

EXHIBIT A

I. Section 9.14.170 of the Spokane County Code is amended to read as follows:

9.14.170 Drainage--Authority to develop and administer standards.

The county engineer shall develop and administer standards for drainage control that as a minimum provide:

(1) Preservation and protection from blockage of natural or prior existing drainage ways and facilities; and

(2) Reasonable assurance that the site and buildings thereon will be protected from damage due to drainage waters; and

(3) Conformance with National Flood Insurance Program, Shoreline Management Act, ~~or~~ environmentally sensitive area and Critical Areas Ordinance restrictions; and

(4) Reasonable assurance that properties upstream and downstream from the site being developed are protected from drainage damage resulting from site development; and

(5) Design criteria and construction standards for drainage facilities; and

(6) Quantity and quality standards for drainage water; and

(7) Preservation and protection of surface water pursuant to RCW ~~56.08.013~~ 90.48.080. (Res.80-1592 §4.2, 1980)

II. The following section is added to Spokane County Code Chapter 9.14:

9.14.183 Drainage--Authority to recommend and enforce conditions relating to drainage and stormwater management on land use actions, property divisions and any county permits.

(1) The County Engineer and the Director of the Division of Utilities are authorized to recommend conditions of approval, and to interpret and enforce their respective conditions related to drainage and stormwater imposed through the State Environmental Policy Act and/or by actions of the Board of County Commissioners, Hearing Body and/or the Division of Planning.

(2) The County Engineer and/or the Director of the Division of Utilities may cause to be recorded a title notice for each lot within new subdivisions, where drainage swale systems and/or drainage ditches are required. The title notice shall state:

“Drainage swale systems, drainage ditches, drainage and stormwater easements and maintenance access easements are necessary for the control and treatment of stormwater runoff. The property owner shall be responsible for repair, restoration, and perpetual maintenance of drainage swale systems or drainage ditches installed on residential lots. The property owner shall be responsible for keeping open drainage and stormwater easements and maintenance access easements serving drainage facilities and drainage easements. Upon the transfer of a residential lot, this title notice shall serve to notify the successor in interest of the above duties to maintain, repair and restore the drainage swale and/or drainage ditches on the property and to keep open drainage and stormwater and maintenance access easements.”

III. *Section 9.14.200 of the Spokane County Code is amended to read as follows:*

9.14.200 Stormwater drainage facilities--Bonds or Sureties.

All stormwater drainage facilities included in the site drainage plan ~~approved~~ accepted by the county engineer shall be installed or covered by bonds or sureties as follows:

(1) For all drainage facilities to be located within the county right-of-way, the sponsor shall post a performance bond in conformance with Section 9.14.040.

(2) For ~~all~~ drainage facilities to be located outside the county right-of-way, and receiving drainage from public and/or private roads, except drainage swale systems on residential lots as described in subsection (3) below, the sponsor shall post a performance bond in conformance with Section 9.14.040, and shall also provide a perpetual maintenance plan for these facilities prior to final approval. Facilities outside public rights-of-way requiring further maintenance shall be located within public easements or separate tracts if required by the County.

(3) For all drainage swale systems and/or drainage ditches required to be installed in or on ~~for~~ residential lots, the sponsor shall provide ~~plans~~ plans to the county ~~engineering division~~ Division of Engineering and Roads, plans prepared by a civil engineer, showing the location and design of the drainage swale system along with an eight-and-one-half-inch by eleven-inch plan for each lot having a drainage swale, showing the specific location and design of the swale and/or ditches for that lot, prior to final plat approval. The plans shall clearly show the location of all maintenance access easements for drainage facilities. The sponsor shall also install drywells and drainage ditches and rough grade ~~swale~~ drainage swales in accordance with the plans, or post a bond or other security accepted by the county engineer therefore.

(4) For all drainage swale systems and/or drainage ditches required to be installed ~~for~~ in or on residential lots, the ~~builder~~ applicant/permittee for a building permit shall be responsible for providing the county Division of Engineering and Roads with a site

plan drawn on the eight-and-one-half-inch by eleven inch lot plan required under subsection (3) above, showing the location of the drainage swale system, drainage ditches and maintenance access easements for drainage facilities and other proposed site improvements at the time of application for the building permit. The ~~builder~~ applicant/permittee shall deposit with the county ~~engineering division~~ Division of Engineering and Roads a one-thousand-dollars surety, in the form of cash, surety bond, postal money order, cashier's check, certified check, letter of credit or savings assignment. The deposit shall serve to guaranteeing completion of the fine-grading, landscaping and installation of sod required for the ~~swale~~ drainage swale system and acceptable performance of the drainage swales and ditches in a field test as described in the following paragraph within six months of ~~occupancy~~ final inspection approval of the residence constructed on the lot by the Spokane County Division of Buildings and Code Enforcement. The deposit is also a guarantee that the swale will function as designed. Prior to the issuance of the building permit, the applicant/permittee shall agree that should the drainage swale system and ditches not be completed in accordance with accepted plans, and/or fail to pass a test as described in the following paragraph within six months of final inspection approval by the Division of Building and Code Enforcement, the deposit shall be forfeited to Spokane County, who may then use the monies forfeited to bring the drainage swale facility into conformance with accepted plans on file with Spokane County. The applicant/permittee shall also agree to be responsible for any costs incurred by Spokane County in bringing the drainage swale facility and ditches into conformance with accepted plans which are in excess of the deposit.

The applicant/permittee shall request or cause to be requested a final inspection of the drainage swale system and ditches by Spokane County and shall perform a field test of the drainage swale, by flooding the swale to the design volume of the original plans, in the presence of the county inspector. If the drainage swale and ditches conform to the plans on file with and accepted by Spokane County, and performs as designed in the field test, Spokane County shall release the deposit back to the applicant/permittee.

~~(5) The homeowner shall be responsible for perpetual maintenance of drainage swale systems installed on residential lots. (Res. 91-0822 (part), 1991; Res. 80-1592 § 4.5, 1980)~~

IV. The following section is added to Chapter 9.14 of the Spokane County Code:

9.14.202 Property Owner Responsibilities

(1) The property owner shall be responsible for repair, restoration, and perpetual maintenance of drainage swale systems or drainage ditches installed on residential lots. For purposes of this Chapter, "repair and restoration" shall mean putting the drainage swale system or drainage ditch into conformance with the plans on file with the Spokane County Division of Engineering and Roads, including area, volume, configuration and function. "Maintenance" means preservation of the original area, volume, configuration and function of the drainage swale system or drainage ditch as described in the plans on

file. This responsibility to repair, restore and maintain said drainage swale systems and drainage ditches shall be imposed without regard to any fault or wrongful intention on the part of the property owner.

(2) Upon purchasing a residential lot, a property owner shall assume responsibility to maintain and repair and restore the drainage swale and/or drainage ditches on the property in accordance with the original plans on file with the Spokane County Division of Engineering.

(3) The dedicatory language of all new subdivisions, where drainage swale systems and/or drainage ditches are required, shall state that the property owner shall be responsible for repair, restoration, and perpetual maintenance of drainage swale systems or drainage ditches installed on residential lots.

(4) Prior to any alteration of a drainage swale or drainage ditch not in conformance with the plan on file with the Spokane County Division of Engineering and Roads, the property owner shall submit, or cause to be submitted, to the Spokane County Division of Utilities a revised plan for the drainage swale or drainage ditch. The revised plan may change the configuration of the drainage swale or drainage ditch; however, the area, volume of water that may be stored and infiltrated, and the water quality treatment capability of the drainage swale and drainage ditch must remain the same as the original plan. If Spokane County accepts the revised plan and drainage analysis, the property owner shall alter the drainage swale or drainage ditch according to the revised plan within the time limit specified by the Spokane County. Spokane County may require the property owner to have performed a field test of the drainage swale, by flooding the swale to the design volume of the original plans, in the presence of a county inspector. The property owner shall notify the Spokane County Division of Utilities when the field test is to be performed, if required, or when work on the swale has been completed if the field test is not required.

(5) If all or any portion of a drainage swale or drainage ditch altered as provided in the preceding subsection is located outside the original public easement for the facility, the owner shall grant a revised easement that includes the entire drainage swale or ditch as altered. The revised easement shall grant Spokane County, and its authorized agents, the right of ingress and egress to the drainage swale or ditch. If the altered drainage swale or ditch and revised easement are accepted by Spokane County, the property owner shall record the revised easement with the Spokane County Auditor, and provide the Spokane County Division of Utilities with a copy of the revised easement.

V. Section 9.14.205 of the Spokane County Code is amended as follows:

9.14.205 Failure to maintain drainage facilities.--Penalties.

(1) Staff from the Spokane County Division of Utilities and/or Division of Engineering and Roads shall contact affected persons to try to achieve informal resolution of violations of this chapter whenever feasible in the County's judgment. If

the violations cannot be resolved informally, then the matter shall be referred to the Prosecuting Attorney's Office for further action.

(2) It shall be a misdemeanor for: A(a)any person who to willfully damages, alters, or removes any stormwater drainage facilities; or (b) any property owner fails to fail to maintain or repair and restore stormwater drainage facilities, including any portion of a drainage swale system, which said person is responsible for maintaining under this chapter., Any person found guilty under this subsection shall be guilty of a misdemeanor and shall be subject to a fine not to exceed two hundred fifty dollars or imprisonment in the county jail not exceeding ninety days or both. Each day that a violation exists, shall constitute a separate offense. In addition to, or as an alternative to such penalty, the violator may also be subjected to a civil penalty in the manner provided by Sections 14.406.060 through 14.406.100 of the county code. (Res. 91-0882 (part, 1991)

(3) In addition to the above penalties assessed by the court, Spokane County Public Works may record with the County Auditor a title notice stating that the stormwater drainage facilities on the premises have not been maintained or repaired and restored in compliance with the plans filed with the Spokane County Division of Engineering and Roads, and that any owner of the premises shall be responsible for repair and restoration, as well as maintenance, of the stormwater drainage facilities as provided in Spokane County Code Sections 9.14.202 and 9.14.205. Spokane County may continue to pursue any and all enforcement actions to have the drainage swale or drainage ditch constructed and/or repaired.

VI. The following section is added to Spokane County Code Chapter 9.14:

9.14.207 Stormwater or Drainage Easements and Maintenance Access Easements -- Penalty.

(1) The property owner is responsible for keeping open drainage and stormwater easements on his/her property. If a drainage or stormwater easement is unlawfully encroached upon or the drainage functionality of a designated drainage or stormwater easement is reduced, the property owner is responsible for removing the encroachment or detriment. The County may give a notice to the property owner. If the encroachment or other detriment is not removed and drainage facility within the easement restored by the time limit designated in the notice, the property owner shall be guilty of a misdemeanor and shall be subject to a fine not to exceed two hundred fifty dollars or imprisonment in the county jail not exceeding ninety days, or both. Each day that a violation exists, shall constitute a separate offense.

(2) The property owner is responsible for keeping open maintenance access easements serving drainage facilities and drainage easements. If a maintenance access easement is not kept open and maintained, Spokane County may give notice to the property owner. If the access is not opened by the time designated in the notice, the property owner shall be guilty of a misdemeanor and shall be subject to a fine not to

exceed two hundred fifty dollars or imprisonment in the county jail not exceeding ninety days, or both. Each day that a violation exists, may constitute a separate offense.

(3) Drainage and stormwater easements and maintenance access easements shall be recorded with the Spokane County Auditor, and shall run with the land. Under no circumstances shall a property owner modify such easements or the drainage access facilities within them without prior approval from the Spokane County Division of Utilities.

VII. *The following section is added to Chapter 9.14 of the Spokane County Code:*

9.14.209 Failure to comply with approval conditions related to drainage and stormwater management--Penalty.

Any person who fails to comply with drainage and/or stormwater management condition of approval for county permits, property divisions and land use actions, or State Environmental Policy Act conditions imposed by actions of the Board of County Commissioners, Hearing Body and/or Division of Planning, which said person is responsible for following, shall be guilty of a misdemeanor and shall be subject to a fine not to exceed two hundred fifty dollars or imprisonment in the county jail not exceeding ninety days, or both. Each day that a violation exists, shall constitute a separate offense.

VIII. *Section 9.14.210 of the Spokane County Code is amended to read as follows:*

9.14.210 Drainage facilities--Maintenance by county when road established.

The county will assume maintenance responsibility for all drainage facilities, except drainage swale systems, constructed within county right-of-way at the time the road is established. During the warranty period, as defined in the Spokane County Standards for Road and Sewer Construction, any ~~The first year's~~ repair costs due to defects in material and workmanship shall be the responsibility of the sponsor and shall be an obligation against the bond specified in Section 9.14.040. (Ord. 81-0726 (part), 1981; Res. 80-1592 §4.6, 1980)

IX. *The following section is added to Chapter 9.14 of the Spokane County Code:*

9.14.215 Discharge of unauthorized waters prohibited--Penalty.

It shall be unlawful for any person to throw, drain, run or otherwise discharge unauthorized waters onto county property or rights-of-way, without written permission of the Director of Utilities or his/her designee. For purposes of this chapter, unauthorized waters include, but are not limited to: 1) groundwater from springs or other natural or artificial sources, foundation drains, sump pumps and other means of discharging groundwater to the surface, 2) surface water containing sediment, 3) discharges from swimming pools, hot tubs, detention or evaporation ponds, 4) water discharged from the

cleaning of containers or equipment used in laying, cutting or processing concrete and mortar and the water used in such processes, 5) water discharged from the cleaning of equipment or containers holding paint solvents or similar contaminants, and 6) other water posing a safety hazard in the travel way or that could reduce the effectiveness of stormwater control and treatment facilities. Spokane County may give verbal or written notice to any property owner or person who is discharging unauthorized waters onto county property or rights-of-way. The unauthorized discharge must cease and desist as soon as notice is given to the person. If verbal notice is given, the county shall within 24 hours send written notice to the person as well. If the unauthorized water is not stopped from discharging upon verbal or written notice, the person shall be guilty of a misdemeanor, and shall be subject to a fine not to exceed two hundred fifty dollars or imprisonment in the county jail not exceeding ninety days, or both. Each day that a violation exists shall constitute a separate offense.