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ROB MCKENNA
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Introduced By:

Proposed No.:

96-279

ORDINANCE NO. **13190**

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AN ORDINANCE relating to surface water requirements and drainage review; repealing Ordinance 11886, Section 4 and K.C.C. 20.14.060; and Ordinance 12015, Section 5 and K.C.C. 20.14.030; and amending Ordinance 931, Section 10, as amended, and K.C.C. 13.08.090; Ordinance 1488, Sections 7 and 11 as amended, and K.C.C. 16.82.060 and 16.82.100; Ordinance 3688, Section 403, 503, 506, 603, all as amended, Section 703 and K.C.C. 25.16.030, 25.20.030, 25.20.060, 25.24.030 and 25.28.030; Ordinance 6422, as amended, and K.C.C. 20.12.350; Ordinance 7837, as amended, and K.C.C. 20.12.320; Ordinance 8846, as amended, and K.C.C. 20.12.170; Ordinance 9110, as amended, and K.C.C. 20.12.345; Ordinance 9499, as amended, and K.C.C. 20.12.440; Ordinance 9543, Section 2, as amended, and K.C.C. 19.26.020; Ordinance 9544, Sections 3, as amended, and K.C.C. 19.36.045; Ordinance 10197, Sections 1 and 3, as amended, and K.C.C. 20.12.270; Ordinance 10238, Sections 1, and K.C.C.20.14.020; Ordinance 10293, Sections 1,2,6,7 and 9, as amended, and K.C.C.20.14.025; Ordinance 10513, Section 1, as amended, and K.C.C.20.14.030; Ordinance 10703, Section 2, as amended, and K.C.C.20.12.210; Ordinance 10847, as amended, and K.C.C.20.12.340; Ordinance 10870, Sections 165, 333, 351, 454, 475, 478, 480, 481, 484 and 597, as amended, Sections 342 and 354, and K.C.C.21A.06.625, 21A.08.060, 21A.12.050, 21A.12.140, 21A.12.170, 21A.24.070, 21A.24.280, 21A.24.310, 21A.24.330, 21A.24.340, 21A.24.370, 21A.24.480, 21A.24.481, 21A.24.484 and 21A.40.030; Ordinance 11017, Section 3, as amended, and K.C.C. 19.33.030; Ordinance 11087, Section 1, as amended, and K.C.C. 20.14.040; Ordinance 11111, Section 1, as amended, and K.C.C. 20.14.050; Ordinance 11616, Section 12, and K.C.C. 13.24.136; Ordinance 11621, Section 70, as amended, and K.C.C. 21A.24.075; Ordinance 11622, Sections 3 and 12,

and K.C.C. 16.04.052 and 25.32.014; Ordinance 11886, Section 1, and K.C.C. 20.14.060.

PREAMBLE:

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

The King County council required 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.

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

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

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 931, Section 10, as amended, and K.C.C. 13.08.090 are each hereby amended to read as follows:

Installation and alteration. A. Sewage disposal systems shall be constructed, installed or repaired only by a sewage disposal system installer, certificated as provided in this chapter, except that a resident owner, or intended resident owner may personally construct, install or repair a system for his own single family residence, provided he constructs not more than one system in any one calendar year.

1 B. Construction, installation or repair of sewage disposal systems shall be such as to
 2 accommodate all sewage from the buildings and premises to be served, and in accordance
 3 with this chapter and the rules and regulations of the director of public health adopted
 4 pursuant to the ordinance codified herein. No down-spout or footing drain shall be directly or
 5 indirectly connected to a sewage disposal system(~~(, and s)~~)- except when on-site systems are
 6 no longer used for sewage disposal upon connection to public sewers. Down-spouts must be
 7 connected directly to the drainfield unless the septic tank is cleaned out prior to connection.
 8 Sewage disposal systems shall be so constructed and installed that surface water or ground
 9 water will not interfere with the operation of such system.

10 SECTION 2. Ordinance 11616, Section 12, and K.C.C. 13.24.136 are each hereby
 11 amended to read as follows:

12 Sewage disposal systems in the ((L))urban ((G))growth ((A))area. All development
 13 in the ((L))urban ((G))growth ((A))area shall be served by public sewers. Alternative
 14 sewage systems shall be permitted on an interim basis, only as follows:

15 A. For individual lots in the ((F))full ((S))service ((A))area or ((S))service
 16 ((P))planning ((A))area, the director of the department of development and environmental
 17 services may authorize individual on-site sewage systems given the following findings:

18 1. The applicant has submitted a certificate of sewer availability from the most
 19 logical sewer purveyor accompanied by a letter which demonstrates to the satisfaction of the
 20 director that the requirement to receive sewer service from the purveyor is unreasonable or
 21 infeasible at the time of construction(~~(, and)~~);

22 2. The applicant has received approval for an on-site sewage system design from the
 23 Seattle-King County department of public health in accordance with the rules and regulations
 24 of the King County board of health, K.C.C. Title 13(~~(, and)~~);

25 3. The applicant has provided a Certificate of Future Connection from the
 26 appropriate purveyor which certifies that an irrevocable agreement has been entered into with
 27 the purveyor providing that the property shall be connected to public sewers upon availability

1 of such sewers and that the property owner shall pay all costs of connection to the sewer and
 2 connection of the roof drainage to the abandoned on-site sewage drainfield (to septic tank
 3 only if completely cleaned out prior to connection). This certificate shall stipulate that the
 4 applicant and his grantees agree to participate in and not protest the formation of a Utility
 5 Local Improvement District (ULID) or Local Improvement District (LID) or utility purveyor
 6 project which is designed to provide public sewer services to the property. This certificate
 7 shall be recorded in the real property records of King County and shall be a permanent
 8 condition on the property running with the land until such time as the costs for connection are
 9 fully paid to the purveyor; ~~((and))~~

10 4. the abandoned on-site sewage system shall be connected to receive all rooftop runoff
 11 once the property is connected to the public sewer; and

12 ~~((4))~~5. Application of the standards of this title would otherwise preclude
 13 reasonable use of the property.

14 B. For subdivisions and short subdivisions in the ~~((S))~~service ~~((P))~~planning ~~((A))~~areas
 15 only, the director of the department of development and environmental services may
 16 authorize community on-site systems given the following findings:

17 1. The applicant has submitted a certificate of sewer availability from the most
 18 logical sewer purveyor accompanied by a letter which demonstrates to the satisfaction of the
 19 director that the requirement to receive sewer service from the purveyor is unreasonable or
 20 infeasible at the time of construction~~((, and))~~;

21 2. The applicant has received an approved pre~~((-))~~application for a community on-
 22 site sewage disposal system from the Seattle-King County department of public health in
 23 accordance with the rules and regulations of the King County board of health, K.C.C. Title
 24 13, State board of health chapter 246-272 WAC~~((, and))~~;

25 3. The applicant has provided a certificate that the system will be managed by the
 26 purveyor or other authorized public agency as defined by RCW 39.24.020~~((, and))~~;

1 4. The sanitary sewage collection system within the subdivision or short subdivision
2 necessary to connect the subdivision or short subdivision to the public sewers including
3 collection lines to each building site or lot((,)) shall be installed to the specifications of the
4 appropriate provider of sewer service and shall be a condition of preliminary approval((,));
5 and

6 5. The applicant has provided a Certificate of Future Connection from the
7 appropriate purveyor which certifies that an irrevocable agreement has been entered into with
8 the purveyor for the property owner to pay all known and projected costs of connection. This
9 certificate shall stipulate that the applicant and his grantees agree to participate in and not
10 protest the formation of a Utility Local Improvement (ULID) or Local Improvement District
11 (LID) utility purveyor project which is designed to provide public utility services to the
12 property. This certificate shall be noticed on the title of the property and shall be a permanent
13 condition on the property until such time as the costs for connection are fully paid to the
14 purveyor.

15 SECTION 3: Ordinance 1488, Section 7, as amended, and K.C.C. 16.82.060 are
16 each hereby amended to read as follows:

17 Permit requirements. Except as exempted in ((Section)) K.C.C. 16.82.050, no person
18 shall do any clearing or grading without first obtaining a clearing and grading permit from the
19 director. A separate permit shall be required for each site and may cover both excavations
20 and fills.

21 A. ((APPLICATION))Application. To obtain a permit, the applicant shall first file
22 an application therefor in writing on a form furnished for that purpose. The director shall
23 prescribe the form by which application is made. No application shall be accepted unless it is
24 completed consistent with the requirements of this chapter, and the permit process and
25 procedures chapter of K.C.C. Title 20((,20)). In addition to the requirements of K.C.C.
26 20.20.040, every application shall:

- 1 1. Identify and describe the work to be covered by the permit for which application
- 2 is made;
- 3 2. Describe the land on which the proposed work is to be done, by lot, block, tract
- 4 and house and street address, or similar description that will readily identify and definitely
- 5 locate the proposed site;
- 6 3. Identify and describe those sensitive areas on or adjacent to the site;
- 7 4. Indicate the estimated quantities of work involved;
- 8 5. Identify any clearing restrictions contained in K.C.C. 16.82.150, wildlife habitat
- 9 corridors pursuant to K.C.C. chapter 21A.14, critical drainage areas established by
- 10 administrative rule or property-specific development standards pursuant to K.C.C. chapter
- 11 21A.38;
- 12 6. Be accompanied by plans and specifications as required in subsections B. and C.;
- 13 7. Designate who the applicant is, on a form prescribed by the department, except
- 14 that the application may be accepted and reviewed without meeting this requirement when
- 15 a public agency or public or private utility is applying for a permit for property on which
- 16 the agency or utility does not own an easement or right-of-way and the following three
- 17 requirements are met:
- 18 a. the name of the agency or public or private utility is shown on the application
- 19 as the applicant;
- 20 b. the agency or public or private utility includes in the complete application an
- 21 affidavit declaring that notice of the pending application has been given to all owners of
- 22 property to which the application applies, on a form provided by the department; and
- 23 c. the form designating the applicant is submitted to the department prior to
- 24 permit issuance; and
- 25 8. Give such other information as may be required by the director.
- 26 B. ((~~PLANS AND SPECIFICATIONS~~))Plans and specifications. When required by
- 27 the director, each application for a grading permit shall be accompanied by six sets of plans

1 and specifications and other supporting data as may be required. The plans and specifications
 2 shall be prepared and signed by a civil engineer or landscape architect registered to practice
 3 in the state of Washington when required by the director; provided, ~~((he))~~ the director may
 4 require additional studies prepared by a qualified soils specialist. If the plans and
 5 specifications are returned as a result of permit denial or any other reason, they shall be
 6 returned to the applicant.

7 C. ~~((INFORMATION ON PLANS AND IN SPECIFICATIONS))~~ Information on
 8 plans and specifications. Plans shall be drawn to an engineer's scale upon substantial paper or
 9 cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed
 10 and show in detail that they will conform to the provisions of this chapter and all other
 11 relevant laws, rules, regulations and standards. The first sheet of each set of plans shall give
 12 the location of the work and the name and address of the owner and the person by whom they
 13 were prepared. The plans shall include the following minimum information:

- 14 1. General vicinity of the proposed site;
- 15 2. Property limits and accurate contours of existing ground and details of terrain and
 16 area drainage;
- 17 3. Limiting dimensions, elevations or finished contours to be achieved by the
 18 grading, and proposed drainage channels and related construction;
- 19 4. Location of all proposed cleared areas;
- 20 5. ~~((1))~~ Location of any open space tracts or conservation easements if required
 21 pursuant to:
 - 22 ___ (a) K.C.C. 16.82.150,
 - 23 (b) K.C.C. chapter 21A.14,
 - 24 (c) critical drainage areas, or
 - 25 (d) property-specific development standards pursuant to K.C.C. chapter 21A.38;
 - 26 ~~((and))~~

1 6. calculations of the total area proposed cleared on a site as a percentage of the total site
2 area;

3 ~~((5))~~7.. Detailed plans of all surface and subsurface drainage devices, walls,
4 cribbing, dams, berms, settling ponds and other protective devices to be constructed with or
5 as a part of the proposed work, together with the maps showing the drainage area and the
6 estimated runoff of the area served by any drains;

7 8. A determination of whether drainage review applies to the project pursuant to
8 K.C.C. chapter 9.04, and, if applicable, all drainage plans and documentation consistent
9 with King County Surface Water Design Manual requirements;

10 ~~((6))~~9. Location of any buildings or structures on the property where the work is to
11 be performed and the location of any buildings or structures on land of adjacent owners
12 which are within fifty feet of the property or which may be affected by the proposed grading
13 operations;

14 ~~((7))~~10. Landscape and rehabilitation plan as required by ~~((Section))~~ K.C.C.
15 16.82.110;

16 ~~((8))~~11. Other information as may be required by the director; and

17 ~~((9))~~12. If the clearing or grading is proposed to take place in or adjacent to a
18 sensitive area as regulated in K.C.C. chapter 21A.24, provide information as required by that
19 chapter.

20 D. ~~((GRANTING OF PERMITS))~~Granting of permits. 1. The director shall
21 determine if the proposed grading will adversely affect the character of the site for present
22 lawful uses or with the future development of the site and adjacent properties for building or
23 other purposes as indicated by the comprehensive plan, the shoreline master program(~~((,))~~) and
24 the zoning code.

25 2. After an application has been filed and reviewed, the director shall also ascertain
26 whether such grading work complies with the other provisions of this chapter. If the
27 application and plans so comply, or if they are corrected or amended so as to comply, the

1 director may issue to the applicant a grading permit. A grading permit shall be valid for the
2 number of days stated in the permit but in no case shall the period be more than two years;
3 provided, that when operating conditions have been met, the permit may be renewed every
4 two years, or less if a shorter approval and/or renewal period is specified by the director.

5 3. No grading permit shall be issued until approved by federal, state and local
6 agencies having jurisdiction by laws or regulations.

7 4. Upon approval of the application and issuance of the grading permit, no work
8 shall be done that is not provided for in the permit. The director is authorized to inspect the
9 premises at any reasonable time to determine if the work is in accordance with the permit
10 application and plans.

11 5. The permits from the director shall be required regardless of any permits issued
12 by any other department of county government or any other governmental agency who may
13 be interested in certain aspects of the proposed work. Where work for which a permit is
14 required by this chapter is started or proceeded with prior to obtaining the permit, the violator
15 shall be subject to such civil penalties as provided in K.C.C.((C))chapter 23.04. However,
16 the payment of such civil penalties shall not relieve any persons from fully complying with
17 the requirements of this chapter in the execution of the work nor from any other penalties
18 prescribed thereon.

19 SECTION 4. Ordinance 1488, Section 11, as amended, and K.C.C. 16.82.100 are
20 hereby amended as follows:

21 Operating conditions and standards of performance.

22 A. Any activity that will clear, grade or otherwise disturb the site, whether
23 requiring a clearing or grading permit or not, shall provide erosion and sediment control
24 (ESC) that prevents, to the maximum extent possible, the transport of sediment from the
25 site to drainage facilities, water resources and adjacent properties. Erosion and sediment
26 controls shall be applied as specified by the temporary ESC measures and performance
27 criteria and implementation requirements in the King County erosion and sediment control

