

ORDINANCE NO. 14

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING BY REFERENCE TITLE 9, SURFACE WATER MANAGEMENT, OF THE KING COUNTY CODE AS AN INTERIM REGULATION OF THE CITY.

WHEREAS, the City of Shoreline will incorporate on August 31, 1995; and

WHEREAS, the City Council has conducted public hearings on June 19 and June 26 at which testimony from members of the public was heard regarding the proposed land use comprehensive plan, subdivision, zoning, and other development regulations, and

WHEREAS, the City of Shoreline wishes to have certain surface water management codes in effect on the date of incorporation; and,

WHEREAS, the City intends to embark on a comprehensive planning process including revisiting adopted interim codes after the date of incorporation when additional planning staff are available to the City; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Authority to Adopt Interim Surface Water Management Code. Pursuant to RCW 35.21.180, 35A. 1 1.020, and 35A.21.160, the City adopts by reference Title 9, Surface Water Management, of the King County Code (Exhibit A, hereto), as presently constituted or hereinafter amended, as the Interim Surface Water Management Code. Exhibit A is hereby incorporated by reference as if fully set forth herein.

Section 2. Adoption of Administrative Rules. There are further hereby adopted by reference any and all implementing administrative rules and enforcement remedies now in effect regarding Title 9, Surface Water Management, that have been adopted either pursuant to King County Code Chapter 2.98, Rules of County Agencies, Title 23, Enforcement, or elsewhere in the King County Code except that, unless the context requires otherwise, any reference to the "County" or to "King County" shall refer to the City of Shoreline and any reference to County staff shall refer to the City Manager or designee.

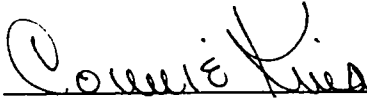
Section 3. Adoption of Certain Other Laws. To the extent that any provision of the King County Code, or any other law, rule, regulation, referenced in the attached "Surface Water Management" code, is necessary or convenient to establish the validity, enforceability or interpretation of the attached "Surface Water Management" code, then such provision of the King County Code, or other law, rule or regulation, is hereby adopted by reference.

Section 4. Reference to Hearing Bodies. To the extent that the attached Surface Water Management Code refers to planning commissions, board of appeals, hearing examiner, or any other similar body, the City Council shall serve in all such roles, but retains the right to establish any one or more of such bodies, at any time and without regard to whether any quasi-judicial or other matter is then pending.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

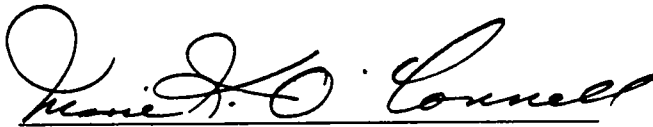
Section 6. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published^d in the official newspaper of the City. This ordinance shall take effect and be in full force fi . . (5) days after the date of publication or the date of incorporation as the law may require.

PASSED BY THE CITY COUNCIL ON JUNE 26,1995



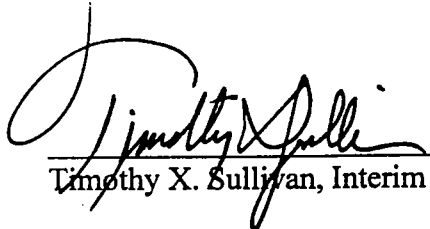
Mayor Connie King

ATTEST:



Marie K. O'Connell, Interim City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, Interim City Attorney

Date of Publication: 6/28/95
Effective Date: 7/3/95

SURFACE WATER MANAGEMENT

**Title 9¹
SURFACE WATER MANAGEMENT**

**Exhibit A of
Ordinance No. 14
Title 9
King County Code**

Chapters:

- 9.04 Surface Water Runoff Policy**
- 9.08 Surface Water Management Program**

CROSS REFERENCE:

For provisions of surface and ground water quality see chapter 8.12.

¹[See Ch. 20.14 for Basin Plans]

SURFACE WATER MANAGEMENT PROGRAM

9.08.120 - 9.08.140

9.08.120 Administrative Procedures. Pursuant to K.C.C. 2.98 the director shall develop administrative procedures relating to the implementation of this chapter and the imposition and collection of service charges including but not limited to procedures for the filing of liens and initiation of foreclosure on delinquent accounts and the collection of the debt service portion of the service charge in areas that annex or incorporate. (Ord. 11015 § 8, 1993; Ord. 10187 § 11, 1991; Ord. 7817 § 2, 1986; Ord. 7590 § 15, 1986).

9.08.125 Report of revenue and expenditure analysis. The Surface Water Management Program shall report to the council every three years regarding the results of a revenue and expenditure analysis for capital improvement projects for each subarea within the service area to determine the relationship between expenditures and revenues generated in each subarea. The program shall identify areas where additional expenditures are required and how the program expects to address any differences. (Ord. 10187 § 12, 1991).

9.08.140 Severability. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of this chapter and the application of the provisions to other persons or circumstances shall not be affected. (Ord. 7817 § 2, 1986; Ord. 7590 § 17, 1986).

Chapter 9.04
SURFACE WATER RUNOFF POLICY

Sections:

- 9.04.010 Purposes.
- 9.04.020 Definitions.
- 9.04.030 Drainage review - when required.
- 9.04.040 Engineering plan - contents.
- 9.04.050 Drainage review - requirements.
- 9.04.060 Critical drainage areas - Development in critical flood, drainage and/or erosion areas.
- 9.04.070 Engineering plans - procedures for submittal.
- 9.04.090 Procedures and conditions related to construction timing and final approval.
- 9.04.100 Bonds and liability insurance required.
- 9.04.110 Maintenance of subdivision retention/detention facilities.
- 9.04.120 Maintenance of multifamily/commercial facilities.
- 9.04.125 Declaration of covenant.
- 9.04.130 Hazards.
- 9.04.140 Administration.
- 9.04.160 Retroactivity relating to county maintenance of subdivision retention/detention facilities.
- 9.04.170 Applicability to governmental entities.
- 9.04.180 Enforcement.
- 9.04.190 Effective date.
- 9.04.192 Liberal construction.
- 9.04.194 Implementation, review and revision.
- 9.04.200 Severability.

9.04.010 Purposes. The council finds this chapter is necessary in order to promote the public health, safety and welfare by providing for the comprehensive management of surface and storm waters and erosion control, especially that which preserves and utilizes the many values of the county's natural drainage system including open space, fish and wildlife habitat, recreation, education and urban separation. The council also finds that King County shall conduct programs which implement comprehensive and thorough permit review, construction inspection, enforcement, and maintenance in order to promote the effectiveness of the requirements contained in this chapter. (Ord. 9163 § 1, 1989).

9.04.020 Definitions. A. "Basin" means for the purpose of this document a drainage area which drains either to the Cedar, Green, Snoqualmie, Skykomish or White rivers, or the drainage areas which drain directly to Puget Sound.

B. "Basin Plan" means a plan and all implementing regulations and procedures including but not limited to land use management adopted by ordinance for managing surface and storm water management facilities and features within individual subbasins.

C. "Bond" means a surety bond, cash deposit or escrow account, assignment

1. Be subject to a proration formula included in an interlocal agreement between the county and the incorporating or annexing jurisdiction; or
2. If the incorporation or annexation interlocal agreement does not address the surface water management charge, then incorporated or annexed properties will be subject to a surface water management charge of one-quarter of the annual service charge for each quarter of the billing year during which the property was in unincorporated King County for one or more days. For purposes of determining this modified service charge, the billing quarters will be for January 1 through March 31; April 1 through June 30; July 1 through September 30; and October 1 through December 31.
3. The debt service portion of the service charge will not be prorated. (Ord. 11015 § 7, 1993; Ord. 10187 § 9, 1991; Ord. 8626 § 1, 1988; Ord. 7817 § 2, 1986; Ord. 7590 § 12, 1986).

9.08.100 Delinquencies and Foreclosures. A. Delinquent service charges shall bear interest as provided in RCW 36.89.090, 36.89.092 and 35.67.200 at the rate of 12 percent per annum, or such rate as may hereafter be authorized by law, computed on a monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the charges regardless of when the charges were first delinquent.

B. The county shall have a lien for delinquent service charges, including interest thereon, against any property subject to service charges. The lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Such lien shall be effective and shall be enforced and foreclosed in the same manner as provided for sewerage systems of cities and towns by RCW 35.67.200 through 35.67.290; except that the service charge lien shall be effective for a total not to exceed one year's delinquent service charges without the necessity of any writing or recording of the lien with the county records and elections division, as provided for in RCW 36.89.093, in lieu of the provisions provided for in RCW 35.67.210. In accordance with RCW 36.89.094, the county may commence to foreclose a surface water management service charge lien after three years from the date surface water management charges become delinquent, in lieu of the provisions provided for in RCW 35.67.230. (Ord. 8373 § 1, 1988; Ord. 7817 § 2, 1986; Ord. 7590 § 13, 1986).

9.08.110 Surface Water Management Fund. All service charges shall be deposited in the Surface Water Management Fund in the office of finance which fund is hereby created to be used only for the purpose of paying all or any part of the cost and expense of providing surface water management services, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bond issued for such purpose. Monies in said fund not needed for immediate expenditure shall be invested for the benefit of the Surface Water Management Fund pursuant to the first paragraph of RCW 36.29.020 and such procedures and limitations contained in county ordinance, provided, that sufficient funds shall be transferred no later than the end of the fiscal year in which they were first appropriated for capital projects appropriated in the Surface and Storm Water Management Construction Fund beginning in fiscal year 1988. The program's funds balances and other financial resources will be invested conservatively to match strong security of principal with market rates of return. For investment purposes the director of the department of public works is hereby designated the fund manager. (Ord. 10187 § 10, 1991; Ord. 7817 § 2, 1986; Ord. 7590 § 14, 1986).

of savings, irrevocable letter of credit or other means acceptable to or required by the manager to guarantee that work is completed in compliance with the project's engineering plan and in compliance with all King County requirements.

D. "Closed depression" means an area of King County which is low-lying and either has no, or such a limited, surface water outlet that during storm events the area acts as a retention basin, holding water that has a surface area of more than five thousand square feet at overflow.

E. "Department" means the department of public works.

F. "Design storm" means a rainfall (or other precipitation) event or pattern of events for use in analyzing and designing drainage facilities.

G. "Development" means for the purposes of this document any activity that requires a permit or approval, including but not limited to a building permit, grading permit, shoreline substantial development permit, conditional use permit, unclassified use permit, zoning variance or reclassification, planned unit development, subdivision, short subdivision, master plan development, building site plan, or right-of-way use permit.

H. "Development engineer" means the building and land development division employee authorized to oversee the review, conditioning, inspection and acceptance of right-of-way use permits, road and drainage projects constructed pursuant to permits administered by the division. The development engineer or designee shall be a professional civil engineer registered and licensed under the laws of the State of Washington.

I. "Director" means the director of the department of public works or the director's designee.

J. "Division" means the building and land development division of the department of parks, planning and resources.

K. "Drainage" means the collection, conveyance, containment, and/or discharge of surface and storm water runoff.

L. "Drainage facility" means the system of collection, conveying and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities and other drainage structures and appurtenances, both natural and manmade.

M. "Drainage review" means an evaluation by building and land development division staff of a proposed project's compliance with the drainage requirements in the Surface Water Design Manual.

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

O. "Infiltration facility" means a drainage facility designed to use the hydrologic process of surface and storm water runoff soaking into the ground, commonly referred to as percolation, to dispose of surface and storm water runoff.

P. "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios,

This amended bill shall be due and payable under the provisions set forth in K.C.C. 9.08.100. The director may include in the bill the amount undercharged for two previous billing years in addition to the current bill.

F. Decisions of the director on requests for rate adjustments shall be final unless within thirty days of the date the decision was mailed, the applicant submits in writing to the director a notice of appeal setting forth a brief statement of the grounds for appeal and requesting a hearing before the King County zoning and subdivision examiner. The examiner's decision shall be a final decision pursuant to the provisions of K.C.C. 20.24.080. (Ord. 11015 § 6, 1993; Ord. 10187 § 8, 1991; Ord. 7817 § 2, 1986; Ord. 7590 § 9, 1986).

9.08.085 Petition for additional services. King County residents inside or outside the existing Surface Water Management service area may petition the King County council for establishment of an independent fee for additional services not currently provided by Surface Water Management to them. Sixty percent (60%) of the residents of the proposed special service area may petition the council for the additional service and charge. The purpose of the petition process and additional charge is to: 1) provide additional services to residents within the existing service area; 2) provide additional services to residents outside the service area; or 3) expand the service area to include the area within the petition.

The executive shall develop a process for creating special service areas and the criteria for acceptance of the special service areas by June 1992. The executive should use the process outlined in Exhibit B as a guide for developing the petition process and the criteria for acceptance of the special service areas. (Ord. 10187 § 13, 1991).

9.08.090 Billing Procedure. A. All property subject to charges of the program shall be billed based on the property characteristics existing on November 1, of the year prior to the billing year and at the rate as set forth in K.C.C. 9.08.070. Billing year is the year that the bills are sent. The service charge shall be displayed and billed on the annual property tax statement for the parcel and shall be mailed to the name and address shown on the real property tax roll at the time annual property tax bills are prepared. Parcels which are exempt from property taxes and do not receive an annual property tax statement will receive a bill only for the service charge. If a payment less than the sum of the total property tax plus service charge or less than the sum of one-half of the property tax plus one-half of the service charge is received for a combined property tax and service charge, and the parcel owner has not otherwise specified, the director of the office of finance shall first apply the payment to the annual property tax of the parcel pursuant to the provisions of RCW 84.56 and then apply any remaining amount to the service charge.

B. The total amount of the service charge shall be due and payable to the director of the office of finance on or before the 30th day of April and shall be delinquent after that date; however, if one-half of such service charge is paid on or before the said 30th day of April, the remainder shall be due and payable on or before the 31st day of October and shall be delinquent after that date.

C. Parcel characteristics affecting the service charge which are altered after November 1 of any year shall not be a basis for calculation of the service charge until after December 31 of the following year.

EXCEPTION: Adjustments to the annual service charge may be made when property is incorporated or annexed by another jurisdiction. The service charge for the billing year during which incorporation or annexation occurs may:

driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of surface and storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of this document.

Q. "Improvement" means streets (with or without curbs or gutters) sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities, street trees and other appropriate items.

R. "Manager" means the manager of the building and land development division of the department of parks, planning and resources or his designee.

S. "Master Drainage Plan" means a comprehensive drainage control plan intended to prevent significant adverse impacts to the natural and man made drainage system, both on and off-site.

T. "Multifamily/commercial retention/detention facility" means a retention/detention facility which is not a subdivision retention/detention facility as defined in this chapter.

U. "Preapplication" for the purposes of this chapter refers to the meeting(s) and/or form(s) used by applicants for some development permits to present initial project intentions to the division. Preapplication does not mean application.

V. "Professional civil engineer" means a person registered with the State of Washington as a professional engineer in civil engineering.

W. "Project" means the proposed action of a permit application or an approval which requires drainage review.

X. "Retention/detention facility" means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration and/or infiltration into the ground; or to hold runoff for a short period of time and then release it to the surface and storm water management system.

Y. "Runoff" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

Z. "Site" means the portion of a piece of property that is directly subject to development.

AA. "Subbasin" means a drainage area which drains to a water course or water body named and noted on common maps and which is contained within a basin as defined in K.C.C. 9.04.020.

BB. "Subdivision retention/detention facility" means a retention/detention facility which is both located within or associated with a short or formal plat subdivision containing only single family or duplex residential structures located on individual lots and which is required to handle excess runoff generated by development of an area of which two-thirds or more is designated for single family or duplex residential structures located on individual lots.

CC. "Surface and storm water" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

DD. "Surface and storm water management system" means drainage facilities and any other natural features which collect, store, control, treat and/or convey surface and storm water.

EE. "Surface Water Design Manual" means the manual (and supporting documents as appropriate) describing surface and storm water design and analysis requirements, procedures and guidance which has been formally adopted by rule

B. Requests for rate adjustment may be granted or approved by the director only when one of the following conditions exists:

1. The parcel is owned and is the personal residence of a person or persons determined by the county assessor as qualified for a low income senior citizen property tax exemption authorized under RCW 84.36.381; parcels qualifying hereunder shall be exempt from all charges imposed in K.C.C. 9.08.070;

2. The acreage of the parcel charged is in error;

3. The parcel is non-residential and the actual impervious surface coverage of the parcel charged places it in a different rate category than the rate category assigned by the division;

4. The parcel is non-residential and the parcel meets the definition of open space in section 9.08.010 of this chapter. Parcels qualifying hereunder will be charged only for the area of impervious surface and at the rate which the parcel is classified under using the total parcel acreage;

5. The parcel is served by one or more retention/detention facilities required pursuant to the provisions of K.C.C. 9.04, or can be demonstrated by the property owner to provide detention/retention of surface and storm water to the standards set forth in K.C.C. 9.04, and is maintained at the expense of the parcel owner to the standards required by the department of public works. Non-residential parcels except in the light category qualifying hereunder shall be charged at the rate of one lower rate category than it is classified by its percentage of impervious surface coverage. Non-residential parcels in the light rate category qualifying hereunder shall be charged at the rate of \$85.02/acre/year. Residential parcels and parcels in the very light category qualifying hereunder shall be charged \$42.51/parcel/year;

6. The parcel is owned or leased by a public school district which provides activities which directly benefit the Surface Water Management Program. The activities may include: curriculum specific to the issues and problems of surface and storm water management, and student activities in the community to expose students to the efforts required to restore, monitor or enhance the surface and storm water management system. Pursuant to RCW 36.89.085, the amount of the rate adjustment shall be determined by the director based upon the cost of the activities to the school district but not to exceed the value of the activity to the Surface Water Management Program. Determination of which activities qualify for the surface water management service charge reduction will be made by the surface water management division. Reductions in surface water management service charges will only be granted to school districts which provide programs that have been evaluated by the surface water management division. The rate adjustment for the school district activity may be applied to any parcel in the service area which is owned or operated by the school district; or

7. The service charge bill was otherwise not calculated in accordance with the terms of this chapter.

C. The property owner shall have the burden of proving that the rate adjustment sought should be granted.

D. Decisions on requests for rate adjustments shall be made by the director based on information submitted by the applicant and by the division within thirty days of the adjustment request except when additional information is needed. The applicant shall be notified in writing of the director's decision. If an adjustment is granted which reduces the charge for the current year or two prior years, the applicant shall be refunded the amount overpaid in the current and two prior years.

E. If the director finds that a service charge bill has been undercharged, then either an amended bill shall be issued which reflects the increase in the service charge or the undercharged amount will be added to the next year's bill.

under the procedures specified in K.C.C. 2.98. The Surface Water Design Manual is available from the division permit center.

FF. "Water quality swale" means an open vegetated drainage channel intended to optimize water quality treatment of surface and storm water runoff by following the specific design criteria described in the Surface Water Design Manual.

GG. "Wetponds" and "wetvaults" mean drainage facilities for water quality treatment that contain a permanent pool of water, usually four feet in depth, that are filled during the initial runoff from a storm event. They are designed to optimize water quality by providing retention time (on the order of a week or more) in order to settle out particles of fine sediment to which pollutants such as heavy metals absorb, and to allow biologic activity to occur that metabolizes nutrients and organic pollutants. For wetvaults, the permanent pool of water is covered by a lid which blocks sunlight from entering the facility, limiting photo-dependent biologic activity. (Ord. 9163 § 2, 1989). -

9.04.030 Drainage review - when required. A. PERMITS. A drainage review is required for any proposed project requiring one of the King County permits or approvals listed in K.C.C. 9.04.030.B which would:

1. Add more than five thousand square feet of new impervious surface; or
2. Collect and concentrate surface and storm water runoff from a drainage area of more than five thousand square feet; or
3. Contain or abut a floodplain, stream, lake, wetland or closed depression, or a sensitive area as defined in K.C.C. 21.54 (Sensitive Areas).

B. The following King County permits and approvals will be required to have a drainage review if the project involves the planned actions listed in K.C.C. 9.04.030.A:

1. Commercial building;
2. Commercial Site Development;
3. Conditional use;
4. Formal subdivision (plat);
5. Grading;
6. Master plan development;
7. Planned unit development;
8. Residential building;
9. Right-of-way use;
10. Shoreline substantial development;
11. Administrative subdivision (short plat);
12. Special use;
13. Unclassified use;
14. Zoning reclassification; and/or
15. Zoning variance. (Ord. 11016 § 13, 1993; Ord. 9163 § 3, 1989).

9.04.040 Engineering plan - contents. All submittal procedures, definitions, and specifications for the required contents of engineering plans are presented in the plan review process section of the Surface Water Design Manual. (Ord. 9163 § 4, 1989).

Residential and very lightly developed non-residential parcels shall receive a flat rate service charge for the reasons set forth in K.C.C. 9.08.060. Light to very heavily developed parcels shall be classified into the appropriate rate category by their percentage of impervious surface coverage. Land use codes and/or data collected from parcel investigations will be used to determine each parcel's percentage of impervious surface coverage. After a parcel has been assigned to the appropriate rate category, the service charge for the parcel will be calculated by multiplying the total acreage of the parcel times the rate for that category.

C. Effective January 1, 1992, there is hereby imposed upon all developed properties in the service area annual service charges as follows:

SURFACE WATER MANAGEMENT SERVICE CHARGES

Class	Impervious Surface %	Rate
Residential	NA	\$ 85.02/parcel/year
Very Light	0 to ≤ 10%	85.02/parcel/year
Light	>10% to ≤ 20%	198.40/acre/year
Moderate	>20% to ≤ 45%	410.98/acre/year
Moderately Heavy	>45% to ≤ 65%	793.60/acre/year
Heavy	>65% to ≤ 85%	1,006.16/acre/year
Very Heavy	>85% to ≤ 100%	1,317.94/acre/year
County Roads	NA	Set in accordance with RCW 90.03.525
State Highways	NA	Set in accordance with RCW 90.03.525

The minimum service charge in any class shall be \$85.02/parcel/year. Mobile home parks' maximum annual service charges in any class shall be \$85.02 times the number of mobile home spaces.

D. The county council will review the surface water management service charges annually to ensure the long term fiscal viability of the program and to guarantee that debt covenants are met. The program will use equitable and efficient methods to determine service charges.

E. When a parcel with impervious surface is divided by the boundary of the service area and a portion of the parcel's impervious surface drains into the service area, the parcel shall be charged as otherwise provided herein on the basis of the lands and impervious surfaces which drain into the service area. When the director has determined that the impervious surface of a parcel, divided by the boundary of the service area, completely drains outside of the service area, the parcel will be exempt from the rates and charges of this chapter.

F. The King County council by ordinance may supplement or alter charges within specific basins and sub-basins of the service area so as to charge properties or parcels of one basin or sub-basin for improvements, studies, or maintenance which the council deems to provide service or benefit the property owners of one or more basin(s) or sub-basin(s). (Ord. 11015 § 5, 1993; Ord. 10187 § 7, 1991; Ord. 8626 § 3, 1988; Ord. 8373 § 2, 1988; Ord. 7817 § 2, 1986; Ord. 7590 § 8, 1986).

9.08.080 Rate Adjustments and Appeals. A. Any person billed for service charges may file a "Request for Rate Adjustment" with the surface water management division within three years of the date from which the bill was sent. However, filing of such a request does not extend the period for payment of the charge.

9.04.050 Drainage review - requirements. A. CORE REQUIREMENTS. Every permit or approval application with drainage review required by K.C.C. 9.04.030 must meet each of the following core requirements which are described in detail in the Surface Water Design Manual:

Core Requirement #1: Discharge at the natural location. The discharge from a project site must occur at the natural location and/or produce no significant adverse impact, as described in the Surface Water Design Manual.

Core Requirement #2: Off-site analysis. All projects must identify the upstream tributary drainage area and perform a downstream analysis. Levels of analysis required depend on the problems identified or predicted. At a minimum, a level one analysis as described in the Surface Water Design Manual must be submitted with the initial permit application.

Core Requirement #3: Runoff control. All projects shall provide runoff controls to control the quantity and quality of runoff from the project by limiting the peak rates of runoff from design storm events to the pre-developed peak rates based on the project site's existing runoff conditions. The design volume, when detention facilities are required by the Surface Water Design Manual to meet the standard runoff control performance curve for the two- and ten-year, twenty-four hour duration design storm events, shall be increased by a thirty percent factor for safety. This factor of safety shall be reviewed as new research is completed to evaluate its effectiveness.

Project runoff resulting from more than five thousand square feet of impervious surface, and subject to vehicular use or storage of chemicals, shall be treated prior to discharge from the project site by biofiltration measures as specified in the Surface Water Design Manual.

Core Requirement #4: Conveyance system. All conveyance systems for projects must be analyzed, designed and constructed for existing tributary off-site flows and developed on-site flows from the project.

Core Requirement #5: Erosion/sedimentation control plan. All engineering plans for projects that involve modification or significant impact to existing drainage facilities and/or construction of new drainage facilities must include a plan to control erosion and sedimentation during construction and to permanently stabilize soil at the site.

Core Requirement #6: Maintenance and operation. Maintenance of all drainage facilities constructed or modified by a project is the responsibility of the property owner as described in the Surface Water Design Manual, except King County performs maintenance of drainage facilities constructed for formal plat subdivisions and some short plat subdivisions, two years after final plat recording following an inspection by the department.

Core Requirement #7: Bonds and liability. All drainage facilities for projects (except downspout roof drain infiltration systems) must comply with the bond and liability requirements of K.C.C. 9.04.100.

B. SPECIAL REQUIREMENTS. In addition to the core requirements, engineering plans must also meet any of the following special requirements which apply to the project and which are described in detail in the Surface Water Design Manual:

Special Requirement #1: Critical drainage area. If a project lies within an area designated by public rule as a "critical drainage area," then the project drainage review and engineering plans shall be prepared in accordance with the special critical drainage area requirements that have been formally adopted by

for the small mammals and fish which inhabit sensitive areas. Based upon the above findings, and as information and methods become available, the executive, as appropriate shall draft and submit to the council, regulations and development standards to allow protection of the surface and storm water management system including natural drainage systems.

O. Financial management operating policy. The program will maintain long term fiscal viability and fund solvency for all of its related funds. All required capital and operating expenditures will be covered by service charges and other revenues generated or garnered by the program. The program will pay all current operating expenses from current revenues and will maintain an operating reserve to minimize service impacts due to revenue or expenditure variances from plan during a fiscal year. This reserve will be calculated based on the historic variability of revenue and expenditures. The program will adopt a strategic financial planning approach which recognizes the dynamic nature of the program's fiscal operating environment. Long term projections will be updated in the program's adopted strategic plan. One-time revenues will be dedicated to one-time-only expenditures and will not be used to support ongoing requirements. The program's approach to financial reporting and disclosure will be comprehensive, open, and accessible.

P. Financial management capital policy. The program shall prepare an annual, multi-year Capital Improvement Program which encompasses all of the program's activities related to the acquisition, construction, replacement, or renovation of capital facilities or equipment. All proposed new facilities will be subject to a consistent and rigorous needs analysis. The program's capital facilities will be planned and financed to ensure that the benefits of the facilities and the costs for them are balanced over time.

Q. Financial management debt policy. The program will manage its debt to ensure continued high credit quality, access to credit markets, and financial flexibility. All of the program's debt management activities will be conducted to maintain at least the current credit ratings assigned to the county's debt by the major credit rating agencies and to maintain an adequate debt service coverage ratio. Long term debt will not be used to support operating expenses. The program will develop and maintain a central system for all debt-related records which will include all official statements, bid documents, ordinances indentures, leases, etc., for all of the program's debt and will accurately account for all interested earnings in debt-related funds. These records will be designed to ensure that the program is in compliance with all debt covenants and with State and Federal laws. (Ord. 11015 § 4, 1993: Ord. 10187 § 6, 1991: Ord. 7817 § 2, 1986: Ord. 7590 § 7, 1986).

9.08.070 Rate Structure. A. The service charges shall be based on the relative contribution of increased surface and storm water runoff from a given parcel to the surface and storm water management system. The percentage of impervious surfaces on the parcel and the total parcel acreage will be used to indicate the relative contribution of increased surface and storm water runoff from the parcel to the surface and storm water management system. The relative contribution of increased surface and storm water runoff from each parcel will determine that parcel's share of the service charge revenue needs. The service charge revenue needs of the program are based upon all or any part, as determined by the council, of the cost of surface and storm water management services or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such purpose.

B. The surface water management division shall determine the service charge for each parcel within the service area by the following methodology:

public rule. Copies of all designated critical drainage area public rules (including critical drainage area maps) are available for reference from the division permit center;

Special Requirement #2: Compliance with an existing master drainage plan. If a project lies within an area covered by an approved master drainage plan as listed at the division permit center, then the project drainage review and engineering plans shall be prepared in accordance with any special requirements of the master drainage plan. Copies of all master drainage plans are available for reference from the division permit center;

Special Requirement #3: Conditions requiring a master drainage plan. If a project:

a. Is a master planned development as described in an adopted community plan; or

b. Is a subdivision that will eventually have more than one hundred single family lots and encompasses a contiguous drainage sub-basin of more than two hundred acres; or

c. Is a commercial building permit or planned unit development that will eventually construct more than fifty acres of impervious surface; or

d. Will clear an area of more than five hundred acres within a contiguous drainage sub-basin; then a master drainage plan shall be prepared as specified in the Surface Water Design Manual. The master drainage plan process should proceed coincidentally with the State Environmental Policy Act (SEPA) process. Approval of the master drainage plan is required before permit approval.

Special Requirement #4: Adopted basin or community plans. If a project lies within an area included in an adopted basin or community plan, then the project drainage review and engineering plans shall be prepared in conformance with the special requirements of the adopted basin or community plan. Copies of all adopted basin and community plans are available for reference from the division permit center;

Special Requirement #5: Special water quality controls. If a project will construct more than one acre of impervious surface that will be subject to vehicular use or storage of chemicals and:

a. Proposes to discharge runoff directly to a regional facility, receiving water body, lake, wetland, or closed depression to provide the runoff control consistent with Core Requirement #3; or

b. The runoff from the project will discharge into a Type 1 or 2 stream, or Type 1 wetland within one mile from the project site; then a wetpond meeting the standards as specified in the Surface Water Design Manual shall be employed to treat a project's runoff prior to discharge from the project site. A wetvault or water quality swale may be used when a wetpond is not feasible.

Special Requirement #6: Coalescing plate oil/water separators. If a project will construct more than five acres of impervious surface that will be subject to petroleum storage or transfer, or high vehicular (more than twenty five hundred vehicle trips per day) or heavy equipment use, storage or maintenance, then a coalescing plate or equivalent oil/water separator shall be employed to treat a project's runoff prior to treatment by a wetpond, wetvault, or water quality swale, and/or discharge from the project site.

Special Requirement #7: Closed depressions. If a project will discharge to an existing closed depression either on or off the site that has greater than five thousand square feet of surface area at potential overflow, then the project's drainage review and engineering plans must meet the requirements for closed depressions as specified in the Surface Water Design Manual;

the roads program will work cooperatively with the Surface Water Management Program to improve regional surface and storm water management services as new information is available from basin plans and other sources. The percentage of impervious surface coverage for county roads and state highways shall be calculated by dividing average width of roadway and shoulder by the average width of the right of way. The service charge shall be calculated in accordance with RCW 9.03.525.

K. Service charge revenues. It is the finding of the county that comprehensive management of surface and storm water runoff must include anticipation of future growth and development in the design and improvement of the surface and storm water management system. Service charge revenue needs shall be based upon the present and future requirements of the surface and storm water management system, and these needs shall be considered when determining the rates and charges of the program.

L. Basin plans. It is the finding of the county that basin plans are essential to establishing a comprehensive approach to a capital improvement program, maintenance of facilities and regulation of new developments. A plan should analyze the measures needed to control surface and storm water runoff which results from existing and anticipated development within the basin. The measures investigated to control runoff should include land use regulation such as setback requirements or community plan revisions which revise land use densities as well as the use of drainage facilities. A plan also should recommend the quantity and water quality runoff control measures required to further the purposes set forth in K.C.C. 9.08.040, and community goals. The institutional requirements and regulations, including but not limited to land use management, funding needs, and incentives for preserving the natural surface water drainage system should be identified in the plan. The proposed ordinances and regulations necessary to implement the plan shall be transmitted to the council simultaneously with the plan.

M. Service area. It is the finding of the county that areas now requiring urban services, areas designated to receive urban services or areas exhibiting development related surface and storm water problems require comprehensive management of surface and storm water. The council finds that the service area set forth in K.C.C. 9.08.050 B. consists of the drainage basins or sub-basins in which a significant area exhibits development related surface and storm water problems or a significant area has been designated by the King County comprehensive plan, its supplements and revisions and community and middle plans, as specified in K.C.C. chapter 20.12 for urban development or development densities requiring urban services, or designated as transitional areas.

N. Need for mitigation. It is the finding of the county that additional surface and storm water runoff problems may be caused by new land use development if not properly mitigated both through protection of natural systems and through constructed improvements. The Surface Water Design Manual, K.C.C. 9.04 and the Sensitive Areas Ordinance 9614 have been adopted by King County to mitigate the impact of new land use development. Further mitigation of these impacts is based on expertise which continues to evolve as new information on our natural systems is obtained and new techniques are discovered. The Surface Water Management Program, through reconnaissance studies, basin plans, and other special studies, will continuously provide valuable information on the existing problems and areas of the natural drainage system that need special protection. The county is researching and developing methods to protect the natural drainage system through zoning, buffering, and setbacks to alleviate existing problems. Setback and buffering measures allow natural preservation of wetlands and stream corridors to occur, alleviate erosion and water pollution and provide a safe environment

Special Requirement #8: Use of lakes, wetlands or closed depressions for runoff control. If a project proposes to use a lake, wetland, or closed depression for runoff controls required by Core Requirement #3, then the project must meet the requirements of K.C.C. 21.54 (Sensitive Areas) for such use, include special water quality controls, and observe the limits on any increases to the floodplain as specified in the Surface Water Design Manual;

Special Requirement #9: Delineation of one hundred year floodplain. If a project contains or abuts a stream, lake, wetland or closed depression, then the one hundred year floodplain boundaries (and floodway if available based on an approved floodplain study as specified in the Surface Water Design Manual) shall be delineated on the site improvement plans and profiles and on any final plat maps prepared for the project;

Special Requirement #10: Flood protection for Type 1 and 2 streams. If a project contains or abuts a Type 1 or 2 stream (as defined in the Surface Water Design Manual) that has an existing flood protection facility or involves construction of a new, or modification of existing flood protection facility, then the flood protection facility shall be analyzed and/or designed as specified in the Surface Water Design Manual and in the Federal Emergency Management (FEMA) regulations (44 CFR).

Special Requirement #11: Geotechnical analysis and report. If a project includes construction of a pond for drainage control or an infiltration system (excluding a roof downspout system) above a steep slope (as defined in the Surface Water Design Manual) within two hundred feet from the top of the steep slope or on a slope with a gradient steeper than fifteen percent, or construction of earth fill/bank armor for flood protection facilities, then a geotechnical analysis and report shall be prepared and stamped by a geotechnical professional civil engineer that shall address at a minimum the analysis described in the Surface Water Design Manual;

Special Requirement #12. Soils analysis and report. If the soils underlying a project have not been mapped, or if the existing soils maps are in error or not of sufficient resolution to allow the proper engineering analysis of the proposed site to be performed, then a soils analysis and report shall be prepared and stamped by a professional civil engineer with expertise in soils to verify and/or map the underlying soils by addressing at a minimum the analysis described in the Surface Water Design Manual.

C. VARIANCES FROM REQUIREMENTS. Where application of the provisions of this section may deny reasonable use of a property, or where alternate facility designs or methods will produce a compensating or comparable result which will achieve an equivalent level of safety, function, appearance, environmental protection, and maintainability, based upon sound engineering judgment, the core and special requirements contained in the section and/or other requirements in the Surface Water Design Manual may be proposed for a variance.

1. A variance may be proposed provided that the resulting development shall be subject to all of the remaining terms and conditions of this chapter and provided that granting the variance will:

a. Produce a compensating or comparable result which is in the public interest, and

b. Meet the objectives of safety, function, appearance, environmental protection and maintainability based upon sound engineering judgment.

2. Granting any variance which would be in conflict with the requirements of any other King County division will require review and concurrence with that division.

3. Variance requests shall be processed in accordance with procedures specified in the Surface Water Design Manual.

4. Proposed variances to the core and special requirements must be approved prior to permit approval and construction.

K.C.C. 9.04 shall receive a discount as provided in the rates and charges of the Surface Water Management Program, provided that, the facility is maintained at the parcel owner's expense to the standard established by the department of public works. That portion of the rates or charges allocated for payment of debt service on revenue or general obligation bonds issued to finance storm water control facilities will not be discounted for retention/detention facilities.

F. Open space. It is a finding of the county that open space properties provide a benefit to the surface and storm water management system by the retention of property in an undeveloped state. Open space properties shall receive a discount from the rates and charges to encourage the retention of property as open space.

G. Residential parcels. It is a finding of the county that the majority of the parcels in the service area are residential. The variance between residential parcels in parcel size and percentage of impervious surface coverage is found to be minor and to reflect only minor differences in increased runoff contributions. The administrative cost of calculating the service charge individually for each residential parcel and maintaining accurate information would be very high. A flat charge for residential parcels is less costly to administer than calculating a separate charge for each parcel and is equitable because of the similarities in total parcel size and total impervious surface coverage between residential parcels. Therefore, residential parcels shall be charged a flat charge based upon the average parcel size and average percentage of impervious surfaces.

H. Very lightly developed parcels. It is a finding of the county that very lightly developed non-residential parcels which have an impervious surface coverage of ten percent or less of the total parcel acreage are characterized by a very low intensity of development and generally a large number of acres. A greater number of acres of undeveloped land associated with an impervious surface results in significantly less impact to the surface and storm water management system. Many of the very lightly developed properties are recreational, agricultural and timber lands identified in the King County comprehensive plan and should be encouraged to retain their low intensity of development. These parcels shall be charged a flat rate which will encourage the retention of large areas of very lightly developed land.

I. Lightly to very heavily developed parcels. It is the finding of the county that lightly to very heavily developed non-residential parcels which have an impervious surface coverage of more than ten percent have a substantial impact on the surface and storm water management system. The impact of these parcels on the surface and storm water management system increases with the size of the parcels. Therefore, lightly to very heavily developed properties shall be charged a rate determined by the percent of impervious surface coverage multiplied by the parcel acreage.

J. Road systems. It is a finding of the county that county and state roads contribute a significant amount of increased runoff to the surface and storm water management system, which contributes to the need for basin planning, drainage facilities and other related services. However, both the county roads and state highway programs provide substantial annual programs for the construction and maintenance of drainage facilities, and the roads systems and their associated drainage facilities serve as an integral part of the surface and storm water management system. The rate charged county roads and state highways shall reflect the benefit which county roads and state highway facilities provide to the surface and storm water management system. County and state road drainage systems unlike the drainage systems on other properties are continually being upgraded to increase both conveyance capacity and control. It is envisioned that

5. The applicant may appeal the denial of a variance request by following the appeal procedures as specified in the Surface Water Design Manual. (Ord. 10570 § 1, 1992; Ord. 9163 § 5, 1989; Ord. 7817 § 2, 1986; Ord. 4938 § 5, 1980; Ord. 2812 § 3, 1976; Ord. 2281 § 5, 1975).

9.04.060 Critical drainage areas - Development in critical flood, drainage and/or erosion areas. Development in areas where the department has determined that the existing flooding, drainage, and/or erosion conditions present an imminent likelihood of harm to the welfare and safety of the surrounding community shall meet special drainage requirements set by the director or development engineer, until such time as the community hazard is alleviated. Such conditions may include the limitation of the volume of discharge from the subject property to predevelopment levels, preservation of wetlands or other natural drainage features, or other controls necessary to protect against community hazard. Where applications of the provisions of this section will deny all reasonable uses of the property, or where alternate facility designs or methods will produce a compensating or comparable result which will achieve an equivalent level of safety, function, appearance, environmental protection, and maintainability, based upon sound engineering judgment, the restriction of development contained in this section may be proposed for a variance, provided that the resulting development shall be subject to all of the remaining terms and conditions of this chapter. (Ord. 10570 § 2, 1992; Ord. 9163 § 6, 1989; Ord. 7990 § 4, 1987; Ord. 7817 § 2, 1986; Ord. 4938 § 6, 1980; Ord. 2812 § 4, 1976).

9.04.070 Engineering plans - procedures for submittal. A. Where to submit.

1. All engineering plans shall be submitted to the building and land development division of the department of parks, planning and resources for review in accordance with the specifications in the Surface Water Design Manual.

2. All master drainage plans shall be submitted directly to the surface water management division of the department of public works for review. Master drainage plans must also be a part of a permit application that has been submitted to the building and land development division of the department of parks, planning and resources. The master drainage plan submittal should commence at the same time as the State Environmental Policy Act (SEPA) process.

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

C. Processing. All plans will be processed in accordance with the review procedures specified in the Surface Water Design Manual. (Ord. 9163 § 7, 1989; Ord. 7817 § 2, 1986; Ord. 2812 § 5, 1976; Ord. 2281 § 6, 1975).

9.04.090 Procedures and conditions related to construction timing and final approval. A. No work related to permanent or temporary storm drainage control shall proceed without the approval of the manager.

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

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

2. Satisfactorily maintained until all improvements, restoration, and landscaping associated with the permit and/or approval listed in K.C.C. 9.04.030 are completed and the potential for onsite erosion has passed.

C. Prior to the construction of any improvements and/or buildings on the site, those portions of the drainage facilities necessary to accommodate the

B. The service area is that area described in Exhibit A which is attached hereto and incorporated by reference herein. It identifies the drainage basins or sub-basins thereof that comprise the service area.¹

C. The service area may be modified in accordance with policy contained in K.C.C. 9.08.060 M. Modifications to the service area shall be by ordinance. (Ord. 11015 § 3, 1993: Ord. 10187 § 5, 1991: Ord. 8626 § 2, 1988: Ord. 7817 § 2, 1986: Ord. 7590 § 6, 1986).

9.08.060 Policy. A. **Coordination.** It is the finding of the county that the majority of the basins in the service area are shared with incorporated cities and towns. In order to achieve a comprehensive approach to surface and storm water management the county and incorporated jurisdictions within a specific basin should coordinate surface and storm water management services. In addition, the program may contract for services with interested municipalities or special districts including but not limited to sewer and water districts, school districts, port districts or other governmental agencies.

B. **Education of Public.** It is the finding of the county that many of the difficulties found in the management of surface and storm water problems are contributed to by the general lack of public knowledge about the relationship between human actions and surface and storm water management. In order to achieve a comprehensive approach to surface and storm water management the county should provide general information to the public about land use and human activities which impact surface and storm water management. Pursuant to RCW 36.89.085, it is the finding of the county that public school districts can provide significant benefits to the county regarding surface and storm water management through educational programs and community activities related to protection and enhancement of the surface and storm water management system. These programs and activities can provide students with an understanding of human activities and land use practices that create surface and storm water problems and involve students by learning from first hand exposure, the difficulties of resolving surface and storm water management problems after they occur.

C. **Developed parcels.** It is the finding of the county that developed parcels contribute to an increase in surface and storm water runoff to the surface and storm water management system. This increase in surface and storm water runoff results in the need to establish rates and charges to finance the county's activities in surface and storm water management. Developed parcels shall be subject to the rates and charges of the Surface Water Management Program based on their contribution to increased runoff. The factors to be used to determine the degree of increased surface and storm water runoff to the surface and storm water management system from a particular parcel shall be the percentage of impervious surface coverage on the parcel and the total acreage of the parcel.

D. **Undeveloped parcels.** It is the finding of the county that undeveloped parcels do not contribute as much as developed parcels to an increase in surface and storm water runoff into the surface and storm water management system. Undeveloped properties shall be exempt from the rates and charges of the Surface Water Management Program.

E. **Drainage facilities.** It is the finding of the county that maintained drainage facilities mitigate the increased runoff contribution of developed parcels by providing on-site drainage control. Parcels served by retention/detention facilities which were: 1) required for development of the parcel pursuant to K.C.C. 9.04 and approved by King County; or 2) can be demonstrated as required in K.C.C. 9.08.080 B.5. by the property owner to provide detention/retention of surface and storm water to the standards set forth in

¹ Available in office of clerk of the council.

control of surface and stormwater runoff discharging from the site must be constructed and in operation. **SUBDIVISIONS ONLY:** Recording may occur prior to the construction of drainage facilities when approved in writing by the development engineer only to minimize impacts that may result from construction during inappropriate times of the year. (Ord. 9163 § 8, 1989; Ord. 7990 § 5, 1987; Ord. 7817 § 2, 1986; Ord. 4938 § 7, 1980).

9.04.100 Bonds and liability insurance required. The division is authorized to require all persons constructing retention/detention facilities and other drainage facilities to post bonds with the manager. Where such persons have previously posted, or are required to post, other such bonds with the manager either on the facility itself or on other construction related to the facility, such person may, with the permission of the manager and to the extent allowable by law, combine all such bonds into a single bond; provided, that at no time shall the amount thus bonded be less than the total amount which would have been required in the form of separate bonds; and provided further, that such a bond shall on its face clearly delineate those separate bonds which it is intended to replace.

A. DRAINAGE FACILITIES RESTORATION AND SITE STABILIZATION BOND. Prior to commencing construction, the person required to construct the drainage facility pursuant to Section 9.04.050 shall post a drainage facilities restoration and site stabilization bond in the amount sufficient to cover the cost of corrective work on or off the site which is necessary to provide adequate drainage, stabilize and restore disturbed areas, and remove sources of hazard associated with work which has been performed and is not completed. After determination by the development engineer that all facilities are constructed in compliance with approved plans, the drainage facilities restoration and site stabilization bond shall be released. The county may collect against the drainage facilities restoration and site stabilization bond when work is not completed in reasonable fashion and is found to be in violation of the conditions associated with the permit and/or approval listed in Section 9.04.030. It is the manager's discretion to determine whether the site is in violation of the requirements of this chapter, and whether the bond shall be collected to remedy the violation. Prior to final approval and release of the drainage facilities restoration and site stabilization bond, the division shall conduct a comprehensive inspection for the purpose of observing that the retention/detention facilities and other drainage facilities have been constructed according to plan, applicable specifications and standards.

B. DEFECT AND MAINTENANCE BOND. After satisfactory completion of the drainage facility or final plat approval, whichever occurs last, the person required to construct the facility pursuant to Section 9.04.050 shall post a defect and maintenance bond warranting the satisfactory performance and maintenance of the drainage facility and guaranteeing the workmanship and materials used in the construction of the facility for a period of two years. For subdivision retention/detention facilities that King County may assume maintenance of pursuant to Section 9.04.110, the defect and maintenance bond shall be posted for a period of two years or until King County assumes maintenance, whichever is longer. The manager shall not release the defect and maintenance bond until all inspection fees are paid.

C. FAILURE TO COMPLETE PROPOSED WORK. In the event of failure to comply with all the conditions and terms of the permit and/or approval covered by this chapter, the manager shall notify the permittee and surety in writing, and

B. The committee shall be comprised of twenty-five members appointed by the executive and confirmed by the council who reside, own property or have a community interest in the service area. At least four members shall live in cities which have mutual drainage interests with the county. The committee members shall include a cross section of the public affected by the program including private citizens, commercial, community and environmental organizations.

C. The appointments shall be effective until December 31 of the third year following each member's appointment date. Members whose terms have expired shall serve until replacements are appointed. Members may be reappointed for one additional term.

D. The committee shall select its officers, including chair, vice-chair and any others it deems necessary.

E. The committee shall adopt appropriate by-laws. (Ord. 10187 § 3, 1991; Ord. 9453, 1990; Ord. 7817 § 2, 1986; Ord. 7590 § 4, 1986).

9.08.040 Purpose. It is the finding of the county that the Surface Water Management Program is necessary in order to promote public health, safety and welfare by establishing and operating a comprehensive approach to surface and storm water problems. This comprehensive approach includes the following elements: basin planning, land use regulation, construction of facilities, maintenance, public education, and provision of surface and storm water management services. It is the finding of the county that the most cost effective and beneficial approach to surface and storm water management is through preventative actions and protection of the natural drainage system. In approaching surface and storm water problems the Surface Water Management Program shall give priority to methods which provide protection or enhancement of the natural surface water drainage system over means which primarily involve construction of new drainage facilities or systems. The purpose of the rates and charges established herein is to provide a method for payment of all or any part of the cost and expense of surface and storm water management services or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such services. These rates and charges are necessary in order to promote the public health, safety and welfare by minimizing uncontrolled surface and storm water, erosion, and water pollution; to preserve and utilize the many values of the county's natural drainage system including water quality, open space, fish and wildlife habitat, recreation, education, urban separation and drainage facilities; and to provide for the comprehensive management and administration of surface and storm water. (Ord. 10187 § 4, 1991; Ord. 7817 § 2, 1986; Ord. 7590 § 5, 1986).

9.08.050 Applicability. A. Developed parcels within the service area shall be billed each year for surface and storm water management services pursuant to RCW 36.89.080. Surface and storm water management services and/or service charges shall be imposed on developed parcels lying within cities and towns when such services and/or charges have been provided for by interlocal agreements between the county and such cities or towns. That portion of the rates or charges allocated to payment of debt service on revenue or general obligation bonds issued to finance storm water control facilities in areas annexed or incorporated subsequent to the issuance of such bonds shall be imposed as set forth above in Section 9.08.020 F. In addition, the county and cities or towns may enter into interlocal agreements allowing the city or town to provide surface and storm water management services and/or charges for specified developed parcels lying within unincorporated King County.

failing to obtain response within seven days from the receipt of notification may order the work required to be satisfactorily completed or perform all necessary corrective work to stabilize and restore disturbed areas and eliminate hazards caused by not completing the work. The surety executing such bond shall continue to be firmly bound up to the limits of the bond, under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by King County in causing any and all such required work to be done. In no event shall the liability of the surety exceed the amount stated in the bond regardless of the number of years the bond remains in force.

D. **LIABILITY POLICY.** The person required to construct the facility pursuant to Section 9.04.050 shall maintain a liability policy in the amount of one hundred thousand dollars per individual, three hundred thousand dollars per occurrence and fifty thousand dollars property damage, which shall name King County as an additional insured, and which shall protect King County from any liability up to those amounts for any accident, negligence, failure of the facility, or any other liability whatsoever, relating to the construction or maintenance of the facility. Proof of said liability policy shall be provided to the manager prior to commencing construction of any drainage facility; provided, that in the case of facilities assumed by King County for maintenance pursuant to Section 9.04.110, said liability policy shall be terminated when said county maintenance responsibility commences. (Ord. 9163 § 9, 1989: Ord. 7990 § 6, 1987: Ord. 7817 § 2, 1986: Ord. 4938 § 8, 1980: Ord. 2812 § 6, 1976: Ord. 2281 § 7, 1975).

9.04.110 Maintenance of subdivision retention/detention facilities.

Maintenance of all subdivision retention/detention facilities shall remain the responsibility of the person required to construct the retention/detention facilities until all the conditions of this section have been met.

EXCEPTION: A retention/detention facility located within and servicing only an individual lot shall not be accepted by the county for maintenance and will remain the responsibility of persons holding title to the property within which the facility is located.

Only after all of the following conditions have been met shall King County assume maintenance of the subdivision retention/detention facility:

- A. All of the requirements of Section 9.04.100 have been fully met;
- B. All necessary easements or tracts entitling the county to properly maintain the retention/detention facility have been conveyed to the county and boundary survey stakes established.
- C. The department has conducted an inspection and determined that the facility has been properly maintained and is operating as designed. This department inspection shall occur two years after posting of the defect and maintenance bond. (Ord. 9163 § 10, 1989: Ord. 8589 § 1, 1988: Ord. 7817 § 2, 1986: Ord. 5824 § 5, 1982: Ord. 4938 § 9, 1980: Ord. 2812 § 7, 1976: Ord. 2281 § 8, 1975).

9.04.120 Maintenance of multifamily/commercial facilities. A. Any person or persons holding title to the property for which a facility was required shall be responsible for the continual operation and maintenance of the facility in accordance with standards and requirements of the department. Prior to the issuance of any of the permits and/or approvals listed in Section 9.04.030 the person or persons holding title to the subject property for which

D. The director or the director's designee is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of K.C.C. Title 23.

E. The program may provide services related to surface and storm water management, including but not limited to basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and storm water quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations, and facility design and construction. The program may contract for services with interested municipalities or special districts including but not limited to sewer and water districts, school districts, port districts or other governmental agencies.

F. Whenever a city or town annexes an area, or a city or town incorporates an area and the county has issued revenue bonds or general obligation bonds to finance storm water control facilities that are payable in whole or in part from rates or charges imposed in the area, the county shall continue imposing all portions of the rates or charges that are allocated to payment of the debt service on bonds in that area after the effective date of the annexation or official date of the incorporation until:

1. The debt is retired;
2. Any debt that is issued to refinance the underlying debt is retired;

or

3. The city or town reimburses the county an amount that is sufficient to retire that portion of the debt borne by the annexed or incorporated area.

If the county provides storm water management services to the city or town by contract, the contract shall consider the value of payments made by property owners to the county for the payment of debt service. The provisions of this section apply whether or not the bonds finance facilities that are geographically located within the area that is annexed or incorporated.

The county shall construct all facilities included in the storm water plan financed by the proceeds of such bonds. The storm water plan may be modified and facilities authorized in the storm water plan may be added, deleted or modified either prior to or following annexation or incorporation of part of the service area when the county council determines, after notification of cities within the affected basins, that such changes are necessary or advisable in order to implement the storm water plan within available funding levels. If bond proceeds are insufficient to complete all facilities authorized in the storm water plan, the county council shall, after notification of cities within the affected basins, prioritize the use of bond proceeds to construct those facilities most necessary and in the best interest of the area served by the storm water plan. If the storm water plan is amended for the reasons set forth in this section, any related agreements with other jurisdictions shall be revised as necessary. (Ord. 11015 § 2, 1993: Ord. 10187 § 2, 1991: Ord. 7817 § 2, 1986: Ord. 7590 § 2, 1986).

9.08.030 Surface Water Management Citizens Committee. A. The surface water management citizens committee is hereby established. The committee shall act in an advisory capacity to the director on matters concerning surface and storm water management and may submit independent recommendations to the county executive and county council. The committee shall review, advise and make recommendations regarding matters such as general program focus, program service levels and financing, and policies on surface and storm water issues.

a retention/detention facility was required shall record the declaration of covenant set forth in Appendix A to Ordinance 4938.* The restrictions set forth in such covenant shall include, but not be limited to, provisions for notice to the persons holding title to the property of a King County determination that maintenance and/or repairs are necessary to the facility and a reasonable time limit in which such work is to be completed. In the event that the titleholders do not effect such maintenance and/or repairs, King County may perform such work upon due notice. The titleholders are required to reimburse King County for any such work. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the King County records division.

B. The county shall enforce the restrictions set forth in Appendix A of Ordinance 4938.*

C. Prior to the issuance of any of the permits and/or approvals contained in Section 9.04.030 or the release of bonds posted to guarantee satisfactory completion, the person or persons holding title to the subject property for which a retention/detention facility was required shall pay a fee established by the manager to reasonably compensate the county for costs relating to inspection of the facility to ensure that it has been constructed according to plan and applicable specifications and standards.

D. The duties specified in this section with regard to payment of inspection fees and reimbursement of maintenance costs shall be enforced against the person or persons holding title to the property for which the retention/detention facility was required. (Ord. 9006 § 1, 1989: Ord. 7990 § 7, 1987: Ord. 7817 § 2, 1986: Ord. 5824 § 9, 1982: Ord. 4938 § 10, 1980).

9.04.125 DECLARATION OF COVENANT. APPENDIX A attached to Ordinance 4938, K.C.C. 9.04.120 relating to surface water management covenants for multifamily and commercial development is hereby repealed and the following substituted:

DECLARATION OF COVENANT ASSOCIATED WITH MULTI-FAMILY/ COMMERCIAL RETENTION/DETENTION FACILITY

Declaration of Covenant

"In consideration of the approval of King County of a _____ permit for application No. _____ relating to real property legally described as follows:

The undersigned as owner(s) covenants and agrees that:

1. All necessary easements will be dedicated to King County for access to inspect, maintain or repair the facilities in conformity with King County Code Section 9.04.120.

2. If King County determines that maintenance or repair work is required to be done to the retention/detention facility existing on the above-described property, the director of the department of public works shall give the person to whom the permit was issued pursuant to K.C.C. 9.04.030, the

*Ord. 9006, Section 2, repealed Appendix A of Ordinance 4938 and substituted a new Covenant. See K.C.C. 9.04.125.

Q. "Residence" means a building or structure or portion thereof, designed for and used to provide a place of abode for human beings. The term residence includes the term "residential" or "residential unit" as referring to the type of or intended use of a building or structure.

R. "Residential parcel" means any parcel which contains no more than three residences or three residential units which are within a single structure and is used primarily for residential purposes.

S. "Service area" means the the area described in Exhibit A dated November 27, 1991 which is attached hereto and incorporated by reference herein. This exhibit is available in the office of the clerk of the council.

T. "Storm water plan" means a King County ordinance specifying the storm water control facilities that will be funded by a bond issue.

U. "Surface and storm water management services" means the services provided by the Surface Water Management Program, including but not limited to basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and storm water quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations, and facility design and construction.

V. "Sub-basin" means a drainage area which drains to a water course or water body named and noted on common maps and which is contained within a basin as defined in K.C.C. 9.04.020.

W. "Surface and storm water" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water.

X. "Surface and storm water management system" means constructed drainage facilities and any natural surface water drainage features which collect, store, control, treat and/or convey surface and storm water.

Y. "Undeveloped parcel" means any parcel which has not been altered from its natural state by the construction, creation, or addition of impervious surface. (Ord. 11015 § 1, 1993: Ord. 10187 § 1, 1991: Ord. 7817 § 2, 1986: Ord. 7590 § 1, 1986).

9.08.020 Authority. A. There is hereby created and established the Surface Water Management Program of King County under which the provisions of this chapter shall be carried out.

B. The program herein created shall be administered by the King County department of public works, surface water management division.

C. Right of Entry. Whenever necessary to examine the property characteristics of a particular parcel for the purposes of implementing this chapter, the director or the director's designee may enter any property or portion thereof at reasonable times in compliance with the following procedures:

1. If such property or portion thereof is occupied, the director or the director's designee shall present identification credentials, state the reason for entry and request entry.

2. If such property or portion thereof is unoccupied, the director or the director's designee shall first make a reasonable effort to locate the owner or other persons having charge or control of the property or portion thereof and request entry.

3. Unless entry is consented to by the owner or person in control of any property or portion thereof, the director or the director's designee, prior to entry, shall obtain a search warrant as authorized by the laws of the State of Washington.

owner of the property within which the drainage facility is located, the person responsible for maintenance of the facility, or other person or agent in control of said property notice of the specific maintenance and/or repair required. The director of the department of public works shall set a reasonable time in which such work is to be completed by the titleholders who were given notice. If the above required maintenance and/or repair is not completed within the time set by the director, the county may perform the required maintenance and/or repair. Written notice will be sent to the titleholders stating the county's intention to perform such maintenance. Maintenance work will not commence until at least seven days after such notice is mailed.

3. If at any time King County reasonably determines that any existing retention/detention system creates any of the conditions listed in K.C.C. 9.04.130 and herein incorporated by reference, the director may take measures specified therein.

4. The titleholders shall assume all responsibility for the cost of any maintenance and for repairs to the retention/detention facility. Such responsibility shall include reimbursement to the county within 30 days of the receipt of the invoice for any such work performed. Overdue payments will require payment of interest at the current legal rate for liquidated judgments. If legal action ensues, any costs or fees incurred by the county will be borne by the parties responsible for said reimbursements.

This covenant benefits all citizens of King County, touches and concerns the land and shall run with the land and be binding on all heirs, successors and assigns.

These covenants are intended to protect the value and desirability of the real property described above, and to benefit all the citizens of King County. They shall run with the land and be binding on all parties having or acquiring from _____ or their successors any right, title or interest in the property or any part thereof, as well as their heirs, successors and assigns. They shall inure to the benefit of each present or future successor in interest of said property or any part thereof, or interest therein, and to the benefit of all the citizens of King County.

Owner

Owner

STATE OF WASHINGTON)
COUNTY OF KING)ss

On this day personally appeared before me _____, to me known to be the individual(s) described in and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein stated.

Given under my hand and official seal this _____ day of _____, 19_____.

NOTARY PUBLIC In and for the State
of Washington, residing at _____

E. "Director" means the director of the department of public works or the director's designee.

F. "Drainage facility" means the system of collecting, conveying, and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water conveyance and containment facilities including streams, pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and constructed.

G. "Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials, or other surfaces which similarly impede the natural infiltration of surface and storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purpose of this chapter.

H. "Land use code" means restrictions on the type of development for a specific parcel of land as identified by records maintained by the King County department of assessments as modified or supplemented by information resulting from investigation by the surface water management division. Land use codes are preliminary indicators of the extent of impervious surface and are used in the initial analysis to assign an appropriate rate category for a specific parcel. "Service station", "single-family home", and "shopping center" are examples of land use codes.

I. "Maintenance" means the act or process of cleaning, repairing or preserving a system, unit, facility, structure or piece of equipment.

J. "Natural surface water drainage system" means such landscape features as rivers, streams, lakes, and wetlands. This system circulates water in a complex hydrological cycle.

K. "Open Space" means any parcel, property or portion thereof classified for current use taxation under the provisions of K.C.C. 20.36 and RCW 84.34, or for which the development rights have been sold to King County under the provisions of K.C.C. 26.04. This definition includes lands which have been classified as open space, agricultural or timber lands under criteria contained in K.C.C. 20.36 and RCW 84.34.

L. "Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for property tax purposes and given a tax lot number by the King County assessor.

M. "Person" means any individual, firm, company, association, corporation or governmental agency.

N. "Program" means the Surface Water Management Program as set forth in chapter.

O. "Rate category" means the classification in this chapter given to a parcel in the service area based upon the type of land use on the parcel and the percentage of impervious surface area contained on the parcel.

P. "Retention/detention facility" means a type of drainage facility designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration and/or infiltration into the ground; or to hold runoff for a short period of time and then release it to the surface and storm water management system.

9.04.130 Hazards. Whenever the director or manager determines that any existing construction site, erosion/sedimentation problem and/or drainage facility poses a hazard to life and limb, endangers any property, and/or adversely affects the condition or capacity of other drainage facilities, the safety and operation of county right of way, utilities, and/or other property owned or maintained by the county, the person to whom the permit was issued pursuant to K.C.C. 9.04.030, the owner of the property within which the drainage facility is located, the person responsible for maintenance of the facility, and/or other person or agent in control of said property, upon receipt of notice in writing from the director or manager shall within the period specified therein repair or otherwise address the cause of the hazardous situation in conformance with the requirements of this chapter.

Should the director or manager have reasonable cause to believe that the situation is so adverse as to preclude written notice, he may take the measures necessary to eliminate the hazardous situation; provided, that he shall first make a reasonable effort to locate the owner before acting. In such instances the person of whom a drainage plan was required pursuant to K.C.C. 9.04.030, the owner of the property and/or the person responsible for the maintenance of the facility shall be obligated for the payment of all costs incurred. If costs are incurred and a bond pursuant to this chapter or other county requirement has been posted, the director or manager shall have the authority to collect against the bond to cover costs incurred. (Ord. 9163 § 11, 1989: Ord. 7817 § 2, 1986: Ord. 5824 § 11, 1982: Ord. 4938 § 11, 1980).

9.04.140 Administration. The director is authorized to promulgate and adopt administrative rules and regulations under the procedures specified in K.C.C. 2.98, for the purpose of implementing and enforcing the provisions of this chapter. Said rules and regulations are available to the public in the Surface Water Design Manual and/or at the division permit center.

The manager is authorized to develop procedures for applying adopted rules and regulations during the review of permit applications for the development of land. Said procedures may also be contained in the Surface Water Design Manual.

A. INSPECTIONS. The director or manager is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

B. RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the director or manager has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the director or manager may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the director or manager by this chapter; provided that, if such premises or portion thereof is occupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and demand entry.

C. ACCESS. Proper ingress and egress shall be provided to the director or manager to inspect or perform any duty imposed upon the director or manager by this chapter. The director or manager shall notify the responsible party in writing of failure to comply with the said access requirement. Failing to obtain a response within seven days from the receipt of notification the director or manager may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs

may require submittal of additional information. (Ord. 9163 § 16, 1989: Ord. 7817 § 2, 1986: Ord. 4938 § 15, 1980: Ord. 2812 § 10, 1976: Ord. 2281 § 11, 1975).

9.04.192 Liberal construction. This chapter is exempted from the rule of strict construction and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. (Ord. 9163 § 17, 1989).

9.04.194 Implementation, review, and revision. The department shall promote the development of a training program for users of the new Surface Water Design Manual. The department shall also conduct an on-going research program to evaluate the effectiveness of the requirements in meeting the purpose of this chapter. This research program will examine, but not be limited to, hydrologic and hydraulic analysis methods, stream geomorphologic analysis methods, water quality, best management practices, and erosion/sedimentation control measures. (Ord. 9163 §§ 18-19, 1989).

9.04.200 Severability. If any provision of this chapter or its application to any person or property is held invalid, the remainder of the chapter or the application of the provision to other persons or property shall not be affected. (Ord. 9163 § 20, 1989: Ord. 7817 § 2, 1986: Ord. 2812 § 11, 1976: Ord. 2281 § 12, 1975).

Chapter 9.08 SURFACE WATER MANAGEMENT PROGRAM

Sections:

- 9.08.010 Definitions.
- 9.08.020 Authority.
- 9.08.030 Surface water management citizens committee.
- 9.08.040 Purpose.
- 9.08.050 Applicability.
- 9.08.060 Policy.
- 9.08.070 Rate structure.
- 9.08.080 Rate adjustments and appeals.
- 9.08.085 Petition for additional services.
- 9.08.090 Billing procedure.
- 9.08.100 Delinquencies and foreclosures.
- 9.08.110 Surface water management fund.
- 9.08.120 Administrative procedures.
- 9.08.125 Report of revenue and expenditure analysis.
- 9.08.140 Severability.

9.08.010 Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

A. "Basin plan" means a plan and all implementing regulations and procedures including but not limited to capital projects, public education activities, land use management regulations adopted by ordinance for managing surface and storm water management facilities and features within individual sub-basins.

B. "County" means King County.

C. "Department" means the department of public works.

D. "Developed parcel" means any parcel altered from the natural state by the construction, creation or addition of impervious surfaces.

that may be incurred or expended by the county in causing such work to be done shall thereby be imposed on the person holding title to the subject property. (Ord. 9163 § 12, 1989: Ord. 7990 § 8, 1987: Ord. 7817 § 2, 1986: Ord. 5824 § 10, 1982: Ord. 4938 § 12, 1980).

9.04.160 Retroactivity relating to county maintenance of subdivision retention/detention facilities. The person required to construct a retention/detention facility pursuant to Section 9.04.030 which is covered by a maintenance or defect bond or which has been released from all required bonds prior to July 7, 1980, the effective date of Ordinance 4938, and all persons holding title to the property for which a facility was required shall be responsible for the continual operation and maintenance of the facility in accordance with standards and requirements of the department and for any liability as a result of breach of these duties.

The county may assume maintenance of such facilities only after the following conditions have been met.

A. All necessary easements or dedications entitling the county to properly maintain the retention/detention facility have been conveyed to the county;

B. The director has determined maintenance of the facility will contribute to protecting or improving the health, safety, and welfare of the community based upon review of the following factors:

1. Existence of or potential for flooding,
2. Existence of or potential for downstream erosion,
3. Existence of or potential for property damage due to improper function of the facility,
4. Existence of or potential for safety hazard associated with the facility,
5. Existence of or potential for degradation of surface or ground water quality or in-stream resources, or
6. Existence of or potential for degradation to the general welfare of the community; and

C. The director, by his signature, has declared acceptance of maintenance responsibility by the county. Copies of this document will be kept on file in the King County public works record center and the surface water management facilities maintenance office.

A retention/detention facility which does not meet the criteria of this section shall remain the responsibility of the persons required to construct the facility and persons holding title to the property for which the facility was required. (Ord. 9163 § 14, 1989: Ord. 8589 § 2, 1988).

9.04.170 Applicability to governmental entities. All municipal corporations and governmental entities shall be required to submit a drainage plan and comply with the terms of this chapter when developing and/or improving land including, but not limited to, road building and widening, with the exception of drainage projects involving the surface water management division of the King County department of public works. (Ord. 9163 § 15, 1989: Ord. 7817 § 2, 1986: Ord. 2812 § 9, 1976: Ord. 2281 § 10, 1975).

9.04.180 Enforcement. The director or manager is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and

any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of Title 23. (Ord. 7990 § 9, 1987; Ord. 7817 § 2, 1986; Ord. 2909 § 3(part), 1976; Ord. 2281 (part), 1975).

9.04.190 Effective date. The effective date of Ordinance 9163 shall be January 1, 1990. The requirements of this chapter shall apply to all development permit and approval applications submitted to the division on or after the effective date of Ordinance 9163. For the purposes of this chapter, development permit and approval applications submitted to the division prior to the effective date of Ordinance 9163 and determined by the division to be valid and fully complete shall be subject to the provisions of K.C.C. 9.04 and all applicable public rules and/or regulations as they existed on the date of acceptance as date-stamped on the application by the division.

A. For the purposes of this chapter, a valid and fully complete development permit or approval application must include:

1. An application form with all sections filled in;
2. Copies of all existing easements, deed restrictions, or other encumbrances restricting the use of the subject property;
3. A completed environmental checklist if required by K.C.C. 20.44, King County Environmental Procedures;
4. Record of payment for any application fees specified in K.C.C. Title 27, Development Permit Fees;
5. Documentation of compliance with the application requirements in Chapter Two of the Surface Water Design Manual;
6. Completed applications for other required permits or approvals if they are to be processed with the development applications, or copies of issued permits or applications if they have been previously approved; and
7. Any other documents or information required in the King County Code or adopted Public Rules for the specific permit or approval which is the subject of the development application.

B. Determination if an application is valid and fully complete or not will be made by the division manager or the manager's designee.

C. For the purposes of this chapter, the date that an application is valid and fully complete shall be determined according to the following specifications:

1. If the application is determined by the division to be valid and fully complete, the date that the application was submitted and date-stamped at the division permit center shall be the date of the application being valid and fully complete.

2. If the application is determined to be invalid and/or incomplete by the division, and the information requested by the division to resolve the application's invalid or incomplete status is determined by the division to be valid and fully complete, then the date of the application being valid and fully complete shall be the date the last piece of requested information is submitted and date-stamped at the division permit center.

3. If the applicant does not submit responses to a request from the division for additional information within ninety days, the application shall be deemed withdrawn by the applicant and no valid and fully complete application rights shall exist.

D. Although the division shall determine the validity and completeness of an application for purposes of establishing a valid and fully complete application date, during the actual review of the application, the division