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Introduced by:

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kn:ac-96-260sub  
7/30/97 clerk

Proposed No. :

96-260

ORDINANCE NO. **12822**

AN ORDINANCE relating to comprehensive planning and zoning; completing the zoning code conversion process from Title 21 to Title 21A by converting p-suffix development conditions relating to the natural environment into development regulations permit submittal requirements in the King County Code; amending Ordinance 1488, Sections 6 and 7, as amended, and K.C.C. 16.82.050 and 16.82.060; Ordinance 2281, Section 5, as amended, and K.C.C. 9.04.050; Ordinance 9614, Section 103, as amended, and K.C.C. 16.82.150; Ordinance 10870, Sections 29, 340, 364 and 475, all as amended, and K.C.C. 21A.04.080, 21A.12.030, 21A.14.040 and 21A.24.280.

PREAMBLE:

1. For purposes of effective land use planning and regulation, efficient and effective administration of development regulations, and compliance with the 1995 King County Comprehensive Plan, King County adopted a new zoning code in 1993 (Title 21A) and converted to the new zoning in February, 1995.

2. As a part of this conversion process, all site plan review (p-suffix) development conditions adopted under the previous zoning code (Title 21) were carried-forward pending further review pursuant to K.C.C. 21A.01.070 (F) and (G) and KCCP Policy I-406.

3. This ordinance is one of the products of that review process and represents the completion of the zoning conversion to Title 21A. As part of this conversion, all area-wide p-suffix conditions applicable to multiple properties are being repealed and replaced by general code provisions. The code conversion of area-wide p-suffix conditions relating to natural resources are addressed in this ordinance.

4. Some area-wide p-suffix development conditions are replaced by revisions to general code provisions in Title 16.82, the grading code, and Title 21A, the zoning code. The application of these development conditions are consistent with the coverage of the p-suffix conditions they replace.

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5. Some area-wide p-suffix development conditions are replaced by revisions to the surface water design manual that are proposed in a separate ordinance. Since there is no assurance of the timing of that ordinance, these development conditions are being temporarily carried forward as special requirements in the surface water design manual (detailed in Appendix B) until repealed upon Council adoption of the revisions to the surface water design manual. The special requirements are designated in parcel-specific maps in Appendix A consistent with the coverage of the p-suffix conditions they replace.

6. Where there are differences among p-suffix conditions in different areas or between p-suffix conditions and existing code language, the most recent policy direction was used as guidance to develop a single set of requirements to promote consistency and fairness in application.

7. Where there are identified programs already budgeted to address the areas of code amended as part of the p-suffix conversion, the development conditions are being applied as interim conditions consistent with the coverage of the p-suffix conditions they replace. Those budgeted programs will then provide more detailed analysis and develop countywide recommendations on these issues.

8. The general code provisions and surface water design manual special requirements offer a more consistent, efficient and flexible process than the p-suffix conditions they replace. The improved process will help applicants address site-specific problems and improve the county's administration of the development regulations. These improvements will save both the applicant and the county time and resources while providing improved and more consistent implementation of the development conditions - thus providing improved protection to our natural resources in a more cost-efficient manner.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 2281, Section 5, as amended, and K.C.C. 9.04.050 are hereby amended to read as follows:

Drainage review - requirements. A. CORE REQUIREMENTS. Every permit or approval application with drainage review required by K.C.C. 9.04:030 must meet each of the following core requirements which are described in detail in the Surface Water Design Manual:

Core Requirement #1: Discharge at the natural location. The discharge from a project site must occur at the natural location and/or produce no significant adverse impact, as described in the Surface Water Design Manual.

Core Requirement #2: Off-site analysis. All projects must identify the upstream tributary drainage area and perform a downstream analysis. Levels of analysis required depend on the

1 problems identified or predicted. At a minimum, a level one analysis as described in the  
2 Surface Water Design Manual must be submitted with the initial permit application.

3 Core Requirement #3: Runoff control. All projects shall provide runoff controls to  
4 control the quantity and quality of runoff from the project by limiting the peak rates of runoff  
5 from design storm events to the pre-developed peak rates based on the project site's existing  
6 runoff conditions. The design volume, when detention facilities are required by the Surface  
7 Water Design Manual to meet the standard runoff control performance curve for the two- and  
8 ten-year, twenty-four hour duration design storm events, shall be increased by a thirty percent  
9 factor for safety. This factor of safety shall be reviewed as new research is completed to  
10 evaluate its effectiveness.

11 Project runoff resulting from more than five thousand square feet of impervious surface,  
12 and subject to vehicular use or storage of chemicals, shall be treated prior to discharge from  
13 the project site by biofiltration measures as specified in the Surface Water Design Manual.

14 Core Requirement #4: Conveyance system. All conveyance systems for projects must be  
15 analyzed, designed and constructed for existing tributary off-site flows and developed on-site  
16 flows from the project.

17 Core Requirement #5: Erosion/sedimentation control plan. All engineering plans for  
18 projects that involve modification or significant impact to existing drainage facilities and/or  
19 construction of new drainage facilities must include a plan to control erosion and sedimentation  
20 during construction and to permanently stabilize soil at the site.

21 Core Requirement #6: Maintenance and operation. Maintenance of all drainage facilities  
22 constructed or modified by a project is the responsibility of the property owner as described in  
23 the Surface Water Design Manual, except King County performs maintenance of drainage  
24 facilities constructed for formal plat subdivisions and some short plat subdivisions, two years  
25 after final plat recording following an inspection by the department.

1 Core Requirement #7: Financial guarantees and liability. All drainage facilities for  
2 projects (except downspout roof drain infiltration systems) must comply with the financial  
3 guarantee and liability requirements of Ordinance 12020.

4 B. SPECIAL REQUIREMENTS. In addition to the core requirements, engineering  
5 plans must also meet any of the following special requirements which apply to the project and  
6 which are described in detail in the Surface Water Design Manual:

7 Special Requirement #1: Critical drainage area. If a project lies within an area designated  
8 by public rule as a "critical drainage area," then the project drainage and engineering plans shall  
9 be prepared in accordance with the special critical drainage area requirements that have been  
10 formally adopted by public rule. Copies of all designated critical drainage area public rules  
11 (including critical drainage area maps) are available for reference from the division permit  
12 center;

13 Special Requirement #2: Compliance with an existing master drainage plan. If a project  
14 lies within an area covered by an approved master drainage plan as listed at the division permit  
15 center, then the project drainage and engineering plans shall be prepared in accordance with  
16 any special requirements of the master drainage plan. Copies of all master drainage plans are  
17 available for reference from the division permit center;

18 Special Requirement #3: Conditions requiring a master drainage plan. If a project:  
19 a. Is an urban planned development as described in an adopted community plan; or  
20 b. Is a subdivision that will eventually have more than one hundred single family lots  
21 and encompasses a contiguous drainage subbasin of more than two hundred acres; or  
22 c. Is a commercial building permit, commercial site development or formal  
23 subdivision that will eventually construct more than fifty acres of impervious surface; or  
24 d. Will clear an area of more than five hundred acres within a contiguous drainage  
25 subbasin; then a master drainage plan shall be prepared as specified in the Surface Water  
26 Design Manual. The master drainage plan process should proceed coincidentally with the

1 State Environmental Policy Act (SEPA) process. Approval of the master drainage plan is  
2 required before permit approval.

3 Special Requirement #4: Adopted basin (~~(or community)~~) plans. If a project lies within  
4 an area included in an adopted basin (~~(or community)~~) plan, then the project drainage and  
5 engineering plans shall be prepared in conformance with the special requirements of the  
6 adopted basin (~~(or community)~~) plan. Copies of all adopted basin (~~(and community)~~) plans are  
7 available for reference from the division permit center;

8 Special Requirement #5: Shared Facility Drainage Plans. If a project lies within an area  
9 covered by an approved shared facility drainage plan, then the project drainage and engineering  
10 plans shall be prepared in accordance with any special requirements of the shared facility  
11 drainage plan. Copies of all adopted shared facility drainage plans are available for reference  
12 from the division permit center;

13 Special Requirement #6: Lake Management Plans. If a project lies within an area  
14 designated by public rule as a "lake management plan" then the project drainage and  
15 engineering plans shall be prepared in accordance with the special lake management plan  
16 requirements that have been formally adopted by public rule. Copies of all designated lake  
17 management plan public rules (including lake management plan area maps) are available for  
18 reference from the division permit center;

19 Special Requirement #7: Special water quality controls. If a project will construct more  
20 than one acre of impervious surface that will be subject to vehicular use or storage of  
21 chemicals and:

22 a. Proposes to discharge runoff directly to a regional facility, receiving water body,  
23 lake, wetland, or closed depression to provide the runoff control consistent with Core  
24 Requirement #3; or

25 b. The runoff from the project will discharge into a Type 1 or 2 stream, or Type 1  
26 wetland within one mile from the project site; then a wetpond meeting the standards as  
27 specified in the Surface Water Design Manual shall be employed to treat a project's runoff

1 prior to discharge from the project site. A wetvault or water quality swale may be used when a  
2 wetpond is not feasible.

3 Special Requirement #8: Coalescing plate oil/water separators. If a project will  
4 construct more than five acres of impervious surface that will be subject to petroleum storage  
5 or transfer, or high vehicular (more than twenty five hundred vehicle trips per day) or heavy  
6 equipment use, storage or maintenance, then a coalescing plate or equivalent oil/water  
7 separator shall be employed to treat a project's runoff prior to treatment by a wetpond,  
8 wetvault, or water quality swale, and/or discharge from the project site.

9 Special Requirement #9: Closed depressions. If a project will discharge to an existing  
10 closed depression either on or off the site that has greater than five thousand square feet of  
11 surface area at potential overflow, then the project's drainage and engineering plans must meet  
12 the requirements for closed depressions as specified in the Surface Water Design Manual;

13 Special Requirement #10: Use of lakes, wetlands or closed depressions for runoff control.  
14 If a project proposes to use a lake, wetland, or closed depression for runoff controls required  
15 by Core Requirement #3, then the project must meet the requirements of K.C.C. 21A.24  
16 (Sensitive Areas) for such use, include special water quality controls, and observe the limits on  
17 any increases to the floodplain as specified in the Surface Water Design Manual;

18 Special Requirement #11: Delineation of one hundred year floodplain. If a project  
19 contains or abuts a stream, lake, wetland or closed depression, then the one hundred year  
20 floodplain boundaries (and floodway if available based on an approved floodplain study as  
21 specified in the Surface Water Design Manual) shall be delineated on the site improvement  
22 plans and profiles and on any final plat maps prepared for the project;

23 Special Requirement #12: Flood protection for Type 1 and 2 streams. If a project  
24 contains or abuts a Type 1 or 2 stream (as defined in the Surface Water Design Manual) that  
25 has an existing flood protection facility or involves construction of a new, or modification of  
26 existing flood protection facility, then the flood protection facility shall be analyzed and/or

1 designed as specified in the Surface Water Design Manual and in the Federal Emergency  
2 Management (FEMA) regulations (44 CFR).

3 Special Requirement #13: Geotechnical analysis and report. If a project includes  
4 construction of a pond for drainage control or an infiltration system (excluding a roof  
5 downspout system) above a steep slope (as defined in the Surface Water Design Manual)  
6 within two hundred feet from the top of the steep slope or on a slope with a gradient steeper  
7 than fifteen percent, or construction of earth fill/bank armor for flood protection facilities, then  
8 a geotechnical analysis and report shall be prepared and stamped by a geotechnical professional  
9 civil engineer that shall address at a minimum the analysis described in the Surface Water  
10 Design Manual;

11 Special Requirement #14: Soils analysis and report. If the soils underlying a project have  
12 not been mapped, or if the existing soils maps are in error or not of sufficient resolution to  
13 allow the proper engineering analysis of the proposed site to be performed, then a soils analysis  
14 and report shall be prepared and stamped by a professional civil engineer with expertise in soils  
15 to verify and/or map the underlying soils by addressing at a minimum the analysis described in  
16 the Surface Water Design Manual.

17 Special Requirement #15: Area-specific drainage conditions. If a proposed project is  
18 within one of the areas delineated on the area-specific drainage condition maps attached to this  
19 ordinance as Appendix A, the proposed project shall meet the applicable area-specific drainage  
20 conditions attached to this ordinance as Appendix B. Copies of these appendices shall be  
21 available for reference from the department of development and environmental services permit  
22 center. These area-specific drainage conditions shall expire upon the adoption of the Surface  
23 Water Design Manual 1996 update.

#### 24 C. VARIANCES

25 1. A variance to the requirements contained in this section and/or other requirements in  
26 the Surface Water Design Manual may be proposed provided that the resulting development

1 shall be subject to all of the remaining terms and conditions of this chapter and provided that  
2 granting the variance shall:

- 3 a. Produce a compensating or comparable result in the public interest, and  
4 b. Meet this chapter's objectives of safety, function, appearance, environmental  
5 protection and maintainability based upon sound engineering judgment.

6 2. If meeting the provisions of 9.04.050 C.1.a. will deny reasonable use of a property,  
7 the applicant shall produce the best practicable alternative as determined by either the director  
8 of the department of natural resources or the director of the department of development and  
9 environmental services.

10 3. Variance requests which may be in conflict with the requirements of any other King  
11 County division will require review and concurrence with that division.

12 4. Variance requests shall be processed in accordance with procedures specified in the  
13 Surface Water Design Manual.

14 5. Proposed variances to the core and special requirements should be approved prior to  
15 final permit approval and may be accepted up to the time that the county approves the  
16 construction or until the facility is accepted for maintenance whichever is last.

17 6. The applicant may appeal variance decisions by following the appeal procedures as  
18 specified in the Surface Water Design Manual.

19 7. Variance requests for properties which are currently included in a special district  
20 overlay study and identified by map in Appendix A as Special Requirement 15-4, shall be  
21 processed as a Type II land use decision pursuant to Ordinance 12196, Sections 16 and 26.  
22 This notice and appeal process shall be in effect for these properties for a period of two years  
23 from the adoption date of this ordinance, or upon adoption of an amendment to K.C.C. 21A.38  
24 establishing a special district overlay for this property, whichever first occurs.

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

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

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

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

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

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

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

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

17 b. Pavement maintenance;

18 c. Normal grading of gravel shoulders;

19 d. Maintenance of culverts;

20 e. Maintenance of flood control or other approved surface water management

21 facilities;

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

23 6. Any clearing or grading for roads within a preliminary or finally approved residential  
24 plat which has been approved by the director and for which a financial guarantee has been  
25 posted;

26 7. Maintenance or reconstruction of the facilities of a common carrier by a rail in  
27 interstate commerce within its existing right-of-way; provided restoration is consistent with the

1 requirements of Section 16.82.110; provided that this exception does not apply if the clearing  
2 or grading is within a sensitive area as regulated in K.C.C. Chapter 21A.24.

3 8. Cemetery graves; provided that this exception does not apply except for routine  
4 maintenance if the clearing or grading is within a sensitive area as regulated in K.C.C. Chapter  
5 21A.24;

6 9. Clearing or grading within a preliminarily or finally approved residential plat not  
7 involving any excavation exceeding five feet in vertical depth or any fill exceeding three feet in  
8 vertical depth, regardless of the amount of material to be removed; provided that this exception  
9 does not apply if the clearing or grading is within a sensitive area as regulated in K.C.C.  
10 Chapter 21A.24. This exception does not apply within an area placed into tracts or easements  
11 for a wildlife habitat corridor pursuant to K.C.C. 21A.14 unless the proposed activity is  
12 otherwise exempt under K.C.C. 21A.24;

13 10. Excavation less than five feet in vertical depth not involving more than one  
14 hundred cubic yards of earth or other material on a single site; provided that the exception  
15 does not apply if the clearing or grading is within a sensitive area as regulated in K.C.C.  
16 Chapter 21A.24. This exception does not apply within an area placed into tracts or easements  
17 for a wildlife habitat corridor pursuant to K.C.C. 21A.14 unless the proposed activity is  
18 otherwise exempt under K.C.C. 21A.24;

19 11. Fill less than three feet in vertical depth not involving more than one hundred cubic  
20 yards of earth or other material on a single site; provided that the exception does not apply if  
21 the clearing or grading is within a sensitive area as regulated in K.C.C. Chapter 21A.24. This  
22 exception does not apply within an area placed into tracts or easements for a wildlife habitat  
23 corridor pursuant to K.C.C. 21A.14 unless the proposed activity is otherwise exempt under  
24 K.C.C. 21A.24;

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

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

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

9 15. Any clearing or grading which has been approved by the director as part of a  
 10 Commercial Site Development permit and for which a financial guarantee has been posted.

11 16. ~~((The following activities are exempt from the clearing requirements of this chapter  
 12 and no permit shall be required:))~~

13 ~~((a.))~~ Clearing outside of sensitive areas and buffers as regulated in K.C.C. Chapter  
 14 21A.24 unless the development proposal site is within an area subject to clearing restrictions  
 15 contained in: K.C.C. 16.82.150, ~~((a))~~ wildlife habitat corridors pursuant to K.C.C. 21A.14,  
 16 ~~((a))~~ critical drainage areas established by administrative rule or ~~((in p suffix conditions in an  
 17 adopted community plan or in clearing standards identified in 16.82.150))~~ property-specific  
 18 development standards pursuant to K.C.C. 21A.38.

19 ~~((b))~~17. Within sensitive areas, as regulated in K.C.C. Chapter 21A.24, the  
 20 following activities are exempt from the clearing requirements of this chapter and no permit  
 21 shall be required~~((:))~~:

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

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

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

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

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

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

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

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

22           ~~((a))~~(1) The parcel is enrolled under the current use taxation program as  
23 timber land pursuant to RCW 84.34 or as forest land pursuant to RCW 84.33;

24           ~~((b))~~(2) A long term management plan is approved for the parcel by the  
25 Washington Department of Natural Resources;

26           ~~((c))~~(3) The parcel is located within areas designated rural or agricultural by  
27 the King County Comprehensive Plan or applicable community plan;

1                   (((d)))(4) The parcel is located outside of expansion areas for incorporated  
 2 rural cities or rural towns and neighborhoods as designated in King County comprehensive  
 3 plan or applicable community plans; and

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

5                   ((17))18. Clearing within seismic hazard area, except on slopes greater than 15((%))  
 6 percent and subject to clearing restrictions contained in: K.C.C. 16.82.150, wildlife habitat  
 7 corridors pursuant to K.C.C. 21A.14, ((a)) critical drainage areas established by administrative  
 8 rule or ((in p-suffix conditions in an adopted community plan,)) property-specific development  
 9 standards pursuant to K.C.C. 21A.38; and provided the site contains no other sensitive area  
 10 features; and

11                   ((18))19. Clearing within coal mine hazard area, subject to clearing restrictions  
 12 contained in: K.C.C. 16.82.150, wildlife habitat corridors pursuant to K.C.C. 21A.14, ((a))  
 13 critical drainage areas established by administrative rule or ((in p-suffix conditions in an  
 14 adopted community plan,)) property-specific development standards pursuant to K.C.C.  
 15 21A.38; and provided the site contains no other sensitive area features.

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

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

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

7 SECTION 3. Ordinance 1488, Section 7, as amended, and K.C.C. 16.82.060 are hereby  
8 amended to read as follows:

9 Permit requirements. Except as exempted in Section 16.82.050, no person shall do any  
10 clearing or grading without first obtaining a clearing and grading permit from the director. A  
11 separate permit shall be required for each site and may cover both excavations and fills.

12 A. APPLICATION. To obtain a permit, the applicant shall first file an application  
13 therefor in writing on a form furnished for that purpose. The director shall prescribe the form  
14 by which application is made. No application shall be accepted unless it is completed  
15 consistent with the requirements of this chapter. Every application shall:

16 1. Identify and describe the work to be covered by the permit for which application is  
17 made;

18 2. Describe the land on which the proposed work is to be done, by lot, block, tract and  
19 house and street address, or similar description that will readily identify and definitely locate  
20 the proposed site;

21 3. Identify and describe those sensitive areas as defined in K.C.C. 21A.24 on or  
22 adjacent to the site;

23 4. Indicate the estimated quantities of work involved;

24 5. Identify any clearing restrictions contained in K.C.C. 16.82.150, wildlife habitat  
25 corridors pursuant to K.C.C. 21A.14, ((a)) critical drainage areas established by administrative  
26 rule or ((in p suffix conditions in an adopted community plan)) property-specific development  
27 standards pursuant to K.C.C. 21A.38;

- 1 6. Be accompanied by plans and specifications as required in subsections B. and C.;
- 2 7. Be signed by the property owner or his authorized agent who may be required to
- 3 submit evidence to indicate such authority;
- 4 8. Designate who the applicant is, on a form prescribed by the department; and
- 5 9. Give such other information as may be required by the director.

6 B. PLANS AND SPECIFICATIONS. When required by the director, each application  
7 for a grading permit shall be accompanied by six sets of plans and specifications and other  
8 supporting data as may be required. The plans and specifications shall be prepared and signed  
9 by a civil engineer or landscape architect registered to practice in the state of Washington when  
10 required by the director; provided, he may require additional studies prepared by a qualified  
11 soils specialist. If the plans and specifications are returned as a result of permit denial or any  
12 other reason, they shall be returned to the applicant.

13 C. INFORMATION ON PLANS AND IN SPECIFICATIONS. Plans shall be drawn to  
14 an engineer's scale upon substantial paper or cloth and shall be of sufficient clarity to indicate  
15 the nature and extent of the work proposed and show in detail that they will conform to the  
16 provisions of this chapter and all other relevant laws, rules, regulations and standards. The  
17 first sheet of each set of plans shall give the location of the work and the name and address of  
18 the owner and the person by whom they were prepared. The plans shall include the following  
19 minimum information:

- 20 1. General vicinity of the proposed site;
- 21 2. Property limits and accurate contours of existing ground and details of terrain and
- 22 area drainage;
- 23 3. Limiting dimensions, elevations or finished contours to be achieved by the grading,
- 24 and proposed drainage channels and related construction;
- 25 4. Location of all proposed cleared areas((;)); location of any open space tracts or
- 26 conservation easements if required pursuant to K.C.C. 16.82.150, K.C.C. 21A.14, critical
- 27 drainage areas, or ((~~p-suffix conditions~~)) property-specific development standards pursuant to

1 K.C.C. 21A.38; and calculations of the total proposed area cleared on site as a percentage of  
2 the total site area;

3 5. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams,  
4 berms, settling ponds and other protective devices to be constructed with or as a part of the  
5 proposed work, together with the maps showing the drainage area and the estimated runoff of  
6 the area served by any drains;

7 6. Location of any buildings or structures on the property where the work is to be  
8 performed and the location of any buildings or structures on land of adjacent owners which are  
9 within fifty feet of the property or which may be affected by the proposed grading operations;

10 7. Landscape and rehabilitation plan as required by Section 16.82.110;

11 8. Other information as may be required by the director; and

12 9. If the clearing or grading is proposed to take place in or adjacent to a sensitive area  
13 as regulated in K.C.C. 21A.24, provide information as required by that chapter.

14 D. GRANTING OF PERMITS. 1. The director shall determine if the proposed grading  
15 will adversely affect the character of the site for present lawful uses or with the future  
16 development of the site and adjacent properties for building or other purposes as indicated by  
17 the comprehensive plan, the shoreline master program, and the zoning code.

18 2. After an application has been filed and reviewed, the director shall also ascertain  
19 whether such grading work complies with the other provisions of this chapter. If the  
20 application and plans so comply, or if they are corrected or amended so as to comply, the  
21 director may issue to the applicant a grading permit. A grading permit shall be valid for the  
22 number of days stated in the permit but in no case shall the period be more than two years;  
23 provided, that when operating conditions have been met, the permit may be renewed every two  
24 years, or less if a shorter approval and/or renewal period is specified by the director.

25 3. No grading permit shall be issued until approved by federal, state and local agencies  
26 having jurisdiction by laws or regulations.

1           4. Upon approval of the application and issuance of the grading permit, no work shall  
 2 be done that is not provided for in the permit. The director is authorized to inspect the  
 3 premises at any reasonable time to determine if the work is in accordance with the permit  
 4 application and plans.

5           5. The permits from the director shall be required regardless of any permits issued by  
 6 any other department of county government or any other governmental agency who may be  
 7 interested in certain aspects of the proposed work. Where work for which a permit is required  
 8 by this chapter is started or proceeded with prior to obtaining the permit, the violator shall be  
 9 subject to such civil penalties as provided in Chapter 23.04. However, the payment of such  
 10 civil penalties shall not relieve any persons from fully complying with the requirements of this  
 11 chapter in the execution of the work nor from any other penalties prescribed thereon.

12           SECTION 4. Ordinance 9614, Section 103, as amended, and K.C.C. 16.82.150 are  
 13 hereby amended to read as follows:

14           Clearing standards.   A. For clearing and grading permits issued under this chapter, the  
 15 current clearing standards contained in this section and in the following regulations (~~or~~  
 16 ~~adopted policies~~) shall apply:

- 17           1. The Sensitive Areas Code, K.C.C. 21A.24, and its adopted administrative rules;
- 18           2. (~~(P-suffix conditions within adopted community plans)~~) Property specific  
 19 development standards pursuant to K.C.C. 21A.38;
- 20           3. Critical drainage area designations identified by adopted administrative rule(~~(-)~~); and
- 21           4. Wildlife habitat corridors pursuant to K.C.C. 21A.14.

22           B. (~~Where conflicts exist between standards in subsection A, the most restrictive shall~~  
 23 ~~apply.~~)

24           (~~(C-)~~) Within (~~(uncleared areas placed into tracts or conservation easements for wildlife~~  
 25 ~~habitat corridors pursuant to 21A.14)~~) sensitive areas designated pursuant to K.C.C. 21A.24,  
 26 uses shall be limited to those specified in that chapter. Within any other areas subject to

1 clearing restrictions referenced or contained in this section, the following uses are allowed  
2 under a clearing permit:

3 1. Timber harvest in accordance with a timber harvest management plan and clearing  
4 permit approved by the department of development and environmental services or a successor  
5 agency. That department shall promulgate administrative rules specifying the contents of, and  
6 the submittal requirements and approval criteria for, timber harvest management plans in  
7 consultation with the department of natural resources prior to any permit approvals for timber  
8 harvest within these tracts or easements;

9 2. Passive recreation uses and related facilities, including pedestrian and bicycle trails,  
10 nature viewing areas, fishing and camping areas, and other similar uses that do not require  
11 permanent structures, provided that cleared areas and/or areas of compacted soils associated  
12 with these uses and facilities do not exceed eight percent of the area of the tract or easement.  
13 Within wildlife habitat corridors, trail widths shall be the minimum allowed under adopted trail  
14 standards and no other recreation uses shall be permitted in the 150 foot minimum width of the  
15 corridor;

16 3. Utilities and utility easements, including surface water facilities, provided that such  
17 uses are within or adjacent to existing road or utility easements whenever possible. ~~((E))~~ Within  
18 wildlife habitat corridors, existing or multiple utility uses within established easements shall be  
19 allowed within the 150 foot minimum width of the corridor. Development of new utility  
20 corridors shall be allowed within wildlife habitat corridors only when multiple uses of existing  
21 easements are not feasible and the utility corridors are sited and ((use)) developed using  
22 county-approved best management practices to minimize disturbance ((to the corridor)); and

23 4. Removal of dangerous and or damaged trees.

24 ~~((D. For all new residential construction and residential subdivision in the RA (Rural~~  
25 ~~Area) zoned areas in the Issaquah Creek Basin:~~

1           1. ~~Clearing shall be limited to a maximum of 35% of lot or plat area or the amount~~  
2 ~~cleared prior to the effective date of this ordinance, whichever is greater, except under~~  
3 ~~conditions specified in paragraphs D5 and D6 below.~~

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

14           a. ~~Passive recreation uses and related facilities, including pedestrian and bicycle~~  
15 ~~trails, nature viewing areas, fishing and camping areas, and other similar uses that do not~~  
16 ~~require permanent structures, provided that cleared areas and/or areas of compacted soils~~  
17 ~~associated with these uses and facilities do not exceed eight percent of the area of the open~~  
18 ~~space tract;~~

19           b. ~~Utilities and utility easements, including surface water facilities, provided that,~~  
20 ~~whenever possible, such uses are within or adjacent to existing road or utility easements;~~

21           c. ~~Timber harvest, provided that it is accomplished in accordance with a timber~~  
22 ~~harvest management plan and clearing permit that have been approved by the Department of~~  
23 ~~Development and Environmental Services. That Department shall prepare administrative rules~~  
24 ~~regarding review and approval of timber harvest management plans in consultation with the~~  
25 ~~Surface Water Management Division of the Department of Public Works before approving any~~  
26 ~~permits for timber harvest after the effective date of this ordinance;~~

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

8           3. ~~For individual lots, the clearing limits shall be applied at the time of building permit~~  
9 ~~application unless the lot is within a subdivision that has been approved with other conditions~~  
10 ~~to meet the standard established in paragraph D2. In cases where conditions are applied to~~  
11 ~~subdivisions, individual lots shall be exempt from the clearing restrictions in paragraph D1.~~  
12 ~~The uses and restrictions on the uncleared portions of individual lots shall be those specified in~~  
13 ~~paragraph D2. Sensitive areas designated under K.C.C. Title 21A may be counted towards~~  
14 ~~meeting requirements on individual lots. On lots greater than or equal to 20,000 square feet,~~  
15 ~~the restrictions in paragraph D1 shall apply. On lots smaller than 20,000 square feet, up to~~  
16 ~~7,000 square feet may be cleared.~~

17           4. ~~Clearing required for the construction of infrastructure to serve any lots 1.25 acres~~  
18 ~~or smaller in size shall not be counted towards the 35% maximum clearing standard established~~  
19 ~~in paragraph D1.~~

20           5. ~~Clearing shall be limited to a maximum of 60% of the lot or plat area if the permit~~  
21 ~~applicant commits to constructing onsite retention/detention and water quality facilities to the~~  
22 ~~standards of the King County Surface Water Design Manual and the Issaquah Creek Basin~~  
23 ~~and Nonpoint Action Plan.~~

24           6. ~~The subdivision or permitting of building on parcels that are cleared after the~~  
25 ~~effective date of this ordinance shall be subject to conditions requiring the restoration of trees~~  
26 ~~and understory vegetation on at least 65% of the plat or lot, or at least 40% if the applicant~~  
27 ~~chooses the conditions of paragraph D5. A restoration plan shall be required of permit~~

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

8 7. Public uses, including schools, churches, fire stations, parks, libraries, hospitals and  
 9 roads shall be exempt from the requirements of paragraphs D1 through D6.

10 8. In no cases shall the amount of clearing and site disturbance exceed that allowable in  
 11 the regulations and conditions specified in paragraphs A1 and A2 of this section.))

12 ((E))C. ((In)) For the RA (Rural Area) zoned areas in either the Bear Creek Basin,  
 13 Issaquah Creek basin, the Soos Creek basin, the East Sammamish Community Planning Area  
 14 or the Bear Creek Community Planning Area:

15 1. Clearing shall be limited to a maximum of 35((%)) percent of the lot or plat area or  
 16 the amount legally cleared prior to the effective date of ((this ordinance)) any clearing  
 17 regulations in effect at the time of the clearing, whichever is greater, except under conditions  
 18 specified ((in paragraph E5)) below((-):

19 a. Clearing shall be limited to a maximum of 60 percent of the lot or plat area if the  
 20 approved permit requires flow control and water quality facilities in accordance with standards  
 21 set forth in the applicable adopted basin plan and the King County Surface Water Design  
 22 Manual;

23 b. In the Soos Creek basin, clearing shall be limited to a maximum of 80 percent of  
 24 the lot or plat area, except in designated Regionally Significant Resource Areas where clearing  
 25 shall be limited to a maximum of 65 percent of the lot or plat area. Buffers for all sensitive  
 26 areas designated under K.C.C. Title 21A and sensitive areas except for submerged lands may

1 be counted towards meeting the requirement. Building permits for single-family residential  
2 building on individual lots shall be exempt from the clearing limit in the Soos Creek basin;

3 c. Clearing required for the construction of access, utilities and septic systems to  
4 serve any lots 1.25 acres or smaller in size shall not be counted towards the 35 percent  
5 maximum clearing standard;

6 d. On individual lots smaller than 20,000 square feet, up to 7,000 square feet may  
7 be cleared; and

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

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

21 16.82.150.B. ((e following:

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

1           b. ~~Utilities and utility easements, including surface water facilities, provided that,~~  
2 ~~whenever possible, such uses are within or adjacent to existing road or utility easements;~~

3           c. ~~Timber harvest, provided that it is accomplished in accordance with a timber~~  
4 ~~harvest management plan and clearing permit that have been approved by the Department of~~  
5 ~~Development and Environmental Services. That Department shall prepare administrative rules~~  
6 ~~regarding review and approval of timber harvest management plans in consultation with the~~  
7 ~~Surface Water Management Division of the Department of Public Works before approving any~~  
8 ~~permits for timber harvest after the effective date of this ordinance; and~~

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

16           3. For individual lots, the clearing limits shall be applied at the time of building permit  
17 application unless the lot is within a subdivision that has been approved with other conditions  
18 to meet the standard established in paragraph ~~((E))~~C2. In cases where conditions are applied  
19 to ~~((the))~~ subdivisions, individual lots shall be exempt from the clearing restrictions in  
20 paragraph ~~((E))~~C1. The uses and restrictions on the uncleared portions of individual lots shall  
21 be those specified in ~~((paragraph E2))~~ K.C.C. 16.82.150.B. Sensitive areas designated under  
22 K.C.C. Title 21A may be counted towards meeting requirements on individual lots. ~~((On lots~~  
23 ~~greater than or equal to 20,000 square feet, the restrictions in paragraph E1 shall apply. On~~  
24 ~~lots smaller than 20,000 square feet, up to 7,000 square feet may be cleared.))~~

25           ~~((4. Clearing required for the construction of infrastructure to serve any lots 1.25~~  
26 ~~acres or smaller in size shall not be counted towards the 35% maximum clearing standard~~  
27 ~~established in paragraph E1.))~~

1           ~~((5. Clearing shall be limited to a maximum of 60% of the lot or plat area if the permit~~  
 2 ~~applicant commits to constructing on-site retention/detention facilities in accordance with the~~  
 3 ~~On-Site Detention Standards set forth in Recommendation BW-2 of the adopted Bear Creek~~  
 4 ~~Basin Plan or superseding standards that may be contained in an update of the King County~~  
 5 ~~Surface Water Design Manual.))~~

6           ~~((6))4.~~ The subdivision or permitting of building on parcels that are cleared ~~((after the~~  
 7 ~~effective date of this ordinance))~~ in violation of the regulations in effect at the time of the  
 8 clearing shall be subject to conditions requiring the restoration of trees and understory  
 9 vegetation on at least 65((%)) percent of the plat or lot, or, where applicable, on the  
 10 percentage of the site that was to remain uncleared under ((at least 40% if the applicant  
 11 ~~chooses the conditions of))~~ paragraph ~~((E5))C1.~~ A restoration plan shall be required of permit  
 12 applicants, and shall be subject to the approval of the ~~((D))~~ department of ~~((D))~~ development  
 13 and ~~((E))~~ environmental ~~((S))~~ services. That ~~((D))~~ department shall prepare administrative rules  
 14 regarding the review and approval of restoration plans in consultation with the ~~((Surface Water~~  
 15 ~~Management Division of the D))~~ department of ~~((Public Works))~~ natural resources before  
 16 approving subdivision or building permits for parcels cleared ~~((after the effective date of this~~  
 17 ~~ordinance))~~ in violation of applicable clearing regulations. The administrative rules shall also  
 18 specify when a restoration plan will be deemed sufficient to forgo the six (6) year moratorium  
 19 on permitting authorized in K.C.C. 16.82.140.

20           ~~((7. Clearing standards for Urban Planned Developments and Mineral zoned properties~~  
 21 ~~will be determined through their own designated review processes.))~~

22           ~~((8))5.~~ ~~((The requirements of paragraphs ((E))C1 through ((E6))C4 may be modified~~  
 23 ~~or waived by the director for proposed projects that meet the following conditions:~~

24           ~~\_\_\_\_\_ a. The project shall consist of one or more of the following uses:~~

25           ~~\_\_\_\_\_ 1. Government services listed in K.C.C. 21A.08.060;~~

26           ~~\_\_\_\_\_ 2. Educational services listed in K.C.C. 21A.08.050;~~

1 ~~3. Parks as listed in K.C.C. 21A.08.040 when located adjacent to an existing or~~  
 2 ~~proposed school;~~

3 ~~4. Libraries listed in K.C.C. 21A.08.040, and~~

4 ~~5. Road projects;~~

5 ~~b. The project site shall not be located in a designated Regionally Significant~~  
 6 ~~Resource Area except for utility corridors that can demonstrate no feasible alternative;~~

7 ~~c. The project shall clear the minimum necessary to accommodate the proposed~~  
 8 ~~use;))~~

9 In the Bear Creek basin and the Bear Creek Community Planning Area, the  
 10 requirements of paragraphs C1 through C4 shall be modified or waived by the director for  
 11 proposed projects that meet the following conditions:

12 a. The project shall consist of one or more of the following uses:

13 1. Government services listed in K.C.C. 21A.08.060,

14 2. Educational services listed in K.C.C. 21A.08.050,

15 3. Parks as listed in K.C.C. 21A.08.040 when located adjacent to an  
 16 existing or proposed school,

17 4. Libraries listed in K.C.C. 21A.08.040, and

18 5. Road projects;

19 b. The project site shall not be located in a designated Regionally  
 20 Significant Resource Area except for utility corridors that can demonstrate no feasible  
 21 alternative;

22 c. The project shall clear the minimum necessary to accommodate the proposed use  
 23 which includes all the allowed ballfields, playfields, other facilities, and spaces proposed by the  
 24 public agency to carry out its public function; and

25 d. The project shall meet the on-site ((detention)) flow control and water quality  
 26 standards set forth in the applicable adopted basin plan and the Surface Water Design Manual.  
 27 ((provisions in paragraph E5; and))

28 ((e.)) The modification or waiver shall not exempt the project from any other code  
 29 provisions which may apply. The director's decision may be appealed to the zoning and

1 subdivision examiner pursuant to K.C.C. 20.24, provided that any such appeal must be  
 2 consolidated with an appeal, if any, heard by the examiner on the merits of the proposed  
 3 project.

4 6. In the Issaquah Creek basin, the Soos Creek basin and the East Sammamish  
 5 Community Planning Area, the following standards shall apply:

6 a. In the Regionally Significant Resource Areas, except for utility corridors that  
 7 can demonstrate no feasible alternative, the requirements of paragraphs C1 through C4 shall  
 8 apply; and

9 b. In areas outside of the Regionally Significant Resources Areas, projects that consist  
 10 of one or more of the uses identified in C5(a)(1) to (4) shall be exempt from the requirements  
 11 of paragraphs C1 through C4.

12 ~~((9))~~D. Construction projects can be a significant contributor of pollution to streams and  
 13 wetlands. Therefore, from October 1 through March 31, in the Bear Creek Community  
 14 Planning Area, the Northshore Community Planning Area, the East Sammamish Community  
 15 Planning Area and the Soos Creek basin:

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

19 1. Clearing and grading shall only be permitted if shown to the satisfaction of the  
 20 director that silt-laden runoff exceeding standards in the King County Surface Water Design  
 21 Manual will be prevented from leaving the construction site through a combination of the  
 22 following:

23 a. site conditions including vegetative coverage, slope, soil type and proximity to  
 24 receiving waters;

25 b. limitations on activities and the extent of disturbed areas; and

26 c. proposed erosion and sedimentation control measures.

27 ~~((b))~~2. The director shall set forth in writing the basis for approval or denial of clearing  
 28 or grading during this period.

1           3. Clearing and grading (~~other than maintenance and repair of erosion and sediment~~  
2 ~~control facilities~~) will be allowed only if there is installation and maintenance of an (~~approved~~  
3 ~~temporary~~) erosion and sedimentation control plan approved by the (~~director~~) department  
4 which shall define any limits on clearing and grading or specific erosion and sediment control  
5 measures required during this period. Alternate best management practices may be approved  
6 or required on-site by the inspector.

7           ~~(e)~~4. If, during the course of construction, silt-laden runoff exceeding standards in  
8 the King County Surface Water Design Manual leaves the construction site or if clearing and  
9 grading limits or erosion and sediment control measures shown in the approved plan are not  
10 maintained, a notice of violation shall be issued.

11           ~~(d)~~5. If the erosion and sediment control problem defined in the violation is not  
12 adequately repaired within 24 hours of the notice of violation, then a notice and order may be  
13 issued by the inspector to install adequate erosion and sediment control measures to stop silt-  
14 laden runoff from leaving the site. The notice and order may also require the contractor to  
15 discontinue any further clearing or grading, except for erosion and sediment control  
16 maintenance and repair, until the following March 31.

17           6. The following activities are exempt from the seasonal clearing and grading  
18 requirements of this subsection:

19           a. Routine maintenance and necessary repair of erosion and sediment control  
20 facilities;

21           b. Routine maintenance of public facilities or existing utility structures as provided  
22 by K.C.C. 21A.24.050.B;

23           c. Activities where there is 100 percent infiltration of surface water runoff within  
24 the site in approved and installed erosion and sedimentation control facilities;

25           d. Typical landscaping activities of existing single family residences that do not  
26 require a permit;

27           e. Class I, II III and IV Special forest practices;

- 1            f. Mineral extraction activities on sites with approved permits; and  
2            g. Public agency response to emergencies that threaten the public health, safety and  
3            welfare.

4            SECTION 5. Ordinance 11870, Section 29, as amended, and K.C.C. 21A.04.080 are  
5 each hereby amended to read as follows:

6            Residential zone. A. The purpose of the urban residential zone (R) is to implement  
7 Comprehensive Plan goals and policies for housing quality, diversity and affordability, and to  
8 efficiently use residential land, public services and energy. These purposes are accomplished  
9 by:

- 10            1. Providing, in the R-1 through R-8 zones, for a mix of predominantly single  
11 detached dwelling units and other development types, with a variety of densities and sizes in  
12 locations appropriate for urban densities;
- 13            2. Providing, in the R-12 through R-48 zones, for a mix of predominantly apartment  
14 and townhouse dwelling units and other development types, with a variety of densities and  
15 sizes in locations appropriate for urban densities;
- 16            3. Allowing only those accessory and complementary nonresidential uses that are  
17 compatible with residential communities; and
- 18            4. Establishing density designations to facilitate advanced area-wide planning for  
19 public facilities and services, and to protect environmentally sensitive sites from  
20 overdevelopment.

21            B. Use of this zone is appropriate in urban areas, activity centers, or rural towns desig-  
22 nated by the Comprehensive Plan or community plans as follows:

- 23            1. The R-1 zone on or adjacent to lands with area-wide environmental constraints  
24 where development is required to cluster away from sensitive areas, on lands designated urban  
25 separators or wildlife habitat network where development is required to cluster away from the  
26 axis of the corridor, or in well-established subdivisions of the same density, which are served at

1 the time of development by public or private facilities and services adequate to support planned  
 2 densities;

3 2. The R-4 through R-8 zones on urban lands that are predominantly environmentally  
 4 unconstrained and are served at the time of development, by adequate public sewers, water  
 5 supply, roads and other needed public facilities and services; and

6 3. The R-12 through R-48 zones in urban areas, urban or community activity centers,  
 7 urban neighborhood centers, or rural towns, that are served at the time of development by  
 8 adequate public sewers, water supply, roads and other needed public facilities and services.

9 SECTION 6. Ordinance 11870, Section 340, as amended, and K.C.C: 21A.12.030 are  
 10 each hereby amended to read as follows:

11 A. Densities and dimensions - residential zones

STANDARDS	ZONES RESIDENTIAL												
	RURAL				URBAN RESERVE	URBAN RESIDENTIAL							
	RA-2.5	RA-5	RA-10	RA-20	UR	R-1(17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Unit/Acre (15)	0.2 du/ac	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/ac	1 du/ac	4 du/ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Density: Dwelling Unit/Acre (1)							6 du/ac	9 du/ac	12 du/ac	18 du/ac	27 du/ac	36 du/ac	72 du/ac
Minimum Density: (2)							85% (18)	85% (18)	85% (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Width: (3)	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft
Minimum Street Setback (3)	30 ft (9)	30 ft (9)	30 ft (9)	30 ft (9)	30 ft (7)	20 ft (7)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10 FT (8)	10 FT (8)
Minimum Interior Setback (3) (16)	5 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7)	5 ft	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height (4)	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft	35 ft	35 ft 45 ft (14)	35 ft 45 ft (14)	60 ft	60 ft 80 ft (14)	60 ft 80 ft (14)	60 ft 80 ft (14)
Maximum Impervious Surface: Percentage (5)	25% (11) (19)	20% (11) (19)	15% (11) (19)	12.5% (11) (19)	30% (11)	30% (11)	55%	70%	75%	85%	85%	85%	90%

12 B. Development Conditions.

1           1. The maximum density may be achieved only through the application of residential  
2 density incentives or transfers of density credits pursuant to Chapters 21A.34 or 21A.36.

3 Maximum density may only be exceeded pursuant to Section 21A.34.040 F. 1. f.

4           2. Also see Section 21A.12.060.

5           3. These standards may be modified under the provisions for zero-lot-line and  
6 townhouse developments.

7           4. Height limits may be increased when portions of the structure which exceed the  
8 base height limit provide one additional foot of street and interior setback for each foot above  
9 the base height limit, provided that the maximum height may not exceed 75 feet. Netting or  
10 fencing and support structures for the netting or fencing used to contain golf balls in the  
11 operation of golf courses or golf driving ranges are exempt from the additional interior setback  
12 requirement provided that the maximum height shall not exceed 75 feet.

13           5. Applies to each individual lot. Impervious surface area standards for:

14           a. regional uses shall be established at the time of permit review;

15           b. nonresidential uses in residential zones shall comply with K.C.C. 21A.12.120  
16 and .220;

17           c. individual lots in the R-4 through R-6 zones which are less than 9,076 square  
18 feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8  
19 zone;

20           d. any lot may be increased beyond the total amount permitted in this chapter  
21 subject to approval of a conditional use permit.

22           6. Mobile home parks shall be allowed a base density of six dwelling units per acre.

23           7. The standards of the R-4 zone shall apply if a lot is less than 15,000 square feet in  
24 area.

25           8. At least 20 linear feet of driveway shall be provided between any garage, carport,  
26 or other fenced parking area and the street property line. The linear distance shall be measured

1 along the centerline of the driveway from the access point to such garage, carport or fenced  
2 area to the street property line.

3 9. a. Residences shall have a setback of at least 100 feet from any property line  
4 adjoining A, M or F zones or existing extractive operations.

5 b. For lots between 1 acre and 2.5 acres in size, the setback requirements of the R-  
6 1 zone shall apply. For lots under 1 acre, the setback requirements of the R-4 zone shall apply.

7 10.a. For developments consisting of three or more single-detached dwellings located  
8 on a single parcel, the setback shall be 10 feet along any property line abutting R-1 through R-  
9 8, RA and UR zones.

10 b. For townhouse and apartment development, the setback shall be 20 feet along  
11 any property line abutting R-1 through R-8, RA and UR zones.

12 11. Lots smaller than .5 acre in area shall comply with standards of the nearest  
13 comparable R-4 through R-8 zone. For lots that are .5 acre in area or larger, the maximum  
14 impervious surface area allowed shall be at least 10,000 square feet. On any lot over 1 acre in  
15 area, an additional 5 percent may be used for buildings related to agricultural or forestry  
16 practices.

17 12. Reserved.

18 13. Reserved.

19 14. The base height to be used only for projects as follows:

20 a. in R6 and R8 zones, a building with a footprint built on slopes exceeding a  
21 15((%)) percent finished grade; and

22 b. in R18, R24 and R48 zones using residential density incentives and transfer of  
23 density credits pursuant to this title.

24 15. Density applies only to dwelling units and not to sleeping units.

25 16. Vehicle access points from garages, carports or fenced parking areas shall be set  
26 back from the property line upon which a joint use driveway is located to provide a straight

1 line length of at least 26 feet, as measured from the centerline of the garage, carport or fence  
2 parking area, from the access point to the opposite side of the joint use driveway.

3 17. All subdivisions and short subdivisions in the R-1 zone shall be required to be  
4 clustered away from sensitive areas or the axis of designated corridors such as urban  
5 separators or the wildlife habitat network to the extent possible and a permanent open space  
6 tract that includes at least 50 percent of the site shall be created. Open space tracts shall meet  
7 the provisions of 21A.14.040.

8 18. See K.C.C. 21A.12.085.

9 19. All subdivisions and short subdivisions in (~~rural residential~~) R-1 and RA zones  
10 within the North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the  
11 North Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and  
12 Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East Sammamish  
13 Community Planning Area which drains to Patterson Creek shall have a maximum impervious  
14 surface area of 8(~~(%)~~) percent of the gross acreage of the plat. Distribution of the allowable  
15 impervious area among the platted lots (~~(will)~~) shall be recorded on the face of the plat.  
16 Impervious surface of roads need not be counted towards the allowable impervious area. In  
17 cases where both lot- and plat-specific impervious limits apply, the more restrictive shall be  
18 required.

19 SECTION 7. Ordinance 10870 Section 353, as amended, and K.C.C. 21A.12.160 are  
20 each amended to read as follows:

21 Setbacks - (~~(Adjoining half street or designated arterial)~~) Required Modifications.

22 The following setback modifications are required:

23 A. In addition to providing the standard street setback, a lot adjoining a half-street or  
24 designated arterial shall provide an additional width of street setback sufficient to  
25 accommodate construction of the planned half-street or arterial; and

1        B. Where the standard setback for a property is modified within an adopted subarea or  
2 neighborhood plan area zoning, the applicable setback shall be that specified therein.

3        SECTION 8. Ordinance 10870 Section 364, as amended, and K.C.C. 21A.14.040 are  
4 each amended to read as follows:

5 Lot segregations - Clustered development. When residential lot clustering is proposed, the  
6 following provisions shall be met:

7        A. Any open space resulting from lot clustering shall not be altered or disturbed except as  
8 specified on recorded documents creating the open space. Such open spaces may be retained  
9 under ownership by the subdivider, conveyed to residents of the development, or conveyed to  
10 a third party. When access to the open space is provided, the access shall be located in a  
11 separate tract;

12        B. In the RA zone:

13            1. No more than eight lots of less than 2.5 acres shall be allowed in a cluster;

14            2. No more than eight lots of less than 2.5 acres shall be served by a single cul-de-sac  
15 street;

16            3. Clusters containing two or more lots of less than 2.5 acres, whether in the same or  
17 adjacent developments, shall be separated from similar clusters by at least 120 feet, and

18            4. The overall amount, and the individual degree of clustering shall be limited to a level  
19 that can be adequately served by rural facilities and services, including, but not limited to on-  
20 site sewage disposal systems and rural roadways, and

21        C. In the R-1 zone, open space tracts created by clustering required by section  
22 21A.12.030 shall be located and configured to create urban separators and greenbelts as  
23 required by the comprehensive plan, community plans, or local or subarea plans or open space  
24 functional plans, to connect and increase protective buffers for environmentally sensitive areas  
25 as defined in section 21A.06.1065, to connect and protect wildlife habitat corridors designated  
26 by the comprehensive plan, and to connect existing or planned public parks or trails. King

1 County may require open space tracts created under this subsection to be dedicated to an  
2 appropriate managing public agency or qualifying private entity such as a nature conservancy.

3 SECTION 9. Ordinance 10870, Section 475 and K.C.C. 21A.24.280 are each hereby  
4 amended to read as follows:

5 Landslide hazard areas: development standards and permitted alterations. A development  
6 proposal on a site containing a landslide hazard area shall meet the following requirements:

7 A. A minimum buffer of 50 feet shall be established from all edges of the landslide  
8 hazard area. The buffer shall be extended as required to mitigate a steep slope or erosion  
9 hazard or as otherwise necessary to protect the public health, safety and welfare. For landslide  
10 hazard areas that are also steep slopes over 200 feet in height, the building setback shall be 50  
11 feet from the buffer. The building setback may be reduced to a minimum of 15 feet from the  
12 buffer if, based on a special study, King County determines that the reduction will adequately  
13 protect the proposed development and the sensitive area. For single family residential building  
14 permits only, King County may waive the special study requirement and authorize building  
15 setback reductions, pursuant to K.C.C. 21A.24.075 or if King County determines that the  
16 reduction will adequately protect the proposed development and the sensitive area;

17 B. Unless otherwise provided herein or as part of an approved alteration, removal of  
18 any vegetation from a landslide hazard area or buffer shall be prohibited, except for limited  
19 removal of vegetation necessary for surveying purposes and for the removal of hazard trees  
20 determined to be unsafe according to tree selection rules promulgated pursuant to this chapter.  
21 Notice to King County shall be provided prior to any vegetation removal permitted by this  
22 subsection;

23 C. Vegetation on slopes within a landslide hazard area or buffer which has been  
24 damaged by human activity or infested by noxious weeds may be replaced with vegetation  
25 native to King County pursuant to an enhancement plan approved by King County. The use of  
26 hazardous substances, pesticides and fertilizers in landslide hazard areas and their buffers may  
27 be prohibited by King County; and

1 D. Alterations to landslide hazard areas and buffers may be allowed only as follows:

2 1. A landslide hazard area located on a slope 40% or steeper may be altered only if the  
3 alteration meets the standards and limitations set forth for steep slope hazard areas in K.C.C.  
4 21A.24.310;

5 2. A landslide hazard area located on a slope less than 40% may be altered only if the  
6 alteration meets the following requirements:

7 a. the development proposal will not decrease slope stability on contiguous  
8 properties; and

9 b. mitigation based on the best available engineering and geological practices is  
10 implemented which either eliminates or minimizes the risk of damage, death or injury resulting  
11 from landslides; and

12 3. Neither buffers nor a sensitive area tract shall be required if the alteration meets the  
13 standards of subsection D.2.

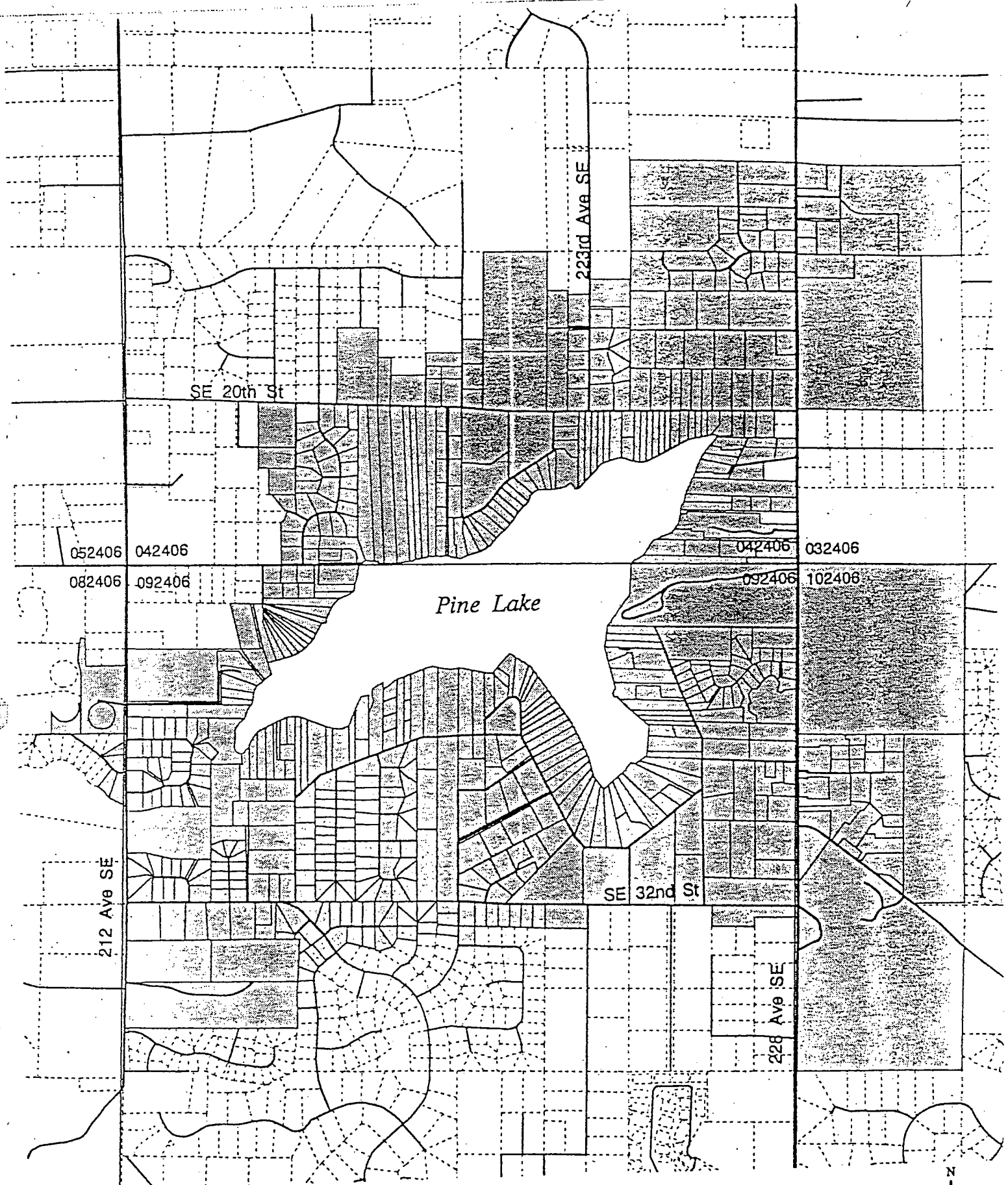
14 SECTION 10. The Metropolitan King County Council finds that pursuant to Ordinance  
15 12196, the requirements for environmental analysis, protection and mitigation measures in  
16 King County Code Chapters 21A. 12, 21A.14 and 21A.24, as amended by this ordinance,  
17 provide adequate analysis of and mitigation for the specific adverse environmental impacts to  
18 which the requirements apply.



Appendix A to Proposed Substitute Ordinance 96-260


AREA-SPECIFIC DRAINAGE CONDITIONS APPLICATIONS MAPS

This appendix contains parcel-specific maps delineating the areas where the drainage conditions contained in Appendix B will apply. These areas are consistent with the p-suffix conditions set out in Appendix B.



**12822**

**Zoning Code  
Conversion  
Phase Two**

 Special Requirement Area  
**Special Requirement 15-1:**  
**Pine Lake Watershed**  
 East Sammamish Community Planning Area

