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Introduced By: ROB MCKENNA
PETE VON REICHBAUER

Proposed No.: 96-279

ORDINANCE NO. 13190

AN ORDINANCE relating to surface water requirements and drainage review; repealing Ordinance 11886, Section 4 and K.C.C. 20.14.060; and Ordinance 12015, Section 5 and K.C.C. 20.14.030; and amending Ordinance 931, Section 10, as amended, and K.C.C. 13.08.090; Ordinance 1488, Sections 7 and 11 as amended, and K.C.C. 16.82.060 and 16.82.100; Ordinance 3688, Section 403, 503, 506, 603, all as amended, Section 703 and K.C.C. 25.16.030, 25.20.030, 25.20.060, 25.24.030 and 25.28.030; Ordinance 6422, as amended, and K.C.C. 20.12.350; Ordinance 7837, as amended, and K.C.C. 20.12.320; Ordinance 8846, as amended, and K.C.C. 20.12.170; Ordinance 9110, as amended, and K.C.C. 20.12.345; Ordinance 9499, as amended, and K.C.C. 20.12.440; Ordinance 9543, Section 2, as amended, and K.C.C. 19.26.020; Ordinance 9544, Sections 3, as amended, and K.C.C. 19.36.045; Ordinance 10197, Sections 1 and 3, as amended, and K.C.C. 20.12.270; Ordinance 10238, Sections 1, and K.C.C.20.14.020; Ordinance 10293, Sections 1,2,6,7 and 9, as amended, and K.C.C.20.14.025; Ordinance 10513, Section 1, as amended, and K.C.C.20.14.030; Ordinance 10703, Section 2, as amended, and K.C.C.20.12.210; Ordinance 10847, as amended, and K.C.C.20.12.340; Ordinance 10870, Sections 165, 333, 351, 454, 475, 478, 480, 481, 484 and 597, as amended, Sections 342 and 354, and K.C.C.21A.06.625, 21A.08.060, 21A.12.050, 21A.12.140, 21A.12.170, 21A.24.070, 21A.24.280, 21A.24.310, 21A.24.330, 21A.24.340, 21A.24.370, 21A.24.480, 21A.24.481, 21A.24.484 and 21A.40.030; Ordinance 11017, Section 3, as amended, and K.C.C. 19.33.030; Ordinance 11087, Section 1, as amended, and K.C.C. 20.14.040; Ordinance 11111, Section 1, as amended, and K.C.C. 20.14.050; Ordinance 11616, Section 12, and K.C.C. 13.24.136; Ordinance 11621, Section 70, as amended, and K.C.C. 21A.24.075; Ordinance 11622, Sections 3 and 12,

and K.C.C. 16.04.052 and 25.32.014; Ordinance 11886, Section 1, and K.C.C. 20.14.060.

PREAMBLE:

King County adopted the 1990 Surface Water Design Manual, as amended, to control surface water runoff as required in, and to implement, K.C.C. chapter 9.04.

The King County council required the surface water management division to conduct an on-going program to evaluate the effectiveness of the adopted requirements in meeting the purposes of K.C.C. chapter 9.04.

The King County council revised water resource and fish and wildlife habitat policies in the 1994 King County Comprehensive Plan.

The state of Washington adopted the Puget Sound Water Quality Management Plan as the comprehensive conservation and management plan for the Puget Sound estuary, as required under section 302 of the Clean Water Act for all designated estuaries of national significance. The plan requires local governments to adopt minimum requirements for stormwater controls.

5. The changes to the King County Code contained in this ordinance are needed to update the adopted requirements to be consistent with the purposes of the Surface Water Management Code, K.C.C. Title 9, the King County Comprehensive Plan and the Puget Sound Water Quality Management Plan. As such they bear a substantial relationship to, and are necessary for, the public health, safety and general welfare of King County and its residents.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 931, Section 10, as amended, and K.C.C. 13.08.090 are each hereby amended to read as follows:

Installation and alteration. A. Sewage disposal systems shall be constructed, installed or repaired only by a sewage disposal system installer, certificated as provided in this chapter, except that a resident owner, or intended resident owner may personally construct, install or repair a system for his own single family residence, provided he constructs not more than one system in any one calendar year.

B. Construction, installation or repair of sewage disposal systems shall be such as to accommodate all sewage from the buildings and premises to be served, and in accordance with this chapter and the rules and regulations of the director of public health adopted pursuant to the ordinance codified herein. No down-spout or footing drain shall be directly or indirectly connected to a sewage disposal system((~~, and s~~)) except when on-site systems are no longer used for sewage disposal upon connection to pubic sewers. Down-spouts must be connected directly to the drainfield unless the septic tank is cleaned out prior to connection. Sewage disposal systems shall be so constructed and installed that surface water or ground water will not interfere with the operation of such system.

SECTION 2. Ordinance 11616, Section 12, and K.C.C. 13.24.136 are each hereby amended to read as follows:

Sewage disposal systems in the ((~~U~~))urban ((~~G~~))growth ((~~A~~))area. All development in the ((~~U~~))urban ((~~G~~))growth ((~~A~~))area shall be served by public sewers. Alternative sewage systems shall be permitted on an interim basis, only as follows:

A. For individual lots in the ((~~F~~))full ((~~S~~))service ((~~A~~))area or ((~~S~~))service ((~~P~~))planning ((~~A~~))area, the director of the department of development and environmental services may authorize individual on-site sewage systems given the following findings:

1. The applicant has submitted a certificate of sewer availability from the most logical sewer purveyor accompanied by a letter which demonstrates to the satisfaction of the director that the requirement to receive sewer service from the purveyor is unreasonable or infeasible at the time of construction((~~, and~~));

2. The applicant has received approval for an on-site sewage system design from the Seattle-King County department of public health in accordance with the rules and regulations of the King County board of health, K.C.C. Title 13((~~, and~~));

3. The applicant has provided a Certificate of Future Connection from the appropriate purveyor which certifies that an irrevocable agreement has been entered into with the purveyor providing that the property shall be connected to public sewers upon availability

of such sewers and that the property owner shall pay all costs of connection to the sewer and connection of the roof drainage to the abandoned on-site sewage drainfield (to septic tank only if completely cleaned out prior to connection). This certificate shall stipulate that the applicant and his grantees agree to participate in and not protest the formation of a Utility Local Improvement District (ULID) or Local Improvement District (LID) or utility purveyor project which is designed to provide public sewer services to the property. This certificate shall be recorded in the real property records of King County and shall be a permanent condition on the property running with the land until such time as the costs for connection are fully paid to the purveyor; ((~~and~~))

4. the abandoned on-site sewage system shall be connected to receive all rooftop runoff once the property is connected to the public sewer; and

((4))5. Application of the standards of this title would otherwise preclude reasonable use of the property.

B. For subdivisions and short subdivisions in the ((~~S~~))service ((~~P~~))planning ((~~A~~))areas only, the director of the department of development and environmental services may authorize community on-site systems given the following findings:

1. The applicant has submitted a certificate of sewer availability from the most logical sewer purveyor accompanied by a letter which demonstrates to the satisfaction of the director that the requirement to receive sewer service from the purveyor is unreasonable or infeasible at the time of construction((~~, and~~));

2. The applicant has received an approved pre((-))application for a community on-site sewage disposal system from the Seattle-King County department of public health in accordance with the rules and regulations of the King County board of health, K.C.C. Title 13, State board of health chapter 246-272 WAC((~~, and~~));

3. The applicant has provided a certificate that the system will be managed by the purveyor or other authorized public agency as defined by RCW 39.24.020((~~, and~~));

4. The sanitary sewage collection system within the subdivision or short subdivision necessary to connect the subdivision or short subdivision to the public sewers including collection lines to each building site or lot((,)) shall be installed to the specifications of the appropriate provider of sewer service and shall be a condition of preliminary approval((,)); and

5. The applicant has provided a Certificate of Future Connection from the appropriate purveyor which certifies that an irrevocable agreement has been entered into with the purveyor for the property owner to pay all known and projected costs of connection. This certificate shall stipulate that the applicant and his grantees agree to participate in and not protest the formation of a Utility Local Improvement (ULID) or Local Improvement District (LID) utility purveyor project which is designed to provide public utility services to the property. This certificate shall be noticed on the title of the property and shall be a permanent condition on the property until such time as the costs for connection are fully paid to the purveyor.

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

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

A. ((~~APPLICATION~~))Application. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. The director shall prescribe the form by which application is made. No application shall be accepted unless it is completed consistent with the requirements of this chapter, and the permit process and procedures chapter of K.C.C. Title 20((~~.20~~)). In addition to the requirements of K.C.C. 20.20.040, every application shall:

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

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

3. Identify and describe those sensitive areas on or adjacent to the site;

4. Indicate the estimated quantities of work involved;

5. Identify any clearing restrictions contained in K.C.C. 16.82.150, wildlife habitat corridors pursuant to K.C.C. chapter 21A.14, critical drainage areas established by administrative rule or property-specific development standards pursuant to K.C.C. chapter 21A.38;

6. Be accompanied by plans and specifications as required in subsections B. and C.;

7. Designate who the applicant is, on a form prescribed by the department, except that the application may be accepted and reviewed without meeting this requirement when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three requirements are met:

a. the name of the agency or public or private utility is shown on the application as the applicant;

b. the agency or public or private utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and

c. the form designating the applicant is submitted to the department prior to permit issuance; and

8. Give such other information as may be required by the director.

B. ((~~PLANS AND SPECIFICATIONS~~))Plans and specifications. When required by the director, each application for a grading permit shall be accompanied by six sets of plans

and specifications and other supporting data as may be required. The plans and specifications shall be prepared and signed by a civil engineer or landscape architect registered to practice in the state of Washington when required by the director; provided, ((~~he~~))the director may require additional studies prepared by a qualified soils specialist. If the plans and specifications are returned as a result of permit denial or any other reason, they shall be returned to the applicant.

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

1. General vicinity of the proposed site;

2. Property limits and accurate contours of existing ground and details of terrain and area drainage;

3. Limiting dimensions, elevations or finished contours to be achieved by the grading, and proposed drainage channels and related construction;

4. Location of all proposed cleared areas;

5. ((~~1~~))Location of any open space tracts or conservation easements if required pursuant to:

(a) K.C.C. 16.82.150,

(b) K.C.C. chapter 21A.14,

(c) critical drainage areas, or

(d) property-specific development standards pursuant to K.C.C. chapter 21A.38; ((~~and~~))

6. calculations of the total area proposed cleared on a site as a percentage of the total site area;

((~~5~~))7.. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds and other protective devices to be constructed with or as a part of the proposed work, together with the maps showing the drainage area and the estimated runoff of the area served by any drains;

8. A determination of whether drainage review applies to the project pursuant to K.C.C. chapter 9.04, and, if applicable, all drainage plans and documentation consistent with King County Surface Water Design Manual requirements;

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

((~~7~~))10. Landscape and rehabilitation plan as required by ((~~Section~~)) K.C.C. 16.82.110;

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

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

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

2. After an application has been filed and reviewed, the director shall also ascertain whether such grading work complies with the other provisions of this chapter. If the application and plans so comply, or if they are corrected or amended so as to comply, the

director may issue to the applicant a grading permit. A grading permit shall be valid for the number of days stated in the permit but in no case shall the period be more than two years; provided, that when operating conditions have been met, the permit may be renewed every two years, or less if a shorter approval and/or renewal period is specified by the director.

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

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

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

SECTION 4. Ordinance 1488, Section 11, as amended, and K.C.C. 16.82.100 are hereby amended as follows:

Operating conditions and standards of performance.

A. Any activity that will clear, grade or otherwise disturb the site, whether requiring a clearing or grading permit or not, shall provide erosion and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in the King County erosion and sediment control

standards. Activities performed as Class I, II, III or IV Special forest practices shall apply erosion and sediment controls in accordance with chapter 76.09 RCW and Title 222 WAC.

B. Cuts and fills shall conform to the following provisions ((~~of this section~~)) unless otherwise approved by the director.

((~~A~~)) 1. ((~~SLOPE~~))Slope. No slope of cut and fill surfaces shall be steeper than is safe for the intended use and shall not exceed two horizontal to one vertical, unless otherwise approved by the director.

((~~B~~)) 2. ((~~EROSION CONTROL~~))Erosion control. All disturbed areas including faces of cuts and fill slopes shall be prepared and maintained to control erosion in compliance with subsection A. ~~This control may consist of effective planting. The protection for these areas shall be installed as soon as practical and prior to bond release. Where areas are not subject to erosion, as determined by the director, such protection may be omitted.~~

((~~C~~)) 3. ((~~PREPARATION OF GROUND~~))Preparation of ground. The ground surface shall be prepared receive fill by removing unsuitable material such as concrete slabs, tree stumps, brush and car bodies.

((~~D~~)) 4. ((~~FILL MATERIAL~~))Fill material. Except in an approved sanitary landfill, only earth materials which have no rock or similar irreducible material with a maximum dimension greater than eighteen inches shall be used.

((~~E~~)) 5. ((~~DRAINAGE~~))Drainage. Provisions shall be made to:

((~~1~~)) a. ((~~P~~))prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a fill;

((~~2~~)) b. ((~~C~~))carry any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse, or by other means approved by the department of public works((~~;~~

~~3. Prevent any sediment from leaving the site~~)).

((~~F~~)) 6. ((~~BENCH/TERRACE~~))Bench/terrace. Benches, if required, at least ten feet in width shall be back-sloped and shall be established at not more than twenty-five feet

vertical intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent.

((~~G~~)) 7. ((~~ACCESS ROADS - MAINTENANCE~~)) Access roads - maintenance. Access roads to grading sites shall be maintained and located to the satisfaction of the King County department of public works to minimize problems of dust, mud and traffic circulation.

((~~H~~)) 8. ((~~ACCESS ROADS - GATE~~)) Access roads - gate. Access roads to grading sites shall be controlled by a gate when required by the director.

((~~I~~)) 9. ((~~WARNING SIGNS~~)) Warning signs. Signs warning of hazardous conditions, if such exist, shall be affixed at locations as required by the director.

((~~J~~)) 10. ((~~FENCING~~))Fencing. Fencing, where required by the director, to protect life, limb and property, shall be installed with lockable gates which must be closed and locked when not working the site. The fence must be no less than five feet in height and the fence material shall have no horizontal opening larger than two inches.

((~~K~~)) 11. ((~~SETBACKS~~))Setbacks. The tops and the toes of cut and fill slopes shall be set back from property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slopes.

The tops and the toes of cut and fill slopes shall be set back from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff or erosion of the slopes.

Slopes and setbacks shall be determined by the director.

((~~L~~)) 12. ((~~EXCAVATIONS TO WATER-PRODUCING DEPTH~~)) Excavations to water-producing depth. All excavations must either be made to a water-producing depth or grade to permit natural drainage. The excavations made to a water-producing depth shall be reclaimed in the following manner:

((~~1~~)) a. ((~~T~~))the depth of the excavations must not be less than two feet measured below the low-water mark.

((~~2~~)) b. ((~~A~~))all banks shall be sloped to the water line no steeper than three feet horizontal to one foot vertical.

((~~3~~)) c. ((~~A~~))all banks shall be sloped from the low-water line into the pond or lake with a minimum slope of three feet horizontal to one foot vertical to a distance of at least twenty five feet.

((4)) d. ((~~I~~))in no event shall the term water-producing depth as herein used be construed to allow stagnant or standing water to collect or remain in the excavation.

((~~5~~)) e. ((~~T~~))the intent of this provision is to allow reclamation of the land which will result in the establishment of a lake of sufficient area and depth of water to be useful for residential or recreational purposes.

((~~M~~)) 13. ((~~HOURS OF OPERATION~~))Hours of operation. Hours of operation, unless otherwise authorized by the director, shall be between seven a.m. and seven p.m.

SECTION 5. Ordinance 9614, Section 103, as amended, and K.C.C. 16.82.150 are hereby amended as follows:

Clearing standards. A. For clearing and grading permits issued under this chapter, the current clearing standards contained in this section and in the following regulations shall apply:

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

2. Property-specific development standards pursuant to K.C.C. chapter 21A.38;

3. Critical drainage area designations identified by adopted administrative rule; and

4. Wildlife habitat corridors pursuant to K.C.C. chapter 21A.14.

B. Within sensitive areas designated pursuant to K.C.C. chapter 21A.24, uses shall be limited to those specified in that chapter. Within any other areas subject to clearing restrictions referenced or contained in this section, the following uses are allowed under a clearing permit:

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

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

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

4. Removal of dangerous and or damaged trees.

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

1. Clearing shall be limited to a maximum of ((~~35~~))thirty-five percent of the lot or plat area or the amount legally cleared prior to the effective date of any clearing regulations

in effect at the time of the clearing, whichever is greater, except under conditions specified below:

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

b. In the Soos Creek basin, clearing shall be limited to a maximum of ((~~80~~)) eighty percent of the lot or plat area, except in designated Regionally Significant Resource Areas where clearing shall be limited to a maximum of ((~~65~~))sixty-five percent of the lot or plat area. Buffers for all sensitive areas designated under K.C.C. Title 21A and sensitive areas except for submerged lands may be counted towards meeting the requirement. Building permits for single-family residential building on individual lots shall be exempt from the clearing limit in the Soos Creek basin;

c. Clearing required for the construction of access, utilities and septic systems to serve any lots 1.25 acres or smaller in size shall not be counted towards the ((~~35~~)) thirty-five percent maximum clearing standard;

d. On individual lots smaller than ((~~20,000~~)) twenty thousand square feet, up to ((~~7,000~~)) seven thousand square feet may be cleared; and

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

2. For subdivisions and short subdivisions, portions of the plat that are required to remain uncleared shall be retained in one or more open space tracts, with all developable lots sited on the portions of the plat approved to be cleared. Sensitive areas designated under K.C.C. Title 21A shall be recorded separately from tracts mandated by this regulation, but may be counted towards meeting these requirements. Tracts mandated by this regulation may be retained by the subdivider, conveyed to residents of the subdivision, or conveyed to a third party. Open space tracts shall be shown on all property maps and

shall be protected by covenants, approved by the county, that restrict their uses to those listed in K.C.C. 16.82.150B. All open space tracts established pursuant to this regulation shall be clearly marked with at least one sign per buildable lot adjoining the tract indicating that the tract is permanent, dedicated open space.

3. For individual lots, the clearing limits shall be applied at the time of building permit application unless the lot is within a subdivision that has been approved with other conditions to meet the standard established in paragraph C2. In cases where conditions are applied to the subdivision, individual lots shall be exempt from the clearing restrictions in paragraph C1. The uses and restrictions on the uncleared portions of individual lots shall be those specified in K.C.C. 16.82.150B. Sensitive areas designated under K.C.C. Title 21A may be counted towards meeting requirements on individual lots.

4. The subdivision or permitting of building on parcels that are cleared in violation of the regulations in effect at the time of the clearing shall be subject to conditions requiring the restoration of trees and understory vegetation on at least ((~~65~~))sixty-five percent of the plat or lot, or, where applicable, on the percentage of the site that was to remain uncleared under paragraph C1. A restoration plan shall be required of permit applicants, and shall be subject to the approval of the department of development and environmental services. That department shall prepare administrative rules regarding the review and approval of restoration plans in consultation with the department of natural resources before approving subdivision or building permits for parcels cleared in violation of applicable clearing regulations. The administrative rules shall also specify when a restoration plan will be deemed sufficient to forego the six year moratorium on permitting authorized in K.C.C. 16.82.140.

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

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

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

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

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

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

5. Road projects;

b. The project site shall not be located in a designated ((~~R~~))regionally ((~~S~~))significant ((~~R~~))resource ((~~A~~))area except for utility corridors that can demonstrate no feasible alternative;

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

d. The project shall meet the on-site flow control and water quality standards set forth in the applicable adopted basin plan and the Surface Water Design Manual.

The modification or waiver shall not exempt the project from any other code provisions which may apply. The director's decision may be appealed to the zoning and subdivision examiner pursuant to K.C.C. chapter 20.24, provided that any such appeal must be consolidated with an appeal, if any, heard by the examiner on the merits of the proposed project.

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

a. In the ((~~R~~))regionally ((~~S~~))significant ((~~R~~))resource ((~~A~~))areas, except for utility corridors that can demonstrate no feasible alternative, the requirements of paragraphs C1 through C4 shall apply; and

b. In areas outside of the ((~~R~~))regionally ((~~S~~))significant ((~~R~~))resource ((~~A~~))areas, projects that consist of one or more of the uses identified in C5(a)(1) to (4) shall be exempt from the requirements of paragraphs C1 through C4.

D.Construction projects can be a significant contributor of pollution to streams and wetlands. Therefore, from October 1 through March 31, in the Bear Creek Community Planning Area, the Northshore Community Planning Area, the East Sammamish Community Planning Area and the Soos Creek and Hylebos Creek basins:

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

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

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

2. The director shall set forth in writing the basis for approval or denial of clearing or grading during this period.

3. Clearing and grading will be allowed only if there is installation and maintenance of an erosion and sedimentation control plan approved by the department which shall define any limits on clearing and grading or specific erosion and sediment control measures required during this period. Alternate best management practices may be approved or required on-site by the inspector.

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

5. If the erosion and sediment control problem defined in the violation is not adequately repaired within ((~~24~~))twenty-four hours of the notice of violation, then a notice and order may be issued by the inspector to install adequate erosion and sediment control measures to stop silt-laden runoff from leaving the site. The notice and order may also require the contractor to discontinue any further clearing or grading, except for erosion and

sediment control maintenance and repair, until the following March 31.

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

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

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

c. Activities where there is ((~~100~~)) one hundred percent infiltration of surface water runoff within the site in approved and installed erosion and sedimentation control facilities;

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

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

f. Mineral extraction activities on sites with approved permits; and

g. Public agency response to emergencies that threaten the public health, safety and welfare.

SECTION 6. Ordinance 10238, Section 1, and K.C.C. 20.14.020 are each hereby amended to read as follows:

Soos Creek Basin Plan. The Soos Creek Basin Plan, dated June 7, 1990, Attachment A to Ordinance 10238, as amended by Appendix A of Ordinance 13190 is adopted ((~~as a functional plan~~)) to implement((ing)) surface water management and environmental policies of the King County Comprehensive Plan with the exception of those policies pertaining to density restrictions and clearing provisions which are set out in the adopted Soos Creek Community Plan Update and the updated Tahoma/Raven Heights Community Plan Amendment. ((~~As an amplification and augmentation of the King County Comprehensive~~)) The Soos Creek Basin Plan((~~, it~~)) constitutes official county policy with regard to surface

water management in the Soos Creek Basin and designates regionally significant resource areas and locally significant resource areas in the basin.

SECTION 7. Ordinance 10293, Sections 1,2,6,7, and 9, as amended, and K.C.C. 20.14.025 are each hereby amended to read as follows:

Covington Master Drainage Plan. A. Adopted. The Covington Master Drainage Plan dated January 1992, ((~~and attached as~~)) Attachment A to Ordinance 10293, as amended by Appendix B of Ordinance 13190, is hereby adopted, augmenting and amplifying county policy established in the Soos Creek Basin Plan with regard to surface water management within the boundaries of the Covington Master Drainage Plan area as designated by Ordinance 9772.

B. Special drainage conditions authorized. The ((~~surface water management~~))water and land resources division is hereby authorized to revise the ((~~1990~~)) King County Surface Water Design Manual to include a new appendix with the following special drainage provisions for development to be applied in the Covington Master Drainage Plan area:

1. Development proposals in the Covington Master Drainage Plan area ((~~shall have the option~~)) are encouraged to submit plans for ((~~regional or subregional~~)) shared surface water management facilities, as defined in the Covington Master Drainage Plan under regional or subregional surface water management facilities, that treat and dispose of the runoff from more than one development. ((~~, provided that the proposed regional or subregional~~)) These shared surface water management facilities shall provide the same level of control and treatment of surface water as required by the ((~~1990~~)) King County Surface Water Design Manual and relevant sections of this section. ((~~Developers that propose to use the regional or subregional facilities shall submit plans with facility design and agreements with adjacent landowners for the construction and operation of these facilities. The design and construction of such facilities shall be reviewed and approved by King County. King County will assume the maintenance of regional and subregional facilities upon satisfactory completion of a final inspection by the county and release of all performance bonds.~~))

2. Development in the Covington Master Drainage Plan area that proposes to infiltrate stormwater generated by the project (((~~as authorized in core requirement three of the 1990 King County Surface Water Design Manual) must submit a plan which addresses off-site analysis (core requirement two of the 1990 King County Surface Water Design Manual) and includes:~~

~~a. an identification of~~)) must submit a plan which includes an amendment to the off-site analysis pursuant to K.C.C. 9.04.050 identifying the location of domestic water supply wells within a one mile radius of the proposed infiltration facilities, and, if any wells are present, provides:

((~~b~~))a. an assessment of human health risks from infiltration, and

((~~c~~))b. recommendations for appropriate measures to mitigate identified health risks.

The plan shall be reviewed and approved by King County.

3. Development proposed in the areas with glacial till (Alderwood) soils identified on Attachment 2 to Ordinance 10293 shall be required to ((~~provide stormwater detention of four acre inches of detention storage volume per impervious acre developed~~)) meet level two flow control when required to provide flow control under the Surface Water Design Manual.

((~~4. Development proposed in the areas designated on Attachment C to Ordinance 10293 shall submit a detailed subbasin drainage analysis demonstrating that the stormwater generated by development does not discharge directly or indirectly to Little Soos Creek. The plans shall be reviewed and approved by King County.~~))

((~~5~~)) 4. All new commercial and industrial development in the Covington Master Drainage Plan Area shall be required to submit a plan identifying the appropriate source controls and best management practices in accordance with K.C.C. chapter 9.12. The plan shall be reviewed and approved by King County.

((~~6~~)) 5. All commercial and industrial development proposals shall submit plans for secondary spill containment for all electrical and mechanical equipment mounted on rooftops

and plans showing the use of relatively inert materials (i.e., vinyl) for roofing and gutter materials. The plan shall be reviewed and approved by King County.

((~~7~~)) 6. Developments proposed in the Covington Master Drainage Plan area within one hundred feet of the edge of Jenkins Creek 25 or Soos Creek 77 wetlands shall have wetland buffers established using a sliding scale of buffer width defined as follows:

Buffer Composition % Forest	Buffer Width Feet
100	50
80	60
60	70
40	80
20	90
0	100

Forests are defined as the area covered by trees greater than four inches diameter at breast height and twenty feet in height.

((~~8~~)) 7. Developments in the Covington Master Drainage Plan Area within one hundred feet of the ordinary high water mark of Jenkins and Little Soos Creeks shall be required to re-establish native vegetation in stream buffers where native vegetation has been destroyed or disturbed. A plan for revegetation shall be reviewed and approved by King County. Planting shall be complete before issuance of an occupancy permit for the development. If the department of development and environmental services determines that the season is

inappropriate for planting, the occupancy permit can be granted, provided a bond is established for the costs of revegetation.

((~~9~~)) 8. New stream or wetland crossings by roads or utilities within the Master Drainage Plan area shall not be permitted unless no practical alternative exists. Plans will be

submitted to King County for review and approval. The adverse environmental effects of new crossings shall be mitigated in accordance with SEPA requirements.

((~~10. Surface water management facilities for developments or redevelopments with greater than 5,000 square feet of impervious which propose to infiltrate storm water shall be required to have lined wetpond and biofiltration swale treatment prior to infiltration. Developments of less than three single family residences are exempt from this requirement~~)).

((~~11~~)) 9. New developments within one hundred feet of the ordinary high water mark of Jenkins and Little Soos Creek shall be required to submit plans to restrict access to the streams and their buffers using fences, barriers and other means consistent with the recommendations of the Sensitive Areas Ordinance fencing committee. The plan will be reviewed and approved by King County.

((~~12. Erosion and sedimentation controls shall be required for all building sites within the Covington Master Drainage Plan area including single family building sites. Approved erosion and sedimentation control plans shall be required before initiating construction and an additional site inspection by the department of development and environmental services is required at the time of site preparation.~~))

C. Conditions authorized. The ((surface water management))water and land resources division is hereby authorized to attach such conditions of approval to any development as may be necessary to achieve the state standards for fecal coliform and copper loading, as set out in the Covington Master Drainage Plan((~~, and the flood flow standard established in the Soos Creek Basin Plan, are met~~)).

((~~D. Conditions North of SR 18. For the portion of the Covington Master Drainage Plan lying north of SR 18, applications for development approval submitted between March 31, 1993 and September 30, 1993 shall be conditioned as necessary to preclude clearing of land for or construction of infrastructure or structures prior to completion of the retrofit facilities which are necessary to reduce copper loadings in Little Soos Creek, those retrofit~~

~~facilities being referred to in the Covington Master Drainage Plan as Kentwood High School, Mattson Junior High School, and Emerald Downs Subdivision.~~

~~E. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of Ordinance 10293 be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this section.~~))

SECTION 8. Ordinance 10513, Section 1, as amended, and K.C.C. 20.14.030 are each hereby amended to read as follows:

Bear Creek Basin Plan. The Bear Creek Basin Plan, dated July 1990, as amended by ((~~the Utilities Committee on July 2, 1992 as shown in~~)) Attachment A to Ordinance 10513, ((~~and as further amended by the Growth Management, Housing and Environment Committee on September 6, 1995 as shown in~~)) Appendix B to Ordinance 12015 ((~~(Proposed Ordinance 92-614)~~)) and Appendix C of Ordinance 13190, is adopted ((~~as a functional plan that~~)) to implement((~~s~~)) the surface water management and environmental policies of the King County Comprehensive Plan. The Bear Creek Basin Plan constitutes official county policy with regard to surface water management in the Bear Creek Basin and designates ((~~R~~))regionally ((~~S~~))significant ((~~R~~))resource ((~~A~~))areas and ((~~L~~))locally ((~~S~~))significant ((~~R~~))resource ((~~A~~))areas depicted in the Bear Creek Basin Plan. Pursuant to policy NE-307 of the 1994 King County Comprehensive Plan the King County executive shall study the standards of protection needed for ((~~R~~))regionally ((~~S~~))significant ((~~R~~))resource ((~~A~~))areas and ((~~L~~))locally ((~~S~~))significant ((~~R~~))resource ((~~A~~))areas and report the findings and recommendations to the council in 1995. Based on the report, the ((~~M~~))metropolitan King County ((~~C~~))council will review and may revise the ((~~R~~))regionally ((~~S~~))significant ((~~R~~))resource ((~~A~~))areas and ((~~L~~))locally ((~~S~~))significant ((~~R~~))resource ((~~A~~))areas designated in the Bear Creek Basin Plan.

((~~The requirements for drainage facilities in the Bear Creek Basin Plan shall supersede requirements in the King County Surface Water Management Design Manual unless specifically superseded in an update of the manual. References in the Bear Creek Basin Plan~~

~~and documents and tables included therein to "steep slope" or "community plan" standards are to be governed by the "stream protection" standards.1*~~))

SECTION 9. Ordinance 11087, Section 1, as amended, and K.C.C. 20.14.040 are each hereby amended to read as follows:

Hylebos Creek and Lower Puget Sound Basin Plan. The executive Proposed Hylebos Creek and Lower Puget Sound Basin Plan, dated July 1991, Attachment A as amended in Attachment B to Ordinance 11087 and by Appendix D of Ordinance 13190, is adopted ((~~as a functional plan~~)) to implement((~~ing~~)) surface water management and environmental policies of the King County Comprehensive Plan. ((~~As an amplification and augmentation of the King County Comprehensive~~)) The executive Proposed Hylebos Creek and Lower Puget Sound Basin Plan((~~, it~~)) constitutes official county policy with regard to surface water management in the Hylebos Creek and Lower Puget Sound Basins and designates regionally significant resource areas and locally significant resource areas in the basins.

SECTION 10. Ordinance 11111, Section 1, as amended, and K.C.C. 20.14.050 are each hereby amended to read as follows:

East Lake Sammamish Basin Plan and Non((~~-P~~))point Action Plan. The East Lake Sammamish Basin Plan and Non((~~-P~~))point Action Plan consisting of Volume 1, dated May 11, 1992 and Volume 2 dated December 1992 as shown in Attachment A to Ordinance 11111, as amended in Attachment B to Ordinance 11111 and by Appendix E of Ordinance 13190, is adopted ((~~as a functional plan that~~)) to implement((~~s~~)) the surface water management and environmental policies of the King County Comprehensive Plan. ((~~As an amplification and augmentation of the King County Comprehensive~~)) The East Lake Sammamish Basin Plan and Non-Point Action Plan((~~, it~~)) constitutes official county policy with regard to surface water management in the East Lake Sammamish Basin and designates regionally significant resource areas and locally significant resource areas in the basin.

SECTION 11. Ordinance 11886, Sections 1 and 4, and K.C.C. 20.14.060 are each hereby amended to read as follows:

((~~Watershed Management Committee - Proposed~~)) Issaquah Creek Basin and Nonpoint Action Plan. ((~~A.~~)) The Watershed Management Committee - Proposed Issaquah Creek Basin and Nonpoint Action Plan, as shown in Attachment A to Ordinance 11886 and amended in Attachment B to Ordinance 11886 and Appendix F of Ordinance 13190, is adopted to implement the surface water management and environmental policies of the King County Comprehensive Plan. The Watershed Management Committee - Proposed Issaquah Creek Basin Plan and Nonpoint Action Plan constitutes official county policy with regard to surface water management in the Issaquah Creek basin and designates regionally significant resource areas and locally significant resource areas in the basin. Pursuant to policy NE-307 of the 1994 King County Comprehensive Plan the King County executive shall study the standards of protection needed for regionally significant resource areas and locally significant resource areas and report the findings and recommendations to the council in 1995. Based on the report, the ((~~M~~))metropolitan King County Council will review and may revise the regionally significant resource areas and locally significant resource areas designated in the Issaquah Creek Basin Plan.

((~~B. The requirements for drainage facilities in the Watershed Management Committee - Proposed Issaquah Creek Basin and Nonpoint Action Plan shall supersede requirements in the King County Surface Water Management Design Manual unless they are specifically superseded in an update of the manual.~~))

SECTION 12. Ordinance 12809, Section 1, and K.C.C. 20.14.070 are each hereby amended to read as follows:

Lower Cedar River Basin Plan and Nonpoint Pollution Action Plan. A. The Watershed Management Committee - Proposed Lower Cedar River Basin and Nonpoint Pollution Action Plan, as shown in Attachment A and as amended in Attachment B to Ordinance 12809* and Appendix G of Ordinance 13190, is adopted to implement the surface water management and environmental policies of the King County Comprehensive Plan, provided, however, the following conditions shall apply:

1. The executive shall transmit within thirty days from the council's adoption of the Lower Cedar River Basin and Nonpoint Pollution Action Plan, legislation which establishes a detailed work plan and any necessary code changes to implement the forest incentive program elements described in Chapter 4; and

2. The executive shall transmit to the council for review by the utilities & natural resources committee with sixty days of the council's adoption of the Lower Cedar River Basin and Nonpoint Pollution Action Plan, the base line data and the methodology for monitoring and evaluating the progress of the forest incentive program in the Cedar River Basin consistent with the indicators outlined in Chapter 4, and shall thereafter submit annual progress reports to the council consistent with that established methodology; and

3. The executive shall transmit to the council for review by the utilities & natural resources committee within sixty days of the council's adoption of the Lower Cedar River Basin and Nonpoint Pollution Action Plan, criteria for prioritizing future surface water CIP and bond program projects, and the process for early review by the Cedar River Council of projects proposed for funding in the Cedar River Basin.

The Watershed Management Committee - Proposed Lower Cedar River Basin and Nonpoint Pollution Action Plan constitutes official county policy with regard to surface water management in the Cedar River basin and designates ((~~R~~))regionally ((~~S~~))significant ((~~R~~))resource ((~~A~~))areas and locally significant resource areas in the basin.

((~~B. The water quality and flow control requirements in the Watershed Management Committee-Proposed Lower Cedar River Basin and Nonpoint Pollution Action Plan shall supersede requirements in the King County Surface Water Design Manual unless they are specifically superseded in an update of the manual.~~))

SECTION 13. Ordinance 12196, Section 11, and K.C.C. 20.20.040 are each hereby amended to read as follows:

Application requirements. A. The department shall not commence review of any application set forth in this chapter until the applicant has submitted the materials and fees

specified for complete applications. Applications for land use permits requiring Type 1, 2, 3, or 4 decisions shall be considered complete as of the date of submittal upon determination by the department that the materials submitted meet the requirements of this section. Except as provided in subsection B of this section, all land use permit applications described in K.C.C. 20.20.020 Exhibit A shall include the following:

1. An application form provided by the department and completed by the applicant that allows the applicant to file a single application form for all land use permits requested by the applicant for the development proposal at the time the application is filed;

2. Designation of who the applicant is, except that this designation shall not be required as part of a complete application for purposes of this section when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three requirements are met:

a. the name of the agency or private or public utility is shown on the application as the applicant;

b. the agency or private or public utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and

c. the form designating who the applicant is is submitted to the department prior to permit approval;

3. A Certificate of Sewer Availability or site percolation data with preliminary approval by the Seattle-King County department of public health; or for schools located in rural areas, a letter indicating compliance with the tightline sewer provisions in the zoning code, as required by K.C.C. chapter 13.08 or K.C.C. chapter 13.24;

4. A current Certificate of Water Availability, if required by K.C.C. chapter 13.24;

5. A fire district receipt pursuant to K.C.C. Title 17, if required by K.C.C. chapter 21A.40;

6. A site plan, prepared in a form prescribed by the director;

7. Proof that the lot or lots are recognized as separate lots pursuant to the provisions of K.C.C. chapter 19.04, if required by K.C.C. 21A.24.090;

8. A sensitive areas affidavit if required by K.C.C. chapter 21A.24;

9. A completed environmental checklist, if required by K.C.C. chapter 20.44, County Environmental Procedures;

10. Payment of any development permit review fees, excluding impact fees collectible pursuant to K.C.C. Title 27, Development Permit Fees;

11. A list of any permits or decisions applicable to the development proposal that have been obtained prior to filing the application or that are pending before the county or any other governmental entity;

12. Certificate of transportation concurrency from the department of public works, if required by K.C.C. chapter 14.70;

13. Certificate of future connection from the appropriate purveyor for lots located within the ((~~U~~))urban ((~~G~~))growth ((~~A~~))area which are proposed to be served by on-site or community sewage system and/or group B water systems or private well, if required by K.C.C. 13.24.136((~~.~~)) through 13.24.140;

14. ((~~D~~)) A determination if drainage review applies to the project pursuant to K.C.C. chapter 9.04, and, if applicable, all drainage plans and documentation required by ((~~the code requirements set forth in~~)) the Surface Water Design Manual adopted pursuant to K.C.C. chapter 9.04;

15. Current assessor's maps and a list of tax parcels to which public notice must be given as provided in this chapter, for land use permits requiring a Type 2, 3 or 4 decision;

16. Legal description of the site;

17. Variances obtained or required under K.C.C. Title 21A to the extent known at the date of application; and

18. For commercial site development permits only, a phasing plan and a time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years.

A permit application is complete for purposes of this section when it meets the procedural submission requirements of the department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.

B. Additional complete application requirements for the following land use permits are set forth in the following sections of the King County Code:

1. Clearing and grading permit, ((~~see~~)) K.C.C. 16.82.060.

((~~1~~))2. Construction permits, K.C.C. 16.04.052.

((~~2~~))3.. Mobile home permits, K.C.C. 16.04.093.

C. The director may specify the requirements of the site plan required to be submitted for various permits and may waive any of the specific submittal requirements listed herein that are determined to be unnecessary for review of an application.

D. The applicant shall attest by written oath to the accuracy of all information submitted for an application.

E. Applications shall be accompanied by the payment of the applicable filing fees, if any, as established by K.C.C. Title 27.

SECTION 14. Ordinance 10870, Section 165, as amended, and K.C.C. 21A.06.625 are each hereby amended to read as follows:

Impervious surface. Impervious surface: For purposes of this title, impervious surface shall mean any non((-))vertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle at natural infiltration rates including, but not limited to, roofs ((~~tops excepting eaves~~)), swimming pools, ((~~paved or graveled roads~~)) areas which are paved, graveled or made of packed or oiled earthen materials such as roads, walkways or parking areas and excluding landscaping, surface water ((~~retention/detention~~)) flow control and water quality treatment facilities, access easements serving neighborhood property ((,)) and driveways to the extent that they extend beyond the street setback due to location within an access panhandle or due to the application of King County Code requirements to site features over which the applicant has no control.

SECTION 15. Ordinance 10870, Section 333, and K.C.C. 21A.08.060 are each hereby amended to read as follows:

K.C.C. 21A.08.060

A. GOVERNMENT/ BUSINESS SERVICE LAND USES

KEY
P-Permitted Use
C-Conditional Use
S-Special Use

	ZONE	RESOURCE			RURAL	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
		AGRICULTURE	FOREST	MINERAL	RURAL	URBAN RESERVE	URBAN	RESIDENTIAL	NEIGHBORHOOD BUSINESS	COMMUNITY BUSINESS	REGIONAL BUSINESS	OFFICE	INDUSTRIAL
SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I(30)
	GOVERNMENT SERVICES:												
*	Public agency or utility office				P3 C5	P3 C	P3 C	P3 C	P4	P	P	P	P 16
*	Public agency or utility yard				P 27	P 27	P27	P27			P		P
*	Public agency archives										P	P	P
921	Court									P4	P	P	
9221	Police Facility									P	P	P	P
9224	Fire Facility				C 6	C 6	C 6	C 6	P	P	P	P	P
*	Utility Facility	P 7 C	P 7 C	P 7	P 7 C28	P29 C28	P29 C28	P29 C28	P	P	P	P	P
*	Private Stormwater Management Facility	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8	P8
*	Vactor Waste Receiving Facility	P	P	P	P18	P18	P18	P18	P31	P31	P31	P31	P
	BUSINESS SERVICES:												
15-17	Construction and Trade										P 9	P	P
*	Individual Transportation and Taxi									P 25	P	P 10	P
421	Trucking and Courier Service									P 11	P 12	P 13	P
*	Warehousing, (1) and Wholesale Trade												P
*	Self-service Storage							C 14		P	P	P	P

4221 4222	Farm Product Warehousing, Refrigeration and Storage	P 15 C			C 15	C 15							P
*	Log Storage	P15	P		P26								P
47	Transportation Service												P
473	Freight and Cargo Service										P	P	P
472	Passenger Transportation Service									P	P	P	
48	Communication Offices										P	P	P
482	Telegraph and other Communications									P	P	P	P
*	General Business Service								P	P	P	P	P16
*	Professional Office								P	P	P	P	P 16
7312	Outdoor Advertising Service										P	P17	P
735	Miscellaneous Equipment Rental									P17	P	P17	P
751	Automotive Rental and Leasing									P	P		P
752	Automotive Parking				P19	P19	P19	P19	P 20	P 20	P 21	P 20	P
7941	Professional Sport Teams/Promoters										P	P	
873	Research, Development and Testing										P2	P2	P2
*	Heavy Equipment and Truck Repair												P
*	Commercial/Industrial Accessory Uses			P	P 22				P22	P22	P	P	P
*	Helistop					C 23	C 23	C 23	C 23	C 23	C 24	C 23	C 24

GENERAL CROSS REFERENCES: Land Use Table Instructions, see K.C.C. 21A.08.020 and 21A.02.070
Development Standards, see 21A.12 through 21A.30
General Provisions, see K.C.C. 21A.32 through 21A.38
Application and Review Procedures, see K.C.C. 21A.40 through 21A.44
(*) Definition of this specific Land Use, see K.C.C. 21A.06

Government/business service land uses.

B. Development conditions.

1. Except self-service storage.

2. Except SIC Industry No. 8732-Commercial Economic, Sociological, and Educational Research, see general business service/office.

3.a. Only as a re-use of a public school facility or a surplus nonresidential facility subject to the provisions of K.C.C. chapter 21A.32; or

b. ((~~O~~))only when accessory to a fire facility and the office is no greater than ((~~1500~~)) one thousand five hundred square feet of floor area.

4. Only as a re-use of a surplus nonresidential facility subject to K.C.C. chapter 21A.32.

5. New utility office locations only if there is no commercial/industrial zoning in the utility district, and not in the RA-10 or RA-20 zones unless it is demonstrated that no feasible alternative location is possible.

6.a. All buildings and structures shall maintain a minimum distance of ((~~20~~)) twenty feet from property lines adjoining residential zones;

b. ((~~A~~))any buildings from which fire-fighting equipment emerges onto a street shall maintain a distance of ((~~35~~)) thirty-five feet from such street;

c. ((~~N~~))no outdoor storage; and

d. ((~~E~~))excluded from the RA-10 and RA-20 zones unless it is demonstrated that no feasible alternative location is possible.

7. Limited to "storefront" police offices. Such offices shall not have:

a. ((~~H~~))holding cells,

b. ((~~S~~))suspect interview rooms (except in the NB zone), or

c. ((~~L~~))long-term storage of stolen properties.

8. ((~~Except in commercial/industrial zones or when participating in an approved shared facility drainage plan, such facilities shall be located on the same lot that they are designed to serve except in subdivisions that set aside a separate tract for such facilities. In commercial/industrial zones or shared facilities, such facilities which are not located on the lot they are designed to serve shall be located on a lot with the same or more intensive zoning designation.~~)) Private stormwater management facilities serving development proposals located on commercial/industrial zoned lands shall also be located on commercial/industrial lands, unless participating in an approved shared facility drainage plan. Such facilities serving development within an area designated "urban" in the King County Comprehensive Plan shall only be located in the urban area.

9. No outdoor storage of materials.

10. Limited to office uses.

11. Limited to self-service household moving truck or trailer rental accessory to a gasoline service station.

12. Limited to self-service household moving truck or trailer rental accessory to a gasoline service station and SIC Industry No. 4215-Courier Services, except by air.

13. Limited to SIC Industry No. 4215-Courier Services, except by air.

14. Accessory to an apartment development of at least ((~~12~~)) twelve units provided:

a. the gross floor area in self service storage shall not exceed the total gross floor area of the apartment dwellings on the site;

b. all outdoor lights shall be deflected, shaded and focused away from all adjoining property;

c. the use of the facility shall be limited to dead storage of household goods;

d. no servicing or repair of motor vehicles, boats, trailers, lawn mowers or similar equipment;

e. no outdoor storage or storage of flammable liquids, highly combustible or explosive materials or hazardous chemicals;

f. no residential occupancy of the storage units;

g. no business activity other than the rental of storage units; and

h. a resident director shall be required on the site and shall be responsible for maintaining the operation of the facility in conformance with the conditions of approval.

15. Limited to products produced on-site.

16. Only as an accessory use to another permitted use.

17. No outdoor storage.

18. Only as an accessory use to a public agency or utility yard, or to a transfer station.

19. Limited to commuter parking facilities for users of transit, carpools or ride-share programs, provided:

a. ((~~I~~))they are located on existing parking lots for churches, schools, or other permitted nonresidential uses which have excess capacity available during commuting hours; and

b. ((~~I~~))the site is adjacent to a designated arterial that has been improved to a standard acceptable to the department of public works.

20. No tow-in lots for damaged, abandoned or otherwise impounded vehicles.

21. No dismantling or salvage of damaged, abandoned or otherwise impounded vehicles.

22. Storage limited to accessory storage of commodities sold at retail on the premises or materials used in the fabrication of commodities sold on the premises.

23. Limited to emergency medical evacuation sites in conjunction with police, fire or health service facility.

24. Allowed as accessory to an allowed use.

25. Limited to private road ambulance services with no outside storage of vehicles.

26. Limited to ((~~2~~))two acres or less.

27. a. Utility yards only on sites with utility district offices; or

b. public agency yards are limited to material storage for road maintenance facilities.

28. Limited to bulk gas storage tanks which pipe to individual residences but excluding liquified natural gas storage tanks.

29. Excluding bulk gas storage tanks.

30. For I-zoned sites located outside the urban growth area designated by the King County Comprehensive Plan, uses shall be subject to the provisions for rural industrial uses as set forth in K.C.C. ((~~C~~))chapter21A.12.

31. Vactor waste treatment, storage and disposal shall be limited to liquid materials. Materials shall be disposed of directly into a sewer system, or shall be stored in tanks (or other covered structures), as well as enclosed buildings.

SECTION 16. Ordinance 10870, Section 342 and K.C.C. 21A.12.050 are each hereby amended as follows:

Measurement methods. The following provisions shall be used to determine compliance with this title:

A. Street setbacks shall be measured from the existing edge of a street right-of-way or temporary turnaround, except as provided by K.C.C. 21A.12.150;

B. Lot widths shall be measured by scaling a circle of the applicable diameter within the boundaries of the lot, provided that an access easement shall not be included within the circle;

C. Building height shall be measured from the average finished grade to the highest point of the roof. The average finished grade shall be determined by first delineating the smallest square or rectangle which can enclose the building and then averaging the elevations taken at the midpoint of each side of the square or rectangle, provided that the measured elevations do not include berms;

D. Lot area shall be the total horizontal land area contained within the boundaries of a lot; and

E. Impervious surface calculations shall not include areas of turf, landscaping, natural vegetation, or surface water ((~~retention/detention~~)) flow control or water quality treatment facilities.

SECTION 17. Ordinance 10870, Section 351 and K.C.C. 21A.12.140 are each hereby amended as follows:

Setbacks - From regional utility corridors. A. In subdivisions and short subdivisions, areas used as regional utility corridors shall be contained in separate tracts.

B. In other types of land development permits, easements shall be used to delineate such corridors.

C. All buildings and structures shall maintain a minimum distance of five feet from property or easement lines delineating the boundary of regional utility corridors, except for utility structures necessary to the operation of the utility corridor or when structures are allowed by mutual agreement in the utility corridor.

SECTION 18. Ordinance 10870, Section 354 and K.C.C. 21A.12.170 are each hereby amended as follows:

Setbacks - projections allowed. Projections may extend into required setbacks as follows:

A. Fireplace structures, bay or garden windows, enclosed stair landings, closets, or similar structures may project into any setback, provided such projections are:

1. Limited to two per facade;

2. Not wider than ((~~10~~))ten feet; and

3. Not more than ((~~24~~))twenty-four inches into an interior setback or ((~~30~~))thirty inches into a street setback;

B. Uncovered porches and decks which exceed ((~~18~~))eighteen inches above the finished grade may project:

1. Eighteen inches into interior setbacks, and

2. Five feet into the street setback;

C. Uncovered porches and decks not exceeding ((~~18~~))eighteen inches above the finished grade may project to the property line;

D. Eaves may not project more than:

1. Eighteen inches into an interior setback,

2. Twenty-four inches into a street setback, or

3. Eighteen inches across a lot line in a zero-lot-line development; ((~~and~~))

E. Fences with a height of six feet or less may project into any setback, provided that the sight distance requirements of K.C.C. 21A.12.210 are maintained((~~.~~)); and

F. Stormwater conveyance and control facilities, both above and below ground, provided such projections are:

1. Consistent with setback, easement and access requirements specified in the Surface Water Design Manual, or

2. In the absence of said specifications, not within five feet of the property line.

SECTION 19. Ordinance 10870, Section 454, as amended, and K.C.C. 21A.24.070 are each hereby amended to read as follows:

Exceptions. A. If the application of this chapter would prohibit a development proposal by a public agency and utility, the agency or utility may apply for an exception pursuant to this subsection:

1. The public agency or utility shall apply to the department and shall make available to the department other related project documents such as permit applications to other agencies, special studies and SEPA documents.

2. The department shall review the application based on the following criteria:

a. there is no other practical alternative to the proposed development with less impact on the sensitive area; and

b. the proposal minimizes the impact on sensitive areas.

3. The department shall process exceptions, provide public notice, and provide opportunity for the public to request a public hearing, and provide an appeal process consistent with the provisions of K.C.C. 20.20.

4. This exception shall not allow the use of the following sensitive areas for regional ((~~retention/detention~~)) stormwater management facilities except where there is a clear showing that the facility will protect public health and safety or repair damaged natural resources:

a. class 1 streams or buffers;

b. class 1 wetlands or buffers with plant associations of infrequent occurrence; or

c. class 1 or 2 wetlands or buffers which provide critical or outstanding habitat for herons, raptors or state or federal designated endangered or threatened species unless clearly demonstrated by the applicant that there will be no impact on such habitat.

B. If the application of this chapter would deny all reasonable use of the property, the applicant may apply for an exception pursuant to this subsection:

1.The applicant may apply for a reasonable use exception without first having applied for a variance if the requested exception includes relief from standards for which a variance cannot be granted pursuant to the provisions of K.C.C. chapter 21A.44. The applicant shall apply to the department, and the department shall make a final decision based on the following criteria:

a. the application of this chapter would deny all reasonable use of the property;

b. there is no other reasonable use with less impact on the sensitive area;

c. the proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and

d. any alterations permitted to the sensitive area shall be the minimum necessary to allow for reasonable use of the property; and any authorized alteration of a sensitive area under this subsection shall be subject to conditions established by the department including, but not limited to, mitigation under an approved mitigation plan.

(((~~**Editor's Note: The following paragraphs were adopted by Ordinance 10870 as amended by 11621; repeating a portion of K.C.C. 21A.24.070 as then stated.)** *The applicant may apply for a reasonable use exception without first having applied for a variance if the requested exception includes relief from standards for which a variance cannot be granted pursuant to the provisions of K.C.C. 21A.44;*~~

~~*2. The examiner shall review the application in consultation with the prosecuting attorney and shall conduct a public hearing pursuant to the provisions of K.C.C. 20.24.080. The examiner shall make a final decision based on the following criteria:*~~

~~a. the application of this chapter would deny all reasonable use of the property;~~

~~b. there is no other reasonable use with less impact on the sensitive area;~~

~~c. the proposed development does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site and is consistent with the general purposes of this chapter and the public interest; and~~

~~d. any alterations permitted to the sensitive area shall be the minimum necessary to allow for reasonable use of the property; and~~))

SECTION 20. Ordinance 11621, Section 70, as amended, and K.C.C. 21A.24.075 are each hereby amended to read as follows:

Modification or waiver of sensitive area requirements - urban lots. The purpose of this section is to provide an alternative to the variance, and exception processes for minor development. A further purpose of this section is to minimize impacts to sensitive areas by allowing minor modifications of the zoning code which allow single family residences on existing, legal urban lots without requiring a variance or exception. The director shall have the discretion to modify or waive some or all of the requirements of this title, including mitigation requirements, pertaining to class 3 wetlands, class 3 streams, and their associated buffers or building setback areas in accordance with the provisions of this section.

A. An applicant may request a modification or waiver of sensitive area requirements pursuant to this section provided the lot or lots are located in an ((~~U~~))urban ((~~A~~))area designated in the King County ((~~c~~))Comprehensive ((~~p~~))Plan; and

B. The applicant for the modification or waiver of sensitive area requirements shall submit any sensitive area special studies following a pre((-))application review

meeting as required under K.C.C. 21A.24.110 as well as such other documents((,))or studies, as requested by the director.

C. The director may grant a modification or waiver of sensitive area requirements provided:

1. The proposal is the minimum necessary to accommodate the building footprint and access. In no case, however, shall the building footprint exceed 5000 square feet, including access,

2. Access is located so as to have the least impact on the sensitive area and its buffer,

3. The proposal preserves the functions and values of wetlands and streams to the maximum extent possible,

4. Adverse impacts resulting from alterations of steep slopes are minimized,

5. The proposal includes on-site mitigation to the maximum extent possible,

6. The proposal will not significantly affect drainage capabilities, flood potential, and steep slopes and landslide hazards either on neighboring properties or on the proposal itself; and

7. The proposal first develops non((-))sensitive area land, then the sensitive area buffer before the sensitive area itself is developed.

The director may require on-site or off-site mitigation measures to compensate for the loss of the functions and values of the sensitive areas and may impose mitigating conditions to the modification or waiver in order to meet the standards of this subsection C.

D. Where a modification or waiver of sensitive area requirements under this section is proposed, the director shall give written mailed notice of the proposed modification or waiver to all owners of property located within three hundred feet of any boundary of the subject property and to the water and land resources division and shall allow fifteen calendar days for comment before making a decision. The decision of the director regarding the modification or waiver shall be mailed to the applicant and to any

other person who requests a copy. The decision shall state the reasons for denial or any required mitigation or other conditions imposed. The decision of the director regarding the modification or waiver may be appealed per K.C.C. 21A.24.030.

E. This section shall not apply to the following steep slope hazard areas:

1. ((~~S~~))steep slope hazard areas that are unmitigatable landslide hazard areas; and

2. ((~~S~~))steep slope hazard areas of slope greater than ((~~70%~~))seventy percent where either the lot or slope are abutting and above a Class 1 or 2 wetland stream, and associated buffer, or an open stormwater conveyance system.

SECTION 21. Ordinance 10870, Section 478, as amended, and K.C.C. 21A.24.310 are each hereby amended to read as follows:

Steep slope hazard areas: Development standards and permitted alterations. A development proposal on a site containing a steep slope hazard area shall meet the following requirements:

A. A minimum buffer of ((~~50~~))fifty feet shall be established from the top, toe and along all sides of any slope ((~~40%~~)) forty percent or steeper. The buffer shall be extended as required to mitigate a landslide or erosion hazard or as otherwise necessary to protect the public health, safety and welfare. The buffer may be reduced to a minimum of ten feet if, based on a special study, King County determines that the reduction will adequately protect the proposed development and the sensitive area. The buffer may only be reduced to twenty-five feet in the case of erosion hazard areas. For single family residential building permits only, King County may waive the special study requirement and authorize buffer reductions, pursuant to ((~~section~~)) K.C.C. 21A.24.075 ((~~of this ordinance~~)) or if King County determines that the reduction will adequately protect the proposed development and the sensitive area;

B. Unless otherwise provided herein or as part of an approved alteration, removal of any vegetation from a steep slope hazard area or buffer shall be prohibited, except for limited removal of vegetation necessary for surveying purposes and for the

removal of hazard trees determined to be unsafe according to tree selection rules promulgated pursuant to this chapter. Notice to King County shall be provided prior to any vegetation removal permitted by this subsection;

C. Vegetation on steep slopes within steep slope hazard areas or their buffers which has been damaged by human activity or infested by noxious weeds may be replaced with vegetation native to King County pursuant to a vegetation management plan approved by King County. The use of hazardous substances, pesticides and fertilizers in steep slope hazard areas and their buffers may be prohibited by King County;

D. Alterations to steep slope hazard areas and buffers may be allowed only as follows:

1. Approved surface water conveyances, as specified in the Surface Water Design Manual, may be allowed on steep slopes if they are installed in a manner to minimize disturbance to the slope and vegetation;

2. Public and private trails may be allowed on steep slopes as approved by the county. Under no circumstances shall trails be constructed of concrete, asphalt or other impervious surfaces which will contribute to surface water run-off, unless such construction is necessary for soil stabilization or soil erosion prevention or unless the trail system is specifically designed and intended to be accessible to handicapped persons. Additional requirements for trail construction may be set forth in administrative rules;

3. Utility corridors may be allowed on steep slopes if a special study shows that such alteration will not subject the area to the risk of landslide or erosion;

4. Limited trimming and pruning of vegetation may be allowed on steep slopes pursuant to an approved vegetation management plan for the creation and maintenance of views if the soils are not disturbed and the activity is subject to administrative rules;

5. Approved mining and quarrying activities may be allowed; and

6. Stabilization of sites where erosion or landsliding threaten public or private structures, utilities, roads, driveways or trails, or where erosion and landsliding threatens

any lake, stream, wetland or shoreline. Stabilization work shall be performed in a manner which causes the least possible disturbance to the slope and its vegetative cover; and

7. Reconstruction, remodeling((,)) or replacement of an existing structure upon another portion of an existing impervious surface which was established pursuant to King County laws and regulations may be allowed provided:

a. if within the buffer, the structure is located no closer to the steep slope than the existing structure,

b. the existing impervious surface within the buffer or steep slope is not expanded as a result of the reconstruction or replacement.

E. Point discharges from surface water facilities onto or upstream from steep slope hazard areas that are also erosion hazard areas shall be prohibited except as follows:

1. Conveyed via continuous storm pipe downslope to a point where there are no erosion hazard areas downstream from the discharge;

2. Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predevelopment state; or

3. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed buffer demonstrated to be adequate to infiltrate all surface and stormwater runoff.

((~~E.~~)) F. The following are exempt from the provisions of this section:

1. Slopes which are ((~~40%~~))forty percent or steeper with a vertical elevation change of up to 20 feet if no adverse impact will result from the exemption based on King County's review of and concurrence with a soils report prepared by a geologist or geotechnical engineer; and

2. The approved regrading of any slope which was created through previous legal grading activities. Any slope which remains ((~~40%~~)) forty percent or steeper following site development shall be subject to all requirements for steep slopes.

SECTION 22. Ordinance 10870, section 480, as amended, and K.C.C. 21A.24.330 are hereby amended as follows:

Wetlands: permitted alterations. Alterations to wetlands and buffers may be allowed pursuant to ((~~section~~)) K.C.C. 21A.24.075 or as follows:

A. Alterations may be permitted if King County determines, based upon its review of special studies completed by qualified professionals, that:

1. The wetland does not serve any of the valuable functions of wetlands identified in K.C.C. 21A.06.1415 including, but not limited to, biologic and hydrologic functions; or

2. The proposed development will:

a. protect, restore or enhance the wildlife habitat, natural drainage or other valuable functions of the wetland resulting in a net improvement to the functions of the wetland system;

b. develop a plan for its design, implementation, maintenance and monitoring prepared by a civil engineer and a qualified biologist;

c. perform the restoration or enhancement under the direction of a qualified biologist; and

d. will otherwise be consistent with the purposes of this chapter.

B. To establish the conditions in subsection A., detailed studies may be required as part of the special study on habitat value, hydrology, erosion and deposition and/or water quality. Such detailed studies shall include specific recommendations for mitigation which may be required as a condition of any development proposal approval. The recommendations may include, but are not limited to, construction techniques or design, drainage or density specifications;

C. If a wetland is in a flood hazard area, the applicant shall notify affected communities and native tribes of proposed alterations prior to any alteration and submit evidence of such notification to the Federal Insurance Administration;

D. There shall be no introduction of any plant or wildlife which is not indigenous to King County into any wetland or buffer unless authorized by a state or federal permit or approval;

E. Utilities may be allowed in wetland buffers if:

1. King County determines that no practical alternative location is available; and

2. The utility corridor meets any additional requirements set forth in administrative rules including, but not limited to, requirements for installation, replacement of vegetation and maintenance;

F. Sewer utility corridors may be allowed in wetland buffers only if:

1. The applicant demonstrates that sewer lines are necessary for gravity flow;

2. The corridor is not located in a wetland or buffer used by species listed as endangered or threatened by the state or federal government or containing critical or outstanding actual habitat for those species or heron rookeries or raptor nesting trees;

3. The corridor alignment including, but not limited to, any allowed maintenance roads follows a path beyond a distance equal to ((~~75%~~)) seventy-five percent of the buffer width from the wetland edge;

4. Corridor construction and maintenance protects the wetland and buffer and is aligned to avoid cutting trees greater than ((~~12~~)) twelve inches in diameter at breast height, when possible, and pesticides, herbicides and other hazardous substances are not used;

5. An additional, contiguous and undisturbed buffer, equal in width to the proposed corridor including any allowed maintenance roads, is provided to protect the wetland;

6. The corridor is revegetated with appropriate vegetation native to King County at pre((-))construction densities or greater immediately upon completion of construction or as soon thereafter as possible, and the sewer utility ensures that such vegetation survives;

7. Any additional corridor access for maintenance is provided, to the extent possible, at specific points rather than by a parallel road; and

8. The width of any necessary parallel road providing access for maintenance is as small as possible, but not greater than ((~~15~~)) fifteen feet, the road is maintained without the use of herbicides, pesticides or other hazardous substances and the location of the road is contiguous to the utility corridor on the side away from the wetland;

G. Joint use of an approved sewer utility corridor by other utilities may be allowed.

H. The following surface water management activities and facilities may be allowed in wetland or their buffers only as follows:

1. Surface water discharge to a wetland from a ((~~detention~~)) flow control or water quality treatment facility, ((~~pre-settlement~~)) sediment pond or other surface water management activity or facility may be allowed if the discharge does not increase the rate of flow, change the plant composition in a forested wetland or decrease the water quality of the wetland;

2. A class 1, 2 or 3 wetland or buffer may be used for a regional ((~~retention/detention~~)) flow control facility if:

a. a public agency and utility exception is granted pursuant to K.C.C. 21A.24.070;

b. all requirements of the Surface Water Design Manual are met;

c. the use will not alter the rating or the factors used in rating the wetland;

d. the proposal is in compliance with the latest adopted findings of the Puget Sound Wetlands Research Project; and

e. there are no significant adverse impacts to the wetland;

3. Isolated class 3 wetlands and buffers which are grazed wet meadows may be used as a ((~~retention/detention~~)) flow control facility if:

a. pre((-)) settlement ((~~pond~~)) or water quality treatment is required ((~~providing that~~)) prior to flow into the wetland, and

b. they are not part of, or immediately adjacent to, an LSRA, RSRA or a designated ((~~riparian~~)) wildlife habitat corridor and all requirements of the Surface Water Design Manual are met; and

4. Use of a wetland buffer for a surface water management activity or facility, other than a ((~~retention/detention~~)) flow control or water quality treatment facility, such as an energy dissipater and associated pipes, may be allowed only if the applicant demonstrates, to the satisfaction of King County, that:

a. no practicable alternative exists; and

b. the functions of the buffer or the wetland are not adversely affected;

I. Public and private trails may be allowed in wetland buffers only upon adoption of administrative rules consistent with the following:

1. The trail surface shall not be made of impervious materials, except that public multi-purpose trails such as the Burke-Gilman Trail may be made of impervious materials if they meet all other requirements including water quality; and

2. Buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas;

J. A dock, pier, moorage, float or launch facility may be allowed, subject to the provisions of K.C.C. Title 25, if:

1. The existing and zoned density around the wetland is three dwelling units per acre or more;

2. At least ((~~75%~~)) seventy-five percent of the lots around the wetland have been built upon and no significant buffer or wetland vegetation remains on these lots; and

3. Open water is a significant component of the wetland;

K. Alterations to isolated wetlands may be allowed only as follows:

1. On sites of less than ((~~20~~)) twenty acres in size, one isolated wetland may be altered by relocating its functions into a new wetland on the site pursuant to an approved mitigation plan;

2. On sites ((~~20~~)) twenty acres or greater in size, up to three isolated wetlands may be altered by combining their functions into one or more replacement wetlands on the site pursuant to an approved mitigation plan; and

3. Whenever an isolated wetland is altered pursuant to this subsection, the replacement wetland shall include enhancement for wildlife habitat;

L. One additional agricultural building or associated residence may be allowed within the wetland buffer on a grazed wet meadow if all hydrologic storage is replaced on the site;

M. Subject to a clearing and grading permit issued pursuant to K.C.C. chapter 16.82, the cutting of up to one cord of firewood may be permitted in buffers of five acres or larger in any year if the overall function of the buffer is not adversely affected. Removal of brush may also be permitted for the purpose of enhancing tree growth if the area of removal is limited to the diameter of the tree canopy at the time of planting; and

N. Wetland road crossings may be allowed if:

1. King County determines that no alternative access is practical;

2. All crossings minimize impact to the wetland and provide mitigation for unavoidable impacts through restoration, enhancement or replacement of disturbed areas;

3. Crossings do not change the overall wetland hydrology;

4. Crossings do not diminish the flood storage capacity of the wetland; and

5. All crossings are constructed during summer low water periods.

O. Reconstruction, remodeling, or replacement of an existing structure upon another portion of an existing impervious surface which was established pursuant to King County laws and regulations may be allowed provided:

1. If within the buffer, the structure is located no closer to the wetland than the existing structure,

2. The existing impervious surface within the buffer or wetland is not expanded as a result of the reconstruction or replacement.

P. Wetland enhancement or restoration not associated with any other development proposal may be allowed if accomplished according to a plan for its design, implementation, maintenance and monitoring prepared by a civil engineer and a qualified biologist and carried out under the direction of a qualified biologist. Restoration or enhancement must result in a net improvement to the functions of the wetland system; and

Q. A minor wetland restoration project for fish habitat enhancement may be allowed if:

1. The restoration is sponsored by a public agency with a mandate to do such work;

2. The restoration is not associated with mitigation of a specific development proposal;

3. The restoration is limited to revegetation of wetlands and their buffers and other specific fish and wildlife habitat improvements that result in a net improvement to the functions of the wetland system;

4. The restoration only involves the use of hand labor and light equipment, or the use of helicopters and cranes which deliver supplies to the project site provided that they have no contact with sensitive areas or their buffers; and

5. The restoration is performed under the direction of a qualified biologist.

SECTION 23. Ordinance 10870, section 481, as amended, and K.C.C. 21A.24.340 are hereby amended as follows:

Wetlands: Mitigation requirements. A. Restoration shall be required when a wetland or its buffer is altered in violation of law or without any specific permission or approval by King County. The following minimum requirements shall be met for the restoration of a wetland:

1. The original wetland configuration shall be replicated including its depth, width, length and gradient at the original location;

2. The original soil type and configuration shall be replicated;

3. The wetland edge and buffer configuration shall be restored to its original condition;

4. The wetland, edge and buffer shall be replanted with vegetation native to King County which replicates the original vegetation in species, sizes and densities; and

5. The original wetland functions shall be restored including, but not limited to, hydrologic and biologic functions.

B. The requirements in subsection A. may be modified if the applicant demonstrates that greater wetland functions can otherwise be obtained.

C. Replacement shall be required when a buffer is altered pursuant to an approved development proposal or a wetland is used for a regional ((~~retention/detention~~)) flow control facility or other approved use. The requirements for the restoration of wetlands shall be met by replacement wetlands.

D. Enhancement may be allowed when a wetland or buffer will be altered pursuant to a development proposal, but the wetland's biologic and/or hydrologic functions will be improved. Minimum requirements for enhancement shall be established in administrative rules.

E. All alterations of wetlands shall be replaced or enhanced on the site or within the same drainage basin using the following formulas: class 1 and 2 wetlands on a 2:1 basis and class 3 wetlands on a 1:1 basis with equivalent or greater biologic functions including, but not limited to, habitat functions and with equivalent hydrologic functions including, but not limited to, storage capacity.

F. Replacement or enhancement off the site may be allowed if the applicant demonstrates to the satisfaction of King County that the off-site location is in the same drainage sub-basin as the original wetland and that greater biologic and hydrologic functions will be achieved. The formulas in subsection E. shall apply to replacement and enhancement off the site.

G. Surface water management or flood control alterations including, but not limited to, wetponds shall not constitute replacement or enhancement unless other functions are simultaneously improved.

H. Mitigation sites should be located to alleviate wildlife habitat fragmentation.

SECTION 24. Ordinance 10870, section 484, as amended, and K.C.C. 21A.24.370 are hereby amended as follows:

Streams: Permitted alterations. Alterations to streams and buffers may be allowed pursuant to ((~~section~~)) K.C.C. 21A.24.075 or as follows:

A. Alterations may only be permitted if based upon a special study;

B. The applicant shall notify affected communities and native tribes of proposed alterations prior to any alteration if a stream is in a flood hazard area and shall submit evidence of such notification to the Federal Insurance Administration;

C. There shall be no introduction of any plant or wildlife which is not indigenous to King County into any stream or buffer unless authorized by a state or federal permit or approval;

D. Utilities may be allowed in stream buffers if:

1. No practical alternative location is available;

2. The utility corridor meets any additional requirements set forth in administrative rules including, but not limited to, requirements for installation, replacement of vegetation and maintenance;

3. The requirements for sewer utility corridors in K.C.C. 21A.24.330 shall also apply to streams; and

4. Joint use of an approved sewer utility corridor by other utilities may be allowed.

E. The following surface water management activities and facilities may be allowed in stream buffers as follows:

1. Surface water discharge to a stream from a ((~~detention~~)) flow control or water quality treatment facility, ((~~pre-settlement~~)) sediment pond or other surface water management activity or facility may be allowed if the discharge is in compliance with the Surface Water Design Manual;

2. A class 2 stream or buffer may be used for a regional ((~~retention/detention~~)) stormwater management facility if:

a. a public agency and utility exception is granted pursuant to K.C.C. 21A.24.070;

b. all requirements of the Surface Water Design Manual are met;

c. the use will not alter the rating or the factors used in rating the stream;

d. there are no significant adverse impacts to the stream; and

3. A class 3 stream or buffer may be used as a regional ((~~retention/detention~~)) stormwater management facility if the alteration will have no lasting adverse impact on any stream and all requirements of the Surface Water Design Manual are met;

F. Except as provided in subsection G, public and private trails may be allowed in stream buffers only upon adoption of administrative rules consistent with the following:

1. The trail surface shall not be made of impervious materials, except that public multi-purpose trails such as the Burke-Gilman Trail may be made of impervious materials if they meet all other requirements including water quality; and

2. Buffers shall be expanded, where possible, equal to the width of the trail corridor including disturbed areas;

G. Stream crossings may be allowed and may encroach on the otherwise required stream buffer if:

1. All crossings use bridges or other construction techniques which do not disturb the stream bed or bank, except that bottomless culverts or other appropriate methods demonstrated to provide fisheries protection may be used for class 2 or 3 streams

if the applicant demonstrates that such methods and their implementation will pose no harm to the stream or inhibit migration of fish;

2. All crossings are constructed during the summer low flow and are timed to avoid stream disturbance during periods when use is critical to salmonids;

3. Crossings do not occur over salmonid spawning areas unless King County determines that no other possible crossing site exists;

4. Bridge piers or abutments are not placed within the FEMA floodway or the ordinary high water mark;

5. Crossings do not diminish the flood-carrying capacity of the stream;

6. Underground utility crossings are laterally drilled and located at a depth of four feet below the maximum depth of scour for the base flood predicted by a civil engineer licensed by the ((~~S~~))state of Washington. Temporary bore pits to perform such crossings may be permitted within the stream buffer established in ((~~section~~)) K.C.C. 21A.24.360. Crossing of Class 3 streams when dry may be made with open cuts; and

7. Crossings are minimized and serve multiple purposes and properties whenever possible;

H. Stream relocations may be allowed only for:

1. Class 2 streams as part of a public road project for which a public agency and utility exception is granted pursuant to K.C.C. 21A.24.050; and

2. Class 3 streams for the purpose of enhancing resources in the stream if:

a. appropriate floodplain protection measures are used; and

b. the relocation occurs on the site, except that relocation off the site may be allowed if the applicant demonstrates that any on-site relocation is impracticable, the applicant provides all necessary easements and waivers from affected property owners and the off-site location is in the same drainage sub((-))basin as the original stream;

I. For any relocation allowed by this section, the applicant shall demonstrate, based on information provided by a civil engineer and a qualified biologist, that:

1. The equivalent base flood storage volume and function will be maintained;

2. There will be no adverse impact to local groundwater;

3. There will be no increase in velocity;

4. There will be no interbasin transfer of water;

5. There will be no increase in the sediment load;

6. Requirements set out in the mitigation plan are met;

7. The relocation conforms to other applicable laws; and

8. All work will be carried out under the direct supervision of a qualified biologist;

J. A stream channel may be stabilized if:

1. Movement of the stream channel threatens existing residential or commercial structures, public facilities or improvements, unique natural resources or the only existing access to property; and

2. The stabilization is done in compliance with the requirements of K.C.C. 21A.24.230 through 21A.24.270 and administrative rules promulgated pursuant to this chapter;

K. Stream enhancement not associated with any other development proposal may be allowed if accomplished according to a plan for its design, implementation, maintenance and monitoring prepared by a civil engineer and a qualified biologist and carried out under the direction of a qualified biologist;

L. A minor stream restoration project for fish habitat enhancement may be allowed if:

1. The restoration is sponsored by a public agency with a mandate to do such work;

2. The restoration is unassociated with mitigation of a specific development proposal;

3. The restoration is limited to placement of rock weirs, log controls, spawning gravel and other specific salmonid habitat improvements;

4. The restoration only involves the use of hand labor and light equipment; or the use of helicopters and cranes which deliver supplies to the project site provided that they have no contact with sensitive areas or their buffers; and

5. The restoration is performed under the direction of a qualified biologist;

M. Roadside and agricultural drainage ditches which carry streams with salmonids may be maintained through use of best management practices developed in consultation with relevant county, state and federal agencies. These practices shall be adopted as administrative rules; ((~~and~~))

N. Subject to a clearing and grading permit issued pursuant to K.C.C. chapter 16.82, the cutting of up to one cord of firewood may be permitted in buffers of five acres or larger in any year if the overall function of the buffer is not adversely affected. Removal of brush may also be permitted for the purpose of enhancing tree growth if the area of removal is limited to the diameter of the tree canopy at the time of planting.

O. Reconstruction, remodeling, or replacement of an existing structure upon another portion of an existing impervious surface which was established pursuant to King County laws and regulations may be allowed provided:

1. If within the buffer, the structure is located no closer to the stream than the existing structure,

2. The existing impervious surface within the buffer or stream is not expanded as a result of the reconstruction or replacement.

SECTION 25. Ordinance 3688, Section 403, as amended, and K.C.C. 25.16.030 are each hereby amended to read as follows:

General requirements. A. Nonwater related development and residential development shall not be permitted waterward of the ordinary high water mark.

B. Except in those cases when the height requirements of the underlying zones are more restrictive, no structure shall exceed a height of thirty-five feet above average grade level. This requirement may be modified if the view of a substantial number of residences will not be obstructed, if permitted by the applicable provisions of the underlying zoning, and if the proposed development is agricultural, water related or water dependent.

C. All development shall be required to comply with K.C.C. chapter 9.04 to control runoff and to provide adequate surface water ((~~retention~~)) and erosion and sediment((~~ation facilities~~)) control during the construction period.

D. Development shall maintain the first fifty feet of property abutting a natural environment as required open space.

E. Parking facilities except parking facilities associated with detached single-family and agricultural development shall conform to the following minimum conditions:

1. Parking areas serving a water related or a nonwater related use must be located beneath or upland of the development which the parking area serves.

2. Any outdoor parking area perimeter, excluding entrances and exits, must be maintained as a planting area with a minimum width of five feet.

3. One live tree with a minimum height of four feet shall be required for each thirty linear feet of planting area.

4. One live shrub of one-gallon container size or larger for each sixty linear inches of planting area shall be required.

5. Additional perimeter and interior landscaping of parking areas may be required, at the discretion of the director, when it is necessary to screen parking areas or when large parking areas are proposed.

F. ((~~Collection facilities to control and separate contaminants~~))Water quality treatment in compliance with K.C.C. chapter 9.04 shall be required where stormwater runoff ((~~from impervious surfaces~~)) would degrade or add to the pollution of recipient waters or adjacent properties.

G. The regulations of this chapter have been categorized in a number of sections; regardless of the categorization of the various regulations, all development must comply with all applicable regulations.

H. Development proposed in shorelines of the state shall maintain setbacks, provide easements or otherwise develop the site to permit a trail to be constructed or public access to continue where:

1. There is a proposed trail in the King County trail system; or

2. Part of the site is presently being used and has historically been used for public access.

I. Along shorelines of the state on Lake Sammamish, no building shall be placed on lands below thirty-two and one-half feet mean sea level.

J. The regulations of this chapter are in addition to other adopted ordinances and rules. Where conflicts exist, that which provides more protection to sensitive area shall apply; except that water dependent uses shall adhere to the applicable regulations and policies of the King County Shoreline Master Program.

SECTION 26. Ordinance 3688, Section 503, as amended, and K.C.C. 25.20.030 are each hereby amended to read as follows:

General requirements. A. Nonwater related and residential development shall not be permitted waterward of the ordinary high water mark.

B. Except in those cases when the height requirements of the underlying zone are more restrictive, no structure shall exceed a height of thirty-five feet above average grade level. This requirement may be modified if the view of a substantial number of residences will not be obstructed, if permitted by the applicable provisions of the underlying zoning((,)) and if the proposed development is agricultural or water dependent.

C. All development shall be required to comply with K.C.C. chapter 9.04 to control runoff and to provide adequate surface water ((~~retention~~)) and erosion and sediment((~~ation facilities~~)) control during the construction period.

D. Development shall maintain the first fifty feet of property abutting a natural environment as required open space.

E. Parking facilities except parking facilities associated with detached single-family and agricultural development shall retain existing vegetation or be planted in conformance with the landscape standards enumerated in the general requirements (((~~Section~~)) K.C.C. 25.16.030) of the urban environment.

F. ((~~Collection facilities to control and separate contaminants~~))Water quality treatment in compliance with K.C.C. chapter 9.04 shall be required where stormwater runoff ((~~from impervious surfaces~~)) would materially degrade or add to the pollution of recipient waters or adjacent properties.

G. The regulations of this chapter have been categorized in a number of sections; regardless of the categorization of the various regulations, all development must comply with all applicable regulations.

H. Development proposed in shorelines of the state shall maintain setbacks, provide easements or otherwise develop the site to permit a trail to be constructed or public access to continue where:

1. There is a proposed trail in the King County trail system; or

2. Part of the site is presently being used and has historically been used for public access.

I. Along shorelines of the state on Lake Sammamish, no building shall be placed on lands below thirty-two and one-half feet mean sea level.

J. The regulations of this chapter are in addition to other adopted ordinances and rules. Where conflicts exist, that which provides more protection to the sensitive area shall apply; except that water dependent uses shall adhere to the applicable regulations and policies of the King County Shoreline Master Program.

SECTION 27. Ordinance 3688, Section 506, as amended, and K.C.C. 25.20.060 are each hereby amended to read as follows:

Forest practices. Forest practices may be permitted in the rural environment provided:

A. Forest practices (see ((~~R.C.W.~~)) chapter 76.09 RCW) within shorelines require a shoreline conditional use permit when occurring outside of the lands classified F in the King County zoning code. Forest practices within shorelines on lands classified F in the King County zoning code shall require a shoreline conditional use permit when shorelines of statewide significance are involved or the forest practices would potentially impact:

1. ((~~g~~))Geological hazards which could damage public resources;

2. ((~~s~~))State threatened or endangered species;

3. ((~~c~~))Critical wildlife habitat;

4. ((~~s~~))Streams which could create instability of the drainage or affect temperature or sediment delivery to other streams resulting in damage to public resources;

5. ((~~i~~))Identified critical areas of watersheds supplying fish hatcheries, artificial rearing areas, domestic or municipal water systems;

6. ((~~a~~))Areas having archeological or cultural significance;

7. ((~~a~~))Areas with a high potential of soil erosion.

B. Buffers. On all forest practices requiring a shoreline conditional use permit, a minimum buffer of 100 feet from either the ordinary high water mark or the edge of the FEMA floodway, whichever is greater, shall be established. The buffer shall be extended as necessary pursuant to the sensitive areas code to protect critical fish habitat for spawning or rearing; to alleviate surface water runoff problems; to protect habitat for endangered, threatened, sensitive or monitor species listed by the federal government or the ((~~S~~))state of Washington; to control erosion hazards or for other reasons set out in K.C.C. chapter 21A.24. Along shorelines outside of lands classified F, there shall be no harvest of timber within the buffer except for necessary roads and crossings. Along shorelines within the lands classified F where a conditional use permit is required, timber harvest within the buffer is permitted so

long as the functions of the buffer are not damaged and the applicant submits a harvest plan for review and approval.

C. All culverts shall be ((~~adequate in size and design to carry the maximum anticipated flow,~~)) designed to comply with K.C.C. chapter 9.04 and shall be kept clear of obstructions. The minimum size for culverts shall be fifteen inches in diameter.

D. Culverts installed in streams used by fish shall meet all requirements set by the ((~~S~~))state Department((~~s~~)) of Fish((~~eries~~)) and Wildlife and K.C.C. chapter 9.04.

E. Roads and landings shall not be constructed within shoreline areas except when necessary to:

1. Cross streams;

2. Avoid road construction on unstable soils or on steep slopes when such construction would be more harmful than a shoreline location;

3. Perform water course improvement work only after approval of the ((~~S~~))state Department((~~s~~)) of Fish((~~eries~~)) and Wildlife.

F. Roads shall minimize cut and fill.

G. Where roadside material is potentially unstable or erodible, it shall be stabilized by use of seeding, compacting, riprapping, benching((~~,~~)) or other suitable means.

H. Cut slopes shall not exceed:

(X to Y) 1/4 to 1 in rock

3/4 to 1 in stable soils

1-1/2 to 1 in unstable soils

I. Side cast and embankment fill slopes shall not exceed:

(X to Y) 1-1/3 to 1 in broken rock and stable soils

1-1/2 to 1 in unstable soils

J. Running surface widths should be kept to a minimum, with not more than twenty-six feet for two-lane roads and not more than fourteen feet for single lane roads.

K. Embankment fills shall:

1. Be constructed and compacted in layers no more than two feet thick;

2. Consist of inorganic material with no buried slash or debris beneath the running surface;

3. Not encroach upon a one-hundred-year floodplain so as to reduce its storage capacity or disturb riparian vegetation.

L. Where side cast would encroach upon a one-hundred-year floodplain, end haul construction is required.

M. Waterway crossings shall be constructed with minimum disturbance to banks and existing channels.

N. Any soil or debris accidentally placed in the channel during bridge construction shall be removed by approved methods. All exposed soils shall be stabilized.

O. All bridges shall be high enough to pass all anticipated debris and high water flows.

P. Where aggregate earthen materials are used for paving or accumulate on bridges, sufficient curbs shall be installed to contain the surface material.

Q. Each stringer bridge shall have one secured end and one end free to swing.

R. When active use of a logging road is discontinued, it shall be left in such condition to provide adequate drainage and soil stability.

S. Equipment used for transportation, storage or application of chemicals shall be maintained in leakproof condition. If there is evidence of chemical leakage, the further use of such equipment must be suspended until the deficiency has been satisfactorily corrected.

T. Materials treated with penta, creosote((,)) or other chemicals shall be dried completely before use in any lake or stream.

SECTION 28. Ordinance 3688, Section 603, as amended, and K.C.C. 25.24.030 are each hereby amended to read as follows:

General requirements. A. Nonwater related, water related and residential development shall not be permitted waterward of the ordinary high water mark.

B. Except in those cases when the height requirements of the underlying zone are more restrictive, no structure except agricultural structures may exceed a height of thirty-five feet above average grade level.

C. All development shall be required to comply with K.C.C. chapter 9.04 to control runoff and to provide adequate surface water ((~~retention~~)) and erosion and sediment((~~ation facilities~~)) control during the construction period.

D. Development shall maintain the first fifty feet of property abutting a natural environment as required open space.

E. Parking facilities except parking facilities associated with detached single-family and agricultural development shall maintain a shoreline setback of one hundred feet from the ordinary high water mark and retain existing vegetation or be planted in conformance with the landscape standards enumerated in the general requirements (((~~Section~~)) K.C.C. 25.16.030) of the urban environment.

F. ((~~Collection facilities to control and separate contaminants~~))Water quality treatment in compliance with K.C.C. chapter 9.04 shall be required where stormwater runoff ((~~from impervious surfaces~~)) would materially degrade or add to the pollution of recipient waters or adjacent properties.

G. The regulations of this chapter have been categorized in a number of sections; regardless of the categorization of the various regulations, all development must comply with all applicable regulations.

H. Development proposed in shorelines of the state shall maintain setbacks, provide easements or otherwise develop the site to permit a trail to be constructed or public access to continue where:

1. There is a proposed trail in the King County trail system; or

2. Part of the site is presently being used and has historically been used for public access.

I. Along shorelines of the state on Lake Sammamish, no building shall be placed on lands below thirty-two and one-half feet mean sea level.

J. The regulations of this chapter are in addition to other adopted ordinances and rules. Where conflicts exist, that which provides more protection to a sensitive area shall apply; provided except that water dependent uses shall adhere to the applicable regulations and policies of the King County Shoreline Master Program and shall comply with other ordinances and rules to the greatest extent feasible.

SECTION 29. Ordinance 3688, Section 703, and K.C.C. 25.28.030 are each hereby amended to read as follows:

General requirements. A. Nonwater related, water related and residential development shall not be permitted waterward of the ordinary high water mark.

B. No structure shall exceed a height of thirty feet.

C. All development shall be required to comply with K.C.C. chapter 9.04 to control runoff and to provide adequate surface water ((~~retention~~)) and erosion and sediment((~~ation facilities~~)) control during the construction period.

D. ((~~Collection facilities to control and separate contaminants~~))Water quality treatment in compliance with K.C.C. chapter 9.04 shall be required where stormwater runoff ((~~from impervious surfaces~~)) would materially degrade or add to the pollution of recipient waters or adjacent properties.

E. Parking areas must maintain a shoreline setback of two hundred feet from the ordinary high water mark and retain existing vegetation or be planted to conform to the landscape standards enumerated in the general requirements (((~~Section~~)) K.C.C. 25.16.030) of the urban environment.

SECTION 30. The amendments to property-specific development conditions attached to this ordinance as Appendix H are adopted as official zoning control ~~control~~ for

those portions of unincorporated King County defined therein and amend, pursuant to K.C.C. 20.12.050, Appendix A of Ordinance 12824. Existing property-specific development conditions adopted pursuant to Appendix A of Ordinance 12824 are retained by this ordinance except as specifically amended by Appendix H of this ordinance.

SECTION 31. The metropolitan King County council finds that pursuant to Ordinance 12196, the requirements for environmental analysis, protection and mitigation measures in K.C.C. 21A. 12 and 21A.24, as amended by this ordinance, provide adequate analysis of and mitigation for the specific adverse environmental impacts to which the requirements apply.

SECTION 32. The effective date of Ordinance 13190 shall be the first day of the month occurring at least ten weeks (seventy days) after the date of approval.

SECTION 33. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, such decisions shall not affect the validity of the remaining portion of this ordinance.

INTRODUCED AND READ for the first time this 18th day of March, 1996.

PASSED by a vote of 12 to 0 this 1st day of June, 1998.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Louise Miller
Chair

ATTEST:

Clerk of the Council

APPROVED this 12 day of June, 1998.

King County Executive

Attachments: Appendix A: Amendments to Soos Creek Basin Plan
Appendix B: Amendments to Covington Master Drainage Plan
Appendix C: Amendments to Bear Creek Basin Plan
Appendix D: Amendments to Hylebos Creek and Lower Puget Sound Basin Plan
Appendix E: Amendments to East Lake Sammamish Basin Plan
Appendix F: Amendments to Issaquah Creek Basin Plan
Appendix G: Amendments to Cedar River Basin Plan
Appendix H: Amendments to Appendix A of Ordinance 12824: Property-Specific Development Conditions

Appendix A to Ordinance _____
AMENDMENTS TO SOOS CREEK BASIN PLAN

Soos Creek Basin Plan Amendment
Attachment 1

Adopted Revisions to Plan Recommendations

New methods have been adopted by King County as the runoff control requirements for development since the adoption of the Soos Creek Basin Plan. These methods are detailed in the Surface Water Design Manual. The table below identifies the new standards that provide the equivalent level of protection as the recommendations in the Basin Plan (except when noted in the amended standard). These new standards are to be used in place of the original recommendations. See the original Basin Plan language for details on the standard and the conditions for when it is applied; but apply the amended standard using the normal application methods detailed in the Design Manual including safety factors and thresholds unless specifically directed otherwise in this table.

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
BW-2: Onsite Detention Standards - General Basinwide Standard	Match pre-developed 2- and 10-year peak flows (SBUH 24-hr)[b]	Level 1 Flow Control (KCRTS)[c d] - Match pre-developed 2- and 10-year peak flow rates
BW-2a: Onsite Detention Standards - Reduced Detention Standard. (Also refered to as AS3, AS8, & AS14)	Match pre-developed 2-year peak flows (SBUH 24-hr) except where flooding problems are expected.	Level 1 Flow Control (KCRTS) unless project meets direct discharge requirements for the lakes designated as major receiving bodies into which the subcatchment drains.
BW-2b: Onsite Detention Standards - Little Soos Standard. (Also refered to as AS6)	Match pre-developed 2-, 10- and 100-year peak flows (SBUH 24-hr)	Level 1 Flow Control (KCRTS)
BW-2c: Onsite Detention Standards - Soosette Increased Detention Standard. (Also refered to as AS18)	Release all flows up to the 100-year peak flow at 70% of the pre-developed 2-year peak flow (SBUH 24-hr)	Level 2 Flow Control (KCRTS) - Match pre-developed flow durations between 50% of the 2-year through the 50-year flows

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
BW-2d: Onsite Detention Standards - Covington Center Standard. (Also refered to as AS5)	No subdivision or non-single-family construction permits until Master Drainage Plan (MDP) adopted. Covington MDP adopted in 1992.	Meet Covington MDP conditions in KCC 20.14.025.
CW-5: Infiltration - High Densities	Industrial, Commercial and Multifamily 1)cannot infiltrate runoff, 2) must line stormwater facilities, and 3) requires biofiltration or pretreatment prior to discharge	Meet the following conditions: - Groundwater protection requirements for infiltration and lining in Design Manual - Water Quality Controls: Core Requirement #8
CW-5: Infiltration - Low Densities	Residential must infiltrate where feasible and comply with Special Requirement #5	Meet the following conditions: - Infiltration required for roof drainage in appropriate soils - Groundwater protection requirements for all infiltration Note: previous standard applied to all residential development

[a] These standards are to be applied to development scenarios when required by and as implemented through the King County Surface Water Design Manual.
[b] Santa Barbara Urban Hydrograph hydrologic method.
[c] King County Runoff Time Series hydrologic method adopted in the King County Surface Water Design Manual.
[d] An HSPF continuous hydrologic model with regionalized parameters listed in the King County Surface Water Design Manual may be substituted for KCRTS.

Appendix B to Ordinance _____
AMENDMENTS TO COVINGTON MASTER DRAINAGE PLAN

Covington Master Drainage Plan Amendment
Attachment 1

Adopted Revisions to Plan Recommendations

Since the adoption of Covington Master Drainage Plan (MDP), the state has revised the water quality standards for toxic metals. The MDP was developed to address, among other issues, measured violations of the old copper standards. Plan recommendations for standards and retrofits designed to address total copper loadings to streams have different results on dissolved copper loadings (the new water quality standard). Monitoring studies were conducted to define dissolved copper concentrations in stormwater runoff, groundwater and streams within in the MDP area. Based on the monitoring results, the table below identifies the new recommendations for standards and projects that will provide the level of protection needed to meet the MDP's stated goals. These new recommendations are to be used in place of the original recommendations. See the Original MDP language for details on the standard.

In addition, new methods have been adopted by King County as the runoff control requirements for development since the adoption of the Covington MDP. These methods are detailed in the Surface Water Design Manual. The table below also identifies the new standards that provide the equivalent level of protection as the recommendations in the MDP. These new standards are to be used in place of the original recommendations. See the Original MDP language for details on the standard and the conditions for when it is applied; but apply the amended standard using the normal application methods detailed in the Design Manual including safety factors and thresholds unless specifically directed otherwise in this table.

Adopted Revisions to Apply in Place of Master Drainage Plan Recommendations		
MDP Recommendation	Previously Adopted Master Drainage Plan Standard	Amended Replacement Standard[a]
SW-1: System Configuration - subbasin drainage analysis	All development in area designated in Figure V-4 (Attachment C, Ordinance 10293) shall: - reduce copper loadings by constructing lower density development than allowed; - provide a groundwater study which proves flows from site do not migrate to Little Soos Creek; or - runoff from site is conveyed to a location where surface or groundwater flow is away from Little Soos Creek.	Repealed - no additional requirements in the designated area.

Adopted Revisions to Apply in Place of Master Drainage Plan Recommendations		
MDP Recommendation	Previously Adopted Master Drainage Plan Standard	Amended Replacement Standard[a]
SW-2: Surface Water Facilities - Infiltration: Pretreatment	Infiltration from development or redevelopment with greater than 5000 ft^2 of impervious surface requires lined wetpond and bioswale treatment prior to infiltration.	Infiltration from development or redevelopment with greater than 5000 ft^2 of impervious surface shall meet groundwater protection requirements for infiltration and lining in the Design Manual.
SW-2: Surface Water Facilities - Infiltration: Water Supply Wells	Development proposals must identify domestic water supply wells within 1 mile and assess human health risk from infiltration and implement appropriate mitigation measures.	Developments shall submit an offsite analysis (Core Requirement #2) that identifies the location of domestic water supply wells within a 1 mile radius of proposed infiltration facilities, and, if any wells are present, assess the human health risk and recommend appropriate measures to mitigate identified health risks.
SW-3: Surface Water Facilities - Surface Detention	All development in areas where infiltration to groundwater is not feasible (Attachment 2, Ordinance 10293) shall match predeveloped stream hydrographs by providing stormwater detention of four acre inches of detention storage volume per impervious acre developed (SBUH 24-hr)[b]	All development in areas where infiltration to groundwater is not feasible (Attachment 2, Ordinance 10293) shall apply the Level 2 Flow Control (KCRTS)[c d] - Match pre-developed flow durations between 50% of the 2-year through the 50-year flows
SC-2 Commercial /Industrial Best Management Practices	Structural elements of the DOE Storm Water Management Manual BMP guidelines for commercial and industrial businesses are required, where appropriate, for new or redevelopment.	- All commercial and industrial new and redevelopment shall meet Special Requirement #4: Source Controls; AND - Obtain and comply with permit from the National Pollution Discharge Elimination System (NPDES) Stormwater Permit program; OR - Implement specific required BMPs for activities covered in the Stormwater Pollution Control Manual

[a] These standards are to be applied to development scenarios when required by and as implemented through the Surface Water Design Manual.
[b] Santa Barbara Urban Hydrograph hydrologic method.
[c] King County Runoff Time Series hydrologic method adopted in the King County Surface Water Design Manual.
[d] An HSPF continuous hydrologic model with regionalized parameters listed in the King County Surface Water Design Manual may be substituted for KCRTS.

Bear Creek Basin Plan Amendment
Attachment 1

Adopted Revisions to Plan Recommendations

New methods have been adopted by King County as the runoff control requirements for development since the adoption of the Bear Creek Basin Plan. These methods are detailed in the Surface Water Design Manual. The table below identifies the new standards that provide the equivalent level of protection as the recommendations in the Basin Plan (except when noted in the amended standard). These new standards are to be used in place of the original recommendations. See the original Basin Plan language for details on the standard and the conditions for when it is applied; but apply the amended standard using the normal application methods detailed in the Design Manual including safety factors and thresholds unless specifically directed otherwise in this table.

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
BW-2: Onsite Detention Standards - General Basinwide Standard	Match pre-developed 2- and 10-year peak flows (SBUH 24-hr)[b]	Level 1 Flow Control (KCRTS)[c] [d] - Match pre-developed 2- and 10-year peak flow rates
BW-2: Onsite Detention Standards - Steep Slope Standard	Release the 2-year peak flow at 50% of the forested 2-year peak flow; the 10-year at the forested 2-year; and the 100-year at the forested 10 year (SBUH 24-hr) *NOTE: Ordinance adopting the basin plan deleted this standard*	Not applicable *NOTE: These areas may be subject to Landslide Hazard Drainage Area requirements (Design Manual Section 1.2.3.2)*
BW-2: Onsite Detention Standards - Stream Protection Standard	Release the 2-year peak flow at 50% of the pre-developed 2-year peak flow; the 10-year at the pre-developed 2-year; and the 100-year at the pre-developed 10 year (SBUH 24-hr) *NOTE: Ordinance adopting the basin plan revised standard as follows: Match pre-developed flow durations between 50% of the 2-year through the 50-year flows (continuous flow model or, when cannot, use SBUH 24-hr method stated above)*	Level 2 Flow Control (KCRTS) - Match pre-developed flow durations between 50% of the 2-year through the 50-year flows

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
BW-2: Onsite Detention Standards - Master Plan Development Standard	Match pre-developed flow durations between 50% of the 2-year through the 50-year flows (continuous flow model)	Level 2 Flow Control (KCRTS)
BW-3: Clearing Limits	All development is limited on allowable clearing to between 10% and 25% of the project area *NOTE: Ordinance 12015 implementing basin plan revised standard as follows:* *1) Applies only in rural zoned areas;* *2) Area cleared is limited to 35%.*	All development in the rural zone can only clear up to 35% of the project area.
BW-3: Clearing Limits - Waiver	Waive limits if release all flows up to the 10-year peak at 70% of the pre-developed 2-year peak flow (SBUH 24-hr). Note: in Upper Bear Creek, waiver only allows clearing up to 65% *NOTE: Ordinance adopting the basin plan revised standard as follows:* *1) Waiver applies only to urban zoned lands (except MPD area);* *2) Rural small lots can exceed limits for septic drainfields without detention required* *Ordinance 12015 implementing basin plan further revised standard to allow waiver only up to 60% everywhere clearing limit is applied*	In areas with clearing limits, projects applying the Level 2 Flow Control (KCRTS) can clear up to 60%. *Note: small lots may exceed this limit for infrastructure necessary to service lot (including septic drainfields) without detention required*
BW-5: Hillside Drainage Restrictions	Site reviews are to minimize drainage impacts on potentially erodable soils *NOTE: Ordinance adopting the basin plan revised standard as follows: Drainage plans are to minimize impacts on potentially erodable soils through use of tightlines or comparable techniques*	- Meet K.C.C. 21A.24.310.E if applicable; AND - Meet outfall and conveyance requirements (CR #1 & CR #4) and conduct downstream analysis (CR #2) for adequate channel capacity and protection (see Design Manual Section 4.4.1) which may require Level 2 Flow Control (KCRTS) or tightlining. *NOTE: These areas may be subject to Landslide Hazard Drainage Area requirements (Design Manual Section 1.2.3.2)*

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
CW-5: Infiltration - High Densities	Industrial, Commercial and Multifamily 1)cannot infiltrate runoff, 2) must line stormwater facilities, and 3) requires biofiltration or pretreatment prior to discharge *NOTE: Ordinance adopting the basin plan revised standard as follows: 1)requires commercial land best management practices, 2) must identify location of and risk to water supply wells in offsite analysis, and 3) cannot infiltrate pipeline discharges and outdoor toxics storage areas*	Meet the following conditions: - Source Controls: Special Requirement #4 - Implement specific required BMPs for activities covered in the Stormwater Pollution Control Manual - Offsite analysis to include location of and risk to wells - Groundwater protection requirements for infiltration and lining in Design Manual - Water Quality Controls: Core Requirement #8
CW-5: Infiltration - Low Densities	Residential must infiltrate where feasible and comply with Special Requirement #5	- Infiltration required for roof drainage in appropriate soils - Groundwater protection requirements for infiltration facilities Note: previous standard applied to all residential development

[a] These standards are to be applied to development scenarios when required by and as implemented through the King County Surface Water Design Manual.
[b] Santa Barbara Urban Hydrograph hydrologic method.
[c] King County Runoff Time Series hydrologic method adopted in the King County Surface Water Design Manual.
[d] An HSPF continuous hydrologic model with regionalized parameters listed in the King County Surface Water Design Manual may be substituted for KCRTS.

Hylebos Creek and Lower Puget Sound Basin Plan Amendment
Attachment 1

Adopted Revisions to Plan Recommendations

New methods have been adopted by King County as the runoff control requirements for development since the adoption of the Hylebos Creek and Lower Puget Sound Basin Plan. These methods are detailed in the Surface Water Design Manual. The table below identifies the new standards that provide the equivalent level of protection as the recommendations in the Basin Plan (except when noted in the amended standard). These new standards are to be used in place of the original recommendations. See the original Basin Plan language for details on the standard and the conditions for when it is applied; but apply the amended standard using the normal application methods detailed in the Design Manual including safety factors and thresholds unless specifically directed otherwise in this table.

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
BW-1: Basinwide Onsite Detention Standard	Match pre-developed 2- and 10-year peak flows (modified SBUH 7-day)[b]	Level 1 Flow Control (KCRTS)[c] [d] - Match pre-developed 2- and 10-year peak flow rates
BW-3: Stream Protection Onsite Detention Standard	Match pre-developed flow durations and peaks between 50% of the 2-year event through 50-year event, and match the 100-year peak flow by: 1) Use continuous model such as HSPF[e]; or 2) Release the 100-year peak flow at 70% of the pre-developed 2-year flow (SBUH 24-hr) *NOTE: Ordinance adopting the basin plan revised standard 2) as follows: Release the 2-year peak flow at 50% of the pre-developed 2-year flow; the 10-year at the pre-developed 2-year, and the 100-year at the pre-developed 10-year (SBUH 24-hr)*	Level 2 Flow Control (KCRTS) - Match pre-developed flow durations between 50% of the 2-year through the 50-year flows

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
BW-9: Seasonal Clearing and Grading Limits - Exemption	Exempt from October 1 to March 31 limits if: 1) infiltrate 100% of surface runoff; 2) approved erosion and sediment control plan, installed and maintained; and 3) disturbed soil areas left unworked for more than 12 hours covered. *NOTE: Ordinance adopting the basin plan revised standard as follows: Meet all Temporary Erosion and Sediment Control requirements best management practices (BMPs)*	Meet ESC requirements: Core Requirement (CR) #5 (including wet season requirements) and the following additional conditions: 1) no significant silt-laden runoff leaving the construction site, and 2) all BMPs are properly installed and maintained throughout the wet season
BW-10.2: Hillslope Development and Drainage Restrictions	Surface runoff flowing towards landslide hazard areas or slopes that are 40% or greater shall be conveyed down slope via continuous pipeline unless directed to stable receiving areas as determined by downstream analysis. *NOTE: Ordinance adopting the basin plan deleted this standard*	Not Applicable
BW-17.3: BMP Programs for Control of Nonpoint Source Pollutants - Commercial and Industrial Uses	Implement BMPs specific to the nature of activity involved.	Obtain and comply with permit from the National Pollution Discharge Elimination System (NPDES) Stormwater Permit program; OR Implement specific required BMPs for activities covered in the Stormwater Pollution Control Manual.
BW-17.5: BMP Programs for Control of Nonpoint Source Pollutants - Agricultural Uses	Implement BMPs specific to the nature of activity involved.	Implement and maintain a farm management plan approved by the King Conservation District; OR Implement specific required BMPs for activities covered in the Stormwater Pollution Control Manual.
BW-20: Stormwater Infiltration Limitations	Evaluate suitability of soils for infiltration. Runoff from new rural and low- to moderate-density land uses infiltrated to extent possible. Infiltration not allowed in high density areas of multifamily or commercial land uses. *NOTE: Ordinance adopting the basin plan revised standard as follows: Infiltration allowed in multifamily, commercial and industrial when commercial BMPs in place.*	Meet the following conditions: - Infiltration required in suitable soils per Design Manual. - Source Controls: Special Requirement #4 - Implement specific required BMPs for activities covered in the Stormwater Pollution Control Manual - Groundwater protection requirements for infiltration and lining in Design Manual - Water Quality Controls: CR #8

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
NS-1: Reduced Onsite Detention	Direct discharge into Puget Sound without detention allowed after appropriate water quality treatment	- Meet CR #8 requirements. - Direct discharge allowed when criteria for direct discharge exemption in CR #3 is met.

[a] These standards are to be applied to development scenarios when required by and as implemented through the King County Surface Water Design Manual.
[b] Santa Barbara Urban Hydrograph hydrologic method modified by King County to use a seven day rainfall distribution pattern to replace the Soil Conservation Service (SCS) Type 1a distribution (see Design Manual Reference Section).
[c] King County Runoff Time Series hydrologic method adopted in the King County Surface Water Design Manual.
[d] An HSPF continuous hydrologic model with regionalized parameters listed in the King County Surface Water Design Manual may be substituted for KCRTS.
[e] Hydrologic Simulation Program-Fortran continuous flow simulation model.

East Lake Sammamish Basin Plan Amendment
Attachment 1

Adopted Revisions to Plan Recommendations

New methods have been adopted by King County as the runoff control requirements for development since the adoption of the East Lake Sammamish Basin Plan. These methods are detailed in the Surface Water Design Manual. The table below identifies the new standards that provide the equivalent level of protection as the recommendations in the Basin Plan (except when noted in the amended standard). These new standards are to be used in place of the original recommendations. See the original Basin Plan language for details on the standard and the conditions for when it is applied; but apply the amended standard using the normal application methods detailed in the Design Manual including safety factors and thresholds unless specifically directed otherwise in this table.

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
BW-1: Basinwide Onsite Detention Standard	Match pre-developed 2- and 10-year peak flows (modified SBUH 7-day)[b]	Level 1 Flow Control (KCRTS)[c d] - Match pre-developed 2- and 10-year peak flow rates
BW-2: Stream Protection Onsite Detention Standard	Match pre-developed flow durations between 50% of the 2-year event through 50-year event, and match the 100-year peak flow by either using: 1) Use continuous model such as HSPF[e]; or 2) Release the 2-year peak flow at 50% of the pre-developed 2-year flow; the 10-year at the pre-developed 2-year, and the 100-year at the predeveloped 10-year (SBUH 24-hr)	Level 2 Flow Control (KCRTS) - Match pre-developed flow durations between 50% of the 2-year through the 50-year flows
BW-3.A.4: Ravine Protection Standard	Retain all runoff onsite to maximum extent feasible	Infiltration of runoff required in granular soils per Design Manual Section 5.4. Downspout infiltration required in granular soils and in allowable soil conditions when feasible to fit trench lengths onsite. If infiltration not feasible, downspout dispersion trenches required when minimum flow paths can be met onsite or into adjacent open space.
BW-3.A.5: Ravine Protection Standard - Pipeline Areas	Surface runoff that leaves the site shall be conveyed down western slope of basin via continuous pipeline.	Meet conveyance requirements for tightlines in Core Requirement #4 (CR #4).

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
BW-3.A.6: Ravine Protection Standard - Water Quality	Meet goals of Lake Sammamish Water Quality plan - water quality requirements met by infiltration or other methods of on-site retention, if feasible	Sensitive Lake Treatment Standard (CR #8).
BW-3.A.7: Ravine Protection Standard - Pipeline Discharges	Discharge must be non-erosive (direct to lake or stable from discharge to lake)	Meet outfall and conveyance requirements (CR #1 & CR #4) and conduct downstream analysis (CR #2) for adequate channel capacity and protection.
BW-3.A.9: Ravine Protection Standard - Alternative Standard	Meet BW-2 when not required to build or connect to a pipeline and cannot achieve 100% infiltration.	Meet Level 2 Flow Control (KCRTS) when not required to build or connect to a pipeline and cannot achieve 100% infiltration.
BW-3.B.3: Relationship to Other Drainage Codes - Variances	Variance not needed for pipeline discharges that are not at the natural location (CR #1).	Adjustment required to review proposal but applicant to request and receive fee waiver per Design Manual Section 1.4.3.
BW-5: Wetland Management Area Protection - Detention Standards (refer to T-2, PL-2, MH-5 & LJ-3)	Meet BW-2 Stream Protection Standard if in wetland subbasin	Meet Level 2 Flow Control (KCRTS) if in wetland subbasin.
BW-5: Wetland Management Area Protection - Infiltration (refer to I-2)	Infiltrate all runoff up to and including the 25-year event	Infiltration of runoff required in granular soils per Design Manual up to and including the post-developed 25-year peak flow rate (KCRTS). Downspout infiltration required in granular soils and in allowable soil conditions when feasible to fit trench lengths onsite. If infiltration not feasible, downspout dispersion trenches required if minimum flow paths can be met onsite or into adjacent open space.
BW-9: Water-Quality Design Standards	Use the most effective combination of soil infiltration, wet R/D ponds, constructed wetland treatment, biofilters, alum treatment of stormwater ponds, and dry ponds with biofilters until new requirements are developed for the basin.	Sensitive Lake Treatment Standard (CR #8).
BW-26: Seasonal Clearing and Grading Limits - Waiver	Waive October 1 to March 31 limits outside of Wetland Management Areas and the Pine and Beaver Lake watersheds if: 1) no significant silt-laden runoff leaves the construction site; and 2) approved erosion and sediment control plan, installed and maintained	Waive limits if Department of Development and Environmental Services (DDES) determines that implementation of ESC requirements (CR #5) will not result in significant silt-laden runoff leaving the construction site and are properly installed and maintained throughout the limit period.

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
PH-2; MH-2: Baseflow Maintenance	Evaluate suitability of soils for infiltration. Runoff from new impervious surfaces retained onsite to maximum extent feasible. Limit impervious surface to 35% coverage on all non-infiltrative soils. For subdivisions and short subdivisions with non-infiltrative soils; 25% of development shall remain undisturbed and set aside as NPGE.	- Infiltration of runoff required in granular soils per Design Manual Section 4.5. Downspout infiltration required in granular soils and in allowable soil conditions when feasible to fit trench lengths onsite. If infiltration not feasible, downspout dispersion trenches required if flow paths can be met onsite or into adjacent open space. - For non infiltrative areas of development, impervious surface limited to 35% coverage. - For subdivisions and short subdivisions with non-infiltrative soils; 25% of development shall remain undisturbed and set aside per K.C.C. 21A.24.130
PH-3; MH-3: Reduced Onsite Detention	Direct discharge into Lake Sammamish without detention allowed after appropriate water quality treatment	- Meet CR #8 requirements. - Direct discharge allowed when criteria for direct discharge exemption in CR #3 is met.
LJ-4: Protection of Laughing Jacobs Lake Floodplain	Floodplain analysis required if development within 10 vertical feet of ordinary high water mark.	Floodplain/Floodway Delineation (Special Requirement #2) required if development within 10 vertical feet of ordinary high water mark.
LJ-6: Ravine-Top Clearing and Drainage Standards	Meet appropriate detention standard and convey discharge via tightline to base of ravine. Discharge to stream with adequate energy dissipation.	- Meet conveyance requirements for tightlines, outfall and conveyance in CR #4.
CP-58; CP-59: Pine Lake Phosphorus Control	All known, available and reasonable methods of prevention, control, and treatment for phosphorus control. Current standards are: 1) infiltration to and including the 25-year event, 2) where soils unsuitable, swale or constructed wetland combined with sand filter, or 3) updated Design Manual requirement for phosphorus control	Sensitive Lake Treatment Standard (CR #8).
BLMP: Beaver Lake Phosphorus Control	All known and reasonable treatment for phosphorus control to achieve 80% reduction in total phosphorus (above background levels).	Beaver Lake Management Plan requirements per Special Requirement #1 and K.C.C. 9.08.120.B

[a] These standards are to be applied to development scenarios when required by and as implemented through the King County Surface Water Design Manual.
[b] Santa Barbara Urban Hydrograph hydrologic method modified by King County to use a seven day rainfall distribution pattern to replace the Soil Conservation Service (SCS) Type 1a distribution (see Design Manual Reference Section).
[c] King County Runoff Time Series hydrologic method adopted in the King County Surface Water Design Manual.
[d] An HSPF continuous hydrologic model with regionalized parameters listed in the King County Surface Water Design Manual may be substituted for KCRTS.
[e] Hydrologic Simulation Program-Fortran continuous flow simulation model.

Issaquah Creek Basin Plan Amendment
Attachment 1

Adopted Revisions to Plan Recommendations

New methods have been adopted by King County as the runoff control requirements for development since the adoption of the Issaquah Creek Basin Plan. These methods are detailed in the Surface Water Design Manual. . The table below identifies the new standards that provide the equivalent level of protection as the recommendations in the Basin Plan (except when noted in the amended standard). These new standards are to be used in place of the original recommendations. See the original Basin Plan language for details on the standard and the conditions for when it is applied; but apply the amended standard using the normal application methods detailed in the Design Manual including safety factors and thresholds unless specifically directed otherwise in this table.

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
BW-1: Flow Reduction On-Site Retention/ Detention Standard	1) Match pre-developed 2- and 10-year peak flows (modified SBUH 7-day)[b]; 2) Release the 2-year peak flow at 50% of the pre-developed 2-year flow; the 10-year at the pre-developed 2-year, and the 100-year at the predeveloped 10-year (SBUH 24-hr); or 3) Use continuous model such as HSPF[c]	Level 1 Flow Control (KCRTS)[d e] - Match pre-developed 2- and 10-year peak flow rates
BW-2: Erosion Protection On-Site Retention/Detention Standard (refer to UI-1, MI-1, MD-1, NF-3,	Match pre-developed flow durations between 50% of the 2-year event through 50-year event, and match the 100-year peak flow by either using: 1) Use continuous model such as HSPF; or 2) Release the 2-year peak flow at 50% of the pre-developed 2-year flow; the 10-year at the pre-developed 2-year, and the 100-year at the predeveloped 10-year (SBUH 24-hr)	Level 2 Flow Control (KCRTS) - Match pre-developed flow durations between 50% of the 2-year through the 50-year flows.

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
BW-19: Water Quality Treatment Design Standards	Meet the lake protection water quality treatment requirement for 50% phosphorous removal by either using: 1) Wetpond or combined detention/ wetpond with a permanent pool volume equal to 4.5 times the volume of runoff from the mean annual storm - VB/VR =4.5 (Rational Method)[f]; 2) Onsite forest retention 60% or greater and one of the following: biofiltration swale, filter strip, wetpond or combined detention/ wetpond with VB/VR=3.0; 3) Biofiltation swale, filter strip, or wetpond with VB/VR=3.0 followed by a sand filter (variance required); or 4) Soil infiltration of water quality design storm when soils meet set criteria. (variance required).	Sensitive Lake Treatment Standard - Core Requirement # 8 (CR #8)
UI-2: Standards and Performance Goals - MDP Requirements	All development requiring a Master Drainage Plan (MDP) shall meet specified requirements in the recommendation	Recommendation applies as stated per Special Requirement #1.
EF-2 & NF-2: Factors for Evaluation of Master Planned Developments - MDP Requirements	All development requiring a MDP shall meet specified requirements in the recommendation	Recommendation applies as stated per Special Requirement #1.
NF-3: Wetland 7 Management Area Protection - Detention Standards	Meet BW-2 Stream Protection Standard if in wetland subbasin	Meet Level 2 Flow Control (KCRTS) if in wetland subbasin.
NF-3: Wetland Management Area Protection - Infiltration	Maximize infiltration potential of all conveyance, detention, and discharge facilities through perforated conveyance pipes and discharge dispersal into undisturbed vegetation	Infiltration required in suitable soils per Design Manual. Downspout dispersal, infiltration or perforated stubout design required where feasible. Discharge in dispersal trenches where possible. Conveyance systems designed as perforated pipe systems where above seasonal water table.
T-2: Site Development Requirements - Pipeline Areas	All development requiring a MDP shall convey any discharges down the steep reaches of Cougar and Squak Mountains to the valley floor via continuous pipeline.	Meet conveyance requirements for tightlines in CR #4. Meet outfall and conveyance requirements (CR #1 & CR #4) and conduct downstream analysis (CR #2) from pipeline outfall for adequate channel capacity and protection.

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
T-2: Site Development Requirements - Erosion and Sediment Control	A stringent erosion and sediment control plan should be initiated to minimize construction-related erosion	Meet all wet season requirements prior to commencing construction (CR#5). Note: seasonal clearing limits may be applicable on some portions of the site.
T-2: Site Development Requirements - MDP Approval	Any MDP approval shall be contingent on completion of downstream flood control and drainage project deemed essential by SWM and the City of Issaquah	Recommendation applies as stated per Special Requirement #1.

[a] These standards are to be applied to development scenarios when required by and as implemented through the King County Surface Water Design Manual.
[b] Santa Barbara Urban Hydrograph hydrologic method modified by King County to use a seven day rainfall distribution pattern to replace the Soil Conservation Service (SCS) Type 1a distribution (see Design Manual Reference Section).
[c] Hydrologic Simulation Program-Fortran continuous flow simulation model.
[d] King County Runoff Time Series hydrologic method adopted in the King County Surface Water Design Manual.
[e] An HSPF continuous hydrologic model with regionalized parameters listed in the King County Surface Water Design Manual may be substituted for KCRTS.
[f] Rational hydrologic method as applied in the King County Surface Water Design Manual.

Cedar River Basin Plan Amendment
Attachment 1

Adopted Revisions to Plan Recommendations

New methods have been adopted by King County as the runoff control requirements for development since the adoption of the Cedar River Basin Plan. These methods are detailed in the Surface Water Design Manual. The table below identifies the new standards that provide the equivalent level of protection as the recommendations in the Basin Plan (except when noted in the amended standard). These new standards are to be used in place of the original recommendations. See the original Basin Plan language for details on the standard and the conditions for when it is applied; but apply the amended standard using the normal application methods detailed in the Design Manual including safety factors and thresholds unless specifically directed otherwise in this table.

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
BW-3.3: Wetland Management Area Protection - Detention Standards (refer to M6, P2-P5 & P7)	Meet Level 2 or Level 3 R/D if in wetland subbasin (see BW-19)	Meet Level 2 or Level 3 Flow Control (KCRTS) if in wetland subbasin (see BW-19)
BW-3.4: Wetland Management Area Protection - Roof Downspout Infiltration	Infiltrate roof downspouts where practical	Downspout infiltration required in granular soils and in allowable soil conditions per Design Manual Section 5.4 when feasible to fit trench lengths onsite.
BW-12.1: Water-Quality Treatment Standards - Basic Treatment Areas	Apply water quality treatment BMPs having a goal of 80 % removal of total suspended solids (TSS)	Basic Water Quality Standard - Core Requirement #8 (CR #8) - 80% average annual removal of total suspended solids (TSS)
BW-12.2a: Water-Quality Treatment Standards - Spagnum Bog Wetland Treatment Areas	Apply spagnum bog protection BMPs having a goal of protecting bogs by controlling nutrients, alkalinity and pH	Spagnum Bog Protection Standard (CR #8) - total phosphorus reduction 50%, total nitrate+nitrite reduction 40%, pH below 6.5 and alkalinity below 10 mg/L.
BW-12.2b: Water-Quality Treatment Standards - Sensitive Lake Treatment Areas	Apply lake protection BMPs having a goal of 50% annual average total phosphorous removal	Sensitive Lake Protection Standard (CR #8) - 50% average annual removal of total phosphorous
BW-12.2a: Water-Quality Treatment Standards - RSRA Stream Reaches	Apply stream protection BMPs having a goal of 50% reduction of total zinc	Resource Stream Protection Standard (CR #8) - 50% reduction of total zinc

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
BW-17: Aquifer Protection and Base Flow Maintenance (Sections 2 & 3)	Protect aquifer recharge and stream base flows by infiltration runoff whenever feasible; protect aquifer water quality by reducing introduction of pollutants into drainage waters.	Meet the following conditions: - Infiltration required in suitable soils per Design Manual (see BW-21) - Source Controls: Special Requirement #4 : Implement specific required BMPs for activities covered in the Stormwater Pollution Control Manual - Groundwater protection requirements for infiltration and lining in Design Manual - Water Quality Controls: CR #8
BW-19a: Retention/ Detention Standards - Level 0	In identified areas Level 1 R/D can be waived if a regional facility has capacity or direct discharge is possible *Note: Ordinance adopting the basin plan revised the standard as follows: waiver allowed only when it will not result in aggravation or creation of a significant drainage or water quality problem*	In identified areas, projects may qualify for the Discretionary Exemption for Infill Projects or the Direct Discharge Exemption in CR #3: Flow Control
BW-19b: Retention/ Detention Standards - Level 1: 2/10 Peak Flow Frequency	Match pre-developed 2- and 10-year peak flows by using either: 1) KCRTS; or 2) modified SBUH 7-day method[b]	Level 1 Flow Control (KCRTS)[c d] - Match pre-developed 2- and 10-year peak flow rates
BW-19c: Retention/ Detention Standards - Level 2: Peak Flow Duration Control	Match pre-developed flow durations between 50% of the 2-year event through 50-year event by either using: 1) KCRTS; or 2) Release the 2-year peak flow at 50% of the pre-developed 2-year flow; the 10-year at the pre-developed 2-year, and the 100-year at the pre-developed 10-year (SBUH 24-hr)	Level 2 Flow Control (KCRTS) - Match pre-developed flow durations between 50% of the 2-year through the 50-year flows
BW-19c: Retention/ Detention Standards - Level 3: Lake and Wetland Peak Stage Frequency and Duration	Match pre-developed flow durations between 50% of the 2-year event through 50-year event, and match the 100-year peak flow by either using: 1) KCRTS; or 2) Release the 2-year peak flow at 50% of the pre-developed 2-year flow; the 10-year at the pre-developed 2-year, and the 100-year at the pre-developed 10-year (SBUH 24-hr; safety factor 40%)	Level 3 Flow Control (KCRTS) - Match pre-developed flow durations between 50% of the 2-year through the 50-year flows and release the post-developed 100-year flow at the pre-developed 100-year rate
BW-19d: Retention/ Detention Standards - Level 4: Special Requirements	Runoff will be designed to achieve specific goals such as pre-disturbance streamflow characteristics	Projects in these catchments shall be subject to Large Site Drainage Review (Design Manual Section 1.1.2.4)

Adopted Revisions to Apply in Place of Basin Plan Recommendations		
Basin Plan Recommendation	Previously Adopted Basin Plan Standard	Amended Standard[a]
BW-20.1: Ravine Protection Standard - On-Site Retention	Retain all runoff onsite to maximum extent feasible	Infiltration of runoff required in granular soils per Design Manual Section 5.4. Downspout infiltration required in granular soils and in allowable soil conditions when feasible to fit trench lengths onsite. If infiltration not feasible, downspout dispersion trenches required when minimum flow paths can be met onsite or into adjacent open space.
BW-20.2: Ravine Protection Standard - Pipeline Areas	1) Surface runoff that leaves the site shall be conveyed downslope to the valley floor via continuous pipeline, if feasible. 2) Discharge that is not direct to the Cedar River shall meet Level 1 Peak Flow Control 3) Discharge must be non-erosive (direct to lake or stable from discharge to lake)	- Meet conveyance requirements for tightlines in CR #4, if feasible. - If pipeline does not discharge directly to Cedar River, apply Level 1 Flow Control (KCRTS), meet outfall and conveyance requirements (CR #1 & CR #4) and conduct downstream analysis (CR #2) for adequate channel capacity and protection (see Design Manual Section 4.4.1). *NOTE: These areas may be subject to Landslide Hazard Drainage Area requirements (Design Manual Section 1.2.3.2)*
BW-20.3: Ravine Protection Standard - Enhanced R/D	Meet Level 2 Peak Flow Duration Control when not required to build or connect to a pipeline and cannot achieve 100% infiltration.	- Meet Level 2 Flow Control (KCRTS) when not required to build or connect to a pipeline and cannot achieve 100% infiltration - Meet K.C.C. 21A.24.310.E if applicable
BW-20: Relationship to Other Drainage Codes - Variances	Variance not needed for pipeline discharges that are not at the natural location (CR #1).	Adjustment required to review proposal but applicant to request and receive fee waiver per Design Manual Section 1.4.3.
BW-21: Infiltration as a Stormwater Mitigation Treatment	Project designs shall maximize the use of on-site stormwater retention and infiltration	- Infiltration required in suitable soils per Design Manual Section 5.4. Downspout infiltration required in granular soils and in allowable soil conditions when feasible to fit trench lengths onsite. Downspout dispersion or infiltrated stubouts where infiltration not possible. Discharge in dispersal trenches when possible. Conveyance systems designed as perforated pipe systems where above seasonal water table.

[a] These standards are to be applied to development scenarios when required by and as implemented through the King County Surface Water Design Manual.
[b] Santa Barbara Urban Hydrograph hydrologic method modified by King County to use a seven day rainfall distribution pattern to replace the Soil Conservation Service (SCS) Type 1a distribution (see Design Manual Reference Section).
[c] King County Runoff Time Series hydrologic method adopted in the King County Surface Water Design Manual.
[d] A Hydrologic Simulation Program-Fortran (HSPF) continuous hydrologic model with regionalized parameters listed in the King County Surface Water Design Manual may be substituted for KCRTS.

AMENDMENT TO APPENDIX A OF ORDINANCE 12824; Property-Specific Development Conditions.

On Pages NC-1 through NC-13, amend NC-P1: Suffix Conditions for Properties within the Master Plan Development Overlay District as follows:

1. For land within the designated potential village development sites:

Development of this property shall be limited to that allowed under the provisions of the Growth Reserve 2.5 Acre (GR-2.5) zone (KCC 21.21) PROVIDED that, village development as part of an overall master plan may be approved subject to the review, process, and criteria outlined below.

2. For land within the master plan development overlay district but outside the designated potential village development sites:

Development of this property shall be limited to that allowed under the provision of the Growth Reserve 2.5 Acre (GR-2.5) zone (KCC 21.21) PROVIDED that, village development as part of an overall master plan may be approved subject to the review, process, and criteria outlined in below.

If King County approves an overall master plan for village development in the Cougar Mountain subarea and this property is not included within the boundaries of such a master plan, then the owners of this property may apply for a reclassification.

Approval of any such reclassification application shall be based on its consistency with applicable County plans and policies, its compatibility with the land uses of the approved master plan, and the availability of public facilities to the site.

Cougar Mountain MPD Approval Process and Criteria for Master Plan Development within the Cougar Mountain Subarea (Source: Newcastle Community Plan, p. 141-153)

SECTION 1. Eligibility for Village Development.

An application for approval of a master plan for village development within the Cougar Mountain subarea of the Newcastle planning area may be accepted by the Department of Development and Environmental Services, hereafter called the Department, (DDES) and

processed pursuant to the provisions of this chapter if the parcel of land meets the land ownership requirements of Section 3 below and if it is in an area which has been designated as appropriate for a master plan development in the adopted Newcastle Community Plan and meets the locational criteria contained in that Plan.

SECTION 2. Size and Area Requirements.

A. A tract of land for which a master plan development is approved must meet the size and area criteria contained in the adopted Newcastle Community Plan.

B. The size requirements referred to in this section may be met by the assembly of smaller contiguous parcels as provided in Section 3 below.

C. A tract for which a master plan development is approved must contain all the land within the outermost boundaries of the development.

SECTION 3. Land Ownership Requirements.

A. All property owners within the proposed master plan development must execute an agreement approved by the Department and binding on their successors in interest, in which each owner agrees that once application is made for approval of a master plan development, the owner shall make no other application to King County for any land use approval or permit for property within the proposed master plan development until either the proposed master plan development is either approved or disapproved by the Council, except as authorized in Section ((~~16~~))15 below or until the application is withdrawn.

B. The agreement specified in Section 3(A) shall designate an appropriate agent who shall have the authority to represent the owners and their successors in interest in the process of obtaining approval of the master plan development from King County and developing the property pursuant to any approval.

C. A single legal entity shall be created prior to approval of a master plan development which shall have responsibility for compliance with all conditions of master plan development approval.

D. In the event of disputes regarding a proposed master plan development application between owners of property within a proposed master plan development, King County shall have no responsibility to resolve such disputes and shall have the discretion to refuse to process or approve a disputed application until such owners agree among themselves upon a course of action with respect to such an application.

SECTION 4. Application for Master Plan Development.

The application for approval of a master plan development shall include the following:

A. Proof of compliance with Sections 1 , 2, and 3 above.

B. A plan and supporting data pursuant to Section 5 (C) below.

C. An environmental checklist.

D. A list of all permits and approvals required for the project, to the extent they can be identified.

E. A fee to cover the cost of processing the master plan development proposal as established pursuant to Section ((~~17~~))16 below.

SECTION 5. Review Process.

An application for a master plan development on Cougar Mountain shall be processed pursuant to procedures for reclassification of property pursuant to K.C.C. Chapter 20.24 and other applicable ordinances; provided, that the application shall be exempt from the provisions of K.C.C. 20.24.190. During this process proposal(s) will be reviewed to ensure they meet the criteria of the adopted Newcastle Community Plan. Affected citizens, jurisdictions and public agencies shall play an important part in this review. The process is outlined below.

A. Prior to submittal of a formal application the applicant shall have the option of requesting an informal conference with representatives from the Department, other County departments, and affected cities. The Department shall be responsible for organizing such a conference. The purpose of this conference shall be to identify:

1. Permits or approvals which may be required.
2. Applicable regulations and standards.
3. Alternatives regarding size, layout, phasing and other aspects of the proposal.
4. Additional information which may be required.
5. Available information sources for environmental data.
6. Potential problems.

No binding commitments, either formal or informal, may be required of or given by any public agency or county department at such a conference.

B. Village design shall be based upon site analysis and suitability studies. Cougar Mountain contains many areas not suitable for development. The number and size of villages as specified in the policies and guidelines in the adopted Newcastle Community Plan are maximum limits, not guaranteed commitments. The actual number, location and size of the villages as well as the internal design should be based on the constraints and opportunities of the land. Some land is characterized by multiple, severe constraints to development. Other lands are valuable in their undeveloped state for cultural, biological, hydrological, or aesthetic reasons. Development of some otherwise unconstrained lands may cause unacceptable off site hazards, damage or public costs. Only detailed site capability analyses will determine if the specified development limits can be achieved

without creating unacceptable levels of environmental damage, public costs, or hazard to human life.

C. The applicant shall prepare and submit to the Department a plan and supporting data containing the following information and documents:

1. A narrative statement describing in detail the area in which a master plan development is proposed, including the total acreage and properties within five hundred (500) feet, the existing character and use of the site, the location of any sites or structures of historic significance as defined in K.C.C. 20.62, and current land use designations,

2. A detailed description of the proposed master plan development, including proposed uses, zoning classifications, residential densities, open space and recreational facilities, drainage facilities, utilities and other public service improvements, and any significant physical alterations to the land required by the development, including a description of methods that will be used to satisfy the criteria identified in sections 7 through ((~~14~~))13 below,

3. An explanation of how the proposal would meet relevant criteria established by the Comprehensive Plan, the policies and design guidelines contained in the adopted Newcastle Community Plan, and other adopted King County plans and policies,

4. A list of anticipated capital improvement projects necessitated in whole or in part by the proposal, including off site improvements, their approximate cost, and an explanation of the proposed method of financing such projects and other information pursuant to section ((~~15 of this ordinance~~))14,

5. Maps showing the existing and proposed topography (five foot contours), sensitive areas, as defined in K.C.C. 21.04, existing and proposed zoning classifications, location of streets and utilities, open spaces, natural drainage systems, recreational facilities, and other improvements. A vicinity map showing existing access, zoning, recreational facilities, and open space shall also be provided,

6. A detailed description of existing conditions and potential impacts from project development to both the on site and downstream drainage system. Analysis shall be extended to the major receiving water body. The drainage analysis shall be supported by site and downstream field data. This information shall be of sufficient detail for the Department to determine the scope of required drainage studies which may include a full basin plan.

7. A detailed description of the proposed phasing of the development including the phasing of housing and public facilities and services, such as recreational facilities, and open spaces and drainage facilities, and an estimated development timetable.

8. A detailed explanation of the proposed methods of managing and maintaining required recreational facilities, open spaces, drainage facilities, and other public facilities or services,

9. Additional information as is necessary to evaluate the proposed master plan development for compliance with applicable state laws and County policies, including but not limited to the standards contained in the adopted Newcastle Community Plan and Area Zoning.

D. King County is receptive to the development of an interlocal agreement between Bellevue, Issaquah, and King County. The Department will work with the affected cities to determine whether or not an interlocal agreement is appropriate. Such an agreement would establish the responsibilities of each jurisdiction and the process for reviewing master plan development proposals, including determining specific land uses and identifying conditions of development. It would also spell out utility service responsibilities and identify municipal annexation boundaries.

E. The King County Executive shall determine the scope of required drainage studies. The studies shall take the form of site capability studies, drainage basin plans, or specific drainage studies covering one or more of the drainage basins where development is proposed. The on site and appropriate off site studies shall be prepared by the applicant and submitted prior to master plan development approval. The County Executive shall also determine the timing, management, and funding of basin or drainage plan implementation. The relationship between the drainage basin plans and other studies and any required project environmental impact statement shall also be addressed.

F. The King County Executive shall determine whether or not an environmental impact statement (EIS) is required. If an EIS is necessary it will be paid for by the applicant, and the County shall select a consultant to prepare the project EIS from a list submitted by the applicant. If the County determines that there are no qualified consultants on the list, then additional names shall be submitted.

The EIS shall evaluate at least two alternative development plans. This evaluation shall include an appraisal of the ability of the alternatives to meet the policies and guidelines contained in the adopted Newcastle Community Plan. Any required site capability, drainage studies, or basin plans shall be used as part of the technical background information in the EIS.

G. Pursuant to K.C.C. 20.24.150, the Department shall prepare a report to the Zoning and Subdivision Examiner on the master plan development application. This report shall be based on any environmental review including an environmental impact statement and any drainage basin plans or other studies; input from affected cities, public agencies, and County departments; the adopted Newcastle Community Plan and other County plans and policies; and the development criteria contained in Sections 7 through ((~~14~~))13, below.

H. The Zoning and Subdivision Hearing Examiner and County Council shall process an application for a master plan development pursuant to the procedures for reclassification of property contained in K.C.C. Chapter 20.24, other applicable ordinances, and the adopted Newcastle Community Plan; provided, that the application shall be exempt from the provisions of K.C.C. 20.24.190. This process shall include public hearings, recommendations, and final action.

I. Master plan approval would be at least a two stage process. The first stage would be a general review of the overall master plan development of up to two villages on Cougar

Mountain. Depending upon proposed phasing and timing of development at each village site, one or more additional stages of review would be required to assign specific land use and zoning designations and conditions for the development of each village site and/or each phase of development. The review process for each stage of approval would be the same as the zone reclassification process.

SECTION 6. Approved Master Plan Development

A. An approved master plan development shall consist of the following:

1. A detailed land use map of the subject property depicting the uses authorized for the entire subject property,

2. At the applicant's option, one of the following two detailed zoning maps of the subject property depicting:

a. Approved zoning classifications implementing the approved land uses on all or a portion of the subject property,

b. Potential zoning classifications for all or a portion of the subject property to implement the approved land uses, as provided in K.C.C. 21.46.060; provided, the base zoning for any portions of the subject property designated with a potential zone is that approved by the adopted Newcastle Area Zoning guidelines,

3. Any conditions of approval.

B. Final conditions of approval, including on site and off site improvements to be undertaken by the applicant, the approved plan, and data described in subsections 2, 4, 5, 7 and 8 of Section 5(C) and Section 8(A) of this ordinance, shall be embodied in a concomitant agreement approved by the Department of Planning and Community Development and the King County Prosecuting Attorney, and thereafter executed by all property owners within the master plan development and by King County in recordable form and filed for recording with the King County Division of Records and Elections. Such an agreement shall bind the property owners and their successors in interest to develop their properties only in accordance with the final conditions of approval.

C. The master plan development approval shall not become effective nor shall any development commence until the concomitant agreement has been recorded with the Division of Records and Elections. The agreement shall be recorded as a covenant to the properties identified in Section 6(B).

SECTION 7. Development Criteria.

In addition to compliance with K.C.C. 20.24.180, the approval, denial or imposition of conditions upon a master plan development shall be based upon the specific requirements, goals and policies identified in sections 8 through ((~~18~~))17 below and other applicable state and county statutes, regulations, plans and policies.

SECTION 8. Housing Criteria.

A. Housing for all income levels.

1. "Low income" is an income level below eighty percent (80%) of the median income for King County. Ten percent (10%) of the total residential units shall be used as a target in providing housing in each master plan development affordable to persons of low income,
2. "Moderate income" is an income level between eighty percent (80%) and one hundred percent (100%) of the median income for King County. Ten percent (10%) of the total residential units shall be used as a target in providing housing in each master plan development affordable to persons of moderate income,
3. "Median income" is an income level between one hundred percent (100%) and one hundred twenty percent (120%) of the median income for King County. Ten percent (10%) of the total residential units shall be used as a target in providing housing in each master plan development affordable to persons of median income,
4. Median income for King County and affordable monthly housing payments based upon a percent of this income shall be determined annually by the Department of Planning and Community Development,
5. Housing required by this section shall contain a reasonable mix of units designed for senior citizens and families.

B. A preliminary schedule for the phasing of the construction of the housing called for above shall be included with each master plan development application in order to assure that an adequate mix of housing is provided in all phases of development and that the required housing is dispersed throughout the development. A specific schedule shall be submitted with each phase pursuant to Section ((~~14~~))13 (B.6).

C. No low income housing will be required in any phase unless publicly funded programs for such housing are available, provided that the developer may be required to set aside sufficient land for that purpose. Land may be required to be set aside for a period of up to five years at a value calculated as follows: the area of the set aside land multiplied tines the average per square foot assessed value of the property in the phase for the year in which the phase is granted approval. Computations shall be based on King County Assessor information. If during that period, programs become available, the developer shall cooperate with the public agency for the development of such housing. If programs do not become available the land shall be released for other development consistent with the master plan development and the low income housing requirement will be reevaluated at the next phase.

D. The master plan development will be reviewed to establish a minimum percentage for each housing income level. Criteria for establishing these minimums shall include County wide as well as community plan area population characteristics, market, and economic factors including but not limited to:

1. Cost of construction and financing,
2. Cost of existing housing,
3. Housing types and sizes available,

4. Percentage population within each income level,
5. Employment opportunities,
6. Availability of publicly funded housing programs for low income persons,
7. Amount of existing assisted housing in the surrounding area,
8. Overall need County wide for low, moderate, and median income housing for senior citizens and families.

SECTION 9. Open Space and Recreational Criteria.

A. Forty percent (40%) of the gross area of the overall master plan shall be used as a target in providing community open space. "Community open space" means land in the master plan development which is to be owned by the public or by an approved community or homeowners' organization at the option of the King County Department of Planning and Community Development, and preserved in perpetuity for the use of the public and/or residents of the master plan development.

B. Open space requirements for residential developments contained in King County Code titles 19, 20 and 21 shall be waived within the master plan development; except that the open space requirements of K.C.C. Chapter 21.56 and K.C.C. 21.08.080 shall remain in effect for PUD's and for plats when using the lot averaging provisions. The open space required for UPD in K.C.C. Chapter 21.56 and for plats in K.C.C. when using the lot averaging provisions shall not be included in the calculation of community open space.

C. The following areas shall be preserved as open space:

1. Unique, fragile, and valuable elements of the environment plus any necessary protective buffer areas, such as prime wildlife habitats or natural drainage features,
2. Areas unsuitable for building due to natural hazards,
3. Agricultural and fisheries resources,
4. Physical and/or visual buffers within and between areas: of urban development; except that private open space areas associated with residential dwellings shall not be included in the calculation of the minimum community open space area,
5. Natural areas with significant educational, scientific, historic, or scenic values,
6. Outdoor recreation areas. Park and recreational facilities shall be provided by the developer in accordance with current County standards (Ordinance 3813 and Motion 3527 and any applicable future amendments).
7. Perimeter buffering of the master plan development.
8. Existing and proposed trail corridors.
9. 80% of the land dedicated for school purposes.

D. The master plan development will be reviewed to establish a minimum percentage of open space and recreational area.

1. Criteria for establishing this minimum shall include the physical characteristics of the site, the amount of recreational facilities and permanent open space in the surrounding

area, the existing and planned uses of adjacent land , and the types of uses proposed for open space areas.

2. High priority shall be given to preserving, maintaining and managing the existing natural drainage system by retaining significant drainage features including creeks, streams, lands and wetlands within the open space area with minimal encroachment by other open space uses.

3. Compatible multiple uses on such open space may be specifically authorized at the time of approval of the master plan development.

4. Preservation of open space for environmental and buffering needs in excess of the community open space target shall not relieve the master plan development from providing useable open space for active use.

E. Open space shall be either dedicated to an appropriate governmental agency or held in perpetuity by an approved private organization with responsibility for maintenance and operation at the option of the Department.

F. Any open space property which is planned for dedication, but is not dedicated promptly upon approval of the phase of the master plan development in which the property is located, shall be maintained by the applicant until dedicated, in accordance with an approved interim maintenance program. The applicant shall submit a proposed interim maintenance program for all such properties as part of the master plan development application.

SECTION 10. Commercial/Industrial Criteria.

A. The master plan development shall provide neighborhood business areas for the everyday shopping and service needs of the community, consistent with applicable King County policies.

B. Mixed use buildings are encouraged in business areas.

SECTION 11. Utilities, Energy and Public Services Criteria.

A. The master plan development shall be responsible for all improvements and additions to public and private water and sewer facilities required as a result of the development, including off site facilities and improvements.

B. The master plan development shall provide for adequate fire protection to the extent such need is created either wholly or partially as a result of the development. In the event adequate facilities are not available the developer shall have the option of dedicating sites, paying fees or using other means capable of providing for fire protection. Provision for adequate fire protection may include dedication of fire station sites, construction of fire stations, and purchase of new equipment.

C. The master plan development shall include energy efficient building types and efficient energy consuming systems. The master plan development shall make use of renewable energy resources and the provision of a choice of alternative fuel sources wherever possible and economically feasible.

D. The master plan development shall provide for adequate schools to the extent such need is created either totally or partially as a result of the development. In the event adequate facilities are not available the developer shall have the option of dedicating sites, paying fees or using other means capable of providing for school services. School site locations and access shall be determined in conjunction with the appropriate district. Such sites shall be provided with utility connections and shall be dedicated to the appropriate school district.

E. Methods for financing public and private improvements referred to in this section shall be identified and approved by King County pursuant to Section ((~~15~~))14.

SECTION 12. Transportation Criteria.

A. The master plan development shall provide:

1. External access streets, internal arterials and streets meeting current King County road planning and improvement standards or as otherwise provided pursuant to K.C.C. Chapter 19.20.
2. Facilities or design considerations which encourage the use of alternative modes of transportation, including but not limited to, transit, carpool, bicycle, pedestrian and equestrian trail facilities.
3. All on site and off site road improvements necessary to mitigate the impacts of traffic on existing public roads caused as a result of the development.

B. A transportation plan should be prepared by the applicant for the master plan development and shall be reviewed and approved by the Department of Public Works prior to issuance of any development or building permit for the first phase of an approved master plan develop magnet. A transportation plan for each phase of development shall be reviewed and approved before development of that phase begins, to assure compatibility with the master transportation plan and adequacy of facilities, and compliance with current King County standards. Care will be given to ensure the plans are compatible with standards of the adjacent jurisdictions.

C. Methods for financing of on site and off site transportation improvements required pursuant to this section shall be identified and approved by King County pursuant to Section ((~~15 of this ordinance~~))14.

((~~SECTION 13. Drainage Criteria.~~

~~A. The master plan development shall provide an on and off site drainage facilities system which meets the following criteria:~~

~~1. The existing natural drainage system shall be preserved, maintained, and managed to the maximum feasible extent. Significant creeks, streams, lakes, wetlands, and supporting vegetative buffers necessary to preserve the valuable functions of the natural drainage system, shall be retained to the maximum feasible extent. Development, including roads and utilities, within the natural drainage system shall be kept at an absolute minimum. Any development proposed around these features shall require studies pursuant to K.C.C. 21.54 and Natural Features policies in the adopted Newcastle Community Plan. These studies shall determine if development may be permitted and to determine appropriate setbacks and other mitigating measures to protect the features if development is allowed.~~
~~2. The system shall be designed to be compatible with applicable King County drainage basin plans and systems including drainage basin plans required during the review of the master plan development and any pre existing basin plans. Care shall be given to ensure the systems are compatible with those of adjacent jurisdictions.~~
~~3. The system shall be designed and constructed so as to mitigate on site and off site impacts from increased runoff, erosion, siltation , flooding and/or other impacts identified in drainage studies or basin plans.~~

~~B. A comprehensive drainage study and plan addressing site and downstream conditions for the master plan development shall be pre pared by the applicant. The study and plan shall be reviewed and approved by the Department of Public Works prior to issuance of any development or building permit for the first phase of an approved master plan development. A drainage plan for each phase of development shall be reviewed and approved before development of that phase begins, to assure compatibility with the master drainage plan, adequacy of facilities, and compliance with current King County standards. Care will be given to ensure the plans are compatible with standards of the adjacent jurisdictions.~~

~~C. Determination of whether the drainage system and drainage facilities shall be owned, managed, maintained, and funded by the public, a private organization, or shared public private responsibilities shall occur as part of master plan approval.~~

~~1. A manual shall be prepared by the applicant prescribing preservation, maintenance and management procedures, practices and responsibilities for the existing natural drainage system and any on site drainage facilities located within the master plan development.~~

~~D. Methods for financing of construction and maintenance of on site and off site drainage improvements required pursuant to this section shall be identified and approved by King County pursuant to Section 15 of this ordinance.~~))

SECTION ((~~14~~))13. Phased Development.

A. The term "phase" means a portion of a master plan development site which is the subject of application for approval of one or more subdivisions, planned unit developments, or site plans pursuant to K.C.C. sections 21.46.150 :200; provided, that approval of a site plan in the master plan development shall be based on compliance with the guidelines, performance standards, permitted uses, or other requirements imposed for that phase at the time of master plan approval.

B. A master plan development may be developed in phases, provided:

1. An estimated time period for completion of all phases shall be provided as part of the master plan application,
2. The development must be provided with adequate facilities and services at all phases of development,
3. Initiation of new phases may be prohibited until conditions imposed on previous phases have been met,
4. A detailed financial plan is submitted for each phase pursuant to Section ((~~15~~))14 below,
5. A general sequence of phases shall be required which will assure a mix of uses and densities,
6. Prior to submission of development plans for each phase, the applicant shall consult with the King County Housing and Community Development Division to determine the specific number of low/moderate/median income housing units to be developed in the proposed phase.

C. Additional conditions of approval may be imposed on each phase to obtain compliance with current County requirements provided changes to the requirements in Sections 8 to ((~~14~~))13 shall be reviewed pursuant to Section ((~~18~~))17.

SECTION ((~~15~~))14. Financial Plan for Capital Facilities.

A. A preliminary financial plan shall be submitted as part of the master plan development application which addresses:

1. On site and off site capital facilities required as a result of the proposed master planned development as identified in Sections 11((~~,~~)) and 12((~~, and 13~~)).
2. Capital facilities required by the master plan development that cannot be built incrementally as part of each phase and those capital facilities required in conjunction with the development of each phase.
3. Potential financing methods.
4. Areas within and outside of the designated master plan development area that will benefit from the required facilities.
5. The master plan development's fair share of the costs for on and off site improvements.

B. A detailed financial plan shall be submitted as part of each proposed phase review. The detailed financial plan shall identify the proposed methods for financing the required

capital facilities for the phase and a schedule for its implementation. Alternative methods shall be identified for those methods which are dependent on actions beyond the applicant's control.

C. Approval of the master plan development is for land use purposes only and as such does not constitute prior County approvals or decisions or make provisions for capital facility programming for required off site or on site facilities.

SECTION ((~~16~~))15. Combination With Other Applications.

A. An application for a master plan development or an amendment thereto may be combined with applications for King County approval or related land development permits and approvals for the site which implement the master plan development, including but not limited to, subdivisions, planned unit developments, Local Service Area amendments, shoreline permits, flood control permits, and building permits.

B. The following types of applications may be processed concurrently with an application for a master plan development: amendments to utility district comprehensive plans, franchises and sewerage general plan amendments. Amendments to such plans may encompass more property than that of the proposed master plan development if consistent with the adopted Newcastle Community Plan and other applicable adopted County plans and policies.

SECTION ((~~17~~))16. Fee.

A fee shall be paid by the applicant to finance the master plan review process in amounts to be determined by Department at the time of application. Such fee's shall equal the estimated cost of processing the master plan development application for all affected Executive County agencies. After receipt of an application for a master plan development, the Department shall consult with all affected Executive county agencies and shall establish a budget setting forth the estimated cost of reviewing the application. The applicant shall pay the budgeted amount, and at the applicant's option, payment may be made in regular installments during the review process. All County departments involved in the review process shall keep accurate records of their actual time and costs expended in reviewing the application. After the application has been approved or disapproved by the Council, the budgeted amount shall be adjusted to equal the actual cost of processing. The applicant shall thereupon pay any remaining deficit to King County, or the County shall thereupon refund any remaining surplus to the applicant.

SECTION ((~~18~~))17. Master Plan Development Amendments.

An approved master plan development, including any of the required elements thereof, the concomitant agreement, or any conditions of approval, may be amended or modified by the Council of King County at the request of King County, the applicant, or the applicant's successor in interest, if the Council finds, after notice and hearing undertaken in

accordance with procedures for reclassification of property pursuant to K.C.C. Chapter 20.24 and other applicable ordinances, that conditions in the area have changed, that development as originally approved would be infeasible, or that the proposed amendment or modification would better promote the health, safety, or welfare of King County residents.

SECTION ((~~19~~))18. Development Criteria not a Precedent.

The Development Criteria of Sections 8 through ((~~18~~))17 are imposed on village development proposals within the Cougar Mountain Subarea. Nothing herein shall be construed as authorizing or encouraging the application of the requirements, goals, and policies of Sections 8 through ((~~18~~))17 to any other land use approval or permitting process in King County. The requirements, goals, and policies of Section 8 through ((~~18~~))17 shall not apply to zoning reclassifications, subdivision or short subdivision approvals, planned unit developments, large lot segregations , or other land use approvals or permits not part of the master plan developments within the villages master plan development overlay district.

Effect: This amends the Newcastle Community Plan Development Condition to repeal a section replaced by equivalent drainage controls in the revised Design Manual.