Ordinance No. 3656

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

CONO=565 – Storm Drainage Control
Passed – 8/19/2003
Rainwater Harvesting System – Amendment to Ch. 7.05 KCC

Amends Ords. 2547;3042

Amended by Ord. 3779
ORDINANCE NO. 3656

AN ORDINANCE of the City Council of the City of Kent, Washington, amending sections 7.05.020 and 7.05.130 of the Kent City Code relating to storm and surface water utility charges in order to include a ten (10) percent rate reduction for commercial properties utilizing a rainwater harvesting system. This rate reduction was passed by the Legislature and signed by the Governor under Engrossed Substitute House Bill 2088, which took effect July 31, 2003.

WHEREAS, on May 20, 2003, Governor Locke signed into law Engrossed Substitute House Bill 2088 ("ESHB 2088"), which amends RCWs 35.67.020 and 35.92.020 and requires cities to provide a minimum ten (10) percent rate reduction in the amount of storm or surface water charges billed to owners or renters of commercial buildings if that property utilizes a rainwater harvesting system, and

WHEREAS, ESHB 2088 also requires a commercial property owner or renter using a rainwater harvesting system to use a system that is properly sized to utilize the available roof surface of the building, and

WHEREAS, the Washington State Building Code Council, on July 12, 2002, adopted Permissive Rainwater Harvesting System Guidelines for Non-Residential Occupancies which provides guidance on the installation of an acceptable system, and

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WHEREAS, ESHB 2088 took effect on July 31, 2003, and requires a code amendment to sections 7 05.020 and 7 05 130 of the Kent City Code relating to storm and surface water utility charges in order to include a definition of “rainwater harvesting system” and a provision allowing for the ten (10) percent rate reduction if such a system is in use by a commercial property owner or renter, NOW THEREFORE,

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

SECTION 1. – Amendment Section 7 05 020 of the Kent City Code, entitled “Definitions,” is amended as follows:

Sec. 7.05.020. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Detention shall mean the temporary storage of storm and surface water run-off with provisions for the controlled release of the stored water.

Equivalent service unit (ESU) shall mean a configuration of development or impervious surfaces estimated to contribute an amount of run-off to the City’s storm and surface water drainage system which is approximately equal to that created by the average single-family residential parcel. This excludes the multiplier effects of continuous areas of impervious surfaces larger than an ESU. One (1) ESU is equal to two thousand five hundred (2,500) square feet of impervious surface area or any portion thereof.

Impervious multiplier shall mean a multiplier used in the City storm and surface water utility rate formula which reflects the hydraulic impact of increasing percentages of impervious surface area. The effect of such multiplier is to increase the monthly service charge for parcels having a higher ratio of impervious surface area to total surface area.
**Impervious surface** shall mean that hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions pre-existent to development, and/or that hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions pre-existent to development. Common impervious surfaces include, but are not limited to, roof tops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, and oiled, macadam or other surfaces which similarly impede the natural infiltration of surface water.

**Parcel** shall mean the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for tax purposes and given a tax account (lot) number by the King County assessor.

**Parcel, agricultural** shall mean any parcel of land upon which crops are produced or livestock is raised, and may include houses, barns, greenhouses and other structures related to farming activities. Agriculture includes both commercial and noncommercial activities.

**Parcel, developed** shall mean any parcel 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.

**Parcel, single-family residential** shall mean any parcel of land having on it a dwelling unit which is designed for occupancy by one (1) family or a similar group of people.

**Parcel, undeveloped** shall mean any parcel which has not been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface area which affects the hydraulic properties of the parcel.

**Rainwater Harvesting System** shall mean a system that is properly sized to utilize the available roof surface on any new or remodeled commercial building, which complies with the guidelines established by the Washington State Building Code Council for a harvesting system that collects and stores rainwater for the purpose of supplying water to plumbing fixtures, industrial applications, or used for irrigation purposes.
Retention shall mean the storage of storm and surface water run-off with no provisions for release of the stored water other than by evaporation and infiltration.

Storm and surface water facility shall mean any natural or person-made component of the City storm and surface water system. Storm and surface water facility shall also include any structure or facility impacting the City system, or otherwise related to storm and surface water management.

Storm and surface water system shall mean the total system of storm and surface water facilities as described in KCC 7 05 040 and the drainage basins map.

SECTION 2. – Amendment. Section 7 05.130 of the Kent City Code, entitled “Rate reductions – Credits,” is amended as follows:

Sec. 7.05.130. Rate reductions – Credits. The finance director, upon direction of the director of public works or designee shall reduce (credit) the normal storm and surface water utility charge for a parcel of real property when the public works department finds:

1. The owner of a parcel, other than a residential parcel, has installed an approved onsite retention system which substantially reduces the flows expected after the development of such a parcel. No credit shall be given for mitigating measures which are required to meet any ordinance, regulation, other control or standard established by the City, King County or the state. Such credits shall be commensurate with the mitigating effects so that the reduction in rates will be in approximate proportion to the reduction in run-off. In no case shall such a credit result in a rate less than the monthly charge for a single-family residential parcel. A system of standard credits in storm and surface water utility charges for retention measures shall be developed and transmitted to the City Council for approval within ninety (90) days of adoption of this chapter.
2. Such a credit will remain in effect as long as:
   a. The owner of such a system has obtained the proper permits and constructed the system according to plans approved by the director of public works or designee;
   b. The owner remains responsible for all costs of operation and maintenance of the system consistent with City standards, whether operated and maintained by the owner or by the City; and
   c. The director of public works or designee has access for inspection of the system to determine if it is in compliance with design and maintenance standards, and is functioning properly.

3. The owner or renter of a new or remodeled commercial building is utilizing a permissive rainwater harvesting system, as defined in KCC 7.05.020. In such cases, and in accordance with RCWs 35.67.020 and 35.92.020, the owner or renter shall receive a credit equal to a minimum ten (10) percent rate reduction. The City's public works director will consider rate reductions in excess of ten (10) percent depending upon the amount of rainwater harvested.

43. The owner or renter of a single-family residential parcel of real property qualifies under Resolution 980 for lifeline rates. In such cases, the lifeline charge rate for the qualifying customer shall be ninety-two cents ($0.92) per month, and basin-specific charges pursuant to KCC 7.05.090 (B)(5) shall not be imposed.

54. The owner of a parcel of real property has made improvements to existing and natural watercourses which will result in the enhancement of water quality or the restoration or enhancement of natural spawning or rearing areas. These credits shall continue so long as the owner or his agent satisfactorily maintains the watercourse improvements. Standards and criteria for establishing the amount of reductions for such improvements shall be developed, with the assistance of a fisheries biologist, and transmitted to the City Council for approval within one hundred eighty (180) days of the adoption of this chapter.
approved onsite retention systems in subsection (1) above, and
approved water quality enhancement efforts, in subsection (43) above, are found to be
mitigating measures pursuant to RCW 90.03 510 and thereby entitled to the credits
provided in this section.

SECTION 3. – Severability If any one or more section, 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 4. – Effective Date This ordinance shall take effect and be
in force thirty (30) days from and after its passage as provided by law.

JIM WHITE, MAYOR

BRENDA JACOBER, CITY CLERK

TOM BRUBAKER, CITY ATTORNEY
PASSED. 19 day of August, 2003
APPROVED 19 day of August, 2003
PUBLISHED. 23 day of August, 2003

I hereby certify that this is a true copy of Ordinance No 5656 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK

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