Pilot Program allowing Development in the No-Disturbance Area (Osgood proposal) Item 4-15f

Existing Regulation(s)	Proposed Amendment & Description
The existing regulations (SMC 21A.50.225) prohibit development within the no-disturbance area of the Erosion Hazard near Sensitive Water Body (ENSWB) overlay except for: • Single family homes on pre-existing lots • Utility improvements in public right of way • Street construction to access existing property • Public park facilities.	Modify alternative policy item 4-15d to allow for additional projects in the no-disturbance area to qualify for development under the pilot program. Projects that would qualify under this alternative would incorporate the following design features: • Site area of less than 5 acres • Stormwater facilities shall remove 60% phosphorous • Connection to an existing manmade conveyance to Lake Sammamish (e.g. armored ditch) • Require level 3 flow control on all projects • Limit individual site impervious surface to 50% • Minimum of 15% open space (in addition to required recreation space) • Evaluation of the existing downstream manmade conveyance system • Revegetation of all open space • 15% of each lot shall contain drought resistant/tolerant plantings • Rainwater Harvesting
Desired Result of Amendment: Allow for additional development within the no-disturbance area of the Erosion Hazard near Sensitive Water Body overlay. Manage risk of large erosion / sediment loads into Lake Sammamish through the use of various site development management techniques. This alternative would allow projects that can connect to existing manmade conveyance systems as described above to develop, in addition to projects that can tightline directly to Lake Sammamish and projects designed consistent with the tenants of Low Impact development.	

Amendment Source:
Public comment

Best Available Science Support: Not Supported
Best Available Science Report "Erosion Hazard Areas & Erosion Hazards Near Sensitive Water Bodies" by AMEC Environment & Infrastructure, Inc.

Relevant Information (includes technical papers and/or references):
- East Sammamish Draft EIS, King County Planning & Community Development, July 1992
- East Sammamish Basin and Non Point Action Plan, King County SWM Division, December 1994
- National Pollutant Discharge Eliminate System (NPDES) Phase 2 permit issued by DOE

Affected Code Section(s) (incudes duplicative and overlapping sections):
- 21A.50.225 Erosion hazards near sensitive water bodies – Special district overlay
- 21A.110.030 (cross reference)
- 16.15.070 (cross reference)

Public Comment Reference(s):
37, 38, 62, 119, 123, 131, 143, 145, 147, 149, 150, 153-157, 158, 165, 184, 191, 192, 193

Technological Advances (if applicable):
- 2009 King County Surface Water Design Manual
- Low Impact Development Technical Guidance Manual for Puget Sound by PSAT, 2005

Notes:

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Ratings are either: large positive (P), small positive (p), neutral, large negative (N), small negative (n)

Environmental	n	Implementation	Neutral

- Reduced on-site protection of the EHNSWB functions and values (F&V)
- Decreased protection of public assets and resources (e.g. streets, water quality)
- Slightly increased cumulative impacts to the EHNSWB F&V
- Neutral potential to restore damaged F&V
- Slightly increased chance of damage to ECA F&V
- Neutral potential to damage high quality, unique ECA features
- Slightly increased effect on loss of ECA F&V

The proposed modification to the proposed pilot program alternative (identified as item 4-15d) would allow for additional development on projects that connect to existing manmade conveyances. The proposed modification exceeds existing development regulations by using methods, including the incorporation of LID techniques, to improve water quality and somewhat decrease the volume and flow of stormwater discharge.

- Limited chance for unintended consequences in the pilot program
- Neutral effect on ability for consistent, efficient implementation by the staff
- Decreased likelihood of support/approval by other agencies
- Allows for the evaluation of effectiveness of the mitigation and monitoring

The amendment to create a pilot program would allow for development in the no disturbance area with specified controls (or a menu of controls) to be proposed by the applicant and monitored by the city. Adaptive site management would be required to minimize unintended consequences from development. Lake Sammamish is listed as a water quality impaired lake (Clean Water Act - 303(d) listing), consequently any action by the city that will negatively affect water quality will likely not be supported by other agencies, although the pilot program may reduce concerns. The pilot program will allow for evaluation of the effectiveness of implementing adaptive site management and effective erosion and sediment control measures.

Property	P	Overall Effect

- Increased flexibility and options for property owner's use of property
- Neutral effect on predictability for permit applicants and neighbors
- Increased recognition of site improvements and existing uses in standards
- More expensive / more time

The proposed amendment will allow for additional types development (i.e. subdivision) where it is currently prohibited in the no disturbance area, which increases options and flexibility for property owners. Review of development proposals, water quality protections, and erosion and sediment control will increase development costs and will increase development review times.

Positive

Item 4-15f – the language would be inserted on line 8 on page 26 of the 11/30/2012 Draft ECA regulations.

(ii) Where access to Lake Sammamish is only available via connection to an existing offsite, manmade conveyance, the applicant shall design a project consistent with the following:

(A) The project site must be less than 5 acres in size;

(B) Permanent stormwater treatment and flow control facilities shall be installed consistent with current City standards. In addition, these facilities shall remove 60 percent of total phosphorus;

(C) Stormwater detention shall be enhanced to achieve Level 3 flow control or equivalent based upon the adopted surface water design manual;

(D) All treatment and flow control facilities, tightlines, and connections to existing offsite, manmade conveyances shall be designed by a professional engineer, using the adopted surface water design manual. The off-site manmade conveyance shall be evaluated per section 1.2.4.2 of the KCSWDM. A downstream analysis of all open channel elements of the off-site, manmade conveyance shall be required. The analysis shall address the entirety of the conveyance from the project site to Lake Sammamish and shall include a field inspection, geotechnical review, and quantitative hydraulic analysis. The analysis shall be subject to a third-party peer review at the applicant's expense. Any necessary repairs or improvements to the existing offsite, mandmade conveyance, as identified in the downstream analysis, shall be required to ensure that the conveyance can function properly without creating or exacerbating erosive or flooding conditions within the conveyance or on other affected areas;

(E) Temporary erosion and sediment control improvements, in particular temporary flow attenuation and active water quality treatment, shall be installed in accordance with current City standards, subject to the additional provisions of 5(e), below;

(F) Effective impervious surface coverage on each residential lot shall be limited to a maximum of 50 percent of the lot area;

(G) A minimum of 15 percent of the gross project site area shall be retained as open space. This open space shall be in addition to the open space otherwise required for recreational use, and shall be established in dedicated tracts that may include stormwater management facilities;

(H) In addition to meeting current tree retention standards per SMC 21A.35.210(1)(a), all dedicated open space areas shall be revegetated. Revegetation shall consist of: native trees (70% evergreen), provided at a rate of 1 per 200 square feet and spaced no more than 40 feet on center; native shrubs, provided at a rate of 1 per 20 square feet; and groundcover pursuant to SMC 21A.35.080. Revegetation shall apply to disturbed areas not otherwise occupied by storm water management facilities or recreation area;

(I) A minimum of 15 percent of each residential lot shall contain drought-tolerant native plantings; or

(J) Each single-family residence developed shall provide roof rainwater harvesting (collection, storage, and distribution) facilities sufficient to flush toilets for a family of four.