

Greater Maple Valley Area Council
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Subject: Proposed Changes to King County Code 21A.08.060

The Greater Maple Valley Unincorporated Area Council (GMVUAC) proposes a revision to King County Code 21A.08.060 as detailed herein. This code section addresses zoning for "Government/business services land uses" including "utilities," which include "regional surface water flow control and water quality facilities." We propose language that will maintain King County's prerogative to permit siting such Stormwater Retention Facilities in the Rural Area, but ensure such facilities only serve the Rural Area.

Background

The recent passage of Ordinance 2013-0481 on February 3, 2014, compelled the GMVUAC to pursue this avenue to ensure the integrity of the Rural Area, while still providing King County with the flexibility to site Retention Facilities in the Rural Area to serve the Rural Area.

King County and Master Planned Developer YarrowBay jointly drafted a Development Agreement for 77-unit clustered subdivision on 394 acres immediately due west of the City of Black Diamond and due south of Horseshoe Lake. The GMVUAC interest here was not the subdivision itself, but rather the establishment of a ~40-ac footprint "Regional Stormwater Retention Facility" in the Rural Area and the precedent it could set.

Applicable King County Code

Current King County Code allows two types of Stormwater facilities in the Rural Area--Private and Regional, respectively, below:

KCC 21A.08.060 Government/business services land uses. (A)(8): Private stormwater management facilities serving development proposals located on commercial/industrial zoned lands shall also be located on commercial/industrial lands, unless participating in an approved shared facility drainage plan. Such facilities serving development within an area designated urban in the King County Comprehensive Plan shall only be located in the urban area.

KCC 21A.06.1350 Utility facility. A facility for the distribution or transmission of services, including: F. Regional surface water flow control and water quality facilities;..."

The definition in KCC 21A.06.1350 for a "Utility" which serves a "surface water flow control" need, does not preclude accepting runoff generated and flowing from the Urban Growth Area. The GMVUAC finds this both unacceptable and unnecessary.

The King County/YarrowBay Development Agreement calls for alleviating occasional flooding of Horseshoe Lake--a "surface water flow control" need--by building a ~20-ac retention pond with a ~20-acre overflow (thus the ~40-ac footprint). The Retention Facility and its overall footprint is being sized to handle two small Rural Area uses (Horseshoe Lake and runoff from the 77-unit subdivision) and one very large Urban use (runoff from one of the massive YarrowBay Master-Planned Developments (MPDs)--4,800 units). That MPD Urban use will provide ~90% of the water to the Retention Facility according to both parties to the Development Agreement. Nevertheless, the language in KCC 21A.06.1350 and KCC 21A.08.060, as currently written, allows this use.

Code History

Based on our research of the chronology of the subject and related code sections, the original intent was never to site such Stormwater Retention Facilities in the Rural Area that primarily serve the Urban Growth Area.

The Utility Facility vis-à-vis Private Stormwater Management Facility distinction dates back at least to the major update in the King County Code (Ord. No. 10870; KCC Title 21A) in 1993. The definition of Utility Facility in Ord. No. 10870 included "Regional stormwater management facilities"; later amended to the current "Regional surface water flow control and water quality facilities" found in KCC 21A.06.1350 by Ord. No. 15051 in 2004. Below is a brief description of these and related Ordinances:

Ordinance No. 10870 (1993); Section 310 defines Utility Facility as including "Regional stormwater management facilities;" Section 333 sets forth the Zoning/Land Use Matrix for Government Services, and includes both "Utility Facility" and "Private Stormwater Management Facility."

[Note the original version of Development Condition #8.]

Ordinance No. 13190 (1998); Section 15 amends the Zoning/Land Use Matrix for Government Services and amends Development Condition #8 to its present language.

Ordinance No. 15051 (2004); Section 109 amends the definition of Utility Facility to its present language of "Regional surface water flow control and water quality facilities."

Ordinance No. 17539 (2013); Section 29 amends the Zoning/Land Use Matrix for Government/business services to its current language. The only changes to prior version is in Development Conditions #6a, 7b, 15b, and 36d -- nothing that affects either the Utility Facility or Private Stormwater Management Facility location criteria and requirements.

Proposed Code Changes

The GMVUAC proposes amending KCC 21A.08.060 A. Government/business services land uses. under "Specific Land Use" – "Utility Facility" by adding Note #38 as a Development Condition to all Zoning Designations as follows (in bold):

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

SIC#	SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I (30)
	Utility Facility	P29 C28 38	P29 C28 38	P29 C28 38	P29 C28 and 33 38	P29 C28 38	P29 C28 38	P29 C28 38	P38	P38	P38	P38	P38

B. Development conditions.

8. Private stormwater management facilities serving development proposals located on commercial/industrial zoned lands shall also be located on commercial/industrial lands, unless participating in an approved shared facility drainage plan. Facilities serving development within an area designated urban in the King County Comprehensive Plan shall only be located in the urban area. See Note #38 (inclusion of certain Utility Facilities).

28. Limited to bulk gas storage tanks that pipe to individual residences but excluding liquefied natural gas storage tanks. 29. Excluding bulk gas storage tanks.

33. Subject to review and approval of conditions to comply with trail corridor provisions of K.C.C. chapter 21A.14 when located in an RA zone.

38. Utility Facilities consisting of regional surface water flow control and water quality facilities that are proposed to be wholly located within a Resource or Rural-designated area and associated in whole or in part with an existing or new proposed private residential development that is located wholly within an Urban-designated area are prohibited. Where such conditions are proposed for a new facility or where substantial facility or service area modifications to an existing regional surface water flow control and water quality facility are proposed, the requirements under Note #8 shall apply to Utility Facilities.

(Ord. 17539 § 29, 2013; Ord. 16950 § 17, 2010; Ord. 16594 § 2, 2009; Ord. 16267 § 79, 2008; Ord. 15974 § 8, 2007; Ord. 15606 § 14, 2006; Ord. 15245 § 6, 2005; Ord. 15032 § 13, 2004; Ord. 14254 § 1, 2001; Ord. 14045 § 13, 2001; Ord. 13278 § 5, 1998; Ord. 13190 § 15, 1998; Ord. 13022 § 13, 1998; Ord. 12596 § 6, 1997; Ord. 12243 § 2, 1996; Ord. 12018 § 3, 1995; Ord. 11621 § 37, 1994; Ord. 11157 § 13, 1993; Ord. 10870 § 333, 1993).

The express purpose of the proposed language change herein is to prohibit drainage control and treatment ponds/facilities serving urban or commercial/industrial zoned areas, including new residential/commercial development, to be located in the rural zoned areas. Such drainage control/treatment facilities must be located within the urban or commercial/industrial area served.

We respectfully request the Council review the proposed King County Code changes herein and consider such changes that will ensure Urban facilities such as Regional Stormwater Retention Facilities serving urban development be sited in the Urban Growth Area and not the Rural Area. Thank you.

Sincerely,

Steve Hiester (gmvac_chair@hotmail.com)
Chairman, Greater Maple Valley Unincorporated Area Council

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