

Department of Development and Environmental Services (DDES)

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Critical Areas Review

DDES Customer
Information Bulletin #**21****• FREQUENTLY ASKED QUESTIONS •**

*Visit the DDES Web site at
www.kingcounty.gov/permits
for more information*

King County DDES has created customer information bulletins to inform the general public about the effect of codes and regulations on their projects. These bulletins are not intended to be complete statements of all laws and rules and should not be used as substitutes for them. If conflicts and questions arise, current codes and regulations are final authority. Because the codes and regulations may be revised or amended at any time, consult King County staff to be sure you understand all requirements before beginning work. It is the applicant's responsibility to ensure that the project meets all requirements of applicable codes and regulations.

For alternate formats, call 206-296-6600.

What is the purpose of the critical areas requirements?

Critical areas requirements implement the goals and policies of the Washington State Environmental Policy Act, the Washington State Growth Management Act and the King County Comprehensive Plan, all of which call for protection of the natural environment and public health and safety through protection of environmentally critical areas.

What is a critical area?

Critical areas are lands with natural hazards or lands that support certain unique, fragile or valuable resource areas. Lands designated by King County as critical include areas at high risk for erosion, landslides, earthquakes or flooding; those above coal mines; or wetlands or lands adjoining streams, rivers and other water bodies. The King County Code (KCC) protects critical areas as well as their buffers in order to protect public health and safety, and to promote environmental health in the region. Buffers are areas adjacent to a critical area that are also restricted from specific building and development activities.

What incentives are available to property owners to protect critical areas?

In many instances, King County can provide benefits to property owners who protect critical areas or mitigate impacts to geologic or other hazard areas. In addition to the broad benefits of increased safety and resource protection, the following benefits are available to individual property owners:

Density Credits

Density credits provide compensation to owners for parts of their property that cannot be developed because they contain critical areas and/or critical area buffers. Density credits may be available for all critical areas and buffers, except submerged lands. When density credits are allowed, residential development can be concentrated on the portions of the property not restricted by buffers, setbacks or critical areas. The property will be subject to other zoning and development restrictions.

Current Use Taxation

Property owners can enjoy reductions in property tax bills by protecting certain critical areas and/or resources. This may mean a reduction in property tax for parcels with undevelopable critical areas or buffers if an additional public benefit, such as an open space resource, is provided. Land approved for open space taxation is subject to certain use limitations. For more information on the Forestland Program (more than 20 acres devoted to the growth and harvest of timber) or the Farmland and Agriculture Programs, contact the King County Assessor's Office (206-296-3969). For information on the Public Benefit Rating System (PBRs) or the Timber Land Programs, contact Ted Sullivan at King County's Department of Natural Resources and Parks (DNRP) at 206-205-5170. **Information on these programs, including applications, is available online at <http://dnr.metrokc.gov/wlr/lands/incentiv.htm>.**

What is the critical areas review process?

The critical areas review process is dependent on the type of permit or approval being requested, and the type and extent of critical areas on or near the site. All projects are screened to some extent for critical areas. As often as possible, critical area review is performed early in the permit process because of the potential for site constraints.

Critical Areas Inquiry

The Critical Areas Inquiry is a process that allows a property owner to investigate the feasibility of a general site development proposal with King County Staff. The process is flexible and can be tailored to meet the needs of the customer. No formal decision is provided and any critical areas determinations are not vested for future permit applications. This is an appropriate process if you have a specific question, such as, "Would I be able to expand my house out 20-feet toward an existing critical area?"

Critical Areas Designation

The Critical Areas Designation is a process that allows a property owner to define the limits of critical areas on or near the project site, establish buffers and other required mitigation measures and, when coupled with the Consolidated Review option, address all related site issues such as access and drainage control. The process results in a determination that is vested for five years. There are three different levels of review available under the designation process. They are as follows:

- 1) Limited Critical areas designation: Includes investigation of only those critical areas and portions of the site specifically requested by the applicant.
- 2) Comprehensive Critical areas designation: Includes review of the development area for all critical areas issues. **Completion of a Critical Areas Designation is required before submitting an application to Seattle-King County Public Health for septic system or well approval for residential projects.**
- 3) Comprehensive Critical Areas Designation with the Consolidated Review option: Adds site engineering/drainage review, fire access review and addressing review to the Comprehensive Critical Areas designation, all for a fixed fee. This option is appropriate if you intend to apply for a building permit shortly after completing the Critical Areas Designation process.

Critical Areas Permit Review

Projects that do not require a comprehensive site designation (no new septic system or well will be installed), or where the applicant chooses not to have a designation performed, will be subject to critical areas review during the permit process. One or more critical areas reviewers will review the permit application, and will coordinate their review with the other permit reviewers at DDES. This process is primarily for non-residential projects such as grading permits, land use decisions and commercial building permits.

Alterations, exceptions and alternatives

In the event that a proposal does not meet the prescriptive standards of the Critical Areas Ordinance, the King County Code has provisions and criteria for modifying those standards. Incentives and flexibility have been built into the Critical Areas Ordinance package through Rural Stewardship Plan and Farm Management Plan programs. These programs recognize the importance of good resource management and allow flexibility in return for careful management of property.

When the existing flexibility is not adequate to address site constraints, the code allows for alteration exceptions and reasonable use exceptions, often with compensatory mitigation. Standards for all decisions, and appeal processes can be found in King County Code.

In general, recent code changes have emphasized the importance of addressing site issues early in the project design process. Doing so improves the efficiency and predictability of permit review and should lower costs by preventing unanticipated project redesigns. Regardless of the type of project proposed, applicants are encouraged to take advantage of the new processes to identify site constraints as early as possible.

How do applicants find out if a property contains a critical area?

The actual presence or absence of critical areas on the ground, as defined in Title 21A of the King County Code, determines permit requirements, regardless of what is contained in maps and other documents. King County has not mapped all critical areas on all property within King County.

Customers may contact the DDES Permit Center (206-296-6600) to discuss the process of finding out whether a property contains critical areas. Please have the Tax Parcel Number available. Options for determining the presence of critical areas include:

1. Set up a Critical Areas Inquiry or Designation to have a parcel investigated for critical areas. A Critical Areas Inquiry or Designation can save the property owner additional expenses by providing information about potential site constraints affecting a proposed project in advance of preparing detailed construction plans or applying for a building permit.
2. Contact the King County Flood Hotline at 206/296-6606.
3. Complete a formal building or development permit application, which may be followed by a Critical Areas Review.

In addition, King County and DDES have collected information from a variety of sources that can be related to property located in unincorporated King County. This information, developed by DDES and the King County Geographic Information System (GIS) Center, is available at <http://your.kingcounty.gov/gis/mappointal>. Property research also is available through the **DDES Web site at www.kingcounty.gov/permits**, where customers may access a variety of parcel-specific information. **This Web-based information is a guide only; it does not accurately show all critical areas on a parcel. For those critical areas that are shown, precise boundaries are not indicated or intended to be shown.**

Other resources also are available to help customers determine whether a critical area exists on a property. Some larger wetlands show up in the King County Wetlands Inventory. Many flood hazard areas are mapped by the Federal Emergency Management Agency in the Flood Insurance Study for King County. Alternatively, customers may hire a consultant to investigate a specified property. The following fact sheets may be helpful: *Selecting a Geotechnical Consultant* and *Selecting a Wetlands/Stream Consultant*, available on the DDES Web site at www.kingcounty.gov/permits under forms and application materials, or by contacting DDES at 206-296-6600. A list of DDES [preferred consultants](#) also can be found on the department's Web site.

How are critical areas protected?

The King County Code requires protective buffers, usually of undisturbed native vegetation, to be designated around some critical areas. A buffer is an area of land adjacent to a critical area reserved to protect the critical area. In some cases, special studies must be conducted to evaluate risks to proposed projects or to the environment. Only certain alterations are permitted, and compensatory mitigation may be required. Mitigation means any of a number of measures taken to avoid impact to the critical area and/or buffer or other actions that minimize, reduce, or compensate for the impact. An example of mitigation is the requirement to revegetate buffers.

Critical areas Notice On Title

If critical areas exist on the site, landowners will be required to file a notice on the title to their property with the King County Records and Licensing Services Division. The Critical Areas Notice on Title states that critical areas and their associated buffers are present on the property, that the King County Critical Areas Ordinance Regulations apply, and that these regulations may limit development actions in the critical areas and in the buffers. Landowners must provide copies of the recorded documents to King County DDES before any development permits can be issued for the site. A small fee may be required for recording these documents.

Appeal process

When conditions are placed on a proposed project due to critical areas, applicants may file a written appeal according to, and as part of, the appeal procedure for the permit or approval involved. (See K.C.C. 21A.24.030.) Residential and commercial building permits may be appealed if subject to the State Environmental Policy Act (SEPA) process. If a project requires more than one appeal for which hearings are required, every attempt will be made to consolidate the hearings into a single proceeding. The appeal must be made to the King County Hearing Examiner and filed with the Land Use Services Division at DDES. Please call 206-296-6600 for more information.

Fees

Fees are charged for critical areas review, as well as for critical areas inquiries or designations.

Applicants will not be charged a fee for brief consultations. If applicants decide to set up a Critical Area Inquiry or Designation, they will be required to pay a deposit to begin the review and an additional hourly fee if the review takes more than five and one half hours. A fixed fee option exists for those who choose the consolidated review option under the Critical Areas Designation process.

Under some circumstances, performance and maintenance financial guarantees may be required for restoration and mitigation activities. See DDES customer information bulletin #40, *Financial Guarantees*, or call 206-296-6600 for more information.

Additional information

Most of the restrictions described in this bulletin are codified in Chapter 21A.24 of the King County Code (Critical Areas Code) and from Chapter 16.82 (Clearing and Grading Code). If customers have additional questions about critical areas, please contact DDES Permit Center staff at 206-296-6600.

Other bulletins and telephone numbers that may be helpful

- Bulletin 1 Building and Development Permit Telephone Numbers
- Bulletin 9 Obtaining a Residential Building Permit
- Bulletin 10 Residential Building on or Near Waterfront
- Bulletin 17A Zoning Code: Overview and Summary
- Bulletin 28 Clearing and Grading Permits
- Bulletin 40 Financial Guarantees

These and other DDES bulletins are available via the department Web site at www.kingcounty.gov/permits.

- 206-296-6600 DDES customer service
- 206-296-6759 Clearing and grading questions
- 206-296-6680 Code violations

Be sure to visit our Web site at:
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King County complies with the Americans with Disabilities Act (ADA). If you require an accommodation to attend a meeting (two weeks' notice) or require this information in Braille, audiocassette, or large print, please call 206-296-6600 or TTY 206-296-7217.