

CHAPTER 21A.24 – CRITICAL AREAS

1 SECTION 1. 21A.24.045 Allowed alterations.

2 A. Within the following seven critical areas and their buffers all alterations are allowed if
3 the alteration complies with the development standards, mitigation requirements and other
4 applicable requirements established in this chapter:

- 5 1. Critical aquifer recharge area,
- 6 2. Coal mine hazard area;
- 7 3. Erosion hazard area;
- 8 4. Flood hazard area except in the severe channel migration hazard area;
- 9 5. Landslide hazard area under forty percent slope;
- 10 6. Seismic hazard area; and
- 11 7. Volcanic hazard areas.

12 B. Within the following seven critical areas and their buffers, unless allowed as an
13 alteration exception under K.C.C. 21A.24.070, only the alterations on the table in subsection C.
14 of this section are allowed if the alteration complies with conditions in subsection D. of this
15 section and the development standards, mitigation requirements and other applicable
16 requirements established in this chapter:

- 17 1. Severe channel migration hazard area;
- 18 2. Landslide hazard area over forty percent slope;
- 19 3. Steep slope hazard area;
- 20 4. Wetland;
- 21 5. Aquatic area;
- 22 6. Wildlife habitat conservation area; and

KEY
 Letter "A" in a cell means alteration is allowed

 A number in a cell means the corresponding numbered condition in subsection D. applies

 "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network

	L A N D S L I D E H A Z A R D	O V E R 40% A N D B U F F E R	S T E P S L O P E H A Z A R D	A N D B U F F E R	W E L F A R E A N D	B U F F E R	A Q U A T I C A R E A A N D	B U F F E R A N D S E V E R E	C H A N G E M I G R A T I O N	W I L D L I F E A R E A	A N D N E T W O R K
ACTIVITY											
Grading											
Grading			A 13				A 14			A 4, 14	
Construction of new slope stabilization	A 15		A 15		A 15		A 15			A 4, 15	
Maintenance of existing slope stabilization	A 16		A 13		A 17		A 16, 17			A 4	
Mineral extraction	A		A								
Clearing											
Clearing	A 18		A 18, 19		A 18, 20		A 14, 18, 20			A 4, 14, 18, 20	
Cutting firewood			A 21		A 21		A 21			A 4, 21	
Removal of vegetation for fire safety	<u>A22</u>		<u>A22</u>		A 22		A 22			A 4, 22	
Removal of noxious weeds or invasive vegetation	A 23		A 23		A 23		A 23			A 4, 23	
Forest Practices											
Nonconversion Class IV-G forest practice	A 24		A 24		A 24		A 24			A 24, 25	
Class I, II, III, IV-S forest practice	A		A		A		A			A	
Roads											
Construction of new public road right-of-way structure on unimproved right-of-way					A 26		A 26				
Construction of new road in a plat					<u>A26</u>		<u>A26</u>				

KEY
 Letter "A" in a cell means alteration is allowed

 A number in a cell means the corresponding numbered condition in subsection D. applies

 "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network

	L A N D S L I D E H A Z A R D	O V E R 40% A N D B U F F E R	S T E E P S L O P E H A Z A R D	A N D B U F F E R	W E T L A N D A N D	B U F F E R	A Q U A T I C A R E A N D	B U F F E R A N D S E T T L E M E N T S	C H A N G E S I N T E R I O R S	W I L D L I F E A R E A	A N D N E T W O R K
ACTIVITY											
Maintenance of public road right-of-way structure	A 16		A 16		A 16		A 16			A 16, 27	
Expansion beyond public road right-of-way structure	A		A		A 26		A 26				
Repair, replacement or modification within the roadway	A 16		A 16		A 16		A 16			A 16, 27	
Construction of driveway or private access road	A 28		A 28		A 28		A 28			A 28	
Construction of farm field access drive	A 29		A 29		A 29		A 29			A 29	
Maintenance of driveway, private access road or farm field access drive	A		A		A 17		A 17			A 17, 27	
Bridges or culverts											
Maintenance or repair of bridge or culvert	A 16, 17		A 16, 17		A 16, 17		A 16, 17			A 16, 17, 27	
Replacement of bridge or culvert	A 16		A 16		A 16		A 16, 30			A 16, 27	
Expansion of bridge or culvert	A		A		A 31		A 31			A 4	
Utilities and other infrastructure											
Construction of new utility corridor or utility facility	A 32, 33		A 32, 33		A 32, 34		A 32, 34			A 27, 32, 35	
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33		A 32, 33		A 32, 34, 36		A 32, 34, 36			A 4, 32, 37	

KEY
 Letter "A" in a cell means alteration is allowed

 A number in a cell means the corresponding numbered condition in subsection D. applies

 "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network

L A N D S L I D E H A Z A R D	O V E R 40% A N D B U F F E R	S T E P S L O P E H A Z A R D	A N D B U F F E R	W E L L S I T E S	B U F F E R	A Q U I F E R C A R E A N D	B U F F E R A N D S E V E R E	C H A N G E M I G R A T I O N	W I L D L I F E A R E A	A N D N E T W O R K
---	--	---	---	---	----------------------------	--	---	---	--	--

ACTIVITY					
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A <u>32</u> , 33	A <u>32</u> , 33	A <u>32</u> , 38	A 32, 39	A 4
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 39	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4

KEY
 Letter "A" in a cell means alteration is allowed

 A number in a cell means the corresponding numbered condition in subsection D. applies

 "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network

	L A N D S L I D E H A Z A R D	O V E R 40% A N D B U F F E R	S T E P S L O P E H A Z A R D	A N D B U F F E R	W E L L A N D A N D	B U F F E R	A Q U A T I C A R E A N D	B U F F E R A N D S E T T L E M E N T S	C H A N G E M O D I F I C A T I O N	W I L D L I F E A R E A	A N D N E T W O R K
ACTIVITY											
Recreation ((areas))											
Construction of new trail	A 46		A 46		A 47		A 47			A 4, 47	
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48		A 48		A 48		A 48			A 4, 48	
Habitat, education and science projects											
Habitat restoration or enhancement project	A 49		A 49		A 49		A 49			A 4, 49	
Scientific sampling for salmonids					A 50		A 50			A 50	
Drilling and testing for critical areas report	A 51		A 51		A 51, 52		A 51, 52			A 4	
<u>Environmental education project</u>	<u>A 60</u>		<u>A 60</u>		<u>A 60</u>		<u>A 60</u>			<u>A 60</u>	
Agriculture											
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53		A 53		A 53, 54		A 53, 54			A 53, 54	
Grazing livestock	A 53		A 53		A 53, 54		A 53, 54			A 53, 54	
Construction or maintenance of livestock manure storage facility					A 53, 54, 55		A 53, 54, 55, 56			A 53, 54	
Construction or maintenance of livestock flood sanctuary					A		A 56				

KEY
 Letter "A" in a cell means alteration is allowed

 A number in a cell means the corresponding numbered condition in subsection D. applies

 "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network

	L A N D S L I D E H A Z A R D	O V E R 40% A N D B U F F E R	S T E P S L O P E H A Z A R D	A N D B U F F E R	W E T L A N D A N D	B U F F E R	A Q U A T I C A R E A N E R E	B U F F E R A N D S E V E R E	C H A N G E M I G R A T I O N	W I L D L I F E A R E A	A N D N E T W O R K
ACTIVITY											
Construction of agricultural drainage					A 57		A 57			A 4, 57	
Maintenance of agricultural drainage	A 23, 58		A 23, 58		A 23, 53, 54, 58		A 23, 53, 54, 58			A 4, 23, 53, 54, 58	
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53		A 53		A 53, 54		A 53, 54			A 53, 54	
Other											
Excavation of cemetery graves in established and approved cemetery	A		A		A		A			A	
Maintenance of cemetery graves	A		A		A		A			A	
Maintenance of lawn, landscaping or gardening for personal consumption	A 59		A 59		A 59		A 59			A 59	
Maintenance of golf course	A 17		A 17		A 17		A 17			A 4, 17	

- 30 D. The following alteration conditions apply:
- 31 1. Limited to farm residences in grazed or tilled wet meadows and subject to the
- 32 limitations of subsection D.3. of this section.
- 33 2. Allowed in a buffer of a lake that is twenty acres or larger on a lot that was created
- 34 before January 1, 2005, if:

35 a. at least seventy-five percent of the lots abutting the shoreline of the lake or seventy-
36 five percent of the lake frontage, whichever constitutes the most developable lake frontage, has
37 existing density of four dwelling units per acre or more;

38 b. the development proposal, including mitigation required by this chapter, will have
39 the least adverse impact on the critical area;

40 c. existing native vegetation within the critical area buffer will remain undisturbed
41 except as necessary to accommodate the development proposal and required building setbacks;

42 d. access is located to have the least adverse impact on the critical area and critical
43 area buffer;

44 e. the alteration is the minimum necessary to accommodate the development proposal
45 and in no case in excess of a development footprint of five thousand square feet; and

46 f. ~~((the alteration does not exceed the residential development setbacks required under
47 K.C.C. chapter 25.04 and in no circumstances shall the alteration be allowed closer than:~~

48 ~~(1) twenty five feet of the ordinary high water mark of a lake shoreline designated
49 urban under K.C.C. chapter 25.16;~~

50 ~~(2) fifty feet of the ordinary high water mark of a lake shoreline designated rural
51 under K.C.C. chapter 25.20 or conservancy under K.C.C. chapter 25.24; or~~

52 ~~(3) one hundred feet of the ordinary high water mark of a lake shoreline designated
53 natural under K.C.C. chapter 25.28; and~~

54 ~~g.))~~ to the maximum extent practical, alterations are mitigated on the development
55 proposal site by enhancing or restoring remaining critical area buffers.

56 3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or buffers
57 of wetlands or aquatic areas where:

- 58 a. the site is predominantly used for the practice of agriculture;
- 59 b. the structure is in compliance with an approved farm management plan in
60 accordance with K.C.C. 21A.24.051;
- 61 c. the structure is either:
- 62 (1) on or adjacent to existing nonresidential impervious surface areas, additional
63 impervious surface area is not created waterward of any existing impervious surface areas and
64 the area was not used for crop production;
- 65 (2) higher in elevation and no closer to the critical area than its existing position; or
- 66 (3) at a location away from existing impervious surface areas that is determined to be
67 the optimum site in the farm management plan;
- 68 d. all best management practices associated with the structure specified in the farm
69 management plan are installed and maintained;
- 70 e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not require
71 the development of a farm management plan if required best management practices are followed
72 and the installation does not require clearing of critical areas or their buffers; and
- 73 f. in a severe channel migration hazard area portion of an aquatic buffer only if:
- 74 (1) there is no feasible alternative location on-site;
- 75 (2) the structure is located where it is least subject to risk from channel migration;
- 76 (3) the structure is not used to house animals or store hazardous substances; and
- 77 (4) the total footprint of all accessory structures within the severe channel migration
78 hazard area will not exceed the greater of one thousand square feet or two percent of the severe
79 channel migration hazard area on the site.

80 4. Allowed if no clearing, external construction or other disturbance in a wildlife habitat
81 conservation area occurs during breeding seasons established under K.C.C. 21A.24.382.

82 5. Allowed for structures when:

83 a. the landslide hazard poses little or no risk of injury;

84 b. the risk of landsliding is low; and

85 c. there is not an expansion of the structure.

86 6. Within a severe channel migration hazard area allowed for:

87 a. existing primary structures if:

88 (1) there is not an increase of the footprint of any existing structure; and

89 (2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270; and

90 b. existing accessory structures if:

91 (1) additions to the footprint will not make the total footprint of all existing structures
92 more than one-thousand square feet; and

93 (2) there is not an expansion of the footprint towards any source of channel migration
94 hazard, unless the applicant demonstrates that the location is less subject to risk and has less
95 impact on the critical area.

96 7. Allowed only in grazed wet meadows or the buffer or building setback outside a
97 severe channel migration hazard area if:

98 a. the expansion or replacement does not increase the footprint of a nonresidential
99 structure;

100 b.(1) for a dwelling unit, the expansion or replacement, including any expansion of an
101 accessory structure allowed under this subsection B.7.b., does not increase the footprint of the

102 dwelling unit and all other structures by more than one thousand square feet, not including any
103 expansion of a drainfield made necessary by the expansion of structures;

104 (2) for a structure accessory to a dwelling unit, the expansion or replacement is
105 located on or adjacent to existing impervious surface areas and does not increase the footprint of
106 the accessory structure and the dwelling unit by more than one thousand square feet; and

107 (3) the location of the expansion has the least adverse impact on the critical area;

108 c. the structure was not established as the result of a variance, buffer averaging or
109 reasonable use exception; and

110 d. to the maximum extent practical, the expansion or replacement is not located closer
111 to the critical area or within the relic of a channel that can be connected to an aquatic area.

112 8. Allowed upon another portion of an existing impervious surface outside a severe
113 channel migration hazard area if:

114 a. the structure is not located closer to the critical area; and

115 b. the existing impervious surface within the critical area or buffer is not expanded.

116 9. Limited to seasonal floating docks or piers in a category II, III or IV wetland or its
117 buffer or along a lake shoreline or its buffer where:

118 a. ~~((the existing and zoned density of all properties abutting the entire lake shoreline~~
119 ~~averages three dwelling units per acre or more;~~

120 ~~b. at least seventy five percent of the lots abutting the shoreline or seventy five~~
121 ~~percent of the lake frontage, whichever constitutes the most lake frontage, has been developed~~
122 ~~with dwelling units;~~

123 e.) there is not any significant vegetation where the alteration is proposed and the loss
124 of vegetation was not the result of any violation of law;

- 125 (~~(e)~~) b. the wetland or lake shoreline is not a salmonid spawning area; and
- 126 e. hazardous substances or toxic materials are not used.
- 127 10. Allowed on type N or O aquatic areas if hazardous substances or toxic materials are
- 128 not used.
- 129 11. Allowed on type S or F aquatic areas outside of the severe channel migration hazard
- 130 area if in compliance with K.C.C. (~~(Title 25)~~) 21A.XX (Shoreline regulations).
- 131 12. When located on a lake, must be in compliance with K.C.C. (~~(Title 25)~~) chapter
- 132 21A.XX (Shoreline Regulations).
- 133 13. Limited to regrading and stabilizing of a slope formed as a result of a legal grading
- 134 activity.
- 135 14. The following are allowed in the severe channel migration hazard area if conducted
- 136 more than one-hundred and sixty-five feet from the ordinary high water mark in the rural area
- 137 and one-hundred and fifteen feet from the ordinary high water mark in the urban area:
- 138 a. grading of up to fifty cubic yards on lot less than five acres; and
- 139 b. clearing of up to one-thousand square feet or up to a cumulative thirty-five percent
- 140 of the severe channel migration hazard area.
- 141 15. Only where erosion or landsliding threatens a structure, utility facility, roadway,
- 142 driveway, public trails, aquatic area or wetland if, to the maximum extent practical, stabilization
- 143 work does not disturb the slope and its vegetative cover and any associated critical areas.
- 144 16. Allowed when performed by, at the direction of or authorized by a government
- 145 agency in accordance with regional road maintenance guidelines.
- 146 17. Allowed when not performed under the direction of a government agency only if:

147 a. the maintenance does not involve the use of herbicides, hazardous substances,
148 sealants or other liquid oily substances in aquatic areas, wetlands or their buffers; and

149 b. when maintenance or replacement of bridges or culverts involves water used by
150 salmonids:

151 (1) the work is in compliance with ditch standards in public rule; and

152 (2) the maintenance of culverts is limited to removal of sediment and debris from the
153 culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or
154 channel immediately adjacent to the culvert and shall not involve the excavation of a new
155 sediment trap adjacent to the inlet.

156 18. Allowed for the removal of hazard trees and vegetation as necessary for surveying
157 or testing purposes.

158 19. The limited trimming and pruning of vegetation for the making and maintenance of
159 views if the soils are not disturbed and the activity will not adversely affect the long term
160 stability of the slope, erosion or water quality.

161 20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or fruits, for
162 restoration and enhancement projects is allowed.

163 21. Cutting of firewood is subject to the following:

164 a. within a wildlife habitat conservation area, cutting firewood is not allowed;

165 b. within a wildlife network, cutting shall be in accordance with a management plan
166 approved under K.C.C. 21A.14.270, as recodified by this ordinance; and

167 c. within a critical area buffer, cutting shall be for personal use and in accordance with
168 an approved forest management plan or rural stewardship plan.

169 22. Allowed only in buffers if in accordance with best management practices approved
170 by the King County fire marshal.

171 23. Allowed as follows:

172 a. if conducted in accordance with an approved forest management plan, farm
173 management plan, or rural stewardship plan; or

174 b. without an approved forest management plan, farm management plan or rural
175 stewardship plan, only if:

176 (1) removal is undertaken with hand labor, including hand-held mechanical tools,
177 unless the King County noxious weed control board otherwise prescribes the use of riding
178 mowers, light mechanical cultivating equipment or herbicides or biological control methods;

179 (2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

180 (3) the cleared area is revegetated with native or noninvasive vegetation and
181 stabilized against erosion; and

182 (4) herbicide use is in accordance with federal and state law;

183 24. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:

184 a. a forest management plan is approved for the site by the King County department of
185 natural resources and parks; and

186 b. the property owner provides a notice of intent in accordance with RCW 76.09.060
187 that the site will not be converted to nonforestry uses within six years.

188 25. Only if in compliance with published Washington state Department of Fish and
189 Wildlife and Washington state Department of Natural Resources Management standards for the
190 species. If there are no published Washington state standards, only if in compliance with
191 management standards determined by the county to be consistent with best available science.

- 192 26. Allowed only if:
- 193 a. there is not another feasible location with less adverse impact on the critical area
- 194 and its buffer;
- 195 b. the corridor is not located over habitat used for salmonid rearing or spawning or by
- 196 a species listed as endangered or threatened by the state or federal government unless the
- 197 department determines that there is no other feasible crossing site.
- 198 c. the corridor width is minimized to the maximum extent practical;
- 199 d. the construction occurs during approved periods for instream work; and
- 200 e. the corridor will not change or diminish the overall aquatic area flow peaks,
- 201 duration or volume or the flood storage capacity.
- 202 27. To the maximum extent practical, during breeding season established under K.C.C.
- 203 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy equipment are
- 204 not operated within a wildlife habitat conservation area.
- 205 28. Allowed only if:
- 206 a. an alternative access is not available;
- 207 b. impact to the critical area is minimized to the maximum extent practical including
- 208 the use of walls to limit the amount of cut and fill necessary;
- 209 c. the risk associated with landslide and erosion is minimized;
- 210 d. access is located where it is least subject to risk from channel migration; and
- 211 e. construction occurs during approved periods for instream work.
- 212 29. Only if in compliance with a farm management plan in accordance with K.C.C.
- 213 21A.24.051.
- 214 30. Allowed only if:

215 a. the replacement is made fish passable in accordance with the most recent
216 Washington state Department of Fish and Wildlife manuals or with the National Marine and
217 Fisheries Services guidelines for federally listed salmonid species; and

218 b. the site is restored with appropriate native vegetation.

219 31. Allowed if necessary to bring the bridge or culvert up to current standards and if:

220 a. there is not another feasible alternative available with less impact on the aquatic
221 area and its buffer; and

222 b. to the maximum extent practical, the bridge or culvert is located to minimize
223 impacts to the aquatic area and its buffer's.

224 32. Allowed in an existing roadway if conducted consistent with the regional road
225 maintenance guidelines.

226 33. Allowed outside the roadway if:

227 a. the alterations will not subject the critical area to an increased risk of landslide or
228 erosion;

229 b. vegetation removal is the minimum necessary to locate the utility or construct the
230 corridor; and

231 c. significant risk of personal injury is eliminated or minimized in the landslide hazard
232 area.

233 34. Limited to the pipelines, cables, wires and support structures of utility facilities
234 within utility corridors if:

235 a. there is no alternative location with less adverse impact on the critical area and
236 critical area buffer;

237 b. new utility corridors meet the all of the following to the maximum extent practical:

238 (1) are not located over habitat used for salmonid rearing or spawning or by a species
239 listed as endangered or threatened by the state or federal government unless the department
240 determines that there is no other feasible crossing site;

241 (2) the mean annual flow rate is less than twenty cubic feet per second; and

242 (3) paralleling the channel or following a down-valley route near the channel is
243 avoided;

244 c. to the maximum extent practical utility corridors are located so that:

245 (1) the width is the minimized;

246 (2) the removal of trees greater than twelve inches diameter at breast height is
247 minimized;

248 (3) an additional, contiguous and undisturbed critical area buffer, equal in area to the
249 disturbed critical area buffer area including any allowed maintenance roads, is provided to
250 protect the critical area;

251 d. to the maximum extent practical, access for maintenance is at limited access points
252 into the critical area buffer rather than by a parallel maintenance road. If a parallel maintenance
253 road is necessary the following standards are met:

254 (1) to the maximum extent practical the width of the maintenance road is minimized
255 and in no event greater than fifteen feet; and

256 (2) the location of the maintenance road is contiguous to the utility corridor on the
257 side of the utility corridor farthest from the critical area;

258 e. the utility corridor or facility will not adversely impact the overall critical area
259 hydrology or diminish flood storage capacity;

260 f. the construction occurs during approved periods for instream work;

261 g. the utility corridor serves multiple purposes and properties to the maximum extent
262 practical;

263 h. bridges or other construction techniques that do not disturb the critical areas are
264 used to the maximum extent practical;

265 i. bored, drilled or other trenchless crossing is laterally constructed at least four feet
266 below the maximum depth of scour for the base flood;

267 j. bridge piers or abutments for bridge crossing are not placed within the FEMA
268 floodway or the ordinary high water mark;

269 k. open trenching is only used during low flow periods or only within aquatic areas
270 when they are dry. The department may approve open trenching of type S or F aquatic areas
271 only if there is not a feasible alternative and equivalent or greater environmental protection can
272 be achieved; and

273 l. minor communication facilities may collocate on existing utility facilities if:

274 (1) no new transmission support structure is required; and

275 (2) equipment cabinets are located on the transmission support structure.

276 35. Allowed only for new utility facilities in existing utility corridors.

277 36. Allowed for private individual utility service connections on site or to public
278 utilities if the disturbed area is not expanded and no hazardous substances, pesticides or
279 fertilizers are applied.

280 37. Allowed if the disturbed area is not expanded, clearing is limited to the maximum
281 extent practical and no hazardous substances, pesticides or fertilizers are applied.

282 38. Allowed if conveying the surface water into the wetland buffer and discharging into
283 the wetland buffer or at the wetland edge has less adverse impact upon the wetland or wetland

284 buffer than if the surface water were discharged at the buffer's edge and allowed to naturally
285 drain through the buffer.

286 39. Allowed if (~~constructed only with vegetation~~) conveying the surface water into the
287 aquatic area buffer and discharging into the aquatic area buffer or at the aquatic area edge has
288 less adverse impact upon the aquatic area or aquatic area buffer than if the surface water were
289 discharged at the buffer's edge and allowed to naturally drain through the buffer.

290 40. Allowed for an open, vegetated stormwater management conveyance system and
291 outfall structure that simulates natural conditions if:

292 a. fish habitat features necessary for feeding, cover and reproduction are included
293 when appropriate;

294 b. vegetation is maintained and added adjacent to all open channels and ponds, if
295 necessary to prevent erosion, filter out sediments or shade the water; and

296 c. bioengineering techniques are used to the maximum extent practical.

297 41. Allowed for a closed, tightlined conveyance system and outfall structure if:

298 a. necessary to avoid erosion of slopes; and

299 b. bioengineering techniques are used to the maximum extent practical.

300 42. Allowed in a severe channel migration hazard area portion of an aquatic area buffer
301 to prevent bank erosion only:

302 a. if consistent with Washington state Integrated Stream Protection Guidelines and if
303 bioengineering techniques are used to the maximum extent practical, unless the applicant
304 demonstrates that other methods provide equivalent structural stabilization and environmental
305 function; and

306 b. to prevent bank erosion for the protection of:

- 307 (1) public roadways;
- 308 (2) sole access routes in existence before February 16, 1995; or
- 309 (3) new primary dwelling units, accessory dwelling units or accessory living quarters
- 310 and residential accessory structures located outside the severe channel migration hazard area if:
- 311 (a) the site is adjacent to or abutted by properties on both sides containing buildings
- 312 or sole access routes protected by legal bank stabilization in existence before February 16, 1995.
- 313 The buildings, sole access routes or bank stabilization must be located no more than six hundred
- 314 feet apart as measured parallel to the migrating channel; and
- 315 (b) the new primary dwelling units, accessory dwelling units, accessory living
- 316 quarters or residential accessory structures are located no closer to the aquatic area than existing
- 317 primary dwelling units, accessory dwelling units, accessory living quarters or residential
- 318 accessory structures on abutting or adjacent properties.
- 319 43. Applies to lawfully established existing structures if:
- 320 a. maintained by a public agency;
- 321 b. the height of the facility is not increased;
- 322 c. the linear length of the affected edge of the facility is not increased;
- 323 d. the footprint of the facility is not expanded waterward;
- 324 e. consistent with King County's Guidelines for Bank Stabilization Projects (King
- 325 County Surface Water Management 1993) and bioengineering techniques are used to the
- 326 maximum extent practical; and
- 327 f. the site is restored with appropriate native vegetation.

328 44. Allowed in type N and O aquatic areas if done in least impacting way at least
329 impacting time of year, in conformance with applicable best management practices, and all
330 affected instream and buffer features are restored.

331 45. Allowed in a type S or F water when such work is:

332 a. included as part of a project to evaluate, restore or improve habitat, and

333 b. sponsored or cosponsored by a public agency that has natural resource management
334 as a function or by a federally recognized tribe.

335 46. Allowed as long as the trail is not constructed of impervious surfaces that will
336 contribute to surface water run-off, unless the construction is necessary for soil stabilization or
337 soil erosion prevention or unless the trail system is specifically designed and intended to be
338 accessible to handicapped persons.

339 47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed as far
340 landward as feasible in the buffer if:

341 a. the trail surface is not made of impervious materials, except that public
342 multipurpose trails may be made of impervious materials if they meet all the requirements in
343 K.C.C. chapter 9.12; (~~and~~)

344 b. to the maximum extent practical, buffers are expanded equal to the width of the trail
345 corridor including disturbed areas;

346 c. there is not another feasible location with less adverse impact on the critical area
347 and its buffer;

348 d. the trail is not located over habitat used for salmonid rearing or spawning or by a
349 species listed as endangered or threatened by the state or federal government unless the
350 department determines that there is no other feasible crossing site;

- 351 e. the trail width is minimized to the maximum extent practical;
352 f. the construction occurs during approved periods for instream work; and
353 g. the trail corridor will not change or diminish the overall aquatic area flow peaks,
354 duration or volume or the flood storage capacity.

355 48. Only if the maintenance:

356 a. does not involve the use of herbicides or other hazardous substances except for the
357 removal of noxious weeds or invasive vegetation;

358 b. when salmonids are present, the maintenance is in compliance with ditch standards
359 in public rule; and

360 c. does not involve any expansion of the roadway, lawn, landscaping, ditch, culvert,
361 engineered slope or other improved area being maintained.

362 49. Limited to:

363 a. projects sponsored or cosponsored by a public agency that has natural resource
364 management as a primary function or by a federally recognized tribe;

365 b. restoration and enhancement plans prepared by a qualified biologist; or

366 c. conducted in accordance with an approved forest management plan, farm
367 management plan or rural stewardship plan.

368 50. Allowed in accordance with a scientific sampling permit issued by Washington
369 state Department of Fish and Wildlife or an incidental take permit issued under Section 10 of the
370 Endangered Species Act.

371 51. Allowed for the limited clearing and grading needed to prepare critical area reports.

372 52. The following are allowed if associated spoils are contained:

373 a. data collection and research if carried out to the maximum extent practical by
374 nonmechanical or hand-held equipment;
375 b. survey monument placement;
376 c. site exploration and gage installation if performed in accordance with state-
377 approved sampling protocols and accomplished to the maximum extent practical by hand-held
378 equipment and; or similar work associated with an incidental take permit issued under Section 10
379 or consultation under Section 7 of the Endangered Species Act.

380 53. Limited to activities in continuous existence since January 1, 2005, with no
381 expansion within the critical area or critical area buffer. "Continuous existence" includes
382 cyclical operations and managed periods of soil restoration, enhancement or other fallow states
383 associated with these horticultural and agricultural activities.

384 54. Allowed for expansion of existing or new agricultural activities where:

385 a. the site is predominantly involved in the practice of agriculture;

386 b. there is no expansion into an area that:

387 (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest
388 practice permit; or

389 (2) is more than ten thousand square feet with tree cover at a uniform density more
390 than ninety trees per acre and with the predominant mainstream diameter of the trees at least four
391 inches diameter at breast height, not including areas that are actively managed as agricultural
392 crops for pulpwood, Christmas trees or ornamental nursery stock;

393 c. the activities are in compliance with an approved farm management plan in
394 accordance with K.C.C. 21A.24.051; and

395 d. all best management practices associated with the activities specified in the farm
396 management plan are installed and maintained.

397 55. Only allowed in grazed or tilled wet meadows or their buffers if:

398 a. the facilities are designed to the standards of an approved farm management plan in
399 accordance K.C.C. 21A.24.051 or an approved livestock management plan in accordance with
400 K.C.C. chapter 21A.30;

401 b. there is not a feasible alternative location available on the site; and

402 c. the facilities are located close to the outside edge of the buffer to the maximum
403 extent practical.

404 56. Allowed in a severe channel migration hazard area portion of an aquatic area buffer
405 if:

406 a. the facilities are designed to the standards in an approved farm management plan in
407 accordance with K.C.C. 21A.24.051;

408 b. there is not a feasible alternative location available on the site; and

409 c. the structure is located where it is least subject to risk from channel migration.

410 57. Allowed for new agricultural drainage in compliance with an approved farm
411 management plan in accordance with K.C.C. 21A.24.051 and all best management practices
412 associated with the activities specified in the farm management plan are installed and
413 maintained.

414 58. If the agricultural drainage is used by salmonids, maintenance shall be in
415 compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051.

416 59. Allowed within existing landscaped areas or other previously disturbed areas.

417 60. a. Not allowed in a wildlife habitat conservation areas;

- 418 b. Only allowed if:
- 419 (1) the project is sponsored or cosponsored by a public agency;
- 420 (2) the project is located on public land or on land that is owned by a non-profit
- 421 agency whose primary function deals with natural resources management;
- 422 (3) there is not a feasible alternative location available on the site with less impact to
- 423 the critical area or its associated buffer;
- 424 (4) the shoreline is not a spawning area for fish species; and
- 425 (5) the project meets the following design criteria:
- 426 (A) to the maximum extent practical size of platform shall not exceed 100-square
- 427 feet;
- 428 (B) all construction materials for bird blinds (platform, pilings, exterior and interior
- 429 walls, roof, etc.) are constructed of non-toxic material such as non-treated wood, non-galvanized
- 430 steel, plastic, fiberglass, or concrete;
- 431 (C) the exterior of bird blinds are sufficiently camouflaged using netting or
- 432 equivalent to avoid any visual deterrent for wildlife species to the maximum extent. This
- 433 camouflage shall be maintained frequently to maintain visual effectiveness;
- 434 (D) the footings and other portions of the bird blind shall be located outside of the
- 435 wetland or aquatic area landward of the Ordinary High Water Mark or open water component (if
- 436 applicable) to the maximum extent practical on the site;
- 437 (E) construction occurs during approved periods for work inside the Ordinary High
- 438 Water Mark;

439 (F) construction associated with bird blinds shall not occur from March 1 through
440 August 31, in order to avoid disturbance to birds during the breeding, nesting, and rearing
441 seasons;

442 (G) to the maximum extent practical, wheel chair access is provided;

443 (H) trail access is designed in accordance with public rules adopted by the
444 department;

445 (I) existing native vegetation within the critical area will remain undisturbed except
446 as necessary to accommodate the proposal. Only minimal hand clearing of vegetation is
447 allowed; and

448 (J) areas with bare ground around the bird blind must be replanted with native
449 vegetation. (Ord. 15051 § 137, 2004).

450 **SECTION 2. 21A.24.055 Rural stewardship plans.**

451 A. On a site zoned RA, the department may approve a modification of the minimum
452 buffer widths for aquatic areas, wetlands and wildlife habitat conservation areas and maximum
453 clearing restrictions through a rural stewardship plan for single family detached residential
454 development in accordance with this section.

455 B. The property owner or applicant shall develop the rural stewardship plan as part of a
456 rural stewardship program offered or approved by King County and has the option of
457 incorporating a county-approved farm management or a county-approved forest stewardship
458 plan.

459 C. In its evaluation of any proposed modification, the department shall consider the
460 following factors:

- 461 1. The existing condition of the drainage basin or marine shoreline as designated on the
462 Basin and Shoreline Conditions Map;
- 463 2. The existing condition of wetland and aquatic area buffers;
- 464 3. The existing condition of wetland functions based on the adopted Washington State
465 Wetland Rating System for Western Washington, Washington state department of ecology
466 publication number 04-06-025, published August 2004;
- 467 4. The location of the site in the drainage basin; and
- 468 5. The percentage of impervious surfaces and clearing on the site.
- 469 D. A rural stewardship plan;
- 470 1. ~~((d))~~ Does not modify the requirement for permits for activities covered by the rural
471 stewardship plan; and
- 472 2. May not be used on a site on which an alteration exception has been used to allow
473 development.
- 474 E. Modifications of critical area buffers shall be based on the following prioritized goals:
- 475 1. To avoid impacts to critical areas to the maximum extent practical;
- 476 2. To avoid impacts to the higher quality wetland or aquatic area or the more protected
477 fish or wildlife species, if there is a potential to affect more than one category of wetland or
478 aquatic area or more than one species of native fish or wildlife;
- 479 3. To maintain or enhance the natural hydrologic systems on the site to the maximum
480 extent practical;
- 481 4. To maintain, restore or enhance native vegetation;
- 482 5. To maintain, restore or enhance the function and value of critical areas or critical
483 area buffers located on the site;

484 6. To minimize habitat fragmentation and enhance corridors between wetlands, riparian
485 corridors, wildlife habitat conservation areas and other priority habitats;

486 7. To minimize the impacts of development over time by implementing best
487 management practices and meeting performance standards during the life of the development;
488 and

489 8. To monitor the effectiveness of the stewardship practices and implement additional
490 practices through adaptive management to maintain, restore or enhance critical area functions
491 when necessary.

492 F. A rural stewardship plan may include, but is not limited to, the following elements:

493 1. Critical areas designation under K.C.C. 21A.24.500;

494 2. Identification of structures, cleared and forested areas and other significant features
495 on the site;

496 3. Location of wetlands and aquatic areas and their buffers, and wildlife habitat;

497 4. Site-specific best management practices;

498 5. Planned changes to any existing structures or for other changes to the site that
499 involve clearing or grading;

500 6. A schedule for implementation of the elements of the rural stewardship plan; and

501 7. A plan for monitoring the effectiveness of measures approved under the rural
502 stewardship plan and to modify if adverse impacts occur.

503 G. A rural stewardship plan may be developed as part of a program offered or approved
504 by King County and shall include a site inspection by the county to verify that the plan is
505 reasonably likely to accomplish the goals in subsection E. of this section to protect water quality,

506 reduce flooding and erosion, maintain, restore or enhance the function and value of critical areas
507 and their buffers and maintain or enhance native vegetation on the site of this section.

508 H. A property owner who completes a rural stewardship plan that is approved by the
509 county may be eligible for tax benefits under the public benefit rating system in accordance with
510 K.C.C. 20.36.100.

511 I. If a property owner withdraws from the rural stewardship plan, in addition to any
512 applicable penalties under the public benefit rating system, the following apply:

513 1. Mitigation is required for any structures constructed in critical area buffers under the
514 rural stewardship plan; and

515 2. The property owner shall apply for buffer averaging or an alteration exception, as
516 appropriate, to permit any structure or use that has been established under the rural stewardship
517 plan and that would not otherwise be permitted under this chapter.

518 J. A rural stewardship plan is not effective until approved by the county. Before
519 approval, the county may conduct a site inspection, which may be through a program offered or
520 approved by King County, to verify that the plan is reasonably likely to accomplish the goals in
521 subsection E. of this section.

522 K. Once approved, activities carried out in compliance with the approved rural
523 stewardship plan shall be deemed in compliance with this chapter. In the event of a potential
524 code enforcement action, the department of development and environmental services shall first
525 inform the department of natural resources and parks of the activity. Prior to taking code
526 enforcement action, the department of development and environmental services shall consult
527 with the department of natural resources and parks to determine whether the activity is consistent
528 with the rural stewardship plan. (Ord. 15051 § 139, 2004).

529 SECTION 3. 21A.24.170 Notice of critical areas.

530 A. Except as otherwise provided in subsection of C. of this section, the owner of any
531 property containing critical areas or buffers on which a development proposal is submitted or any
532 property on which mitigation is established as a result of development shall file a notice
533 approved by King County with the records, elections and licensing services division. The notice
534 shall inform the public of:

- 535 1. The presence of critical areas or buffers or mitigation sites on the property;
- 536 2. The application of this chapter to the property; and
- 537 3. The possible existence of limitations on actions in or affecting the critical areas or
538 buffers or the fact that mitigation sites may exist.

539 B. The applicant for a development proposal shall submit proof that the notice required
540 by this section has been filed for public record before King County approves any development
541 proposal for the property or, in the case of subdivisions, short subdivisions and binding site
542 plans, at or before recording of the subdivision, short subdivision or binding site plan.

543 C. The notice required under subsection A. of this section is not required if:

- 544 1. The property is a public right-of-way or the site of a permanent public facility; ~~((or))~~
- 545 2. The development proposal does not require sensitive area review under K.C.C.

546 21A.24.100.C; or

547 3. The property only contains a critical aquifer recharge area. (Ord. 15051 § 155, 2004:
548 Ord. 14449 § 10, 2002: Ord. 14187 § 3, 2001: Ord. 10870 § 464, 1993).

549 SECTION 4. 21A.24.316 Critical aquifer recharge areas — development standards.

550 The following development standards apply to development proposals and alterations on sites
551 containing critical aquifer recharge areas:

- 552 A. Except as otherwise provided in subsection H. of this section, the following new
553 development proposals and alterations are not allowed on a site located in a category I critical
554 aquifer recharge area:
- 555 1. Transmission pipelines carrying petroleum or petroleum products;
 - 556 2. Sand and gravel, and hard rock mining unless:
 - 557 a. the site has mineral zoning as of January 1, 2005; or
 - 558 b. mining is a permitted use on the site and the critical aquifer recharge area was
559 mapped after the date a complete application for mineral extraction on the site was filed with the
560 department;
 - 561 3. Mining of any type below the upper surface of the saturated ground water that could
562 be used for potable water supply;
 - 563 4. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;
 - 564 5. Hydrocarbon extraction;
 - 565 6. Commercial wood treatment facilities on permeable surfaces;
 - 566 7. Underground storage tanks, including tanks that are exempt from the requirements of
567 chapter 173 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not
568 comply with standards of chapter 173-360 WAC and K.C.C. Title 17;
 - 569 8. Above-ground storage tanks for hazardous substances, as defined in chapter 70.105
570 RCW, unless protected with primary and secondary containment areas and a spill protection
571 plan;
 - 572 9. Golf courses;
 - 573 10. Cemeteries;
 - 574 11. Wrecking yards;

575 12. Landfills for hazardous waste, municipal solid waste or special waste, as defined in
576 K.C.C. chapter 10.04; and

577 13. On lots smaller than one acre, an on-site septic system, unless:

578 a. the system is approved by the Washington state Department of Health and ~~((the~~
579 ~~system either uses an up flow media filter system or a proprietary packed bed filter system or is~~
580 ~~designed to achieve approximately eighty percent total nitrogen removal for typical domestic~~
581 ~~wastewater))~~ has been listed by the Washington state Department of Health as meeting treatment
582 standard N as provided in WAC chapter 426-172A; or

583 b. the Seattle-King County department of public health determines that the systems
584 required under subsection A.13.a. of this section will not function on the site.

585 B. Except as otherwise provided in subsection H. of this section, the following new
586 development proposals and alterations are not allowed on a site located in a category II critical
587 aquifer recharge area:

588 1. Mining of any type below the upper surface of the saturated ground water that could
589 be used for potable water supply;

590 2. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

591 3. Hydrocarbon extraction;

592 4. Commercial wood treatment facilities located on permeable surfaces;

593 5.a. Except for a category II critical aquifer recharge area located over an aquifer
594 underlying an island that is surrounded by saltwater, underground storage tanks with hazardous
595 substances, as defined in chapter 70.105 RCW, that do not meet the requirements of chapter 173-
596 360 WAC and K.C.C. Title 17; and

597 b. For a category II critical aquifer recharge area located over an aquifer underlying an
598 island that is surrounded by saltwater, underground storage tanks, including underground storage
599 tanks exempt from the requirements of chapter 173-360 WAC, with hazardous substances, as
600 defined in chapter 70.105 RCW, that do not comply with the standards in chapter 173-360 WAC
601 and K.C.C. Title 17;

602 6. Above-ground storage tanks for hazardous substances, as defined in chapter 70.105
603 RCW, unless protected with primary and secondary containment areas and a spill protection
604 plan;

605 7. Wrecking yards;

606 8. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in
607 K.C.C. chapter 10.04; and

608 9. On lots smaller than one acre, an on-site septic systems, unless:

609 a. the system is approved by the Washington state Department of Health and ((the
610 ~~system either uses an up flow media filter system or a proprietary packed bed filter system or is~~
611 ~~designed to achieve approximately eighty percent total nitrogen removal for typical domestic~~
612 ~~wastewater)) has been listed by the Washington state Department of Health as meeting treatment
613 standard N as provided in WAC chapter 426-172A; or~~

614 b. the Seattle-King County department of public health determines that the systems
615 required under subsection B.9.a. of this section will not function on the site.

616 C. Except as otherwise provided in subsection H. of this section, the following new
617 development proposals and alterations are not allowed on a site located in a category III critical
618 aquifer recharge area:

619 1. Disposal of radioactive wastes, as defined in chapter 43.200 RCW;

- 620 2. Hydrocarbon extraction;
- 621 3. Commercial wood treatment facilities located on permeable surfaces;
- 622 4. Underground storage tanks, including tanks exempt from the requirements of chapter
- 623 173-360 WAC, with hazardous substances, as defined in chapter 70.105 RCW, that do not
- 624 comply with the requirements of chapter 173-360 WAC and K.C.C. Title 17;
- 625 5. Above ground storage tanks for hazardous substances, as defined in chapter 70.105
- 626 RCW, unless protected with primary and secondary containment areas and a spill protection
- 627 plan;
- 628 6. Wrecking yards; and
- 629 7. Landfills for hazardous waste, municipal solid waste, or special waste, as defined in
- 630 K.C.C. chapter 10.04.

631 D. The following standards apply to development proposals and alterations that are

632 substantial improvements on a site located in a critical aquifer recharge area:

- 633 1. The owner of an underground storage tank, including a tank that is exempt from the
- 634 requirements of chapter 173 WAC, in a category I or III critical aquifer recharge area or a
- 635 category II critical aquifer recharge area located over an aquifer underlying an island that is
- 636 surrounded by saltwater shall either bring the tank into compliance with the standards of chapter
- 637 173 WAC and K.C.C. Title 17 or properly decommission or remove the tank; and
- 638 2. The owner of an underground storage tank in a category II critical aquifer recharge
- 639 area not located on located over an aquifer underlying an island that is surrounded by saltwater
- 640 shall bring the tank into compliance with the standards of chapter 173-360 WAC and K.C.C.
- 641 Title 17 or shall properly decommission or remove the tank.

642 E. In any critical aquifer recharge area, the property owner shall properly decommission
643 an abandoned well.

644 F. On a site located in a critical aquifer recharge area within the urban growth area, a
645 development proposal for new residential development, including, but not limited to, a
646 subdivision, short subdivision, or dwelling unit, shall incorporate best management practices
647 included in the King County Surface Water Design Manual into the site design in order to
648 infiltrate stormwater runoff to the maximum extent practical.

649 G. On an island surround by saltwater, the owner of a new well located within two
650 hundred feet of the ordinary high water mark of the marine shoreline and within a critical aquifer
651 recharge area shall test the well for chloride levels using testing protocols approved by the
652 Washington state Department of Health. The owner shall report the results of the test to Seattle-
653 King County department of public health and to the department of natural resources and parks.
654 If the test results indicate saltwater intrusion is likely to occur, the department of natural
655 resources and parks, in consultation with Seattle-King County department of public health, shall
656 recommend appropriate measures to prevent saltwater intrusion.

657 H. On a site greater than twenty acres, the department may approve a development
658 proposal otherwise prohibited by subsections A., B. and C. of this section if the applicant
659 demonstrates through a critical areas report that the development proposal is located outside the
660 critical aquifer recharge area and that the development proposal will not cause a significant
661 adverse environmental impact to the critical aquifer recharge area.

662 I. The provisions relating to underground storage tanks in subsections A. through D. of
663 this section apply only when the proposed regulation of underground storage tanks has been

664 submitted to and approved by the Washington state department of ecology, in accordance with
 665 90.76.040 RCW and WAC 173-360-530. (Ord. 15051 § 179, 2004).

666 SECTION 5. 21A.24.325 Wetlands — buffers. Except as otherwise provided in this
 667 section, buffers shall be provided from the wetland edge as follows:

668 A. In the Urban Growth Area, buffers for wetlands shall be established in accordance
 669 with the following standards:

670 1. The standard buffer widths of the following table shall apply unless modified in
 671 accordance with subsection A.2, A.3, C. or D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Category I	
Natural Heritage Wetlands	215 feet
Bog	215 feet
Estuarine	175 feet
Coastal Lagoon	175 feet
Habitat score from ((29)) <u>31</u> to 36 points	225 feet
Habitat score from 20 to ((28)) <u>30</u> points	150 feet <u>plus 7.5 feet</u> <u>for each habitat</u> <u>score point above 20</u> <u>points</u>
Category I wetlands not meeting any of the criteria ((below)) <u>above</u>	125 feet
Category II	
Estuarine	135 feet
Habitat score from ((29)) <u>31</u> to 36 points	200 feet

WETLAND CATEGORY AND CHARACTERISTICS	BUFFER
Habitat score from 20 to ((28)) <u>30</u> points	125 feet <u>plus 7.5 feet for each habitat score point above 20 points</u>
Category II wetlands not meeting any of the criteria ((below)) <u>above</u>	100 feet
Category III	
Habitat score from 20 to 28 points	125 feet
Category III wetlands not meeting any of the criteria ((below)) <u>above</u>	75 feet
Category IV	50 feet

672 2. If a Category I or II wetland with habitat score greater than twenty points is located
673 within three hundred feet of a priority habitat area as defined by the Washington state
674 Department of Fish and Wildlife, the buffer established by subsection A.1. of this section shall
675 be increased by fifty feet unless:

676 a. the applicant provides relatively undisturbed vegetated corridor at least one hundred
677 feet wide between the wetland and all priority habitat areas located within three hundred feet of
678 the wetland. The corridor shall be protected for the entire distance between the wetland and the
679 priority habitat through a conservation easement, native growth protection easement or the
680 equivalent; and

681 b. the applicable mitigation measures in subsection A.3.b. of this section are provided;
682 and

683 3. Buffers calculated in accordance with subsection A.1. and A.2. of this ((~~section~~))
 684 section shall be reduced as follows:

685 a. Buffers for all categories of wetlands shall be reduced by twenty-five feet if the
 686 applicant implements all applicable mitigation measures identified in subsection A.3.b. of this
 687 section, or if the applicant proposes alternate mitigation to reduce the impacts of the
 688 development and the department determines the alternative provides equivalent mitigation.

689 b. The following mitigation measures may be used by an applicant to obtain a reduced
 690 buffer width under subsection A.1. of this section:

Disturbance	Measures to minimize impacts	Activities that may cause the disturbance
Lights	Direct lights away from wetland	Parking lots, warehouses, manufacturing, high density residential
Noise	Place activity that generates noise away from the wetland.	manufacturing, high density residential
Toxic runoff	Route all new untreated runoff away from wetland, or Covenants limiting use of pesticides within 150 ft of wetland, or Implement integrated pest management program	Parking lots, roads, manufacturing, residential areas, application of agricultural pesticides, landscaping

Change in water regime	Infiltrate or treat, detain and disperse into buffer new runoff from impervious surfaces	Any impermeable surface, lawns, tilling
Pets and Human disturbance	Privacy fencing or landscaping to delineate buffer edge and to discourage disturbance of wildlife by humans and pets	Residential areas
Dust	BMP's for dust	Tilled fields
Degraded buffer condition	Nonnative plants to be removed and replaced with native vegetation per an approved landscaping plan to be bonded and monitored for a three year period after completion to assure at least 80% survival of plantings	All activities potentially requiring buffers

691 B. For a wetland located outside the Urban Growth Area:

692 1. The buffers shown on the following table apply unless modified in accordance with
693 subsections C. and D. of this section:

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Category I			
Category I wetlands not meeting any of the criteria below	100 feet	75 feet	50 feet
Natural Heritage Wetlands	250 feet	190 feet	125 feet
Bog	250 feet	190 feet	125 feet
Estuarine	200 feet	150 feet	100 feet
Coastal Lagoon	200 feet	150 feet	100 feet
Habitat score from ((29)) <u>31</u> to 36 points	300 feet	225 feet	150 feet
Habitat score from 20 to ((28)) <u>30</u> points	150 feet <u>plus</u> <u>15 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	110 feet <u>plus</u> <u>11.5 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	75 feet <u>plus</u> <u>7.5 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>
Category II			
Category II wetlands not meeting any of the criteria below	100 feet	75 feet	50 feet
Estuarine	150 feet	110 feet	75 feet

WETLAND CATEGORY AND CHARACTERISTICS	INTENSITY OF IMPACT OF ADJACENT LAND USE		
	HIGH IMPACT	MODERATE IMPACT	LOW IMPACT
Interdunal	150 feet	110 feet	75 feet
Habitat score from ((29)) <u>31</u> to 36 points	300 feet	225 feet	150 feet
Habitat score from 20 to ((28)) <u>30</u> points	150 feet <u>plus</u> <u>15 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	110 feet <u>plus</u> <u>11.5 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>	75 feet <u>plus</u> <u>7.5 feet for</u> <u>each habitat</u> <u>point above</u> <u>20</u>
Category III			
Category III wetlands not meeting any of the criteria below	80 feet	60 feet	40 feet
Habitat score from 20 to 28 points	150 feet	110 feet	75 feet
Category IV	50 feet	40 feet	25 feet

694 2. For purposes of this subsection B., unless the director determines a lesser level of
 695 impact is appropriate based on information provided by the applicant, the intensity of impact of
 696 the adjacent land use is determined as follows:

- 697 a. high impact includes:
- 698 (1) sites zoned commercial or industrial;
 - 699 (2) commercial or industrial use on a site regardless of the zoning designation;

700 (3) nonresidential use on a site zoned for residential use;

701 (4) active recreation use on a site regardless of zoning;

702 b. moderate impact includes:

703 (1) residential uses on sites zoned rural residential without an approved rural
704 stewardship plan;

705 (2) residential use on a site zoned agriculture or forestry; or

706 (3) agricultural uses without an approved farm management plan; and

707 c. low impact includes:

708 (1) forestry use on a site regardless of zoning designation;

709 (2) residential uses on sites zoned rural residential with an approved rural
710 stewardship plan;

711 (3) passive recreation uses, such as trails, nature viewing areas, fishing and camping
712 areas, and other similar uses that do not require permanent structures, on a site regardless of
713 zoning; or

714 (4) agricultural uses carried out in accordance with an approved farm management
715 plan.

716 C. The department may approve a modification of the minimum buffer width required by
717 this section by averaging the buffer width if:

718 1. The department determines that:

719 a. the ecological structure and function of the buffer after averaging is equivalent to or
720 greater than the structure and function before averaging; or

721 b. averaging includes the corridors of a wetland complex; and

722 2. The resulting buffer meets the following standards:

723 a. the total area of the buffer after averaging is equivalent to or greater than the area of
724 the buffer before averaging;

725 b. the additional buffer is contiguous with the standard buffer; and

726 c. if the buffer width averaging allows a structure or landscaped area to intrude into
727 the area that was buffer area before averaging, the resulting landscaped area shall extend no more
728 than fifteen feet from the edge of the structure's footprint toward the reduced buffer.

729 D. Wetland buffer widths shall also be subject to modifications under the following
730 special circumstances:

731 1. For wetlands containing documented habitat for endangered, threatened or species of
732 local importance, the following shall apply:

733 a. the department shall establish the appropriate buffer, based on a habitat assessment,
734 to ensure that the buffer provides adequate protection for the sensitive species; and

735 b. the department may apply the buffer increase rules in subsection A.2. of this section,
736 the buffer reduction rules in subsection A.3. of this section, and the buffer averaging rules in
737 subsection C. of this section;

738 2. For a wetland buffer that includes a steep slope hazard area or landslide hazard area,
739 the buffer width is the greater of either the buffer width required by the wetland's category in this
740 section or twenty-five feet beyond the top of the hazard area; and

741 3. For a wetland complex located outside the Urban Growth Area established by the
742 King County Comprehensive Plan or located within the Urban Growth Area in a basin
743 designated as "high" on the Basin and Shoreline Conditions Map, which is included as
744 Attachment A to this ordinance, the buffer width is determined as follows:

745 a. the buffer width for each individual wetland in the complex is the same width as the
746 buffer width required for the category of wetland;

747 b. if the buffer of a wetland within the complex does not touch or overlap with at least
748 one other wetland buffer in the complex, a corridor is required from the buffer of that wetland to
749 one other wetland buffer in the complex considering the following factors:

750 (1) the corridor is designed to support maintaining viable wildlife species that are
751 commonly recognized to exclusively or partially use wetlands and wetland buffers during a
752 critical life cycle stage, such as breeding, rearing, or feeding;

753 (2) the corridor minimizes fragmentation of the wetlands;

754 (3) higher category wetlands are connected through corridors before lower category
755 wetlands; and

756 (4) the corridor width is a least twenty-five percent of the length of the corridor, but
757 no less than twenty-five feet in width; and

758 (5) shorter corridors are preferred over longer corridors;

759 c. wetlands in a complex that are connected by an aquatic area that flows between the
760 wetlands are not required to be connected through a corridor;

761 d. the department may exclude a wetland from the wetland complex if the applicant
762 demonstrates that the wetland is unlikely to provide habitat for wildlife species that are
763 commonly recognized to exclusively or partially use wetlands and wetland buffers during a
764 critical life cycle stage, such as breeding, rearing or feeding; and

765 e. the alterations allowed in a wetland buffer in K.C.C. 21A.24.045 are allowed in
766 corridors subject to the same conditions and requirements as wetland buffers as long as the
767 alteration is designed so as not to disrupt wildlife movement through the corridor; and

768 4. Where a legally established roadway transects a wetland buffer, the department may
769 approve a modification of the minimum required buffer width to the edge of the roadway if the
770 part of the buffer on the other side of the roadway sought to be reduced:

771 a. does not provide additional protection of the proposed development or the wetland;

772 and

773 b. provides insignificant biological, geological or hydrological buffer functions relating
774 to the other portion of the buffer adjacent to the wetland."

775 E. Wetlands created through voluntary enhancement or restoration projects are not
776 subject to the buffers established in subsections A. and B. of this section. (Ord. 15051 § 185,
777 2004).

778 **SECTION 6. 21A.24.340 Wetlands — specific mitigation requirements.** In addition
779 to the requirements in K.C.C. 21A.24.125 and 21A.24.130, the following applies to
780 ~~((mitigation))~~ mitigation to compensate for the adverse impacts associated with an alteration to a
781 wetland or wetland buffer:

782 A. Mitigation measures must achieve equivalent or greater wetland functions, including,
783 but not limited to:

784 1. Habitat complexity, connectivity and other biological functions; and

785 2. Seasonal hydrological dynamics, as provided in the King County Surface Water
786 Design Manual;

787 B. The following ratios of area of mitigation to area of alteration apply to mitigation
788 measures for permanent alterations:

789 1. For alterations to a wetland buffer, a ratio of one to one; and

790 2. For alterations to a wetland:

Category and type of wetland	Wetland reestablishment or creation	Wetland rehabilitation	1:1 Wetland reestablishment or wetland creation (R/C) and wetland enhancement (E)	Wetland enhancement only
Category IV	1.5:1	3:1	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 E	8:1
Category II estuarine	Case-by-case	4:1 rehabilitation of an estuarine wetland	Case-by-case	Case-by-case
All other Category II	3:1	8:1	1:1 R/C and 4:1 E	12:1
Category I forested	6:1	12:1	1:1 R/C and 10:1 E	Case-by-case
Category I based on score for functions	4:1	8:1	1:1 R/C and 6:1 E	Case-by-case
Category I natural heritage site	Not allowed	6:1 rehabilitation of a natural heritage site	Case-by-case	Case-by-case
Category I coastal lagoon	Not allowed	6:1 rehabilitation of a coastal lagoon	Case-by-case	Case-by-case
Category I bog	Not allowed	6:1 rehabilitation of a bog	Case-by-case	Case-by-case
Category I	Case-by-case	6:1 rehabilitation of	Case-by-case	Case-by-case

estuarine		an estuarine wetland		
-----------	--	----------------------	--	--

791 C. The following ratios of area of mitigation to area of alteration apply to mitigation
 792 measures for temporary alterations where wetlands will not be impacted by permanent fill
 793 material:

Wetland category	Permanent conversion of forested and shrub wetlands into emergent wetlands			Mitigation for temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities		
	Enhancement	Rehabilitation	Creation or restoration	Enhancement	Rehabilitation	Creation or restoration
Category I	6:1	4.5:1	3:1	3:1	2:1	1.5:1
Category II	3:1	2:1	1.5:1	1.5:1	1:1	.75:1
Category III	2:1	1.5:1	1:1	1:1	.75:1	.5:1
Category IV	1.5:1	1:1	.75:1	Not applicable	Not applicable	Not applicable

794 D. The department may increase the mitigation ratios provided in subsections B. and C.
 795 of this section under the following circumstances:

- 796 1. The department determines there is uncertainty as to the probable success of the
 797 proposed restoration or creation;
- 798 2. A significant period of time will elapse between the impact caused by the
 799 development proposal and the establishment of wetland functions at the mitigation site;
- 800 3. The proposed mitigation will result in a lower category wetland or reduced functions
 801 relative to the wetland being impacted; or

- 802 4. The alteration causing the impact was an unauthorized impact.
- 803 E. The department may decrease the mitigation ratios provided in subsections B. and C.
- 804 of this section under the following circumstances:
- 805 1. The applicant demonstrates by documentation submitted by a qualified wetland
- 806 specialist that the proposed mitigation actions have a very high likelihood of success based on
- 807 hydrologic data and prior experience;
- 808 2. The applicant demonstrates by documentation by a qualified wetland specialist that
- 809 the proposed actions for compensation will provide functions and values that are significantly
- 810 greater than the wetland being impacted;
- 811 3. The applicant demonstrates that the proposed actions for mitigation have been
- 812 conducted in advance of the impact caused by the development proposal and that the actions are
- 813 successful; or
- 814 4. In wetlands where several wetland hydrogeomorphic classes, including, but not
- 815 limited to depressional, slope, riverine and flow through, are found within one delineated
- 816 boundary, the department may decrease the ratios if:
- 817 a. impacts to the wetland are all within an area that has a different hydrogeomorphic
- 818 class from the one used to establish the category;
- 819 b. the category of the area with a different class is lower than that of the entire
- 820 wetland; and
- 821 c. the applicant provides adequate hydrologic and geomorphic data to establish that
- 822 the boundary between the hydrogeomorphic classes lies outside of the footprint of the impacts.

823 F. For temporary alterations to a wetland or its buffer that are predominately woody
824 vegetation, the department may require mitigation in addition to restoration of the altered
825 wetland or buffer; and

826 G. Mitigation of an alteration to a buffer of a wetland that occurs along an aquatic area
827 lake shoreline in accordance with an allowed alteration under this chapter shall include, but is not
828 limited to, on-site revegetation, maintenance and other restoration of the buffer or setback area to
829 the maximum extent practical(~~(; and~~

830 ~~H. The department may consider two or more contiguous sites under common ownership~~
831 ~~and located in the same drainage subbasin, as one site for the purpose of mitigation ratios)).~~
832 (Ord. 15051 § 188, 2004: Ord. 14045 § 48, 2001: Ord. 13190 § 23, 1998: Ord. 11621 § 79,
833 1994: Ord. 10870 § 481, 1993).

834 **SECTION 7. 21A.24.355 Aquatic areas — water types.**

835 A. Aquatic areas are categorized or "typed" as follows:

836 1. Type S waters include all aquatic areas inventoried as "shorelines of the state" under
837 King County's Shoreline Master Program, K.C.C. (~~(Title 25))~~ chapter 21A.XX, in accordance
838 with chapter 90.58 RCW, including segments of streams where the mean annual flow is more
839 than twenty cubic feet per second, marine shorelines and lakes twenty acres in size or greater;

840 2. Type F waters include all segments of aquatic areas that are not type S waters and
841 that contain fish or fish habitat, including waters diverted for use by a federal, state or tribal fish
842 hatchery from the point of diversion for one-thousand-five-hundred feet or the entire tributary if
843 the tributary is highly significant for protection of downstream water quality;

844 3. Type N waters include all segments of aquatic areas that are not type S or F waters
845 and that are physically connected to type S or F waters by an above-ground channel system,
846 stream or wetland; and

847 4. Type O waters include all segments of aquatic areas that are not type S, F or N
848 waters and that are not physically connected to type S, F or N waters by an above-ground
849 channel system, stream or wetland.

850 B. For the purposes of the water types in subsection A. of this section, an above-ground
851 channel system is considered to be present if the one-hundred year floodplains of both the
852 contributing and receiving waters are connected.

853 C. The department may determine that an area upstream of a legal human-made barrier is
854 not fish habitat considering the following factors:

855 1. The human-made barrier is located beneath public infrastructure that is unlikely to be
856 replaced and it is not feasible to remove the barrier without removing the public infrastructure;

857 2. The human-made barrier is in the Urban Growth Area established by the King
858 County Comprehensive Plan and is located beneath one or more dwelling units and it is not
859 feasible to remove the barrier without removing the dwelling unit;

860 3. The human-made barrier is located in a subbasin that is not designated "high" on the
861 Basin and Shoreline Conditions Map which is included as Attachment A to this ordinance; or

862 4. The human-made barrier is not identified for removal by a public agency or in an
863 adopted watershed plan. (Ord. 15051 § 192, 2004).

864 **SECTION 8. 21A.24.358 Aquatic areas — buffers.**

865 A. Aquatic area buffers shall be measured as follows:

866 1. From the ordinary high water mark or from the top of bank if the ordinary high water
867 mark cannot be identified;

868 2. If the aquatic area is located within a mapped severe channel migration area, the
869 aquatic area buffer width shall be the greater of the aquatic area buffer width as measured
870 consistent with subsection A.1. of this section or the outer edge of the severe channel migration
871 area; or

872 3. If the aquatic area buffer includes a steep slope hazard area or landslide hazard area,
873 the aquatic area buffer width is the greater of either the aquatic area buffer in this section or
874 twenty-five feet beyond the top of the hazard area.

875 B. Aquatic area buffers for type S aquatic areas shall be as follows:

876 1. For type S aquatic areas in high intensity or residential shoreline environments, the
877 aquatic area buffer is one-hundred-fifteen-feet;

878 2. For type S aquatic areas in high intensity or residential shoreline environments in a
879 basin or shoreline designated as "high" on the Basin and Shoreline Conditions Map, the aquatic
880 area buffer is one-hundred-sixty-five-feet;

881 3. For type S aquatic areas in rural, conservancy, natural resource, forestry, and natural
882 shoreline environments, the aquatic area buffer is one-hundred-sixty-five-feet;

883 C. Within the Urban Growth Area, aquatic area buffers shall be as follows:

884 1. A type ((S-ØF)) F aquatic area buffer is one-hundred-fifteen-feet;

885 2. A type ((S-ØF)) F aquatic area buffer in a basin or shoreline designated as "high" on
886 the Basin and Shoreline Conditions Map is one-hundred-sixty-five-feet;

887 3. A type N aquatic area buffer is sixty-five-feet; and

888 4. A type O aquatic area buffer is twenty-five-feet.

889 ~~((C.))~~ D. Outside the Urban Growth Area, aquatic area buffers shall be as follows:

890 1. A type ~~((S-0F))~~ F aquatic area buffer is one-hundred-sixty-five-feet;

891 2. A type N aquatic area buffer is sixty-five-feet; and

892 3. A type O aquatic area buffer is twenty-five-feet.

893 ~~((D.))~~ E. Within the Bear Creek drainage basin a type N aquatic area buffer in a
894 designated regionally significant resource area is one-hundred-feet.

895 ~~((E.))~~ F. The department may approve a modification of buffer widths if:

896 1. The department determines that through buffer averaging the ecological structure and
897 function of the resulting buffer is equivalent to or greater than the structure and function before
898 averaging and meets the following standards:

899 a. The total area of the buffer is not reduced;

900 b. The buffer area is contiguous; and

901 c. Averaging does not result in the reduction of the minimum buffer for the buffer area
902 waterward of the top of the associated steep slopes or for a severe channel migration hazard area;

903 2. The applicant demonstrates that the buffer cannot provide certain functions because
904 of soils, geology or topography, provided that the department shall establish buffers which
905 protect the remaining ecological functions that the buffer can provide;

906 3. The site is zoned RA and is subject to an approved rural stewardship plan. In
907 modifying the buffers, the department shall consider factors such as, the basin and shoreline
908 condition, the location of the site within the basin and shoreline, the buffer condition and the
909 amount of clearing;

910 4. A legally established roadway transects an aquatic area buffer, the roadway edge
911 closest to aquatic area shall be the extent of the buffer, if the part of the buffer on the other side

912 of the roadway provides insignificant biological or hydrological function in relation to the
913 portion of the buffer adjacent to the aquatic area; and

914 5. The aquatic area is created as a result of enhancement or restoration projects that are
915 not mitigation for a development proposal or alteration. (Ord. 15051 § 193, 2004).

916 **SECTION 9. 21A.24.500 Critical area designation.**

917 A.1. A property owner or the property owner's agent may request a critical area
918 designation for part or all of a site, without seeking a permit for a development proposal, by
919 filing with the department a written application for a critical area designation on a form provided
920 by the department. If the request is for review of a portion of a site, the application shall include
921 a map identifying the portion of the site for which the designation is sought.

922 2. ~~((The designation is limited to the following determinations:~~

923 a. ~~The existence, location, and boundaries of any aquatic area, wetland, critical aquifer~~
924 ~~recharge area, coal mine hazard area, landslide hazard area or steep slope on the site; and~~

925 b. ~~The classification of any aquatic area or wetland.~~

926 3.)) The designation may include an evaluation or interpretation of the applicability of
927 critical area buffers and other critical area standards to a future development proposal.

928 B. In preparing the critical area designation, the department shall perform a critical area
929 review to:

930 1. Determine whether any critical area ~~((that is subject to this designation process))~~

931 exists on the site and confirm its type, location, boundaries and classification;

932 2. Determine whether a critical area report is required to identify and characterize the
933 location, boundaries and classification of the critical area;

934 3. Evaluate the critical area report, if required; and

935 4. Document the existence, location and classification of any critical area (~~that is~~
936 ~~subject to this designation process~~)).

937 C. If required by the department, the applicant for a critical area designation shall
938 prepare and submit to the department the critical area report required by subsection B.2. of this
939 section. For sites zoned for single detached dwelling units involving wetlands or aquatic areas,
940 the applicant may elect to have the department conduct the special study in accordance with
941 K.C.C. Title 27;

942 D. The department shall make the determination of a critical area designation in writing
943 within one hundred twenty days after the application for a critical area designation is complete,
944 as provided in K.C.C. 20.20.050. The periods in K.C.C. 20.20.100A.1. through 5. are excluded
945 from the one-hundred-twenty-day period. The written determination made under this section as
946 to the existence, location, classification of a critical area and critical area buffers is effective for
947 five years from the date the determination is issued if there has been no change in site conditions.
948 The department shall rely on the determination of the existence, location and classification of the
949 critical area and the critical area buffer in its review of a complete application for a permit or
950 approval filed within five years after the determination is issued. If the determination applies to
951 less than an entire site, the determination shall clearly identify the portion of the site to which the
952 determination applies.

953 E. If the department designates critical areas on a site under this section, the applicant for
954 a development proposal on that site shall submit proof that a critical area notice has been filed as
955 required by K.C.C. 21A.24.170. Except as provided in this subsection, the department's
956 determination under this section is final. If the department relies on a critical area designation
957 made under this section during its review of an application for a permit or other approval of a

958 development proposal and the permit or other approval is subject to an administrative appeal,
959 any appeal of the designation shall be consolidated with and is subject to the same appeal process
960 as the underlying development proposal. If the King County hearing examiner makes the
961 county's final decision with regard to the permit or other approval type for the underlying
962 development proposal, the hearing examiner's decision constitutes the county's final decision on
963 the designation. If the King County council, acting as a quasi-judicial body, makes the county's
964 final decision with regard to the permit or other approval type for the underlying development
965 proposal, the King County council's decision constitutes the county's final decision on the
966 designation. (Ord. 15051 § 209, 2004; Ord. 14187 § 1, 2001).

967 SECTION 10. 21A.24.515 Wetland monitoring study. The department of natural
968 resources and parks, in consultation with the department of development and environmental
969 services, shall conduct monitoring (~~((in one or two subbasins))~~) to evaluate the effect of this
970 ordinance on ~~((wetland))~~ protecting the functions and values of critical areas. ~~((The departments
971 shall file a status report on the monitoring with the clerk of the council for distribution to the
972 chair of the growth management and unincorporated areas committee, or its successor
973 committee, not later than January 1, 2007. The departments shall file a final report on the
974 monitoring with the clerk of the council for distribution to the chair of the growth management
975 and unincorporated areas committee, or its successor committee, not later than January 1, 2010.))~~
976 (Ord. 15051 § 230, 2004).