



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**May 26, 2005**

**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 definitions in this section apply throughout this chapter unless the  
18 context clearly requires otherwise.

19           A. "Adjustment" means a department-approved variation in the application of the  
20 requirements of K.C.C. 9.04.050 and the Surface Water Design Manual to a particular  
21 project in accordance with K.C.C. 9.04.050C. "Adjustment" replaces "variance," which  
22 was used in prior editions of the Surface Water Design Manual.

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

28           C. "Basin" means a geographic area that contains and drains to a stream or river  
29 named and noted on common maps, such as the Cedar river, Sammamish river, Green  
30 river, Snoqualmie river, Skykomish river or White river, or a geographic area that drains  
31 to a nonflowing water body named and noted on common maps, such as Lake Washington  
32 or Puget Sound.

33           D. "Basin plan" means a plan and all implementing regulations and procedures  
34 including, but not limited to, capital projects, public education activities and land use  
35 management adopted by ordinance for managing surface and storm water within the basin.

36           E. "Closed depression" means an area greater than five thousand square feet at  
37 overflow elevation that is low-lying and that has no or such a limited surface water outlet  
38 that the area acts as a stormwater retention facility.

39 F. "Construct or modify" means to install a new drainage pipe or ditch or make  
40 improvements to an existing drainage pipe or ditch, for purposes other than maintenance,  
41 that either serves to concentrate previously unconcentrated surface and storm water runoff  
42 or serves to increase, decrease or redirect the conveyance of surface and storm water  
43 runoff. "Construct or modify" does not include installation or maintenance of a driveway  
44 culvert installed as part of a single-family residential building permit.

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

51 H. "Department" means the department of natural resources and parks or its  
52 successor.

53 I. "Development" means any activity that requires a permit or approval, including,  
54 but not limited to, a building permit, grading permit, shoreline substantial development  
55 permit, conditional use permit, special use permit, zoning variance or reclassification,  
56 subdivision, short subdivision, urban planned development, binding site plan, site  
57 development permit or right-of-way use permit. "Development" does not include a Class I,  
58 II, III or IV-S forest practice conducted in accordance with chapter 76.09 RCW and Title  
59 222 WAC or a class IV-G nonconversion forest practice, as defined in K.C.C. chapter  
60 21A.06, conducted in accordance with chapter 76.09 RCW and Title 222 WAC and a  
61 county-approved forest management plan.

62 J. "Director" means the director of the department of natural resources and parks,  
63 or any duly authorized representative of the director.

64 K. "Drainage" means the collection, conveyance, containment or discharge, or any  
65 combination thereof, of surface and storm water runoff.

66 L. "Drainage facility" means a constructed or engineered feature that collects,  
67 conveys, stores or treats surface and storm water runoff. "Drainage facility" includes, but is  
68 not limited to, a constructed or engineered stream, pipeline, channel, ditch, gutter, lake,  
69 wetland, closed depression, flow control or water quality treatment facility, erosion and  
70 sediment control facility and other structure and appurtenance that provides for drainage.

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

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

78 O. "Financial guarantee" means a form of financial security posted to do one or  
79 more of the following: ensure timely and proper completion of improvements; ensure  
80 compliance with the King County Code; or provide secured warranty of materials,  
81 workmanship of improvements and design. "Financial guarantees" include assignments of  
82 funds, cash deposit, surety bonds or other forms of financial security acceptable to the  
83 director of the department of development and environmental services. "Performance

84 guarantee," "maintenance guarantee" and "defect guarantee" are considered subcategories  
85 of financial guarantee.

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

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

95 R. "Flow control facility" means a drainage facility designed to mitigate the  
96 impacts of increased surface and storm water runoff generated by site development in  
97 accordance with the drainage requirements in this chapter. A "flow control facility" is  
98 designed either to hold water for a considerable length of time and then release it by  
99 evaporation, plant transpiration or infiltration into the ground or to hold runoff for a short  
100 period of time and then release it to the conveyance system.

101 S. "Full drainage review" means the evaluation required by K.C.C. 9.04.030 for  
102 any proposed project, unless the project is subject to small project drainage review, targeted  
103 drainage review or large project drainage review, that:

- 104 1. Would result in two thousand square feet or more of new impervious surface;  
105 2. Would result in thirty-five thousand square feet or more of new pervious  
106 surface; or

107           3. Is a redevelopment project on one or more parcels where the total of new and  
108 replaced impervious surface is five thousand square feet or more and when the valuation  
109 of proposed improvements exceeds fifty percent of the assessed value of the existing site  
110 improvements, including interior improvements and excluding required mitigation and  
111 frontage improvements.

112           T. "High-use site" means a commercial, industrial or road intersection site that  
113 generates a higher than average number of vehicle turnovers or has other characteristics  
114 that generate the potential for chronic oil accumulation. "High use site" includes:

- 115           1. A commercial or industrial site subject to:
- 116           a. an expected daily traffic count greater than one hundred vehicles per one  
117 thousand square feet of gross building area;
  - 118           b. petroleum storage or transfer in excess of one thousand gallons per year, not  
119 including routine fuel oil storage or transfer; or
  - 120           c. use, storage or maintenance of a fleet of twenty-five or more diesel vehicles  
121 each weighing over ten tons; or
- 122           2. A road intersection with average daily traffic counts of twenty-five thousand  
123 vehicles or more on the main roadway and fifteen thousand or more vehicles on any  
124 intersecting roadway, excluding pedestrian or bicycle use improvement projects.

125           U. "Hydraulically connected" means connected through surface flow or water  
126 features such as wetlands or lakes.

127           V. "Impervious surface" means a hard surface area that either prevents or retards  
128 the entry of water into the soil mantle as under natural conditions before development or  
129 that causes water to run off the surface in greater quantities or at an increased rate of flow

130 from the flow present under natural conditions prior to development. Common impervious  
131 surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots,  
132 storage areas, areas that are paved, graveled or made of packed or oiled earthen materials or  
133 other surfaces that similarly impede the natural infiltration of surface and storm water. An  
134 open uncovered flow control or water quality treatment facility is not an "impervious  
135 surface."

136 W. "Improvement" means a permanent, human-made, physical change to land or  
137 real property including, but not limited to, buildings, streets, driveways, sidewalks,  
138 crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities and  
139 landscaping.

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

146 Y. "Lake management plan" means a plan describing the lake management  
147 recommendations and requirements adopted by public rule for managing water quality  
148 within individual lake basins.

149 Z. "Large project drainage review" means the evaluation required by K.C.C.  
150 9.04.030 for any proposed project that:

151 1. Has an urban plan development land use designation in the King County  
152 Comprehensive Plan land use map;

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

156           3. Has a project site of fifty acres or more within a critical aquifer recharge area,  
157 as defined in K.C.C. Title 21A.

158           AA. "Licensed civil engineer" means a person registered with the state of  
159 Washington as a professional engineer in civil engineering.

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

168           CC. "Master drainage plan" means a comprehensive drainage control plan intended  
169 to prevent significant adverse impacts to the natural and constructed drainage system, both  
170 on- and off-site.

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

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



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

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

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

192 II. "Pollution-generating pervious surface" means a nonimpervious surface  
193 considered to be a significant source of pollutants in surface and storm water runoff.  
194 "Pollution-generating pervious surfaces" include surfaces subject to the use of pesticides  
195 and fertilizers, to the use or storage of erodible or leachable materials, wastes or chemicals  
196 or to the loss of soil. "Pollution-generating pervious surface includes, but not limited to,  
197 the lawn and landscaped areas of a residential or commercial site, golf course, park, sports  
198 field and county-standard grassed modular grid pavement.

199 JJ. "Project" means any proposed action to alter or develop a site that may also  
200 require drainage review.

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

204 LL. "Redevelopment project" means a project that proposes to add, replace or  
205 modify impervious surface for purposes other than a residential subdivision or maintenance  
206 on a site that:

- 207 1. Is already substantially developed in a manner that is consistent with its  
208 current zoning or with a legal nonconforming use; or  
209 2. Has an existing impervious surface coverage of thirty-five percent or more.

210 MM. "Replaced impervious surface" means an existing impervious surface  
211 proposed to be removed and reestablished as impervious surface, excluding impervious  
212 surface removed for the sole purpose of installing utilities or performing maintenance.  
213 For purposes of this definition, "removed" includes the removal of buildings down to  
214 bare soil or the removal of Portland cement concrete slabs or pavement or asphaltic  
215 concrete pavement together with any asphalt-treated base.

216 NN. "Runoff" means that portion of water originating from rainfall and other  
217 precipitation that flows over the surface or just below the surface from where it fell and is  
218 found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands and  
219 shallow groundwater as well as on ground surfaces. For the purpose of this definition,  
220 groundwater means all waters that exist beneath the land surface or beneath the bed of  
221 any stream, lake or reservoir, or other body of surface water, whatever may be the

222 geological formation or structure in which such water stands or flows, percolates or  
223 otherwise moves.

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

229 PP. "Shared facility" means a drainage facility designed to meet one or more of the  
230 requirements of K.C.C. 9.04.050 for two or more separate projects contained within a  
231 basin. Shared facilities usually include shared financial commitments for those drainage  
232 facilities.

233 QQ. "Site" means a single parcel, or two or more contiguous parcels that are under  
234 common ownership or documented legal control, used as a single parcel for a proposed  
235 project for purposes of applying for authority from King County to carry out a proposed  
236 project. For projects located primarily within dedicated rights-of-way, "site" includes the  
237 entire width of right-of-way subject to improvements proposed by the project.

238 RR. "Small project drainage review" means the drainage review for a proposed  
239 single-family residential project or agricultural project that :

240 1. Would result in:

241 a. ten thousand square feet or less of total impervious surface added on or after  
242 January 8, 2001; or

243 b. four percent or less of total impervious surface on a site as specified in the  
244 Surface Water Design Manual; and

245           2. Meets the small project drainage requirements specified in the Surface Water  
246 Design Manual, including flow control best management practices, erosion and sediment  
247 control measures and drainage plan submittal requirements; and

248           3. Limits new pervious surface as specified in the Surface Water Design Manual.

249           SS. "Stormwater compliance plan" means a plan or study and all regulations and  
250 procedures that have been adopted by the county to implement the plan or study, including,  
251 but not limited to, capital projects, public education activities and enforcement programs  
252 for managing stormwater quantity and quality discharged from the county's municipal  
253 separate storm sewer system in compliance with the National Pollutant Discharge  
254 Elimination System permit program under the Clean Water Act.

255           TT. "Subbasin" means a geographic area that:

- 256           1. Drains to a stream or water body named and noted on common maps; and  
257           2. Is contained within the basin of the stream or water body.

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

261           VV. "Surface Water Design Manual" means the manual, and supporting  
262 documentation referenced or incorporated in the manual, describing surface and storm  
263 water design and analysis requirements, procedures and guidance that has been formally  
264 adopted by rule under the procedures in K.C.C. chapter 2.98. The Surface Water Design  
265 Manual is available from the department of development and environmental services or the  
266 department of natural resources and parks, water and land resources division, or their  
267 successor agencies.

268 WW. "Targeted drainage review" means an abbreviated evaluation required by  
269 K.C.C. 9.04.030 for certain types of proposed projects that are not subject to full or large  
270 project drainage review. Targeted drainage review may be required for some projects in  
271 small project drainage review.

272 XX. "Water quality treatment facility" means a drainage facility designed to reduce  
273 pollutants once they are already contained in surface and storm water runoff. A water  
274 quality treatment facility is the structural component of best management practices. When  
275 used singly or in combination, a water quality treatment facility reduces the potential for  
276 contamination of both surface and ground waters.

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

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

280 A. Drainage review is required when any proposed project is subject to a King  
281 County development permit or approval and:

- 282 1. Would result in two thousand square feet or more of new impervious surface;
- 283 2. Would involve seven thousand square feet or more of land disturbing activity;
- 284 3. Would construct or modify a drainage pipe or ditch that is twelve inches or  
285 more in size or depth or receives surface and storm water runoff from a drainage pipe or  
286 ditch that is twelve inches or more in size or depth;
- 287 4. Contains or is adjacent to a flood hazard area as defined in K.C.C. chapter  
288 21A.24;
- 289 5. Is located within a critical drainage area;

290           6. Is a redevelopment project proposing one hundred thousand dollars or more  
291 of improvements to an existing high-use site; or

292           7. Is a redevelopment project on a site in which the total of new plus replaced  
293 impervious surface is five thousand square feet or more and whose valuation of proposed  
294 improvements, including interior improvements and excluding required mitigation and  
295 frontage improvements, exceeds fifty percent of the assessed value of the existing site  
296 improvements.

297           B. The drainage review for any proposed project shall be scaled to the scope of  
298 the project's size, type of development and potential for impacts to the regional surface  
299 water system to facilitate preparation and review of project applications. If drainage  
300 review for a proposed project is required under subsection A. of this section, the  
301 department of development and environmental services shall determine which of the  
302 following drainage reviews apply as specified in the Surface Water Design Manual:

- 303           1. Small project drainage review;  
304           2. Targeted drainage review;  
305           3. Full drainage review; or  
306           4. Large project drainage review.

307           SECTION 3. Ordinance 2281, Section 5, as amended, and K.C.C. 9.04.050 are  
308 each hereby amended to read as follows:

309           **Drainage review – requirements.**

310           A. A proposed project required to have drainage review by K.C.C. 9.04.030 must  
311 meet each of the following core requirements, which are described in detail in the Surface  
312 Water Design Manual. Projects subject only to small project drainage review that meet

313 the small project drainage requirements specified in the Surface Water Design Manual,  
314 including flow control best management practices, erosion and sediment control  
315 measures and drainage plan submittal requirements are deemed to comply with the  
316 following core requirements:

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

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

330           3. Core Requirement 3: Flow control. Proposed projects that would result in  
331 two thousand square feet or more of new impervious surface or thirty-five thousand  
332 square feet or more of new pervious surface, or that are redevelopment projects that  
333 would result in a total of five thousand square feet or more of new and replaced  
334 impervious surface, shall provide flow control facilities or flow control BMPs, or both, to  
335 control surface and storm water runoff generated by-new impervious surface, new

336 pervious surface, replaced impervious surface and any existing impervious surface added  
337 on or after January 8, 2001, as specified in the Surface Water Design Manual. Flow  
338 control facilities shall meet the area-specific flow control facility requirements and the  
339 flow control facility implementation requirements applicable to the project site as  
340 specified in the Surface Water Design Manual. Flow control BMPs shall also be applied  
341 as specified in the Surface Water Design Manual. Projects subject to area-specific flow  
342 control facility requirements shall meet one of the flow control facility performance  
343 criteria listed in a. through c. of this subsection A.3., as directed by the Surface Water  
344 Design Manual:

345           a. Level One shall match the predeveloped site's peak discharge rates for the  
346 two-year and ten-year return periods;

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

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

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

357           5. Core requirement 5: Erosion and sediment control. All proposed projects  
358 that will clear, grade or otherwise disturb the site shall provide erosion and sediment



359 control that prevents, to the maximum extent practicable, the transport of sediment from  
360 the site to drainage facilities, water resources and adjacent properties. Erosion and  
361 sediment controls shall be applied in accordance with K.C.C. chapter 16.82 as specified  
362 by the temporary erosion and sediment control measures and performance criteria and  
363 implementation requirements in the King County Surface Water Design Manual;

364 6. Core requirement 6: Maintenance and operation. Maintenance of all  
365 drainage facilities in compliance with King County maintenance standards is the  
366 responsibility of the applicant or property owner as described in the Surface Water  
367 Design Manual, except those facilities for which King County assumes maintenance and  
368 operation as described in K.C.C. 9.04.115 and 9.04.120 and the Surface Water Design  
369 Manual;

370 7. Core requirement 7: Financial guarantees and liability. All drainage  
371 facilities constructed or modified for projects, except downspout infiltration and  
372 dispersion systems for single family residential lots, must comply with the liability  
373 requirements of K.C.C. 9.04.100 and the financial guarantee requirements of K.C.C. Title  
374 27A; and

375 8. Core requirement 8: Water quality. Proposed projects that would result in  
376 five thousand square feet or more of new pollution generating impervious surface or  
377 thirty-five thousand square feet or more of new pollution-generating pervious surface, or  
378 that are redevelopment projects that would result in a total of five thousand square feet or  
379 more of new and replaced pollution-generating impervious surface, shall provide water  
380 quality treatment facilities to treat polluted surface and storm water runoff generated by  
381 new or replaced pollution-generating impervious surface, new pollution-generating

382 pervious surface and any existing pollution-generating impervious surface added on or  
383 after January 8, 2001, as specified in the Surface Water Design Manual. However,  
384 pervious surfaces are specifically excluded if there is a good faith agreement with the  
385 King Conservation District to implement a farm management plan for agricultural uses,  
386 and pervious areas for other uses are specifically excluded if King County department of  
387 development and environmental services approves a landscape management plan that  
388 controls pesticides and fertilizers leaving the site. Water quality treatment facilities shall  
389 meet the area-specific water quality treatment requirements and the water quality  
390 implementation requirements applicable to the project site as specified in the Surface  
391 Water Design Manual. The facilities specified by these requirements are designed to  
392 reduce pollutant loads according to the applicable annual average performance goals  
393 listed in a. through d. of this subsection A.8. for ninety-five percent of the annual average  
394 runoff volume:

- 395 a. for basic water quality: remove eighty percent of the total suspended solids;
- 396 b. for enhanced basic water quality: remove fifty percent of the total zinc;
- 397 c. for sensitive lake protection: remove fifty percent of the total phosphorus;
- 398 and

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

402 B. A proposed project required by K.C.C. 9.04.030 to have drainage review shall  
403 meet any of the following special requirements, which apply to the site and which are  
404 described in detail in the Surface Water Design Manual. The department of development

405 and environmental services shall verify if a proposed project is subject to and must meet  
406 any of the following special requirements.

407           1. Special Requirement 1: Other adopted area-specific requirements. If a  
408 proposed project is in a designated critical drainage area, or is in an area included in an  
409 adopted master drainage plan, basin plan, salmon conservation plan, stormwater  
410 compliance plan, flood hazard reduction plan, lake management plan or shared facility  
411 plan, then the proposed project shall meet the applicable drainage requirements of the  
412 critical drainage area, master drainage plan, basin plan, salmon conservation plan,  
413 stormwater compliance plan, flood hazard reduction plan, lake management plan or  
414 shared facility plan;

415           2. Special Requirement 2: Floodplain/floodway delineation. If a proposed  
416 project contains or is adjacent to a stream, lake, wetland or closed depression, or if other  
417 King County regulations require study of flood hazards relating to the proposed project,  
418 the one hundred year floodplain boundaries and floodway shall be determined and  
419 delineated on the site improvement plans and profiles and any final maps prepared for the  
420 proposed project. The flood hazard study shall be prepared for as specified in the Surface  
421 Water Design Manual;

422           3. Special Requirement 3: Flood protection facilities. If a proposed project  
423 contains or is adjacent to a stream that has an existing flood protection facility, such as a  
424 levee, revetment or berm, or proposes to either construct a new or modify an existing  
425 flood protection facility, then the flood protection facilities shall be analyzed and  
426 designed as specified in the Surface Water Design Manual to conform with the Federal  
427 Emergency Management Agency regulations as found in 44 C.F.R.;

428           4. Special Requirement 4: Source Control. If a proposed project requires a  
429 commercial building or commercial site development permit, then water quality source  
430 controls shall be applied to prevent rainfall and runoff from coming into contact with  
431 pollutants to the maximum extent practicable. Water quality source controls shall be  
432 applied in accordance with K.C.C. chapter 9.12, the King County stormwater pollution  
433 prevention manual and the Surface Water Design Manual. All structural source controls  
434 shall be identified on the site improvement plans and profiles or final maps prepared for  
435 the proposed project; and

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

440           C. 1. An adjustment to the requirements contained in this section or other  
441 requirements in the Surface Water Design Manual may be proposed. The resulting  
442 development shall be subject to all of the remaining terms and conditions of this chapter  
443 and the adjustment shall:

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

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

451           3. Requests for adjustments that may conflict with the requirements of any other  
452 King County division shall require review and concurrence with that division.

453           4. A request for an adjustment is a Type 1 land use decision as provided for in  
454 K.C.C. 20.20.060 and shall be processed in accordance with the procedures specified in  
455 the Surface Water Design Manual.

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

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

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

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

463           A. 1. All engineering plans shall be submitted to the department of development  
464 and environmental services for review in accordance with the Surface Water Design  
465 Manual except those drainage plans developed by, or under the review of, the department  
466 of natural resources and parks for either surface and storm water capital improvement,  
467 repair, maintenance or restoration projects or other linear government agency projects,  
468 such as roadways, railways, pipelines, utility lines and trails.  
469

470           2. If engineering plans are returned for any reason, they shall be returned to the  
471 applicant.

472           3. All master drainage plans, if required, shall be submitted to the department of  
473 development and environmental services for review in accordance with the specifications

474 in the Surface Water Design Manual. The master drainage plan process should  
475 commence at the same time as the state Environmental Policy Act (SEPA) process.

476 4. Drainage plans not subject to review by the department of development and  
477 environmental services under subsection A.1. of this section shall be reviewed by the  
478 department of natural resources and parks in accordance with K.C.C. 9.04.050. Project  
479 applicability and compliance with K.C.C. 9.04.050 shall be documented in writing and  
480 available for review.

481 B. The expiration time frames as specified in the Surface Water Design Manual  
482 shall apply to all permit and approval applications.

483 C. All plans shall be processed in accordance with the review procedures  
484 specified in the Surface Water Design Manual.

485 D. All submittal procedures, definitions and specifications for the required  
486 contents of engineering plans are presented in the Surface Water Design Manual.

487 SECTION 5. Ordinance 4938, Section 7, as amended, and K.C.C. 9.04.090 are  
488 each hereby amended to read as follows:

489 **Construction timing and final approval.**

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

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

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

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

501           C. The applicant shall have constructed and have in operation those portions of  
502 the drainage facilities necessary to accommodate the control of surface and storm water  
503 runoff discharging from the site before the construction of any other improvements or  
504 buildings on the site, or to final recording of a plat or short plat, unless upon written  
505 request of the applicant, the development engineer authorizes recording before  
506 construction of facilities in order to minimize impacts that may result from construction  
507 of facilities during inappropriate times of the year.

508           SECTION 6. Ordinance 10636, Section 3, as amended, and K.C.C. 9.12.015 are  
509 each hereby amended to read as follows:

510           **Definitions.** The definitions in this section apply throughout this chapter unless  
511 the context clearly requires otherwise.

512           A. "AKART" means "all known, available and reasonable methods of prevention,  
513 control and treatment." "AKART" represents the most current methodology that can be  
514 reasonably required for preventing, controlling or abating the pollutants associated with a  
515 discharge. "AKART" applies to both point and nonpoint sources of pollution.

516           B. "Best management practices" or "BMPs" mean the best available and  
517 reasonable physical, structural, managerial or behavioral activities, that, when used singly

518 or in combination, eliminate or reduce the contamination of both surface and ground  
519 waters.

520 C. "Chapter" means this chapter and any administrative rules and regulations  
521 adopted to implement this chapter.

522 D. "Clean Water Act" means 33 U.S.C. 1251 et. seq., as amended.

523 E. "Director" means the director of the King County department of natural  
524 resources and parks, other department directors specified in enforcement procedures  
525 established in accordance with this chapter, or any designee of those directors.

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

529 G. "Drainage facility" has the same meaning as in K.C.C. 9.04.020.

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

534 I. "Forest practices" means any activity conducted on or directly pertaining to  
535 forest land and relating to growing, harvesting, or processing timber, as defined in  
536 chapter 222-16 WAC.

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



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

544 L. "National Pollutant Discharge Elimination System permit" means an  
545 authorization, license or equivalent control document issued by the Environmental  
546 Protection Agency or the Washington state Department of Ecology to implement the  
547 requirements of the NPDES program.

548 M. "Person" means an individual and his or her agent or assign, municipality,  
549 political subdivision, government agency, partnership, corporation, business or any other  
550 entity.

551 N. "Source control BMP" means a BMP intended to prevent contaminants from  
552 entering surface and storm water or ground water including the modification of processes  
553 to eliminate the production or use of contaminants. "Source control BMPs" can be either  
554 structural or nonstructural. Structural source control BMPs involve the construction of a  
555 physical structure on site, or other type of physical modification to a site. An example of  
556 a structural source control BMP is building a covered storage area. A nonstructural  
557 source control BMP involves the modification or addition of managerial or behavioral  
558 practices. An example of a nonstructural source control BMP is using less toxic  
559 alternatives to current products or sweeping parking lots.

560 O. "State Waste Discharge Permit" means an authorization, license, or equivalent  
561 control document issued by the Washington state Department of Ecology in accordance  
562 with chapter 173-216 WAC.

563 P. " Stormwater Pollution Prevention Manual" means the manual adopted in  
564 accordance with K.C.C. chapter 2.98, and supporting documentation referenced or  
565 incorporated in the manual, describing best management practices and procedures for  
566 existing facilities and existing and new activities not covered by the Surface Water  
567 Design Manual.

568 Q. "Surface and storm water" has the same meaning as in K.C.C. 9.04.020.

569 R. "Treatment BMP" means a BMP intended to remove contaminants once they  
570 are already contained in storm water. Examples of treatment BMPs include oil/water  
571 separators, biofiltration swales and wetponds.

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

574 **Discharges into King County waters.**

575 A. 1. It is unlawful for any person to discharge any contaminants into surface  
576 and storm water, ground water or Puget Sound. Contaminants include, but are not  
577 limited, to the following:

- 578 a. trash or debris;
- 579 b. construction materials;
- 580 c. petroleum products including but not limited to oil, gasoline, grease, fuel oil,  
581 and heating oil;
- 582 d. antifreeze and other automotive products;
- 583 e. metals in either particulate or dissolved form;
- 584 f. flammable or explosive materials;
- 585 g. radioactive material;

- 586 h. batteries;
- 587 i. acids, alkalis, or bases;
- 588 j. paints, stains, resins, lacquers or varnishes;
- 589 k. degreasers and solvents;
- 590 l. drain cleaners;
- 591 m. pesticides, herbicides or fertilizers;
- 592 n. steam cleaning wastes;
- 593 o. soaps, detergents or ammonia;
- 594 p. swimming pool backwash;
- 595 q. chlorine, bromine and other disinfectants;
- 596 r. heated water;
- 597 s. domestic animal wastes;
- 598 t. sewage;
- 599 u. recreational vehicle waste;
- 600 v. animal carcasses;
- 601 w. food wastes;
- 602 x. bark and other fibrous materials;
- 603 y. collected lawn clippings, leaves or branches;
- 604 z. silt, sediment or gravel;
- 605 aa. dyes, except as stated in subsection C.1. of this section;
- 606 bb. chemicals not normally found in uncontaminated water;
- 607 cc. any hazardous material or waste not listed above.

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

- 612           a. connections conveying allowable discharges;
- 613           b. connections conveying discharges pursuant to an NPDES permit, other than  
614 an NPDES storm water permit, or a State Waste Discharge Permit; and
- 615           c. connections conveying effluent from onsite sewage disposal systems to  
616 subsurface soils.

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

- 621           1. Potable water;
- 622           2. Potable water line flushing;
- 623           3. Uncontaminated water from crawl space pumps or footing drains;
- 624           4. Lawn watering with potable water or collected rainwater;
- 625           5. Residential car and boat washing;
- 626           6. Materials placed as part of an approved habitat restoration or bank  
627 stabilization project;
- 628           7. Natural uncontaminated surface water or ground water;
- 629           8. Flows from riparian habitats and wetlands;

630           9. The following discharges from boats: engine exhaust; cooling waters;  
631 effluent from sinks; showers and laundry facilities; and treated sewage from Type I and  
632 Type II marine sanitation devices;

633           10. Prohibited discharges to which BMPs are applied as specified in the  
634 Stormwater Pollution Prevention Manual or as determined necessary by the director.  
635 Activities that might result in prohibited discharges to which BMPs may be applied  
636 include, but are not limited to, residential auto repair and maintenance, residential auto  
637 washing, residential hazardous waste handling, residential maintenance and repair,  
638 residential solid and food waste handling and residential swimming pool and hot tub  
639 maintenance; and

640           11. Other types of discharges as determined by the director.

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

644           2. A person does not violate subsection A. of this section if:

645           a. That person has properly designed, constructed, implemented and is  
646 maintaining BMPs and is carrying out AKART as required by this chapter, but  
647 contaminants continue to enter surface and storm water or ground water; or

648           b. That person can demonstrate that there are no additional contaminants being  
649 discharged from the site above the background conditions of the water entering the site.

650           3. A person who, under subsection C.2. of this section, is not in violation of  
651 subsection A. of this section is liable for any prohibited discharges through illicit

652 connections, dumping, spills, improper maintenance of BMPs or other discharges that  
653 allow contaminants to enter surface and storm water or ground water.

654 4. Emergency response activities or other actions that must be undertaken  
655 immediately or within a time too short to allow full compliance with this chapter in order  
656 to avoid an imminent threat to public health or safety, shall be exempt from this section.  
657 The director by public rule may specify actions that qualify for this exception in county  
658 procedures. A person undertaking emergency response activities shall take steps to  
659 ensure that the discharges resulting from such activities are minimized. In addition, this  
660 person shall evaluate BMPs and the site plan, where applicable, to restrict recurrence.

661 SECTION 8. Ordinance 10636, Section 5, as amended, and K.C.C. 9.12.035 are  
662 each hereby amended to read as follows:

663 **Stormwater Pollution Prevention Manual.**

664 A. Compliance with this chapter shall be achieved through the use of the best  
665 management practices described in the Stormwater Pollution Prevention Manual. In  
666 applying the Stormwater Pollution Prevention Manual, the director shall first require the  
667 implementation of source control BMPs. If these are not sufficient to prevent  
668 contaminants from entering surface and storm water or ground water, the director may  
669 require implementation of treatment BMPs as set forth in AKART. The King County  
670 water and land resources division will provide, upon reasonable request, available  
671 technical assistance materials and information, and information on outside financial  
672 assistance options to persons required to comply with this chapter.

673 B. In applying the Stormwater Pollution Prevention Manual to prohibited  
674 discharges from normal residential activities, the director shall use public education and

675 warnings as the primary method of gaining compliance with this chapter and shall not use  
676 citations, notice and orders, assessment of civil penalties and fines, or other compliance  
677 actions as authorized in K.C.C. 23.02.040, unless the director determines:

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

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

684           C. Persons implementing BMPs through another federal, state or local program  
685 will not be required to implement the BMPs prescribed in the county's Stormwater  
686 Pollution Prevention Manual, unless the director determines the alternative BMPs are  
687 ineffective at reducing the discharge or contaminants. If the other program requires the  
688 development of a stormwater pollution prevention plan or other best management  
689 practices plan, the person shall make the plan available to King County upon request.

690 Persons who qualify for exemptions include, but are not limited to, persons:

691           1. Required to obtain a general or individual NPDES permit for storm water  
692 discharges from the Washington state Department of Ecology;

693           2. Implementing and maintaining, as scheduled, a King Conservation District-  
694 approved farm management plan;

695           3. Who have received a permit under a Washington state Department of  
696 Ecology NPDES general or individual permit for commercial dairy operations;

697           4. Implementing BMPs in compliance with K.C.C. chapter 21A.30;

698                   5. Implementing BMPs in compliance with the management program of the  
699 county's municipal NPDES permit;

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

703                   7. Identified by the director as being exempt from this section.

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

706                   **Vesting period for lots in final short plats.** Unless the department finds that a  
707 change in conditions creates a serious threat to the public health or safety in the short  
708 subdivision, for a period of five years after recording, a lot within a short subdivision  
709 shall be governed by the provisions of this chapter in effect at the time a fully completed  
710 application for short subdivision approval was filed in accordance with K.C.C. chapter  
711 20.20.

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

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



**Ordinance 15052**

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714 to any person or circumstance is held invalid, the remainder of the ordinance or the  
715 application of the provision to other persons or circumstances is not affected.  
716

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

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ATTEST:

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APPROVED this 5th day of November, 2004.

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**Attachments**      None