

ORDINANCE NO. **10570**

AN ORDINANCE relating to waivers to certain surface water management drainage requirements; amending Ordinance 2281, Section 5; Ordinance 2812, Section 4; and K.C.C. 9.04.050. and .060.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 2281, Section 5 as amended, and K.C.C. 9.04.050, are each hereby amended to read as follows:

Drainage review - requirements. A. CORE REQUIREMENTS. Every permit or approval application with drainage review required by K.C.C. 9.04.030 must meet each of the following core requirements which are described in detail in the Surface Water Design Manual:

((1-)) Core requirement #1: Discharge at the natural location. The discharge from a project site must occur at the natural location and/or produce no significant adverse impact, as described in the Surface Water Design Manual.

((2-)) Core Requirement #2: Off-site analysis. All projects must identify the upstream tributary drainage area and perform a downstream analysis. Levels of analysis required depend on the problems identified or predicted. At a minimum, a level one analysis as described in the Surface Water Design Manual must be submitted with the initial permit application.

((3-)) Core Requirement #3: Runoff control. All projects shall provide runoff controls to control the quantity and quality of runoff from the project by limiting the peak rates of runoff from design storm events to the pre-developed peak rates based on the project site's existing runoff conditions. The design volume, when detention facilities are required by the Surface Water Design Manual to meet the standard runoff control performance curve for the two- and ten-year, twenty-four hour duration design storm events, shall be increased by thirty percent factor for safety. This factor of safety shall be reviewed as new research is completed to evaluate its effectiveness.

Project runoff resulting from more than five thousand square feet of impervious surface, and subject to vehicular use or storage of chemicals,

1 shall be treated prior to discharge from the project site by biofiltration  
2 measures as specified in the Surface Water Design Manual.

3 ((4-)) Core Requirement #4: Conveyance system. All conveyance  
4 systems for projects must be analyzed, designed, and constructed for  
5 existing tributary off-site flows and developed on-site flows from the  
6 project.

7 ((5-)) Core Requirement #5: Erosion/sedimentation control plan. All  
8 engineering plans for projects that involve modification or significant  
9 impact to existing drainage facilities and/or construction of new drainage  
10 facilities must include a plan to control erosion and sedimentation during  
11 construction and to permanently stabilize soil at the site.

12 ((6-)) Core Requirement #6: Maintenance and operation. Maintenance  
13 of all drainage facilities constructed or modified by a project is the  
14 responsibility of the property owner as described in the Surface Water  
15 Design Manual, except King County performs maintenance of drainage  
16 facilities constructed for formal plat subdivisions and some short plat  
17 subdivisions, two years after final plat recording following an inspection  
18 by the department.

19 ((7-)) Core Requirement #7: Bonds and liability. All drainage  
20 facilities for projects (except downspout roof drain infiltration systems)  
21 must comply with the bond and liability requirements of K.C.C. 9.04.100.

22 B. SPECIAL REQUIREMENTS. In addition to the core requirements,  
23 engineering plans must also meet any of the following special requirements  
24 which apply to the project and which are described in detail in the Surface  
25 Water Design Manual.

26 ((1-)) Special Requirement #1: Critical drainage area. If a project  
27 lies within an area designated by public rule as a "critical drainage  
28 area," then the project drainage review and engineering plans shall be  
29 prepared in accordance with the special critical drainage area  
30 requirements that have been formally adopted by public rule. Copies of all  
31 designated critical drainage area public rules (including critical  
32 drainage area maps) are available for reference from the division permit

1 center;

2 ((2-)) Special Requirement #2: Compliance with an  
3 existing master drainage plan. If a project lies within an  
4 area covered by an approved master drainage plan as listed at  
5 the division permit center, then the project drainage review  
6 and engineering plans shall be prepared in accordance with any  
7 special requirements of the master drainage plan. Copies of  
8 all master drainage plans are available for reference from the  
9 division permit center;

10 ((3-)) Special Requirement #3: Conditions requiring a  
11 master drainage plan. If a project:

12 a. Is a master planned development as described in an  
13 adopted community plan; or

14 b. Is a subdivision that will eventually have more  
15 than one hundred single family lots and encompasses a  
16 contiguous drainage sub-basin of more than two hundred acres;  
17 or

18 c. Is a commercial building permit or planned unit  
19 development that will eventually construct more than fifty  
20 acres of impervious surface; or

21 d. Will clear an area of more than five hundred acres  
22 within a contiguous drainage sub-basin; then a master drainage  
23 plan shall be prepared as specified in the Surface Water Design  
24 Manual. The master drainage plan process should proceed  
25 coincidentally with the State Environmental Policy Act (SEPA)  
26 process ((and submitted with the State Environmental Policy Act  
27 (SEPA) checklist.)). Approval of the master drainage plan is  
28 required before permit approval.

29 ((4-)) Special Requirement #4: Adopted basin or  
30 community plans. If a project lies within an area included in  
31 an adopted basin or community plan, then the project drainage  
32 review and engineering plans shall be prepared in conformance  
33 with the special requirements of the adopted basin or community  
34 plan. Copies of all adopted basin community plans are  
35 available for reference from the division permit center;

1           5. Special Requirement #5: Special water quality  
2 controls. If a project will construct more than one acre of  
3 impervious surface that will be subject to vehicular use or  
4 storage of chemicals and:

5           a. Proposes to discharge runoff directly to a regional  
6 facility, receiving water body, lake, wetland, or closed  
7 depression to provide the runoff control consistent with Core  
8 Requirement #3; or

9           b. The runoff from the project will discharge into a  
10 Type 1 or 2 stream, or Type 1 wetland within one mile from the  
11 project site; then a wetpond meeting the standards as specified  
12 in the Surface Water Design Manual shall be employed to treat a  
13 project's runoff prior to discharge from the project site. A  
14 wetvault or water quality swale may be used when a wetpond is  
15 not feasible.

16           ((6-)) Special Requirement #6: Coalescing plate  
17 oil/water separators. If a project will construct more than  
18 five acres of impervious surface that will be subject to  
19 petroleum storage or transfer, or high vehicular (more than  
20 twenty-five hundred vehicle trips per day) or heavy equipment  
21 use, storage or maintenance, then a coalescing plate or  
22 equivalent oil/water separator shall be employed to treat a  
23 project's runoff prior to treatment by a wetpond, wetvault, or  
24 water quality swale, an/or discharge from the project site.

25           ((7-)) Special Requirement #7: Closed depressions. If  
26 a project will discharge to an existing closed depression  
27 either on or off the site that has greater than five thousand  
28 square feet of surface area at potential overflow, then the  
29 project's drainage review and engineering plans must meet the  
30 requirements for closed depressions as specified in the Surface  
31 Water Design Manual;

32           ((8-)) Special Requirement #8: Use of lakes, wetlands  
33 or closed depressions for runoff control. If a project  
34 proposes to use a lake, wetland, or closed depression for  
35 runoff controls required by Core Requirement #3, then the

1 project must meet the requirements of K.C.C. 21.54 (Sensitive  
2 Areas) for such use, include special water quality controls,  
3 and observe the limits on any increases to the floodplain as  
4 specified in the Surface Water Design Manual;

5 ((9-)) Special Requirement #9: Delineation of the one  
6 hundred year floodplain. If a project contains or abuts a  
7 stream, lake, wetland, or closed depression, then the one  
8 hundred year floodplain boundaries (and floodway if available  
9 based on an approved floodplain study as specified in the  
10 Surface Water Design Manual) shall be delineated on the site  
11 improvement plans and profiles and on any final plat maps  
12 prepared for the project;

13 ((10-)) Special Requirement #10: Flood protection for  
14 Type 1 and 2 streams. If a project contains or abuts a Type 1  
15 or 2 stream (as defined in the Surface Water Design Manual)  
16 that has an existing flood protection facility or involves  
17 construction of a new, or modification of existing flood  
18 protection facility, then the flood protection facility shall  
19 be analyzed and/or designed as specified in the Surface Water  
20 Design Manual and in the Federal Emergency Management Agency  
21 (FEMA) regulations (44 CFR).

22 ((11-)) Special Requirement #11: Geotechnical analysis  
23 and report. If a project includes construction of a pond for  
24 drainage control or an infiltration system (excluding a roof  
25 downspout system) above a steep slope (as defined in the  
26 Surface Water Design Manual) within two hundred feet from the  
27 top of the steep slope or on a slope with a gradient steeper  
28 than fifteen percent, or construction of earth fill/bank armor  
29 for flood protection facilities, then a geotechnical analysis  
30 and report shall be prepared and stamped by a geotechnical  
31 professional civil engineer that shall address at a minimum the  
32 analysis described in the Surface Water Design Manual;

33 ((12-)) Special Requirement #12: Soils analysis and  
34 report. If the soils underlying a project have not been  
35 mapped, or if the existing soils maps are in error or not of

1 sufficient resolution to allow the proper engineering analysis  
2 of the proposed site to be performed, then a soils analysis and  
3 report shall be prepared and stamped by a professional civil  
4 engineer with expertise in soils to verify and/or map the  
5 underlying soils by addressing at a minimum the analysis  
6 described in the Surface Water Design Manual.

7 C. VARIANCE FROM REQUIREMENTS. Where application of the  
8 provisions of this section may deny reasonable use of a  
9 property, or where alternate facility designs or methods will  
10 produce a compensating or comparable result which will achieve  
11 an equivalent level of safety, function, appearance,  
12 environmental protection, and maintainability, based upon sound  
13 engineering judgment, the core and special requirements  
14 contained in the section and/or other requirements in the  
15 Surface Water Design Manual may be proposed for a variance.

16 1. A variance may be proposed provided that the  
17 resulting development shall be subject to all of the remaining  
18 terms and conditions of this chapter.

19 2. Granting any variance which would be in conflict  
20 with the requirements of any other King County division will  
21 require review and concurrence with that division.

22 3. Variance requests shall be processed in accordance  
23 with procedures specified in the Surface Water Design Manual.

24 4. Proposed variances to the core and special  
25 requirements must be approved prior to permit approval and  
26 construction.

27 5. The applicant may appeal the denial of a variance  
28 request by following the appeal procedures as specified in the  
29 Surface Water Design Manual.

30 SECTION 2. Ordinance 2812, Section 4 as amended, and  
31 K.C.C. 9.04.060 are each hereby amended to read as follows:

32 Critical drainage areas - Development in critical flood,  
33 drainage and/or erosion areas. Development in areas where the  
34 department has determined that the existing flooding, drainage,  
35 and/or erosion conditions present an imminent likelihood of

1 harm to the welfare and safety of the surrounding community  
2 shall meet special drainage requirements set by the director or  
3 development engineer, until such time as the community hazard  
4 is alleviated. Such conditions may include the limitation of  
5 the volume of discharge from the subject property to  
6 predevelopment levels, preservation of wetlands or other  
7 natural drainage features, or other controls necessary to  
8 protect against community hazard. Where applications of the  
9 provision of this section will deny all reasonable uses of the  
10 property, or where alternate facility designs or methods will  
11 produce a compensating or comparable result which will achieve  
12 an equivalent level of safety, function, appearance,  
13 environmental protection, and maintainability, based upon sound  
14 engineering judgment, the restriction of development contained  
15 in this section may be proposed for a variance, provided that  
16 the resulting development shall be subject to all of the  
17 remaining terms and conditions of this chapter.


18 INTRODUCED AND READ for the first time this 8th day  
19 of September, 1992.

20 PASSED this 28th day of September, 1992.

21 KING COUNTY COUNCIL  
22 KING COUNTY, WASHINGTON

23   
24 Chair

25 ATTEST:

26   
27 Clerk of the Council

28 APPROVED this 9th day of October, 1992.

29   
30 King County Executive