



Legislation Text

File #: 2015-0110, **Version:** 1

Clerk 03/05/2015

AN ORDINANCE regarding surface water management; revising surface water management service charges; and amending Ordinance 7590, Section 1, as amended, and K.C.C. 9.08.010, Ordinance 7590, Section 7, as amended, and K.C.C. 9.08.060 and Ordinance 7590, Section 8, as amended, and K.C.C. 9.08.070.

STATEMENT OF FACTS:

1. King County is supportive of efforts to protect the viability of its agricultural production districts.
2. The ability to sustain viable agricultural uses within these districts is highly reliant upon agriculture-supportive businesses that are needed to be in close proximity so as to reduce costs to agricultural uses.
3. Supportive businesses are often located on smaller parcels adjacent to significant areas of land used for agriculture.
4. Although these supportive businesses may be developed with greater percentages of impervious surfaces, the resulting surface water impacts are mitigated by the adjacent farm lands.
5. The application of the same classification on these supportive businesses in the agricultural production districts, as that would be applied to similarly-developed parcels in the more intensive urban areas, is not appropriate.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

A. "Agriculture-supportive " means a property that is located within an agricultural production district and its use provides direct services, such as livestock auction and sales, seed or feed sales, or equipment repair or sales, to agricultural uses in the Agricultural Production District.

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

~~((B-))~~ C. "Department" means the department of natural resources and parks or its successor agency.

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

~~((D-))~~ E. "Director" means the director of the department of natural resources and parks or its successor agency or the director's designee.

~~((E-))~~ F. "Division" means the department of natural resources and parks, water and land resources division or its successor agency.

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

~~((G-))~~ H. "Flow control facility" means a drainage facility designed to mitigate the impacts of increased surface and storm water runoff generated by site development in accordance with the drainage requirements in this chapter. A flow control facility is designed either to hold water for a considerable length of time and then release it by any combination of evaporation, plant transpiration or infiltration into the ground or to hold runoff

for a short period of time and then release it to the conveyance system.

~~((H-))~~ I. "Flow control best management practice" means a method or design for dispersing, infiltrating or otherwise reducing or preventing development-related increases in surface and storm water runoff at, or near, the sources of those increases. "Flow control best management practice" includes the methods and designs specified in the Surface Water Design Manual.

~~((I-))~~ J. "Lake management plan" means the plan, and supporting documents as appropriate, describing the lake management recommendations and requirements that has been formally adopted by rule under the procedures specified in K.C.C. chapter 2.98. Adopted lake management plans are available from the division and the department of permitting and environmental review. A synopsis of adopted lake management plans shall be distributed to all Surface Water Design Manual subscribers as part of the manual's routine update process.

~~((J-))~~ K. "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, flow control facilities, erosion/sedimentation control facilities and other drainage structures and appurtenances, both natural and constructed.

~~((K-))~~ L. "Impervious surface" means either a hard surface area that either prevents or retards the entry of water into the soil mantle as it entered under natural conditions before development, or a hard surface area that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions before development, or both. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas that are paved, graveled or made of packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface and storm water. Open, uncovered flow control facilities shall not be considered as impervious surfaces.

~~((L:))~~ M. "Land use code" means restrictions on the type of development for a specific parcel of land as identified by records maintained by the King County department of assessments as modified or supplemented by information resulting from investigation by the division. Land use codes are preliminary indicators of the extent of impervious surface and are used in the initial analysis to assign an appropriate rate category for a specific parcel.

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

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

~~((O:))~~ P. "National Pollutant Discharge Elimination System permit" means a permit issued by the Washington state Department of Ecology for discharges to waters of the United States under the Clean Water Act.

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

~~((Q:))~~ R. "Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area that is documented for property tax purposes and given a tax lot number by the King County assessor.

~~((R:))~~ S. "Person" means any individual, firm, company, association, corporation or governmental agency.

~~((S:))~~ T. "Program" means the surface water management program as created and established in this chapter.

~~((T:))~~ U. "Rate category" means the classification in this chapter given to a parcel in the service area

based upon the type of land use on the parcel and the percentage of impervious surface area contained on the parcel.

~~((U.))~~ V. "Residence" means a building or structure or portion thereof, designed for and used to provide a place of abode for human beings. "Residence" includes "residential" or "residential unit" as referring to the type of or intended use of a building or structure.

~~((V.))~~ W. "Residential parcel" means any parcel that contains no more than three residences or three residential units within a single structure and is used primarily for residential purposes.

~~((W.))~~ X. "Service area" means unincorporated King County.

~~((X.))~~ Y. "Storm water plan" means a King County ordinance specifying the storm water control facilities that will be funded by a bond issue.

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

~~((Z.))~~ AA. "Surface and storm water management services" means the services provided by the surface water management program, including but not limited to basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and storm water quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations and facility design and construction.

~~((AA.))~~ BB. "Surface water management fee protocols" means the surface water management fee standards and procedures that have been formally adopted by rule under the procedures specified in K.C.C. chapter 2.98. The surface water management fee protocols are available from the department of natural resources and parks, water and land resources division, or its successor agency.

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

~~((CC-))~~ DD. "Surface and storm water management system" means constructed drainage facilities and any natural surface water drainage features that do any combination of collection, storing, controlling, treating or conveying surface and storm water.

~~((DD-))~~ EE. "Surface Water Design Manual" means the manual, and supporting documentation referenced or incorporated in the manual, describing surface and storm water design and analysis requirements, procedures and guidance that has been formally and most recently adopted by rule under the procedures in K.C.C. chapter 2.98. The Surface Water Design Manual is available from the department of permitting and environmental review or the department of natural resources and parks, water and land resources division, or its successor agency.

~~((EE-))~~ FF. "Undeveloped parcel" means any parcel that has not been altered from its natural state by the construction, creation or addition of impervious surface.

~~((FF-))~~ GG. "Water quality treatment facility" means a drainage facility designed to reduce pollutants once they are already contained in surface and storm water runoff. "Water quality treatment facility" means the structural component of best management practices. When used singly or in combination, a water quality treatment facility reduces the potential for contamination of either surface or ground waters, or both.

SECTION 2. Ordinance 7590, Section 7, as amended, and K.C.C. 9.08.060 are hereby amended to read as follows:

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

B. It is the finding of the county that many of the difficulties found in the management of surface and

storm water problems are contributed to by the general lack of public knowledge about the relationship between human actions and surface and storm water management. In order to achieve a comprehensive approach to surface and storm water management the county should provide general information to the public about land use and human activities that impact surface and storm water management. Pursuant to RCW 36.89.085, it is the finding of the county that public school districts can provide significant benefits to the county regarding surface and storm water management through educational programs and community activities related to protection and enhancement of the surface and storm water management system. These programs and activities can provide students with an understanding of human activities and land use practices that create surface and storm water problems and involve students by learning from first hand exposure, the difficulties of resolving surface and storm water management problems after they occur.

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

D. It is the finding of the county that developed parcels contribute to an increase in surface and storm water runoff to the surface and storm water management system. This increase in surface and storm water runoff results in the need to establish rates and charges to finance the county's activities in surface and storm water management. Developed parcels shall be subject to the rates and charges of the surface water management program based on their contribution to increased runoff, except for agriculture-supportive properties because agriculture-supportive properties contribute to other properties within the agriculture production district remaining viable, active farms and therefore reduce the overall impact of surface and storm water runoff. The factors to be used to determine the degree of increased surface and storm water runoff to the

surface and storm water management system from a particular parcel shall be the percentage of impervious surface coverage on the parcel, the total acreage of the parcel and any mitigating factors as determined by King County.

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

F. It is the finding of the county that maintained drainage facilities mitigate the increased runoff contribution of developed parcels by providing on site drainage control. Parcels served by flow control facilities that were required for development of the parcel pursuant to K.C.C. chapter 9.04 and approved by King County or can be demonstrated as required in K.C.C. 9.08.080 by the property owner to provide flow control of surface and storm water to the standards in K.C.C. chapter 9.04 shall receive a discount as provided in the rates and charges of the surface water management program, if the facility is maintained at the parcel owner's expense to the standard established by the department.

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

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

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

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

J. It is the finding of the county that properties within agricultural production districts used for agricultural purposes are in general very lightly developed and, as a whole, provide a benefit to the surface and storm water management system, because a high proportion of these properties within such districts have retained a high proportion of land in pervious surfaces, which lessens the impact of properties within these districts upon the storm water management system. Because agriculture-supportive properties provide services that allow other properties used for agriculture in agricultural production districts to remain in active agricultural use and therefore retain a high proportion of acres in pervious surfaces, agriculture-supportive properties located within agricultural production districts shall be charged the minimum service charge in recognition of their support to very lightly developed land.

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

~~((K-))~~ L. It is a finding of the county that current scientific studies demonstrate that conservation and maintenance of forestland and open space contribute to the proper management of surface water quality and quantity. The scientific analysis performed in connection with the Cedar river, Issaquah creek and Bear creek basin plans have demonstrated that forests intercept and evaporate more rainfall, provide more soil storage,

retain and trap more sediments and purify contaminated water better than any other land use. Conservation and maintenance of public forests, the provision of technical assistance and encouragement to private landowners to retain forests are effective ways to prevent disruption of natural hydrology. Open Space lands, to the extent that they retain their natural condition and do not contain impervious surface, also perform an important surface water function by not detracting from the functioning of natural hydrology systems. Conservation and maintenance of publicly owned open space and forestland is often more cost-effective than building and maintain artificial or engineered surface and storm water management facilities. Additional financial resources are required to conserve and maintain those natural resource lands that serve important surface and storm water management functions.

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

~~((M.))~~ N. It is a finding of the county that very lightly developed nonresidential parcels that have an impervious surface coverage of ten percent or less of the total parcel acreage are characterized by a very low intensity of development and generally a large number of acres. A greater number of acres of undeveloped land associated with an impervious surface results in significantly less impact to the surface and storm water management system. Many of the very lightly developed properties are recreational, agricultural and timber lands identified in the King County Comprehensive Plan and should be encouraged to retain their low intensity of development. These parcels shall be charged a flat rate to encourage the retention of large areas of very lightly developed land. Agriculture-supportive properties shall be charged the minimum service charge in

recognition of the support these properties provide to keeping large proportions of other properties within agricultural production districts lightly developed.

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

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

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

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

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

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

~~((S-))~~ T. It is a finding of the county that Chinook salmon were listed as a threatened species in March 1999, and bull trout were listed as a threatened species in November 1999, under the federal Endangered Species Act. These listings focus the need for higher standards in managing surface water including new, expanded and more intensive programs to control the quantity of runoff as well as its quality. Programs

responding to these imperatives have included the design, permitting and construction of facilities, facility retrofitting and maintenance, habitat acquisition and restoration, monitoring, regulation development and coordination with other agencies on transboundary issues.

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

((~~U~~)) V. It is the finding of the county that additional surface and storm water runoff problems may be caused by new land use development if not properly mitigated both through protection of natural systems and through constructed improvements. The Surface Water Design Manual and K.C.C Titles 9, 16, 20 and 21A have been adopted by King County to mitigate the impact of land use development. Further mitigation of these impacts is based on expertise that continues to evolve as new information on our natural systems is obtained and new techniques are discovered. The surface water management program, through reconnaissance studies, basin plans, and other special studies, will continuously provide valuable information on the existing problems and areas of the natural drainage system that need special protection. The county is researching and developing methods to protect the natural drainage system through zoning, buffering and setbacks to alleviate existing problems. Setback and buffering measures allow natural preservation of wetlands and stream corridors to occur, alleviate erosion and water pollution and provide a safe environment for the small mammals and fish that inhabit sensitive areas. Based upon the findings in this subsection, and as information and methods become available, the executive, as appropriate shall draft and submit to the council, regulations and development standards to allow protection of the surface and storm water management system including natural drainage systems.

((~~V~~)) W. It is the finding of the county that the unique stormwater needs of the unincorporated rural area of the county require that the county's surface water management program established under chapter 36.89 RCW develop a rural drainage program. The intent of this rural drainage program is to provide a means through which existing and emerging surface water problems in the rural areas can be addressed in a manner

that preserves both rural resources and rural activities including agriculture and forestry. Rural drainage services provided by the division shall support a rural level of development and not facilitate urbanization. This rural drainage program shall result in a program consistent with Countywide Planning Policies and King County Comprehensive Plan policies.

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

~~((X.))~~ Y. The program shall prepare an annual, multiyear capital improvement program that encompasses all of the program's activities related to the acquisition, construction, replacement, or renovation of capital facilities or equipment. All proposed new facilities will be subject to a consistent and rigorous needs analysis. The program's capital facilities will be planned and financed to ensure that the benefits of the facilities and the costs for them are balanced over time.

~~((Y.))~~ Z. The program will manage its debt to ensure continued high credit quality, access to credit markets, and financial flexibility. All of the program's debt management activities will be conducted to maintain at least the current credit ratings assigned to the county's debt by the major credit rating agencies and to maintain an adequate debt service coverage ratio. Long term debt will not be used to support operating expenses. The program will develop and maintain a central system for all debt-related records that will include

all official statements, bid documents, ordinances indentures, leases, etc., for all of the program's debt and will accurately account for all interested earnings in debt-related funds. These records will be designed to ensure that the program is in compliance with all debt covenants and with state and federal laws.

SECTION 3. Ordinance 7590, Section 8, as amended, and K.C.C. 9.08.070 are hereby amended to read as follows:

A. The service charges shall be based on the relative contribution of increased surface and storm water runoff from a given parcel to the surface and storm water management system. The percentage of impervious surfaces on the parcel, the total parcel acreage and any mitigating factors as provided in K.C.C. 9.08.080 shall be used to indicate the relative contribution of increased surface and storm water runoff from the parcel to the surface and storm water management system. The relative contribution of increased surface and storm water runoff from each parcel determines that parcel's share of the service charge revenue needs. The service charge revenue needs of the program are based upon all or any part, as determined by the council, of the cost of meeting stormwater permit obligations of state and federal law and the cost of surface and storm water management services and to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for that purpose.

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

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

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

follows:

SURFACE WATER MANAGEMENT SERVICE CHARGES

Class	Impervious Surface %	Rate
Residential	NA	\$171.50/parcel/year
Very Light	0 to less than or equal to 10%	\$171.50/parcel/year
Light	Greater than 10% to less than or equal to 20%	\$413.38/acre/year
Moderate	Greater than 20% to less than or equal to 45%	\$905.91/acre/year
Moderately Heavy	Greater than 45% to less than or equal to 65%	\$1,546.40/acre/year
Heavy	Greater than 65% to less than or equal to 85%	\$2,116.79/acre/year
Very Heavy	Greater than 85% to less than or equal to 100%	\$2,638.96/acre/year
County Roads	NA	Set in accordance with RCW 90.03.525
State Highways	NA	Set in accordance with RCW 90.03.525

The minimum service charge in any class shall be one hundred seventy-one dollars and fifty cents per parcel per year. Mobile home parks' maximum annual service charges in any class shall be one hundred seventy-one dollars and times the number of mobile home spaces. Agriculture-supportive property located within an agricultural production district shall be charged the minimum service charge of one hundred seventy-

one dollars and fifty cents per parcel per year.

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

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

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

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