

May ²⁵ 9, 1988

INTRODUCED BY BRUCE LAING

PROPOSED NO. 88-403

ORDINANCE NO. **8589**

AN ORDINANCE relating to the maintenance of surface water management facilities, amending Ordinance 2281, Sec. 8 as amended and K.C.C. 9.04.110; repealing Ordinance 4938, Sec. 14 as amended and K.C.C. 9.04.160; and adding a new section.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 2281, Section 8 as amended and K.C.C. 9.04.110 are hereby amended as follows:

Maintenance of subdivision retention/detention facilities. King County shall assume the maintenance of all subdivision retention/detention facilities which fully comply with the requirements of this section. Until all the conditions of this section have been met, maintenance shall remain the responsibility of the person required to construct the retention/detention facility. Prior to final plat recording or the release of bonds posted to guarantee satisfactory completion, whichever occurs last, the following conditions must be met by the person required to construct the retention/detention facility pursuant to this chapter.

A. All of the requirements of Section 9.04.100 have been fully complied with.

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

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

D. All necessary easements entitling the county to properly maintain the retention/detention facility have been conveyed to the county.

~~((E. The fee as specified by the director based upon the fee schedule adopted by the council has been paid.))~~

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

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

7 NEW SECTION. SECTION 2. Ordinance 4938, Section 14 as amended, and
8 K.C.C. 9.04.160 are each hereby repealed and the following is substituted:

9 Retroactivity relating to county maintenance of subdivision retention/
10 detention facilities.

11 The person required to construct a retention/detention facility pursuant
12 to Section 9.04.030 which is covered by a maintenance or defect bond or
13 which has been released from all required bonds prior to the effective date
14 of Ordinance 4938 and all persons holding title to the property for which a
15 facility was required shall be responsible for the continual operation and
16 maintenance of the facility in accordance with standards and requirements of
17 the department and for any liability as a result of breach of these duties.

18 The county may assume maintenance of such facilities only after the
19 following conditions have been met.

20 A. All necessary easements or dedications entitling the county to
21 properly maintain the retention/detention facility have been conveyed to
22 the county;

23 B. The director has determined maintenance of the facility will
24 contribute to protecting or improving the health, safety, and welfare of the
25 community based upon review of the following factors:

- 26 1. Existence of or potential for flooding,
- 27 2. Existence of or potential for downstream erosion,
- 28 3. Existence of or potential for property damage due to improper
29 function of the facility,
- 30 4. Existence of or potential for safety hazard associated with
31 the facility,
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5. Existence of or potential for degradation of surface or ground water quality or in-stream resources, or

6. Existence of or potential for degradation to the general welfare of the community; and

C. The director, by his signature, has declared acceptance of maintenance responsibility by the county. Copies of this document will be kept on file in the King County public works record center and the surface water management facilities maintenance office.

A retention/detention facility which does not meet the criteria of this section shall remain the responsibility of the persons required to construct the facility and persons holding title to the property for which the facility was required.

INTRODUCED AND READ for the first time this 13th day of June, 1988.

PASSED this 11th day of July, 1988.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Gary Grant
Chairman

ATTEST:

Dorothy M. Owens
Clerk of the Council

APPROVED this 21st day of July, 19 88.

[Signature]
King County Executive