

**ORDINANCE NO. \_\_\_\_-2017**

Amending the Stormwater Management Program Rate Structure in  
Chapter 12.40 of the Kitsap County Code

**BE IT ORDAINED:**

**Section 1.** Kitsap County Code Section 12.08.175 “Equivalent Service Unit,” last modified by Ordinance 540-2016, is amended as follows:

“Equivalent service unit (ESU)” means the average estimated amount of impervious surface area on a single-family residential parcel. For the purposes of calculating the service charges in ~~Section 12.40.050~~ Chapter 12.40, an ESU shall be defined as four thousand two hundred (4,200) square feet of impervious surface area.

**Section 2.** Kitsap County Code Section 12.40.010, “Title,” last modified by Ordinance 540-2016, is amended as follows:

The ordinance codified in this chapter shall be titled “~~Storm Water~~Stormwater Management Program Rate Structure.”

**Section 3.** Kitsap County Code Section 12.40.020, “Purpose,” last modified by Ordinance 540-2016, is amended as follows:

The purpose of this chapter is to establish the regulatory fees necessary to carry out the ~~storm water~~stormwater management program contemplated within RCW 36.89.020 and chapter 12.36 of Kitsap County code by fixing rates and charges pursuant to RCW 36.89.080. These fees ~~are for~~support the furnishing of surface and stormwater related services to those properties that are or may be served or by a drainage system, those that receiveing or may receive benefits, or to be served or to receive benefits from any drainage facilitysystem, ~~or and those properties contributing to surface water runoff within Kitsap County. This authority is being invoked in order to minimize property damage;~~ promote and protect the public health, safety and welfare; minimize water quality degradation, ~~by preventing siltation, contamination pollution, and erosion of the county’s waterways~~damage to water resources; protect drinking water aquifers; ensure the safety of county roads and rights-of-way; increase educational and recreational opportunities; encourage the retention of open space; and foster other generally beneficial public uses.

**Section 4.** Kitsap County Code Section 12.40.050, “Rate Structure,” last modified by Ordinance 540-2016, is renumbered to 12.40.040 and amended as follows:

~~(1) The rates and service charges shall be based on the service provided and relative contribution of storm water runoff from a given parcel to the storm water control facilities. The average estimated percentage of impervious surfaces on the parcel, the land use classification, the total parcel acreage and/or measured impervious surface area will be used to determine the relative contribution of storm water runoff from the parcel.~~

(2) The board of county commissioners shall establish from time to time, by resolution, the unit rate applied to each class of property identified below:

<b>Class of Property</b>	<b>Basis of Service Charge</b>
(1) Single-family residence	A unit rate per single-family residence based on one ESU.
(2) Multifamily residence	Number of dwelling units times the unit rate.
(3) Apartments	Estimated or measured impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU but not less than one, times the unit rate. In the absence of measured impervious surface area, impervious surface area shall be estimated by multiplying the gross parcel size by a density of development factor of fifty one percent.
(4) Commercial uses	Estimated or measured impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU but not less than one, times the unit rate. In the absence of measured impervious surface area, impervious surface area shall be estimated by multiplying the gross parcel size by a density of development factor of sixty two percent.
(5) Industrial uses	Estimated or measured impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU but not less than one, times the unit rate. In the absence of measured impervious surface area, impervious surface area shall be estimated by multiplying the gross parcel size by a density of development factor of thirty four percent.
(6) Institutional uses	Estimated or measured impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU but not less than one, times the unit rate. In the absence of measured impervious surface area, impervious surface area shall be estimated by multiplying the gross parcel size by a density of development factor of forty one percent.
(7) Undeveloped land	No charge.
(8) County roads	Estimated or measured impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU times the unit rate.
(9) State roads	Thirty percent of the base rate for impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU times the unit rate.

All property shall have a base service charge of one equivalent service unit (ESU), which is 4,200 square feet of impervious surface area as defined in chapter 12.08 KCC, except when modified by measured impervious surface area as provided herein. This base charge contemplates not only the direct impacts of parcel impervious surface on runoff to the county drainage system, but also the indirect impacts of the land use on the county roads and other public infrastructure that are impacted by stormwater and which the county manages for the protection of life and property.

(1) Single family residential property shall have the service charge of one ESU multiplied by the unit rate. Such service charge will not be affected by the existence of other uses of the property

so long as the single family residential use is the primary use.

(2) State roads shall have a service charge of thirty percent (30%) of the base service charge in accordance with RCW 90.03.525.

(3) County roads shall have a service charge of measured impervious surface area divided by square foot of one ESU (4,200), rounded to the nearest ESU but not less than one, multiplied by the unit rate.

(4) Undeveloped land shall have no service charge.

(5) All other property shall have the service charge of measured impervious surface area divided by the square footage of one ESU (4,200), rounded to the nearest ESU but not less than one, multiplied by the unit rate. These service charges may be reduced as follows:

(3A) Rainwater Harvesting Rate Reduction: - Any new or remodeled commercial building (as defined by subsections (2)(3) through (6) of this section) that utilizes developed parcel that is retrofitted for rainwater harvesting may receive a fifty percent rate reduction for those surfaces from which the rain is harvested. In order to obtain the To be eligible for this 50% rate reduction, the proponent must demonstrate through an analysis prepared by a licensed professional engineer that the system will result in zero surface water discharge for all storm events contained in the Ecology Manual, using the hydrologic methods described in Section 12.20.020 the current Kitsap County or Washington Department of Ecology Stormwater Design Manual. The proponent is responsible for requesting the credit. The rate reduction will become effective for the calendar year following the request. Annual inspections by the department of public works to ensure proper operation and maintenance will be required to retain this rate reduction.

(4B) One Hundred Percent Retention/Full Infiltration Rate Reduction: - Any new or remodeled commercial development (as defined by subsections (2)(3) through (6) of this section) that utilizes developed parcel that adds approved techniques (such as dispersion, bioretention, or infiltration) to attain one hundred percent infiltration of all site rain runoff water may receive a fifty percent rate reduction. In order to obtain the To be eligible for this 50% rate reduction, the proponent must demonstrate through an analysis prepared by a licensed professional engineer that the system will result in zero surface water discharge for all storm events contained in the Ecology Manual, using the hydrologic methods described in Section 12.20.020 the current Kitsap County or Washington Department of Ecology Stormwater Design Manual. The proponent is responsible for requesting the credit. The rate reduction will become effective for the calendar year following the request. Annual inspections by the department of public works to ensure proper operation and maintenance will be required to retain this rate reduction.

(5C) Direct Discharge to Tidally Influenced Waters Rate Reduction: - Any new or remodeled commercial development (defined by subsections (2)(3) through (6) of this section) developed parcel that is modified to discharges directly into Puget Sound, or directly into the tidally influenced areas of rivers and streams discharging into Puget Sound, and that utilizes approved

techniques to meet current water quality treatment standards, may receive a fifty percent rate reduction. In order to obtain the To be eligible for this 50% rate reduction, the proponent must demonstrate through an analysis prepared by a licensed professional engineer that the system conforms to the requirements of the Kitsap manual and Section 12.20.040 current Kitsap County or Washington Department of Ecology Stormwater Design Manual (SDM), using the hydrologic methods described in the SDM, and that the site does not discharge surface runoff except through the direct discharge system. The proponent is responsible for requesting the credit. The rate reduction will become effective for the calendar year following the request. Annual inspections by the department of public works to ensure proper operation and maintenance will be required to retain this rate reduction.

**Section 5.** Kitsap County Code Section 12.40.055, “Unit rates,” last modified by Ordinance 540-2016, is renumbered to 12.40.050 and amended as follows:

- (1) ~~The unit rate shall be \$73.50 per year per ESU or single family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2), starting January 1, 2013.~~
- (2) ~~The unit rate shall be \$78.00 per year per ESU or single family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2), starting January 1, 2014.~~
- (3) ~~The unit rate shall be \$82.00 per year per ESU or single family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2) starting January 1, 2015.~~
- (4) ~~The unit rate shall be \$86.50 per year per ESU or single family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2) starting January 1, 2016.~~
- (5) ~~The unit rate shall be \$91.00 per year per ESU or single family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2) starting January 1, 2017.~~
- (6) ~~The unit rate shall be \$96.00 per year per ESU or single family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2) starting January 1, 2018.~~

The unit rate for each ESU shall be established through resolution by the board of county commissioners and may be adjusted from time to time as reasonably necessary.

**Section 6.** Kitsap County Code Section 12.40.070, “Service charge adjustments and appeals,” last modified by Ordinance 540-2016, is amended as follows:

- (1) Any person billed for service charges may file a request for service charge adjustment with the director within thirty days of the date of the bill. However, filing of such a request does not extend the period for payment of the charge.
- (2) A request for service charge adjustment may be granted or approved by the director, subject to the county assessor’s review if modification of the assessor’s database is recommended, only when one of the following conditions exists:
  - (A) The parcel is owned and is the personal residence of a person or persons determined by the county assessor as qualified for a low income senior citizen exemption authorized under RCW 84.36.381; parcels qualifying hereunder shall be given the same percentage reduction in the service charge as in RCW 84.36.381;
  - (B) The acreage of the parcel charged is in error;

(C) The parcel is nonresidential and the actual impervious surface area of the parcel, as established by a licensed surveyor or engineer, is more than fifty percent of an equivalent service unit greater than or less than the estimated or measured impervious surface area used in determining the charge;

(D) Parcels owned or leased by a public school district which provides activities which directly benefit the ~~storm-water~~stormwater management program. The activities may include: curriculum specific to the issues and problems of ~~storm-water~~stormwater management, and student activities in the community to expose students to the efforts required to restore, monitor or enhance the ~~storm-water~~stormwater management system. Pursuant to RCW 36.89.085, the amount of the service charge adjustment shall be determined by the director based upon the cost of the activities to the school district, but not to exceed the value of the activity to the ~~storm-water~~stormwater management program. Determination of which activities qualify for the ~~storm-water~~stormwater management service charge reduction will be made by the director. Reductions in ~~storm-water~~stormwater management service charges will only be granted to school districts which provide programs that have been evaluated by the director. The service charge adjustment for the school district activity may be applied to any parcel in the service area which is owned or operated by the school district;

(E) The service charge bill was otherwise not calculated in accordance with the terms of this chapter; or

(F) The parcel exists in its natural unimproved condition and will remain in its natural unimproved condition with no allowable human activities or manmade improvements which adversely affect water quantity or quality.

(3) Service charge adjustments will only apply to the bill then due and payable, and bills subsequently issued. In the event that the county replaces estimated impervious surface area with measured impervious surface area, in the absence of an appeal, such actual impervious surface area will be used for future bills.

(4) The property owner shall have the burden of proving that the service charge adjustment should be granted.

(5) Decisions on requests for service charge adjustment shall be made by the director based on information submitted by the applicant and by the public works department within thirty days of the adjustment request, except when additional information is needed. The applicant shall be notified in writing of the director's decision. If an adjustment is granted which reduces the service charge for the current year, the applicant shall be refunded the amount overpaid in the current year.

(6) If the director finds that a service charge bill has been undercharged, then either an amended bill shall be issued which reflects the increase and service charge or the undercharged amount will be added to the next year's bill. This amended bill shall be due and payable under the provisions set forth in Section 12.40.060.

(7) Decisions of the director on requests for service charge adjustments shall be final unless

within thirty days of the date the decision was mailed, the applicant submits in writing to the director a notice of appeal setting forth a brief statement of the grounds for appeal and requesting a hearing before the Kitsap County ~~b~~Board of ~~e~~County ~~e~~Commissioners.

**Section 7.** Kitsap County Code Section 12.40.080, “Use of Funds,” last modified by Ordinance 540-2016, is amended as follows:

Service charges collected under this chapter shall be deposited into a special fund or funds to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating ~~storm-water~~stormwater control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing, maintaining and improving the ~~storm-water~~stormwater management program and drainage facilities.

**Section 8.** Kitsap County Code Section 12.40.090, “Lien for delinquent charges and foreclosures,” last modified by Ordinance 540-2016, is amended as follows:

(1) Delinquent service charges shall bear interest as provided in RCW 36.89.090 and 36.89.092 at the rate of twelve percent per annum, or such rate as may hereafter be authorized by law, computed on a monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the charges regardless of when the charges were first delinquent.

(2) The county shall have a lien for delinquent service charges, including interest thereon, against any property subject to service charges; the lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such liens shall be effective and shall be enforced and foreclosed in the manner provided by RCW 36.94.150; except that the service charge lien shall be effective for a total not to exceed one year’s delinquent service charges without the necessity of any writing or recording of the lien with the county records and elections division, as provided for in RCW 36.89.093. In accordance with RCW 36.89.094, the county may commence to foreclose a ~~storm-water~~stormwater management service charge lien after three years from the date ~~storm-water~~stormwater management charges become delinquent, in lieu of the provisions provided for in RCW 36.94.150.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2017

**BOARD OF COUNTY COMMISSIONERS  
KITSAP COUNTY, WASHINGTON**

ATTEST:

\_\_\_\_\_  
**CHARLOTTE GARRIDO**, Chair

\_\_\_\_\_  
**ROBERT GELDER**, Commissioner

\_\_\_\_\_  
Dana Daniels, Clerk of the Board

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**EDWARD E. WOLFE**, Commissioner

**Chapter 12.40**  
**STORM WATER MANAGEMENT PROGRAM RATE STRUCTURE**

Sections:

- 12.40.010 Title.
- 12.40.020 Purpose.
- 12.40.030 Applicability.
- 12.40.050 Rate structure.
- 12.40.055 Unit rates.
- 12.40.060 Billing.
- 12.40.070 Service charge adjustments and appeals.
- 12.40.080 Use of funds.
- 12.40.090 Lien for delinquent charges and foreclosures.

**12.40.010 Title.**

The ordinance codified in this chapter shall be titled “Stormwater Management Program Rate Structure.”

**12.40.020 Purpose.**

The purpose of this chapter is to establish the regulatory fees necessary to carry out the stormwater management program contemplated within RCW 36.89.020 and chapter 12.36 of Kitsap County code by fixing rates and charges pursuant to RCW 36.89.080. These fees support the furnishing of surface and stormwater related services to those properties that are or may be served by a drainage system, those that receive or may receive benefits from any drainage system, and those properties contributing to surface water runoff within Kitsap County. This authority is being invoked in order to minimize property damage; promote and protect the public health, safety and welfare; minimize water quality degradation, pollution, and damage to water resources; protect drinking water aquifers; ensure the safety of county roads and rights-of-way; increase educational and recreational opportunities; encourage the retention of open space; and foster other generally beneficial public uses.

**12.40.030 Applicability.**

The requirements of this chapter shall apply to all parcels of real property in unincorporated Kitsap County, including public and private property.

**12.40.040 Rate structure.**

All property shall have a base service charge of one equivalent service unit (ESU), which is 4,200 square feet of impervious surface area as defined in chapter 12.08 KCC, except when modified by measured impervious surface area as provided herein. This base charge contemplates not only the direct impacts of parcel impervious surface on runoff to the county drainage system, but also the indirect impacts of the land use on the county roads and other public infrastructure that are impacted by stormwater and which the county manages for the protection of life and property.

- (1) Single family residential property shall have the service charge of one ESU multiplied by the unit rate. Such service charge will not be affected by the existence of other uses of the property so long as the single family residential use is the primary use.
- (2) State roads shall have a service charge of thirty percent (30%) of the base service charge in accordance with RCW 90.03.525.
- (3) County roads shall have a service charge of measured impervious surface area divided by square foot of one ESU (4,200), rounded to the nearest ESU but not less than one, multiplied by the unit rate.
- (4) Undeveloped land shall have no service charge.
- (5) All other property shall have the service charge of measured impervious surface area divided by the square footage of one ESU (4,200), rounded to the nearest ESU but not less than one, multiplied by the unit rate. These service charges may be reduced as follows:
  - (A) Rainwater Harvesting Rate Reduction - Any developed parcel that is retrofitted for rainwater harvesting



may receive a fifty percent rate reduction for those surfaces from which the rain is harvested. To be eligible for this 50% rate reduction, the proponent must demonstrate through an analysis prepared by a licensed professional engineer that the system will result in zero surface water discharge for all storm events using the hydrologic methods described in the current Kitsap County or Washington Department of Ecology Stormwater Design Manual. The proponent is responsible for requesting the credit. The rate reduction will become effective for the calendar year following the request. Annual inspections by the department of public works to ensure proper operation and maintenance will be required to retain this rate reduction.

(B) Full Infiltration Rate Reduction - Any developed parcel that adds approved techniques (such as dispersion, bioretention, or infiltration) to attain one hundred percent infiltration of all site rain runoff water may receive a fifty percent rate reduction. To be eligible for this 50% rate reduction, the proponent must demonstrate through an analysis prepared by a licensed professional engineer that the system will result in zero surface water discharge for all storm events using the hydrologic methods described in the current Kitsap County or Washington Department of Ecology Stormwater Design Manual. The proponent is responsible for requesting the credit. The rate reduction will become effective for the calendar year following the request. Annual inspections by the department of public works to ensure proper operation and maintenance will be required to retain this rate reduction.

(C) Direct Discharge to Tidally Influenced Waters Rate Reduction - Any developed parcel that is modified to discharges directly into Puget Sound, or directly into the tidally influenced areas of rivers and streams discharging into Puget Sound, and that utilizes approved techniques to meet current water quality treatment standards, may receive a fifty percent rate reduction. To be eligible for this 50% rate reduction, the proponent must demonstrate through an analysis prepared by a licensed professional engineer that the system conforms to the requirements of the current Kitsap County or Washington Department of Ecology Stormwater Design Manual, and that the site does not discharge surface runoff except through the direct discharge system. The proponent is responsible for requesting the credit. The rate reduction will become effective for the calendar year following the request. Annual inspections by the department of public works to ensure proper operation and maintenance will be required to retain this rate reduction.

#### **12.40.050 Unit rates.**

The unit rate for each ESU shall be established through resolution by the board of county commissioners and may be adjusted from time to time as reasonably necessary.

#### **12.40.060 Billing.**

(1) All property subject to rates and service charges pursuant to this chapter shall be assessed annually. Billing statements shall be included on the annual property tax statements. Properties which do not receive a property tax statement will receive a separate rate and service charge billing statement.

(2) The total amount of the service charge shall be due and payable on or before the thirtieth day of April, and shall be delinquent after that date; however, if one-half of such service charge is paid on or before the thirtieth day of April, the remainder shall be due and payable on or before the thirty-first day of October and shall be delinquent after that date.

#### **12.40.070 Service charge adjustments and appeals.**

(1) Any person billed for service charges may file a request for service charge adjustment with the director within thirty days of the date of the bill. However, filing of such a request does not extend the period for payment of the charge.

(2) A request for service charge adjustment may be granted or approved by the director, subject to the county assessor's review if modification of the assessor's database is recommended, only when one of the following conditions exists:

(A) The parcel is owned and is the personal residence of a person or persons determined by the county assessor as qualified for a low income senior citizen exemption authorized under RCW 84.36.381; parcels qualifying hereunder shall be given the same percentage reduction in the service charge as in RCW 84.36.381;

(B) The acreage of the parcel charged is in error;

(C) The parcel is nonresidential and the actual impervious surface area of the parcel, as established by a licensed surveyor or engineer, is more than fifty percent of an equivalent service unit greater than or less than the estimated or measured impervious surface area used in determining the charge;

(D) Parcels owned or leased by a public school district which provides activities which directly benefit the stormwater management program. The activities may include: curriculum specific to the issues and problems of stormwater management, and student activities in the community to expose students to the efforts required to restore, monitor or enhance the stormwater management system. Pursuant to RCW 36.89.085, the amount of the service charge adjustment shall be determined by the director based upon the cost of the activities to the school district, but not to exceed the value of the activity to the stormwater management program. Determination of which activities qualify for the stormwater management service charge reduction will be made by the director. Reductions in stormwater management service charges will only be granted to school districts which provide programs that have been evaluated by the director. The service charge adjustment for the school district activity may be applied to any parcel in the service area which is owned or operated by the school district;

(E) The service charge bill was otherwise not calculated in accordance with the terms of this chapter; or

(F) The parcel exists in its natural unimproved condition and will remain in its natural unimproved condition with no allowable human activities or manmade improvements which adversely affect water quantity or quality.

(3) Service charge adjustments will only apply to the bill then due and payable, and bills subsequently issued. In the event that the county replaces estimated impervious surface area with measured impervious surface area, in the absence of an appeal, such actual impervious surface area will be used for future bills.

(4) The property owner shall have the burden of proving that the service charge adjustment should be granted.

(5) Decisions on requests for service charge adjustment shall be made by the director based on information submitted by the applicant and by the public works department within thirty days of the adjustment request, except when additional information is needed. The applicant shall be notified in writing of the director's decision. If an adjustment is granted which reduces the service charge for the current year, the applicant shall be refunded the amount overpaid in the current year.

(6) If the director finds that a service charge bill has been undercharged, then either an amended bill shall be issued which reflects the increase and service charge or the undercharged amount will be added to the next year's bill. This amended bill shall be due and payable under the provisions set forth in Section 12.40.060.

(7) Decisions of the director on requests for service charge adjustments shall be final unless within thirty days of the date the decision was mailed, the applicant submits in writing to the director a notice of appeal setting forth a brief statement of the grounds for appeal and requesting a hearing before the Kitsap County Board of County Commissioners.

#### **12.40.080 Use of funds.**

Service charges collected under this chapter shall be deposited into a special fund or funds to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating stormwater control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing, maintaining and improving the stormwater management program and drainage facilities.

#### **12.40.090 Lien for delinquent charges and foreclosures.**

(1) Delinquent service charges shall bear interest as provided in RCW 36.89.090 and 36.89.092 at the rate of twelve percent per annum, or such rate as may hereafter be authorized by law, computed on a monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the charges regardless of when the charges were first delinquent.

(2) The county shall have a lien for delinquent service charges, including interest thereon, against any property

subject to service charges; the lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such liens shall be effective and shall be enforced and foreclosed in the manner provided by RCW 36.94.150; except that the service charge lien shall be effective for a total not to exceed one year's delinquent service charges without the necessity of any writing or recording of the lien with the county records and elections division, as provided for in RCW 36.89.093. In accordance with RCW 36.89.094, the county may commence to foreclose a stormwater management service charge lien after three years from the date stormwater management charges become delinquent, in lieu of the provisions provided for in RCW 36.94.150.

## Chapter 12.40

### STORM-WATER MANAGEMENT PROGRAM RATE STRUCTURE

#### Sections:

- 12.40.010 Title.
- 12.40.020 Purpose.
- 12.40.030 Applicability.
- 12.40.050 Rate structure.
- 12.40.055 Unit rates.
- 12.40.060 Billing.
- 12.40.070 Service charge adjustments and appeals.
- 12.40.080 Use of funds.
- 12.40.090 Lien for delinquent charges and foreclosures.

#### 12.40.010 Title.

The ordinance codified in this chapter shall be titled “~~Storm Water~~Stormwater Management Program Rate Structure.”

#### 12.40.020 Purpose.

The purpose of this chapter is to establish the regulatory fees necessary to carry out the ~~storm water~~stormwater management program contemplated within RCW 36.89.020 and chapter 12.36 of Kitsap County Code by fixing rates and charges pursuant to RCW 36.89.080. These fees ~~are for support~~ the furnishing of surface and stormwater related services to those properties that are or may be served ~~or by a drainage system, those that receive or may receive~~ing benefits, ~~or to be served or to receive benefits~~ from any drainage ~~facility~~system, ~~or and those properties~~ contributing to surface water runoff within Kitsap County. This authority is being invoked in order to minimize property damage; promote and protect the public health, safety and welfare; minimize water quality degradation, ~~by preventing siltation, contamination-pollution, and erosion of the county's waterways~~damage to water resources; protect drinking water aquifers; ensure the safety of county roads and rights-of-way; increase educational and recreational opportunities; encourage the retention of open space; and foster other generally beneficial public uses.

#### 12.40.030 Applicability.

The requirements of this chapter shall apply to all parcels of real property in unincorporated Kitsap County, including public and private property.

#### 12.40.~~050~~040 Rate structure.

~~(1) The rates and service charges shall be based on the service provided and relative contribution of storm water runoff from a given parcel to the storm water control facilities. The average estimated percentage of impervious surfaces on the parcel, the land use classification, the total parcel acreage and/or measured impervious surface area will be used to determine the relative contribution of storm water runoff from the parcel.~~

~~(2) The board of county commissioners shall establish from time to time, by resolution, the unit rate applied to each class of property identified below:~~

Class of Property		Basis of Service Charge
(1)	Single-family residence	<del>A unit rate per single-family residence based on one ESSU.</del>
(2)	Multifamily residence	<del>Number of dwelling units times the unit rate.</del>
(3)	Apartments	<del>Estimated or measured impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU but not less than one, times the unit rate. In the absence of measured impervious surface area, impervious surface area shall be estimated by multiplying the gross parcel size by a density of development factor of fifty-one percent.</del>
(4)	Commercial uses	<del>Estimated or measured impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU but not less than one, times the unit rate. In the absence of measured impervious surface</del>

Class of Property	Basis of Service Charge
	area, impervious surface area shall be estimated by multiplying the gross parcel size by a density of development factor of sixty-two percent.
(5) Industrial uses	Estimated or measured impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU but not less than one, times the unit rate. In the absence of measured impervious surface area, impervious surface area shall be estimated by multiplying the gross parcel size by a density of development factor of thirty-four percent.
(6) Institutional uses	Estimated or measured impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU but not less than one, times the unit rate. In the absence of measured impervious surface area, impervious surface area shall be estimated by multiplying the gross parcel size by a density of development factor of forty-one percent.
(7) Undeveloped land	No charge.
(8) County roads	Estimated or measured impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU times the unit rate.
(9) State roads	Thirty percent of the base rate for impervious surface area divided by the square footage of one ESU, rounded to the nearest ESU times the unit rate.

All property shall have a base service charge of one equivalent service unit (ESU), which is 4,200 square feet of impervious surface area as defined in chapter 12.08 KCC, except when modified by measured impervious surface area as provided herein. This base charge contemplates not only the direct impacts of parcel impervious surface on runoff to the county drainage system, but also the indirect impacts of the land use on the county roads and other public infrastructure that are impacted by stormwater and which the county manages for the protection of life and property.

(1) Single family residential property shall have the service charge of one ESU multiplied by the unit rate. Such service charge will not be affected by the existence of other uses of the property so long as the single family residential use is the primary use.

(2) State roads shall have a service charge of thirty percent (30%) of the base service charge in accordance with RCW 90.03.525.

(3) County roads shall have a service charge of measured impervious surface area divided by square foot of one ESU (4,200), rounded to the nearest ESU but not less than one, multiplied by the unit rate.

(4) Undeveloped land shall have no service charge.

(5) All other property shall have the service charge of measured impervious surface area divided by the square footage of one ESU (4,200), rounded to the nearest ESU but not less than one, multiplied by the unit rate. Such service charges may be reduced as follows:

(3A) Rainwater Harvesting Rate Reduction: - Any new or remodeled commercial building (as defined by subsections (2)(3) through (6) of this section) that utilizes developed parcel that is retrofitted for rainwater harvesting may receive a fifty percent rate reduction for those surfaces from which the rain is harvested. In order to obtain the To be eligible for this 50% rate reduction, the proponent must demonstrate through an analysis prepared by a licensed professional engineer that the system will result in zero surface water discharge for all storm events contained in the Ecology Manual, using the hydrologic methods described in Section 12.20.020 the current Kitsap County or Washington Department of Ecology Stormwater Design Manual. The proponent is responsible for requesting the credit. The rate reduction will become effective for the calendar year following the request. Annual inspections by the department of public works to ensure proper operation and maintenance will be required to retain this rate reduction.

(4B) One Hundred Percent Retention/Full Infiltration Rate Reduction: - Any new or remodeled commercial development (as defined by subsections (2)(3) through (6) of this section) that utilizes developed parcel that adds approved techniques (such as dispersion, bioretention, or infiltration) to attain one hundred percent infiltration of all site rain runoff water may receive a fifty percent rate reduction. To be eligible for this 50% In-

~~order to obtain the~~ To be eligible for this 50% rate reduction, the proponent must demonstrate through an analysis prepared by a licensed professional engineer that the system will result in zero surface water discharge for all storm events ~~contained in the Ecology Manual,~~ using the hydrologic methods described in the current Kitsap County or Washington Department of Ecology Stormwater Design Manual Section 12.20.020. The proponent is responsible for requesting the credit. The rate reduction will become effective for the calendar year following the request. Annual inspections by the department of public works to ensure proper operation and maintenance will be required to retain this rate reduction.

~~(5C) Direct Discharge to Tidally Influenced Waters Rate Reduction~~ Any new or remodeled commercial development (defined by subsections (2)(3) through (6) of this section) developed parcel that is modified to discharges directly into Puget Sound, or directly into the tidally influenced areas of rivers and streams discharging into Puget Sound, and that utilizes approved techniques to meet current water quality treatment standards, may receive a fifty percent rate reduction. ~~To be eligible for this 50%~~ In order to obtain the To be eligible for this 50% rate reduction, the proponent must demonstrate through an analysis prepared by a licensed professional engineer that the system conforms to the requirements of the current Kitsap County or Washington Department of Ecology Stormwater Design Manual (SDM), using the hydrologic methods described in the SDM-Kitsap manual and Section 12.20.040, and that the site does not discharge surface runoff except through the direct discharge system. The proponent is responsible for requesting the credit. The rate reduction will become effective for the calendar year following the request. Annual inspections by the department of public works to ensure proper operation and maintenance will be required to retain this rate reduction.

#### **12.40.050 Unit rates.**

- ~~(1) The unit rate shall be \$73.50 per year per ESU or single family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2), starting January 1, 2013.~~
  - ~~(2) The unit rate shall be \$78.00 per year per ESU or single family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2), starting January 1, 2014.~~
  - ~~(3) The unit rate shall be \$82.00 per year per ESU or single family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2) starting January 1, 2015.~~
  - ~~(4) The unit rate shall be \$86.50 per year per ESU or single family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2) starting January 1, 2016.~~
  - ~~(5) The unit rate shall be \$91.00 per year per ESU or single family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2) starting January 1, 2017.~~
  - ~~(6) The unit rate shall be \$96.00 per year per ESU or single family residence for property classes 1 through 6, 8 and 9 listed in Section 12.40.050(2) starting January 1, 2018.~~
- The unit rate for each ESU shall be established through resolution by the board of county commissioners and may be adjusted from time to time as reasonably necessary.

#### **12.40.060 Billing.**

- (1) All property subject to rates and service charges pursuant to this chapter shall be assessed annually. Billing statements shall be included on the annual property tax statements. Properties which do not receive a property tax statement will receive a separate rate and service charge billing statement.
- (2) The total amount of the service charge shall be due and payable on or before the thirtieth day of April, and shall be delinquent after that date; however, if one-half of such service charge is paid on or before the thirtieth day of April, the remainder shall be due and payable on or before the thirty-first day of October and shall be delinquent after that date.

#### **12.40.070 Service charge adjustments and appeals.**

- (1) Any person billed for service charges may file a request for service charge adjustment with the director within thirty days of the date of the bill. However, filing of such a request does not extend the period for payment of the charge.
- (2) A request for service charge adjustment may be granted or approved by the director, subject to the county assessor's review if modification of the assessor's database is recommended, only when one of the following conditions exists:

(A) The parcel is owned and is the personal residence of a person or persons determined by the county assessor as qualified for a low income senior citizen exemption authorized under RCW 84.36.381; parcels qualifying hereunder shall be given the same percentage reduction in the service charge as in RCW 84.36.381;

(B) The acreage of the parcel charged is in error;

(C) The parcel is nonresidential and the actual impervious surface area of the parcel, as established by a licensed surveyor or engineer, is more than fifty percent of an equivalent service unit greater than or less than the estimated or measured impervious surface area used in determining the charge;

(D) Parcels owned or leased by a public school district which provides activities which directly benefit the ~~storm-water~~stormwater management program. The activities may include: curriculum specific to the issues and problems of ~~storm-water-stormwater~~ management, and student activities in the community to expose students to the efforts required to restore, monitor or enhance the ~~storm-water-stormwater~~ management system. Pursuant to RCW 36.89.085, the amount of the service charge adjustment shall be determined by the director based upon the cost of the activities to the school district, but not to exceed the value of the activity to the ~~storm-water-stormwater~~ management program. Determination of which activities qualify for the ~~storm-water-stormwater~~ management service charge reduction will be made by the director. Reductions in ~~storm-water-stormwater~~ management service charges will only be granted to school districts which provide programs that have been evaluated by the director. The service charge adjustment for the school district activity may be applied to any parcel in the service area which is owned or operated by the school district;

(E) The service charge bill was otherwise not calculated in accordance with the terms of this chapter; or

(F) The parcel exists in its natural unimproved condition and will remain in its natural unimproved condition with no allowable human activities or manmade improvements which adversely affect water quantity or quality.

(3) Service charge adjustments will only apply to the bill then due and payable, and bills subsequently issued. In the event that the county replaces estimated impervious surface area with measured impervious surface area, in the absence of an appeal, such actual impervious surface area will be used for future bills.

(4) The property owner shall have the burden of proving that the service charge adjustment should be granted.

(5) Decisions on requests for service charge adjustment shall be made by the director based on information submitted by the applicant and by the public works department within thirty days of the adjustment request, except when additional information is needed. The applicant shall be notified in writing of the director's decision. If an adjustment is granted which reduces the service charge for the current year, the applicant shall be refunded the amount overpaid in the current year.

(6) If the director finds that a service charge bill has been undercharged, then either an amended bill shall be issued which reflects the increase and service charge or the undercharged amount will be added to the next year's bill. This amended bill shall be due and payable under the provisions set forth in Section 12.40.060.

(7) Decisions of the director on requests for service charge adjustments shall be final unless within thirty days of the date the decision was mailed, the applicant submits in writing to the director a notice of appeal setting forth a brief statement of the grounds for appeal and requesting a hearing before the Kitsap County ~~board~~Board of ~~Ce~~County ~~Ce~~ommissioners.

#### **12.40.080 Use of funds.**

Service charges collected under this chapter shall be deposited into a special fund or funds to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating ~~storm-water-stormwater~~ control facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing, maintaining and improving the ~~storm-water-stormwater~~ management program and drainage facilities.

**12.40.090 Lien for delinquent charges and foreclosures.**

(1) Delinquent service charges shall bear interest as provided in RCW 36.89.090 and 36.89.092 at the rate of twelve percent per annum, or such rate as may hereafter be authorized by law, computed on a monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the charges regardless of when the charges were first delinquent.

(2) The county shall have a lien for delinquent service charges, including interest thereon, against any property subject to service charges; the lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such liens shall be effective and shall be enforced and foreclosed in the manner provided by RCW 36.94.150; except that the service charge lien shall be effective for a total not to exceed one year's delinquent service charges without the necessity of any writing or recording of the lien with the county records and elections division, as provided for in RCW 36.89.093. In accordance with RCW 36.89.094, the county may commence to foreclose a ~~storm water~~stormwater management service charge lien after three years from the date ~~storm water~~stormwater management charges become delinquent, in lieu of the provisions provided for in RCW 36.94.150.