

Chapter 21A-38
Rules and Regulations of the
Department of Development and Environmental Services

Stream Corridors P-suffix (BCP-P2) Exemption Procedures For
Native Growth Protection Easement Requirements

Effective Date: March 21, 1997

Document No. _____

Sections:

- 21A-38-001 Purpose
- 21A-38-002 Exemption Procedures
- 21A-38-003 Appeal Procedures
- 21A-38-004 Severability

21A-38-001 Purpose. It is the purpose of these rules to implement provisions of the Bear Creek Community Plan Area Zoning to set forth procedures for the request and consideration of a reasonable use exemption to the Native Growth Protection Easement width requirements as contained in P-suffix condition Stream Corridors (BCP-P2) [Attachment 1].

21A-38-002 Exemption Procedures. A. The procedures for requesting and processing a Stream Corridor P-suffix exemption shall be the same as those for requesting and processing a reasonable use exception from the requirements of King County Code 21A.24, the County's Sensitive Areas Ordinance. These procedures are defined in Sections 8 through 17 of Ordinance 12196.

B. Exemption requests shall be considered under the decision criteria listed in P-suffix condition Stream Corridors (BCP-P2), Section F, Stream Corridor Exemptions.

21A-38-003 Appeal Procedures. The appeal procedures shall be those designated for Type 2 decisions as set forth in K.C.C. 20.24.

21A-38-004 Severability. If a provision of the rules contained herein or its applicability to any person or circumstance is held invalid, the remainder of the provisions of these rules or the application of the provision to other persons or circumstances shall not be affected.

[Attachment 1]

P-SUFFIX CONDITIONS FOR STREAM CORRIDORS

All development within 150 feet of identified streams in the Bear Creek planning area (Washington Department of Natural Resources Stream types map)* will be reviewed for impacts to streams. A sensitive area study will be prepared for any proposal that does not place required stream corridor easements in separate tracts, that proposes the use of streams for control or discharge of storm or surface water, or that proposes alterations of streams. Proposals that have no required corridor easement, that place stream corridor easements in a tract, that do not utilize streams for control or discharge of storm or surface water, and do not alter streams do not need to prepare a sensitive area study for streams. Other sensitive area special studies may still be required.

All sensitive area stream studies shall contain:

A. Map of the project area including:

1. reference streets and property lines;
2. existing and proposed easements, rights-of-way, and structures;
3. contours at the smallest readily available intervals;
4. hydrology: water movement into, through and off of the project area, including streams showing Department of Natural Resources (DNR) classification and wetlands showing King County inventory rating, and including seeps, springs, saturated soil zones, seasonal or intermittent swales and subsurface return flow zone. Streams noted as "unclassified" in the King County Sensitive Areas Map Folio or which do not appear in County or DNR maps should be labeled "unclassified." Wetlands not in County inventory should be labeled "uninventoried";
5. tops and toes of slopes and embankments;
6. location of required buffer, corridor limits, and building setback lines (BSBL);
7. location of normal winter base flow edge;
8. location of all trees at least 8" diameter breast height (DBH) within 100' of the stream centerline but outside the proposed stream corridor;
9. the toe of any slope adjacent to or 25' or less from the stream;
10. the edge of any riparian wetland, and required buffer and BSBL;
11. proposed stream crossings for utilities, roads, walkways, or other purposes;
12. proposed trails within the stream corridor.

B. Written reports detailing:

1. how the study was performed;
2. description of the project site and its condition;
3. the proposed action and potential environmental impacts of the proposed project to the stream;
4. the measures proposed to avoid or lessen the project's impacts (during construction and permanently). When plantings are proposed, detail species to be used, timing, and planting techniques;
5. characterization of riparian vegetation;

6. discussion of soil types adjacent to the stream, based on Soil Conservation Service maps or site-specific soil analysis where available (indicate source);
7. documentation of the presence or absence of salmonids in Type V or unclassified streams, based on the State Department of Fisheries Catalogue of Streams and Salmon Utilizations, Metro Stream Resource Inventories, or State Game Department Game Fish Distribution in Selected Streams Within the Lake Washington Drainage Basin, #83-9. Electrofishing on site or the equivalent may be necessary if no existing documentation is available;
8. when a stream crossing is proposed, discussion of salmonid use of the affected reach for spawning, rearing, or migration;
9. when restoration such as revegetation is discussed, documentation of vegetation, erosional, and landslide failures.

The following limitations and conditions on development in stream corridors will apply:

- A. All stream corridors shall be designated as native growth protection easements (NGPE) in the following development processes:

Rezone, formal subdivision, planned unit development (PUD), master planned development (MPD), multifamily, residential or commercial building permits, variance, shoreline, conditional use and unclassified use.

The purpose of the NGPE is to prevent disturbance or removal of vegetation and to prohibit structures, fills, or obstructions.

- B. In the following development processes each stream corridor designated as an NGPE also shall be placed in a separate tract.

Rezone, formal subdivision, planned unit development (PUD), master plan development (MPD), shoreline conditional use and unclassified use.

- C. Extent of Corridors
Stream corridor NGPEs and tracts will be sized according to the following criteria: (Upon adoption of the Sensitive Areas Ordinance, the more stringent regulations shall apply.)

1. Streams unconstrained by adjacent hazardous areas (Unconstrained Stream Corridors figure):
 - a. For all DNR Type I-IV streams and for DNR Type V streams which are shown to be habitat for salmonids, a minimum 100' buffer from the top-of-bank on both sides shall be provided and designated as a NGPE, and a 15' building setback line (BSBL) will extend landward from the edge of the tract.
 - b. For Type V streams which are not salmonid habitat, a minimum 25' buffer from the stream center line on both sides shall be provided and designated as a NGPE, and a 15' BSBL will extend landward from the edge of the tract.

2. Streams constrained by riparian (streamside) wetlands (Wetland Constrained Stream Corridor figure): Existing sensitive areas requirements for wetlands shall apply unless stream corridor requirements are more restrictive.
 3. Streams constrained by slopes 30% and greater (Slope Constrained Stream Corridors figure):
 - a. For streams adjacent to or within 25' of the toe of slopes which are less than 100' in horizontal length, a buffer shall extend 25' beyond the top of slope and a 15' building setback line (BSBL) shall apply. The corridor shall be designated as NGPE. These requirements shall also apply if slopes are variable, that is, having small benches or terraces but also having an overall slope of 30% or greater.
 - b. For streams adjacent to or within 25' of the toe of slopes which are greater than 100' in horizontal length, a buffer shall extend 125' beyond the top of bank or the water's edge and a 15' BSBL shall apply. The corridor shall be designated as NGPE. This requirement shall apply if slopes are variable, that is, having small benches or terraces but also having an overall slope of 30% or greater.
 - c. A minimum 100' buffer from the top of the bank on each side of the stream designated as NGPE and a 15' BSBL shall be provided for all streams.
- D. The use of streams for discharge or control of storm or surface water is subject to the following conditions:
1. In approving the use of streams for storm or surface water control, BALD staff shall review drainage and stream studies and apply conditions which minimize impacts on the hydraulic regime of the stream and impacts to wildlife habitat and water quality. These conditions include:
 - a. No stormwater will be discharged directly or piped into a stream.
 - b. Discharge shall occur in a manner which mimics natural conditions; such as by meandering grass-lined swales, infiltration trenches, perforated pipe, sheet flow through the vegetation of the corridor or other designs which BALD approves and which eliminate the sediment load and dissipate the energy of inflows.
 - c. BALD may require construction of an on-site sedimentation and storage system which intercepts water entering the stream.
- E. Alterations of streams and stream banks are subject to the following conditions:
1. Stream banks and their associated corridors shall not be altered without written review and approval by BALD and other pertinent agencies such as Washington Department of Game or Fisheries.

2. Streams may be placed in culverts only when no alternative exists to gain access to developable property.
3. Stream relocation is allowed only in DNR Type V streams and only when:
 - a. relocation is necessary to provide reasonable use of the property, and
 - b. reconstruction creates a new increase in both in-stream and riparian habitat over former conditions;
 - c. the new channel is designed to maximize fisheries habitat value;
 - d. revegetation of the new streamside uplands and banks provides for cooling shade, fish shelter, detritus inputs to the stream, bank stabilization, and stream channel protection from human and domestic animal intrusion;
 - e. new vegetation on the bank and adjacent uplands has been established for a full growing season prior to introduction of the new stream flows, and
 - f. the existing channel is not currently providing high quality habitat as determined by Washington State Fisheries or Game Department staff.
4. Trails may be located in stream corridors if they will not contribute to bank collapse or slope erosion or remove vegetation which shades or shelters the stream or anchors the bank. Trail access to the stream may be placed only at locations, that, in the Sensitive Areas Planner's judgement, can tolerate human traffic.

F. Stream Corridor Exemptions

If an applicant for a development proposal otherwise allowed under the applicable zone demonstrates that establishment of an NGPE of the width required in Section C above, would deny all reasonable use of the property, the Director of the Parks, Planning and Resources Department or his or her designee may administratively reduce the width of the NGPE in order to allow the development where the applicant also demonstrates:

1. That no reasonable use with less impact on the sensitive area and its buffer is possible; and
2. That there will be no damage to nearby public or private property and no threat to the health or safety of people on or off the property. If a reduction of the required NGPE is granted, it shall in no event be greater than the minimum necessary to allow the applied for use.

Note: Detailed procedures for the request and consideration of a reduction in the required width of the NGPE shall be drafted by the Parks, Planning and Resources Department and be available from that department as an administrative rule.

* For comparative purposes, the Washington Department of Natural Resources (DNR) stream classification system translates to the classification system used in the King County Sensitive Areas Ordinance (SAO) as follows:

<u>DNR</u>	<u>SAO</u>
Type 1	Class 1
Type 11-1V	Class 11
Type V (with salmonids)	Class 11
Type V (no salmonids)	Class 111