KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 19, 2001

Ordinance 14259

Proposed No. 2001-0485.3 **Sponsors** Miller and Phillips

1 AN ORDINANCE relating to preserving and protecting
2 equestrian community trails in equestrian communities,
3 implementing code changes recommended by the
4 equestrian trails task force; amending Ordinance 1488,
5 Section 6, as amended, and K.C.C. 16.82.050, Ordinance
6 9614, Section 103, as amended, and K.C.C. 16.82.150,
7 Ordinance 10511, Section 7, as amended, and K.C.C.
8 20.36.100, Ordinance 10870, Section 364, as amended, and
9 K.C.C. 21A.14.040, Ordinance 14045, Section 37, and
10 K.C.C. 21A.14.360, Ordinance 14045, Section 38, and
11 K.C.C. 21A.14.370, Ordinance 14045, Section 39, and
12 K.C.C. 21A.14.380 and Ordinance 14045, Section 40, and
13 K.C.C. 21A.14.390, adding a new section to K.C.C. chapter
14 7.16, adding a new section to K.C.C. chapter 20.36, adding
15 new sections to K.C.C. chapter 21A.14, adding a new
16 section K.C.C. chapter 16.82 and repealing Ordinance

14045, Sections 41, and K.C.C. 21A.14.400 and Ordinance 14045, Section 42.

PREAMBLE:

In 1984, King County in its Comprehensive Plan made a policy choice to designate and protect its Rural and Resource Areas, building on the work of Farmlands Preservation Program which began protecting farmlands as early as 1979. With the adoption of the state Growth Management Act in 1990, protection of these areas was mandated in all high growth counties, and the county reaffirmed its previous policies in adopting its GMA Comprehensive Plan in 1995.

King County also has a long tradition of developing incentive programs to support typical Rural Area activities. Existing programs that pursue these objectives include the Public Benefit Rating System, current use taxation of resource and open space lands, and transfers of development credits from rural to urban areas. Extensive programs for the preservation of open space for public use, and the development of a one-hundred-seventy-mile regional trail system have also been pursued.

This ordinance furthers the public's interest in being able to safely access the regional system by taking steps to preserve the extensive system of smaller community trails that provide access to the regional trails, particularly those used for walking and riding horses on trails in the Rural and Resource Areas. This ordinance furthers the county's efforts to preserve these trails.

40 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

41 SECTION 1. **Findings.**

42 A. The metropolitan King County council finds that under Ordinance 12196, the
43 requirements for environmental analysis, protections and mitigation measures in this code
44 chapter, as amended by this ordinance, provide adequate analysis of and mitigation for the
45 specific adverse environmental impacts to which the requirements apply.

46 B. The 2000 Comprehensive Plan defined a rural equestrian community trail as
47 an existing trail within the Equestrian Community that has historically been used by the
48 public for riding horses, and that may also have historically been used by or is suitable
49 for use by other non-motorized trail users. The Equestrian Community areas are mapped
50 in the King County Comprehensive Plan, and the Plan contains several policies
51 supporting the preservation of existing trails.

52 C. The metropolitan King County council in the 2000 Comprehensive Plan
53 adopted policies and established a task force to promote the preservation of equestrian
54 communities in King County as a valuable element of rural character and lifestyle. The
55 task force has completed its work and reported back to the Council with
56 recommendations to refine the trail preservation incentive program and King County
57 Code provisions to provide further support for these trails, as provided for in this
58 ordinance.

59 NEW SECTION. SECTION 2. A new section is added to K.C.C. chapter 7.16 to
60 read as follows:

61 It is the policy of King County to accept the voluntary grant of trail easements for
62 preservation or replacement of rural community equestrian trails that meet the

specifications for such trails set out in K.C.C. chapter 21A.14. Such grants may be accepted in conjunction with a development proposal or as a separate transaction when offered by the property owner. The offerings of such grants shall be strictly voluntary. No county employee shall ever state or suggest to an applicant or his or her representative that the development proposal is or may be contingent on the voluntary offering of the grant.

SECTION 3. Ordinance 1488, Section 6, as amended, and K.C.C. 16.82.050 are each hereby amended to read as follows:

Clearing and grading permit required – ((E))exceptions. ((~~A.~~)) No person shall do any clearing or grading without first having obtained a clearing and grading permit from the director except for the following:

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

((~~2.~~)) B. The depositing or covering of any garbage, rubbish or other material at any solid waste facility operated by King County;

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

((~~4.~~)) D. Any grading within a publicly owned road right-of-way;

((~~5.~~)) E. Clearing or grading by a public agency for the following routine maintenance activities:

((~~a.~~)) 1. Roadside ditch cleaning provided the ditch does not contain salmonids;

((~~b.~~)) 2. Pavement maintenance;

((~~c.~~)) 3. Normal grading of gravel shoulders;

((~~d.~~)) 4. Maintenance of culverts;

((~~e.~~)) 5. Maintenance of flood control or other approved surface water management facilities;

((~~f. Routine clearing within trail or road rights-of-way or easements.~~)) 6. Routine clearing within road right-of-way;

((~~6.~~)) F. Any clearing or grading for roads within a preliminary or finally approved residential plat which has been approved by the director and for which a financial guarantee has been posted;

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

((~~8.~~)) H. Cemetery graves; provided that this exception does not apply except for routine maintenance if the clearing or grading is within a sensitive area as regulated in K.C.C. ((~~C~~))chapter 21A.24;

((~~9.~~)) I. Clearing or grading within a preliminarily or finally approved residential plat not involving any excavation exceeding five feet in vertical depth or any fill exceeding

three feet in vertical depth, regardless of the amount of material to be removed; provided that this exception does not apply if the clearing or grading is within a sensitive area as regulated in K.C.C. ((~~C~~))chapter 21A.24 or an area placed into tracts or easements pursuant to K.C.C. 21A.12.030. This exception does not apply within an area placed into tracts or easements for a wildlife habitat corridor pursuant to K.C.C. chapter 21A.14 unless the proposed activity is otherwise exempt under K.C.C. chapter 21A.24;

((~~10.~~)) J. Excavation less than five feet in vertical depth not involving more than one hundred cubic yards of earth or other material on a single site; provided that the exception does not apply if the clearing or grading is within a sensitive area as regulated in K.C.C. ((~~C~~))chapter 21A.24 or an area placed into tracts or easements pursuant to K.C.C. 21A.12.030. This exception does not apply within an area placed into tracts or easements for a wildlife habitat corridor pursuant to K.C.C. chapter 21A.14 unless the proposed activity is otherwise exempt under K.C.C. chapter 21A.24;

((~~11.~~)) K. Fill less than three feet in vertical depth not involving more than one hundred cubic yards of earth or other material on a single site; provided that the exception does not apply if the clearing or grading is within a sensitive area as regulated in K.C.C. ((~~C~~))chapter 21A.24 or an area placed into tracts or easements pursuant to K.C.C. 21A.12.030. This exception does not apply within an area placed into tracts or easements for a wildlife habitat corridor pursuant to K.C.C. chapter 21A.14 unless the proposed activity is otherwise exempt under K.C.C. chapter 21A.24;

((~~12.~~)) L. Minor stream restoration projects for fish habitat enhancement by a public agency, utility or tribe as set out in K.C.C. chapter 21A.24((~~.~~));

((~~13.~~)) M. Clearing or grading for construction of livestock manure storage facilities or associated nonpoint source pollution facilities designed to the standards of and approved in a conservation plan by the King County conservation district, and constructed and maintained to those standards or livestock flood sanctuaries constructed and maintained to the standards approved by the Soil Conservation Service and conservation district and the best management practices approved by King County((~~.~~));

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

((~~15.~~)) O. Any clearing or grading which has been approved by the director as part of a Commercial Site Development permit and for which a financial guarantee has been posted((~~.~~));

((~~16.~~)) P. Clearing outside of sensitive areas and buffers as regulated in K.C.C. ((~~C~~))chapter 21A.24 unless the development proposal site is within an area subject to 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((~~.~~));

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

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

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

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

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

((~~e.~~)) 5. Normal and routine maintenance of existing public parks trail easements dedicated in accordance with K.C.C. 21A.14.360 through 21A.14.390, and private and public golf courses. This does not include clearing or grading in order to develop or expand such activities in sensitive areas. For the purpose of this subsection, a park is defined as: any real property managed for public use which has been previously maintained as a park or has been developed as a park pursuant to a properly issued permit.

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

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

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

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

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

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

((~~(4)~~)) d. The parcel is located outside of expansion areas for incorporated rural cities or rural towns and neighborhoods as designated in King County Comprehensive Plan or applicable community plans,

((~~(5)~~)) e. The parcel equals or exceeds 5 acres in size; ((~~and~~))

((~~18.~~)) R. Clearing within seismic hazard area, except on slopes greater than ((~~15~~)) fifteen percent and subject to 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; and provided the site contains no other sensitive area features((~~,~~)); and

((~~19.~~)) S. Clearing within coal mine hazard area, subject to 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; and provided the site contains no other sensitive areas features.

((~~B. TEMPORARY PERMITS. The director shall have the authority to issue temporary permits for excavations, processing, quarrying and mining, and removal of sand, gravel, rock and other natural deposits, together with the necessary buildings, apparatus or appurtenances incident thereto for specific jobs on application for highway, road, street, airport construction, flood control and other public works projects. In conjunction with such operations, allied uses such as, but not limited to, rock crushers, concrete batching plants and asphalt batching plants may be authorized by this temporary permit. The director shall also have the authority to issue temporary permits for the removal of existing stockpiles of previously mined material for the reclamation of land to its best use, consistent with the underlying zoning.~~

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

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

~~Development proposals will be subject to two levels of review standards based on occupancy types - critical facilities and standard structures. The review standards for critical facilities will be based on larger earthquake reoccurrence intervals than the earthquakes considered for standard occupancy structures. The review standards will be set forth in the administrative rules.~~)) T. Normal and routine maintenance of trail easements dedicated in accordance with K.C.C. 21A.14.360 through 21A.14.390.

NEW SECTION. SECTION 4. There is hereby added to K.C.C. chapter 16.82 a new section to read as follows:

Temporary permits. The director shall have the authority to issue temporary permits for excavations, processing, quarrying and mining, and removal of sand, gravel, rock and other natural deposits, together with the necessary buildings, apparatus or appurtenances incident thereto for specific jobs on application for highway, road, street, airport construction, flood control and other public works projects. In conjunction with such operations, allied uses such as, but not limited to, rock crushers, concrete-batching plants and asphalt-batching plants may be authorized by this temporary permit. The director shall also have the authority to issue temporary permits for the removal of existing stockpiles of previously mined material for the reclamation of land to its best use, consistent with the underlying zoning.

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

242 B. The department of development and environmental services shall also
243 consider the effect of the proposed operation on the current and future land use in the area
244 affected by the proposed operation and shall condition permits as necessary to protect the
245 public interest in this regard. Temporary permits are good for the life of the contract of
246 the specific job but must be reviewed annually. Each temporary permit site shall be fully
247 restored during the term of the temporary permit, unless the site is subsequently
248 designated with an M zone classification, or included in an unclassified use permit.
249 C. Development proposals will be subject to two levels of review standards based
250 on occupancy types, critical facilities and standard structures. The review standards for
251 critical facilities will be based on larger earthquake reoccurrence intervals than the
252 earthquakes considered for standard occupancy structures. The review standards will be
253 set forth in the administrative rules.
254 SECTION 5. Ordinance 9614, Section 103, as amended, and K.C.C. 16.82.150
255 are each hereby amended to read as follows:
256 **Clearing standards.** A. For clearing and grading permits issued under this
257 chapter, the current clearing standards contained in this section and in the following
258 regulations shall apply:
259 1. The Sensitive Areas Code, K.C.C. chapter 21A.24, and its adopted
260 administrative rules;
261 2. Property-specific development standards pursuant to K.C.C. chapter 21A.38;
262 3. Critical drainage area designations identified by adopted administrative rule;
263 and
264 4. Wildlife habitat corridors pursuant to K.C.C. chapter 21A.14.

265 B. Within sensitive areas designated pursuant to K.C.C. chapter 21A.24, uses
266 shall be limited to those specified in that chapter. Within any other areas subject to
267 clearing restrictions referenced or contained in this section, the following uses are
268 allowed under a clearing permit:
269 1. Timber harvest in accordance with a timber harvest management plan and
270 clearing permit approved by the department of development and environmental services
271 or a successor agency. That department shall promulgate administrative rules specifying
272 the contents of, and the submittal requirements and approval criteria for, timber harvest
273 management plans in consultation with the department of natural resources prior to any
274 permit approvals for timber harvest within these tracts or easements;
275 2. Passive recreation uses and related facilities, including pedestrian, equestrian
276 community and bicycle trails, nature viewing areas, fishing and camping areas, and other
277 similar uses that do not require permanent structures, if either cleared areas or areas of
278 compacted soils, or both, associated with these uses and facilities do not exceed eight
279 percent of the area of the tract or easement. Within wildlife habitat corridors, trail widths
280 shall be the minimum allowed under adopted trail standards and no other recreation uses
281 shall be permitted in the one hundred fifty foot minimum width of the corridor;
282 3. Utilities and utility easements, including surface water facilities, if the uses
283 are within or adjacent to existing road or utility easements whenever possible. Within
284 wildlife habitat corridors, existing or multiple utility uses within established easements
285 shall be allowed within the one hundred fifty foot minimum width of the corridor.
286 Development of new utility corridors shall be allowed within wildlife habitat corridors
287 only when multiple uses of existing easements are not feasible and the utility corridors

288 are sited and developed using county-approved best management practices to minimize
289 disturbance; and
290 4. Removal of either dangerous trees or damaged trees, or both.
291 C. For the RA (Rural Area) zoned areas in either the Bear Creek basin, the
292 Issaquah Creek basin, the Soos Creek basin, the May Creek basin, the East Sammamish
293 Community Planning Area or the Bear Creek Community Planning Area:
294 1. Clearing shall be limited to a maximum of thirty-five percent of the lot or plat
295 area or the amount legally cleared prior to the effective date of any clearing regulations in
296 effect at the time of the clearing, whichever is greater, except under conditions specified
297 in a. through ((e)) f. of this subsection C.1:
298 a. clearing shall be limited to a maximum of sixty percent of the lot or plat area
299 if the approved permit requires flow control and water quality facilities in accordance
300 with standards set forth in the applicable adopted basin plan and the King County Surface
301 Water Design Manual;
302 b. in the Soos Creek basin, clearing shall be limited to a maximum of eighty
303 percent of the lot or plat area, except in designated Regionally Significant Resource
304 Areas where clearing shall be limited to a maximum of sixty-five percent of the lot or plat
305 area. Buffers for all sensitive areas designated under K.C.C. Title 21A and sensitive
306 areas except for submerged lands may be counted towards meeting the requirement.
307 Building permits for single-family residential building on individual lots shall be exempt
308 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~~)) one and one-quarter acres or smaller in size shall not be counted towards the thirty-five percent maximum clearing standard;

d. on individual lots smaller than twenty thousand square feet, up to 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; and

f. clearing to provide for the relocation of equestrian community trails.

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 subsection B of this section. 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 subsection C.2 of this section. In cases where conditions are applied to the subdivision, individual lots shall be exempt from the

332 clearing restrictions in subsection C.1 of this section. The uses and restrictions on the
333 uncleared portions of individual lots shall be those specified in subsection B of this
334 section. Sensitive areas designated under K.C.C. Title 21A may be counted towards
335 meeting requirements on individual lots.

336 4. The subdivision or permitting of building on parcels that are cleared in
337 violation of the regulations in effect at the time of the clearing shall be subject to
338 conditions requiring the restoration of trees and understory vegetation on at least sixty-
339 five percent of the plat or lot, or, where applicable, on the percentage of the site that was
340 to remain uncleared under subsection C.1 of this section. A restoration plan shall be
341 required of permit applicants, and shall be subject to the approval of the department of
342 development and environmental services. That department shall prepare administrative
343 rules regarding the review and approval of restoration plans in consultation with the
344 department of natural resources before approving subdivision or building permits for
345 parcels cleared in violation of applicable clearing regulations. The administrative rules
346 shall also specify when a restoration plan will be deemed sufficient to forego the six-year
347 moratorium on permitting authorized in K.C.C. 16.82.140.

348 5. In the Bear Creek basin, the Bear Creek community planning area and the
349 May Creek basin, the requirements of subsection C.1 through 4 of this section shall be
350 modified or waived by the director for proposed projects that meet the following
351 conditions:

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

353 (1) government services listed in K.C.C. 21A.08.060,

354 (2) educational services listed in K.C.C. 21A.08.050,

355 (3) parks as listed in K.C.C. 21A.08.040 when located adjacent to an existing
356 or proposed school,
357 (4) libraries listed in K.C.C. 21A.08.040, and
358 (5) road projects;
359 b. the project site shall not be located in a designated regionally significant
360 resource area except for utility corridors that can demonstrate no feasible alternative;
361 c. the project shall clear the minimum necessary to accommodate the proposed
362 use which includes all the allowed ballfields, playfields, other facilities, and spaces
363 proposed by the public agency to carry out its public function; and
364 d. the project shall meet the on-site flow control and water quality standards
365 set forth in the applicable adopted basin plan and the Surface Water Design Manual.
366 The modification or waiver shall not exempt the project from any other code
367 provisions which may apply. The director's decision may be appealed to the zoning and
368 subdivision examiner pursuant to K.C.C. chapter 20.24, but any such an appeal must be
369 consolidated with an appeal, if any, heard by the examiner on the merits of the proposed
370 project.
371 6. In the Issaquah Creek basin, the Soos Creek basin and the East Sammamish
372 Community Planning Area, the following standards shall apply:
373 a. in the regionally significant resource areas, except for utility corridors that
374 can demonstrate no feasible alternative, [subsection] C.1 through 4 of this section apply;
375 and

b. in areas outside of the regionally significant resources areas, projects that consist of one or more of the uses identified in subsection C.5a.(1) to (4) of this section shall be exempt from subsection C.1 through 4 of this section.

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, Hylebos Creek and May 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

c. proposed erosion and sedimentation control measures.

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.

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

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

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

411 a. routine maintenance and necessary repair of erosion and sediment control
412 facilities;

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

415 c. activities where there is one hundred percent infiltration of surface water
416 runoff within the site in approved and installed erosion and sedimentation control
417 facilities;

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

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

421 f. mineral extraction activities on sites with approved permits; and

422 g. public agency response to emergencies that threaten the public health, safety
423 and welfare.
424 SECTION 6. Ordinance 10511, Section 7, as amended, and K.C.C. 20.36.100 are
425 each hereby amended to read as follows:
426 **Criteria for approval - public benefit rating system for open space land –**
427 **rating system – bonus system – super bonus system.**
428 A. ((~~Rating system.~~)) To be eligible for open space classification under the
429 public benefit rating system, property must contain one or more priority open space
430 resources. These resources are ranked as high priority, medium priority and low priority
431 resources and are based on the adopted King County Open Space Plan referenced in
432 K.C.C. 20.12.380. High priority resources receive five points each, medium priority
433 resources receive three points each and low priority resources receive one point each.
434 Property can receive a maximum of thirty points from no more than six open space
435 priority resources. In addition, bonus points and super bonus points may be awarded
436 pursuant to K.C.C. 20.36.100B and ((~~K.C.C. 20.36.100~~))C and a property can achieve a
437 maximum of fifty-two points through the rating system and the bonus system. Portions
438 of property may also qualify for open space designation. Complete definitions of each
439 resource, sources and eligibility standards are fully described in the summary report
440 adopted by reference by K.C.C. 20.36.150. The department of natural resources shall
441 have administrative authority to interpret issues relating to the priority resource
442 definitions and eligibility standards outlined in the summary report.
443 1. High priority resources - five points each.
444 a. Active or passive recreation area.

b. Property under option for purchase as park, recreation, open space land or CIP mitigation site.

c. Aquifer protection area.

d. Shoreline: "Conservancy" environment.

e. Scenic resource, viewpoint or view corridor.

f. Surface water quality buffer area.

g. Open space close to urban or growth area.

h. Significant plant, wildlife or salmonid habitat area.

i. Significant aquatic ecosystem.

j. Historic landmark/archaeological site: designated site.

k. Trail linkage.

l. Urban or growth area open space.

m. Farm and agricultural conservation land.

n. Forest stewardship land.

o. Equestrian-pedestrian trail linkage.

2. Medium priority resources - three points each.

a. Public land or right-of-way buffer.

b. Special native plant site.

c. Natural shoreline environment.

d. Geological feature.

e. Eligible historic landmark or archaeological site.

f. Buffer to designated historic landmark/archaeological site.

g. Special animal site.

3. Low priority resource - one point.

a. Buffer to eligible historic/archaeological site.

B. ((~~Bonus System.~~)) Property qualifying in the specific high, medium or low priority categories may receive up to twenty-two bonus points if the following additional qualifications are met:

1. Resource restoration - five points.

2. Bonus surface water quality buffer - three or five points.

3. Contiguous parcels under separate ownership - two points.

4. Conservation or Historic Preservation Easement in perpetuity - five points.

5. Bonus public access points.

a. Unlimited public access - five points.

b. Limited public access - sensitive area - five points.

c. Limited public access - three points.

C. ((~~Super bonus system.~~)) Property with at least one high priority resource and which allows unlimited public access, or limited public access if due to resource sensitivity, and which conveys a conservation, historic preservation, or trail easement in perpetuity, in a form approved by the county, shall be automatically eligible for current use value at ((~~10%~~)) <u>ten percent</u> of market value.

<u>NEW SECTION. SECTION 7.</u> There is hereby added to K.C.C. chapter 20.36 a new section to read as follows:

Equestrian trail linkage. Equestrian trail linkages and uses are eligible for participation in the public benefit rating system if the land meets the criteria in this section.

491 A. For the purposes of this section, "equestrian trail linkage" means land either
492 used as a public or rural off road trail linkage for equestrian, pedestrian or other
493 nonmotorized uses or providing a link from a public right of way to a trail system, or
494 both.

495 B. The owner shall provide a trail easement to an appropriate public or private
496 entity, acceptable to King County as to form. Such an easement must be recorded with
497 the county records and elections division. A person may not use a motorized vehicle on
498 trails receiving tax reductions as an equestrian trail linkage except in the case of medical
499 or police emergencies.

500 C. To be eligible as equestrian trail linkage, property must be used as a public
501 trail linkage which remains in private ownership. The amount of land used for the trail
502 linkage may be less than minimum size prescribed in any other category. In addition to
503 the area covered by the easement, adjacent pasture land, the land occupied by a barn or
504 stables, and any corral or paddock may be included as well as land necessary to provide a
505 buffer from the trail to other non-equestrian uses or land which contributes to the
506 aesthetics of the trail, such as forest. Land set aside and marked for off road parking for
507 trail users may also be included. Private roads or driveways that are open to the public
508 for this purpose may also qualify, but sidewalks do not qualify under this category.
509 Fencing and gates are not allowed in the trail easement area except those that are parallel
510 to the trail or linkage.

511 D. Public access is required only on those portions of the property that contain
512 the trail. Time of use restrictions may be imposed and other reasonable restrictions may
513 be permissible.

514 E. Properties enrolling under this category are entitled to a ninety percent
515 reduction as public access will be provided and protected through granting of an
516 easement. The reduction shall apply to all portions of the property qualifying, not just the
517 area described in the easement.

518 SECTION 8. Ordinance 10870, Section 364, as amended, and K.C.C.
519 21A.14.040 are each hereby amended to read as follows:

520 **Lot segregations – clustered development.** If residential lot clustering is
521 proposed, the following provisions shall be met:

522 A. In the R zones, any designated open space tract resulting from lot clustering
523 shall not be altered or disturbed except as specified on recorded documents creating the
524 open space. Open spaces may be retained under ownership by the subdivider, conveyed
525 to residents of the development, or conveyed to a third party. If access to the open space
526 is provided, the access shall be located in a separate tract;

527 B. In the RA zone:

528 1. No more than eight lots of less than two and one-half acres shall be allowed
529 in a cluster;

530 2. No more than eight lots of less than two and one-half acres shall be served by
531 a single cul-de-sac street;

532 3. Clusters containing two or more lots of less than two and one-half acres,
533 whether in the same or adjacent developments, shall be separated from similar clusters by
534 at least one hundred twenty feet;

535 4. The overall amount, and the individual degree of clustering shall be limited to
536 a level that can be adequately served by rural facilities and services, including, but not
537 limited to, on-site sewage disposal systems and rural roadways;
538 5. A fifty-foot Type II landscaping screen, as defined in K.C.C. 21A.16.040,
539 shall be provided along the frontage of all public roads. The planting materials shall
540 consist of species that are native to the Puget Sound region. Preservation of existing
541 healthy vegetation is encouraged and may be used to augment new plantings to meet the
542 requirements of this section;
543 6. Except as provided in subsection B.7 of this section, open space tracts created
544 by clustering in the RA zone shall be designated as permanent open space. Acceptable
545 uses within open space tracts are passive recreation, with no development of active
546 recreational facilities, ((~~and~~)) natural-surface pedestrian and equestrian foot trails and
547 passive recreational facilities; ((~~and~~))
548 7. In the RA zone a resource land tract may be created through a cluster
549 development in lieu of an open space tract. The resource land tract may be used as a
550 working forest or farm if the following provisions are met:
551 a. Appropriateness of the tract for forestry or agriculture has been determined
552 by the King County department of natural resources;
553 b. The subdivider shall prepare a forest management plan, which must be
554 reviewed and approved by the King County department of natural resources, or a farm
555 management (conservation) plan, if such is required pursuant to K.C.C. chapter 21A.30,
556 which must be developed by the King Conservation District. The criteria for
557 management of a resource land tract established through a cluster development in the RA

558 zone shall be set forth in a ((~~P~~))public ((~~R~~))rule. The criteria must assure that forestry or
559 farming will remain as a sustainable use of the resource land tract and that structures
560 supportive of forestry and agriculture may be allowed in the resource land tract. The
561 criteria must also set impervious surface limitations and identify the type of buildings or
562 structures that will be allowed within the resource land tract;

563 c. The recorded plat or short plat shall designate the resource land tract as a
564 working forest or farm;

565 d. Resource land tracts that are conveyed to residents of the development shall
566 be retained in undivided interest by the residents of the subdivision or short subdivision;

567 e. A homeowners association shall be established to assure implementation of
568 the forest management plan or farm management (conservation) plan if the resource land
569 tract is retained in undivided interest by the residents of the subdivision or short
570 subdivision;

571 f. The subdivider shall file a notice with the King County records and elections
572 division. The required contents and form of the notice shall be set forth in a ((~~P~~))public
573 ((~~R~~))rule. The notice shall inform the property owner or owners that the resource land
574 tract is designated as a working forest or farm, which must be managed in accordance
575 with the provisions established in the approved forest management plan or farm
576 management (conservation) plan;

577 g. The subdivider shall provide to the department proof of the approval of the
578 forest management plan or farm management (conservation) plan and the filing of the
579 notice required in subsection B.7.f of this section before recording of the final plat or
580 short plat; ((~~and~~))

h. The notice shall run with the land; and

i. Natural-surface pedestrian and equestrian foot trails, passive recreation, and passive recreational facilities, with no development of active recreational facilities, are allowed uses in resource tracts; and

8. For purposes of this section, passive recreational facilities include trail access points, small-scale parking areas and restroom facilities.

SECTION 9. Ordinance 14045, Section 37, as amended, and K.C.C. 21A.14.360 are each hereby amended to read as follows:

Rural equestrian community trails – general applicability.

A. The county may accept the voluntary ((~~dedication~~)) grant of an easement((~~s or other form of protection of~~)) for a rural equestrian community trails consistent with ((~~the provisions of~~)) K.C.C. 21A.14.350 through ((~~K.C.C.~~)) 21A.14.390 from any development when such development contains any existing historically established rural equestrian community trail, and when located in the RA, A or F zones and within an equestrian community designated by the King County Comprehensive Plan. The residents or tenants of the development shall be provided access to any such trail provided hereunder for use consistent with the function of the trail. The area of any such trail provided hereunder shall be counted as part of the site for purposes of density and floor area calculations ((~~and any existing trail protected pursuant to this ordinance shall not be subject to the clearing limitations of the grading code so long as it is retained in its current location~~)). The application of this section shall not reduce the allowed density within a residential subdivision or short subdivision. The county may also accept the voluntary grant of an easement for a rural equestrian community trail consistent with

604 K.C.C. 21A.14.350 through 21A.14.390 when there is no development proposed for the
605 property.
606 B. The rural equestrian community trails provisions apply to ((~~the following~~
607 ~~development proposals~~)) any property ((~~when~~)) located in the RA, A or F zones and
608 within an equestrian community designated by the King County Comprehensive Plan((~~:~~
609 ~~1. Residential development including subdivisions and short subdivisions.~~
610 ~~2. Development proposals for park/recreation, amusement/entertainment and~~
611 ~~cultural uses denoted in the permitted use table in K.C.C. 21A.08.040.~~
612 ~~3. Development proposals for general services uses denoted in the permitted use~~
613 ~~table in K.C.C. 21A.08.050 except those conducted as home occupations or otherwise~~
614 ~~accessory to residential uses~~)).
615 NEW SECTION 10. There is hereby added to K.C.C. chapter 21A.14 a new
616 section to read as follows:
617 **Rural equestrian community trails – notification.** A. The department shall
618 notify every applicant for a plat, short plat, boundary line adjustment, clearing and
619 grading permit, conditional use permit, building permit for new construction or additions
620 to existing structures, or zone reclassification in the RA, A or F zones and within an
621 equestrian community designated by the King County Comprehensive Plan of the
622 opportunity to voluntarily grant an easement for a rural equestrian community trail in
623 accordance with this ordinance.
624 B. The department shall notify the department of natural resources and parks of
625 every application for a plat, short plat, boundary line adjustment, clearing and grading
626 permit, conditional use permit, building permit for new construction or additions to

existing structures, or zone reclassification in the RA, A or F zones and within an equestrian community designated by the King County Comprehensive Plan.

SECTION 11. Ordinance 14045, Section 38, and K.C.C. 21A.14.370 are each hereby amended to read as follows:

Rural equestrian community trails – authority.

((~~A.~~)) The county shall accept a voluntary ((~~dedication,~~)) grant of easement ((~~or other form of protection~~)) for the preservation or relocation of a rural equestrian community trail in the RA, A or F zone within the Equestrian Community area designated in the King County Comprehensive Plan whenever:

A. ((~~t~~))The department of natural resources and parks makes a ((~~project specific~~)) determination in writing that:

1. The equestrian community trail is listed or mapped on an inventory of equestrian community trails maintained by the King County parks and recreation department. The department shall field verify the presence of a trail where an inventory indicates the general location of a trail that has not yet been field verified;

2. The equestrian community trail connects to ((~~trails on other properties or to~~)) a state, county or other ((~~publicly maintained~~)) trail open to the public;

3. The equestrian community trail, following a site inspection by the department of natural resources and parks, is reasonably fit for use as a rural equestrian community trail;

4. If the equestrian community trail traverses or impacts an environmentally sensitive area, it can be modified to meet code requirements for trails in sensitive areas; and

((~~4.~~)) 5. Permanent protection or relocation of an equestrian community trail can be accomplished without interference with ((~~the proposed use~~)) allowed uses and development of the subject property, and the site can be developed without interference with the trail and allows for future owners of the property to access historically existing or public trails in the vicinity of the site.

B. ((~~The form of protection shall address limitations on uses of the trail based on the historically established uses.~~

~~C. Any determination by the department regarding the acceptance or non-acceptance of dedication or other protection of a rural equestrian community trail under this chapter may be appealed to the hearing examiner consistent with the appeal process for the underlying permit, in accordance with K.C.C. 20.20.020.~~)) If the trail is proposed to be granted as part of a mitigation package for a development proposal, the department of development and environmental services determines and reports to the department of natural resources that permanent protection or relocation of an equestrian community trail can be accomplished without interference with the proposed use and development of the subject property, and the site can be developed without interference with the trail and in a manner that allows future owners of the property to access historically existing or public trails in the vicinity that are linked to the subject site. The department of development and environmental services shall report its findings in writing.

SECTION 12. Ordinance 14045, Section 39, as amended, and K.C.C. 21A.14.380 are each hereby amended to read as follows:

Rural equestrian community trails – location and design standards. The following design standards apply to rural equestrian community trails provided pursuant

673 to this chapter located within the RA, A or F zones and within the equestrian community
674 designated by the King County Comprehensive Plan.

675 A. An on-site rural equestrian community trail should be retained at its existing
676 location unless that location impairs the use of the property as intended by the applicant.
677 A rural equestrian trail being retained in the existing location pursuant to an easement
678 shall not be required to be improved as a condition of accepting the easement. The trail
679 may be relocated to another location within the street right-of-way or to another corridor
680 separate from a street right-of-way, provided that whatever alternative is used preserves
681 the same connections as the original trail to an existing public park or trail in the vicinity
682 of the subject property. The preferred place for a relocated trail is out of the right-of-way
683 or separated from the paved surface and road shoulder by a berm, ditch or other
684 separation. Trails may only be relocated to a street right-of-way when meeting the
685 standards in subsection E of this section The trail location shall be preserved by
686 appropriate easements or dedications.

687 B. Corridors for trails located outside a street right-of-way shall be ten feet wide,
688 or six feet wide if the trail will be located along a property line and additional corridor
689 space can reasonably be expected to be preserved on the abutting property and the
690 corridor is not encumbered by any structures adjacent to the corridor.

691 C. If permitted by K.C.C. chapter 21A.24, an easement protecting an existing or
692 relocated rural equestrian community trail may be located in a designated sensitive area
693 buffer. ((~~If the rural equestrian community trail is located in a delineated sensitive area~~
694 ~~tract no separate trail corridor is required provided the trail itself is maintained in a safe~~
695 ~~condition and kept free of obstructions.~~))

D. Rural equestrian community trails that are not located within street rights-of-way, should be natural, visually and functionally unobtrusive, and as low-impact as possible.

E. Relocated or new rural equestrian community trails within public or private road rights-of-way shall be designed consistent with adopted King County Road Standards (KCRS, Section 3.11), as supplemented by the following standards:

1. The trail shall be located to provide access to a local equestrian travel corridor through the project site and adjacent properties, as determined by the King County department of transportation in cooperation with the local equestrian community.

2. The preferred design is a trail separated from the paved roadway by a berm, ditch, tree cover or other natural obstacle; the center of the trail tread shall be at least eight feet of horizontal distance from the paved roadway edge.

3. When a separated trail cannot be provided, a soft-surfaced ninety-six inch-wide roadway shoulder path shall be installed on all roads other than local access streets, where a forty-eight inches shoulder path shall be sufficient.

4. All trails shall have an all-weather tread of thirty-six to forty-eight inches.

5. The roadway shall include appropriate surface treatment to reduce slippage at roadway/trail crossings.

6. Appropriate signs shall be provided to indicate the location of street crossings for trails, with emphasis on arterials and subcollector street.

F. Relocated or new rural equestrian community trails not located in a right-of-way shall be designed to the King County Road Standards, KCRS, Section 3.11.A.2.

SECTION 13. Ordinance 14045, Section 40, and K.C.C. 21A.14.390 are each hereby amended to read as follows:

Rural equestrian community trails – maintenance and operation. A. Once a trail easement has been ((~~dedicated or otherwise protected as provided by~~)) granted to the county as provided by this chapter, it shall remain free from structural obstructions or other permanent or temporary obstacles. A rural equestrian community trails shall be open to the public for recreational use by equestrians ((~~trail users. If a permitted activity such as clearing, grading or construction will block an established trail for more than five consecutive days, a temporary, well-marked detour route shall be provided, if feasible.~~

~~B. When the trail is created by a form of protection other than public dedication or location within public street right-of-way, trail ownership shall be held by the owner of the property being developed, or in an undivided interest by each owner of a lot within the development, or by an incorporated homeowner's association, or other legal entity which assures the ownership, maintenance and protection of the trail.~~

~~C.~~)) and pedestrians. Equestrian and pedestrian use does not include use by motor vehicles, bicycles, roller skates, skateboards or other mechanized modes of transportation. However, the department of natural resources and parks may authorize use by motor vehicles in limited circumstances, such as for maintenance, emergencies or trail crossings.

B. The trail easement shall set forth the ((~~R~~))responsibility for trail maintenance ((~~shall be determined by the department and provided for in the deed, easement or other protection instrument entered into by the property owner. This subsection is not intended to create a responsibility to maintain the trail beyond what is required by this title~~)).

741 Trails within dedicated street rights-of-way shall be maintained by the department of
742 transportation or its successor agency. Trails within easements granted to King County
743 ((~~or on land that has been transferred in fee simple ownership to King County~~)) shall be
744 maintained by the department of natural resources and parks ((~~and recreation~~)). ((~~Any~~
745 ~~owner or county agency~~)) The county may contract with a local user group or parks
746 district for maintenance of the trail.

747 ((~~D.~~)) C. ((~~If the trail is established by a form of protection other than dedication,~~
748 ~~the time and manner of use of the trail shall be subject to such conditions as the county~~
749 ~~and the subject property owner may agree. The tail corridor and the conditions related to~~
750 ~~it shall be recorded on all documents of title of record for all affected lots.~~)) Trails
751 established under this section are subject to the rules and enforcement measures for use of
752 facilities for King County parks in K.C.C. chapter 7.12.

753 D. An easement governing the use and operation of a rural equestrian community
754 trail being granted under this ordinance shall be granted by the property owner to the
755 county. In preparing the easement, the department of natural resources and parks is
756 authorized to negotiate the terms of the easement on matters such as the allowed use of
757 the easement, whether the easement includes indemnification requirements, the
758 maintenance of the easement, the relocation of the easement, and whether the easement is
759 permanent or for a term of years, depending on the value of the property as a rural
760 equestrian community trail. The easement shall be consistent with this ordinance.

761 NEW SECTION. SECTION 14. There is hereby added to K.C.C. chapter
762 21A.14 a new section to read as follows:

763 **Rural equestrian community trails - annual report**. The executive shall report
764 to the council annually by July 31 on the implementation of the rural equestrian
765 community trail incentives and regulations adopted by this ordinance. The report shall
766 include the following information:
767 A. Miles of community trail and acreage accepted in the equestrian-pedestrian
768 trail linkage category of the public benefit rating system program;
769 B. Status of field verification and mapping of community trails;
770 C. Regulatory issues and proposed amendments;
771 D. Implementation issues;
772 E. Response from equestrian user groups/landowners and citizens;
773 F. Status of agreements with other jurisdictions or private individuals/groups
774 concerning operations and maintenance;
775 G. Map of verified trails and non-verified trails;
776 H. Costs associated with trail maintenance and improvements; and
777 I. Other relevant information pertaining to the incentive and regulatory program.
778 SECTION 15. Ordinance 14045, Section 41, and K.C.C. 21A.14.400 are each
779 hereby repealed.

780 SECTION 16. Ordinance 14045, Section 42 is hereby repealed.

Ordinance 14259 was introduced on 10/1/01 and passed by the Metropolitan King County Council on 11/19/01, by the following vote:

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

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Pete von Reichbauer, Chair

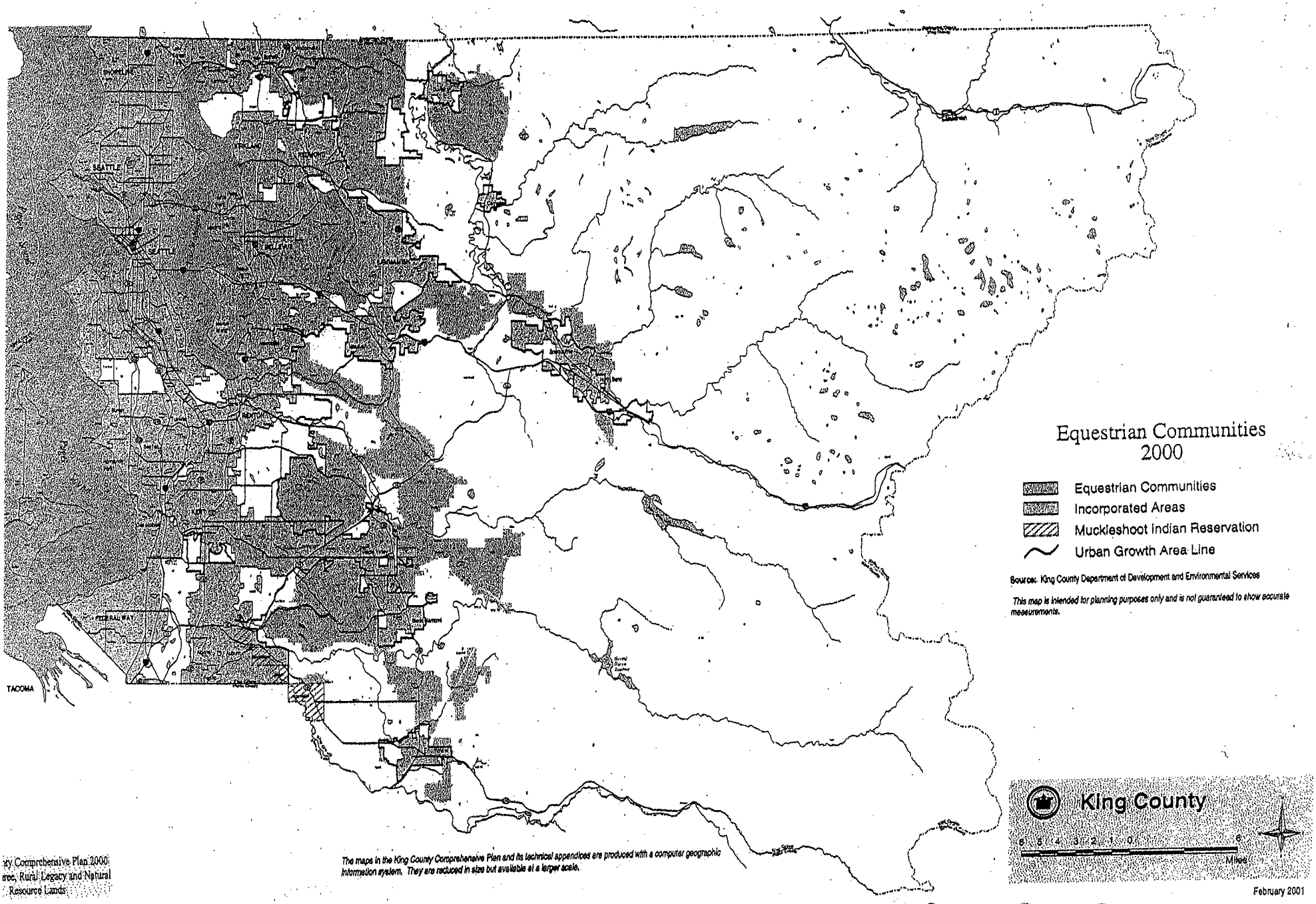
ATTEST:

Anne Noris, Clerk of the Council

APPROVED this 30 day of November, 2001.

Ron Sims, County Executive

Attachments A. Equestrian Communities 2000 - Dated February 2001



February 2001

The maps in the King County Comprehensive Plan and its technical appendices are produced with a computer geographic information system. They are reduced in size but available at a larger scale.

ty Comprehensive Plan 2000
ree, Rural, Legacy and Natural
Resource Lands

14259

ATTACHMENT A.
2001-0435