

Summary of Proposed 2024 Critical Areas Ordinance Update

March 2024

The Washington State Growth Management Act (GMA) requires that counties and cities protect critical areas, including wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. Critical Area Ordinances (CAOs) must be developed using the best available science (BAS) and give special consideration to conserve or protect anadromous fisheries. When policies and regulations depart from BAS, the jurisdictions must explain why. When the CAO was adopted in 2004, the County departed from BAS in some areas, for example by adopting different riparian areas widths in the urban area and in the rural area and natural resource lands.

As required by the GMA, the CAO is currently being reviewed and updated as part of the 2024 Update. To provide for additional government-to-government consultation with Indian tribes and engagement with community partners, drafting and submittal of additional BAS-driven CAO and policy changes are on a slightly later timeline than the December 2023 submittal of the 2024 King County Comprehensive Plan update (2024 Update) to the King County Council. The Executive Recommended CAO updates, related policy changes, and supporting BAS report were submitted to the Council on March 1, 2024. The proposed changes will get folded into the 2024 Update and follow the Council's review, amendment, and adoption process for the rest of 2024 to meet the state adoption deadline of December 31, 2024.

Changes proposed by the Executive to meet state requirements are summarized below.

These proposed changes are currently under consideration by the Council and might be changed further. Information about the Council's process and how to participate can be found [here](#). Input on the proposed changes can be submitted to CouncilCompPlan@kingcounty.gov.

Critical Aquifer Recharge Areas

- No substantive changes proposed at this time.

Fish and Wildlife Habitat Conservation Areas

- Aquatic area buffers are proposed to be renamed *riparian areas*, and **riparian areas are proposed to increase** from a range of 25-165 feet to a range of 50-200 feet, depending on the type of adjacent aquatic area.
- **Mitigation ratios** (the area that must be protected, restored or enhanced in relation to the area impacted) **are proposed to increase** from the current range of 1-3:1 to 2-4:1.
- The concept of **climate-smart plants** (plants that will be able to adapt to the changing climate) is introduced in the code, and these plants are **proposed to be allowed to be used in mitigation and restoration** projects, in addition to plants native to the Puget Sound lowlands.

Frequently flooded areas

- Provisions to **facilitate ecological restoration projects** to help salmon populations recover are proposed to be added to the code.

Geologically Hazardous Areas

- **Alluvial fan hazard areas** are proposed as a new type of Geologically hazardous area with development standards and allowed alterations specific to their risks. These areas were previously regulated as a subset of landslide hazard areas.
- The code is proposed to be updated to 1) **permit flood risk reduction and gravel removal within alluvial fan hazard areas** if sponsored or cosponsored by the King County Department of Natural Resources and Parks; and 2) **permit emergency actions to protect existing development** in response to imminent threats.
- **Tsunami hazard areas** are proposed as a new type of geologically hazardous area with development standards specific to their risks. These areas are not explicitly regulated in current code but are required to be identified and regulated by state law.

Wetlands

- **Wetland buffers are proposed to increase** for high-value wetlands and category IV wetlands; the range of buffer sizes is proposed to remain generally the same, with only the smallest buffers increasing slightly.
- **Mitigation ratios** (the area that must be protected, restored, or enhanced in relation to the area impacted) **are proposed to increase** from the current range of 2-10:1 to 2-12:1. Indirect impacts to wetlands, such as loss of buffer or loss of function in the remaining wetland, will now require mitigation.
- The concept of **climate-smart plants** (plants that will be able to adapt to the changing climate) is introduced in the code, and these plants are **proposed to be allowed to be used in mitigation and restoration** projects, in addition to plants native to the Puget Sound lowlands.

Other updates

- **Definitions of terms** that are used in the code, but not yet defined, are proposed to be added including: Active nest, alluvial fan, climate-smart plants, ecological professional, geological professional, and tsunami hazard area.
- Generally, **strengthening critical areas protections** through these code updates, together with continued implementation of a broad array of nonregulatory programs is proposed, in order **to satisfy the state's no net loss requirement** and achieve other GMA and Comprehensive Plan goals.
- Provisions related to the **Rural Stewardship Plans are proposed for removal**, because the program has seen very little applicant demand and it is not resourced for implementation. Instead, the proposed CAO provides regulatory flexibility to homeowners in the form of code-based tools like buffer averaging.
- **Clarity around farm field access drives** – what they are and when and where they can be constructed in critical areas is proposed to be added.
- Flexibility to **enable restoration and enhancement** of aquatic areas and wetlands is proposed to be added.
- Specificity regarding **information that needs to be provided in critical area reports**, drawn from existing practice, is proposed to be added.
- Clarity around **aquatic area classifications**, drawn from existing King County public rules, is proposed to be added.