

Pilot Program allowing Development in the No-Disturbance Area (Carson proposal)

Item 4-15g

Existing Regulation(s)	Proposed Amendment & Description
<p>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:</p> <ul style="list-style-type: none"> • Single family homes on pre-existing lots • Utility improvements in public right of way • Street construction to access existing property • Public park facilities. 	<p>Modify alternative policy item 4-15d to allow for additional projects in the no-disturbance area to qualify for development under the pilot program.</p> <ul style="list-style-type: none"> • Increase the number of projects to 3 plats that can tightline, 3 plats that can be developed otherwise (e.g. LID approach), and 3 short plats • Control post-development phosphorous at 60%
<p>Desired Result of Amendment: Allow for additional development within the no-disturbance area of the Erosion Hazard near Sensitive Water Body overlay; in particular for properties that can incorporate direct discharge into the Lake. Manage risk of large erosion / sediment loads into Lake Sammamish through the use of various site development management techniques. This alternative would increase the total number of projects that could be built under the pilot program from 6 to 9, and add a post-development phosphorous control standard.</p>	

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:

Evaluation Form – Planning Commission Approved

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Ratings are either: large positive (P), small positive (p), neutral, large negative (N), small negative (n)			
Environmental	n	Implementation	Neutral
<ul style="list-style-type: none"> • Reduced on-site protection of the EHNSWB functions and values (F&V) • Decreased protection of public assets and resources (e.g. streets, water quality) • Increased cumulative impacts to the EHNSWB F&V • Neutral potential to restore damaged F&V • Increased chance of damage to ECA F&V • Neutral potential to damage high quality, unique ECA features • Increased effect on loss of ECA F&V <p>The proposed modification to the proposed pilot program alternative (identified as item 4-15d) would allow for three additional development projects, while recognizing the differences in approach between a tightline and other approaches. Impacts are further offset by incorporating the 60% phosphorous removal standard for stormwater generated on the site prior to discharge into a conveyance.</p>		<ul style="list-style-type: none"> • 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 <p>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.</p>	
Property	P	Overall Effect	
<ul style="list-style-type: none"> • 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 <p>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.</p>		<h2>Positive</h2>	