

**Chapter 9-04**  
**Rules and Regulations of the**  
**Department of Development and Environmental Services**

**Right-of-way and Drainage Facility**  
**Restoration and Site Stabilization Bond**

Effective Date: April 14, 1989

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Amended: November 5, 1995

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**9-04-001 Definitions:**

A. Department. "Department" means the Department of Development and Environmental Services of King County.

**9-04-002 Purpose.** It is the purpose of these rules to implement the bonding provisions of K.C.C. 14.28.050(C) and 9.04.100(A), to require restoration and site stabilization bonds for projects involving drainage facilities and rights-of-way and to cover the cost of on- and off-site corrective work necessary to adequate drainage and right-of-way use, restoration and stabilization of disturbed areas and removal of hazards.

**9-04-003 Bond Required.** A. Prior to department approval of engineering plans, each applicant for a right-of-way permit shall be required to post a bond which guarantees upkeep and restoration of the right-of-way. A drainage facilities restoration and site stabilization bond shall be posted prior to plan approval, consistent with the provisions of K.C.C. 9.04.

B. When practicable, restoration and site stabilization bonds pertaining to rights-of-way and drainage

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facilities shall be combined into a single bond. If right-of-way and drainage facility bonds are combined, the amount bonded shall not be less than the total amount which would have been required had the bonds been separate. The amount and nature of the separate bonds shall be identified on the face of the combined bond.

**9-04-004 Bond Type.** A. The right-of-way and drainage facility restoration and site stabilization bond shall be a cash bond, provided that the department may authorize another type of bond or undertaking for any required amount in excess of seven thousand five hundred dollars (\$7500).

B. If right-of-way and drainage facility bonds are not combined, a cash bond shall be required for each in the amount of seven thousand five hundred dollars (\$7500) or less. The department may authorize other types of bonds or undertakings for amounts in excess of seven thousand five hundred dollars (\$7500).

**9-04-005 Bond Amount.** The bond amount shall be sufficient to cover the cost of corrective and restorative work on and off the site. The amount shall be based upon the Bond Quantities Price Schedule adopted by the King County department of public works.

**9-04-006 Bonding Procedure.** A. When the applicant submits engineering plans to the department for the construction of right-of-way or drainage improvements, the applicant shall also submit a Bond Quantities Worksheet completed by the design engineer. After review of the plans and worksheet, the department shall notify the applicant of the amount of the cash bond required, along with any fees for services rendered in processing and administering the bond.

B. Prior to acceptance of the restoration and site stabilization bond by the department, the applicant and the department shall execute an agreement setting forth terms and conditions pertinent to the bond.

C. The applicant shall submit the required bond, executed bond agreement and payment of fees to the department at least thirty (30) days prior to commencing

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work subject to county approval or prior to final plat approval or issuance of a right-of-way use permit or certificate of occupancy, whichever is earlier. The bond, agreement and fees shall be either hand-delivered or sent by certified mail to the department. The burden shall be upon the applicant to show that the submittal was made and that the submittal was received by the department.

D. Neither engineering plans, final plat, right-of-way use permit nor certificate of occupancy shall be approved without the applicant first posting the required restoration and site stabilization bond, paying the required fees and executing and submitting the bond agreement.

**9-04-007 Corrective Work Required.** A. During the course of construction, it shall be the sole responsibility of the applicant to keep the site and any surrounding areas free from erosion or hazards occurring as a result of or associated with work being performed by the applicant and to otherwise engage corrective work as required by law, by the terms and conditions of the bond agreement or by the department.

B. If the applicant fails to take corrective action, the department shall notify the applicant of the breach, the corrective action required and the deadline for making corrections. The applicant shall make all required corrections to the department's satisfaction on or before the specified deadline. If the applicant fails to make such corrections, the department shall use the restoration and site stabilization bond, or any portion thereof, to make the required corrections.

C. In the event any portion of the bond is used by the department to make corrections, the applicant shall restore the bond required to be on deposit with the department to its original amount. If the applicant fails to restore the bond, the department may order that further construction associated with the right-of-way or drainage facility be stopped until reimbursement is made. In addition, no permits, certificates or approvals associated with the right-of-way or drainage improvements shall be

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issued, including, but not limited to, final plat approval, right-of-way permit or certificate of occupancy. The department's exercise of authority pursuant to this section shall in no manner limit the department's ability to pursue other remedies available to it at law or under the bond agreement.

**9-04-008 Release of Bond.** The department shall release the restoration and site stabilization bond to the applicant when all construction is completed and approved, rights-of-way and drainage facilities are accepted by King County for maintenance, all applicable fees, including annual inspection fees, are paid in full and all terms and conditions of the bond agreement are fully performed or satisfied. The department shall provide the applicant with a notice of completion, and a check in the amount of the bond deposit shall be given to the applicant within a reasonable time thereafter, along with a release of any additional type of bond or undertaking authorized by the department to secure the work associated with the right-of-way or drainage facility improvements.

**9-04-009 Severability.** If a provision of the rules contained herein or its applicability to any person or circumstance is held invalid, the remainder of the provisions of these rules or the application of the provision to other persons or circumstances shall not be affected.