



**King County  
Department of Development  
and Environmental Services**

900 Oakesdale Avenue Southwest  
Renton, WA 98055-1219

April 18, 2007

Kate Donley  
KC Real Estate Service  
500 Fourth Avenue Room 500  
Seattle, WA 98104

RE: Critical Areas Designation L07SA178, Parcel 1148300010-1148300500 – Parcels Associated with the Brooks Village Plat

**Status:** Complete

Dear Ms. Donley:

I visited the above-referenced parcels for the purpose of critical area review. As noted in your critical area designation application, the parcels were initially associated with the Brooks Village Plat (L0970042/L99SR348). The project site, including all the subject parcels, were reviewed under our prior Critical Areas Ordinance. I spoke to the King County Ecologist, Nick Gillen, who was involved in the review of the subject plat. Based on my understanding, the location and limits of wetland and stream features on the subject parcel were reviewed and approved by King County under the Brooks Village plat.

At the time of my site visit, the limits of wetlands or streams were not identified (flagged) in the field. I did perform spot checks to evaluate the limits of critical areas that are depicted on the Brooks Plat site plans, and based on my review, the limits of critical areas appear to be accurate. For the purpose of this designation, therefore, I am assuming that the limits of wetland and streams that were identified on the submitted site plans, and historically reviewed by King County Ecologists, are accurate (also see closing, below).

The site contains wetland and aquatic area critical areas, and within the following letter, I have identified the categories/types of wetlands and aquatic area on the subject parcel, and have discussed King County critical area Code provisions that might be applicable to future proposed residential developments on the project site. Please note that the determination of critical areas is vested for five years.

**Vested Critical Areas**

**Wetlands (KCC 21A.24.318)**

The parcel contains two wetland areas that have been identified as Wetland A and Wetland B on the attached schematic:

- Wetland A is the large on-site wetland that continues off-site and is associated with an on-site Type N aquatic area (discussed below). For the purpose of this letter, and as noted on the attached schematic, wetland A includes the wetland area on the north and southern portions of the project site. These two wetland areas are connected by a Type N stream, and the areas of

wetland in the north and south of the parcel appear to have a contiguous connection off-site (wetland areas treated as one wetland).

Wetland A is a category II wetland with greater than 20, but less than 28, total points for habitat functions. Standard buffers for this category of wetland in the urban zone are 125 feet in width from the wetland boundary. A 15-foot building setback is required from the perimeter of the wetland buffer.

As a side note, an active red-tailed hawk nest was observed within the limits of wetland A. Because this is an urban zone, and it is not anticipated that the nest would be impacted by development due to its location within the wetland, no protective provisions apply to the nest (KCC 21A.24.382).

- Wetland B is a category III wetland with less than 20 total points for habitat functions. Standard buffers for this category of wetland in the urban zone are 75 feet from the wetland boundary. A 15-foot building setback is required from the perimeter of the wetland buffer.

#### Aquatic Areas (KCC 21A.24.355)

- The site contains a type N aquatic area. Standard buffers for this resource are 65 feet in width, measured from the ordinary high water mark of the stream, plus a 15-foot building setback from the perimeter of the aquatic area buffer.
- There are small areas of wetland associated with the aquatic area, and in these areas, the stream buffer is confined within the larger 125-foot wetland buffer. As you will note on the site plan, however, a portion of the stream reach does not include areas of wetland. In this stream reach, only the 65-foot buffer applies (See \* on site map for Type N stream reach beginning and end where the 65-foot buffer applies).

#### Regulatory Discussion

As noted, the subject parcel occurs within the urban zone. Per King County Code 21A.24.325.A.3., the buffers of the on-site wetlands may be reduced by 25 feet if the applicant implements all applicable mitigation measured identified in Subsection A.3.b. of the above referenced section. Applicable mitigation might include the fencing of critical area buffers, enhanced water quality treatment, and/or mitigation plantings within critical areas and associated buffers. If appropriate best management practices are invoked under future building permits, the buffer of wetland A may be reduced to 100 feet and the buffer of wetland B to 50 feet.

The King County Code also provides for buffer width averaging (21A.24.325.C.2.). King County may approve buffer width averaging if the total area of on-site buffer, after averaging, is equivalent to or greater than the area of the buffer before averaging, and the additional buffer is contiguous with the standard buffer. Typically, buffers may only be reduced under buffer width averaging by 25 to 35 percent of the standard buffer width.

Please note, however, that outright buffer reductions and buffer width averaging are mutually exclusive. Consequently, you may invoke, if applicable, either the outright 25-foot buffer reduction or buffer width averaging, but not both.

#### Closing

This completed Critical Areas Designation letter and attached site plan are vested for 5 years from the date of this letter. If applicable, please submit this letter with your septic design to the Health Department.

Please note that, due to scaling difficulty associated with our mapping, the attached schematic likely contains slight scaling errors. For future building permit submittal, please provide a scaled site plan with the appropriate buffers shown, as described previously. The submitted site plans must reflect the boundaries of critical areas (wetlands and streams) and not the sensitive area tracks that are shown on the Brooks Village Plat maps, as wetland and stream buffers were modified under the approval for the plat, and these modifications would/may not apply to a new development.

The purpose of this review is to determine the location and classification of critical areas on your site, and is not an approval of existing or proposed development. Additional reviews, including but not limited to drainage, clearing, compliance with critical area codes, and fire flow may occur during the building permit process.

If you have any questions, please feel free to contact me (206) 296-7292.

Sincerely,

Bill Kerschke, Senior Ecologist  
Critical Areas Section  
Land Use Services Division

