

ORDINANCE NO. 2812

AN ORDINANCE relating to the Surface water runoff policy in King County, and amending Ordinance No. 2281, Section 3 through 12 and K.C.C. 20.50.050 through 20.50.120 and adding a new section to Ordinance 2281 and to K.C.C. 20.50, and repealing resolution No. 34280.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance No. 2281, Section 3 and K.C.C. 20.50.050 are hereby amended to read as follows:

SUBMISSION OF A DRAINAGE PLAN. (a) All persons applying for any of the following permits and/or approvals shall submit for approval a drainage plan with their application and/or request:

((a)) (1) Grading permit

((b)) (2) Substantial development permit

((c)) (3) Flood control zone permit

((d)) (4) Subdivision approval

((e)) ~~Short plat approval, except where the lots are 5,000 or more feet or larger))~~

((f)) ~~Rezones))~~

((g)) (5) Unclassified use permits

((h)) (6) Conditional use permits

((i)) (7) Building permits where the permit relates to 5,000 or more square feet of development coverage within the property.

((j)) (8) Planned unit development

(b) Drainage plans will be required for those short plat applications which present adverse drainage impacts as defined by administrative guidelines to be developed by the Department and the Division of Building and Land Development and approved by the County Council.

(c) The plan submitted during one permit/approval process may be subsequently submitted with further required applications. The plan shall be supplemented with additional information at the request of the Department of Public Works and Transportation.

The plan requirement established in this section will not apply when the department determines that the proposed permit and/or activity:

1 ((a)) (1) Will not seriously and adversely impact the water quality  
2 conditions of any affected receiving bodies of water, and/or,

3 ((b)) (2) Will not alter the drainage patterns, increase the peak  
4 discharge, and cause any other adverse effects in the drainage area.

5 SECTION 2. Ordinance No. 2281, Section 4 and K.C.C. 20.50.040 are  
6 hereby amended to read as follows:

7 CONTENTS OF A DRAINAGE PLAN. All persons applying for any of the  
8 permits and/or approvals contained in Section 3 of this Ordinance shall  
9 provide a drainage plan for surface water flows entering, flowing within,  
10 and leaving the subject property. The detailed form and contents of the  
11 drainage plan shall be described in procedures provided by the department  
12 and approved by the Council. The procedures will set forth the manner of  
13 presenting the following required information:

14 (a) Background computations for sizing drainage facilities.

15 (1) Depiction of the drainage area on a topographical map, with  
16 acreage indicated.

17 (2) Indication of the peak discharge and amount of surface water  
18 currently entering and leaving the subject property.

19 (3) Indication of the peak discharge and amount of runoff which will be  
20 generated within the subject property if development is allowed to proceed.

21 (4) Determination of the peak discharge and amount of water that will  
22 be generated by ((10-and-25-year)) the design storm frequencies as specified  
23 by the department at various points on the subject property.

24 (b) Proposed improvements for handling the computed runoff.

25 ~~((1)-Where-open-ditch-construction-is-used-to-handle-drainage-within-the~~  
26 ~~tract,-a-minimum-of-15-feet-will-be-provided-between-any-structures-and-the~~  
27 ~~top-of-the-bank-of-the-defined-channel.~~

28 ~~((2)--Where-a-closed-system-is-used-to-handle-drainage-within-the-tract,~~  
29 ~~all-structures-will-be-a-minimum-of-10-feet-from-the-closed-system.))~~

30 SECTION 3. Ordinance No. 2281, Section 5 and K.C.C. 20.50.050 are hereby  
31 amended to read as follows:

32 MANDATORY REQUIREMENTS FOR ALL DRAINAGE ((PLANS)) IMPROVEMENTS.

33 (1)Surface water entering the subject property shall be received at the

1 naturally occurring location and surface water exiting the subject property  
2 shall be discharged at the natural location with adequate energy dissipators  
3 to minimize downstream damage and with no diversion at any of these points;  
4 and

5 (2) The peak discharge from the subject property may not be increased  
6 due to the proposed development; and

7 (3) Retention/detention facilities must be provided in order to handle  
8 all surface water in excess of the peak discharge.

9 (4) Where open ditch construction is used to handle drainage within  
10 the tract, a minimum of 15 feet will be provided between any structures and  
11 the top of the bank of the defined channel.

12 (a) In open channel work the water surface elevation will be indicated  
13 on the plan and profile drawings. The configuration of the finished ground  
14 constituting the banks of the open channel will also be shown on the draw-  
15 ings.

16 (b) Proposed cross-section of channel will be shown with stable  
17 slopes. Side slopes will be 3:1 maximum unless paved or stabilized in the  
18 other manner approved by the Department.

19 (c) The water surface elevation of the design flow will be indicated  
20 on the cross-section.

21 (5) Where a closed system is used to handle drainage within the tract,  
22 all structures will be a minimum of 10 feet from the closed system.

23 ((Exemptions)) Variations from any or all of the foregoing requirements  
24 may be permitted only after a determination by the Department employing  
25 the following criteria:

- 26 (a) Capacity of downstream facilities;  
27 (b) Acceptability of receiving bodies of water;  
28 (c) Possibility of adverse effects of retention; ((and))  
29 (d) Utility of regional retention facilities; and  
30 (e) Capability of maintaining the system.

31 NEW SECTION. SECTION 11.  
32  
33

1 Section 6 Development in critical flood, drainage, and/or erosion  
 2 areas. Development which would increase the volume of discharge from the  
 3 subject property shall not be permitted in areas where existing flooding,  
 4 drainage, and/or erosion conditions present an imminent likelihood of harm  
 5 to the welfare and safety of the surrounding community, until such a time as  
 6 the community hazard is alleviated, where applications of the provisions  
 7 of this section will deny all reasonable uses of the property, the restric-  
 8 tion on development contained in this section may be waived for the subject  
 9 property, provided that the resulting development shall be subject to all of  
 10 the remaining terms and conditions of this ordinance.

11 SECTION 5. Ordinance 2281, Section 6 and K.C.C. 20.50.060 are hereby  
 12 amended to read as follows:

13 SECTION ((6)) 7. Review and approval of the plan. All storm drainage  
 14 plans prepared in connection with any of the permits and/or approvals listed  
 15 in section 3 shall be submitted for review and approval to the Department  
 16 of Public Works and Transportation, Division of Hydraulics.

17 SECTION 6. Ordinance 2281, Section 7 and K.C.C. 20.50.070 are hereby  
 18 amended to read as follows:

19 SECTION ((7)) 8. Bonds and Liability Insurance required. The Depart-  
 20 ment of Public Works and Transportation is authorized to require all persons  
 21 constructing retention/detention facilities to post with the director of the  
 22 department surety and cash bonds. Where such persons have previously posted,  
 23 or are required to post, other such bonds with the director either on the  
 24 facility itself or on other construction related to the facility, such  
 25 person may, with the permission of the director and to the extent allowable  
 26 by law, combine all such bonds into a single bond, provided that at no time  
 27 shall the amount thus bonded be less than the total amount which would have  
 28 been required in the form of separate bonds, and provided further that such  
 29 a bond shall on its face clearly delineate those separate bonds which it  
 30 is intended to replace.

31 (1) CONSTRUCTION BOND. Prior to commencing construction, the person  
 32 constructing the facility shall post a construction bond in an amount  
 33 sufficient to cover the cost of conforming said construction with the

1 approved drainage plans. After determination by the department that all  
 2 facilities are constructed in compliance with the approved plans, the  
 3 construction bond shall be released.

4 (2) MAINTENANCE BOND. After satisfactory completion of the facilities  
 5 and release of the construction bond by the county, the person constructing  
 6 the facility shall commence a one year period of satisfactory maintenance of  
 7 the facility. A cash bond to be used at the discretion of the director to  
 8 correct deficiencies in said maintenance affecting public health, safety and  
 9 welfare must be posted and maintained throughout the one year maintenance  
 10 period. The amount of the cash bond shall be determined by the director,  
 11 but shall not be in excess of one thousand dollars. In addition, a surety  
 12 bond or cash bond to cover the cost of defects or failures of the facilities  
 13 shall also be posted and maintained throughout the one year maintenance  
 14 period.

15 (3) The person constructing the facility shall maintain a liability  
 16 policy in the amount of one hundred thousand dollars per individual, one  
 17 hundred thousand dollars per occurrence and fifty thousand dollars property  
 18 damage, (~~and~~) which shall name King County as an additional insured ( ),  
 19 and which shall protect King County from any liability up to those amounts  
 20 for any accident, negligence, failure of the facility, or any other liability  
 21 whatsoever, relating to the construction or maintenance of the facility.  
 22 Said liability policy shall be maintained for the duration of the facility  
 23 by the owner of the facility, Provided that in the case of facilities  
 24 assumed by King County for maintenance pursuant to s. (g) of this ordinance,  
 25 said liability policy shall be terminated when said county maintenance  
 26 responsibility commences.

27 SECTION 7. Ordinance 2281, Section 8 and K.C.C. 20.50.080 are hereby  
 28 amended to read as follows:

29 SECTION (~~8~~) 9. County assumption of maintenance. King County is  
 30 authorized to assume the maintenance of retention/detention facilities after  
 31 the expiration of the one year maintenance period in connection with the  
 32 subdivision of land if:  
 33

1 (1) All of the requirements of Section 7 have been fully complied  
2 with;

3 (2) The facilities have been inspected and approved by the department  
4 after their first year of operation;

5 (3) The (~~cash-and~~) surety (~~bonds~~) bond required in Section  
6 20.50.070 (2) (~~have~~) has been extended for one year, covering the county's  
7 first year of maintenance.

8 (4) All necessary easements entitling the county to properly maintain  
9 the facility have been conveyed to the county.

10 SECTION 9. Ordinance 2281, Section 9 and K.C.C. 20.50.090 are hereby  
11 amended to read as follows:

12 SECTION ((9)) 10. RETROACTIVITY RELATING TO COUNTY MAINTENANCE OF  
13 SUBDIVISION FACILITIES. If any person constructing retention/detention  
14 facilities and/or receiving approval of drainage plans prior to the effe-  
15 tive date of this ordinance re-assesses the facilities and/or plans so  
16 constructed and/or approved and demonstrates, to the director's satisfaction,  
17 total compliance with the requirements of this ordinance, the county may,  
18 after inspection, approval, and acknowledgement of the proper posting of  
19 the required bonds as specified in section 8 assume maintenance of the  
20 facilities.

21 SECTION 9. Ordinance 2281, Section 10 and K.C.C. 20.50.100 are hereby  
22 amended to read as follows:

23 SECTION ((10)) 11. APPLICABILITY TO GOVERNMENTAL ENTITIES. ALL  
24 municipal corporations and governmental entities shall be required to sub-  
25 mit a drainage plan and comply with the terms of this ordinance when  
26 developing and/or improving land including but not limited to, road  
27 building and widening, within the unincorporated areas of King County.

28 SECTION 10. Ordinance 2281, Section 11 and K.C.C. 20.50.110 are hereby  
29 amended to read as follows:

30 SECTION ((11)) 12. EFFECTIVE DATE. The effective date of this ordinance  
31 shall be ten days after its enactment. The requirements of this ordinance  
32 shall apply to all roads commencing construction and/or widening subsequent  
33 to December 31, 1975. Further, all plats receiving preliminary approval

1 subsequent to the effective date of this ordinance must comply with the  
2 terms of the ordinance. In the case of all additional actions enumerated in  
3 section 3, the terms of this ordinance will apply where final action by  
4 the county has not been taken prior to the effective date of the ordinance.

5 SECTION 11. Ordinance 2281, Section 12 and K.C.C. 20:50.120 are  
6 hereby amended to read as follows:

7 SECTION ((12)) 13. SEVERABILITY. If any provision of this ordinance  
8 or its application to any person or property is held invalid the remainder  
9 of the ordinance or the application of the provision to other persons or  
10 circumstances shall not be affected.

11 SECTION 12. Resolution 36230 is hereby repealed.

12 INTRODUCED AND READ for the first time this 1st  
13 day of June, 1976.

14 PASSED this 26th day of July, 1976.

15 KING COUNTY COUNCIL,  
16 KING COUNTY, WASHINGTON

17 Dave Mooney  
18 Chairman

19 ATTEST:

20  
21 Dorothy M. Quinn  
22 Clerk of the Council

23 APPROVED this 28th day of July, 1976

24  
25 [Signature]  
26 King County Executive