

ORDINANCE NO. **9163**

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AN ORDINANCE relating to surface water management drainage review; repealing Ordinance 2281, Sections 1-6 and 11, and Ordinance 4938, Section 13, all as amended and KCC 9.04.010-.050, .070, .150 and .190; amending Ordinance 2281, Sections 7, 8, 10 and 12, Ordinance 2812, Section 4, Ordinance 4938, Sections 7, 11, 12 and 14, all as amended, and KCC 9.04.060, .090, .100, .110, .130, .140, .160, .170 and .200; and adding new sections to KCC 9.04.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

NEW SECTION. SECTION 1. Ordinance 2281, Section 1 as amended, and K.C.C. 9.04.010 are each hereby repealed and the following is substituted:

Purposes. The council finds this chapter is necessary in order to promote the public health, safety and welfare by providing for the comprehensive management of surface and storm waters and erosion control, especially that which preserves and utilizes the many values of the county's natural drainage system including open space, fish and wildlife habitat, recreation, education and urban separation. The council also finds that King County shall conduct programs which implement comprehensive and thorough permit review, construction inspection, enforcement, and maintenance in order to promote the effectiveness of the requirements contained in this chapter.

NEW SECTION. SECTION 2. Ordinance 2281, Section 2 as amended, and K.C.C. 9.04.020 are each hereby repealed and the following is substituted:

Definitions. A. "Basin" means for the purpose of this document a drainage area which drains either to the Cedar, Green, Snoqualmie, Skykomish or White rivers, or the drainage areas which drain directly to Puget Sound.

B., "Basin Plan" means a plan and all implementing regulations and procedures including but not limited to land use management adopted by ordinance for managing surface and storm water management facilities and features within individual subbasins.

C. "Bond" means a surety bond, cash deposit or escrow account, assignment of savings, irrevocable letter of credit or other means acceptable to or required by the manager to guarantee that work is completed in compliance with the project's engineering plan and in compliance with all King County requirements.

- 1 D. "Closed depression" means an area of King County which is low-lying  
2 and either has no, or such a limited, surface water outlet that during storm  
3 events the area acts as a retention basin, holding water that has a surface  
4 area of more than five thousand square feet at overflow.
- 5 E. "Department" means the department of public works.
- 6 F. "Design storm" means a rainfall (or other precipitation) event or  
7 pattern of events for use in analyzing and designing drainage facilities.
- 8 G. "Development" means for the purposes of this document any activity  
9 that requires a permit or approval, including but not limited to a building  
10 permit, grading permit, shoreline substantial development permit, conditional  
11 use permit, unclassified use permit, zoning variance or reclassification,  
12 planned unit development, subdivision, short subdivision, master plan devel-  
13 opment, building site plan, or right-of-way use permit.
- 14 H. "Development engineer" means the building and land development  
15 division employee authorized to oversee the review, conditioning, inspection  
16 and acceptance of right-of-way use permits, road and drainage projects  
17 constructed pursuant to permits administered by the division. The develop-  
18 ment engineer or designee shall be a professional civil engineer registered  
19 and licensed under the laws of the State of Washington.
- 20 I. "Director" means the director of the department of public works or  
21 the director's designee.
- 22 J. "Division" means the building and land development division of the  
23 department of parks, planning and resources.
- 24 K. "Drainage" means the collection, conveyance, containment, and/or  
25 discharge of surface and storm water runoff.
- 26 L. "Drainage facility" means the system of collection, conveying and  
27 storing surface and storm water runoff. Drainage facilities shall include  
28 but not be limited to all surface and storm water conveyance and containment  
29 facilities including streams, pipelines, channels, ditches, swamps, lakes,  
30 wetlands, closed depressions, infiltration facilities, retention/detention  
31 facilities, erosion/sedimentation control facilities and other drainage  
32 structures and appurtenances, both natural and manmade.

1 M. "Drainage review" means an evaluation by building and land  
2 development division staff of a proposed project's compliance with the  
3 drainage requirements in the Surface Water Design Manual.

4 N. "Erosion/sedimentation control" means any temporary or permanent  
5 measures taken to reduce erosion, control siltation and sedimentation, and  
6 ensure that sediment-laden water does not leave the site.

7 O. "Infiltration facility" means a drainage facility designed to use  
8 the hydrologic process of surface and storm water runoff soaking into the  
9 ground, commonly referred to as percolation, to dispose of surface and storm  
10 water runoff.

11 P. "Impervious surface" means a hard surface area which either prevents  
12 or retards the entry of water into the soil mantle as under natural con-  
13 ditions prior to development, and/or a hard surface area which causes water  
14 to run off the surface in greater quantities or at an increased rate of flow  
15 from the flow present under natural conditions prior to development. Common  
16 impervious surfaces include, but are not limited to, roof tops, walkways,  
17 patios, driveways, parking lots or storage areas, concrete or asphalt paving,  
18 gravel roads, packed earthen materials, and oiled, macadam or other surfaces  
19 which similarly impede the natural infiltration of surface and storm water.  
20 Open, uncovered retention/detention facilities shall not be considered as  
21 impervious surfaces for the purposes of this document.

22 Q. "Improvement" means streets (with or without curbs or gutters)  
23 sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers,  
24 drainage facilities, street trees and other appropriate items.

25 R. "Manager" means the manager of the building and land development  
26 division of the department of parks, planning and resources or his designee.

27 S. "Master Drainage Plan" means a comprehensive drainage control plan  
28 intended to prevent significant adverse impacts to the natural and manmade  
29 drainage system, both on and off-site.

30 T. "Multifamily/commercial retention/detention facility" means a  
31 retention/detention facility which is not a subdivision retention/detention  
32 facility as defined in this chapter.

1 U. "Preapplication" for the purposes of this chapter refers to the  
2 meeting(s) and/or form(s) used by applicants for some development permits to  
3 present initial project intentions to the division. Preapplication does not  
4 mean application.

5 V. "Professional civil engineer" means a person registered with the  
6 State of Washington as a professional engineer in civil engineering.

7 W. "Project" means the proposed action of a permit application or an  
8 approval which requires drainage review.

9 W. "Retention/detention facility" means a type of drainage facility  
10 designed either to hold water for a considerable length of time and then  
11 release it by evaporation, plant transpiration and/or infiltration into the  
12 ground; or to hold runoff for a short period of time and then release it to  
13 the surface and storm water management system.

14 X. "Runoff" means water originating from rainfall and other  
15 precipitation that is found in drainage facilities, rivers, streams, springs,  
16 seeps, ponds, lakes and wetlands as well as shallow ground water.

17 Y. "Site" means the portion of a piece of property that is directly  
18 subject to development.

19 Z. "Subbasin" means a drainage area which drains to a water course or  
20 waterbody named and noted on common maps and which is contained within a  
21 basin as defined in K.C.C. 9.04.020.

22 AA. "Subdivision retention/detention facility" means a retention/  
23 detention facility which is both located within or associated with a short  
24 or formal plat subdivision containing only single family or duplex residen-  
25 tial structures located on individual lots and which is required to handle  
26 excess runoff generated by development of an area of which two-thirds or more  
27 is designated for single family or duplex residential structures located on  
28 individual lots.

29 BB. "Surface and storm water" means water originating from rainfall and  
30 other precipitation that is found in drainage facilities, rivers, streams,  
31 springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

32 CC. "Surface and storm water management system" means drainage

1 facilities and any other natural features which collect, store, control,  
2 treat and/or convey surface and storm water.

3 DD. "Surface Water Design Manual" means the manual (and supporting  
4 documents as appropriate) describing surface and storm water design and  
5 analysis requirements, procedures and guidance which has been formally  
6 adopted by rule under the procedures specified in K.C.C. 2.98. The Surface  
7 Water Design Manual is available from the division permit center.

8 EE. "Water quality swale" means an open vegetated drainage channel  
9 intended to optimize water quality treatment of surface and storm water  
10 runoff by following the specific design criteria described in the Surface  
11 Water Design Manual.

12 FF. "Wetponds" and "wetvaults" mean drainage facilities for water  
13 quality treatment that contain a permanent pool of water, usually four feet  
14 in depth, that are filled during the initial runoff from a storm event. They  
15 are designed to optimize water quality by providing retention time (on the  
16 order of a week or more) in order to settle out particles of fine sediment  
17 to which pollutants such as heavy metals absorb, and to allow biologic activ-  
18 ity to occur that metabolizes nutrients and organic pollutants. For  
19 wetvaults the permanent pool of water is covered by a lid which blocks  
20 sunlight from entering the facility, limiting photo-dependent biologic  
21 activity.

22 NEW SECTION. SECTION 3. Ordinance 2281, Section 3 as amended, and  
23 K.C.C. 9.04.030 are each hereby repealed and the following is substituted:  
24 Drainage review - when required. A. PERMITS. A drainage review is required  
25 for any proposed project requiring one of the King County permits or  
26 approvals listed in K.C.C. 9.04.030.B which would:

27 1. Add more than five thousand square feet of new impervious surface;

28 or

29 2. Collect and concentrate surface and storm water runoff from a  
30 drainage area of more than five thousand square feet; or

31 3. Contain or abut a floodplain, stream, lake, wetland or closed  
32 depression, or a sensitive area as defined in K.C.C. 21.54 (Sensitive Areas).

1 B. The following King County permits and approvals will be required to  
 2 have a drainage review if the project involves the planned actions listed in  
 3 K.C.C. 9.04.030.A:

- 4 1. Commercial building;
- 5 2. Conditional use;
- 6 3. Formal subdivision (plat);
- 7 4. Grading;
- 8 5. Master plan development;
- 9 6. Planned unit development;
- 10 7. Residential building;
- 11 8. Right-of-way use;
- 12 9. Shoreline substantial development;
- 13 10. Administrative subdivision (short plat);
- 14 11. Special use;
- 15 12. Unclassified use;
- 16 13. zoning reclassification; and/or
- 17 14. Zoning variance.

18 NEW SECTION. SECTION 4. Ordinance 2281, Section 4 as amended, and  
 19 K.C.C. 9.04.040 are each hereby repealed and the following is substituted:  
 20 Engineering plan - contents. All submittal procedures, definitions, and  
 21 specifications for the required contents of engineering plans are presented  
 22 in the plan review process section of the Surface Water Design Manual.

23 NEW SECTION. SECTION 5. Ordinance 2281, Section 5 as amended, and  
 24 K.C.C. 9.04.050 are each hereby repealed and the following is substituted:  
 25 Drainage review - requirements. A. CORE REQUIREMENTS. Every permit or  
 26 approval application with drainage review required by K.C.C. 9.04.030 must  
 27 meet each of the following core requirements which are described in detail in  
 28 the Surface Water Design Manual:

- 29 1. Core Requirement #1: Discharge at the natural location. The  
 30 discharge from a project site must occur at the natural location and/or pro-  
 31 duce no significant adverse impact, as described in the Surface Water Design  
 32 Manual.

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

7           3. Core Requirement #3: Runoff control. All projects shall provide  
8 runoff controls to control the quantity and quality of runoff from the proj-  
9 ect by limiting the peak rates of runoff from design storm events to the  
10 pre-developed peak rates based on the project site's existing runoff con-  
11 ditions. The design volume, when detention facilities are required by the  
12 Surface Water Design Manual to meet the standard runoff control performance  
13 curve for the two- and ten-year, twenty four-hour duration design storm  
14 events, shall be increased by a thirty percent factor for safety. This fac-  
15 tor of safety shall be reviewed as new research is completed to evaluate its  
16 effectiveness.

17           Project runoff resulting from more than five thousand square feet of  
18 impervious surface, and subject to vehicular use or storage of chemicals,  
19 shall be treated prior to discharge from the project site by biofiltration  
20 measures as specified in the Surface Water Design Manual.

21           4. Core Requirement #4: Conveyance system. All conveyance systems  
22 for projects must be analyzed, designed and constructed for existing  
23 tributary off-site flows and developed on-site flows from the project.

24           5. Core Requirement #5. Erosion/sedimentation control plan. All  
25 engineering plans for projects that involve modification or significant  
26 impact to existing drainage facilities and/or construction of new drainage  
27 facilities must include a plan to control erosion and sedimentation during  
28 construction and to permanently stabilize soil at the site.

29           6. Core Requirement #6: Maintenance and operation. Maintenance of  
30 all drainage facilities constructed or modified by a project is the  
31 responsibility of the property owner as described in the Surface Water Design  
32 Manual, except King County performs maintenance of drainage facilities

1 constructed for formal plat subdivisions, and some short plat subdivisions,  
2 two years after final plat recording following an inspection by the depart-  
3 ment.

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

7 B. SPECIAL REQUIREMENTS. In addition to the core requirements,  
8 engineering plans must also meet any of the following special requirements  
9 which apply to the project and which are described in detail in the Surface  
10 Water Design Manual:

11 1. Special Requirement #1: Critical drainage area. If a project  
12 lies within an area designated by public rule as a "critical drainage area,"  
13 then the project drainage review and engineering plans shall be prepared  
14 in accordance with the special critical drainage area requirements that have  
15 been formally adopted by public rule. Copies of all designated critical  
16 drainage area public rules (including critical drainage area maps) are  
17 available for reference from the division permit center;

18 2. Special Requirement #2: Compliance with an existing master  
19 drainage plan. If a project lies within an area covered by an approved  
20 master drainage plan as listed at the division permit center, then the  
21 project drainage review and engineering plans shall be prepared in  
22 accordance with any special requirements of the master drainage plan.  
23 Copies of all master drainage plans are available for reference from the  
24 division permit center;

25 3. Special Requirement #3: Conditions requiring a master drainage  
26 plan. If a project:

27 a. Is a master planned development as described in an adopted  
28 community plan; or

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

32 c. Is a commercial building permit or planned unit development



1 that will eventually construct more than fifty acres of impervious surface;  
2 or

3 d. Will clear an area of more than five hundred acres within a  
4 contiguous drainage sub-basin;  
5 then a master drainage plan shall be prepared as specified in the Surface  
6 Water Design Manual and submitted with the State Environmental Policy Act  
7 (SEPA) checklist. Approval of the master drainage plan is required before  
8 permit approval.

9 4. Special Requirement #4: Adopted basin or community plans. If a  
10 project lies within an area included in an adopted basin or community plan,  
11 then the project drainage review and engineering plans shall be prepared in  
12 conformance with the special requirements of the adopted basin or community  
13 plan. Copies of all adopted basin and community plans are available for  
14 for reference from the division permit center;

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

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

21 b. The runoff from the project will discharge into a Type 1 or 2  
22 stream, or Type 1 wetland within one mile from the project site;  
23 then a wetpond meeting the standards as specified in the Surface Water Design  
24 Manual shall be employed to treat a project's runoff prior to discharge from  
25 the project site. A wetvault or water quality swale may be used when a wet-  
26 pond is not feasible.

27 6. Special Requirement #6: Coalescing plate oil/water separators.  
28 If a project will construct more than five acres of impervious surface that  
29 will be subject to petroleum storage or transfer, or high vehicular (more  
30 than twenty five hundred vehicle trips per day) or heavy equipment use,  
31 storage or maintenance, than a coalescing plate or equivalent oil/water  
32 separator shall be employed to treat a project's runoff prior to treatment by

1 a wetpond, wetvault, or water quality swale, and/or discharge from the  
2 project site.

3 7. Special Requirement #7: Closed depressions. If a project will  
4 discharge to an existing closed depression either on or off the site that has  
5 greater than five thousand square feet of surface area at potential overflow,  
6 then the project's drainage review and engineering plans must meet the  
7 requirements for closed depressions as specified in the Surface Water Design  
8 Manual;

9 8. Special Requirement #8: Use of lakes, wetlands or closed  
10 depressions for runoff control. If a project proposes to use a lake,  
11 wetland, or closed depression for runoff controls required by Core  
12 Requirement #3, then the project must meet the requirements of K.C.C. 21.54  
13 (Sensitive Areas) for such use, include special water quality controls, and  
14 observe the limits on any increases to the floodplain as specified in the  
15 Surface Water Design Manual;

16 9. Special Requirement #9: Delineation of one hundred year  
17 floodplain. If a project contains or abuts a stream, lake, wetland or closed  
18 depression, then the one hundred year floodplain boundaries (and floodway if  
19 available based on an approved floodplain study as specified in the Surface  
20 Water Design Manual shall be delineated on the site improvement plans and  
21 profiles and on any final plat maps prepared for the project;

22 10. Special Requirement #10: Flood protection for Type 1 and 2  
23 streams. If a project contains or abuts a Type 1 or 2 stream (as defined in  
24 the Surface Water Design Manual) that has an existing flood protection facil-  
25 ity or involves construction of a new, or modification of existing flood pro-  
26 tection facility, then the flood protection facility shall be analyzed and/or  
27 designed as specified in the Surface Water Design Manual and in the Federal  
28 Emergency Management (FEMA) regulations (44 CFR).

29 11. Special Requirement #11: Geotechnical analysis and report. If a  
30 project includes construction of a pond for drainage control or an infiltra-  
31 tion system (excluding a roof downspout system) above a steep slope (as  
32 defined in the Surface Water Design Manual) within two hundred feet from the

1 top of the steep slope or on a slope with a gradient steeper than fifteen  
2 percent, or construction of earth fill/bank armor for flood protection facil-  
3 ities, then a geotechnical analysis and report shall be prepared and stamped  
4 by a geotechnical professional civil engineer that shall address at a minimum  
5 the analysis described in the Surface Water Design Manual;

6 12. Special Requirement #12. Soils analysis and report. If the  
7 soils underlying a project have not been mapped, or if the existing soils  
8 maps are in error or not of sufficient resolution to allow the proper  
9 engineering analysis of the proposed site to be performed, then a soils  
10 analysis and report shall be prepared and stamped by a professional civil  
11 engineer with expertise in soils to verify and/or map the underlying soils by  
12 addressing at a minimum the analysis described in the Surface Water Design  
13 Manual.

14 C. VARIANCES FROM REQUIREMENTS. Where application of the provisions of  
15 this section may deny reasonable use of a property, the core and special  
16 requirements contained in this section and/or other requirements in the  
17 Surface Water Design Manual may be proposed for a variance.

18 1. A variance may be proposed provided that the resulting develop-  
19 ment shall be subject to all of the remaining terms and conditions of this  
20 chapter and provided that granting the variance will:

21 a. Produce a compensating or comparable result which is in the  
22 public interest, and

23 b. Meet the objectives of safety, function, appearance, envi-  
24 ronmental protection and maintainability based upon sound engineering judge-  
25 ment.

26 2. Granting any variance which would be in conflict with the  
27 requirements of any other King County division will require review and con-  
28 currence with that division.

29 3. Variance requests shall be processed in accordance with pro-  
30 cedures specified in the Surface Water Design Manual.

31 4. Proposed variances to the core and special requirements must be  
32 approved prior to permit approval and construction.

1           5. The applicant may appeal the denial of a variance request by  
2 following the appeal procedures as specified in the Surface Water Design  
3 Manual.

4           SECTION 6. Ordinance 2812, Section 4 as amended, and K.C.C. 9.04.060  
5 are each hereby amended to read as follows:

6           (~~Critical drainage plan~~) Critical drainage areas - Development in  
7 critical flood, drainage and/or erosion areas. Development in areas where  
8 the department has determined that the existing flooding, drainage, and/or  
9 erosion conditions present an imminent likelihood of harm to the welfare and  
10 safety of the surrounding community shall meet special drainage (~~conditions~~)  
11 requirements set by the director or development engineer, until such time as  
12 the community hazard is alleviated. Such conditions may include the limita-  
13 tion of the volume of discharge from the subject property to predevelopment  
14 levels, preservation of wetlands or other natural drainage features, or other  
15 controls necessary to protect against community hazard. Where applications  
16 of the provisions of this section will deny all reasonable uses of the  
17 property, the restriction of development contained in this section may be  
18 (~~modified for the subject property~~) proposed for a variance, provided that  
19 the resulting development shall be subject to all of the remaining terms and  
20 conditions of this chapter.

21           NEW SECTION. SECTION 7. Ordinance 2281, Section 6 as amended, and  
22 K.C.C. 9.04.070 are each hereby repealed and the following is substituted:

23           Engineering plans - procedures for submittal. A. Where to submit.

24           1. All engineering plans shall be submitted to the building and land  
25 development division of the department of parks, planning and resources for  
26 review in accordance with the specifications in the Surface Water Design  
27 Manual.

28           2. All master drainage plans shall be submitted directly to the  
29 surface water management division of the department of public works for  
30 review. Master drainage plans must also be a part of a permit application  
31 that has been submitted to the building and land development division of the  
32 department of parks, planning and resources. The master drainage plan sub-

1 mittal should commence at the same time as the State Environmental Policy  
2 Act (SEPA) process.

3 B. Expiration. The expiration time frames as specified in the  
4 Surface Water Design Manual will apply to all permit and approval  
5 applications.

6 C. Processing. All plans will be processed in accordance with the  
7 review procedures specified in the Surface Water Design Manual.

8 SECTION 8. Ordinance 4938, Section 7 as amended and K.C.C. 9.04.090  
9 are each hereby amended to read as follows:

10 Procedures and conditions related to construction timing and final  
11 ~~((plat))~~ approval. A. No work related to permanent or temporary storm  
12 drainage control shall proceed without the approval of the manager.

13 B. Erosion/sedimentation control measures associated with both the  
14 interim and permanent drainage systems shall be:

15 1. Constructed in accordance with the approved plan prior to any  
16 grading or land clearing other than that associated with the erosion/  
17 sedimentation control plan;

18 2. Satisfactorily maintained until all improvements, restoration,  
19 and landscaping associated with the permit and/or approval listed in  
20 ~~((Section))~~ K.C.C. 9.04.030 are completed and the potential for onsite  
21 erosion has passed.

22 C. Prior to the ~~((recording of the final plat and/or the construction  
23 of any improvements on the site,))~~ construction of any improvements and/or  
24 buildings on the site, those portions of the drainage facilities necessary to  
25 accommodate the control of ~~((flows))~~ surface and stormwater runoff discharging  
26 from the site must be constructed and in operation ~~((unless modified by the  
27 development engineer)).~~ SUBDIVISIONS ONLY: Recording may occur prior to the  
28 construction of drainage facilities when approved in writing by the develop-  
29 ment engineer only to minimize impacts that may result from construction  
30 during inappropriate times of the year.

31 SECTION 9. Ordinance 2281, Section 7 as amended and K.C.C. 9.04.100 are  
32 each hereby amended to read as follows:

1 Bonds and liability insurance required. The division is authorized to  
2 require all persons constructing retention/detention facilities and other  
3 drainage facilities to post bonds with the manager. Where such persons have  
4 previously posted, or are required to post, other such bonds with the manager  
5 either on the facility itself or on other construction related to the facil-  
6 ity, such person may, with the permission of the manager and to the extent  
7 allowable by law, combine all such bonds into a single bond; provided, that  
8 at no time shall the amount thus bonded be less than the total amount which  
9 would have been required in the form of separate bonds; and provided further,  
10 that such a bond shall on its face clearly delineate those separate bonds  
11 which it is intended to replace.

12 A. DRAINAGE FACILITIES RESTORATION AND SITE STABILIZATION BOND. Prior  
13 to commencing construction, the person required to construct the drainage  
14 facility pursuant to Section 9.04.050 shall post a drainage facilities  
15 restoration and site stabilization bond in the amount sufficient to cover the  
16 cost of corrective work on or off the site which is necessary to provide ade-  
17 quate drainage, stabilize and restore disturbed areas, and remove sources of  
18 hazard associated with work which has been performed and is not completed.  
19 After determination by the development engineer that all facilities are  
20 constructed in compliance with approved plans, the drainage facilities  
21 restoration and site stabilization bond shall be released. The county may  
22 collect against the drainage facilities restoration and site stabilization  
23 bond when work (~~which~~) is not completed in reasonable fashion and is found  
24 to be in violation of the conditions associated with the permit and/or approv-  
25 al listed in Section 9.04.030. (~~and/or~~) It is the manager's discretion to  
26 determine(~~s that~~) whether the site is in violation of the requirements of  
27 this chapter(~~-~~) , and whether the bond shall be collected to remedy the  
28 violation. Prior to final approval and release of the drainage facilities  
29 restoration and site stabilization bond, the division shall conduct a compre-  
30 hensive inspection for the purpose of observing that the retention/detention  
31 facilities and other drainage facilities have been constructed according to  
32 plan, applicable specifications and standards.

1 B. DEFECT AND MAINTENANCE BOND. After satisfactory completion of the  
2 drainage facility or final plat approval, whichever occurs last, the person  
3 required to construct the facility pursuant to Section 9.04.050 shall post a  
4 defect and maintenance bond warranting the satisfactory performance and main-  
5 tenance of the drainage facility and guaranteeing the workmanship and  
6 materials used in the construction of the facility for a period of (~~one~~  
7 ~~year.~~) two years. For subdivision retention/detention facilities that King  
8 County may assume maintenance of pursuant to Section 9.04.110, the defect and  
9 maintenance bond shall be posted for a period of two years or until King  
10 County assumes maintenance, whichever is longer. The manager shall not re-  
11 lease the defect and maintenance bond until all inspection fees are paid.

12 C. FAILURE TO COMPLETE PROPOSED WORK. In the event of failure to  
13 comply with all the conditions and terms of the permit and/or approval  
14 covered by this chapter, the manager shall notify the permittee and surety in  
15 writing, and failing to obtain response within seven days from the receipt of  
16 notification may order the work required to be satisfactorily completed or  
17 perform all necessary corrective work to stabilize and restore disturbed  
18 areas and eliminate hazards caused by not completing the work. The surety  
19 executing such bond shall continue to be firmly bound up to the limits of the  
20 bond, under a continuing obligation for the payment of all necessary costs  
21 and expenses that may be incurred or expended by (~~the governing agency~~)  
22 King County in causing any and all such required work to be done. In no  
23 event shall the liability of the surety exceed the amount stated in the bond  
24 regardless of the number of years the bond remains in force.

25 D. LIABILITY POLICY. The person required to construct the facility  
26 pursuant to Section 9.04.050 shall maintain a liability policy in the amount  
27 of one hundred thousand dollars per individual, three hundred thousand  
28 dollars per occurrence and fifty thousand dollars property damage, which  
29 shall name King County as an additional insured, and which shall protect King  
30 County from any liability up to those amounts for any accident, negligence,  
31 failure of the facility, or any other liability whatsoever, relating to the  
32 construction or maintenance of the facility. Proof of said liability policy

1 shall be provided to the manager prior to commencing construction of any  
 2 drainage facility; provided, that in the case of facilities assumed by King  
 3 County for maintenance pursuant to Section 9.04.110, said liability policy  
 4 shall be terminated when said county maintenance responsibility commences.

5 SECTION 10. Ordinance 2281, Section 8 as amended and K.C.C. 9.04.110  
 6 are each hereby amended to read as follows:

7 Maintenance of subdivision retention/detention facilities. ((King  
 8 County shall assume the maintenance of all subdivision retention/detention  
 9 facilities which fully comply with the requirements of this section. Until  
 10 all the conditions of this section have been met, maintenance shall remain  
 11 the responsibility of the person required to construct the retention/  
 12 detention facility. Prior to final plat recording or the release of bonds  
 13 posted to guarantee satisfactory completion, whichever occurs last, the  
 14 following conditions must be met by the person required to construct the  
 15 retention/detention facility pursuant to this chapter:)) Maintenance of all  
 16 subdivision retention/detention facilities shall remain the responsibility of  
 17 the person required to construct the retention/detention facilities until all  
 18 the conditions of this section have been met.

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

23 Only after all of the following conditions have been met shall King  
 24 County assume maintenance of the subdivision retention/detention facility:

25 A. All of the requirements of Section 9.04.100 have been fully  
 26 ((complied with)) met;

27 ((B. The retention/detention facility and other drainage facilities  
 28 have been constructed according to plan, applicable specifications and stan-  
 29 dards, and approved by the department following a comprehensive inspection  
 30 conducted for the purpose of county assumption of maintenance without regard  
 31 to any prior inspections or approvals final plat recording and release of the  
 32 drainage facilities and site stabilization bond;



1           ~~C. All required improvements have been completed and have been~~  
2 ~~inspected and approved by King County;))~~

3           ~~((D-))~~ B. All necessary easements or tracts entitling the county to  
4 properly maintain the retention/detention facility have been conveyed to the  
5 county~~((+))~~ and boundary survey stakes established.

6           C. The department has conducted an inspection and determined that the  
7 facility has been properly maintained and is operating as designed. This  
8 department inspection shall occur two years after posting of the defect and  
9 maintenance bond.

10           ~~((Only after all of the above conditions have been met shall King County~~  
11 ~~assume maintenance of the subdivision retention/detention facility.~~  
12 ~~EXCEPTION: A retention/detention facility located within and servicing only~~  
13 ~~an individual lot shall not be accepted by the county for maintenance and~~  
14 ~~will remain the responsibility of persons holding title to the property~~  
15 ~~within which the facility is located.))~~

16           SECTION 11. Ordinance 4938, Section 11 as amended and K.C.C. 9.04.130  
17 are each hereby amended to read as follows:

18           Hazards. Whenever the director or manager determines that any existing  
19 construction site, erosion/sedimentation problem and/or drainage facility  
20 poses a hazard to life and limb, ~~((or))~~ endangers any property, and/or  
21 adversely affects the condition or capacity of other drainage facilities,  
22 ~~((or))~~ the safety and operation of county right of way, utilities, and/or  
23 other property owned or maintained by the county, the person to whom the  
24 permit was issued pursuant to K.C.C. 9.04.030, the owner of the property  
25 within which the drainage facility is located, the person responsible for  
26 maintenance of the facility, and/or other person or agent in control of said  
27 property, upon receipt of notice in writing from the director or manager  
28 shall within the period specified therein repair or otherwise address the  
29 cause of the hazardous situation in conformance with the requirements of this  
30 chapter.

31           Should the director or manager have reasonable cause to believe that the  
32 situation is so adverse as to preclude written notice, he may take the

1 measures necessary to eliminate the hazardous situation; provided, that he  
2 shall first make a reasonable effort to locate the owner before acting. In  
3 such instances the person of whom a drainage plan was required pursuant to  
4 K.C.C. 9.04.030, the owner of the property and/or the person responsible for  
5 the maintenance of the facility shall be obligated for the payment of all  
6 costs incurred. If costs are incurred and a bond pursuant to this chapter or  
7 other county requirement has been posted, the director or manager shall have  
8 the authority to collect against the bond to cover costs incurred.

9 SECTION 12. Ordinance 4938, Section 12 as amended and K.C.C. 9.04.140  
10 are each hereby amended to read as follows:

11 Administration. The director is authorized to promulgate and adopt  
12 administrative rules and regulations under the procedures specified in  
13 ((Ordinance 2165,)) K.C.C. ((Chapter)) 2.98, for the purpose of implementing  
14 and enforcing the provisions of this chapter. Said rules and regulations  
15 ((shall be contained and made)) are available to the public in the ((adopted  
16 drainage manual,)) Surface Water Design Manual and/or at the division permit  
17 center.

18 The manager is authorized to develop procedures for applying adopted  
19 rules and regulations during the review of permit applications for the  
20 development of land. Said procedures may also be contained in the ((adopted  
21 drainage manual,)) Surface Water Design Manual.

22 A. INSPECTIONS. The director or manager is authorized to make such  
23 inspections and take such actions as may be required to enforce the  
24 provisions of this chapter.

25 B. RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce  
26 any of the provisions of this chapter, or whenever the director or manager  
27 has reasonable cause to believe that violations of this chapter are present  
28 or operating on a subject property or portion thereof, the director or  
29 manager may enter such premises at all reasonable times to inspect the same  
30 or perform any duty imposed upon the director or manager by this chapter;  
31 provided that, if such premises or portion thereof is occupied, he shall  
32 first make a reasonable effort to locate the owner or other person having

1 charge or control of the premises or portion thereof and demand entry.

2 C. ACCESS. Proper ingress and egress shall be provided to the director  
3 or manager to inspect or perform any duty imposed upon the director or  
4 manager by this chapter. The director or manager shall notify the respon-  
5 sible party in writing of failure to comply with the said access requirement.  
6 Failing to obtain a response within seven days from the receipt of notifica-  
7 tion the director or manager may order the work required completed or  
8 otherwise address the cause of improper access. The obligation for the  
9 payment of all costs that may be incurred or expended by the county in  
10 causing such work to be done shall thereby be imposed on the person holding  
11 title to the subject property.

12 SECTION 13. Ordinance 4938, Section 13 as amended and K.C.C. 9.04.150  
13 are each hereby repealed.

14 SECTION 14. Ordinance 4938, Section 14 as amended and KCC 9.04.160 are  
15 each hereby amended to read as follows:

16 Retroactivity relating to county maintenance of subdivision retention/  
17 detention facilities. The person required to construct a retention/detention  
18 facility pursuant to Section 9.04.030 which is covered by a maintenance or  
19 defect bond or which has been released from all required bonds prior to  
20 July 7, 1980, the effective date of Ordinance 4938, and all persons holding  
21 title to the property for which a facility was required shall be responsible  
22 for the continual operation and maintenance of the facility in accordance  
23 with standards and requirements of the department and for any liability as a  
24 result of breach of these duties.

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

27 A. All necessary easements or dedications entitling the county to  
28 properly maintain the retention/detention facility have been conveyed to the  
29 county;

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

- 1           1. Existence of or potential for flooding,
- 2           2. Existence of or potential for downstream erosion,
- 3           3. Existence of or potential for property damage due to improper
- 4 function of the facility,
- 5           4. Existence of or potential for safety hazard associated with the
- 6 facility,
- 7           5. Existence of or potential for degradation of surface or ground
- 8 water quality or in-stream resources, or
- 9           6. Existence of or potential for degradation to the general welfare
- 10 of the community; and

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

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

19           SECTION 15. Ordinance 2281, Section 10 as amended and K.C.C. 9.04.170  
 20 are each hereby amended to read as follows:

21           Applicability to governmental entities. All municipal corporations and  
 22 governmental entities shall be required to submit a drainage plan and comply  
 23 with the terms of this chapter when developing and/or improving land  
 24 including, but not limited to, road building and widening, (~~within the~~  
 25 ~~unincorporated areas of King County~~) with the exception of drainage projects  
 26 involving the surface water management division of the King County department  
 27 of public works.

28           NEW SECTION. SECTION 16. Ordinance 2281, Section 11 as amended and  
 29 K.C.C. 9.04.190 are each hereby repealed and the following is substituted:

30           Effective date. The effective date of Ordinance 9163 shall be  
 31 January 1, 1990. The requirements of this chapter shall apply to all devel-  
 32 opment permit and approval applications submitted to the division on or after

1 the effective date of Ordinance 9163. For the purposes of this chapter,  
2 development permit and approval applications submitted to the division prior  
3 to the effective date of Ordinance 9163 and determined by the division to  
4 be valid and fully complete shall be subject to the provisions of K.C.C. 9.04  
5 and all applicable public rules and/or regulations as they existed on the  
6 date of acceptance as date-stamped on the application by the division.

7 A. For the purposes of this chapter, a valid and fully complete  
8 development permit or approval application must include:

- 9 1. An application form with all sections filled in;
- 10 2. Copies of all existing easements, deed restrictions, or other  
11 encumbrances restricting the use of the subject property;
- 12 3. A completed environmental checklist if required by K.C.C. 20.44,  
13 King County Environmental Procedures;
- 14 4. Record of payment for any application fees specified in K.C.C.  
15 Title 27, Development Permit Fees;
- 16 5. Documentation of compliance with the application requirements in  
17 Chapter Two of the Surface Water Design Manual;
- 18 6. Completed applications for other required permits or approvals if  
19 they are to be processed with the development applications, or copies of  
20 issued permits or applications if they have been previously approved; and
- 21 7. Any other documents or information required in the King County Code  
22 or adopted Public Rules for the specific permit or approval which is the sub-  
23 ject of the development application.

24 B. Determination if an application is valid and fully complete or not  
25 will be made by the division manager or the manager's designee.

26 C. For the purposes of this chapter, the date that an application is  
27 valid and fully complete shall be determined according to the following  
28 specifications:

- 29 1. If the application is determined by the division to be valid and  
30 fully complete, the date that the application was submitted and date-stamped  
31 at the division permit center shall be the date of the application being  
32 valid and fully complete.

1           2. If the application is determined to be invalid and/or incomplete by  
2 the division, and the information requested by the division to resolve the  
3 application's invalid or incomplete status is determined by the division to  
4 be valid and fully complete, then the date of the application being valid and  
5 fully complete shall be the date the last piece of requested information is  
6 submitted and date-stamped at the division permit center.

7           3. If the applicant does not submit responses to a request from the  
8 division for additional information within ninety days, the application shall  
9 be deemed withdrawn by the applicant and no valid and fully complete applica-  
10 tion rights shall exist.

11           D. Although the division shall determine the validity and completeness  
12 of an application for purposes of establishing a valid and fully complete  
13 application date, during the actual review of the application, the division  
14 may require submittal of additional information.

15           NEW SECTION. SECTION 17. Liberal construction. This chapter is  
16 exempted from the rule of strict construction and shall be liberally  
17 construed to give full effect to the objectives and purposes for which it was  
18 enacted.

19           SECTION 18. Ordinance 2281, Section 12 as amended and K.C.C. 9.04.200  
20 are each hereby amended to read as follows:

21           NEW SECTION. SECTION 19. Implementation, review, and revision. The  
22 department shall promote the development of a training program for users of  
23 the new Surface Water Design Manual. The department shall also conduct an  
24 on-going research program to evaluate the effectiveness of the requirements in  
25 meeting the purpose of this chapter. This research program will examine, but  
26 not be limited to, hydrologic and hydraulic analysis methods, stream  
27 geomorphologic analysis methods, water quality, best management practices, and  
28 erosion/sedimentation control measures.  
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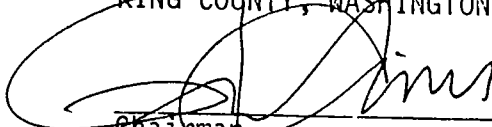
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NEW SECTION. SECTION 20. Severability. If any provision of this chapter or its application to any person or property is held invalid, the remainder of the chapter or the application of the provision to other persons or property shall not be affected.

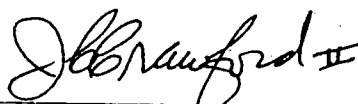
INTRODUCED AND READ for the first time this 13<sup>th</sup> day of March, 1989.

PASSED this 9<sup>th</sup> day of October, 1989.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON


  
Chairman

ATTEST:



Clerk of the Council

APPROVED this 20<sup>th</sup> day of October, 1989.

  
King County Executive