

December 4, 1991
91-130S.RT.ssj

INTRODUCED BY: Bruce Laing

PROPOSED NO.: 91-130

ORDINANCE NO. **10187**

AN ORDINANCE establishing the surface water management program; repealing Ordinance 7590, Section 16, as amended and K.C.C. 9.08.130; amending Ordinance 7590, Sections 1, 2, 4-9, 12, 14 and 15, as amended and K.C.C. 9.08.010 - .090, 9.08.110, and 9.08.120; and adding new sections to K.C.C. 9.08.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 7590, Section 1 and K.C.C. 9.08.010, both as amended are each hereby amended to read as follows:

Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

A. (~~Basin Plan. The~~) "Basin plan" means a plan and all implementing regulations and procedures including but not limited to capital projects, public education activities, land use management regulations adopted by ordinance for managing surface and storm water management facilities and features within individual (~~drainage basins~~) sub-basins.

B. (~~Developed Parcel. Any~~) "Developed parcel" means any parcel altered from the natural state by the construction, creation, or addition of impervious surfaces.

C. (~~Director. The~~) "Director" means the director of the department of public works or (~~his/her~~) the director's designee.

D. "Drainage facility" means the system of collecting, conveying, and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and constructed.

1 (~~(D. Impervious Surface. A)~~) E. "Impervious surface"
 2 means a hard surface area which either prevents or retards the
 3 entry of water into the soil mantle as it entered under natural
 4 conditions (~~(pre-existent)~~) prior to development, and/or a hard
 5 surface area which causes water to run off the surface in
 6 greater quantities or at an increased rate of flow from the
 7 flow present under natural conditions (~~(pre-existent)~~) prior to
 8 development. Common impervious surfaces include, but are not
 9 limited to, roofs (~~(tops)~~), walkways, patios, driveways,
 10 parking lots, (~~(or)~~) storage areas, (~~(concrete or asphalt~~
 11 ~~paving, gravel roads, packed earthen materials, and oiled,~~
 12 ~~macadam,)~~) areas which are paved, graveled or made of packed or
 13 oiled earthen materials, or other surfaces which similarly
 14 impede the natural infiltration of surface and storm water.
 15 Open, uncovered retention/detention facilities shall not be
 16 considered as impervious surfaces for the purpose of this
 17 chapter.

18 (~~(E. Land Use Code. The)~~) F. "Land use code" means
 19 restrictions on the type of development (~~(on)~~) for a specific
 20 parcel of land as identified by records maintained by the King
 21 County department of assessments as modified or supplemented by
 22 information resulting from investigation by the surface water
 23 management division. Land use codes are preliminary indicators
 24 of the extent of impervious surface and are used in the initial
 25 analysis to assign an appropriate rate category for a specific
 26 parcel. "Service station", "single-family home", and "shopping
 27 center" are examples of land use codes.

28 (~~(F. Maintenance. The)~~) G. "Maintenance" means the act
 29 or process of cleaning, repairing or preserving a system, unit,
 30 facility, structure, or piece of equipment.

31 H. "Natural surface water drainage system" means such
 32 landscape features as rivers, streams, lakes, and wetlands.
 33 This system circulates water in a complex hydrological cycle.

34 (~~(G. Open Space. Any)~~) I. "Open space" means any
 35 parcel, property, or portion thereof classified for current use

1 taxation under the provisions of K.C.C. 20.36 and (~~chapter~~)
 2 RCW 84.34 (~~REW~~), or for which the development rights have
 3 been sold to King County under the provisions of K.C.C. 26.04.
 4 This definition includes lands which have been classified as
 5 open space, agricultural, or timber lands under criteria
 6 contained in K.C.C. 20.36 and (~~chapter~~) RCW 84.34 (~~REW~~).

7 (~~H. Parcel. The~~) J. "Parcel" means the smallest
 8 separately segregated unit or plot of land having an identified
 9 owner, boundaries, and surface area which is documented for
 10 property tax purposes and given a tax lot number by the King
 11 County assessor.

12 (~~I. Person.~~) K. "Person" means (~~Person shall be~~
 13 ~~construed to include~~) any individual, firm, company,
 14 association, corporation, or governmental agency.

15 L. "Program" means the Surface Water Management Program as
 16 set forth in this chapter.

17 (~~J. Rate Category. The~~) M. "Rate category" means the
 18 classification in this chapter given to a parcel in the service
 19 area based upon the type of land use on the parcel and the
 20 percentage of impervious surface area contained on the parcel.

21 (~~K. Retention/Detention Facilities. Facilities~~) N.
 22 "Retention/ detention facility" means a type of drainage
 23 facility designed either to hold (~~runoff~~) water for a (~~short~~
 24 period) considerable length of time and then release it (~~to~~
 25 the natural watercourse or to hold water for a considerable
 26 length of time and disperse it)) by evaporation, plant
 27 (~~absorption, or~~) transpiration and/or infiltration into the
 28 ground(-); or to hold runoff for a short period of time and
 29 then release it to the surface and storm water management
 30 system.

31 (~~L. Residence. A~~) O. "Residence" means a building or
 32 structure or portion thereof, designed for and used to provide
 33 a place of abode for human beings. The term residence includes
 34 the term "residential" or "residential unit" as referring to
 35 the type of or intended use of a building or structure.

1 (~~M. Residential Parcel. Any~~) P. "Residential parcel"
 2 means any parcel which contains no more than three residences
 3 or three residential units which are within a single structure
 4 and is used primarily for residential purposes.

5 (~~N. Service Area. The~~) Q. "Service area" means the
 6 area described in Exhibit A dated November 27, 1991 which is
 7 attached hereto and incorporated by reference herein. ((hereto
 8 attached and made a part hereof.)) This Exhibit is available
 9 in the Office of the Clerk of the Council.

10 (~~O. Storm Water Control Facilities. Any facility~~
 11 ~~improvement, development, property or interest therein, made,~~
 12 ~~constructed or acquired for the purpose of controlling, or~~
 13 ~~protecting life or property from any storm, waste, flood, or~~
 14 ~~surplus waters.))~~

15 R. "Surface and storm water management services" means the
 16 services provided by the Surface Water Management Program,
 17 including but not limited to basin planning, facilities
 18 maintenance, regulation, financial administration, public
 19 involvement, drainage investigation and enforcement, aquatic
 20 resource restoration, surface and storm water quality and
 21 environmental monitoring, natural surface water drainage system
 22 planning, intergovernmental relations, and facility design and
 23 construction.

24 S. "Sub-basin" means a drainage area which drains to a
 25 water course or water body named and noted on common maps and
 26 which is contained within a basin as defined in
 27 K.C.C. 9.04.020.

28 T. "Surface and storm water" means water originating from
 29 rainfall and other precipitation that is found in drainage
 30 facilities, rivers, streams, springs, seeps, ponds, lakes, and
 31 wetlands as well as shallow ground water.

32 (~~P. Surface and Storm Water Management System. The~~
 33 ~~surface)) U. "Surface and storm water management system ((is
 34 comprised of storm water control facilities))" means
 35 constructed drainage facilities and any ((other)) natural~~

1 surface water drainage features which collect, store, control,
2 treat and/or convey surface and storm water.

3 (~~(Q. Undeveloped Parcel. Any)~~) V. "Undeveloped parcel"
4 means any parcel which has not been altered from its natural
5 state by the construction, creation, or addition of impervious
6 surface((s)).

7 (~~(R. Program. The Surface Water Management Program is the~~
8 ~~program as set forth in Sections 9.08.020 to 9.08.080 and~~
9 ~~9.08.100 and 9.08.130 of this chapter.)~~)

10 SECTION 2. Ordinance 7590, Section 2 and K.C.C. 9.08.020
11 both as amended are each hereby amended to read as follows:

12 Authority. A. There is hereby created and established
13 the Surface Water Management Program of King County under which
14 the provisions of this chapter shall be carried out.

15 B. The program herein created shall be administered by the
16 King County department of public works, surface water
17 management division.

18 C. Right of Entry. Whenever necessary to examine the
19 property characteristics of a particular parcel for the
20 (~~(determination of rates and charges)~~) purposes of implementing
21 this chapter, the director or (~~(his/her)~~) the director's
22 designee may enter any property or portion thereof at
23 reasonable times in compliance with the following procedures:

24 1. If such property or portion thereof is occupied, the
25 director or (~~(his/her)~~) the director's designee shall present
26 identification credentials, state the reason for entry and
27 request entry.

28 2. If such property or portion thereof is unoccupied,
29 the director or (~~(his/her)~~) the director's designee shall first
30 make a reasonable effort to locate the owner or other persons
31 having charge or control of the property or portion thereof and
32 request entry.

33 3. Unless entry is consented to by the owner or person
34 in control of any property or portion thereof, the director or
35 (~~(his/her)~~) the director's designee, prior to entry, shall

1 obtain a search warrant as authorized by the laws of the State
2 of Washington.

3 D. The director or the director's designee is authorized
4 to enforce the provisions of this chapter, the ordinances and
5 resolutions codified in it and any rules and regulations
6 promulgated thereunder pursuant to the enforcement and penalty
7 provisions of K.C.C. Title 23.

8 ((D)) E. The program may ((~~coordinate activities~~)) provide
9 services related to surface and storm water management,
10 including but not limited to basin planning, facilities
11 maintenance, ((~~operation and construction of facilities, water~~
12 ~~quality control, contracting~~)) regulation, financial
13 administration, public involvement, drainage investigation and
14 enforcement, aquatic resource restoration, surface and storm
15 water quality and environmental monitoring, natural surface
16 water drainage system planning, intergovernmental relations,
17 and facility design and construction. The program may contract
18 for services with interested municipalities or special
19 districts including but not limited to sewer and water
20 districts, school districts, port districts or other
21 governmental agencies.

22 SECTION 3. Ordinance 7590, Section 4 and K.C.C. 9.08.030
23 both as amended are each hereby amended to read as follows:

24 Surface Water Management Citizens Committee. A. The
25 surface water management citizens committee is hereby
26 established. The committee shall act in an advisory capacity
27 to the director on matters concerning surface and storm water
28 management and may submit independent recommendations to the
29 county executive and county council. The committee shall
30 review, advise and make recommendations regarding matters such
31 as general program focus, program service levels and financing,
32 and policies on surface and storm water issues.

33 B. The committee shall be comprised of twenty-five
34 members appointed by the executive and confirmed by the council
35 who reside, own property or have a community interest in the

1 service area. At least four members shall live in cities which
 2 have mutual drainage interests with the county. The committee
 3 members shall include a cross section of the public affected by
 4 the program including private citizens, commercial, community
 5 and environmental organizations.

6 ~~((C. The committee shall consist of twenty five members
 7 appointed by the executive. The appointments shall be
 8 effective upon approval by council motion. Members whose terms
 9 have expired shall serve until replacements are appointed.))~~

10 ~~((D.))~~ C. The appointments shall be effective until
 11 December 31 ~~((, 1991))~~ of the third year following each member's
 12 appointment date. Members whose terms have expired shall serve
 13 until replacements are appointed. Members may be reappointed
 14 for one additional term.

15 ~~((E.))~~ D. The committee shall select its officers,
 16 including chair, vice-chair and any others it deems necessary.

17 ~~((F.))~~ E. The committee shall adopt appropriate bylaws.

18 SECTION 4. Ordinance 7590, Section 5 and K.C.C. 9.08.040
 19 both as amended are each hereby amended to read as follows:

20 Purpose. It is the finding of the county that the Surface
 21 Water Management Program is necessary in order to promote
 22 public health, safety, and welfare by establishing and
 23 operating a comprehensive approach to surface and storm water
 24 problems. ~~((A))~~ This comprehensive approach ~~((to surface and~~
 25 ~~storm water problems))~~ includes the following elements: basin
 26 planning, land use regulation, construction of facilities,
 27 maintenance, ~~((and))~~ public education ~~((,))~~ and provision of
 28 surface and storm water management services. It is the finding
 29 of the county that the most cost effective and beneficial
 30 approach to surface and storm water management is through
 31 preventative actions and protection of the natural drainage
 32 system. In approaching surface and storm water problems the
 33 Surface Water Management Program shall give priority to methods
 34 which provide protection or enhancement of the natural surface
 35 water drainage system over means which primarily involve

1 construction of new drainage facilities or systems (~~or~~
 2 ~~components of the drainage system~~). The purpose of the rates
 3 and charges established herein is to provide a method for
 4 payment of all or any part of the cost and expense (~~of~~
 5 ~~maintaining and operating storm water control facilities, all~~
 6 ~~or any part of the cost and expense of planning, designing,~~
 7 ~~establishing, acquiring, developing, constructing, and~~
 8 ~~improving any of such facilities,~~) of surface and storm water
 9 management services or to pay or secure the payment of all or
 10 any portion of any issue of general obligation or revenue bonds
 11 issued for such (~~purpose~~) services. These rates and charges
 12 are necessary in order to promote the public health, safety and
 13 welfare by minimizing uncontrolled surface and storm water,
 14 erosion, and (~~sedimentation,~~) water pollution; to preserve
 15 and utilize the many values of the county's natural drainage
 16 system including water quality, open space, fish and wildlife
 17 habitat, recreation, education (~~and~~), urban separation and
 18 drainage (~~and erosion control~~) facilities(~~,~~); and to
 19 provide for the comprehensive management and administration of
 20 surface and storm water.

21 SECTION 5. Ordinance 7590, Section 6 and K.C.C. 9.08.050
 22 both as amended are each hereby amended to read as follows:

23 Applicability. A. Developed parcels within the service
 24 area shall be billed each year for surface and storm water
 25 (~~control facilities~~) management services (~~charges~~) pursuant
 26 to RCW 36.89.080 (~~beginning in 1987~~). Surface and storm
 27 water management services and/or (~~\$~~) service charges shall be
 28 imposed on developed parcels lying within cities and towns when
 29 such services and/or charges have been provided for by
 30 interlocal agreements between the county and such cities or
 31 towns. In addition, the county and cities or towns may enter
 32 into interlocal agreements allowing the city or town to provide
 33 surface and storm water management services and/or charges for
 34 specified developed parcels lying within unincorporated King
 35 County.

1 B. The service area is that area described in Exhibit A
 2 which is attached hereto and incorporated by reference herein.
 3 It identifies the drainage basins or sub-basins thereof that
 4 comprise the service area.

5 C. The service area may be modified in accordance with
 6 policy contained in ((Section)) K.C.C. 9.08.060 M.
 7 Modifications to the service area shall be by ordinance.

8 SECTION 6. Ordinance 7590, Section 7 and K.C.C. 9.08.060
 9 both as amended are each hereby amended to read as follows:

10 Policy. A. Coordination. It is the finding of the
 11 county that the majority of the basins in the service area are
 12 shared with incorporated cities and towns. In order to achieve
 13 a comprehensive approach to surface and storm water management
 14 the county and incorporated jurisdictions within a specific
 15 basin should coordinate ((in the basin planning, project
 16 construction, facility maintenance and regulation of private
 17 and public developments)) surface and storm water management
 18 services. In addition, the program ((should coordinate
 19 activities related to surface water management, including but
 20 not limited to basin planning, maintenance, operation, and
 21 construction of facilities, water quality control,)) may
 22 contract((ing)) for services with interested municipalities or
 23 special districts including but not limited to sewer and water
 24 districts, school districts, port districts or other
 25 governmental agencies.

26 B. Education of Public. It is the finding of the county
 27 that many of the difficulties found in the management of
 28 surface and storm water problems are contributed to by the
 29 general lack of public knowledge about the relationship between
 30 human actions and ((land use changes and)) surface and storm
 31 water management. In order to achieve a comprehensive approach
 32 to surface and storm water management the county should provide
 33 general information to the public about ((the use of)) land use
 34 and human activities which impact surface and storm water
 35 management. Pursuant to RCW 36.89.085, it is the finding of

1 the county that public school districts can provide significant
 2 benefits to the county regarding surface and storm water
 3 management through educational programs and community
 4 activities related to protection and enhancement of the surface
 5 and storm water management system. These programs and
 6 activities can ((which)) provide students with an
 7 ((~~appreciation for~~)) understanding of human activities and land
 8 use practices that create surface and storm water problems and
 9 involve students by learning from first hand exposure, the
 10 difficulties of ((~~earing~~)) resolving surface and storm water
 11 management problems after they occur((~~, through community~~
 12 ~~activities related to stream restoration and enhancements~~)).

13 C. Developed ((~~Properties~~)) Parcels. It is the finding of
 14 the county that developed ((~~properties~~)) parcels contribute to
 15 an increase in surface and storm water runoff to the surface
 16 and storm water management system. This increase in surface and
 17 storm water runoff results in the need to establish rates and
 18 charges to finance the county's activities in ((~~storm and~~))
 19 surface and storm water management. Developed ((~~properties~~))
 20 parcels shall be subject to the rates and charges of the
 21 Surface Water Management Program based on their contribution to
 22 increased runoff. The factors to be used to determine the
 23 degree of increased surface and storm water runoff to the
 24 surface and storm water management system from a particular
 25 parcel shall be the percentage of impervious surface coverage
 26 on the ((~~property~~)) parcel and the total acreage of the parcel.

27 D. Undeveloped ((~~Properties~~)) Parcels. It is the finding
 28 of the county that undeveloped parcels do not contribute as
 29 much as developed parcels to an increase in surface and storm
 30 water runoff into the surface and storm water management
 31 system. Undeveloped properties shall be exempt from the rates
 32 and charges of the Surface Water Management Program.

33 E. ((~~Storm Water Control~~)) Drainage Facilities. It is the
 34 finding of the county that maintained ((~~storm water control~~))
 35 drainage facilities mitigate the increased runoff contribution

1 of developed parcels by providing on-site drainage control.
2 Parcels served by retention/detention (~~(storm water control)~~)
3 facilities which were: 1) required for development of the
4 parcel pursuant to K.C.C. 9.04 and approved by King County; or
5 2) can be demonstrated as required in K.C.C. 9.08.080.B5 by the
6 property owner to provide retention/detention of surface and
7 storm water to the standards set forth in K.C.C. 9.04 shall
8 receive a discount as provided in the rates and charges of the
9 Surface Water Management Program, provided that, the facility
10 is maintained at the parcel owner's expense to the standard
11 established by the ~~((county))~~ department of public works.
12 ~~((Properties which contain a stream, creek, lake, pond or~~
13 ~~wetland that has been identified in an adopted basin plan as an~~
14 ~~important storm water control facility and remain under the~~
15 ~~control and ownership of the parcel owner shall receive a~~
16 ~~discount from the rates and charges of the program, provided~~
17 ~~that the facility is maintained at the parcel owner's expense~~
18 ~~to the standard required by the department of public works.))~~

19 F. Open Space. It is the finding of the county that open
20 space properties provide a benefit to the surface and storm
21 water management system by the retention of property in an
22 undeveloped state. Open space properties shall receive a
23 discount from the rates and charges to encourage the retention
24 of property ~~((in the undeveloped state))~~ as open space.

25 G. Residential Parcels. It is the finding of the county
26 that the majority of the parcels in the service area are
27 residential. The variance between residential parcels in
28 parcel size and percentage of impervious surface coverage is
29 found to be minor and to reflect only minor differences in
30 increased runoff contributions. The administrative cost of
31 calculating the service charge individually for each
32 residential parcel and maintaining accurate information would
33 be very high. A flat charge for residential parcels is less
34 costly to administer than calculating a separate charge for
35 each parcel and is equitable because of the similarities in

1 total parcel size and total impervious surface coverage between
2 residential parcels. Therefore, residential parcels shall be
3 charged a flat charge based upon the average parcel size and
4 average percentage of impervious surfaces.

5 H. Very Lightly Developed Parcels. It is a finding of the
6 county that very lightly developed non-residential parcels
7 which have an impervious surface coverage (~~((under 10%))~~) of ten
8 percent or less of the total parcel acreage are characterized
9 by a very low intensity of development and generally a large
10 number of acres. A greater number of acres of undeveloped land
11 associated with an impervious surface results in significantly
12 less impact to the surface and storm water management system.
13 Many of the very lightly developed properties are recreational,
14 agricultural, and timber lands identified in the King County
15 comprehensive plan and should be encouraged to retain their low
16 intensity of development. These parcels shall be charged a flat
17 rate which will encourage the retention of large areas of
18 (~~((undeveloped))~~) very lightly developed land.

19 I. Lightly to Very Heavily Developed Parcels. It is the
20 finding of the county that lightly to very heavily developed
21 non-residential parcels which have an impervious surface
22 coverage (~~((between 10% to 100%))~~) of more than ten percent have
23 a substantial impact on the surface and storm water management
24 system. The impact of these parcels (~~((to))~~) on the surface and
25 storm water management system increases with the size of the
26 parcels. Therefore, lightly to very heavily developed
27 properties shall be charged a rate determined by the percent of
28 impervious surface coverage multiplied by the parcel acreage.

29 J. Road Systems. It is the finding of the county that
30 county and state roads contribute a significant amount of
31 increased runoff to the surface and storm water management
32 system, which contributes to the need for basin planning,
33 (~~((storm))~~) drainage (~~((control))~~) facilities and other related
34 services. However, both the county roads and state highway
35 programs provide substantial annual programs for the

1 construction and maintenance of ((~~storm~~)) drainage ((~~control~~))
2 facilities, and the roads systems and their associated
3 ((~~storm~~)) drainage facilities serve as an integral part of the
4 surface and storm water management system. The rate charged
5 county roads and state highways shall reflect the benefit which
6 county roads and state highway facilities provide to the
7 surface and storm water management system ((~~and therefore will~~
8 ~~exclude any system costs associated with capital improvements~~
9 ~~and on-site retention/detention facility maintenance~~)). County
10 and state road((s)) drainage systems unlike ((~~other property~~
11 ~~owners~~)) the drainage systems on other properties are
12 continually ((~~upgrading the roads drainage system~~)) being
13 upgraded to increase both conveyance capacity and control. It
14 is envisioned that the roads program will work cooperatively
15 with the Surface Water Management Program to improve regional
16 ((~~drainage~~)) surface and storm water management services as new
17 information is available ((~~through~~)) from basin plans and other
18 ((~~means~~)) sources. The percentage of impervious surface
19 coverage for county roads and state highways shall be
20 calculated by dividing average width of roadway and shoulder by
21 the average width of the right of way. The service charge shall
22 be ((~~determined by multiplying the acres of road and highway~~
23 ~~right of way within the service area times the rate per acre~~
24 ~~identified in Section 9.08.070-C~~)) calculated in accordance
25 with RCW 9.03.525.

26 K. Service Charge Revenues. It is the finding of the
27 county that comprehensive management of surface and storm water
28 runoff must include anticipation of future growth and
29 development in the design and improvement of the surface and
30 storm water management system. Service charge revenue needs
31 shall be based upon the present and future requirements of the
32 surface and storm water management system, and these needs
33 shall be considered when determining the rates and charges of
34 the program.

1 L. Basin Plans. It is the finding of the county that
2 basin plans are essential to establishing a comprehensive
3 approach to a capital improvement program, maintenance of
4 facilities and regulation of new developments. A plan should
5 analyze the measures needed to control surface and
6 ~~((stormwater))~~ storm water runoff which results from existing
7 and anticipated development within the basin. The measures
8 investigated to control runoff should include land use
9 regulation such as setback requirements or community plan
10 revisions which revise land use densities as well as the use of
11 drainage ~~((control))~~ facilities. A plan also should recommend
12 the quantity and water quality runoff control measures required
13 to further the purposes set forth in ~~((Section))~~ K.C.C.
14 9.08.040, and community goals. The institutional
15 requirements~~((r))~~ and regulations, including but not limited to
16 land use management, funding needs, and incentives for
17 preserving ~~((streams, lakes and wetlands for plan
18 implementation))~~ the natural surface water drainage system
19 should be identified in the plan. The proposed ordinances and
20 regulations necessary to implement the plan shall be
21 transmitted to the council simultaneously with the plan.

22 M. Service Area. It is the finding of the county that
23 areas now requiring urban services, areas designated to receive
24 urban services or areas exhibiting development related ~~((storm
25 and))~~ surface and storm water problems require comprehensive
26 management of ~~((storm and))~~ surface and storm water. The
27 council finds that the service area set forth in ~~((Section))~~
28 K.C.C. 9.08.050 B. consists of the drainage basins or sub-
29 basins in which a significant area exhibits development related
30 ~~((storm and))~~ surface and storm water problems or a significant
31 area has been designated by the King County comprehensive plan,
32 its supplements and revisions and community and middle plans,
33 as specified in K.C.C. 20.12 for urban development or
34 development densities requiring urban services, or designated
35 as transitional areas.

1 ~~((N. Stormwater Treatment with Direct Discharge. It is a~~
2 ~~finding of the county that any parcel or those portions of any~~
3 ~~parcel served by a stormwater treatment facility which has a~~
4 ~~current National Pollutant Discharge Elimination System (NPDES)~~
5 ~~permit and which discharges its treated effluent directly into~~
6 ~~Puget Sound, Lake Sammamish, Lake Washington, or the Duwamish~~
7 ~~River, does not significantly contribute to the various~~
8 ~~problems created by increased runoff. Any parcel or portion of~~
9 ~~the parcel served by such a facility should be exempt from the~~
10 ~~rates and charges of this chapter.))~~

11 ~~((O. It is the intent of the council to evaluate and~~
12 ~~determine the appropriate policy for low income discounts or~~
13 ~~exemptions should the county adopt a general means test for~~
14 ~~other county services.))~~

15 ((P.)) N. Need for Mitigation. It is the finding of the
16 county that additional surface and storm water runoff problems
17 may be caused by new land use development if not properly
18 mitigated both through protection of natural systems and
19 through constructed improvements. The Surface Water Design
20 Manual, K.C.C. 9.04 and the Sensitive Areas Ordinance 9614 have
21 been adopted by King County to mitigate the impact of new land
22 use development. Further mitigation of these impacts is based
23 on expertise which continues to evolve as new information on
24 our natural systems is obtained and new techniques are
25 discovered. The Surface Water Management Program, through
26 reconnaissance studies, basin plans, and other special studies,
27 will continuously provide valuable information on the existing
28 problems and areas of the natural drainage system that need
29 special protection. The county is researching and developing
30 methods to protect the natural drainage system through zoning,
31 buffering, and setbacks to alleviate existing problems.
32 Setback and buffering measures allow natural preservation of
33 wetlands and stream corridors to occur, alleviat((ing))e
34 erosion and ((surface)) water pollution and provid((ing))e a
35 safe environment for the small mammals and fish which inhabit

1 ((the)) sensitive areas. Based upon the above findings, and as
2 information and methods become available, the executive, as
3 appropriate, shall draft and submit to the council, regulations
4 and development standards to allow protection of the surface
5 and storm water management system (~~through protection of~~)
6 including natural drainage systems.

7 O. Financial Management Operating Policy. The program
8 will maintain long term fiscal viability and fund solvency for
9 all of its related funds. All required capital and operating
10 expenditures will be covered by service charges and other
11 revenues generated or garnered by the program. The program
12 will pay all current operating expenses from current revenues
13 and will maintain an operating reserve to minimize service
14 impacts due to revenue or expenditure variances from plan
15 during a fiscal year. This reserve will be calculated based on
16 the historic variability of revenue and expenditures. The
17 program will adopt a strategic financial planning approach
18 which recognizes the dynamic nature of the program's fiscal
19 operating environment. Long term projections will be updated
20 in the program's adopted strategic plan. One-time revenues
21 will be dedicated to one-time-only expenditures and will not be
22 used to support ongoing requirements. The program's approach
23 to financial reporting and disclosure will be comprehensive,
24 open, and accessible.

25 P. Financial Management Capital Policy. The program shall
26 prepare an annual, multi-year Capital Improvement Program which
27 encompasses all of the program's activities related to the
28 acquisition, construction, replacement, or renovation of
29 capital facilities or equipment. All proposed new facilities
30 will be subject to a consistent and rigorous needs analysis.
31 The program's capital facilities will be planned and financed
32 to ensure that the benefits of the facilities and the costs for
33 them are balanced over time.

34 Q. Financial Management Debt Policy. The program will
35 manage its debt to ensure continued high credit quality, access

1 to credit markets, and financial flexibility. All of the
2 program's debt management activities will be conducted to
3 maintain at least the current credit ratings assigned to the
4 county's debt by the major credit rating agencies and to
5 maintain an adequate debt service coverage ratio. Long term
6 debt will not be used to support operating expenses. The
7 program will develop and maintain a central system for all
8 debt-related records which will include all official
9 statements, bid documents, ordinances, indentures, leases, etc.
10 , for all of the program's debt and will accurately account for
11 all interested earnings in debt-related funds. These records
12 will be designed to ensure that the program is in compliance
13 with all debt covenants and with State and Federal laws.

14 SECTION 7. Ordinance 7590, Section 8 and K.C.C. 9.08.070
15 both as amended are each hereby amended to read as follows:

16 Rate Structure. A. The service charges shall be based
17 on the relative contribution of increased surface and storm
18 water runoff from a given parcel to the surface and storm water
19 management system. The percentage of impervious surfaces on
20 the parcel and the total parcel acreage will be used to
21 indicate the relative contribution of increased surface and
22 storm water runoff from the parcel to the surface and storm
23 water management system. The relative contribution of
24 increased surface and storm water runoff from each parcel will
25 determine((s)) that parcel's share of the service charge
26 revenue needs. The service charge revenue needs of the program
27 are based upon all or any part, as determined by the council,
28 of the cost ((and expense within the service area of
29 maintaining and operating storm water control facilities, all
30 or any part of the cost and expense of planning, designing,
31 establishing, acquiring, developing, constructing, and
32 improving any of such facilities,)) of surface and storm water
33 management services or to pay or secure the payment of all or
34 any portion of any issue of general obligation or revenue bonds
35 issued for such purpose.

1 B. The surface water management division shall determine
 2 the service charge for each parcel within the service area by
 3 the following methodology: Residential and very lightly
 4 developed non-residential parcels shall receive a flat service
 5 charge for the reasons set forth in ((section)) K.C.C.
 6 9.08.060. Parcels shall be classified into the appropriate
 7 rate category ((in subsection C of this section)) by their
 8 percentage of impervious surface coverage. Land use codes and
 9 data collected from parcel investigations will be used to
 10 determine each parcel's percentage of impervious surface
 11 coverage. After a parcel has been assigned to the appropriate
 12 rate category, the service charge for the parcel will be
 13 calculated by multiplying the total acreage of the parcel times
 14 the rate for that category.

15 C. Effective January 1, 1992, ((P)) there is hereby
 16 imposed upon all developed properties in the service area
 17 annual service charges as follows:

18 ((Impervious Surface

19 Class	Percentage	Rate
20 Residential (R) *	NA	\$ 26.07/parcel/year
21 Very Light (VL)	0 - 10%	\$ 26.07/parcel/year
22 Light (L) **	10 - 20%	\$ 60.83/acre/year
23 Moderate (M) **	20 - 45%	\$126.01/acre/year
24 Moderately Heavy (MH) **	45 - 65%	\$243.33/acre/year
25 Heavy (H) **	65 - 85%	\$308.51/acre/year
26 Very Heavy (VH) **	85 - 100%	\$404.10/acre/year
27 County Roads	NA	\$ 90.44/acre/year
28 State Highways	NA	\$ ***

29 * Parcel is owned by and is the personal residence of a
 30 person or persons determined by the county assessor as
 31 qualified for a low income senior citizen property tax
 32 exemption under RCW 84.36.381, then the parcel shall be exempt
 33 from the service charge and the annual flat rate set forth in
 34 D. of this section.

1 ~~** The minimum service charge shall be~~
 2 ~~\$26.07/parcel/year. Starting in 1989, the maximum annual~~
 3 ~~service charge for mobile home parks shall be \$29.89 times the~~
 4 ~~number of mobile home spaces.~~

5 ~~*** The rate charged to the Washington State Department of~~
 6 ~~Transportation will be determined in accordance with RCW~~
 7 ~~90.03.525.~~

8 ~~D. An additional flat rate charge of \$3.82 per year will~~
 9 ~~be added to each service charge bill to pay for the operation~~
 10 ~~of the billing system.))~~

11 SURFACE WATER MANAGEMENT SERVICE CHARGES

<u>Class</u>	<u>Impervious Surface %</u>	<u>Rate</u>
<u>Residential</u>	<u>NA</u>	<u>\$ 85.02/parcel/year</u>
<u>Very Light</u>	<u>0 to <10%</u>	<u>\$ 85.02/parcel/year</u>
<u>Light</u>	<u>>10% to < 20%</u>	<u>\$198.40/acre/year</u>
<u>Moderate</u>	<u>>20% to < 45%</u>	<u>\$410.98/acre/year</u>
<u>Moderately Heavy</u>	<u>>45% to < 65%</u>	<u>\$793.60/acre/year</u>
<u>Heavy</u>	<u>>65% to < 85%</u>	<u>\$1,006.16/acre/year</u>
<u>Very Heavy</u>	<u>>85% to < 100%</u>	<u>\$1,317.94/acre/year</u>
<u>County Roads</u>	<u>NA</u>	<u>Set in accordance</u> <u>with RCW 90.03.525</u>
<u>State Highways</u>	<u>NA</u>	<u>Set in accordance</u> <u>with RCW 90.03.525</u>

24 The minimum service charge in any class shall be \$85.02/parcel/
 25 year. Mobile home parks' maximum annual service charges in any
 26 class shall be \$85.02 times the number of mobile home spaces.

27 D. The County Council will review the surface water
 28 management service charges annually to ensure the long term
 29 fiscal viability of the program and to guarantee that debt
 30 covenants are met. The program will use equitable and
 31 efficient methods to determine service charges.

32 E. When a parcel with impervious surface is divided by the
 33 boundary of the service area and a portion of the parcel's
 34 impervious surface drains into the service area, the parcel
 35 shall be charged as otherwise provided herein on the basis of

1 the lands and impervious surfaces which drain into the service
 2 area. When the director has determined that the impervious
 3 surface of a parcel, divided by the boundary of the service
 4 area, completely drains outside of the service area, the parcel
 5 will be exempt from the rates and charges of this chapter.

6 ((E)) F. The King County council by ordinance may
 7 supplement or alter charges within specific basins and sub-
 8 basins of the service area so as to charge properties or
 9 parcels of one basin or sub-basin for improvements, studies, or
 10 maintenance which the council deems to provide service or
 11 benefit the property owners of one or more basin(s) or sub-
 12 basin(s).

13 SECTION 8. Ordinance 7590, Section 9 and K.C.C. 9.08.080
 14 both as amended are each hereby amended to read as follows:

15 Rate Adjustments and Appeals. A. Any person billed for
 16 service charges may file a "Request for Rate Adjustment" with
 17 the surface water management division within ((three)) two
 18 years of the date from which the bill was sent. However,
 19 filing of such a request does not extend the period for payment
 20 of the charge.

21 B. Requests for rate adjustment may be granted or approved
 22 by the director only when one of the following conditions
 23 exists:

24 1. The parcel is owned and is the personal residence of
 25 a person or persons determined by the county assessor as
 26 qualified for a low income senior citizen property tax
 27 exemption authorized under RCW 84.36.381; parcels qualifying
 28 hereunder shall be exempt from all charges imposed in K.C.C.
 29 9.08.070((-))i

30 2. The acreage of the parcel charged is in error;

31 3. The parcel is non-residential and the actual
 32 impervious surface coverage of the parcel charged places it in
 33 a different rate category than the rate category assigned by
 34 the division;

1 4. The parcel is non-residential and the parcel meets
2 the definition of open space in section 9.08.010 of this
3 chapter(~~(+property)~~) Parcels qualifying hereunder will be
4 charged only for the area of impervious surface and at the rate
5 which the parcel is classified under using the total parcel
6 acreage;

7 5. The parcel is served by one or more retention/detention
8 facilities required pursuant to the provisions of K.C.C. 9.04,
9 or can be demonstrated by the property owner to provide
10 retention/detention of (~~(stormwater)~~) surface and storm water
11 to the standards set forth in K.C.C. 9.04 and maintained at the
12 expense of the parcel owner to the standards required by the
13 department of public works(~~(+n)~~). Non-residential parcels
14 except in the light rate category qualifying hereunder shall be
15 charged at the rate of one lower rate category than it is
16 classified by its percentage of impervious surface coverage.
17 Non-residential parcels in the light rate category qualifying
18 hereunder shall be charged at the rate of (~~(\$23.90)~~)
19 \$85.02/acre(~~(s)~~)/year (~~(plus the flat rate charge)~~).
20 Residential parcels and parcels in the very light rate category
21 qualifying hereunder shall be charged (~~(\$13.04)~~)
22 \$42.51/parcel/year (~~(plus the flat rate charge)~~);

23 (~~6. A parcel contains a stream, creek, lake, pond or~~
24 ~~wetland that has been identified in an adopted drainage basin~~
25 ~~plan as an important storm water control facility provided that~~
26 ~~the parcel owner provides annual maintenance to the standard~~
27 ~~required by the department of public works. Parcels qualifying~~
28 ~~hereunder shall be granted a discount in the manner set forth~~
29 ~~in subsection B.5. of this section. However, parcels~~
30 ~~qualifying under subsection B.5. and B.6. of this section shall~~
31 ~~receive only one rate class discount, whichever is the greater;~~

32 7. A parcel is divided by the boundary of the service
33 area and the impervious surfaces of the parcel are outside of
34 the service area. Property qualifying hereunder shall be exempt
35 from the rates and charges of the chapter;

1 ~~8. A parcel is divided by the boundary of the service~~
 2 ~~area that a portion of the impervious surfaces of the parcel~~
 3 ~~drain into the service area; parcels qualifying hereunder shall~~
 4 ~~be charged as otherwise provided herein on the basis of the~~
 5 ~~lands and impervious surfaces which drain into the service~~
 6 ~~area;~~

7 ~~9. The rate or service charge is otherwise erroneous in~~
 8 ~~applying the terms of this chapter;~~

9 ~~10. A parcel is served by a stormwater treatment~~
 10 ~~facility which holds a current National Pollutant Discharge~~
 11 ~~Elimination System (NPDES) permit under the authority of the~~
 12 ~~Clean Water Act of 1982, Section 402, specifically for the~~
 13 ~~treatment of stormwater from the parcel AND said system~~
 14 ~~discharges directly into Lake Sammamish, Lake Washington, Puget~~
 15 ~~Sound, or the Duwamish River without in any way utilizing any~~
 16 ~~other stormwater conveyance or storage facilities. Parcels~~
 17 ~~qualifying hereunder will be charged only for the area of~~
 18 ~~impervious surface not served by the stormwater treatment~~
 19 ~~facility and at the rate based upon the unserved portion of the~~
 20 ~~parcel;))~~

21 ((11.)) 6. ((A)) The parcel is owned or leased by a
 22 public school district which provides activities which directly
 23 benefit the ((s))Surface ((w))Water ((m))Management
 24 ((p))Program. The activities may include: curriculum specific
 25 to the issues and problems of surface and storm water
 26 management, and student activities in the community to expose
 27 students to the efforts required to restore, monitor or enhance
 28 the surface and storm water management system. Pursuant to RCW
 29 36.89.085, the amount of the rate adjustment shall be
 30 determined by the director based upon the cost of the
 31 activities to the school district but not to exceed the value
 32 of the activity to the ((s))Surface ((w))Water ((m))Management
 33 ((p))Program. Determination of which activities qualify for
 34 the surface water management service charge reduction will be
 35 made by the surface water management division. Reductions in

1 surface water management service charges will only be granted
2 to school districts which provide programs that have been
3 evaluated by the surface water management division. The rate
4 adjustment for the school district activity may be applied to
5 any parcel in the service area which is owned or operated by
6 the school district((~~-~~); or

7 7. The service charge bill was otherwise not calculated
8 in accordance with the terms of this chapter.

9 C. The property owner shall have the burden of proving
10 that the rate adjustment sought should be granted.

11 D. Decisions on requests for rate adjustments shall be
12 made by the director based on information submitted by the
13 applicant and by the division within ((30)) thirty days of the
14 adjustment request except when additional information is
15 needed. The applicant shall be notified in writing of the
16 director's decision. If an adjustment is granted which reduces
17 the charge for the current year or two prior years, the
18 applicant shall be refunded the amount overpaid in the current
19 and two prior years.

20 E. If the director finds that a service charge bill has
21 been ((~~sent to a parcel owner which was~~)) undercharged ((~~for~~
22 ~~the amount of impervious surface coverage on the parcel~~)), then
23 either an amended bill shall be issued which reflects the
24 increase in the service charge or the undercharged amount will
25 be added to the next year's bill. This amended bill shall be
26 due and payable under the provisions set forth in ((~~Section~~))
27 K.C.C. 9.08.100 ((~~of this chapter~~)). The director may include
28 in the bill the amount undercharged for two previous billing
29 years in addition to the current bill.

30 F. Decisions of the director on requests for rate
31 adjustments shall be final unless within thirty days of the
32 date the decision was mailed, the applicant submits in writing
33 to the director notice of appeal setting forth a brief
34 statement of the grounds for appeal and requesting a hearing
35 before the King County zoning and subdivision examiner. The

1 examiner's decision shall be a final decision pursuant to the
2 provisions of K.C.C. 20.24.080.

3 SECTION 9. Ordinance 7590, Section 12 and K.C.C. 9.08.090
4 both as amended are each hereby amended to read as follows:

5 Billing Procedure. A. All property subject to charges
6 of the program shall be billed on the property characteristics
7 existing on November 1, of the year prior to the billing year
8 and at a rate set forth in ~~((Section))~~ K.C.C. 9.08.070.
9 Billing year is the year that the bills are sent. The service
10 charge shall be displayed and billed on the annual property tax
11 statement for the parcel and shall be mailed to the name and
12 address shown on the real property tax roll at the time annual
13 property tax bills are prepared. Parcels which are exempt from
14 property taxes and do not receive an annual property tax
15 statement will receive a bill only for the service charge. If
16 a payment less than the sum of the total property tax plus
17 service charge or less than the sum of one-half of the property
18 tax plus one-half of the service charge is received ~~((in~~
19 ~~conjunction with))~~ for a combined property tax and service
20 charge, ~~((and the payment is less than the sum of the total~~
21 ~~property tax plus service charge or less than the sum of one-~~
22 ~~half of the property tax plus one half of the service charge,))~~
23 and ~~((unless))~~ the parcel owner has not otherwise specified
24 ~~((by the parcel owner))~~, the director of the office of finance
25 shall first apply the payment to the annual property tax of the
26 parcel ~~((first))~~ pursuant to the provisions of ~~((Chapter))~~ RCW
27 84.56 ((RCW)) and then apply any remaining amount to the
28 service charge.

29 B. The total amount of the service charge shall be due and
30 payable to the director of the office of finance on or before
31 the 30th day of April and shall be delinquent after that date;
32 however, if one-half of such service charge is paid on or
33 before the said 30th day of April, the remainder shall be due
34 and payable on or before the 31st day of October and shall be
35 delinquent after that date.

1 C. Parcel characteristics affecting the service charge
 2 which are altered after November 1 of any year shall not be a
 3 basis for calculation of the service charge until after
 4 December 31 of the following year.

5 EXCEPTION: Adjustments to the annual service charge may
 6 be made when property is incorporated or annexed by another
 7 jurisdiction. The service charge for the billing year during
 8 which incorporation or annexation occurs may:

9 1. Be subject to a proration formula included in an
 10 interlocal agreement between the county and the incorporating
 11 or annexing jurisdiction; or

12 2. If the incorporation or annexation interlocal
 13 agreement does not address the surface water management charge,
 14 then incorporated or annexed properties will be subject to a
 15 surface water management charge of one-quarter of the annual
 16 service charge for each quarter of the billing year during
 17 which the property was in unincorporated King County for one or
 18 more days. For purposes of determining this modified service
 19 charge, the billing quarters will be for January 1 through
 20 March 31; April 1 through June 30; July 1 through September 30;
 21 and October 1 through December 31.

22 ~~((This exception will be effective retroactively from
 23 January 1, 1987.))~~

24 SECTION 10. Ordinance 7590, Section 14 and K.C.C. 9.08.110
 25 both as amended are each hereby amended to read as follows:

26 Surface Water Management Fund. All service charges shall
 27 be deposited in the Surface Water Management Fund in the office
 28 of finance which fund is hereby created to be used only for the
 29 purpose of paying all or any part of the cost and expense of
 30 ~~((maintaining and operating surface and storm water management
 31 facilities, all or any part of the cost and expense of
 32 planning, designing, establishing, acquiring, developing,
 33 constructing, and improving any such facilities))~~ providing
 34 surface water management services, or to pay or secure the
 35 payment of all or any portion of any issue of general

1 obligation or revenue bond issued for such purpose. Monies in
 2 said fund not needed for immediate expenditure shall be
 3 invested for the benefit of the ((s))Surface ((w))Water
 4 ((m))Management ((f))Fund pursuant to the first paragraph of
 5 RCW 36.29.020 and such procedures and limitations contained in
 6 county ordinance, provided, that sufficient funds shall be
 7 transferred no later than the end of the fiscal year in which
 8 they were first appropriated for capital projects appropriated
 9 in the Surface and ((Stormwater)) Storm Water Management
 10 Construction Fund beginning in fiscal year 1988. The program's
 11 funds balances and other financial resources will be invested
 12 conservatively to match strong security of principal with
 13 market rates of return. For investment purposes the director
 14 of the department of public works is hereby designated the fund
 15 manager.

16 SECTION 11. Ordinance 7590, Section 15 and K.C.C.
 17 9.08.120 both as amended each are hereby amended to read as
 18 follows:

19 Administrative Procedures. Pursuant to K.C.C. 2.98 the
 20 director shall develop administrative procedures relating to
 21 the implementation of this chapter and the imposition and
 22 collection of service charges, including but not limited to((+)

23 ~~A. Procedures for the application and review of requests~~
 24 ~~for adjustments to service charges including timely review and~~
 25 ~~decision on adjustments for the first year of the service~~
 26 ~~charge where a higher number of requests for adjustments is~~
 27 ~~expected.~~

28 ~~B. P))~~ procedures for the filing of liens and initiation
 29 of foreclosure on delinquent accounts.

30 NEW SECTION. SECTION 12. There is added to K.C.C. 9.08 a
 31 new section to read as follows:

32 The Surface Water Management Program shall report to the
 33 Council every three years regarding the results of a revenue
 34 and expenditure analysis for capital improvement projects for
 35 each subarea within the service area to determine the

1 relationship between expenditures and revenues generated in
2 each subarea. The program shall identify areas where
3 additional expenditures are required and how the program
4 expects to address any differences.

5 NEW SECTION. SECTION 13. King County residents inside or
6 outside the existing Surface Water Management service area may
7 petition the King County council for establishment of an
8 independent fee for additional services not currently provided
9 by Surface Water Management to them. Sixty percent (60%) of
10 the residents of the proposed special service area may petition
11 the council for the additional service and charge. The purpose
12 of the petition process and additional charge is to: 1)
13 provide additional services to residents within the existing
14 service area; 2) provide additional services to residents
15 outside the service area; or 3) expand the service area to
16 include the area within the petition.

17 The executive shall develop a process for creating special
18 service areas and the criteria for acceptance of the special
19 service areas by June 1992. The executive should use the
20 process outlined in Exhibit B as a guide for developing the
21 petition process and the criteria for acceptance of the special
22 service areas.

1 NEW SECTION. SECTION 14. There is added to K.C.C. 9.08 a
2 new section to read as follows:

3 Severability. If any provision of this ordinance or its
4 application to any person or circumstance is held invalid, the
5 remainder of the ordinance or the application of the provision
6 to other persons or circumstances is not affected.

7 SECTION 15. Ordinance 7590, Section 16 and K.C.C.
8 9.08.130 both as amended are each hereby repealed.

9 INTRODUCED AND READ for the first time this 11th day
10 of February, 1991.

11 PASSED this 2nd day of December, 1991.

12 KING COUNTY COUNCIL
13 KING COUNTY, WASHINGTON

14 Rois North
15 Chair

16 ATTEST:

17 Gerald A. Peterson
18 Clerk of the Council

19 APPROVED this 11th day of December, 1991.

20 Jim Hill
21 King County Executive

Surface Water Management Service Area Description

In the following description specific names are used for basins and sub-basins; these names are deemed to refer to the basins and sub-basin names shown on Exhibit B hereto attached.

Service Area Description

All that portion of King County, Washington lying easterly of the easterly shoreline of Puget Sound and lying westerly of the following described line:

Beginning at a point of intersection of the north county line of King County and the west drainage divide of the Snoqualmie River Basin as show on Exhibit B hereto attached, said point being 900 feet more or less west of the northeast corner of section 4, township 26 north, range 6 east, W.M.;

thence southerly along the drainage divide between said Snoqualmie River Basin and the Cedar River Basin, more specifically described as being the easterly drainage boundary of those Cedar River Sub-basins identified as Big Bear Creek, Evans Creek, East Lake Sammamish, North Fork Issaquah Creek, East Fork Issaquah Creek and Issaquah Creek, being also the west drainage boundary of those Snoqualmie River Sub-basins identified as High Rock, Tuck Creek, Ames Lake, Patterson Creek and Raging River, to a point on the west line of the east half of section 28, township 23 north, range 7 east, W.M., said point lying 1,700 feet, more or less, south of the north quarter corner thereof;

thence south along said west line to the south line of said section 28;

thence continuing south along the west line of the east half of section 33, township 23 north, range 7 east, W.M., to the south quarter corner thereof;

thence west along the north line of section 4, township 22 north, range 7 east, W.M., to the northwest corner thereof;

thence south along the west line of said section 4 to the southwest corner thereof;

thence west along the north line of section 8, township 22 north, range 7 east, W.M., to the west one-sixteenth corner between sections 5 and said section 8;

thence south along the west line of the east half of the northwest quarter to the west one-sixteenth corner of said section 8;

thence west along the north line of the northwest quarter of the southwest quarter of said section 8 to the northwest corner of the east half of said northwest quarter of the southwest quarter of said section;

thence south along said east line to the north line of the southwest quarter of the southwest quarter of said section 8; thence west along said north line to the south one-sixteenth corner between section 7 and section 8; thence south along the west line of said section 8 to the southwest corner thereof;

thence continuing south along the east line of section 18, township 22 north, range 7 east, W.M., to the north one-sixteenth corner between said section 18 and section 17;

thence west along the north line of the south half of the northeast quarter of said section 18 to the north one-sixteen corner thereof;

thence south to the center quarter corner of said section 18;

thence west along the north line of the southwest quarter of said section 18 to the west quarter corner thereof;

thence south along the west line of said section 18 to the southwest corner thereof;

thence continuing south along the west line of section 19, township 22 north, range 7 east, W.M., to the southwest corner thereof;

thence east along the south line of said section 19 to the southeast corner thereof;

thence continuing east along the south line of section 20 to the southeast corner thereof;

thence south along the west line of section 28, township 22 north, range 7 east, W.M., to the west quarter corner thereof;

thence east along the east-west center section line of said section 28 to the east quarter corner thereof;

thence north along the east line of said section 28 to the northeast corner thereof;

thence east along the north line of section 27, township 22 north, range 7 east, W.M., to a point lying 720 feet more or less west of the northeast corner thereof;

thence generally southwesterly and southerly along the drainage divide between the Lower Cedar River Sub-basin and the Middle Green River Sub-basin to a point lying 1,730 feet more or less east, and 260 feet more or less south of the northwest corner of section 3, township 21 north, range 7 east, W.M.;

thence generally westerly, southerly, and southwesterly along said drainage divide between the Lower Cedar River Sub-basin and the Middle Green River Sub-basin to a point on the centerline of the Retreat-Kanaskat Road relocation, lying 2,000 feet more or less west, and 1,930 feet more or less north of the southeast corner of section 4, township 21 north, range 7 east, W.M.;

thence generally southeasterly along said centerline to a point lying 330 feet more or less east, and 1,180 feet more or less north of the southwest corner of section 3, township 21 north, range 7 east, W.M.;

thence southwesterly to the southerly margin of the Eagle Gorge Project - R.R. Relocation of the B.N.I. right-of-way; thence northwesterly along said southerly margin to a point lying 1,100 feet more or less west, and 1,640 feet more or less north of the southeast corner of section 4, township 21 north, range 7 east, W.M.;

thence generally southwesterly along the highest point ridgeline between the Lower Cedar River Sub-basin and the Middle Green River Sub-basin, said ridgeline being the drainage divide between said sub-basins, to a point on the south line of section 7, township 21 north, range 7 east, W.M., lying 1,100 feet more or less west of the southeast corner thereof;

thence generally westerly along said drainage divide between the Lower Cedar River Sub-basin and the Middle Green River Sub-basin to a point of common intersection on the boundaries of said Lower Cedar River Sub-basin, said Middle Green River Sub-basin and the Covington creek Sub-basin of the cedar River Basin; said point lying 600 feet more or less west, and 60 feet more or less, north of the southeast corner of section 12, township 21 north, range 6 east, W.M.;

thence generally westerly along the common drainage divide boundary of said Sub-basins Covington Creek and Middle Green River to a point which lies 2,000 feet more or less south and 1,000 feet more or less east of the northwest corner of section 20, township 21 north, range 6 east, W.M.;

thence southeasterly and southerly along the highest point ridgeline to the north shoreline of the Green River;

thence south to the thread of the Green River;

thence easterly along the thread of the Green River to its intersection with the thread of Newaukum Creek;

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thence southwesterly to the south shoreline of the Green River, said point being also on the common drainage divide boundary of the Green River basin Sub-basins identified as Middle Green River and Newaukum Creek;

thence generally southerly along the common drainage divide of said Sub-basins to its intersection with the north drainage divided of the White River Basin;

thence generally westerly along the common drainage divide between the White River Basin and green River Basin (also being the south boundary of the Middle Green River Sub-basin) to a point of intersection with the easterly city limits of Auburn;

thence southerly along said city limits of Auburn to its intersection with the south county line of King County, said point being the terminus of said described line;

EXCEPT any portion thereof lying within the limits of any incorporated area.

EXHIBIT B

PROCESS FOR CITIZEN PETITION FOR A SPECIAL SERVICE CHARGE

1. Sixty percent (60%) of the residents of the special service area may petition the King County Council for a study to evaluate the feasibility of creating a special service area.
2. Surface Water Management establishes a study fee based on information in the petition.
3. The King County Council enacts study authority on a fee basis. The petitioners pay Surface Water Management the study fee.
4. Surface Water Management prepares the study which includes: the boundaries of the potential special service area, a preliminary work plan and cost estimates for the work plan.
5. After the study is completed, residents within the boundaries identified in the Surface Water Management study may petition the King County Council to establish a special service area. Petitioners must gather signatures representing support of 75% of the assessed property value and 60% of the number of residents within the boundaries identified in the Surface Water Management study. Petitioners may petition for fees based on all projects identified in the entire study or for a portion of the projects identified in the study.
6. In determining whether to accept the petition for creation of the special service area, the King County Council shall consider 1) whether the projects will be self supporting from the additional fees and 2) whether the proposed projects meet the goals of the overall Surface Water Management program.