



**Department of Community and Economic Development
Development Services Division
ADMINISTRATIVE POLICY/CODE INTERPRETATION**

MUNICIPAL CODE SECTIONS: RMC 4-6-030 Drainage (Surface Water) Standards

REFERENCE: N/A

SUBJECT: Landscaping, fencing, pond slopes, and other standards for stormwater tracts and easements and ownership and maintenance responsibility for stormwater facilities.

BACKGROUND: The current drainage code (RMC 4-6-030) references the current King County Surface Water Design Manual (KCSWDM) for compliance with stormwater standards. Requirements for landscaping in stormwater facility tracts are included in Section 5.3.1.1 of the 2009 KCSWDM as amended by the City of Renton. Section 5.3.1.1 of the KCSWDM restricts planting in berms that impound water or within 10 feet of any structure.

Requirements for pond geometry and side slopes are listed in Section 5.3.1.1 of the 2009 KCSWDM, as amended by the City of Renton. Adopted standards allow for the side slopes of an open detention or water quality treatment facilities (pond, wetpond, stormwater wetland, etc) to be steeper than 3:1 if a fence is provided along the wall and/or around the emergency overflow water surface elevation. This standard is resulting in facilities that are difficult to maintain, expensive in labor and materials for maintenance, and create a safety hazard to the maintenance crews.

Fencing requirements are also standardized in section 5.3.1.1 of the 2009 KCSWDM, as amended by the City of Renton. A fence is required to discourage access to the stormwater pond, prevent litter, allow efficient maintenance, and in consideration of worker and public safety.

JUSTIFICATION: Recognizing that requirements for landscaping and tree planting contribute to the aesthetics and value of new surface water installations while needing to ensure proper functionality and maintenance of facilities, both the Department of Public Works and the Department of Community and Economic Development desire to clarify standards

pertaining to the landscaping requirements applicable to stormwater facilities.

Concerns for public safety have also raised questions regarding the necessity of more extensive fencing requirements for drainage facilities as well as lesser side slopes for flow control and/or water quality treatment ponds.

This interpretation is intended to provide guidance and consistency for projects currently under review.

DECISION: Briefly, this determination clarifies:

Fencing Requirements: All flow control and/or water quality treatment ponds shall be fenced. Fence material shall be six foot black or green coated chain link. Cedar or other materials may be installed only if owned and maintained by a private property owner or Home Owner's Association (HOA).

Landscaping Requirements: Landscaping is required in those areas of the tract/easement that will not impact the functionality or maintenance of the facility. The fence shall be placed at the top of the berm with the maintenance access road in the inside of the fence; or 5 feet min from top of berm if there is no maintenance access road to allow access for proper maintenance of the facility. No landscaping shall be planted inside the fence line.

Pond Geometry and Side Slope Requirements: Side slopes (interior and exterior) shall not exceed three (3) feet horizontal one foot (1) vertical.

The full text of all clarified rules regarding fencing, side slopes, and landscaping in storm drainage facilities is attached as Attachment A.

**DEVELOPMENT
SERVICES DIRECTOR
APPROVAL**

Neil Watts

**UTILITY SYSTEMS
DIRECTOR
APPROVAL**

Lys Hornsby

DATE: February 4, 2013

**APPEAL
PROCESS:**

To appeal this determination, a written appeal--accompanied by the required filing fee--must be filed with the City's Hearing Examiner (1055 South Grady Way, Renton, WA 98057, 425-430-6515) no more than 14 days from the date of this decision. Your submittal should explain the

basis for the appeal. Section 4-8-110 of the Renton Municipal Code provides further information on the appeal process.

**CODE
AMENDMENTS
NEEDED TO
IMPLEMENT**

DETERMINATIONS: RMC 4-3-060, Drainage Standards; RMC 4-4-040 Fences and Hedges; 4-7-070, Description of Required Landscaping Types; Pages 5-1 and 5-2 of the City of Renton Amendments to the King County Surface Design Manual

Attachment A

4-6-030 DRAINAGE (SURFACE WATER) STANDARDS:

A. PURPOSE:

1. The purpose of this Section ~~is shall be to promote and develop policies with respect to the City's watercourses and~~ to preserve ~~them~~ the City's watercourses by minimizing water quality degradation ~~from~~ by previous siltation, sedimentation and pollution of creeks, streams, rivers, lakes and other bodies of water, and to protect ~~property owners tributary to developed and undeveloped~~ land from increased runoff rates and to ensure the safety of roads and rights-of-way.

2. It shall also be the purpose of this Section to reduce flooding, erosion, and sedimentation; prevent and mitigate habitat loss; enhance groundwater recharge; and prevent water quality degradation through permit review, construction inspection, enforcement, and ~~maintenance in order to promote the effectiveness of the requirements.~~

3. It shall also be ~~the a~~ purpose of this Section to regulate the Municipal Separate Storm Sewer System (MS4) regarding the contribution of pollutants, consisting of any material other than stormwater, including but not limited to illicit discharges, illicit connections and/or dumping into any storm drain system, including surface and/or groundwater throughout the City that would adversely impact surface and groundwater quality of the City and the State of Washington, in order to comply with requirements of the National Pollutants Discharge Elimination System (NPDES) Phase II Municipal Stormwater Permit. (Ord. 5526, 2-1-2010)

4. It shall also be the purpose of this Section to provide landscaping and fencing standards for surface water facilities that create attractive, functional facilities that improve public safety.

B. ADMINISTERING AND ENFORCING AUTHORITY:

The Administrator of the Public Works Department is responsible for the general administration and coordination of this Section. All provisions of this Section shall be enforced by the Administrator or his or her designated representatives. (Ord. 5526, 2-1-2010)

C. ADOPTION OF SURFACE WATER DESIGN MANUAL:

The 2009 King County Surface Water Design Manual (KCSWDM), as now or as hereafter may be amended by King County or the City of Renton, and hereby referred to as the Surface Water Design Manual, is hereby adopted by reference, ~~with the exception of Chapters 1 and 2 of the King County Surface Water Design Manual which are not adopted. Chapters 1 and 2 of the Surface Water Design Manual, as amended by the City of Renton to specify local requirements and procedures, are hereby adopted by reference. References 1, 2, 3, 4A, 4B, 4D, 7B, 7C, 8F, 8G, 9 and 10 of the King County Surface Water Design Manual are not adopted.~~ One copy of the Surface Water Design Manual and the City of Renton's Amended Surface Water Design Manual shall be filed with the City Clerk ~~including any amendments thereto.~~ (Ord. 5526, 2-1-2010)

D. WHEN REQUIRED:

All persons applying for any of the following permits and/or approvals shall submit for approval a drainage plan with their application and/or request:

1. Mining, excavation or grading permit or license;
2. Shoreline permit;
3. Flood control zone permit;
4. Subdivision;
5. Short plat;
6. Special permit;
7. Temporary permit when involving land disturbance;
8. Building Permit;
9. Planned urban development;
10. Site plan approval;
11. Construction Permit;
12. Stormwater Permit;
13. Binding Site Plan;

14. Any other development or permit application which will affect the drainage in any way. The plan submitted during one permit approval process may be subsequently submitted with further required applications. The plan shall be supplemented with additional information at the request of the Public Works Department. (Ord. 5526, 2-1-2010)

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
- 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:

[For brevity, core requirements 1 through 8 not printed here, but will remain in the code.]

4. Special Requirements: A proposed project required by subsection E of this Section to have drainage review shall meet any of the following special requirements which apply to the site and which are described in detail in the Surface Water Design Manual. The City of Renton Development Services Division shall verify if a proposed project is subject to and must meet any of the following special requirements:

a. Special Requirement 1 – Other Area Specific Requirements: The Surface Water Utility may apply a more restrictive requirement for controlling drainage on an area-specific basis. Other adopted area-specific regulations may include requirements that have a direct bearing on the drainage design of a proposed project.

b. Special Requirement 2 – Flood Hazard Delineation: If a proposed project contains or is adjacent to a stream, lake, wetland or closed depression, or if other City regulations require study of flood hazards relating to the proposed project, the one hundred (100) year floodplain boundaries and floodway shall be determined and delineated on the site improvement plans and profiles and any final maps prepared for the proposed project. The flood hazard study shall be prepared for as specified in the Surface Water Design Manual.

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

d. Special Requirement 4 – Source Control: All commercial, industrial and multifamily projects (irrespective of size) undergoing drainage review are required

to implement applicable source control in accordance with the King County Stormwater Pollution Prevention Manual and the Surface Water Design Manual.

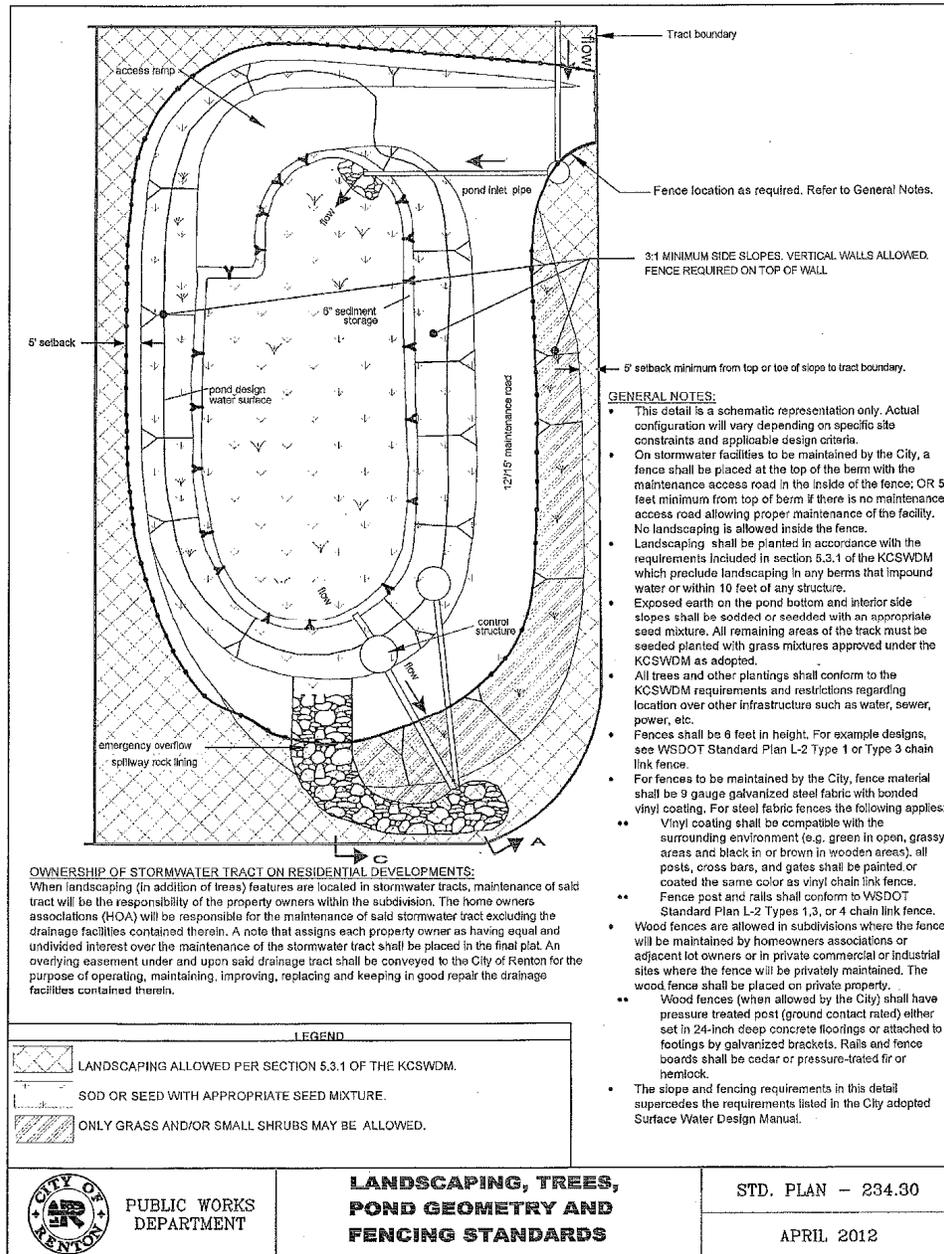
e. Special Requirement 5 – Oil Control: If a proposed project is a high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as specified in the Surface Water Design Manual.

f. Special Requirement 6 – Aquifer Protection Area (APA): If a proposed project is located within the APA as identified in RMC [4-3-050](#), then the project must comply with drainage requirements in the Surface Water Design Manual and RMC [4-3-050](#). (Ord. 5526, 2-1-2010; Ord. 5645, 12-12-2011)

F. CREATION OF TRACTS AND/OR EASEMENTS:

1. Method of Creation for City-Maintained Facility for New Residential Subdivisions with Drainage Facilities that Collect Public Runoff: New residential subdivisions must place stormwater flow control and water quality treatment ponds, vaults and other similar drainage facilities, along with the required perimeter landscaping in a separate stormwater tract granted and conveyed with all maintenance obligations (excluding maintenance of the drainage facilities contained therein) to the homeowners association. An underlying easement under and upon said tract shall be dedicated to the City for the purpose of operating, maintaining, improving and repairing the drainage facilities contained therein. The stormwater tract, including the landscaped area, must be owned by the homeowners' association. Each lot owner within the subdivision shall have an equal and undivided interest in the maintenance of the stormwater tract and landscaping features. Per RMC Section 4-6-030G, the homeowner's association is responsible for all landscape maintenance.

This requirement is graphically depicted on the following page:



b. Text Required: The following language is required to be noted on the face of the plat.

- i. Tract _____ is for stormwater / landscape purposes and is hereby conveyed /to the _____ subdivision home owners association (HOA) upon the recording of this plat. Each lot owner within the plat shall have equal and undivided ownership interest in Tract _____. An overlying easement is hereby dedicated to the City of Renton for the purpose of operating, maintaining, improving and repairing the facilities contained therein. The homeowners association is responsible for the maintenance of said tract excluding said drainage facilities.

- ii. A stormwater easement is hereby dedicated to the City of Renton over, under and across tract _____ for the purpose of conveying, storing, managing and facilitating storm and surface water. The City of Renton is hereby granted the right to enter said stormwater easement for the purpose of inspecting, operating, maintaining, improving, and repairing the drainage facilities contained therein. Only the chain link fence (if required by subsection G of this section), flow control, water quality treatment and conveyance facilities will be considered for formal acceptance and maintenance by the City. Maintenance of all other improvements and landscaping in said stormwater tract shall be the responsibility of the homeowners association. Each lot owner within the plat shall have equal and undivided interest in the maintenance of all other improvements constructed within Tract _____.

2. Method of Creation for Privately Maintained Facility:

As determined by the City, other types of new development shall create stormwater facilities either within an easement or within a tract not dedicated to City. In the case of a tract, the developer and successors shall own the tract and associated development site with an equal and undivided interest.

3. Method of Creation for Other Developments:

As determined by the City, the City may take over maintenance of the drainage facilities located within either an easement to the City or within a tract owned by the developer and his successors in ownership together with an easement to the City.

G. ADDITIONAL REQUIREMENTS FOR FENCING AND LANDSCAPING:

1. Landscaping: Landscaping shall be consistent with the provisions of section 5.3 of the KCSWDM, except that within the City of Renton, landscaping of drainage facilities is not optional; it is required. Additionally, landscaping shall comply with the requirements of RMC 4-4-070F8, Storm Drainage Facilities.

2. Fencing Around New or Expanded Storm Drainage Ponds and Signage Required: All flow control and water quality treatment ponds and similar facilities, as determined by City Development Services, shall be fenced with a 6-foot tall chain link fence and access gate. Fencing is required immediately outside each new stormwater flow control and/or water quality treatment pond and other similar facilities, as determined by City Development Services. For stormwater ponds, the fence shall be placed at the top of the berm with the maintenance access road on the inside of the fence; or 5 feet minimum from top of berm if there is no maintenance access road to allow access for proper maintenance of the facility.

The chain link fence shall be coated with black or green bonded vinyl and installed as determined by the City between the facility and the required landscaping. Unless otherwise determined by the City, the fence gate must be posted with a 12 inch by 18 inch “No Trespassing” sign.

Cedar or other fencing materials may be installed only if owned and maintained by a private property owner or homeowner’s association (HOA).

3. Maintenance of Existing Facilities Required: Owners of existing drainage facilities not maintained by the City are required to continue to maintain existing landscaping and fencing. Replacement of deteriorated fencing and failed plantings is required.

H. REQUIREMENTS FOR DRAINAGE REVIEW:

All persons applying for drainage review as specified in subsection E1 of this Section shall submit to the Development Services Division all engineering plans for review in accordance with the Surface Water Design Manual. The drainage plan and supportive calculation report(s) shall be stamped by a professional civil engineer registered and licensed in the State of Washington. (Ord. 5526, 2-1-2010)

I. ADOPTION OF STORMWATER POLLUTION PREVENTION MANUAL (SPPM):

The 2009 King County Stormwater Pollution Prevention Manual (SPPM), as now or as hereafter may be amended by King County or the City of Renton, and hereby referred to as the Stormwater Pollution Prevention Manual, is hereby adopted by reference. One

copy of the manual shall be filed with the City Clerk including any amendments thereto. (Ord. 5526, 2-1-2010)

JH. DISCHARGE PROHIBITION:

1. Prohibition of Illicit Discharge: Materials, whether or not solids or liquids, other than surface water and stormwater shall not be spilled, leaked, emitted, discharged, disposed or allowed to escape into the storm sewer and/or drain system, surface water, groundwater, or watercourses.

[For brevity, subsection a through e not printed here, but will remain in the code.]

2. Prohibition of Illicit Connections: The construction, use, maintenance or continued existence of any connection identified by the Administrator or designee, that may convey any pollution or contaminants or anything not composed entirely of surface water and stormwater, directly into the MS4, is prohibited, including without limitation, existing illicit connections regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

3. Remedy:

a. The person and/or property owner responsible for an illicit connection and/or illicit discharge shall initiate and complete all actions necessary to remedy the effects of such connection or discharge at no cost to the City.

b. If the person responsible for an illicit connection or illicit discharge and/or the owner of the property on which the illicit connection or illicit discharge has occurred fails to address the illicit connection or illicit discharge in a timely manner, the Administrator or designee shall have the authority to implement removal or remedial actions following lawful entry upon the property. Such actions may include, but not be limited to: installation of monitoring wells; collection and laboratory testing of water, soil, and waste samples; cleanup and disposal of the illicit discharge, and remediation of soil and/or groundwater. The property owner and/or other person responsible for the release of an illicit discharge shall be responsible for any costs incurred by the Public Works Department or its authorized agents in the conduct of such remedial actions and shall be responsible for City expenses incurred due to the illicit connection or illicit discharge, including but not limited to removal and/or remedial actions in accordance with RMC 1-3-3.

c. Compliance with this subsection **H** shall be achieved through the implementation and maintenance of best management practices (BMPs) described in the Stormwater Pollution Prevention Manual. The Administrator or

designee shall initially rely on education and informational assistance to gain compliance with this subsection **H**, unless the Administrator or designee determines a violation poses a hazard to public health, safety, or welfare, endangers any property and/or other property owned or maintained by the City, and therefore should be addressed through immediate penalties. The Administrator or designee may demand immediate cessation of illicit discharges and assess penalties for violations that are an imminent or substantial danger to the health or welfare of persons or danger to the environment.

4. Elimination of Illicit Connection and/or Illicit Discharge:

a. Notice of Violation: Whenever the Administrator or designee finds that a person has violated a prohibition or failed to meet a requirement of this Section, he or she may order compliance by written notice of violation to the property owner and/or responsible person, by first class and certified mail with return receipt requested. Such notice may require without limitation:

- i. The performance of monitoring, analyses, and reporting by the violator;
- ii. The elimination of illicit connections or discharges;
- iii. That violating discharges, practices, or operations shall immediately cease and desist;
- iv. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- v. The implementation of source control or treatment BMPs. Any person responsible for a property or premises which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system and/or waters of the State. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

b. Requirement to Eliminate Illicit Connection: The Administrator or designee shall send a written notice, sent by first class and certified mail with return receipt requested, to the property owner and/or the person responsible for the illicit connection, informing the property owner or person responsible for an illicit connection to the MS4 that the connection must be terminated by a specified date.

c. Requirement to Eliminate Illicit Discharges: The Administrator or designee shall send a written notice, sent by first class and certified mail with return receipt requested to the property owner and/or the person responsible for the illicit discharge, informing the property owner or person responsible for an illicit discharge to the MS4, whether it be surface water and/or groundwater, that the discharge must be terminated by a specified date.

d. Sample and Analysis: When the Administrator or designee has reason to believe that an illicit connection is resulting in an illicit discharge, the Administrator or designee may sample and analyze the discharge and recover the cost of such sampling and analysis from the property owner or person responsible for such illicit connection or discharge pursuant to RMC 1-3-3, as now or as hereafter may be amended, and require the person permitting or maintaining the illicit connection and/or discharge to conduct ongoing monitoring at that person's expense.

e. Right of Appeal from Administrative Decision: Any person aggrieved by an administrative decision of the Administrator or designee may appeal such decision pursuant to RMC [4-8-110](#).

f. Any illicit connection and/or illicit discharge as set forth in this Section or the Stormwater Pollution Prevention Manual is hereby declared to be a nuisance pursuant to RMC 1-3-3, and as defined in RMC 1-3-4A11c (23).

5. Reporting Requirements:

a. In the event of an illicit discharge or spill of hazardous material into the stormwater drainage system or waters of the City, State of Washington or United States, said person with knowledge thereof shall immediately notify the emergency dispatch services (911).

b. In the event of an illicit discharge of nonhazardous material into the stormwater drainage system or waters of the City, State of Washington or United States, said person with knowledge thereof shall immediately notify the Public Works Department by phone at 425-430-7400, or in person.

6. Inspections, Investigation and Sampling: The Administrator or designee may lawfully enter property to inspect the facilities of any person to determine compliance with the requirements of these regulations.

a. Access:

i. The Administrator or designee shall be permitted to lawfully enter and inspect sites subject to regulation under this Chapter and Section as often as may be necessary to determine compliance herewith, at all reasonable hours for the purpose of inspections, sampling or records examination.

ii. The Administrator or designee shall have the right to set up on the property necessary devices to conduct sampling, inspection, compliance monitoring, and/or metering actions.

b. Compliance with Inspection Report: Within thirty (30) days of receiving an inspection report from the Public Works Department, the property owner or operator shall file with the Department a plan and time schedule to implement any required modifications to the site or to the monitoring plan needed to achieve compliance with the intent of this Chapter or Section or the NPDES permit conditions. This plan and time schedule shall also implement all of the recommendations of the Department.

7. **Record Retention Required:** All persons subject to the provisions of this Section shall retain and preserve for no less than five (5) ~~three (3)~~ years any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to operation, maintenance, monitoring, sampling, remedial actions and chemical analysis made by or on behalf of a person in connection with any illicit connection or illicit discharge. All records which pertain to matters which are the subject of administrative or any other enforcement or litigation activities brought by the City pursuant to this Code shall be retained and preserved by the person until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. (Ord. 5526, 2-1-2010)

KI. REVIEW AND APPROVAL OF PLAN:

1. Process: All storm drainage plans and supportive calculations shall be prepared in connection with any of the permits and/or approvals listed in subsection D of this Section shall be submitted for review and approval to the Development Services Division.

2. Fees: Fees shall be as listed in ~~RMC 4-1-180B~~ the City of Renton Fee Schedule Brochure on file with the City Clerk's Office.

3. Additional Information: The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Administrator or designee.

4. Tests: Whenever there is insufficient evidence of compliance with any of the provisions of this Section or Code, or evidence that any material or construction does not conform to the requirements of this Section or Code, the Administrator or designee may require tests as proof of compliance to be made at no expense to this jurisdiction. Test methods shall be as specified by this Section or Code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the Administrator or designee shall determine test procedures. Suitable performance of the method or material may be evidence of compliance meeting the testing requirement. (Ord. 5526, 2-1-2010)

LJ. BONDS AND LIABILITY INSURANCE REQUIRED:

The Development Services Division shall require all persons constructing drainage facilities pursuant to RMC [4-6-030](#), except 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 and Defect Bond (required only for those facilities to be maintained and operated by the City of Renton): After satisfactory completion of the facilities and prior to the 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 and defect 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 and defect 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 and defect 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 and defect period, or within one 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. **Duration and Limits:** 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. **Additional Insured:** 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. **Cancellation Notice Required:** The policy shall provide that it will not be canceled or reduced without thirty (30) days' advance written notice to the City.
- d. **Waiver:** 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. (Ord. 5526, 2-1-2010; Ord. 5645, 12-12-2011)

M.K. MAINTENANCE OF DRAINAGE FACILITIES:

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

- a. **Responsibility for Maintenance of Accepted Facilities:** The City of Renton is responsible for maintenance, including performance and operation of drainage facilities ~~inside the fence~~ that have formally been accepted by the Administrator. The City will also maintain any chain link fence surrounding accepted drainage facilities if the fencing is required per subsection G of this section. All landscaped areas, wooden fencing, or fencing constructed for a purpose other

than safety within the tract, must be maintained by the property owners/homeowners' association. The following language is required to be noted on the face of the plat.

- i. Tract _____ is for stormwater / landscape purposes and is hereby conveyed /to the _____ subdivision home owners association (HOA) upon the recording of this plat. Each lot owner within the plat shall have equal and undivided ownership interest in Tract _____. An overlying easement is hereby dedicated to the City of Renton for the purpose of operating, maintaining, improving and repairing the facilities contained therein. The homeowners association is responsible for the maintenance of said tract excluding said drainage facilities.
- ii. A stormwater easement is hereby dedicated to the City of Renton over, under and across Tract _____ for the purpose of conveying, storing, managing and facilitating storm and surface water. The City of Renton is hereby granted the right to enter said stormwater easement for the purpose of inspecting, operating, maintaining, improving, and repairing the drainage facilities contained therein. Only the chain link fence (if required by subsection G of this section), flow control, water quality treatment and conveyance facilities will be considered for formal acceptance and maintenance by the City. Maintenance of all other improvements and landscaping in said stormwater tract shall be the responsibility of the homeowners association. Each lot owner within the plat shall have equal and undivided interest in the maintenance of all other improvements constructed within Tract _____.

b. **City Assumption of Maintenance Responsibility for Existing Facilities:** The City of Renton may assume maintenance of privately maintained drainage facilities, including the perimeter fencing, after the expiration of the two (2) year maintenance period in connection with the subdivision of land if the following conditions have been met:

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

- iii. All necessary easements entitling the City to properly maintain the facility have been conveyed to the City;
- iv. The facility is constructed on a plat with public streets and located on tracts or easements dedicated to the City; and
- 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. Facilities **not Eligible for Transfer of Maintenance Responsibility**: 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. 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, including the perimeter fencing, in accordance with the standards and requirements per subsection C of this Section 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 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. **Separate Conveyance System Required for Off Site Drainage:** ~~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. **Other Cases:** 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. (Ord. 5526, 2-1-2010; Ord. 5645, 12-12-2011)

N. RETROACTIVITY RELATING TO CITY MAINTENANCE OF SUBDIVISION FACILITIES:

If any person constructing drainage facilities pursuant to this Section and/or receiving approval of drainage plans prior to the effective date of the ordinance codified in this Section reassesses the facilities and/or plans so constructed and/or approved and demonstrates, to the Administrator's satisfaction, total compliance with the requirements of this Section, the City may, after inspection, approval and acknowledgment of the proper posting of the required bonds as specified in subsection M of this Section, assume maintenance of the facilities. (Ord. 5526, 2-1-2010)

O. ADJUSTMENT:

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

a. Produce a compensating or comparable result in the public interest; and

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

2. Requests for adjustments that may conflict with the requirements of any other City departments shall require review and concurrence with that department.

3. A request for an adjustment shall be processed in accordance with the procedures specified in the Surface Water Design Manual.

4. The applicant may appeal an adjustment decision by following the appeal procedures as specified in the Surface Water Design Manual per RMC [4-8-110](#). (Ord. 5526, 2-1-2010)

PN. VARIANCE:

1. If complying with subsection E2 of this Section will deny all reasonable use of a property, a variance to the requirements in the Surface Water Design Manual may be requested from the Community and Economic Development Administrator or designee in accordance with the variance process defined in the Surface Water Design Manual and RMC [4-9-250](#).

2. A request for a variance shall be processed in accordance with RMC [4-9-250](#). (Ord. 5526, 2-1-2010)

QQ. SEVERABILITY:

If any provision, subsection, sentence, clause or phrase of this Section or the application thereof to any person or circumstances is held invalid, the remaining portions of this Section and the application of such provisions to other persons or circumstances shall not be affected thereby. (Ord. 5526, 2-1-2010)

RP. VIOLATIONS OF THIS SECTION AND PENALTIES:

A violation of any of the provisions of this Section shall be a civil infraction upon the first offense pursuant to RMC 1-3-2. See also RMC [4-6-110](#).

Amend RMC section 4-4-040, FENCES AND HEDGES, to read as follows:

A. PURPOSE:

These regulations are intended to regulate the material and height of fences and hedges, particularly in front yards and in yards abutting public rights-of-way, in order to promote traffic and

public safety and to maintain aesthetically pleasing neighborhoods. The following regulations are intended to provide and maintain adequate sight distance along public rights-of-way at intersections and to encourage safe ingress and egress from individual properties. These regulations also encourage the feeling of spaciousness along neighborhood streets and minimize the closed city atmosphere which tall fences along public rights-of-way can create.

B. APPLICABILITY:

The provisions and conditions of this Section regulating height are not applicable to fences or barriers required by State or City law ~~or by the zoning provisions of this Code~~ to surround and enclose public safety installations, school grounds, public playgrounds, storm drainage facilities, private or public swimming pools and similar installations and improvements.

Fences and hedges within the urban separator overlay are also subject to requirements of the Urban Separator Overlay regulations (see RMC [4-3-110](#)). (Ord. 5132, 4-4-2005)

Amend existing code section RMC 4-4-070B1b, Landscaping, Applicability to read as follows:

b. All new buildings; and new surfacewater facilities;

Insert a new code section ahead of existing section RMC 4-4-070F8 and renumber existing section F8 to F9 and add a heading for this relocated section as follows:

RMC 4-4-070F:

8. Storm Drainage Facilities: The perimeter of all new flow control and/or water quality treatment stormwater facilities shall be landscaped in accordance with the provisions of this Section, the 2009 KCSWDM, and the City of Renton Amendments to the KCSWDM (on file with the Renton City Clerk's Office) unless otherwise determined through the site plan review or subdivision review process.

98. Urban Separator Properties: Properties within urban separators are subject to landscaping requirements of RMC [4-3-110E](#) in addition to the requirements of this section.

Amend RMC Section 4-4-070H, Landscaping, Description of required landscaping types, by adding a new section 6 to read as follows:

6. Storm Drainage Facility Landscaping:

a) Trees are Prohibited on Berms: Trees are prohibited on any berm serving a drainage-related function, however, groundcover is required and subject to City review/approval.

b) Additional Locations where Trees and Shrubs are Prohibited:

- 1) within the inside of the fenced area; and
- 2) within 10 feet of any manmade drainage structure (i.e. catch basins, ditches, pipes, vaults, etc.).

c) Perimeter Landscaping Required: Minimum 15-foot wide landscaping strip on the outside of the fence unless otherwise determined through the site plan review or subdivision review process.

d) Type of Plantings Required: Plantings shall be consistent with the KCSWDM and this section. Additionally, trees must be spaced as determined by the Department of Community and Economic Development.

e) Conflicts: In the event of a conflict between this section and the KCSWDM, the landscaping provisions of this Section shall prevail. See also pages 5-1 and 5-2 of the City of Renton Amendments to the King County Surface Water Design Manual.

Amend pages 5-1 and 5-2 of the City of Renton Amendments to the King County Surface Water Design Manual to add the following text relating to fencing and side slopes:

5.3.1.1 Design Criteria, Side Slopes: *Replace paragraphs 1-4 with the following:*

1. Side slopes (interior and exterior) shall not be steeper than 3 feet horizontal to 1 foot vertical.
2. Pond walls may be vertical retaining walls, provided: (a) they are constructed of reinforced concrete per Section 5.3.3 (p. 5-35); (b) a fence is provided along the top of the wall; (c) at least 25% of the pond perimeter will be a vegetated soil slope not steeper than 3H: 1V; and (d) the design plan is stamped by a licensed structural civil engineer.

5.3.1.1 Design Criteria, Fencing: *Replace paragraphs 1 and 2 with the following:*

All ponds and other similar facilities, as determined by the City Development Services Division, shall be fenced. On stormwater facilities to be maintained by the City, a fence shall be placed at the top the berm with the maintenance access road in the inside of the fence; or 5 feet minimum from top of berm if there is no maintenance access road allowing proper maintenance of the facility.

Fence material shall be six foot high black or green bonded vinyl chain link. Cedar or other fencing materials may be installed only if owned and maintained by a private property owner or Home Owner's Association (HOA). Language assigning maintenance responsibility of the fence will be placed in the final plat.

5.3.1.1 Landscaping: Replace introductory paragraph with the following:

Landscaping is not optional; it is required on all stormwater/landscaping tracts. Landscaping is required in those areas of the tract that will not impact the functionality or maintenance of the drainage facilities. For stormwater ponds to be maintained by the City, no landscaping shall be planted inside the fence. Landscaping inside the fence is allowed for storm water facilities to be privately maintained provided that the landscaping complies with the requirements of RMC 4-4-070F8, Storm Drainage Facilities.

5.3.1.1 Landscaping: Add to bullet #2 the following:

If Stormwater pond is City maintained, then landscaping is prohibited in the inside slope of the pond and trees are prohibited on any drainage-related berms. No landscaping is allowed inside the facility fencing.

5.3.1.1 Signage: Add the following text to this section:

The fence gate must be posted with a 12 inch by 18 inch "No Trespassing" sign, unless otherwise approved by the City.

Amend the "Reference" section at the end of the "City of Renton Amendments to the King County Surface Water Design Manual" to replace Form Number I, "Maintenance and Defect Agreement" with the following updated form:

City of Renton

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MAINTENANCE AND DEFECT AGREEMENT (Two Years) For public roads, drainage facilities and other public improvements	Applicant's Name and Address
Agreement Number	Project Number and Name
Guarantee Amount	Site Location/Section
Reference Number(s) of Documents assigned or released: Additional reference numbers are on page _____.	
Grantor(s): 1. 2.	Grantee(s): 1.

This AGREEMENT is made and entered into this _____ day of _____, 20____, between the City of Renton, hereinafter called the CITY, and the above named APPLICANT, hereinafter called APPLICANT.

Basis for AGREEMENT:

WHEREAS the undersigned APPLICANT has constructed public roads and/or drainage facilities and other public improvements to be deeded to the City in connection with the above-referenced project; and

WHEREAS the APPLICANT has agreed to secure the successful maintenance and operation of said improvements for the referenced projects pursuant to RMC 4-6-030 and RMC 9-10-5.

NOW THEREFORE, the APPLICANT hereby agrees and binds itself and its legal representatives, successors, and assigns as follows:

Terms of the AGREEMENT:

1. The improvements constructed by the APPLICANT or his representative shall successfully operate and shall remain free of defects in design, workmanship, materials, and design for a period of two years from the date of satisfactory completion of the improvements or final plat approval, whichever is later. As used in

this AGREEMENT, the term "defects" includes but is not limited to, damage resulting from construction activities and/or use during the two year period.

2. The APPLICANT is responsible for maintenance of the public road, drainage facilities and other public improvements, including the roadway surface for the two year period from the date of satisfactory construction approval or final plat approval, whichever is later.

City of Renton

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Agreement Number	Project Number and Name
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3. In the event of any failure of the improvements to satisfactorily operate or in the event of a defect in design, workmanship or materials, the APPLICANT shall promptly and adequately repair and/or correct the failure or defect.
4. The CITY will perform maintenance inspections during the two year period.
5. During the two year period upon notification by the CITY, the APPLICANT shall correct and/or make repairs to the right-of-way improvements within the time period specified by the CITY when defects in the design, workmanship, or materials occur.
6. In the event the CITY determines that repairs must be performed immediately to prevent risk to person(s) and property, the CITY may make necessary repairs and the costs of those repairs shall be paid by the APPLICANT upon demand.
7. The APPLICANT shall pay all required fees in accordance with Renton Municipal Code.
8. At the end of the two year period, the APPLICANT shall clean the drainage facilities prior to the CITY's final inspection.
9. If, at the conclusion of the two year period, the City of Renton, at its sole discretion, determines that the improvements are not adequately maintained, the APPLICANT shall perform prompt maintenance to the CITY's satisfaction. In the event this maintenance is not performed within the time period specified by the CITY, the CITY will invoke the enforcement processes found in RMC Chapter 1-3.
10. Any failure by the APPLICANT to comply with the terms of this AGREEMENT in a timely manner shall constitute default. Any action or inaction by the City of Renton following any default in any term or condition of this AGREEMENT shall not be deemed to waive any rights of the City of Renton pursuant to this AGREEMENT.
11. The APPLICANT shall indemnify and hold the CITY and its agents, employees and/or officers harmless from and shall ~~and~~ defend at its own expense all claims, damages, suits at law or equity, actions, penalties, losses, or costs of whatsoever kind or nature, brought against the CITY for negligence arising out of, in connection with, or incident to the execution of this AGREEMENT and/or the APPLICANT's performance or failure

to perform any aspect of the AGREEMENT. Provided, however, that if such claims are caused by or result from concurrent negligence of the APPLICANT and the CITY, its agents, employees and/or officers, this provision shall be valid and enforceable only to the extent of the negligence of the APPLICANT, and provided further, that nothing herein shall require the APPLICANT to hold harmless or defend the CITY from any claim arising from the sole negligence of the CITY's agents, employees and/or officers.

12. In the event that any party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this AGREEMENT, the parties hereto agree that any such action or proceeding shall be brought in a court of competent jurisdiction situated in King County, Washington.
13. The Applicant is granted the right to access City right-of-way, tracts and easements dedicated to the City for the purpose of performing work required by this Maintenance and Defect Agreement until the agreement is released.

City of Renton
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Page

Agreement Number	Project Number and Name

Release Requirements: This AGREEMENT shall remain in full force and effect and shall not be released until all terms of this AGREEMENT have been completed to the satisfaction of the City of Renton.

IN WITNESS THEREOF, the parties hereto have executed this AGREEMENT as of the day and year first above written.

APPLICANT

By Title Date

Received for City of Renton By Date

<p>IN WITNESS WHEREOF, said Grantor has caused this instrument to be executed this __ day of _____, 20__.</p>

Notary Seal must be within
box

INDIVIDUAL FORM OF ACKNOWLEDGMENT

STATE OF WASHINGTON) SS

COUNTY OF KING)

I certify that I know or have satisfactory evidence that

signed this instrument and acknowledged it to be his/her/their
free and voluntary act for the uses and purposes mentioned in
the instrument

Notary Public in and for the State of Washington

Notary (Print)_____

My appointment expires:_____

Dated:

Agreement Number	Project Number and Name
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Notary Seal must be

REPRESENTATIVE FORM OF ACKNOWLEDGMENT

within box

STATE OF WASHINGTON) SS
COUNTY OF KING)

I certify that I know or have satisfactory evidence that

Instrument, on oath stated that he/she/they was/were
authorized to execute the instrument and acknowledged it as
the _____ and _____
of _____ to be free and voluntary act
of such party/parties for the uses and purposes mentioned in
the instrument.

Notary Public in and for the State of Washington

Notary (Print) _____

My appointment expires: _____

Dated:

Notary Seal must be
within box

CORPORATE FORM OF ACKNOWLEDGMENT

STATE OF WASHINGTON) SS
COUNTY OF KING)

On this _____ day of _____, 20____, before me
personally appeared

to me known to be _____ of
the corporation that executed the within instrument, and
acknowledge the said instrument to be the free and voluntary
act and deed of said corporation, for the uses and purposes
therein mentioned, and each on oath stated that he/she was
authorized to execute said instrument and that the seal affixed
is the corporate seal of said corporation.

Notary Public in and for the State of Washington

Notary (Print) _____

My appointment expires: _____

Dated:

9/4/2012