

12/80

ORDINANCE NO. 4938

AN ORDINANCE relating to the surface water runoff policy in King County, defining the responsibility of the County to maintain subdivision retention/detention facilities, and amending Ordinance No. 2281, Sections 1 through 6, 8, 9 and Section 12, and KCC 20.50.010 through 20.50.055, KCC 20.50.070, KCC 20.50.080 and KCC 20.50.110; adding new sections to Ordinance 2281 and KCC 20.50, repealing Ordinance 2281 Section 10 and KCC 20.50.090 and adding a new section in lieu thereof.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance No. 2281, Section 1 and KCC 20.50.010

are hereby amended to read as follows:

PURPOSES: The Council finds that this chapter is necessary in order to minimize water quality degradation 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 watercourses; to insure the safety of county roads and rights-of-way; and to decrease surface water damage to public and private property))~~ to prevent erosion, flooding and other surface water damage; and to respect, preserve, and insure the safety of watercourses, roads, and rights-of-way.

This chapter establishes the administrative procedure for the submittal and approval of drainage plans; provides for the inspection of retention/detention and other drainage facilities; provides for the assumption by the County of maintenance responsibility for subdivision retention/detention facilities; and provides for the maintenance of multi-family/commercial facilities.

SECTION 2. Ordinance No. 2281, Section 2 and KCC 20.50.020

are hereby amended to read as follows:

DEFINITIONS.

(a) "Bond" means a surety or cash bond or other means acceptable to the director to guarantee payment to the county for

1 costs incurred when work must be completed satisfactorily and/or
2 corrective work must be undertaken to restore disturbed areas and
3 eliminate hazards caused by work that is not completed.

4 (b) "Civil engineer" means a professional engineer registered
5 in the State of Washington to practice in the field of civil
6 engineering.

7 (c) "Computations" means calculations, including runoff
8 coefficients and other pertinent data, made to determine the
9 drainage plan with flow of rates of water given in cubic feet per
10 second (cfs).

11 (d) "Department" means the Department of Public Works and
12 Transportation.

13 (e) "Design storm" is a rain storm of a particular intensity
14 and duration used in storm drainage analysis and system design.

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

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

24 (h) "Director" means the director of the Department of Public
25 Works and Transportation or his designee.

26 (i) "Drainage area" means the watershed (acreage) contribut-
27 ing surface water runoff to and including the subject property.

28 (j) "Drainage facility" means the system of conveying and
29 storing storm and surface water runoff as depicted in the drainage
30 plan. Drainage facilities shall include but not be limited to all
31 surface water conveyance facilities within the drainage area
32 including streams, pipelines, channels, ditches, swamps, lakes,
33 and wetlands, sinks or recharge areas, retention/detention -

1 facilities and other drainage structures and appurtenances, both
 2 natural and manmade.

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

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

13 (m) "Multi-family/commercial retention/detention facility"
 14 means a retention/detention facility located on property
 15 associated with a development which is not associated with the
 16 subdivision or resubdivision of land.

17 (n) "Peak discharge" means the maximum surface water runoff
 18 rate (cfs) determined for the design storm frequency.

19 (o) "Receiving bodies of water" means creeks, streams, rivers
 20 lakes and other bodies of water into which surface waters are
 21 directed, either naturally or in manmade ditches or open systems.

22 (p) "Retention/detention facilities" ((means-facilities))
 23 specifies a type of drainage facility designed either to ((hold
 24 runoff-for-a-short-period-of-time-and-then-releasing-it-to-the
 25 natural-water-course-or-to)) hold water for a considerable length
 26 of time and then ((consuming)) consume it by evaporation, ((plants)
 27 plant transpiration or infiltration in the ground or to hold runoff
 28 for a short period of time and then release it to the natural
 29 watercourse.

30 (q) "Site" is any lot or parcel of land or contiguous
 31 combination thereof where improvements covered by this chapter
 32 are performed or permitted.

1 (r) "Subdivision retention/detention facility" means a
2 retention/detention facility located on a subject property
3 associated with a short or regular plat subdivision.

4 (s) "Subject property" means the tract of land which is the
5 subject of the permit and/or approval action.

6 (t) "Temporary erosion/sedimentation control" means the imple-
7 mentation of any measures during site development which reduces ero-
8 sion, controls siltation and sedimentation and insures that sediment
9 laden water does not cause a violation of applicable water standards.

10 SECTION 3. Ordinance No. 2281, Section 3 and KCC 20.50.030
11 are hereby amended to read as follows:

12 DRAINAGE PLAN - SUBMISSION.

13 (a) Applications for any of the following permits and/or
14 approvals shall be accompanied by a ((drainage-plan)) temporary
15 erosion/sedimentation control plan and a drainage plan which ((has))
16 have been prepared by a registered civil engineer.

17 (1) Grading permit;

18 (2) Substantial development permit;

19 (3) Flood control zone permit;

20 (4) Final Plat Approval;

21 (5) Unclassified use ((permits)) permit;

22 (6) Conditional use ((permits)) permit;

23 (7) Building ((permits)) permit where the permit relates
24 to five thousand or more square feet of development coverage
25 within the property;

26 (8) Planned unit development.

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

32 (c) The plan submitted during one permit/approval process
33 may be subsequently submitted with further required applications.

1 The plan shall be supplemented with additional information at
2 the request of the department.

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

6 (1) Will not seriously and adversely impact the
7 water quality conditions of any affected receiving bodies
8 of water; and/or

9 (2) Will not alter the drainage patterns, increase the
10 peak discharge, and cause any other adverse effects in the
11 drainage area.

12 SECTION 4. Ordinance No. 2281, Section 4 and KCC 20.50.040
13 are hereby amended to read as follows:

14 DRAINAGE PLAN - CONTENTS. All persons applying for any of
15 the permits and/or approvals contained in Section 20.50.030 shall
16 provide a ((drainage-plan)) temporary erosion/sedimentation control
17 plan and a drainage plan for surface water flows entering, flowing
18 within, and leaving the subject property. The detailed form and
19 contents of the drainage plan shall be described in procedures
20 provided by the department and approved by the Council. The
21 procedures will set forth the manner of presenting the following
22 required information.

23 ~~((1))--Background-computations-for-sizing-drainage-facilities:~~

24 ~~(a)--Depiction-of-the-drainage-area-on-a-topographical~~
25 ~~map,-with-acreage-indicated;~~

26 ~~(b)--Indication-of-the-peak-discharge-and-amount-of~~
27 ~~surface-water-currently-entering-and-leaving-the-subject~~
28 ~~property;~~

29 ~~(c)--Indication-of-the-peak-discharge-and-amount-of-run-~~
30 ~~off-which-will-be-generated-within-the-subject-property-if~~
31 ~~development-is-allowed-to-proceed;~~

32 ~~(d)--Determination-of-the-peak-discharge-and-amount-of~~
33 ~~water-that-will-be-generated-by-the-design-storm-frequencies~~

1 as-specified-by-the-department-at-various-points-on-the-
2 subject-property:

3 (2)--Proposed-improvements-for-handling-the-computed-runoff:))

4 (a) TEMPORARY EROSION/SEDIMENTATION CONTROL PLAN. A
5 temporary erosion/sedimentation control plan will be required
6 unless waived by the department. The plan for a proposed con-
7 struction site shall describe:

8 (1) Soils, topography, existing vegetation, the areas
9 to be cleared and graded; and the location of major cuts and
10 fills covered by the permit and/or approval for which applica-
11 tion is made;

12 (2) Computations and hazards associated with the area
13 covered by the permit and/or approval for which application is
14 made; the anticipated schedule of construction; and the
15 proposed measures including site management practices (such as
16 check dams, reseeding or mulching) as appropriate for con-
17 trolling erosion/sedimentation and runoff.

18 The department may require additional temporary
19 erosion/sedimentation control measures to account for seasonal
20 changes, alterations of the topography and watercourse during
21 construction, and other such factors affecting site conditions
22 which need to be considered to insure complete siltation
23 control on the subject property. It shall be the obligation
24 and responsibility of the person required to provide and
25 maintain temporary erosion/sedimentation facilities pursuant
26 to this section to address any new conditions that may be
27 created by his activities and to utilize additional control
28 measures as may be needed.

29 (b) DRAINAGE PLAN.

30 (1) Background computations for sizing drainage
31 facilities:

32 (A) Depiction of the drainage area on a topo-
33 graphical map, with acreage indicated;

1 (B) Indication of the peak discharge and amount
2 of surface water currently entering and leaving the
3 subject property;

4 (C) Indication of the peak discharge and amount
5 of runoff which will be generated within the subject
6 property if development is allowed to proceed;

7 (D) Determination of the peak discharge that will
8 be generated by the design storm frequencies as
9 specified by the department at various points on the
10 subject property.

11 (2) Proposed improvements for handling the computed
12 runoff.

13 (3) Access and/or easements to all facilities for
14 inspection, cleaning and repair.

15 (c) OTHER REQUIREMENTS. Plans and specifications and the
16 supporting data which may be required for the review and approval
17 of a temporary erosion/sedimentation control plan and for the
18 drainage plan shall comply with county storm drainage control
19 requirements.

20 SECTION 5. Ordinance No. 2281, Section 5 and KCC 20.50.050
21 are hereby amended to read as follows:

22 DRAINAGE PLAN - MANDATORY REQUIREMENTS.

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

28 (b) The peak discharge from the subject property for the
29 design frequency storm may not be increased due to the proposed
30 development.

31 (c) Retention/detention facilities or other drainage facili-
32 ties must be provided in order to handle all surface water in
33 excess of the peak discharge.

1 ((d))--Where open-ditch construction is used to handle
 2 drainage within the tract, a minimum of fifteen feet will be
 3 provided between any structures and the top of the bank of the
 4 defined channel:

5 (1)--In open channel work, the water surface
 6 elevation will be indicated on the plan and profile
 7 drawings.--The configuration of the finished grades
 8 constituting the banks of the open channel will also be
 9 shown on the drawings:

10 (2)--Proposed cross-section of channel will be
 11 shown with stable side slopes.--Side slopes will be 3:1
 12 maximum unless paved or stabilized in some other manner
 13 approved by the department:

14 (3)--The water surface elevation of the design
 15 flow will be indicated on the cross-section:))

16 (d) Open retention/detention ponds and infiltration facilities
 17 shall not be located in dedicated public road right-of-way areas
 18 unless specifically waived by the department.

19 ((e))--Where a closed system is used to handle drainage
 20 within the tract, all structures will be a minimum of ten feet
 21 from the closed system:))

22 (e) An emergency overflow system is required for all reten-
 23 tion/detention facilities.

24 (f) The drainage course for a minimum distance of one-fourth
 25 mile downstream from the development must be evaluated for its
 26 capacity to pass the design storm flow after completion of the
 27 development.

28 Variances from any or all of the foregoing requirements may
 29 be permitted only after a determination by the department employing
 30 the following criteria:

- 31 (1) Capacity of downstream facilities;
 32 (2) Acceptability of receiving bodies of water;
 33 (3) Possibility of adverse effects of retention;

1 (4) Utility of regional retention facilities; and

2 (5) Capability of maintaining the system.

3 SECTION 6. Ordinance No. 2281, Section 6 and KCC 20.50.055
4 are hereby amended to read as follows:

5 DRAINAGE PLAN - DEVELOPMENT IN CRITICAL FLOOD DRAINAGE AND/OR
6 EROSION AREAS. Development ((which-would-increase-the-volume-of
7 discharge-from-the-subject-property-shall-not-be-permitted)) in
8 areas where the department has determined that the existing flood-
9 ing, drainage, and/or erosion conditions present an imminent
10 likelihood of harm to the welfare and safety of the surrounding
11 community shall meet special drainage conditions set by the depart-
12 ment, until such time as the community hazard is alleviated.

13 Such conditions may include the limitation of the volume of
14 discharge from the subject property to pre-development levels,
15 preservation of wetlands or other natural drainage features, or
16 other controls necessary to protect against community hazard.

17 Where applications of the provisions of this section will deny all
18 reasonable uses of the property, the restriction of development
19 contained in this section may be waived for the subject property,
20 provided that the resulting development shall be subject to all of
21 the remaining terms and conditions of this chapter.

22 NEW SECTION. SECTION 7. PROCEDURES AND CONDITIONS RELATED
23 TO CONSTRUCTION TIMING AND FINAL PLAT APPROVAL.

24 (a) No work related to permanent or temporary storm drainage
25 control shall proceed without the approval of the director.

26 (b) Temporary erosion/sedimentation control measures associ-
27 ated with both the interim and permanent drainage systems shall be:

28 (1) Constructed in accordance with the approved plan
29 prior to any grading or land clearing other than that
30 associated with the temporary erosion/sedimentation control
31 plan;

32 (2) Satisfactorily maintained until all improvements,
33 restoration, and landscaping associated with the permit

1 and/or approval listed in Section 20.50.030 are completed and
2 the potential for on-site erosion has passed.

3 (c) Prior to the recording of the final plat and/or the
4 construction of any improvements on the site, those portions of
5 the drainage facilities necessary to accommodate the control of
6 flows discharging from the site must be constructed and in
7 operation unless waived by the department.

8 SECTION 8. Ordinance No. 2281, Section 8 and KCC 20.50.070
9 are hereby amended to read as follows:

10 BONDS & LIABILITY INSURANCE REQUIRED. The department is
11 authorized to require all persons constructing retention/detention
12 facilities and other drainage facilities to post bonds with the
13 director of the department ((surety-and-cash-bonds)). Where such
14 persons have previously posted, or are required to post, other
15 such bonds with the director either on the facility itself or on
16 other construction related to the facility, such person may, with
17 the permission of the director and to the extent allowable by law,
18 combine all such bonds into a single bond; provided, that at no
19 time shall the amount thus bonded be less than the total amount
20 which would have been required in the form of separate bonds, and
21 provided further, that such a bond shall on its face clearly
22 delineate those separate bonds which it is intended to replace.

23 (1) ((CONSTRUCTION)) DRAINAGE FACILITIES RESTORATION BOND.
24 Prior to commencing construction, the person ((constructing))
25 required to construct the drainage facility pursuant to
26 Section 20.50.050 shall post a ((construction)) drainage
27 facilities restoration bond in the amount sufficient to cover the
28 cost of ((conforming-said-construction-with-the-approved-drainage
29 plan)) corrective work necessary to provide adequate drainage,
30 stabilize and restore disturbed areas, and remove sources of
31 hazard associated with work which is not completed. After
32 determination by the department that all facilities are constructed
33 in compliance with approved plans, the ((construction)) drainage

1 facilities restoration bond shall be released. The county may
 2 collect against the drainage facilities restoration bond when work
 3 which is not completed is found to be in violation of the condi-
 4 tions associated with the permit and/or approval listed in
 5 Section 20.50.030 and/or the director determines that the site is
 6 in violation of the purposes of this act.

7 (2) ((MAINTENANCE)) DEFECT BOND. After satisfactory com-
 8 pletion of the ((facilities-and-release-of-the-construction-bond
 9 by-the-county)) drainage facility or final plat approval, which-
 10 ever occurs last, the person ((constructing)) required to construct
 11 the facility pursuant to Section 20.50.050 ((shall-commence-a
 12 one-year-period-of-satisfactory-maintenance-of-the-facility;--A
 13 cash-bond-to-be-used-at-the-discretion-of-the-director-to-correct
 14 deficiencies-in-said-maintenance-affecting-public-health;-safety
 15 and-welfare-must-be-posted-and-maintained-throughout-the-one-year
 16 maintenance-period;--The-amount-of-the-cash-bond-shall-be-deter-
 17 mined-by-the-director;-but-shall-not-be-in-excess-of-one-thousand
 18 dollars;--In-addition;-a-surety-bond-or-cash-bond-to-cover-the
 19 cost-of-defects-or-failures-of-the-facilities-shall-also-be-posted
 20 and-maintained-throughout-the-one-year-maintenance-period.))
 21 shall post a defect bond warranting the satisfactory performance
 22 of the drainage facility and guaranteeing the workmanship and
 23 materials used in the construction of the facility for a period
 24 of one year.

25 (3) FAILURE TO COMPLETE PROPOSED WORK. In the event of
 26 failure to comply with all the conditions and terms of the permit
 27 and/or approval covered by this chapter, the director shall notify
 28 the permittee and surety in writing, and failing to obtain response
 29 within seven days from the receipt of notification may order the
 30 work required be satisfactorily completed or perform all necessary
 31 corrective work to stabilize and restore disturbed areas and
 32 eliminate hazards caused by not completing the work. The surety
 33 executing such bond shall continue to be firmly bound up to the

1 limits of the bond, under a continuing obligation for the payment
 2 of all necessary costs and expenses that may be incurred or
 3 expended by the governing agency in causing any and all such
 4 required work to be done. In no event shall the liability of the
 5 surety exceed the amount stated in the bond regardless of the
 6 number of years the bond remains in force.

7 ((3)) (4) LIABILITY POLICY. The person ((constructing))
 8 required to construct the facility pursuant to Section 20.50.050
 9 shall maintain a liability policy in the amount of one hundred
 10 thousand dollars per individual, three hundred thousand dollars
 11 per occurrence and fifty thousand dollars property damage, which
 12 shall name King County as an additional insured, and which shall
 13 protect King County from any liability up to those amounts for
 14 any accident, negligence, failure of the facility, or any other
 15 liability whatsoever, relating to the construction or maintenance
 16 of the facility. ((Said-liability-policy-shall-be-maintained-for
 17 the-duration-of-the-facility-by-the-owner-of-the-facility))
 18 Proof of said liability policy shall be provided to the director
 19 prior to commencing construction of any drainage facility; provided,
 20 that in the case of facilities assumed by King County for mainten-
 21 ance pursuant to Section 20.50.080, said liability policy shall be
 22 terminated when said county maintenance responsibility commences.

23 SECTION 9. Ordinance No. 2281, Section 9 and KCC 20.50.080
 24 are hereby amended to read as follows:

25 COUNTY ASSUMPTION OF MAINTENANCE. King County ((is
 26 ~~authorized to~~)) shall assume the maintenance of subdivision
 27 retention/detention facilities ((after-the-expiration-of-the-one
 28 year-maintenance-period-in-connection-with-the-subdivision-of
 29 land-if)) upon final plat approval or upon the release of bonds
 30 posted to guarantee satisfactory completion, whichever occurs last
 31 provided that:

32 (1) All of the requirements of Section 20.50.070 have been
 33 fully complied with.

1 (2) The retention/detention facility and other drainage
2 facilities have been inspected and approved by the department
3 ((after-their-first-year-of-operation)).

4 (3) The ((surety)) defect bond required in Section 20.50.070 (2)
5 has been ((extended)) posted for one year, covering the county's
6 first year of maintenance.

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

10 (5) The person required to construct the retention/detention
11 facility pursuant to Section 20.50.050 has paid to the director
12 a fee to cover the costs of inspection, maintenance and regulation
13 covered by this chapter.

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

19 NEW SECTION. SECTION 10. MAINTENANCE OF MULTI-FAMILY/
20 COMMERCIAL FACILITIES.

21 (1) The satisfactory operation and maintenance of multi-
22 family/commercial drainage facilities shall be the responsibility
23 of persons holding title to the subject property. Such persons
24 shall record the declaration of covenant set forth in Appendix A
25 of this ordinance prior to the time of final plat approval, final
26 short plat approval or final drainage plan approval, whichever is
27 relevant to the permit and/or approval for which application is
28 made.

29 (2) The county shall enforce the restrictions set forth in
30 Appendix A of this ordinance, and said restrictions shall be
31 included in the instrument of conveyance or lease and shall be
32 recorded with the Division of Records.
33

1 (3) Fees shall be established by the director in accordance
2 with the King County Administrative Code to reasonably compensate
3 the county for costs incurred by the inspection of commercial
4 facilities required by this chapter not included in
5 KCC 19.36.060(b).

6 (4) Standards and requirements related to the operation and
7 maintenance of drainage facilities shall be provided by the
8 department.

9 NEW SECTION. SECTION 11. HAZARDS. Whenever the director
10 determines that any existing drainage facility poses a hazard to
11 life and limb or endangers property, or adversely affects the
12 safety and operations of a public way, the owner of the property
13 within which the drainage facility is located, or other person or
14 agent in control of said property, upon receipt of notice in
15 writing from the director shall within the period specified
16 therein repair or otherwise address the cause of the hazardous
17 situation in conformance with the requirements of this chapter.

18 Should the director have reasonable cause to believe that the
19 situation is so adverse as to preclude written notice, he may
20 take the measures necessary to eliminate the hazardous situation;
21 provided that he shall first make a reasonable effort to locate
22 the owner before acting. In such instances the owner of the
23 property shall be obligated for the payment of all costs incurred.

24 NEW SECTION. SECTION 12. ADMINISTRATION. The director is
25 authorized to promulgate and adopt administrative rules and
26 regulations under the procedures specified in Ordinance 2165,
27 KCC Chapter 2.98, for the purpose of implementing and enforcing the
28 provisions of this chapter.

1 (1) INSPECTIONS. The director is authorized to make such in-
2 spections and take such actions as may be required to enforce the
3 provisions of this chapter.

4 (2) RIGHT OF ENTRY. Whenever necessary to make an inspection
5 to enforce any of the provisions of this chapter, or whenever the
6 director has reasonable cause to believe that violations of this
7 chapter are present or operating on a subject property or portion
8 thereof, the director may enter such premises at all reasonable
9 times to inspect the same or perform any duty imposed upon the di-
10 rector by this chapter; provided that, if such premises or portion
11 thereof is occupied, he shall first make a reasonable effort to lo-
12 cate the owner or other person having charge or control of the pre-
13 mises or portion thereof and demand entry.

14 (3) ACCESS. Proper ingress and egress shall be provided to
15 the director to inspect or perform any duty imposed upon the direc-
16 tor by this chapter.

17 The director shall notify the responsible party in writing of
18 failure to comply with the said access requirement. Failing to ob-
19 tain a response within seven days from the receipt of notification
20 the director may order the work required completed or otherwise
21 address the cause of improper access. The obligation for the pay-
22 ment of all costs that may be incurred or expended by the county in
23 causing such work to be done shall thereby be imposed on the person
24 holding title to the subject property.

25 (4) FEES. Fees shall be established by the director in accor-
26 dance with the County Administrative Code to reasonably compensate
27 the county for costs incurred by inspections and maintenance activi-
28 ties required by this chapter not included in KCC 19.36.060(b).
29 Such fees may be updated as needed to reflect actual costs.

30 NEW SECTION. SECTION 13. RETROACTIVITY RELATING TO THE MAIN-
31 TENANCE OF MULTI-FAMILY COMMERCIAL FACILITIES. All persons granted
32 a permit and/or approval to construct multi-family commercial
33 drainage facilities prior to the effective date of the

1 ordinance codified in this chapter shall be subject to the
2 provisions of Sections 11, 12 of this ordinance and KCC 20.50.105.

3 SECTION 14. Ordinance No. 2281, Section 10 and KCC 20.50.090
4 are hereby repealed and the following is substituted:

5 RETROACTIVITY RELATING TO COUNTY MAINTENANCE OF SUBDIVISION
6 RETENTION/DETENTION FACILITIES. All persons required to construct
7 subdivision retention/detention facilities pursuant to
8 Section 20.50.050 which are associated with plats receiving
9 preliminary plat approval prior to the effective date of this
10 ordinance shall be required to comply with the requirements of
11 this chapter regarding the assumption of maintenance by the
12 county as follows:

13 (1) The person required to construct a retention/detention
14 facility pursuant to Section 20.50.050 which is in the process of
15 being designed, approved or constructed and for which a mainten-
16 ance bond has not been posted on the effective date of the ordi-
17 nance shall be subject to the requirements of the new ordinance.

18 (2) The person required to construct a retention/detention
19 facility pursuant to Section 20.50.050 which is covered by a
20 maintenance bond on the effective date of the ordinance shall be
21 released of further responsibility and the county shall assume
22 maintenance provided that:

23 (a) The retention/detention facility and other drainage
24 facilities have been inspected and approved by the department
25 as meeting county standards;

26 (b) The defect bond required in Section 20.50.070 (2)
27 has been posted for one year, covering the county's first
28 year of maintenance;

29 (c) All necessary easements entitling the county to
30 properly maintain the retention/detention facility have been
31 conveyed to the county;

32 (d) The person required to construct the retention/
33 detention facility pursuant to Section 20.50.050 has paid to

1 the director a fee to cover the costs of inspection, mainten-
2 ance and regulation covered by this chapter.

3 (3) The person required to construct a retention/detention
4 facility pursuant to Section 20.50.050 which has been released
5 from all required bonds and/or already assumed by the county for
6 maintenance prior to the effective date of the ordinance shall not
7 be required to meet additional requirements for county assumption
8 or maintenance.

9 EXCEPTION: A retention/detention facility located within
10 and servicing only an individual lot shall not be assumed by the
11 county for maintenance and will remain the responsibility of
12 persons holding title to the property within which the system is
13 located.

14 SECTION 15. Ordinance No. 2281, Section 12 and KCC 20.50.110
15 are hereby amended to read as follows:

16 EFFECTIVE DATE. The effective date of the ordinance codified
17 in this chapter shall be ((~~ten-days-after-its-enactment~~))

18 July 7 1980.

19 The requirements of this chapter shall apply to all roads
20 commencing construction and/or widening subsequent to December 31,
21 1975. Further, all plats receiving preliminary approval subsequent
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1 to the effective date of the ordinance codified in this chapter
2 must comply with the terms of this chapter. In the case of all
3 additional actions enumerated in Section 20.50.030, the terms of
4 this chapter will apply where final action by the county has not
5 been taken prior to the effective date of the ordinance codified
6 in this chapter.

7 INTRODUCED AND READ for the first time this 10th day of
8 March, 1980.

9 PASSED this 16th day of June, 1980.

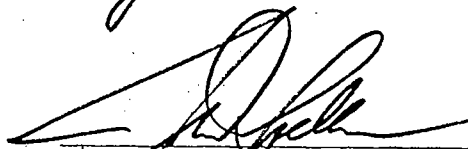
10 KING COUNTY COUNCIL
11 KING COUNTY, WASHINGTON

12 
13 Chairman

14 ATTEST:

15
16 Dorothy M. Owens DEPUTY
17 Clerk of the Council

18 APPROVED this 27th day of June, 1980.

19
20 
21 King County Executive

APPENDIX A

DECLARATION OF COVENANT ASSOCIATED WITH MULTI-FAMILY/COMMERCIAL RETENTION/DETENTION FACILITIES AS PROVIDED IN NEW SECTION 10 OF THIS ORDINANCE.

"Declaration of Covenant

"In consideration of the approval by King County of a permit for application No. _____ relating to real property legally described as follows:

The undersigned as owner(s) covenants and agrees that:

"1. All necessary easements will be dedicated to the County for access to inspect and, if required, maintain or repair the facilities.

"2. If at any time King County reasonably determines that maintenance or repair work is required to be done to the retention/detention facility installed on the property described above, the director of the Department of Public Works & Transportation shall give the current holders of any right title or interest in the property seven days notice that the County intends to make such repairs.

The current holders of any right title or interest in the property will assume responsibility for the cost of such maintenance or repair; and will reimburse the County within thirty days of receipt of the invoice. Overdue payments will require payment of interest at the current legal rate for liquidated judgments, and any costs or fees incurred by the County, should any legal action be required to collect such payments, will be borne by the parties responsible for said reimbursements.

"3. If at any time King County reasonably determines that any existing retention/detention system poses a hazard to life and limb, or endangers property, or adversely affects the safety and operations of a public way, and that the situation is so adverse as to preclude written notice, the director of the Department of Public Works & Transportation may take the measures necessary to eliminate the hazardous situation (provided the director has first made a reasonable effort to locate those interest holders before acting).

The current holders of any right title or interest in the property will assume responsibility for the cost of such maintenance and repair; and will reimburse the County within thirty days of receipt of the invoice. Overdue payments will require payment of interest at the current legal rate for liquidated judgments, and any costs or fees incurred by the County, should any legal action be required to collect such payments, will be borne by the parties responsible for said reimbursements.

1 These covenants are intended to protect the value and
2 desirability of the real property described above, and to benefit
3 all the citizens of King County. They shall run with the land and
4 be binding on all parties having or acquiring from _____
5 _____ or their successors any right, title or
6 interest in the property or any part thereof, as well as their
7 heirs, successors and assigns. They shall inure to the benefit
8 of each present or future successor in interest of said property
9 or any part thereof, or interest therein, and to the benefit of
10 all the citizens of King County."
11

8 _____
9 Owner

11 _____
12 Owner

12 STATE OF WASHINGTON)
13 COUNTY OF KING)ss

14 On this day personally appeared before me _____
15 _____, to me known to be the individual(s)
16 described in and who executed the within and foregoing instrument
17 and acknowledged that they signed the same as their free and
18 voluntary act and deed, for the uses and purposes therein stated.

19 Given under my hand and official seal this _____ day of
20 _____, 1980.

21 _____
22 NOTARY PUBLIC in and for the State
23 of Washington, residing at
24 _____
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