTS,~~] shut-off and lien procedures, and any other applicable factors.

B. Accounts for water service shall be established as soon after water meter installation as feasible. Water service shall be billed from date of meter installation. Water service accounts shall only be terminated after removal of the structure or use receiving water service and removal of the meter as processed through a water shut-off. Accounts for

structures which are temporarily or permanently vacant shall continue to receive regular service charges.

C. Accounts for sewer service shall be established as soon after the side sewer connection as feasible. Sewer service shall be billed from date of side sewer connection. Sewer service accounts shall only be terminated after removal of the structure or use receiving sewer service, and removal of the side sewer providing the service as documented by a side sewer permit inspection.

D. Stormwater service shall be billed at such time that Public Works notifies Utility Billing that impervious surface on a parcel has changed. Stormwater service accounts shall only be terminated when parcels are returned to "undeveloped" status based on a restoration plan approved by the City.

13.17.020 Billing.

A. Billing for single-family residential shall be bimonthly. Billing for multi-family residential, commercial, **other developed (stormwater only)**, and irrigation shall be monthly, except that multi-family residential, commercial, **other developed,** and irrigation may be billed bi-monthly for isolated uses

located within single-family areas. Billing dates may be staggered throughout the month and billing dates shall be established administratively by the Finance Director.

B. Fixed monthly charges shall apply from billing date to billing date, read date to read date, or shall apply for a one month period of time, as determined by the Finance Director, and may be prorated based on the number of days in the billing period. Commodity charges shall be based on consecutive meter readings which shall be scheduled to be completed a reasonable time before the billing dates.

C. If on the billing date the meter reading for the billing period shall not have been completed, the consumption for the billing period shall be estimated from patterns of previous consumption.

D. For water and sewer accounts a [A] final billing will be processed [~~FOR ALL ACCOUNTS~~] when a change in ownership occurs or when a change in tenants occurs. A final stormwater bill for a change in tenants will only be processed if the account is classified as single family and is billed with the water or sewer bills as indicated in 13.17.040,

section B. For stormwater accounts classified as other developed a final bill will only be processed when there is a change in parcel ownership. An

administrative fee in an amount established by the Finance Director to cover the administrative costs for processing a final bill shall be charged to any account for which a final billing is processed.

13.17.030 Due date.

All rates and charges for water service, hydrant use, sewer service and stormwater management service shall be due on the day stated in the billing statement.

13.17.040 Billing statements.

~~{BILLING STATEMENTS FOR SINGLE FAMILY RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, COMMERCIAL AND IRRIGATION ACCOUNTS SHALL BE MADE IN THE NAME OF THE PROPERTY OWNER, OR PURSUANT TO A PROPERTY OWNERS WRITTEN AGREEMENT WITH THE CITY, TO A MANAGEMENT COMPANY, TENANT OR OTHER AUTHORIZED AGENT. BILLINGS MADE TO PERSONS OTHER THAN THE PROPERTY OWNER SHALL NOT RELIEVE THE OWNER OF THE PROPERTY FROM LIABILITY FOR PAYMENT OF RATES AND CHARGES FOR WATER SERVICE, HYDRANT USE, SEWER SERVICE AND STORMWATER MANAGEMENT SERVICE, INCLUDING, BUT NOT LIMITED TO, MONTHLY~~

~~CHARGES, COMMODITY CHARGES, DELINQUENCY CHARGES, LIEN FEES, AND COURT FEES AND SHALL NOT IN ANY WAY AFFECT THE LIEN RIGHTS OF THE CITY AGAINST THE PROPERTY TO WHICH THE SERVICES ARE FURNISHED.]~~

A. Water and Sewer billing statements for single family residential, multi-family residential, commercial and irrigation accounts shall be made in the name of the property owner, or pursuant to a property owners' written agreement with the city, to a management company, tenant or other authorized agent.

B. For residential parcels classified as single family by the stormwater code 13.18.040 Section E, the stormwater fee shall be billed with the sanitary sewer or on the water bill for the entire parcel if the property is served by those utilities.

C. For "other developed" parcels (including duplexes), a single stormwater-only bill will be issued to the property owner (taxpayer) of record per the King County Assessor Records. At the written request of the property owner, the bill may be forwarded to a property management company or a payment processing center; however, no stormwater billings for "other developed" parcels will be made in the name of a tenant. Property held in common by

several owners may be billed to a homeowners association or property management company.

D. A separate stormwater bill shall be issued to the property owner (taxpayer) of record per the King County Assessor Records for single family and other developed parcels within the City which are not city water or sanitary sewer customers.

E. Billings made to persons other than the property owner shall not relieve the owner of the property from liability for payments of rates and charges for water service, hydrant use, sewer service and stormwater management service, including, but not limited to, monthly charges, commodity charges, delinquency charges, lien fees and court fees and shall not in any way affect the lien rights of the city against the property to which the services are furnished.

13.17.050 Returned payments.

An account for which a payment for rates and charges for water, sewer, or stormwater services is made to the city and said payment is not honored by the bank or other financial institution for insufficient funds or for any other reason, shall be charged an

administrative fee in an amount as established by the Finance Director.

13.17.060 Partial payments.

(A) Any payment of fees and charges for water, sewer, or stormwater services shall be applied to the outstanding fees and charges in the following manner:

(1) Where a single combined bill is sent to an account holder for water, sewer and stormwater, any payment received shall be applied to the outstanding fees and charges in the following manner:

~~(A)~~ (a) To the fees and charges of the billing with the earliest due date.

~~(B)~~ (b) In the following order of fees and charges within said billing.

~~(1)~~ (i) Fees and charges not identified below.

~~(2)~~ (ii) Metro sewage disposal component of the sewer service charges.

~~(3)~~ (iii) Stormwater service charges.

~~(4)~~ (iv) Redmond collection component of the sewer service charges.

~~(5)~~ (v) Water service charges.

(2) Where separate bills for water, sewer, and stormwater are sent to a single account holder or to multiple account holders for a single parcel, any payment received shall be applied to the outstanding fees and charges owed by the account holder submitting payment.

13.17.070 Delinquent accounts.

Any account for which a fee or charge shall remain unpaid at the close of business on the due date shall be delinquent.

13.17.080 Delinquent account processing.

A. Interest shall be charged for any sewer or stormwater fee or charge, or any portion thereof, which has not been paid within sixty days of the due date. The interest rate shall be 8 percent per annum computed on a monthly basis. This interest charge shall be billed on each regular billing as the charges become applicable.

B. The Public Works Director together with the Finance Director shall establish regulations and procedures for discontinuing water service to properties for which water service fees become delinquent. These regulations and procedures shall

provide for a date at which delinquent accounts will be processed for shutoff and shall provide for a notice to be given advising of the planned discontinuance of water service. Administrative fees in an amount established by the Finance Director to cover the administrative costs of notification and processing shall be charged to any account for which delinquent water fees and charges remain unpaid in accordance with said rules and regulations. Administrative fees in an amount established by the Finance Director to cover the cost to turn off and turn on water service shall be charged to any account for which an employee of the city is sent to the property to turn on or turn off the water in accordance with said rules and regulations.

C. All fees and charges for water, sanitary sewer and stormwater services including but not limited to all charges for turning water on or off, together with any penalties and interest that may be provided by ordinance, shall be a lien upon the property to which the water, sanitary sewer and/or stormwater service is furnished superior to all other liens and encumbrances whatsoever, except those for general taxes and local

and special assessments. Liens shall be enforced by the city in the manner provided by law.

D. The Public Works Director together with the Finance Director shall establish regulations and procedures for the filing of liens against properties for non-payment of sewer and stormwater fees and charges. In the event that the city shall prepare and/or record a written lien against a property pursuant to state law, administrative fees in amounts established by the Finance Director shall be charged to cover the administrative costs of preparing and filing such lien and shall be added to the delinquent charges. In the event that the city shall prepare and/or file a claim in small claims court for non-payment of sewer and stormwater fees and charges, administrative fees in amounts established by the Finance Director shall be charged to cover the administrative costs of preparing and filing such claim and shall be added to the delinquent charges. In addition to the administrative fee, reasonable attorney's fees as may be awarded by the court shall be charged to the account.

E. The additional and concurrent method of enforcing the lien of the City for the delinquent and

unpaid sewer and stormwater fees and charges by turning off the water service to the premises to which water, ~~[AND]~~ sanitary sewer, and stormwater management services are furnished shall not be exercised after two years from the date of recording of the lien notice, as provided by law, except to enforce payment of one year's charges for which no lien notice is required by law to be recorded.

F. The Finance Director and/or the Public Works Director, or their respective designees, shall have the authority to adjust the amount of any service charges and to waive all or any portion of the interest charges and administrative fees established by this section in the case of errors, malfunctions of meters or other system components, excusable neglect, undue hardship, uncollectible debt, or other similar extenuating circumstance.

Section 3. Amendment of Chapter. RMC 13.18,
Stormwater Management Utility, is hereby amended to read as follows:

**13.18.010 Stormwater management utility created -
Responsibilities.**

There is created and established pursuant to RCW Chs. 35A.80 and 35.67, a storm and surface water utility to be known as the "Redmond Stormwater Management Utility." All references to "the utility" in this chapter refer to the Redmond Stormwater Management Utility. The utility will have primary authority and responsibility for carrying out the city's comprehensive drainage and storm sewer plan, including responsibilities for planning, design, construction, maintenance, administration, and operation of all city storm and surface water facilities, as well as establishing standards for design, construction, and maintenance of improvements on private property where these may affect storm and surface water management.

13.18.020 Administrator of utility.

The Director of Public Works shall be ex officio administrator of the utility.

13.18.030 Ownership of city stormwater facilities and assets.

Title and all other incidents of ownership of the following assets are vested in the utility: All properties, interests, and physical and intangible rights of every nature owned or held by the city,

however acquired, insofar as they relate to or concern storm or surface water sewage, further including, without limitation, all properties, interests, and rights acquired by adverse possession or by prescription, directly or through another, in and to the drainage or storage, or both, of storm or surface waters, or both, through, under, or over lands, watercourses, sloughs, streams, ponds, lakes, and swamps, all beginning in each instance, at a point where storm or surface waters first enter the storm and surface water system of the city and ending in each instance at a point where the storm or surface waters exit from the storm and surface water system of the city, and in width to the full extent of inundation caused by storm or flood conditions, together with all funds on deposit in the city storm drainage construction fund and future revenues of said

13.18.040 Rates and charges - Definitions.

As used in this chapter, the following terms have the meanings set forth below:

A. "Developed parcel" means a parcel of real property which has been altered by grading or filling of the ground surface, or by construction of any

improvement or other impervious surface area which affects the hydraulic properties of the parcel.

B. "Impervious surface" means those hard surfaced areas which either prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions preexisting any development on the property, and/or those hard surfaced areas which cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions preexisting any development on the property, including, but not limited to, such surfaces as rooftops, asphalt or concrete sidewalks, paving, driveways, parking lots, walkways, patio areas, storage areas, and gravel, oiled macadam or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.

C. "Impervious unit" means a configuration or conglomeration of impervious surface estimated to contribute an amount of runoff to the city's stormwater management system which is approximately equal to that created by the average single-family residential parcel. One impervious unit (IU) is

equivalent to two thousand square feet of impervious surface area. For purposes of computation of rates and charges [~~ONLY WHOLE~~], impervious units are [~~CONSIDERED; FRACTIONS ARE~~] truncated [~~NOT ROUNDED UP~~] to the nearest tenth.

D. "Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area which constitutes a separate lot or tract capable of being conveyed without further subdivision.

E. "Single-family parcel" means a parcel which has been actually developed with a single-family residence.

F. "Undeveloped parcel" means any parcel of real property which has not been altered by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area which affects the hydraulic properties of the parcel.

G. "On-site infiltration," for purposes of this chapter, is a method of stormwater management in which all of the following are met:

1. Rainfall and runoff reaching the site are percolated into the ground within the site; and

2. The collection and percolation of the rainfall and runoff is achieved by facilities which are in conformance with written engineering analysis and plans, both of which have been approved by the city; and

3. Maintenance, repair and reconstruction of all parts of facilities for collecting the rainfall and runoff and achieving its percolation into the ground are the responsibility of and are maintained to design levels by the property owner(s).

H. "Other developed parcel" means any developed parcel not defined as a single-family parcel in section E above, including duplexes and rights of way.

13.18.050 System of charges.

The following monthly service charges are established for all parcels of real property within the boundaries of the city, as they now exist or as they may be hereafter amended, for the purpose of carrying on the responsibilities of the stormwater management utility:

A. Undeveloped Parcels. Undeveloped parcels shall not be charged.

B. Single-Family Parcels. The monthly **service** charge for each single-family parcel shall be \$16.56

per month, which shall hereafter be referred to as the "base rate."

C. Other Developed Parcels. The monthly service charge for all other developed parcels, including city owned properties and rights-of-way, shall be computed by multiplying the base rate times the number of impervious units applicable to the parcel times the rate adjustment for the parcel as determined under Section 13.18.060. This formula is expressed mathematically as follows:

$$\text{Charge} = \text{Base Rate} \times \text{IUs} \times \text{Rate Adjustment}$$

D. Minimum Charge. Notwithstanding the number of impervious units applicable to any individual property, there shall be a minimum monthly service charge for all developed properties equal to the base rate.

13.18.060 Rate adjustment.

A. Generally. The rate adjustment used to compute the monthly service charge for parcels without on-site infiltration shall be determined by taking the coverage factors set forth in subsection B of this section and adding or subtracting any applicable water quality and quantity factors, and any special program

adjustment, as determined under subsections C and D of this section. The rate adjustment used to determine the monthly service charge for parcels with on-site infiltration shall be as set forth in subsection D and F of this section. Parcels served by multiple water quality or quantity facilities will have the rate adjustment calculated based on the percentage of area treated by each facility.

B. Coverage Factor.

For Impervious Surface Expressed as a Percentage Rate Adjustment of Total Parcel Area Over		Is
30%		+ 1.10
40%		+ 1.20
50%		+ 1.30
60%		+ 1.40
70%		+ 1.50
80%		+ 1.60
90%		+ 1.70

C. Water Quantity and Quality Factors.

1. Quantity Factors:[

	Design 10 10 Year	Storm Size 10 25 Year Year	100 100 Year
On-Site retention 0	-0.25	-0.30	-0.35
On-site detention 0	-0.15	-0.20	-0.25
Direct discharge 0	-0.25	-0.30	-0.35

]

<u>Facility Type</u>	<u>Design Storm</u>			
	<u><10 Year</u>	<u>10 Year</u>	<u>25 Year</u>	<u>100 Year</u>
<u>On-site retention</u>	<u>0</u>	<u>-0.25</u>	<u>-0.30</u>	<u>-0.35</u>
<u>On-site detention</u>	<u>0</u>	<u>-0.15</u>	<u>-0.20</u>	<u>-0.25</u>
<u>Direct discharge</u>	<u>0</u>	<u>-0.25</u>	<u>-0.30</u>	<u>-0.35</u>
<u>Regional Facility detention*</u>	<u>0</u>	<u>-0.08</u>	<u>-0.10</u>	<u>-0.13</u>

*The regional facility credit is available only after payment of the applicable sub-basin capital facility charge

2. Quality Factors: [

Design Storm Size
10 10 25 100
Year Year Year Year

~~No standard or special measures~~

~~+0.20 +0.20 +0.20 +0.20~~

~~Standard floatables separator~~

~~0 0 0 0~~

~~Special measures (e.g., bio-filters)~~

~~-0.20 -0.25 -0.30 -0.35~~

]

<u>Facility Type</u>	<u>Design Storm</u>			
	<u><10 Year</u>	<u>10 Year</u>	<u>25 Year</u>	<u>100 Year</u>
<u>No standard or special measures</u>	<u>+0.20</u>	<u>+0.20</u>	<u>+0.20</u>	<u>+0.20</u>

<u>Standard floatables separator</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Special measures</u>	<u>-0.20</u>	<u>-0.25</u>	<u>-0.30</u>	<u>-0.35</u>
<u>Regional facility water quality*</u>	<u>-0.10</u>	<u>-0.13</u>	<u>-0.15</u>	<u>-0.18</u>

***The regional facility credit is available only after payment of the applicable sub-basin capital facility charge**

~~[THE FACTORS SET FORTH IN THIS SUBSECTION SHALL APPLY ONLY IF THE ON-SITE OR OTHER FACILITIES FOR WHICH A REDUCTION IN THE RATE ADJUSTMENT IS GIVEN MET APPLICABLE CITY STANDARDS UPON INSTALLATION, RECEIVED CITY APPROVAL OF CONSTRUCTION, AND HAVE BEEN AND ARE MAINTAINED AND OPERATED IN ACCORD WITH CITY STANDARDS APPLICABLE AT THE TIME OF BILLING. IN THE EVENT THAT THE ADMINISTRATOR OF THE UTILITY DETERMINES THAT THE OPERATION AND MAINTENANCE STANDARDS ARE NOT COMPLIED WITH, NO REDUCTION IN THE RATE ADJUSTMENT SHALL BE MADE FOR WATER QUANTITY FOR A MINIMUM OF ONE YEAR AND UNTIL OPERATION AND MAINTENANCE DO MEET CITY STANDARDS, WHEREUPON THE PERSON BEING BILLED MAY REAPPLY FOR SYSTEM INSPECTION AND FOR APPLICATION OF THE WATER QUANTITY AND/OR QUALITY CREDIT FACTOR.]~~

D. Special Programs. Adjustments for special programs may be determined on a case-by-case

contractual basis upon approval by the City Council.
Under this provision the roof area of commercial buildings on "other developed" parcels may receive a 10% discount on the final stormwater rate for utilizing a properly sized permissive rainwater harvesting system, as allowed by city and state regulations.

E. Because developed city rights-of-way provide surface drainage, access to the storm drain pipes and overflow routes for stormwater in many areas, such developed rights-of-way shall have a fixed single rate adjustment of 0.5, notwithstanding any other provision of this section.

F. Rate Adjustment for On-Site Infiltration. The following rate adjustments shall apply to parcels with on-site infiltration systems:

Billing Per Impervious Unit for Parcels With On-site Infiltration
Design Storm Frequency

Coverage Percent	<10 yr.	≥10 yr.	≥25 yr.	≥100 yr.
<30	1.00	0.50	0.40	0.30
≥30	1.10	0.59	0.49	0.39
≥40	1.20	0.62	0.52	0.42
≥50	1.30	0.65	0.55	0.45
≥60	1.40	0.69	0.59	0.49
≥70	1.50	0.72	0.62	0.52
≥80	1.60	0.75	0.65	0.55
≥90	1.70	0.79	0.69	0.59

G. The factors set forth in this section shall apply only if the on-site or other facilities for which a reduction in the rate adjustment is given met applicable city standards upon installation, received city approval of construction, and have been and are maintained and operated in accord with city standards applicable at the time of billing. In the event that the administrator of the utility determines that the operation and maintenance standards are not complied with, no reduction in the rate adjustment shall be made for water quantity, water quality, special programs, or infiltration for a minimum of one year and until operation and maintenance do meet city standards, whereupon the person being billed may reapply for system inspection and for application of the special programs, infiltration, water quantity and/or quality credit factor.

13.18.070 Authority to promulgate rules.

The administrator of the utility is authorized to promulgate rules and regulations governing the proration or other adaptation of rates to particular site circumstances and any other matters necessary to

calculate or impose the service charges provided for in this chapter.

~~[13.18.080 BILLING AND COLLECTION.~~

~~THE STORMWATER MANAGEMENT SERVICE CHARGES IMPOSED UNDER THIS CHAPTER SHALL BE COMPUTED ON A MONTHLY BASIS. THE AMOUNT BILLED SHALL BE INCLUDED ON THE SANITARY SEWER BILL OR ON THE WATER BILL IF THE PROPERTY IS NOT SERVED BY SANITARY SEWER. A SEPARATE BILLING SHALL BE MADE TO THOSE PROPERTY OWNERS WITHIN THE CITY WHO ARE NOT CITY WATER OR SANITARY SEWER CUSTOMERS. BILLING SHALL BE PERIODIC ACCORDING TO THE SAME SCHEDULE FOR WATER OR SANITARY SEWER BILLING APPLICABLE TO THE PROPERTY AS PROVIDED IN CHAPTER 13.17.]~~

Section 4. Amendment of Chapter. RMC 13.20, Storm Drainage Capital Facilities Charges, is hereby amended to read as follows:

13.20.010 Purpose.

The purpose of this chapter is to establish storm drainage connection or capital facilities charges for all properties within the City that are hereafter developed with impervious surface contributing storm water runoff.

13.20.020 Definitions.

As used in this chapter, the following terms have the meanings set forth below:

A. "Development" means any alteration by grading or filling of the ground surface, or by construction of any improvement or other impervious surface area that affects the hydraulic properties of any parcel of land.

B. "Impervious surface" means those hard surfaced areas which either prevent or retard the entry of water into the soil in the manner that such water entered the soil under natural conditions preexisting any development on the property, and/or those hard surfaced areas which cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions preexisting any development on the property, including, but not limited to, such surfaces as rooftops, asphalt or concrete sidewalks, paving, driveways, parking lots, walkways, patio areas, storage areas, and gravel, oiled macadam, or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.

C. "Impervious unit" means a configuration or conglomeration of impervious surface estimated to contribute an amount of runoff to the City's stormwater management system which is approximately equal to that created by the average single-family residential parcel. One impervious unit (IU) is equivalent to two thousand square feet of impervious surface area. For purposes of computation of the charges provided for in this chapter, [~~ONLY WHOLE~~] impervious units are [~~CONSIDERED; FRACTIONS ARE~~] truncated (rounded down) **to the nearest tenth.**

13.20.030 Capital facilities charge imposed.

There is hereby established a storm drainage capital facilities charge which shall be imposed upon all parcels which are proposed to be developed within the City. No building permit, short subdivision or subdivision approval, or other permit allowing development within the City shall be granted except upon payment of said capital facility charge.

13.20.040 Amount of charge.

The capital facilities charge established by RMC 13.20.030 shall be calculated for each property based upon the number of impervious units proposed to be

created by the development. The charge for each impervious unit is \$958.00. The total charge to be paid in connection with any development approval shall be determined by multiplying the total number of impervious units to be created by the proposed development by the charge for each unit.

13.20.045 City center capital facilities charges.

A. Parcels which are proposed to be developed within the city center sub-area depicted on the map attached to City of Redmond Ordinance No. 2320 shall not be required to construct on-site storm water detention and water quality facilities as required elsewhere in this code. In lieu of such construction, a city center storm water capital facilities charge is hereby imposed upon all such parcels. The city center capital facilities charge shall be used by the City to design, acquire property for, and conduct other activities necessary to construct sub-area-wide storm water conveyance, detention and water quality facilities to detain and treat storm water generated by properties within the sub-area.

B. The city center capital facilities charge shall be calculated for each property based upon the

number of impervious units proposed to be created by the development. The charge for each impervious unit is \$4,292.00. The total charge to be paid in connection with any development approval shall be determined by multiplying the total number of impervious units to be created by the proposed development by the charge for each such unit.

C. The city center capital facilities charge provided for in this section shall be in addition to the citywide capital facilities charge established by RMC 13.20.030 and 13.20.040. No building permit, short subdivision or subdivision approval, or other permit allowing development within the city center sub-area, shall be granted except upon payment of said capital facilities charge.

D. Owners of properties adjacent to the Sammamish River or adjacent to the publicly owned property immediately adjacent to the Sammamish River may seek to have their properties opt out of the City's regional (sub-basin) stormwater system and the city center capital facilities charge or may seek a reduced city center capital facility charge. These properties must also have (or be able to construct) a private discharge system to the River.

1. Any owner of property that seeks to opt out shall make a proposal to the city identifying the ability of a property or set of properties to be served by a private discharge system to the River. Private properties under common control and/or properties that are part of an existing private drainage system may be included in an opt out proposal. Properties separated by a public right-of-way may be included only if they are connected by an existing private drainage system. The Technical Committee will review the proposal and will approve it if the Technical Committee determines that the proposed private drainage system:

(a) detains and treats all stormwater from the properties proposed or required to be served by the private drainage system in a manner that meets all City water quality and quantity control standards;

(b) can be constructed, installed or improved without interfering with the ongoing operation of any other utility line or improvement within the public right-of-way or public property;

(c) can be constructed, installed, or improved within easements or other property interests owned or controlled by the applicant;

(d) will not adversely impact other properties in the vicinity; and

(e) otherwise meets the requirements of the City's codes and standards.

2. The Director of Public Works and any property owner who would qualify to opt out of the regional stormwater system and capital facilities charge may agree on a reduced capital facility charge in exchange for the property owner not opting out. The reduced capital facility charge shall be based on the estimated cost to design and construct the private stormwater detention and water quality facilities that would be necessary to provide a private stormwater discharge system meeting the City's regulations, together with the amount by which the value of the property owner's property would be affected by the use of a portion of that land for the private stormwater facilities. If the Director of Public Works and the property owner agree on the amount of the reduced capital facility charge, the reduced capital facility charge shall be agreed to in a written instrument to be recorded against the title of the property. The reduced charge shall thereafter be applied to all properties or parcels subject to the agreement, and

the property owner may not thereafter opt out of the regional (sub-basin) stormwater system and the reduced city center capital facility charge for those properties or parcels without the City's consent.

3. The ability to opt out provided by this section applies only to the regional stormwater system and capital facility charge. All other charges, including but not limited to, the citywide capital facilities charge, the monthly stormwater rates, and the stormwater engineering, plan review, and processing fees associated with development applications, provided elsewhere in this Title shall continue to apply to properties that have opted out or for which a reduced city center capital facility charge has been agreed upon.

13.20.047 Overlake Capital Facility Charges.

A. Parcels which are proposed to be developed within the Overlake sub-basin depicted on the map attached to this Ordinance shall not be required to construct onsite stormwater detention and water quality facilities as required elsewhere in this code. In lieu of such construction, an Overlake sub-basin stormwater capital facilities charge is hereby imposed

upon all such parcels. The Overlake sub-basin capital facilities charge shall be used by the City to **design, acquire property for, and conduct other activities necessary to** construct basin-wide stormwater detention and water quality facilities to detain and treat stormwater generated by properties within the sub-basin. Interim stormwater facilities may be required to protect downstream properties until regional facilities are constructed.

B. The Overlake capital facilities charge shall be calculated for each property based upon the number of impervious units proposed to be created by the development. The charge for each impervious unit is \$4,397.00. The total charge to be paid in connection with any development approval shall be determined by multiplying the total number of impervious units to be created by the proposed development by the charge for each such unit.

C. The Overlake sub-basin capital facilities charge provided for in this section shall be in addition to the citywide capital facilities charge established by Section 13.20.030 and .040. No building permit, short subdivision or subdivision approval, or other permit allowing development with

the Overlake sub-basin shall be granted except upon payment of said capital facilities charge.

13.20.050 Storm drainage construction fund.

There is established a storm drainage construction fund into which shall be paid all capital facilities charges collected under this chapter, all area and frontage charges collected under previous ordinances, and all contributions made by the City and from other sources, and from which shall be paid the cost and expense of planning, designing, constructing and installing general facilities for storm drainage and flood control and maintenance and operation thereof.

13.20.060 Disbursements to district.

Repealed by Ord. 2306.

13.20.070 Collection of charges.

The capital facility charges imposed by this chapter shall be paid prior to issuance of any building permit, short subdivision or subdivision approval, or other permit allowing development within the City.

13.20.080 Credits.

The Public Works Department shall establish a system for recording payments of capital facilities charges made pursuant to this chapter in order that credit may be recorded and given for contributions made for storm drainage general facilities in connection with that property. It is the intent of this section that development shall not be charged twice for the same proposed impervious unit and that where a proposed impervious unit has been paid for pursuant to a short subdivision or subdivision approval, site plan approval, or other development approval required by the City, the applicant shall not be charged a second time for that unit when a building or other subsequent permit for the same development is issued.

13.20.090 Additional requirements for development within district.

Repealed by Ord. 2306.

13.20.100 Additional requirements for development.

The owners of all property within the City being improved or developed shall be responsible for the installation of an adequate storm drainage system within his or her property in conformity with City

standards and in conformity with the comprehensive storm drainage plan of the City.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance or any code provision adopted hereby should be held to be 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 or any such code provision.

Section 6. Effective Date. This ordinance shall take effect and be in full force five days after its passage and publication of a summary as required by law, provided, that

- A. For all parcels that are currently billed for stormwater service as of the date this ordinance is passed, the rate adjustments provided in RMC 13.18.060, as amended by this ordinance, shall apply to all stormwater service for which a bill is generated on or after July 1, 2009, and
- B. For all parcels that are currently billed for stormwater service as of the date this ordinance is passed, all provisions of this ordinance other than the amendments to RMC 13.18.060 shall apply to all stormwater service for which a bill is generated on or after January 1, 2010; and

C. For all parcels that are not currently billed for stormwater service as of the date this ordinance is passed, all provisions of this ordinance, including the rate adjustments provided in RMC 13.18.060, as amended herein shall apply to all stormwater service for which a bill is generated on or after the date that a stormwater utility account is established for such parcel pursuant to RMC 13.17.010; and

D. This ordinance shall not give rise to any right of any person to a refund for any portion of any stormwater charges incurred or paid during the period prior to the dates specified in subsections (A) and (B), nor shall this ordinance be construed as requiring that the City collect any additional charges for any parcel for which the stormwater charge is increased by this ordinance prior to the dates set forth in subsections (A) and (B).

ADOPTED by the Redmond City Council this ____ day of _____, 2009.

CITY OF REDMOND

MAYOR JOHN MARCHIONE

ATTEST/AUTHENTICATED:

MICHELLE M. MCGEHEE, CMC, CITY CLERK (SEAL)

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: _____

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
SIGNED BY THE MAYOR:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO.