



## King County

**Dow Constantine**

King County Executive

401 Fifth Avenue, Suite 800

Seattle, WA 98104-1818

**206-263-9600** Fax 206-296-0194

TTY Relay: 711

[www.kingcounty.gov](http://www.kingcounty.gov)

March 1, 2024

The Honorable Sarah Perry  
King County Council  
Room 1200  
C O U R T H O U S E

Dear Councilmember Perry,

I am pleased to submit to the Local Services and Land Use Committee (LSLU) supplemental changes to the 2024 Comprehensive Plan update (2024 Update) that is currently before LSLU as Proposed Ordinance 2023-0440. The proposed supplemental changes enclosed with this letter update the Critical Areas Ordinance and associated King County Comprehensive Plan policies, as well as a Best Available Science (BAS) Report that supports the proposed changes.

The Growth Management Act (GMA) requires counties to include BAS when developing policies and development regulations to protect the functions and values of critical areas; give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries; ensure no net loss of critical area functions and values when a combination of regulatory and non-regulatory measures are implemented; and consider critical areas regulations as part of the 10-year Comprehensive Plan review and evaluation required by RCW 36.70A.130. As part of the development of the 2024 Update, a cross-agency executive staff team reviewed BAS and its critical areas policies and development regulations. The enclosed package reflects that review.

To provide time for government-to-government consultation with Indian tribes and engagement with other community partners, submittal of these policy and code changes to the Council is on a slightly later timeline than the balance of the 2024 update which was transmitted to the Council on December 7, 2023. As my staff previously communicated to you and to the Council's central staff, I am respectfully requesting that the proposed changes be reviewed by LSLU and incorporated into the 2024 Update as an amendment. This will ensure the County meets the state adoption deadline of December 31, 2024.

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Key BAS-driven changes proposed in this package include:

- Increased wetland buffer and riparian area protections for aquatic areas.
- New alluvial fan standards that allow flood risk reduction and removal in certain circumstances material deposited by rivers.
- Allowing "climate-smart plants" to be used in mitigation and restoration projects, supporting climate resilience.
- Regulatory flexibility for agriculture such as farm field access drives, grazing, and farm-related structures, in portions of critical areas under certain conditions.

In balancing the many planning goals of the GMA and the Comprehensive Plan, such as equity, affordable housing, and agriculture, proposed critical area policies and regulations may depart from BAS in certain situations. However, the County must provide rationale, including legal, social, cultural, economic, and political information, and identify potential risks associated with the departure. The enclosed BAS Report documents proposed departures from BAS and contains the rationale for doing so. Please note that if any Council amendments depart from BAS, the BAS Report must be updated accordingly. The science team that supported the BAS and regulatory review is available to review any Council proposed changes.

A State Environmental Policy Act (SEPA) Draft Environmental Impact Statement (EIS) addressing these proposals was issued on December 7, 2023, and a Final EIS will be completed in advance of final action by the King County Council.

Thank you for your careful consideration of these proposed critical areas policies and regulations. As part of the 2024 Update, they will help to ensure that our region continues to manage growth effectively while protecting the environment and ensuring the County's continued compliance with the GMA.

Public information materials to support the public release of the proposals can be found at [www.kingcounty.gov/CompPlan](http://www.kingcounty.gov/CompPlan). If your staff have questions, please contact Lauren Smith, Director, Regional Planning, Office of Performance, Strategy, and Budget, at 206-263-9606.

Sincerely,



for

Dow Constantine  
King County Executive

Enclosure

cc: King County Councilmembers  
Erin Auzins, Supervising Legislative Analyst, County Council  
Karan Gill, Chief of Staff, Office of the Executive

The Honorable Sarah Perry

March 1, 2024

Penny Lipsou, Council Relations Director, Office of the Executive  
Dwight Dively, Director, Office of Performance, Strategy and Budget  
John Taylor, Director, Department of Natural Resources and Parks  
Danielle De Clercq, Interim Director, Department of Local Services  
Lauren Smith, Director, Regional Planning, Office of Performance, Strategy and Budget