

July 5, 1994
94-290.DOC (VN:clt)

Introduced By: Chris Vance

Proposed No.: 94-290

ORDINANCE NO. **11393**

AN ORDINANCE relating to clearing and grading permits; defining the phrase "existing public park" as used in a clearing and grading permit exemption; amending Ordinance 1488, Section 6, and K.C.C. 16.82.050, all as amended.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 1488, Section 6, and K.C.C.

16.82.050 are hereby amended to read as follows:

Clearing and grading permit required - Exceptions. A.

No person shall do any clearing or grading without first having obtained a clearing and grading permit from the director except for the following:

1. An on site excavation or fill for basements and footings of a building, retaining wall, parking lot, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure;

2. The depositing or covering of any garbage, rubbish or other material at any solid waste facility operated by King County;

3. Maintenance of existing driveways or private access roads within their existing road prisms, provided that the performance and restoration requirements of this chapter are

1 met and best management practices are utilized to protect
2 water quality;

3 4. Any grading within a publicly owned road right-of-
4 way;

5 5. Clearing or grading by a public agency for the
6 following routine maintenance activities:

7 a. Roadside ditch cleaning provided the ditch does
8 not contain salmonids;

9 b. Pavement maintenance;

10 c. Normal grading of gravel shoulders;

11 d. Maintenance of culverts;

12 e. Maintenance of flood control or other approved
13 surface water management facilities;

14 f. Routine clearing within road right-of-way;

15 6. Any clearing or grading for roads within a
16 preliminarily or finally approved residential plat which has
17 been approved by the director and for which a bond has been
18 posted;

19 7. Maintenance or reconstruction of the facilities of
20 a common carrier by a rail in interstate commerce within its
21 existing right-of-way; provided restoration is consistent
22 with the requirements of Section 16.82.110; provided that
23 this exception does not apply if the clearing or grading is
24 within a sensitive area as regulated in K.C.C. Chapter 21.54;

25 8. Cemetery graves; provided that this exception does
26 not apply except for routine maintenance if the clearing or
27 grading is within a sensitive area as regulated in K.C.C.
28 Chapter 21.54;

29 9. Clearing or grading within a preliminarily or
30 finally approved residential plat not involving any

1 excavation exceeding five feet in vertical depth or any fill
2 exceeding three feet in vertical depth, regardless of the
3 amount of material to be removed; provided that this
4 exception does not apply if the clearing or grading is within
5 a sensitive area as regulated in K.C.C. Chapter 21.54;

6 10. Excavation less than five feet in vertical depth
7 not involving more than one hundred cubic yards of earth or
8 other material on a single site; provided that the exception
9 does not apply if the clearing or grading is within a
10 sensitive area as regulated in K.C.C. Chapter 21.54;

11 11. Fill less than three feet in vertical depth not
12 involving more than one hundred cubic yards of earth or other
13 material on a single site; provided that the exception does
14 not apply if the clearing or grading is within a sensitive
15 area as regulated in K.C.C. Chapter 21.54;

16 12. Minor stream restoration projects for fish
17 habitat enhancement by a public agency, utility or tribe as
18 set out in K.C.C. 21.54;

19 13. Clearing or grading for construction of
20 livestock manure storage facilities or associated nonpoint
21 source pollution facilities designed to the standards of and
22 approved in a conservation plan by the King County
23 conservation district, and constructed and maintained to
24 those standards or livestock flood sanctuaries constructed
25 and maintained to the standards approved by the Soil
26 Conservation Service and conservation district and the best
27 management practices approved by King County;

28 14. Clearing and grading, performed as Class I, II,
29 III or IV Special forest practice in the F (Forestry) zone,
30 that is conducted in accordance with RCW 76.09 and WAC 222;

1 15. The following activities are exempt from the
2 clearing requirements of this chapter and no permit shall be
3 required:

4 a. Clearing outside of sensitive areas and buffers
5 as regulated in K.C.C. Chapter 21.54 unless the development
6 proposal site is within an area subject to clearing
7 restrictions contained in a critical drainage area
8 administrative rule or in p-suffix conditions in an adopted
9 community plan.

10 b. Within sensitive areas, as regulated in K.C.C.
11 Chapter 21.54, the following activities are exempt from the
12 clearing requirements of this chapter and no permit shall be
13 required.

14 (1) Normal and routine maintenance of existing
15 lawns and landscaping subject to the limitations on the use
16 of pesticides in sensitive areas as set out in K.C.C. Chapter
17 21.54.

18 (2) Permitted agricultural uses; provided the
19 clearing is consistent with the agricultural exemptions in
20 sensitive areas as regulated in K.C.C. Chapter 21.54.

21 (3) Emergency tree removal to prevent imminent
22 danger or hazard to persons or property.

23 (4) Normal and routine horticultural activities
24 associated with commercial orchards, nurseries, or Christmas
25 tree farms in existence on the effective date of Ordinance
26 9614 (November 27, 1990) subject to the limitations on the
27 use of pesticides in sensitive areas as set out in K.C.C.
28 Chapter 21.54. This does not include clearing or grading in
29 order to develop or expand such activities.

1 (5) Normal and routine maintenance of existing
2 public parks and private and public golf courses. This does
3 not include clearing or grading in order to develop or expand
4 such activities in sensitive areas. For the purpose of this
5 subsection, a park is defined as: any real property managed
6 for public use which has been previously maintained as a park
7 or has been developed as a park pursuant to a properly issued
8 permit.

9 (6) Removal of noxious weeds from steep slope
10 hazard areas and the buffers of streams and wetlands subject
11 to the limitations on the use of pesticides in sensitive
12 areas as set out in K.C.C. Chapter 21.54.

13 (7) Pruning and limbing of vegetation for
14 maintenance of above ground electrical and telecommunication
15 facilities; provided that the clearing is consistent with the
16 electric, natural gas, cable communication and telephone
17 utility exemption in sensitive areas as regulated in K.C.C.
18 Chapter 21.54.

19 (8) Class I, II, III and IV Special forest
20 practices outside of areas zoned F provided they occur on
21 parcels that meet all of the following criteria for long term
22 forestry:

23 (a) The parcel is enrolled under the current
24 use taxation program as timber land pursuant to RCW 84.34 or
25 as forest land pursuant to RCW 84.33;

26 (b) A long term management plan is approved
27 for the parcel by the Washington Department of Natural
28 Resources;

1 (c) The parcel is located within areas
2 designated rural or agricultural by the King County
3 comprehensive plan or applicable community plan;

4 (d) The parcel is located outside of
5 expansion areas for incorporated cities or rural activity
6 centers as designated in community plans; and

7 (e) The parcel equals or exceeds 5 acres in
8 size.

9 B. Temporary Permits. The director shall have the
10 authority to issue temporary permits for excavations,
11 processing, quarrying and mining, and removal of sand,
12 gravel, rock and other natural deposits, together with the
13 necessary buildings, apparatus or appurtenances incident
14 thereto for specific jobs on application for highway, road,
15 street, airport construction, flood control and other public
16 works projects. In conjunction with such operations, allied
17 uses such as, but not limited to, rock crushers, concrete-
18 batching plants and asphalt-batching plants may be authorized
19 by this temporary permit.

20 The (~~division of building and land development~~)
21 department of development and environmental services shall
22 consider the effect of the proposed operation on the county
23 road system and any effect it may have on surface or
24 groundwater drainage and flood control, and shall make such
25 recommendations as are necessary to protect the public
26 interest in this regard.

27 The (~~division of building and land development~~)
28 department of development and environmental services shall
29 also consider the effect of the proposed operation on the
30 current and future land use in the area affected by the

1 proposed operation and shall condition permits as necessary
 2 to protect the public interest in this regard. Temporary
 3 permits are good for the life of the contract of the specific
 4 job but must be reviewed annually. Each temporary permit
 5 site shall be fully restored during the term of the temporary
 6 permit, unless the site is subsequently designated with a QM
 7 zone classification or included in an unclassified use
 8 permit.

9 INTRODUCED AND READ for the first time this 23rd
 10 day of May, 1994.

11 PASSED this 5th day of July, 1994.

12 Passed by a vote of 11-1. KING COUNTY COUNCIL
 13 KING COUNTY, WASHINGTON

14 Kent Pullen
 15 Chair

16 ATTEST:

17 Gerald A. Peterson
 18 Clerk of the Council

19 APPROVED this 14th day of July, 1994.

20 Jonny Linder
 21 King County Executive

22 Attachments: