



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

17 14045, Sections 41, and K.C.C. 21A.14.400 and Ordinance

18 14045, Section 42.

19

20 PREAMBLE:

21 In 1984, King County in its Comprehensive Plan made a policy choice to
22 designate and protect its Rural and Resource Areas, building on the work of
23 Farmlands Preservation Program which began protecting farmlands as early as
24 1979. With the adoption of the state Growth Management Act in 1990, protection
25 of these areas was mandated in all high growth counties, and the county
26 reaffirmed its previous policies in adopting its GMA Comprehensive Plan in
27 1995.

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

35 This ordinance furthers the public's interest in being able to safely access the
36 regional system by taking steps to preserve the extensive system of smaller
37 community trails that provide access to the regional trails, particularly those used
38 for walking and riding horses on trails in the Rural and Resource Areas. This
39 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

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

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

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

74 ~~((1-))~~ A. An on site excavation or fill for basements and footings of a building,
75 retaining wall, parking lot, or other structure authorized by a valid building permit. This
76 shall not exempt any fill made with the material from such excavation nor exempt any
77 excavation having an unsupported height greater than five feet after the completion of such
78 structure;

79 ~~((2-))~~ B. The depositing or covering of any garbage, rubbish or other material at
80 any solid waste facility operated by King County;

81 ~~((3-))~~ C. Maintenance of existing driveways or private access roads within their
82 existing road prisms, provided that the performance and restoration requirements of this
83 chapter are met and best management practices are utilized to protect water quality.

84 ~~((4-))~~ D. Any grading within a publicly owned road right-of-way;

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

87 ~~((a.))~~ 1. Roadside ditch cleaning provided the ditch does not contain salmonids;
88 ~~((b.))~~ 2. Pavement maintenance;
89 ~~((c.))~~ 3. Normal grading of gravel shoulders;
90 ~~((d.))~~ 4. Maintenance of culverts;
91 ~~((e.))~~ 5. Maintenance of flood control or other approved surface water
92 management facilities;

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

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

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

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

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

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

114 ~~((40.))~~ J. Excavation less than five feet in vertical depth not involving more than
115 one hundred cubic yards of earth or other material on a single site; provided that the
116 exception does not apply if the clearing or grading is within a sensitive area as regulated in
117 K.C.C. ~~((€))~~chapter 21A.24 or an area placed into tracts or easements pursuant to K.C.C.
118 21A.12.030. This exception does not apply within an area placed into tracts or easements
119 for a wildlife habitat corridor pursuant to K.C.C. chapter 21A.14 unless the proposed
120 activity is otherwise exempt under K.C.C. chapter 21A.24;

121 ~~((41.))~~ K. Fill less than three feet in vertical depth not involving more than one
122 hundred cubic yards of earth or other material on a single site; provided that the exception
123 does not apply if the clearing or grading is within a sensitive area as regulated in K.C.C.
124 ~~((€))~~chapter 21A.24 or an area placed into tracts or easements pursuant to K.C.C.
125 21A.12.030. This exception does not apply within an area placed into tracts or easements
126 for a wildlife habitat corridor pursuant to K.C.C. chapter 21A.14 unless the proposed
127 activity is otherwise exempt under K.C.C. chapter 21A.24;

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

130 ~~((13-))~~ M. Clearing or grading for construction of livestock manure storage
131 facilities or associated nonpoint source pollution facilities designed to the standards of and
132 approved in a conservation plan by the King County conservation district, and constructed
133 and maintained to those standards or livestock flood sanctuaries constructed and
134 maintained to the standards approved by the Soil Conservation Service and conservation
135 district and the best management practices approved by King County~~((-))~~;

136 ~~((14-))~~ N. Clearing and grading, performed as Class I, II, III or IV Special forest
137 practice in the F (Forestry) zone, that is conducted in accordance with ~~((RCW))~~ chapter
138 76.09 RCW and ~~((WAC))~~ chapter 222 WAC~~((-))~~;

139 ~~((15-))~~ O. Any clearing or grading which has been approved by the director as
140 part of a Commercial Site Development permit and for which a financial guarantee has
141 been posted~~((-))~~;

142 ~~((16-))~~ P. Clearing outside of sensitive areas and buffers as regulated in K.C.C.
143 ~~((€))~~chapter 21A.24 unless the development proposal site is within an area subject to
144 clearing restrictions contained in: K.C.C. 16.82.150, wildlife habitat corridors pursuant to
145 K.C.C. chapter 21A.14, critical drainage areas established by administrative rule or
146 property-specific development standards pursuant to K.C.C. chapter 21A.38~~((-))~~;

147 ~~((17-))~~ Q. Within sensitive areas, as regulated in K.C.C. ~~((€))~~chapter 21A.24, the
148 following activities are exempt from the clearing requirements of this chapter and no
149 permit shall be required~~((;-))~~;

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

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

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

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

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

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

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

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

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

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

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

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

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

188 ~~((8-))~~ R. Clearing within seismic hazard area, except on slopes greater than
189 ~~((15))~~ fifteen percent and subject to clearing restrictions contained in: K.C.C. 16.82.150,
190 wildlife habitat corridors pursuant to K.C.C. chapter 21A.14, critical drainage areas
191 established by administrative rule or property-specific development standards pursuant to
192 K.C.C. chapter 21A.38; and provided the site contains no other sensitive area
193 features~~((;))~~; and

194 ~~((9-))~~ S. Clearing within coal mine hazard area, subject to clearing restrictions
195 contained in: K.C.C. 16.82.150, wildlife habitat corridors pursuant to K.C.C. chapter
196 21A.14, critical drainage areas established by administrative rule or property-specific

197 development standards pursuant to K.C.C. chapter 21A.38; and provided the site contains
198 no other sensitive areas features.

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

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

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

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

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

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

238 A. The department of development and environmental services shall consider the
239 effect of the proposed operation on the county road system and any effect it may have on
240 surface or groundwater drainage and flood control, and shall make such
241 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