

Chapter 21A-24
Rules and Regulations of the
Department of Development and Environmental Services

Sensitive Areas: Public and Private Trails

Effective Date: October 25, 1993

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Amended: January 9, 1995

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21A-24-900 Definitions.

A. Diameter at Breast Height ("DBH"). "Diameter at breast height" means the tree trunk diameter measured in inches at a height of four and one-half feet (4 1/2') above the ground. If a tree splits into multiple trunks below four and one-half feet (4 1/2'), DBH means the tree trunk diameter measured in inches at its most narrow point beneath the split.

B. Department. "Department" means the Department of Development and Environmental Services of King County.

C. Public trail. "Public trail" means a trail to which the public has permanent legal access.

D. Regulated tree. "Regulated tree" means:
1. except as provided in subsections (D)(2)-(4), any living tree eight inches (8") DBH or greater located within any part of a wetland, stream, steep slope or landslide hazard area buffer;

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2. any living tree four inches (4") DBH or greater located within ten feet (10') of the ordinary high water mark of a stream;

3. any living tree four inches (4") DBH or greater located within ten feet (10') of the edge of a wetland;

4. any living tree four inches (4") DBH or greater located within a steep slope or landslide hazard area or that part of the buffer within ten feet (10') of the slope's toe or top.

E. Seeps and springs. "Seeps and springs" mean flows of water from the ground.

F. Trail bed. "Trail bed" means the trail surface and shoulders.

21A-24-901 Purpose. It is the purpose of these rules to implement the trail provisions of K.C.C. 21A.24.310, 21A.24.330 and 21A.24.370, to set forth requirements for trail applications and to prescribe standards for trail location, construction, design and use.

21A-24-902 Application Requirements. A. In addition to any other permit requirement, an applicant proposing to construct a trail in a wetland or stream buffer or in a steep slope or landslide hazard area or buffer shall submit a plan including:

1. the location of the proposed trail;
2. typical cross sections of the proposed trail;
3. the identification of all regulated trees in the area extending twenty feet (20') on either side of the proposed trail bed;

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4. details of any walls, bridges or other proposed structures;

5. a description of proposed construction methods and materials; and

6. a description of the proposed construction sequence and schedule.

B. An applicant proposing to construct a trail in a steep slope or landslide hazard area or buffer shall also meet the following requirements:

1. the plan submitted by the applicant shall include the best available topographic information for the area extending twenty feet (20') on either side of the proposed trail bed or ten feet (10') on either side of proposed grading limits, whichever is greater;

2. the applicant shall submit a report prepared by a geologist or a geotechnical engineer evaluating and recommending erosion control, drainage control and grading; and

3. if the applicant proposes any engineered structures associated with erosion and/or drainage control or grading, drawings of and design recommendations pertaining to the structures shall be prepared, signed and stamped by a professional civil engineer licensed by the State of Washington.

21A-24-903 Trail Location. A. Except for access to viewing platforms and stream crossings authorized by K.C.C. 21A.24.370 and trail locations authorized in subsection (B), trails shall be located in the outer one-third (1/3) of wetland or stream buffers.

B. Trails may be located, with King County approval, on existing flood protection facilities, e.g. levies or dikes, existing utility maintenance roads or the improved portion of any existing railroad right-of-way if the placement of the trail does not enlarge the facility, road or improved portion of the right-of-way.

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C. Except for trails authorized by subsection (B), the width of the undisturbed buffer between the trail and the wetland or stream shall be expanded by an amount equal to the width of the trail bed and any additional area disturbed during construction except that the buffer expansion requirement may be reduced or eliminated for public trails upon proof by the applicant that the buffer width cannot be expanded due to existing roadways, commercial or residential development, utility corridors, other development, improvements or legal constraints.

D. Trails shall not be located in habitats of any species listed by the State of Washington or federal government as endangered, threatened or sensitive.

E. Trails shall be aligned so that no regulated tree shall be cut or removed.

F. Viewing platforms and access to viewing platforms on or near a stream bank or wetland edge may be provided upon proof by the applicant that the access will not be detrimental to the stream or wetland or fish or their habitat. Platforms shall be placed landward from the wetland edge or the ordinary high water mark of the stream.

G. Trails may be located in landslide hazard areas and buffers if the department determines that the trail will not significantly increase slope instability.

21A-24-904 Trail Construction and Design. A. Trail construction proposals for trails in wetland and stream buffers and steep slope and landslide hazard areas and buffers shall be approved by the department on a site-specific basis.

B. Construction shall be guided by the U.S. Forest Service, Trails Management Handbook, Chapter 5 (FSH2309.18, November 1991, as amended) and the U.S. Forest Service, Standard Specifications for Construction of Trails Handbook, §§ 912 - 953 (EM-7720-102, June 1984, as amended).

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In addition, construction of public multi-purpose or other impervious trails authorized by the King County Code shall be guided by the American Association of State Highway & Transportation Officials, Guide for the Development of Bicycle Facilities (1991).

C. Trails shall be constructed and designed to keep users on the designated trail. Construction and design techniques may include, but not be limited to, the placement of signs, the creation of distinct trail edges or the construction of vegetative or other barriers or fences, as authorized by the department.

D. Trails shall be constructed and designed to provide adequate erosion control measures to minimize soil erosion and prevent sediment-laden run-off from reaching any streams, wetlands or shorelines. Construction and design techniques shall conform to the erosion control provisions of the King County Surface Water Design Manual.

E. Trails shall be constructed and designed to protect water quality and maintain natural, pre-existing surface and ground water movement. Construction and design techniques shall conform to the drainage provisions of the King County Surface Water Design Manual. In addition, trail construction and design shall meet the following standards:

1. surface water shall be routed by means of appropriately sized culverts and bridges to maintain existing flow and ensure fish migration. The preferred method for routing surface water shall be bridges; and

2. flows from seeps and springs shall require sufficient culvert crossings to maintain existing surface water pattern and flow through the sensitive area.

F. Subject to the provisions of K.C.C. 8.12, the use of pesticides, herbicides or other hazardous or toxic substances shall be prohibited unless approved by the department prior to application upon a showing by the applicant that the use of such substances will do less harm to the sensitive area than other available methods.

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21A-24-905 Trail Use. A. No motorized vehicles, excluding motorized wheel chairs and motorized vehicles necessary for trail maintenance and emergency access, shall be allowed along any trail.

B. Use of the trail may be restricted or limited to protect the sensitive area, its buffer and plants and animals it supports.

21A-24-906 Severability. If a provision of the rules contained herein or its applicability to any person or circumstance is held invalid, the remainder of the provisions of these rules or the application of the provision to other persons or circumstances shall not be affected.