



King County

Department of Local Services – Permitting Division

State Environmental Policy Act (SEPA) Non-Project Action Determination of Non-Significance (DNS) & Adoption of Existing Document

Name of Proposal: Proposed Ordinance 2024-0408 - Critical Areas Ordinance

Description of Proposal: This proposal is a nonproject action to update King County's Critical Areas Ordinance (CAO) as required by the Washington State Growth Management Act (GMA) to protect the functions and values of critical areas, include Best Available Science (BAS) in informing policies and regulations, and give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries. In 2010, Washington State updated the GMA, adding a requirement that jurisdictions ensure no net loss of existing critical areas functions and values. It also directed jurisdictions to protect critical areas through a combination of regulatory measures and nonregulatory programs. The GMA also requires that jurisdictions plan for effects of a changing climate when updating protections for critical areas.

To inform the 2024 BAS review, the County reviewed state law and guidance from the Washington State Department of Commerce, and updated BAS from state agencies, including the Washington state Department of Ecology (Ecology) and the Washington Department of Fish and Wildlife (WDFW).

Consistent with state law and guidance and the adopted King County Comprehensive Plan, King County uses a combination of regulations and non-regulatory actions to protect critical areas functions and values and ensure no net loss of ecological function. The county's current proposed updates to the CAO were developed within the unique policy, program, and regulatory context of King County and also reflect the need to simultaneously address multiple GMA goals.

King County's 2024 BAS review affirmed that many County policies and development regulations protecting critical areas in unincorporated King County (UKC) are well aligned with GMA mandates and BAS. The 2024 BAS review also identified regulatory updates necessary to improve alignment with BAS and satisfy GMA mandates.

Key proposed updates to the CAO include:

- Increasing riparian area widths for all aquatic areas in both rural and urban unincorporated King County. Under the proposed CAO update, riparian-area widths for Type S and Type F waters would increase to 180 feet within urban unincorporated areas and to 200 feet outside the urban unincorporated area. The proposed riparian area width for Type N streams would be 100 feet throughout unincorporated King County.
- Updating the application of riparian area protections in places with mapped channel migration zones to provide additional protection to riparian area functions and values in areas where the river or stream channel is likely to migrate or move over

time.

- Increasing buffer widths for certain types of Category I wetlands, including high conservation value, estuarine wetlands, and coastal lagoons. The focus of these additional protections is on wetland types with functions and values that are difficult or impossible to replace.
- Increasing protections for Category IV wetlands, including adding Category IV wetlands to the wetland categories to which grazing area buffer standards apply and removing alteration allowance for category IV wetlands less than 2,500 square feet.
- Increasing the mitigation ratios required for the offset of impacts when unavoidable impacts are proposed to wetlands, aquatic areas, and riparian areas.
- Decreasing buffer widths for Category II wetland rehabilitation projects.
- Establishing new tsunami hazard area standards as required by state law. Tsunami hazards are found on Vashon-Maury Island and in the Lower Duwamish River.
- Establishing new alluvial fan standards for flood risk reduction actions in certain circumstances where material has been deposited by rivers. Alluvial fans occur where streams flowing down a steep gradient meet a flatter floodplain and naturally deposit sediment. Alluvial fan hazards are most often found in rural King County where tributary streams meet a flat valley floor.
- Allowing climate-smart plants, such as Garry oak, Common juniper, White alder, and Sylvan goatsbeard to be used in addition to native plants in mitigation and restoration projects. The intent is to support long-term survival of plants as part of mitigation and restoration in a warming climate.
- Updating and clarifying provisions for agriculture related development, including farm field access drives and farm-related structures.
- Updating and strengthening minimum required protections for wetlands and riparian areas under livestock standards.
- Improving code language structure for increased clarification, consistency, and predictability for reviewers and applicants.

Adoption of Existing Environmental Document

Title of document being adopted: 2024 King County Comprehensive Plan Final Environmental Impact Statement

Agency that prepared document being adopted: King County

Date adopted document was prepared: November, 2024

Description of document (or portion) being adopted: Environmental Impact Statement prepared for King County's Comprehensive Plan and regulatory update.

The document is available to be read at: <https://www.kingcounty.gov/depts/local-services/permits/public-notices.aspx>

King County has identified and adopted this document as being appropriate for this proposal after independent review. The document, along with other related studies and an environmental checklist meets our environmental review needs for the current proposal and will accompany the proposal to the decision maker(s). We have determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW [43.21C.030](#)(2)(c). This determination is based on the following findings and conclusions:

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Location of Proposal: Unincorporated King County

Lead Agency: King County Department of Local Services – Permitting Division

Responsible Official: Ty Peterson
Position/Title: Product Line Manager - Commercial
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Threshold Determination: Determination of Non-Significance (DNS)

The responsible official finds that the above-described proposal does not pose a probable significant adverse impact to the environment. This finding is made pursuant to RCW 43.21C, KCC 20.44 and WAC 197-11, after reviewing the environmental checklist, the 2024 King County Comprehensive plan Update Final Environmental Impact Statement and other related and referenced information on file with the lead agency, considering the extent to which the proposed action will cause adverse environmental effects in excess of those addressed by existing regulations, and considering mitigation measures which the agency will implement as part of the proposal. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal and conclude the proposed action will not have a significant impact to current or continued use of the environment. THIS INFORMATION IS AVAILABLE TO THE PUBLIC ON REQUEST (for a nominal copying fee or by email).

Related materials and additional information can be found here:
<https://www.kingcounty.gov/depts/local-services/permits/public-notices.aspx>

THIS DETERMINATION OF NON-SIGNIFICANCE (DNS) is issued under Washington Administrative Code (WAC) 197-11-340(2). The lead agency will not act on this proposal until after **October 22, 2025**. Comments must be received by King County Department of Local Services – Permitting Division prior to **4:00 PM** on that date.

For additional information, please contact the proponent's contact or the responsible official listed above.

Address for comments: King County Department of Local Services – Permitting
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Public Hearing: A public hearing on a proposed ordinance is not yet scheduled but anticipated in the future before the Metropolitan King County Council. Information on the public hearing and how to submit public comment can be found at this website:
https://www.kingcounty.gov/council/committees/full_council.aspx.

King County Council Review: More information about the King County Council review of proposed ordinance PO 2024-0408 can be found here: [2025 King County Comprehensive Plan update - King County, Washington](#)

Ty Peterson, SEPA Official

October 8, 2025
Date effective