

Legislation Details (With Text)

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Title: AN ORDINANCE relating to the development of tree houses within an aquatic area buffer, channel migration zone or floodway; designating an area along a rural zoned portion of the Raging river where tree house demonstration projects may be approved; adopting provisions for placement of tree houses in accordance with K.C.C. 21A.55.010; adding a new section to K.C.C. chapter 21A.06 and adding a new section to K.C.C. chapter 21A.55.

Sponsors: Kathy Lambert

Indexes: Growth Management

Code sections:

Attachments: 1. 2008-0375 Staff report (9-09).doc

Date	Ver.	Action By	Action	Result
9/9/2008	1	Growth Management and Natural Resources Committee		
7/7/2008	1	Metropolitan King County Council	Introduced and Referred	

Clerk 07/03/2008

AN ORDINANCE relating to the development of tree houses within an aquatic area buffer, channel migration zone or floodway; designating an area along a rural zoned portion of the Raging river where tree house demonstration projects may be approved; adopting provisions for placement of tree houses in accordance with K.C.C. 21A.55.010; adding a new section to K.C.C. chapter 21A.06 and adding a new section to K.C.C. chapter 21A.55.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The designation of critical areas is mandated by the state Growth Management Act, countywide planning policies and the King County Comprehensive Plan.

B. Designations of critical areas are driven by concerns about impacts to the various environmental functions that critical areas provide, as well as concerns about public and structural safety.

C. King County has a history of using demonstration projects to test flexible development standards and construction techniques and to evaluate whether alternative land development standards could be used even while ensuring that the environmental functions of critical areas and the safety of the public and structures are maintained.

D. King County has a unique opportunity to test whether limited-size structures could be constructed within the overstory of lands within the aquatic area buffer, channel migration zone or a floodway, without a significant negative impact to the environmental function or public safety.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 21A.06 a new section to read as follows:

Tree house: A structure fully supported by the trunk or main branch of one or more tree.

NEW SECTION. SECTION 3. There is hereby added to K.C.C. chapter 21A.55 a new section to read as follows:

A. The purpose of the rural tree house demonstration project is to test techniques to allow limited construction of structures within an aquatic area buffer, channel migration zone or a floodway, while maintaining the important habitat value of the aquatic area buffers and ensuring the safety of persons which utilize such structures. A rural tree house demonstration project may include tree houses constructed before the effective date of this ordinance, but only if all other provisions of this section are met.

B. The area eligible for a rural tree house demonstration project shall be limited to Rural (RA) zoned land within an aquatic area buffer, channel migration zone or a floodway adjacent to the Raging river, from its confluence with the Snoqualmie river to Interstate 90.

C. Applications for rural tree house demonstration projects must be submitted no later than December 31, 2008. Construction of tree houses shall be completed by September 1, 2009.

D. The total cumulative number of tree houses for all rural tree house demonstration projects shall not exceed ten.

E. A rural tree house demonstration project shall be designated only after submittal of an application to the department of natural resources and parks. The application shall include an explanation of how the proposed project, with modifications to the code, will:

1. Enhance the preservation of the aquatic area buffer for resource value, open space, scenic views and wildlife habitat;
2. Have no substantial impacts on the natural environment or is consistent with natural functions;
3. Support the integration of tree houses and the wildlife value of the aquatic area buffer; and
4. Ensure public safety within aquatic area buffer, channel migration zone or a floodway.

F. Applicants for designation as a rural tree house demonstration project shall pay a registration fee of one hundred dollars per tree house with the department of development and environmental for the purpose of monitoring the number of structures and evaluating the impact of tree house construction and its on-going presence within an aquatic area buffer, channel migration zone or a floodway.

G. The applicant shall jointly develop of a rural stewardship plan with the department of natural resources and parks, with input from the department of department of development and environmental services. The rural stewardship plan shall include:

1. An overview of existing conditions within the aquatic area buffer, channel migration zone or a floodway, including current tree species and respective size ranges, understory composition and natural and human disturbances;
2. Objectives for management including water quality protection, habitat enhancement, maintenance of scenic values, surface water management and minimal impacts to neighbors; and
3. A replanting plan consistent with these management objectives including re-establishment of understory vegetation that is disturbed by construction activities.

H. For the purpose of the rural tree house demonstration projects, the prohibitions or limitations of K.C.C. 21A.24.045, which is allowed alterations, K.C.C. 21A.24.365, which is aquatic areas - development standards and alterations, K.C.C. 21A.24.275, which is channel migration zones, K.C.C. 21A.24.250, which is zero-rise floodway, and K.C.C. 21A.24.260, which is FEMA floodway, shall not apply to tree houses located within the aquatic area buffer, channel migration zone or a floodway. Proposed modifications from other standards of this K.C.C. Title 21A shall be administratively approved by the director of the department of development and environmental services, and shall be consistent with an approved rural stewardship plan developed for each rural tree house demonstration project site.

I. Before the construction of a tree house, the applicant shall provide to the department of natural resources and park a letter from a certified arborist that:

1. The host tree is healthy and capable of bearing the structural loads that will be placed upon it; and
2. The tree house and attachment system will not harm the host tree or trees.

J. New tree houses constructed after the effective date of this ordinance shall not have a building area exceeding two hundred square feet.

K. Tree houses shall not have connections to water or on-site septic wastewater systems.

L. Tree houses shall not be used as permanent residences.

M. The application to modify development standards for a rural tree house demonstration project proposal shall be evaluated on the merits of the specific proposal. Approval or denial of a proposed modification shall not be construed as precedent setting for elsewhere in the county.

N. The director of the department of natural resources and parks shall submit a report to the council by December 31, 2009, evaluating the impacts of the construction and presence of tree houses within the aquatic area buffer, channel migration zone or a floodway. Eleven copies of the report shall be filed with the clerk of the council, for distribution to all councilmembers. The evaluation shall include input from:

1. Critical areas staff from the department of development and environmental services;

2. A qualified arborist; and
3. The King Conservation District.

Official paper, 30 days prior

Post: outside chambers