

May 31, 1995  
Coalmine.doc (TK:ac)

Introduced By:

Jane Hague  
Chris Vance

Proposed No.:

95-243

ORDINANCE NO. **11896**

AN ORDINANCE relating to coal mine hazard areas and amending Ordinance 10870, Section 468, and K.C.C. 21A.24.210 and Ordinance 1488, Section 6, as amended and K.C.C. 16.82.050.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 10870 Section 468, and K.C.C. 21A.24.210 is hereby amended to read as follows:

Coal mine hazard areas: Development standards and permitted alterations.

A. Alterations to coal mine hazard areas ~~((may be))~~ are allowed unless ((only when)) proposed activities pose a significant ((mitigation based on the best available engineering and geological practices is implemented which eliminates or minimizes the)) risk of property damage ((,death)) or injury resulting from abandoned mine workings.

1. The Department shall determine by administrative rule:

a. Which development proposal activities pose a significant risk of property damage or personal injury resulting from abandoned mine workings.

b. The standards and format for submitting studies and reports from professional engineers or geologists.

c. The standards for de-classifying those coal mine hazard lands which do not pose significant risks of property damage or injury when developed in accordance with applicable building codes and development standards.

These rules shall be delivered for review by the King County Council by December 31, 1995.

2. King County may require mitigation to eliminate or minimize significant risks of property damage and shall require mitigation to eliminate or minimize significant risks of personal injury, including but not limited to incorporation of building ((Building)) setbacks and design and performance tolerances for structures and infrastructure improvements ((areas may be required by King county to accomplish the objective stated in subsection A)). In order to evaluate the extent of risk or level of mitigation associated with a proposed alteration, King County may require:

a. site plans or plat maps showing the location of coal mine hazard features;  
and

1                    b. studies and reports with recommendations from qualified professional  
 2 engineers or geologists.

3                    B. The following alterations are exempt from the provision of this section:

4                    1. Alterations which are not development proposals:

5                    ((C.)) 2. Buildings with less than 2500 square feet of floor area or roof area  
 6 (whichever is greater) that contain no living quarters and that are not used as places of  
 7 employment or public assembly, ((are exempt from the provisions of this section))  
 8 provided((;)) that King County staff finds no site specific evidence indicating the presence  
 9 of mine workings at a depth of less than 200 feet within a horizontal distance of 200 feet  
 10 of the proposed structure.

11                    ((D.)) 3. Mobile homes which replace pre-existing mobile homes at the same  
 12 location, ((are exempt from the provisions of this section)) provided that, based on a field  
 13 visit and review of existing information, King County finds no site specific evidence  
 14 indicating the presence of mine workings at a depth less than 200 feet within a horizontal  
 15 distance of 200 feet of the proposed structure.

16                    ((E.)) 4. Alteration or reclamation of coal mine hazards performed by or in  
 17 conjunction with the Department of Interior's Office of Surface Mining, Reclamation, and  
 18 Enforcement with the intent of eliminating or mitigating threats to human health, public  
 19 safety, environmental restoration or protection of property.

20                    5. Alterations associated with the reclamation, removal, reuse or  
 21 stabilization of coal refuse stockpiles, provided that a review of potential hazards and  
 22 necessary mitigations is incorporated into the grading or other permit approval.

23                    SECTION 2. Ordinance 1488, Section 6, as amended and K.C.C. 16.82.050 are  
 24 hereby amended to read as follows:

25                    Clearing and grading permit required - Exceptions. A. No person shall do any  
 26 clearing or grading without first having obtained a clearing and grading permit from the  
 27 director except for the following:

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

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

34                    3. Maintenance of existing driveways or private access roads within their existing  
 35 road prisms, provided that the performance and restoration requirements of this chapter are  
 36 met and best management practices are utilized to protect water quality.

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

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

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

- 1 b. Pavement maintenance;
- 2 c. Normal grading of gravel shoulders;
- 3 d. Maintenance of culverts;
- 4 e. Maintenance of flood control or other approved surface water management
- 5 facilities;
- 6 f. Routine clearing within road right-of-way.

7 6. Any clearing or grading for roads within a preliminary or finally approved

8 residential plat which has been approved by the director and for which a bond has been

9 posted;

10 7. Maintenance or reconstruction of the facilities of a common carrier by a rail in

11 interstate commerce within its existing right-of-way; provided restoration is consistent with

12 the requirements of Section 16.82.110; provided that this exception does not apply if the

13 clearing or grading is within a sensitive area as regulated in K.C.C. Chapter 21A.24.

14 8. Cemetery graves; provided that this exception does not apply except for routine

15 maintenance if the clearing or grading is within a sensitive area as regulated in K.C.C.

16 Chapter 21A.24;

17 9. Clearing or grading within a preliminary or finally approved residential plat not

18 involving any excavation exceeding five feet in vertical depth or any fill exceeding three feet

19 in vertical depth, regardless of the amount of material to be removed; provided that this

20 exception does not apply if the clearing or grading is within a sensitive area as regulated in

21 K.C.C. Chapter 21A.24 or an area placed into tracts or easements pursuant to 21A.12.030;

22 10. Excavation less than five feet in vertical depth not involving more than one

23 hundred cubic yards of earth or other material on a single site; provided that the exception

24 does not apply if the clearing or grading is within a sensitive area as regulated in K.C.C.

25 Chapter 21A.24 or an area placed into tracts or easements pursuant to 21A.12.030;

26 11. Fill less than three feet in vertical depth not involving more than one hundred

27 cubic yards of earth or other material on a single site; provided that the exception does not

28 apply if the clearing or grading is within a sensitive area as regulated in K.C.C. Chapter

29 21A.24 or an area placed into tracts or easements pursuant to 21A.12.030;

30 12. Minor stream restoration projects for fish habitat enhancement by a public

31 agency, utility or tribe as set out in K.C.C. 21A.24.

32 13. Clearing or grading for construction of livestock manure storage facilities or

33 associated nonpoint source pollution facilities designed to the standards of and approved in a

34 conservation plan by the King County conservation district, and constructed and maintained

35 to those standards or livestock flood sanctuaries constructed and maintained to the standards

36 approved by the Soil Conservation Service and conservation district and the best

37 management practices approved by King County.

38 14. Clearing and grading, performed as Class I, II, III or IV Special forest practice in

39 the F (Forestry) zone, that is conducted in accordance with RCW 76.09 and WAC 222.

1 15. Any clearing or grading for construction which has been approved by the director  
2 as part of a Commercial Site Development permit and for which a bond has been posted.

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

5 a. Clearing outside of sensitive areas and buffers as regulated in K.C.C. Chapter  
6 21A.24 unless the development proposal site is within an area subject to clearing restrictions  
7 contained in 21A.12.030, a critical drainage area established by administrative rule or in p-  
8 suffix conditions in an adopted community plan.

9 b. Within sensitive areas, as regulated in K.C.C. Chapter 21A.24, the following  
10 activities are exempt from the clearing requirements of this chapter and no permit shall be  
11 required.

12 (1) Normal and routine maintenance of existing lawns and landscaping subject to  
13 the limitations on the use of pesticides in sensitive areas as set out in K.C.C. Chapter 21A.24.

14 (2) Permitted agricultural uses; provided the clearing is consistent with the  
15 agricultural exemptions in sensitive areas as regulated in K.C.C. Chapter 21A.24.

16 (3) Emergency tree removal to prevent imminent danger or hazard to persons or  
17 property.

18 (4) Normal and routine horticultural activities associated with commercial  
19 orchards, nurseries, or Christmas tree farms in existence on the effective date of Ordinance  
20 9614 (November 27, 1990) subject to the limitations on the use of pesticides in sensitive  
21 areas as set out in K.C.C. Chapter 21A.24. This does not include clearing or grading in order  
22 to develop or expand such activities.

23 (5) Normal and routine maintenance of existing public parks and private and  
24 public golf courses. This does not include clearing or grading in order to develop or expand  
25 such activities in sensitive areas.

26 (6) Removal of noxious weeds from steep slope hazard areas and the buffers of  
27 streams and wetlands subject to the limitations on the use of pesticides in sensitive areas as  
28 set out in K.C.C. Chapter 21A.24.

29 (7) Pruning and limbing of vegetation for maintenance of above ground electrical  
30 and telecommunication facilities; provided that the clearing is consistent with the electric,  
31 natural gas, cable communication and telephone utility exemption in sensitive areas as  
32 regulated in K.C.C. Chapter 21A.24.

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

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

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

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

1 (d) The parcel is located outside of expansion areas for incorporated rural cities or  
2 rural towns and neighborhoods as designated in King County comprehensive plan or  
3 applicable community plans;

4 (e) The parcel equals or exceeds 5 acres in size; and

5 17. Clearing within seismic hazard area, except on slopes greater than 15% and  
6 subject to clearing restrictions contained in wildlife habitat corridors pursuant to 21A.14, a  
7 critical drainage area established by administrative rule or in p-suffix conditions in an  
8 adopted community plan, and provided the site contains no other sensitive areas features((-));  
9 and

10 18. Clearing within coal mine hazard area, subject to clearing restrictions contained  
11 in wildlife habitat corridors pursuant to 21A.14, a critical drainage area established by  
12 administrative rule or in p-suffix conditions in an adopted community plan, and provided the  
13 site contains no other sensitive areas features.

14 B. TEMPORARY PERMITS. The director shall have the authority to issue  
15 temporary permits for excavations, processing, quarrying and mining, and removal of sand,  
16 gravel, rock and other natural deposits, together with the necessary buildings, apparatus or  
17 appurtenances incident thereto for specific jobs on application for highway, road, street,  
18 airport construction, flood control and other public works projects. In conjunction with such  
19 operations, allied uses such as, but not limited to, rock crushers, concrete-batching plants and  
20 asphalt-batching plants may be authorized by this temporary permit. The director shall also  
21 have the authority to issue temporary permits for the removal of existing stockpiles of  
22 previously mined material for the reclamation of land to its best use, consistent with the  
23 underlying zoning.

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

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The department of development and environmental services shall also consider the effect of the proposed operation on the current and future land use in the area affected by the proposed operation and shall condition permits as necessary to protect the public interest in this regard. Temporary permits are good for the life of the contract of the specific job but must be reviewed annually. Each temporary permit site shall be fully restored during the term of the temporary permit, unless the site is subsequently designated with a M zone classification.

INTRODUCED AND READ for the first time this 3rd day of

April, 1995.

PASSED by a vote of 13 to 0 this 17th day of July, 1995.

KING COUNTY COUNCIL

KING COUNTY, WASHINGTON

Kent Pullen

Chair

ATTEST:

Gerald A. Peterson

Clerk of the Council

APPROVED this 28 day of July, 1995.

Charles R. Earl, Deputy  
for King County Executive

Attachments:

Regulatory Recommendations in the Issaquah Creek Basin and Nonpoint Action Plan				
Regulation	Application	Requirement	Reference*	Contact**
Flow Reduction Standard for Drainage Facilities	Projects requiring drainage review in all areas not covered by Erosion Protection Standard (below)	Design and construction of larger R/D facilities to meet Design Manual standards	Basinwide Rec'd 1, page 4-3	David Hartley, SWM, 296-8055 Joe Miles, DDES, 296-7179 (subdivisions) Jeff O'Neill, DDES, 296-6740 (building permits)
Erosion Protection Standard for Drainage Facilities	Projects requiring drainage review in areas designated on attached map	Design and construction of larger R/D facilities to meet enhanced standards	Basinwide Rec'd 2, page 4-4	David Hartley, SWM, 296-8055 Joe Miles, DDES, 296-7179 (subdivisions) Jeff O'Neill, DDES, 296-6740 (building permits)
Clearing Restrictions and Open Space Requirements	All rural residential areas (RA zoning) in basin, as shown on attached map	Designation of 40% to 65% of lots or plats in uncleared tracts or easements	Basinwide Rec'd 3, page 4-6	Dennis Canty, SWM, 296-8394 Randy Sandin, DDES, 296-6778
Water Quality Treatment Design Standards	Projects requiring drainage review throughout the basin	Modification of R/D facility design to achieve greater water quality performance	Basinwide Rec'd 19, page 4-37	Lorin Reinelt, SWM, 296-1970 Joe Miles, DDES, 296-7179 (subdivisions) Jeff O'Neill, DDES, 296-6740 (building permits)
Impervious Surface Limits	Subdivisions and short subdivisions in RA zones in sensitive subbasins (see attached map)	Maximum of 8% impervious area applied to the entire subdivision area	Subbasin Rec'ds UI 2 (page 5-8) and NF 3 (page 5-71)	Lorin Reinelt, SWM, 296-1970 Dennis Canty, SWM, 296-8394, Joe Miles, DDES, 296-7179 (subdivisions) Jeff O'Neill, DDES, 296-6740 (building permits)
* References are to the WMC-Proposed Basin and Nonpoint Action Program: Issaquah Creek Basin				
** Use SWM contacts prior to basin plan adoption and DDES contacts thereafter				

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ATTACHMENT 2  
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