Ordinance No. 3461

(Amending or Repealing Ordinances)

CFN=1201 - Mendian Stormwater Capital Improvement System Development Fee Passed – 6/1/1999
Soos Creek Watershed Stormwater Charges – Technical Corrections
(Amends KCC Sec. 7.05.090 and 7.05.160)

Amends Ords. 2547;3453;3459
Amends Ord. 3224 (Sec. 7.05.090)

Amended by Ord. 3488;3527 (Sec. 7.05.090)

Ord. 3534 readopting, re-enacting, ratifying and confirming rates and fees
Amended by Ord. 3819;3864;3901;3981;4021;4060 (Sec. 7.05.090)

The date ["Beginning July 1, 1998"] has led to confusion. This date will be deleted from cover sheets of ordinance/resolution revision pages. This cover sheet will be deleted on electronic pages only, no other deletions or changes have been made to the document – 6/21/2012
ORDINANCE NO. 3461

AN ORDINANCE of the City Council of the City of Kent, Washington, implementing technical amendments to Ordinance 3459, which changed the basin-specific rate and connection fee charged by the City storm and surface water utility within the Soos Creek Watershed, and which amended Sections 7.05.090 and 7.05.160 of the Kent City Code.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 7.05.090 of the Kent City Code is hereby amended as follows:

Sec. 7.05.090. System of charges.
A. There is hereby imposed a system of charges on each parcel of real property within the city served by or to which is available for service the storm and surface water utility established by this chapter. The charges are found to be reasonable and necessary to fund administration, planning, design, construction, operation, maintenance, repair, improvement, and replacement of all existing and future storm and surface water facilities, including the accumulation of reserves and the retirement of any associated debt.
B. The following charges are hereby established for all parcels of real property in the city:
   1. Residential parcels. Effective January 1, 1998, the single-family residential rate shall be two dollars and forty-four cents ($2.44) per month for each parcel.

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having one (1) residential dwelling plus the basin specific charge of subsection B.4 below.

2. Agricultural and undeveloped parcels: Agricultural parcels shall be charged the monthly residential parcel rate. Undeveloped parcels shall not be charged.

3. Other parcels:
   a. The charge for all other parcels except residential parcels, agricultural parcels and undeveloped parcels shall be based upon:
      (1) The total amount of impervious surface as expressed in equivalent service units (an equivalent service unit has been determined to be two thousand five hundred (2,500) square feet of impervious surface or any fraction thereof), and
      (2) The percentage of impervious surface area on each parcel.
   b. The charge for all such parcels shall be computed:
      (1) By multiplying the total number of ESU's on each by the appropriate parcel impervious multiplier; and
      (2) Multiplying the results by the sum of the single-family residential rate and the appropriate basin-specific charge.
   c. Impervious multipliers are hereby established:

<table>
<thead>
<tr>
<th>Percentage of impervious area per parcel (impervious surface/total surface x 100)</th>
<th>Impervious multiplier</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 40</td>
<td>1</td>
</tr>
<tr>
<td>41 to 60</td>
<td>1.2</td>
</tr>
<tr>
<td>61 to 80</td>
<td>1.4</td>
</tr>
<tr>
<td>81 to 100</td>
<td>1.6</td>
</tr>
</tbody>
</table>

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(2) Impervious multipliers correlate the hydraulic impact of a parcel to its percentage of impervious surface per parcel. The multiplier for the average single-family residence is established as one (1). The multiplier linearly increases as the percentage of impervious area increases. The final category has a multiplier of one and six-tenths (1.6) which reflects the hydraulic impact on the drainage system compared to that impact of the average single-family residence.

4. *Basin-specific charges.* The city shall have all lawful powers and authorities to fix, alter, regulate and control charges within specific basins and subbasins. The purpose of the power and authority granted in this section is to provide for charging parcels of one (1) basin or subbasin for improvements, studies or extraordinary maintenance which specifically and solely benefit the property owners thereof. The basin-specific charges are as follows:

<table>
<thead>
<tr>
<th>Basin</th>
<th>Effective date January 1, 1998</th>
<th>Effective date January 1, 2000</th>
<th>Effective date January 1, 2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>Westside</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>O</td>
<td>0.09</td>
<td>0.09</td>
<td>0.09</td>
</tr>
<tr>
<td>K, L, M, D, E, F, P &amp; N</td>
<td>0.13</td>
<td>0.13</td>
<td>0.13</td>
</tr>
<tr>
<td>Eastside</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mill Creek</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Upper (G)</td>
<td>4.07</td>
<td>4.07</td>
<td>4.07</td>
</tr>
<tr>
<td>Lower (A)</td>
<td>4.81</td>
<td>4.81</td>
<td>4.81</td>
</tr>
<tr>
<td>Valley Det. (Q)</td>
<td>4.81</td>
<td>4.81</td>
<td>4.81</td>
</tr>
<tr>
<td>Garrison Creek</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lower (B)</td>
<td>Upper (J &amp; I)</td>
<td>Direct (C)</td>
</tr>
<tr>
<td>---------------</td>
<td>-----------</td>
<td>---------------</td>
<td>------------</td>
</tr>
<tr>
<td></td>
<td>2.02</td>
<td>1.85</td>
<td>2.12</td>
</tr>
<tr>
<td></td>
<td>2.02</td>
<td>1.85</td>
<td>2.12</td>
</tr>
<tr>
<td></td>
<td>2.02</td>
<td>1.85</td>
<td>2.12</td>
</tr>
</tbody>
</table>

The boundaries of the described basins are generally indicated on Attachment A to Ordinance No. 3461. The boundaries of the basins and subbasins are generally defined and on file in the city clerk’s office. The detailed definitions thereof are reflected on maps filed in the engineering division of the public works department, which are available to the public for review and/or copying during normal business hours.

5. Water quality charges:
   a. The city hereby authorizes and declares its intent to establish, within two (2) years of the adoption of this chapter, a water quality charge which may be added to any or all of the above rates. The purposes of such a charge will be to finance monitoring, testing, treatment and control of pollutant discharges into the storm and surface water system, including the exercise of all lawful enforcement powers of the city. A plan for developing such charges, and a schedule and budget for this project shall be submitted to the city council for review and approval within ninety (90) days of adoption of this chapter. A system of water pollution charges for storm and surface water run-off from all parcels of real property in the city shall be developed within two (2) years.
   b. Such charges should be based upon appropriate indices of pollutant discharges which approximate each parcel’s contribution to the problem of water quality within storm and surface water facilities including all receiving waters.

6. Undeveloped parcels shall be subject to all charges established under this section upon development of a parcel. Development shall be determined by the date of issuance of a building permit or any other permit for development purposes or as otherwise established by the director of public works.
SECTION 2. - Severability. If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

SECTION 3. - Effective Date. This Ordinance shall take effect and be in force thirty (30) days from and after its passage, approval, and publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

DONNA SWAW
BRENDA JACOBER, CITY CLERK, DEPUTY

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED: 1 day of June, 1999.

APPROVED: 2 day of June, 1999.

PUBLISHED: 4 day of June, 1999.

I hereby certify that this is a true copy of Ordinance No. 3461, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

DONNA SWAW
BRENDA JACOBER, CITY CLERK; DONNA SWAW, DEPUTY

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