



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~~((, and/))~~;
90 ensure compliance with the King County Code~~((, and/))~~; or ~~((to))~~ 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. A ~~((F))~~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 ((~~(f)~~), 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. ((†))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 ((†))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

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 ((H. "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.

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

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

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

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

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

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

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

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

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

316 **Drainage review – when required – type.**

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

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

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

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

325 ~~((3-))~~ 4. Contains or ~~((be))~~ is adjacent to a ~~((floodplain, stream, lake, wetland or
326 closed depression, or))~~ a ~~((sensitive))~~ flood hazard area as defined in K.C.C. chapter
327 21A.24~~((excluding a seismic, coal mines and volcanic hazard areas.))~~;

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

331 5. Is located within a critical drainage area;

332 6. ~~((Is located within a rural zoned area subject to area clearing limits under
333 K.C.C. 16.82.150C and would clear more than seven thousand square feet or thirty-five
334 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 ~~((&))~~ 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:

358 **Drainage review – requirements.**

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

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

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

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

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

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

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

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

409 5. Core requirement ((#))5: Erosion and sediment ~~((plan))~~ control. All
410 proposed projects that will clear, grade((-)) or otherwise disturb the site shall provide
411 erosion and sediment control ~~((ESC))~~ that prevents, to the maximum extent ~~((possible))~~
412 practicable, the transport of sediment from the site to drainage facilities, water resources
413 and adjacent properties. Erosion and sediment controls shall be applied in accordance
414 with K.C.C. chapter 16.82 as specified by the temporary ~~((ESC))~~ erosion and sediment
415 control measures and performance criteria and implementation requirements in the King
416 County ~~((erosion and sediment control standards.))~~ Surface Water Design Manual;

417 6. Core requirement ((#))6: Maintenance and operation. Maintenance of all
418 drainage facilities in compliance with King County maintenance standards is the
419 responsibility of the applicant((-) or property owner as described in the Surface Water
420 Design Manual, except those facilities for which King County ~~((is granted an easement or~~
421 ~~covenant and))~~ assumes maintenance and operation as described in K.C.C. 9.04.115 and
422 9.04.120 and the Surface Water Design Manual((-));

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

426 requirements of K.C.C. 9.04.100 and the financial guarantee requirements of K.C.C. Title
427 27A((-)); and

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

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

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

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

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

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

458 B. ((Special Requirements-Every)) A proposed project required by K.C.C.
459 9.04.030 to have drainage review shall meet any of the following special requirements,
460 which apply to the site and which are described in detail in the Surface Water Design
461 Manual. The department of development and environmental services shall verify if a
462 proposed project is subject to and must meet((s)) any of the following special
463 requirements.

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

470 stormwater compliance plan, flood hazard reduction plan, lake management plan or
471 shared facility plan;

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

482 3. Special Requirement ((#))3: Flood protection facilities. If a proposed project
483 contains or is adjacent to a ~~((Class 1 or 2))~~ stream that has an existing flood protection
484 facility ~~((and))~~, such as a levee~~((s))~~, revetment~~((s and))~~ or berm~~((s))~~, or proposes to either
485 construct a new~~((s))~~ or modify an existing~~((s))~~ flood protection facility, then the flood
486 protection facilities shall be analyzed and ~~((not))~~ designed as specified in the Surface
487 Water Design Manual to conform with the Federal Emergency Management
488 ~~((Administration))~~ Agency regulations as found in ~~((44 C.F.R.))~~;

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

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

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

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

- 507 a. produce a compensating or comparable result in the public interest, and
508 b. meet this chapter's objectives of safety, function, appearance, environmental
509 protection and maintainability based upon sound engineering judgment.

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

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

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

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

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

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

531 **Engineering plans for the purposes of drainage review.**

532 A. (~~(Where to submit.)~~) 1. All engineering plans shall be submitted to the
533 department of development and environmental services for review in accordance with the
534 Surface Water Design Manual except those drainage plans developed by, or under the
535 review of, the department of natural resources and parks for either surface and storm
536 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:

560 **Construction timing and final approval.**

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

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

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

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

572 C. ~~((Prior to))~~ The applicant shall have constructed and have in operation those
573 portions of the drainage facilities necessary to accommodate the control of surface and
574 storm water runoff discharging from the site before the construction of any other
575 improvements or buildings on the site, or to final recording of a plat or short plat, ((these
576 portions of the drainage facilities necessary to accommodate the control of surface and
577 stormwater runoff discharging from the site shall be constructed and in operation, but,
578 after receipt of a)) unless upon written request of the applicant, the development engineer
579 ~~((may))~~ authorizes recording before construction of facilities in order to minimize
580 impacts that may result from construction of facilities during inappropriate times of the
581 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 ~~;-))~~ "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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

665 **Discharges into King County waters.**

666 A. ~~((Prohibited discharges.))~~ 1. It is unlawful for any person to discharge any
667 contaminants into surface and storm water, ground water~~((;))~~ or Puget Sound.

668 Contaminants include, but are not limited, to the following:

- 669 a. trash or debris;
- 670 b. construction materials;

- 671 c. petroleum products including but not limited to oil, gasoline, grease, fuel oil,
- 672 and heating oil;
- 673 d. antifreeze and other automotive products;
- 674 e. metals in either particulate or dissolved form;
- 675 f. flammable or explosive materials;
- 676 g. radioactive material;
- 677 h. batteries;
- 678 i. acids, alkalis, or bases;
- 679 j. paints, stains, resins, lacquers((~~7~~)) or varnishes;
- 680 k. degreasers and(~~(7)~~) solvents;
- 681 l. drain cleaners;
- 682 m. pesticides, herbicides((~~7~~)) or fertilizers;
- 683 n. steam cleaning wastes;
- 684 o. soaps, detergents((~~7~~)) or ammonia;
- 685 p. swimming pool backwash;
- 686 q. chlorine, bromine((~~7~~)) and other disinfectants;
- 687 r. heated water;
- 688 s. domestic animal wastes;
- 689 t. sewage;
- 690 u. recreational vehicle waste;
- 691 v. animal carcasses;
- 692 w. food wastes;
- 693 x. bark and other fibrous materials;

- 694 y. collected lawn clippings, leaves((§)) or branches;
- 695 z. silt, sediment((§)) or gravel;
- 696 aa. dyes, ((§))except as stated in subsection C.1. of this section((§));
- 697 bb. chemicals((§)) not normally found in uncontaminated water;
- 698 cc. any hazardous material or waste((§)) not listed above.
- 699 2. Illicit connections. Any connection((§)) identified by the director((§)) that
- 700 could convey anything not composed entirely of surface and storm water directly to
- 701 surface and storm water or ground water is considered an illicit connection and is
- 702 prohibited with the following exceptions:
- 703 a. connections conveying allowable discharges((§));
- 704 b. connections conveying discharges pursuant to an NPDES permit, ((§))other
- 705 than an NPDES storm water permit((§)), or a State Waste Discharge Permit((§)); and
- 706 c. connections conveying effluent from onsite sewage disposal systems to
- 707 subsurface soils.
- 708 B. ((Allowable discharges.)) The following types of discharges shall not be
- 709 considered prohibited discharges for the purpose of this chapter unless the director
- 710 determines that the type of discharge, whether singly or in combination with other((s))
- 711 discharges, is causing significant contamination of surface and storm water or ground
- 712 water:
- 713 1. Potable water;
- 714 2. Potable water line flushing;
- 715 3. Uncontaminated water from crawl space pumps or footing drains;
- 716 4. Lawn watering with potable water or collected rainwater;

717 5. Residential car and boat washing;

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

719 ~~7.))~~ 6. Materials placed as part of an approved habitat restoration or bank

720 stabilization project;

721 ~~((8.))~~ 7. Natural uncontaminated surface water or ground water;

722 ~~((9.))~~ 8. Flows from riparian habitats and wetlands;

723 ~~((10.))~~ 9. The following discharges from boats: engine exhaust~~((5.))~~; cooling

724 waters~~((5.))~~; effluent from sinks~~((5.))~~; showers and laundry facilities; and treated sewage

725 from Type I and Type II marine sanitation devices;

726 ~~((11. Common practices for water well disinfection))~~ 10. Prohibited discharges

727 to which BMPs are applied as specified in the Stormwater Pollution Prevention Manual

728 or as determined necessary by the director. Activities that might result in prohibited

729 discharges to which BMPs may be applied include, but are not limited to, residential auto

730 repair and maintenance, residential auto washing, residential hazardous waste handling,

731 residential maintenance and repair, residential solid and food waste handling and

732 residential swimming pool and hot tub maintenance; and

733 ~~((12.))~~ 11. Other types of discharges as determined by the director.

734 C. ~~((Exceptions.))~~ 1. Dye testing is allowable but requires verbal notification to

735 the King County water and land resources division at least one day prior to the date of

736 test. The King County ~~((health))~~ department of public health is exempt from this

737 requirement.

738 2. A person does not violate subsection A. of this section ~~((4))~~ 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 4.) 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

829 application for short subdivision approval was filed in accordance with K.C.C. chapter
830 20.20.

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

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

Ordinance 15052

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 ____ day of _____, _____.

Ron Sims, County Executive

Attachments None