

ORDINANCE NO. **11015**

AN ORDINANCE relating to financing debt for storm water control facilities; amending Ordinance No. 7590, Sections 1, 2, 6-9, 12 and 15, as amended and K.C.C. 9.08.010, .020, .050-.090 and .120.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

B. "County" means King County.

C. "Department" means the department of public works.

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

~~(C.)~~ E. "Director" means the director of the department of public works or the director's designee.

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

~~(E.)~~ G. "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as it

1 entered under natural conditions prior to development, and/or a hard
2 surface area which causes water to run off the surface in greater
3 quantities or at an increased rate of flow from the flow present under
4 natural conditions prior to development. Common impervious surfaces
5 include, but are not limited to, roofs, walkways, patios, driveways,
6 parking lots, storage areas, areas which are paved, graveled or made of
7 packed or oiled earthen materials, or other surfaces which similarly impede
8 the natural infiltration of surface and storm water. Open, uncovered
9 retention/detention facilities shall not be considered as impervious
10 surfaces for the purpose of this chapter.

11 ~~((F-))~~ H. "Land use code" means restrictions on the type of
12 development for a specific parcel of land as identified by records
13 maintained by the King County department of assessments as modified or
14 supplemented by information resulting from investigation by the surface
15 water management division. Land use codes are preliminary indicators of
16 the extent of impervious surface and are used in the initial analysis to
17 assign an appropriate rate category for a specific parcel. "Service
18 station", "single-family home", and "shopping center" are examples of land
19 use codes.

20 ~~((G-))~~ I. "Maintenance" means the act or process of cleaning,
21 repairing or preserving a system, unit, facility, structure or piece of
22 equipment.

23 ~~((H-))~~ J. "Natural surface water drainage system" means such
24 landscape features as rivers, streams, lakes, and wetlands. This system
25 circulates water in a complex hydrological cycle.

26 ~~((I-))~~ K. "Open Space" means any parcel, property or portion thereof
27 classified for current use taxation under the provisions of K.C.C. 20.36
28 and RCW 84.34, or for which the development rights have been sold to King
29 County under the provisions of K.C.C. 26.04. This definition includes
30 lands which have been classified as open space, agricultural or timber
31 lands under criteria contained in K.C.C. 20.36 and RCW 84.34.
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1 ~~(J.)~~ L. "Parcel" means the smallest separately segregated unit or
2 plot of land having an identified owner, boundaries, and surface area which
3 is documented for property tax purposes and given a tax lot number by the
4 King County assessor.

5 ~~(K.)~~ M. "Person" means any individual, firm, company, association,
6 corporation or governmental agency.

7 ~~(L.)~~ N. "Program" means the Surface Water Management Program as
8 set forth in chapter.

9 ~~(M.)~~ O. "Rate category" means the classification in this chapter
10 given to a parcel in the service area based upon the type of land use on
11 the parcel and the percentage of impervious surface area contained on the
12 parcel.

13 ~~(N.)~~ P. "Retention/ detention facility" means a type of drainage
14 facility designed either to hold water for a considerable length of time
15 and then release it by evaporation, plant transpiration and/or infiltration
16 into the ground; or to hold runoff for a short period of time and then
17 release it to the surface and storm water management system.

18 ~~(O.)~~ Q. "Residence" means a building or structure or portion
19 thereof, designed for and used to provide a place of abode for human
20 beings. The term residence includes the term "residential" or "residential
21 unit" as referring to the type of or intended use of a building or
22 structure.

23 ~~(P.)~~ R. "Residential parcel" means any parcel which contains no
24 more than three residences or three residential units which are within a
25 single structure and is used primarily for residential purposes.

26 ~~(Q.)~~ S. "Service area" means the area described in
27 Exhibit A dated November 27, 1991 which is attached hereto and incorporated
28 by reference herein. This exhibit is available in the office of the clerk
29 of the council.

30 T. "Storm water plan" means a King County ordinance specifying the
31 storm water control facilities that will be funded by a bond issue.
32

1 (~~(R-)~~) U. "Surface and storm water management services" means the
2 services provided by the Surface Water Management Program, including but
3 not limited to basin planning, facilities maintenance, regulation,
4 financial administration, public involvement, drainage investigation and
5 enforcement, aquatic resource restoration, surface and storm water quality
6 and environmental monitoring, natural surface water drainage system
7 planning, intergovernmental relations, and facility design and
8 construction.

9 (~~(S-)~~) V. "Sub-basin" means a drainage area which drains to a water
10 course or water body named and noted on common maps and which is contained
11 within a basin as defined in K.C.C. 9.04.020.

12 (~~(T-)~~) W. "Surface and storm water" means water originating from
13 rainfall and other precipitation that is found in drainage facilities,
14 rivers, streams, springs, seeps, ponds, lakes and wetlands as well as
15 shallow ground water.

16 (~~(U-)~~) X. "Surface and storm water management system" means
17 constructed drainage facilities and any natural surface water drainage
18 features which collect, store, control, treat and/or convey surface and
19 storm water.

20 (~~(V-)~~) Y. "Undeveloped parcel" means any parcel which has not been
21 altered from its natural state by the construction, creation, or addition
22 of impervious surface.

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

25 **Authority. A.** There is hereby created and established the Surface
26 Water Management Program of King County under which the provisions of this
27 chapter shall be carried out.

28 **B.** The program herein created shall be administered by the King
29 County department of public works, surface water management division.

30 **C. Right of Entry.** Whenever necessary to examine the property
31 characteristics of a particular parcel for the purposes of implementing
32 this chapter, the director or the director's designee may enter any

1 property or portion thereof at reasonable times in compliance with the
2 following procedures:

3 1. If such property or portion thereof is occupied, the director or
4 the director's designee shall present identification credentials, state the
5 reason for entry and request entry.

6 2. If such property or portion thereof is unoccupied, the director
7 or the director's designee shall first make a reasonable effort to locate
8 the owner or other persons having charge or control of the property or
9 portion thereof and request entry.

10 3. Unless entry is consented to by the owner or person in control
11 of any property or portion thereof, the director or the director's
12 designee, prior to entry, shall obtain a search warrant as authorized by
13 the laws of the State of Washington.

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

18 E. The program may provide services related to surface and storm
19 water management, including but not limited to basin planning, facilities
20 maintenance, regulation, financial administration, public involvement,
21 drainage investigation and enforcement, aquatic resource restoration,
22 surface and storm water quality and environmental monitoring, natural
23 surface water drainage system planning, intergovernmental relations, and
24 facility design and construction. The program may contract for services
25 with interested municipalities or special districts including but not
26 limited to sewer and water districts, school districts, port districts or
27 other governmental agencies.

28 F. Whenever a city or town annexes an area, or a city or town
29 incorporates an area, and the county has issued revenue bonds or general
30 obligation bonds to finance storm water control facilities that are payable
31 in whole or in part from rates or charges imposed in the area, the county
32 shall continue imposing all portions of the rates or charges that are

1 allocated to payment of the debt service on bonds in that area after the
2 effective date of the annexation or official date of the incorporation
3 until:

4 (1) the debt is retired;

5 (2) any debt that is issued to refinance the underlying debt is
6 retired; or

7 (3) the city or town reimburses the county an amount that is
8 sufficient to retire that portion of the debt borne by the annexed
9 or incorporated area.

10 If the county provides storm water management services to the city or
11 town by contract, the contract shall consider the value of payments made by
12 property owners to the county for the payment of debt service. The
13 provisions of this section apply whether or not the bonds finance
14 facilities that are geographically located within the area that is annexed
15 or incorporated.

16 The county shall construct all facilities included in the storm water
17 plan financed by the proceeds of such bonds. The storm water plan may be
18 modified and facilities authorized in the storm water plan may be added,
19 deleted or modified either prior to or following annexation or
20 incorporation of part of the service area when the county council
21 determines, after notification of cities within the affected basins, that
22 such changes are necessary or advisable in order to implement the storm
23 water plan within available funding levels. If bond proceeds are
24 insufficient to complete all facilities authorized in the storm water plan,
25 the county council shall, after notification of cities within the affected
26 basins, prioritize the use of bond proceeds to construct those facilities
27 most necessary and in the best interest of the area served by the storm
28 water plan. If the storm water plan is amended for the reasons set forth
29 in this section, any related agreements with other jurisdictions shall be
30 revised as necessary.

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

1 **Applicability.** A. Developed parcels within the service area shall
2 be billed each year for surface and storm water management services
3 pursuant to RCW 36.89.080. Surface and storm water management services
4 and/or service charges shall be imposed on developed parcels lying within
5 cities and towns when such services and/or charges have been provided for
6 by interlocal agreements between the county and such cities or towns. That
7 portion of the rates or charges allocated to payment of debt service on
8 revenue or general obligation bonds issued to finance storm water control
9 facilities in areas annexed or incorporated subsequent to the issuance of
10 such bonds shall be imposed as set forth above in Section 2(F). In
11 addition, the county and cities or towns may enter into interlocal
12 agreements allowing the city or town to provide surface and storm water
13 management services and/or charges for specified developed parcels lying
14 within unincorporated King County.

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

18 C. The service area may be modified in accordance with policy
19 contained in K.C.C. 9.08.060 M. Modifications to the service area shall be
20 by ordinance.

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

23 **Policy.** A. **Coordination.** It is the finding of the county that the
24 majority of the basins in the service area are shared with incorporated
25 cities and towns. In order to achieve a comprehensive approach to surface
26 and storm water management the county and incorporated jurisdictions within
27 a specific basin should coordinate surface and storm water management
28 services. In addition, the program may contract for services with
29 interested municipalities or special districts including but not limited to
30 sewer and water districts, school districts, port districts or other
31 governmental agencies.
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1 B. Education of Public. It is the finding of the county that many
2 of the difficulties found in the management of surface and storm water
3 problems are contributed to by the general lack of public knowledge about
4 the relationship between human actions and surface and storm water
5 management. In order to achieve a comprehensive approach to surface and
6 storm water management the county should provide general information to the
7 public about land use and human activities which impact surface and storm
8 water management. Pursuant to RCW 36.89.085, it is the finding of the
9 county that public school districts can provide significant benefits to the
10 county regarding surface and storm water management through educational
11 programs and community activities related to protection and enhancement of
12 the surface and storm water management system. These programs and
13 activities can provide students with an understanding of human activities
14 and land use practices that create surface and storm water problems and
15 involve students by learning from first hand exposure, the difficulties of
16 resolving surface and storm water management problems after they occur.

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

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

3 E. Drainage facilities. It is the finding of the county that
4 maintained drainage facilities mitigate the increased runoff contribution
5 of developed parcels by providing on-site drainage control. Parcels served
6 by retention/detention facilities which were: 1) required for development
7 of the parcel pursuant to K.C.C. 9.04 and approved by King County; or 2)
8 can be demonstrated as required in K.C.C. (~~9.08-030~~) 9.08.080 B.5. by the
9 property owner to provide detention/retention of surface and storm water to
10 the standards set forth in K.C.C. 9.04 shall receive a discount as provided
11 in the rates and charges of the Surface Water Management Program, provided
12 that, the facility is maintained at the parcel owner's expense to the
13 standard established by the department of public works. That portion of
14 the rates or charges allocated for payment of debt service on revenue or
15 general obligation bonds issued to finance storm water control facilities
16 will not be discounted for retention/detention facilities.

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

22 G. Residential parcels. It is a finding of the county that the
23 majority of the parcels in the service area are residential. The variance
24 between residential parcels in parcel size and percentage of impervious
25 surface coverage is found to be minor and to reflect only minor differences
26 in increased runoff contributions. The administrative cost of calculating
27 the service charge individually for each residential parcel and maintaining
28 accurate information would be very high. A flat charge for residential
29 parcels is less costly to administer than calculating a separate charge for
30 each parcel and is equitable because of the similarities in total parcel
31 size and total impervious surface coverage between residential parcels.
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1 Therefore, residential parcels shall be charged a flat charge based upon
2 the average parcel size and average percentage of impervious surfaces.

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

15 I. Lightly to very heavily developed parcels. It is the finding of
16 the county that lightly to very heavily developed non-residential parcels
17 which have an impervious surface coverage of more than ten percent have a
18 substantial impact on the surface and storm water management system. The
19 impact of these parcels on the surface and storm water management system
20 increases with the size of the parcels. Therefore, lightly to very heavily
21 developed properties shall be charged a rate determined by the percent of
22 impervious surface coverage multiplied by the parcel acreage.

23 J. Road systems. It is a finding of the county that county and
24 state roads contribute a significant amount of increased runoff to the
25 surface and storm water management system, which contributes to the need
26 for basin planning, drainage facilities and other related services.
27 However, both the county roads and state highway programs provide
28 substantial annual programs for the construction and maintenance of
29 drainage facilities, and the roads systems and their associated drainage
30 facilities serve as an integral part of the surface and storm water
31 management system. The rate charged county roads and state highways shall
32 reflect the benefit which county roads and state highway facilities provide

1 to the surface and storm water management system. County and state road
2 drainage systems unlike the drainage systems on other properties are
3 continually being upgraded to increase both conveyance capacity and
4 control. It is envisioned that the roads program will work cooperatively
5 with the Surface Water Management Program to improve regional surface and
6 storm water management services as new information is available from basin
7 plans and other sources. The percentage of impervious surface coverage for
8 county roads and state highways shall be calculated by dividing average
9 width of roadway and shoulder by the average width of the right of way.
10 The service charge shall be calculated in accordance with RCW 9.03.525.

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

18 L. Basin plans. It is the finding of the county that basin plans
19 are essential to establishing a comprehensive approach to a capital
20 improvement program, maintenance of facilities and regulation of new
21 developments. A plan should analyze the measures needed to control surface
22 and storm water runoff which results from existing and anticipated
23 development within the basin. The measures investigated to control runoff
24 should include land use regulation such as setback requirements or
25 community plan revisions which revise land use densities as well as the use
26 of drainage facilities. A plan also should recommend the quantity and
27 water quality runoff control measures required to further the purposes set
28 forth in K.C.C. 9.08.040, and community goals. The institutional
29 requirements and regulations, including but not limited to land use
30 management, funding needs, and incentives for preserving the natural
31 surface water drainage system should be identified in the plan. The
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1 proposed ordinances and regulations necessary to implement the plan shall
2 be transmitted to the council simultaneously with the plan.

3 M. Service area. It is the finding of the county that areas now
4 requiring urban services, areas designated to receive urban services or
5 areas exhibiting development related surface and storm water problems
6 require comprehensive management of surface and storm water. The council
7 finds that the service area set forth in K.C.C. 9.08.050 B. consists of the
8 drainage basins or sub-basins in which a significant area exhibits
9 development related surface and storm water problems or a significant area
10 has been designated by the King County comprehensive plan, its supplements
11 and revisions and community and middle plans, as specified in K.C.C.
12 chapter 20.12 for urban development or development densities requiring
13 urban services, or designated as transitional areas.

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

1 shall draft and submit to the council, regulations and development
2 standards to allow protection of the surface and storm water management
3 system including natural drainage systems.

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

19 P. Financial management capital policy. The program shall prepare
20 an annual, multi-year Capital Improvement Program which encompasses all of
21 the program's activities related to the acquisition, construction,
22 replacement, or renovation of capital facilities or equipment. All
23 proposed new facilities will be subject to a consistent and rigorous needs
24 analysis. The program's capital facilities will be planned and financed to
25 ensure that the benefits of the facilities and the costs for them are
26 balanced over time.

27 Q. Financial management debt policy. The program will manage its
28 debt to ensure continued high credit quality, access to credit markets, and
29 financial flexibility. All of the program's debt management activities
30 will be conducted to maintain at least the current credit ratings assigned
31 to the county's debt by the major credit rating agencies and to maintain an
32 adequate debt service coverage ratio. Long term debt will not be used to

1 support operating expenses. The program will develop and maintain a
2 central system for all debt-related records which will include all official
3 statements, bid documents, ordinances indentures, leases, etc., for all of
4 the program's debt and will accurately account for all interested earnings
5 in debt-related funds. These records will be designed to ensure that the
6 program is in compliance with all debt covenants and with State and Federal
7 laws.

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

10 **Rate Structure.** A. The service charges shall be based on the
11 relative contribution of increased surface and storm water runoff from a
12 given parcel to the surface and storm water management system. The
13 percentage of impervious surfaces on the parcel and the total parcel
14 acreage will be used to indicate the relative contribution of increased
15 surface and storm water runoff from the parcel to the surface and storm
16 water management system. The relative contribution of increased surface
17 and storm water runoff from each parcel will determine that parcel's share
18 of the service charge revenue needs. The service charge revenue needs of
19 the program are based upon all or any part, as determined by the council,
20 of the cost of surface and storm water management services or to pay or
21 secure the payment of all or any portion of any issue of general obligation
22 or revenue bonds issued for such purpose.

23 B. The surface water management division shall determine the service
24 charge for each parcel within the service area by the following
25 methodology: Residential and very lightly developed non-residential
26 parcels shall receive a flat rate service charge for the reasons set forth
27 in K.C.C. 9.08.060. Light to very heavily developed (~~(P)~~) parcels shall be
28 classified into the appropriate rate category by their percentage of
29 impervious surface coverage. Land use codes and/or data collected from
30 parcel investigations will be used to determine each parcel's percentage of
31 impervious surface coverage. After a parcel has been assigned to the
32 appropriate rate category, the service charge for the parcel will be

1 calculated by multiplying the total acreage of the parcel times the rate
 2 for that category.

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

5 SURFACE WATER MANAGEMENT SERVICE CHARGES

6 Class	Impervious Surface %	Rate
7 Residential	NA	\$ 85.02/parcel/year
8 Very Light	0 to (\leftarrow) \leq 10%	85.02/parcel/year
9 Light	>10% to (\leftarrow) \leq 20%	198.40/acre/year
10 Moderate	>20% to (\leftarrow) \leq 45%	410.98/acre/year
11 Moderately Heavy	>45% to (\leftarrow) \leq 65%	793.60/acre/year
12 Heavy	>65% to (\leftarrow) \leq 85%	1,006.16/acre/year
13 Very Heavy	>85% to (\leftarrow) \leq 100%	1,317.94/acre/year
14 County Roads	NA	Set in accordance with RCW 90.03.525
15 State Highways	NA	Set in accordance with RCW 90.03.525

16 The minimum service charge in any class shall be \$85.02/parcel/year.

17 Mobile home parks' maximum annual service charges in any class shall be
 18 \$85.02 times the number of mobile home spaces.

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

23 E. When a parcel with impervious surface is divided by the boundary
 24 of the service area and a portion of the parcel's impervious surface drains
 25 into the service area, the parcel shall be charged as otherwise provided
 26 herein on the basis of the lands and impervious surfaces which drain into
 27 the service area. When the director has determined that the impervious
 28 surface of a parcel, divided by the boundary of the service area,
 29 completely drains outside of the service area, the parcel will be exempt
 30 from the rates and charges of this chapter.

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

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

3 **Rate Adjustments and Appeals.** A. Any person billed for service
4 charges may file a "Request for Rate Adjustment" with the surface water
5 management division within (~~two~~) three years of the date from which the
6 bill was sent. However, filing of such a request does not extend the
7 period for payment of the charge.

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

10 1. The parcel is owned and is the personal residence of a person or
11 persons determined by the county assessor as qualified for a low income
12 senior citizen property tax exemption authorized under RCW 84.36.381;
13 parcels qualifying hereunder shall be exempt from all charges imposed in
14 K.C.C. 9.08.070;

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

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

19 4. The parcel is non-residential and the parcel meets the
20 definition of open space in section 9.08.010 of this chapter. Parcels
21 qualifying hereunder will be charged only for the area of impervious
22 surface and at the rate which the parcel is classified under using the
23 total parcel acreage;

24 5. The parcel is served by one or more retention/detention
25 facilities required pursuant to the provisions of K.C.C. 9.04, or can be
26 demonstrated by the property owner to provide detention/retention of
27 surface and storm water to the standards set forth in K.C.C. 9.04, and is
28 maintained at the expense of the parcel owner to the standards required by
29 the department of public works. Non-residential parcels except in the
30 light category qualifying hereunder shall be charge at the rate of one
31 lower rate category than it is classified by its percentage of impervious
32 surface coverage. Non-residential parcels in the light rate category

1 qualifying hereunder shall be charge a the rate of \$85.03/acre/year.
2 Residential parcels and parcels in the very light category qualifying
3 hereunder shall be charged \$43.51/parcel/year.

4 6. The parcel is owned or leased by a public school district which
5 provides activities which directly benefit the Surface Water Management
6 Program. The activities may include: curriculum specific to the issues
7 and problems of surface and storm water management, and student activities
8 in the community to expose students to the efforts required to restore,
9 monitor or enhance the surface and storm water management system. Pursuant
10 to RCW 36.89.085, the amount of the rate adjustment shall be determined by
11 the director based upon the cost of the activities to the school district
12 but not to exceed the value of the activity to the Surface Water Management
13 Program. Determination of which activities qualify for the surface water
14 management service charge reduction will be made by the surface water
15 management division. Reductions in surface water management service
16 charges will only be granted to school districts which provide programs
17 that have been evaluated by the surface water management division. The
18 rate adjustment for the school district activity may be applied to any
19 parcel in the service area which is owned or operated by the school
20 district; or

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

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

25 D. Decisions on requests for rate adjustments shall be made by the
26 director based on information submitted by the applicant and by the
27 division within thirty days of the adjustment request except when
28 additional information is needed. The applicant shall be notified in
29 writing of the director's decision. If an adjustment is granted which
30 reduces the charge for the current year or two prior years, the applicant
31 shall be refunded the amount overpaid in the current and two prior years.
32

1 E. If the director finds that a service charge bill has been
2 undercharged, then either an amended bill shall be issued which reflects
3 the increase in the service charge or the undercharged amount will be added
4 to the next year's bill. This amended bill shall be due and payable under
5 the provisions set forth in K.C.C. 9.08.100. The director may include in
6 the bill the amount undercharged for two previous billing years in addition
7 to the current bill.

8 F. Decisions of the director on requests for rate adjustments shall
9 be final unless within thirty days of the date the decision was mailed, the
10 applicant submits in writing to the director a notice of appeal setting
11 forth a brief statement of the grounds for appeal and requesting a hearing
12 before the King County zoning and subdivision examiner. The examiner's
13 decision shall be a final decision pursuant to the provisions of K.C.C.
14 20.24.080.

15 SECTION 7. Ordinance 7590, Section 12, and K.C.C. 9.08.090, both as
16 amended, are each hereby amended to read as follows:

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

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

7 C. Parcel characteristics affecting the service charge which are
8 altered after November 1 of any year shall not be a basis of recalculation
9 of the service charge until after December 31 of the following year.

10 EXCEPTION: Adjustments to the annual service charge may be made when
11 property is incorporated or annexed by another jurisdiction. The service
12 charge for the billing year during which incorporation or annexation
13 occurs may:

14 1. Be subject to a proration formula included in an interlocal
15 agreement between the county and the incorporating or annexing
16 jurisdiction; or

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

25 3. The debt service portion of the service charge will not be
26 prorated.

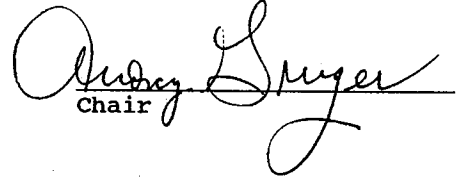
1 SECTION 8. Ordinance 7590, Section 15, and K.C.C.
2 9.08.120, both as amended, are each hereby amended to read as
3 follows:

4 **Administrative Procedures.** Pursuant to K.C.C. 2.98 the
5 director shall develop administrative procedures relating to
6 the implementation of this chapter and the imposition and
7 collection of service charges including but not limited to
8 procedures for the filing of liens and initiation of
9 foreclosure on delinquent accounts and the collection of the
10 debt service portion of the service charge in areas that annex
11 or incorporate.


12 INTRODUCED AND READ for the first time this 23rd day
13 of August, 1993

14 PASSED this 7th day of September, 1993

15 KING COUNTY COUNCIL
16 KING COUNTY, WASHINGTON

17 
18 Chair

19 ATTEST:

20 
21 Clerk of the Council

22 APPROVED this 17th day of September, 1993.

23 
24 King County Executive

25 Attachments: