



**FIXED STANDARDS OF THE CRITICAL AREAS ORDINANCE**  
as applied to  
**RURAL PROPERTIES IN UNINCORPORATED KING COUNTY**

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

### **RURAL OPTIONS**

There are three ways rural residential property owners can comply with the critical area regulations:

- By developing a rural residential stewardship plan;
- By developing a farm management plan; or
- By complying with the fixed standards.

This fact sheet describes the fixed standards.

### **CRITICAL AREA PROTECTIONS**

On October 25, 2004, the Metropolitan King County Council approved a package of three ordinances that change King County regulations that protect critical areas. 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 Critical Areas Ordinance package also changes King County's stormwater and clearing and grading regulations.

**Aquatic Areas and Aquatic Area Buffers:** King County has adopted a new classification system for streams and other water bodies. The classification system is based on the classification adopted by the Washington State Legislature for application to forest practices. The following table summarizes the different classifications and the buffer widths for each type of aquatic area:

<b>Aquatic Area Types</b> <i>(Includes creeks, streams, lakes, rivers and shorelines)</i>		<b>Rural Buffer Widths</b>
<b>Type S:</b>	Aquatic areas inventoried as shoreline of the state, that include segments of streams with mean annual flow > 20 cubic ft./sec., marine shorelines and lakes > 20 acres.	165 feet
<b>Type F:</b>	All segments of aquatic areas that are not type S and contain fish or fish habitat, including waters for use for fish hatcheries.	165 feet
<b>Type N:</b>	All segments of aquatic areas that are not Type S or F waters but that flow into a Type S or F waters.	65 feet
<b>Type O:</b>	All segments of aquatic areas that are not Type S, F or N and not physically connected by an above-ground channel system, stream or wetland to type S, F or N waters.	25 feet

**Wetland Categories:** King County has adopted the Washington State Department of Ecology's Wetland Rating System of Western Washington. This rating system is used to determine a wetland's category. The rating system manual is available on line at <http://www.ecy.wa.gov/pubs/0406025.pdf>.

**Wetland Buffers:** The following table summarizes the range of buffer widths for the different categories and types of wetlands located in rural and resource areas.

<b>Wetland Category</b>		<b>Rural Buffer Widths</b>
<b>Category I:</b>	Category I wetlands are those that 1) represent a unique or rare wetland type; or 2) are more sensitive to disturbance than most wetlands; or 3) are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or 4) provide a high level of functions.	50 to 300 feet, based on type of wetland, development proposal and existing wetland functions.
<b>Category II:</b>	Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions.	50 to 300 feet based on type of wetland, development proposal and existing wetland functions.

Wetland Category	Rural Buffer Widths
<b>Category III:</b> Category III wetlands are 1) wetlands with a moderate level of functions (scores between 30 - 50 points) and 2) interdunal wetlands between 0.1 and 1 acre in size. Wetlands scoring between 30 -50 points generally have been disturbed in some ways, and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.	40 to 150 feet based on type of wetland, development proposal and existing wetland functions.
<b>Category IV:</b> Category IV wetlands have the lowest levels of functions (scores less than 30 points) and are often heavily disturbed. These are wetlands that we should be able to replace, and in some cases be able to improve.	25 to 40 feet based on type of wetland, development proposal and existing wetland functions.

**Allowed Alterations:** Critical area regulations generally restrict or put conditions on development adjacent to or within a critical area itself. What is allowed depends on the type of critical area. Given that there are so many different situations, citizens should refer to the "allowed alterations" table from the proposed ordinance. The table defines which alterations and activities would be allowed and can be found in section 137 of Ordinance #15051, a copy of which is posted on line at <http://www.metrokc.gov/council/cao/>.

**Channel Migration Zones:** River channels naturally change course or migrate over time. Buildings, houses and other development located within these areas are at risk of damage or destruction. King County restricts development within the migration path of some rivers in order to protect the public health, safety and value of private property.

However, migrating rivers are also important for fish and wildlife, particularly for salmon. The gravel and vegetation that falls into rivers as they migrate creates spawning areas and provides nutrients.

Channel migration zones are already mapped for the following King County Rivers:

- Lower Tolt;
  - Lower Raging;
  - Middle Green;
  - Three forks of the Snoqualmie River.
- Mapping is underway for the following King County rivers and should be complete by December 2005:
- Cedar
  - White
  - South Fork Skykomish

**Critical Aquifer Recharge Areas:** Critical aquifer recharge areas occur where surface and rain waters soak into the ground to replenish aquifers. Aquifers provide drinkable water supplies, which are often brought to the surface by wells. Critical aquifer recharge areas include sole source aquifers, and also areas around municipal wells. These water supplies are at risk from pollution and reduced water levels. Soil type and geological characteristics help determine the level of risk. Critical aquifer recharge

areas are divided into three categories based on the type of soils, whether there are aquifers or well-head protection areas at risk, and whether the area is on an island. The areas are identified on a map that was adopted as part of the ordinance.

The Critical Areas Ordinance limits land uses and development activities that pose the greatest risk to critical aquifer recharge areas. For example, new hazardous liquid transmission pipelines, golf courses, cemeteries, and wrecking yards are not allowed in Category I areas. New underground storage tanks are allowed in all areas only if they have appropriate protection to prevent leaks. On-site septic systems on parcels less than one acre in any critical aquifer recharge area must meet specific design standards. In Category III areas, testing is required for saltwater intrusion when new wells are installed within 200 feet of the shoreline.

**Hazard Areas:** King County regulates a variety of hazard areas to protect public health and safety. The hazard areas include: coal mines, erosion-prone areas, landslide-prone areas, seismic areas subject to severe risk of earthquake damage, steep slopes and areas around active volcanoes. Setbacks and protection requirements vary for each hazard area.

**Wildlife Habitat Conservation areas:** State, federal and local laws and the King County Comprehensive Plan require the protection of many different animal and plant species. King County's Comprehensive Plan also encourages protections for additional species found in the rural area. To provide protection for these species, the ordinance establishes specific standards to protect the breeding sites of ten animal species that King County is required to protect. These ten species are often found in rural areas of King County.

Standards to protect other protected species will be developed during permit review based on recommendations from the Washington State Department of Fish and Wildlife and other sources. The existing "Wildlife Habitat Network," already adopted in King County's Comprehensive Plan is being kept in place.

**Mitigation Requirements:** Development that is permitted within a critical area or buffer may have an adverse impact on the critical area.

**Species – breeding site protection in rural areas**

- bald eagle
- great blue heron
- osprey
- Townsend big-eared bat
- spotted owl
- northern goshawk
- peregrine falcon
- marbled murrelet
- Vaux's swift
- red-tailed hawk

Mitigation requirements vary depending, in part, on the critical area and whether the activity was done with a permit or done illegally. Specific mitigation standards have been adopted for aquatic areas and for wetlands.

**Clearing Restrictions: Clearing and Impervious Surface Restrictions**

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.

Clearing restrictions on rural residential properties are based on parcel size. For lots less than 5 acres, the limit is the greater of the amount legally cleared prior to January 1, 2005, or 50% of the lot. For lots 5 acres or larger, the clearing limit is the greater of 2.5 acres, 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 open space area is placed in a separate tract, the clearing limit is 50%.

**Storm Water Controls:** King County's Surface Water Design Manual provides drainage requirements for new construction and additions. Drainage review to evaluate and deal with stormwater impacts is required for proposals to add 2,000 square feet or more of impervious surface or to clear more than 7,000 square feet.

There are several types of drainage review, each with different requirements, depending on the scope and size of the project and the potential for impact on the surface water system at large. Based on the results of the drainage review, flow control and water quality treatment facilities may be required. In other circumstances, best management practices, such as appropriate placement of splash blocks or appropriate location of roof downspout runoff, may be all that is required.

Most individual single-family residential projects will be covered by the *Small Project Drainage Review*. This publication is written in simple easy to understand language to make this process easier. The current version of this publication is available at King County offices, and online at: <http://dnr.metrokc.gov/wlr/dss/swdmapdx.htm>.

For more information, telephone 206-205-3888 or visit <http://www.metrokc.gov/ddes/cao>

**Alternative formats available upon request by calling 206-296-6519**