

February 12, 1993  
93-26sb2:mmc

Introduced by: PULLEN

Proposed No.: 93-26

ORDINANCE NO. **10732**

1  
2 AN ORDINANCE relating to development  
3 activity within a portion of the area  
4 covered by the Covington Master Drainage  
5 Plan; providing for conditioning of  
6 development approvals prior to completion of  
7 retrofit facilities; amending Ordinance  
8 10293, Section 7, and K.C.C. 20.14.025.

9 FINDINGS:

10 1. When the Covington Master Drainage Plan was approved,  
11 it concluded that certain existing storm water facilities  
12 needed to be retrofitted in order to reduce copper  
13 loadings in Little Soos Creek. With the expected  
14 reductions, development of the portion of the drainage  
15 basin lying north of SR 18 could be achieved without  
16 violation of water quality standards for copper. A  
17 limiting condition applicable to this part of the basin  
18 was included in the adopting ordinance (Ordinance 10293,  
19 Section 7), to assure that development did not occur  
20 without the installation of the retrofit facilities called  
21 for by the plan.

22 2. Effective December 31, 1992, the Washington State  
23 Department of Ecology has changed the way copper loadings  
24 are evaluated. The change places greater emphasis on  
25 dissolved copper, rather than total copper (including  
26 dissolved copper and copper bound to sediments or other  
27 solids). This change to the standard has caused the  
28 Surface Water Management Division to reconsider the value  
29 of the retrofit facilities recommended in the Covington  
30 Master Drainage Plan, because those facilities cannot  
31 reduce dissolved copper. The Division does believe that  
32 other, equally effective approaches can address the  
33 overall pollution in Little Soos Creek.

34 3. The Division is prepared to report to the Council on  
35 this matter in more detail by March 31, 1993. The  
36 continued application of the condition set out in K.C.C.  
37 20.14.025, paragraph D, may no longer be appropriate, and  
38 the Division's report will assist the council in making a  
39 determination as to whether to continue applying the  
40 condition.

41 4. The condition should include a sunset clause which  
42 limits the time period in which the limitations apply.

43 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

44 SECTION 1. Ordinance 10293, section 7 and K.C.C. 20.14.025

45 are each amended to read as follows:

46 Covington Master Drainage Plan. A. Adopted. The Covington  
47 Master Drainage Plan dated January 1992 and attached as

1 Attachment A to Ordinance 10293 is hereby adopted, augmenting  
2 and amplifying county policy established in the Soos Creek  
3 Basin Plan with regard to surface water management within the  
4 boundaries of the Covington Master Drainage Plan area as  
5 designated by Ordinance 9772.

6 B. Special drainage conditions authorized. The  
7 surface water management division is hereby authorized to  
8 revise the 1990 King County Surface Water Design Manual to  
9 include a new Appendix with the following special drainage  
10 provisions for development to be applied in the Covington  
11 Master Drainage Plan area:

12 1. Development proposals in the Covington Master  
13 Drainage Plan area shall have the option to submit plans for  
14 regional or subregional surface water management facilities, as  
15 defined in the Covington Master Drainage Plan, that treat and  
16 dispose of the runoff from more than one development, provided  
17 that the proposed regional or subregional surface water  
18 management facilities provide the same level of control and  
19 treatment of surface water as required by the 1990 King County  
20 Surface Water Design Manual and relevant sections of this  
21 section. Developers that propose to use the regional or  
22 subregional facilities shall submit plans with facility design  
23 and agreements with adjacent landowners for the construction  
24 and operation of these facilities. The design and construction  
25 of such facilities shall be reviewed and approved by King  
26 County. King County will assume the maintenance of regional  
27 and subregional facilities upon satisfactory completion of a  
28 final inspection by the county and release of all performance  
29 bonds.

30 2. Development in the Covington Master Drainage Plan  
31 area that proposes to infiltrate stormwater generated by the  
32 project (as authorized in core requirement three of the 1990  
33 King County Surface Water Design Manual) must submit a plan

1 which addresses off-site analysis (core requirement two of the  
2 1990 King County Surface Water Design Manual) and includes:

3 a. an identification of the location of domestic  
4 water supply wells within a one mile radius of the proposed  
5 infiltration facilities,

6 b. an assessment of human health risks from  
7 infiltration, and

8 c. recommendations for appropriate measures to  
9 mitigate identified health risks.

10 The plan shall be reviewed and approved by King County.

11 3. Development proposed in the areas with glacial till  
12 (Alderwood) soils identified on Attachment 2 to Ordinance 10293  
13 shall be required to provide stormwater detention of four acre  
14 inches of detention storage volume per impervious acre  
15 developed.

16 4. Development proposed in the areas designated on  
17 Attachment C to Ordinance 10293 shall submit a detailed  
18 subbasin drainage analysis demonstrating that the stormwater  
19 generated by development does not discharge directly or  
20 indirectly to Little Soos Creek. The plans shall be reviewed  
21 and approved by King County.

22 5. All new commercial and industrial development in  
23 the Covington Master Drainage Plan Area shall be required to  
24 submit a plan identifying the appropriate source controls and  
25 best management practices. The plan shall be reviewed and  
26 approved by King County.

27 6. All commercial and industrial development proposals  
28 shall submit plans for secondary spill containment for all  
29 electrical and mechanical equipment mounted on rooftops and  
30 plans showing the use of relatively inert materials (i.e.,  
31 vinyl) for roofing and gutter materials. The plan shall be  
32 reviewed and approved by King County.

33 7. Developments proposed in the Covington Master  
34 Drainage Plan area within one hundred feet of the edge of

1 Jenkins Creek 25 or Soos Creek 77 wetlands shall have wetland  
2 buffers established using a sliding scale of buffer width  
3 defined as follows:

4	Buffer Composition	Buffer Width
5	<u>% Forest</u>	<u>Feet</u>
6	100	50
7	80	60
8	60	70
9	40	80
10	20	90
11	0	100

12 Forests are defined as the area covered by trees greater than  
13 four inches diameter at breast height and twenty feet in  
14 height.

15 8. Developments in the Covington Master Drainage Plan  
16 Area within one hundred feet of the ordinary high watermark of  
17 Jenkins and Little Soos Creeks shall be required to re-  
18 establish native vegetation in stream buffers where native  
19 vegetation has been destroyed or disturbed. A plan for  
20 revegetation shall be reviewed and approved by King County.  
21 Planting shall be complete before issuance of an occupancy  
22 permit for the development. If the building and land  
23 development division determines that the season is  
24 inappropriate for planting, the occupancy permit can be  
25 granted, provided a bond is established for the costs of  
26 revegetation.

27 9. New stream or wetland crossings by roads or  
28 utilities within the Master Drainage Plan area shall not be  
29 permitted unless no practical alternative exists. Plans will  
30 be submitted to King County for review and approval. The  
31 adverse environmental effects of new crossings shall be  
32 mitigated in accordance with SEPA requirements.

33 10. Surface water management facilities for  
34 developments or redevelopments with greater than 5,000 square

1 feet of impervious surface which propose to infiltrate storm  
2 water shall be required to have lined wetpond and biofiltration  
3 swale treatment prior to infiltration. Developments of less  
4 than three single family residences are exempt from this  
5 requirement.

6 11. New developments within one hundred feet of the  
7 ordinary high water mark of Jenkins and Little Soos Creek shall  
8 be required to submit plans to restrict access to the streams  
9 and their buffers using fences, barriers and other means  
10 consistent with the recommendations of the Sensitive Areas  
11 Ordinance fencing committee. The plan will be reviewed and  
12 approved by King County.

13 12. Erosion and sedimentation controls shall be  
14 required for all building sites within the Covington Master  
15 Drainage Plan area including single family building sites.  
16 Approved erosion and sedimentation control plans shall be  
17 required before initiating construction and an additional site  
18 inspection by the building and land development division is  
19 required at the time of site preparation.

20 C. Conditions authorized. The surface water management  
21 division is hereby authorized to attach such conditions of  
22 approval to any development as may be necessary to achieve the  
23 state standards for fecal coliform and copper loading, as set  
24 out in the Covington Master Drainage Plan, and the flood flow  
25 standard established in the Soos Creek Basin Plan, are met.

26 D. Conditions North of SR 18. For the portion of the  
27 Covington Master Drainage Plan lying north of SR 18,  
28 applications for development approval((s)) submitted between  
29 March 31, 1993 and September 30, 1993 shall be conditioned as  
30 necessary to preclude clearing of land for or construction of  
31 infrastructure or structures prior to completion of the  
32 retrofit facilities which are necessary to reduce copper  
33 loadings in Little Soos Creek, those retrofit facilities being  
34 referred to in the Covington Master Drainage Plan as Kentwood

1 High School, Mattson Junior High School, and Emerald Downs  
2 Subdivision.

3 E. Severability. Should any section, subsection,  
4 paragraph, sentence, clause or phrase of Ordinance 10293 be  
5 declared unconstitutional or invalid for any reason, such  
6 decision shall not affect the validity of the remaining portion  
7 of this section.

8 SECTION 2. Severability. If any provision of this  
9 ordinance or its application to any person or circumstance is  
10 held invalid, the remainder of the ordinance or the application  
11 of the provision to other persons or circumstances is not  
12 affected.

13 INTRODUCED AND READ for the first time this 4<sup>th</sup> day  
14 of January, 1993.

15 PASSED this 16<sup>th</sup> day of February, 1993

16 KING COUNTY COUNCIL  
17 KING COUNTY, WASHINGTON

18 Audrey Dreyer  
19 Chair

20 ATTEST:

21 Arnold A. Peterson  
22 Clerk of the Council

23 APPROVED this 23<sup>rd</sup> day of February, 1993.

24 Jim Delp  
25 King County Executive

26 Attachments: None