



CLEARING AND GRADING CONSIDERATIONS for development proposals in **UNINCORPORATED KING COUNTY**

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

BACKGROUND

The Critical Areas Ordinance, approved by the Metropolitan King County Council on October 25, 2004, amends the clearing and grading code which applies to new clearing and grading activities in unincorporated King County. These regulations establish the criteria for when clearing or grading activity requires a permit. The Ordinance also establishes limits on grading and clearing activities.

The Critical Areas Ordinance limits the amount of new clearing that is allowed on rural residential lots. Maintaining and restoring natural land cover in a basin is one of the most important ways to preserve streams and other natural environments. Scientific studies show that when as little as 15% of a basin is cleared and more than 3-4% of the basin is paved, significant damage to streams within the basin can occur. Damage to streams can begin when as little as 5% of the natural land cover is removed. Studies also show that when at least 65% of the natural land cover in a basin is preserved, a great deal of damage can be prevented. Forest cover is also important for recharging ground water, the primary source of most rural residential domestic water.

While storm water facilities such as detention ponds can control some of the increased runoff, they are limited in their ability to prevent significant adverse changes in stream hydrology, which can cause biological impacts to fish and fish habitat. In rural areas, where lot sizes are large and stream channels are still relatively undisturbed compared to urban areas, the retention of forestland is the most effective and reliable way to protect stream hydrology and other biological functions and to recharge ground water.

CAO REQUIREMENT FOR CLEARING AND GRADING ACTIVITY

Grading. Standards for grading include requirements on the type of fill, how the ground should be prepared, and also drainage strategies.

Clearing. New clearing on rural residential properties is based on parcel size and location. For lots less than 5 acres, the amount of clearing allowed is the greater of fifty percent of the lot or the amount legally cleared prior to January 1, 2005. For lots 5 acres or larger, the amount of clearing allowed is the greater of 2.5 acres, 35% of the lot, or the amount legally cleared prior to January 1, 2005.

Within the Bear Creek, Issaquah Creek, and May Creek drainage basins, clearing on lots greater than 1.25 acres is limited to the greater of 35% of the lot or the amount legally cleared prior to January 1, 2005.

For subdivisions or short subdivisions, the clearing limit is 35%. If the forested area is placed in a separate tract, up to fifty percent of the entire property may be cleared.

Although some portions of rural properties may not be cleared, a variety of activities area allowed within these areas. Forest practices, equestrian and other trails, and downed tree removal are all permitted. Noxious and invasive weeds, such as blackberries, can also be removed. In some cases a permit may be required, particularly if there is a significant amount of clearing or disturbance.

In determining how much of a lot may be cleared, the following situations are not included in calculating the amount of cleared area:

- Clearing necessary for construction access, utilities, and septic systems; and
- Clearing for relocation of equestrian community trails.

SEASONAL RESTRICTIONS

Clearing is allowed between October 1 and April 30 only when specifically approved by DDES and under specific conditions. The applicant must show what measures he or she will take to protect against silt-laden runoff entering into aquatic areas and wetlands.

Clearing and grading permits: Many activities that involve clearing and grading require a county permit. The ordinance modified the circumstances when a clearing and grading permit is required. Even though a permit may not be required, clearing and grading standards still apply. For example, erosion and sediment controls are always required to prevent silt-laden water from entering wetlands and aquatic areas. Some of the more common activities that are covered include:

- Grading that involves less than five feet of excavation, less than three feet of fill, and cumulatively involves less than 100 cubic yards does not require a permit.
- Creating 2,000 square feet or more of new impervious surface or clearing more than 7,000 square feet generally requires a permit.
- Up to 7,000 square feet of invasive vegetation, such as blackberries, may be cleared annually without a permit. There is no annual limit under a farm plan or a rural stewardship plan
- Noxious weeds may be removed without a permit
- Forest practices covered by a state forest practices permit do not require a county permit

To learn more

To learn more, access the following Web site:

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