

**Chapter 21A.24**  
**CRITICAL AREAS**  
*(Formerly Environmentally Sensitive Areas)*

**EXCERPT through 21A.24.045 only**

**Sections:**

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**21A.24.010 Purpose.** The purpose of this chapter is to implement the goals and policies of the Growth Management Act, chapter 3670A RCW, Washington state Environmental Policy Act, chapter 43.21C RCW, and the King County Comprehensive Plan, which call for protection of the natural environment and the public health and safety by:

- A. Establishing development and alteration standards to protect functions and values of critical areas;
- B. Protecting members of the general public and public resources and facilities from injury, loss of life, property damage or financial loss due to flooding, erosion, avalanche, landslides, seismic and volcanic events, soil subsidence or steep slope failures;
- C. Protecting unique, fragile and valuable elements of the environment including, but not limited to, fish and wildlife and their habitats, and maintaining and promoting countywide native biodiversity;
- D. Requiring mitigation of unavoidable impacts to critical areas, by regulating alterations in or near critical areas;
- E. Preventing cumulative adverse environmental impacts on water availability, water quality, ground water, wetlands and aquatic areas;
- F. Measuring the quantity and quality of wetland and aquatic area resources and preventing overall net loss of wetland and aquatic area functions;
- G. Protecting the public trust as to navigable waters, aquatic resources, and fish and wildlife and their habitat;
- H. Meeting the requirements of the National Flood Insurance Program and maintaining King County as an eligible community for federal flood insurance benefits;
- I. Alerting members of the public including, but not limited to, appraisers, owners, potential buyers or lessees to the development limitations of critical areas; and
- J. Providing county officials with sufficient information to protect critical areas. (Ord. 15051 § 131, 2004: Ord. 11621 § 69, 1994: 10870 § 448, 1993).

**21A.24.020 Applicability.**

- A. This chapter applies to all land uses in King County, and all persons within the county shall comply with this chapter.
- B. King County shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water or vegetation or to construct or alter any structure or improvement without first ensuring compliance with this chapter.
- C. Approval of a development proposal in accordance with this chapter does not discharge the obligation of the applicant to comply with this chapter.
- D. When any other chapter of the King County Code conflicts with this chapter or when the provisions of this chapter are in conflict, the provision that provides more protection to environmentally critical areas apply unless specifically provided otherwise in this chapter or unless the provision conflicts with federal or state laws or regulations.
- E. This chapter applies to all forest practices over which the county has jurisdiction under chapter 76.09 RCW and Title 222 WAC. (Ord. 15051 § 132, 2004: Ord. 10870 § 449, 1993).

**21A.24.030 Appeals.** An applicant may appeal a decision to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24 according to and as part of the appeal procedure for the permit or approval involved as provided in K.C.C. 20.20.020. (Ord. 15051 § 133, 2004: Ord. 10870 § 450, 1993).

**21A.24.040 Rules.** Applicable departments within King County are authorized to adopt, in accordance with K.C.C. chapter 2.98, such public rules and regulations as are necessary and appropriate to implement K.C.C. chapter 21A.24 and to prepare and require the use of such forms as are necessary to its administration. (Ord. 15051 § 134, 2004: Ord. 10870 § 451, 1993).

**21A.24.045 Allowed alterations.**

A. Within the following seven critical areas and their buffers all alterations are allowed if the alteration complies with the development standards, mitigation requirements and other applicable requirements established in this chapter:

1. Critical aquifer recharge area,
2. Coal mine hazard area;
3. Erosion hazard area;
4. Flood hazard area except in the severe channel migration hazard area;
5. Landslide hazard area under forty percent slope;
6. Seismic hazard area; and
7. Volcanic hazard areas.

B. Within the following seven critical areas and their buffers, unless allowed as an alteration exception under K.C.C. 21A.24.070, only the alterations on the table in subsection C. of this section are allowed if the alteration complies with conditions in subsection D. of this section and the development standards, mitigation requirements and other applicable requirements established in this chapter:

1. Severe channel migration hazard area;
2. Landslide hazard area over forty percent slope;
3. Steep slope hazard area;
4. Wetland;
5. Aquatic area;
6. Wildlife habitat conservation area; and
7. Wildlife habitat network.

C. In the following table where an activity is included in more than one activity category, the numbered conditions applicable to the most specific description of the activity governs. Where more than one numbered condition appears for a listed activity, each of the relevant conditions specified for that activity within the given critical area applies. For alterations involving more than one critical area, compliance with the conditions applicable to each critical area is required.

<p><b>KEY</b> Letter "A" in a cell means alteration is allowed</p> <p>A number in a cell means the corresponding numbered condition in subsection D. applies</p> <p>"Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network</p>	<p>L A N D S L I D E H A Z A R D</p> <p>O V E R 40% A N D B U F F E R</p>	<p>S T E E P S L O P E H A Z A R D</p> <p>A N D B U F F E R</p>	<p>W E T L A N D A N D</p> <p>B U F F E R</p>	<p>A Q U A T I C A R E A A N D</p> <p>B U F F E R A N D S E V E R E</p>	<p>C H A N N E L M I G R A T I O N</p> <p>W I L D L I F E A R E A</p>	<p>A N D N E T W O R K</p>
<b>ACTIVITY</b>						
<b>Structures</b>						
Construction of new single detached dwelling unit			A 1	A 2		
Construction of nonresidential structure			A 3	A 3	A 3, 4	
Maintenance or repair of existing structure	A 5	A	A	A	A 4	
Expansion or replacement of existing structure	A 5, 7	A 5, 7	A 7, 8	A 6, 7, 8	A 4, 7	
Interior remodeling	A	A	A	A	A	
Construction of new dock or pier			A 9	A 9, 10, 11		
Maintenance, repair or replacement of dock or pier			A 12	A 10, 11	A 4	
<b>Grading</b>						
Grading			A 13			A 4, 14
Construction of new slope stabilization	A 15	A 15	A 15	A 15	A 4, 15	
Maintenance of existing slope stabilization	A 16	A 13	A 17	A 16, 17	A 4	
Mineral extraction	A	A				
<b>Clearing</b>						
Clearing	A 18	A 18, 19	A 18, 20	A 14, 18, 20	A 4, 14, 18, 20	
Cutting firewood			A 21	A 21	A 21	A 4, 21
Removal of vegetation for fire safety			A 22	A 22	A 4, 22	
Removal of noxious weeds or invasive vegetation	A 23	A 23	A 23	A 23	A 4, 23	
<b>Forest Practices</b>						
Nonconversion Class IV-G forest practice	A 24	A 24	A 24	A 24	A 24, 25	
Class I, II, III, IV-S forest practice	A	A	A	A	A	

<b>Roads</b>					
Construction of new public road right-of-way structure on unimproved right-of-way			A 26	A 26	
Maintenance of public road right-of-way structure	A 16	A 16	A 16	A 16	A 16, 27
Expansion beyond public road right-of-way structure	A	A	A 26	A 26	
Repair, replacement or modification within the roadway	A 16	A 16	A 16	A 16	A 16, 27
Construction of driveway or private access road	A 28	A 28	A 28	A 28	A 28
Construction of farm field access drive	A 29	A 29	A 29	A 29	A 29
Maintenance of driveway, private access road or farm field access drive	A	A	A 17	A 17	A 17, 27
<b>Bridges or culverts</b>					
Maintenance or repair of bridge or culvert	A 16, 17	A 16, 17	A 16, 17	A 16, 17	A 16, 17, 27
Replacement of bridge or culvert	A 16	A 16	A 16	A 16, 30	A 16, 27
Expansion of bridge or culvert	A	A	A 31	A 31	A 4
<b>Utilities and other infrastructure</b>					
Construction of new utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34	A 32, 34	A 27, 32, 35
Maintenance, repair or replacement of utility corridor or utility facility	A 32, 33	A 32, 33	A 32, 34, 36	A 32, 34, 36	A 4, 32, 37
Maintenance or repair of existing well	A 37	A 37	A 37	A 37	A 4, 37
Maintenance or repair of on-site sewage disposal system	A	A	A	A 37	A 4
Construction of new surface water conveyance system	A 33	A 33	A 38	A 32, 39	A 4
Maintenance, repair or replacement of existing surface water conveyance system	A 33	A 33	A 16, 32, 39	A 16, 40, 41	A 4, 37
Construction of new surface water flow control or surface water quality treatment facility			A 32	A 32	A 4, 32
Maintenance or repair of existing surface water flow control or surface water quality treatment facility	A 16	A 16	A 16	A 16	A 4
Construction of new flood protection facility			A 42	A 42	A 27, 42
Maintenance, repair or replacement of flood protection facility	A 33, 43	A 33, 43	A 43	A 43	A 27, 43
Construction of new instream structure or instream work	A 16	A 16	A 16	A 16, 44, 45	A 4, 16, 44, 45
Maintenance or repair of existing instream structure	A 16	A	A	A	A 4

<b>Recreation areas</b>					
Construction of new trail	A 46	A 46	A 47	A 47	A 4, 47
Maintenance of outdoor public park facility, trail or publicly improved recreation area	A 48	A 48	A 48	A 48	A 4, 48
<b>Habitat and science projects</b>					
Habitat restoration or enhancement project	A 49	A 49	A 49	A 49	A 4, 49
Scientific sampling for salmonids			A 50	A 50	A 50
Drilling and testing for critical areas report	A 51	A 51	A 51, 52	A 51, 52	A 4
<b>Agriculture</b>					
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Grazing livestock	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
Construction or maintenance of livestock manure storage facility			A 53, 54, 55	A 53, 54, 55, 56	A 53, 54
Construction or maintenance of livestock flood sanctuary			A	A 56	
Construction of agricultural drainage			A 57	A 57	A 4, 57
Maintenance of agricultural drainage	A 58	A 58	A 53, 54, 58	53, 54, 58	A 4, 53, 54, 58
Construction or maintenance of farm pond, fish pond or livestock watering pond	A 53	A 53	A 53, 54	A 53, 54	A 53, 54
<b>Other</b>					
Excavation of cemetery graves in established and approved cemetery	A	A	A	A	A
Maintenance of cemetery graves	A	A	A	A	A
Maintenance of lawn, landscaping or gardening for personal consumption	A 59	A 59	A 59	A 59	A 59
Maintenance of golf course	A 17	A 17	A 17	A 17	A 4, 17

D. The following alteration conditions apply:

1. Limited to farm residences in grazed or tilled wet meadows and subject to the limitations of subsection D.3. of this section.
2. Allowed in a buffer of a lake that is twenty acres or larger on a lot that was created before January 1, 2005, if:
  - a. at least seventy-five percent of the lots abutting the shoreline of the lake or seventy-five percent of the lake frontage, whichever constitutes the most developable lake frontage, has existing density of four dwelling units per acre or more;
  - b. the development proposal, including mitigation required by this chapter, will have the least adverse impact on the critical area;
  - c. existing native vegetation within the critical area buffer will remain undisturbed except as necessary to accommodate the development proposal and required building setbacks;
  - d. access is located to have the least adverse impact on the critical area and critical area buffer;
  - e. the alteration is the minimum necessary to accommodate the development proposal and in no case in excess of a development footprint of five thousand square feet;

f. the alteration does not exceed the residential development setbacks required under K.C.C. chapter 25.04 and in no circumstances shall the alteration be allowed closer than:

- (1) twenty-five feet of the ordinary high water mark of a lake shoreline designated urban under K.C.C. chapter 25.16;
- (2) fifty feet of the ordinary high water mark of a lake shoreline designated rural under K.C.C. chapter 25.20 or conservancy under K.C.C. chapter 25.24; or
- (3) one hundred feet of the ordinary high water mark of a lake shoreline designated natural under K.C.C. chapter 25.28; and

g. to the maximum extent practical, alteration are mitigated on the development proposal site by enhancing or restoring remaining critical area buffers.

3. Limited to nonresidential farm-structures in grazed or tilled wet meadows or buffers of wetlands or aquatic areas where:

- a. the site is predominantly used for the practice of agriculture;
- b. the structure is in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051;

c. the structure is either:

(1) on or adjacent to existing nonresidential impervious surface areas, additional impervious surface area is not created waterward of any existing impervious surface areas and the area was not used for crop production;

(2) higher in elevation and no closer to the critical area than its existing position; or

(3) at a location away from existing impervious surface areas that is determined to be the optimum site in the farm management plan;

d. all best management practices associated with the structure specified in the farm management plan are installed and maintained;

e. installation of fencing in accordance with K.C.C. chapter 21A.30 does not require the development of a farm management plan if required best management practices are followed and the installation does not require clearing of critical areas or their buffers; and

f. in a severe channel migration hazard area portion of an aquatic buffer only if:

(1) there is no feasible alternative location on-site;

(2) the structure is located where it is least subject to risk from channel migration;

(3) the structure is not used to house animals or store hazardous substances; and

(4) the total footprint of all accessory structures within the severe channel migration hazard area will not exceed the greater of one thousand square feet or two percent of the severe channel migration hazard area on the site.

4. Allowed if no clearing, external construction or other disturbance in a wildlife habitat conservation area occurs during breeding seasons established under K.C.C. 21A.24.382.

5. Allowed for structures when:

a. the landslide hazard poses little or no risk of injury;

b. the risk of landsliding is low; and

c. there is not an expansion of the structure.

6. Within a severe channel migration hazard area allowed for:

a. existing primary structures if:

(1) there is not an increase of the footprint of any existing structure; and

(2) there is not a substantial improvement as defined in K.C.C. 21A.06.1270; and

b. existing accessory structures if:

(1) additions to the footprint will not make the total footprint of all existing structures more than one-thousand square feet; and

(2) there is not an expansion of the footprint towards any source of channel migration hazard, unless the applicant demonstrates that the location is less subject to risk and has less impact on the critical area.

7. Allowed only in grazed wet meadows or the buffer or building setback outside a severe channel migration hazard area if:
  - a. the expansion or replacement does not increase the footprint of a nonresidential structure;
  - b.(1) for a dwelling unit, the expansion or replacement, including any expansion of an accessory structure allowed under this subsection B.7.b., does not increase the footprint of the dwelling unit and all other structures by more than one thousand square feet;
  - (2) for a structure accessory to a dwelling unit, the expansion or replacement is located on or adjacent to existing impervious surface areas and does not increase the footprint of the accessory structure and the dwelling unit by more than one thousand square feet; and
  - (3) the location of the expansion has the least adverse impact on the critical area;
  - c. the structure was not established as the result of a variance, buffer averaging or reasonable use exception; and
  - d. to the maximum extent practical, the expansion or replacement is not located closer to the critical area or within the relic of a channel that can be connected to an aquatic area.
8. Allowed upon another portion of an existing impervious surface outside a severe channel migration hazard area if:
  - a. the structure is not located closer to the critical area; and
  - b. the existing impervious surface within the critical area or buffer is not expanded.
9. Limited to seasonal floating docks or piers in a category II, III or IV wetland or its buffer or along a lake shoreline or its buffer where:
  - a. the existing and zoned density of all properties abutting the entire lake shoreline averages three dwelling units per acre or more;
  - b. at least seventy-five percent of the lots abutting the shoreline or seventy-five percent of the lake frontage, whichever constitutes the most lake frontage, has been developed with dwelling units;
  - c. there is not any significant vegetation where the alteration is proposed and the loss of vegetation was not the result of any violation of law;
  - d. the wetland or lake shoreline is not a salmonid spawning area; and
  - e. hazardous substances or toxic materials are not used.
10. Allowed on type N or O aquatic areas if hazardous substances or toxic materials are not used.
11. Allowed on type S or F aquatic areas outside of the severe channel migration hazard area if in compliance with K.C.C. Title 25.
12. When located on a lake, must be in compliance with K.C.C. Title 25.
13. Limited to regrading and stabilizing of a slope formed as a result of a legal grading activity.
14. The following are allowed in the severe channel migration hazard area if conducted more than one-hundred and sixty-five feet from the ordinary high water mark in the rural area and one-hundred and fifteen feet from the ordinary high water mark in the urban area:
  - a. grading of up to fifty cubic yards on lot less than five acres; and
  - b. clearing of up to one-thousand square feet or up to a cumulative thirty-five percent of the severe channel migration hazard area.
15. Only where erosion or landsliding threatens a structure, utility facility, roadway, driveway, public trails, aquatic area or wetland if, to the maximum extent practical, stabilization work does not disturb the slope and its vegetative cover and any associated critical areas.
16. Allowed when performed by, at the direction of or authorized by a government agency in accordance with regional road maintenance guidelines.
17. Allowed when not performed under the direction of a government agency only if:
  - a. the maintenance does not involve the use of herbicides, hazardous substances, sealants or other liquid oily substances in aquatic areas, wetlands or their buffers; and
  - b. when maintenance or replacement of bridges or culverts involves water used by salmonids:
    - (1) the work is in compliance with ditch standards in public rule; and
    - (2) the maintenance of culverts is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the disturbed or damaged bank or channel immediately adjacent to the culvert and shall not involve the excavation of a new sediment trap adjacent to the inlet.

18. Allowed for the removal of hazard trees and vegetation as necessary for surveying or testing purposes.

19. The limited trimming and pruning of vegetation for the making and maintenance of views if the soils are not disturbed and the activity will not adversely affect the long term stability of the slope, erosion or water quality.

20. Harvesting of plants and plant materials, such as plugs, stakes, seeds or fruits, for restoration and enhancement projects is allowed.

21. Cutting of firewood is subject to the following:

- a. within a wildlife habitat conservation area, cutting firewood is not allowed;
- b. within a wildlife network, cutting shall be in accordance with a management plan approved under K.C.C. 21A.14.270, as recodified by this ordinance; and
- c. within a critical area buffer, cutting shall be for personal use and in accordance with an approved forest management plan or rural stewardship plan.

22. Allowed only in buffers if in accordance with best management practices approved by the King County fire marshal.

23. Allowed as follows:

- a. if conducted in accordance with an approved forest management plan, farm management plan, or rural stewardship plan; or
- b. without an approved forest management plan, farm management plan or rural stewardship plan, only if:

(1) removal is undertaken with hand labor, including hand-held mechanical tools, unless the King County noxious weed control board otherwise prescribes the use of riding mowers, light mechanical cultivating equipment or herbicides or biological control methods;

(2) the area is stabilized to avoid regrowth or regeneration of noxious weeds;

(3) the cleared area is revegetated with native or noninvasive vegetation and stabilized against erosion; and

(4) herbicide use is in accordance with federal and state law;

24. Only if in accordance with chapter 76.09 RCW and Title 222 WAC and:

a. a forest management plan is approved for the site by the King County department of natural resources and parks; and

b. the property owner provides a notice of intent in accordance with RCW 76.09.060 that the site will not be converted to nonforestry uses within six years.

25. Only if in compliance with published Washington state Department of Fish and Wildlife and Washington state Department of Natural Resources Management standards for the species. If there are no published Washington state standards, only if in compliance with management standards determined by the county to be consistent with best available science.

26. Allowed only if:

a. there is not another feasible location with less adverse impact on the critical area and its buffer;

b. the corridor is not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site.

c. the corridor width is minimized to the maximum extent practical;

d. the construction occurs during approved periods for instream work; and

e. the corridor will not change or diminish the overall aquatic area flow peaks, duration or volume or the flood storage capacity.

27. To the maximum extent practical, during breeding season established under K.C.C. 21A.24.382, land clearing machinery such as bulldozers, graders or other heavy equipment are not operated within a wildlife habitat conservation area.

28. Allowed only if:

a. an alternative access is not available;

b. impact to the critical area is minimized to the maximum extent practical including the use of walls to limit the amount of cut and fill necessary;

- c. the risk associated with landslide and erosion is minimized;
  - d. access is located where it is least subject to risk from channel migration; and
  - e. construction occurs during approved periods for instream work.
29. Only if in compliance with a farm management plan in accordance with K.C.C. 21A.24.051.
30. Allowed only if:
- a. the replacement is made fish passable in accordance with the most recent Washington state Department of Fish and Wildlife manuals or with the National Marine and Fisheries Services guidelines for federally listed salmonid species; and
  - b. the site is restored with appropriate native vegetation.
31. Allowed if necessary to bring the bridge or culvert up to current standards and if:
- a. there is not another feasible alternative available with less impact on the aquatic area and its buffer; and
  - b. to the maximum extent practical, the bridge or culvert is located to minimize impacts to the aquatic area and its buffer's.
32. Allowed in an existing roadway if conducted consistent with the regional road maintenance guidelines.
33. Allowed outside the roadway if:
- a. the alterations will not subject the critical area to an increased risk of landslide or erosion;
  - b. vegetation removal is the minimum necessary to locate the utility or construct the corridor;
- and
- c. significant risk of personal injury is eliminated or minimized in the landslide hazard area.
34. Limited to the pipelines, cables, wires and support structures of utility facilities within utility corridors if:
- a. there is no alternative location with less adverse impact on the critical area and critical area buffer;
  - b. new utility corridors meet the all of the following to the maximum extent practical:
    - (1) are not located over habitat used for salmonid rearing or spawning or by a species listed as endangered or threatened by the state or federal government unless the department determines that there is no other feasible crossing site;
    - (2) the mean annual flow rate is less than twenty cubic feet per second; and
    - (3) paralleling the channel or following a down-valley route near the channel is avoided;
  - c. to the maximum extent practical utility corridors are located so that:
    - (1) the width is the minimized;
    - (2) the removal of trees greater than twelve inches diameter at breast height is minimized;
    - (3) an additional, contiguous and undisturbed critical area buffer, equal in area to the disturbed critical area buffer area including any allowed maintenance roads, is provided to protect the critical area;
  - d. to the maximum extent practical, access for maintenance is at limited access points into the critical area buffer rather than by a parallel maintenance road. If a parallel maintenance road is necessary the following standards are met:
    - (1) to the maximum extent practical the width of the maintenance road is minimized and in no event greater than fifteen feet; and
    - (2) the location of the maintenance road is contiguous to the utility corridor on the side of the utility corridor farthest from the critical area;
  - e. the utility corridor or facility will not adversely impact the overall critical area hydrology or diminish flood storage capacity;
  - f. the construction occurs during approved periods for instream work;
  - g. the utility corridor serves multiple purposes and properties to the maximum extent practical;
  - h. bridges or other construction techniques that do not disturb the critical areas are used to the maximum extent practical;
  - i. bored, drilled or other trenchless crossing is laterally constructed at least four feet below the maximum depth of scour for the base flood;

j. bridge piers or abutments for bridge crossing are not placed within the FEMA floodway or the ordinary high water mark;

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k. open trenching is only used during low flow periods or only within aquatic areas when they are dry. The department may approve open trenching of type S or F aquatic areas only if there is not a feasible alternative and equivalent or greater environmental protection can be achieved; and

l. minor communication facilities may collocate on existing utility facilities if:

(1) no new transmission support structure is required; and

(2) equipment cabinets are located on the transmission support structure.

35. Allowed only for new utility facilities in existing utility corridors.

36. Allowed for private individual utility service connections on site or to public utilities if the disturbed area is not expanded and no hazardous substances, pesticides or fertilizers are applied.

37. Allowed if the disturbed area is not expanded, clearing is limited to the maximum extent practical and no hazardous substances, pesticides or fertilizers are applied.

38. Allowed if conveying the surface water into the wetland buffer and discharging into the wetland buffer or at the wetland edge has less adverse impact upon the wetland or wetland buffer than if the surface water were discharged at the buffer's edge and allowed to naturally drain through the buffer.

39. Allowed if constructed only with vegetation.

40. Allowed for an open, vegetated stormwater management conveyance system and outfall structure that simulates natural conditions if:

a. fish habitat features necessary for feeding, cover and reproduction are included when appropriate;

b. vegetation is maintained and added adjacent to all open channels and ponds, if necessary to prevent erosion, filter out sediments or shade the water; and

c. bioengineering techniques are used to the maximum extent practical.

41. Allowed for a closed, tightlined conveyance system and outfall structure if:

a. necessary to avoid erosion of slopes; and

b. bioengineering techniques are used to the maximum extent practical.

42. Allowed in a severe channel migration hazard area portion of an aquatic area buffer to prevent bank erosion only:

a. if consistent with Washington state Integrated Stream Protection Guidelines and if bioengineering techniques are used to the maximum extent practical, unless the applicant demonstrates that other methods provide equivalent structural stabilization and environmental function; and

b. to prevent bank erosion for the protection of:

(1) public roadways;

(2) sole access routes in existence before February 16, 1995; or

(3) new primary dwelling units, accessory dwelling units or accessory living quarters and residential accessory structures located outside the severe channel migration hazard area if:

(a) the site is adjacent to or abutted by properties on both sides containing buildings or sole access routes protected by legal bank stabilization in existence before February 16, 1995. The buildings, sole access routes or bank stabilization must be located no more than six hundred feet apart as measured parallel to the migrating channel; and

(b) the new primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures are located no closer to the aquatic area than existing primary dwelling units, accessory dwelling units, accessory living quarters or residential accessory structures on abutting or adjacent properties.

43. Applies to lawfully established existing structures if:

a. maintained by a public agency;

b. the height of the facility is not increased;

c. the linear length of the affected edge of the facility is not increased;

d. the footprint of the facility is not expanded waterward;

e. consistent with King County's Guidelines for Bank Stabilization Projects (King County Surface Water Management 1993) and bioengineering techniques are used to the maximum extent practical; and

- f. the site is restored with appropriate native vegetation.

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44. Allowed in type N and O aquatic areas if done in least impacting way at least impacting time of year, in conformance with applicable best management practices, and all affected instream and buffer features are restored.

45. Allowed in a type S or F water when such work is:

- a. included as part of a project to evaluate, restore or improve habitat, and
- b. sponsored or cosponsored by a public agency that has natural resource management as a function or by a federally recognized tribe.

46. Allowed as long as the trail is not constructed of impervious surfaces that will contribute to surface water run-off, unless the construction is necessary for soil stabilization or soil erosion prevention or unless the trail system is specifically designed and intended to be accessible to handicapped persons.

47. Not allowed in a wildlife habitat conservation area. Otherwise, allowed as far landward as feasible in the buffer if:

- a. the trail surface is not made of impervious materials, except that public multipurpose trails may be made of impervious materials if they meet all the requirements in K.C.C. chapter 9.12; and
- b. to the maximum extent practical, buffers are expanded equal to the width of the trail corridor including disturbed areas.

48. Only if the maintenance:

- a. does not involve the use of herbicides or other hazardous substances except for the removal of noxious weeds or invasive vegetation;
- b. when salmonids are present, the maintenance is in compliance with ditch standards in public rule; and
- c. does not involve any expansion of the roadway, lawn, landscaping, ditch, culvert, engineered slope or other improved area being maintained.

49. Limited to:

- a. projects sponsored or cosponsored by a public agency that has natural resource management as a primary function or by a federally recognized tribe;
- b. restoration and enhancement plans prepared by a qualified biologist; or
- c. conducted in accordance with an approved forest management plan, farm management plan or rural stewardship plan.

50. Allowed in accordance with a scientific sampling permit issued by Washington state Department of Fish and Wildlife or an incidental take permit issued under Section 10 of the Endangered Species Act.

51. Allowed for the limited clearing and grading needed to prepare critical area reports.

52. The following are allowed if associated spoils are contained:

- a. data collection and research if carried out to the maximum extent practical by nonmechanical or hand-held equipment;
- b. survey monument placement;
- c. site exploration and gage installation if performed in accordance with state-approved sampling protocols and accomplished to the maximum extent practical by hand-held equipment and; or similar work associated with an incidental take permit issued under Section 10 or consultation under Section 7 of the Endangered Species Act.

53. Limited to activities in continuous existence since January 1, 2005, with no expansion within the critical area or critical area buffer. "Continuous existence" includes cyclical operations and managed periods of soil restoration, enhancement or other fallow states associated with these horticultural and agricultural activities.

54. Allowed for expansion of existing or new agricultural activities where:

- a. the site is predominantly involved in the practice of agriculture;
- b. there is no expansion into an area that:
  - (1) has been cleared under a class I, II, III, IV-S or nonconversion IV-G forest practice permit; or

(2) is more than ten thousand square feet with tree cover at a uniform density more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height, not including areas that are actively managed as agricultural crops for pulpwood, Christmas trees or ornamental nursery stock;

c. the activities are in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051; and

d. all best management practices associated with the activities specified in the farm management plan are installed and maintained.

55. Only allowed in grazed or tilled wet meadows or their buffers if:

a. the facilities are designed to the standards of an approved farm management plan in accordance K.C.C. 21A.24.051 or an approved livestock management plan in accordance with K.C.C. chapter 21A.30;

b. there is not a feasible alternative location available on the site; and

c. the facilities are located close to the outside edge of the buffer to the maximum extent practical.

56. Allowed in a severe channel migration hazard area portion of an aquatic area buffer if:

a. the facilities are designed to the standards in an approved farm management plan in accordance with K.C.C. 21A.24.051;

b. there is not a feasible alternative location available on the site; and

c. the structure is located where it is least subject to risk from channel migration.

57. Allowed for new agricultural drainage in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051 and all best management practices associated with the activities specified in the farm management plan are installed and maintained.

58. If the agricultural drainage is used by salmonids, maintenance shall be in compliance with an approved farm management plan in accordance with K.C.C. 21A.24.051.

59. Allowed within existing landscaped areas or other previously disturbed areas. (Ord. 15051 § 137, 2004).

**21A.24.051 Agricultural activities development standards.**