

# Summary of Proposed Critical Areas Ordinance Update

Updated December 2024

As required by the Washington State Growth Management Act (GMA), King County is reviewing and updating the policies and regulations used to protect public health and safety by limiting development in hazard areas, including steep slopes and flood zones, and to protect environmentally critical areas, including wetlands and streams. Regulations in King County Code that protect critical areas are often referred to as the Critical Areas Ordinance (CAO) and are required by the GMA to include the latest best available science (BAS).

On December 5, 2024, the King County Executive transmitted to the King County Council the proposed updates to BAS and the CAO as [Proposed Ordinance 2024-0408](#). The County began this review in 2022 and developed draft updates in consultation with Indian tribes, state and federal agencies, and community partners. An initial BAS report and proposed policy and code updates were published in March 2024. The Executive completed additional review and refinement of the CAO update and BAS report in 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. The Council will review the Executive-proposed changes in 2025. Under the reasonable progress exception in RCW 36.70.130(7)(b), the County Council must adopt CAO updates no later than December 2025. Input on the proposed changes can be submitted to [CouncilCompPlan@kingcounty.gov](mailto: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. The application of riparian areas widths in areas where with mapped channel migration hazard zones has been clarified.
- **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 from the region 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.

## 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** 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 Category I (high-value wetlands), estuarine wetlands, and coastal lagoons, as well as category IV wetlands are proposed to be strengthened.
- **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.
- Updates are proposed to **clarify how ratios are determined** when the use of wetland mitigation bank or in-lieu fee program credits is approved.
- The concept of **climate-smart plants** (plants from the region 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.

## 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.
- **Updates and clarifications** of provisions for regulatory flexibility for agriculture such as farm field access drives, grazing, and farm-related structures.
- Minimum wetland and riparian area protections applied under **Livestock Management Ordinance** are proposed to increase.
- 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.
- Technical and clarifying changes to make the code easier to understand and apply.