



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**April 24, 2001**

**Ordinance 14091**

**Proposed No.** 1999-0561.3

**Sponsors** Derdowski, Phillips and McKenna

1 AN ORDINANCE adopting the May Creek Basin Action  
2 Plan as a functional plan consistent with the King County  
3 Comprehensive Plan; adopting surface water management  
4 and environmental policies in the plan area; and  
5 authorizing the executive to enter into an interlocal  
6 agreement between King County, the city of Newcastle  
7 and the city of Renton to conduct implementation  
8 activities for the May Creek Basin Plan; amending  
9 Ordinance 9614 and K.C.C. 16.82.150 and adding a new  
10 section to K.C.C chapter 20.14.

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**PREAMBLE:**

The King County council has determined that:

1. The May Creek Basin Action Plan was jointly funded by the city of Renton and King County and was prepared in coordination with the city of Newcastle, a citizens advisory committee and state, federal and tribal

18 agencies with management responsibilities in the basin.

19 2. The May Creek Basin Action Plan provides the policies and  
20 management plan for capital improvements, programs and regulatory  
21 measures that are necessary to:

22 a. reduce the threat of flooding in living areas of homes in May Valley;

23 b. protect and enhance fish and wildlife habitat and water quality in the  
24 basin;

25 c. stabilize stream banks, reduce erosion and facilitate stormwater  
26 conveyance in the basin; and

27 d. prevent existing surface water problems in the basin from worsening  
28 in the future.

29 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

30 NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 20.14 a  
31 new section to read as follows:

32 **May Creek Basin Action Plan.** The May Creek Basin Action Plan, as amended,  
33 in Attachment A of this ordinance, is adopted to implement the surface water  
34 management and environmental policies of the King County Comprehensive Plan. The  
35 May Creek Basin Action Plan constitutes official county policy with regard to surface  
36 water management in the May Creek basin and designates locally significant resource  
37 areas in the basin.

38 SECTION 2. Ordinance 9614, Section 103, as amended, and K.C.C. 16.82.150  
39 are each hereby amended to read as follows:

40 **Clearing standards.**

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

- 43 1. The Sensitive Areas Code, K.C.C. chapter 21A.24, and its adopted  
44 administrative rules;
- 45 2. Property-specific development standards pursuant to K.C.C. chapter 21A.38;
- 46 3. Critical drainage area designations identified by adopted administrative rule;
- 47 and
- 48 4. Wildlife habitat corridors pursuant to K.C.C. chapter 21A.14.

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

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

59 2. Passive recreation uses and related facilities, including pedestrian and bicycle  
60 trails, nature viewing areas, fishing and camping areas, and other similar uses that do not  
61 require permanent structures, ~~((provided that))~~ if either cleared areas ~~((and/))~~ or areas of  
62 compacted soils, or both, associated with these uses and facilities do not exceed eight  
63 percent of the area of the tract or easement. Within wildlife habitat corridors, trail widths

64 shall be the minimum allowed under adopted trail standards and no other recreation uses  
65 shall be permitted in the one hundred fifty-foot minimum width of the corridor;

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

74 4. Removal of either dangerous ~~((and))~~ trees or damaged trees, or both.

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

78 1. Clearing shall be limited to a maximum of thirty-five percent of the lot or plat  
79 area or the amount legally cleared prior to the effective date of any clearing regulations in  
80 effect at the time of the clearing, whichever is greater, except under conditions specified  
81 ~~((below))~~ in a. through e. of this subsection C.1:

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

86 b. In the Soos Creek basin, clearing shall be limited to a maximum of 80

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

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

96 d. On individual lots smaller than twenty thousand square feet, up to seven  
97 thousand square feet may be cleared; and

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

100 2. For subdivisions and short subdivisions, portions of the plat that are required  
101 to remain uncleared shall be retained in one or more open space tracts, with all  
102 developable lots sited on the portions of the plat approved to be cleared. Sensitive areas  
103 designated under K.C.C. Title 21A shall be recorded separately from tracts mandated by  
104 this regulation, but may be counted towards meeting these requirements. Tracts  
105 mandated by this regulation may be retained by the subdivider, conveyed to residents of  
106 the subdivision, or conveyed to a third party. Open space tracts shall be shown on all  
107 property maps and shall be protected by covenants, approved by the county, that restrict  
108 their uses to those listed in ((K.C.C. 16.82.150)) subsection B of this section. All open  
109 space tracts established pursuant to this regulation shall be clearly marked with at least

110 one sign per buildable lot adjoining the tract indicating that the tract is permanent,  
111 dedicated open space.

112 3. For individual lots, the clearing limits shall be applied at the time of building  
113 permit application unless the lot is within a subdivision that has been approved with other  
114 conditions to meet the standard established in ~~((paragraph))~~ subsection C.2 of this  
115 section. In cases where conditions are applied to the subdivision, individual lots shall be  
116 exempt from the clearing restrictions in ~~((paragraph))~~ subsection C.1 of this section. The  
117 uses and restrictions on the uncleared portions of individual lots shall be those specified  
118 in ~~((K.C.C. 16.82.150))~~ subsection B of this section. Sensitive areas designated under  
119 K.C.C. Title 21A may be counted towards meeting requirements on individual lots.

120 4. The subdivision or permitting of building on parcels that are cleared in  
121 violation of the regulations in effect at the time of the clearing shall be subject to  
122 conditions requiring the restoration of trees and understory vegetation on at least sixty-  
123 five percent of the plat or lot, or, where applicable, on the percentage of the site that was  
124 to remain uncleared under ~~((paragraph))~~ subsection C.1 of this section. A restoration  
125 plan shall be required of permit applicants, and shall be subject to the approval of the  
126 department of development and environmental services. That department shall prepare  
127 administrative rules regarding the review and approval of restoration plans in  
128 consultation with the department of natural resources before approving subdivision or  
129 building permits for parcels cleared in violation of applicable clearing regulations. The  
130 administrative rules shall also specify when a restoration plan will be deemed sufficient  
131 to forego the six year moratorium on permitting authorized in K.C.C. 16.82.140.

132 5. In the Bear Creek basin ~~((and))~~, the Bear Creek community planning area and

133 the May Creek basin, the requirements of ~~((paragraphs))~~ subsection C.1 through ~~((C))~~4 of  
134 this section shall be modified or waived by the director for proposed projects that meet  
135 the following conditions:

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

137 (1) ~~((G))~~government services listed in K.C.C. 21A.08.060,

138 (2) ~~((E))~~educational services listed in K.C.C. 21A.08.050,

139 (3) ~~((P))~~parks as listed in K.C.C. 21A.08.040 when located adjacent to an  
140 existing or proposed school,

141 (4) ~~((L))~~libraries listed in K.C.C. 21A.08.040, and

142 (5) ~~((R))~~road projects;

143 b. The project site shall not be located in a designated regionally significant  
144 resource area except for utility corridors that can demonstrate no feasible alternative;

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

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

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

155 6. In the Issaquah Creek basin, the Soos Creek basin and the East Sammamish

156 Community Planning Area, the following standards shall apply:

157 a. In the regionally significant resource areas, except for utility corridors that  
158 can demonstrate no feasible alternative, ~~((the requirements of))~~ paragraphs C.1 through  
159 ~~((C))4 ~~((shall))~~ of this subsection~~ apply; and

160 b. In areas outside of the regionally significant resource areas, projects that  
161 consist of one or more of the uses identified in subsection C.5~~((a))a~~((1))~~(1) to (4) of this~~  
162 section shall be exempt from ~~((the requirements of))~~ paragraphs subsection C.1 through  
163 ~~((C))4 of this section.~~

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

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

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

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

176 c. proposed erosion and sedimentation control measures.

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

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

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

188           5. If the erosion and sediment control problem defined in the violation is not  
189 adequately repaired within twenty-four hours of the notice of violation, then a notice and  
190 order may be issued by the inspector to install adequate erosion and sediment control  
191 measures to stop silt-laden runoff from leaving the site. The notice and order may also  
192 require the contractor to discontinue any further clearing or grading, except for erosion  
193 and sediment control maintenance and repair, until the following March 31.

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

196           a. ~~((R))~~ routine maintenance and necessary repair of erosion and sediment  
197 control facilities;

198           b. ~~((R))~~ routine maintenance of public facilities or existing utility structures as  
199 provided by K.C.C. 21A.24.050B;

200           c. ~~((A))~~ activities where there is one hundred percent infiltration of surface  
201 water runoff within the site in approved and installed erosion and sedimentation control

202 facilities;

203 d. ~~((F))~~typical landscaping activities of existing single family residences that  
204 do not require a permit;

205 e. ~~((C))~~class I, II III and IV Special forest practices;

206 f. ~~((M))~~mineral extraction activities on sites with approved permits; and

207 g. ~~((P))~~public agency response to emergencies that threaten the public health,  
208 safety and welfare.

209 SECTION 3. A. On October 16, 2000, the King County council adopted Motion  
210 11076 authorizing the executive to enter into an interlocal agreement with the cities of  
211 Renton and Newcastle to conduct implementation activities in the May Creek Basin Plan.  
212 Motion 11076 authorized the executive to enter into the interlocal agreement provided  
213 that the cities adopt the basin plan and the interlocal agreement by March 1, 2000. At  
214 that date, the city of Newcastle had adopted the basin plan and the interlocal agreement  
215 and the city of Renton had not adopted the basin plan or the interlocal agreement. The  
216 executive's authority to execute the interlocal agreement expired on March 1, 2000.

217 B. The county executive is hereby authorized to enter into an interlocal  
218 agreement in substantially the same form as Attachment C to this ordinance with the  
219 parties to conduct May Creek Basin Plan implementation activities. The jurisdictions  
220 desire to preserve and restore fish habitat and address drainage, flooding, erosion and  
221 sedimentation and water quality problems throughout the basin. King County and the  
222 other jurisdictions recognize that cooperative effort is the most efficient and effective  
223 way to protect the basin's natural resource system and to address surface water-related  
224 problems across jurisdictions. Through an interlocal agreement, the legislative

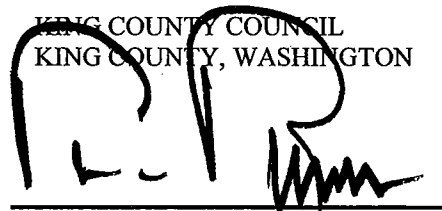
**Ordinance 14091**

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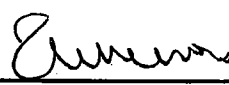
225 authorities of the basin jurisdictions, including King County, have called for specific  
226 activities to implement the basin plan. Under chapter 39.34 RCW, the Interlocal  
227 Cooperation Act, the jurisdictions are each authorized to enter into an agreement for  
228 cooperative action.  
229

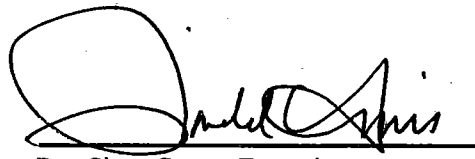
Ordinance 14091 was introduced on 10/4/99 and passed as amended by the Metropolitan King County Council on 4/23/01, by the following vote:

Yes: 11 - Mr. von Reichbauer, Ms. Miller, Ms. Fimia, Mr. Phillips, Mr. Pelz, Mr. McKenna, Mr. Nickels, Mr. Pullen, Ms. Hague, Mr. Thomas and Mr. Irons  
No: 0  
Excused: 2 - Ms. Sullivan and Mr. Gossett

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON  
  
Pete von Reichbauer, Chair

ATTEST:

  
\_\_\_\_\_  
Anne Noris, Clerk of the Council

APPROVED this 3 day of May, 2001.   
\_\_\_\_\_  
Ron Sims, County Executive

**Attachments** A. Proposed May Creek Basin Action Plan, dated April 2001, B. Basin Conditions Significant Resource Areas, C. May Creek Basin Plan Implementation Interlocal Agreement and Scope of Work

14091

# **Proposed May Creek Basin Action Plan**

**April, 2001**

Prepared for:

**King County Department of Natural Resources,  
Water and Land Resources Division**

**City of Renton Surface Water Utility**

**City of Newcastle Public Works Department**

Prepared by:

**Shapiro and Associates, Inc.**  
101 Yesler Way, Suite 400  
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## Acknowledgments

John Affholter, a May Creek Citizens Advisory Committee (CAC) member and long-time May Valley resident and citizen activist, passed away during preparation of this plan. The participants in the development of this plan would like to acknowledge Mr. Affholter's commitment to the Valley and local residents, as embodied by the spirit and cooperation of all the CAC members. The development of the May Creek Basin Action Plan benefited greatly from the contributions of the CAC members. These dedicated volunteers participated throughout the planning process and provided guidance and direction on many of the plan's recommendations.

The authors of the May Creek Basin Action Plan also would like to acknowledge the contributions of Rick Rutz, who managed this project through the completion of the *Current and Future Conditions Report* and the early stages of the solutions analysis. Rick's hard work was instrumental in developing a comprehensive set of priorities for actions intended to improve surface-water conditions in the May Creek basin.

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