



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

1 AN ORDINANCE related to surface water; amending
2 Ordinance 9163, Section 2, as amended, and K.C.C.
3 9.04.020, Ordinance 9163, Section 3, as amended, and
4 K.C.C. 9.04.030, Ordinance 2281, Section 5, as amended,
5 and K.C.C. 9.04.050, Ordinance 2281, Section 6, as
6 amended, and K.C.C. 9.04.070, Ordinance 4938, Section 7,
7 as amended, and K.C.C. 9.04.090, Ordinance 10636,
8 Section 3, as amended, and K.C.C. 9.12.015, Ordinance
9 10636, Section 4, as amended, and K.C.C. 9.12.025 and
10 Ordinance 10636, Section 5, as amended, and K.C.C.
11 9.12.035 and adding a new section to K.C.C. chapter 9.04.

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14 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

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

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

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

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

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

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

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

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

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

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

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

63 permit, conditional use permit, special use permit, zoning variance or reclassification,
64 subdivision, short subdivision, urban planned development, binding site plan, site
65 development permit or right-of-way use permit. "Development" does not include a Class I,
66 II, III or IV-S forest practice conducted in accordance with chapter 76.09 RCW and Title
67 222 WAC or a class IV-G nonconversion forest practice, as defined in K.C.C. chapter
68 21A.06, conducted in accordance with chapter 76.09 RCW and Title 222 WAC and a
69 county-approved forest management plan.

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

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

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

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

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

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

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

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

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

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

112 ~~((Q-))~~ S. "Full drainage review" means the ~~((basic))~~ evaluation required by K.C.C.
113 9.04.030 for any proposed project, unless the project is subject to small project drainage
114 review, targeted drainage review or large project drainage review, that:

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

119 Would result in thirty-five thousand square feet or more of new pervious surface; or
120 3. Is a redevelopment project ~~((proposing five hundred thousand dollars or more~~
121 ~~of site improvements which creates five thousand square feet or more of contiguous~~
122 ~~pollutant generating impervious surface through any combination of new and/or replaced~~
123 ~~impervious surface))~~ on one or more parcels where the total of new and replaced
124 impervious surface is five thousand square feet or more and when the valuation of
125 proposed improvements exceeds fifty percent of the assessed value of the existing site
126 improvements, including interior improvements and excluding required mitigation and
127 frontage improvements.

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

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

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

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

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

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

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

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

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

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

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

160 X. "Land disturbing activity" means an activity that results in a change in the
161 existing soil cover, both vegetative and nonvegetative, or to the existing soil topography.

162 "Land disturbing activity" includes, but is not limited to, demolition, construction,
163 clearing, grading, filling, excavation and compaction. "Land disturbing activity" does not
164 include tilling conducted as part of agricultural practices, landscape maintenance or
165 gardening.

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

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

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

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

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

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

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

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

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

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

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

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

207 ~~((Z:))~~ HH. "Pollution-generating impervious surface" means an impervious surface
208 considered to be a significant source of pollutants in surface and storm water runoff.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

