

Introduced by Dave Mooney

ORDINANCE NO. 2281

AN ORDINANCE to establish a surface water runoff policy in King County and requiring the submission of drainage plans in conjunction with land development proposals.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. PURPOSES. The Council finds that this Ordinance is necessary in order to minimize water quality degredation by preventing the siltation of the county's creeks, streams, rivers, lakes and other water bodies; to protect property owners adjacent to developing land from increased runoff rates which could cause erosion of abutting property; to promote sound development policies which respect and preserve the county's water courses; to insure the safety of county roads and rights of way; and to decrease surface water damage to public and private property.

SECTION 2. DEFINITIONS. (a) "Computations" shall mean calculations, including coefficients and other pertinent data, made to determine the drainage plan with flow of rates of water given in cubic feet per second (cfs).

(b) "Department" shall mean the Department of Public Works and Transportation.

(c) "Developmental coverage" shall mean all developed surface areas within the subject property including, but not limited to, rooftops, driveways, carports, accessory buildings, and parking areas.

(d) "Director" shall mean the director of the Department of Public Works and Transportation.

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1 (e) "Drainage area" shall mean the watershed (acreage)
2 contributing surface water runoff to and including the subject
3 property.
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5 (f) "Drainage plan" shall mean a plan for receiving,
6 handling, and transporting surface water within the subject
7 property.

8 (g) "Peak discharge" shall mean the maximum surface
9 water runoff rate (cfs) determined for the design storm frequency.

10 (h) "Receiving bodies of water" shall mean creeks,
11 streams, rivers, lakes and other bodies of water into which
12 surface waters are directed, either naturally or in manmade
13 ditches or open systems.

14 (i) "Retention/detention facilities" shall mean
15 facilities designed either to hold runoff for a short period
16 of time and then releasing it to the natural watercourse or to
17 hold water for a considerable length of time and then consuming
18 it by evaporation, plants, or infiltration into the ground.

19 (j) "Subject property" shall mean the tract of land
20 which is the subject of the permit and/or approval action.

21 SECTION 3. SUBMISSION OF A DRAINAGE PLAN. All persons
22 applying for any of the following permits and/or approvals shall
23 submit for approval a drainage plan with their application
24 and/or request:

- 25 (a) Grading permit
- 26 (b) Substantial development permit
- 27 (c) Flood Control zone permit
- 28 (d) Subdivision approval
- 29 (e) Short plat approval, except where
- 30 the lots are 35,000 square feet or larger

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- (f) Rezones
- (g) Unclassified use permits
- (h) Conditional use permits
- (i) Building permits where the permit relates to 5,000 or more square feet of development coverage within the property
- (j) Planned Unit Development.

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:

- (a) Will not seriously and adversely impact the water quality conditions of any affected receiving bodies of water, and/or
- (b) Will not alter the drainage patterns, increase the peak discharge, and cause any other adverse effects in the drainage area.

SECTION 4. CONTENTS OF A DRAINAGE PLAN. All persons applying for any of the permits and/or approvals contained in section 3 of this ordinance shall provide a drainage plan for surface water flows entering, flowing within, and leaving the subject property. The detailed form and contents of the drainage plan shall be described in procedures provided by the department. The procedures will set forth the manner of presenting the following required information:

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1 (a) Background computations for sizing drainage
2 facilities:

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

5 (2) Indication of the peak discharge and
6 amount of surface water currently entering and leaving the
7 subject property.

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

11 (4) Determination of the peak discharge and
12 amount of water that will be generated by 10 and 25 year storm
13 frequencies at various points on the subject property.

14 (b) Proposed improvements for handling the computed
15 runoff.

16 (1) Where open ditch construction is used to
17 handle drainage within the tract, a minimum of 15 feet will be
18 provided between any structures and the top of the bank of the
19 defined channel.

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

23 SECTION 5. MANDATORY REQUIREMENTS FOR ALL DRAINAGE
24 PLANS.

25 (1) Surface water entering the subject property
26 shall be received at the naturally occurring location and surface
27 water exiting the subject property shall be discharged at the
28 natural location with adequate energy dissipators to minimize
29 downstream damage and with no diversion at any of these points;
30 and

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

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

6 Exemptions from any or all of the foregoing
7 requirements may be permitted only after a determination by
8 the department, employing the following criteria:

- 9 (a) Capacity of downstream facilities;
- 10 (b) Acceptability of receiving bodies of water;
- 11 (c) Possibility of adverse effects of retention;
- 12 and
- 13 (d) Utility of regional retention facilities.

14 SECTION 6.7 REVIEW AND APPROVAL OF THE PLAN. All
15 storm drainage plans prepared in connection with any of the
16 permits and/or approvals listed in section 3 shall be submitted
17 for review and approval to the Department of Public Works and
18 Transportation, Division of Hydraulics.

19 SECTION 7.8 BONDS AND LIABILITY INSURANCE REQUIRED.
20 The Department of Public Works and Transportation is authorized
21 to require all persons constructing retention/detention facilities
22 to post with the director of the department surety and cash bonds.

23 (1) CONSTRUCTION BOND. Prior to commencing
24 construction, the person constructing the facility shall post a
25 construction bond in an amount sufficient to cover the cost of
26 conforming said construction with the approved drainage plans.
27 After determination by the department that all facilities are
28 constructed in compliance with the approved plans, the
29 construction bond shall be released.

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

15 (3) The person constructing the facility shall
16 maintain a liability policy in the amount of one hundred
17 thousand dollars per individual, three hundred thousand
18 dollars per occurrence, and fifty thousand dollars property
19 damage, and shall name King County as an additional insured.

20 SECTION 8. COUNTY ASSUMPTION OF MAINTENANCE.

21 King County is authorized to assume the maintenance of retention/
22 detention facilities after the expiration of the one year
23 maintenance period in connection with the subdivision of
24 land if:

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

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

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1 (3) The cash and surety bonds required in Section
2 7(2) have been extended for one year, covering the county's
3 first year of maintenance; and

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

7 SECTION 9.¹⁰ RETROACTIVITY RELATING TO COUNTY
8 MAINTENANCE OF SUBDIVISION FACILITIES. If any person constructing
9 retention/detention facilities and/or receiving approval of
10 drainage plans prior to the effective date of this ordinance
11 re-assesses the facilities and/or plans so constructed and/or
12 approved and demonstrates, to the director's satisfaction, total
13 compliance with the requirements of this ordinance, the county
14 may, after inspection, approval, and acknowledgement of the
15 proper posting of the required bonds as specified in section
16 7, assume maintenance of the facilities.

17 SECTION 10.¹¹ APPLICABILITY TO GOVERNMENTAL ENTITIES.
18 All municipal corporations and governmental entities shall be
19 required to submit a drainage plan and comply with the terms
20 of this Ordinance when developing and/or improving land
21 including, but not limited to, road building and widening,
22 within the unincorporated areas of King County.

23 SECTION 11.¹² EFFECTIVE DATE. The effective date
24 of this ordinance shall be ten days after its enactment. The
25 requirements of this ordinance shall apply to all roads commencing
26 construction and/or widening subsequent to December 31, 1975.
27 Further, all plats receiving preliminary approval subsequent
28 to the effective date of this ordinance must comply with the
29 terms of the ordinance. In the case of all additional actions
30 enumerated in section 3, the terms of this ordinance will apply
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1 where final action by the county has not been taken prior to the
2 effective date of the ordinance.

3 SECTION 12. SEVERABILITY. If any provision of this
4 ordinance or its application to any person or property is held
5 invalid the remainder of the ordinance or the application of
6 the provision to other persons or circumstances shall not be
7 affected.

8 INTRODUCED AND READ for the first time this 9th
9 day of December, 1974.

10 PASSED this 13th day of January, 1975.

11
12
13 KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

14 Bill Pearson
15 Chairman

16 ATTEST:

17
18 Jessie E. Quinn
19 Clerk of the Council

20 APPROVED this 14th day of January, 1975.

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22 [Signature]
23 King County Executive

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