Introduced by:

Gruger

Proposed No.:

92-145

ORDINANCE NO.

AN ORDINANCE extending the expiration date, and modifying the terms of, interim zoning in the East Sammamish community planning area, amending Ordinance 6252 as amended and K.C.C. 20.12.340 G.

## FINDINGS:

For the purpose of effective land use planning and regulation in the East Sammamish community planning area, the King County council adopts the findings set forth in Ordinance 9365 with the exception of finding 3. In addition, the council finds that:

1. An update of the East Sammamish Community Plan and Area Zoning was initiated on December 18, 1989 by Council Motion 7771. The purpose of the East Sammamish Community Plan and Area Zoning is to implement and amend the 1985 King County Comprehensive Plan. It will update and provide more detailed policy guidelines for land use, the environment and transportation which will be implemented through the simultaneous adoption of area-wide zoning. Public workshops and regular Citizens Advisory Committee (CAC) meetings began in July 1990. The planning process for the update has included participation by local residents serving on a CAC and attending public meetings; cooperative planning between the county and the Cities of Redmond and Issaquah; and consideration of regional plans and intergovernmental agreements. The updated plan and area zoning are scheduled to be completed by the planning and community development division and transmitted by the King County executive to the King County council by July 1992.

The East Sammamish community planning area has experienced one of the highest rates of growth in King County. The 1991 Annual Growth Report reported a 157 percent population increase for the planning area from 1980 to 1990. The planning area's population grew from 12,300 in 1980 to 31,851 in 1990, and is forecast to exceed 40,000 by the year 2000 and 73,000 by 2020. While the population increase was anticipated by the 1982 East Sammamish Community Plan, the magnitude of the resulting impacts upon the area's infrastructure and environment was not adequately understood. The rapid rate of growth has strained the area's public services and facilities, including roads, sewers, water supplies and schools, and it has caused environmental damage and harm to public resources.

- 2. On March 29, 1990 the King County council adopted interim zoning for the East Sammamish community planning area by enacting Ordinance 9365. The interim zoning will expire on April 8, 1992. Because of the community plan update schedule, a new plan and area zoning cannot be in place before January 31, 1993.
- 3. The East Lake Sammamish Basin Plan has been initiated for a sixteen-square mile watershed area of the Pine Lake plateau draining to Lake Sammamish. The Issaquah Creek Basin Plan, covering 58-square miles, 10 of which are in the East Sammamish community planning area, has also been initiated. The basin plans will examine the current condition of the basins' stream flows, fisheries habitat

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and related natural resources and predict how these conditions will intensify as land use changes to suburban and urban densities. The basin plans will include recommendations for land use, development standards and capital facilities to protect surface water resources. The East Sammamish Community Plan Update and Area Zoning will include land use and zoning recommendations for specific wetland and stream corridor management areas based, in part, on information and recommendations generated by the basin planning process, to ameliorate current drainage problems and avoid future resource damage. The East Lake Sammamish Basin Plan is scheduled to be completed by the surface water management division and transmitted by the King County executive to the King County council in December 1992. The Issaquah Creek Basin Plan will be completed and transmitted in July 1993.

- 4. In its 1990 and 1991 Sessions, the Washington State Legislature enacted major new land use planning and growth management legislation, known as the Growth Management Act (GMA), after the East Sammamish Community Plan update process was under way and after the council adopted Ordinance 9365. This new legislation has had a major impact on the original schedule and scope of the East Sammamish Community Plan and Area Zoning Update. The GMA requires greater coordination with the Cities of Issaquah and Redmond regarding urban growth boundaries, development standards, and more specific standards for phasing growth concurrently with adequate public facilities and services.
- 5. The CAC, assisting King County in updating the East Sammamish Community Plan, and with broad support from the cities of Issaquah and Redmond and planning area residents, has asked for an extension of the interim zoning established by Ordinance 9365 so it and the community can reach closure on land use and other issues raised by the community plan update and the rapid growth the planning area has experienced since 1980. During this period, major new proposals emerged for annexation by the City of Issaquah and incorporation of a new City of Sammamish.
- 6. The East Sammamish Access Improvement Study has been initiated by the department of public works to resolve transportation access issues for the south end of the planning area. The work program for the study assumes the East Sammamish Community Plan Update's land use alternatives will be used to model solutions to access problems, and is not scheduled to be completed until the summer or early fall of 1992. The study will examine transit, existing road network improvements, and potential new road corridors.
- 7. In May, 1991, the Sammamish Plateau Sewer and Water District, which serves over two-thirds of the planning area, declared a moratorium on new water supply system hookups due to possible contamination of a significant portion of the wells making up the district's present water resources. This shortfall constitutes a threat to public health and safety, and a deficiency in public services greater than that found to exist by the county council when it adopted Ordinance 9365.
- 8. In 1990 and 1991, the planning and community development division, and Citizens Advisory Committee (CAC) made substantial progress working on the East Sammamish Community Plan and Area Zoning Update. The community plan draft map and policies have been completed and reviewed with a citizen advisory committee; computer modelling of the planning area's road traffic activity is

underway; a consultant has been retained and is preparing an Environmental Impact Statement for the proposed plan; and additional citizen advisory committee meetings and other opportunities for public participation are being planned.

 The planning and community development division and CAC, with support from the environmental division, surface water management division and transportation planning section, have committed substantial resources to meet the original schedule based on the deadline in Ordinance 9365. For example, the normal schedule of a community plan process calls for CAC evening meetings twice a month; from June, 1990 on, meetings were held at the rate of three to four a month; between March and December, 1991, the East Sammamish Community Plan staff and CAC held five or six meetings per month, plus community-wide open houses, plus CAC subcommittee meetings. Nonetheless, the update will not be completed when the interim zoning adopted by Ordinance 9365 expires.

9. The interim zoning adopted by Ordinance 9365 will expire April 8, 1992, which is several months before the community plan update can be transmitted to the King County council and several more months before the council can feasibly review and adopt it. Extension of interim zoning, pending adoption of the East Sammamish Community Plan Update and Area Zoning, is necessary so that King County has the opportunity to effectively consider changing the zoning in the planning area, and to coordinate surface water management and transportation capital improvements with the community plan update. Without interim zoning, King County's ability to consider and then implement the recommendations of the community planning and area zoning process will be seriously compromised.

King County's experience has been that without interim zoning, by the time of adoption of a proposed community plan and area zoning, planning options are precluded because of development occurring under the previously existing zoning. For example, the Bear Creek Community Plan and Area Zoning was transmitted by the executive in August 1987, and adopted by the council in January 1989. Between August 1987 and January 1989, development applications for 1100 lots on 1500 acres were submitted under the preexisting urban zoning, not the proposed rural zoning. The zoning adopted for this area by the council was primarily rural. King County was not able to effectuate this zoning because of the development that occurred under the previous urban zone. In the East Sammamish planning area, plat applications for over 4000 lots were vested under the 1982 zoning before the effective date of interim zoning under Ordinance 9365.

10. Unless interim zoning is continued until adoption of the East Sammamish Community Plan Update and Area Zoning, King County's opportunity to implement the 1985 King County Comprehensive Plan, to consider land use and zoning options to protect wildlife and address flooding and erosion in stream corridors, to establish urban separators, to exercise growth phasing to discourage development until facilities and services are available, to promote affordable housing choices and transit use through efficient land use patterns and densities supported by adequate facilities and services, and to comply with the GMA will be foreclosed. In addition, growth occurring under the 1982 area zoning will overwhelm public water supplies, transportation facilities and schools.

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11. The extension of the interim zoning adopted by this ordinance is necessary to protect the public health, safety and welfare, in light of the extraordinary progress King County and the CAC have already made in trying to comply with the original timetables set by Motion 7771 and Ordinance 9365, the new state planning requirements established by the GMA, the water district moratorium on new certificates of water availability, the need to reach community closure on growth issues, and the need for adequate council review of the Executive Proposed East Sammamish Community Plan Update and Area Zoning.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 9365 Section 1 is amended to read as follows:

Interim Zoning in the East Sammamish Planning Area (see Attachment B). A. For the purposes of interim zoning all properties in Area 1, attachment B, attached hereto and incorporated by reference herein, are rezoned as follows: With the exception of SC-zoned properties with the boundaries of the approved master plan development in the Beaver Lake Subarea (Tax Lots 55, 63 and 65 in Section 14, Township 24, Range 6 E.W.M. and Tax Lot 32 in section 13, Township 24, Range 6 E.W.M.), and also with the exception of any property included on the assessment rolls of either the Utility Local Improvement District #LSS-5 of the Northeast Sammamish Water and Sewer District or the Utility Local Improvement District #S-10 of the Sammamish Plateau sewer and Water District, those properties that were zoned SC (Suburban Cluster), SC-potential SR (Suburban Residential) or G-5 (General) potential SC-P pursuant to the 1982 East Sammamish Community Plan and Area Zoning are zoned GR-5-P (Growth Reserve). All properties in Area 1 are subject to the additional interim P-suffix conditions set forth in Section 2 of this ordinance and shown in Attachment C attached hereto and incorporated by reference herein. No sewer local service area boundaries shall be extended within Area 1 to include any properties zoned GR-5-P except where a boundary would be extended into a designated potential local service area for the purpose of providing sewer service to churches, public schools, police or fire stations, or except for local

service area boundary adjustment applications that have been

made as part of a completed preliminary plat application filed prior to December 11, 1989; provided, however, that nothing in this section shall affect the authority of the King County council to approve, deny or condition such applications.

B. For the purposes of interim zoning all properties in Area 2 in Attachment B are rezoned as follows: Those properties zoned A (Agriculture) pursuant to the 1982 East Sammamish Community Plan and Area Zoning are zoned to A-P. Those properties that were classified RM-2400, S-E, SC, G, G-5, B-N-P, M-P-P and FR pursuant to the 1982 East Sammamish Community Plan and Area Zoning are zoned AR-5-P. All properties in Area 2 are subject to the additional interim, P-suffix conditions set forth in Section 2 of this ordinance and shown in Attachment C. Area 2 shall be removed from the Local Service Area (LSA) and no LSA boundaries shall be extended into Area 2.

SECTION 2. Ordinance 9365 Section 2 is amended to read as follows:

A. Interim P-Suffix Conditions. Drainage Control Conditions. The following conditions shall apply to all of the properties identified in Attachment C as being within the boundaries of Detention Standard 1 or Detention Standard 2. These development conditions are intended to reduce or eliminate major surface water runoff impacts of development within the Patterson Creek/Snoqualmie River, East Lake Sammamish, Issaquah Creek, and Evans Creek drainage areas. A drainage control plan shall be required to be prepared by the applicant and approved by the Building and Land Development Division (BALD) for all development within Detention Standard Area 1 or Detention Standard Area 2 whenever a proposed development requires a building permit, binding site plan, conditional use permit, unclassified use permit, variance, rezone, planned unit development, subdivision, short subdivision, master plan development, or grading permit. ((A list of exemptions will be developed to waive drainage control

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plan requirements for proposed uses that will not impact surface water runoff quantities or rates.))

al. Stormwater detention shall contain up to the 100-year/24-hour storm and shall be computed using a Soil Conservation Service based hydrograph method. If, through drainage review, it is determined that post-detention discharge would further destabilize downstream systems, then tightline discharge of post-detention flows may additionally be required. If a proposed development does not discharge directly into a receiving water body then the following detention standards will apply:

- (1)a. Detention Standard 1 (Attachment C) shall apply within the Snoqualmie River Drainage Basin. In this area the presence of highly erodible soils upslope from the Snoqualmie River System creates the need for additional runoff detention requirements. However, the level of detention required is lower than what is required within the Evans Creek and East Lake Sammamish Basins due to the relatively low densities attainable under the interim zoning for the Snoqualmie Basin. Within the area of Detention Standard 1, stormwater release shall be at 1/2 the predeveloped 2year/24-hour release rate for design storm events up to and including the 2-year/24-hour design storm event, the predeveloped 2-year/24-hour release rates for design storm events up to and including the 10-year/24-hour design storm event, and the predeveloped 10-year/24-hour release rate for design storm events up to and including the 100-year/24-hour design storm event.

(2)b. Detention Standard 2 (Attachment C) shall apply within those portions of the Evans and East Lake Sammamish Drainage Basins shown on Attachment C, In these areas, the presence of highly erodible soils upslope from in the Evans Creek and East Lake Sammamish Drainage Basins creates the need for additional runoff detention requirements. Within these basins, the level of detention required is higher than

 that required in the Snoqualmie River Drainage Basin due to the higher densities attainable under the interim zoning for the Evans Creek and East Lake Sammamish Drainage Basins. Within the area of Detention Standard 2, stormwater release shall be at 70 percent of the predeveloped 2-year/24-hour release rate for design storm events up to and including the 100-year/24-hour design storm event.

- ₺2. No other detention measures beyond those set forth in the Surface Water Management Design Manual are required for the remainder of the East Sammamish Planning Area.
- e3. A drainage control system, as approved by BALD, shall be installed prior to any unrelated land clearing, vegetation removal, site grading, road construction or utility installation. Only those activities associated with pre-development exploration, such as surveying and performance of soil tests and limited clearing and grading associated with construction of drainage facilities, will be permitted prior to completion of the drainage control system.
- d4. In those situations where features of the drainage system or subsequent development make installation of the final drainage system impossible, a phased drainage control plan shall be developed. This phased plan shall provide the level of retention/detention set forth in the applicable Detention Standard for the entire site at all times.
- 5. <u>Drainage Control Exemptions</u>. Runoff quantity controls required under Section 2.A. may be waived for development proposals that:
- a. construct 5,000 square feet or less of new impervious surface where runoff is discharged onto the following Soil Conservation Service series soils: Arents ("an" only), Everett, Indianola, Klaus, Neilton, Pilchuck, Puyallup, or Ragnar. A soils report may be required to verify the soils series or to classify previously unmapped series; or

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32 33 34 b. construct 300 square feet or less of new impervious surface where runoff is discharged onto soils not listed under A.1. above.

- Drainage Control Modifications. Modification of 6. the runoff quantity requirements in section 2.A. may be granted for permits that propose to create new impervious surface, if alternative methods for control of runoff are determined by BALD engineering review to have fewer adverse environmental impacts than either tightlining or detention that would otherwise be required by this ordinance for all storms up to and including the 100 year/24 hour event. An applicant seeking modifications of the drainage control requirements of this Section shall submit a detailed proposal for alternative methods for control of runoff. County engineering staff shall review the proposal and, where possible, indicate changes to the proposal that would enable it to meet the test of producing fewer adverse environmental impacts than tightlining or dentention. BALD may require that the applicant submit a professional engineering study in support of the proposal when the need for such is indicated either by an unworkable or insufficiently detailed proposal or by the characteristics of the site.
- 7. The exemptions and modifications provided for by this Section are exemptions and modifications to the requirements of this interim zoning ordinance and not to countywide drainage standards as set forth in the King County Surface Water Design Manual.
- 8. Pending permit applications received since December 11,

  1989 may seek exemption from, or modification to, the Interim

  Drainage Control Requirements as provided for by this Section.
- B. Water Quality/Phosphorus Control Conditions. The following conditions shall apply to all planned unit developments, master planned developments, formal subdivisions, short subdivisions, and building permits excepting single

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33 34 family building permits within the East Lake Sammamish drainage area (Attachment C) of the East Sammamish planning area. All new development shall construct a wetpond drainage control facility meeting the standards of Special Requirement #5 of the Surface Water Design Manual (Section 1.3.5) which shall be employed to treat a project runoff prior to discharge from the site. A wetvault or water quality swale, as described in Special Requirement #5, may be used when a wetpond is not feasible.

C. Interim Stream Corridor Conditions. Pending permit applications received since December 11, 1989 shall be subject to the stream standards contained in K.C.C. 21,54.310. The following conditions shall apply for all of the lands within the East Sammamish planning area. These development conditions are intended to recognize the importance of stream corridors and direct development to protect an undisturbed corridor sufficient to maintain natural functions of the stream. In order for these stream corridor protection measures to be effective in controlling impacts to streams and habitat, the existing wetland protections, applied through the Sensitive Areas Ordinance and the State Environmental Policy Act, must continue. Reduction of the buffer sizes typically applied through these authorities will result in substantial increases in erosion and sedimentation impacts.

Undisturbed stream corridors and wetland buffers support wildlife habitat, protect water and environmental quality, enhance fishery production and are an important resource in the planning area.

The following conditions shall apply to all new developments within the East Sammamish planning area to provide stream corridors. These conditions shall apply for the full term of this ordinance, or until such time as a revised Sensitive Areas Ordinance establishes Countywide stream corridor protection measures.

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- 1. All stream corridors shall be designated as native
growth protection restriction areas (NGPRA) in formal
subdivision, short subdivision, multifamily or commercial
building permits, binding site plans, variances, shoreline
substantial development and conditional use permits, master
plan developments, planned unit developments, conditional use
permits, and unclassified use permits.
2. In formal subdivisions, short subdivisions, binding
site plans, planned unit developments, and master planned
developments, each stream corridor designated as an NGPRA also
shall be placed in a separate tract.
- 3. All new subdivisions and short subdivisions shall
provide NGPRA or other measures providing equivalent
environmental protection to avoid disturbance of the buffer
vegetation.
- 4. Stream corridor NGPRAs and tracts will be sized
according to the following criteria:

--- a. Streams not adjacent to wetlands or slopes 30% or greater:

-(1) For all DNR Type I-IV streams and for DNR Type V streams which are habitat for anadromous salmonids, a minimum 100 foot corridor from the top-of-bank on both sides shall be provided and designated a NGPRA, and a 15 foot building setback line (BGBL) will extend landward from the edge of the tract.

-(2) For Type V streams which are not anadromous salmonid habitat, a minimum 25 foot corridor from the stream center line on both sides shall be provided and designated as a NGPRA, and a 15 foot BSBL will extend landward from the edge of the tract.

b. Streams adjacent to slopes 30% and greater:

(1) For streams adjacent to or within 25 feet of the toe-of-slopes which are less than 100 feet in horizontal length, a corridor shall extend 25 feet beyond the top-of-slope and a 15 foot BSBL shall apply. The corridor shall be designated a NGPRA. These requirements shall also apply if

slopes are variable, that is, having small benches or terraces but also having an overall slope of 30% or greater.

(2) For streams adjacent to or within 25 feet of the toe of slopes which are greater than 100 feet in horizontal length, a corridor shall extend 125 feet beyond the top-of-bank or the water's edge and a 15 foot BSBL shall apply. The corridor shall be designated a NGPRA. This requirement shall apply if slopes are variable, that is, having small benches or terraces but also having an overall slope of 30% or greater.

c. Streams adjacent to wetlands: Existing sensitive areas requirements for wetlands shall apply unless stream corridor requirements are more restrictive.

development proposal otherwise allowed under the applicable zone demonstrates that establishment of a NGPRA of the width required above would deny all reasonable use of the property, the director of the department of parks, planning and resources, or his or her designee, in consultation with the Prosecuting Attorney's Office, may administratively reduce the width of the NGPRA in order to allow development.))

<u>SECTION 3.</u> Ordinance 9365 Section 3 is amended to read as follows:

Duration of Interim Zoning. The interim zoning ((applied in Section 1)) shall be in effect ((for 24 months from the effective date of Ordinance 9365 ()) until ((April 8, 1992)) the earlier of January 31, 1993 or the effective date of an ordinance adopting an update to the 1982 East Sammamish Community Plan and Area Zoning provided that:

a. The interim zoning shall be extended until March

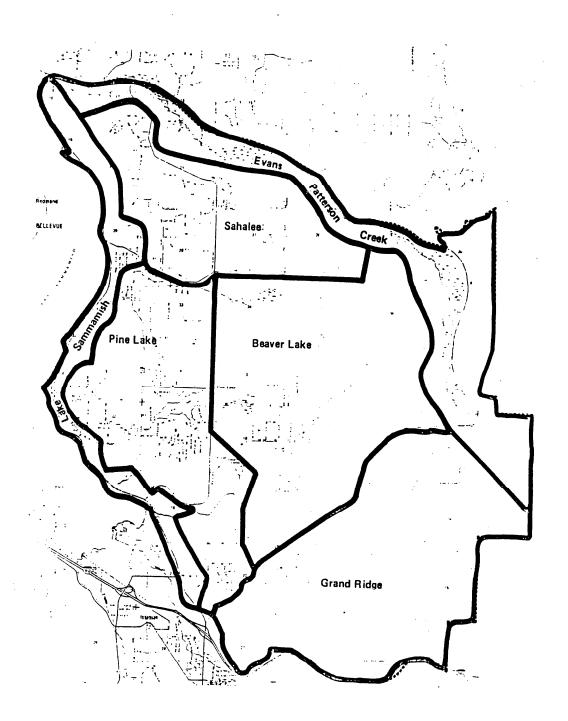
31, 1993 if the Council committee or panel reviewing the

proposed update has failed to transmit a recommendation slip to

the Clerk of the Council signed by a majority of its members by

October 31, 1992.

1	b. A proposed East Sammamish Community Plan Update
2	and Area Zoning shall be submitted to the County Council no
3	later than July 31, 1992. In the event that no proposed plan is
4	submitted by that date, the interim zoning shall expire on
5	August 1, 1992.
6 7 8	INTRODUCED AND READ for the first time this 2 nd day of March 1992  PASSED this /6 th day of March , 1992
9 10	KING COUNTY COUNCIL KING COUNTY, WASHINGTON
11 12 13	ATTEST:
14 15 16 17	Approved this day of, 1992.  King County Executive

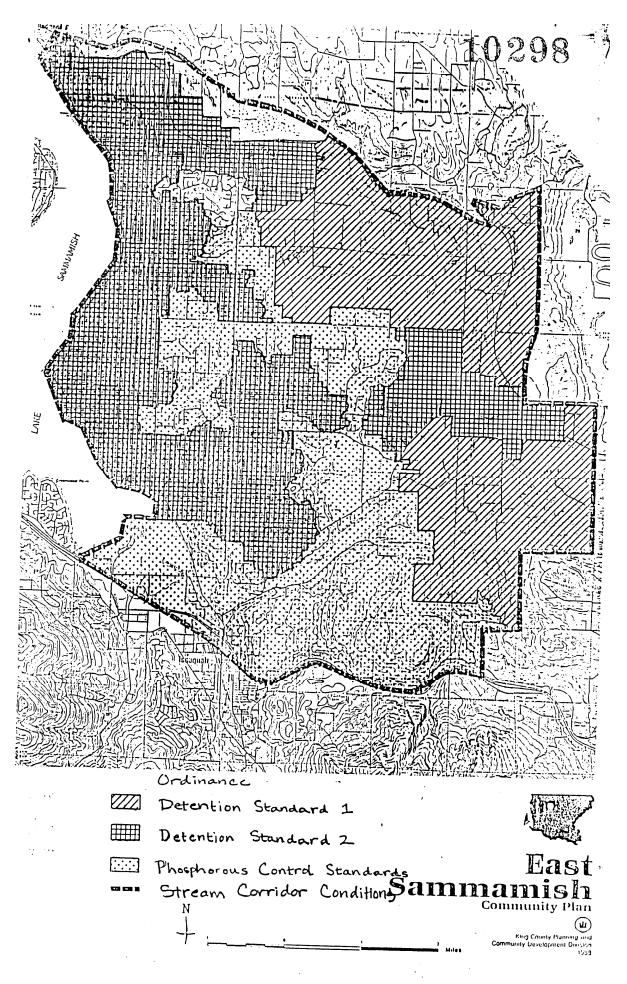


East Sammamish Community Plan

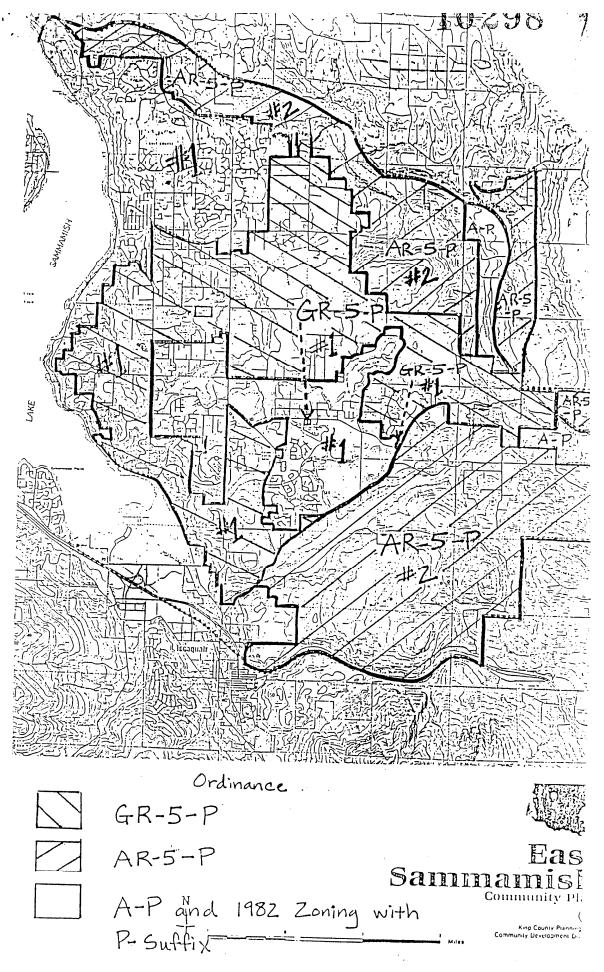
SUB-AREAS

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Attachment A



Corrected as of April 3, 1990 Attachment 1



Greeted as of April 3,