



King County  
**Public Rules and Regulations**

Public Rules

Title <b>Surface Water Management (SWM) Fee Protocols</b>	Document Code No.
Department/Issuing Agency Department of Natural Resources and Parks/Water & Land Resources Division	Effective Date.
Approved	

County Executive

- 1.0 **SUBJECT TITLE:** Surface Water Management (SWM) Fee Protocols
  - 1.1 **EFFECTIVE DATE:** Ten days after signature
  - 1.2 **TYPE OF ACTION:** Supersedes: FIN-8-4 (PR) "Surface Water Management (SWM) Fee Protocols"
  - 1.3 **KEYWORDS:** Applicant, SWM Fee Rate Adjustment, Grant Program for Reducing Impervious Surface
  
- 2.0 **PURPOSE:**
  - 2.1 To adopt the **2013 SWM Fee Protocols**, attached as Appendix 10.1 to this Rule, which establish standards and procedures for calculation of SWM fees, approval of SWM fee rate adjustments, and awards of grants for reducing impervious surface within unincorporated King County.
  
- 3.0 **ORGANIZATIONS AFFECTED:**
  - 3.1 Landowners and residents of unincorporated King County
  - 3.2 Applicants for SWM fee rate adjustments
  - 3.3 King County Department of Natural Resources and Parks (DNRP), Water & Land Resources Division (WLRD)
  
- 4.0 **REFERENCES:**
  - 4.1 Revised Code of Washington (RCW) 35.67.200 through 35.67.290; Chapter 36.89 RCW; Chapter 84.34 RCW; and Chapter 84.36 RCW
  - 4.2 King County Code Title 9
  - 4.3 King County Code Title 20
  - 4.4 KCC Chapter 26.04
  - 4.5 These references are available from WLRD:
    - 4.5.1 SWM Fee Protocols
    - 4.5.2 Surface Water Design Manual
    - 4.5.3 Stormwater Pollution Control Manual - Best Management Practices for Businesses (July 1995) and Best Management Practices for Residences Addendum (December 2003)

**5.0**    **DEFINITIONS:**

- 5.1    In addition to the definitions provided below, see Section 5.0 of the SWM Fee Protocols.
- 5.2    **Applicant** means a property owner, or any person or entity designated or named in writing by the property owner to be the Applicant, in an application for a SWM fee rate adjustment or a grant for reducing impervious surface.
- 5.3    **Grant for Reducing Impervious Surface** means a grant of partial funding or fee reducing credit available to non-residential property owners who wish to convert their impervious surface area to a WLRD-approved pervious surface or a WLRD-approved alternative surface that behaves like a pervious surface in terms of runoff impacts.
- 5.4    **Surface Water Management (SWM) Fee** means the annual fee charged to the owners of developed parcels to pay for surface and storm water management services provided by King County's Surface Water Management Program as set forth in K.C.C. Chapter 9.08.
- 5.5    **SWM Fee Protocols** means the standards and procedures for SWM fee calculation and processing of SWM fee rate adjustments and grants for reducing impervious surface which are being adopted by this Rule and are attached as Appendix 10.1. Copies of the SWM Fee Protocols are available from the Department of Natural Resources and Parks, Water and Land Resources Division or its successor agencies.
- 5.6    **SWM Fee Rate Adjustment** means a WLRD-approved change in the amount of a parcel's annual SWM fee as authorized by K.C.C. 9.08.080 and implemented by this Public Rule.

**6.0**    **POLICIES:**

- 6.1    Any person billed a SWM fee may request a rate adjustment from the Water and Land Resources Division within three years of the date that the bill was sent. However, filing of such a request does not extend the period for payment of the fee charged.
- 6.2    Requests for SWM fee rate adjustment may be granted or approved by the Director of DNRP only when one or more of the conditions identified and described in K.C.C. 9.08.080 B.1. through B.10, as implemented by this Public Rule, exists.
- 6.3    The SWM Fee Protocols shall be available for reading and purchase at the Department of Natural Resources and Parks Water and Land Resources Division. More information and a copy of the SWM Fee Protocols are on the Internet at <http://dnr.metrokc.gov/wlr/surface-water-mgt-fee/swm-discount.htm>. Copies are available by contacting the Water and Land Resources Division at (206) 296-6519.
- 6.4    This Public Rule is exempt from the rule of strict construction and shall be liberally construed to give full effect to the objects and purposes for which it was adopted.

**7.0**    **PROCEDURES:**

<u>Action By:</u>	<u>Action:</u>
DNRP	Reviews the SWM Fee Protocols and revises them if necessary.
Applicant	Contacts WLRD to request a SWM fee rate adjustment or grant for reducing impervious surface in accordance with the procedures and standards in the SWM Fee Protocols.
WLRD	Reviews the Applicant's request for rate adjustment or grant and determines if it meets the conditions for approval specified in the SWM Fee Protocols. Requests additional information from Applicant if needed to make this determination. Informs Applicant of determination and any actions necessary to meet the conditions for approval.
DNRP	Approves, or designates WLRD to approve, the Applicant's request for SWM fee rate adjustment or impervious surface reduction grant.
WLRD	Does routine site inspections or spot checks to verify that all applicable conditions required for approval of the rate adjustment or grant continue to be met. Failure to meet those conditions could

result in loss of a granted discount or credit for any given year or years.

**8.0 RESPONSIBILITIES:**

- 8.1 Applicants are responsible, at a minimum, for demonstrating that the parcel meets the requirements set forth in the SWM Fee Protocols.
- 8.2 WLRD is responsible for:
  - 8.2.1 Reviewing each request for rate adjustment or impervious surface reduction grant and determining if it meets the conditions for approval specified in the SWM Fee Protocols.
  - 8.2.2 Routinely inspecting or spot checking parcels to verify that all applicable conditions required for approval of the rate adjustment or grant continue to be met.
- 8.3 DNRP is responsible for:
  - 8.3.1 Revising the SWM Fee Protocols as needed to incorporate new information.
  - 8.3.2 Approving, or designating WLRD to approve requests for SWM rate adjustments or impervious surface reduction grants.

**9.0 SEVERABILITY:**

If a provision of the rules contained herein or its applicability to any person or circumstance is held invalid, the remainder of the provisions of these rules or the application of the provision to other persons or circumstances shall not be affected.

**10.0 APPENDICES:**

- 10.1 SWM Fee Protocols (2013)