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Louise Miller  
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Introduced By:

Clerk 10/21/99, 12/14/99

Proposed No.:

1999-0623

ORDINANCE NO. **13695**

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AN ORDINANCE relating to the King County surface water management program; and amending Ordinance 7590, Section 1, as amended, and K.C.C. 9.08.010, Ordinance 7590, Section 2, as amended, and K.C.C. 9.08.020, Ordinance 7590, Section 6, as amended, and K.C.C. 9.08.050, Ordinance 7590, Section 7, as amended, and K.C.C. 9.08.060, Ordinance 7590, Section 8, as amended, and K.C.C. 9.08.070 and Ordinance 7590, Section 9, as amended, and K.C.C. 9.08.080

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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SECTION 1. Ordinance 7590, Section 1, and K.C.C. 9.08.010 are each hereby

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amended to read as follows:

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

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A. "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 subbasins.

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B. "County" means King County.

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C. "Department" means the department of ~~((public works))~~ natural resources or its successor agency.

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22 D. "Developed parcel" means any parcel altered from the natural state by the  
23 construction, creation or addition of impervious surfaces.

24 E. "Director" means the director of the department of ~~((public works))~~ natural  
25 resources or its successor agency or the director's designee.

26 F. "Division" means the department of natural resources, water and land resources  
27 division or its successor agency.

28 G. "Lake ~~((M))~~management ~~((P))~~plan" means the plan ~~((t))~~, and supporting documents  
29 as appropriate~~((t))~~, describing the lake management recommendations and requirements  
30 which has been formally adopted by rule under the procedures specified in K.C.C. chapter  
31 2.98. Adopted lake management plans are available from the ~~((surface water management))~~  
32 division and the department of development and environmental services. A synopsis of  
33 adopted ~~((L))~~lake ~~((M))~~management ~~((P))~~plans will be distributed to all Surface Water  
34 Design Manual subscribers as part of the manual's routine update process.

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

41 ~~((H))~~ I. "Impervious surface" means a hard surface area which either prevents or  
42 retards the entry of water into the soil mantle as it entered under natural conditions prior to  
43 development, and/or a hard surface area which causes water to run off the surface in greater  
44 quantities or at an increased rate of flow from the flow present under natural conditions prior

45 to development. Common impervious surfaces include, but are not limited to, roofs,  
46 walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or  
47 made of packed or oiled earthen materials((;)) or other surfaces which similarly impede the  
48 natural infiltration of surface and storm water. Open, uncovered retention/detention facilities  
49 shall not be considered as impervious surfaces for the purpose of this chapter.

50 ((F)) J. "Land use code" means restrictions on the type of development for a specific  
51 parcel of land as identified by records maintained by the King County department of  
52 assessments as modified or supplemented by information resulting from investigation by the  
53 ((surface water management)) division. Land use codes are preliminary indicators of the  
54 extent of impervious surface and are used in the initial analysis to assign an appropriate rate  
55 category for a specific parcel. ((("Service station", "single family home", and "shopping  
56 center" are examples of land use codes.))

57 ((F)) K. "Maintenance" means the act or process of cleaning, repairing or preserving a  
58 system, unit, facility, structure or piece of equipment.

59 ((K)) L. "Natural surface water drainage system" means such landscape features as  
60 rivers, streams, lakes((;)) and wetlands. This system circulates water in a complex  
61 hydrological cycle.

62 ((L)) M. "Open ((S))space" means any parcel, property or portion thereof classified  
63 for current use taxation under ((the provisions of)) K.C.C. chapter 20.36 and ((RCW))  
64 chapter 84.34 RCW, or for which the development rights have been sold to King County  
65 under ((the provisions of)) K.C.C. chapter 26.04. This definition includes lands which have  
66 been classified as open space, agricultural or timber lands under criteria contained in K.C.C.  
67 chapter 20.36 and ((RCW)) chapter 84.34 RCW.

68 ((M)) N. "Parcel" means the smallest separately segregated unit or plot of land having  
69 an identified owner, boundaries((;)) and surface area which is documented for property tax  
70 purposes and given a tax lot number by the King County assessor.

71 ((N)) O. "Person" means any individual, firm, company, association, corporation or  
72 governmental agency.

73 ((O)) P. "Program" means the ((S))surface ((W))water ((M))management  
74 ((P))program as set forth in this chapter.

75 ((P)) Q. "Rate category" means the classification in this chapter given to a parcel in  
76 the service area based upon the type of land use on the parcel and the percentage of  
77 impervious surface area contained on the parcel.

78 ~~((Q)) "Retention/detention facility" means a type of drainage facility designed either to~~  
79 ~~hold water for a considerable length of time and then release it by evaporation, plant~~  
80 ~~transpiration and/or infiltration into the ground; or to hold runoff for a short period of time~~  
81 ~~and then release it to the surface and storm water management system.))~~

82 R. "Residence" means a building or structure or portion thereof, designed for and used  
83 to provide a place of abode for human beings. The term residence includes the term  
84 "residential" or "residential unit" as referring to the type of or intended use of a building or  
85 structure.

86 S. "Residential parcel" means any parcel which contains no more than three residences  
87 or three residential units which are within a single structure and is used primarily for  
88 residential purposes.

89 T. "Retention/detention facility" means a type of drainage facility designed either: to  
90 hold water for a considerable length of time and then release it by any combination of

91 evaporation, plant transpiration and infiltration into the ground; or to hold runoff for a short  
 92 period of time and then release it to the surface and storm water management system.

93 U. "Service area" means ((the area described in Exhibit A dated November 27, 1991  
 94 which is attached hereto and incorporated by reference herein. This exhibit is available in  
 95 the office of the clerk of the council)) unincorporated King County.

96 ((U)) V. "Storm water plan" means a King County ordinance specifying the storm  
 97 water control facilities that will be funded by a bond issue.

98 ((V)) W. "Surface and storm water management services" means the services  
 99 provided by the ((S))surface ((W))water ((M))management ((P))program, including but not  
 100 limited to basin planning, facilities maintenance, regulation, financial administration, public  
 101 involvement, drainage investigation and enforcement, aquatic resource restoration, surface  
 102 and storm water quality and environmental monitoring, natural surface water drainage  
 103 system planning, intergovernmental relations((,)) and facility design and construction.

104 ((W)) X. "Subbasin" means a drainage area which drains to a water course or water  
 105 body named and noted on common maps and which is contained within a basin as defined in  
 106 K.C.C. 9.04.020.

107 ((X)) Y. "Surface and storm water" means water originating from rainfall and other  
 108 precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes  
 109 and wetlands as well as shallow ground water.

110 ((Y)) Z. "Surface and storm water management system" means constructed drainage  
 111 facilities and any natural surface water drainage features ((which collect, store, control, treat  
 112 and/or convey)) that do any combination of collection, storing, controlling, treating or  
 113 conveying surface and storm water.

114 ((Z)) AA. "Undeveloped parcel" means any parcel which has not been altered from its  
 115 natural state by the construction, creation((;)) or addition of impervious surface.

116 SECTION 2. Ordinance 7590, Section 2, and K.C.C. 9.08:020 are each hereby  
 117 amended to read as follows:

118 **Authority.** A. There is hereby created and established the ((S))surface ((W))water  
 119 ((M))management ((P))program of King County under which ((the provisions of)) this  
 120 chapter shall be carried out.

121 B. The program ((herein)) created in this section shall be administered by the ((King  
 122 County department of public works, surface water management)) division.

123 C. ((Right of Entry.)) Whenever necessary to examine the property characteristics of a  
 124 particular parcel for the purposes of implementing this chapter, the director ((or the director's  
 125 designee)) may enter any property or portion thereof at reasonable times in compliance with  
 126 the following procedures:

127 1. If ((such)) the property or portion thereof is occupied, the director ((or the  
 128 director's designee)) shall present identification credentials, state the reason for entry and  
 129 request entry((-));

130 2. If ((such)) the property or portion thereof is unoccupied, the director ((or the  
 131 director's designee)) shall first make a reasonable effort to locate the owner or other persons  
 132 having charge or control of the property or portion thereof and request entry((-); and

133 3. Unless entry is consented to by the owner or person in control of any property or  
 134 portion thereof, the director ((or the director's designee)), ((prior to)) before entry, shall  
 135 obtain a search warrant as authorized by the laws of the ((S))state of Washington.

136 D. The director ((or the director's designee)) is authorized to enforce ((the provisions  
137 of)) this chapter, the ordinances and resolutions codified in it and any rules and regulations  
138 promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title  
139 23.

140 E. The program may provide services related to surface and storm water management,  
141 including but not limited to basin planning, facilities maintenance, regulation, financial  
142 administration, public involvement, drainage investigation and enforcement, aquatic resource  
143 restoration, surface and storm water quality and environmental monitoring, natural surface  
144 water drainage system planning, intergovernmental relations, and facility design and  
145 construction. The program may contract for services with interested municipalities or  
146 special districts including but not limited to sewer and water districts, school districts, port  
147 districts or other governmental agencies.

148 F. 1. Whenever a city or town annexes an area, or a city or town incorporates an area  
149 and the county has issued revenue bonds or general obligation bonds to finance storm water  
150 control facilities that are payable in whole or in part from rates or charges imposed in the  
151 area, the county shall continue imposing all portions of the rates or charges that are allocated  
152 to payment of the debt service on bonds in that area after the effective date of the annexation  
153 or official date of the incorporation until:

154 ((1.—F)) a. the debt is retired;

155 ((2.—A)) b. any debt that is issued to refinance the underlying debt is retired; or

156 ((3.—F)) c. the city or town reimburses the county an amount that is sufficient to  
157 retire that portion of the debt borne by the annexed or incorporated area.

158           2. If the county provides storm water management services to the city or town by  
159 contract, the contract shall consider the value of payments made by property owners to the  
160 county for the payment of debt service. ~~((The provisions of t))~~This section ~~((apply))~~ applies  
161 whether or not the bonds finance facilities that are geographically located within the area that  
162 is annexed or incorporated.

163           The county shall construct all facilities included in the storm water plan financed by the  
164 proceeds of ~~((such))~~ the bonds. The storm water plan may be modified and facilities  
165 authorized in the storm water plan may be added, deleted or modified either ~~((prior to))~~  
166 before or ~~((following))~~ after annexation or incorporation of part of the service area when the  
167 county council determines, after notification of cities within the affected basins, that ~~((such))~~  
168 the changes are necessary or advisable in order to implement the storm water plan within  
169 available funding levels. If bond proceeds are insufficient to complete all facilities  
170 authorized in the storm water plan, the county council shall, after notification of cities within  
171 the affected basins, prioritize the use of bond proceeds to construct those facilities most  
172 necessary and in the best interest of the area served by the storm water plan. If the storm  
173 water plan is amended for the reasons ~~((set forth))~~ in this section, any related agreements  
174 with other jurisdictions shall be revised as necessary.

175           SECTION 3. Ordinance 7590, Section 6, as amended, and K.C.C. 9.08.050 are each  
176 hereby amended to read as follows:

177           **Applicability.** A. Developed parcels within the service area shall be billed each year  
178 for surface and storm water management services pursuant to RCW 36.89.080. Surface and  
179 storm water management services ~~((and/))~~ or service charges, or both, shall be imposed on  
180 developed parcels lying within cities and towns when ~~((such))~~ the services ~~((and/))~~ or



181 charges, or both, have been provided for by interlocal agreements between the county and  
182 ~~((such))~~ the cities or towns. That portion of the rates or charges allocated to payment of debt  
183 service on revenue or general obligation bonds issued to finance storm water control  
184 facilities in areas annexed or incorporated subsequent to the issuance of ~~((such))~~ the bonds  
185 shall be imposed as set forth ~~((above))~~ in ~~((Section))~~ K.C.C. 9.08.020(F). In addition, the  
186 county and cities or towns may enter into interlocal agreements allowing the city or town to  
187 provide surface and storm water management services ~~((and/))~~ or charges, or both, for  
188 specified developed parcels lying within unincorporated King County.

189 B. ~~((The service area is that area described in Exhibit A which is attached hereto and  
190 incorporated by reference herein. It identifies the drainage basins or subbasins thereof that  
191 comprise the service area.~~

192 E)). The service area may be modified in accordance with policy contained in  
193 K.C.C. 9.08.060(M). Modifications to the service area shall be by ordinance.

194 SECTION 4. Ordinance 7590, Section 7, and K.C.C. 9.08.060 are each hereby  
195 amended to read as follows:

196 **Policy.** A. ~~((Coordination.))~~ It is the finding of the county that the majority of the  
197 basins in the service area are shared with incorporated cities and towns. In order to achieve a  
198 comprehensive approach to surface and storm water management, the county and  
199 incorporated jurisdictions within a specific basin should coordinate surface and storm water  
200 management services. In addition, the program may contract for services with interested  
201 municipalities or special districts including but not limited to sewer and water districts,  
202 school districts, port districts or other governmental agencies.

203 B. ~~((Education of Public.))~~ It is the finding of the county that many of the difficulties  
204 found in the management of surface and storm water problems are contributed to by the  
205 general lack of public knowledge about the relationship between human actions and surface  
206 and storm water management. In order to achieve a comprehensive approach to surface and  
207 storm water management the county should provide general information to the public about  
208 land use and human activities which impact surface and storm water management. Pursuant  
209 to RCW 36.89.085, it is the finding of the county that public school districts can provide  
210 significant benefits to the county regarding surface and storm water management through  
211 educational programs and community activities related to protection and enhancement of the  
212 surface and storm water management system. These programs and activities can provide  
213 students with an understanding of human activities and land use practices that create surface  
214 and storm water problems and involve students by learning from first hand exposure, the  
215 difficulties of resolving surface and storm water management problems after they occur.

216 C. ~~((Developed parcels.))~~ It is the finding of the county that developed parcels  
217 contribute to an increase in surface and storm water runoff to the surface and storm water  
218 management system. This increase in surface and storm water runoff results in the need to  
219 establish rates and charges to finance the county's activities in surface and storm water  
220 management. Developed parcels shall be subject to the rates and charges of the ~~((S))~~ surface  
221 ~~((W))~~ water ~~((M))~~ management ~~((P))~~ program based on their contribution to increased runoff.  
222 The factors to be used to determine the degree of increased surface and storm water runoff to  
223 the surface and storm water management system from a particular parcel shall be the  
224 percentage of impervious surface coverage on the parcel and the total acreage of the parcel.

225 D. ~~((Undeveloped parcels.))~~ It is the finding of the county that undeveloped parcels do  
226 not contribute as much as developed parcels to an increase in surface and storm water runoff  
227 into the surface and storm water management system. Undeveloped properties shall be  
228 exempt from the rates and charges of the ~~((S))~~ surface ~~((W))~~ water ~~((M))~~ management  
229 ~~((P))~~ program.

230 E. ~~((Drainage facilities.))~~ It is the finding of the county that maintained drainage  
231 facilities mitigate the increased runoff contribution of developed parcels by providing on-site  
232 drainage control. Parcels served by retention/detention facilities which were ~~((=1))~~ required  
233 for development of the parcel pursuant to K.C.C. chapter 9.04 and approved by King  
234 County ~~((;))~~ or ~~((2))~~ can be demonstrated as required in K.C.C. 9.08.080 ~~((B-5))~~ by the  
235 property owner to provide detention/retention of surface and storm water to the standards  
236 ~~((set forth))~~ in K.C.C. chapter 9.04 shall receive a discount as provided in the rates and  
237 charges of the ~~((S))~~ surface ~~((W))~~ water ~~((M))~~ management ~~((P))~~ program, ~~((provided that,))~~ if  
238 the facility is maintained at the parcel owner's expense to the standard established by the  
239 department ~~((of public works))~~. That portion of the rates or charges allocated for payment of  
240 debt service on revenue or general obligation bonds issued to finance storm water control  
241 facilities will not be discounted for retention/detention facilities.

242 F. ~~((Open space.))~~ It is a finding of the county that open space properties provide a  
243 benefit to the surface and storm water management system by the retention of property in an  
244 undeveloped state. Open space properties shall receive a discount from the rates and charges  
245 to encourage the retention of property as open space.

246 G. ~~((Residential parcels.))~~ It is a finding of the county that the majority of the parcels  
247 in the service area are residential. The variance between residential parcels in ~~((parcel size~~

248 and percentage of) impervious surface coverage is found to be minor and to reflect only  
249 minor differences in increased runoff contributions. The administrative cost of calculating  
250 the service charge individually for each residential parcel and maintaining accurate  
251 information would be very high. A flat charge for residential parcels is less costly to  
252 administer than calculating a separate charge for each parcel and is equitable because of the  
253 similarities in ~~((total parcel size and total))~~ impervious surface coverage between residential  
254 parcels. Therefore, residential parcels shall be charged a flat charge based upon ~~(the))~~ an  
255 average ~~((parcel size and average percentage))~~ amount of impervious surface(s).

256 H.~~((Very lightly developed parcels.))~~ It is a finding of the county that very lightly  
257 developed non((-))residential parcels which have an impervious surface coverage of ten  
258 percent or less of the total parcel acreage are characterized by a very low intensity of  
259 development and generally a large number of acres. A greater number of acres of  
260 undeveloped land associated with an impervious surface results in significantly less impact  
261 to the surface and storm water management system. Many of the very lightly developed  
262 properties are recreational, agricultural and timber lands identified in the King County  
263 comprehensive plan and should be encouraged to retain their low intensity of development.  
264 These parcels shall be charged a flat rate which will encourage the retention of large areas of  
265 very lightly developed land.

266 I. ~~((Lightly to very heavily developed parcels.))~~ It is the finding of the county that  
267 lightly to very heavily developed non-residential parcels which have an impervious surface  
268 coverage of more than ten percent have a substantial impact on the surface and storm water  
269 management system. The impact of these parcels on the surface and storm water  
270 management system increases with the size of the parcels. Therefore, lightly to very heavily

271 developed properties shall be charged a rate determined by the percent of impervious surface  
272 coverage multiplied by the parcel acreage.

273 J. (~~Road systems.~~) It is a finding of the county that county and state roads contribute  
274 a significant amount of increased runoff to the surface and storm water management system,  
275 which contributes to the need for basin planning, drainage facilities and other related  
276 services. However, both the county roads and state highway programs provide substantial  
277 annual programs for the construction and maintenance of drainage facilities, and the roads  
278 systems and their associated drainage facilities serve as an integral part of the surface and  
279 storm water management system. The rate charged county roads and state highways shall  
280 reflect the benefit which county roads and state highway facilities provide to the surface and  
281 storm water management system. County and state road drainage systems unlike the  
282 drainage systems on other properties are continually being upgraded to increase both  
283 conveyance capacity and control. It is envisioned that the roads program will work  
284 cooperatively with the (~~S~~)surface (~~W~~)water (~~M~~)management (~~P~~)program to improve  
285 regional surface and storm water management services as new information is available from  
286 basin plans and other sources. The percentage of impervious surface coverage for county  
287 roads and state highways shall be calculated by dividing average width of roadway and  
288 shoulder by the average width of the right of way. The service charge shall be calculated in  
289 accordance with RCW 90.03.525.

290 K. (~~Service charge revenues.~~) It is the finding of the county that comprehensive  
291 management of surface and storm water runoff must include anticipation of future growth  
292 and development in the design and improvement of the surface and storm water management  
293 system. Service charge revenue needs shall be based upon the present and future

294 requirements of the surface and storm water management system, and these needs shall be  
295 considered when determining the rates and charges of the program.

296 L. ~~((Basin plans.))~~ It is the finding of the county that basin plans are essential to  
297 establishing a comprehensive approach to a capital improvement program, maintenance of  
298 facilities and regulation of new developments. A plan should analyze the measures needed  
299 to control surface and storm water runoff which results from existing and anticipated  
300 development within the basin. The measures investigated to control runoff should include  
301 land use regulation such as setback requirements or community plan revisions which revise  
302 land use densities as well as the use of drainage facilities. A plan also should recommend the  
303 quantity and water quality runoff control measures required to further the purposes set forth  
304 in K.C.C. 9.08.040, and community goals. The institutional requirements and regulations,  
305 including but not limited to land use management, funding needs, and incentives for  
306 preserving the natural surface water drainage system should be identified in the plan. The  
307 proposed ordinances and regulations necessary to implement the plan shall be transmitted to  
308 the council simultaneously with the plan.

309 M. ~~((Service area.))~~ It is the finding of the county that areas ~~((now requiring urban  
310 services, areas designated to receive urban services or areas exhibiting))~~ with development  
311 related surface and storm water problems require comprehensive management of surface and  
312 storm water. ~~((The council finds that the service area set forth in K.C.C. 9.08.050B consists  
313 of the drainage basins or subbasins in which a significant area exhibits development related  
314 surface and storm water problems or a significant area has been designated by the King  
315 County comprehensive plan, its supplements and revisions and community and middle plans,~~

316 as specified in K.C.C. chapter 20.12 for urban development or development densities  
317 requiring urban services, or designated as transitional areas.))

318 N. ~~((Need for mitigation.))~~ It is the finding of the county that additional surface and  
319 storm water runoff problems may be caused by new land use development if not properly  
320 mitigated both through protection of natural systems and through constructed improvements.  
321 The Surface Water Design Manual ~~((;))~~ and K.C.C. ~~((9.04 and the Sensitive Areas Ordinancee~~  
322 9614)) Titles 9, 16, 20 and 21A have been adopted by King County to mitigate the impact of  
323 ~~((new))~~ land use development. Further mitigation of these impacts is based on expertise  
324 which continues to evolve as new information on our natural systems is obtained and new  
325 techniques are discovered. The ~~((S))~~surface ~~((W))~~water ~~((M))~~management ~~((P))~~program,  
326 through reconnaissance studies, basin plans, and other special studies, will continuously  
327 provide valuable information on the existing problems and areas of the natural drainage  
328 system that need special protection. The county is researching and developing methods to  
329 protect the natural drainage system through zoning, buffering ~~((;))~~ and setbacks to alleviate  
330 existing problems. Setback and buffering measures allow natural preservation of wetlands  
331 and stream corridors to occur, alleviate erosion and water pollution and provide a safe  
332 environment for the small mammals and fish which inhabit sensitive areas. Based upon the  
333 ~~((above))~~ findings in this subsection, and as information and methods become available, the  
334 executive, as appropriate shall draft and submit to the council, regulations and development  
335 standards to allow protection of the surface and storm water management system including  
336 natural drainage systems.

337 O. It is the finding of the county that the unique stormwater needs of the  
338 unincorporated rural area of the county require that the county's surface water management

339 program established under chapter 36.89 RCW develop a rural drainage program. The intent  
340 of this rural drainage program is to provide a means through which existing and emerging  
341 surface water problems in the rural areas can be addressed in a manner that preserves both  
342 rural resources and rural activities including agriculture and forestry. Rural drainage services  
343 provided by the division shall support a rural level of development and not facilitate  
344 urbanization. This rural drainage program shall result in a program consistent with  
345 Countywide Planning Policies LU-10 and LU-21, and which implements King County  
346 Comprehensive Plan policies F-103, F-325, R-109 and R-110.

347 ~~((O-))~~P. ~~((Financial management operating policy-))~~ The program will maintain long  
348 term fiscal viability and fund solvency for all of its related funds. All required capital and  
349 operating expenditures will be covered by service charges and other revenues generated or  
350 garnered by the program. The program will pay all current operating expenses from current  
351 revenues and will maintain an operating reserve to minimize service impacts due to revenue  
352 or expenditure variances from plan during a fiscal year. This reserve will be calculated  
353 based on the historic variability of revenue and expenditures. The program will adopt a  
354 strategic financial planning approach which recognizes the dynamic nature of the program's  
355 fiscal operating environment. Long term projections will be updated in the program's  
356 adopted strategic plan. One-time revenues will be dedicated to one-time-only expenditures  
357 and will not be used to support ongoing requirements. The program's approach to financial  
358 reporting and disclosure will be comprehensive, open, and accessible.

359 ~~((P-))~~Q. ~~((Financial management capital policy-))~~ The program shall prepare an  
360 annual, multi-year Capital Improvement Program which encompasses all of the program's  
361 activities related to the acquisition, construction, replacement, or renovation of capital



362 facilities or equipment. All proposed new facilities will be subject to a consistent and  
363 rigorous needs analysis. The program's capital facilities will be planned and financed to  
364 ensure that the benefits of the facilities and the costs for them are balanced over time.

365 ~~((Q))~~R. ~~((Financial management debt policy.))~~ The program will manage its debt to  
366 ensure continued high credit quality, access to credit markets, and financial flexibility. All of  
367 the program's debt management activities will be conducted to maintain at least the current  
368 credit ratings assigned to the county's debt by the major credit rating agencies and to  
369 maintain an adequate debt service coverage ratio. Long-term debt will not be used to  
370 support operating expenses. The program will develop and maintain a central system for all  
371 debt-related records which will include all official statements, bid documents, ordinances  
372 indentures, leases, etc., for all of the program's debt and will accurately account for all  
373 interested earnings in debt-related funds. These records will be designed to ensure that the  
374 program is in compliance with all debt covenants and with ~~((S))~~state and ~~((F))~~federal laws.

375 SECTION 5. Ordinance 7590, Section 8, as amended, and K.C.C. 9.08.070 are each  
376 hereby amended to read as follows:

377 **Rate ~~((S))~~structure.** A. The service charges shall be based on the relative  
378 contribution of increased surface and storm water runoff from a given parcel to the surface  
379 and storm water management system. The percentage of impervious surfaces on the parcel  
380 and the total parcel acreage will be used to indicate the relative contribution of increased  
381 surface and storm water runoff from the parcel to the surface and storm water management  
382 system. The relative contribution of increased surface and storm water runoff from each  
383 parcel will determine that parcel's share of the service charge revenue needs. The service  
384 charge revenue needs of the program are based upon all or any part, as determined by the

385 council, of the cost of surface and storm water management services or to pay or secure the  
 386 payment of all or any portion of any issue of general obligation or revenue bonds issued for  
 387 ~~((such))~~ that purpose.

388 B. The ~~((surface water management))~~ division shall determine the service charge for  
 389 each parcel within the service area by the following methodology:

390 Residential and very lightly developed non((-)residential parcels shall receive a flat rate  
 391 service charge for the reasons set forth in K.C.C. 9.08.060. Light to very heavily developed  
 392 parcels shall be classified into the appropriate rate category by their percentage of  
 393 impervious surface coverage. Land use codes ~~((and/))~~ or data collected from parcel  
 394 investigations, or both, will be used to determine each parcel's percentage of impervious  
 395 surface coverage. After a parcel has been assigned to the appropriate rate category, the  
 396 service charge for the parcel will be calculated by multiplying the total acreage of the parcel  
 397 times the rate for that category.

398 C. Effective January 1, 1992, there is hereby imposed upon all developed properties in  
 399 the service area annual service charges as follows:

400 SURFACE WATER MANAGEMENT SERVICE CHARGES

Class	Impervious Surface %	Rate
Residential	NA	\$ 85.02/parcel/year
Very Light	0 to ≤ 10%	85.02/parcel/year
Light	>10% to ≤ 20%	198.40/acre/year
Moderate	>20% to ≤ 45%	410.98/acre/year

Moderately Heavy	>45% to ≤ 65%	793.60/acre/year
Heavy	>65% to ≤ 85%	1,006.16/acre/year
Very Heavy	>85% to ≤ 100%	1,317.94/acre/year
County Roads	NA	Set in accordance with RCW 90.03.525
State Highways	NA	Set in accordance with RCW 90.03.525

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

404 D. The county council will review the surface water management service charges  
 405 annually to ensure the long term fiscal viability of the program and to guarantee that debt  
 406 covenants are met. The program will use equitable and efficient methods to determine  
 407 service charges.

408 E. When a parcel with impervious surface is divided by the boundary of the service  
 409 area and a portion of the parcel's impervious surface drains into the service area, the parcel  
 410 shall be charged as otherwise provided herein on the basis of the lands and impervious  
 411 surfaces which drain into the service area. When the director has determined that the  
 412 impervious surface of a parcel, divided by the boundary of the service area, completely  
 413 drains outside of the service area, the parcel will be exempt from the rates and charges of this  
 414 chapter.

415 F. The King County council by ordinance may supplement or alter charges within  
 416 specific basins and subbasins of the service area so as to charge properties or parcels of one

417 basin or subbasin for improvements, studies((;)) or maintenance which the council deems to  
 418 provide service or benefit the property owners of one or more basin((f))s((t)) or  
 419 subbasin((f))s((t)).

420 SECTION 6. Ordinance 7590, Section 9, as amended, and K.C.C. 9.08.080 are each  
 421 hereby amended to read as follows:

422 **Rate ((A))adjustments and ((A))appeals.** A. Any person billed for service charges  
 423 may file a “((R))request for ((R))rate ((A))adjustment” with the ((surface-water  
 424 management)) division within three years of the date from which the bill was sent.

425 However, filing of such a request does not extend the period for payment of the charge.

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

428 1. The parcel is owned and is the personal residence of a person or persons  
 429 determined by the county assessor as qualified for a low income senior citizen property tax  
 430 exemption authorized under RCW 84.36.381((;P)). Parcels qualifying ((hereunder)) under  
 431 this subsection B.1 shall be exempt from all charges imposed in K.C.C. 9.08.070;

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

433 3. The parcel is non((-))residential and the actual impervious surface coverage of  
 434 the parcel charged places it in a different rate category than the rate category assigned by the  
 435 division;

436 4. The parcel is non((-))residential and the parcel meets the definition of open space  
 437 in section 9.08.010 of this chapter. Parcels qualifying ((hereunder)) under this subsection  
 438 B.4 will be charged only for the area of impervious surface and at the rate which the parcel is  
 439 classified under using the total parcel acreage;

440 5. The parcel is served by one or more retention/detention facilities required  
441 pursuant to ~~((the provisions of))~~ K.C.C. chapter 9.04, or can be demonstrated by the property  
442 owner to provide detention/ retention of surface and storm water to the standards ~~((set forth))~~  
443 in K.C.C. chapter 9.04, and is maintained at the expense of the parcel owner to the standards  
444 required by the department ~~((of public works))~~. Non~~((-))~~residential parcels except in the  
445 light category qualifying ~~((hereunder))~~ under this subsection B.5 shall be charged at the rate  
446 of one lower rate category than it is classified by its percentage of impervious surface  
447 coverage. Non~~((-))~~residential parcels in the light rate category qualifying ~~((hereunder))~~  
448 under this subsection B.5 shall be charged at the rate of \$85.02/acre/year. Residential  
449 parcels and parcels in the very light category qualifying ~~((hereunder))~~ under this subsection  
450 B.5 shall be charged \$42.51~~((/))~~ per parcel~~((/))~~ per year;

451 6. The parcel is owned or leased by a public school district which provides activities  
452 which directly benefit the ~~((S))~~surface ~~((W))~~water ~~((M))~~management ~~((P))~~program. The  
453 activities may include: curriculum specific to the issues and problems of surface and storm  
454 water management, and student activities in the community to expose students to the efforts  
455 required to restore, monitor or enhance the surface and storm water management system.  
456 Pursuant to RCW 36.89.085, the amount of the rate adjustment shall be determined by the  
457 director based upon the cost of the activities to the school district but not to exceed the value  
458 of the activity to the ~~((S))~~surface ~~((W))~~water ~~((M))~~management ~~((P))~~program. Determination  
459 of which activities qualify for the surface water management service charge reduction will be  
460 made by the ~~((surface water management))~~ division. Reductions in surface water  
461 management service charges will only be granted to school districts which provide programs  
462 that have been evaluated by the ~~((surface water management))~~ division. The rate adjustment

463 for the school district activity may be applied to any parcel in the service area which is  
464 owned or operated by the school district; or

465 7. The service charge bill was otherwise not calculated in accordance with ~~((the~~  
466 ~~terms of))~~ this chapter.

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

469 D. Decisions on requests for rate adjustments shall be made by the director based on  
470 information submitted by the applicant and by the division within thirty days of the  
471 adjustment request except when additional information is needed. The applicant shall be  
472 notified in writing of the director's decision. If an adjustment is granted which reduces the  
473 charge for the current year or two prior years, the applicant shall be refunded the amount  
474 overpaid in the current and two prior years.

475 E. If the director finds that a service charge bill has been undercharged, then either an  
476 amended bill shall be issued which reflects the increase in the service charge or the  
477 undercharged amount will be added to the next year's bill. This amended bill shall be due  
478 and payable under ~~((the provisions set forth in))~~ K.C.C. 9.08.100. The director may include  
479 in the bill the amount undercharged for two previous billing years in addition to the current  
480 bill.

481 F. Decisions of the director on requests for rate adjustments shall be final unless within  
482 thirty days of the date the decision was mailed, the applicant submits in writing to the  
483 director a notice of appeal setting forth a brief statement of the grounds for appeal and  
484 requesting a hearing before the King County hearing examiner. The examiner's decision  
485 shall be a final decision pursuant to ~~((the provisions of))~~ K.C.C. 20.24.080.

486            SECTION 7. Ordinance 7590, Section 14, as amended, and K.C.C. 9.08.110 are each

487 hereby amended to read as follows:

488            **Surface water management fund.** All service charges shall be deposited in the  
489 ~~((S))~~surface ~~((W))~~water ~~((M))~~management ~~((F))~~fund in the office of finance which fund is  
490 hereby created to be used only for the purpose of paying all or any part of the cost and  
491 expense of providing surface water management services, or to pay or secure the payment  
492 of all or any portion of any issue of general obligation or revenue bond issued for ~~((such))~~  
493 that purpose. ~~((Monies))~~ Moneys in ~~((said))~~ the fund not needed for immediate  
494 expenditure shall be invested for the benefit of the ~~((S))~~surface ~~((W))~~water  
495 ~~((M))~~management ~~((F))~~fund pursuant to the first paragraph of RCW 36.29.020 and such  
496 procedures and limitations as are contained in county ordinance, ~~((provided, that))~~ but  
497 sufficient funds shall be transferred no later than the end of the fiscal year in which they  
498 were first appropriated for capital projects appropriated in the ~~((S))~~surface and ~~((S))~~storm  
499 ~~((W))~~water ~~((M))~~management ~~((C))~~construction ~~((F))~~fund beginning in fiscal year 1988.  
500 The program's funds balances and other financial resources will be invested conservatively  
501 to match strong security of principal with market rates of return. For investment purposes

502 the director of the department of ((public works)) natural resources is hereby designated  
503 the fund manager.

504 INTRODUCED AND READ for the first time this 8th day of November, 1999.

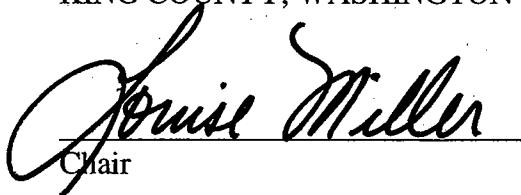
505 PASSED by a vote of 7 to 6 this 13th day of December, 1999.

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KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

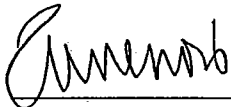
  
Chair

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ATTEST:

  
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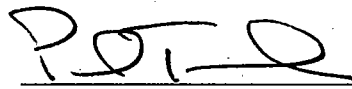
Clerk of the Council

514

APPROVED this 14th day of December, 1999.

515

516

  
\_\_\_\_\_   
for King County Executive

517

Attachments: None