

ORDINANCE NO. 5824

AN ORDINANCE relating to surface water and erosion control policy in King County, defining the responsibility of the County to maintain subdivision retention/detention facilities, and amending Ordinance No. 4938, Sections 2, 11 and 12 and KCC 20.50.020, KCC 20.50.084 and KCC 20.50.086 and repealing Ordinance 4938, Sections 1, 9, 10 and 14 and KCC 20.50.010, KCC 20.50.080, KCC 20.50.082 and KCC 20.50.090 and adding new sections to Ordinance No. 4938 and KCC 20.50.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1: Ordinance 4938, Section 1 and KCC 20.50.010 are hereby repealed.

NEW SECTION. SECTION 2: PURPOSES: The Council finds that this chapter is necessary in order to promote the public health, safety and welfare by minimizing uncontrolled stormwater and sedimentation by preserving and utilizing the many values of the County's natural drainage system including open space, fish and wildlife habitat, recreation, education and urban separation and drainage and erosion control facilities and by providing for the comprehensive management and administration of stormwater and erosion control.

SECTION 3: Ordinance No. 4938, Section 2 and KCC 20.50.020 are hereby amended to read as follows:

DEFINITIONS

~~((a))~~ A. "Bond" means a surety ~~(or cash bond or other means acceptable to the director to guarantee payment to the County for costs incurred when work must be completed satisfactorily and/or corrective work must be undertaken to restore disturbed areas and eliminate hazards caused by work that is not completed.)~~ bond, cash deposit or escrow account, assignment of savings, irrevocable letter of credit or other means acceptable to the director to guarantee work is in compliance with all applicable County requirements.

1           ((+b+)) B. "Civil engineer" means a professional engineer  
2 registered in the State of Washington to practice in the field of  
3 civil engineering.

4           ((+e+)) C. "Computations" means calculations, including  
5 runoff coefficients and other pertinent data, made to determine the  
6 drainage plan with flow of rates of water given in cubic feet per  
7 second (cfs).

8           ((+d+)) D. "Department" means the Department of Public Works  
9 and Transportation.

10           ((+e+)) E. "Design storm" is a rain storm of a particular  
11 intensity and duration used in storm drainage analysis and system  
12 design.

13           ((+f+)) F. "Design storm frequency" is the probability of a  
14 design storm occurring expressed in terms of a statistically  
15 probable yearly interval of recurrence, which shall be specified by  
16 the department. For example, a storm that has a probability of  
17 occurring once in every ten-year period is called a ten-year storm.

18           ((+g+)) G. "Developmental coverage" means all impervious  
19 surface areas within the subject property, including, but not  
20 limited to, rooftops, driveways, carports, accessory buildings and  
21 parking areas.

22           ((+h+)) H. "Director" means the Director of the Department of  
23 Public Works and Transportation or his designee.

24           ((+i+)) I. "Drainage area" means the watershed (acreage)  
25 contributing surface water runoff to and including the subject  
26 property.

27           ((+j+)) J. "Drainage facility" means the system of conveying  
28 and storing storm and surface water runoff as depicted in the drain-  
29 age plan. Drainage facilities shall include but not be limited to  
30 all surface water conveyance facilities within the drainage area  
31 including streams, pipelines, channels, ditches, swamps, lakes, and  
32

1 wetlands, sinks or recharge areas, retention/detention facilities  
2 and other drainage structures and appurtenances, both natural and  
3 manmade.

4 (({k})) K. "Drainage plan" means a plan for receiving,  
5 handling and transporting surface water within the subject property  
6 including all computations required to determine the extent and  
7 nature of the proposed plan. The temporary erosion/sedimentation  
8 control plan and the drainage plan comprise the drainage plan for a  
9 subject property.

10 (({l})) L. "Improvements" refer to streets (with or without  
11 curbs or gutters), sidewalks, crosswalks, parking lots, water  
12 mains, sanitary and storm sewers, on-site drainage facilities,  
13 street trees and other appropriate items.

14 M. "Infiltration facility" means an underground retention/  
15 detention facility that disperses water for percolation into the  
16 ground.

17 (({m})) N. "Multi-family/commercial retention/detention  
18 facility" means a retention/detention facility (~~located on~~  
19 ~~property associated with a development which is not associated with~~  
20 ~~the subdivision or resubdivision of land.~~) which is not a  
21 subdivision retention/detention facility as defined in this  
22 chapter.

23 (({n})) O. "Peak discharge" means the maximum surface water  
24 runoff rate (cfs) determined for the design storm frequency.

25 P. "Pipe/Tank less than or equal to 36 inches" means a reten-  
26 tion/detention facility, including restrictor devices, that stores  
27 water underground. The equivalent diameter of the facility is 36  
28 inches or smaller.

29 Q. "Pipe/Tank greater than 36 inches" means a retention/  
30 detention facility, including restrictor devices, that stores water  
31 underground. The predominant equivalent diameter of the facility  
32 is greater than 36 inches.

33

1           R. "Pond/Ditch" means a retention/detention facility, includ-  
2 ing restrictor devices, that stores water aboveground.

3           ~~((e))~~ S. "Receiving bodies of water" means creeks, streams,  
4 rivers, lakes and other bodies of water into which surface waters  
5 are directed, either naturally or in manmade ditches or open  
6 systems.

7           ~~((p))~~ T. "Retention/detention facilities" specifies a type  
8 of drainage facility designed either to hold water for a consider-  
9 able length of time and then consume it by evaporation, plant  
10 transpiration or infiltration in the ground or to hold runoff for a  
11 short period of time and then release it to the natural water-  
12 course.

13           ~~((q))~~ U. "Site" is any lot or parcel of land or contiguous  
14 combination thereof where improvements covered by this chapter are  
15 performed or permitted.

16           ~~((r))~~ V. "Subdivision retention/detention facility" means a  
17 retention/detention facility (~~located on a subject property~~  
18 ~~associated with a short or regular plat subdivision.~~) which is  
19 both 1. located within or associated with a short or regular plat  
20 subdivision containing only single family or duplex residential  
21 structures located on individual lots; and 2, which is required to  
22 handle excess runoff generated by development of an area of which  
23 two-thirds or more is designated for single family or duplex  
24 residential structures located on individual lots.

25           ~~((s))~~ W. "Subject property" means the tract of land which  
26 is the subject of the permit and/or approval action.

27           ~~((t))~~ X. "Temporary erosion/sedimentation control" means the  
28 implementation of any measures during site development which  
29 reduces erosion, controls siltation and sedimentation and insures  
30 that sediment laden water does not cause a violation of applic-  
31 able water quality standards.

1            SECTION 4: Ordinance No. 4938, Section 9 and KCC 20.50.080 is  
2 hereby repealed.

3            NEW SECTION.    SECTION 5: MAINTENANCE OF SUBDIVISION  
4 RETENTION/DETENTION FACILITIES. King County shall assume the  
5 maintenance of all subdivision retention/detention facilities which  
6 fully comply with the requirements of this section. Until all the  
7 conditions of this section have been met, maintenance shall remain  
8 the responsibility of the person required to construct the  
9 retention/detention facility. Prior to final plat recording or the  
10 release of bonds posted to guarantee satisfactory completion,  
11 whichever occurs last, the following conditions must be met by the  
12 person required to construct the retention/detention facility  
13 pursuant to this chapter.

14            A. All of the requirements of Section 20.50.070 have been  
15 fully complied with.

16  
17            B. The retention/detention facility and other drainage  
18 facilities have been constructed according to plan, applicable  
19 specifications and standards, and approved by the department  
20 following a comprehensive inspection conducted for the purpose of  
21 County assumption of maintenance without regard to any prior  
22 inspections or approvals.

23  
24            C. All required improvements have been completed and have  
25 been inspected and approved by King County.

26  
27            D. All necessary easements entitling the County to properly  
28 maintain the retention/detention facility have been conveyed to the  
29 county.

30  
31            E. The fee as specified by the director based upon the fee  
32 schedule adopted by the Council has been paid.

33

1           Only after all of the above conditions have been met shall  
2 King County assume maintenance of the subdivision retention/deten-  
3 tion facility.

4           EXCEPTION: A retention/detention facility located within and  
5 servicing only an individual lot shall not be accepted by the  
6 county for maintenance and will remain the responsibility of  
7 persons holding title to the property within which the facility is  
8 located.

9           SECTION 6: Ordinance No. 4938, Section 14 and KCC 20.50.090  
10 are hereby repealed.

11           NEW SECTION. SECTION 7. RETROACTIVITY RELATING TO COUNTY  
12 MAINTENANCE OF SUBDIVISION RETENTION/DETENTION FACILITIES. All  
13 persons required to construct subdivision retention/detention  
14 facilities pursuant to Section 20.50.030 which are associated with  
15 plats receiving preliminary plat approval prior to the effective  
16 date of this ordinance shall be required to comply with the  
17 requirements of this chapter regarding the assumption of  
18 maintenance by the county as follows:

19           A. The person required to construct a retention/detention  
20 facility pursuant to Section 20.50.030 which is in the process of  
21 being designed, approved, constructed or for which a maintenance  
22 bond has not been posted on or prior to the effective date of  
23 Ordinance 4938 must meet the following conditions:

24           1. All of the requirements of Section 20.50.070 have  
25 been fully complied with.

26  
27           2. The retention/detention facility and other drainage  
28 facilities have been constructed according to plan, applicable  
29 specifications and standards, and approved by the department follow-  
30 ing a comprehensive inspection conducted for the purpose of county  
31 assumption of maintenance without regard to any prior inspections  
32 or approvals.

33

1           3. The defect bond required in Section 20.50.070(2) has  
2 been posted.

3  
4           4. All necessary easements entitling the county to  
5 properly maintain the retention/detention facility have been  
6 conveyed to the county.

7  
8           5. The fee as specified by the director based upon the  
9 fee schedule adopted by the Council has been paid.

10           B. The person required to construct a retention/detention  
11 facility pursuant to Section 20.50.030 which is covered by a  
12 maintenance or defect bond or which has been released from all  
13 required bonds prior to the effective date of Ordinance 4938 and  
14 all persons holding title to the property for which a facility was  
15 required shall be responsible for the continual operation and  
16 maintenance of the facility in accordance with standards and  
17 requirements of the department and for any liability as a result of  
18 breach of these duties.

19           The County shall assume maintenance of such facilities only  
20 after the following conditions have been met.

21           1. The retention/detention facility and other drainage  
22 facilities have been constructed according to plan, applicable  
23 specifications and standards, and approved by the department fol-  
24 lowing a comprehensive inspection conducted for the purpose of  
25 county assumption of maintenance without regard to any prior  
26 inspections and approvals.

27  
28           2. All necessary easements entitling the county to  
29 properly maintain the retention/detention facility have been  
30 conveyed to the county.

31  
32           3. The fee as specified by the director based upon  
33 the fee schedule adopted by the Council has been paid.

1           EXCEPTION: A retention/detention facility located within only  
 2 an individual lot shall not be assumed by the county for mainten-  
 3 ance and will remain the responsibility of person or persons  
 4 holding title to the property within which the system is located.

5           SECTION 8. Ordinance No. 4938, Section 10 and KCC 20.50.082  
 6 are hereby repealed.

7           NEW SECTION. SECTION 9. MAINTENANCE OF MULTI-FAMILY/  
 8 COMMERCIAL FACILITIES.

9           A. Any person or persons holding title to the property  
 10 for which a facility was required shall be responsible for the  
 11 continual operation and maintenance of the facility in accordance  
 12 with standards and requirements of the department. Prior to the  
 13 issuance of any of the permits and/or approvals listed in  
 14 Section 20.50.030 the person or persons holding title to the  
 15 subject property for which a retention/detention facility was  
 16 required shall record the declaration of covenant set forth in  
 17 Appendix A to Ordinance 4938. The restrictions set forth in such  
 18 covenant shall be included in any instrument of conveyance of the  
 19 subject property and shall be recorded with the King County Records  
 20 Division.

21           B. The county shall enforce the restrictions set forth in  
 22 Appendix A of Ordinance 4938.

23           C. Prior to the issuance of any of the permits and/or  
 24 approvals contained in Section 20.50.030 or the release of bonds  
 25 posted to guarantee satisfactory completion, the person or persons  
 26 holding title to the subject property for which a retention/  
 27 detention facility was required shall pay a fee established by the  
 28 director to reasonably compensate the county for costs relating to  
 29 inspection of the facility to ensure that it has been constructed  
 30 according to plan and applicable specifications and standards.  
 31 Fees shall be established by the director in accordance with the  
 32 County Administrative Code. Such fees may be updated as needed to  
 33 reflect actual costs.



1 D. Any person or persons holding title to the subject  
2 property for which a facility was required shall pay, upon receipt  
3 of an annual statement, a fee established by the County Council to  
4 reasonably compensate the county for costs incurred by the periodic  
5 inspection of commercial facilities to ensure that maintenance is  
6 being carried out in accordance with standards and requirements of  
7 the department. This maintenance checking fee shall apply to all  
8 facilities which have been or are required to be constructed as a  
9 condition of approval regardless of the date of approval or com-  
10 pletion.

11 E. The duties specified in this section of maintenance and  
12 payment of inspection and maintenance checking fees shall be  
13 enforced against the person or persons holding title to the  
14 property for which the retention/detention facility was required.

15 SECTION 10. Ordinance No. 4938, Section 12 and KCC 20.50.086  
16 are hereby amended to read as follows:

17 ADMINISTRATION. The director is authorized to promulgate and  
18 adopt administrative rules and regulations under the procedures  
19 specified in Ordinance 2165, KCC Chapter 2.98, for the purposes of  
20 implementing and enforcing the provisions of this chapter.

21 ~~((1+))~~ A. INSPECTIONS. The director is authorized to make  
22 such inspections and take such actions as may be required to  
23 enforce the provisions of this chapter.

24 ~~((2+))~~ B. RIGHT OF ENTRY. Whenever necessary to make an  
25 inspection to enforce any of the provisions of this chapter, or  
26 whenever the director has reasonable cause to believe that viola-  
27 tions of this chapter are present or operating on a subject prop-  
28 erty or portion thereof, the director may enter such premises at  
29 all reasonable times to inspect the same or perform any duty  
30 imposed upon the director by this chapter; provided that, if such  
31 premises or portion thereof is occupied, he shall first make a  
32 reasonable effort to locate the owner or other person having charge  
33 or control of the premises or portion thereof and demand entry.

1 ((+3+)) C. ACCESS. Proper ingress and egress shall be  
 2 provided to the director to inspect or perform any duty imposed  
 3 upon the director by this chapter.

4 The director shall notify the responsible party in writing of  
 5 failure to comply with the said access requirement. Failing to  
 6 obtain a response within seven days from the receipt of notifica-  
 7 tion the director may order the work required completed or other-  
 8 wise address the cause of improper access. The obligation for the  
 9 payment of all costs that may be incurred or expended by the  
 10 county in causing such work to be done shall thereby be imposed on  
 11 the person holding title to the subject property.

12 ((+4+)) D. FEES. ~~((Fees shall be established by the director  
 13 in accordance with the County Administrative Code to reasonably com-  
 14 pensate the county for costs incurred by inspections and mainte-  
 15 nance activities required by this chapter not included in KCC-  
 16 19.36.060(b).))~~ ~~Such fees may be updated as needed to reflect actual  
 17 costs.)~~ The determination by the director of the type and/or  
 18 number of facilities used to calculate the maintenance fees for  
 19 subdivision facilities may be appealed by any aggrieved person to  
 20 the zoning and subdivision examiner pursuant to Chapter 20.24 of  
 21 this code.

22 SECTION 11. Ordinance No. 4938, Section 11 and KCC 20.50.084  
 23 are hereby amended to read as follows:

24 HAZARDS. Whenever the director determines that any existing  
 25 construction site, erosion/sedimentation problem or drainage  
 26 facility poses a hazard to life and limb or endangers property, or  
 27 adversely affects ((the safety and operations of a public way.))  
 28 the condition or capacity of other drainage facilities, or the  
 29 safety and operation of county right of way, utilities, or other  
 30 property owned or maintained by the county, the person to whom the  
 31 permit was issued pursuant to KCC 20.50.030, the owner of the  
 32 property within which the drainage facility is located, the person  
 33 responsible for maintenance of the facility, or other person or

1 agent in control of said property, upon receipt of notice in  
2 writing from the director shall within the period specified therein  
3 repair or otherwise address the cause of the hazardous situation in  
4 conformance with the requirements of this chapter.

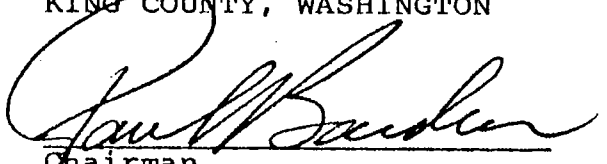
5 Should the director have reasonable cause to believe that the  
6 situation is so adverse as to preclude written notice, he may take  
7 the measures necessary to eliminate the hazardous situation;  
8 provided that he shall first make a reasonable effort to locate the  
9 owner before acting. In such instances the person of whom a  
10 drainage plan was required pursuant to KCC 20.50.030, the owner of  
11 the property and the person responsible for the maintenance of the  
12 facility shall be obligated for the payment of all costs incurred.  
13 If costs are incurred and a bond pursuant to this chapter or other  
14 county requirement has been posted, the director shall have the  
15 authority to collect against the bond to cover costs incurred.

16 SECTION 12. SEVERABILITY. Should any section, subsection,  
17 paragraph, sentence, clause or phrase of this ordinance be declared  
18 unconstitutional or invalid for any reason, such decision shall not  
19 affect the validity of the remaining portion of this ordinance.

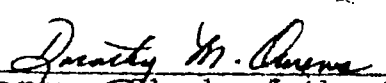
20 INTRODUCED AND READ for the first time this 6th day of  
21 July, 1981.

22 PASSED this 4th day of January, 1982

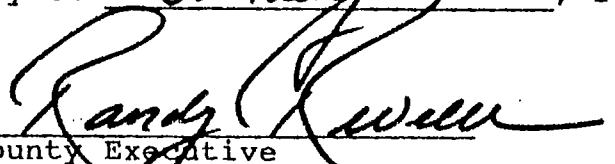
23 KING COUNTY COUNCIL  
24 KING COUNTY, WASHINGTON

25   
26 Chairman

27 ATTEST:

28  
29   
30 DEPUTY Clerk of the Council

31 APPROVED this 14th day of January, 1982

32   
33 County Executive