



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

November 19, 2001

### Ordinance 14261

**Proposed No.** 2001-0502.2

**Sponsors** Miller

1 AN ORDINANCE regarding surface water management;  
2 revising surface water management service changes; and  
3 amending Ordinance 7590, Section 1, as amended, and  
4 K.C.C. 9.08.010, Ordinance 7590, Section 7, as amended,  
5 and K.C.C. 9.08.060, Ordinance 7590, Section 8, as  
6 amended, and K.C.C. 9.08.070, Ordinance 7590, Section 9,  
7 as amended, and K.C.C. 9.08.080 and Ordinance 7590,  
8 Section 15, as amended, and K.C.C. 9.08.120.

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11 **STATEMENT OF FACTS:**

12 1. On April 28, 1986, the King County council adopted Ordinance 7590  
13 that initiated the surface water management program to provide a  
14 comprehensive approach to surface and storm water problems including  
15 "basin planning, land use regulation, construction of facilities,  
16 maintenance, and public education. On December 2, 1991, the council  
17 substantially increased the services provided by the Surface Water

18 Management Program and set the current rate structure and service  
19 charges by adopting Ordinance 10187.

20 2. Since the adoption of 10187, the requirements for proper management  
21 of surface water quality and quantity have increased and become more  
22 stringent. In order to meet these requirements, the county has responded  
23 with new program elements and emphases. These requirements and the  
24 county's responses, together with the ordinary impacts of inflation over a  
25 ten-year period, have increased the costs of providing surface water  
26 management services to property owners within King County.

27 3. Since the adoption of Ordinance 10187 in 1991, the federal government  
28 has increased requirements concerning surface water quality and control.  
29 The federal Clean Water Act, implemented through municipal storm water  
30 NPDES permits, mandates a wide variety of local programs to manage  
31 surface water and improve water quality. The federal government initially  
32 based King County's compliance with the NPDES permit on a requirement  
33 that King County establish and implement a surface water management  
34 program. Future compliance will increasingly be measured by the  
35 effectiveness of King County's surface water and water quality programs.  
36 Enforcement for noncompliance can occur through both Washington state  
37 Department of Ecology (WSDOE) action or through third party lawsuits,  
38 resulting in fines, criminal penalties, or rulings directing the expenditure  
39 of county funds. King County's initial permit has been extended while  
40 negotiations are completed with WSDOE on the terms of the permit

41 renewal, potentially impacting operations in the roads, solid waste, transit  
42 and parks divisions, the airport and the department of development and  
43 environmental services, and most activities in the water and land resources  
44 division.

45 4. In addition to the requirements of the federal Clean Water Act,  
46 Chinook salmon were listed as a threatened species in March, 1999 and  
47 bull trout were listed as a threatened species in November 1999 under the  
48 federal Endangered Species Act. These listings focus the need for higher  
49 standards in managing surface water including new, expanded and more  
50 intensive programs to control the quantity of runoff as well as its quality.  
51 Programs responding to these imperatives have included the design,  
52 permitting and construction of facilities, facility retrofitting and  
53 maintenance, habitat acquisition and restoration, monitoring, regulation  
54 development and coordination with other agencies on trans-boundary  
55 issues.

56 5. Since the adoption of Ordinance 10187 in 1991, King County's  
57 population increased fifteen percent (source: U.S. Census Bureau) with  
58 resulting increases in the impacts of development on surface water quality  
59 and quantity. Although annexations and incorporations have reduced the  
60 size of the surface water management service area during this ten-year  
61 period, the cost of providing surface water management services to current  
62 property owners in the service area has risen due to increased regulatory  
63 requirements and the ordinary impacts of inflation. Surface water

64 management service needs are expected to continue to increase based on  
65 the Washington state Office of Financial Management and Budget's  
66 forecast of thirteen percent population growth in King County by the year  
67 2012.

68 6. One measure of this increased need is the number of surface and storm  
69 water CIP projects awaiting funding. These projects include four million  
70 eight hundred thousand dollars in the original surface water management  
71 service area, and preliminary reconnaissance of storm and surface water  
72 problems in the recently expanded rural surface water management service  
73 area has identified three million five hundred thousand dollars of CIP  
74 work needing funding. New projects are identified annually in both rate  
75 areas by means of drainage complaints, basin steward activities, and  
76 engineering studies. The identified need for surface and storm water  
77 facilities in the rural area will increase significantly after the  
78 reconnaissance is completed and because new construction in the  
79 expanded rural service area has not been tested by typical winter rains  
80 since recent winters have been unusually dry. In addition, further needs  
81 for surface and storm water CIP facilities are currently being identified  
82 and prioritized by the water resource inventory area (WRIA) steering  
83 committees that were created to develop and implement salmon recovery  
84 plans in King County.

85 7. In 1986 the King County council included in the purpose section of  
86 Ordinance 7590 that "(i)t is the finding of the county that the most cost

87 effective and beneficial approach to surface water management is through  
88 preventative actions and protection of the natural drainage system. In  
89 approaching surface water management problems the surface water  
90 management program shall give priority to methods which provide  
91 protection or enhancement of the natural drainage system over means  
92 which primarily involve construction." The council's initial requirements  
93 for the surface water management program have been validated by current  
94 scientific studies demonstrating that conservation and maintenance of  
95 forestland and open space contribute to the proper management of surface  
96 water quality and quantity. The scientific analyses performed in  
97 connection with the Cedar river, Issaquah creek and Bear creek basin  
98 plans have demonstrated that forests intercept and evaporate more rainfall,  
99 provide more soil storage, retain and trap more sediments and purify  
100 contaminated water better than any other land use. Conservation and  
101 maintenance of public forests, the provision of technical assistance and  
102 encouragement to private landowners to retain forests are effective ways  
103 to prevent disruption of natural hydrology. Open Space lands, to the  
104 extent that they retain their natural condition and do not contain  
105 impervious surface, also perform an important surface water function by  
106 not detracting from the functioning of natural hydrology systems.  
107 Conservation and maintenance of publicly owned open space and  
108 forestland is often more cost-effective than building and maintaining  
109 artificial or engineered surface and storm water management facilities.

110 8. On September 4, 2001, the King County council adopted Ordinance  
111 14199, which officially merged the department of natural resources and  
112 the parks department into the department of natural resources and parks.  
113 Ordinance 14199 also required that the department of natural resources  
114 and parks, “designate as natural resource lands those county owned lands  
115 that serve important natural resource functions, including but not limited  
116 to, benefiting and protecting natural drainage basins, flood control  
117 systems, eco systems, water quality, ground water, fisheries and wildlife  
118 habitat, and other natural resource purposes.” Ordinance 14199 also adds  
119 a new duty for the water and land resources division: to administer,  
120 operate and maintain “those lands designated as natural resource lands.”  
121 The initial evaluation of these natural resource lands has identified that  
122 additional financial resources are required to conserve and maintain those  
123 natural resource lands that serve important surface and storm water  
124 management functions.

125 9. Since 1991, King County has increased its technical assistance and  
126 community education regarding stewardship of water and land resources.  
127 These efforts have been shown to be a cost-effective means of improving  
128 the management of the impacts of surface and storm water runoff.  
129 Technical assistance and community education regarding stewardship  
130 enables King County, its residents and businesses to comply with federal,  
131 state and local mandates and enables the county to protect its quality of

132 life and its natural resources. The promotion of stewardship is an integral  
133 part of a comprehensive surface and storm water management program.  
134 10. Subsections 2,3,4,5,6, 7, 8 and 9 of this statement of facts identify some of  
135 the requirements, needs for additional services, and county responses leading to  
136 the necessity for increases to the charges for surface water management services.

137 11. Since the adoption of Ordinance 7590 in 1986, King County has  
138 developed an increased understanding of hydrologic processes and the  
139 effects of impervious surface and its relation to excessive storm and  
140 surface water runoff on the environment. Developments in  
141 computerization and data management now allow King County to more  
142 adequately use this understanding in how it assesses contribution to the  
143 problem of excess storm and surface water. Additional opportunities for  
144 discounts on surface water management fees are warranted based on this  
145 improved understanding.

146 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY

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

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

151 A. "Basin plan" means a plan and all implementing regulations and procedures  
152 including but not limited to capital projects, public education activities, land use  
153 management regulations adopted by ordinance for managing surface and storm water  
154 management facilities and features within individual subbasins.

155 B. "County" means King County.

156 C. "Department" means the department of natural resources and parks or its  
157 successor agency.

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

160 E. "Director" means the director of the department of natural resources and parks  
161 or its successor agency or the director's designee.

162 F. "Division" means the department of natural resources and parks, water and land  
163 resources division or its successor agency.

164 G. "Effective impervious area" means the portion of actual impervious area that is  
165 connected, or has the effect of being connected as defined in the King County Surface  
166 Water Design Manual, directly to the storm water drainage system via surface flow or  
167 discrete conveyances such as pipes, gutters or ditches.

168 H. Flow control facility" means a drainage facility designed to mitigate the impacts  
169 of increased surface and storm water runoff generated by site development in accordance  
170 with the drainage requirements in this chapter. A flow control facility is designed either to  
171 hold water for a considerable length of time and then release it by any combination of  
172 evaporation, plant transpiration or infiltration into the ground or to hold runoff for a short  
173 period of time and then release it to the conveyance system.

174 I. "Lake management plan" means the plan, and supporting documents as  
175 appropriate, describing the lake management recommendations and requirements which  
176 has been formally adopted by rule under the procedures specified in K.C.C. chapter 2.98.  
177 Adopted lake management plans are available from the division and the department of



178 development and environmental services. A synopsis of adopted lake management plans  
179 will be distributed to all Surface Water Design Manual subscribers as part of the manual's  
180 routine update process.

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

187 ~~((I.))~~ K. "Impervious surface" means a hard surface area which either prevents or  
188 retards the entry of water into the soil mantle as it entered under natural conditions prior to  
189 development, and/or a hard surface area which causes water to run off the surface in greater  
190 quantities or at an increased rate of flow from the flow present under natural conditions  
191 prior to development. Common impervious surfaces include, but are not limited to, roofs,  
192 walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled  
193 or made of packed or oiled earthen materials or other surfaces which similarly impede the  
194 natural infiltration of surface and storm water. Open, uncovered ~~((retention/detention))~~  
195 flow control facilities shall not be considered as impervious surfaces for the purpose of this  
196 chapter.

197 ~~((J.))~~ L. "Land use code" means restrictions on the type of development for a  
198 specific parcel of land as identified by records maintained by the King County department  
199 of assessments as modified or supplemented by information resulting from investigation by  
200 the division. Land use codes are preliminary indicators of the extent of impervious surface

201 and are used in the initial analysis to assign an appropriate rate category for a specific  
202 parcel.

203 ~~((K-))~~ M. "Maintenance" means the act or process of cleaning, repairing or  
204 preserving a system, unit, facility, structure or piece of equipment.

205 ~~((L-))~~ N. "Natural surface water drainage system" means such landscape features as  
206 rivers, streams, lakes and wetlands. This system circulates water in a complex hydrological  
207 cycle.

208 ~~((M-))~~ N. "Open space" means any parcel, property or portion thereof classified for  
209 current use taxation under K.C.C. chapter 20.36 and chapter 84.34 RCW, or for which the  
210 development rights have been sold to King County under K.C.C. chapter 26.04. This  
211 definition includes lands which have been classified as open space, agricultural or timber  
212 lands under criteria contained in K.C.C. chapter 20.36 and chapter 84.34 RCW.

213 ~~((N-))~~ P. "Parcel" means the smallest separately segregated unit or plot of land  
214 having an identified owner, boundaries and surface area which is documented for property  
215 tax purposes and given a tax lot number by the King County assessor.

216 ~~((O-))~~ Q. "Person" means any individual, firm, company, association, corporation  
217 or governmental agency.

218 ~~((P-))~~ R. "Program" means the surface water management program as set forth in  
219 this chapter.

220 ~~((Q-))~~ S. "Rate category" means the classification in this chapter given to a parcel  
221 in the service area based upon the type of land use on the parcel and the percentage of  
222 impervious surface area contained on the parcel.

223           ~~((R-))~~ I. "Residence" means a building or structure or portion thereof, designed for  
224 and used to provide a place of abode for human beings. The term residence includes the  
225 term "residential" or "residential unit" as referring to the type of or intended use of a  
226 building or structure.

227           ~~((S-))~~ U. "Residential parcel" means any parcel which contains no more than three  
228 residences or three residential units which are within a single structure and is used  
229 primarily for residential purposes.

230           ~~((T- "retention/detention facility" means a type of drainage facility designed either:~~  
231 ~~to hold water for a considerable length of time and then release it by any combination of~~  
232 ~~evaporation, plant transpiration and infiltration into the ground; or to hold runoff for a short~~  
233 ~~period of time and then release it to the surface and storm water management system.~~

234           ~~U.))~~ V. "Service area" means unincorporated King County.

235           ~~((V-))~~ W. "Storm water plan" means a King County ordinance specifying the storm  
236 water control facilities that will be funded by a bond issue.

237           ~~((W-))~~ X. "Subbasin" means a drainage area that drains to a water course or water  
238 body named and noted on common maps and that is contained within a basin as defined  
239 in K.C.C. 9.04.020.

240           Y. "Surface and storm water management services" means the services provided by  
241 the surface water management program, including but not limited to basin planning,  
242 facilities maintenance, regulation, financial administration, public involvement, drainage  
243 investigation and enforcement, aquatic resource restoration, surface and storm water quality  
244 and environmental monitoring, natural surface water drainage system planning,  
245 intergovernmental relations and facility design and construction.

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

249           Z. "Surface water management fee protocols" or "SWM fee protocols" means  
250           the surface water management fee standards and procedures that have been formally  
251           adopted by rule under the procedures specified in K.C.C. chapter 2.98. The SWM fee  
252           protocols are available from the department of natural resources and parks, water and  
253           land resources division or their successor agencies.

254           ~~((Y.))~~ AA. "Surface and storm water" means water originating from rainfall and  
255           other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds,  
256           lakes and wetlands as well as shallow ground water.

257           ~~((Z.))~~ BB. "Surface and storm water management system" means constructed  
258           drainage facilities and any natural surface water drainage features that do any combination  
259           of collection, storing, controlling, treating or conveying surface and storm water.  
260           construction, creation or addition of impervious surface.

261           ~~((AA.))~~ CC. "Undeveloped ((P))parcel" means any parcel which has not been  
262           altered from its natural state by the construction, creation or addition of impervious surface.

263           DD. "Water quality treatment facility" means a drainage facility designed to reduce  
264           pollutants once they are already contained in surface and storm water runoff. Water quality  
265           treatment facilities are the structural component of best management practices. When used  
266           singly or in combination, water quality treatment facilities reduce the potential for  
267           contamination of either surface or ground waters, or both.

268            SECTION 2. Ordinance 7590, Section 7, as amended, and K.C.C. 9.08 060 are  
269 each hereby amended to read as follows:

270            **Policy.** A. It is the finding of the county that the majority of the basins in the  
271 service area are shared with incorporated cities and towns. In order to achieve a  
272 comprehensive approach to surface and storm water management the county and  
273 incorporated jurisdictions within a specific basin should coordinate surface and storm  
274 water, management services. In addition, the program may contract for services with  
275 interested municipalities or special districts including but not limited to sewer and water  
276 districts, school districts, port districts or other governmental agencies.

277            B. It is the finding of the county that many of the difficulties found in the  
278 management of surface and storm water problems are contributed to by the general lack of  
279 public knowledge about the relationship between human actions and surface and storm  
280 water management. In order to achieve a comprehensive approach to surface and storm  
281 water management the county should provide general information to the public about land  
282 use and human activities which impact surface and storm water management. Pursuant to  
283 RCW 36.89.085, it is the finding of the county that public school districts can provide  
284 significant benefits to the county regarding surface and storm water management through  
285 educational programs and community activities related to protection and enhancement of  
286 the surface and storm water management system. These programs and activities can  
287 provide students with an understanding of human activities and land use practices that  
288 create surface and storm water problems and involve students by learning from first hand  
289 exposure, the difficulties of resolving surface and storm water management problems after  
290 they occur.

291           C. It is the finding of the county that technical assistance and community education  
292           have been shown to be a cost-effective means of improving the management of the impacts  
293           of surface and storm water runoff. Technical assistance and community education  
294           regarding stewardship enables King County, its residents and businesses to comply with  
295           federal, state and local mandates and enables the county to protect its quality of life and its  
296           natural resources. The promotion of stewardship is an integral part of a comprehensive  
297           surface and storm water management program.

298           ~~((C:))~~ D. It is the finding of the county that developed parcels contribute to an  
299           increase in surface and storm water runoff to the surface and storm water management  
300           system. This increase in surface and storm water runoff results in the need to establish  
301           rates and charges to finance the county's activities in surface and storm water management.  
302           Developed parcels shall be subject to the rates and charges of the surface water  
303           management program based on their contribution to increased runoff. The factors to be  
304           used to determine the degree of increased surface and storm water runoff to the surface and  
305           storm water management system from a particular parcel shall be the percentage of  
306           impervious surface coverage on the parcel ~~((and))~~, the total acreage of the parcel and any  
307           mitigating factors as determined by King County.

308           ~~((D:))~~ E. It is the finding of the county that undeveloped parcels do not contribute  
309           as much as developed parcels to an increase in surface and storm water runoff into the  
310           surface and storm water management system. Undeveloped properties shall be exempt  
311           from the rates and charges of the surface water management program.

312           ~~((E))~~ F. It is the finding of the county that maintained drainage facilities mitigate  
313           the increased runoff contribution of developed parcels by providing on-site drainage

314 control. Parcels served by ~~((retention/detention))~~ flow control facilities which were  
315 required for development of the parcel pursuant to K.C.C. chapter 9.04 and approved by  
316 King County or can be demonstrated as required in K.C.C. 9.08.080 by the property  
317 owner to provide ~~((detention/retention))~~ flow control of surface and storm water to the  
318 standards in K.C.C. chapter 9.04 shall receive a discount as provided in the rates and  
319 charges of the surface water management program, if the facility is maintained at the  
320 parcel owner's expense to the standard established by the department. ~~((That portion of  
321 the rates or charges allocated for payment of debt service on revenue or general  
322 obligation bonds issued to finance storm water control facilities will not be discounted for  
323 retention/detention facilities.))~~

324 G. It is the finding of the county that improvements to the quality of storm water  
325 runoff can decrease the impact of that runoff on the environment. Parcels served by water  
326 quality treatment facilities that were required for development of the parcel pursuant to  
327 K.C.C. chapter 9.04 and approved by King County or that can be demonstrated as required  
328 in K.C.C. 9.08.080 by the property owner to provide treatment of surface and storm water  
329 to the standards in K.C.C. chapter 9.04 shall receive a discount as provided in the rates and  
330 charges of the surface water management program, if the facility is maintained at the parcel  
331 owner's expense to the standard established by the department.

332 H. It is the finding of the county that parcels with at least sixty-five percent of their  
333 land in forest, no more than twenty percent in impervious surface, and dispersed runoff  
334 from the impervious surface through the forested land resulting in an effective impervious  
335 area of ten percent or less for the entire parcel, do not contribute as much to an increase in  
336 surface and storm water runoff as properties with less forest that do not disperse. These

337 properties shall be eligible to receive a discount as provided in the rates and charges of the  
338 surface water management program if the runoff from the impervious surface is dispersed  
339 in accordance with the standards established by the department.

340 I. It is the finding of the county that parcels which make use of their pervious  
341 surface area to absorb storm water runoff from the impervious surfaces do not contribute as  
342 much to an increase in surface and storm water runoff as properties that do not use their  
343 pervious area to absorb runoff. These properties shall be eligible to receive a discount as  
344 provided in the rates and charges of the surface water management program if the runoff  
345 from the impervious surface is dispersed in accordance with the standards established by  
346 the department.

347 J. It is a finding of the county that open space properties provide a benefit to the  
348 surface and storm water management system by the retention of property in an  
349 undeveloped state. Open space properties shall receive a discount from the rates and  
350 charges to encourage the retention of property as open space.

351 K. It is a finding of the county that current scientific studies demonstrate that  
352 conservation and maintenance of forestland and open space contribute to the proper  
353 management of surface water quality and quantity. The scientific analysis performed in  
354 connection with the Cedar river, Issaquah creek and Bear creek basin plans have  
355 demonstrated that forests intercept and evaporate more rainfall, provide more soil storage,  
356 retain and trap more sediments and purify contaminated water better than any other land  
357 use. Conservation and maintenance of public forests, the provision of technical assistance  
358 and encouragement to private landowners to retain forests are effective ways to prevent  
359 disruption of natural hydrology. Open Space lands, to the extent that they retain their



360 natural condition and do not contain impervious surface, also perform an important surface  
361 water function by not detracting from the functioning of natural hydrology systems.

362 Conservation and maintenance of publicly owned open space and forestland is often more  
363 cost-effective than building and maintain artificial or engineered surface and storm water  
364 management faciities. Additional financial resources are required to conserve and maintain  
365 those natural resource lands that serve important surface and storm water management  
366 functions.

367 ((G.)) L. It is a finding of the county that the majority of the parcels in the service  
368 area are residential. The variance between residential parcels in impervious surface  
369 coverage is found to be minor and to reflect only minor differences in increased runoff  
370 contributions. The administrative cost of calculating the service charge individually for  
371 each residential parcel and maintaining accurate information would be very high. A flat  
372 charge for residential parcels is less costly to administer than calculating a separate charge  
373 for each parcel and is equitable because of the similarities in impervious surface coverage  
374 between residential parcels. Therefore, residential parcels shall be charged a flat charge  
375 based upon an average amount of impervious surface.

376 ((H.)) M. It is a finding of the county that very lightly developed nonresidential  
377 parcels which have an impervious surface coverage of ten percent or less of the total parcel  
378 acreage are characterized by a very low intensity of development and generally a large  
379 number of acres. A greater number of acres of undeveloped land associated with an  
380 impervious surface results in significantly less impact to the surface and storm water  
381 management system. Many of the very lightly developed properties are recreational,  
382 agricultural and timber lands identified in the King County comprehensive plan and should

383 be encouraged to retain their low intensity of development. These parcels shall be charged  
384 a flat rate which will encourage the retention of large areas of very lightly developed land.

385 ~~((F))~~ N. It is the finding of the county that lightly to very heavily developed  
386 nonresidential parcels which have an impervious surface coverage of more than ten percent  
387 have a substantial impact on the surface and storm water management system. The impact  
388 of these parcels on the surface and storm water management system increases with the size  
389 of the parcels. Therefore, lightly to very heavily developed properties shall be charged a  
390 rate determined by the percent of impervious surface coverage multiplied by the parcel  
391 acreage.

392 ~~((F))~~ O. It is a finding of the county that county and state roads contribute a  
393 significant amount of increased runoff to the surface and storm water management system,  
394 which contributes to the need for basin planning, drainage facilities and other related  
395 services. However, both the county roads and state highway programs provide substantial  
396 annual programs for the construction and maintenance of drainage facilities, and the roads  
397 systems and their associated drainage facilities serve as an integral part of the surface and  
398 storm water management system. The rate charged county roads and state highways shall  
399 reflect the benefit which county roads and state highway facilities provide to the surface  
400 and storm water management system. County and state road drainage systems unlike the  
401 drainage systems on other properties are continually being upgraded to increase both  
402 conveyance capacity and control. It is envisioned that the roads program will work  
403 cooperatively with the surface water management program to improve regional surface and  
404 storm water management services as new information is available from basin plans and  
405 other sources. The percentage of impervious surface coverage for county roads and state

406 highways shall be calculated by dividing average width of roadway and shoulder by the  
407 average width of the right of way. The service charge shall be calculated in accordance  
408 with RCW 90.03.525.

409 ~~((K-))~~ P. It is the finding of the county that comprehensive management of surface  
410 and storm water runoff must include anticipation of future growth and development in the  
411 design and improvement of the surface and storm water management system. Service  
412 charge revenue needs shall be based upon the present and future requirements of the  
413 surface and storm water management system, and these needs shall be considered when  
414 determining the rates and charges of the program.

415 ~~((L-))~~ Q. It is the finding of the county that basin plans are essential to establishing  
416 a comprehensive approach to a capital improvement program, maintenance of facilities and  
417 regulation of new developments. A plan should analyze the measures needed to control  
418 surface and storm water runoff which results from existing and anticipated development  
419 within the basin. The measures investigated to control runoff should include land use  
420 regulation such as setback requirements or community plan revisions which revise land use  
421 densities as well as the use of drainage facilities. A plan also should recommend the  
422 quantity and water quality runoff control measures required to further the purposes set forth  
423 in K.C.C. 9.08.040, and community goals. The institutional requirements and regulations,  
424 including but not limited to land use management, funding needs, and incentives for  
425 preserving the natural surface water drainage system should be identified in the plan. The  
426 proposed ordinances and regulations necessary to implement the plan shall be transmitted  
427 to the council simultaneously with the plan.

428           R. It is a finding of the county that the federal government has increased  
429 requirements concerning surface water quantity and control. The federal Clean Water Act,  
430 implemented through municipal storm water NPDES permits, mandates a wide variety of  
431 local programs to manage surface water and improve water quality. Compliance will  
432 increasingly be measured by the effectiveness of King County's surface water and water  
433 quality programs. The NPDES permit impacts operations in the roads, solid waste, transit  
434 and parks divisions, the airport and the department of development and environmental  
435 services, and most activities in the water and land resources division.

436           S. It is a finding of the county that Chinook salmon were listed as a threatened  
437 species in March 1999, and bull trout were listed as a threatened species in November  
438 1999, under the federal Endangered Species Act. These listings focus the need for higher  
439 standards in managing surface water including new, expanded and more intensive  
440 programs to control the quantity of runoff as well as its quality. Programs responding to  
441 these imperatives have included the design, permitting and construction of facilities,  
442 facility retrofitting and maintenance, habitat acquisition and restoration, monitoring,  
443 regulation development and coordination with other agencies on transboundary issues.

444           ~~((M-))~~ T. It is the finding of the county that areas with development related surface  
445 and storm water problems require comprehensive management of surface and storm water.

446           ~~((N-))~~ U. It is the finding of the county that additional surface and storm water  
447 runoff problems may be caused by new land use development if not properly mitigated  
448 both through protection of natural systems and through constructed improvements. The  
449 Surface Water Design Manual and K.C.C Titles 9, 16, 20 and 21A have been adopted by  
450 King County to mitigate the impact of land use development. Further mitigation of these

451 impacts is based on expertise which continues to evolve as new information on our  
452 natural systems is obtained and new techniques are discovered. The surface water  
453 management program, through reconnaissance studies, basin plans, and other special  
454 studies, will continuously provide valuable information on the existing problems and  
455 areas of the natural drainage system that need special protection. The county is  
456 researching and developing methods to protect the natural drainage system through  
457 zoning, buffering and setbacks to alleviate existing problems. Setback and buffering  
458 measures allow natural preservation of wetlands and stream corridors to occur, alleviate  
459 erosion and water pollution and provide a safe environment for the small mammals and  
460 fish which inhabit sensitive areas. Based upon the findings in this subsection, and as  
461 information and methods become available, the executive, as appropriate shall draft and  
462 submit to the council, regulations and development standards to allow protection of the  
463 surface and storm water management system including natural drainage systems.

464 ((Ø:)) V. It is the finding of the county that the unique stormwater needs of the  
465 unincorporated rural area of the county require that the county's surface water management  
466 program established under chapter 36.89 RCW develop a rural drainage program. The  
467 intent of this rural drainage program is to provide a means through which existing and  
468 emerging surface water problems in the rural areas can be addressed in a manner that  
469 preserves both rural resources and rural activities including agriculture and forestry. Rural  
470 drainage services provided by the division shall support a rural level of development and  
471 not facilitate urbanization. This rural drainage program shall result in a program consistent  
472 with Countywide Planning Policies ((LU-10 and LU-21,)) and ((which implements)) the  
473 King County Comprehensive Plan policies ((F-103, F-325, R-109 and R-110)).

474           ~~((P-))~~ W. The program will maintain long term fiscal viability and fund solvency  
475 for all of its related funds. All required capital and operating expenditures will be covered  
476 by service charges and other revenues generated or garnered by the program. The program  
477 will pay all current operating expenses from current revenues and will maintain an  
478 operating reserve to minimize service impacts due to revenue or expenditure variances  
479 from plan during a fiscal year. This reserve will be calculated based on the historic  
480 variability of revenue and expenditures. The program will adopt a strategic financial  
481 planning approach which recognizes the dynamic nature of the program's fiscal operating  
482 environment. Long term projections will be updated in the program's adopted strategic  
483 plan. One-time revenues will be dedicated to one-time-only expenditures and will not be  
484 used to support ongoing requirements. The program's approach to financial reporting and  
485 disclosure will be comprehensive, open(~~(S)~~) and accessible.

486           ~~((Q-))~~ X. The program shall prepare an annual, multi(~~(-)~~)year ~~((C))~~ capital  
487 ~~((F))~~improvement ~~((P))~~program which encompasses all of the program's activities related to  
488 the acquisition, construction, replacement, or renovation of capital facilities or equipment.  
489 All proposed new facilities will be subject to a consistent and rigorous needs analysis. The  
490 program's capital facilities will be planned and financed to ensure that the benefits of the  
491 facilities and the costs for them are balanced over time.

492           ~~((R-))~~ Y. The program will manage its debt to ensure continued high credit quality,  
493 access to credit markets, and financial flexibility. All of the program's debt management  
494 activities will be conducted to maintain at least the current credit ratings assigned to the  
495 county's debt by the major credit rating agencies and to maintain an adequate debt service  
496 coverage ratio. Long-term debt will not be used to support operating expenses. The

497 program will develop and maintain a central system for all debt-related records which will  
498 include all official statements, bid documents, ordinances indentures, leases, etc., for all of  
499 the program's debt and will accurately account for all interested earnings in debt-related  
500 funds. These records will be designed to ensure that the program is in compliance with all  
501 debt covenants and with state and federal laws.

502 SECTION 3. A. Section 4 of this ordinance proposes service charges for surface  
503 water management services rendered to property owners in King County.

504 B. These service charges are authorized under RCW 36.89.080, and are assessed  
505 under K.C.C. 2.99.030.

506 SECTION 4. Ordinance 7590, Section 8, as amended, and K.C.C. 9.08.070 are  
507 each hereby amended to read as follows:

508 **Rate structure.** A. The service charges shall be based on the relative  
509 contribution of increased surface and storm water runoff from a given parcel to the  
510 surface and storm water management system. The percentage of impervious surfaces on  
511 the parcel ((and)), the total parcel acreage and any mitigating factors as provided in  
512 K.C.C. 9.08.080 will be used to indicate the relative contribution of increased surface and  
513 storm water runoff from the parcel to the surface and storm water management system.  
514 The relative contribution of increased surface and storm water runoff from each parcel  
515 will determine that parcel's share of the service charge revenue needs. The service charge  
516 revenue needs of the program are based upon all or any part, as determined by the  
517 council, of the cost of surface and storm water management services or to pay or secure  
518 the payment of all or any portion of any issue of general obligation or revenue bonds  
519 issued for that purpose.

520 B. The division shall determine the service charge for each parcel within the  
 521 service area by the following methodology:

522 Residential and very lightly developed nonresidential parcels shall receive a flat  
 523 rate service charge for the reasons set forth in K.C.C. 9.08.060. Light to very heavily  
 524 developed parcels shall be classified into the appropriate rate category by their percentage  
 525 of impervious surface coverage. Land use codes or data collected from parcel  
 526 investigations, or both will be used to determine each parcel's percentage of impervious  
 527 surface coverage. After a parcel has been assigned to the appropriate rate category, the  
 528 service charge for the parcel will be calculated by multiplying the total acreage of the  
 529 parcel times the rate for that category.

530 C. ~~((Effective January 1, 1992, t))~~ There is hereby imposed upon all developed  
 531 properties in the service area annual service charges as follows:

Class	Impervious Surface %	Rate
Residential	NA	<del>\$(85.02)</del> <u>102.00</u> /parcel/year
Very Light	0 to <del>(( ≤ ))</del> <u>less than or equal to 10%</u>	<del>((85.02))</del> <u>\$102.00/parcel/year</u>
Light	<del>(( &gt; ))</del> <u>greater than 10%</u> to <del>(( ≤ ))</del> <u>less than or equal to 20%</u>	<del>((198.40))</del> <u>\$255.01/acre/year</u>
Moderate	<del>(( &gt; ))</del> <u>greater than 20%</u> to <del>(( ≤ ))</del> <u>to less than or</u>	<del>((410.98))</del> <u>\$544.02/acre/year</u>



	<u>equal to 45%</u>	
Moderately Heavy	(( >)) <u>greater than 45%</u>	(( <del>793.60</del> ))
	to ((≤)) <u>less than or equal</u>	<u>\$918.03/acre/year</u>
	<u>to 65%</u>	
Heavy	(( >)) <u>greater than 65%</u>	(( <del>1,006.16</del> ))
	to ((≤)) <u>less than or</u>	<u>\$1,258.05/acre/year</u>
	<u>equal to 85%</u>	
Very Heavy	(( >)) <u>greater than 85%</u>	(( <del>1,317.94</del> ))
	to ((≤)) <u>less than or</u>	<u>\$1,598.06/acre/year</u>
	<u>equal to 100%</u>	
County Roads	NA	Set in accordance with RCW 90.03.525
State Highways	NA	Set in accordance with RCW 90.03.525

532 The minimum service charge in any class shall be \$((~~85.02~~)) 102.00((~~/~~)) per parcel((~~/~~))  
533 per year. Mobile home parks' maximum annual service charges in any class shall be  
534 \$((~~85.02~~)) 102.00 times the number of mobile home spaces.

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

539 E. When a parcel with impervious surface is divided by the boundary of the  
540 service area and a portion of the parcel's impervious surface drains into the service area,

541 the parcel shall be charged as otherwise provided herein on the basis of the lands and  
542 impervious surfaces which drain into the service area. When the director has determined  
543 that the impervious surface of a parcel, divided by the boundary of the service area,  
544 completely drains outside of the service area, the parcel will be exempt from the rates and  
545 charges of this chapter.

546 F. The King County council by ordinance may supplement or alter charges  
547 within specific basins and subbasins of the service area so as to charge properties or  
548 parcels of one basin or subbasin for improvements, studies or maintenance which the  
549 council deems to provide service or benefit the property owners of one or more basins or  
550 subbasins.

551 SECTION 5. Ordinance 7590, Section 9, as amended, and K.C.C. 9.08.080 are  
552 each hereby amended to read as follows:

553 **Rate adjustments and appeals.** A. Any person billed for service charges may file  
554 a "request for rate adjustment" with the division within three years of the date from which  
555 the bill was sent. However, filing of such a request does not extend the period for payment  
556 of the charge.

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

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

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

564           3. The parcel is nonresidential and the actual impervious surface coverage of the  
565 parcel charged places it in a different rate category than the rate category assigned by the  
566 division;

567           4. The parcel is nonresidential and the parcel meets the definition of open space in  
568 ~~((section))~~ K.C.C. 9.08.010 ~~((of this chapter))~~. Parcels qualifying under this subsection B.4  
569 will be charged only for the area of impervious surface and at the rate which the parcel is  
570 classified under using the total parcel acreage;

571           5. The parcel is served by one or more ~~((retention/detention))~~ flow control or  
572 water quality treatment facilities required ~~((pursuant to))~~ under K.C.C. chapter 9.04, or can  
573 be demonstrated by the property owner to provide ~~((detention/retention))~~ flow control or  
574 water quality treatment of surface and storm water to the standards in K.C.C. chapter 9.04,  
575 and any such facility is maintained at the expense of the parcel owner to the standards  
576 required by the department. In additon to the previous requirement, any source control best  
577 management practices applicable to the facilities or activities occurring on the parcel must  
578 be implemented pursuant to the standards in K.C.C. chapter 9.12 to prevent contaminants  
579 from entering surface water, storm water, or ground water. Nonresidential parcels except  
580 in the light category qualifying under this subsection ~~((B.5))~~ shall be charged at the rate of  
581 one lower rate category than ~~((it is))~~ as classified by its percentage of impervious surface  
582 coverage. Nonresidential parcels in the light rate category qualifying under this subsection  
583 ~~((B.5))~~ shall be charged at the rate of ~~\$((85.02))~~ 102.00~~((/))~~per acre~~((/))~~ per year.  
584 Residential parcels and parcels in the very light category qualifying under this subsection  
585 ~~((B.5))~~ shall be charged ~~\$((42.51))~~ 51.00 per parcel per year;

586           6. The parcel contains at least sixty-five percent forest and no more than twenty  
587 percent impervious surface, the runoff from which is dispersed through the forested area  
588 to the standards in the surface water management fee protocols, resulting in an effective  
589 impervious area of no more than ten percent for the entire parcel. In addition to the  
590 previous requirement, any source control best management practices applicable to the  
591 facilities or activities occurring on the parcel must be implemented in accordance with  
592 the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water,  
593 storm water, or ground water. Nonresidential parcels, except parcels in the light  
594 category, qualifying under this subsection shall be charged at the rate of one lower rate  
595 category than as classified by its percentage of impervious surface coverage.  
596 Nonresidential parcels in the light rate category qualifying under this subsection shall be  
597 charged at the rate of one hundred two dollars per acre per year. Residential parcels and  
598 parcels in the very light category qualifying under this subsection shall be charged fifty-  
599 one dollars per parcel per year;

600           7. The parcel is not served by a flow control or water quality treatment facility,  
601 and the parcel's pervious surface is used to absorb the runoff from its impervious surface  
602 to the standards in the surface water management fee protocols. In addition to the  
603 previous requirement, any source control best management practices applicable to the  
604 facilities or activities occurring on the parcel must be implemented in accordance with  
605 the standards in K.C.C. chapter 9.12 to prevent contaminants from entering surface water,  
606 storm water, or ground water. Nonresidential parcels that qualify under this subsection,  
607 and that do not qualify under this section shall receive a discount based on the percentage  
608 of impervious surface from which runoff is absorbed or dispersed according to the

609 standards in the surface water management fee protocols. The maximum discount  
610 allowed shall be twenty-five percent and shall be reduced below twenty-five percent in  
611 accordance with a schedule developed by the department based on the relative reduction  
612 of impact to the surface and storm water management system;

613       8. The parcel is owned or leased by a public school district which provides  
614 activities which directly benefit the surface water management program. The activities  
615 may include: curriculum specific to the issues and problems of surface and storm water  
616 management, and student activities in the community to expose students to the efforts  
617 required to restore, monitor or enhance the surface and storm water management system.  
618 Pursuant to RCW 36.89.085, the amount of the rate adjustment shall be determined by the  
619 director based upon the cost of the activities to the school district but not to exceed the  
620 value of the activity to the surface water management program. Determination of which  
621 activities qualify for the surface water management service charge reduction will be made  
622 by the division. Reductions in surface water management service charges will only be  
623 granted to school districts which provide programs that have been evaluated by the  
624 division. The rate adjustment for the school district activity may be applied to any parcel in  
625 the service area which is owned or operated by the school district; or

626       ~~((7.))~~ 9. The service charge bill was otherwise not calculated in accordance with  
627 this chapter.

628       C. The dollar amount of debt service on revenue or general obligation bonds  
629 issued to finance storm water control facilities shall not be reduced by the rate  
630 adjustments referred to in subsection B.5, 6 and 7 of this section.

631            D. The property owner shall have the burden of proving that the rate adjustment  
632 sought should be granted.

633            ~~((D.))~~ E. Decisions on requests for rate adjustments shall be made by the director  
634 based on information submitted by the applicant and by the division within thirty days of  
635 the adjustment request except when additional information is needed. The applicant shall  
636 be notified in writing of the director's decision. If an adjustment is granted which reduces  
637 the charge for the current year or two prior years, the applicant shall be refunded the  
638 amount overpaid in the current and two prior years.

639            ~~((E.))~~ F. If the director finds that a service charge bill has been undercharged, then  
640 either an amended bill shall be issued which reflects the increase in the service charge or  
641 the undercharged amount will be added to the next year's bill. This amended bill shall be  
642 due and payable under K.C.C. 9.08.100. The director may include in the bill the amount  
643 undercharged for two previous billing years in addition to the current bill.

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

649            SECTION 5. Ordinance 7590, Section 15, as amended, and K.C.C. 9.08.120 are  
650 each hereby amended to read as follows:

651            **Administrative standards and procedures.** Pursuant to K.C.C. chapter 2.98 the  
652 director shall develop administrative standards and procedures relating to the  
653 implementation of this chapter. This includes but is not limited to:

654           A. Procedures for the imposition and collection of service charges and/or for  
655 filing of liens and initiation of foreclosure on delinquent accounts and the collection of  
656 the debt service portion of the service charge in areas that annex or incorporate;

657           B. Lake management plans for:

658                 1. Beaver Lake;

659                 2. Lake Desire;

660                 3 Cottage Lake (plan dated February 1996);

661           C. Standards and procedures for granting discounts to the surface water  
662 management fee;

663           D. Procedures for a grant program to help citizens in reducing the impact of  
664 excess storm and surface water runoff by removing impervious surface from their

665 property.

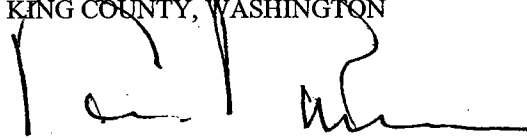
666 SECTION 6. This ordinance takes effect January 1, 2002.

667

Ordinance 14261 was introduced on 10/22/01 and passed by the Metropolitan King County Council on 11/19/01, by the following vote:

Yes: 8 - Mr. von Reichbauer, Ms. Miller, Mr. Phillips, Mr. Pelz, Ms. Sullivan,  
Mr. Nickels, Mr. Gossett and Ms. Hague  
No: 5 - Ms. Fimia, Mr. McKenna, Mr. Pullen, Mr. Thomas and Mr. Irons  
Excused: 0

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

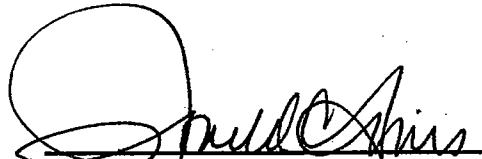


Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council  
APPROVED this 30 day of November, 2001.



Ron Sims, County Executive

Attachments None