

TITLE 16 Excerpts (12/04 Draft)

SECTION 14

**Clearing standards for individual lots in the rural zone.**

A. Except as otherwise provided in this section, in the RA zone the following standards apply to clearing on individual lots:

1. For lots one and one-quarter acre or smaller:

a. clearing shall not exceed the greater of:

(1) the amount cleared before January 1, 2005, or cleared under a complete clearing permit application filed before October 25, 2004, in accordance with previous county regulations;

(2) fifty percent of the lot area; or

(3) seven thousand square feet.

b. any clearing required for the construction of access, utilities and septic systems shall not be counted towards the amount of clearing allowed under this subsection;

2. For lots greater than one and one-quarter acres and up to five acres in area, clearing shall not exceed the greater of:

a. the amount legally cleared before January 1, 2005, or cleared under a complete clearing permit application filed before October 25, 2004, in accordance with previous county regulations; or

b. fifty percent of lot area;

3. For lots greater than five acres, clearing shall not exceed the greater of:

a. the amount legally cleared before January 1, 2005, or cleared under a

complete clearing permit application filed before October 25, 2004, in accordance with previous county regulations;

- b. two and one-half acres, or
- c. thirty-five percent of lot area; and

4. For lots greater than one and one-quarter acre in either the Bear Creek basin, the Issaquah Creek basin and the May Creek basin, clearing shall not exceed the greater of:

- a. the amount legally cleared before January 1, 2005, or cleared under a complete clearing permit application filed before October 25, 2004, in accordance with previous county regulations; or

- b. thirty-five percent of lot area;.

B. The standards in subsection A. of this section shall not apply if more restrictive standards apply through:

- 1. The Critical Areas Code, K.C.C. chapter 21A.24, or its adopted public rules;
- 2. Property-specific development standards or special district overlays under K.C.C. chapter 21A.38; or
- 3. Critical drainage area designations identified by adopted public rule

- 1. If there is an approved and current rural stewardship plan or farm management plan under K.C.C. chapter 21A.24, the maximum amount of clearing allowed under this section is established by the rural stewardship plan or the farm management plan ;

- 2. Subsection A. of this section does not apply to a lot within a subdivision or

short subdivision:

a. Approved with clearing restrictions in accordance with section 15 of this ordinance; or

b. In the Bear Creek, Issaquah Creek or May Creek basins that was approved with clearing restrictions in accordance with this section as it existed prior to the effective date of this section;

3. On a lot within a subdivision or short subdivision that is not covered by subsection C.2. of this section, any land located in an open space tract created as part of the subdivision or short subdivision shall be credited to the individual lots in the subdivision or short subdivision on a prorated basis according to the size of each lot in relation the entire area of the subdivision or short subdivision;

4. The area within critical areas and critical area buffers, except for critical aquifer recharge areas, may be counted towards meeting the requirements of subsection A. of this section;

5. Clearing in areas encumbered by a utility corridor, or easement for a public road or trail rights-of-way or an access easement shall not be counted toward the cleared area limit;

6. Clearing standards for mining uses shall be determined through the clearing and grading permit review process; and

7. Clearing that is the minimum necessary to provide for the relocation of equestrian community trails shall not be counted towards the cleared area limit.

D. The director may modify or waive subsection A. of this section for a development proposal that meets the following conditions:

1. The development proposal consists of one or more of the following uses:
  - a. government services listed in K.C.C. 21A.08.060;
  - b. educational services listed in K.C.C. 21A.08.050;
  - c. parks as listed in K.C.C. 21A.08.040 when located adjacent to an existing or proposed school;
  - d. libraries listed in K.C.C. 21A.08.040; and
  - e. road projects that are not part of a larger development proposal;
2. The development proposal site is not located in a designated regionally significant resource area, except for utility or road corridors for which the applicant demonstrates that there is no feasible alternative or that the development proposal is within an existing maintained corridor. If only a portion of the project is located within a designated regionally significant resource area, this subsection applies to that portion of the project located outside of the designated regionally significant resource area; and
3. To the maximum extent practical, the project locates structures in already cleared areas of the site and clears the minimum necessary to accommodate the proposed use which includes all the allowed ballfields, playfields, other facilities, and spaces proposed by the public agency to carry out its public function

E. The standards of this section shall be established at the time of permit application. The area required to remain uncleared shall be designated on the site plan approved by the department.

F. Areas that are required to remain uncleared under this section shall be maintained by the property owner as a resource area. The uses permitted in the resource area shall not prevent the long-term purpose of the resource area to promote forest cover

and shall include uses such as:

1. Except in areas regulated by a source described in subsection B.3. of this section, forest practices in accordance with a county-approved forest management plan;
  2. Passive recreation uses and related facilities, including pedestrian, equestrian community and bicycle trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures, if:
    - a. clearing and soil compaction associated with these uses and facilities does not exceed eight percent of the area of the resource area; and
    - b. within wildlife habitat corridors, trail widths shall be the minimum allowed under adopted trail standards and no other recreation uses shall be permitted in an area of the corridor at least one hundred fifty feet in width;
  3. Utilities and utility easements, including surface water facilities, if the facilities are within or adjacent to existing road or utility easements to the maximum extent practical;
  4. Pruning or removing hazard trees or removing downed trees;
  5. Reducing the danger from wildfire by following best management practices approved by the King County fire marshal;
    - b. removal of limbs within ten feet of the ground to prevent movement of fire from ground level to treetops; and
    - c. removal of dead trees or branches overhanging a residence; and
  6. Removal of noxious or invasive vegetation.
- G. Before approving a development permit application for a parcel that has been cleared in violation of the clearing standards in effect at the time of the clearing, the

department shall require the applicant submit to the department and implement a restoration plan to restore trees, understory vegetation and soil to support and maintain the native vegetative cover on the percentage of the site that was to remain uncleared under this section. If the clearing is in violation of the six-year moratorium on permitting established in K.C.C. 16.82.140, the department may determine whether the restoration plan is sufficient to mitigate for the impacts resulting from the clearing violation.

## SECTION 15

### **Clearing standards for subdivisions and short subdivisions in the rural residential zone.**

A. Except as otherwise provided in this section, the following standards apply to clearing allowed in subdivisions and short subdivisions in the RA zone:

1. Clearing shall not exceed thirty-five percent of the area of the subdivision and short subdivision; and

2. The area remaining uncleared shall be:

a. shown on the face of the recorded plat map to delineate where the uncleared area is to remain on each lot; and

b. marked with at least one sign per buildable lot adjoining the area indicating that the area is a permanent resource management area.

B. The standards in subsection A. of this section shall not apply if more restrictive standards apply through:

1. Property-specific development standards pursuant to K.C.C. chapter 21A.38;

or

2. Critical drainage area designations identified by adopted administrative rule.

C. If sixty-five percent or more of the site is in critical areas and critical area buffers, this section does not apply.

D. Clearing to provide for the relocation of equestrian community trails shall not be counted towards the cleared area limit.

E. The department may allow an increase in the amount of clearing up to fifty percent of the site area of a subdivision or short subdivision if the area to remain uncleared:

1. Is placed in a separate resource tract that is:

a. separately identified from critical area tracts on the face of the recorded plat map; and

b. retained by the subdivider, conveyed to residents of the subdivision, or conveyed to a third party;

2. Is situated in a manner that minimizes fragmentation of wildlife habitat or that maximizes protection of critical areas and prevention of flooding, erosion, and groundwater impacts based on site characteristics, including topography and soils; and

3. Complies with either of the following:

a. A reforestation plan for the tract is approved and implemented, if the tract has been legally harvested, or

b. One or more of the following habitats is preserved that is not contained within another critical area or critical area buffer:

(1) cave;

(2) old-growth forest;

- (3) mature forest;
- (4) area that has an abundance of snags;
- (5) talus slope;
- (6) breeding habitat for a species that the county should protect under the King County Comprehensive Plan;
- (7) foraging habitat for any species that the county shall protect or should protect under the King County Comprehensive Plan; or
- (8) a vegetated corridor that connects critical areas, priority habitat areas, designated regionally or locally significant resource areas, and other areas of high wildlife value.

F. The approval of a subdivision or short subdivision application for a parcel that has been cleared in violation of the regulations in effect at the time of the clearing shall require the restoration of trees, understory vegetation and soil to support and maintain native vegetation cover on the percentage of the site that was to remain uncleared under this section. The applicant shall submit to the department a restoration plan. If the clearing is in violation of the six-year moratorium on permitting authorized in K.C.C. 16.82.140, the department may determine whether the restoration plan is sufficient to mitigate for the impacts resulting from the clearing violation.

G. The uses permitted within a resource land tract shall be limited as provided in K.C.C. 16.82.150.F.

## SECTION 16



**Clearing – modification of limits through farm management and rural stewardship**

**plans.** The clearing limits of K.C.C. 16.82.150 and section 15 of this ordinance may be modified through a farm management plan or rural stewardship plan approved in accordance with Ordinance 15051, Sections 138 and 139, respectively.