

April 28, 1986
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INTRODUCED BY: GRANT, SULLIVAN, NORTH
LAING, GRUGER
PROPOSED NO.: 85 - 63

ORDINANCE NO. 7590

AN ORDINANCE establishing the Surface Water Management program and setting rates and charges for surface and storm water management in King County; designating the Department of Public Works, Surface Water Management Division as the responsible agency, amending Ordinance 1438 subsection 3(a) as amended and K.C.C. 2.16.040; and providing for appeal of service charges to the Zoning and Subdivision Examiner, amending Ordinance 4461, Section 2, as amended and K.C.C. 20.24.080, and repealing Ordinance 5940 and K.C.C. 20.50.085.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION SECTION 1. Definitions.

A. Basin Plan. The plan and all implementing regulations and procedures including but not limited to land use management adopted by ordinance for managing surface and storm water management facilities and features within individual drainage basins.

B. Developed Parcel. Any parcel altered from the natural state by the construction, creation or addition of impervious surfaces.

C. Director. The director of the department of public works or his/her designee.

D. Impervious Surface. A hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions pre-existent to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions pre-existent to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots

1 or storage areas, concrete or asphalt paving, gravel roads,
2 packed earthen materials, and oiled, macadam or other surfaces
3 which similarly impede the natural infiltration of surface
4 water. Open, uncovered retention/detention facilities shall not
5 be considered as impervious surfaces for the purpose of this
6 ordinance.

7 E. Land Use Code. The type of development on a specific
8 parcel of land as identified by records maintained by the King
9 County department of assessments as modified or supplemented by
10 information resulting from investigation by the surface water
11 management division. Land use codes are preliminary indicators
12 of the extent of impervious surface and are used in the initial
13 analysis to assign an appropriate rate category for a specific
14 parcel. "Service station", "single-family home", and "shopping
15 center" are examples of land use codes.

16 F. Maintenance. The act or process of cleaning, repairing
17 or preserving a system, unit, facility, structure or piece of
18 equipment.

19 G. Open Space. Any parcel, property or portion thereof
20 classified for current use taxation under the provisions of
21 K.C.C. 20.36 and Chapter 84.34 RCW, or for which the development
22 rights have been sold to King County under the provisions of
23 K.C.C. 26.04. This definition includes lands which have been
24 classified as open space, agricultural or timber lands under
25 criteria contained in K.C.C. 20.36 and Chapter 84.34 RCW.

26 H. Parcel. The smallest separately segregated unit or plot
27 of land having an identified owner, boundaries, and surface area
28 which is documented for property tax purposes and given a tax
29 lot number by the King County assessor.

30 I. Person. Person shall be construed to include any
31 individual, firm, company, association, corporation or
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1 governmental agency.

2 J. Rate Category. The classification in this ordinance
3 given to a parcel in the service area based upon the type of
4 land use on the parcel and the percentage of impervious surface
5 area contained on the parcel.

6 K. Retention/Detention Facilities. Facilities designed
7 either to hold runoff for a short period of time and then
8 release it to the natural watercourse or to hold water for a
9 considerable length of time and disperse it by evaporation,
10 plant absorption or infiltration into the ground.

11 L. Residence. A building or structure or portion thereof,
12 designed for and used to provide a place of abode for human
13 beings. The term residence includes the term "residential" or
14 "residential unit" as referring to the type of or intended use
15 of a building or structure.

16 M. Residential Parcel. Any parcel which contains no more
17 than three residences or three residential units which are
18 within a single structure and is used primarily for residential
19 purposes.

20 N. Service Area. The area described in Exhibit A hereto
21 attached and made a part hereof.

22 O. Storm Water Control Facilities. Any facility
23 improvement, development, property or interest therein, made,
24 constructed or acquired for the purpose of controlling, or
25 protecting life or property from any storm, waste, flood or
26 surplus waters.

27 P. Surface and Storm Water Management System. The surface
28 and storm water management system is comprised of storm water
29 control facilities and any other natural features which store,
30 control, treat and/or convey surface and storm water.

31 Q. Undeveloped Parcel. Any parcel which has not been
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1 altered from its natural state by the construction, creation, or
2 addition of impervious surfaces.

3 R. Program. The Surface Water Management Program is the
4 program as set forth in Sections 2 to 9, and 12 to 16 of this
5 ordinance.

6 NEW SECTION SECTION 2. Authority.

7 A. There is hereby created and established the Surface
8 Water Management Program of King County under which the
9 provisions of this ordinance shall be carried out.

10 B. The program herein created shall be administered by the
11 King County department of public works, surface water management
12 division.

13 C. Right of Entry. Whenever necessary to examine the
14 property characteristics of a particular parcel for the
15 determination of rates and charges, the director or his/her
16 designee may enter any property or portion thereof at reasonable
17 times in compliance with the following procedures:

18 1. If such property or portion thereof is occupied, the
19 director or his/her designee shall present identification
20 credentials, state the reason for entry and request entry.

21 2. If such property or portion thereof is unoccupied, the
22 director or his/her designee shall first make a reasonable
23 effort to locate the owner or other persons having charge or
24 control of the property or portion thereof and request entry.

25 3. Unless entry is consented to by the owner or person in
26 control of any property or portion thereof, the director or
27 his/her designee, prior to entry, shall obtain a search warrant
28 as authorized by the laws of the State of Washington.

29 D. The program may coordinate activities related to surface
30 water management, including but not limited to basin planning,
31 maintenance, operation and construction of facilities, water
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1 quality control, contracting for services with interested
2 municipalities or special districts including but not limited to
3 sewer and water districts, school districts, port districts or
4 other governmental agencies.

5 SECTION 3. Ordinance 1438, Subsection 3(a) as amended and
6 K.C.C. 2.16.040 are hereby amended as follows:

7 Department of Public Works - Duties - Divisions.

8 A. The department is responsible to manage, be fiscally
9 accountable for, those programs related to:

10 1. The design, cost-effective construction and
11 maintenance of the county's road system.

12 2. The King County International Airport.

13 3. The disposal and recycling of solid waste.

14 4. Flood warning and the regulation of drainage.

15 5. Surface Water Management Program.

16 ((5-)) 6. The establishment, operation and maintenance of
17 the system or systems of sewerage and/or water operated or
18 maintained by King County.

19 ((6-)) 7. The management of the motor pool, public works
20 and other applicable Equipment Rental and Revolving (ER&R) funds.

21 ((7-)) 8. Assigned intradepartment administrative and
22 operational services.

23 B. The department shall be composed of the following
24 divisions:

25 1. Roads and Engineering Division. The functions of the
26 division include:

27 a. Plan, design and maintain county roads.

28 b. Plan, design, install and maintain county traffic
29 signs, markings, and signals.

30 c. Manage intergovernmental contracts or agreements for
31 services related to road maintenance and construction.

1 d. Review and approve preliminary and final plats/short
2 plats.

3 e. Inspect utilities during construction and upon
4 completion for compliance with standards, specifications and
5 restoration of public facilities disturbed due to construction.

6 2. Airport Division. The functions of the division
7 include:

8 a. Manage the maintenance and operations of Boeing
9 Field/King County International Airport.

10 b. Manage and be accountable for all approved revenue
11 producing real property leases or other contracts related to the
12 airport.

13 c. Administer the implementation of approved county
14 policy relating to airport development.

15 3. Solid Waste Division. The functions of the division
16 include:

17 a. Manage and operate the county's comprehensive solid
18 waste program on a self-supporting basis.

19 b. Manage and be accountable for all transfer station
20 operations and landfills, as well as the transportation of waste
21 between county facilities.

22 c. Procure and maintain all capital and operating
23 equipment unique to the solid waste function.

24 d. Actively pursue all revenue sources in an effort to
25 maintain the lowest possible rate structure for the benefit to
26 county citizens.

27 4. Surface Water Management Division. The functions of
28 the division include:

29 a. Regulate surface water runoff associated with
30 construction or land development.

31 b. Implement programs and standards that regulate
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1 drainage.

2 c. Provide and implement a flood warning system.

3 d. Regulate the installation and regular maintenance of
4 all retention/detention facilities, as required by law.

5 e. Review all permit applications involving drainage
6 regulation.

7 f. Within available resources, maintain major river
8 channels and storm drainage systems as deemed necessary to
9 minimize county liability from flooding.

10 g. Administer the Surface Water Management Program and
11 the billing and collection of storm drainage control rates and
12 charges.

13 NEW SECTION. SECTION 4. Surface Water Management Citizens
14 Committee.

15 A. The surface water management citizens committee is hereby
16 established. The committee shall act in an advisory capacity to
17 the director on matters concerning surface water management and
18 may submit independent recommendations to the county executive
19 and county council. The committee shall review, advise and make
20 recommendations regarding matters such as general program focus,
21 program service levels and financing, and policies on surface
22 water issues.

23 B. The committee shall be comprised of 11 members who reside
24 or own property in the service area. The committee members shall
25 include a cross section of the public affected by the program
26 including private citizens, commercial, community and
27 environmental organizations.

28 C. The committee shall consist of eleven (11) members
29 appointed by the executive from a list of names submitted by the
30 council. One of the eleven members shall be an ex officio member
31 representing the incorporated jurisdictions.

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1 D. The appointments shall be for a period of three years and
2 shall be staggered as follows: 4 members shall serve for 3
3 years, 4 members shall serve for 2 years and 3 members for 1 year.

4 E. The appointments shall be effective upon approval by
5 council motion. Members whose terms have expired shall serve
6 until a replacement is appointed.

7 F. The committee shall select its officers, including chair,
8 vice-chair and any others it deems necessary.

9 G. The committee shall adopt appropriate by-laws.

10 NEW SECTION. SECTION 5. Purpose. It is the finding of the
11 county that the Surface Water Management Program is necessary in
12 order to promote public health, safety and welfare by
13 establishing and operating a comprehensive approach to surface
14 and storm water problems. A comprehensive approach to surface
15 and storm water problems includes the following elements; basin
16 planning, land use regulation, construction of facilities,
17 maintenance and public education. It is the finding of the
18 county that the most cost effective and beneficial approach to
19 surface water management is through preventative actions and
20 protection of the natural drainage system. In approaching
21 surface water problems the Surface Water Management Program shall
22 give priority to methods which provide protection or enhancement
23 of the natural drainage system over means which primarily involve
24 construction of new drainage systems or components of the
25 drainage system. The purpose of the rates and charges
26 established herein is to provide a method for payment of all or
27 any part of the cost and expense of maintaining and operating
28 storm water control facilities, all or any part of the cost and
29 expense of planning, designing, establishing, acquiring,
30 developing, constructing and improving any of such facilities, or
31 to pay or secure the payment of all or any portion of any issue
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1 of general obligation or revenue bonds issued for such purpose.
2 These rates and charges are necessary in order to promote the
3 public health, safety and welfare by minimizing uncontrolled
4 storm water and sedimentation, to preserve and utilize the many
5 values of the county's natural drainage system including water
6 quality, open space, fish and wildlife habitat, recreation,
7 education and urban separation and drainage and erosion control
8 facilities, and to provide for the comprehensive management and
9 administration of surface and storm water.

10 NEW SECTION. SECTION 6. Applicability.

11 A. Developed parcels within the service area shall be billed
12 each year for storm water control facilities service charges
13 pursuant to RCW 36.89.080 beginning in 1987. Service charges
14 shall be imposed on developed parcels lying within cities and
15 towns when such charges have been provided for by interlocal
16 agreements between the county and such cities or towns.

17 B. The service area is that area described in Exhibit A
18 which is attached hereto and incorporated by reference herein.
19 It identifies the drainage basins or sub-basins thereof that
20 comprise the service area.

21 C. The service area may be modified in accordance with
22 policy contained in Section 7M. Modifications to the service
23 area shall be by ordinance.

24 NEW SECTION. SECTION 7. Policy.

25 A. It is the finding of the county that the majority of the
26 basins in the service area are shared with incorporated cities
27 and towns. In order to achieve a comprehensive approach to
28 surface water management the county and incorporated
29 jurisdictions within a specific basin should coordinate in the
30 basin planning, project construction, facility maintenance and
31 regulation of private and public developments. In addition, the
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1 program should coordinate activities related to surface water
2 management, including but not limited to basin planning,
3 maintenance, operation, and construction of facilities, water
4 quality control, contracting for services with interested
5 municipalities or special districts including but not limited to
6 sewer and water districts, school districts, port districts or
7 other governmental agencies.

8 B. It is the finding of the county that many of the
9 difficulties found in the management of surface water problems
10 are contributed to by the general lack of public knowledge about
11 the relationship between human actions and land use changes and
12 surface water management. In order to achieve a comprehensive
13 approach to surface water management the county should provide
14 general information to the public about the use of land and human
15 activities which impact surface water management. Pursuant to
16 RCW 36.89.085, it is the finding of the county that public school
17 districts can provide significant benefits to the county
18 regarding surface water management through educational programs
19 which provide students an appreciation for human activities and
20 land use practices that create surface water problems and involve
21 students by learning from first hand exposure, the difficulties
22 of curing surface water management problems after they occur,
23 through community activities related to stream restoration and
24 enhancements.

25 C. Developed Properties. It is the finding of the county
26 that developed properties contribute to an increase in surface
27 and storm water runoff to the surface and storm water management
28 system. This increase in surface and storm water runoff results
29 in the need to establish rates and charges to finance the
30 county's activities in storm and surface water management.
31 Developed properties shall be subject to the rates and charges of
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1 the Surface Water Management Program based on their contribution
2 to increased runoff. The factors to be used to determine the
3 degree of increased surface and storm water runoff to the surface
4 and stormwater management system from a particular parcel shall
5 be the percentage of impervious surface coverage on the property
6 and the total acreage of the parcel.

7 D. Undeveloped Properties. It is the finding of the county
8 that undeveloped parcels do not contribute to an increase in
9 surface and storm water runoff to the surface and storm water
10 management system. Undeveloped properties shall be exempt from
11 the rates and charges of the Surface Water Management Program.

12 E. Storm Water Control Facilities. It is the finding of the
13 county that maintained storm water control facilities mitigate
14 the increased runoff contribution of developed parcels by
15 providing on-site drainage control. Parcels served by
16 retention/detention storm water control facilities which were:
17 1) required for development of the parcel pursuant to K.C.C.
18 20.50 and approved by King County; or 2) can be demonstrated by
19 the property owner to provide detention/retention of stormwater
20 to the standards set forth in K.C.C. 20.50 shall receive a
21 discount as provided in the rates and charges of the Surface
22 Water Management Program, provided that, the facility is
23 maintained at the parcel owner's expense to the standard
24 established by the county. Properties which contain a stream,
25 creek, lake, pond or wetland that has been identified in an
26 adopted basin plan as an important storm water control facility
27 and remain under the control and ownership of the parcel owner
28 shall receive a discount from the rates and charges of the
29 program, provided that the facility is maintained at the parcel
30 owner's expense to the standard required by the department of
31 public works.

1 F. Open Space. It is a finding of the county that open
2 space properties provide a benefit to the surface and storm water
3 management system by the retention of property in an undeveloped
4 state. Open space properties shall receive a discount from the
5 rates and charges to encourage the retention of property in the
6 undeveloped state.

7 G. Residential Parcels. It is a finding of the county that
8 the majority of the parcels in the service area are residential.
9 The variance between residential parcels in parcel size and
10 percentage of impervious surface coverage is found to be minor
11 and to reflect only minor differences in increased runoff
12 contributions. The administrative cost of calculating the
13 service charge individually for each residential parcel and
14 maintaining accurate information would be very high. A flat
15 charge for residential parcels is less costly to administer than
16 calculating a separate charge for each parcel and is equitable
17 because of the similarities in total parcel size and total
18 impervious surface coverage between residential parcels.
19 Therefore, residential parcels shall be charged a flat charge
20 based upon the average parcel size and average percentage of
21 impervious surfaces.

22 H. Very Lightly Developed Parcels. It is a finding of the
23 county that very lightly developed non-residential parcels which
24 have an impervious surface coverage under 10% of the total parcel
25 acreage are characterized by a very low intensity of development
26 and generally a large number of acres. A greater number of acres
27 of undeveloped land associated with an impervious surface results
28 in significantly less impact to the surface and storm water
29 management system. Many of the very lightly developed properties
30 are recreational, agricultural and timber lands identified in the
31 King County comprehensive plan and should be encouraged to retain
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1 their low intensity of development. These parcels shall be
2 charged a flat rate which will encourage the retention of large
3 areas of undeveloped land.

4 I. Lightly to Very Heavily Developed Parcels. It is the
5 finding of the county that light to very heavily developed
6 non-residential parcels which have an impervious surface coverage
7 between 10% to 100% have a substantial impact on the surface and
8 storm water management system. The impact of these parcels to
9 the surface and storm water management system increases with the
10 size of the parcel. Therefore, light to very heavily developed
11 properties shall be charged a rate determined by the percent of
12 impervious surface coverage multiplied by the parcel acreage.

13 J. Road Systems. It is a finding of the county that county
14 and state roads contribute a significant amount of increased
15 runoff to the surface and storm water management system, which
16 contributes to the need for basin planning, storm drainage
17 control facilities and other related services. However, both the
18 county roads and state highway programs provide substantial
19 annual programs for the construction and maintenance of storm
20 drainage control facilities, and the roads systems and their
21 associated storm drainage facilities serve as an integral part of
22 the surface and storm water management system. The rate charged
23 county roads and state highways shall reflect the benefit which
24 county roads and state highway facilities provide to the surface
25 and storm water management system and therefore will exclude any
26 system costs associated with capital improvements and on-site
27 retention/detention facility maintenance. County and state roads
28 unlike other property owners are continually upgrading the roads
29 drainage system to increase both conveyance capacity and
30 control. It is envisioned that the roads program will work
31 cooperatively with the Surface Water Management Program to
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1 improve regional drainage as new information is available through
2 basin plans and other means. The percentage of impervious
3 surface coverage for county roads and state highways shall be
4 calculated by dividing average width of roadway and shoulder by
5 the average width of the right of way. The service charge shall
6 be determined by multiplying the acres of road and highway right
7 of way within the service area times the rate per acre identified
8 in section 8.C.

9 K. Service Charge Revenues. It is the finding of the county
10 that comprehensive management of surface and storm water runoff
11 must include anticipation of future growth and development in the
12 design and improvement of the surface and storm water management
13 system. Service charge revenue needs shall be based upon the
14 present and future requirements of the surface and storm water
15 management system, and these needs shall be considered when
16 determining the rates and charges of the program.

17 L. Basin Plans. It is the finding of the county that basin
18 plans are essential to establishing a comprehensive approach to a
19 capital improvement program, maintenance of facilities and
20 regulation of new developments. A plan should analyze the
21 measures needed to control surface and storm water runoff which
22 results from existing and anticipated development within the
23 basin. The measures investigated to control runoff should
24 include land use regulation such as setback requirements or
25 community plan revisions which revise land use densities as well
26 as the use of drainage control facilities. A plan also should
27 recommend the quantity and water quality runoff control measures
28 required to further the purposes set forth in Section 5, and
29 community goals. The institutional requirements, regulations
30 including but not limited to land use management, funding needs,
31 and incentives for preserving streams, lakes and wetlands for
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1 plan implementation should be identified in the plan. The
2 proposed ordinances and regulations necessary to implement the
3 plan shall be transmitted to the council simultaneously with the
4 plan.

5 M. Service Area. It is the finding of the county that areas
6 now requiring urban services, areas designated to receive urban
7 services or areas exhibiting development related storm and
8 surface water problems require comprehensive management of storm
9 and surface water. The council finds that the service area set
10 forth in section 6.B. consists of the drainage basins or
11 sub-basins in which a significant area exhibits development
12 related storm and surface water problems or a significant area
13 has been designated by the King County comprehensive plan, its
14 supplements and revisions and community and middle plans, as
15 specified in K.C.C. chapter 20.12 for urban development or
16 development densities requiring urban services, or designated as
17 transitional areas.

18 N. Stormwater Treatment with Direct Discharge. It is a
19 finding of the county that any parcel or those portions of any
20 parcel served by a stormwater treatment facility which has a
21 current National Pollutant Discharge Elimination System (NPDES)
22 permit and which discharges its treated effluent directly into
23 Puget Sound, Lake Sammamish, Lake Washington, or the Duwamish
24 River, does not significantly contribute to the various problems
25 created by increased runoff. Any parcel or portion of the parcel
26 served by such a facility should be exempt from the rates and
27 charges of this ordinance.

28 O. It is the intent of the council to evaluate and determine
29 the appropriate policy for low income discounts or exemptions
30 should the county adopt a general means test for other county
31 services.
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1 P. It is the finding of the county that additional surface
2 water runoff problems may be caused by new land-use development
3 if not properly mitigated both through protection of natural
4 systems and through constructed improvements. Further mitigation
5 of these impacts is based on expertise which continues to evolve
6 as new information on our natural systems is obtained and new
7 techniques are discovered. The Surface Water Management Program,
8 through reconnaissance studies, basin plans, and other special
9 studies, will continuously provide valuable information on the
10 existing problems and areas of the natural drainage system that
11 need special protection. The county is researching and
12 developing methods to protect the natural drainage system through
13 zoning, buffering, and setbacks to alleviate existing problems.
14 Setback and buffering measures allow natural preservation of
15 wetlands and stream corridors to occur, alleviating erosion and
16 surface pollution and providing a safe environment for the small
17 mammals and fish which inhabit the sensitive areas. Based upon
18 the above findings, and as information and methods become
19 available, the executive, as appropriate shall draft and submit
20 to the council, regulations and development standards to allow
21 protection of the surface water management system through
22 protection of natural drainage systems.

23 NEW SECTION. SECTION 8. Rate Structure.

24 A. The service charges shall be based on the relative
25 contribution of increased surface and storm water runoff from a
26 given parcel to the surface and storm water management system.
27 The percentage of impervious surfaces on the parcel and the total
28 parcel acreage will be used to indicate the relative contribution
29 of increased surface and storm water runoff from the parcel to
30 the surface and storm water management system. The relative
31 contribution of increased surface and storm water runoff from
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1 each parcel determines that parcel's share of the service charge
2 revenue needs. The service charge revenue needs of the program
3 are based upon all or any part, as determined by the council, of
4 the cost and expense within the service area of maintaining and
5 operating storm water control facilities, all or any part of the
6 cost and expense of planning, designing, establishing, acquiring,
7 developing, constructing, and improving any of such facilities,
8 or to pay or secure the payment of all or any portion of any
9 issue of general obligation or revenue bonds issued for such
10 purpose.

11 B. The surface water management division shall determine the
12 service charge for each parcel within the service area by the
13 following methodology: Residential and very light
14 non-residential parcels shall receive a flat rate service charge
15 for the reasons set forth in Section 7 herein. Parcels shall be
16 classified into the appropriate rate category in subsection C of
17 Section 8 by their percentage of impervious surface coverage.
18 Land use codes and data collected from parcel investigations will
19 be used to determine each parcel's percentage of impervious
20 surface coverage. After a parcel has been assigned to the
21 appropriate rate category, the service charge for the parcel will
22 be calculated by multiplying the total acreage of the parcel
23 times the rate for that category.

1 C. There is hereby imposed upon all developed properties in
 2 the service area annual service charges as follows:

3 Impervious Surface

4 <u>Class</u>	<u>Percentage</u>	<u>Rate</u>
5 Residential (R) *	NA	\$ 26.07/parcel/year
6 Very Light (VL)	0 - 10%	\$ 26.07/parcel/year
7 Light (L) **	10 - 20%	\$ 60.83/acre/year
8 Moderate (M) **	20 - 45%	\$126.01/acre/year
9 Moderately Heavy (MH) **	45 - 65%	\$243.33/acre/year
10 Heavy (H) **	65 - 85%	\$308.51/acre/year
11 Very Heavy (VH) **	85 - 100%	\$404.10/acre/year
12 County Roads	NA	\$ 90.44/acre/year
13 State Highways	NA	\$ 66.85/acre/year

14 * Parcel is owned by and is the personal residence of a
 15 person or persons determined by the county assessor as qualified
 16 for a low income senior citizen property tax exemption under RCW
 17 84.36.381, then the parcel shall be exempt from the service charge
 18 and the annual flat rate charge set forth in Section 8.D.

19 ** The minimum service charge shall be \$26.07/parcel/year.

20 D. An additional flat rate charge of \$3.82 per year will be
 21 added to each service charge bill to pay for the operation of the
 22 billing system.

23 E. The King County council by ordinance may supplement or
 24 alter charges within specific basins and sub-basins of the service
 25 area so as to charge properties or parcels of one basin or
 26 sub-basin for improvements, studies, or maintenance which the
 27 council deems to provide service or benefit the property owners of
 28 one or more basin(s) or sub-basin(s).

29 NEW SECTION. SECTION 9. Rate Adjustments and Appeals.

30 A. Any person billed for service charges may file a "Request
 31 for Rate Adjustment" with the surface water management division
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1 within three years of the date from which the bill was sent.
2 However, filing of such a request does not extend the period for
3 payment of the charge.

4 B. Requests for rate adjustment may be granted or approved by
5 the director only when one of the following conditions exist:

6 1. The parcel is owned and is the personal residence of a
7 person or persons determined by the county assessor as qualified
8 for a low income senior citizen property tax exemption authorized
9 under RCW 84.36.381; parcels qualifying hereunder shall be exempt
10 from all charges imposed in Section 8;

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

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

15 4. The parcel is non-residential and the parcel meets the
16 definition of open space in Section 1 of this ordinance; property
17 qualifying hereunder will be charged only for the area of
18 impervious surface and at the rate which the parcel is classified
19 under using the total parcel acreage;

20 5. The parcel is served by one or more retention/detention
21 facilities required pursuant to the provisions of K.C.C. 20.50, or
22 can be demonstrated by the property owner to provide detention/
23 retention of stormwater to the standards set forth in K.C.C. 20.50
24 and maintained at the expense of the parcel owner to the standards
25 required by the department of public works; non-residential
26 parcels except in the light rate category qualifying hereunder
27 shall be charged at the rate of one lower rate category than it is
28 classified by its percentage of impervious surface coverage.

29 Non-residential parcels in the light category qualifying hereunder
30 shall be charged at the rate of \$23.90/acres/year plus the flat
31 rate charge. Residential parcels and parcels in the very light
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1 category qualifying hereunder shall be charged \$13.04/parcel/year
2 plus the flat rate charge.

3 6. A parcel contains a stream, creek, lake, pond or wetland
4 that has been identified in an adopted drainage basin plan as an
5 important storm water control facility provided that the parcel
6 owner provides annual maintenance to the standard required by the
7 department of public works. Parcels qualifying hereunder shall be
8 granted a discount in the manner set forth in subsection B.5. of
9 this section. However, parcels qualifying under subsection B.5.
10 and B.6. of this section shall receive only one rate class
11 discount; whichever is the greater.

12 7. A parcel is divided by the boundary of the service area
13 and the impervious surfaces of the parcel are outside of the
14 service area. Property qualifying hereunder shall be exempt from
15 the rates and charges of the ordinance;

16 8. A parcel is divided by the boundary of the service area
17 and a portion of the impervious surfaces of the parcel drain into
18 the service area; parcels qualifying hereunder shall be charged as
19 otherwise provided herein on the basis of the lands and impervious
20 surfaces which drain into the service area;

21 9. The rate or service charge is otherwise erroneous in
22 applying the terms of this ordinance.

23 10. A parcel is served by a stormwater treatment facility
24 which holds a current National Pollutant Discharge Elimination
25 System (NPDES) permit under the authority of the Clean Water Act
26 of 1982, Section 402, specifically for the treatment of stormwater
27 from the parcel AND said system discharges directly into Lake
28 Sammamish, Lake Washington, Puget Sound, or the Duwamish River
29 without in any way utilizing any other stormwater conveyance or
30 storage facilities. Parcels qualifying hereunder will be charged
31 only for the area of impervious surface not served by the
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1 stormwater treatment facility and at the rate based upon the
2 unserved portion of the parcel.

3 11. A parcel is owned or leased by a public school district
4 which provides activities which directly benefit the surface water
5 management program. The activities may include: curriculum
6 specific to the issues and problems of surface water management,
7 and student activities in the community to expose students to the
8 efforts required to restore, monitor or enhance the surface water
9 management system. Pursuant to RCW 36.89.085, the amount of the
10 rate adjustment shall be determined by the director based upon the
11 cost of the activities to the school district but not to exceed
12 the value of the activity to the surface water management
13 program. The rate adjustment for the school district activity may
14 be applied to any parcel in the service area which is owned or
15 operated by the school district.

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

18 D. Decisions on requests for rate adjustments shall be made
19 by the director based on information submitted by the applicant
20 and by the division within 30 days of the adjustment request
21 except when additional information is needed. The applicant shall
22 be notified in writing of the director's decision. If an
23 adjustment is granted which reduces the charge for the current
24 year or two prior years, the applicant shall be refunded the
25 amount overpaid in the current and two prior years.

26 E. If the director finds that a service charge bill has been
27 sent to a parcel owner which was undercharged for the amount of
28 impervious surface coverage on the parcel, then either an amended
29 bill shall be issued which reflects the increase in the service
30 charge or the undercharged amount will be added to the next year's
31 bill. This amended bill shall be due and payable under the
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1 provisions set forth in Section 13 of this ordinance. The
2 director may include in the bill the amount undercharged for two
3 previous billing years.

4 F. Decisions of the director on requests for rate adjustments
5 shall be final unless within thirty days of the date the decision
6 was mailed the applicant submits in writing to the director a
7 notice of appeal setting forth a brief statement of the grounds
8 for appeal and requesting a hearing before the King County zoning
9 and subdivision examiner. The examiner's decision shall be a
10 final decision pursuant to the provisions of K.C.C. 20.24.080.

11 SECTION 10. Ordinance 4461, Section 2, as amended and K.C.C.
12 20.24.080 are hereby amended as follows:

13 Final decisions by the examiner. A. The examiner shall
14 receive and examine available information, conduct public hearings
15 and prepare records and reports thereof, and issue final decisions
16 based upon findings and conclusions in the following cases:

17 1. Appeals from the decisions of the administrator for short
18 subdivisions;

19 2. Appeals of the number of threshold determinations;

20 3. Appeals from notices and orders issued pursuant to Title
21 23 of this code or the rules and regulations VII of the King
22 County department of public health;

23 4. Appeals from decisions of the department of public works
24 regarding permits or licenses in flood hazard areas pursuant to
25 Section 21.54.100;

26 5. Appeals from conditions imposed on final approvals of
27 subdivisions receiving extensions pursuant to Section 19.28.050 E.
28 or F.;

29 6. Appeals from decisions of the zoning adjustor on
30 administrative conditional use permits, conditional use permits or
31 variances;

1 7. Appeals from decisions regarding site plan approvals
2 pursuant to Section 21.46.180 and pursuant to Ordinance 4122;

3 8. Appeals from decisions regarding the abatement of
4 nonconforming uses;

5 9. Applications for shoreline substantial development permits
6 when combined with other land use applications pursuant to Section
7 25.32.080;

8 10. Appeals from decisions regarding modification of
9 landscaping requirements pursuant to Sections 21.51.050;

10 11. Appeals from decisions of the director of the department
11 of public works on requests for rate adjustments to surface and
12 storm management rates and charges.

13 ((11-)) 12. Appeals from decisions to condition or deny
14 applications pursuant to R.C.W. 43.210.060 as provided in section
15 20.44.110 2.C.

16 ((12-)) 13. Other applications or appeals which the council
17 may prescribe by ordinance.

18 B. The examiner's decision may be to grant or deny the
19 application or appeal, or the examiner may grant the application
20 or appeal with such conditions, modifications and restrictions as
21 the examiner finds necessary to make the application or appeal
22 compatible with the environment and carry out applicable state
23 laws and regulations and the regulations, policies, objectives and
24 goals of the comprehensive plan, the community plans, the sewerage
25 general plan, the zoning code, the subdivision code and other
26 official laws, policies and objectives of King County.

27 SECTION 11. Ordinance 5940, Ordinance 5825, Section 1 and 2,
28 K.C.C. 4.08.060 and K.C.C. 20.50.085 are each repealed effective
29 December 31, 1986.

30 NEW SECTION. SECTION 12. Billing Procedure.

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

19 B. The total amount of the service charge shall be due and
20 payable to the director of the office of finance on or before the
21 thirtieth day of April and shall be delinquent after that date;
22 however, if one-half of such service charge is paid on or before
23 the said thirtieth day of April, the remainder shall be due and
24 payable on or before the thirty-first day of October and shall be
25 delinquent after that date.

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

30 NEW SECTION. SECTION 13. Delinquencies and Foreclosures.

31 A. Delinquent service charges shall bear interest as provided
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April 29, 1986

1 in RCW 36.89.090 and 35.67.200 at the rate of 8 percent per annum,
2 or such rate as may hereafter be authorized by law, computed on a
3 monthly basis from the date of delinquency until paid. Interest
4 shall be calculated at the rate in effect at the time of payment
5 of the charges regardless of when the charges were first
6 delinquent.

7 B. The county shall have a lien for delinquent service
8 charges, including interest thereon, against any property subject
9 to service charges. The lien shall be superior to all other liens
10 and encumbrances except general taxes and local and special
11 assessments. Such lien shall be effective and shall be enforced
12 and foreclosed in the same manner as provided for sewerage systems
13 of cities and towns by RCW 35.67.200 through 35.67.290.

14 NEW SECTION. SECTION 14. Surface Water Management Fund. All
15 service charges shall be deposited in the Surface Water Management
16 Fund in the office of finance which fund is hereby created to be
17 used only for the purpose of paying all or any part of the cost
18 and expense of maintaining and operating surface and storm water
19 management facilities, all or any part of the cost and expense of
20 planning, designing, establishing, acquiring, developing,
21 constructing and improving any such facilities, or to pay or
22 secure the payment of all or any portion of any issue of general
23 obligation or revenue bond issued for such purpose. Monies in
24 said fund not needed for immediate expenditure shall be invested
25 for the benefit of the surface water management fund pursuant to
26 the first paragraph of RCW 36.29.020 and such procedures and
27 limitations contained in county ordinance, provided, that
28 sufficient funds shall be transferred no later than the end of the
29 fiscal year in which they were first appropriated for capital
30 projects appropriated in the Surface and Stormwater Construction
31 Fund beginning in fiscal year 1988. For investment purposes the
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1 director of the department of public works is hereby designated
2 the fund manager.

3 NEW SECTION. SECTION 15. Administrative Procedures.

4 Pursuant to K.C.C. 2.98 the director shall develop administrative
5 procedures relating to the imposition and collection of service
6 charges including but not limited to;

7 A. Procedures for the application and review of requests for
8 adjustments to service charges including timely review and
9 decision on adjustments for the first year of the service charge
10 where a higher number of requests for adjustments is expected.

11 B. Procedures for the filing of liens and initiation of
12 foreclosure on delinquent accounts.

13 NEW SECTION. SECTION 16. The service charge rate structure
14 as set forth in Section 8 shall terminate on December 31, 1991.

15 NEW SECTION. SECTION 17. Severability. If any provision of
16 this chapter, or its application to any person or circumstance is
17 held invalid, the remainder of this ordinance and the application
18 of the provisions to other persons or circumstances shall not be
19 affected.

20 INTRODUCED AND READ for the first time this 4th day
21 of March, 1985.

22 PASSED this 28th day of April, 1986.

23 KING COUNTY COUNCIL
24 KING COUNTY, WASHINGTON

25 Audrey Gruger
26 Chair

27 ATTEST:

28 Dorothy M. Owens
29 Clerk of the Council

30 APPROVED this 2nd day of May, 1986.

31 Jim Hill
32 King County Executive

SWM Utility Service Area Description

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

Service Area Description

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

Beginning at a point of intersection of the North County Line of King County and the West drainage divide of the Snoqualmie River Basin as shown on Exhibit B hereto attached, said point being 900 feet more or less West of the NE corner of Section 4, Township 26 N., Range 6 E., W.M.;

Thence Southerly along the drainage divide between said Snoqualmie River Basin and the Cedar River Basin, more specifically described as being the Easterly drainage boundary of those Cedar River Sub-basins identified as Big Bear Creek, Evans Creek, East Lake Sammamish, North Fork Issaquah Creek, East Fork Issaquah Creek and Issaquah Creek, being also the West drainage boundary of those Snoqualmie River Sub-basins identified as High Rock, Tuck Creek, Ames Lake, Patterson Creek and Raging River, to a common point of intersection of the boundaries of Sub-basin Raging River (Snoqualmie River Basin), Sub-basin Issaquah Creek and Sub-basin Lower Cedar River (Cedar River Basin);

Thence generally, Southerly, Southwesterly and Northwesterly along the common drainage divide boundary of said Sub-basins Issaquah Creek and Lower Cedar River to a point which lies 700 feet more or less Easterly of and 1,500 feet more or less Northerly of the SW corner of Section 21, Township 23 N., Range 6 E., W.M.;

Thence generally Southerly following the highest point ridgeline to Cedar Grove Airport, located in the SW 1/4 Section 28, Township 23 N., Range 6 E., W.M.;

Thence continuing generally Southerly along to highest point ridgeline and thence along said ridgeline to the North margin of Cedar Grove Road;

Thence Westerly along said margin to its intersection with the thread of the Cedar River;

Thence Southerly along the thread of said Cedar River to a point which lies 1,300 feet more or less South of the North line of Section 9, Township 22 N., Range 6 E., W.M.;

Thence generally Westerly along the highest point ridgeline to a point which lies 300 feet more or less South of the 1,600 feet more or less East of the NW corner Section 8, Township 22 N., Range 6 E., W.M., said point being also on the common drainage divide between the Cedar River Basin and the Green River Basin;

Thence Southeasterly along the drainage divide between said Cedar River Basin and the Green River Basin, more specifically described as being the Northeasterly drainage boundary of those Green River Sub-basins identified as Jenkins Creek and Covington Creek, being also the Southwesterly drainage boundary of the Cedar River Sub-basin identified as Lower Cedar River, to a common point of intersection on the boundaries of Sub-basin Lower Cedar River (Cedar River Basin), Sub-basin Covington Creek and Sub-basin Middle Green River (Green River Basin).

Thence generally Westerly along the common drainage divide boundary of said Sub-basins Covington Creek and Middle Green River to a point which lies 2,000 feet more or less South of the 1,000 feet more or less East of the NW corner of Section 20, Township 21 N., Range 6 E., W.M.;

Thence Southeasterly and Southerly along the highest point ridgeline to the North shoreline of the Green River;

Thence South to the thread of the Green River;

Thence Easterly along the thread of the Green River to its intersection with the tread of Newaukum Creek;

Exhibit A
SWM Utility Service Area Description
Page Two

Thence Southwesterly to the South shoreline of the Green River, said point being also on the common drainage divide boundary of the Green River Basin Sub-basins identified as Middle Green River and Newaukum Creek;

Thence generally Southerly along the common drainage divide of said Sub-basins to its intersection with the North drainage divide of the White River Basin;

Thence generally Westerly along the common drainage divide between the White River Basin and Green River Basin (also being the South boundary of the Middle Green River Sub-basin) to a point of intersection with the Easterly City Limits of Auburn;

Thence Southerly along said City Limits of Auburn to its intersection with the South County Line of King County, said point being the terminus of said described line.

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

King County streams

85-63

7590

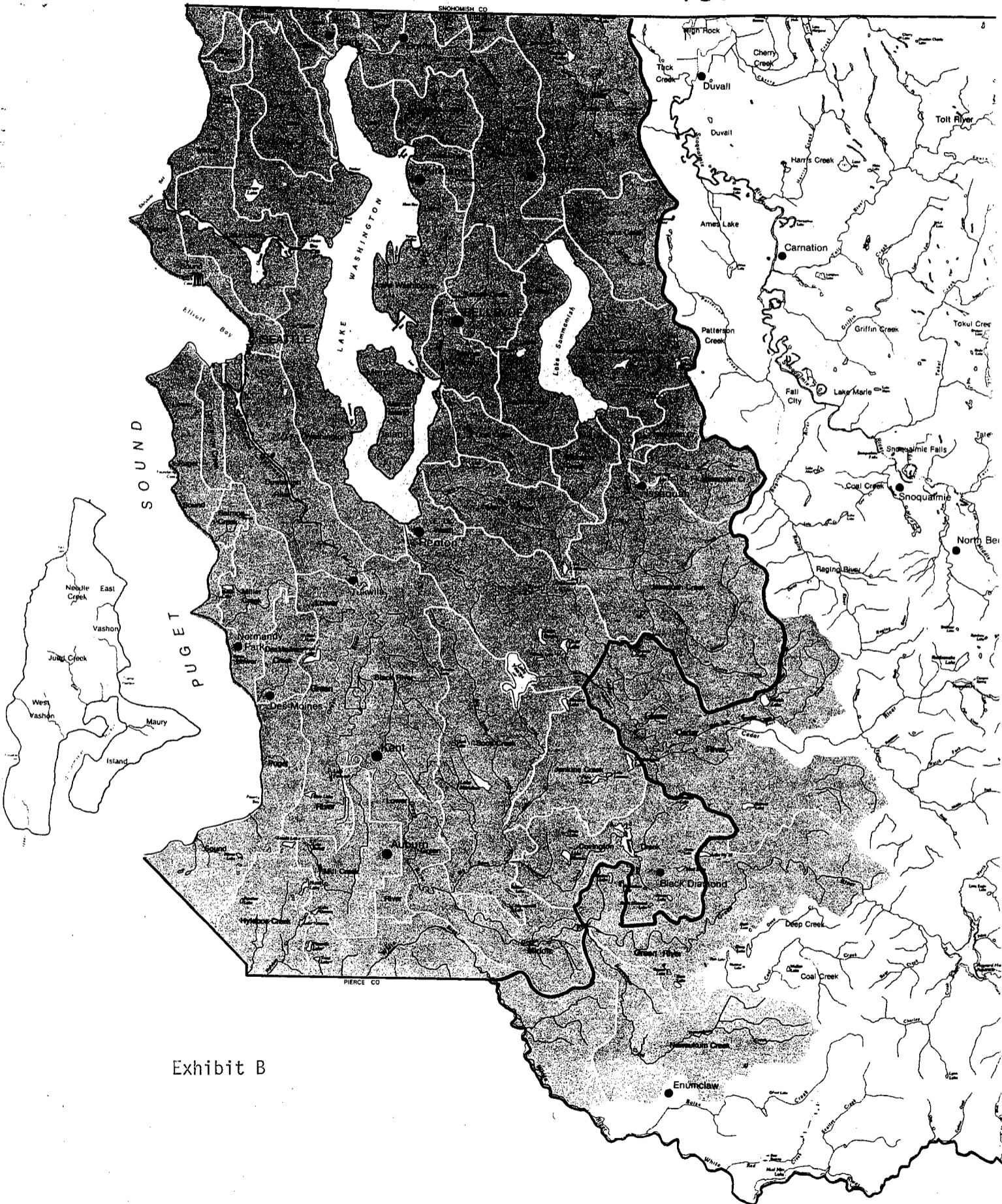


Exhibit B