



ARTICLE IV ENVIRONMENTAL REGULATIONS

RZC 21.64 CRITICAL AREAS REGULATIONS



[Introduction to Critical Areas User Guide](#)

21.64.010 Critical Areas



See [Ordinance No. 2914](#) for Interim Regulations, Effective January 27, 2018

A. Purpose. The purposes of this chapter are to:

1. Preserve the City's important environmental features while allowing development to occur if compatible with and in consideration of these critical areas;
2. Assure the conservation and protection of critical areas from loss or degradation by classifying and designating the same and to restrict land uses and development which are incompatible with environmentally critical areas;
3. Achieve no net loss of core preservation areas within fish and wildlife habitat conservation areas, which includes riparian corridors, and minimize impact to and retain character of quality habitat areas, and protect species of concern, priority species, and species of local importance;
4. Avoid wetland impacts and achieve a goal of no net loss of wetland function, value, and acreage; and where possible enhance and restore wetlands;
5. Achieve no net loss of structure, value, and functions of natural systems within frequently flooded areas and to employ no net impact floodplain management in order to avoid impacts to upstream and downstream properties and substantial risk and damage to public and private property and loss of life;
6. Protect critical aquifer recharge areas by avoiding land use activities that pose potential contamination, and minimize impacts to recharge areas through the application of strict performance standards;



7. Avoid and minimize potential impacts to life and property from geologic hazards such that sites are rendered as safe as one not containing such hazard through appropriate levels of study and analysis, application of sound engineering principles, and regulation or limitation of land uses;
 8. Avoid impacts to critical areas and preserve the functions of critical areas. In appropriate circumstances, impacts to specified critical areas resulting from regulated activities may be minimized, rectified, reduced, and/or compensated for, consistent with the requirements of this chapter;
 9. By limiting development and alteration of critical areas:
 - a. Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, or flooding;
 - b. Protect unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats;
 - c. Direct activities not dependent on critical area resources to less ecologically sensitive sites and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas; and
 - d. Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat, and the overall net loss of wetlands, frequently flooded areas, and habitat conservation areas;
 10. Provide standards, guidelines, and criteria to guide application of these critical areas goals and policies when considered with other goals and policies of the RZC, including those pertaining to natural features and environmental protection;
 11. Serve as a basis for exercise of the City's substantive authority under the State Environmental Policy Act (SEPA) and the City's SEPA rules;
 12. Protect critical areas in accordance with the Growth Management Act and through the application of best available science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals; and
 13. Coordinate environmental review and permitting of proposals to avoid duplication and delay.
- B. Findings.** The City finds that:
1. Redmond contains certain areas that can be identified and characterized as environmentally sensitive or critical. Such areas within the City include fish and wildlife habitat conservation areas, wetlands, frequently flooded areas, geologically hazardous areas, and critical aquifer recharge areas and their associated buffers.
 2. Past growth patterns have in some cases contributed in natural disasters which threaten public health and safety, and that by preventing development on certain critical areas the City can better maintain public health, safety and welfare. In addition, by preserving features that provide for clean water, fisheries, and wildlife, the City can help maintain a positive ecological balance that provides for the immediate and long-term public welfare.
 3. Critical areas perform a variety of valuable and beneficial biological and physical functions that benefit the City and its residents. Some types of critical areas may also pose a threat to



human safety or to public and private property. The functions of critical areas include the following:

- a. Fish and Wildlife Habitat Conservation Areas. Wildlife areas are ecosystems composed of unique interacting systems of soils, geology, topography, and plant and animal communities. They consist of land-based areas and aquatic areas. Wildlife habitat provides opportunities for food, cover, nesting, breeding, and movement for fish and wildlife within the City; maintains and promotes diversity of species and habitat within the City; helps to maintain air and water quality; controls erosion; serves as areas for recreation, education and scientific study, and aesthetic appreciation; and provides neighborhood separation and visual diversity within urban areas. Riparian corridors are essential for wild fish populations. Healthy riparian zones are dynamic ecosystems that perform various functions that form salmonid habitat. Some of the major functions include: producing and delivering large and small woody debris to shorelines and stream channels; shoreline protection and habitat formation; removing sediments and dissolved chemicals from water; moderating water temperature; providing favorable microclimate; providing habitat for terrestrial animals; and providing proper nutrient sources for aquatic life. Additionally, aquatic areas and their associated buffers store and convey stormwater and floodwater; recharge groundwater; and serve as areas for recreation, education and scientific study and aesthetic appreciation. The City's overall goal shall be no net loss of riparian corridor functions and values.
- b. Wetlands. Wetlands are fragile ecosystems which serve a number of important beneficial functions. Wetlands assist in the reduction of erosion, siltation, flooding, ground and surface water pollution, and provide wildlife, plant, and fisheries habitats. Wetlands destruction and impairment may result in increased public and private costs or property losses. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; protect wetland resources from harmful intrusion; and generally preserve the ecological integrity of the wetland area.
- c. Frequently Flooded Areas. Floodplains and other areas subject to flooding perform important hydrologic functions and may present a risk to persons and property. Floodplains help to store and convey storm water and flood water; recharge ground water; provide important areas for riparian habitat; and serve as areas for recreation, education, and scientific study. Development within floodplain areas can be hazardous to those inhabiting such development, and to those living upstream and downstream. Floods also cause substantial damage to public and private property that result in significant costs to the public and individuals.
- d. Critical Aquifer Recharge Areas. Potable water is an essential life-sustaining element. Aquifer recharge areas provide a source of potable water and contribute to stream discharge during periods of low flow. Certain portions of the City's planning area are susceptible to contamination of drinking water and watercourse supplies through rapid infiltration of pollutants through the soil to ground water aquifers. ~~Wellhead Protection Zones 1, 2, and 3 are designated as critical aquifer recharge areas~~Critical Aquifer Recharge Areas I and II are designated under the provisions of the Growth Management Act, RCW Chapter 36.70A, and are established based on proximity to and travel time of groundwater to the City's public water source wells.



- e. Geologically Hazardous Areas. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible commercial, residential, or industrial development is sited in or near areas of significant hazard. Some geological hazards can be reduced or mitigated by engineering, design, or modified construction so that risks to health and safety are acceptable. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas should be avoided.
- 4. Identification, regulation, and protection of critical areas are necessary to protect the public health, safety, and general welfare.
- 5. This section of the RZC contains standards, guidelines, criteria, and requirements intended to identify, analyze, preserve, and mitigate potential impacts to the City's critical areas and to enhance and restore degraded resources, such as wetlands, riparian stream corridors, or habitat, where possible.

C. Applicability - Regulated Activities.

- 1. The provisions of this chapter shall apply to any activity that has a potential to significantly adversely impact a critical area or its established buffer unless otherwise exempt. Such activities include but are not limited to:
 - a. Removing, excavating, disturbing, or dredging soil, sand, gravel, minerals, organic matter, or materials of any kind;
 - b. Dumping, discharging, or filling with any material;
 - c. Draining, flooding, or disturbing the water level or water table;
 - d. Driving pilings or placing obstructions;
 - e. Constructing, reconstructing, demolishing, or altering the size of any structure or infrastructure that results in disturbance of a critical area or the addition of any impervious surface coverage to a site;
 - f. Destroying or altering vegetation through clearing, grading, harvesting, shading, or planting vegetation that would alter the character of a critical area;
 - g. Activities that result in significant changes in water temperature and physical or chemical characteristics of water sources, including quantity and pollutants; and
 - h. Any other activity that has a potential to significantly adversely impact a critical area or established buffer not otherwise exempt from the provisions of this chapter;
 - i. With regard to frequently flooded areas, the provisions of this chapter shall apply to any activity that would result in change to the flood storage capacity of a floodplain or flood fringe area, or cause an increase in the base flood elevation, unless otherwise exempt.
- 2. To avoid duplication, Types I, II, III, IV, V, and VI Permits shall be subject to and coordinated with the requirements of this chapter.
- 3. For the purposes of this chapter, "Department" shall mean the City of Redmond Department of Planning and Community Development and "Committee" shall mean the City of Redmond Technical Committee.

D. Exemptions.

- 1. The following activities shall be exempt from the provisions of this chapter:



- a. Existing and ongoing agricultural activities provided no alteration of flood storage capacity or conveyance occurs and the activity does not adversely affect critical areas, and existing and ongoing agricultural activities identified in a farm plan approved by both the King County Conservation District and the City;
- b. Activities involving artificially created wetlands or streams intentionally created from non-wetland sites, including but not limited to grass-lined swales, irrigation and drainage ditches, detention facilities, and landscape features, except wetlands, streams, or swales created as mitigation or that provide habitat for salmonid fishes;
- c. Activities occurring in areas of 40 percent slope or greater with a vertical elevation change of up to 10 feet based upon City review of a soils report prepared by a geologist or geotechnical engineer which demonstrates that no significant adverse impact will result from the exemption. In addition, the construction of a single-family dwelling unit in man-made steep slopes which were created as part of an approved legal grading activity shall be exempt provided the applicant submits documentation from a qualified professional that the slope was man-made and there will be no resulting significant adverse impacts. This latter exemption applies to one stand-alone single-family residence and is not to be construed to apply to a series of proposed dwellings as part of a subdivision or short plat application;
- d. Normal and routine maintenance, operation and reconstruction of existing roads, streets, utilities, and associated rights-of-way and structures, provided that reconstruction of any structures may not increase the impervious area, remove flood storage capacity, or further encroach into a critical area or its buffer;
- e. Normal maintenance and repair, and reconstruction or remodeling of residential or commercial structures, or legal pre-existing and ongoing uses of the site, provided that reconstruction of any structures may not increase the size of the previously approved building footprint (see subsection D.5 of this section);
- f. Site investigative work and studies necessary for preparing land use applications, including soils tests, water quality studies, wildlife studies and similar tests and investigations, provided that any disturbance of the critical area shall be the minimum necessary to carry out the work or studies and provided that the area is restored to its previous condition;
- g. Educational activities, scientific research, and outdoor recreational activities, including but not limited to interpretive field trips, and bird watching that will not have a significant adverse effect on the critical area;
- h. Emergency activities necessary to prevent an immediate threat to public health, safety, or property;
- i. Normal and routine maintenance and operation of existing landscaping and gardens provided they comply with all other regulations in this chapter;
- j. Construction of pedestrian trails which are permeable, have a maximum width of six feet, and are located in the outer 25 percent of the buffer; Minor activities not mentioned above and determined by the Department to have minimal impacts to a critical area;
- k. Previously legally filled wetlands or wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway, or wetlands accidentally created by other human actions within 20 years of the date the



development application is filed. The latter shall be documented by the applicant through photographs, statements, and/or other evidence;

- l. Activities affecting Category IV wetlands which are 250 square feet in size or smaller and hydrologically isolated;
 - m. Installation, construction, replacement, repair, or alteration of utilities and their associated facilities, lines, pipes, mains, equipment, or appurtenances in improved City road rights-of-way and provided that the area is restored to its previous condition;
 - n. Removal of nonnative vegetation providing removal is accomplished using hand methods and that removal is in compliance with this chapter. Hand removal does not include using mechanical equipment, such as weed wackers, mowers, power hedge trimmers, or other similar devices. This does not include the use of herbicides.
2. Notwithstanding the exemptions provided by this section, any otherwise exempt activities occurring in or near a critical area should meet the purpose and intent of RZC 21.64.010.A and should consider on-site alternatives that avoid or minimize significant adverse impacts.
3. Exempt activities occurring in flood hazard areas shall not alter flood storage capacity or conveyance.
4. With the exception of subsections D.1.a, D.1.g, D.1.h, and D.1.i of this section, and normal maintenance and repair of residential and commercial structures as in subsection D.1.e of this section, no property owner or other entity shall undertake exempt activities prior to providing 10 days' notice to the Department. In case of any question as to whether a particular activity is exempt from the provisions of this section, the Department's determination shall prevail and shall be confirmed in writing within 10 days of receipt of the owner's or applicant's letter. Those persons performing emergency activities falling under subsection D.1.h of this section shall provide telephone or written communication with the Department within 48 hours of the activity notifying such emergency activity was taken.
5. Structures shall be allowed to be reconstructed if destroyed by more than 50 percent of its assessed or appraised value, whichever is greater, if located in a buffer. Reconstruction of the structure shall not further encroach into the buffer area or increase the building footprint. Structures that are nonconforming solely due to the provisions of this chapter shall not be governed by RZC 21.76.100.F, *Legal Nonconforming Uses and Structures*.

E. Critical Areas Maps.

1. Critical Areas Generally. The following critical areas maps are adopted and included as a part of this chapter:
 - a. Fish and Wildlife Habitat Conservation Areas ([Map 64.1](#));
 - b. Critical Wildlife Habitat Map Willows/Rose Hill Neighborhood ([Map 64.2](#));
 - c. Streams ([Map 64.3](#));
 - d. Wetlands ([Map 64.4](#));
 - e. Frequently Flooded Areas ([Map 64.5](#));
 - f. ~~Wellhead Protection Zones~~[Critical Aquifer Recharge Areas](#) ([Map 64.6](#));
 - g. Landslide Hazard Areas ([Map 64.7](#));
 - h. Erosion Hazard Areas ([Map 64.8](#)); ~~and~~



i. Seismic Hazard Areas (Map 64.9); and-

ii. Critical Aquifer Recharge Areas Full Extent (Map 64.10).

2. These maps shall be used as a general guide only for the assistance of property owners and other interested parties; boundaries are generalized. The actual type, extent, and boundaries of critical areas shall be determined in the field by a qualified consultant according to the procedures, definitions, and criteria established by this chapter. In the event of any conflict between the critical area location and designation shown on the City's map and the criteria or standards of this section, the criteria and standards shall prevail.

F. Relationship to Other Regulations.

1. These critical area regulations shall apply as an overlay and in addition to zoning, land use, and other regulations established by the City of Redmond. In the event of any conflict between these regulations and any other regulations of the City, the regulations which provide greater protection to environmentally critical areas shall apply.
2. Areas characterized by particular critical areas may also be subject to other regulations established by this chapter due to the overlap or multiple functions of some sensitive or critical areas. Wetlands, for example, may be defined and regulated according to the wetland and fish and wildlife habitat conservation area provisions of this chapter. In the event of any conflict between regulations for particular critical areas in this chapter, the regulations which provide greater protection to environmentally critical areas shall apply.
3. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required.

G. Permit Process and Application Requirements.

1. Pre-Application Conference. All applicants are encouraged to meet with the City prior to submitting an application subject to this section. The purpose of this meeting shall be to discuss the City's critical area requirements, processes and procedures; to review any conceptual site plans prepared by the applicant; to identify potential impacts to critical areas and appropriate mitigation measures; and to generally inform the applicant of any federal or state regulations applicable to the subject critical area. Such conference shall be for the convenience of the applicant and any recommendations shall not be binding on the applicant or the City. The pre-application conference provided for in this section shall be consolidated with any pre-application conference held on any land use permit application.
2. Application Requirements.
 - a. Timing of Submittals. A critical areas report, if applicable, must be submitted to the City during application submittal. This is a required component of determining application completeness. The purpose of the report is to determine the extent, characteristics, and functions of any critical areas located on or that have a potential to be significantly adversely impacted by activities on a site where regulated activities are proposed. The report will also be used by the City to assist in the determination of the appropriate critical area rating and establishment of appropriate buffer requirements in accordance with this chapter.
 - b. Critical Areas Report Contents. Reports and studies required to be submitted by this chapter shall contain the information indicated in RZC Appendix 1, Critical Areas Reporting Requirements, applicable to each critical area.



3. Consultant Qualifications and City Review. All reports and studies required of the applicant by this section shall be prepared by a qualified consultant as that term is defined in the [21.50.010, Definitions](#). The City may, at its discretion and at the applicant's expense, retain a qualified consultant to review and confirm the applicant's reports, studies, and plans.
4. Permit Process. This section is not intended to create a separate critical areas permit process for development proposals. The City shall consolidate and integrate the review and processing of critical areas aspects of proposals with other land use and environmental considerations and approvals.

H. Alteration or Development of Critical Areas - Standards and Criteria. Standards and criteria are set forth in subsequent sections of this chapter.

I. General Mitigation Standard.

1. All significant adverse impacts to critical areas functions and values shall be mitigated. Mitigation actions by an applicant or property owner shall occur in the following sequence:
 - a. Avoiding the impact altogether by not taking a certain action or parts of actions;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
 - c. Rectifying the impact to the critical area by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
 - e. Compensating for the impact by replacing or providing substitute resources or environments; and/or
 - f. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

J. Other Appropriate Mitigation Actions. Where impacts cannot be avoided and the applicant has exhausted feasible design alternatives, the applicant or property owner shall seek to implement other appropriate mitigation actions in compliance with the intent, standards, and criteria of this chapter. In an individual case, these actions may include consideration of alternative site plans and layouts, reductions in the density or scope of the proposal, and/or implementation of the performance standards listed in subsequent sections of this chapter.

K. Proposed Developments. Development proposed in critical areas shall incorporate and reflect the performance standards contained in subsequent sections of this chapter.

L. Mitigation Standards, Criteria, and Plan Requirements.

1. Mitigation Performance Standards. Significant adverse impacts to critical area functions and values shall be mitigated. Mitigation actions shall be implemented in the preferred sequence identified in RZC 21.64.010.I. *General Mitigation Standard*, which include less preferred and/or compensatory mitigation shall demonstrate that:
 - a. All feasible and reasonable measures will be taken to reduce impacts and losses to the critical area or to avoid impacts where avoidance is required by these regulations; and
 - b. The restored, created or enhanced critical area or buffer will be as viable and persistent as the critical area or buffer area it replaces; and



- c. In the case of wetlands and riparian stream corridors, no overall net loss will occur in wetland or riparian stream corridor functions and values.
- 2. Location and Timing of Mitigation.
 - a. Mitigation shall be provided on-site, unless on-site mitigation is not scientifically feasible due to physical features of the property. The burden of proof shall be on the applicant to demonstrate that mitigation cannot be provided on-site.
 - b. When mitigation cannot be provided on-site, mitigation shall be provided in the immediate vicinity of the permitted activity on property owned or controlled by the applicant, such as an easement, provided such mitigation is beneficial to the critical area and associated resources.
 - c. In-kind mitigation shall be provided except when the applicant demonstrates and the Department concurs that greater functional and habitat value can be achieved through out-of-kind mitigation.
 - d. Only when it is determined by the Department that subsections L.2.a, L.2.b, and L.2.c of this section are inappropriate and impractical, shall off-site, out-of-kind mitigation be considered.
 - e. When wetland or riparian stream corridor mitigation is permitted by these regulations on-site or off-site, the mitigation project shall occur near an adequate water supply (river, stream, ground water, stormwater facility outfall) with a hydrologic connection to the critical area to ensure successful development or restoration.
 - f. Any agreed upon mitigation proposal shall be completed concurrently with project construction, unless a phased schedule that assures completion prior to occupancy has been approved by the Department.
 - g. Wetland acreage replacement ratios shall be as specified in RZC [21.64.030.C.7.b](#), *Wetland Replacement Ratios*.
 - h. Restored or created riparian stream corridors, where permitted by these regulations, shall be an equivalent or higher riparian stream corridor value or function than the altered riparian stream corridor.
 - i. All off-site mitigation shall be provided within the Redmond city limits.
- M. **Performance Standards for Mitigation Planning.** The performance standards noted in subsequent sections of this chapter shall be incorporated into mitigation plans submitted to the City for impacts to critical areas. Mitigation plans shall contain the information indicated in RZC Appendix 1, *Critical Areas Reporting Requirements*.
- N. **Approved Mitigation Projects - Signature.** On completion of construction, any approved mitigation project must be signed off by the applicant's qualified consultant and approved by the Department. Signature will indicate that the construction has been completed as planned.
- O. **Approved Mitigation Projects - Contingency Planning.** Approved mitigation projects shall implement the monitoring and contingency planning requirements of RZC 21.64.010.P below.
- P. **Monitoring Program and Contingency Plan.**
 - 1. A monitoring program shall be implemented by the applicant to determine the success of the mitigation project and any necessary corrective actions. This program shall determine if the original goals and objectives are being met.



2. A contingency plan shall be established for correction in the event that the mitigation project is inadequate or fails. A performance and maintenance bond or other acceptable security device is required to ensure the applicant's compliance with the terms of the mitigation agreement. The bond or other security shall meet the requirements set forth in RZC 21.76.090.F, *Performance Assurance*.
3. Monitoring programs prepared to comply with this chapter shall reflect the following guidelines:
 - a. Use scientific procedures for establishing the success or failure of the project;
 - b. For vegetation determinations, permanent sampling points shall be established;
 - c. Vegetative success equals 80 percent per year survival of planted trees and 80 percent cover of shrubs, groundcover, and emergent species, and less than 20 percent cover of invasive species;
 - d. Submit monitoring reports on the current status of the mitigation project to the Department. The reports are to be prepared by a qualified consultant and reviewed by the City, and shall be produced on the following schedule: 30 days after planting, early in the growing season of the second year, end of the growing season of the second year, and annually thereafter;
 - e. The monitoring reports shall contain the following information on monitoring method and monitoring components, as relevant:
 - i. Vegetation Monitoring: Methods shall include counts, photo points, random sampling, sampling plots, transects, visual inspections, and/or other means deemed appropriate by the Department and a qualified consultant. Vegetation monitoring components shall include general appearance, health, mortality, colonization rates, percent cover, percent survival, volunteer plant species, invasive weeds, and/or other components deemed appropriate by the Department and a qualified consultant.
 - ii. Water Quantity Monitoring: Methods shall include piezometers, sampling points, stream gauges, visual observation, and/or other means deemed appropriate by the Department and a qualified consultant. Water quantity monitoring components shall include water level, peak flows, soil saturation depth, soil moisture within root zone, inundation, overall water coverage, and/or other components deemed appropriate by the Department and a qualified consultant.
 - iii. Water Quality Monitoring: Methods shall include testing, plant indicators, and/or other means deemed appropriate by the Department and a qualified consultant. Water quality monitoring components shall include temperature, pH, dissolved oxygen, total suspended solids, total metals, herbicides, pesticides, and/or other components deemed appropriate by the Department and a qualified consultant.
 - iv. Wildlife Monitoring: Methods shall include visual sightings, aural observations, nests, scat, tracks, and/or other means deemed appropriate by the Department and a qualified consultant. Wildlife monitoring components shall include species counts, species diversity, breeding activity, habitat type, nesting activity, location, usage, and/or other components deemed appropriate by the Department and a qualified consultant.



- v. Geomorphic Monitoring: Methods shall include cross-sectional surveys, profile surveys, point surveys, photo-monitoring, and/or other means deemed appropriate by the Department and a qualified consultant. Monitoring components shall include location and effect of large woody debris, depth and frequency of pools, bank erosion, channel migration, sediment transport/deposition, structural integrity of weirs, and/or other components deemed appropriate by the Department and a qualified consultant.
- f. Monitoring programs shall be established for a minimum of five years;
- g. If necessary, correct for failures in the mitigation project;
- h. Replace dead or undesirable vegetation with appropriate plantings;
- i. Repair damages caused by erosion, settling, or other geomorphological processes to all affected properties and structures, both on and off the property;
- j. Redesign mitigation project (if necessary) and implement the new design; and
- k. Correction procedures shall be approved by a qualified consultant and the Department.

Q. Buffer Areas.

1. The establishment of buffer areas may be required for development proposals and activities in or adjacent to critical areas. The purpose of the buffer shall be to protect the integrity, function, value, and resource of the subject critical area, and/or to protect life, property, and resources from risks associated with development on unstable or sensitive lands. Buffers shall consist of an undisturbed area of native vegetation established to achieve the purpose of the buffer. If the site has previously been disturbed, the buffer area shall be revegetated pursuant to an approved planting plan. Buffers shall be protected during construction by placement of a temporary barricade, on-site notice for construction crews of the presence of the critical area, and implementation of appropriate erosion and sedimentation controls.
2. Required buffer widths shall reflect the sensitivity of the particular critical area and resource or the risks associated with development and, in those circumstances permitted by these regulations, the type and intensity of human activity and site design proposed to be conducted on or near the critical area.
3. See individual critical areas regulations in RZC [21.64.020.B](#), [21.64.030.B](#), and [21.64.060.B](#) for required buffer widths.
4. A residential lot approved in a subdivision that has designated streams or wetlands and their associated buffer in a Native Growth Protection Area established at plat approval shall be allowed to be improved honoring the wetland and stream buffers already established in the plat.

R. General Critical Area Protective Measures.



[Critical Areas Sign Specifications User Guide](#)



1. Critical Area Markers and Signs.
 - a. The boundary at the outer edge of critical areas tracts and easement shall be delineated with permanent survey stakes, using iron or concrete markers as established by local survey standards.
 - b. The boundary at the outer edge shall be identified with temporary signs prior to any site disturbance. The temporary signs shall be replaced with permanent signs prior to occupancy or use of the site. The number and spacing of permanent signs shall be designated by the Planning Department.
2. Critical Area Fencing. In order to inform subsequent purchasers of real property of the location of the critical area buffer boundaries and to discourage encroachment into that buffer, the developer of the property shall install split rail fencing or a similar fencing approved by the Department along the boundary of the critical area.
3. Notice on Title.
 - a. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is submitted shall file a notice with the King County Department of Records and Elections. The notice shall state the presence of the critical area or buffer on the property, of the application of the Critical Areas Ordinance to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The notice shall run with the land.
 - b. The applicant shall submit proof that the notice has been filed for public records before the City approves a building permit or, in the case of subdivision of land or binding site plans, at or before recording.
4. Critical Areas Tracts.
 - a. Critical areas tracts, or other mechanisms as deemed appropriate by the Department, shall be used to delineate and protect contiguous critical areas and buffers. Areas in critical areas tracts can be included in determining gross site density, floor area ratios, and other area and dimensional regulations for five or fewer lots. Critical area tracts may not be used through the preliminary plat process to credit lot area and dimensional regulations for proposed residential lots.
 - b. Critical areas tracts shall be recorded on all documents of title or record for all affected lots.
 - c. Critical areas tracts shall be designated on the face of the plat or recording drawing in a format provided by the City Attorney.
 - d. The City may require that any required critical areas tract be held in an undivided interest by each owner of a building lot within the development, with the ownership interest passing with the ownership of the lot, or held by an incorporated homeowners' association, or other legal entity which assures the ownership, maintenance, and protection of the tract.
- S. **Critical Areas Reasonable Economic Use Exception - Private Property.** These standards and regulations are not intended, and shall not be construed or applied in a manner, to deny all reasonable economic use of private property. Any private property owner who claims that



strict application of these standards would deny all reasonable economic use of their property may apply for an exception under RZC [21.76.070.U.3](#), *Decision Criteria - Critical Areas Reasonable Economic Use (Private)*.

T. Critical Areas Reasonable Use Exception - Public Project.

1. Any public agency or City department claiming that strict application of these standards would deny construction of a public project may apply for a Critical Areas Reasonable Use Exception - Public Project under RZC [21.76.070.U.4](#), *Decision Criteria - Critical Areas Reasonable Use (Public Project)*.

([Ord. 2661](#); [Ord. 2803](#))

Effective on: 10/17/2015