

## Part Two – Critical Areas

# Steep Slope Hazard Areas

Steep slopes (meaning slopes greater than 40% grade and greater than 10 feet tall) are regulated as critical areas in King County because of the potential for erosion problems and landsliding on the slopes. The steeper the slope, the greater is the potential for hazardous conditions that threaten development and the surrounding environment. In general, the King County Zoning Code encourages avoidance of the slopes and actually prohibits development on and near the slopes in many cases. Despite this, people often choose to build near the top of a steep slope in order to gain a good view, but clearing on the slopes and in buffers around them is restricted, leading to a conflict between the wishes of developers and the requirements for slope and buffer protection. As a result, code violations resulting from slope clearing (for view creation) are numerous. Substantial revegetation (planting both trees and understory plants) may be required at sites that have been cleared illegally, sometimes resulting in significant costs to the property owner.

## Development Standards

### General Provisions

Steep slopes, meaning those slopes greater than 40% grade (about 21 degrees inclination) can be divided into four groups for regulatory purposes:

1. Steep slopes that are less than 10 feet high in vertical extent, which are NOT regulated by King County and so not affected by these development standards;
2. Steep slopes that are between 10 and 20 feet high, which may be totally exempted from these development standards based upon a critical area report prepared by a geotechnical engineer or geologist that approves of the proposed development and concludes that no impact will result from the development of the steep slope;
3. Steep slopes greater than 20 feet high, which are regulated by these development standards; and
4. Steep slopes that were created by previous legal grading, which can be altered and/or developed if the alteration is geotechnically feasible. A report prepared by a geotechnical engineer is typically required. The report must approve the proposed development/alteration and conclude that no impact will result either to the development or to adjacent properties.

## **Buffers**

A buffer is required around all edges of a steep slope, which shall consist of unaltered native vegetation on undeveloped parcels or maintained landscaping or vegetation on lots that have been previously legally altered from their natural state. The purpose of the buffer is to minimize the risk of damage resulting from landsliding and erosion of the steep slope caused by adjacent development. The width of the buffer shall be determined based upon a critical area report prepared by a geotechnical engineer or geologist. In the absence of a critical area report, the buffer width shall be a minimum of 50 feet. For single detached dwelling units only, the department may waive the critical area report requirement and authorize buffer reductions if the department determines that the reduction will adequately protect the development and the critical area. Unless otherwise provided for, removal of any vegetation from a steep slope or steep slope buffer is prohibited. If a steep slope buffer was developed or altered prior to November of 1990, that use is grandfathered and may be maintained.

## **Building Setback**

Unless otherwise provided or as recommended by a critical area report prepared by a geotechnical engineer or geologist, a building setback of 15 feet is required between the steep slope buffer and any building or other structure. Landscaping, uncovered decks, pavement, patios and utility connections (including some elements of septic systems) are allowed within building setbacks.

## **Critical Area Tracts**

Critical area tracts are used to delineate and protect steep slopes and steep slope buffers greater than one acre in size in proposals for such developments as subdivisions and short subdivisions. The critical area tract is a separate parcel that is recorded on all titles of record and held in an undivided interest by each owner of a lot within the subject development. The maintenance and protection of the tract is thus guaranteed in perpetuity.

## **Allowed Alterations**

The following activities generally are allowed within steep slope hazard areas (please refer to Section 131 for a complete listing of allowed alterations).

For steep slopes greater than 20 feet high (and their buffers) that have not been developed previously:

1. Utility lines in certain locations (including above ground electric lines, septic/sewer lines and water lines, with restoration/revegetation as appropriate);

2. Certain surface and storm water facilities, such as discharge sites, provided other restrictions are met;
3. Mining and mineral extraction;
4. Water wells (as utilities, but NOT well houses or maintained access roads, with restoration/revegetation as appropriate);
5. Trails and viewing platforms;
6. Hazard tree removal;
7. Restoration/revegetation using native plants;
8. Maintenance and/or creation of view corridors through very limited trimming and pruning;
9. Construction of a farm field access road if in compliance with a farm management plan;
10. Limited clearing and grading needed to prepare a critical areas report; and
11. Stabilization of the slope necessary to protect existing structures and other features.

For steep slopes greater than 20 feet high (and their buffers) that have been developed prior to November of 1990 (please note that one form of development, such as logging, does not necessarily allow an expansion of other forms of development), all of the above plus the following:

1. Maintenance and repair of existing structures (provided there is no landslide hazard that is not mitigated);
2. Maintenance of existing landscaping, pavement, slope stabilization, uncovered decks, and other existing alterations;
3. Replacement of existing structures (provided there is no landslide hazard that is not mitigated); and
4. Expansion of existing structures provided:
  - there is no expansion of the footprint of non-residential structures,
  - for dwelling units, the expansion is no more than 1,000 square feet of footprint, and
  - the location of any expansions have the least impact on the critical area.

All expansions must be accompanied by landslide hazard mitigation as necessary.

For steep slopes greater than 20 feet high (and their buffers) that were created or altered through previously legal grading such that the current surface topography can be considered manmade:

Basically, all of the above is allowed along with new construction and development provided that the alterations are geotechnically feasible. A report prepared by a geotechnical engineer is typically required that approves the proposed development/alteration and concludes that no impact will result either to the development or to adjacent properties.

There is no limit on clearing or grading or structure expansions unless other critical areas issues or development restrictions supercede these manmade steep slope restrictions.