

amendments were prepared for this ordinance but they were not addressed by the council. Dec 12015
September 13, 1995 Introduced By:
brckcomp/jl-tk Proposed No.:
for those identical amendments

Larry Phillips
Louise Miller

95-568

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ORDINANCE NO. **12016**

AN ORDINANCE extending clearing and drainage standards adopted for the Bear Creek basin to the remainder of the Bear Creek Community Planning Area; repealing P-Suffix conditions in the Bear Creek Community Plan area zoning; amending Ordinance 12015, Sections 1-3 and K.C.C. 20.12.170, 16.82.050 and 16.82.150.

PREAMBLE:

1. The Bear Creek Community Plan (dated February 17, 1989) contains standards for land clearing that are designed to protect environmental features in the community plan area, which includes both the Bear Creek basin and land to the east that drains to the Snoqualmie River.
2. Ordinance 12015, implementing the Bear Creek Basin Plan, repeals these standards for the Bear Creek basin and replaces them with new standards based on further study. These new standards are, in most cases, more lenient than those in the community plan but are deemed adequate to protect habitat and property in the Bear Creek basin and are also easier to administer.
3. Repealing the standards in the community plan for the remainder of the community plan area and replacing them with an extension of the standards for the basin would make standards in the area consistent, easier to administer and easier for the public to understand. In most cases, this change would also allow greater flexibility for property use in the remainder of the community plan area.

BE IT ORDAINED BY THE COUNCIL OF METROPOLITAN KING COUNTY:

SECTION 1. Ordinance 1018, Section 1, as amended and K.C.C. 20.12.170 are each hereby amended to read as follows:

Bear Creek Community Plan. A. The Bear Creek Community Plan, attached to Ordinance 8846 as Appendix A, is adopted as an amplification and augmentation of the comprehensive plan for King County and as such constitutes official county policy for the geographic area defined therein.

B. The Bear Creek Community Plan Area Zoning, attached to Ordinance 8846 as Appendix B, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

1 C. Ordinance 4035, previously adopting the King County sewerage general plan,
2 is hereby amended in accordance with 20.12.170 A.

3 D. The Bear Creek Community Plan Area Zoning, attached to Ordinance 8846
4 as Appendix B, is hereby amended by Ordinance 11653 and Ordinance xxxxx as follows:
5 Existing zoning and potential zoning are replaced by the zoning and potential zoning
6 contained in Appendices A and O of Ordinance 11653. Existing P-Suffix conditions are
7 retained except as amended by Appendix B of Ordinance 11653 and Appendix A of
8 Ordinance 12015, (Proposed Ordinance # 92-614) as further amended by Attachment A of
9 Ordinance 12016, (Proposed Ordinance #95-568).

10 SECTION 2. Ordinance 9614, Section 100, and K.C.C. 16.82.050 are hereby
11 amended to read as follows:

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

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

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

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

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

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

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

30 b. Pavement maintenance;

1 c. Normal grading of gravel shoulders;

2 d. Maintenance of culverts;

3 e. Maintenance of flood control or other approved surface water
4 management facilities;

5 f. Routine clearing within road right-of-way.

6 6. Any clearing or grading for roads within a preliminary or finally
7 approved residential plat which has been approved by the director and for which a bond
8 has been posted;

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

14 8. Cemetery graves; provided that this exception does not apply except for
15 routine maintenance if the clearing or grading is within a sensitive area as regulated in
16 K.C.C. Chapter 21A.24.

17 9. Clearing or grading within a preliminarily or finally approved residential
18 plat not involving any excavation exceeding five feet in vertical depth or any fill exceeding
19 three feet in vertical depth, regardless of the amount of material to be removed; provided
20 that this exception does not apply if the clearing or grading is within a sensitive area as
21 regulated in K.C.C. Chapter 21A.24;

22 10. Excavation less than five feet in vertical depth not involving more than
23 one hundred cubic yards of earth or other material on a single site; provided that the
24 exception does not apply if the clearing or grading is within a sensitive area as regulated in
25 K.C.C. Chapter 21A.24;

26 11. Fill less than three feet in vertical depth not involving more than one
27 hundred cubic yards of earth or other material on a single site; provided that the exception
28 does not apply if the clearing or grading is within a sensitive area as regulated in K.C.C.
29 Chapter 21A.24;

1 12. Minor stream restoration projects for fish habitat enhancement by a
2 public agency, utility or tribe as set out in K.C.C. 21A.24.

3 13. Clearing or grading for construction of livestock manure storage facilities
4 or associated nonpoint source pollution facilities designed to the standards of and approved
5 in a conservation plan by the King County conservation district, and constructed and
6 maintained to those standards or livestock flood sanctuaries constructed and maintained to
7 the standards approved by the Soil Conservation Service and conservation district and the
8 best management practices approved by King County.

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

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

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

17 a. Clearing outside of sensitive areas and buffers as regulated in K.C.C.
18 Chapter 21A.24 unless the development proposal site (~~is in a basin with an adopted basin~~
19 ~~plan and clearing standards identified in 16.82.150 or~~) is within an area subject to clearing
20 restrictions contained in a critical drainage area administrative rule or in p-suffix conditions
21 in an adopted community plan or in clearing standards identified in 16.82.150.

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

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

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

1 (3) Emergency tree removal to prevent imminent danger or hazard to
2 persons or property.

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

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

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

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

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

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

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

25 (c) The parcel is located within areas designated rural or
26 agricultural by the King county comprehensive plan or applicable community plan;

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

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

1 B. TEMPORARY PERMITS. The director shall have the authority to issue
2 temporary permits for excavations, processing, quarrying and mining, and removal of sand,
3 gravel, rock and other natural deposits, together with the necessary buildings, apparatus or
4 appurtenances incident thereto for specific jobs on application for highway, road, street,
5 airport construction, flood control and other public works projects. In conjunction with
6 such operations, allied uses such as, but not limited to, rock crushers, concrete-batching
7 plants and asphalt-batching plants may be authorized by this temporary permit.

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

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

19 SECTION 3. Ordinance 9614, Section 103, and K.C.C. 16.82.150 are hereby
20 amended to read as follows:

21 Clearing standards. For clearing and grading permits issued under this chapter, the
22 following standards shall apply:

23 A. Within sensitive areas as defined in K.C.C. Title 21, the current clearing
24 standards contained in:

25 1. The Sensitive Areas Code, K.C.C. 21A.24, and its adopted administrative
26 rules;

27 2. P-suffix conditions within adopted community plans.

28 B. On land outside of sensitive areas, the current clearing standards contained in:

29 1. P-suffix conditions within adopted community plans:

1 2. Critical drainage area designations identified by adopted administrative
2 rules.

3 C. For all new residential construction and residential subdivision in the RA
4 (Rural Area) zoned areas in the Bear Creek ((Basin)) Community Planning Area:

5 1. Clearing shall be limited to a maximum of 35% of lot or plat area or the
6 amount cleared prior to the effective date of this ordinance, whichever is greater, except
7 under conditions specified in paragraph C5 below.

8 2. For subdivisions and short subdivisions, portions of the plat that are not
9 designated for clearing shall be retained in one or more open space tracts, with all
10 developable lots sited on the portions of the plat that may be cleared. For purposes of this
11 subsection, the portion of the plat that may be cleared is identified as 35% of plat area or
12 the amount that was cleared prior to the effective date of this ordinance, whichever is
13 greater. Sensitive areas designated under K.C.C. Title 21 shall be recorded separately from
14 tracts mandated by this regulation, but may be counted towards meeting these
15 requirements. Tracts mandated by this regulation may be retained by the subdivider,
16 conveyed to residents of the subdivision, or conveyed to a third party. Open space tracts
17 shall be shown on all property maps and shall be protected by covenants, approved by the
18 County, that restrict their uses to the following:

19 a. Passive recreation uses and related facilities, including pedestrian and
20 bicycle trails, nature viewing areas, fishing and camping areas, and other similar uses that
21 do not require permanent structures, provided that cleared areas and/or areas of compacted
22 soils associated with these uses and facilities do not exceed eight percent of the area of the
23 open space tract.

24 b. Utilities and utility easements, including surface water facilities, provided
25 that, whenever possible, such uses are within or adjacent to existing road or utility
26 easements.

27 c. Timber harvest, provided that it is accomplished in accordance with a
28 timber harvest management plan and clearing permit that have been approved by the
29 Department of Development and Environmental Services. That Department shall prepare
30 administrative rules regarding the review and approval of timber harvest management

1 plans in consultation with the Surface Water Management Division of the Department of
2 Public Works before approving any permits for timber harvest after the effective date of
3 this ordinance.

4 d. For sensitive areas designated under K.C.C. Title 21A that are not within
5 areas designated for clearing in the plat, uses shall be limited to those specified in K.C.C.
6 21A.24. Aside from approved timber harvest activities and removal of dangerous and/or
7 diseased trees, all trees within open space tracts at the time of subdivision application shall
8 be retained. All open space tracts established pursuant to this regulation shall be clearly
9 marked with at least one sign per buildable lot adjoining the tract indicating that the tract is
10 permanent, dedicated open space.

11 3. For individual lots, the clearing limits shall be applied at the time of
12 building permit application unless the lot is within a subdivision that has been approved
13 with other conditions to meet the standard established in paragraph C2. In cases where
14 conditions are applied to the subdivision, individual lots shall be exempt from the clearing
15 restrictions in paragraph C1. The uses and restrictions on the uncleared portions of
16 individual lots shall be those specified in paragraph C2. Sensitive areas designated under
17 K.C.C. Title 21A may be counted towards meeting requirements on individual lots. On
18 lots greater than or equal to 20,000 square feet, the restrictions in paragraph C1 shall apply.
19 On lots smaller than 20,000 square feet, up to 7,000 square feet may be cleared.

20 4. Clearing required for the construction of infrastructure to serve any lots
21 1.25 acres or smaller in size shall not be counted towards the 35% maximum clearing
22 standard established in paragraph C1.

23 5. Clearing shall be limited to a maximum of 60% of the lot or plat area if the
24 permit applicant commits to constructing on-site retention/detention facilities in
25 accordance with the On-Site Detention Standards set forth in the adopted Bear Creek Basin
26 Plan or superseding standards that may be contained in an update of the King County
27 Surface Water Design Manual.

28 6. The subdivision or permitting of building on parcels that are cleared after
29 the effective date of this ordinance shall be subject to conditions requiring the restoration
30 of trees and understory vegetation on at least 65% of the plat or lot, or at least 40% if the

1 applicant chooses the conditions of paragraph C5. A restoration plan shall be required of
2 permit applicants, and shall be subject to the approval of the Department of Development
3 and Environmental Services. That Department shall prepare administrative rules regarding
4 the review and approval of restoration plans in consultation with the Surface Water
5 Management Division of the Department of Public Works before approving subdivision or
6 building permits for parcels cleared after the effective date of this ordinance. The
7 administrative rules shall also specify when a restoration plan will be deemed sufficient to
8 forego the six (6) year moratorium on permitting authorized in K.C.C. 16.82.140.

9 7. Clearing standards for Urban Planned Developments and Mineral zoned
10 properties will be determined through their own designated review processes.

11 8. Public uses, including schools, churches, fire stations, parks, libraries,
12 hospitals and roads, shall be exempt from the requirements of paragraphs C1 through C6.

13 9. Construction projects can be a significant contributor of pollution to
14 streams and wetlands. Therefore, from October 1 through March 31:

15 a. The director may restrict or prohibit clearing, grading and construction
16 during this period in Regionally Significant Resource Areas to protect sensitive habitat
17 from damage caused by sedimentation.

18 b. Clearing and grading other than maintenance and repair of erosion and
19 sediment control facilities will be allowed only if there is installation and maintenance of a
20 temporary erosion and sedimentation control plan approved by the director. Alternate best
21 management practices may be approved or required on-site by the inspector.

22 c. If, during the course of construction, silt-laden runoff exceeding
23 standards in the King County Surface Water Design Manual leaves the construction site or
24 if erosion and sediment control measures shown in the approved plan are not maintained, a
25 notice of violation shall be issued.

26 d. If the erosion and sediment control problem defined in the violation is
27 not adequately repaired within 24 hours of the notice of violation, then a notice and order
28 may be issued by the inspector to install adequate erosion and sediment control measures
29 to stop silt-laden runoff from leaving the site. The notice and order may also require the

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contractor to discontinue any further clearing or grading, except for erosion and sediment control maintenance and repair, until the following March 31.

D. Where conflicts exist between standards, the most restrictive shall apply.

SECTION 4. In the Bear Creek Community Planning Area the requirements for drainage facilities in the Bear Creek Basin Plan shall supersede requirements in the King County Surface Water Management Design Manual unless specifically superseded in an update of the manual. References in the Bear Creek Basin Plan and documents and tables included therein to "steep slope" or "community plan" standards are to be governed by the "stream protection" standards.

INTRODUCED AND READ for the first time this 28th day of

August, 1995.

PASSED by a vote of 11 to 1 this 30th day of October,

1995.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Kent Pullen
Chair

ATTEST:

Gerald A. Petrus
Clerk of the Council

APPROVED this 9th day of November, 1995

Ray Lohr
King County Executive

Attachments:

A. Amendment to Appendix A of Ordinance xxxxx .

ATTACHMENT A
Amendment to Appendix A of Ordinance xxxxx

AMENDMENTS TO BEAR CREEK COMMUNITY PLAN P-SUFFIX CONDITIONS

The following Bear Creek Community Plan Area Zoning P-suffix conditions* are hereby repealed:

*Note: more than one P-suffix may apply to a single parcel; only those P-suffixes listed here are repealed. Conditions are listed first by page number(s) of the published version of the adopted Bear Creek area zoning document containing text describing the conditions, and then by map facing-page number(s), if applicable (areawide P-suffix conditions were not shown on the Bear Creek zoning maps, but were coded into the SITUS file at DDES). The second column also lists the Title 21A zones in which the conditions are applied; for large groups of properties, not all zones will be found on all of the listed pages.

I. Steep Slope Areas

Page(s)	Subject/Zone
103-104	Text and map/ All Zones in mapped areas within Bear-Evans basin

II. Vegetative Coverage and Impervious Surface

Page(s)	Subject/Zone
121-122	Text/ All Zones ((within Bear-Evans basin))