AN ORDINANCE of the City of Kent, Washington, relating to interim surface water drainage controls for those developing properties within the City of Kent which are tributary to the Green River.

WHEREAS, the jointly sponsored SCS Eastside and Westside Green River Watershed Projects were anticipated to resolve the valley drainage problems; and

WHEREAS, past approval of development plans for properties being on the valley floor were on the assumption that the Watershed Projects would be built; and

WHEREAS, on July 1, 1982, the sponsors of the Watershed Projects formally withdrew their support thereof; and

WHEREAS, the City has presently under contract the development of a Comprehensive Drainage Master Plan; and

WHEREAS, said study is not scheduled for completion until the 1st quarter of 1983; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Purpose.
The purpose of this Ordinance is to prevent further health, safety and environmental problems caused by development which might occur before completion of the Drainage Master Plan; and to enable coordinated and timed planning of the development to occur for the East and West Side Basins through the implementation of the Master Drainage Plan.

Section 2. Definitions.
A) The "West Side Basin" is that land area within the City limits which lies westerly and southerly of the Green River and draining in thereto directly or indirectly.

B) The "East Side Basin" is that land area within the City limits which lies easterly and northerly of the Green River and draining in thereto directly or indirectly.
Section 3. Scope.
This Ordinance shall apply to all applications and/or requests for the following permits and/or approvals and no such permit and/or approval shall be granted until the terms, conditions, and/or requirements herein have been satisfied:

A) Grading permit
B) Substantial development permit required under RCW 90.58 (Shoreline Management Act)
C) Subdivision approval
D) Short subdivision approval
E) Binding site plan approval
F) Rezones
G) Conditional Use Permits
H) Building permits where the permit relates to 1,000 or more square feet of development coverage within the property.
I) Planned (unit) development.

Section 4. Interim Controls.
All persons applying for any of the permits and/or approvals contained in Section 3 herein shall submit to the Public Works Department for approval a drainage plan with said application and/or request. Said drainage plan shall contain and provide for the following conditions and/or requirements:

A) The design storm for the purpose of calculating the storm water storage requirement on properties shall be as follows:
   1) Properties which outlet into the Green River via the Black River channel: the design storm shall be the 100 year, 24 hour storm.
   2) All other properties which outlet into the Green River: the design storm shall be the 100 year, 7 day storm.

B) Where, in the opinion of the Public Works Director, storm water release from the property occurs, the Public Works Director shall determine the rate thereof.

C) In all cases for calculating the on site storm water storage capacity requirements, the storm water release rate from the property shall be considered zero.

D) Property designated in the maps adopted by Ordinance 2282 as "floodway" and "floodway fringe," and those ponding areas designated by the Public Works Director shall be prohibited from development unless the storage attributed thereto is equivalently provided for.
E) The storage capacity provided shall be contained on the surface of the property and in such a manner that it shall be distinct from the storm water conveyance system.

Section 5. Exemptions.
Applications or requests for a building permit to construct a single family residential dwelling shall be exempted from the terms and conditions of this ordinance except; PROVIDED, Section 7 shall apply to such applications or requests.

Section 6. Deferral of Construction of the Storm Water Storage Facility.
The Public Works Director or his authorized designee is authorized to grant up to a one year deferral of the construction of the storm water storage facility as herein required. Upon completion of the Drainage Master Plan, the Public Works Director may modify or waive the requirement for construction of the storm water storage facility whereon in his opinion an alternative solution is provided for.

Section 7. Permit and/or Approval.
Prior to receiving the permit or approval applied or requested for under Section 3 herein, the property owner applying for same shall execute a No Protest L.I.D. or U.L.I.D. covenant for constructing the improvements depicted by the Comprehensive Drainage Master Plan as necessary for the resolution of the drainage problems.

Section 8. Additional Regulations. Application of these conditions, requirements, and/or controls of this Ordinance to any application or request for the permit and/or approval noted under Section 3 herein shall not relieve the applicant from the requirements of any existing or subsequently adopted ordinances or regulations, including, but not limited to, the Surface Water and Drainage Code.

Section 9. Effective Date.
The requirements of the Ordinance shall be in effect until the date of adoption by the City Council of the Drainage Master Plan or twelve (12) months whichever is sooner. The Ordinance shall apply to all plats receiving preliminary approval subsequent to November 1, 1982. In the case of all additional actions enumerated in Section 3 of this Ordinance, the terms of this Ordinance shall apply where the application or request therefore has not been received and accepted by the City prior to the effective date of this Ordinance. Also, in those particular
instances where the final detailed construction plans for the drainage system of a development for which a permit or an approval is sought were approved prior to the effective date of this ordinance, said approval will be honored. This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

Section 10. Severability. If any provision of this Ordinance or its application to any person or property is held invalid, the remainder of this Ordinance or the application of the provision to other persons or circumstances shall not be affected.

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

P. STEPHEN DIJULIO, CITY ATTORNEY

PASSED the 15th day of November, 1982.
APPROVED the 16th day of November, 1982.
PUBLISHED the 19th day of November, 1982.

I hereby certify that this is a true copy of Ordinance No. 2375, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK

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