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Introduced By:

Rob McKenna
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Proposed No.:

97-542

ORDINANCE NO. **13191**

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AN ORDINANCE relating to surface water management drainage review; amending Ordinance 9163, Section 2, as amended and K.C.C. 9.04.020, Ordinance 9163, Section 3, as amended and K.C.C. 9.04.030, Ordinance 2281, Section 5, as amended and K.C.C. 9.04.050, Ordinance 2812, Section 4, as amended and K.C.C. 9.04.060, Ordinance 2281, Section 6, as amended and K.C.C. 9.04.070, Ordinance 4938, Section 7, as amended and K.C.C. 9.04.090, Ordinance 2281, Section 7, as amended and K.C.C. 9.04.100, Ordinance 4938, Section 10, as amended and K.C.C. 9.04.120, Ordinance 4938, Section 11, as amended and K.C.C. 9.04.130, Ordinance 4938, Section 12, as amended and K.C.C. 9.04.140, Ordinance 2281, part, as amended and K.C.C. 9.04.180 and Ordinance 9163, sections 18 and 19, as amended and K.C.C. 9.04.194; repealing Ordinance 9006, Section 2, as amended and K.C.C. 9.02.125, Ordinance 9163, Section 4, as amended and K.C.C. 9.04.040, Ordinance 2281, section 8, as amended and K.C.C. 9.04.110, Ordinance 8589, Section 2, as amended and K.C.C. 9.04.160, Ordinance 2281, Section 10, as amended and K.C.C. 9.04.170 and Ordinance 2281, Section 11, as amended and K.C.C. 9.04.190; and adding new sections to K.C.C. chapter 9.04.

PREAMBLE:

King County adopted the 1990 Surface Water Design Manual, as amended, to control surface water runoff to implement and comply with K.C.C. chapter 9.04.

The King County council required the water and land resources division (then the surface water management division) to conduct an on-going program to evaluate the effectiveness of the adopted requirements in meeting the purposes of K.C.C. chapter 9.04.

1
2 The King County council revised water resource and fish and wildlife habitat
3 policies in the 1994 King County Comprehensive Plan.
4

5 The State of Washington adopted the Puget Sound Water Quality Management Plan
6 as the comprehensive conservation and management plan for the Puget Sound
7 estuary, as required under Section 302 of the Clean Water Act for all designated
8 estuaries of national significance. The plan requires local governments to adopt
9 minimum requirements for stormwater controls.
10

11 The changes to the Surface Water Management Code, K.C.C. Title 9, contained in
12 this ordinance are needed to update the adopted requirements to be consistent with
13 the purposes of this chapter, the King County Comprehensive Plan and the Puget
14 Sound Water Quality Management Plan. As such they bear a substantial
15 relationship to, and are necessary for, the public health, safety and general welfare of
16 King County and its residents.
17

18 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

19 SECTION 1. Ordinance 9163, Section 2, as amended and K.C.C. 9.04.020 are
20 hereby amended to read as follows:

21 Definitions. The following definitions shall apply in the interpretation and enforcement of
22 this chapter:

23 A. "Adjustment" means a department approved variation in the application of the
24 requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular
25 project in accordance with K.C.C. 9.04.050C. The term adjustment replaces "variance"
26 which had been used in prior editions of the Surface Water Design Manual.

27 ~~((A))~~B. "Applicant" means a property owner or a public agency or public or private
28 utility which owns a right-of-way or other easement or has been adjudicated the right to
29 such an easement pursuant to RCW 8.12.090, or any person or entity designated or named
30 in writing by the property or easement owner to be the applicant, in an application for a
31 development proposal, permit or approval.

32 ~~((B))~~C. "Basin" means a drainage area which drains either to the Cedar, Green,
33 Snoqualmie, Skykomish or White rivers, or the drainage areas which drain directly to Puget
34 Sound.

1 ((C))D. "Basin Plan" means a plan and all implementing regulations and procedures
 2 including, but not limited to, capital projects, public education activities((;)) and land use
 3 management regulations adopted by ordinance for managing surface and storm water
 4 management facilities and features within individual subbasins.

5 ((D))E. "Closed depression" means an area ((of King County)) which is low-lying
 6 and either has no, or such a limited, surface water outlet that during storm events the area
 7 acts as a retention basin, with more than five thousand square feet at overflow elevation.

8 F. "Construct or modify" means to install a new drainage pipe or ditch or make
 9 improvements to an existing drainage pipe or ditch (other than routine maintenance, repair
 10 or emergency modifications, excluding driveway culverts installed as part of single-family
 11 residential building permits) that either serves to concentrate previously unconcentrated
 12 surface and storm water runoff, or serves to increase, decrease and/or redirect the
 13 conveyance of surface and storm water runoff.

14 G. "Conveyance system" means the drainage facilities and features, both natural and
 15 constructed, which collect, contain and provide for the flow of surface and storm water
 16 from the highest points on the land down to a receiving water. The natural elements of the
 17 conveyance system include swales and small drainage courses, streams, rivers, lakes and
 18 wetlands. The constructed elements of the conveyance system include gutters, ditches,
 19 pipes, channels and most flow control and water quality treatment facilities.

20 ((E))H. "Department" means the department of natural resources or its successor
 21 organization.

22 ((F. "Design storm" means a rainfall (or other precipitation) event or pattern of
 23 events for use in analyzing and designing drainage facilities.))

24 ((G))I. "Development" means any activity that requires a permit or approval,
 25 including, but not limited to, a building permit, grading permit, shoreline substantial
 26 development permit, conditional use permit, special use permit, zoning variance or

1 reclassification, subdivision, short subdivision, urban planned development, ~~((building))~~
2 binding site plan, ((commercial)) site development or right-of-way use permit.

3 ~~((H. "Development engineer" means the department of development and~~
4 ~~environmental services employee authorized to oversee the review, conditioning, inspection~~
5 ~~and acceptance of right-of-way use permits, road and drainage projects constructed~~
6 ~~pursuant to permits administered by the division. The development engineer or designee~~
7 ~~shall be a professional civil engineer registered and licensed under the laws of the State of~~
8 ~~Washington.))~~

9 ~~((H))~~J. "Director" means the director of the department of natural resources, or
10 ~~((the director's designee))~~ any duly authorized representative of such director.

11 ~~((J. "Division" means the building and land development division of the department~~
12 ~~of parks, planning and resources or its successor agency, the department of development~~
13 ~~and environmental services.))~~

14 K. "Drainage" means the ~~((system of collecting))~~ collection, conveyance,
15 containment~~((s))~~ and/or discharge of surface and storm water runoff.

16 L. "Drainage facility " means ~~((the system of collecting, conveying and storing))~~ a
17 constructed or engineered feature that collects, conveys, stores or treats surface and storm
18 water runoff. Drainage facilities shall include, but not be limited to, all ~~((surface and storm~~
19 ~~water conveyance and containment facilities including))~~ constructed or engineered streams,
20 pipelines, channels, ditches, ~~((swamps))~~ gutters, lakes, wetlands, closed depressions,
21 ~~((infiltration facilities, retention/detention))~~ flow control or water quality treatment facilities,
22 erosion~~((s))~~ and sediment~~((ation))~~ control facilities and other ~~((drainage))~~ structures and
23 appurtenances~~((, both natural and constructed))~~ that provide for drainage.

24 M. "Drainage review" means an evaluation by ~~((department of development and~~
25 ~~environmental services))~~ King County staff of a proposed project's compliance with the
26 drainage requirements in the Surface Water Design Manual.

1 N. "Erosion(~~(A)~~) and sediment(~~(ation)~~) control" means any temporary or permanent
2 measures taken to reduce erosion, control siltation and sedimentation(~~(s)~~) and ensure that
3 sediment-laden water does not leave the site.

4 O. "Financial (~~(G)~~)guarantee" means a form of financial security posted to ensure
5 timely and proper completion of improvements, to ensure compliance with the King County
6 Code, and/or to warranty materials, workmanship of improvements(~~(s)~~) and design.
7 Financial guarantees include assignments of funds, cash deposit, (~~(and)~~) surety bonds(~~(s)~~)
8 and/or other forms of financial security acceptable to the director of the department of
9 development and environmental services. For the purposes of this chapter, the terms
10 performance guarantee, maintenance guarantee and defect guarantee are considered sub-
11 categories of financial guarantee.

12 P. "Flow control facility" means a drainage facility designed to mitigate the impacts
13 of increased surface and storm water runoff generated by site development pursuant to the
14 drainage requirements in this chapter. Flow control facilities are designed either to hold
15 water for a considerable length of time and then release it by evaporation, plant
16 transpiration and/or infiltration into the ground or to hold runoff for a short period of time
17 and then release it to the conveyance system.

18 Q. "Full drainage review" means the basic evaluation required by K.C.C. 9.04.030
19 for any proposed project that:

- 20 1. Adds five thousand square feet or more of new impervious surface;
21 2. Is located in a landslide hazard drainage area as mapped in the Surface
22 Water Design Manual and adds two thousand square feet or more of new impervious
23 surface; or
24 3. Is a redevelopment project proposing five hundred thousand dollars or more
25 of site improvements which creates five thousand square feet or more of contiguous
26 pollutant-generating impervious surface through any combination of new and/or replaced
27 impervious surface.

1 R. "High-use site" means a commercial, industrial or road intersection site that
 2 generates a higher than average number of vehicle turnovers or has other characteristics that
 3 generate the potential for chronic oil accumulation. High use sites include:

4 1. Commercial or industrial sites subject to:

5 a. an expected daily traffic count greater than one hundred vehicles per
 6 one thousand square feet of gross building area;

7 b. petroleum storage or transfer in excess of one thousand gallons per
 8 year, not including routine fuel oil storage or transfer; or

9 c. use, storage or maintenance of a fleet of twenty-five or more diesel
 10 vehicles each weighing over ten tons; or

11 2. Road intersections with average daily traffic counts of twenty-five thousand
 12 vehicles or more on the main roadway and fifteen thousand or more vehicles on any
 13 intersecting roadway (excluding pedestrian or bicycle use improvement projects).

14 S. "Hydraulically connected" means connected through surface flow or water
 15 features such as wetlands or lakes.

16 ~~((P. "Infiltration facility" means a drainage facility designed to use the hydrologic~~
 17 ~~process of surface and storm water runoff soaking into the ground, commonly referred to as~~
 18 ~~percolation, to dispose of surface and storm water runoff.))~~

19 ~~((Q))~~T. "Impervious surface" means a hard surface area which either prevents or
 20 retards the entry of water into the soil mantle as under natural conditions prior to
 21 development, and/or a hard surface area which causes water to run off the surface in greater
 22 quantities or at an increased rate of flow from the flow present under natural conditions
 23 prior to development. Common impervious surfaces include, but are not limited to, roofs,
 24 walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or
 25 made of packed or oiled earthen materials((;)) or other surfaces which similarly impede the
 26 natural infiltration of surface and storm water. Open((;)) uncovered ((retention/detention))

1 flow control or water quality treatment facilities shall not be considered as impervious
2 surfaces (~~for the purposes of this chapter~~).

3 ~~((R))~~U. "Improvement" means streets (with or without curbs or gutters), sidewalks,
4 crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities, street
5 trees and other appropriate items.

6 V. "Lake management plan" means a plan describing the lake management
7 recommendations and requirements adopted by public rule for managing water quality
8 within individual lake basins.

9 W. "Large site drainage review" means the evaluation required by K.C.C. 9.04.030
10 for any proposed project that:

11 1. Has an urban plan development ((UPD), as defined in K.C.C. 21A.06.1340)
12 land use designation in the King County Comprehensive Plan land use map;

13 2. Would, at full buildout of the project site, result in fifty acres or more of
14 new impervious surface within a drainage subbasin or a number of subbasins hydraulically
15 connected across subbasin boundaries; or

16 3. Is on a site of fifty acres or more within the recharge area of a sole-source
17 aquifer designated by the federal Environmental Protection Agency and depicted as such on
18 the areas highly susceptible to groundwater contamination map adopted as part of the King
19 County Comprehensive Plan.

20 X. "Licensed civil engineer" means a person registered with the State of Washington
21 as a professional engineer in civil engineering.

22 ~~((S. "Manager" means the manager/director of the department of development and~~
23 ~~environmental services or its successor agency, or his/her designee.))~~

24 ~~((T))~~Y. "Master ~~((D))~~drainage ~~((P))~~plan" means a comprehensive drainage control
25 plan intended to prevent significant adverse impacts to the natural and ~~((man-made))~~
26 constructed drainage system, both on- and off-site.

1 ~~((U. "Multifamily/commercial retention/detention facility" means a~~
2 ~~retention/detention facility which is not a subdivision retention/detention facility as defined~~
3 ~~in this chapter.))~~

4 Z. "Pollution-generating impervious surface" means an impervious surface
5 considered to be a significant source of pollutants in surface and storm water runoff. Such
6 surfaces include those subject to vehicular use or storage of erodible or leachable materials,
7 wastes or chemicals and which receive direct rainfall or the run-on or blow-in of rainfall.
8 Thus, a covered parking area would be included if runoff from uphill could regularly run
9 through it or if rainfall could regularly blow in and wet the pavement surface. Metal roofs
10 are also considered pollution-generating impervious surface unless they are treated to
11 prevent leaching.

12 AA. "Pollution-generating pervious surface" means a nonimpervious surface with
13 vegetative ground cover subject to use of pesticides and fertilizers. Such surfaces include,
14 but are not limited to, the lawn and landscaped areas of residential or commercial sites, golf
15 courses, parks and sports fields.

16 ~~((V))~~BB. "Preapplication" ~~((for the purposes of this chapter refers to))~~ means the
17 meeting(s) and/or form(s) used by applicants for some development permits to present
18 initial project intentions to the ~~((division))~~ department of development and environmental
19 services or its successor agency. Preapplication does not mean application.

20 ~~((W. "Professional civil engineer" means a person registered with the State of~~
21 ~~Washington as a professional engineer in civil engineering.))~~

22 ~~((X))~~CC. "Project" means ~~((the))~~ any proposed action ~~((of a permit application or an~~
23 ~~approval))~~ to alter or develop a site which may also require~~((s))~~ drainage review.

24 DD. "Project site" means the portion of a site subject to proposed project activities,
25 alterations and improvements including those required by this chapter.

26 EE. "Redevelopment project" means a project that proposes to add, replace and/or
27 alter impervious surface for purposes other than routine maintenance, resurfacing.

1 regrading, or repair on a site that is already substantially developed (thirty-five percent or
 2 more existing impervious surface coverage).

3 ~~((Y. "Retention/detention facility" means a type of drainage facility designed either~~
 4 ~~to hold water for a considerable length of time and then release it by evaporation, plant~~
 5 ~~transpiration and/or infiltration into the ground; or to hold runoff for a short period of time~~
 6 ~~and then release it to the surface and storm water management system.))~~

7 ~~((Z))~~FF. "Runoff" means water originating from rainfall and other precipitation that
 8 is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as
 9 well as shallow ground water.

10 ~~((AA))~~GG. "Shared ~~((F))~~facility" means a drainage facility designed to meet one or
 11 more of the requirements of K.C.C. 9.04.050 for two or more separate projects contained
 12 within a basin as defined in K.C.C. 9.04.020. Shared facilities usually include shared
 13 financial commitments for those drainage facilities.

14 HH. "Small site drainage review" means a simplified alternative to full drainage
 15 review required by K.C.C. 9.04.030 allowed for proposed single-family residential projects
 16 that add ten thousand square feet or less of new impervious surface.

17 ~~((BB))~~II. "Site" means the ~~((portion of a piece of property that is directly subject to~~
 18 ~~development))~~ legal boundaries of the parcel or parcels of land for which an applicant has or
 19 should have applied for authority from King County to carry out a development activity
 20 including any drainage improvements required by this chapter.

21 ~~((CC))~~JJ. "Subbasin" means a drainage area which drains to a water course or water
 22 body named and noted on common maps and which is contained within a basin as defined in
 23 K.C.C. 9.04.020.

24 ~~((DD. "Subdivision retention/detention facility" means a retention/detention facility~~
 25 ~~which is both located within or associated with a short or formal plat or subdivision as~~
 26 ~~defined by Title 19 (or its successor) and which is required to handle excess runoff~~

1 generated by development of an area of which two thirds or more is designated for family or
2 duplex residential structures located on individual lots.))

3 ~~((EE))~~KK. "Surface and storm water" means water originating from rainfall and
4 other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds,
5 lakes and wetlands as well as shallow ground water.

6 ~~((FF. "Surface and storm water management system" means drainage facilities and
7 any other natural features which collect, store, control, treat and/or convey surface and
8 storm water.))~~

9 ~~((GG))~~LL. "Surface Water Design Manual" means the manual (and supporting
10 documents as appropriate) describing surface and storm water design and analysis
11 requirements, procedures and guidance which has been formally adopted by rule under the
12 procedures specified in K.C.C. chapter 2.98. The Surface Water Design Manual is available
13 from the ~~((division permit center))~~ department of development and environmental services
14 or the department of natural resources, water and land resources division or their successor
15 agencies.

16 MM. "Targeted drainage review" means an abbreviated evaluation required by
17 K.C.C. 9.04.030 for certain types of proposed projects which are not subject to full or large
18 site drainage review. Targeted drainage review may be required for some projects in small
19 site drainage review.

20 NN. "Water quality treatment facility" means a drainage facility designed to reduce
21 pollutants once they are already contained in surface and storm water runoff. Water quality
22 treatment facilities are the structural component of best management practices (BMPs).
23 When used singly or in combination, water quality facilities reduce the potential for
24 contamination of surface and/or ground waters.

25 ~~((HH. "Water quality swale" means an open vegetated drainage channel intended to
26 optimize water quality treatment of surface and storm water runoff by following the specific
27 design criteria described in the Surface Water Design Manual.))~~

1 ~~((II. "Wetponds" and "wetvaults" mean drainage facilities for water quality treatment~~
 2 ~~that contain a permanent pool of water, usually four feet in depth, that are filled during the~~
 3 ~~initial runoff from a storm event. They are designed to optimize water quality by providing~~
 4 ~~retention time (on the order of a week or more) in order to settle out particles of fine~~
 5 ~~sediment to which pollutants such as heavy metals absorb, and to allow biologic activity to~~
 6 ~~occur that metabolizes nutrients and organic pollutants. For wetvaults, the permanent pool~~
 7 ~~of water is covered by a lid which blocks sunlight from entering the facility, limiting photo-~~
 8 ~~dependent biologic activity.))~~

9 SECTION 2. Ordinance 9163, Section 3 as amended, and K.C.C. 9.04.030 are
 10 hereby amended to read as follows:

11 Drainage review~~((when required))~~.

12 A. ~~((PERMITS))~~ When required. A drainage review is required ~~((for any))~~ when
 13 any proposed project ~~((requiring one of the))~~ is subject to a King County development
 14 permit~~((s))~~ or approval~~((s))~~ ~~((listed in K.C.C. 9.04.030B which would))~~ and:

15 1. Would ~~((A))~~ add ~~((more than))~~ five thousand square feet or more of new
 16 impervious surface; ~~((or))~~

17 2. ~~((Construct or modify a drainage system that collects and concentrates~~
 18 ~~surface and storm water runoff from an on or off site drainage area of more than five~~
 19 ~~thousand square feet))~~ Would construct or modify a drainage pipe/ditch that is twelve
 20 inches or more in size or depth or receives surface and storm water runoff from a drainage
 21 pipe/ditch that is twelve inches or more in size or depth; ~~((or))~~

22 3. Contains or is adjacent to a floodplain, stream, lake, wetland or closed
 23 depression, or a sensitive area as defined in K.C.C. chapter 21A.24 ~~((Sensitive Areas))~~
 24 excluding seismic, coal mines~~((,))~~ and volcanic hazard areas ~~((+))~~;

25 4. Is located within a landslide hazard drainage area as mapped in the Surface
 26 Water Design Manual and would add two thousand square feet or more of new impervious
 27 surface;

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5. Is located within a critical drainage area;

6. Is located within a rural zoned area subject to areal clearing limits under K.C.C. 16.82.150C and would clear more than seven thousand square feet or thirty-five percent of the site, whichever is greater;

7. Is a redevelopment project proposing one hundred thousand dollars or more of improvements to an existing high-use site; or

8. Is a redevelopment project proposing five hundred thousand dollars or more of site improvements and would create five thousand square feet or more of contiguous pollution-generating impervious surface through any combination of new and/or replaced impervious surface.

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

- ~~1.— Administrative subdivision (short plat);~~
- ~~2.— Clearing~~
- ~~3.— Commercial building;~~
- ~~4.— Commercial Site Development;~~
- ~~5.— Conditional use;~~
- ~~6.— Formal subdivision (plat);~~
- ~~7.— Grading;~~
- ~~8.— Residential building;~~
- ~~9.— Right-of-way use;~~
- ~~10.— Shoreline substantial development;~~
- ~~11.— Special use;~~
- ~~12.— Urban Planned Development;~~
- ~~13.— Zoning reclassification; and/or~~
- ~~14.— Zoning variance.))~~

1 B. Type of drainage review. The drainage review for any proposed project shall
2 be targeted to the scope of the project's size, type of development and potential for impacts
3 to the regional surface water system to facilitate preparation and review of project
4 applications. If drainage review for a proposed project is required by K.C.C. 9.04.030A,
5 the department of development and environmental services shall determine which of the
6 following drainage reviews apply as specified in the Surface Water Design Manual:

- 7 1. Small site drainage review;
- 8 2. Targeted drainage review;
- 9 3. Full drainage review; or
- 10 4. Large site drainage review.

11 SECTION 3. Ordinance 9163, Section 4, as amended and K.C.C. 9.04.040 are
12 hereby repealed.

13 SECTION 4. Ordinance 2281, Section 5, as amended and K.C.C. 9.04.050 are
14 hereby amended to read as follows:

15 **Drainage review - requirements.** A. ~~((CORE REQUIREMENTS))~~ Core Requirements.
16 Every permit or approval application with drainage review required by K.C.C. 9.04.030
17 must meet each of the following core requirements which are described in detail in the
18 Surface Water Design Manual~~((:))~~.

19 1. ~~Core ((R))~~requirement #1: Discharge at the natural location. ~~((The discharge from~~
20 ~~a project site must occur at the natural location and/or produce no significant adverse~~
21 ~~impact, as described in the Surface Water Design Manual.))~~ All surface and storm water
22 runoff from a project shall be discharged at the natural location so as not to be diverted
23 onto, or away from, downstream properties. The manner in which runoff is discharged from
24 the project site shall not create a significant adverse impact to downhill properties or

1 drainage systems as specified in the discharge requirements of the Surface Water Design
2 Manual.

3 2. Core ((R))requirement #2: Offsite analysis. ((All projects must identify the
4 upstream tributary drainage area and perform a downstream analysis. Levels of analysis
5 required depend on the problems identified or predicted. At a minimum, a level one analysis
6 as described in the Surface Water Design Manual must be submitted with the initial permit
7 application.)) The initial application submittal for proposed projects shall include an offsite
8 analysis report that assesses potential offsite drainage impacts associated with development
9 of the proposed site and proposes appropriate mitigations to those impacts. This initial
10 submittal shall include, at minimum, a Level One downstream analysis as described in the
11 Surface Water Design Manual. If impacts are identified, the proposed projects shall meet
12 any applicable problem-specific requirements as specified in the Surface Water Design
13 Manual.

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

22 — Project runoff resulting from more than five thousand square feet of
23 impervious surface, and subject to vehicular use or storage of chemicals, shall be treated

1 ~~prior to discharge from the project site by biofiltration measures as specified in the Surface~~
2 ~~Water Design Manual.))~~ Proposed projects shall provide flow control facilities to mitigate
3 the increased surface and storm water runoff generated by the addition of five thousand
4 square feet or more of new impervious surface and any related land-cover conversion.
5 These facilities shall meet the area-specific flow control requirements and the flow control
6 implementation requirements applicable to the project site as specified in the Surface Water
7 Design Manual. Projects subject to area-specific flow control requirements shall meet one
8 of the performance criteria listed below as directed by the Surface Water Design Manual:

9 a. Level One: match the predeveloped site's peak discharge rates for the
10 two-year and ten-year return periods;

11 b. Level Two: match the predeveloped site's discharge durations for the
12 predeveloped peak discharge rates between the fifty percent of the two-year peak flow
13 through the fifty-year peak flow; or

14 c. Level Three: meet Level Two criteria and also match the predeveloped
15 site's peak discharge rate for the one hundred-year return period.

16 4. Core ((R))requirement #4: Conveyance system. ((All conveyance
17 systems for projects must be analyzed, designed and constructed for existing tributary
18 off-site flows and developed on-site flows from the project.)) All engineered conveyance
19 system elements for proposed projects shall be analyzed, designed and constructed to
20 provide the minimum level of protection against overtopping, flooding, erosion and
21 structural failure as specified by the conveyance requirements for new and existing systems
22 and conveyance implementation requirements described in the Surface Water Design
23 Manual.

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5. Core ((R))requirement #5: Erosion((f)) and sediment((ation—control)) plan. ~~((All engineering plans for projects that involve modification or significant impact to existing drainage facilities and/or construction of new drainage facilities must include a plan to control erosion and sedimentation during construction and to permanently stabilize soil at the site.))~~ All proposed projects that will clear, grade, or otherwise disturb the site shall provide erosion and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied in accordance with K.C.C. chapter 16.82 as specified by the temporary ESC measures and performance criteria and implementation requirements in the King County erosion and sediment control standards.

6. Core ((R))requirement #6: Maintenance and operation. Maintenance of all drainage facilities ~~((constructed or modified by a project))~~ in compliance with King County maintenance standards is the responsibility of the applicant/property owner as described in the Surface Water Design Manual, except ~~((King County performs maintenance of drainage facilities constructed for formal plat subdivisions and some short plat subdivisions, two years after final plat recording following an inspection by the department.))~~ those facilities for which King County is granted an easement or covenant and assumes maintenance and operation as described in the Surface Water Design Manual.

7. Core ((R))requirement #7: Financial guarantees and liability. All drainage facilities constructed or modified for projects, ~~((f))~~except downspout ~~((roof—drain))~~ infiltration and dispersion systems for single family residential lots((f)), must comply with the ~~((financial—guarantee and))~~ liability requirements of K.C.C. 9.04.100 and the financial guarantee requirements of K.C.C. Title 27A.

1 8. Core requirement #8. Water quality. Proposed projects shall provide
2 water quality treatment facilities to treat polluted surface and storm water runoff generated
3 by the addition and/or replacement of five thousand square feet or more of pollution-
4 generating impervious surface or one acre or more of pollutant-generating pervious surface;
5 however, pervious surfaces are specifically excluded if there is a good faith agreement with
6 the King Conservation District to implement a farm management plan for agricultural uses,
7 and pervious areas for other uses are specifically excluded if King County department of
8 development and environmental services approves a landscape management plan that
9 controls pesticides and fertilizers leaving the site. These facilities shall meet the area-
10 specific water quality treatment requirements and the water quality implementation
11 requirements applicable to the project site as specified in the Surface Water Design Manual.
12 At a minimum, the facilities shall reduce pollutant loads by meeting the applicable annual
13 average performance goals listed below for ninety-five percent of the annual average runoff
14 volume:

15 a. basic water quality: remove eighty percent of the total suspended
16 solids((-));
17 b. sensitive lake protection: remove fifty percent of the total phosphorus;
18 c. resource stream protection: remove fifty percent of the total zinc;
19 d. sphagnum bog protection: remove fifty percent of the total
20 phosphorus and forty percent of the total nitrate plus nitrite. The discharge shall maintain a
21 pH of less than 6.5 and an alkalinity of less than ten milligrams per liter.

22 B. ((SPECIAL REQUIREMENTS)) Special Requirements. ((In addition to the core
23 requirements, engineering plans must also meet any of the following special requirements

1 which apply to the project and which are described in detail in the Surface Water Design
2 Manual:)) Every proposed project required by K.C.C. 9.04.030 to have drainage review
3 shall meet any of the following special requirements which apply to the site and which are
4 described in detail in the Surface Water Design Manual. The department of development
5 and environmental services shall verify if a proposed project is subject to and meets any of
6 the special requirements.

7 1. Special Requirement #1: ((Critical drainage area.)) Other adopted area-
8 specific requirements. ((If a project lies within an area designated by public rule as a
9 "critical drainage area," then the project drainage and engineering plans shall be prepared in
10 accordance with the special critical drainage area requirements that have been formally
11 adopted by public rule. Copies of all designated critical drainage area public rules
12 (including critical drainage area maps) are available for reference from the division permit
13 center;)) If a proposed project is in a designated critical drainage area, or is in an area
14 included in an adopted master drainage plan, basin plan, lake management plan or shared
15 facility plan, then the proposed project shall meet the applicable drainage requirements of
16 the critical drainage area, master drainage plan, basin plan, lake management plan or shared
17 facility plan.

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

1 to a stream, lake, wetland or closed depression, or if other King County regulations require
2 study of flood hazards, then the one hundred year floodplain boundaries (and floodway if
3 available or if improvements are proposed within the one hundred year floodplain), based on
4 an approved flood hazard study as described in the Surface Water Design Manual, shall be
5 delineated on the site improvement plans and profiles, and on any final subdivision maps
6 prepared for the proposed project.

7 3. Special Requirement #3: ((Conditions requiring a master drainage
8 plan.))Flood protection facilities. ((If a project:

9 _____ a. Is an urban planned development as described in an adopted community plan; or

10 _____ b. Is a subdivision that will eventually have more than one hundred single family
11 lots and encompasses a contiguous drainage subbasin of more than two hundred acres; or

12 _____ c. Is a commercial building permit, commercial site development or formal
13 subdivision that will eventually construct more than fifty acres of impervious surface; or

14 _____ d. Will clear an area of more than five hundred acres
15 within a contiguous drainage sub-basin; then a master drainage plan shall be prepared as

16 specified in the Surface Water Design Manual. The master drainage plan process should
17 proceed coincidentally with the State Environmental Policy Act (SEPA) process. Approval

18 of the master drainage plan is required before permit approval.)) If a proposed project
19 contains or is adjacent to a Class 1 or 2 stream that has an existing flood protection facility

20 (such as levees, revetments and berms), or proposes to construct a new, or modify an
21 existing, flood protection facility, then the flood protection facilities shall be analyzed and/or

22 designed as specified in the Surface Water Design Manual to conform with the Federal
23 Emergency Management Administration regulations (44 CFR).

1 4. Special Requirement #4: ((Adopted basin plans.)) Source Control. ((If
2 a project lies within an area included in an adopted basin plan, then the project drainage and
3 engineering plans shall be prepared in conformance with the special requirements of the
4 adopted basin plan. Copies of all adopted basin and community plans are available for
5 reference from the division permit center;)) If a proposed project requires a commercial
6 building or commercial site development permit, then water quality source controls shall be
7 applied to prevent rainfall and runoff from coming into contact with pollutants to the
8 maximum extent possible. Water quality source controls shall be applied in accordance with
9 K.C.C. chapter 9.12 and the King County stormwater pollution control manual. All
10 structural source controls shall be identified on the site improvement plans and profiles or
11 final maps prepared for the proposed project.

12 5. Special Requirement #5: ((Shared Facility Drainage Plans)) Oil control.
13 ((If a project lies within an area covered by an approved shared facility drainage plan, then
14 the project drainage and engineering plans shall be prepared in accordance with any special
15 requirements of the shared facility drainage plan. Copies of all adopted shared facility
16 drainage plans are available for reference from the division permit center;)) If a proposed
17 project is a high-use site or is a redevelopment project proposing \$100,000 or more of
18 improvements to an existing high-use site, then oil control shall be applied to all runoff from
19 the high-use portion of the site as specified in the Surface Water Design Manual.

20 ((Special Requirement #6: ~~Lake Management Plans.~~ If a project lies within an area
21 designated by public rule as a "lake management plan" then the project drainage and
22 engineering plans shall be prepared in accordance with the special lake management plan
23 requirements that have been formally adopted by public rule. Copies of all designated lake

1 management plan public rules (including lake management plan area maps) are available for
2 reference from the division permit center;

3 ~~Special Requirement #7: Special water quality controls. If a project will construct~~
4 ~~more than one acre of impervious surface that will be subject to vehicular use or storage of~~
5 ~~chemicals and:~~

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

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

14 ~~Special Requirement #8: Coalescing plate oil/water separators. If a project will~~
15 ~~construct more than five acres of impervious surface that will be subject to petroleum~~
16 ~~storage or transfer, or high vehicular (more than twenty five hundred vehicle trips per day)~~
17 ~~or heavy equipment use, storage or maintenance, then a coalescing plate or equivalent~~
18 ~~oil/water separator shall be employed to treat a project's runoff prior to treatment by a~~
19 ~~wetpond, wetvault, or water quality swale, and/or discharge from the project site.~~

20 ~~Special Requirement #9: Closed depressions. If a project will discharge to an existing~~
21 ~~closed depression either on or off the site that has greater than five thousand square feet of~~
22 ~~surface area at potential overflow, then the project's drainage and engineering plans must~~

1 meet the requirements for closed depressions as specified in the Surface Water Design
2 Manual;

3 ~~— Special Requirement #10: Use of lakes, wetlands or closed depressions for runoff~~
4 ~~control. If a project proposes to use a lake, wetland, or closed depression for runoff~~
5 ~~controls required by Core Requirement #3, then the project must meet the requirements of~~
6 ~~K.C.C. 21A.24 (Sensitive Areas) for such use, include special water quality controls, and~~
7 ~~observe the limits on any increases to the floodplain as specified in the Surface Water~~
8 ~~Design Manual;~~

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

14 ~~— Special Requirement #12: Flood protection for Type 1 and 2 streams. If a project~~
15 ~~contains or abuts a Type 1 or 2 stream (as defined in the Surface Water Design Manual)~~
16 ~~that has an existing flood protection facility or involves construction of a new, or~~
17 ~~modification of existing flood protection facility, then the flood protection facility shall be~~
18 ~~analyzed and/or designed as specified in the Surface Water Design Manual and in the~~
19 ~~Federal Emergency Management (FEMA) regulations (44 CFR).~~

20 ~~— Special Requirement #13: Geotechnical analysis and report. If a project includes~~
21 ~~construction of a pond for drainage control or an infiltration system (excluding a roof~~
22 ~~downspout system) above a steep slope (as defined in the Surface Water Design Manual)~~
23 ~~within two hundred feet from the top of the steep slope or on a slope with a gradient~~

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

5 ~~Special Requirement #14. Soils analysis and report. If the soils underlying a project~~
6 ~~have not been mapped, or if the existing soils maps are in error or not of sufficient~~
7 ~~resolution to allow the proper engineering analysis of the proposed site to be performed,~~
8 ~~then a soils analysis and report shall be prepared and stamped by a professional civil~~
9 ~~engineer with expertise in soils to verify and/or map the underlying soils by addressing at a~~
10 ~~minimum the analysis described in the Surface Water Design Manual.~~

11 ~~Special Requirement #15: Area specific drainage conditions. If a proposed project is~~
12 ~~within one of the areas delineated on the area specific drainage condition maps attached to~~
13 ~~this ordinance as Appendix A, the proposed project shall meet the applicable area specific~~
14 ~~drainage conditions attached to this ordinance as Appendix B. Copies of these appendices~~
15 ~~shall be available for reference from the department of development and environmental~~
16 ~~services permit center. These area specific drainage conditions shall expire upon the~~
17 ~~adoption of the Surface Water Design Manual 1996 update.))~~

18 C. ((VARIANCES)) Adjustment.

19 1. An ((variance)) adjustment to the requirements contained in this section and/or
20 other requirements in the Surface Water Design Manual may be proposed provided that the
21 resulting development shall be subject to all of the remaining terms and conditions of this
22 chapter and provided that granting the variance shall:

1 a. ~~((P))~~ produce a compensating or comparable result in the public interest, and

2 b. ~~((M))~~ meet this chapter's objectives of safety, function, appearance,
3 environmental protection and maintainability based upon sound engineering judgment.

4 2. If meeting the provisions of K.C.C. 9.04.050C.1.a will deny reasonable use of a
5 property, the ~~((applicant shall produce the))~~ best practicable alternative shall be obtained as
6 determined by the director of the ~~((department of public works or the director of the))~~
7 department of development and environmental services ~~((in accordance with procedures~~
8 ~~specified))~~ according to the adjustment process defined in the Surface Water Design
9 Manual.

10 3. ~~((Variance-r))~~ Requests for adjustments which may be in conflict with the
11 requirements of any other King County division ~~((will))~~ shall require review and concurrence
12 with that division.

13 4. ~~((Variance-r))~~ Requests for adjustments shall be processed in accordance with
14 procedures specified in the Surface Water Design Manual. (Note that the adjustment
15 concept has been termed "variance" in earlier editions of the Surface Water Design
16 Manual).

17 5. ~~((Proposed variances to the core and special requirements should be~~
18 ~~approved prior to final permit approval and may be accepted up to the time that the county~~
19 ~~approves the construction or until the facility is accepted for maintenance whichever comes~~
20 ~~last.))~~ The county may require monitoring of experimental designs and technology or
21 untested applications proposed by the applicant in order to determine compliance with
22 K.C.C. 9.04.050C.1 and the approved plans and conditions.

1 6. The applicant may appeal ((variance)) an adjustment decision((s)) by following
2 the appeal procedures as specified in the Surface Water Design Manual.

3 (~~7. Variance requests for properties which are currently included in a special district
4 overlay study and identified by map in Appendix A as Special Requirement 15-4, shall be
5 processed as a Type II land use decision pursuant to Ordinance 12196, Sections 16 and 26.
6 This notice and appeal process shall be in effect for these properties for a period of two
7 years from the adoption date of Ordinance 12822 (July 28, 1997), or upon adoption of an
8 amendment to K.C.C. 21A.38 establishing a special district overlay for this property,
9 whichever first occurs.))~~

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

12 Critical drainage and or erosion areas. Development in areas where the department
13 has determined that the existing flooding, drainage((;)) and/or erosion conditions present an
14 imminent likelihood of harm to the welfare and safety of the surrounding community shall
15 meet special drainage requirements set by the director ((~~or development engineer,~~)) until
16 such time as the community hazard is alleviated. Such conditions may include the limitation
17 of the volume of discharge from the subject property to predevelopment levels, preservation
18 of wetlands or other natural drainage features((;)) or other controls necessary to protect
19 against community hazard. Where alternate facility designs or methods will produce a
20 compensating or comparable result in the public interest and which will meet this section's
21 objectives of safety, function, appearance, environmental protection((;)) and maintainability,
22 based upon sound engineering judgment, ((~~a variance~~)) an adjustment to the special
23 drainage requirements promulgated under this section may be proposed, provided that the
24 resulting development shall be subject to all of the remaining terms and conditions of this
25 chapter. Where application of this section will deny all reasonable use of a property and a

1 facility or design that produces a compensating or comparable result cannot be obtained,
2 then a best practicable alternative may be obtained, to be determined by the director of the
3 department of development and environmental services according to the (~~variance~~)
4 adjustment process defined in the Surface Water Design Manual.

5 SECTION 6. Ordinance 2281, Section 6, as amended and K.C.C. 9.04.070 are
6 hereby amended to read as follows:

7 Engineering plans (~~procedures for submittal~~) for the purposes of drainage review.

8 A. Where to submit.

9 1. All engineering plans shall be submitted to the department of development
10 and environmental services for review in accordance with (~~the specifications in~~) the
11 Surface Water Design Manual except those drainage plans developed by, or under the
12 review of, the department of natural resources for either surface and storm water capital
13 improvement, repair, maintenance or restoration projects or other government agency
14 projects that are linear in shape, such as roadways, railways, pipelines, utility lines and trails.
15 If engineering plans are returned for any reason, they shall be returned to the applicant.

16 2. All master drainage plans, if required, shall be submitted to the department
17 of development and environmental services in accordance with the specifications in the
18 Surface Water Design Manual. The master drainage plan process should commence at the
19 same time as the (~~S~~)state Environmental Policy Act (SEPA) process.

20 3. All drainage plans not subject to review by the department of development
21 and environmental services pursuant to subsection 1 shall be reviewed by the department of
22 natural resources in accordance with K.C.C. 9.04.050. Project applicability and compliance
23 with K.C.C. 9.04.050 shall be documented in writing and available for review.

24 B. Expiration. The expiration time frames as specified in the Surface Water
25 Design Manual (~~will~~) shall apply to all permit and approval applications.

26 C. Processing. All plans (~~will~~) shall be processed in accordance with the review
27 procedures specified in the Surface Water Design Manual.

1 D. Contents. All submittal procedures, definitions and specifications for the
2 required contents of engineering plans are presented in the Surface Water Design Manual.

3 SECTION 7. Ordinance 4938, Section 7, as amended and K.C.C. 9.04.090 are
4 hereby amended to read as follows:

5 (~~Procedures and conditions related to e~~) Construction timing and final approval.

6 A. No work for a permitted development related to permanent or temporary storm
7 drainage control shall proceed without the approval of the (~~manager~~) director of the
8 department of development and environmental services.

9 B. Erosion(~~tion~~) and sediment(~~ation~~) control measures associated with both the
10 interim and permanent drainage systems shall be:

11 1. Constructed in accordance with the approved plan prior to any grading or
12 land clearing other than that associated with (~~the~~) an approved erosion(~~tion~~) and
13 sediment(~~ation~~) control plan;

14 2. Satisfactorily sequenced and maintained until all improvements,
15 restoration(~~tion~~) and landscaping associated with the permit and/or approval (~~listed in~~
16 K.C.C. 9.04.030) for the project are completed, and the potential for onsite erosion has
17 passed.

18 C. Prior to the construction of any improvements and/or buildings on the site,
19 those portions of the drainage facilities necessary to accommodate the control of surface
20 and storm water runoff discharging from the site (~~must~~) shall be constructed and in
21 operation. (~~SUBDIVISIONS—ONLY~~) Recording of formal and administrative
22 subdivisions may occur prior to the construction of drainage facilities when approved in
23 writing by the (~~development engineer~~) director of the department of development and
24 environmental services only to minimize impacts that may result from construction during
25 inappropriate times of the year.

26 SECTION 8. Ordinance 2281, Section 7, as amended and K.C.C. 9.04.100 are
27 hereby amended to read as follows:

1 Liability insurance required. The applicant(~~A person~~) required to construct the
2 drainage facility pursuant to K.C.C. chapter 9.04 shall maintain a combined single limit per
3 occurrence liability policy in the amount established annually by the King County risk
4 management program, which shall name King County as an additional insured(~~(s)~~) and
5 (~~which shall~~) protect King County from liability relating to the construction or
6 maintenance of the facility until construction approval or acceptance for maintenance,
7 whichever is last. Proof of this required liability policy shall be provided to the director of
8 development and environmental services prior to commencing construction of any drainage
9 facility. If this liability insurance is not kept in effect as required, King County may initiate
10 enforcement action pursuant to K.C.C. Title 23.

11 SECTION 9. Ordinance 2281, Section 8, as amended and K.C.C. 9.04.110 are
12 hereby repealed.

13 NEW SECTION. SECTION 10. There is hereby added to K.C.C. 9.04 a new
14 section to read as follows:

15 Drainage facilities accepted by King County for maintenance.

16 A. King County is responsible for the maintenance, including performance and
17 operation, of drainage facilities which have formally been accepted for maintenance by the
18 director.

19 B. King County may assume maintenance of privately maintained drainage
20 facilities only if the following conditions have been met:

21 1. All necessary easements or dedications entitling the county to properly
22 maintain the drainage facility have been conveyed to the county;

23 2. The director has determined that the facility is in the dedicated public road
24 right-of-way or that maintenance of the facility will contribute to protecting or improving
25 the health, safety and welfare of the community based upon review of the existence of or
26 potential for:

27 a. flooding,

- 1 b. downstream erosion,
- 2 c. property damage due to improper function of the facility,
- 3 d. safety hazard associated with the facility,
- 4 e. degradation of water quality or in-stream resources, or
- 5 f. degradation to the general welfare of the community; and

6 3. The director has declared in writing acceptance of maintenance
 7 responsibility by the county. Copies of this document will be kept on file in the department
 8 of natural resources, water and land resources division.

9 C. The director may terminate the department's assumption of maintenance
 10 responsibilities in writing after determining that continued maintenance will not significantly
 11 contribute to protecting or improving the health, safety and welfare of the community based
 12 upon review of the existence of or potential for:

- 13 1. Flooding,
- 14 2. Downstream erosion,
- 15 3. Property damage due to improper function of the facility,
- 16 4. Safety hazard associated with the facility,
- 17 5. Degradation of water quality or in-stream resources, or
- 18 6. Degradation to the general welfare of the community.

19 Copies of this document will be kept on file in the department of natural resources, water
 20 and land resources division.

21 D. A drainage facility which does not meet the criteria of this section shall remain
 22 the responsibility of the applicant required to construct the facility and persons holding title
 23 to the property for which the facility was required.

24 SECTION 11. Ordinance 4938, Section 10, as amended and K.C.C. 9.04.120 are
 25 hereby amended to read as follows:

26 ~~((Maintenance of multifamily/commercial))~~ Drainage facilities not accepted by King
 27 County for maintenance. A. ~~((Any person or persons holding title to the property for~~

1 ~~which a facility was required shall be responsible for the continual operation and~~
 2 ~~maintenance of the facility in accordance with standards and requirements of the~~
 3 ~~department.))~~ The person or persons holding title to the property and the applicant required
 4 to construct a drainage facility shall remain responsible for the facility's continual
 5 performance, operation and maintenance in accordance with the standards and requirements
 6 of the department and remain responsible for any liability as a result of these duties. This
 7 responsibility includes maintenance of a drainage facility which is:

- 8 1. Under a maintenance guarantee or defect guarantee;
- 9 2. A private road conveyance system;
- 10 3. Released from all required financial guarantees prior to July 7, 1980 (the
 11 effective date of Ordinance 4938);
- 12 4. Located within and serving only one single family residential lot;
- 13 5. Located within and serving a multi-family or commercial site unless the
 14 facility is part of an approved shared facility plan;
- 15 6. Located within or associated with an administrative or formal subdivision
 16 which handles runoff from an area of which less than two-thirds is designated for detached
 17 or townhouse dwelling units located on individual lots unless the facility is part of an
 18 approved shared facility plan;
- 19 7. Previously terminated for assumption of maintenance responsibilities by the
 20 department in accordance with K.C.C. 9.04.110; or
- 21 8. Not otherwise accepted by the county for maintenance.

22 B. Prior to the issuance of any of the permits and/or approvals (~~listed in Section~~
 23 ~~9.04.030))~~ for any multi-family or commercial project required to have a flow control or
 24 water quality treatment facility, the ((person or persons holding title to the subject property
 25 for which a retention/detention was required)) applicant shall record ((the))a declaration of
 26 covenant ((set forth in Appendix A to Ordinance 4938)) as specified in the Surface Water
 27 Design Manual. The restrictions set forth in such covenant shall include, but not be limited

1 to, provisions for notice to the persons holding title to the property of a King County
 2 determination that maintenance and/or repairs are necessary to the facility and a reasonable
 3 time limit in which such work is to be completed.

4 1. In the event that the titleholders do not effect such maintenance and/or
 5 repairs, King County may perform such work upon due notice. The titleholders are
 6 required to reimburse King County for any such work. The restrictions set forth in such
 7 covenant shall be included in any instrument of conveyance of the subject property and shall
 8 be recorded with the King County records division.

9 ~~((B))~~ 2. The county ~~((shall))~~ may enforce the restrictions set forth in
 10 ~~((Appendix A of Ordinance 4938.))~~ the declaration of covenant provided in the Surface
 11 Water Design Manual.

12 C. Prior to the issuance of any of the permits and/or approvals ~~((contained in~~
 13 ~~Section 9.04.030))~~ for the project or the release of financial guarantees posted to guarantee
 14 satisfactory completion, the person or persons holding title to the subject property for which
 15 a ~~((retention/detention))~~ drainage facility was required shall pay a fee established by the
 16 ~~((manager))~~ director of department of development and environmental services to
 17 reasonably compensate the county for costs relating to inspection of the facility to ensure
 18 that it has been constructed according to plan and applicable specifications and standards.

19 D. The duties specified in this section with regard to payment of inspection fees
 20 and reimbursement of maintenance costs shall be enforced against the person or persons
 21 holding title to the property for which the ~~((retention/detention))~~ drainage facility was
 22 required.

23 E. Where not specifically defined in this section, the responsibility for
 24 performance, operation and maintenance of drainage facilities and conveyance systems, both
 25 natural and constructed, shall be determined on a case by case basis.

26 SECTION 12. Ordinance 9006, Section 2, as amended and K.C.C. 9.02.125 are
 27 hereby repealed.

1 SECTION 13. Ordinance 4938, Section 11, as amended and K.C.C. 9.04.130 are
2 hereby amended to read as follows:

3 Hazards. Whenever the director (~~(or manager)~~) determines that any existing
4 construction site, erosion(~~(+)~~) and sedimentation problem and/or drainage facility poses a
5 hazard to life and limb, endangers any property, and/or adversely affects the condition or
6 capacity of other drainage facilities, the safety and operation of county right-of-way,
7 utilities, and/or other property owned or maintained by the county, the applicant to whom
8 the permit was issued pursuant to K.C.C. 9.04.030, the owner of the property within which
9 the drainage facility is located, the applicant/person responsible for maintenance of the
10 facility, and/or other person or agent in control of said property, upon receipt of notice in
11 writing from the director (~~(or manager)~~) shall within the period specified therein repair or
12 otherwise address the cause of the hazardous situation in conformance with the
13 requirements of this chapter.

14 Should the director (~~(or manager)~~) have reasonable cause to believe that the situation
15 is so adverse as to preclude written notice, (~~(he)~~) the director may take the measures
16 necessary to eliminate the hazardous situation; provided(~~(;)~~) that (~~(he)~~) the director shall
17 first make a reasonable effort to locate the owner before acting. In such instances, the
18 applicant of whom a drainage plan was required pursuant to K.C.C. 9.04.030, the owner of
19 the property and/or the person responsible for the maintenance of the facility shall be
20 obligated for the payment of all costs incurred. If costs are incurred and a financial
21 guarantee pursuant to this chapter or other county requirement has been posted, the
22 director (~~(or manager)~~) shall have the authority to collect against the financial guarantee to
23 cover costs incurred.

24 SECTION 14. Ordinance 4938, Section 12, as amended and K.C.C. 9.04.140 are
25 hereby amended to read as follows:

26 A. Administration.

1 1. The director is authorized to promulgate and adopt administrative rules
2 ~~((and regulations))~~ under the procedures specified in K.C.C. 2.98, for the purpose of
3 implementing and enforcing the provisions of this chapter. ~~((Said))~~ Adopted administrative
4 rules ~~((and regulations))~~ are available to the public ~~((in the Surface Water Design Manual~~
5 ~~and/or at the division permit center))~~ from the department of development and
6 environmental services or the department of natural resources, water and land resources
7 division. This includes, but is not limited to, the Surface Water Design Manual.

8 2. The ~~((manager))~~ director of department of development and environmental
9 services is authorized to develop procedures for applying adopted rules and regulations
10 during the review of permit applications for the development of land. ~~((Said))~~ These
11 procedures may also be contained in the Surface Water Design Manual.

12 ~~((A))~~B. ~~((INSPECTIONS))~~Inspections. The director ~~((or manager))~~ is authorized
13 to make such inspections and take such actions as may be required to enforce the provisions
14 of this chapter.

15 ~~((B))~~C. ~~((RIGHT OF ENTRY))~~Right of entry. Whenever necessary to make an
16 inspection to enforce any of the provisions of this chapter, monitor for proper function of
17 drainage facilities or whenever the director ~~((or manager))~~ has reasonable cause to believe
18 that violations of this chapter are present or operating on a subject property or portion
19 thereof, the director ~~((or manager))~~ may enter such premises at all reasonable times to
20 inspect the same or perform any duty imposed upon the director ~~((or manager))~~ by this
21 chapter; provided that, if such premises or portion thereof is occupied, ~~((he))~~ the director
22 shall first make a reasonable effort to locate the owner or other person having charge or
23 control of the premises or portion thereof and demand entry.

24 ~~((C))~~D. ~~((ACCESS))~~Access. Proper ingress and egress shall be provided to the
25 director ~~((or manager))~~ to inspect, monitor or perform any duty imposed upon the director
26 ~~((or manager))~~ by this chapter. The director ~~((or manager))~~ shall notify the responsible
27 party in writing of failure to comply with ~~((the said))~~ this access requirement. Failing to

1 obtain a response within seven days from the receipt of notification the director (~~or~~
2 ~~manager~~) may order the work required completed or otherwise address the cause of
3 improper access. The obligation for the payment of all costs that may be incurred or
4 expended by the county in causing such work to be done shall thereby be imposed on the
5 person holding title to the subject property.

6 SECTION 15. Ordinance 8589, Section 2, as amended and K.C.C. 9.04.160 are
7 hereby repealed.

8 SECTION 16. Ordinance 2281, Section 10, as amended and K.C.C. 9.04.170 are
9 hereby repealed.

10 SECTION 17. Ordinance 2281 (part), as amended and K.C.C. 9.04.180 are hereby
11 amended to read as follows:

12 Enforcement. The director (~~or manager~~) is authorized to enforce the provisions of
13 this chapter, the ordinances(~~(s)~~) and resolutions codified in it, and any rules and regulations
14 promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title
15 23.

16 SECTION 18. Ordinance 2281, Section 11, as amended and K.C.C. 9.04.190 are
17 hereby repealed.

18 NEW SECTION. SECTION 19. There is hereby added to K.C.C. 9.04 a new
19 section to read as follows:

20 Effective date. The effective date of Ordinance 13191 shall be the first day of the
21 month occurring at least ten weeks (seventy days) after the date of approval.

22 SECTION 20. Ordinance 9163, Sections 18 and 19, as amended and K.C.C.
23 9.04.194 are amended to read as follows:

24 Implementation, review(~~(s)~~) and revision. The department shall (~~promote the~~
25 ~~development of~~) administer a training program for users of the (~~new~~) Surface Water
26 Design Manual. The department shall also conduct an on-going research program to
27 evaluate the effectiveness of the requirements in meeting the purpose of this chapter. This

1 research program will examine, but not be limited to, hydrologic and hydraulic analysis
2 methods, stream geomorphologic analysis methods, water quality, best management
3 practices(~~(s)~~) and erosion(~~(t)~~) and sediment(~~(ation)~~) control measures.

4 NEW SECTION. SECTION 21. There is hereby added to K.C.C. chapter 9.04 a
5 new section to read as follows:

6 Any documents and/or manuals formally adopted by rule under the procedures
7 specified in K.C.C. chapter 2.98 which implement the policies promulgated in this chapter
8 are governed by the King County Code. Any inconsistencies identified will be controlled by
9 the King County Code.

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NEW SECTION. SECTION 22. Scope. Compliance with the standards in this chapter and the Surface Water Design Manual do not necessarily mitigate all probable and significant environmental impacts to aquatic biota. Fishery resources and other living components of aquatic systems are affected by a complex set of factors. While employing a specific flow control standard may prevent stream channel erosion or instability, other factors affecting fish and other biotic resources (such as increases in stream flow velocities) are not directly addressed by the Surface Water Design Manual. Thus, compliance with this manual should not be construed as mitigating all probable and significant stormwater impacts, and additional mitigation may be required to protect aquatic biota in streams and wetlands.

INTRODUCED AND READ for the first time this 15th day of September, 1997.

PASSED by a vote of 13 to 0 this 15th day of June, 1998.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Priscilla Miller
Chair

ATTEST:

Annex
Clerk of the Council

APPROVED this 12th day of June, 1998.
Paul Tanaka
Deputy King County Executive

Attachment: None