

CITY OF RENTON, WASHINGTON

ORDINANCE NO. 5645

AN ORDINANCE OF THE CITY OF RENTON, WASHINGTON, AMENDING SECTION 4-6-030 OF CHAPTER 6, STREET AND UTILITY STANDARDS, OF TITLE IV (DEVELOPMENT REGULATIONS) OF ORDINANCE NO. 4260 ENTITLED "CODE OF GENERAL ORDINANCES OF THE CITY OF RENTON, WASHINGTON", CLARIFYING THE REGULATIONS REGARDING MAINTENANCE OF DRAINAGE FACILITIES AND THE IMPLEMENTATION OF FLOW CONTROL BMPs.

THE CITY COUNCIL OF THE CITY OF RENTON, WASHINGTON, DOES ORDAIN AS

FOLLOWS:

SECTION I. Subsections 4-6-030E, Drainage Review, 4-6-030J, Bonds and Liability Insurance Required, and 4-6-030K, City Assumption of Maintenance, of Chapter 6, Street and Utility Standards, of Title IV (Development Regulations) of Ordinance No. 4260 entitled "Code of General Ordinances of the City of Renton, Washington", are hereby amended as shown below. Subsections 4-6-030E.3.g – h and 4-6-030E.4 shall remain as currently codified.

E. DRAINAGE REVIEW:

1. When Required: A drainage review is required when any proposed project is subject to a City of Renton permit or approval as determined under subsection D of this Section and:

a. Would result in two thousand (2,000) square feet or more of new impervious surface, replaced impervious surface or new plus replaced impervious surface; or

b. Would involve seven thousand (7,000) square feet of land disturbing activity; or

ORDINANCE NO. 5645

c. Would construct or modify a drainage pipe or ditch that is twelve inches (12") or more in size or depth or receives surface or stormwater runoff from a drainage pipe or ditch that is twelve inches (12") or more in size or depth;
or

d. Contains or is adjacent to a critical area designation, defined and regulated in RMC 4-3-050; or

e. Is a single family residential development that would result in new impervious surface, replaced impervious surface or new plus replaced impervious surface.

2. Scope of Review: The drainage review for any proposed project shall be scaled to the scope of the project's size, type of development and potential for impacts to the regional surface water system to facilitate preparation and review of project applications. If drainage review for a proposed project is required under subsection E1 of this Section, the Renton Development Services Division shall determine which of the following drainage reviews apply as specified in the Surface Water Design Manual:

a. Small project drainage review (also known as residential building permit drainage review);

b. Targeted drainage review;

c. Full drainage review;

d. Large project drainage review.

3. Core Requirements: A proposed project required to have drainage review by subsection E1 of this Section must meet each of the following core requirements which are described in detail in the Surface Water Design Manual. Projects subject only to small project drainage review (also known as residential building permit drainage review) that meet the small project drainage requirements specified in the Surface Water Design Manual, including flow control best management practices, erosion and sediment control measures, and drainage plan submittal requirements are deemed to comply with the following core requirements:

a. Core Requirement 1 – Discharge at the Natural Location: All surface and stormwater runoff from a project shall be discharged at the natural location so as not to be diverted onto, or away from, downstream properties. The manner in which runoff is discharged from the project site shall not create a significant adverse impact to downhill properties or drainage systems as specified in the discharge requirements of the Surface Water Design Manual.

b. Core Requirement 2 – Offsite Analysis: The initial application submittal for proposed projects shall include an offsite analysis report that assesses potential offsite drainage impacts associated with development of the proposed site and proposes appropriate mitigations to those impacts. This initial submittal shall include, at minimum, a Level One downstream analysis as described in the Surface Water Design Manual. If impacts are identified, the

proposed projects shall meet any applicable problem-specific requirements as specified in the Surface Water Design Manual.

c. Core Requirement 3 – Flow Control: _____

i. Proposed projects including redevelopment projects that would result in two thousand (2,000) square feet or more of new plus replaced impervious surface or thirty five thousand (35,000) square feet or more of new pervious surface, shall provide flow control facilities or flow control BMPs, or both, to control surface and stormwater runoff generated by new impervious surface, new pervious surface, and replaced impervious surface, as specified in the Surface Water Design Manual. Flow control facilities shall meet the area-specific flow control facility requirements and in accordance with the applicable flow control facility implementation requirements as specified in the Surface Water Design Manual. _____

ii. All projects shall implement flow control BMPs in conjunction with, and in addition to, any flow control facilities that may be necessary. Flow control BMPs shall ~~also~~ be applied as specified in the Surface Water Design Manual applicable to the project, and in accordance with Washington vesting law. ~~Projects subject to area-specific flow control facility requirements as shown in Reference 11-A of the Surface Water Design Manual shall meet one of the following flow control facility performance criteria as directed in the Surface Water Design Manual:~~

ORDINANCE NO. 5645

(a) For subdivision projects approved after January 1, 2011, implementation of flow control BMPs on individual lots of the subdivision is required. The evaluation and selection of the flow control BMP shall be done at the platting stage. The construction of the selected flow control BMPs on individual lots within a subdivision may be deferred until a building permit is obtained for construction on each lot.

(b) For lots within subdivisions approved prior to January 1, 2011, implementation of flow control BMPs on individual lots is required. The evaluation, selection and construction of the selected flow control BMP on individual lots within a subdivision will be addressed as part of single family residential building permit drainage review at time of application for building permit. Flow control BMPs shall be applied as specified in the Surface Water Design Manual applicable to the project, and in accordance with Washington vesting law.

(c) For projects within right-of-way, implementation of flow control BMPs is optional. An adjustment request may be necessary.

(d) For commercial developments, industrial developments and multifamily developments, or other projects not listed above, implementation of flow control BMPs is required.

(e) City permit applications resulting in less than two thousand (2,000) square feet of new plus replaced impervious surface where connection

to the existing storm system is not available, or will cause flooding or erosion problems, implementation of flow control BMPs is required.

iii. Projects subject to area-specific flow control facility requirements as shown in Reference 11-A of the Surface Water Design Manual shall meet one (1) of the following flow control facility performance criteria as directed in the Surface Water Design Manual:

i.(a) Peak Rate Flow Control Standard: Shall match the predeveloped site's peak discharge rates for the two (2) year, ten (10) year and one hundred (100) year return periods assuming existing site conditions as the predeveloped site condition;

ii.(b) Flow Control Duration Standard (for Existing Site Conditions): Shall match the predeveloped site's discharge duration for the discharge rates between fifty percent (50%) of the two (2) year peak flow through the fifty (50) year peak flow and the two (2) and ten (10) year peak discharge assuming existing site conditions as the predeveloped site condition;

iii.(c) Flow Control Duration Standard (for Forested Site Conditions): Shall match the predeveloped site's discharge duration for the discharge rates between fifty percent (50%) of the two (2) year peak flow through the fifty (50) year peak flow and the two (2) and ten (10) year peak discharge assuming forested site conditions as the predeveloped site condition.

iv.(d) Flood Problem Flow Control Standard: Shall meet the flow control duration standard in subsection E3c(iii) of this Section and also

match the predeveloped site's discharge rate for the one hundred (100) year return period.

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

e. Core Requirement 5 – Erosion and Sediment Control: All proposed projects that will clear, grade or otherwise disturb the site shall provide erosion and sediment control that prevents, to the maximum extent practicable, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied in accordance with RMC 4-4-060 and RMC 4-4-130 as specified by the temporary erosion and sediment control measures and performance criteria and implementation requirements in the Surface Water Design Manual.

f. Core Requirement 6 – Maintenance and Operation: Maintenance of all drainage facilities in compliance with City of Renton Maintenance Standards is the responsibility of the applicant or property owner as described in the Surface Water Design Manual except those facilities for which the City assumes maintenance and operation as described in RMC 4-6-030K and the Surface Water Design Manual.

J. BONDS AND LIABILITY INSURANCE REQUIRED:

The Development Services Division shall require all persons constructing drainage facilities pursuant to RMC 4-6-030, except ~~downspout infiltration and dispersion systems~~ for single family residential lots to post with the City of Renton a surety, cash bonds, assignment of funds or certified check in the amount equal to the estimated cost of construction calculated using the Bond Quantity Worksheet as described in the Surface Water Design Manual.

1. Construction Bond: Prior to commencing construction, the person constructing the drainage facility shall post a construction bond in an amount sufficient to cover the cost of conforming said construction with the approved drainage plans. In lieu of a bond, the applicant may elect to establish a cash escrow account with his bank in an amount deemed by the City of Renton to be sufficient to reimburse the City if it should become necessary for the City to enter the property for the purpose of correcting and/or eliminating hazardous conditions relating to soil stability and/or erosion. The instructions to the escrowee shall specifically provide that after prior written notice unto the owner and his failure to correct and/or eliminate existing or potential hazardous conditions and his failure to timely remedy same, the escrowee shall be authorized without any further notice to the owner or his consent to disburse the necessary funds to the City of Renton for the purpose of correcting and/or eliminating such conditions complained of. After determination by the

Department that all facilities are constructed in compliance with the approved plans, the construction bond shall be released.

2. Maintenance Bond (required only for those facilities to be maintained and operated by the City of Renton): After satisfactory completion of the facilities and release of the construction bond by the City, the person constructing the facility shall commence a two (2) year period of satisfactory maintenance of the facility. A cash bond, surety bond or bona fide contract for maintenance with a third party for the duration of this two (2) year period, to be approved by the City of Renton and to be used at the discretion of the City of Renton to correct deficiencies in said maintenance affecting public health, safety and welfare, must be posted and maintained throughout the two (2) year maintenance period. The amount of the cash bond or surety bond shall be in the amount equal to twenty percent (20%) of the estimated cost of construction for a two (2) year period calculated using the Bond Quantity worksheet as described in the Surface Water Design Manual.

The owner of the property shall throughout the maintenance period notify the City in writing if any defect or malfunction of the drainage system has come to his or her notice. Failure to notify the City shall give the City cause to reject assumption of the maintenance of the facility at the expiration of the two (2)-year maintenance period, or within one (1) year of the discovery of the defect or malfunction of the drainage system, whichever period is the latest in time.

3. Liability Policy: Before a permit shall be issued for any construction, insurance will be required as follows:

a. The applicant shall secure and maintain in force throughout the duration of the permit commercial general liability insurance written on an occurrence basis with limits no less than one million dollars (\$1,000,000.00) per occurrence/two million dollars (\$2,000,000.00) aggregate.

b. Copies of such insurance policy or policies shall be furnished unto the City with a special endorsement in favor of the City with the City named as a primary and noncontributory additional insured on the insurance policy and an endorsement stating such shall be provided to the City.

c. The policy shall provide that it will not be canceled or reduced without thirty (30) days advance written notice to the City.

d. Upon showing of a hardship and at the discretion of the Administrator or designee, the insurance requirements may be reduced or waived for single family or two-family residential applications.

K. CITY ASSUMPTION OF MAINTENANCE OF DRAINAGE FACILITIES:

1. Maintenance of Drainage Facilities Accepted by the City Authorized of Renton for Maintenance: _____

a. The City of Renton is ~~authorized to assume the~~ responsible for maintenance, including performance and operation of ~~flow control and water quality treatment~~ drainage facilities that have formally been accepted by the Administrator. _____

ORDINANCE NO. 5645

b. The City of Renton may assume maintenance of privately maintained drainage facilities after the expiration of the two (2) year maintenance period in connection with the subdivision of land if the following conditions have been met:

a. i. All of the requirements of subsection E of this Section have been fully complied with;

b. ii. The facilities have been inspected and any defects or repairs have been corrected and approved by the Department prior to the end of the two (2) year maintenance period;

c. iii. All necessary easements entitling the City to properly maintain the facility have been conveyed to the City; ~~and~~

iv. The facility is constructed on a plat with public streets and located on tracts or easements dedicated to the City; and

d. v. It is recommended by the Administrator and concurred in by the City Council that said assumption of maintenance would be in the best interests of the City.

c. A drainage facility which does not meet the criteria of this subsection shall remain the responsibility of the applicant required to construct the facility and persons holding title to the property for which the facility was required.

~~2. Notification of Defect Required: The owner of said property shall throughout the maintenance period notify the City in writing if any defect or~~

~~improper working of the drainage system has come to his or her notice. Failure to so notify the City shall give the City cause to reject assumption of the maintenance of the facility at the expiration of the two (2) year maintenance period, or within one year of the discovery of the defect or improper working of the drainage system, whichever period is the latest in time. Drainage facilities not accepted by the City for maintenance:~~

a. The person or persons holding title to the property and the applicant required to construct a drainage facility shall remain responsible for the facility's continual performance, operation and maintenance in accordance with the standards and requirements per section RMC 4-6-030C and remain responsible for any liability as a result of these duties. This responsibility includes maintenance of a drainage facility which is:

- i. Under a two (2)-year maintenance bond period;
- ii. Serving a private road;
- iii. Located within and serving only one (1) single family residential lot;
- iv. Located within and serving a multi-family, commercial site, industrial or mixed use property site;
- v. Not otherwise accepted by the City for maintenance.

b. A declaration of covenant as specified in the Surface Water Design Manual shall be recorded. 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 City determination that maintenance and/or repairs are necessary to the facility and a reasonable time limit in which such work is to be completed.

i. In the event that the titleholders do not effect such maintenance and/or repairs, the City may perform such work upon due notice. The titleholders are required to reimburse the City 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.

ii. The City may enforce the restrictions set forth in the declaration of covenant provided in the Surface Water Design Manual.

3. Conveyance systems to be maintained and operated by the City must be located in a drainage easement, tract, or right-of-way granted to City. Offsite areas that naturally drain onto the project site must be intercepted at the natural drainage course within the project site and conveyed in a separate conveyance system and must bypass onsite stormwater facilities. Separate conveyance systems that intercept offsite runoff and are located on private property must be located in a drainage easement that may be dedicated to the City if the City deems it appropriate depending on the upstream tributary area.

4. Where not specifically defined in this subsection, the responsibility for performance, operation and maintenance of drainage facilities and conveyance systems shall be determined on a case by case basis.

SECTION II. This ordinance shall be effective upon its passage, approval, and thirty (30) days after publication.

PASSED BY THE CITY COUNCIL this 12th day of December, 2011.

Bonnie I. Walton
Bonnie I. Walton, City Clerk

APPROVED BY THE MAYOR this 12th day of December, 2011.

Denis Law
Denis Law, Mayor

Approved as to form:

Lawrence J. Warren
Lawrence J. Warren, City Attorney

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