

Introduced by: PATRICIA THORPE

No: 79-509

4/3/79

ORDINANCE NO. 4268

AN ORDINANCE regarding Surface Water Planning and Development controls in the May Creek Drainage Basin in conjunction with the Newcastle Communities Plan.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings and Declaration of Purpose. THE COUNCIL FINDS THAT:

(a) The Municipality of Metropolitan Seattle, the City of Renton and King County Water District No. 107 agreed on January 16, 1975 to the construction of an extension to Metro's May Creek sewer interceptor. The King County Council by Ordinance No. 3578 has approved the comprehensive plan of Water District No. 107 for a portion of the May Creek Interceptor Phase I service area.

(b) An Agreement between King County, the City of Renton, King County Water District #107, the Municipality of Metropolitan Seattle and the Department of Ecology of the State of Washington was approved by this Council on December 6, 1976 by Motion No. 2788, signed by all parties to the Agreement, and signed by the County Executive on March 18, 1977. The parties thereto recognized that existing uses of the basin require surface water controls. Further, the parties thereto recognize that an interceptor has the potential of encouraging increased building and land development in the May Creek basin, and that said development may adversely affect the rate of flow and water quality of May Creek.

(c) Pursuant to said Agreement, the County shall prepare a surface water plan for the May Creek basin area in conjunction with the Newcastle Communities Plan. Such surface water plan shall be developed to meet the requirements of a general plan pursuant to RCW Chapter 36.94.

(d) The surface water plan shall describe the necessary regulatory controls as well as the required physical facilities such as stream improvement, retention/detention facilities

1 and other measures to control run-off and improve water quality.

2 (e) Also pursuant to said Agreement, the County and the
3 City of Renton recognized that this situation presents an oppor-
4 tunity for a joint intergovernmental response to public health,
5 safety and environmental problems and agreed to prepare and
6 consider adoption of ordinances providing interim control on
7 land and building development in the basin.

8 (f) Present human occupancy and settlement of the May Creek
9 basin area has created health, safety and environmental problems
10 associated with the absence of a surface water plan.

11 (g) The County and Renton have authority for land use
12 planning and development control in the May Creek area.

13 (h) Interim controls pending completion of a surface water
14 plan constitute a method to safeguard the public welfare and
15 prevent unwise development and manipulation of land uses pending
16 completion of a final plan.

17 (i) Upon adoption of the plan described in S 1(c), any
18 proposed building and land development shall comply with the
19 plan in order to obtain any permit or approval.

20 THEREFORE, THE COUNCIL DECLARES THAT:

21 Pending adoption of a surface water plan for the May Creek
22 basin area, it is advisable and necessary for the public health
23 and welfare of the inhabitants of the County to establish interim
24 controls on development in the basin; and,

25 It is the purpose of this ordinance to prevent further
26 health, safety and environmental problems caused by development
27 which might occur before completion of the surface water plan;
28 and to enable coordinated and timed planning of development to
29 occur for the May Creek basin area through development of the
30 surface water and the community plans.

31 SECTION 2. Definitions.

32 (a) The "May Creek basin area" or "the basin" is the land
33 area draining into May Creek. The basin is located between the

1 City of Renton and Newport Hills and extends southeast from Lake
2 Washington approximately six miles. The direction of the flow
3 in the creek is almost continually to the northwest, originating
4 from Lake Kathleen and terminating in Lake Washington. The May
5 Creek basin area is shown on the attached map, Exhibit A.

6 (b) "Hydrologic subcatchment" is a contiguous sub-area
7 of the basin such that within any one subcatchment the surface
8 water flows to a common point. The subcatchments for the May
9 Creek basin are designated on Exhibit A.

10 (c) "Critical drainage areas" are those areas shown on
11 Exhibit A. Designation of critical areas is by subcatchment and
12 is based on map and field analyses showing a combination of
13 (1) slide and slippage hazard, (2) soil erodibility, and
14 (3) vegetative cover within the basin. The critical areas
15 identified on Exhibit A are in addition to any now or subsequently
16 identified pursuant to King County Code Chapter 20.50.

17 (d) "Building and land development" includes any activity
18 which requires any of the permits and approvals listed in
19 Exhibit B.

20 SECTION 3. Interim Controls.

21 The policies and controls of this ordinance shall be in
22 effect until the date of adoption by the Council of the plan
23 described in S 1(c), or twenty-four (24) months, whichever is
24 sooner.

25 (a) Critical Drainage Areas.

26 In critical drainage areas of the basin, the County shall
27 cease to issue any new approvals or permits for building and
28 land development which would increase the rate and/or volume
29 of water or pollutant discharge from the subject property.

30 (b) All Areas.

31 In all areas of the basin, no zoning reclassifications to a
32 higher or more intensive use shall be granted. Further, no
33 approvals or permits required for building and land development

1 shall be issued until the applicant has agreed in writing to the
2 establishment of a surface water management Utility Local Improve-
3 ment District for the May Creek basin area. Such agreement by
4 an applicant will be in substantially the same form as Exhibit C.

5 SECTION 4. Additional Regulations. Application of the
6 policies and controls of this ordinance to any proposed building
7 and land development within the May Creek basin area shall not
8 relieve the applicant from the requirements of any existing or
9 subsequently adopted ordinances or regulations.

10 SECTION 5. Severability. Should any section, subsection,
11 paragraph, sentence, clause or phrase of this ordinance be held
12 unconstitutional or invalid for any reason, such decision shall
13 not affect the validity of the remaining portions of this
14 Ordinance.

15 INTRODUCED AND READ for the first time this 9th
16 day of April, 1979.

17 PASSED this 21st day of May, 1979.

18 KING COUNTY COUNCIL
19 KING COUNTY, WASHINGTON

20 Bernice Stum
21 VICE Chairman

22 ATTEST:

23 Dorothy M. Curran DEPUTY
24 Clerk of the Council

25 APPROVED this 21st day of May, 1979.

26
27 [Signature]
28 King County Executive

EXHIBIT BBUILDING AND LAND DEVELOPMENT PERMITS AND APPROVALS

- (1) Grading permit;
- (2) Substantial development permit;
- (3) Flood control zone permit;
- (4) Subdivision approval;
- (5) Short plat approval;
- (6) Rezones;
- (7) Unclassified use permits;
- (8) Conditional use permits;
- (9) Building permits which involve construction that covers more than 1,000 square feet of surface ground;
- (10) Planned unit developments.

EXHIBIT C
ULID AGREEMENT

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THIS AGREEMENT is entered into by and between _____, property owner(s) and King County, a municipal corporation:

(1) I/We are owners of property within the May Creek Basin, which property is legally described as follows:

(Legal Description)

(2) I/We have requested the issuance by the County of the following permit/approval: _____

(3) I/We understand that King County is preparing a surface water plan for the May Creek Basin to deal with identified water quality and quantity problems related to building and land development in the basin.

(4) I/We further understand that the surface water management improvements described in the plan, when completed, may be implemented in part through the formation of and assessments pursuant to utility local improvement districts, and that such a district may include the property described above.

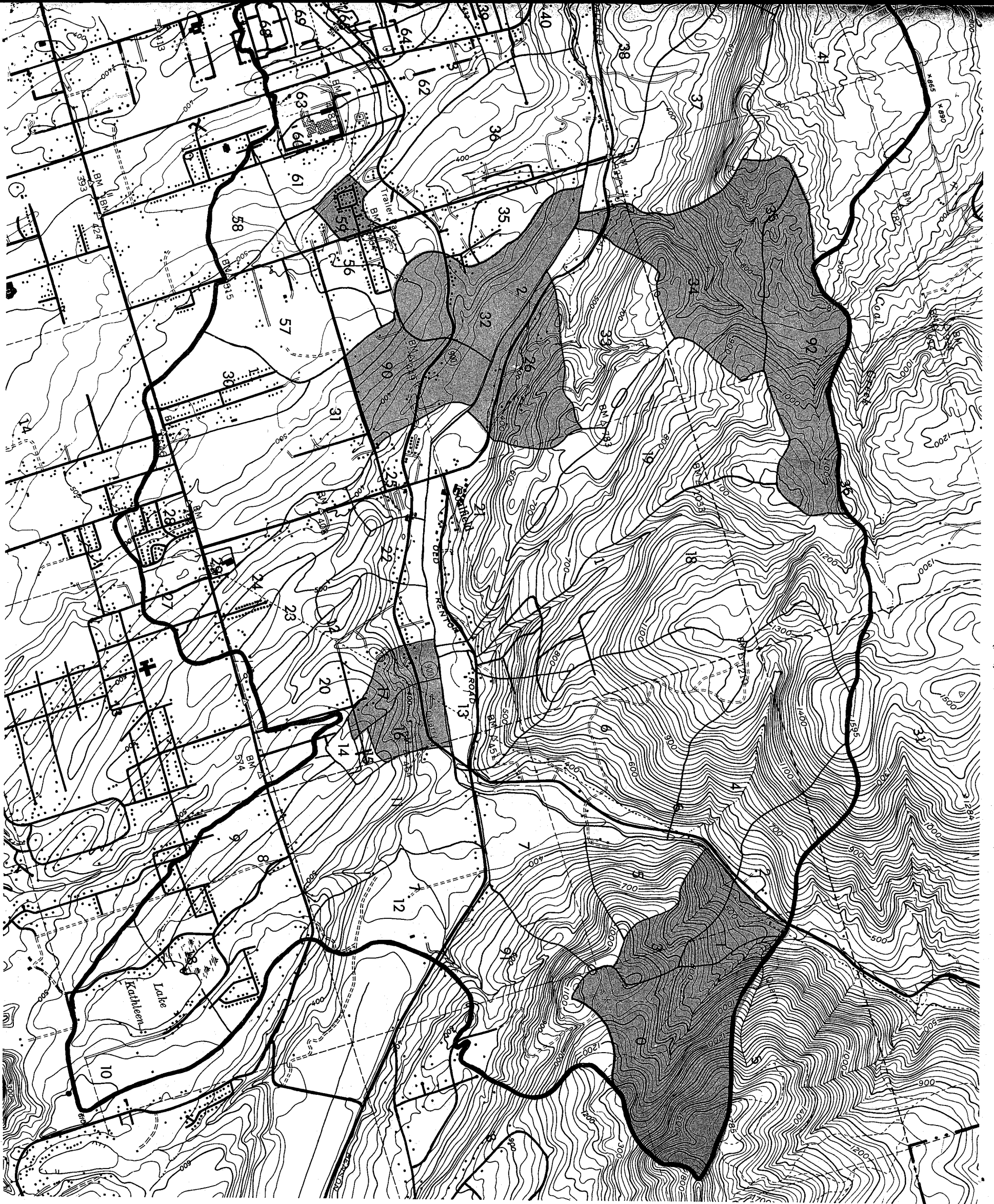
(5) Recognizing the above facts and in consideration of the County's issuance of the requested permit/approval, I/We hereby agree to join in the execution of a petition for, and not to protest, the formation of and assessment pursuant to a utility local improvement district within the basin.

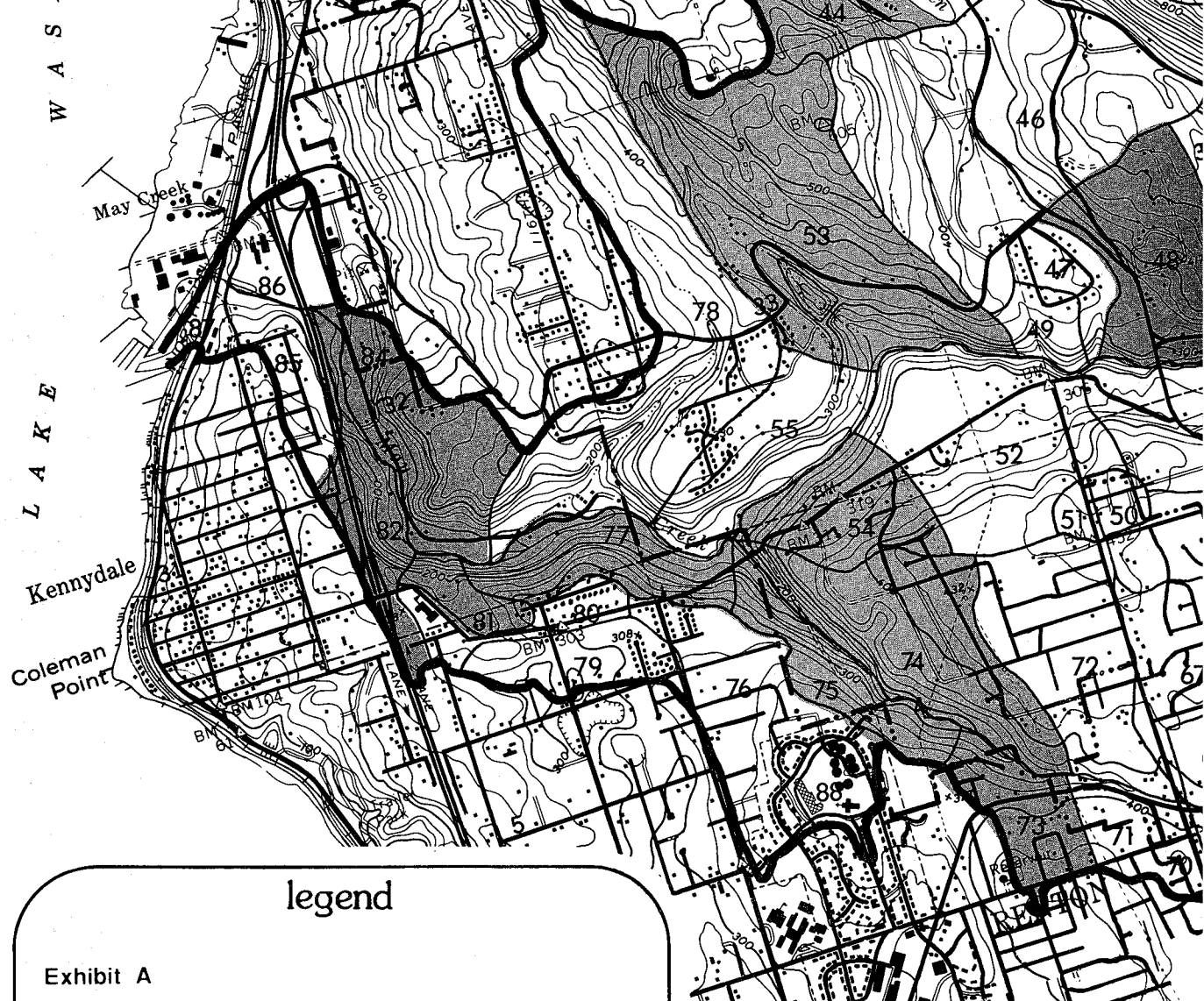
(6) This agreement is binding on the heirs, successors and assigns of the property owners and is a covenant running with the land.

DATED this _____ day of _____, 19_____.

(Property Owner)




(Property Owner)





legend

Exhibit A

-  Critical Areas
-  Basin Boundary
-  Subcatchment Boundary
- 34 Subcatchment Number



May Creek Basin

Newcastle Communities Plan

 Division of Planning
King County, Washington

