

Chapter 14-28
Rules and Regulations of the
Department of Development and Environmental Services

Irrigation and Lighting Systems
in County Right-of-way

Effective Date: February 19, 1990

Document No. _____

Amended: November 5, 1995

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14-28-001 Definitions:

A. Association. "Association" means any combination of persons residing or having an ownership interest in a residential subdivision or short subdivision which is designated as an association for the purpose of these rules.

B. Department. "Department" means the Department of Development and Environmental Services of King County.

C. Irrigation system. "Irrigation system" means a system of pipes, valves, fixtures and meters, most of which is located underground, used for watering landscaped areas in county rights-of-way.

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D. Lighting system. "Lighting system" means a system of wiring, standards, fixtures, vaults and meters, some of which is located underground, used for illuminating streets in county rights-of-way. Only lighting systems not provided by a local electrical utility and not subject to current franchising procedures are subject to this rule.

14-28-002 Purpose. The purpose of these rules is to implement the right-of-way improvement provisions of K.C.C. 14.28, to provide a means to allow irrigation and/or lighting systems in county rights-of-way by applicants in conjunction with development of a residential subdivision or short subdivision and to assure ongoing maintenance and responsibility for such facilities.

14-28-003 Permit Required. A. Applicants intending to install irrigation and/or lighting systems in or for a residential subdivision or short subdivision are required to apply for and obtain an extended right-of-way use permit from the department prior to making any improvements in the right-of-way. The extended right-of-way use permit shall be consolidated with other permit applications when work will be performed in conjunction with work authorized by other permits.

B. Irrigation and/or lighting systems installed prior to the effective date of these rules without issuance of a permit by the county are considered to be in violation of K.C.C. 14.28.020 and are subject to the applicable enforcement provisions of these rules and the King County Code. No such system shall be allowed to remain within the county right-of-way unless an extended right-of-way use permit is issued, authorizing its continued existence and the conditions thereof.

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Application. A. Each applicant applying for an extended right-of-way use permit shall submit a completed application to the department consisting of:

1. an application form;
2. a completed environmental checklist, if required by K.C.C. 20.44;
3. the payment of fees specified in K.C.C. 27.16;

and

4. a plan and profile showing all water lines, sprinkler heads, shut-off valves, water meters, light standards, underground electrical lines and light meters. Such plans shall be prepared by a professional engineer licensed in the State of Washington.

B. Multiple improvements may be combined within one application for an extended right-of-way use permit as long as all improvements apply to the same development project.

C. Within ten (10) days of its receipt, the department shall screen the extended right-of-way use permit application for completeness for the purpose of vesting and shall notify the applicant of any deficiencies or certify that the application is complete. If the application is certified as complete, the date of vesting shall relate back to the date of proper submission. The proper submission of a completed extended right-of-way use permit application, as determined by the department, shall vest the applicant's rights under the applicable laws in effect on the day of proper submission.

D. For the purpose of processing the extended right-of-way use permit application, the applicant shall submit any additional information or documents which may be required by the department.

14-28-005 Application Approval. A. The department shall approve, approve with conditions, deny or return to the applicant for modification all extended right-of-way use permit applications.

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B. The department may condition the extended right-of-way use permit to insure consistency with plans, policies and laws, including rules and regulations promulgated thereunder, and to protect the environment and the health, safety and welfare of the public. Conditions shall be established for design, installation, operation, maintenance and repair of the improvement and for assumption of liability.

C. The applicant shall submit "as-built" drawings of the irrigation and/or lighting system to the department within fifteen (15) days of completing the improvement.

14-28-006 Covenant. A. Permit conditions may be set forth in a covenant recorded by the applicant within five (5) days after approval of the extended right-of-way use permit. The covenant shall be signed by the applicant. Any water or electrical purveyor providing services pursuant to or associated with the improvement shall certify that it understands and will abide by the terms of the covenant applicable to it. Such certification shall be attached to the covenant.

B. The covenant shall provide for the design, installation, operation, maintenance and repair of the improvement and for assumption of liability. The covenant shall contain an indemnity and hold harmless clause, relieving the county of any liability associated with the improvement. The covenant shall require cooperation in the Utilities Underground Location Center service for those improvements involving underground water and/or electrical lines. Other conditions may be contained within the covenant, as determined by the department.

14-28-007 Designation of Responsible Party. If the applicant is the developer of the residential subdivision or short subdivision and the applicant intends to relinquish its responsibilities of design, installation, operation, maintenance, repair and liability, it shall establish an

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association to assume such responsibilities, subject to approval by the department. Upon department approval, the association shall be responsible for any operation, maintenance and repair of the improvement and for any liability associated with the improvement.

14-28-008 Dissolution of Association. If an association dissolves during the life of an improvement for which it is responsible, the association shall notify the department of its intended dissolution. Prior to dissolution, the association shall remove the improvement from the right-of-way, restore the right-of-way to its original condition and perform any other acts or conditions required by the department.

14-28-009 Modification and Relocation of Permitted Improvement. Modification and relocation of the permitted improvement shall be accomplished by following the same procedure and satisfying the same laws, policies and conditions as required for a new extended right-of-way use permit.

14-28-010 Enforcement. If the applicant or association fails to comply with applicable plans, policies or laws, including rules and regulations promulgated thereunder, the applicant or association shall be notified of its failure by the department and required to comply within a reasonable time under the circumstances. If the noncompliance persists, the department shall seek appropriate action in accordance with the enforcement provisions of Title 23, King County Code.

14-28-011 Severability. If a provision of the rules contained herein or its applicability to any person or circumstance is held invalid, the remainder of the provisions of these rules or the application of the provision to other persons or circumstances shall not be affected.