

## Purpose of checklist

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## Instructions for applicants

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use “not applicable” or “does not apply” only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## Instructions for lead agencies

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## Use of checklist for nonproject proposals

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the Supplemental Sheet for Nonproject Actions (Part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in “Part B: Environmental Elements” that do not contribute meaningfully to the analysis of the proposal.

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<sup>1</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Checklist-guidance>

## A. Background

### **Find help answering background questions<sup>2</sup>**

**1. Name of proposed project, if applicable:**

King County Critical Areas Code and Policy Amendments

**2. Name of applicant:**

The proposal was initiated by King County

**3. Address and phone number of applicant and contact person:**

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**4. Date checklist prepared:**

September 24, 2025

**5. Agency requesting checklist:**

King County

**6. Proposed timing of schedule (including phasing, if applicable):**

The King County Council anticipates possible action on the proposed ordinance in December 2025.

**7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

There are no known plans to add to or expand the proposed ordinance. However, additional work items, such as the administrative updating of maps, such as alluvial fans and critical aquifer recharge areas, is anticipated to occur over the next several years. Updates to the Farm Management Plan public rule and the development of criteria and guidance for climate-adaptive plants are also expected.

If adopted, King County anticipates permit applications for individual developments that will be subject to the proposed regulations.

**8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

- SEPA checklist for this proposal
- Best Available Science Review and Updates to Critical Areas Protections (BAS Report) (October 2024)
- 2024 King County Comprehensive Plan Update Final Environmental Impact Statement (EIS) (November 2024)
- Evaluation of different riparian area widths on number of intersecting parcels and changes to housing capacity within Urban Unincorporated King County (March 26, 2025)

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<sup>2</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-A-Background>

**9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

The proposal is a nonproject action and applies to all of unincorporated King County. Permit applications for individual developments are pending for projects on properties within unincorporated King County, where the proposed ordinance would apply. King County maintains a list of pending applications online at <https://aca-prod.accela.com/kingco/Default.aspx>.

**10. List any government approvals or permits that will be needed for your proposal, if known.**

The proposal must be adopted by the Metropolitan King County Council ("Council") to become effective. 60-day notice to the Washington State Department of Commerce is required prior to Council adoption. The Washington State Department of Ecology must review and approve updates to the County's Shoreline Master Program that are part of the proposal. For purposes of demonstrating compliance with the performance standards of the National Marine Fisheries Service's Biological Opinion of the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program in Puget Sound, King County will assess the code changes in the proposal using the most recent published FEMA Biological Opinion Checklist and submit to FEMA. Individual development projects that would be subject to the proposed ordinance would also be subject to all applicable federal, state, and local permitting and licensing requirements.

This proposal is part of a 10-year update of Comprehensive Plan policies and critical areas regulations required under the state Growth Management Act. The County will continue to comply with state requirements for future review and updates.

**11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)**

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). The purpose of the CAO is to protect the functions and values of critical areas, include Best Available Science (BAS) in informing policies and regulations, provide protections from environmental hazards, 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 County performed a 2024 BAS review, reviewing 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 States Department of Fish and Wildlife (WDFW) and supplemental scientific literature. The 2024 BAS review included comprehensive planning considerations, including nonscientific information, for each critical area and recognized both regulatory and nonregulatory measures in effectively managing and preserving critical areas functions and values at the ecosystem scale.

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 and ensure no net loss of critical area functions and values. The proposed CAO updates were developed within the unique geographic, demographic, policy, program, and regulatory context for unincorporated King County. The County includes a wide variety of land uses and land cover types, including residential areas, commercial/retail areas, industrial lands, farms, coastal lands within Puget Sound, and forests.

In 2023, King County had 2,320,000 residents, making it the 12th most populous county in the nation. King County's unincorporated area covers approximately 1,700 square miles and includes the urban area, rural area, and Natural Resource Lands (agriculture, forestry, mineral extraction). The 2023 population of unincorporated King County was approximately 249,100 (Washington State Office of Financial Management. 2023. Population of Cities, Towns and Counties, April 1, 2023). While the western third of King County is characterized by urban land uses, King County also has extensive rural areas, working farms and forestlands in the eastern two-thirds of the County as well as an extensive open space network. Over half of the County's land area is in public ownership (i.e., state, federal, or county.)

Despite being the most populous county in the state and home to 39 cities and dense urban development throughout its western third, King County continues to have significant agricultural land supporting a local food economy. King County includes approximately 48,000 acres of farmland, including 41,000 acres in Agricultural Production Districts (APDs). Agriculture is the predominant land use in these districts, which also provide critically important salmon habitat and are subject to natural floodplain processes. More than 15,000 acres of farmland are permanently protected through the Farmland Preservation Program. There are approximately 1,800 farms in King County and total annual farm sales exceed \$135 million. Additionally, nearly all fruits and vegetables grown in King County are sold to the fresh market locally (2024 King County Comprehensive Plan Update Draft Environmental Impact Statement, December 7, 2023.).

Approximately 60% of the County (811,000 acres) is covered by forests. Forest cover is most dense along the foothills of and within the Cascade Mountains and on Vashon-Maury Island. Tree cover in the urban areas of unincorporated King County varies depending on the intensity of development, from as high as 46% in the community of Maplewood to as low as 21% in the more intensely developed White Center neighborhood.

The proposed CAO updates reflect this unique setting, together with the need to simultaneously address multiple GMA goals.

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

### **Key proposed updates to the CAO include:**

#### Shoreline Master Program

- Adopting new code sections pertaining to revegetation, alluvial fan hazard area development standards, and tsunami hazard area development standards into the County's Shoreline Master Program.
- Updating the shoreline development standards to those standards in effect of the date of the ordinance adoption.

#### Public Benefit Rating System (PBRs) program

- Reducing the minimum size requirement for the rural open space category from 10 acres to 5 acres.
- Adding that farm management plans for livestock must meet the criteria in K.C.C. 21A.24.045 in addition to those in K.C.C. 21A.24.051.
- Removing the rural stewardship land category.

#### State Environmental Policy Act (SEPA) review exemptions

- Updating standards to exclude certain types of proposals consistent with state law exemptions

- Adding an exemption for any fill or excavation necessary for the construction of a project that is otherwise exempt from SEPA, consistent with state law.
- Updating the exemption threshold for fill or excavation that is done to correct a code violation to the standard exemption for any fill or excavation.

#### Critical area allowed alterations

- *Maintenance or repair of existing structures.*
  - Adding restrictions in steep slope hazard areas limiting work to areas where the hazard poses little to no risk of injury and the risk of landsliding and slope instability is low.
  - Adding restrictions in alluvial fan hazard areas and severe channel migration hazard areas limiting work to: 1) existing primary structures where the footprint is not increased, and there is no substantial improvement, as defined in the K.C.C.; and 2) existing accessory structures where the expansion will not make the total footprint of all existing structures more than 1,000 square feet, there is no expansion of the footprint towards the alluvial fan hazard area unless the applicant demonstrates that the location is less subject to risk and has less impact on the critical area.
- *Expansion of existing structures.*
  - Prohibiting the alteration in a landslide hazard area over 40%, steep slope hazard area, or their buffers.
  - Allowing in alluvial fan hazard areas with limitations under the same conditions as maintenance or repair.
  - Allowing in a wetland, wetland buffer, aquatic area, riparian area, wildlife habitat network, and wildlife habitat conservation area, subject to conditions such as being on an existing impervious surface, lawn or landscaping area, farm field, or grazed area, and with limitations on original establishment, location, revegetation and/or footprint expansion.
- *Replacement of existing structures.*
  - Allowing in a landslide hazard area over 40%, steep slope hazard area, or their buffers for existing legally established structures in areas where the hazard poses little to no risk of injury, and the risk of landsliding or slope instability is low.
  - Prohibiting in alluvial fan hazard areas and severe channel migration hazard areas.
  - Allowing in a wetland, wetland buffer, aquatic area, riparian area, wildlife habitat network, and wildlife habitat conservation area, subject to conditions such as being on an existing footprint or having the least impact on the critical area; not expanding the footprint of structures and impervious surfaces in critical areas or buffers; siting on an existing impervious area, lawn or landscaped area, farm field, or grazed area; and including revegetation.
- *Hazardous substances and toxic materials.* Updating the allowance for construction, maintenance, or repair of a pier or dock to only be allowed in a Category II, III, or IV wetland or buffer to provide access to an aquatic area, prohibiting the alteration in salmonid spawning areas, and prohibiting hazardous substances.
- *Grading.* Allowing grading for emergency work in alluvial fans and overlapping critical areas in instances where channel avulsion or migration is imminent or has occurred; prevents imminent threats to public roadways, utilities, and other infrastructure; sole access driveways and roads; primary dwelling units, accessory dwelling units, accessory living quarters, and residential accessory structures; or agricultural activities structures necessary to store equipment, produce, or livestock; conducted under an emergency authorization and completed within 30 days; is the minimum necessary to mitigate the imminent threat; in-stream work minimizes impact in the short term to ecological functions and values; minimizes downstream sediment runoff and turbidity; and meets permitting and notification requirements.
- *Construction of new slope stabilization.* Allowing in all critical areas if it is installed by a government agency in accordance with regional road construction and maintenance guidelines.
- *Maintenance of existing slope stabilization.*

- Allowing for projects performed by or at the direction of a government agency in accordance with regional road construction and maintenance guidelines in all critical areas except wildlife habitat networks and wildlife habitat conservation areas.
- Allowing in landslide hazard areas over 40%, steep slope hazard areas, and their buffers when: erosion or landsliding threatens a primary structure, utility facility, roadway, driveway, or public trails, and stabilization does not disturb slope and vegetative cover and associated critical areas to the maximum extent practical.
- *Cutting of firewood.* Prohibiting the cutting of firewood in wetlands, wetland buffers, aquatic areas, riparian areas, steep slope hazard areas, landslide hazard areas over 40%, alluvial fan hazard areas, severe channel migration hazard areas, or trees containing an active nest. Where allowed, limiting the cutting of firewood for personal use only and with a forest management plan.
- *New roads in unimproved right-of-way.* Prohibiting new roads in unimproved right-of-way in all critical areas.
- *Construction of new utility corridor or utility facility.* In alluvial fan hazard areas, limiting to pipelines, cables, wires, and support structures within utility corridors when no other alternative location with less impact is available and subject to conditions on location, widths, tree removal, maintenance road location and size, adding buffer, impacts to flood storage capacity or hydrology, work windows, and minimizing disturbance to critical areas during construction.
- *Construction or maintenance of hydroelectric generation facility.* In alluvial fan hazard areas, limiting to when no other alternative location with less impact is available and subject to conditions on locating in a salmonid habitat or wetlands with high habitat scores, widths, location, maintenance road location and size, work windows, impacts to flood storage capacity or hydrology, and construction techniques.
- *Construction of new residential utility service distribution line.* In alluvial fan hazard areas, limiting to well water or septic system conveyance, water or sewer service, natural gas, electric, cable, and telephone services when no other alternative location with less impact is available and subject to conditions on location, path, widths, tree removal, adding buffer, work windows, and construction techniques.
- *Construction of a new on-site sewage disposal system or well.* Prohibiting in landslide hazard areas over 40%, steep slope hazard areas, alluvial fan hazard areas, and their buffers.
- *Maintenance, repair, or replacement of existing on-site sewage disposal system.*
  - In landslide hazard areas over 40%, steep slope hazard areas, and their buffers: Limiting repair and replacement to when there is no alternative location with less impact on critical areas available; the affected critical area would not be subject to increased risk of landslide or erosion; vegetation removal is the minimum necessary to accommodate; significant risk of personal injury is eliminated or minimized in a landslide hazard area; and repair and replacement to comply with applicable public health standards within Marine Recovery Areas.<sup>3</sup>
  - In alluvial fan hazard areas, severe channel migration hazard areas, wetlands, wetland buffers, aquatic areas, riparian areas, wildlife habitat conservation areas, and wildlife habitat network: Limiting repair and replacement to when there is no alternative location with less impact on critical areas available; the affected critical area would not be subject to increased risk of landslide or erosion; vegetation removal is the minimum necessary to accommodate; significant risk of personal injury is eliminated or minimized in a landslide hazard area; repair and replacement to comply with applicable public health standards within Marine Recovery Areas; the disturbed area may not be expanded; clearing is limited to the maximum extent practical; and no hazardous substances, pesticides, or fertilizers are applied.

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<sup>3</sup> "Marine recovery area" means an area of definite boundaries where, in accordance with chapter 70.118A RCW, the health officer or the Washington state Department of Health in consultation with the health officer, determines that additional requirements for existing on-site sewage disposal systems may be necessary to reduce potential failing systems or minimize negative impacts of on-site sewage disposal systems. (K.C.C. 13.08.254.)

- *Construction of new surface water conveyance systems (e.g., ditches and pipes).* In alluvial fan hazard areas, severe channel migration hazard areas, wetlands, wetland buffers, aquatic areas, and riparian areas, removing an allowance for surface water conveyance directly into a wetland.
- *Maintenance, repair, and replacement of existing surface water conveyance systems.*
  - Allowing in an existing roadway if conducted consistent with the regional road maintenance guidelines in a landslide hazard area over 40%, steep slope hazard area, alluvial fan hazard area, associated hazard area buffer, severe channel migration hazard area, aquatic area, riparian area, wildlife habitat conservation area, and wildlife habitat network.
  - Allowing open, vegetated stormwater management conveyance systems and outfall structures and closed, tightlined conveyance systems in alluvial fan hazard areas, subject to conditions.
  - In alluvial fan hazard areas, severe channel migration hazard areas, wetlands, wetland buffers, aquatic areas, and riparian areas, removes an allowance for surface water conveyance directly into a wetland.
- *Surface water flow control or quality treatment facility.* Adding an allowance in alluvial fan hazard areas if in an existing roadway and if conducted consistent with the regional road maintenance guidelines.
- *Construction of new flood protection facilities.* Allowing in alluvial fans to prevent bank erosion when either: a project is performed by, at the direction of, or authorized by a government agency in accordance with regional road construction and maintenance guidelines; when consistent with the Integrated Streambank Protection Guidelines and bioengineering techniques are used to the maximum extent practical, the work prevents bank erosion for the protection of public roadways or sole access in existence prior to February 16, 1995, or primary dwelling units, accessory dwelling units, or accessory living quarters, and residential accessory structures; or agricultural activities structures necessary to store equipment, produce, or livestock.
- *Construction of instream structures and instream work.*
  - Allowing instream structures and instream work to occur in alluvial fan hazard areas.
  - In severe channel migration hazard areas, wetlands, wetland buffers, aquatic areas, and riparian areas, allowing projects when: sponsored by Indian tribes, government agencies and nonprofit organizations that have natural resources functions, and higher education institution; a net ecological benefit and increases functions is provided; and an ecological critical area report is submitted.
- *Construction of new trails.* Requiring all trails to avoid routes that parallel wetlands or aquatic areas to the maximum extent practical, widths of a wildlife habitat network to be expanded equal to the width of the trail corridor to the maximum extent practical, not use herbicides, hazardous substances, sealants, or other liquid oily substances on trails within aquatic areas, riparian areas, wetlands, or associated buffers, and requiring private trails to be a maximum of three feet wide.

#### Other CAO changes

- Updating the definition of critical aquifer recharge area to include areas where an aquifer is susceptible to reduced recharge, consistent with state law.
- *Fish habitat.* Broadening the definition of Fish habitat to include all native fish species, revising potential habitat to include upstream or landward of human-made barriers, and revising the examples of fish habitat.
- *Buffer.* Revising the definition of Buffer to remove language specific to steep slopes and landslide hazard areas and specifying that a buffer is integral to the functions and values of a critical area.
- *Geological and ecological critical area reports.* Adding analysis, investigation, site conditions, site plan, mitigation and monitoring plans, and other requirements for geological and ecological critical area reports.
- *Critical area alteration exceptions.*
  - Prohibiting nonlinear critical alteration exceptions in a fish spawning area.
  - Removing an allowance for filling of Category II, III, and IV wetlands for public schools under a critical area alteration exception.

- Repealing rural stewardship plans.
- *Mitigation for illegal alterations.* Increasing mitigation for illegal alterations in an aquatic or riparian area from 1:1 to 3:1, wildlife habitat network from 1:1 to 1.5:1, and wetlands to the minimum required for other mitigation with department authority to increase ratios.

#### Critical area mitigation and site restoration standards:

- *Climate-adaptive plants.* Establishing the use of climate-adaptive plants, which are those that are identified by the King County Department of Natural Resources and Parks (DNRP) as current or formerly native to the surrounding ecoregion and that are projected to establish and survive under climate change, in critical area mitigation projects. Adding climate-adaptive plants throughout the proposed ordinance where critical area mitigation or revegetation (see bullet below) is proposed.
- *Critical area revegetation standards.* Establishing critical area revegetation requirements, including requiring equal or better ecological function compared to existing conditions, replicating the structure and function of historic natural plant communities, using only native or climate-adaptive plants, prioritizing the use of native plants first, restoring soil and hydrologic functions when necessary, allowing modification to planting plans based on site-specific conditions, which help address GMA requirements for no net loss of critical area functions and values.
- Prioritizing on-site mitigation over off-site mitigation for wetlands, wetland buffers, aquatic areas and riparian areas, where appropriate.
- Adding an extension of the monitoring period by at least 2 years where mitigation is not performing.
- Requiring revegetation for buffer averaging and for high-to-moderate impact wetland buffer reductions, where allowed.
- Requiring mitigation for riparian areas to be restoration or creation.

#### Landslide hazard areas

- *Single Detached Residences in landslide hazard areas.* Allowing a reduction in buffers of landslide hazard areas for single detached dwelling units (aka single-family homes) without a geological critical area report, if the department determines that the reduced buffer adequately protects the proposed development and the critical area. Buffers must be applied around a landslide hazard area to reduce the risk that development will cause a landslide, and the size of this buffer is based on a technical report.

#### Wetlands

- *Wetland impact categories.* Classifying or reclassifying the impact of certain land uses for the purpose of establishing wetland buffers:
  - Telecommunication towers and associated equipment on a site zoned RA, UR, or R as high impact.
  - Railroads as high impact.
  - Federal and state highways, state routes and roads associated with high impact land uses as high impact.
  - Forest service roads and roads associated with moderate impacts land uses as moderate impact.
  - Moderate-intensity active recreation open space inside the urban growth area as moderate impact.
  - Passive recreation uses inside the urban growth area as low impact.
- *Wetland buffer reduction for certain uses.* Limiting which uses with high impacts are able to use the moderate impact wetland buffers to dwelling units, mixed-use development, daycares, and social services within the urban growth area and specifying the conditions those uses would have to meet to use the lower buffer, including: revegetating with dense native vegetation or climate-adaptive plants; installing wildlife lighting and wildlife passable fencing with critical area signs; locating noise-generating activities away from the wetland; prohibiting the use of pesticides in the wetland or their buffers; and demonstrating how stormwater runoff, change in water regime and erosion measures consistent with the KCSDWM are met.
- *Increasing wetland buffer widths:*



- The proposed updates to wetland buffer widths generally match the Washington State Department of Ecology's buffer recommendations, which are based on a moderate-risk approach to protecting critical area functions and values.
- Certain types of Category I wetlands, including high conservation value, estuarine wetlands, and coastal lagoons. High impact buffers would increase from 250 to 300 feet, moderate impact would increase from either 150-190 feet to 225 feet, and low impact buffers would increase from 100-125 feet to 150 feet. The focus of these additional protections is on wetland types with functions and values that are difficult or impossible to replace.
  - Category IV wetlands.
- *Overlap with landslide hazard areas or steep slope hazard areas.* Limiting the total riparian area to no more than twice the width otherwise required when overlapping with landslide hazard areas or steep slope hazard areas.
- *Wetland mitigation ratios.* Where necessary, revising wetland mitigation ratios to be consistent with BAS and Department of Ecology guidance, which account for temporal lag and mitigation success rates, including:
  - For Category I wetlands of high conservation value and Category I bogs, removing the 6:1 ratio for wetland rehabilitation for and instead making it a case-by-case basis and prohibiting wetland reestablishment or creation (R/C) and wetland enhancement (E)
  - For Category I estuarine and Category I coastal lagoons, raising the rehabilitation ratio from 6:1 to 8:1.
  - For Category I forested wetlands, changing the wetland reestablishment or creation (R/C) and wetland enhancement (E) ratio from 1:1 R/C and 10:1 E to 1:1 R/C and 20:1 E.
  - For Other Category I wetlands, changing the wetland reestablishment or creation (R/C) and wetland enhancement (E) ratio from 1:1 R/C and 6:1 E to 1:1 R/C and 12:1 E.
  - For Category II wetland estuarine, changing the rehabilitation ratio from 4:1 to 6:1.
  - For Category II wetlands, changing the rehabilitation ratio from 8:1 to 6:1 and the wetland reestablishment or creation (R/C) and wetland enhancement (E) ratio from 1:1 R/C and 4:1 E to 1:1 R/C and 8:1 E.
  - For Category III wetlands, changing the wetland reestablishment or creation (R/C) and wetland enhancement (E) ratio from 1:1 R/C and 2:1 E to 1:1 R/C and 4:1 E.
  - For permanent conversion of forested and shrub wetlands into emergent wetlands, increases enhancement ratios by 25 to 100% and rehabilitation by 30 to 50% for all wetland categories.
  - For temporal loss of forested and shrub wetlands when the impacted wetlands will be revegetated to forest or shrub communities, increasing enhancement ratios by 33 to 100% and rehabilitation by 0 to 50% for Category I through III.
  - Establishing ratios for Category IV wetlands.
  - Establishing minimum ratios for certified wetland mitigation banking at a rate of 1:1 for direct impacts to wetlands and buffers; one-half of the recommended ratio for indirect impacts, and one-quarter of the recommended ratio for long-term temporary impacts.
  - Establishing minimum ratios for the King County mitigation reserves program or a state or federally authorized in-lieu fee programs. Direct, indirect, and long-term impacts must be consistent with the program instrument and result in no net loss. Impacts to wetland buffers are established at 1:1.
- *Schools and wetlands.* Removing a critical area alteration exception for filling of Category II, III, and IV wetlands for public school facilities.
- *Filling of Category IV wetlands.* Removing an alteration allowance for category IV wetlands less than 2,500 square feet and not part of a wetland complex.

#### Aquatic areas and riparian areas

- *Riparian area measurement method.* 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, by requiring

that riparian area widths include and be measured from the severe channel migration hazard areas where they have been mapped. Currently, the width of the riparian area is: 1) measured from the ordinary high water mark or top of bank or 2) the outer edge of any mapped severe channel migration hazard area, whichever is greater. The proposed ordinance modifies this provision so that when there is a mapped channel migration zone, the riparian area is measured from the outer edge of the severe channel migration hazard area. King County has mapped channel migration zones for priority reaches of the Greenwater, Green, White, Tolt, Raging, South Fork Skykomish, Snoqualmie Three Forks, and Cedar Rivers. Mapping is in development for Lower Snoqualmie River and Issaquah Creek. The proposal has the impact of increasing riparian areas that are subject to development limits and conditions, reducing at-risk development in areas prone to channel migration, and protecting riparian vegetation in areas where the channel is likely to migrate.

- *Increased riparian area widths.* Increasing riparian area widths for all adjacent aquatic area types by between 25 and 65 feet. Under the proposed CAO update, riparian area widths for Type S (Shorelines of the State) and Type F (Fish Bearing) 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 aquatic areas would be 100 feet and for Type O would be 50 feet throughout unincorporated King County.
- *Overlap with landslide hazard areas or steep slope hazard areas.* Limiting the total riparian area to no more than twice the width otherwise required when overlapping with landslide hazard areas or steep slope hazard areas. When alluvial fans and riparian areas overlap, requiring the riparian area width to be the greater of the standard riparian area width or the extent alluvial fan hazard area.
- *Overlap with alluvial fan hazard areas.* Where alluvial fans overlap riparian areas, the extent of the riparian is expanded to the extent of the alluvial fan hazard area.
- *Riparian area mitigation ratios.*
  - Increasing ratios for on-site compensatory mitigation from 1:1 to 3:1 for Type S, F, and N riparian areas and 2:1 for Type O riparian areas.
  - Increasing ratios for off-site compensatory mitigation from 3:1 to 4:1 for Type S and F riparian areas, from 2:1 to 4:1 for Type N, and from 2:1 to 3:1 for Type O.
  - Creating alternative mitigation requirements for proposals that include some compensatory mitigation (between a 1:1 to 2:1 ratio, depending on the aquatic area Type and impacted vegetation) and provide either primary or secondary actions that provide immediate benefits, such as removing fish passage barriers, installing large wood, or removing of floodplain fill.
- *Water typing updates.* Revising aquatic area typing to align with the state water typing system where feasible.
- *Aquatic area and riparian area work windows.* Existing code allows clearing, grading and other site disturbances for allowed alterations between May and October, with modifications allowed by the Department when necessary along marine shorelines to protect critical forage fish and salmonid migration or that seasonal standards for clearing and grading are met. The proposed changes would allow the Department to restrict clearing along aquatic areas (not just marine shorelines), to meet seasonal standards for clearing and grading, or as required by a state or federal permit.

#### Alluvial fan hazard areas development standards

- Establishes alluvial fan hazard areas as a new critical area. Alluvial fans occur where streams flowing down a steep gradient meet a flat plain or valley floor and naturally deposit sediment. Alluvial fans are most often found in rural King County where tributary streams meet a flat valley floor.
- Establishing buffers from alluvial fan hazard areas, if needed.
- Requiring alterations to minimize risk of inundation, sedimentation, channel migration, or erosion on adjacent properties, not remove vegetation unless necessary for an alteration; and minimize disturbance to alluvial fan hazard areas unless necessary for slope stabilization; and not increase the frequency or scale of sediment management activities or in-stream channel work that could affect fish habitat or passage.

### Tsunami hazard areas development standards

- Establishing tsunami hazard areas as a new critical area with associated development standards, including limiting the placement of critical facilities in tsunami hazard areas and requiring the development of new structures to demonstrate the design will protect and withstand inundation and debris impact. Most tsunami hazards in unincorporated King County are found on Vashon-Maury Island and in the Lower Duwamish River.

### Agricultural Activities

- *Existing agriculture*
  - Clarifying which uses are considered existing in a way that affirms that existing agriculture can remain in its existing footprint. Existing agriculture includes farms established prior to January 1, 2005, and those established after January 1, 2005, and in continuous existence, regardless of transfer of ownership, sale, or leasing.
  - Adding criteria for commercial agriculture for the purposes of applying the critical area regulations, in response to public comments. The intent of this proposed change is to clarify code provisions for commercial agriculture consistent with Comprehensive Plan policies and to ensure that the criteria do not limit the use of agricultural lands by the new farmers or existing farmers maintaining existing agricultural operations.
- *New and expanded agricultural uses* (horticulture, commercial fish farms, grazing livestock).
  - Where allowed, clarifying that various agricultural activities must be on a site where agriculture is the primary activity.
  - Conditioning the expansion/conversion of existing commercial agricultural activities and the establishment of new agricultural activities by: requiring sites to have agriculture as the primary activity on the site; requiring farm management plans; requiring applicable best management practices; and prohibiting alterations in critical areas cleared under certain forest practices permit, aquatic areas and wetlands that are not grazed or tilled wet meadow, and wetland buffers and riparian areas with predominantly native plants that are not agricultural crops. Removes an allowance for clearing of up to 10,000 square feet in areas with tree cover at a uniform density of more than ninety trees per acre and with the predominant mainstream diameter of the trees at least four inches diameter at breast height. The intent of this restriction is to minimize impacts to functions and values of aquatic areas and wetlands by minimizing the clearing of native vegetation. The proposal retains allowances for clearing of invasive plants like reed canary grass and blackberries in these areas and returning to agriculture.
- *Manure management and grazing area buffers.*
  - Requiring livestock manure facilities to be associated with agricultural activities; prohibit siting in aquatic areas, wetlands, or wetland buffers and riparian areas with predominantly native forest overstory, shrub, or herbaceous layer; and requiring the facility to be located in an existing grazed, tilled, or impervious area.
  - With a farm management plan: increasing new or expanded grazing area buffers (which is the area in which livestock is excluded) from 25 feet to 40 feet adjacent to Type S and F aquatic areas and category I, II, or III wetlands; adding grazing area buffers of 35 feet for Type N aquatic areas and 20 feet for category IV wetlands; clarifying that grazed wet meadows have no grazing area buffers.
  - Allowing modifications to grazing area buffers with a farm management plan.
  - Requiring grazing area buffers to include diverse, mature vegetation.
  - Without a farm management plan: maintaining the 50-foot buffers for Type S, F, and N aquatic areas and category I, II, and III wetlands; adding grazing area buffers of 25 feet for category IV wetlands; clarifying that grazed wet meadows have no grazing area buffer; and removing an allowance for a reduced buffer of 25-feet where existing mature vegetation exists; and limiting manure storage or stockpiling.
- *Livestock manure storage facilities, livestock heavy use areas, and farm pads.*
  - Requiring the site to have horticulture or livestock grazing activities.

- Allowing these alterations only on existing grazed or tilled land or impervious surfaces in critical areas where no other area of the site is feasible; prohibiting these alterations in areas with critical areas cleared under certain forest practices permit, aquatic areas and wetlands that are not grazed or tilled wet meadow, and wetland buffers and riparian areas with predominantly native plants that are not agricultural crops; requiring these alterations to be as close to the edge of a critical area as possible; requiring farm management plans; and requiring application of applicable best management practices.
- Without a farm management plan, prohibiting manure storage on tilled wet meadows.
- *Farm field access drives.*
  - Clarifying code language to distinguish between farm field access drives that support agriculture and private driveways that support other uses. This change is consistent with other regulatory requirements.
  - Narrowing the clearing and grading permit exemption to: sites where the primary use is agriculture and zoned A, in the farmland preservation program, or APD; alterations are consistent with an approved farm management plan including any best management practices; alterations create less than 2,000 square feet of impervious surface; access is no greater than 14 feet wide; there is no alternative location with less impact; alterations comply with the KCSWDM; located where it is least subject to risk from channel migration; floodplain development permits are obtained; and state and federal permits have been obtained.
  - Allowing alterations in critical areas as follows: on sites with horticulture or grazing livestock use; consistent with an approved farm management plan including any best management practices; located where it is least subject to risk from channel migration; floodplain development permits are obtained; and state and federal permits have been obtained.
- *Nonresidential farm buildings.* Limiting nonresidential buildings to sites qualifying as horticulture or grazing livestock use, with a farm management plan including best management practices, limitations on location, on a site with no other feasible alternative available, and in riparian area or wetland buffers, only in grazed or tilled wet meadows, and subject to additional limitations.
- Improving code language structure for increased clarification, consistency, and predictability for reviewers and applicants.
- *Maintenance of agricultural waterways.* Allowing maintenance of agricultural waterways in alluvial fan hazard areas if the purpose is to improve agricultural production, appropriate state permits are obtained, the project complies with the King County agricultural drainage assistance program, appropriate training for those involved has been obtained, and clearing and grading standards are followed.

The proposed CAO updates have the cumulative effect of strengthening protection of and reducing the impacts of development on the environment, including the functions of critical areas like wetlands and aquatic areas compared to current code. They further have the effect of clarifying the standards applied to existing, expanded, and new commercial agriculture, including affirming regulatory allowances that support commercial agriculture consistent with GMA goals and the King County Comprehensive Plan.

Compliance with existing federal, state, and local regulations is presumed for purposes of this SEPA checklist, including compliance with the regulations in the proposed ordinance itself, as well as others such as those related to drinking water, stormwater, wastewater treatment, septic systems, clearing and grading, critical areas, shoreline, and zoning requirements. Any noncompliant uses or structures would be subject to code enforcement and would not be considered an impact related to the proposed ordinance.

The King County Council could modify the proposed ordinance and still accomplish the proposal's objective. Depending on the modification, the likelihood, scale, or scope of potential impacts to various elements of the environment could be the same, greater, or less.

As would be the case for any nonproject or project action that undergoes changes after the publication of a SEPA threshold determination, the King County Executive branch, which pursuant to K.C.C. 20.44.020 is the lead agency for SEPA for King County, would evaluate any modifications that are proposed to be made to the proposed ordinance and would update this environmental review in the case that changes would result in greater or different impacts than those identified in this checklist. The timing of additional environmental review processes may vary depending on other variables, including future public processes.

**12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

King County is located in western Washington and stretching from the Puget Sound in the west to the crest of the Cascade Mountains in the east. King County's total land area is 2,130 square miles and includes 39 incorporated cities, including Seattle, Federal Way, Kirkland, and Bellevue.

The proposed ordinance is a nonproject action that would apply to unincorporated King County. 1,095,680 acres (approximately 1,700 square miles) is unincorporated and includes areas primarily to the east of the Urban Growth Area boundary and the urban Puget Sound region, with the exception of Vashon-Maury Island located to the west and some isolated blocks of unincorporated area within the urban growth area.

Nearly 75% of unincorporated King County is zoned as Forest (F), particularly the eastern portion of the County. To the west, near the more urban incorporated areas of the County, the predominant zoning category is Rural Area (RA), with some areas zoned Agricultural (A), particularly in areas northeast of Sammamish Valley and the area northwest of Enumclaw. Areas of residential, business, office, and industrial zoning are also located throughout unincorporated King County.

Critical areas in King County are defined in the K.C.C. as "any area that is subject to natural hazards or a land feature that supports unique, fragile, or valuable natural resources including fish, wildlife, or other organisms or their habitats or such resources that carry, hold, or purify water in their natural state." County code defines each critical area, and establishes standards for allowed alterations, conditions, buffers, setbacks, and mitigation requirements avoid, minimize, and mitigate environmental impacts and protect the functions and values of the critical areas. Critical areas present in King County are:

1. Critical aquifer recharge areas;
2. Frequently flooded areas, regulated as flood hazard areas, including floodplains, special flood hazard areas, zero-rise flood fringe, zero-rise floodways, FEMA floodways, and channel migration zones;
3. Fish and wildlife habitat conservation areas, including aquatic areas, riparian areas (formerly aquatic area buffers), wildlife habitat conservation areas, and wildlife habitat networks;
4. Geologically hazardous areas, including alluvial fan hazard areas, channel migration zones, coal mine hazard areas, erosion hazard areas, landslide hazard areas, seismic hazard areas, steep slope hazard areas, tsunami hazard areas, and volcanic hazard areas; and
5. Wetlands.

## B.Environmental Elements

### 1. Earth

Find help answering earth questions<sup>4</sup>

#### a. General description of the site:

**Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:**

Although the proposed ordinance is a nonproject action with no identifiable site, the ordinance applies to all of unincorporated King County, which includes areas that are flat, rolling, hilly, and steep slopes. King County landforms include saltwater coastline, river floodplains, plateaus, slopes, and mountains, punctuated with lakes and streams. Areas with such landforms may include critical areas identified as geologically hazardous areas, including alluvial fan hazard areas, channel migration zones, coal mine hazard areas, erosion hazard areas, landslide hazard areas, seismic hazard areas, steep slope hazard areas, tsunami hazard areas, and volcanic hazard areas. The proposed ordinance would apply to King County projects on lands with these features.

#### b. What is the steepest slope on the site (approximate percent slope)?

Although the proposed ordinance is a nonproject action with no specific site or location, unincorporated King County includes 16,596 acres of steep slopes, which include areas with an inclination of 40% or greater. The proposed ordinance would apply to King County projects on lands with these features.

Existing King County Code regulates steep slope hazards in K.C.C. 21A.24.310 and landslide hazard areas with over 40% slope (referred to in this checklist as landslide hazard areas over 40%) in K.C.C. 21A.24.280. Individual development projects that would be subject to the proposed ordinance may also be subject to steep slope hazard area and landslide hazard area regulations in K.C.C. 21A.24.045 if alterations are proposed on or near a steep slope hazard area or landslide hazard area. Development standards seek to minimize or eliminate risks of property damage or injury. The principle regulatory tool for minimizing risks is to avoid impacts to steep slope hazard areas through the implementation of a buffer, followed by engineered mitigation and stabilization for unavoidable impacts. Additional compliance with applicable critical area regulations would be addressed during the permit review process.

#### c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

Although the proposed ordinance is a nonproject action with no specific site or location, soil in unincorporated King County generally reflects geologically recent glacial and alluvial (river and stream) activity, as well as human activity. River valleys are generally occupied by poorly drained, silty loams that commonly have a substantial organic content. Soils on upland areas between valleys typically are coarser-grained sandy and gravelly sandy loams, but soils with high organic content do occur locally in these upland areas and along water bodies.

Unincorporated King County has approximately 48,000 acres of farmland, with some areas classified as farmland of statewide importance, prime farmland, and prime farmland with conditions (which means that it is prime farmland if drained, irrigated, protected from flooding, or not frequently flooded). King County's Farmland Preservation Program restricts use on participating properties to agriculture or open space use and restricts activities that would impair the agricultural capability of the property.

In accordance with the GMA (RCW 36.70A.170 and 36.70A.050), King County designated "agricultural

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<sup>4</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-earth>

lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other products.” The lands that meet these criteria are designated as an Agricultural Production District, of which there are five in King County (Enumclaw Plateau, Snoqualmie River, Upper Green River, Lower Green River, and Sammamish River). There are 41,000 acres in Agricultural Production Districts (APDs) existing in King County, where agriculture is the predominant land use. Within APDs, approximately 27,000 acres (65%) are considered farmable, and the remaining 14,000 acres are not farmable, including forests, developed areas, and waterbodies. Land use types and land use intensity are more limited in areas zoned for agriculture compared with other zones, reducing the potential impact to soil removal. Development projects within an APD that are subject to the proposed ordinance may result in the removal of some of these soils.

**d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

Although the proposed ordinance is a nonproject action with no specific site or location, geologically hazardous areas, including landslide and erosion-prone areas, some abandoned mining areas, and seismic risk areas exist within unincorporated King County. Landslide and erosion-prone areas are associated primarily with steep slopes and landslide hazard areas. Hazardous mining areas that may be subject to surface subsidence are associated primarily with past coal mining that occurred in the area from Newcastle through Renton, south to Black Diamond.

Changes proposed under this ordinance that would specifically address unstable soils, in addition to the protective measures provided by the ordinance, including:

- *Existing structures.* The cumulative proposed changes to existing structures would limit the size and scope of projects in areas with unstable soils. In alluvial fan hazard areas and severe channel migration hazard areas, where heavy rain or outburst floods can cause hazards like flash floods and debris flows, replacement of structures is prohibited, which would have the effect of eliminating structures in these hazard areas over time as structures and alterations reach the end of their lifespan and reducing risk long-term.
  - *Maintenance or repair of existing structures.* A description of specific code changes can be found on page [5](#). The proposal would narrow the circumstances under which maintenance, repair, or expansion of an existing structure is allowed and restrict work to only areas in steep slope hazard areas that pose little to no risk of injury and the risk of landsliding and slope instability is low.
  - *Expansion of existing structures.* A description of specific code changes can be found on page [5](#). The proposal would prohibit expansion of an existing structure in landslide hazard areas over 40%, steep slope hazard areas, and their buffers. The proposal would also place limits in alluvial fan hazard areas regarding footprint and substantial improvement.
  - *Replacement of existing structures.* The proposal would prohibit the replacement of existing structures in alluvial fan hazard areas and severe channel migration hazard areas. Where allowed in other critical areas, additional limitations are placed on siting, size, or risk.
- *Construction of new slope stabilization.* A description of specific code changes can be found on page [5](#). This proposed change would enable government agencies, like the King County Roads Services Division, to install and maintain structures to stabilize unstable soils, which would prevent erosion and landslides.
- *Maintenance of existing slope stabilization.* A description of specific code changes can be found on page [5](#). This addresses scenarios in which maintenance would be allowed to take place and requires the maintenance to be done in a way that minimizes its potential impact to vegetation and critical areas.
- *Cutting of firewood.* A description of specific code changes can be found on page [6](#). This proposed change would have the effect of limiting tree cutting in areas prone to landslides or instability and therefore reduce soil instability.
- *Construction of a new on-site sewage disposal system or well.* A description of specific code changes can be found on page [6](#). The proposed changes would prevent new systems and wells in areas prone to

instability, which is likely to enhance protections to these areas as well as future development in areas with unstable soils.

- *Maintenance, repair, or replacement of existing on-site sewage disposal system.* A description of specific code changes can be found on page [6](#). The proposed changes would limit the circumstances in which repair or replacement of on-site sewage disposal systems are proposed, including siting limitations, minimizing risks from landsliding or erosion, and compliance with public health standards. These conditions limit the likelihood of slope instability and erosion.

The proposed changes taken together will lower the likelihood of impacts and hazards from permitted development to unstable soils.

**e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

Although the proposed ordinance is a nonproject action that would not directly authorize any fill, excavation, or grading, individual projects subject to the proposed ordinance could include fill, excavation, or grading. All such development projects would continue to be subject to existing development regulations related to stormwater management, impervious surfaces, critical areas, clearing and grading, and/or landscaping. Unless exempt under state and County requirements, filling, excavation, and grading is also subject to SEPA review.

The proposed ordinance may affect filling, grading, and excavation with the following proposed updates:

- *Agricultural activities, generally.* A description of specific code changes can be found on page [11](#). These changes would require the primary use of a site to be “agriculture” for all new and expanded agricultural activities when allowed in critical areas, which would narrow the sites where these facilities could be sited to only those associated with the commercial growing and harvesting of crops and livestock. This element of the proposal focuses regulatory flexibility on supporting commercial agriculture production. Other changes to agricultural activities would also address siting and size limitations of these uses and structures. These changes would likely not have the net impact of reducing earthwork overall, as these uses and structures are necessary for agricultural operations, but would likely reduce the amount of fill, excavation, or grading that would happen within critical areas or their buffers.
- *Farm field access drives.* A description of specific code changes can be found on page [12](#). Constructing drives typically involves filling, grading, and/or excavation. The proposed changes may have the effect of limiting the number of new access drives that could be constructed, with a focus on streamlining permitting options for commercial agriculture operations. Because other drives will be considered private driveways and need to comply with more stringent requirements (including in the KCSWDM), the impact of drives on critical areas when filling, grading, and excavation are done to construct drives is lessened.
- *Single detached residences in landslide hazard areas.* A description of specific code changes can be found on page [8](#). This proposal would be unlikely to change the amount of filling, grading, and excavation completed for a project, but it could change the location on a site-by-site basis by allowing single detached dwelling units to be closer to landslide hazard areas than they could be previously. Since the County would be required to determine that the reduced buffer would adequately protect the proposed development and critical area, the likelihood of impacts from filling, grading, and excavation is low.

**f. Could erosion occur because of clearing, construction, or use? If so, generally describe.**

Although the proposed ordinance would not directly cause any erosion, potential erosion could result from clearing, construction, or use of land for King County projects subject to the proposed ordinance. All such development projects would continue to be subject to existing regulations and stormwater best management



practices (BMPs) concerning erosion prevention and control and evaluated during project-level environmental and permit reviews.

Existing King County Code regulates erosion hazard areas through development standards in K.C.C. 21A.24.220. Development standards for erosion hazard areas allow alterations with limitations on when clearing can occur, as well as the scale of the clearing. No substantial changes to the erosion hazard areas development standards are included in the proposed ordinance, as the best available science has not changed since the CAO initial adoption in 2004.

Natural erosion may occur within channel migration hazard areas and riparian areas, but in the context of critical areas protected to preserve functions and values, erosion is an important habitat forming process.

**g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

Although the proposed ordinance is a nonproject action that would not directly authorize the installation of impervious surfaces, individual projects subject to the proposed ordinance could include new impervious surfaces. Projects developed under the proposed ordinance would likely have a smaller percentage of impervious surfaces on sites with critical areas compared to the existing code due to increased critical area buffer and riparian area widths, as well as requirements to maintain native vegetation on agricultural properties. All development projects would continue to be subject to existing regulations concerning new and replaced impervious surfaces and evaluated during project-level environmental and permit reviews.

**h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**

The proposed ordinance is a nonproject action that would not have any direct impacts. King County's existing regulations related to erosion and soils would apply to any development to which the proposed ordinance would apply. Temporary and permanent erosion control standards are in K.C.C. chapter 9.04, K.C.C. chapter 16.82, and the KCSWDM. No changes to these standards will result from the proposed ordinance. Additional compliance with applicable critical area regulations, including requiring a geological critical area report, would be addressed during the permit review process.

The following changes were not proposed specifically as measures to reduce or control erosion or other impacts to the earth, but would have the effect of reducing or controlling erosion and impacts to the earth:

- *Agricultural activities, generally.* A description of specific code changes can be found on page [11](#). The proposed changes would also address siting and size limitations of these uses and structures.
  - These changes would limit the amount of overall clearing and prohibit the clearing of forested vegetation for agricultural activities, which would help to reduce or control erosion.
  - Generally, these changes would require farm management plans (also called farm conservation plans by the King Conservation District) and implementation of best management practices when new or expanded agricultural activities are proposed in critical areas. Farm management plans are a method to enhance farm viability while avoiding/minimizing soil loss and environmental impacts in unincorporated King County. They are developed on a property-specific basis and include practices drawn from the Natural Resource Conservation Service's list of approved BMPs, such as stream-side fencing, gutters and downspouts, composting manure, pasture management and renovation, weed management techniques, creating sacrifice areas, cross fencing, and pasture rotation of livestock. These BMPs can help to preserve agricultural soils and protect critical areas.

## 2. Air

Find help answering air questions<sup>5</sup>

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

The proposed ordinance is a nonproject action that would not result in any direct emissions to the air. Projects subject to the proposed ordinance may result in air emissions from construction and operation activities, and would be subject to existing federal, state, and local regulations for these types of emissions. The proposed ordinance would not modify any federal, state, or local codes that provide standards or controls for these types of emissions.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

The proposed ordinance is a nonproject action that would not be affected by off-site sources of emissions or odor, and no known off-site sources of emissions or odor are likely to impact implementation of the proposed ordinance.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:**

The proposed ordinance is a nonproject action and would not have any direct impacts to air emissions, and the development projects to which it would apply would be subject to existing regulations regarding emissions and reporting requirements. Additional federal, state, and local codes may provide standards and controls for these types of emissions and would not be modified by the proposed ordinance. As a result, no measures to reduce or control emissions or other potential impacts to air are proposed.

As stated in the BAS Report, wetlands play a key environmental role by providing opportunities for increasing climate resiliency through wetland protection and restoration activities. Prioritizing wetland protection and restoration can enhance climate adaptation by contributing to carbon sequestration, plant and animal biodiversity, flood reduction, water quality improvement, and wildland fire risk reduction.

## 3. Water

Find help answering water questions<sup>6</sup>

### **a. Surface:**

Find help answering surface water questions<sup>7</sup>

- 1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

Although the proposed ordinance is a nonproject action with no specific site or location, numerous streams, lakes, ponds, and wetlands and the Puget Sound are located within unincorporated King County. King County maintains an inventory of water bodies within unincorporated King County, which would be considered during development review to ensure appropriate code standards are applied to them.

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<sup>5</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-Air>

<sup>6</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water>

<sup>7</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Surface-water>

Areas with such water bodies on or nearby land include critical areas such as critical aquifer recharge areas, aquatic areas, riparian areas, wildlife habitat conservation areas, wildlife habitat networks, floodplains, special flood hazard areas, zero-rise flood fringe, zero-rise floodways, FEMA floodways, channel migration zones, and wetlands. King County's shoreline jurisdiction includes nearly 2,000 miles of saltwater coastline, river floodplains, and extensive lakes and includes the marine shorelines and associated waters, sections of all rivers, and the larger streams that occur in unincorporated King County.

The proposed ordinance would apply in unincorporated King County to projects on land with these features. The proposal includes changes that affect surface water bodies as well as ground water resources. These changes are discussed throughout this Section B.3, Water.

**2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

The proposed ordinance is a nonproject action that would not directly require any work over, in, or adjacent to the described waters. State and local shoreline regulations would apply to any development subject to the proposed ordinance that is in the shoreline jurisdiction. Existing regulations allow select alterations to occur within wetlands, wetland buffers, aquatic areas, and riparian areas under specified conditions and limitations.

Changes proposed under this ordinance that would affect work over, in, or adjacent to the described waters include:

- *Increased critical area and buffer widths* may have the effect of increasing the area for critical areas and their buffers, which would decrease the impact of development on surface waters and support important ecosystem functions:
  - *Increasing wetland buffer widths* for certain Category I wetlands and Category IV wetlands. A summary of the proposal can be found on page [8](#).
  - *Increased riparian area widths*. A summary of the proposal can be found on page [9](#). The proposal increases riparian area widths for all aquatic area types, both inside and outside of the urban growth area.
  - *Riparian area measurement method*. Requiring that riparian areas include and be measured from the severe channel migration zones where they have been mapped. A summary of the proposal can be found on page [10](#).
  - *Overlap with alluvial fan hazard areas*. A summary of the proposal can be found on page [10](#). The proposed change would have the effect of applying riparian area protections to alluvial fan hazard areas.
- *Overlap with landslide hazard areas/steep slope hazard areas*. The proposed changes would limit the total riparian area to no more than twice the width otherwise required when overlapping with landslide hazard areas or steep slope hazard areas. In some cases, where the landslide or steep slope hazard area is large, this would result in a smaller wetland buffer or riparian area under the proposed code compared with existing code, potentially interrupting the natural wood and sediment transport processes from these hazard areas that contribute to ecological functions and values. However, clearing, grading, and other alterations to landslide hazard areas and steep slope hazard areas may already be limited by regulations due to the potential hazard risk of these critical areas, and impacts to natural wood and sediment transport processes may not be largely impacted.
- *Wetland mitigation ratios*. A summary of the proposal can be found on page [9](#). Wetland mitigation ratios are modified or increased to meet BAS and Department of Ecology guidance for many wetland categories and types of mitigation projects. The proposed changes reflect the mitigation success rate based on the type and location of mitigation and are likely to improve surface water.
- *Alluvial fan hazard area development standards*. A summary of the proposal can be found on page [10](#). These standards would reduce the likelihood of impacts to surface water by protecting the functions and values of alluvial fan hazard areas, reducing vegetation removal, and preventing increased frequency or

scale of sediment management activities in aquatic areas.

- *Tsunami hazard area development standards.* A summary of the proposal can be found on page [10](#). These standards would reduce likelihood of potential damage to development and impacts to saltwater.

Other development regulations concern the protection of waterbodies and may apply to any development subject to the critical area ordinance depending on the proximity to these waters. Development regulations limit the extent of work allowed within critical aquifer recharge areas, aquatic areas, riparian areas, wildlife habitat conservation areas, wildlife habitat networks, floodplains, special flood hazard areas, zero-rise flood fringe, zero-rise floodways, FEMA floodways, channel migration zones, and wetlands.

Taken together, these changes would reduce the likelihood of impacts to surface water.

### **3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

The proposed ordinance is a nonproject action that would not authorize filling or dredging from surface water or wetlands. Individual development projects subject to the proposed ordinance would also be subject to all state, local, and federal regulations, including mitigation requirements, concerning fill or dredge material placed in or removed from surface water or wetlands.

Changes in the proposed ordinance related to filling and dredging include:

- *Replacement of existing structures.* A description of specific code changes can be found on page [5](#). In alluvial fan hazard areas and severe channel migration hazard areas, the proposed changes would prohibit replacement. These proposed changes would likely have the effect of eliminating structures in alluvial fan hazard areas and severe channel migration hazard areas over time as structures reach the end of their lifespan.
- *Grading.* A description of specific code changes can be found on page [5](#). Grading, which could potentially involve dredging or filling, would be allowed in alluvial fan hazard areas and overlapping critical areas in order to address the emergency or imminent threat. This proposed change may, but is not likely to, increase the likelihood of filling and dredging, as it is limited only for hazardous situations.
- *Maintenance of agricultural waterways.* A description of specific code changes can be found on page [12](#). Maintenance of agricultural waterways would be allowed in alluvial fan hazard areas and is not expected to increase the likelihood of impacts from filling and dredging, because maintenance activities could only occur in limited circumstances where sediment build-up has occurred and in existing agricultural waterways. Maintenance of agricultural waterways in alluvial fan hazard areas would primarily overlap in other critical areas (such as wetlands, aquatic areas, riparian areas, or severe channel migration hazard areas) where they are already allowed.

### **4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**

The proposed ordinance is a nonproject action that would not require any surface water withdrawals or diversions. Individual development projects subject to the proposed ordinance would also be subject to existing regulations concerning surface water diversions and withdrawals, including those regarding in-stream flows, if applicable.

Changes in the proposed ordinance related to surface water withdrawals or diversions include:

- *Construction of new surface water conveyance systems (e.g., ditches and pipes):* A description of specific code changes can be found on page [6](#). The proposed changes would remove an allowance for surface water conveyance directly into a wetland. The proposed changes would reduce the potential amount of discharge from surface water conveyance systems that could reach a wetland, which could

potentially be polluted by the discharge, therefore this proposed change would result in a lower likelihood of impacts to surface water.

- *Maintenance, repair, and replacement of existing surface water conveyance systems.* A description of specific code changes can be found on page [6](#). The proposed changes would allow maintenance, repair, and replacement in existing roadways, which is not anticipated to increase the amount of discharge. The proposed changes would also remove an allowance for surface water conveyance directly into a wetland. The proposed changes would reduce the potential amount of discharge from surface water conveyance systems that could reach a wetland, which could potentially be polluted by the discharge, therefore this proposed change would result in a lower likelihood of impacts to surface water.
- *Surface water flow control or surface water quality treatment.* A description of specific code changes can be found on page [7](#). These facilities may alter natural surface water flows. By adding this allowed alteration to an additional type of critical area, this proposed change could, but is not likely to, increase the likelihood of impacts to surface water flows. Flow control or treatment facilities must comply with the surface water requirements in the regional road maintenance guidelines.
- *Construction of instream structures and instream work.* A description of specific code changes can be found on page [7](#). By limiting the purpose of new instream structures, fewer are likely to be installed and those that are installed must serve an ecological benefit, reducing the likelihood of surface water diversion impacts.

#### **5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

Although the proposed ordinance is a nonproject action with no specific site or location, areas of unincorporated King County lie within a 100-year floodplain. Development projects subject to the proposed ordinance would also be subject to King County rules and limitations pertaining to floodplain development and fill.

Changes in the proposed ordinance related to work in the floodplain include:

- *Riparian area measurement method.* A summary of the proposal can be found on page [9](#). The proposed ordinance would strengthen riparian area protection by measuring the width of riparian areas from the edge of mapped severe channel migration hazard areas where rivers are actively moving across the floodplain, forming complex habitats that salmon rely upon.
- *Construction of new flood protection facilities (e.g., a dam or levee).* A summary of the proposal can be found on page [7](#). The proposed changes would allow construction of new flood protection facilities within an alluvial fan hazard area, which could increase protection of existing structures in flood-prone areas. Flood protection facilities can change the flow of water in ways that can potentially impact wildlife habitat. The minimization and mitigation measures proposed make impacts from this proposed change unlikely.
- *Tsunami hazard area development standards.* A summary of the proposal can be found on page [10](#). These standards would reduce likelihood of potential damage to development from tsunamis.
- *Farm field access drives.* A description of specific code changes can be found on page [12](#). The proposed changes would require these alterations to be in an area least subject to risk from channel migration, which may have the effect of limiting development in flood hazard areas.

#### **6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

The proposed ordinance is a nonproject action that would not directly involve any discharges of waste materials to surface waters. Development projects subject to the proposed ordinance would also be subject to existing state, local, and federal regulations concerning the protection of and discharge of waste materials to surface waters, including state regulations on water usage, wastewater disposal, and state antidegradation standards.

- *Agricultural activities, generally.* A description of specific code changes can be found on page [11](#). These changes would require the primary use of a site to be “agriculture” for all new and expanded agricultural activities when allowed in critical areas, which would narrow the sites where these facilities could be sited to only those associated with the commercial growing and harvesting of crops and livestock. This element of the proposal focuses regulatory flexibility on supporting commercial agriculture production. Other changes to agricultural activities would also address siting and size limitations of these uses and structures. These changes would have the net impact of limiting impacts of waste material discharges in critical areas or their buffers.
- *Manure management and grazing area buffers.* A description of specific code changes can be found on page [11](#). Manure is produced on properties with livestock operations, and it is a type of discharge that may reach surface waters. The proposed changes will have the effect of reducing impacts of livestock operations on wetlands, riparian areas, and associated functions and values by providing larger widths and additional limitations, while including provisions that recognize and support continued agriculture and livestock activities. These changes would likely limit the impact of grazing livestock by eliminating allowances for clearing of native vegetation for grazing areas; prohibiting from entering livestock in aquatic areas and wetlands; operational strategies to minimize environmental degradation. However, impacts could still occur to surface water where grazing activities take place, as the proposal would provide smaller widths than recommended by BAS (BAS report, p. 96) and there remains a potential for impact to aquatic areas, riparian areas, and wetlands over the long term. These smaller buffers would be limited to grazing livestock purposes only and in areas that would not result in the clearing of native forested vegetation. King County implements several programs and non-regulatory measures that would serve to reduce or eliminate potential long-term impacts and risks associated with activities that alter or modify the environment, discussed in greater detail in [Part D](#) of this checklist.
- *Livestock manure storage facilities, livestock heavy use areas, and farm pads.* A description of specific code changes can be found on page [11](#). The proposal would limit these alterations to existing grazed, tilled, or impervious surfaces, outside of native vegetation and as close to the critical edge as possible. These alterations would also be required to comply with best management practices in a farm management plan. The proposed changes will have the effect of reducing impacts of livestock operations on wetlands, riparian areas, and associated functions and values by providing larger widths and additional limitations, while including provisions that recognize and support continued agriculture and livestock activities.
- *Construction of new trails.* A description of specific code changes can be found on page [7](#). The proposal would limit the herbicides, hazardous substances, sealants, or other liquid oily substances, which would reduce the amount of chemicals from entering ground or surface waters.
- *Hazardous substances and toxic materials in docks and piers.* The proposal would require maintenance, repair, or replacement of docks and piers on Type S and F aquatic areas to not use hazardous substances or toxic materials, which would reduce waste materials from treated wood and other construction materials from entering ground or surface waters.

#### **b. Ground:**

Find help answering ground water questions<sup>8</sup>

##### **1. Will groundwater be withdrawn from a well for drinking water or other purposes?**

**If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater?  
Give a general description, purpose, and approximate quantities if known.**

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<sup>8</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-3-Water/Environmental-elements-Groundwater>



The proposed ordinance is a nonproject action and would not directly involve any withdrawals of groundwater or discharge to groundwater. Development projects subject to the proposed ordinance may include new well installations, which are subject to approval by local and/or state health departments. The proposed ordinance includes an update to modify K.C.C. 21A.24.045.C. to remove the allowance for construction of new wells in Landslide Hazard Areas over 40% and Steep Slope Hazard Areas and their buffers, which is not expected to change the amount of groundwater withdrawn. Specifics about wells, the uses they would support, and the quantity of water withdrawn would be addressed at the permit level.

**2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

The proposed ordinance is a nonproject action that would not result in any discharge of waste material into the ground. Development projects subject to the proposed ordinance may discharge waste material from septic tanks or other sources and would be required to treat and dispose of any waste in a manner compatible with state and local regulations. The number of animals or human systems are expected to serve can vary from one to many, and the sizing of such systems would be addressed at the permit level.

Changes proposed under this ordinance that would specifically address wastewater discharges into the ground, in addition to the protective measures provided by the ordinance, include:

- *Maintenance, repair, or replacement of existing on-site sewage disposal system.* A description of specific code changes can be found on page [6](#). The proposed changes would limit the circumstances in which repair or replacement of on-site sewage disposal systems in critical areas are allowed, including siting limitations, minimizing risks from landsliding or erosion, and compliance with public health standards. Allowing continued maintenance, repair, and replacement of on-site systems may help to prevent system failures that could lead to wastewater discharges.
- *Construction of new on-site sewage disposal systems.* A description of specific code changes can be found on page [6](#). The proposed changes would prohibit the construction of a new on-site sewage disposal system in landslide hazard areas over 40%, steep slope hazard areas and their buffers. On-site sewage disposal system designs are affected by slopes, and limiting them in these critical areas may reduce the likelihood of system failures and wastewater discharges.
- *Agricultural activities, generally.* A description of specific code changes can be found on page [11](#).
  - These changes would require the primary use of a site to be “agriculture” for all new and expanded agricultural activities when allowed in critical areas, which would narrow the sites where these facilities could be sited to only those associated with the commercial growing and harvesting of crops and livestock. This element of the proposal focuses regulatory flexibility on supporting commercial agriculture production.
  - Generally, these changes would require farm management plans and implementation of best management practices when new or expanded agricultural activities are proposed in critical areas. Farm management plans are a method to enhance farm viability while avoiding/minimizing soil loss and environmental impacts in unincorporated King County. They are developed on a property-specific basis and include practices drawn from the Natural Resource Conservation Service's list of approved BMPs, such as stream-side fencing, gutters and downspouts, composting manure, pasture management and renovation, weed management techniques, creating sacrifice areas, cross fencing, and pasture rotation of livestock. These BMPs can help to reduce waste discharge and protect critical areas.
  - Other changes to agricultural activities would also address siting and size limitations of these uses and structures.
  - These changes would have the net impact of limiting impacts of waste material discharges in critical areas or their buffers.

- *Manure management and grazing area buffers.* A description of specific code changes can be found on page [11](#). Manure is produced on properties with livestock operations, and it is a type of discharge that may reach surface waters. The proposed changes will have the effect of reducing impacts of livestock operations on wetlands, riparian areas, and associated functions and values by providing larger widths and additional limitations, while including provisions that recognize and support continued agriculture and livestock activities. These changes would likely limit the impact of grazing livestock by eliminating allowances for clearing of native vegetation for grazing areas; prohibiting from entering livestock in aquatic areas and wetlands; operational strategies to minimize environmental degradation. However, impacts could still occur to surface water where grazing activities take place, as the proposal would provide smaller widths than recommended by BAS (BAS report, p. 96) and there remains a potential for impact to aquatic areas, riparian areas, and wetlands over the long term. These smaller buffers would be limited to grazing livestock purposes only and in areas that would not result in the clearing of native forested vegetation. King County implements several programs and non-regulatory measures that would serve to reduce or eliminate potential long-term impacts and risks associated with activities that alter or modify the environment, discussed in greater detail in [Part D](#) of this checklist.
- *Livestock manure storage facilities, livestock heavy use areas, and farm pads.* A description of specific code changes can be found on page [11](#). The proposal would limit where these alterations to existing grazed, tilled, or impervious surfaces, areas without native forest vegetation, and as close to the critical edge as possible. These alterations would also be required to comply with best management practices in a farm management plan. The proposed changes will have the effect of reducing impacts of livestock operations on wetlands, riparian areas, and associated functions and values by providing larger widths and additional limitations, while including provisions that recognize and support continued agriculture and livestock activities.

**c. Water Runoff (including stormwater):**

**1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

The proposed ordinance is a nonproject action that would not directly generate or affect water runoff. This proposal includes increased protection measures to reduce or control water runoff. Such measures proposed include increased wetland buffer and riparian area widths, and increased mitigation ratios for impacts to wetlands, wetland buffers, aquatic areas, and riparian areas, which would create low likelihood of impact from runoff.

Individual development projects subject to the proposed ordinance may generate some water runoff. As with any development in unincorporated King County, on-site stormwater management would need to comply with the King County Surface Water Design Manual, including applicable BMPs for treatment and flow prior to discharge, and existing maximum impervious surface regulations.

Changes proposed under this ordinance that would specifically address water runoff, in addition to the protective measures provided by the ordinance, include:

- *Farm field access drives.* A description of specific code changes can be found on page [12](#). Constructing drives typically involves filling, grading, and/or excavation. The proposed changes may have effect of limiting the number of new access drives that could qualify as farm field access drives, which are eligible for streamlined permitting options and regulatory allowances for commercial agriculture operations. Because all other access drives will be considered private driveways, they are required to meet additional requirements (such as impervious surface, water quality, and flow control requirements), the impact of drives on drainage patterns is likely to decrease.
- *Cutting of firewood.* A description of specific code changes can be found on page [6](#). This proposed change would have the effect of limiting tree cutting, which reduces surface water runoff impacts.
- *Agricultural activities, generally.* A description of specific code changes can be found on page [11](#). The proposed changes would also address siting and size limitations of these uses and structures. Currently,



these activities can occur on sites that are predominantly involved in the practice of agriculture, and clearing was limited to 10,000 sf with tree cover at a uniform density more than 90 trees per acre and with trees at least 4 inches diameter at breast height. The proposal replaces the 10,000 sf allowance with a prohibition on expansion or new activity in aquatic areas or wetlands (except grazed or tilled wet meadows) or a wetland buffer, or riparian area that contains predominately native forest vegetation. This proposed change could potentially allow more new farms to be established, but the proposal places more limits on which areas may be cleared. Therefore, the likelihood of generating runoff is low. Another option for updating the code would be to expand the area that could be converted from dense vegetation to crops, this would likely result in an increase in runoff and would likely increase the pollutants in runoff.

## **2. Could waste materials enter ground or surface waters? If so, generally describe.**

The proposed ordinance is a nonproject action that would not directly result in any waste material entering ground or surface waters. Development projects subject to the proposed ordinance may result in waste matter that could enter ground or surface waters, but such projects would be subject to existing state, local, and federal regulations concerning the protection of surface and ground water.

Waste materials could potentially enter ground or surface waters from sources such as equipment storage, agricultural practices, lawn and landscaping, animal manure, treated wood. Code updates related to waste materials entering ground or surface waters are discussed in [Section B.3.a.6.](#) (related to discharge of waste material in surface waters) and [Section B.3.b.2.](#) (related to discharge of waste material into the ground) and include the following:

- *Maintenance, repair, or replacement of existing on-site sewage disposal system.*
- *Construction of new on-site sewage disposal systems.*
- *Agricultural activities, generally.*
- *Manure management and grazing area buffers.*
- *Livestock manure storage facilities, livestock heavy use areas, and farm pads.* ng provisions that recognize and support continued agriculture and livestock activities.
- *Construction of new trails.*
- *Hazardous substances and toxic materials in docks and piers.*

Refer to those sections for a discussion of impacts.

## **3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.**

The proposed ordinance is a nonproject action with no specific site or location and would not alter or otherwise affect drainage patterns. Development projects subject to the proposed ordinance would also be subject to existing surface water and drainage regulations, which are unchanged by the proposed ordinance.

The proposed ordinance includes several measures to improve and reduce impacts to natural drainage patterns on development sites. These changes have the net effect of preserving more land as pervious critical area or buffers that could support natural drainage patterns. These measures include:

- *Increased critical area and buffer widths* may have the effect of minimizing disturbances to critical areas, limiting alterations that could affect drainage patterns, and allocating more area to critical areas and buffers for drainage to naturally occur, which would reduce impacts to drainage patterns:
  - *Increasing wetland buffer widths* for certain Category I wetlands and Category IV wetlands. A summary of the proposal can be found on page [8](#).
  - *Riparian area measurement method.* Requiring that riparian areas include and be measured from the severe channel migration hazard areas where they have been mapped. A summary of the proposal can be found on page [9](#).

- *Increased riparian area widths.* A summary of the proposal can be found on page [10](#). The proposal increases riparian area widths for all aquatic area types, both inside and outside of the urban growth area.
- *Wetland buffer reduction for certain uses.* A description of specific code changes can be found on page [8](#). The proposed changes would restrict wetland buffer reductions for all high intensity land uses to only dwelling units, mixed-use, daycares, and social service uses in the urban growth area. This reduction is accompanied by required impact minimization measures identified in code. The proposed changes are likely to maintain the integrity of wetland function, thereby helping to reduce and control impacts from surface, ground, and runoff water, as well as impacts to drainage patterns.
- *Mitigation ratio increases* may have the effect of retaining and enhancing vegetation through the creation, enhancement, or rehabilitation of critical areas, which may increase the amount of land and improve the vegetation in critical areas and buffers and may have the effect of improving drainage patterns
  - *Wetland mitigation ratios.* A summary of the proposal can be found on page [9](#). Wetland mitigation ratios are modified or increased to meet BAS and Department of Ecology guidance for many wetland categories and types of mitigation projects.
  - *Riparian area mitigation ratios.* A summary of the proposal can be found on page [10](#). Riparian area mitigation ratios are increased, and alternative options are provided for additional actions.
- *Farm field access drives.* A description of specific code changes can be found on page [12](#). Constructing drives typically involves filling, grading, and/or excavation. The proposed changes may have effect of limiting the number of new access drives that could be constructed, with a focus on streamlining permitting options for commercial agriculture operations. Because other drives will be considered private driveways and need to comply with more stringent requirements (including in the KCSWDM), the impact of drives on drainage patterns is likely to decrease.

**d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:**

The proposed ordinance is a nonproject action that may have direct impacts to surface or ground water, runoff water, or drainage patterns. Increased protection measures to reduce or control potential surface, ground, and runoff water and drainage pattern impacts are proposed under this ordinance, which include increased wetland buffer and riparian area widths.

In addition the other changes mentioned in this Section B.3., proposed code updates to reduce or control surface, ground, and runoff water, and drainage pattern impacts include:

- *Filling of Category IV wetlands.* Removing an alteration allowance for category IV wetlands less than 2,500 square feet and not part of a wetland complex. This proposed change will reduce the number of smaller Category IV wetlands that are filled and therefore increase the likelihood that wetland functions and values, include improvements to water quality, will be increased.

## 4. Plants

Find help answering plants questions

**a. Check the types of vegetation found on the site:**

☒ **deciduous tree:** alder (including Red Alder), maple, aspen, native cherry, ironwood, others

☒ **evergreen tree:** fir, cedar (including Western Red Cedar), pine, Pacific yew, others

☒ **shrubs:** Black huckleberry, Cascade blackberry, salmonberry, blackcap raspberry, others

☒ **grass:** bear grass, others

☒ **pasture**

x crop or grain

x Orchards, vineyards or other permanent crops.

x wet soil plants: cattail, buttercup, bullrush, skunk cabbage, others

x water plants: water lily, eelgrass, milfoil, others

x other types of vegetation: camas, wapato, nettle, cattail, ferns, others

Although the proposed ordinance is a nonproject action with no specific site or location, unincorporated King County includes a variety of vegetation types on the various lands that development projects subject to the proposed ordinance would apply to, including those listed above. Lands within King County include three ecoregions: the Puget Lowland Ecoregion in the western half of the County, which is now largely urbanized, but which contains forest plantations, farms, and cottonwood; and the North Cascades Ecoregion in the northeastern and east central area and the Cascades Ecoregion in the southeastern portion of the County, which both contain Pacific Silver Fir, Alaskan cedar, Mountain hemlock, Subalpine fir, black sedge, mountain heliotrope, and Alaskan spirea.

**b. What kind and amount of vegetation will be removed or altered?**

Although the proposed ordinance is a nonproject action that would not directly remove any vegetation, the development of individual development projects subject to the proposed ordinance could include the removal or alteration of vegetation (potentially of the types identified in [Section B.4.a](#)).

Proposed updates related to vegetation removal or alteration include:

- *Cutting of firewood.* A description of specific code changes can be found on page [6](#). This proposed change would have the effect of limiting tree cutting and preserving vegetation in critical areas.
- *Agricultural activities, generally.* A description of specific code changes can be found on page [11](#). These changes would require the primary use of a site to be “agriculture” for all new and expanded agricultural activities when allowed in critical areas, which would narrow the sites where these facilities could be sited to only those associated with the commercial growing and harvesting of crops and livestock. This element of the proposal focuses regulatory flexibility on supporting commercial agriculture production. Other changes to agricultural activities would also address siting and size limitations of these uses and structures. Currently, these activities can occur on sites that are predominantly involved in the practice of agriculture, and clearing was limited to 10,000 sf with tree cover at a uniform density more than 90 trees per acre and with trees at least four inches diameter at breast height. The proposal removes the 10,000 sf allowance and instead prohibits expansion or new activity in aquatic areas or wetlands (except grazed or tilled wet meadows) or a wetland buffer, or riparian area that contains predominately native forest vegetation. This proposed change could potentially allow more new farms to be established, but the proposal places more limits on which areas may be cleared. Therefore, the likelihood of removing existing native vegetation is low.
- *Manure management and grazing area buffers.* A description of specific code changes can be found on page [11](#). The proposed changes will have the effect of reducing impacts of livestock operations on wetlands, riparian areas, and associated functions and values by providing larger widths and additional limitations, while including provisions that recognize and support continued agriculture and livestock activities. These changes would likely limit the impact of grazing livestock by eliminating allowances for clearing of native vegetation for grazing areas; prohibiting from entering livestock in aquatic areas and wetlands; operational strategies to minimize environmental degradation. However, impacts could still occur to surface water where grazing activities take place, as the proposal would provide smaller widths than recommended by BAS (BAS report, p. 96) and there remains a potential for impact to aquatic areas, riparian areas, and wetlands over the long term. These smaller buffers would be limited to grazing livestock purposes only and in areas that would not result in the clearing of native forested vegetation. King County implements several programs and non-regulatory measures that would serve to

reduce or eliminate potential long-term impacts and risks associated with activities that alter or modify the environment, discussed in greater detail in [Part D](#) of this checklist.

**c. List threatened and endangered species known to be on or near the site.**

The United States Fish and Wildlife Service lists the following endangered or threatened plant species in Washington state: Kincaid's Lupine, Showy stickseed, Spalding's Catchfly, Umtanum desert buckwheat, Ute ladies'-tresses, Wenatchee Mountains checkermallow, White Bluffs bladderpod, and Whitebark pine. The Wenatchee Mountains checkermallow is known to be in eastern King County; none of these other plant species are known to be located in King County. The proposed ordinance is a nonproject action with no specific site or location. Development projects subject to the proposed ordinance will be required to meet all federal, state, and local laws regarding endangered or threatened plant species.

The proposed ordinance does include several increased protections that are not directly related to endangered or threatened plant species but may indirectly benefit plants by providing additional potential habitat through increased buffers and mitigation ratios when impacts occur. These are listed in the section “Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site” below.

**d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.**

Although the proposed ordinance is a nonproject action with no specific site or location, landscaping, use of native plants, or other measures to preserve or enhance vegetation could be proposed for individual developments. As with any development in unincorporated King County, development projects subject to the proposed ordinance would be subject to updated regulations governing landscaping, use of native plants, and vegetation preservation on their respective sites.

The proposed ordinance includes several measures to preserve or enhance vegetation in critical areas and their buffers:

- *Critical area revegetation standards.* A summary of the proposal can be found on page [7](#). The proposed changes would establish requirements for revegetation, prioritizing use of native plantings, allowing for climate-adaptive plants where appropriate, and requiring mitigation to include restoration or creation in riparian areas. The proposed changes would have the effect of strengthening requirements and improving vegetation in critical areas and buffers when mitigation or revegetation occurs.
- *Increased critical area and buffer widths* may have the effect of minimizing disturbances to vegetation and retaining more vegetation in or adjacent to critical areas, which would reduce impacts to existing vegetation:
  - *Increasing wetland buffer widths* for certain Category I wetlands and Category IV wetlands. A summary of the proposal can be found on page [8](#).
  - *Increased riparian area widths.* A summary of the proposal can be found on page [10](#). The proposal increases riparian area widths for all aquatic area types, both inside and outside of the urban growth area.
  - *Riparian area measurement method.* Requiring that riparian areas include and be measured from the severe channel migration hazard areas where they have been mapped. A summary of the proposal can be found on page [9](#).
- *Mitigation ratio increases* may have the effect of retaining and enhancing vegetation through the creation, enhancement, or rehabilitation of critical areas, which would increase the quantity and/or quality of vegetation in critical areas.
  - *Wetland mitigation ratios.* A summary of the proposal can be found on page [9](#). Wetland mitigation ratios are modified or increased to meet BAS and Department of Ecology guidance for many wetland categories and types of mitigation projects.
  - *Riparian area mitigation ratios.* A summary of the proposal can be found on page [10](#). Riparian

area mitigation ratios are increased, and alternative options are provided for additional actions.

- *Mitigation for illegal alterations.* A description of specific code changes can be found on page 7. This proposed change would increase mitigation ratios for illegal alterations to aquatic areas, riparian areas, and wildlife habitat networks, which would help restore, enhance, or rehabilitate these critical areas and buffers in situations where impacts may have already occurred.
- *Filling of Category IV wetlands.* Removing an alteration allowance for category IV wetlands less than 2,500 square feet and not part of a wetland complex. This proposed change will reduce the number of smaller Category IV wetlands that are filled and therefore preserve vegetation in those wetlands.
- *Climate-adaptive plants.* A description of specific code changes can be found on page 8. This proposed change allows for the use of climate-adaptive plants in critical area mitigation and revegetation, which would increase the likelihood of vegetation survival success over time, in a changing climate.

**e. List all noxious weeds and invasive species known to be on or near the site.**

The King County Noxious Weed Program regulates invasive plant species, and requires eradication or control, or recommends control, for over 150 plant species. Class A noxious weeds, adopted in accordance with RCW 17.10 and WAC 16-750, that are known to or have been located in King County, and require eradication by property owners, include Common crupina, Common cordgrass, Dense flower cordgrass, Salt meadow cordgrass, Smooth cordgrass, Dyers woad, Eggleaf spurge, False brome, Floating primrose-willow, Flowering-rush, French broom, Garlic mustard, Giant hogweed, Goatsrue, Hydrilla, Johnsongrass, Bighead knapweed, Short fringed knapweed, Kudzu, Meadow clary, Orange peel clematis, Purple starthistle, Reed sweetgrass, Ricefield bulrush, Rush broom, Clary sage, Mediterranean sage, Silverleaf nightshade, Small-flowered jewelweed, Smooth frogbit, Syrian bean-caper, Texas blueweed, Ashen thistle, Milk thistle, Shore thistle, Slenderflower thistle, Carduus tenuiflorus, Variable-leaf milfoil, and Wild four o'clock. Class B noxious weeds, that are known to have been located in King County, and require control by property owners, include Blueweed (Viper's bugloss), Annual bugloss, Common bugloss, Camelthorn, Common reed (non-native genotypes), Dalmatian toadflax, Egeria, European coltsfoot, Fanwort, Gorse, Grass-leaved arrowhead, Hairy willowherb, Hawkweeds (all non-native species and hybrids of the meadow subgenus), European hawkweed, Orange hawkweed, Hawkweed oxtongue, Hoary alyssum, Houndstongue, Indigobush, Black knapweed, Brown knapweed, Diffuse knapweed, Meadow knapweed, Russian knapweed, Spotted knapweed, Kochia, Garden loosestrife, Purple loosestrife, Parrotfeather, Perennial pepperweed, Policeman's helmet, Rush skeletonweed, Saltcedar, Leafy spurge, Yellow starthistle, Sulfur cinquefoil, Tansy ragwort, Musk thistle, Plumeless thistle, Scotch Thistle, Tocalote, Velvetleaf, Water primrose, White bryony, Wild basil, Wild chervil, Yellow floating heart, and Yellow nutsedge.

Although the proposed ordinance is a nonproject action with no specific site or location, a variety of noxious weeds and invasive species exist in unincorporated King County. The proposed ordinance does not directly change any obligations to control noxious weeds identified by the King County Noxious Weed Control Board.

Improved revegetation standards, replanting requirements, and increased mitigation ratios in the proposed ordinance will likely result in increased removal of invasive species in critical areas and their buffers, causing a low likelihood of impacts.

## 5. Animals

Find help answering animal questions<sup>9</sup>

- a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.**

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<sup>9</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-5-Animals>

**Examples include:**

- **Birds: hawk, heron, eagle, songbirds, other:**
- **Mammals: deer, bear, elk, beaver, other:**
- **Fish: bass, salmon, trout, herring, shellfish, other:**

Although the proposed ordinance is a nonproject action with no specific site or location, a variety of birds, mammals, and fish have been observed in unincorporated King County. There are 221 bird species that are common, uncommon or usually seen on an annual basis in King County. Bird species include hawks, herons, eagles, owls, woodpeckers, Stellar's Jays, songbirds, pheasants, loons and other waterfowl, and shorebirds. There are 70 mammal species that can be found in King County, including shrews, bats, beavers, elk, deer, bears, mountain goats, rabbits, wolves, cougars, seals, and whales. There are 50 species of freshwater fish in King County, including 20 introduced species. Fish and shellfish include clams, and species of salmon and trout. More information on birds and animals found in King County can be found in the BAS Report (Appendix A, page 189) and the 2024 Comprehensive Plan (Section 2, pages 5-21 through 5-29).

**b. List any threatened and endangered species known to be on or near the site.**

Although the proposed ordinance is a nonproject action with no specific site or location, there are a number of federally threatened and endangered species in King County according to the U.S. Fish and Wildlife Service and National Oceanic and Atmospheric Administration. These species include the Canada Lynx, Gray Wolf, North American Wolverine, Marbled Murrelet, Mt. Rainier White-tailed Ptarmigan, Northern Spotted Owl, Streaked Horned Lark, Yellow-billed Cuckoo, Blue whale, Bocaccio, Fin whale, Gray Whale, Humpback whale, Leatherback sea turtle, Southern resident killer whale, Sei whale, Sperm Whale, and Yelloweye Rockfish.

The Washington State Department of Fish and Wildlife lists the following salmonid species as those federally threatened that are known to occur in King County. Skykomish Bull Trout, White River (Puyallup) Bull Trout, Cedar Chinook, Green River (Duwamish) Chinook, Sammamish Chinook, Snoqualmie Chinook, White River Chinook, Cedar River Winter Steelhead, Green River (Duwamish) Winter Steelhead, North Lake Washington and Lake Sammamish Winter Steelhead, Snoqualmie Winter Steelhead, Tolt Summer Steelhead, and White River (Puyallup) Winter Steelhead.

In addition to the federally listed species above, the Washington State Department of Fish and Wildlife lists additional threatened and endangered species not included with the federally listed species: the Western gray squirrel, Mardon skipper, Northwestern pond turtle, and Oregon vesper sparrow. One additional species, fisher, was historically in King County but is thought to now be extinct in this area.

**c. Is the site part of a migration route? If so, explain.**

Although the proposed ordinance is a nonproject action with no identifiable "site," King County is within the Pacific Flyway migratory pathway for birds, and migratory birds use water bodies, shorelines, mud flats, and grassy areas/meadows throughout King County. There are numerous streams and water bodies within the County that serve as migration routes for anadromous fish. These water bodies could potentially be near or cross through sites where development projects are proposed that could be subject to the proposed ordinance. Additionally, a map of the King County Wildlife Habitat Networks, intended to facilitate animal dispersal by connecting isolated critical areas, segments, open space, and wooded areas on adjacent properties, is included in the 2024 King County Comprehensive Plan. Elk, other mammals, and bird species migrate seasonally. Daily movements include animal species moving around to get their daily needs met, and this movement can be impacted by fences, roads, culverts, and land use cover and change. Mammals, amphibians, and reptiles are most affected by barriers to movement.

**d. Proposed measures to preserve or enhance wildlife, if any.**



The proposed ordinance is a nonproject action and would not have any direct impacts to wildlife; however, measures are proposed to preserve or enhance wildlife. Any development projects that would be subject to the proposed ordinance would also be subject to existing federal, state, and local wildlife regulations.

The proposed ordinance includes the following measures, which are intended to further preserve or enhance wildlife in addition to existing provisions in the current code:

- *Cutting of firewood.* A description of specific code changes can be found on page [6](#). This proposed change would prohibit cutting of trees containing an active nest. This would further protect wildlife habitat and any animals nesting at the time.
- *New roads in unimproved right-of-way.* The proposed changes would prohibit new roads in unimproved right-of-way as an allowed alteration in all critical areas, potentially decreasing impacts from construction and operations, disconnected wildlife corridors, and habitat removal.
- *Construction of new trails.* A description of specific code changes can be found on page [7](#). The proposed changes would require additional width to be added to wildlife habitat networks equal to the width of the trail corridor when a trail is constructed in these critical areas, ensuring the width for wildlife habitat networks is not decreased.
- *Manure management and grazing area buffers.* A description of specific code changes can be found on page [11](#). The proposed changes will have the effect of preserving more vegetation, which would benefit wildlife and reducing impacts of livestock operations on wetlands, riparian areas, and associated functions and values by providing larger widths and additional limitations, while including provisions that recognize and support continued agriculture and livestock activities. These changes would likely limit the impact of grazing livestock by eliminating allowances for clearing of native vegetation for grazing areas; prohibiting from entering livestock in aquatic areas and wetlands; operational strategies to minimize environmental degradation. However, impacts could still occur to wildlife where grazing activities take place, as the proposal would provide smaller widths than recommended by BAS (BAS report, p. 96) and there remains a potential for impact to wildlife over the long term. These smaller buffers would be limited to grazing livestock purposes only and in areas that would not result in the clearing of native forested vegetation. King County implements several programs and non-regulatory measures that would serve to reduce or eliminate potential long-term impacts and risks associated with activities that alter or modify the environment, discussed in greater detail in [Part D](#) of this checklist.
- *Increased critical area and buffer widths* would have the effect of preserving and enhancing more habitat for wildlife:
  - *Increasing wetland buffer widths* for certain Category I wetlands and Category IV wetlands. A summary of the proposal can be found on page [8](#).
  - *Riparian area measurement method.* A summary of the proposal can be found on page [9](#).
  - *Increased riparian area widths.* A summary of the proposal can be found on page [10](#).
  - *Riparian areas overlap with alluvial fan hazard areas.* A summary of the proposal can be found on page [10](#).
- *Mitigation ratio increases* may have the effect of retaining and enhancing vegetation through the creation, enhancement, or rehabilitation of critical areas, which serve as habitat for wildlife. Increased mitigation ratios, which require a greater area to be revegetated or restored when an impact occurs, are proposed to densify buffers and riparian areas with native vegetation, likely increasing quality and quantity of wildlife habitat.
  - *Wetland mitigation ratios.* A summary of the proposal can be found on page [9](#). Wetland mitigation ratios are modified or increased to meet BAS and Department of Ecology guidance for many wetland categories and types of mitigation projects.
  - *Riparian area mitigation ratios.* A summary of the proposal can be found on page [10](#). Riparian area mitigation ratios are increased, and alternative options are provided for additional actions. The proposed changes include alternative measures such as large wood, wildlife snags, or fish passage barrier removal, which provide immediate benefit for wildlife.

- *Filling of Category IV wetlands.* Removing an alteration allowance for category IV wetlands less than 2,500 square feet and not part of a wetland complex. This proposed change will reduce the number of smaller Category IV wetlands that are filled and therefore increase the likelihood of preserving existing habitat.
- *Wetland buffer reduction for certain uses.* A description of specific code changes can be found on page [8](#). When reductions are allowed for certain uses, developments are required to install wildlife lighting and wildlife passable fencing and locate noise-generating activities away from the wetland. The proposed changes have the effect of not increasing impacts to wildlife by reducing the effects of human activities on wildlife and their habitat.
- *Mitigation for illegal alterations.* A description of specific code changes can be found on page [7](#). This proposed change would increase mitigation ratios for illegal alterations to aquatic areas, riparian areas, and wildlife habitat networks, which would help restore, enhance, or rehabilitate wildlife habitat in situations where impacts may be greater than in situations where projects are permitted and inspected.
- *Aquatic area and riparian area work windows.* A description of specific code changes can be found on page [10](#). The proposed changes would allow the County additional flexibility to restrict work windows in aquatic areas for protection of fish or to match state and federal permits, which may provide more restrictive windows.

These changes would all help to preserve and enhance wildlife and wildlife habitat and reduce the likelihood of impacts to wildlife.

**e. List any invasive animal species known to be on or near the site.**

Although the proposed ordinance is a nonproject action with no specific site or location, numerous invasive animal species are known to exist in unincorporated King County. The Washington Invasive Species Council, established by the Washington State Legislature, has identified 16 animal species and 13 insect species that are considered invasive in Washington State. According to the Washington Invasive Species Council, King County is known or suspected to have the following invasive animal and insect species: African Clawed Frog, American bullfrog, European Chafer, European green crab, New Zealand mudsnail, Nutria, Tunicate, European Starling, House Sparrow, Eastern gray squirrel, and Fox squirrel. King County also maintains a list of invasive animal species, which can be found here:

<https://kingcounty.gov/services/environment/animals-and-plants/biodiversity/threats/Invasives.aspx>.

Invasive species may be located on a site that could be subject to the proposed ordinance.

Changes in the proposed ordinance that could affect invasive species include:

- *Increasing wetland buffers.* Modifying K.C.C. 21A.24.325.A. to increase the required wetland buffer width on Category I and IV wetlands for high, moderate, and low impact land use activities. Increasing wetland buffers increases the amount of land where limited disturbance is allowed.
- *Increasing riparian area widths.* Modifying K.C.C. 21A.24.358 to increase riparian area widths for aquatic areas.

These changes increase the area where development and other activities would be limited. In addition to providing habitat for native wildlife, the increases to protected areas could also provide habitat for invasive animal species, potentially increasing the likelihood invasive animal species could spread.



## 6. Energy and natural resources

Find help answering energy and natural resource questions<sup>10</sup>

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

Although the proposed ordinance is a nonproject action that would not have direct energy needs, any development project subject to the proposed ordinance would be subject to existing energy codes and regulations.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

The proposed ordinance is a nonproject action that would not have any direct impacts to the use of solar energy. Implementation of the proposed ordinance in individual development projects is unlikely to affect the potential use of solar energy by adjacent properties.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.**

The proposed ordinance is a nonproject action that would not have any direct impacts to energy use, and therefore no energy conservation features are included. Development projects subject to the proposed ordinance could include energy conservation features or other measures to reduce any energy impacts.

## 7. Environmental health

Health Find help with answering environmental health questions<sup>11</sup>

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.**

The proposed ordinance is a nonproject action that would not directly cause any environmental health hazards. It is possible that development projects subject to the proposed ordinance could result in exposure to toxic chemicals, risk of fire and explosion, spills, or hazardous waste. To the extent any such development created such exposure or risk, those hazards would be regulated by existing state and local regulations.

- 1. Describe any known or possible contamination at the site from present or past uses.**

The proposed ordinance is a nonproject action with no specific site or location. Sites with contamination exist within unincorporated King County where development projects could be proposed that are subject to the proposed ordinance. These sites would be required to meet any remediation requirements prior to grading.

- 2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

The proposed ordinance is a nonproject action with no specific site or location. Sites with hazardous chemicals/conditions exist within unincorporated King County and development could be proposed on them

<sup>10</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-6-Energy-natural-resou>

<sup>11</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-7-Environmental-health>

that is subject to the proposed ordinance. Such development would be subject to existing federal, state, and local regulations regarding chemical hazards and liquid and gas transmission pipelines.

**3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

Although the proposed ordinance is a nonproject action that would not include the storage, use, or production of any toxic or hazardous chemicals, development projects subject to the proposed ordinance could require the use of toxic or hazardous chemicals, such as gasoline or diesel fuel, to operate construction equipment. Individual development projects would be required to store, use, and produce any toxic or hazardous chemicals, such as cleaning supplies, in accordance with applicable laws and regulations.

**4. Describe special emergency services that might be required.**

The proposed ordinance is a nonproject action that would not have any direct impacts, and implementation of the proposed ordinance is not anticipated to generate any additional special emergency services for the development projects to which it would apply.

**5. Proposed measures to reduce or control environmental health hazards, if any.**

The following changes were not proposed specifically as measures to reduce or control environmental health hazards, but would have the effect of reducing or controlling environmental health hazards:

- *Construction of new trails.* A description of specific code changes can be found on page [7](#). The proposal would limit the herbicides, hazardous substances, sealants, or other liquid oily substances, which would reduce the amount of chemicals from entering ground or surface waters.
- *Hazardous substances and toxic materials in docks and piers.* The proposal would require maintenance, repair, or replacement of docks and piers on Type S and F aquatic areas to not use hazardous substances or toxic materials, which would reduce waste materials from treated wood and other construction materials from entering ground or surface waters.

**b. Noise**

**1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

The proposed ordinance is a nonproject action with no specific site or location that can be evaluated for existing noise levels. Various types of noise exist in the areas where the proposed ordinance could apply, including noise from traffic, operation of equipment, and more. These noise sources are not anticipated to affect implementation of the proposed ordinance.

**2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?**

The proposed ordinance is a nonproject action that would not have any direct noise impacts, and implementation of the proposed ordinance is not anticipated to generate any additional noise for the development projects to which it would apply.

**3. Proposed measures to reduce or control noise impacts, if any:**

The proposed ordinance is a nonproject action that would not have any direct noise impacts.

The following changes were not proposed specifically as measures to reduce or control the production of noise, but would have the effect of reducing and controlling the production of noise:

- Increased critical area and buffer widths may reduce noise by providing a physical barrier to noise,

depending on the density of vegetation within the buffer:

- *Increasing wetland buffer widths* for certain Category I wetlands and Category IV wetlands. A summary of the proposal can be found on page [8](#).
- *Riparian area measurement method*. A summary of the proposal can be found on page [9](#).
- *Increased riparian area widths*. A summary of the proposal can be found on page [10](#).
- *Riparian areas overlap with alluvial fan hazard areas*. A summary of the proposal can be found on page [10](#).
- *Wetland buffer reduction for certain uses*. A description of specific code changes can be found on page [8](#). The proposed changes would continue to allow wetland buffer reductions for dwelling units, mixed-use, daycares, and social service uses in the urban growth area if noise is directed away from a wetland. This proposed change may reduce noise impacts on wetlands and their buffers.

## 8. Land and shoreline use

Find help answering land and shoreline use questions<sup>12</sup>

### **a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

The proposed ordinance is a nonproject action with no specific site or location and would not have any direct impacts on the current land uses on nearby or adjacent properties. As a whole, unincorporated King County is predominantly forestland to the east and predominantly rural with agricultural areas to towards the center adjacent to more urban incorporated areas of the County, and pockets of urban unincorporated areas between incorporated cities. The proposed ordinance would not change or impact current land use designations or zoning classifications in unincorporated King County. The proposed ordinance does not change the uses allowed on properties in the K.C.C. land use tables.

The proposed ordinance updates the standards for certain kinds of development, including the removal of allowed alterations in some types of critical areas for construction of nonresidential structures and construction or maintenance of a farm pond, fish pond, or livestock watering pond, and the construction of new single detached residences in an aquatic area, riparian area, or channel migration zone, affecting land uses on these properties.

Through updated mitigation regulations, the proposed ordinance may reduce the amount and intensity of development within critical areas and their buffers in some instances; in such cases, the ordinance may shift development intensity to outside of critical areas.

The County prepared a high-level GIS analysis of the potential impacts of the updated riparian area widths on potential property development within urban unincorporated King County. The analysis was conservative in that it applied the widest proposed riparian area width to all streams and did not take into account site-specific application of exceptions through the permitting process, such as code allowances for clustering, buffer averaging, alterations, and provisions for alteration exceptions and reasonable use exceptions. The analysis found that approximately 9.8% of analyzed parcels are potentially impacted by existing riparian area widths applied to Type S and F streams and that the proposed changes in riparian area widths from 115 feet to 180 feet could potentially impact an additional approximately 3.4% of parcels. King County growth targets will continue to be accommodated within the amount of land available for development.

### **b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance**

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<sup>12</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-8-Land-shoreline-use>

**will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

Some sites where a development project is proposed that would be subject to the proposed ordinance could have been or may currently be used as working farmland or forest lands. Proposed limitations on properties enrolled in the Farmland Preservation Program, within the APD or FPD, or in Agricultural (A) or Forestry (F) zones would apply to development projects that would be subject to the proposed ordinance.

The proposed ordinance is a nonproject action with no specific site or location, and the proposed changes are not anticipated to convert agricultural or forest lands to other uses.

**Working Farmlands and Agriculture**

King County continues to have significant agricultural land supporting a local food economy. As noted in the BAS Report, about 48,000 acres of farmland, including 41,000 acres in Agricultural Production Districts (APDs) exist in King County, where agriculture is the predominant land use. King County has five APDs: Sammamish River, Snoqualmie River, Lower Green River, Upper Green River, and Enumclaw Plateau. Within APDs, approximately 27,000 acres (65%) are considered farmable, and the remaining 14,000 acres are not farmable, including forests, developed areas, and waterbodies. More than 15,000 acres of farmland are permanently protected through the Farmland Preservation Program.

Based on recent GIS analysis of recently updated stream typing and wetland map layers, the County estimates that 5.7% of mapped stream miles and 17% of mapped wetland acres in unincorporated King County are located in the Agriculture zone.

The proposal, with provisions supporting existing commercial agriculture and current footprints, is not anticipated to take land out of production. However, the proposal is likely to impact the potential to expand the footprint of new or existing agriculture into wetlands, wetland buffers, and riparian areas with established native vegetation. A discussion of impacts on new or expanded agriculture is discussed in [Section B.8.b.1.](#), below.

**Working Forest Lands**

Approximately 60% of the County, over 825,000 acres, of land are designated as Forest Production District (FPD) lands, which includes forested and non-forested lands, including waterbodies, roads, and lands that have been converted to other uses.

The County regulates development and the conversion of forest land, issuing permits to ensure compliance with standards such as SEPA, the Surface Water Design Manual, clearing and grading standards, and the critical areas code. Timber harvesting, unless done within the Urban Growth Area or converting land from forest to some other use (e.g., housing, pasture, pavement etc.) is regulated by the state Dept. of Natural Resources. The proposed code changes may affect how much land can be cleared under permits issued by the County but is unlikely to cause forest land of long-term commercial significance to be converted to other uses.

Working forest lands may be affected by a proposal to add forest service roads and roads associated with moderate impacts to the list of uses in K.C.C. 21A.24.325 that assigns categories of impact to wetlands. The category of impact determines, (in part) the size of the wetland buffer. Forest service roads and roads associated with moderate impacts were previously not listed in the K.C.C. This update makes it clear which buffers apply to these uses.

- 1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

The proposed ordinance is a nonproject action that would not directly affect or be affected by the normal business operations of working farmland or forestland.

*Working farm land normal business operations.* Some of the proposed changes to regulations may limit opportunities for certain types of activities and development on new or expanded agricultural uses or activities in favor of strengthening protection of critical area functions and values. The continued allowance for existing agriculture that does not meet proposed CAO standards may have an impact on critical area functions and values. The proposed changes should have minimal effects on existing agricultural operations.

The proposal could both affect and be affected by working farmlands. The provisions summarized here are anticipated to reduce impacts of working farmlands on critical areas like wetlands and aquatic areas when compared to current standards while retaining and clarifying provisions that support existing commercial agriculture. Measures to address such impacts are discussed in question 1 and 2 of Part D below. The following proposed changes would affect or be affected by working farmland:

- *Agricultural activities, generally.* A description of specific code changes can be found on page [11](#). The proposed changes would address siting and size limitations of agricultural uses and structures. Currently, these activities can occur on sites that are predominantly involved in the practice of agriculture, and clearing is limited to 10,000 sf with tree cover at a uniform density more than 90 trees per acre and with the predominant mainstream diameter of the trees at least 4 inches diameter at breast height. The proposal replaces the 10,000 sf allowance with a prohibition on expansion or new activity in aquatic areas or wetlands (except grazed or tilled wet meadows) or a wetland buffer, or riparian area that contains predominately native forest overstory, shrub, or herbaceous layer. The proposed ordinance also clarifies that agriculture must be the primary activity on the site, regardless of whether this was the primary use historically. This proposed change could potentially allow more new farms to be established, but the proposal places more limits on which areas may be cleared.
- *Increased critical area and buffer widths* would have the effect of potentially decreasing the amount of unfarmed land that would be available for new or expanded agriculture in critical areas.
  - *Increasing wetland buffer widths* for certain Category I wetlands and Category IV wetlands. A summary of the proposal can be found on page [8](#).
  - *Riparian area measurement method.* A summary of the proposal can be found on page [9](#).
  - *Increased riparian area widths.* A summary of the proposal can be found on page [10](#).
  - *Riparian areas overlap with alluvial fan hazard areas.* A summary of the proposal can be found on page [10](#).
- *Mitigation ratio increases* may have the effect of requiring more land to be devoted to on-site mitigation when new or expanded agricultural activities impact critical areas, potentially removing some land from future production.
  - *Wetland mitigation ratios.* A summary of the proposal can be found on page [9](#). Wetland mitigation ratios are modified or increased to meet BAS and Department of Ecology guidance for many wetland categories and types of mitigation projects.
  - *Riparian area mitigation ratios.* A summary of the proposal can be found on page [10](#). Riparian area mitigation ratios are increased, and alternative options are provided for additional actions.
- *Manure management and grazing area buffers.* A description of specific code changes can be found on page [11](#). The proposed changes will have the effect of reducing where new or expanded livestock operations may locate in wetlands, wetland buffers, aquatic areas, and riparian areas. The proposal balances critical area functions and values by providing larger widths and additional limitations, while including provisions that recognize and support continued agriculture and livestock activities.
- *Farm field access drives.* A description of specific code changes can be found on page [12](#). The proposed changes may have the effect of limiting what can be considered a farm field access drive, which in turn limits where a drive can be constructed within critical areas. The proposed changes may have effect of limiting the number of new access drives that could qualify as farm field access drives, which are

eligible for streamlined permitting options and regulatory allowances for commercial agriculture operations.

- *Livestock manure storage facilities, livestock heavy use areas, and farm pads.* A description of specific code changes can be found on page [11](#). The proposed changes require the site to have horticultural or grazing activities and limit where they can be located on a site. The proposed changes may have the effect of limiting the size, scale, and location of these facilities.
- *Nonresidential farm buildings.* A description of specific code changes can be found on page [12](#). The proposed changes require the site to have horticultural or grazing activities and limit where they can be located on a site. The proposed changes may have the effect of limiting the size, scale, and location of these facilities.
- *Grading.* A description of specific code changes can be found on page [5](#). Grading would be allowed in alluvial fan hazard areas and overlapping critical areas in order to address the emergency or imminent threat to agricultural activities structures necessary to store equipment, produce, or livestock. In order to use this allowed alteration, applicants would need to take steps to minimize the scope of work done within critical areas and mitigate for impacts, so that the risk of future emergencies is minimized.

*Working forest land normal business operations.* King County has limited regulatory authority over timber harvesting that occurs in forest lands. Of the 4 permit classes of forest practice, King County administers one type (Class IV-general) related to the conversion land from forest to some other use (e.g., housing, pasture, pavement etc.). The County regulates development and the conversion of forest land, issuing permits to ensure compliance with standards such as SEPA, the Surface Water Design Manual, clearing and grading standards, and the critical areas code. All other forest practices in forest lands are administered by the State Department of Natural Resources. The proposed ordinance is likely to affect how much land can be cleared under permits issued by the County in circumstances related to agricultural uses or replacement of existing structures, but they are unlikely to affect standard forest practice activities.

**c. Describe any structures on the site.**

Although the proposed ordinance is a nonproject action with no specific site or location, various structures are located on parcels within unincorporated King County, where the proposed ordinance would apply.

**d. Will any structures be demolished? If so, what?**

Although the proposed ordinance is a nonproject action that would not directly result in any demolition, existing structures could be demolished as part of a development project that would be subject to the proposed ordinance. The nature of and extent to which those structures could be demolished is unknown at this time and would be subject to all regulations at the time of demolition.

**e. What is the current zoning classification of the site?**

The proposed ordinance is a nonproject action with no specific site or location; development projects subject to the proposed ordinance could occur in any zoning classification that allows development or use of the land. The proposed changes in the proposed ordinance generally focus on if, where, and how alterations are allowed within specific critical areas or their buffers. Changes related specifically to zoning classifications are limited to the following:

- *Farm field access drives.* A description of specific code changes can be found on page [12](#). The proposed changes would limit farm field access drives to those properties in Agricultural Production District, enrolled in the Farmland Preservation Program, or zoned A.
- *Rural stewardship land category.* The proposed ordinance removes the rural stewardship category from the PBRs program for properties zoned RA, A, or F with rural stewardship plans.

The proposed changes are not anticipated to affect zoning classifications.

**f. What is the current comprehensive plan designation of the site?**



The proposed ordinance is a nonproject action with no specific site or location; development projects subject to the proposed ordinance would occur in any land use designation that allows development or use of the land.

**g. If applicable, what is the current shoreline master program designation of the site?**

The proposed ordinance is a nonproject action with no specific site or location; development projects subject to the proposed ordinance could occur in any shoreline master program designation that allows development or use of the land. The CAO applies to critical areas and their buffers to the extent they've been adopted into the SMP in the shoreline jurisdiction, therefore, development projects subject to the proposed ordinance would be applied in any shoreline designation when critical areas are present.

**h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

Although the proposed ordinance is a nonproject action with no specific site or location, portions of unincorporated King County are classified as critical areas where a development project could be proposed that would be subject to the proposed ordinance. Specifically, the K.C.C. currently designates the following as critical areas: coal mine hazard areas, erosion hazard areas, flood hazard areas, coastal high hazard areas, channel migration zones, landslide hazard areas, seismic hazard areas, volcanic hazard areas, steep slope hazard areas, critical aquifer recharge areas, wetlands, aquatic areas, and wildlife habitat networks and conservation areas. The proposed ordinance adds alluvial fan hazard areas, tsunami hazard areas, and riparian areas as newly designated critical areas.

*Aquatic areas and riparian areas.* Based on recently updated stream type mapping, there are an estimated 5,694 miles of stream in unincorporated King County. An estimated 4,347 stream miles are found in the Forestry zone, 9 miles in the Mineral Zone, 82 miles in urban unincorporated King County, 328 miles in the agriculture zone, and 928 miles in Rural Area or other zoning. The majority of streams (98% of stream miles) that have been typed are classified as either Type S or Type F.

*Wetlands.* Based on recently updated wetland maps for King County, there are an estimated 32,305 acres of wetlands in unincorporated King County, with approximately 4% (1,353 acres) in urban unincorporated King County, 17% (5,593 acres) in the Agriculture zone, 47% (15,316 acres) found in the Forest zone, 4% (127 acres) in the Mineral zone, and 30% (9,917 acres) in the Rural Area or other zoning. Category I wetlands that are classified by the Wetland Rating System for Western Washington as "wetlands with special characteristics," include bogs, estuarine, coastal lagoons, or wetlands of high conservation value (WHCV). These wetland types are relatively rare in King County:

- The total number of bogs in unincorporated King County is not precisely known but is expected to be fewer than 100.
- Estuarine wetlands would be limited to a small number of coastal areas on Vashon Island, likely fewer than ten wetlands exist.
- Coastal lagoon wetlands are expected to be quite rare (3 or fewer) in unincorporated King County, given the specific conditions required, and they would be limited to Vashon Island.
- A rough GIS analysis indicated that there may be around 208 WHCV wetlands in unincorporated King County based on mapped WNHP wetlands, with about half of these located on public lands.

Precise information on the quantity and distribution of Category IV wetlands is not easily attainable, but anecdotal experience suggests they make up less than 25% of the total number of wetlands and encompass a smaller area than the other categories.

*Alluvial fan hazard areas* are typically found where streams coming down a canyon reach a flatter valley floor or major river floodplain and drop gravel, rocks, and sediment. There are several alluvial fans in the

Snoqualmie Watershed. Alluvial fan hazard areas often overlap with other critical areas, including flood hazard areas, aquatic areas, and landslide hazard areas.

*Tsunami hazard areas* are mapped by the Washington State Department of Natural Resources and in unincorporated King County are found on Vashon-Maury Island and the Lower Duwamish River.

*Flood hazard areas* are found on major rivers and streams including but not limited to major rivers like the Snoqualmie, Green, Lower Duwamish, White, Cedar, Skykomish, Raging, Tolt, and Sammamish Rivers; streams like Issaquah and May Creeks; closed depressions; and coastal areas along Vashon Maury Island. More information on flood hazard maps can be found at <https://kingcounty.gov/en/dept/dnrp/nature-recreation/environment-ecology-conservation/flood-services/floodplain-maps/floodplain-maps>.

*Channel migration zones* have been mapped for many rivers in King County, including reaches of the Greenwater, Middle White, Raging, South Fork Skykomish, Tolt, Cedar, Snoqualmie 3-Forks, and Green Rivers. The County continues to map Channel Migration Zones for additional streams, which will be adopted by public rule over time. More information on Channel Migration Zone maps both current and in development can be found here: <https://kingcounty.gov/en/dept/dnrp/nature-recreation/environment-ecology-conservation/flood-services/floodplain-maps/channel-migration-hazards>.

*Coal mine hazard areas* are mostly found east of Black Diamond, Maple Valley, Newcastle, and Renton. and total approximately 90 acres in unincorporated King County.

*Steep slope hazard areas and landslide hazard areas* are found throughout unincorporated King County and total over 16,000 acres.

*Volcanic hazard areas* are found in the vicinity of Mt. Rainier.

As the focus of this proposed ordinance is to update the regulations and policies surrounding critical areas, the proposed changes affecting critical areas are summarized in Section A.11 (beginning on page 4). The proposed CAO updates have the cumulative effect of strengthening protection of and reducing the impacts of development on the environment, including the functions of critical areas like wetlands and aquatic areas compared to current code.

**i. Approximately how many people would reside or work in the completed project?**

The proposed ordinance is a nonproject action that would not directly result in a completed project where people would reside or work. Some of the individual development projects that are subject to the proposed ordinance could have employees or residents, or both. The number of persons living or working in the subject buildings would depend on the individual land uses, square footages, and regulations affecting those individual development projects.

Changes proposed under this ordinance that may affect the number of people residing in or working in King County include:

- Changes to critical area and buffer widths, which may reduce the total available land for development:
  - *Increasing wetland buffer widths* for certain Category I wetlands and Category IV wetlands. A summary of the proposal can be found on page 8.
  - *Riparian area measurement method*. A summary of the proposal can be found on page 9.
  - *Increased riparian area widths*. A summary of the proposal can be found on page 10.
  - *Riparian areas overlap with alluvial fan hazard areas*. A summary of the proposal can be found on page 10.
- The proposal includes increasing riparian area widths for all adjacent aquatic area types. Increased



riparian area widths may affect up to 3.4% of parcels in the urban unincorporated areas. Provisions in code for buffer averaging or reduction, critical area alteration exception, and reasonable use exception are measures that reduce the impact of the new riparian area widths on the location and extent of new development. At the same time, it is anticipated that more permit applications would be subject to critical areas review, including cost and time to address through the permit review process.

- *Construction of a new on-site sewage disposal system or well.* A description of specific code changes can be found on page 6. The proposed changes would prohibit the construction of a new on-site sewage disposal system in landslide hazard areas over 40% slope, steep slope hazard areas and their buffers, which may have the effect of prohibiting or limiting development on sites that are not connected to a sewer system and are encumbered with slopes over 40% or buffers. The likelihood of new development being affected by this proposed change is low, as sites encumbered with landslide hazard areas over 40% slope, steep slope hazard areas, and their buffers would already be limited in development capacity.

**j. Approximately how many people would the completed project displace?**

The proposed ordinance is a nonproject action and would not directly result in any displacement. Under current King County Code, 42% of unincorporated King County's development capacity is in areas with at least moderate risk of displacing current residents. Displacement risk is higher in urban unincorporated King County than in rural unincorporated King County. Implementation of the proposed ordinance is not anticipated to affect the likelihood of displacement.

**k. Proposed measures to avoid or reduce displacement impacts, if any.**

Because the proposal is not anticipated to affect the likelihood of displacement under KCC, no measures to avoid or reduce displacement impacts are proposed. Projects would be subject to existing policies and regulations governing displacements and relocations and would be evaluated during project-level environmental and permit reviews.

**l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.**

The Growth Management Act (RCW 36.70A) requires protection of critical areas, and this proposed ordinance implements this requirement. The proposed ordinance was also drafted to be compatible with existing and projected land uses and plans, including specifically the 2024 King County Comprehensive Plan and associated development regulations. The King County Comprehensive Plan contains policies to protect the environment and critical areas, implemented by the proposed ordinance. The King County Comprehensive Plan supports planning for and accommodating housing that is affordable to all economic segments of the population, promoting a variety of residential densities and types, and encouraging preservation of existing housing stock and encouraging affordable, innovative, quality infill development and redevelopment in existing unincorporated urban areas. It also supports keeping agriculture the predominant land use in APDs and preventing new alterations and uses from conflicting with commercial farming.

King County's critical area alteration exception and reasonable use exception processes will be retained to provide a potential pathway for housing or otherwise zoning-compatible uses. There are some proposed clarifications to the text, and alluvial fan and channel migration hazard areas are proposed to be excluded from critical area alteration exceptions and reasonable use exceptions due to safety risks.

The following measures are proposed to ensure the proposed ordinance is compatible with existing and projected land uses and plans:

- *Buffer averaging.* Retaining buffer averaging provisions for wetland buffers and riparian areas, which are existing and proposed to remain. Averaging provides flexibility on constrained sites to allow development while protecting and enhancing critical areas.

- *Wetland buffer reduction for certain uses.* A description of specific code changes can be found on page [8](#). The proposed changes would continue to allow wetland buffer reductions for dwelling units, mixed-use, daycares, and social service uses in the urban growth area. Maintaining the reduction for these uses would support housing related comprehensive plan goals.
- *Increased riparian area widths.* A summary of the proposal can be found on page [10](#). The proposal includes increasing riparian area widths for all adjacent aquatic area types. Different riparian area widths are provided for Type S and F within the urban growth area, which is lower than requirements outside the urban growth area, to accommodate housing related comprehensive planning goals.
- The Permitting Division plans to develop updated customer bulletins to help communicate and support consistent and efficient implementation of code updates that are adopted in this proposal.

**m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:**

**Agricultural Lands**

Longstanding and updated King County Comprehensive Plan policies support development of incentives to support agriculture, including property tax reductions, permit exemptions for activities complying with best management practices, alteration allowances in critical areas, agricultural drainage assistance, and other programs.

The proposal includes regulatory updates for riparian areas, wetlands, grazing area buffers, and alluvial fan hazard areas. Based on recent GIS analysis of recently updated stream typing and wetland map layers, the County estimates that 5.7% of mapped stream miles and 17% of mapped wetland acres in unincorporated King County are located in the Agriculture zone.

Both current code and proposed updates include recognition of commercial agriculture in continuous operation with allowances, exemptions, and more flexible application of standards for many agricultural activities, often with the condition of consistency with a farm management plan.

Established commercial agricultural activities that currently exist within critical areas are allowed to continue, and existing regulations allow for some new and expanded activities to be established in critical areas when a farm management plan indicates no alternative locations exist and applies appropriate BMPs. The proposed ordinance would update where and how much conversion of existing land for other agricultural products and expansion of existing activities (namely horticulture activities, grazing of livestock, and commercial fish farms) and establishment of new agricultural activities may take place. These changes are proposed to only be allowed on sites where the primary activity is agriculture, with a farm management plan, and outside of areas cleared under a forest practice permit, an aquatic area, a wetland that is not a grazed or tilled wet meadow, wetland buffers or riparian areas with predominantly native plants. The proposed ordinance also clarifies that agriculture must be the primary activity on the site, regardless of whether this was the primary use historically. There is no longer an allowance for conversion or establishment into an area that is less than ten thousand square feet with tree cover at a uniform density of 90 trees per acre. Taken together, these proposed changes are unlikely to have an impact on agricultural uses.

The proposed code also includes clarification about what is considered existing and new agriculture. For existing agriculture: the proposal clarifies what uses are considered existing in a way that affirms that existing agriculture can remain in its existing footprint and recognizes intentional fallow periods of up to seven years. In response to public comments, the definition has been further clarified to reflect that existing agriculture includes farms established prior to January 1, 2005, and those established after January 1, 2005, and in continuous existence regardless of transfer of ownership, sale, or leasing.

The proposal also updates, in response to public comments, the criteria used to distinguish “commercial production of agriculture” for the purpose of applying certain code flexibilities and fee reductions. The intent of this proposed change is to maintain supportive code provisions for commercial agriculture consistent with Comprehensive Plan policies and to ensure that the criteria do not discourage or limit new farmers from pursuing new agricultural operations, especially in a location with existing agricultural operations.

For expansion of existing agriculture and new agriculture, the proposal would limit new clearing of established native vegetation in wetlands, wetland buffers, and riparian areas that are not grazed or tilled wet meadows. The intent of this restriction is to ensure no net loss of functions and values of these critical areas due to clearing of native vegetation. The proposal retains allowances for clearing of invasive plants like reed canary grass and blackberries in these areas and returning to agriculture.

### Forest Lands

Most nonconversion forest practices on forest lands of long-term commercial significance are regulated by Washington State Department of Natural Resources and not subject to County permits. In cases where a given scope of work was to require a King County permit (e.g., conversion from a forestry use to a different use, or timber harvest within shorelines of statewide significance), existing codes pertaining to critical areas, shorelines, surface water management, and clearing and grading would apply. No measures to reduce or control impacts to forest lands are proposed.

## 9. Housing

Find help answering housing questions<sup>13</sup>

**a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

The proposed ordinance is a nonproject action. Development of projects that would be subject to the proposed ordinance would not directly result in the provision of any units of housing.

Changes in the proposed ordinance that could affect the provision of housing units include:

- Changes to critical area and buffer widths, which may reduce the total available land for development:
  - *Increasing wetland buffer widths* for certain Category I wetlands and Category IV wetlands. A summary of the proposal can be found on page [8](#).
  - *Riparian area measurement method*. A summary of the proposal can be found on page [9](#).
  - *Increased riparian area widths*. A summary of the proposal can be found on page [10](#).
  - *Riparian areas overlap with alluvial fan hazard areas*. A summary of the proposal can be found on page [10](#).

The proposal is anticipated to result in a minimal decrease in the potential for new housing units (less than 3%) in the urban unincorporated areas newly impacted by the proposed wider riparian area widths.

Additionally, the riparian area’s estimated impact on urban unincorporated King County residential capacity overall (regardless of riparian width) will not affect King County’s ability to accommodate planned growth in the urban unincorporated King County. The land capacity analysis from the 2024 Comprehensive Plan estimated approximately 29,000 units of residential capacity in urban unincorporated King County, sufficient to accommodate the assigned targets of 5,412 units of housing between 2019-2044. This growth is still planned for and will be able to be accommodated under the proposed ordinance.

The proposed increase in buffer widths and protected areas subject to the CAO may prompt increased use of critical area alteration exceptions and reasonable use exceptions, also causing the size and scale of buildings

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<sup>13</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-9-Housing>

to be smaller and to contribute to less intense development, because development allowed under these exceptions is required to avoid impacts where possible and minimize impacts. The proposed change is not expected to have an appreciable impact on the number of housing units produced.

Given relatively limited geographic distributions of wetlands, buffer flexibilities for residential development in the urban growth area, large surplus capacity in urban unincorporated King County, the plan to continue to meet housing targets, the 2024 Comprehensive Plan changes, as well as the provisions in the proposal for critical areas alteration exceptions and reasonable use exceptions, the proposed changes are expected to result in the possible elimination of only a minimal amount of potential new residential units.

**b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

The proposed ordinance is a nonproject action that does not directly involve the demolition of any existing residential structures. Existing residences would not have to meet new requirements proposed under this ordinance unless an allowed expansion (defined in K.C.C. 21A.06.427 as increasing the size, quantity, or scope) or replacement is proposed. Therefore, the impacts of the proposed ordinance to existing structures are anticipated to be minimal and would not eliminate any units .

As described in the response to the previous question, the increased geographic area subject to the proposed CAO, stemming from increases in riparian area and wetland buffer widths, may prompt increased use of the critical area alteration exception and reasonable use exception processes. Together with requirements to avoid and minimize impacts, the size and scale of some individual buildings may be different than they would have been under current code but would not eliminate any units.

**c. Proposed measures to reduce or control housing impacts, if any:**

The proposed ordinance is not anticipated to affect the County's ability to accommodate planned growth in the urban unincorporated area; however, there is a potential that individual sites where critical areas are present may experience impacts to the size and scale of development. The following measures are proposed to reduce or control impacts to housing:

- *Wetland buffer reduction for certain uses.* A description of specific code changes can be found on page [8](#). The proposed changes would maintain flexibility for dwelling units, mixed-use development, daycares, and social services within the urban growth area to reduce wetland buffer widths from those required for high intensity impacts to those required for moderate intensity impacts if the proposed development meets certain criteria. The criteria includes those related to lighting, fencing, integrated pest management, and stormwater management. This would provide more land unencumbered by buffers that could be used for development than would be available without this code flexibility, while requiring measures targeted at addressing the potential impacts of development.
- *Increased riparian area widths.* A summary of the proposal can be found on page [10](#). Proposed riparian area widths are smaller (180 feet) for areas within urban unincorporated King County than those proposed for areas outside of urban unincorporated King County (200 feet). This would provide more land unencumbered by riparian areas in which housing could be built. Larger buffers, matching those outside of urban unincorporated King County may provide more protection for ecological functions and values than the proposed width and potentially less land for housing.
- *Wetland mitigation ratios.* A summary of the proposal can be found on page [9](#). The proposed changes would allow lower mitigation ratios for wetland mitigation banks and in-lieu fee programs compared with permittee-responsible mitigation. This provides an option for off-site mitigation and could potentially provide another option for more flexibility for housing development proposed on properties with wetlands.

## 10. Aesthetics

### Find help answering housing questions

**a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

The proposed ordinance is a nonproject action that does not directly involve the construction of any structures and does not regulate or change the height requirements of any structures or principal exterior building materials. The height and any exterior building material of any development project subject to the proposed ordinance will need to comply with existing regulations.

**b. What views in the immediate vicinity would be altered or obstructed?**

The proposed ordinance is a nonproject action that does not directly impact views. Any development projects subject to the proposed ordinance would not result in the alteration or obstruction of any views to a greater degree than any other development allowed under existing regulations.

**c. Proposed measures to reduce or control aesthetic impacts, if any:**

The proposed ordinance is a nonproject action that would not have any direct impacts to views or aesthetics, and as such, no measures are proposed to reduce or control aesthetic impacts.

## 11. Light and glare

### Find help answering light and glare questions<sup>14</sup>

**a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

The proposed ordinance is a nonproject action that would not directly cause any light or glare. Development projects subject to the proposed ordinance would need to comply with lighting standards that include general lighting design, lighting along the portions of development adjacent to streets, and lighting in parking lots. These provisions are not anticipated to cause additional light and glare beyond the development site, but to promote best practice standards, minimize light pollution and promote safety at night.

**b. Could light or glare from the finished project be a safety hazard or interfere with views?**

The proposed ordinance is a nonproject action that would not have any direct impacts. Development projects subject to the proposed ordinance would not result in a greater increase in light or glare than any other development allowed under existing regulations. Any development projects subject to the proposed ordinance would have to comply with existing development regulations, including any related to light and glare.

**c. What existing off-site sources of light or glare may affect your proposal?**

The proposed ordinance is a nonproject action with no specific site or location. Various off-site sources of light or glare exist throughout unincorporated King County.

**d. Proposed measures to reduce or control light and glare impacts, if any:**

The proposed ordinance is a nonproject action that would not have any direct light and glare impacts.

The following changes were not proposed specifically as measures to reduce or control light and glare, but would have the effect of reducing or controlling light and glare:

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<sup>14</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-11-Light-glare>

- *Wetland buffer reduction for certain uses.* A description of specific code changes can be found on page [8](#). When reductions are allowed for certain uses, developments are required to install wildlife lighting and direct lighting away from the wetland. The proposed changes have the effect reducing light and glare impacts in wetlands.
- *Ecological critical area report.* The proposed ordinance would require a plan for the installation of wildlife lighting as part of a mitigation plan. The proposed changes would require mitigation projects to consider and address light and glare impacts in critical areas.

## 12. Recreation

### Find help answering recreation questions

#### **a. What designated and informal recreational opportunities are in the immediate vicinity?**

The proposed ordinance is a nonproject action with no specific site or location. A variety of designated and informal recreational opportunities exist in unincorporated King County where the proposed ordinance would apply.

#### **b. Would the proposed project displace any existing recreational uses? If so, describe.**

The proposed ordinance is a nonproject action that would not directly displace any existing recreational uses. However, the increased buffer and riparian area widths may limit where parks can locate new improvements, but will not affect any legally existing uses, structures, or improvements in parks or prevent maintenance of such things.

#### **c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**

The proposed ordinance is a nonproject action that would not have any direct impacts to recreation.

The following changes were not proposed specifically as measures to reduce or control impacts on recreation, but would have the effect of reducing or controlling impacts on recreation:

- *Recreational hazards.* When large wood is proposed to be installed waterward of the ordinary high water mark of a Type S aquatic area as part of a restoration, enhancement, or mitigation project, applicants are required to control impacts on recreation by minimizing the potential for recreational hazards in project design.
- *Wetland impact categories.* A summary of the proposal can be found on page [8](#). The proposed changes would categorize moderate-intensity active recreation or open space use (such as paved trails, parks with biking, jogging, and similar uses) and passive recreation uses (such as unpaved trails, nature viewing areas, fishing and camping areas, and other similar uses without permanent structures) in the urban growth area to the moderate-impact and low-impact categories respectively, which would have the effect of reducing wetland buffers for these use and allowing more recreational areas to be used.

## 13. Historic and cultural preservation

### Find help answering historic and cultural preservation questions<sup>15</sup>

#### **a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

The proposed ordinance is a nonproject action with no specific site or location. A variety of buildings, structures and sites within unincorporated King County are listed or eligible for listing in national, state, or local preservation registers, and are potentially on sites where development projects could be proposed that

<sup>15</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-13-Historic-cultural-p>



are subject to the proposed ordinance. Such developments would be required to comply with all federal, state, and local regulations related to historic and cultural resources.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

The proposed ordinance is a nonproject action with no specific site or location. However, landmarks, features, and other evidence of Indian or historic use or occupation exist throughout unincorporated King County, and potentially on sites where development projects could be proposed that are subject to the proposed ordinance. Such projects would continue to be required to comply with federal, state, and local rules related to historic and cultural resources.

The degree to which a historic resource listed in the King County Historic Resource Inventory may be altered or moved might be limited by the proposed ordinance, however, there are flexibilities in the code to offset this limitation. The proposed ordinance retains the allowed alteration of “Maintenance or repair of existing structure” in K.C.C. 21A.24.045.C with updates to the conditions regarding properties in alluvial fan hazard areas. King County will also retain the allowed alteration of “Expansion or replacement of existing structure” with certain proposed updates. These allowed alterations would apply to historic properties and may be allowed if consistent with the proposed ordinance.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

The proposed ordinance is a nonproject action that will not have any direct impacts to historic and cultural resources. Existing King County and state regulations related to cultural and historic resources would apply to any proposed development projects subject to the proposed ordinance. Such requirements could include consultation with tribes and associated agencies, as well as use of archaeological surveys, GIS data, and historic maps to assess potential impacts to cultural and historic resources if needed. The Muckleshoot, Puyallup, Samish, Snoqualmie, Squaxin, Stillaguamish, Suquamish, and Tulalip Tribes are notified during the County’s SEPA process for proposed development projects, and affected tribes receive notice when the County receives an application for a Type 2, 3, or 4 project, or for a Type 1 project subject to SEPA where Permitting is the lead agency.

As part of the 2024 KCCP update, Tribes were invited to consult on the KCCP and CAO update, both or the development of the Executive’s recommendation and council’s further updates. Additionally, As stated in the BAS Report (p. 9), King County invited Indian tribes to participate in government-to-government consultation during the BAS review and CAO update processes, including the Suquamish Tribe, Muckleshoot Indian Tribe, Tulalip Tribes, Snoqualmie Tribe, and Puyallup Tribe. During the consultation process, the County heard a request from the Indian tribes for greater clarity about the review process for farm management plans that support regulatory flexibility for agriculture. In response to the request, King County plans to update the public rule regarding the review, approval, and registration process for farm management plans used as the basis for application of critical areas protections. The County plans to update the farm management plan public rule following adoption of the current Critical Areas Ordinance update, working in coordination with the KCD, King County Agriculture Commission, Salmon Recovery Forums, Ecology, WDFW, tribes, and other interested parties.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

The proposed ordinance is a nonproject action that will not have any direct impacts to cultural or historic resources. However, King County’s existing regulations related to avoidance, minimization of, or



compensation for loss, changes to, and disturbances to cultural and historic resources would apply to any individual development proposals subject to the proposed ordinance.

The proposed ordinance includes a policy to consider species and habitats to federally recognized Indian tribes in its planning, development review, and capital projects. This may have the effect of helping to avoid or minimize disturbances to resources.

## 14. Transportation

Find help with answering transportation questions<sup>16</sup>

**a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

The proposed ordinance is a nonproject action with no specific site or location. The proposed ordinance would apply to sites that are served by a variety of public streets and highways. Proposed access for such projects would be identified and addressed under existing regulations during project-level SEPA and permit review.

**b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

The proposed ordinance is a nonproject action with no specific site or location. However, unincorporated King County is generally served by public transit. It is unknown how far the nearest transit stop would be for any future development proposals subject to the proposed ordinance.

**c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).**

The proposed ordinance is a nonproject action that would not directly require any roadway, bicycle, or pedestrian improvements. However, new or improvements to existing facilities would need to meet code standards.

Changes in the proposed ordinance that could affect new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities include:

- *Grading.* A description of specific code changes can be found on page 5. The proposed changes would allow grading in alluvial fan hazard areas and overlapping critical areas in order to address the emergency or imminent threat to public roadways and sole access roads, which would have the effect of protecting existing roads in alluvial fans.
- *Maintenance of existing slope stabilization.* A description of specific code changes can be found on page 5. The proposed change would allow maintenance when erosion or landsliding threatens a road or public trail, which would have the effect of protecting existing facilities in landslide hazard areas over 40%, steep slope hazard areas, and their buffers.
- *New roads in unimproved right-of-way.* The proposed changes would prohibit new roads in unimproved right-of-way as an allowed alteration in all critical areas. A critical area alteration exception would need to be granted, minimizing and mitigating potential impacts of new roads in unimproved right-of-way.
- *Construction of new flood protection facilities (e.g., a dam or levee).* A summary of the proposal can be found on page 7. The proposed changes would allow construction of a new flood protection facility within an alluvial fan hazard area to protect public roads and sole access routes from bank erosion, which could increase protection of existing structures in flood-prone areas.

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<sup>16</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-B-Environmental-elements/Environmental-elements-14-Transportation>

- *Wetland impact categories.* A summary of the proposal can be found on page 8. The proposed changes would add the following transportation facilities to the list of land impacts for the purposes of assigning buffer widths, which would have the effect of providing greater wetland protections for these uses:
  - Moderate impact: Forest service roads and roads associated with moderate impacts
  - High impact: Federal and state highways (including on on-ramps and exits, state routes) and other roads associated with high impact land uses, and railroads.

**d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.**

The proposed ordinance is a nonproject action with no specific site or location. However, individual development projects subject to the proposed ordinance may use or occur proximal to water, rail and air transportation.

**e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?**

The proposed ordinance is a nonproject action that would not directly generate any vehicular trips. Some development projects subject to the proposed ordinance may generate vehicular trips, though the volume of those vehicle trips is unlikely to be greater as a result of implementing the proposed ordinance.

**f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.**

Although the proposed ordinance would not have any direct impact on the movement of agricultural and forest products on roads or streets on the area, individual development projects allowed under the ordinance could generate some additional traffic that could interfere with, affect, or be affected by the movement of agricultural and forest products but is unlikely to be greater as a result of implementing the proposed ordinance.

**g. Proposed measures to reduce or control transportation impacts, if any:**

The proposed ordinance is a nonproject action that would not have any direct impacts to transportation volumes. As such, no additional measures to reduce or control transportation impacts are proposed. Development projects subject to the proposed ordinance will need to comply with existing zoning and development regulations, including, to the extent required, transportation analysis and mitigation.

## 15. Public services

Find help answering public service questions<sup>17</sup>

**a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.**

The proposed ordinance is a nonproject action that would not directly result in an increased need for public services. Some development projects subject to the proposed ordinance may need public services to be available at the same level as to what is currently required in the affected zones.

**b. Proposed measures to reduce or control direct impacts on public services, if any.**

The proposed ordinance is a nonproject action that would not have any direct impacts to public services. As such, no additional measures to reduce or control impacts on public services are proposed.

<sup>17</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-15-public-services>

## 16. Utilities

Find help answering utilities questions<sup>18</sup>

**a. Circle utilities currently available at the site:**

**electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:**

The proposed ordinance is a nonproject action with no specific site or location. A variety of utilities are generally available in unincorporated King County.

**Sanitary sewer and septic systems** are provided by a combination of public infrastructure (including King County DNRP Wastewater Treatment Division facilities and municipal sanitary sewer service) and private on-site sewage disposal systems.

**Electricity and Natural Gas** are primarily provided by Puget Sound Energy in unincorporated King County and Seattle City Light provides electricity. Seattle City Light and Puget Sound Energy both use a mix of energy sources, including hydropower, wind, solar, natural gas, and coal power purchased from other suppliers. King County DNRP Wastewater Treatment Division's South and West Point treatment plants both capture biogas from wastewater treatment processes, which can be used to produce heat or electricity within the facility or sold to the community. Cedar Hills Regional Landfill collects landfill gas to generate renewable energy.

**Water** is provided by multiple water purveyors, 32 of which serve roughly 94% of the County's population. Seattle Public Utilities (SPU) is the primary water supplier in the County, as it provides water to approximately 80% of the County's population, either through direct service connections or wholesale customers.

**Cable and telecommunications** are provided by private utilities in unincorporated King County, including Comcast, Astound (WAVE) Broadband, and CenturyLink. AT&T, T-Mobile, and Verizon provide standard and cellular telephone services within King County.

### **Refuse Service**

Garbage collection in unincorporated King County is performed by private service providers, except in Enumclaw and Skykomish, which provide municipally managed garbage collection. Most of the collection services in unincorporated areas are provided by two companies, Waste Management, Inc. and Republic Services, and their subsidiaries. Recology and Waste Connections operate in Shoreline and on Vashon-Maury Island, respectively.

**b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.**

The proposed ordinance is a nonproject action that would not have any direct connection to utilities and is not directly connected to a development site on which general construction activities would occur. However, the following proposed updates may have impacts on general construction activities for utilities, all of which decrease the likelihood of impacts on critical areas:

- *Construction of new utility corridor or utility facility.* A description of specific code changes can be found on page [6](#). The proposed changes would add standards regarding the size, scope, and

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<sup>18</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-b-environmental-elements/environmental-elements-16-utilities>

construction impacts to alluvial fan hazard areas, which would have the effect of reducing utility impacts on critical areas.

- *Construction or maintenance of hydroelectric generation facility.* A description of specific code changes can be found on page [6](#). The proposed changes would add standards regarding the size, scope, and construction impacts to alluvial fan hazard areas, which would have the effect of reducing utility impacts on critical areas.
- *Construction of new residential utility service distribution line.* A description of specific code changes can be found on page [6](#). The proposed changes would add standards regarding the size, scope, and construction impacts to alluvial fan hazard areas, which would have the effect of reducing utility impacts on critical areas.
- *Maintenance, repair, or replacement of existing on-site sewage disposal system.* A description of specific code changes can be found on page [6](#). The proposed changes would limit the circumstances in which repair or replacement of on-site sewage disposal systems in critical areas are allowed, including siting limitations, minimizing risks from landsliding or erosion, and compliance with public health standards. Allowing continued maintenance, repair, and replacement of on-site systems may help to prevent system failures.
- *Construction of new on-site sewage disposal systems.* A description of specific code changes can be found on page [6](#). The proposed changes would prohibit the construction of a new on-site sewage disposal system in landslide hazard areas over 40%, steep slope hazard areas and their buffers. On-site sewage disposal system designs are affected by slopes and limiting them in these critical areas may reduce the likelihood of system failures and wastewater discharges.

## C. Signature

Find help about who should sign<sup>19</sup>

**The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.**

X Robin Proebsting

**Type name of signee: Robin Proebsting**

**Position and agency/organization:** Code Writer, King County, Department of Local Services - Permitting

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## D. Supplemental sheet for nonproject actions [\[HELP\]](#)

Find help for the nonproject actions worksheet<sup>20</sup>

**Do not** use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

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<sup>19</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-C-Signature>

<sup>20</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-section-d-non-project-actions>

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

**1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

The proposed ordinance would not increase the likelihood of discharges to water, emissions to air, production, storage, or release of toxic or hazardous substances; or production of noise, although there is still a possibility of these events occurring. The proposal, as a whole, would reduce impacts to water discharges, air emissions, toxic or hazardous substances production, storage, or release, and noise production.

Specific changes included in the proposed ordinance are discussed in Part B of the checklist along with their anticipated impacts to each element of the environment. These items are identified below, and the scope of this Part D focuses on the proposal as a whole on their impact on each element of the environment.

**Discharges to water.** Overall, the proposal provides net improvement for discharges to water when compared to existing conditions by increasing widths and standards to protect water resources and is not anticipated to increase discharges to water. The proposal includes limiting the alterations allowed in critical areas and buffers, and establishing standards on size, scope, and extent of specific alterations. Refer to Sections B.3.a. (Surface Water), B.3.b. (Ground Water), B.3.c. (Water Runoff), for a discussion on the proposed changes and their impacts to water, which may continue to occur, but is not likely to increase.

**Emissions to air.** The proposed ordinance is not anticipated to increase emissions to air.

**Production, storage, or release of toxic or hazardous substances.** The proposed ordinance is not anticipated to increase production, storage, or release of toxic or hazardous substances.

**Production of noise.** The proposed ordinance is not anticipated to increase production of noise.

- **Proposed measures to avoid or reduce such increases are:**

**Discharges to water.** The proposed updates would improve environmental protections for wetlands, wetland buffers, aquatic, and riparian areas, and other water resources. The proposed updates would help ensure County compliance with GMA mandates, including requirements that counties plan for climate resilience, ensure no net loss of critical areas functions and values, and demonstrate special consideration for anadromous fisheries. The proposal focus on protecting critical area functions and values such as bank stability, shade and temperature control, pollution removal and water purification, recruitment of habitat-forming large wood, natural erosion and sediment delivery, and habitat cover for aquatic and terrestrial animals.

The proposal is likely to reduce discharge to water by:

- *Increased critical area and buffer widths*, which may have the effect of minimizing disturbances to critical areas, limiting alterations that could affect drainage patterns, and allocating more area to critical areas and buffers for drainage to naturally occur, which would reduce impacts to drainage patterns:
  - *Increasing wetland buffer widths* for certain Category I wetlands and Category IV wetlands. A summary of the proposal can be found on page [8](#).
  - *Increased riparian area widths*. A summary of the proposal can be found on page [9](#). The proposal increases riparian area widths for all aquatic area types, both inside and outside of the urban growth area.

- *Riparian area measurement method.* Requiring that riparian areas include and be measured from the severe channel migration hazard areas where they have been mapped. A summary of the proposal can be found on page [10](#).
- *Wetland buffer reduction for certain uses.* A description of specific code changes can be found on page [8](#). The proposed changes would restrict wetland buffer reductions for all high intensity land uses to only dwelling units, mixed-use, daycares, and social service uses in the urban growth area. This reduction is accompanied by required impact minimization measures identified in code. The proposed changes are likely to maintain the integrity of wetland function, thereby helping to reduce and control impacts from surface, ground, and runoff water, as well as impacts to drainage patterns.
- *Maintenance, repair, or replacement of existing on-site sewage disposal system.* A description of specific code changes can be found on page [6](#). The proposed changes would limit the circumstances in which repair or replacement of on-site sewage disposal systems in critical areas are allowed, including siting limitations, minimizing risks from landsliding or erosion, and compliance with public health standards. Allowing continued maintenance, repair, and replacement of on-site systems may help to prevent system failures that could lead to wastewater discharges.
- *Construction of new on-site sewage disposal systems.* A description of specific code changes can be found on page [6](#). The proposed changes would prohibit the construction of a new on-site sewage disposal system in landslide hazard areas over 40%, steep slope hazard areas and their buffers. On-site sewage disposal system designs are affected by slopes and limiting them in these critical areas may reduce the likelihood of system failures and wastewater discharges.
- *Mitigation ratio increases* may have the effect of retaining and enhancing vegetation through the creation, enhancement, or rehabilitation of critical areas, which may increase the amount of land and improve the vegetation in critical areas and buffers and may have the effect of improving drainage patterns
  - *Wetland mitigation ratios.* A summary of the proposal can be found on page [9](#). Wetland mitigation ratios are modified or increased to meet BAS and Department of Ecology guidance for many wetland categories and types of mitigation projects.
  - *Riparian area mitigation ratios.* A summary of the proposal can be found on page [10](#). Riparian area mitigation ratios are increased, and alternative options are provided for additional actions.
- *Farm field access drives.* A description of specific code changes can be found on page [12](#). Constructing drives typically involves filling, grading, and/or excavation. The proposed changes may have effect of limiting the number of new access drives that could be constructed, with a focus on streamlining permitting options for commercial agriculture operations. Because other drives will be considered private driveways and need to comply with more stringent requirements (including in the KCSWDM), the impact of drives on drainage patterns is likely to decrease.
- *Construction of new surface water conveyance systems (e.g., ditches and pipes):* A description of specific code changes can be found on page [6](#). The proposed changes would remove an allowance for surface water conveyance directly into a wetland. The proposed changes would reduce the potential amount of discharge from surface water conveyance systems that could reach a wetland, which could potentially be polluted by the discharge, therefore this proposed change would result in a lower likelihood of impacts from discharges to water.
- *Construction of instream structures and instream work.* A description of specific code changes can be found on page [7](#). By limiting the purpose of new instream structures, fewer are likely to be installed and those that are installed must serve an ecological benefit, reducing the likelihood of surface water diversion impacts.

**Emissions to air.** No measures are proposed to avoid or reduce increase emissions to air.

**Production, storage, or release of toxic or hazardous substances.** The following changes were not proposed specifically as measures to reduce or control the production, storage, or release of toxic or



hazardous substances, but would have the effect of reducing or controlling the production, storage, or release of toxic or hazardous substances:

- *Construction of new trails.* A description of specific code changes can be found on page 67. The proposal would limit the herbicides, hazardous substances, sealants, or other liquid oily substances, which would reduce the amount of chemicals from entering ground or surface waters.
- *Hazardous substances and toxic materials in docks and piers.* The proposal would require maintenance, repair, or replacement of docks and piers on Type S and F aquatic areas to not use hazardous substances or toxic materials, which would reduce waste materials from treated wood and other construction materials from entering ground or surface waters.

**Production of noise.** The following changes were not proposed specifically as measures to reduce or control the production of noise, but would have the effect of reducing and controlling the production of noise:

Increased critical area and buffer widths may reduce noise by providing a physical barrier to noise, depending on the density of vegetation within the buffer:

- *Increasing wetland buffer widths* for certain Category I wetlands and Category IV wetlands. A summary of the proposal can be found on page [8](#).
- *Riparian area measurement method.* A summary of the proposal can be found on page [9](#).
- *Increased riparian area widths.* A summary of the proposal can be found on page [10](#).
- *Riparian areas overlap with alluvial fan hazard areas.* A summary of the proposal can be found on page [10](#).
- *Wetland buffer reduction for certain uses.* A description of specific code changes can be found on page [8](#). The proposed changes would continue to allow wetland buffer reductions for dwelling units, mixed-use, daycares, and social service uses in the urban growth area if noise is directed away from a wetland. This proposed change may reduce noise impacts on wetlands and their buffers.

## 2. How would the proposal be likely to affect plants, animals, fish, or marine life?

**Plants.** The proposed ordinance is likely to increase protection of vegetation by increasing critical area and buffer widths, reducing clearing allowances, locating certain structures on grazed, tilled, lawn, or impervious areas rather than vegetated areas, and allowing the use of climate-adaptive plants in mitigation and revegetation to ensure long-term survival. Proposed updates that affect plants include:

- *Cutting of firewood.* A description of specific code changes can be found on page [6](#). This proposed change would have the effect of limiting tree cutting and preserving vegetation in critical areas.
- *Agricultural activities, generally.* A description of specific code changes can be found on page [11](#). These changes would require the primary use of a site to be “agriculture” for all new and expanded agricultural activities when allowed in critical areas, which would narrow the sites where these facilities could be sited to only those associated with the commercial growing and harvesting of crops and livestock. This element of the proposal focuses regulatory flexibility on supporting commercial agriculture production. Other changes to agricultural activities would also address siting and size limitations of these uses and structures. Currently, these activities can occur on sites that are predominantly involved in the practice of agriculture, and clearing was limited to 10,000 sf with tree cover at a uniform density more than 90 trees per acre and with trees at least four inches diameter at breast height. The proposal removes the 10,000 sf allowance and instead prohibits expansion or new activity in aquatic areas or wetlands (except grazed or tilled wet meadows) or a wetland buffer, or riparian area that contains predominately native forest vegetation. This proposed change could potentially allow more new farms to be established, but the proposal places more limits on which areas may be cleared. Therefore, the likelihood of removing existing native vegetation is low.
- *Increased critical area and buffer widths* would further protections that retain and enhance vegetation in and adjacent to critical areas:



- *Increasing wetland buffer widths* for certain Category I wetlands and Category IV wetlands. A summary of the proposal can be found on page [8](#).
- *Riparian area measurement method*. A summary of the proposal can be found on page [9](#).
- *Increased riparian area widths*. A summary of the proposal can be found on page [10](#).
- *Riparian areas overlap with alluvial fan hazard areas*. A summary of the proposal can be found on page [10](#).
- *Mitigation ratio increases* may have the effect of retaining and enhancing vegetation through the creation, enhancement, or rehabilitation of critical areas, which would increase the quantity and/or quality of vegetation in critical areas. Increased mitigation ratios, which require a greater area to be revegetated or restored when an impact occurs, are proposed to densify buffers and riparian areas with native vegetation, likely increasing the area and density of vegetation.
  - *Wetland mitigation ratios*. A summary of the proposal can be found on page [9](#). Wetland mitigation ratios are modified or increased to meet BAS and Department of Ecology guidance for many wetland categories and types of mitigation projects.
  - *Riparian area mitigation ratios*. A summary of the proposal can be found on page [10](#). Riparian area mitigation ratios are increased, and alternative options are provided for additional actions.
- *Filling of Category IV wetlands*. Removing an alteration allowance for category IV wetlands less than 2,500 square feet and not part of a wetland complex. This proposed change will reduce the number of smaller Category IV wetlands that are filled and therefore preserve vegetation in those wetlands.
- *Critical area revegetation standards*. A summary of the proposal can be found on page [8](#). The proposed changes would establish requirements for revegetation, prioritizing use of native plantings, allowing for climate-adaptive plants where appropriate, and requiring mitigation to include restoration or creation in riparian areas.
- *Limitations on replacement and expansion of existing structures* would limit replacement/expansion of structures in critical areas to being on existing impervious surface, lawn or landscaped area, farm field, or grazed area, and require revegetation. The proposed changes would have the impact of preserving more native vegetation, trees, and shrubs.
  - *Expansion of existing structures*. A description of specific code changes can be found on page [5](#).
  - *Replacement of existing structures*. A description of specific code changes can be found on page [5](#).

**Animals.** The proposed ordinance is likely to increase protection for animals by increasing critical area and buffer widths that would provide potential habitat, movement corridors and ecosystem functions for wildlife; and reducing clearing allowances that would remove vegetation from these habitats. Proposed updates that affect animals include:

- *Cutting of firewood*. A description of specific code changes can be found on page [6](#). This proposed change would prohibit cutting of trees containing an active nest. This would further protect wildlife habitat and any animals nesting at the time.
- *New roads in unimproved right-of-way*. The proposed changes would prohibit new roads in unimproved right-of-way as an allowed alteration in all critical areas, potentially decreasing impacts from construction and operations, disconnected wildlife corridors, and habitat removal.
- *Construction of new trails*. A description of specific code changes can be found on page [7](#). The proposed changes would require additional width to be added to wildlife habitat networks equal to the width of the trail corridor when a trail is constructed in these critical areas, ensuring the width for wildlife habitat networks is not decreased.
- *Increased critical area and buffer widths* would have the effect of preserving and enhancing habitat functions including stabilizing banks, controlling shade and temperature, removing pollution and purifying water, contributing nutrients and detritus, delivering habitat-forming large wood, providing habitat for aquatic and terrestrial animals, supplying terrestrial-based food, and more. However, the BAS indicates that the full protection of microclimate and wildlife may not be achieved due to reliance on a single SPTH (site potential tree height), whereas full function may require the equivalent of two to three SPTHs (BAS, page 94).

- *Increasing wetland buffer widths* for certain Category I wetlands and Category IV wetlands. A summary of the proposal can be found on page [8](#).
- *Riparian area measurement method*. A summary of the proposal can be found on page [9](#).
- *Increased riparian area widths*. A summary of the proposal can be found on page [10](#).
- *Riparian areas overlap with alluvial fan hazard areas*. A summary of the proposal can be found on page [10](#).
- *Mitigation ratio increases* may have the effect of retaining and enhancing vegetation through the creation, enhancement, or rehabilitation of critical areas, which serve as habitat for wildlife. Increased mitigation ratios, which require a greater area to be revegetated or restored when an impact occurs, are proposed to densify buffers and riparian areas with native vegetation, likely increasing quality and quantity of wildlife habitat.
  - *Wetland mitigation ratios*. A summary of the proposal can be found on page [9](#). Wetland mitigation ratios are modified or increased to meet BAS and Department of Ecology guidance for many wetland categories and types of mitigation projects.
  - *Riparian area mitigation ratios*. A summary of the proposal can be found on page [10](#). Riparian area mitigation ratios are increased, and alternative options are provided for additional actions. The proposed changes include alternative measures such as large wood, wildlife snags, or fish passage barrier removal, which provide immediate benefit for wildlife.
- *Filling of Category IV wetlands*. Removing an alteration allowance for category IV wetlands less than 2,500 square feet and not part of a wetland complex. This proposed change will reduce the number of smaller Category IV wetlands that are filled and therefore increase the likelihood of preserving existing habitat.
- *Wetland buffer reduction for certain uses*. A description of specific code changes can be found on page [8](#). When reductions are allowed for certain uses, developments are required to install wildlife lighting and wildlife passable fencing and locate noise-generating activities away from the wetland. The proposed changes have the effect of not increasing impacts to wildlife by reducing the effects of human activities on wildlife and their habitat.
- *Mitigation for illegal alterations*. A description of specific code changes can be found on page [7](#). This proposed change would increase mitigation ratios for illegal alterations to aquatic areas, riparian areas, and wildlife habitat networks, which would help restore, enhance, or rehabilitate wildlife habitat in situations where impacts may be greater than in situations where projects are permitted and inspected.

**Fish and Marine Life.** The proposed ordinance is likely to increase protection for fish and marine life by increasing critical area and buffer widths that would provide potential habitat, movement corridors and ecosystem functions for wildlife; reducing clearing allowances; limiting work windows; addressing agricultural activities and defining fish habitat. Proposed updates that affect fish and marine life include:

- *Updates that support the protection of animals* (refer to the discussion immediately above) would also increase the protection of fish and marine life by preserving, enhancing and increasing habitat:
  - *Cutting of firewood.*
  - *Construction of new trails.*
  - *Increased critical area and buffer widths*
  - *Mitigation ratio increases*
  - *Filling of Category IV wetlands.*
  - *Wetland buffer reduction for certain uses.*
  - *Mitigation for illegal alterations.*
- *Aquatic area and riparian area work windows*. A description of specific code changes can be found on page [10](#). The proposed changes would allow the County additional flexibility to restrict work windows in aquatic areas for protection of fish or to match state and federal permits, which may provide more restrictive windows.
- *Critical area alteration exceptions*. The proposed change would prohibit the use of critical area alteration exceptions in fish spawning areas. An applicant would be required to obtain a reasonable

use exception for work in fish spawning areas, which may have the effect of limiting alterations in fish spawning areas.

- *Manure management and grazing area buffers.* A description of specific code changes can be found on page [11](#). The proposed changes will have the effect of preserving more vegetation, which would benefit fish and marine life, and reducing impacts of livestock operations on wetlands, riparian areas, and associated functions and values by providing larger widths and additional limitations, while including provisions that recognize and support continued agriculture and livestock activities. These changes would likely limit the impact of grazing livestock by eliminating allowances for clearing of native vegetation for grazing areas; prohibiting from entering livestock in aquatic areas and wetlands; operational strategies to minimize environmental degradation. However, impacts could still occur to fish and marine life where grazing activities take place, as the proposal would provide smaller widths than recommended by BAS (BAS report, p. 96) and there remains a potential for impact to fish and marine life over the long term. These smaller buffers would be limited to grazing livestock purposes only and in areas that would not result in the clearing of native forested vegetation. King County implements several programs and non-regulatory measures that would serve to reduce or eliminate potential long-term impacts and risks associated with activities that alter or modify the environment, discussed in greater detail in [Part D](#) of this checklist.
- *Grading.* A description of specific code changes can be found on page [5](#). The proposed changes would allow grading in alluvial fan hazard areas and overlapping critical areas in order to address the emergency or imminent threat to structures, with in-stream work, which could affect fish and marine life, needing to be minimized or result in the least impact in the short term to the ecological functions and values of the critical areas present, including special consideration for fish or fish eggs in the project area. The proposed changes would have the effect of limiting grading in fish habitat, which would create fewer disturbances to fish and marine life.
- *Fish habitat.* The proposed changes would broaden the definition of fish habitat from only habitats used by salmonids to all native fish species and revise potential habitat to include upstream or landward of human-made barriers.

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

In order to protect critical areas functions and values and plants, animals, or marine life, the County relies on both regulatory and nonregulatory measures, and that mix can vary by area or land use. For example, in the urban unincorporated area, with a prevailing pattern of smaller, previously developed lots, the County uses a combination of critical areas protections, stormwater management investments, urban forestry programs, and open space conservation to protect critical areas functions and values while accommodating new housing and commercial development and community priorities for green space. In the less developed rural area, characterized by denser forest cover and less impervious surface, the County is in some cases applying a higher critical areas regulatory standard coupled with open space conservation, tax incentives, transfer of development rights, farm management plans, forest stewardship plans, and stormwater best management practices (BMPs) to protect critical areas functions and values. Measures to protect and conserve plants, animals, fish, and marine life may be divided based on the policy, program or regulation:

### **Regulatory measures**

The proposed ordinance includes proposed measures, which are intended to further protect or conserve plants, animals, or fish or marine life in addition to existing provisions in the current code. Many of the items identified here are discussed in this same Section D.2., [above](#). Please refer to the discussion above about how each regulatory measure affects, protects, or conserves plants, animals, or fish or marine life specifically.

- *Cutting of firewood.*
- *New roads in unimproved right-of-way.*
- *Construction of new trails.*
- *Increased critical area and buffer widths*

- *Increasing wetland buffer widths*
- *Riparian area measurement method.*
- *Increased riparian area widths.*
- *Riparian areas overlap with alluvial fan hazard areas.*
- *Mitigation ratio increases*
  - *Wetland mitigation ratios*
  - *Riparian area mitigation ratios.*
- *Filling of Category IV wetlands.*
- *Wetland buffer reduction for certain uses.*
- *Critical area revegetation standards.*
- *Limitations on replacement and expansion of existing structures.*
- *Mitigation for illegal alterations.*
  - *Expansion of existing structures.*
  - *Replacement of existing structures.*
- *Aquatic area and riparian area work windows.*
- *Critical area alteration exceptions.*
- *Manure management and grazing area buffers.*
- *Grading.*
- *Agricultural activities, generally.*

### **Nonregulatory measures**

The County implements a number of programs and other non-regulatory measures in tandem with the proposal to protect and restore critical areas like wetlands and aquatic areas that ultimately enhance protections and reduce risks and impacts of development to plants, animals, and fish and marine life. The following is a summary of key programs and non-regulatory measures that serve to reduce or eliminate impacts of development on plants, animals, and fish or marine life.:

- *Land Conservation Initiative.* In 2016, the Land Conservation Initiative established strategies for conserving 65,000 acres of high conservation value land over 30 years in six categories: urban green space, trails, natural lands, rivers, farmlands, and forests. This effort builds on previous protections of more than 190,000 acres since 1970. This initiative guides ecosystem and watershed-scale conservation strategies, which strengthen protections of critical area functions and values. Land conservation, with priorities set at an ecosystem and watershed scale, strengthens protection of critical areas functions and values and works in tandem with development regulations that are focused on addressing impacts of new development and redevelopment at a parcel scale. For example, wetland and riparian area functions and values for wildlife exist at scales that may vastly exceed the size of an individual parcel. Conservation of forested headwaters and river corridors helps to create protected corridors for wildlife to reach vital habitats, which may vary among seasons or over a species life cycle. Along marine shorelines, conservation of feeder bluffs and acquisitions of shoreline areas helps to protect habitat forming processes and secures the real property necessary to support habitat restoration projects, including removal or retrofit of shoreline armoring and bulkheads.

Since January 2005, King County DNRP has acquired fee title to more than 9,000 acres of conservation land and conservation easements covering more than 50,000 acres. While not every parcel of protected land has critical areas, permanent protection of ecological functions and values is often a key reason for seeking permanent protection. For example, of the more than 800 parcels protected under Land Conservation Initiative since 2016, more than 65% have some portion of the parcel within 200 feet of a river or stream, and more than 85% of the parcels intersect at least one type of regulated critical area. More than 75% of the parcels identified for future protection under the Land Conservation Initiative have some portion of the parcel within a riparian corridor measured 200 feet on each side of the mapped centerline of a river or stream.

- *Salmon Habitat and Floodplain Restoration.* Over the past 20 years, King County and Water Resource Inventory Area salmon recovery partners have constructed hundreds of habitat projects in strategic locations spanning all of King County's watersheds, including on Vashon-Maury Island, ranging from small planting projects to major floodplain restoration projects. Increasingly, a focus for habitat restoration and multi-benefit flood risk reduction projects is reconnection of historical floodplains. Since 2020, the County has completed four major multi-benefit flood risk reduction projects that reconnect more than 250 acres of floodplain. The 2024 Flood Management Plan emphasizes these types of actions as important to build climate resilience and restore ecosystem function alongside reducing flood risk.
- *Fish Passage Restoration Program.* The Fish Passage Restoration Program has completed a comprehensive inventory of more than 3,000 sites along County-owned roads and trails and on County property that are potential barriers to upstream habitat. Prioritization analysis determined that completing 50 restoration projects would restore access to at least half of the habitat that is currently blocked by County structures, impeding salmon from swimming upstream. Since 2018, County fish-passage restoration projects have reopened access to 38.8 miles of stream habitat.
- *Public Benefit Rating System Program (PBRs)* offers an incentive to conserve open space on private property in King County by providing a property tax reduction based on different open space resources on the property, including protecting buffers to streams and wetlands, groundwater recharge areas, significant wildlife habitat, significant plant or ecological sites, and conserving farm and forestlands. The program regularly monitors enrolled properties to ensure landowners maintain the open space resources in the same or better condition as when approved for enrollment. In most circumstances, areas that are already required to be protected due to preexisting regulations or land use actions are ineligible for enrollment in PBRs. However, the program often protects areas adjacent to regulated critical areas and buffers, providing additional protection for critical areas functions and values. Currently, more than 1,450 landowners and 14,200 acres participate in this program. The proposed ordinance changes the area of rural open space that must be preserved from ten acres to five acres, allowing more property owners to take advantage of this option in the PBRs program.
- *Noxious Weed Control Program.* This program focuses on education, prevention, technical assistance, and control of noxious weeds through voluntary compliance. Preventing the spread of weeds is more effective and less costly than eradication. Services include the Healthy Lands Project (HeLP), which provides invasive weed control assistance and stewardship planning for open space and conservation lands. The goal is to reduce the impacts of invasive and noxious weeds in order to keep open space healthy for people and the environment.
- *Updated, More Accurate Stream and Wetland Maps.* The County recently updated stream type and wetland map layers using much more accurate mapping technology. These maps are used by the landowners, property developers, the County Permitting Division, the County Land Conservation Initiative, County habitat restoration and capital project managers, non-profit organizations, and the King Conservation District. Increased accuracy of these maps that are widely used helps to increase awareness of where streams and wetlands may be found, thereby encouraging the protection and restoration of these critical areas.
- *Farm Management Plans.* Farm management plans are property-specific plans composed of Best Management Practices that can help protect critical areas while supporting continued agriculture operations. Farm management plans are generally voluntary but are required for some County cost-share assistance, tax incentives, and pathways for regulatory flexibility for agricultural development and livestock. The King Conservation District (KCD), which works with farm owners and operators to develop farm management plans (KCD identifies these as farm conservation plans), takes into consideration the size of the farm, type of soils, slope of the land, proximity to streams or water bodies, type of livestock or crops, and resources such as machinery, buildings, and available finances. Specific technical assistance and projects are based on the Natural Resource Conservation Service's (NRCS) list of approved BMPs. Examples of actions and BMPs for farms include: stream-side fencing, gutters and downspouts, composting manure, pasture management and renovation, weed management techniques, creating sacrifice areas, cross fencing, and pasture rotation of livestock. As reported by KCD: from

2015 to 2022 the Farm team created 458 total farm management plans. Data extracted from the KCD Landowner Incentive Program identifies 73 approved riparian buffer projects from 2015 to 2020 and the installation of 62 projects. This includes 23 buffer fences constructed during this time to exclude livestock from wetlands. These measures reduce pollution to aquatic areas and wetlands, erosion, and other potential harms to plants, animals, fish, and marine life.

The County reviews farm plans that are required in order to get flexibility on regulations (i.e., the allowances and flexibilities listed in K.C.C. 21A.24.045 and K.C.C. 21A.30), as required by K.C.C. 21A.24.051.H. For the purposes of applying the regulations in K.C.C. chapter 21A.24, a farm management plan is not effective until approved by the County.

The County plans to update the farm management plan public rule following adoption of the current Critical Areas Ordinance update in 2025, working in coordination with the KCD, King County Agriculture Commission, Salmon Recovery Forums, Ecology, WDFW, tribes, and other interested parties. The public rule will be subject to SEPA review.

- *Forest Stewardship Plans.* Forest Stewardship Plans are developed in partnership with landowners and resource management agencies to guide forest management. Management actions guided by plans often include timber harvest in compliance with applicable rules, but plans also typically include information and management guidelines to increase forest health (e.g., invasive species management, disease control), reduce wildfire risk, increase forest carbon potential, improve wildlife habitat, and other stewardship and management actions that are beneficial to overall ecosystem health but are not specifically required under CAO or the Washington State Forest Practices Act.

These ongoing programs and specific projects constitute a proactive approach to improving the functions and values of healthy ecosystems, complementing development requirements that address the impacts of new development and redevelopment at the site or parcel scale.

### **3. How would the proposal be likely to deplete energy or natural resources?**

The proposed ordinance would be unlikely to deplete energy resources because there are no changes proposed that would affect energy usage or generation. It would also be unlikely to deplete forest resources, as no updates to regulations regarding forestry uses or conversion are proposed in this update. Most nonconversion forest practices on forest lands of long-term commercial significance are regulated by the Washington Department of Natural Resources and not subject to County permits. In cases where a given scope of work was to require a King County permit (e.g., conversion from a forestry use to a different use, or timber harvest within shorelines of statewide significance), existing codes pertaining to critical areas, shorelines, surface water management, and clearing and grading would apply.

- **Proposed measures to protect or conserve energy and natural resources are:**

Measures to conserve energy or forest lands are not included in the proposal, since impacts to these aspects of the environment are not anticipated.

To conserve agricultural lands, established commercial agricultural activities that currently exist within critical areas are allowed to continue, and existing regulations allow for some new activities to be established in critical areas when a farm management plan indicates no alternative locations exist and applies appropriate BMPs.

### **4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness,**



**wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

**Environmentally sensitive areas.** The proposed ordinance would generally improve protections to environmentally sensitive areas with a focus on protecting ecological functions and values and reducing risks from hazards. The proposed changes are based on scientific research and recommendations and nonscientific information (including legal, social, cultural, economic and political) supported through the County's BAS report.

The proposed ordinance would make a number of changes, such as classifying new critical areas, increasing critical area and buffer widths where additional protections are needed, modifying and restricting allowed alterations and development conditions in specific critical areas, modifying mitigation ratios to address temporal lags and survival success, identifying revegetation requirements, establishing standards for critical area report requirements, improved clarity exemption conditions, supporting monitoring and adaptive management, and recognizing and inviting coordination from Indian Tribes for aspects of critical area updates. The proposed changes (summarized on page 4) and their impacts to specific each element of the environment are discussed throughout this SEPA checklist and in the section below on "Proposed measures to protect such resources or to avoid or reduce impacts".

Aquatic areas, riparian areas, wetlands, and wetland buffers. One area of special consideration in the proposed ordinance is related to width increases for riparian areas and wetland buffers, which serve to improve and protect habitat, water resources, and anadromous fisheries, among other ecosystem functions and values.

*Aquatic areas and riparian areas.* The proposed updates to riparian area development regulations would improve environmental protections for aquatic and riparian areas with a focus on protecting riparian area functions and values such as bank stability, shade and temperature control, pollution removal and water purification, recruitment of habitat-forming large wood, natural erosion and sediment delivery, and habitat cover for aquatic and terrestrial animals. The proposed updates would help ensure County compliance with GMA mandates, including requirements that counties plan for climate resilience, ensure no net loss of critical areas functions and values, and demonstrate special consideration for anadromous fisheries.

Type S and F (shorelines and fish-bearing, respectively) aquatic areas are the predominant stream types in unincorporated King County outside of the Forest Production District. The proposal would increase riparian area widths for Type S and F aquatic areas outside of the urban growth area to 200 feet and inside of the urban growth area to 180 feet. Site Potential Tree Height (SPTH), which is the average maximum height of the tallest dominant trees that are 200 years or more in age, is determined to be an appropriate method for establishing riparian area widths (BAS, page 78). The County's BAS Report identified that approximately 84% of stream miles had a SPTH between 180 and 215 feet. The 200-foot width outside of the urban growth area was determined to be a representative width and appropriate for riparian area protections. The 180-foot width inside the urban growth area reflects the lower end of the distribution of SPTH in unincorporated King County and reflects comprehensive planning considerations, GMA goals to focus development in urban areas, support housing, and limit sprawl. Less than 2% of mapped stream miles in unincorporated King County are in the urban growth area.

Type N (non-fish-bearing) aquatic areas are less frequent than Type S and F aquatic areas in unincorporated King County. The proposal would increase riparian area widths for Type N aquatic areas to 100 feet. Although this is less than the BAS-indicated 200 feet, the BAS Report notes that the 100-foot area does still provide important riparian area functions, including at least 95% pollution



removal for phosphorous, sediment, and most pesticides, and 85% of surface nitrogen (BAS Report p. 83).

The riparian area width for Type O streams – a type that is very infrequently applied in King County’s most current stream typing– is proposed to increase from 25 to 50 feet.

Riparian areas are proposed to include and be measured starting from the severe channel migration hazard area, which may have the effect of increasing widths beyond what is identified above for Type S, F, N, and O in areas where channel migration zones are mapped. Although BAS indicates that protections would be improved from the edge of the channel migration zone (which includes the severe and moderate hazard areas), proposed changes would only include the severe hazard area. The BAS Report (page 103) notes that “[b]ecause most of King County’s mapped channel migration zones have wide severe channel migration hazard areas and relatively narrower moderate channel migration hazard areas, the overall risk of not extending riparian area protections to the moderate channel migration hazard area is low within the near-to-moderate time frames”.

*Wetlands.* Wetland buffers protect plants from disturbance and provide important functions, including habitat and water quality improvements that are important to animals, fish, and marine life. The Washington State Department of Ecology wetland guidance for CAO updates<sup>21</sup> describes three potential approaches for local governments to regulate wetlands, ranging in flexibility and simplicity of standards. These are:

1. Buffers based on wetland category, adjacent land uses, and specific functions of the wetland.
2. Buffers based on wetland category and adjacent land uses.
3. Buffers based solely on wetland categories.

This Ecology guidance further presumes that buffers are well-vegetated. King County currently uses the approach in Option 1 above, basing buffer widths on a combination of category, including multiple subtypes within each category (e.g., bog, estuarine, habitat score etc.), together with the impact of adjacent land uses. King County currently uses the approach in Option 1 above, basing buffer widths on a combination of category, including multiple subtypes within each category (e.g., bog, estuarine, habitat score etc.), together with the intensity of adjacent land uses. This Ecology guidance for wetland buffer widths further assumes wetland buffers are “well-vegetated”. Assumptions regarding vegetation quality are built into assessment of wetland habitat scoring that informs wetland buffers in this proposal. An additional option is to clarify existing code provisions regarding the circumstances for the department increasing buffers to include sites where buffers are not well vegetated.

King County could consider using one of the other approaches. This would result in larger buffers for all wetland categories, which could result in the most protection for wetland functions and values. As shown by the Guidance on Widths of Buffers and Ratios for Compensatory Mitigation for Use with the Western Washington Wetland Rating System<sup>22</sup>, when one or more of the factors (i.e., adjacent land uses or specific function of the wetland) is removed from consideration, the recommended wetland buffer is larger, which would be more likely to protect ecological functions in wetlands and result in a lower likelihood of impacts.

However, if a larger buffer were required, more people could be likely to request alterations, reasonable use exceptions, and critical area alteration exceptions, which on site-specific bases could increase impacts to wetlands. Larger buffers could also cause less land to be available for new farms, depending on the type of wetlands, the condition of the buffers, and whether there is existing native vegetation in the buffers.

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<sup>21</sup> <https://apps.ecology.wa.gov/publications/documents/2206014.pdf>

<sup>22</sup> <https://apps.ecology.wa.gov/publications/parts/0506008part3.pdf>

For wetlands that are more rare or difficult to replace (subsets of Category I), or where buffer assumptions are less likely to be met (Category IV), the proposal would increase buffer widths. Overall, these proposed updates to wetland buffer widths generally align with Washington State Department of Ecology's buffer recommendations, which are based on a moderate-risk approach to protecting critical areas functions and values. Widening buffers for Category I wetlands reduces the risk of losing rare wildlife habitat and wetland functions and values that are generally difficult or impossible to recreate through restoration or mitigation activities. As described in the BAS Report on p. 51, widening buffers for more-common Category IV wetlands accounts for Ecology regulatory buffer assumptions and helps ensure that water quality functions and values are sufficiently protected at the site level and that wildlife habitat functions are better protected at the watershed scale.

No changes were made to Category II and III wetlands, as the BAS Report found that current wetland buffer widths are largely consistent with Washington State Department of Ecology's updated BAS for wetlands.

#### Proposed changes to agricultural activities and their impacts to environmentally sensitive areas.

The proposed ordinance increases protection of environmentally sensitive areas while continuing to provide support for commercial agricultural production. The proposed ordinance makes a number of changes that would increase and improve protections of environmentally sensitive areas from agricultural activities; however, the proposed changes may have the potential for some impacts to environmentally sensitive areas.

Existing code would apply a "low impact" or "moderate impact" intensity for agricultural activities for the purposes of applying wetland buffers, which represents a departure from BAS. Proposed changes include restrictions to *agricultural activities, generally* (summary on page [11](#)), *manure management and grazing area buffers* (summary on page [11](#)), *livestock manure storage facilities, livestock heavy use areas, and farm pads* (summary on page [11](#)), *farm field access drives* (summary on page [12](#)), and *nonresidential farm buildings* (summary on page [12](#)). These alterations may be allowed to continue in critical areas.

**Parks, wilderness, wild and scenic rivers.** The proposal is unlikely to use or affect parks, wilderness, and wild and scenic rivers. The proposed changes would generally enhance or further protect critical areas where these areas are located. The only mapped wild and scenic river in King County is a section of Middle Fork Snoqualmie<sup>23</sup>; this, together with wilderness areas are unlikely to be affected by the proposed ordinance because these areas are generally regulated by other agencies and not King County.

**Historic and Cultural Sites.** The proposal is unlikely to substantially affect existing historic and cultural sites, which may continue as legally established uses under the proposed ordinance. Changes in the proposed ordinance may impact the replacement, expansion, or maintenance of structures within critical areas.

**Floodplains.** The proposal is unlikely to substantially affect floodplains. A summary of proposed changes that would relate to work in the floodplain are on page [21](#). Development projects subject to the proposed ordinance would also be subject to King County rules and limitations pertaining to floodplain development and fill.

**Prime Farmlands.** The proposal, with provisions supporting existing commercial agriculture and current footprints, is not anticipated to take land out of production. The proposed ordinance may have impacts to prime farmlands that have not been previously farmed through provisions that would increase wetland buffers, riparian areas, and grazing area buffers, mitigation ratios for some critical areas; limit clearing of

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<sup>23</sup> <https://nps.maps.arcgis.com/apps/View/index.html?appid=ff42a57d0aae43c49a88dae0e353142>

native vegetation in wetlands, wetland buffers, aquatic areas, and riparian areas for expanded or new agricultural activities.

Specific provisions affecting prime farmlands include the following (a summary of the proposal affecting each item may be found under [Section A.11.](#)):

- *Agricultural activities, generally.* A description of specific code changes can be found on page [11](#). The proposed changes would address siting and size limitations of agricultural uses and structures. The proposed changes could potentially allow more new farms to be established, but the proposal places more limits on which areas may be cleared.
- *Increased critical area and buffer widths* would have the effect of potentially decreasing the amount of unfarmed land that would be available for new or expanded agriculture in critical areas.
  - *Increasing wetland buffer widths* for certain Category I wetlands and Category IV wetlands. A summary of the proposal can be found on page [8](#).
  - *Riparian area measurement method.* A summary of the proposal can be found on page [9](#).
  - *Increased riparian area widths.* A summary of the proposal can be found on page [10](#).
  - *Riparian areas overlap with alluvial fan hazard areas.* A summary of the proposal can be found on page [10](#).
- *Mitigation ratio increases* may have the effect of requiring more land to be devoted to on-site mitigation when new or expanded agricultural activities impact critical areas, potentially removing some land from future production.
  - *Wetland mitigation ratios.* A summary of the proposal can be found on page [9](#). Wetland mitigation ratios are modified or increased to meet BAS and Department of Ecology guidance for many wetland categories and types of mitigation projects.
  - *Riparian area mitigation ratios.* A summary of the proposal can be found on page [10](#). Riparian area mitigation ratios are increased, and alternative options are provided for additional actions.
- *Manure management and grazing area buffers.* A description of specific code changes can be found on page [11](#). The proposed changes will have the effect of reducing where new or expanded livestock operations may locate in wetlands, wetland buffers, aquatic areas, and riparian areas. The proposal balances critical area functions and values by providing larger widths and additional limitations, while including provisions that recognize and support continued agriculture and livestock activities.
- *Farm field access drives.* A description of specific code changes can be found on page [12](#). The proposed changes may have the effect of limiting what can be considered a farm field access drive, which in turn limits where a drive can be constructed within critical areas. The proposed changes may have effect of limiting the number of new access drives that could qualify as farm field access drives, which are eligible for streamlined permitting options and regulatory allowances for commercial agriculture operations.
- *Livestock manure storage facilities, livestock heavy use areas, and farm pads.* A description of specific code changes can be found on page [11](#). The proposed changes require the site to have horticultural or grazing activities and limit where they can be located on a site. The proposed changes may have the effect of limiting the size, scale, and location of these facilities.
- *Nonresidential farm buildings.* A description of specific code changes can be found on page [12](#). The proposed changes require the site to have horticultural or grazing activities and limit where they can be located on a site. The proposed changes may have the effect of limiting the size, scale, and location of these facilities.
- *Grading.* A description of specific code changes can be found on page [5](#). Grading would be allowed in alluvial fan hazard areas and overlapping critical areas to address the emergency or imminent threat to agricultural structures necessary to store equipment, produce, or livestock. In order to use this allowed alteration, applicants would need to take steps to minimize the scope of work done within critical areas and mitigate for impacts, so that the risk of future emergencies is minimized.

- **Proposed measures to protect such resources or to avoid or reduce impacts are:**

To protect environmentally sensitive areas or areas designated for governmental protection, the County relies on a mix of regulatory and nonregulatory measures, discussed below. The mix of regulatory and nonregulatory measures can vary by geographic area or by land use. For example, in the urban unincorporated area, with a prevailing pattern of smaller, previously developed lots, the County uses a combination of critical areas protections, stormwater management investments, urban forestry programs, and open space conservation to protect critical areas functions and values while accommodating new housing and commercial development and community priorities for green space. In the less developed rural area, characterized by denser forest cover and less impervious surface, the County is in some cases applying a higher critical areas regulatory standard coupled with open space conservation, tax incentives, transfer of development rights, farm management plans, forest stewardship plans, and stormwater best management practices (BMPs) to protect critical areas functions and values.

### **Regulatory measures**

The proposed ordinance improves, avoids and reduces impacts to environmentally sensitive areas or areas designated for governmental protection as described Section A.11 (beginning on page 4)

The following are specific provisions that aim to reduce impacts to agricultural lands of long-term commercial significance:

- A discussion of proposed measures to avoid or reduce impacts on new or expanded agriculture is discussed in [Section B.8.b.1.](#), above.
- Proposed standards to apply a moderate-intensity land use classification to agricultural activities that the Dept. of Ecology considers to be high-intensity and apply a low-intensity land use classification to commercial agricultural uses carried out in accordance with an approved farm management plan when determining wetland buffer widths.
- Grazing area buffer widths (though proposed to increase) are smaller than the wetland buffer and riparian area widths recommended by BAS, providing additional area for agriculture.
- Continuation of allowed alterations, such as those for horticulture, grazing livestock, livestock manure storage, agricultural drainage, and nonresidential farm buildings.
- Allowing maintenance of agricultural waterway in alluvial fan hazard areas if the purpose is to improve agricultural production, appropriate state permits are obtained, the project complies with the King County agricultural drainage assistance program, appropriate training for those involved has been obtained, and clearing and grading standards are followed.

A discussion of the effects of the proposal on prime farmlands may also be found earlier in the response to this question.

Another option for code standards would be to add commercial agriculture to the wetland categories that match the BAS (that is, high impact and moderate impact categories). If commercial agriculture were to be categorized as recommended by BAS, this would require larger buffers than those in the proposed ordinance and would provide a higher likelihood of preserving wetland functions and values as well as a higher likelihood of greater protection for environmentally sensitive areas, wilderness areas, threatened and endangered species habitat, wetlands and floodplains. It could also reduce the area of land that would otherwise be available for the establishment of new farms.

### **Non-regulatory measures**

The County implements a number of programs and non-regulatory measures to protect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands. These programs and non-regulatory measures serve to reduce or eliminate potential long-term impacts and risks associated with activities that alter or modify the

environment. The following is a summary of some key programs and non-regulatory measures utilized by King County:

- *The Land Conservation Initiative* establishes strategies for conserving 65,000 acres of high conservation value land over 30 years in six categories: urban green space, trails, natural lands, rivers, farmlands, and forests. This effort builds on previous protections of more than 190,000 acres since 1970. This initiative guides landscape-scale conservation strategies, including fee title acquisitions, conservation easements and voluntary incentive programs. Since January 2005, King County has acquired fee title to more than 9,000 acres of conservation land and conservation easements covering more than 50,000 acres. While not every parcel of protected land has critical areas, permanent protection of ecological functions and values is often a key reason for seeking permanent protection. For example, of the more than 800 parcels protected under Land Conservation Initiative since 2016, more than 65% have some portion of the parcel within 200 feet of a river or stream, and more than 85% of the parcels intersect at least one type of regulated critical area. More than 75% of the parcels sought for future protection under the Land Conservation Initiative have some portion of the parcel within a riparian corridor measured 200 feet on each side of the mapped centerline of a river or stream.
- *Salmon Habitat and Floodplain Restoration*. Over the past 20 years, King County and Water Resource Inventory Area salmon recovery partners have constructed hundreds of habitat projects in strategic locations spanning all of King County's watersheds, as well as Vashon-Maury Island, ranging from small planting projects to major floodplain restoration projects. Increasingly, a focus for habitat restoration and multi-benefit flood risk reduction projects is reconnection of historical floodplains. Since 2020, the County has completed four major multi-benefit flood risk reduction projects that reconnect more than 250 acres of floodplain. The 2024 Flood Management Plan emphasizes these types of actions as important to build climate resilience and restore ecosystem function alongside reducing flood risk.
- *Public Benefit Rating System Program (PBRS)* offers an incentive to conserve open space on private property in King County by providing a property tax reduction based on different open space resources on the property, including protecting buffers to streams and wetlands, groundwater recharge areas, significant wildlife habitat, significant plant or ecological sites, and conserving farm and forestlands. The program regularly monitors enrolled properties to ensure landowners maintain the open space resources in the same or better condition as when approved for enrollment. In most circumstances, areas that are already required to be protected due to preexisting regulations or land use actions are ineligible for enrollment in PBRS. However, the program often protects areas adjacent to regulated critical areas and buffers, providing additional protection for critical areas functions and values. Currently, more than 1,450 landowners and 14,200 acres participate in this program.

**5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

The proposed ordinance is likely to affect some land and shoreline uses by limiting which uses are allowed in critical areas or their buffers, and reducing the size, scale, and extent of some land and shoreline uses. Examples of provisions that could affect land or shoreline use include, but are not limited to:

- *Wetland impact categories*. A summary of the proposal can be found on page [8](#). The proposed changes would add or modify land use types for the purposes of applying wetland buffer. New land uses are proposed to be added to this code section, including adding telecommunication towers and associated equipment as a high impact use and forest service roads as a moderate impact use, which may impact these developments when near wetlands.
- *Wetland buffer reduction for certain uses*. A description of specific code changes can be found on page [8](#). The proposed changes would remove wetland buffer reductions for all uses that are not dwelling units, mixed-use, daycares, and social service uses in the urban growth area. Removing this reduction may affect "high impact" land uses on sites with wetlands or wetland buffers.

- *Shoreline Master Program.* The proposal is likely to affect shoreline uses by adopting code standards relating to development in tsunami hazard areas and alluvial fan hazard areas into the Shoreline Master Program. Standards relating to development in tsunami hazard areas and alluvial fan hazard areas are proposed to specify the placement and development standards for development in these areas.

The proposal is not likely to allow or encourage land or shoreline uses that are incompatible with existing plans. The proposal was developed to be consistent with and support other KCCP policies, the GMA, Shoreline Master Program, KCSWDM, among other adopted plans and policies. In general, the proposed ordinance would limit which uses are allowed in critical areas or their buffers, and reduce the size, scale, and extent of some land and shoreline uses, rather than allowing or encouraging new land or shoreline uses. Any development permitted under this proposed ordinance would be subject to existing codes and plans that address land and shoreline uses.

- **Proposed measures to avoid or reduce shoreline and land use impacts are:**

The following measures are proposed to ensure the proposed ordinance is compatible with existing and projected land uses and plans, generally:

- *Buffer averaging.* Retaining buffer averaging provisions for wetland buffers and riparian areas, which are existing and proposed to remain. Averaging provides flexibility on constrained sites to allow development while protecting and enhancing critical areas.
- *Wetland buffer reduction for certain uses.* A description of specific code changes can be found on page [8](#). The proposed changes would continue to allow wetland buffer reductions for dwelling units, mixed-use, daycares, and social service uses in the urban growth area. Maintaining the reduction for these uses would support housing related comprehensive plan goals.
- *Increased riparian area widths.* A summary of the proposal can be found on page [10](#). The proposal includes increasing riparian area widths for all adjacent aquatic area types. Different riparian area widths are provided for Type S and F within the urban growth area, which is lower than requirements outside the urban growth area, to accommodate housing related comprehensive planning goals.
- *Agricultural activities.* A discussion of proposed measures to avoid or reduce impacts on new or expanded agriculture is discussed in [Section B.8.b.1.](#), above
- The Permitting Division plans to develop updated customer bulletins to help communicate and support consistent and efficient implementation of code updates that are adopted in this proposal.

## **6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

The proposed ordinance does not alter, and is not anticipated to affect, demands on transportation or public services and utilities than what otherwise might occur under the existing code.

- **Proposed measures to reduce or respond to such demand(s) are:**

As the proposed ordinance does not alter, and is not anticipated to affect demands on transportation or public services, and utilities, no measures to avoid or reduce impacts are proposed.

## **7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

The proposed ordinance was developed consistent with local, state, and federal law requirements for the protection of the environment and aligns with GMA goals within King County's unique land use context, including updates consistent with the County's 2024 BAS Report. The proposed ordinance aims to ensure compliance with current GMA requirements and administrative guidance with a heightened emphasis on incorporating significant state agency-issued BAS updates and achieving no net loss of critical areas functions and values at an ecosystem scale.



For example, focusing new growth in urban areas where it is more efficiently served by transportation infrastructure helps to meet environmental goals like reducing greenhouse gas emissions. However, this means additional clearing and impervious surface that impacts functions and values of riparian areas. It also can mean loss of green spaces that are increasingly important to communities and ecosystems affected by climate change.

King County utilizes a combination of regulatory and nonregulatory measures to protect critical areas functions and values to ensure no net loss at the scale of watersheds and ecosystems. King County has strengthened critical areas protections through the Comprehensive Plan policy updates, regulatory updates, land use designation and zoning requirements, and continued implementation of stormwater management and clearing and grading requirements, and a broad array of nonregulatory programs.

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

The proposed ordinance primarily updates K.C.C. Title 21A.24 Critical Areas as well as, select sections of K.C.C. Title 21A.25 Shorelines, and K.C.C. Title 16 Clearing and Grading, K.C.C. Title 20 Planning, and Title 21A Zoning. Existing regulations related to the protection of the environment, including K.C.C. Title 9 Surface Water Management, Title 10 Solid Waste, Title 13 Water and Sewer Systems, and Title 23 Code Compliance, the Clean Air Act, and others, are not amended by the proposed ordinance. These regulations would still apply to development projects subject to the proposed ordinance in unincorporated King County.