



King County
Public Rules and Regulations

Public Rules

1.0 SUBJECT TITLE: Rural Stewardship Plans

Title Rural Stewardship Plans	Document Code No. PUT 8-20 (PR)
Department/Issuing Agency Department of Natural Resources and Parks Department of Development and Environmental Services	Effective Date. Feb 24, 2005
Approved	

Pam Bessomnets 1/25/2005 Dept. Water 1/25/05

1.1 EFFECTIVE DATE: February 24, 2005

1.2 TYPE OF ACTION: New

1.3 KEY WORDS: Best Management Practice, BMP, Buffer, Clearing, Critical areas, Enhancement, Landowner, Protection, Residential, Restoration, Rural, Stewardship

2.0 PURPOSE: To establish and explain the process for developing a Rural Stewardship Plan for rural residential lands.

3.0 INDIVIDUALS & ORGANIZATIONS AFFECTED:

3.1 Rural residential landowners or their representatives opting to tailor critical areas protections through completion and implementation of a Rural Stewardship Plan, including associated long-term stewardship commitments.

3.2 Applicants for PBRs current use taxation Rural Stewardship Planning category.

3.3 Department of Development and Environmental Services.

900 Oakesdale Avenue SW
Renton, WA 98055-1219
206-296-6600

3.4 Department of Natural Resources and Parks, Water and Land Resources Division.

201 South Jackson St, Suite 600
Seattle, WA 98104
206-296-6519



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DATE: 1-25-05

Williams

4.0 REFERENCES:

R.C.W. 36.70A – Growth Management - Planning by selected counties and cities
W.A.C. 365.190 – Minimum guidelines to classify forest, mineral lands and critical areas
W.A.C. 365.195 – Growth management - Procedural criteria for adopting comprehensive plans and development regulations
K.C.C. 21A.24 – Critical Areas
K.C.C. 16.82 – Clearing and Grading
K.C.C. 2.98 - Rules of County Agencies
K.C.C. 9 – Surface Water Management
K.C.C. 20.36 – Open Space, Agricultural and Timberlands Current Use Assessment
King County Farm Management Plans Public Rule (PUT 8-21 PR)
King County Forest Stewardship Plans Public Rule (PUT 8-19 PR)
King County Comprehensive Plan
Rural Stewardship Planning Handbook
www.metrokc.gov (search for Rural Stewardship Plan)

5.0 DEFINITIONS:

5.1 Applicant: A property owner, or any person or entity designated or named in writing by the property owner to be the applicant, in an application for a development proposal, permit or approval. For the purposes of a Rural Stewardship Plan an applicant will also be a rural residential (RA zone) property owner who opts to tailor critical areas protections on their property through completion and implementation of a Rural Stewardship Plan, including associated long-term stewardship commitments, under K.C.C.21A.24. ___ and this Public Rule.

5.2 Best Management Practice (BMP): A schedule of physical structures, management practices, maintenance procedures, and other activities undertaken to reduce pollution or to provide habitat protection or maintenance. For the purposes of Rural Stewardship Plans, BMPs are outlined in Rural Stewardship guidance documents and are mutually agreed upon by the Applicant and King County.

5.3 Buffer: A designated area contiguous to and intended to protect and be an integral part of an aquatic area or wetland, or a designated area contiguous to a steep slope or landslide hazard area intended to protect slope stability, attenuation of surface water flows and landslide hazard areas.

5.4 Critical Areas Designation: A process of identifying the presence, type, and location of critical areas on a particular property that may include such areas as aquatic areas, wetlands, wildlife habitat conservation areas, wildlife habitat networks, severe channel

migration hazard areas, landslide areas and steep slopes as provided in K.C.C. 21A.24.500.

5.5 Critical Areas Management Component: That part of a rural stewardship plan that describes the condition of native vegetation and of any critical areas and their buffers and the standards by which native vegetation and critical areas and their associated buffers will be restored, enhanced or maintained.

5.6 DDES: Department of Development and Environmental Services (DDES) or its successor agency: The King County agency that coordinates regional land use planning, issues building and land use permits for properties located in unincorporated King County, and enforces county land use and building codes.

5.7 Enhancement: An action that improves the processes, structure and functions of ecosystems and habitats associated with critical areas or their buffers.

5.8 Farm Management Component: That part of a rural stewardship plan that describes the conditions of any part of the property used for agricultural activities and the standards by which those areas are to be managed, and that meets the requirements of King County Farm Management Plans Public Rule (PUT 8-21) or its successor.

5.9 Forest Stewardship Component: That part of the rural stewardship plan that describes the conditions of any part of the property to be managed in forest and the standards by which those areas are to be managed, and that meets the requirements of King County Forest Stewardship Plans Public Rule (PUT 8-19) or its successor.

5.10 King County: The Department of Natural Resources and Parks and the Department of Development and Environmental Services. The Department of Natural Resources is represented by the Water and Land Resources Division and is the primary county agency responsible for Rural Stewardship Plans. The Department of Natural Resources and Parks shall consult with the Department of Development and Environmental Services in carrying out its responsibilities under K.C.C 21A.24. ____.

5.11 Public Benefit Rating System (PBRs): King County incentive program authorized by K.C.C. 20.36 that allows for a reduction in the assessed value of real property for property tax purposes in exchange for voluntary conservation or protection of natural resources, open space, and timber.

5.12 Protection: An action that prevents degradation of the values, structure and functions of a particular natural resource, critical area or associated buffer.

5.13 Restoration: An action that reestablishes the values, structure and functions of a particular natural resource, critical area or any associated buffer that has been altered.

5.14 Rural Stewardship Plan Handbook: A program guidance document for King County staff that helps assess current conditions on an Applicant's property, evaluate proposed land use changes, inform site-specific modifications to the standard buffer requirements of K.C.C. 21A.24 (Critical Areas) and the standard clearing restrictions of K.C.C. 16.82 (Clearing and Grading), and identify best management practices. The Rural Stewardship Plan Handbook is available from WLRD and may be useful to Applicants or landowners in developing a Rural Stewardship Plan for their property.

5.15 Rural Stewardship Plan: A comprehensive, optional plan for the long-term stewardship of an Applicant's property developed by an Applicant with the assistance of King County staff and approved by WLRD in consultation with DDES. The Plan must be consistent with the goals and standards of this Public Rule and K.C.C.21A.24. ___ (Critical Areas), while reflecting site-specific conditions and the goals of the landowner. The plan may include but is not limited to the elements identified in K.C.C. 21A.24. ___, including one or more of the following components: Critical Areas Management Component, Farm Management Component, Forest Stewardship Component, and Site Development Component.

5.16 Site Development Component: That part of a Rural Stewardship Plan that describes proposed alterations involving structures or other constructed features that require King County clearing and grading or other site development permits, unless solely for the purposes of habitat restoration. A Site Development Component will describe the conditions and standards by which such clearing and grading may occur and describes standards for siting buildings or other constructed features. Applicants proposing any alterations that require modifications of the standard buffer requirements of K.C.C. 21A.24 must complete a Site Development Component.

5.17 WLRD: Water and Land Resources Division of the King County Department of Natural Resources and Parks or its successor agency. WLRD is the King County agency that works to sustain healthy watersheds, minimize flood hazards, protect public health and water quality, preserve open space, working farms and forests, ensure adequate water for people and fish, manage public drainage systems, and protect and restore habitats. WLRD is the designated lead agency for Rural Stewardship Plans.

6.0 POLICIES:

6.1 King County shall provide flexibility in application of the requirements of K.C.C. 21A.24 (Critical Areas) and K.C.C. 16.82 (Clearing and Grading) for landowners of RA

zoned property with an approved and implemented Rural Stewardship Plan. As provided in K.C.C. 21A.24, ___ the overall set of activities committed to in the Rural Stewardship Plan shall provide protection to the critical areas located on the site that is equivalent to that provided by the standard requirements of K.C.C. 21A.24 (Critical Areas) and K.C.C. 16.82 (Clearing and Grading).

6.2 The flexibility allowed through approved Rural Stewardship Plans is intended to apply to landowners of single-family Rural Residential zoned properties.

6.3 King County shall provide technical resources, including guidance documents, classes, and site visits, to assist landowners:

- a. In deciding whether to prepare and implement a rural stewardship plan that protects, enhances, or restores critical areas and buffers, native vegetation, and natural resources on the landowner's property;
- b. In preparing rural stewardship plans; and
- c. In implementing rural stewardship plans.

6.4 King County shall ensure that property owners proposing development activities that are consistent with an approved and implemented Rural Stewardship Plan are able to obtain development permits consistent with the Plan in a timely, cost-efficient manner. King County expects that by preparing a Rural Stewardship Plan, the cost of obtaining permits will be equivalent to or lower than those associated with obtaining a permit under the standard requirements of K.C.C. 21A.24 (Critical Areas) and K.C.C. 16.82 (Clearing and Grading).

6.5 The Department of Natural Resources and Parks (DNRP), with WLRD as its agent, is the primary County agency responsible for Rural Stewardship Plans. DNRP shall consult with DDES as necessary in the development and review of Rural Stewardship Plans. DNRP and DDES shall work cooperatively to ensure that applicants for Rural Stewardship Plans receive consistent advice from each agency and that assistance is provided to property owners in an efficient and cost-effective manner.

6.6 K.C.C. 21A.24, ___ (Critical Areas) establishes the following prioritized goals for Rural Stewardship Plans:

- a. To avoid impacts to critical areas to the maximum extent practical;
- b. To avoid impacts to the higher quality wetland or aquatic area or the more protected fish or wildlife species, if there is a potential to affect more than one category of wetland or aquatic area or more than one species of native fish or wildlife;
- c. To maintain or enhance the natural hydrologic systems on the site to the maximum extent practical;
- d. To maintain, restore or enhance native vegetation;

- e. To maintain, restore or enhance the function and value of critical areas or critical area buffers located on the site;
- f. To minimize habitat fragmentation and enhance corridors between wetlands, riparian corridors, wildlife habitat conservation areas and other priority habitats;
- g. To minimize the impacts of development over time by implementing best management practices and meeting performance standards during the life of the development; and
- h. To monitor the effectiveness of the stewardship practices and implement additional practices through adaptive management to maintain, restore or enhance critical area functions when necessary.

6.7 King County shall encourage landowners to implement activities on their properties that protect and enhance native vegetation, critical areas and associated environmental resources, while simultaneously meeting their own goals for their properties. Rural Stewardship Plans shall serve as a mechanism for King County to provide technical assistance to landowners to help them accomplish this.

6.8 As provided in K.C.C. 21A.24, ___ an Applicant who receives flexibility from standard regulations through an approved Rural Stewardship Plan and takes actions based on that flexibility, but who does not carry out the conditions of the Rural Stewardship Plan, shall provide mitigation and associated costs established by King County under K.C.C. Chapters 16.82 and 21A.24.

6.9 A landowner with an approved and implemented Rural Stewardship Plan may be eligible to receive property tax reductions under the Rural Stewardship category of the Public Benefit Rating System.

6.10 Once approved, activities carried out in compliance with an approved Rural Stewardship Plan shall be deemed to be in compliance with K.C.C 21A.24. DDES shall not take code enforcement action involving an adopted approved Rural Stewardship Plan without first consulting with WLRD to determine whether the activity is consistent with the Plan.

6.11 If any portion of this Public Rule or its application to any person or property is held invalid, the remainder of this Public Rule or the application of the provision to other persons or property shall not be affected.

6.12 This Public Rule is exempt from the rule of strict construction and shall be liberally construed to give full effect to the objectives and purposes for which the Public Rule was adopted.

7.0 PROCEDURES:

7.1 Decision to Develop Rural Stewardship Plan

Action By: Applicant

Action:

7.1.1 Investigate and determine whether to pursue the Rural Stewardship Plan process by:

- a. Attending an optional workshop or introductory training;
- b. Discussing Rural Stewardship Planning with King County staff; or
- c. Reading informational materials provided by King County and consulting other relevant resources.

7.1.2 Notify King County of intent to develop Rural Stewardship Plan.

7.2 Preparation of Rural Stewardship Plan

Action by: Applicant

Action:

7.2.1 With the assistance of King County:

- a. Prepare a Site Assessment Checklist;
- b. Develop plan goals and objectives; and
- c. Determine whether additional supporting studies, including a critical areas designation, are necessary or would be helpful in developing the plan. Under K.C.C. 21A24.500, a critical areas designation is required for siting a septic system or locating a well prior to seeking approval from the Department of Health. Critical areas identification and/or delineation may be required to determine the edge and classification of any critical areas that would be impacted by proposed land use changes.

Action By: King County

Action:

7.2.2 Provide reasonable and appropriate technical assistance to the Applicant in completing actions described in 7.2.1 to assist in development of a Rural

Stewardship Plan. For Plans involving a Site Development Component, DDES shall determine whether critical areas need to be categorized and buffers established, such as through a Critical Areas Designation.

Action By: Applicant

Action:

7.2.3 Provide King County access to the site for site visits and to assist with Plan development.

7.2.4 Coordinate the completion of any additional supporting studies if identified in Procedure 7.2.1c, and submit them to WLRD.

7.3 Submittal and Review of Rural Stewardship Plan

Action By: Applicant

Action:

7.3.1 Submit a Rural Stewardship Plan to King County WLRD for review according to the requirements in K.C.C.21A.24. ___ and this Public Rule. A Plan shall include at a minimum the following items which are further described in the Rural Stewardship Handbook:

- a. Identification with text and map of existing critical areas, structures, cleared and forested areas and other significant features, both natural and developed, on the site;
- b. Tax parcel number;
- c. Site map showing the location of critical areas as well as any planned changes to existing structures that affect the site or for any changes to the site that involve clearing or grading;
- d. Site-specific Best Management Practices and specifications;
- e. A schedule for implementation of the elements of the Rural Stewardship Plan, including a schedule for realizing performance measures associated with these elements;
- f. A plan for monitoring the effectiveness of measures taken to protect, restore, or enhance critical areas and their buffers and to modify the rural stewardship plan if such measures are found to be ineffective or if adverse impacts occur.

7.3.2 Include the following Plan elements as appropriate:

- a. A Critical Areas Management component to address the protection of native vegetation and critical areas and their buffers. This plan component shall include site-specific protection standards and best management practices selected by the Applicant and approved by King County to maintain, restore or enhance critical areas and their buffers and maintain, restore or enhance native vegetation on the site.
- b. A Farm Management Component for properties that have or are proposing agricultural activities, including farm-related development. If a farm management component is applicable, the Farm Management Plan Public Rule (PUT 8-21) applies, including site-specific protection standards and best management practices, as determined by King County and King Conservation District, and shall be included in the Rural Stewardship Plan.
- c. A Forest Stewardship Component for properties that have or are proposing forest practices or forest management. If a forest stewardship component is applicable, elements of the King County Forest Stewardship Plans Public Rule (PUT 8-19) apply, including site-specific protection standards and best management practices, as determined by King County, and shall be included in the Rural Stewardship Plan.
- d. A Site Development Component for properties with proposed alterations involving structures or other constructed features that require King County clearing and grading or other site development permits, unless solely for the purposes of habitat restoration. Such alterations may include changes to existing structures or construction of new structures, new impervious surfaces, new septic systems, new wells, or clearing or grading that is not for the purposes of restoration and enhancement or not covered under a critical areas management component as defined in this Rule. Agricultural-related development will be covered under the farm management component as defined in this Rule. The following elements are required in this component:
 1. Site map(s), including planned land uses and site features for the next five to ten years' such as: structures, septic systems, wells, site access, clearing and grading, site drainage, open space areas, and designated or delineated critical areas and critical area buffers.
 2. An assessment of the critical areas buffer condition according to guidance in the Rural Stewardship Planning Handbook.

3. If applicable, identification of the basin condition based on King County Basin and Shoreline Conditions Map, and site location in the basin.
4. A description of probable impacts resulting from planned alterations to assist in identifying site-specific best management practices.
5. Site-specific best management practices to maintain, restore or enhance critical areas and their buffers and maintain, restore or enhance native vegetation on the site in accordance with best management practices approved by King County.
6. King County Health Department approvals, if applicable.

Action By: WLRD in Consultation with DDES

Action:

7.3.3 Review Plan for completeness, compliance with K.C.C. 21A.24. ___ (Rural Stewardship), K.C.C. 16.82 (Clearing and Grading), this Public Rule (PUT 8-20), the Farm Management Plan Public Rule (PUT 8-21), and the Forest Stewardship Plan Public Rule (PUT 8-19), and for adherence to the guidance provided in the Rural Stewardship Planning Handbook.

7.3.4 Determine whether the plan is approved within 45 days of Applicant's submittal. Notify the Applicant that the Plan is:

- a. Approved. Return a copy of the approved Plan to the Applicant.
- b. Not approved. Provide documentation about how the Plan does not meet the requirements along with recommendations on actions that may be taken or modifications made to achieve approval.

7.4 Approved Rural Stewardship Plan

Action By: Applicant

Action:

7.4.1 Applicants submitting a Rural Stewardship Plan with a Site Development Component and pursuing associated King County site development permits will complete the following actions that are also required by applicants pursuing County permits under the fixed standards in K.C.C. 21A.24 (Critical Areas):

- a. Develop a bond agreement with DDES to ensure implementation of best management practices and other measures that mitigate for structures and other activities that are dependent upon the Rural Stewardship Plan for their approval. If the best management practices and performance measures identified in the Site Development Component of a Rural Stewardship Plan are achieved prior to application for permits for site development a bond agreement is not required. The bond quantity using a King County bond quantity worksheet
- b. Record a notice with the King County Records and Elections Division on a form provided by King County noting that a rural stewardship plan has been approved for the property and that the plan may require the property owner to take or refrain from taking certain actions. A copy of the recorded notice shall be provided to King County.

7.4.2 Begin implementing site-specific Rural Stewardship Plan, following the Plan's approval.

7.4.3 Allow King County access to the property for monitoring and compliance inspections as mutually agreed upon in the approved Rural Stewardship Plan.

7.4.4 Apply for PBRS, if desired.

7.4.5 Propose an amendment, if necessary, to an approved Rural Stewardship Plan at any time after plan approval if the Applicant wishes to take actions inconsistent with those covered by the plan or, if the Applicant has enrolled in PBRS, which compromise the Applicant's PBRS eligibility. The Applicant shall contact WLRD of the intent to amend and resubmit the plan for approval. Amendments to a Rural Stewardship Plan shall follow the same process as new Rural Stewardship Plans.

Action By: King County

Action:

7.4.6 Arrange site visits with the Applicant in advance of any monitoring or compliance inspection.

7.4.7 Assist the Applicant in completing PBRS application, if requested.

7.5 Disapproved Rural Stewardship Plan

Action By: Applicant

Action:

7.5.1 Review the documentation from WLRD explaining why the Plan was not approved and decide to:

- a. Submit a revised Plan that meets the needs identified by King County,
- b. Request another permitting process offered under the King County Code,
- c. For elements of the Plan that relate to permitting, appeal a determination to the hearing examiner if the Applicant believes a disapproval to be unjustified, using the pre-application appeal process defined in the King County Code (K.C.C. 20.20.030), or
- d. Terminate the Plan application.

8.0 RESPONSIBILITIES:

8.1 The Applicant is responsible for:

8.1.1 Developing the Rural Stewardship Plan in accordance with K.C.C. 21A.24. ____, this Public Rule (PUT 8-20), the Rural Stewardship Planning Handbook, and if appropriate, the Farm Management Plan Public Rule (PUT 8-21) or the Forest Stewardship Plan Public Rule (PUT 8-19).

8.1.2 Working with King County staff to develop the Rural Stewardship Plan.

8.1.3 Submitting the completed Rural Stewardship Plan to WLRD.

8.1.4 Revising the Rural Stewardship Plan if necessary to comply with the requirements of the King County Code.

8.1.5 If necessary, entering into a bond agreement with DDES to be posted during the permitting process. A bond agreement is only necessary if the Rural Stewardship Plan contains a Site Development Component and the best management practices and performance measures identified in the Rural Stewardship Plan are not implemented prior to beginning construction under permits for site development.

8.1.6 Implementing all components of the Plan.

8.1.7 Allowing King County reasonable access to the property as needed for plan development, and as mutually agreed in a Rural Stewardship Plan for monitoring, and compliance.

8.2 WLRD is responsible for:

8.2.1 Serving as the lead contact for the Rural Stewardship Plan Program

8.2.2 Providing educational opportunities to assist landowners pursuing rural stewardship plans.

8.2.3 Providing reasonable technical assistance and guidance, including handbooks, web-based information, best management practices, classes, and county staff assistance at no cost to landowners throughout the planning process.

8.2.4 Reviewing all Rural Stewardship Plans for compliance with this rule, King County Code, and if applicable, the Farm Management Plan Public Rule (PUT 8-21) and Forest Stewardship Plan Public Rule (PUT 8-19).

8.2.5 Determining compliance of a submitted Rural Stewardship Plan within 45 days of submittal.

8.2.6 Assisting the Applicant in completing PBRS application, when requested.

8.2.7 Providing documentation, if a Plan is not approved, about how the Plan does not meet the requirements and whether actions may be taken or modifications made to achieve approval.

8.2.8 Monitoring Rural Stewardship Plan elements that are not part of any performance bond requirements under this program.

8.2.9 Monitoring the success of the Rural Stewardship Planning program for the life of the program.

8.2.10 Coordinating with DDES throughout the development of rural stewardship plans.

8.3 DDES is responsible for:

8.3.1 Providing available reasonable and appropriate technical assistance and guidance to landowners at no cost throughout the planning process. Additional technical assistance is available from DDES at an hourly rate.

8.3.2 For Plans involving a Site Development Component, determining whether critical areas need to be categorized and buffers established, such as through a Critical Areas Designation.

8.3.2 Monitoring Rural Stewardship Plan elements that are part of any performance bond requirements under this program.

8.3.3 Releasing bonds at the end of the period monitored by DDES provided the performance measures have been met.

8.3.4 Coordinating with WLRD throughout the development of rural stewardship plans.