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Introduced by:

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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 As part of this conversion, all area-wide p-suffix conditions applicable to multiple properties are being repealed and replaced by general code provisions.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

