King County
Department of Development
and Environmental Services

AQUATIC AREA CONSIDERATIONS

for development proposals in
UNINCORPORATED KING COUNTY

The regulations described in this fact sheet are effective as of January 1, 2005.

CRITICAL AREA PROTECTIONS

On October 25, 2004, the Metropolitan King County Council approved regulations pertaining to critical areas and public health and safety. These regulations limit development in hazard areas, such as on steep slopes or flood zones, and protect environmentally sensitive areas, such as wetlands and streams. In environmentally sensitive areas, natural buffers are crucial for maintaining water temperature, water quality and habitat. Trees and other natural land cover keep water cool and filter pollutants, which is important for the people, animals and fish that depend on these waters. Science shows that critical areas suffer when properties adjacent to them are developed.

The Growth Management Act and the King County Comprehensive Plan require King County to adopt regulations that protect the functions and values of critical areas. Aquatic areas, which include streams, lakes, and marine shorelines, are one type of critical area the county is required to regulate.

BACKGROUND

The Critical Areas Ordinance adopts the Washington Department of Natural Resource's water typing system to classify aquatic areas. This system classifies aquatic areas based on size and *potential* as fish habitat. Habitat potential is determined by the physical characteristics of the aquatic area. The actual presence or absence of salmon or other fish is generally not a determining factor in the classification.

Under the Critical Areas Ordinance, aquatic areas are categorized as follows:

Type S waters are "shorelines of the state" and include all marine shorelines, rivers with flows over 20 cubic feet per second (cfs), and lakes larger than 20 acres.
Type F waters are natural water bodies that contain fish habitat. A stream segment is presumed to contain fish habitat if: (1) it is more than 2 feet wide; (2) it has a gradient of less than 20 percent; and (3) it has no natural blockage to fish passage downstream.
Type N waters are other natural waters that flow to Type S or F waters.
Type O waters are natural waters that do not flow to Type S, F, or N waters.

BUFFERS

Buffers on aquatic areas protect the aquatic area from the effects of development and also provide several ecological functions. These include, but are not limited, to groundwater recharge and protection of aquatic area native vegetation.

The Critical Areas Ordinance includes limitations on new or expanded uses within aquatic area buffers. Those activities that are allowed often require the applicant to prepare a critical areas report, including an analysis of the impact of the activity on the aquatic area and its buffer. The application may also require a mitigation plan to minimize or eliminate those impacts. *These limitations do not apply to existing activities located within the aquatic area buffers that were lawfully established prior to the adoption of these regulations.*

The Critical Areas Ordinance lists minimum buffers for each water type:

Type S or F: 115 feet (urban)
165 feet (urban areas in basins with basin conditions designated "high" on the basin conditions map)
165 feet (rural)

Type N: 65 feet (100 feet in the Bear Creek basin)

Type O: 25 feet

* Averaging of buffer widths may be allowed on a case-by-case basis.

ALLOWED ALTERATIONS

A variety of activities are allowed within aquatic areas and aquatic area buffers. These are called *allowed alterations*.

The following activities are examples of allowed alterations in aquatic areas and their buffers. If an activity is allowed, mitigation is generally required to compensate for the impacts of the activity on the aquatic area and its buffer. Disturbed areas must generally be replanted with native vegetation. A critical areas report may be required to analyze the impacts of the activity and establish the appropriate mitigation to address the impacts of that activity:

- Interior improvements to and exterior maintenance of existing structures, routine landscape maintenance, and personal gardening in previously disturbed areas;
- Maintenance of existing driveways, wells, and utility service connections;
- Maintenance of existing septic systems and, in some circumstances, installation of new septic systems;
- Maintenance, repair, or replacement of existing docks and piers in waters with no anadromous fish habitat;
- Maintenance of cemetery plots;
- Hand clearing and grading for data collection and research purposes, such as for biological studies and surveying;

- Maintenance, repair, or replacement of existing utility lines and facilities and installation of new lines and facilities;
- Harvesting plants and plant materials for restoration and enhancement projects;
- Public road maintenance;
- Native vegetation may be planted in the buffer using hand labor or light equipment.

AGRICULTURE

The Critical Areas Ordinance provides alternative ways for agricultural activities and rural residential property owners to protect the functions and values of aquatic areas. New or expanded agricultural activities are allowed within aquatic area buffers with an approved farm plan. The farm plan is prepared in consultation with the King Conservation District, which provides its services at no cost to the agriculture community. See the Agriculture Fact Sheet for more information.

RURAL RESIDENTIAL OPTIONS

With a rural stewardship plan, a rural residential property owner may be able to reduce aquatic area buffers. In addition, the rural stewardship plan may also make the property owner eligible for property tax reductions under the Public Benefit Rating System. See the Rural Stewardship Plan Fact sheet for more information.

To learn more

To learn more, access the following Web site:

http://www.metrokc.gov/ddes/cao