KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 29, 2004

Ordinance 15052

Proposed No. 2004-0123.3 **Sponsors** Constantine

AN ORDINANCE related to surface water; 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 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 10636, Section 3, as amended, and K.C.C. 9.12.015, Ordinance 10636, Section 4, as amended, and K.C.C. 9.12.025 and Ordinance 10636, Section 5, as amended, and K.C.C. 9.12.035 and adding a new section to K.C.C. chapter 9.04.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

Definitions. The ((~~following~~)) definitions ((~~shall~~)) in this section apply ((~~in the interpretation and enforcement of~~)) throughout this chapter((~~:~~)) unless the context clearly requires otherwise.

A. "Adjustment" means a department-approved variation in the application of the requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular project in accordance with K.C.C. 9.04.050C. ((~~The term~~)) "((~~a~~))Adjustment" replaces "variance," which ((~~had been~~)) was used in prior editions of the Surface Water Design Manual.

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

C. "Basin" means a ((~~drainage~~)) geographic area ((~~which~~)) that contains and drains to a stream or river named and noted on common maps, such as the Cedar river, Sammamish river, Green river, Snoqualmie river, Skykomish river or White river, or a geographic area that drains ((~~either~~)) to ((~~the Cedar, Green, Snoqualmie, Skykomish or White rivers, or the drainage areas which drain directly to Puget Sound~~)) a nonflowing water body named and noted on common maps, such as Lake Washington or Puget Sound.

D. "Basin ((~~P~~))plan" means a plan and all implementing regulations and procedures including, but not limited to, capital projects, public education activities and land use management adopted by ordinance for managing surface and storm water ((~~management facilities and features~~)) within ((~~individual subbasins~~)) the basin.

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

F. "Construct or modify" means to install a new drainage pipe or ditch or make improvements to an existing drainage pipe or ditch ((~~(~~)), for purposes other than ((~~routine~~)) maintenance, ((~~repair or emergency modifications, excluding driveway culverts installed as part of single-family residential building permits~~)) that either serves to concentrate previously unconcentrated surface and storm water runoff((~~,~~)) or serves to increase, decrease ((~~and/~~))or redirect the conveyance of surface and storm water runoff. "Construct or modify" does not include installation or maintenance of a driveway culvert installed as part of a single-family residential building permit.

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

H. "Department" means the department of natural resources and parks or its successor ((~~organization~~)).

I. "Development" means any activity that requires a permit or approval, including, but not limited to, a building permit, grading permit, shoreline substantial development

permit, conditional use permit, special use permit, zoning variance or reclassification, subdivision, short subdivision, urban planned development, binding site plan, site development permit or right-of-way use permit. "Development" does not include a Class I, II, III or IV-S forest practice conducted in accordance with chapter 76.09 RCW and Title 222 WAC or a class IV-G nonconversion forest practice, as defined in K.C.C. chapter 21A.06, conducted in accordance with chapter 76.09 RCW and Title 222 WAC and a county-approved forest management plan.

J. "Director" means the director of the department of natural resources and parks, or any duly authorized representative of ((~~such~~)) the director.

K. "Drainage" means the collection, conveyance, containment ((~~and/~~))or discharge, or any combination thereof, of surface and storm water runoff.

L. "Drainage facility" means a constructed or engineered feature that collects, conveys, stores or treats surface and storm water runoff. "Drainage ((~~facilities shall~~)) facility" includes, but is not ((~~be~~)) limited to, a constructed or engineered stream((~~s~~)), pipeline((~~s~~)), channel((~~s~~)), ditch((~~es~~)), gutter((~~s~~)), lake((~~s~~)), wetland((~~s~~)), closed depression((~~s~~)), flow control or water quality treatment ((~~facilities~~)) facility, erosion and sediment control ((~~facilities~~)) facility and other structure((~~s~~)) and appurtenance((~~s~~)) that provides for drainage.

M. "Drainage review" means an evaluation by King County staff of a proposed project's compliance with the drainage requirements in the Surface Water Design Manual. The types of drainage review include: small project drainage review, targeted drainage review, full drainage review and large project drainage review.

N. "Erosion and sediment control" means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation and ensure that sediment-laden water does not leave the site or enter into wetlands or aquatic areas.

O. "Financial guarantee" means a form of financial security posted to do one or more of the following: ensure timely and proper completion of improvements((~~, to~~)); ensure compliance with the King County Code((~~, and/~~)); or ((~~to~~)) provide secured warranty of materials, workmanship of improvements and design. "Financial guarantees" include assignments of funds, cash deposit, surety bonds ((~~and/~~))or other forms of financial security acceptable to the director of the department of development and environmental services. ((~~For the purposes of this chapter, the terms~~)) "((~~p~~))Performance guarantee," "maintenance guarantee" and "defect guarantee" are considered sub((-))categories of financial guarantee.

P. "Flood hazard reduction plan" means a plan and all implementing programs, regulations and procedures including, but not limited to, capital projects, public education activities and enforcement programs for reduction of flood hazards and prepared in accordance with RCW 86.12.200.

Q. "Flow control best management practice" means a method or design for dispersing, infiltrating or otherwise reducing or preventing development-related increases in surface and storm water runoff at, or near, the sources of those increases. "Flow control best management practice" includes the methods and designs specified in the Surface Water Design Manual.

R. "Flow control facility" means a drainage facility designed to mitigate the impacts of increased surface and storm water runoff generated by site development ((~~pursuant to~~)) in accordance with the drainage requirements in this chapter. A "((~~F~~))flow

control ((~~facilities are~~)) facility" is designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration ((~~and/~~))or infiltration into the ground or to hold runoff for a short period of time and then release it to the conveyance system.

((~~Q.~~)) S. "Full drainage review" means the ((~~basic~~)) evaluation required by K.C.C. 9.04.030 for any proposed project, unless the project is subject to small project drainage review, targeted drainage review or large project drainage review, that:

1. ((~~Adds five~~)) Would result in two thousand square feet or more of new impervious surface;

2. ((~~Is located in a landslide hazard drainage area as mapped in the Surface Water Design Manual and adds two thousand square feet or more of new impervious surface~~)) Would result in thirty-five thousand square feet or more of new pervious surface; or

3. Is a redevelopment project ((~~proposing five hundred thousand dollars or more of site improvements which creates five thousand square feet or more of contiguous pollutant-generating impervious surface through any combination of new and/or replaced impervious surface~~)) on one or more parcels where the total of new and replaced impervious surface is five thousand square feet or more and when the valuation of proposed improvements exceeds fifty percent of the assessed value of the existing site improvements, including interior improvements and excluding required mitigation and frontage improvements.

((~~R.~~)) T. "High-use site" means a commercial, industrial or road intersection site that generates a higher than average number of vehicle turnovers or has other

characteristics that generate the potential for chronic oil accumulation. "High use site((s))" includes:

1. A ((C))commercial or industrial site((s)) subject to:

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

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

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

2. A ((R))road intersection((s)) with average daily traffic counts of twenty-five thousand vehicles or more on the main roadway and fifteen thousand or more vehicles on any intersecting roadway ((()), excluding pedestrian or bicycle use improvement projects((,)).

((S.)) U. "Hydraulically connected" means connected through surface flow or water features such as wetlands or lakes.

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

An ((~~O~~))open uncovered flow control or water quality treatment ((~~facilities shall~~)) facility is not ((~~be considered as~~)) an "impervious surface((s)).

((~~U.~~)) W. "Improvement" means a permanent, human-made, physical change to land or real property including, but not limited to, buildings, streets (((~~with or without curbs or gutters~~))), driveways, sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities((~~, street trees~~)) and ((~~other appropriate items~~)) landscaping.

X. "Land disturbing activity" means an activity that results in a change in the existing soil cover, both vegetative and nonvegetative, or to the existing soil topography. "Land disturbing activity" includes, but is not limited to, demolition, construction, clearing, grading, filling, excavation and compaction. "Land disturbing activity" does not include tilling conducted as part of agricultural practices, landscape maintenance or gardening.

((~~V.~~)) Y. "Lake management plan" means a plan describing the lake management recommendations and requirements adopted by public rule for managing water quality within individual lake basins.

((~~W.~~)) Z. "Large ((~~site~~)) project drainage review" means the evaluation required by K.C.C. 9.04.030 for any proposed project that:

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

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

3. ((~~Is on~~)) Has a project site of fifty acres or more within ((~~the recharge area of a sole-source aquifer designated by the federal Environmental Protection Agency and depicted as such on the areas highly susceptible to groundwater contamination map adopted as part of the King County Comprehensive Plan~~)) a critical aquifer recharge area, as defined in K.C.C. Title 21A.

((~~X.~~)) AA. "Licensed civil engineer" means a person registered with the ((~~S~~))state of Washington as a professional engineer in civil engineering.

BB. "Maintenance" means those usual activities taken to prevent a decline, lapse or cessation in the use of currently serviceable structures, facilities, equipment or systems, if there is no expansion of the structure, facilities, equipment or system and there are no significant hydrologic impacts. "Maintenance" includes the repair or replacement of nonfunctional facilities or the replacement of existing structures with different types of structures, if the repair or replacement is required by one or more environmental permits or to meet current engineering standards and the functioning characteristics of the original facility or structure are not changed.

((~~Y.~~)) CC. "Master drainage plan" means a comprehensive drainage control plan intended to prevent significant adverse impacts to the natural and constructed drainage system, both on- and off-site.

DD.1. "Native vegetated surface" means a surface in which the soil conditions, ground cover and species of vegetation are like those of the original native condition for the site, as more specifically set forth in the Surface Water Design Manual.

EE. "Natural discharge location" means the location where runoff leaves the project site under existing site conditions as defined in the Surface Water Design Manual.

FF. "New impervious surface" means the creation of a hard or compacted surface such as roofs, pavement, gravel or dirt or the addition of a more compacted surface such as the paving of existing dirt or gravel.

GG. "New pervious surface" means the conversion of a native vegetated surface or other native surface to a nonnative pervious surface, including, but not limited to, pasture land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration of existing nonnative pervious surface that results in increased surface and storm water runoff as defined in the Surface Water Design Manual.

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

((~~AA.~~)) II. "Pollution-generating pervious surface" means a nonimpervious surface ((~~with vegetative ground cover~~)) considered to be a significant source of pollutants in surface and storm water runoff. "Pollution-generating pervious surfaces" include surfaces subject to the use of pesticides and fertilizers, to the use or storage of erodible or leachable materials, wastes or chemicals or to the loss of soil. ((~~Such~~)) "Pollution-generating pervious surface((~~s~~)) includes, but ((~~are~~)) not limited to, the lawn and landscaped areas of a

residential or commercial site((s)), golf course((s)), park((s)), ((~~and~~)) sports field((s)) and county-standard grassed modular grid pavement.

((~~BB. "Preapplication" means either the meeting or meetings or form or forms, or both, used by applicants for some development permits to present initial project intentions to the department of development and environmental services or its successor agency. Preapplication does not mean application.~~

~~CC.~~)) JJ. "Project" means any proposed action to alter or develop a site ((~~which~~)) that may also require drainage review.

((~~DD.~~)) KK. "Project site" means the portion of a site and any offsite areas subject to proposed project activities, alterations and improvements including those required by this chapter.

((~~EE.~~)) LL. "Redevelopment project" means a project that proposes to add, replace ((~~and/or alter~~)) or modify impervious surface for purposes other than ((~~routine~~)) a residential subdivision or maintenance((~~, resurfacing, regrading, or repair~~)) on a site that:

1. ((~~i~~))Is already substantially developed in a manner that is consistent with its current zoning or with a legal nonconforming use; or

2. Has an existing impervious surface coverage of ((~~(~~))thirty-five percent or more ((~~existing impervious surface coverage)~~)).

MM. "Replaced impervious surface" means an existing impervious surface proposed to be removed and reestablished as impervious surface, excluding impervious surface removed for the sole purpose of installing utilities or performing maintenance. For purposes of this definition, "removed" includes the removal of buildings down to

bare soil or the removal of Portland cement concrete slabs or pavement or asphaltic concrete pavement together with any asphalt-treated base.

((~~FF.~~)) NN. "Runoff" means that portion of water originating from rainfall and other precipitation that flows over the surface or just below the surface from where it fell and is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes ((~~and~~)), wetlands and shallow groundwater as well as ((~~shallow~~)) on ground ((~~water~~)) surfaces. For the purpose of this definition, groundwater means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

OO. "Salmon conservation plan" means a plan and all implementing regulations and procedures including, but not limited to, land use management adopted by ordinance, capital projects, public education activities and enforcement programs for conservation and recovery of salmon within a water resource inventory area designated by the state under WAC 173-500-040.

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

((~~HH.~~)) QQ. "Site" means a single parcel, or two or more contiguous parcels that are under common ownership or documented legal control, used as a single parcel for a proposed project for purposes of applying for authority from King County to carry out a

266 proposed project. For projects located primarily within dedicated rights-of-way, "site"
267 includes the entire width of right-of-way subject to improvements proposed by the project.
268 RR. "Small ((~~site~~)) project drainage review" means ((~~a simplified alternative to~~
269 ~~full~~)) the drainage review ((~~required by K.C.C. 9.04.030 allowed~~)) for a proposed single-
270 family residential project((~~s~~)) or agricultural project that ((~~adds~~)):
271 1. Would result in:
272 a. ten thousand square feet or less of ((~~new~~)) total impervious surface added on
273 or after January 8, 2001; or
274 b. four percent or less of total impervious surface on a site as specified in the
275 Surface Water Design Manual; and
276 2. Meets the small project drainage requirements specified in the Surface Water
277 Design Manual, including flow control best management practices, erosion and sediment
278 control measures and drainage plan submittal requirements; and
279 3. Limits new pervious surface as specified in the Surface Water Design Manual.
280 ((~~II. "Site" means the legal boundaries of the parcel or parcels of land for which an~~
281 ~~applicant has or should have applied for authority from King County to carry out a~~
282 ~~development activity including any drainage improvements required by this chapter.~~))
283 SS. "Stormwater compliance plan" means a plan or study and all regulations and
284 procedures that have been adopted by the county to implement the plan or study, including,
285 but not limited to, capital projects, public education activities and enforcement programs
286 for managing stormwater quantity and quality discharged from the county's municipal
287 separate storm sewer system in compliance with the National Pollutant Discharge
288 Elimination System permit program under the Clean Water Act.

((~~JJ.~~)) TT. "Subbasin" means a ((~~drainage~~)) geographic area ((~~which~~)) that:

1. ((~~d~~))Drains to a ((~~water course~~)) stream or water body named and noted on common maps; and ((~~which~~))

2. ((~~i~~))Is contained within ((~~a~~)) the basin ((~~as defined in K.C.C. 9.04.020~~)) of the stream or water body.

((~~KK.~~)) UU. "Surface and storm water" means water originating from rainfall and other precipitation that is found on ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes ((~~and~~)), wetlands and shallow ground water.

((~~LL.~~)) VV. "Surface Water Design Manual" means the manual ((~~(~~)), and supporting ((~~document as appropriate~~))) documentation referenced or incorporated in the manual, describing surface and storm water design and analysis requirements, procedures and guidance ((~~which~~)) that has been formally adopted by rule under the procedures ((~~specified~~)) in K.C.C. chapter 2.98. The Surface Water Design Manual is available from the department of development and environmental services or the department of natural resources and parks, water and land resources division, or their successor agencies.

((~~MM.~~)) WW. "Targeted drainage review" means an abbreviated evaluation required by K.C.C. 9.04.030 for certain types of proposed projects ((~~which~~)) that are not subject to full or large ((~~site~~)) project drainage review. Targeted drainage review may be required for some projects in small ((~~site~~)) project drainage review.

((~~NN.~~)) XX. "Water quality treatment facility" means a drainage facility designed to reduce pollutants once they are already contained in surface and storm water runoff. A ((~~W~~))water quality treatment ((~~facilities are~~)) facility is the structural component of best management practices((~~((BMPs)~~)). When used singly or in combination, a water quality

((~~facilities~~)) treatment facility reduces the potential for contamination of both surface and((~~/or~~)) ground waters.

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

Drainage review – when required – type.

A. ((~~When required. A d~~))Drainage review is required when any proposed project is subject to a King County development permit or approval and:

1. Would ((~~add five~~)) result in two thousand square feet or more of new impervious surface;

2. Would involve seven thousand square feet or more of land disturbing activity;

3. Would construct or modify a drainage pipe((~~/~~)) or ditch that is twelve inches or more in size or depth or receives surface and storm water runoff from a drainage pipe((~~/~~)) or ditch that is twelve inches or more in size or depth;

((~~3.~~)) 4. Contains or ((~~be~~)) is adjacent to a ((~~floodplain, stream, lake, wetland or closed depression, or~~)) a ((~~sensitive~~)) flood hazard area as defined in K.C.C. chapter 21A.24((~~ excluding a seismic, coal mines and volcanic hazard areas.~~));

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

5. Is located within a critical drainage area;

6. ((~~Is located within a rural zoned area subject to area 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;~~

335 ~~7.~~)) Is a redevelopment project proposing one hundred thousand dollars or more
336 of improvements to an existing high-use site; or
337 ((~~8.~~)) 7. Is a redevelopment project ((~~proposing five hundred thousand dollars or~~
338 ~~more of site improvements and would create five thousand square feet or more of~~
339 ~~contiguous pollution-generating impervious surface through any combination of new~~
340 ~~and/or replaced impervious surface~~)) on a site in which the total of new plus replaced
341 impervious surface is five thousand square feet or more and whose valuation of proposed
342 improvements, including interior improvements and excluding required mitigation and
343 frontage improvements, exceeds fifty percent of the assessed value of the existing site
344 improvements.
345 B. ((~~Type of drainage review.~~)) The drainage review for any proposed project
346 shall be ((~~targeted~~)) scaled to the scope of the project's size, type of development and
347 potential for impacts to the regional surface water system to facilitate preparation and
348 review of project applications. If drainage review for a proposed project is required ((~~by~~
349 ~~K.C.C. 9.04.030A~~)) under subsection A. of this section, the department of development
350 and environmental services shall determine which of the following drainage reviews
351 apply as specified in the Surface Water Design Manual:
352 1. Small ((~~site~~)) project drainage review;
353 2. Targeted drainage review;
354 3. Full drainage review; or
355 4. Large ((~~site~~)) project drainage review.
356 SECTION 3. Ordinance 2281, Section 5, as amended, and K.C.C. 9.04.050 are
357 each hereby amended to read as follows:

Drainage review – requirements.

A. ((~~Core requirements. Every permit or approval application with~~)) A proposed project required to have drainage review ((~~required~~)) by K.C.C. 9.04.030 must meet each of the following core requirements, which are described in detail in the Surface Water Design Manual. Projects subject only to small project drainage review that meet the small project drainage requirements specified in the Surface Water Design Manual, including flow control best management practices, erosion and sediment control measures and drainage plan submittal requirements are deemed to comply with the following core requirements:

1. Core requirement ((#))1: Discharge at the natural location. All surface and storm water runoff from a project shall be discharged at the natural location so as not to be diverted onto, or away from, downstream properties. The manner in which runoff is discharged from the project site shall not create a significant adverse impact to downhill properties or drainage systems as specified in the discharge requirements of the Surface Water Design Manual((.));

2. Core requirement ((#))2: Offsite analysis. The initial application submittal for proposed projects shall include an offsite analysis report that assesses potential offsite drainage impacts associated with development of the proposed site and proposes appropriate mitigations to those impacts. This initial submittal shall include, at minimum, a Level One downstream analysis as described in the Surface Water Design Manual. If impacts are identified, the proposed projects shall meet any applicable problem-specific requirements as specified in the Surface Water Design Manual((.));

3. Core Requirement ((#))3: Flow control. Proposed projects that would result in two thousand square feet or more of new impervious surface or thirty-five thousand square feet or more of new pervious surface, or that are redevelopment projects that would result in a total of five thousand square feet or more of new and replaced impervious surface, shall provide flow control facilities or flow control BMPs, or both, to ((~~mitigate the increased~~)) control surface and storm water runoff generated by ((~~the addition of five thousand square feet or more of~~)) new impervious surface ((~~and any related land cover conversion~~)), new pervious surface, replaced impervious surface and any existing impervious surface added on or after January 8, 2001, as specified in the Surface Water Design Manual. ((~~These~~)) Flow control ((~~F~~))facilities shall meet the area-specific flow control facility requirements and the flow control facility implementation requirements applicable to the project site as specified in the Surface Water Design Manual. Flow control BMPs shall also be applied as specified in the Surface Water Design Manual. Projects subject to area-specific flow control facility requirements shall meet one of the flow control facility performance criteria listed ((~~below~~)) in a. through c. of this subsection A.3., as directed by the Surface Water Design Manual:

a. Level One((~~:~~)) shall match the predeveloped site's peak discharge rates for the two-year and ten-year return periods;

b. Level Two((~~:~~)) shall meet Level One criteria and also match the predeveloped site's discharge durations for the predeveloped peak discharge rates between the fifty percent of the two-year peak flow through the fifty-year peak flow; or

c. Level Three((~~:~~)) shall meet Level Two criteria and also match the predeveloped site's peak discharge rate for the one hundred-year return period((~~.~~));

4. Core requirement ((#))4: Conveyance system. All engineered conveyance system elements for proposed projects shall be analyzed, designed and constructed to provide the minimum level of protection against overtopping, flooding, erosion and structural failure as specified by the conveyance requirements for new and existing systems and conveyance implementation requirements described in the Surface Water Design Manual((~~.~~));

5. Core requirement ((#))5: Erosion and sediment ((~~plan~~)) control. 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~~)) practicable, 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~~)) erosion and sediment control measures and performance criteria and implementation requirements in the King County ((~~erosion and sediment control standards.~~)) Surface Water Design Manual;

6. Core requirement ((#))6: Maintenance and operation. Maintenance of all drainage facilities in compliance with King County maintenance standards is the responsibility of the applicant((~~/~~)) or property owner as described in the Surface Water Design Manual, except those facilities for which King County ((~~is granted an easement or covenant and~~)) assumes maintenance and operation as described in K.C.C. 9.04.115 and 9.04.120 and the Surface Water Design Manual((~~.~~));

7. Core requirement ((#))7: Financial guarantees and liability. All drainage facilities constructed or modified for projects, except downspout infiltration and dispersion systems for single family residential lots, must comply with the liability

requirements of K.C.C. 9.04.100 and the financial guarantee requirements of K.C.C. Title 27A((~~.~~)); and

8. Core requirement ((#))8: Water quality. Proposed projects that would result in five thousand square feet or more of new pollution generating impervious surface or thirty-five thousand square feet or more of new pollution-generating pervious surface, or that are redevelopment projects that would result in a total of five thousand square feet or more of new and replaced pollution-generating impervious surface, shall provide water quality treatment facilities to treat polluted surface and storm water runoff generated by ((~~the addition and/or replacement of five thousand square feet or more of~~)) new or replaced pollution-generating impervious surface, ((~~or one acre or more of pollutant~~)) new pollution-generating pervious surface and any existing pollution-generating impervious surface added on or after January 8, 2001, as specified in the Surface Water Design Manual. ((~~; h~~))However, pervious surfaces are specifically excluded if there is a good faith agreement with the King Conservation District to implement a farm management plan for agricultural uses, and pervious areas for other uses are specifically excluded if King County department of development and environmental services approves a landscape management plan that controls pesticides and fertilizers leaving the site. ((~~These~~)) Water quality treatment facilities shall meet the area-specific water quality treatment requirements and the water quality implementation requirements applicable to the project site as specified in the Surface Water Design Manual. ((~~At a minimum, t~~))The facilities ((~~shall reduce~~)) specified by these requirements are designed to reduce pollutant loads ((~~by meeting~~)) according to the applicable annual average performance goals listed

((~~below~~)) in a. through d. of this subsection A.8. for ninety-five percent of the annual average runoff volume:

a. for basic water quality: remove eighty percent of the total suspended solids;

b. ((~~sensitive lake protection~~)) for enhanced basic water quality: remove fifty percent of the total ((~~phosphorus~~)) zinc;

c. for ((~~resource stream~~)) sensitive lake protection: remove fifty percent of the total ((~~zinc~~)) phosphorus; and

d. for sphagnum bog protection: remove fifty percent of the total phosphorus and forty percent of the total nitrate plus nitrite. The discharge shall maintain a pH of less than 6.5 and an alkalinity of less than ten milligrams per liter.

B. ((~~Special Requirements. Every~~)) A proposed project required by K.C.C. 9.04.030 to have drainage review shall meet any of the following special requirements, which apply to the site and which are described in detail in the Surface Water Design Manual. The department of development and environmental services shall verify if a proposed project is subject to and must meet((~~s~~)) any of the following special requirements.

1. Special Requirement ((#))1: Other adopted area-specific requirements. If a proposed project is in a designated critical drainage area, or is in an area included in an adopted master drainage plan, basin plan, salmon conservation plan, stormwater compliance plan, flood hazard reduction plan, lake management plan or shared facility plan, then the proposed project shall meet the applicable drainage requirements of the critical drainage area, master drainage plan, basin plan, salmon conservation plan,

stormwater compliance plan, flood hazard reduction plan, lake management plan or shared facility plan((~~.~~));

2. Special Requirement ((#))2: Floodplain/floodway delineation. If a proposed project contains or is adjacent to a stream, lake, wetland or closed depression, or if other King County regulations require study of flood hazards relating to the proposed project, ((~~then~~)) the one hundred year floodplain boundaries ((~~(~~))and floodway ((~~if available or if improvements are proposed within the one hundred year floodplain), based on an approved~~)) shall be determined and delineated on the site improvement plans and profiles and any final maps prepared for the proposed project. The flood hazard study ((~~as described~~)) shall be prepared for as specified in the Surface Water Design Manual((~~, shall be delineated on the site improvement plans and profiles, and on any final subdivision maps prepared for the proposed project.~~));

3. Special Requirement ((#))3: Flood protection facilities. If a proposed project contains or is adjacent to a ((~~Class 1 or 2~~)) stream that has an existing flood protection facility ((~~(~~)), such as a levee((~~s~~)), revetment((~~s and~~)) or berm((~~s~~))), or proposes to either construct a new((~~,~~)) or modify an existing((~~,~~)) flood protection facility, then the flood protection facilities shall be analyzed and((~~/or~~)) designed as specified in the Surface Water Design Manual to conform with the Federal Emergency Management ((~~Administration~~)) Agency regulations as found in ((~~(~~))44 C.F.R.((~~).~~));

4. Special Requirement ((#))4: Source Control. If a proposed project requires a commercial building or commercial site development permit, then water quality source controls shall be applied to prevent rainfall and runoff from coming into contact with pollutants to the maximum extent ((~~possible~~)) practicable. Water quality source controls

shall be applied in accordance with K.C.C. chapter 9.12, ((~~and~~)) the King County stormwater pollution ((~~control~~)) prevention manual and the Surface Water Design Manual. All structural source controls shall be identified on the site improvement plans and profiles or final maps prepared for the proposed project((~~.~~)); and

5. Special Requirement ((#))5: Oil control. If a proposed project is a high-use site or is a redevelopment project proposing ((~~$100,000~~)) one hundred thousand dollars or more of improvements to an existing high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as specified in the Surface Water Design Manual.

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

a. produce a compensating or comparable result in the public interest, and

b. meet this chapter's objectives of safety, function, appearance, environmental protection and maintainability based upon sound engineering judgment.

2. If ((~~meeting the provisions of~~)) complying with ((~~K.C.C. 9.04.050C.1.a~~)) subsection C.1.a. of this section will deny all reasonable use of a property, the best practicable alternative shall be obtained as determined by the director of the department of development and environmental services according to the adjustment process defined in the Surface Water Design Manual.

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

4. A ((~~R~~))request((~~s~~)) for an adjustment((~~s~~)) is a Type 1 land use decision as provided for in K.C.C. 20.20.060 and shall be processed in accordance with the procedures specified in the Surface Water Design Manual. (((~~Note that the adjustment concept has been termed "variance" in earlier editions of the Surface Water Design Manual.~~))

5. The county may require monitoring of experimental designs and technology or untested applications proposed by the applicant in order to determine compliance with ((~~K.C.C. 9.04.050C.1~~)) subsection C.1. of this section and the approved plans and conditions.

6. The applicant may appeal an adjustment decision by following the appeal procedures as specified in the Surface Water Design Manual.

SECTION 4. Ordinance 2281, Section 6, as amended, and K.C.C. 9.04.070 are each hereby amended to read as follows:

Engineering plans for the purposes of drainage review.

A. ((~~Where to submit.~~)) 1. All engineering plans shall be submitted to the department of development and environmental services for review in accordance with the Surface Water Design Manual except those drainage plans developed by, or under the review of, the department of natural resources and parks for either surface and storm water capital improvement, repair, maintenance or restoration projects or other linear

537 government agency projects((~~that are linear in shape~~)), such as roadways, railways,
538 pipelines, utility lines and trails.
539 2. If engineering plans are returned for any reason, they shall be returned to the
540 applicant.
541 ((~~2.~~)) 3. All master drainage plans, if required, shall be submitted to the
542 department of development and environmental services for review in accordance with the
543 specifications in the Surface Water Design Manual. The master drainage plan process
544 should commence at the same time as the ((~~S~~))state Environmental Policy Act (SEPA)
545 process.
546 ((~~3.~~)) 4. ((~~All d~~))Drainage plans not subject to review by the department of
547 development and environmental services ((~~pursuant to~~)) under subsection A.1. of this
548 section shall be reviewed by the department of natural resources and parks in accordance
549 with K.C.C. 9.04.050. Project applicability and compliance with K.C.C. 9.04.050 shall
550 be documented in writing and available for review.
551 B. ((~~Expiration.~~)) The expiration time frames as specified in the Surface Water
552 Design Manual shall apply to all permit and approval applications.
553 C. ((~~Processing.~~)) All plans shall be processed in accordance with the review
554 procedures specified in the Surface Water Design Manual.
555 D. ((~~Contents.~~)) All submittal procedures, definitions and specifications for the
556 required contents of engineering plans are presented in the Surface Water Design
557 Manual.
558 SECTION 5. Ordinance 4938, Section 7, as amended, and K.C.C. 9.04.090 are
559 each hereby amended to read as follows:

Construction timing and final approval.

A. No work related to permanent or temporary storm drainage control for a permitted development may proceed without the approval of the director of the department of development and environmental services.

B. Erosion and sediment control measures associated with both the interim and permanent drainage systems shall be:

1. Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with an approved erosion and sediment control plan; and

2. Satisfactorily sequenced and maintained until all improvements, restoration, and landscaping associated with the permit and approvals for the project are completed and the potential for onsite erosion has passed.

C. ((~~Prior to~~)) The applicant shall have constructed and have in operation those portions of the drainage facilities necessary to accommodate the control of surface and storm water runoff discharging from the site before the construction of any other improvements or buildings on the site, or to final recording of a plat or short plat, ((~~those portions of the drainage facilities necessary to accommodate the control of surface and stormwater runoff discharging from the site shall be constructed and in operation, but, after receipt of a~~)) unless upon written request of the applicant, the development engineer ((~~may~~)) authorizes recording before construction of facilities in order to minimize impacts that may result from construction of facilities during inappropriate times of the year.

582 SECTION 6. Ordinance 10636, Section 3, as amended, and K.C.C. 9.12.015 are
583 each hereby amended to read as follows:
584 **Definitions**. The ((~~following~~)) definitions ((~~shall~~)) in this section apply ((~~in the~~
585 ~~interpretation and enforcement of~~)) throughout this chapter((~~:~~)) unless the context clearly
586 requires otherwise.
587 A. "AKART" means ((~~an acronym for~~)) "all known, available((~~,~~)) and reasonable
588 methods of prevention, control((~~,~~)) and treatment." "AKART" ((~~shall~~)) represents the
589 most current methodology that can be reasonably required for preventing, controlling((~~,~~))
590 or abating the pollutants associated with a discharge. ((~~The concept of~~)) "AKART"
591 applies to both point and nonpoint sources of pollution.
592 B. "Best management practices" or "BMPs" mean the best available and
593 reasonable physical, structural, managerial((~~,~~)) or behavioral activities, that, when used
594 singly or in combination, eliminate or reduce the contamination of both surface and((~~/or~~))
595 ground waters.
596 C. "Chapter" means this chapter and any administrative rules and regulations
597 adopted to implement this chapter.
598 D. "Clean Water Act" means 33 U.S.C. 1251 et. seq., as amended.
599 E. ((~~"County" means the municipality of King County.~~
600 ~~F.~~)) "Director" means the director of the King County department of natural
601 resources and parks, other department directors specified in enforcement procedures
602 established ((~~pursuant to~~)) in accordance with this chapter, or any ((~~duly authorized~~
603 ~~representatives~~)).designee of ((~~such~~)) those directors.

((~~G.~~)) F. "Discharge" means ((~~to~~)) throw, drain, release, dump, spill, empty, emit((~~,~~)) or pour forth any matter or ((~~to~~)) cause or allow matter to flow, run((~~,~~)) or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted or poured into water.

((~~H.~~)) G. "Drainage facility" ((~~means the system that collects, conveys, and stores surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities and other drainage structures and appurtenances, both natural and artificial~~)) has the same meaning as in K.C.C. 9.04.020.

((~~I.~~)) H. "Farm management plan" means a comprehensive site-specific plan developed by the farm owner in cooperation with the King ((~~County~~)) Conservation District taking into consideration the land owners objectives while protecting water quality and related natural resources.

((~~J.~~)) I. "Forest practices" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, as defined in ((~~C~~))chapter 222-16 ((~~Washington Administrative Code~~)) WAC.

((~~K.~~)) J. "Ground water" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir((~~,~~)) or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.

((~~L.~~)) K. "National Pollutant Discharge Elimination System" or "NPDES" means the national program for controlling pollutants from point source discharges directly into waters of the United States under the Clean Water Act.

((~~M.~~)) L. "National Pollutant Discharge Elimination System permit" means an authorization, license((~~,~~)) or equivalent control document issued by the Environmental Protection Agency or the Washington ((~~S~~))state Department of Ecology to implement the requirements of the NPDES program.

((~~N.~~)) M. "Person" means an individual((~~, their~~)) and his or her agent((~~s~~)) or assign((~~s;~~)), municipality((~~;~~)), political subdivision((~~;~~)), government agency((~~;~~)), partnership((~~;~~)), corporation((~~;~~)), business((~~;~~)) or any other entity.

((~~O.~~)) N. "Source control BMP" means a BMP intended to prevent contaminants from entering surface and storm water ((~~and/~~))or ground water including the modification of processes to eliminate the production or use of contaminants. "Source control BMPs" can be either structural or nonstructural. Structural source control BMPs involve the construction of a physical structure on site, or other type of physical modification to a site((~~; for~~)). An example((~~,~~)) of a structural source control BMP is building a covered storage area. A non((-))structural source control BMP involves the modification or addition of managerial or behavioral practices((~~; for~~)). An example((~~,~~)) of a nonstructural source control BMP is using less toxic alternatives to current products or sweeping parking lots.

((~~P.~~)) O. "State Waste Discharge Permit" means an authorization, license, or equivalent control document issued by the Washington ((~~S~~))state Department of Ecology in accordance with ((~~C~~))chapter 173-216 ((~~Washington Administrative Code~~)) WAC.

((~~Q.~~)) P. "((~~Storm Water BMP~~)) Stormwater Pollution Prevention Manual" ((~~or "manual"~~)) means the manual adopted in accordance with K.C.C. chapter 2.98, ((~~(~~))and supporting ((~~documents as appropriate~~)) documentation referenced or incorporated in the manual, describing best management practices((~~, design, maintenance,~~)) and procedures((~~, and guidance which has been approved by the King County council~~)) for existing facilities and existing and new activities not covered by the Surface Water Design Manual.

((~~R.~~)) Q. "Surface and storm water" ((~~means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water~~)) has the same meaning as in K.C.C. 9.04.020.

((~~S.~~)) R. "Treatment BMP" means a BMP intended to remove contaminants once they are already contained in storm water. Examples of treatment BMPs include((~~:~~)) oil/water separators, biofiltration swales((~~,~~)) and ((~~wet-settling basins~~)) wetponds.

SECTION 7. Ordinance 10636, Section 4, as amended, and K.C.C. 9.12.025 are each hereby amended to read as follows:

Discharges into King County waters.

A. ((~~Prohibited discharges.~~)) 1. It is unlawful for any person to discharge any contaminants into surface and storm water, ground water((~~,~~)) or Puget Sound. Contaminants include, but are not limited, to the following:

a. trash or debris;

b. construction materials;

c. petroleum products including but not limited to oil, gasoline, grease, fuel oil, and heating oil;

d. antifreeze and other automotive products;

e. metals in either particulate or dissolved form;

f. flammable or explosive materials;

g. radioactive material;

h. batteries;

i. acids, alkalis, or bases;

j. paints, stains, resins, lacquers((,)) or varnishes;

k. degreasers and((~~/or~~)) solvents;

l. drain cleaners;

m. pesticides, herbicides((,)) or fertilizers;

n. steam cleaning wastes;

o. soaps, detergents((,)) or ammonia;

p. swimming pool backwash;

q. chlorine, bromine((,)) and other disinfectants;

r. heated water;

s. domestic animal wastes;

t. sewage;

u. recreational vehicle waste;

v. animal carcasses;

w. food wastes;

x. bark and other fibrous materials;

y. collected lawn clippings, leaves((,)) or branches;

z. silt, sediment((,)) or gravel;

aa. dyes, ((,))except as stated in subsection C.1. of this section((.));

bb. chemicals((,)) not normally found in uncontaminated water;

cc. any hazardous material or waste((,)) not listed above.

2. Illicit connections. Any connection((,)) identified by the director((,)) that could convey anything not composed entirely of surface and storm water directly to surface and storm water or ground water is considered an illicit connection and is prohibited with the following exceptions:

a. connections conveying allowable discharges((,));

b. connections conveying discharges pursuant to an NPDES permit, ((,))other than an NPDES storm water permit((.)), or a State Waste Discharge Permit((,)); and

c. connections conveying effluent from onsite sewage disposal systems to subsurface soils.

B. ((~~Allowable discharges.~~)) The following types of discharges shall not be considered prohibited discharges for the purpose of this chapter unless the director determines that the type of discharge, whether singly or in combination with other((s)) discharges, is causing significant contamination of surface and storm water or ground water:

1. Potable water;

2. Potable water line flushing;

3. Uncontaminated water from crawl space pumps or footing drains;

4. Lawn watering with potable water or collected rainwater;

5. Residential car and boat washing;

((~~6. Dechlorinated swimming pool water;~~

~~7.~~)) 6. Materials placed as part of an approved habitat restoration or bank stabilization project;

((~~8.~~)) 7. Natural uncontaminated surface water or ground water;

((~~9.~~)) 8. Flows from riparian habitats and wetlands;

((~~10.~~)) 9. The following discharges from boats: engine exhaust((~~,~~)); cooling waters((~~,~~)); effluent from sinks((~~,~~)); showers and laundry facilities; and treated sewage from Type I and Type II marine sanitation devices;

((~~11. Common practices for water well disinfection~~)) 10. Prohibited discharges to which BMPs are applied as specified in the Stormwater Pollution Prevention Manual or as determined necessary by the director. Activities that might result in prohibited discharges to which BMPs may be applied include, but are not limited to, residential auto repair and maintenance, residential auto washing, residential hazardous waste handling, residential maintenance and repair, residential solid and food waste handling and residential swimming pool and hot tub maintenance; and

((~~12.~~)) 11. Other types of discharges as determined by the director.

C. ((~~Exceptions.~~)) 1. Dye testing is allowable but requires verbal notification to the King County water and land resources division at least one day prior to the date of test. The King County ((~~health~~)) department of public health is exempt from this requirement.

2. A person does not violate subsection A. of this section ((~~1~~))if ((~~a~~)):

739 a. That person has properly designed, constructed, implemented and is
740 maintaining BMPs((~~,~~)) and is carrying out AKART as required by this chapter, ((~~and~~))
741 but contaminants continue to enter surface and storm water or ground water; or ((~~the~~))
742 b. That person can demonstrate that there ((~~is~~)) are no additional contaminants
743 being discharged from the site above the background conditions of the water entering the
744 site((~~; that person shall not be in violation of subsection A. of this section~~)).
745 3. ((~~Such~~)) A person who, under subsection C.2. of this section, is not in
746 violation of subsection A. of this section ((~~, however,~~)) is ((~~still~~)) liable for any prohibited
747 discharges through illicit connections, dumping, spills, improper maintenance of
748 BMPs((~~,~~)) or other discharges that allow contaminants to enter surface and storm water or
749 ground water.
750 ((~~3.~~)) 4. Emergency response activities or other actions that must be undertaken
751 immediately or within a time too short to allow full compliance with this chapter((~~,~~)) in
752 order to avoid an imminent threat to public health or safety, shall be exempt from this
753 section. The director by public rule may specify actions that qualify for this exception in
754 county procedures. ((~~The~~)) A person ((~~responsible for~~)) undertaking emergency response
755 activities ((~~should~~)) shall take steps to ensure that the discharges resulting from such
756 activities are minimized ((~~to the greatest extent possible~~)). In addition, this person shall
757 evaluate BMPs and the site plan, where applicable, to restrict recurrence.
758 SECTION 8. Ordinance 10636, Section 5, as amended, and K.C.C. 9.12.035 are
759 each hereby amended to read as follows:
760 ((~~**Best management practices**~~)) **Stormwater Pollution Prevention Manual.**
761 A. ((~~Best management practices.~~

762 ~~1. The King County water and land resources division shall develop a Storm~~
763 ~~Water Best Management Practices Manual and present this manual to the King County~~
764 ~~council for approval. The manual shall present BMPs and procedures for existing~~
765 ~~facilities and activities and for new development activities not covered by the King~~
766 ~~County surface water design manual. At a minimum, the manual shall describe the types~~
767 ~~of regulated activities; the types of contaminants generated by each activity, and the~~
768 ~~contaminant's effect on water quality; the required source control BMPs and available~~
769 ~~treatment BMPs, including information on design and maintenance; allowable use of~~
770 ~~alternative BMPs; and a schedule for BMP implementation.~~
771 ~~2.~~)) Compliance with this chapter shall be achieved through the use of the best
772 management practices described in the Stormwater Pollution Prevention Manual. In
773 applying the ((~~BMP~~)) Stormwater Pollution Prevention ((~~m~~))Manual, the director shall
774 first require the implementation of source control BMPs. If these are not sufficient to
775 prevent contaminants from entering surface and storm water or ground water, the director
776 may require implementation of treatment BMPs((~~, according to~~)) as set forth in AKART.
777 The King County water and land resources division will provide, upon reasonable
778 request, available technical assistance materials and information, and information on
779 outside financial assistance options to persons required to comply with this chapter.
780 B. ((~~Exemptions.~~
781 ~~1.~~)) In applying the Stormwater Pollution Prevention Manual to prohibited
782 discharges from normal residential activities, the director shall use public education and
783 warnings as the primary method of gaining compliance with this chapter and shall not use

citations, notice and orders, assessment of civil penalties and fines, or other compliance actions as authorized in K.C.C. 23.02.040, unless the director determines:

a. the discharge from a normal residential activity, whether singly or combination with other discharges, is causing a significant contribution of contaminants to surface and storm water or ground water; or

b. the discharge from a normal residential activity poses a hazard to the public health, safety or welfare, endangers any property or adversely affects the safety and operation of county right-of-way, utilities or other county-owned or maintained property.

C. Persons implementing BMPs through another federal, state((~~,~~)) or local program will not be required to implement the BMPs prescribed in the county's Stormwater Pollution Prevention ((~~m~~))Manual, unless the director determines the alternative BMPs ((~~to be~~)) are ineffective at reducing the discharge or contaminants. If the other program requires the development of a stormwater pollution prevention plan or other best management practices plan, the person shall make ((~~their~~)) the plan available to King County upon request. Persons who qualify for exemptions include, but are not limited to, persons ((~~who are~~)):

((~~a.~~)) 1. ((~~r~~))Required to obtain a general or individual NPDES permit for storm water discharges from the Washington ((~~S~~))state Department of Ecology;

((~~b.~~)) 2. ((~~i~~))Implementing and maintaining, as scheduled, a King Conservation District-approved farm management plan;

((~~c.~~)) 3. ((~~permitted~~)) Who have received a permit under a Washington ((~~S~~))state Department of Ecology NPDES general or individual permit for commercial dairy operations;

((~~d.~~)) 4. ((~~i~~))Implementing BMPs in compliance with K.C.C. chapter 21A.30((~~Development Standards: Animals, Home Occupation, Home Industry~~));

((~~e.~~)) 5. ((~~i~~))Implementing BMPs in compliance with the management program of the county's municipal NPDES permit;

((~~f.~~)) 6. ((e))Engaged in forest practices, with the exception of forest practices occurring on lands platted after January 1, 1960, or on lands being converted to another use((~~,~~)) or ((~~where~~)) when regulatory authority is otherwise provided to local government by RCW 76.09.240; or

((~~g.~~)) 7. ((~~i~~))Identified by the director as being exempt from this section.

((~~2. Persons conducting normal single family residential activities will not be required to implement the BMPs prescribed in the county's manual, unless the director determines that these activities pose a hazard to public health, safety, or welfare; endanger any property; or adversely affect the safety and operation of county right-of-way, utilities, and/or other property owned or maintained by the county. The county council intends to consider the application of BMPs to single family residential activities after completion of the Storm Water Best Management Practices Manual.~~))

NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 9.04 a new section to read as follows:

Vesting period for lots in final short plats. Unless the department finds that a change in conditions creates a serious threat to the public health or safety in the short subdivision, for a period of five years after recording, a lot within a short subdivision shall be governed by the provisions of this chapter in effect at the time a fully completed

application for short subdivision approval was filed in accordance with K.C.C. chapter 20.20.

SECTION 10. **Effective date.** This ordinance takes effect January 1, 2005.

SECTION 11. **Severability.** If any provision of this ordinance or its application

833 to any person or circumstance is held invalid, the remainder of the ordinance or the

834 application of the provision to other persons or circumstances is not affected.

835

Ordinance 15052 was introduced on 3/8/2004 and passed as amended by the Metropolitan King County Council on 10/25/2004, by the following vote:

Yes: 7 - Mr. Phillips, Ms. Edmonds, Mr. Pelz, Mr. Ferguson, Mr. Gossett, Ms. Patterson and Mr. Constantine
No: 6 - Mr. von Reichbauer, Ms. Lambert, Mr. McKenna, Mr. Hammond, Ms. Hague and Mr. Irons
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Phillips, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this 5 day of November, 2004.

Ron Sims, County Executive

RECEIVED
2004 NOV -5 PM 1:42
CLERK
KING COUNTY COUNCIL

Attachments None