

March 29, 2024

**To: King County Council ([CouncilCompPlan@kingcounty.gov](mailto:CouncilCompPlan@kingcounty.gov))**

**Re: 2024 Critical Areas Ordinance Update—Supplemental Changes to Executive Recommended 2024 Comprehensive Plan**

The Joint Rural Area Team (\*) has completed its review of the subject materials on *Critical Areas Ordinance (CAO)*—required to reflect the latest *best available science (BAS)*—released by the King County Executive on March 1, 2024, as part of the **2024 King County Comprehensive Plan (KCCP) Major Update**.

The subject changes represent an important tool for protecting the environment, the Rural Area, and all habitat, species and resource lands. It is required by the Growth Management Act (GMA). King County has been a leader in adopting such policies, which have been the foundation of environmental and species protection.

There is much to like in the CAO Update and here are some examples:

- Aquatic and wetland buffers along with mitigation ratios are increased for more effective protection.
- There are provisions to make restoration projects and enhancements easier to accomplish by adding flexibility and clarity.
- There is attention to wildfire vulnerability and post wildfire debris flows and floods.
- Alluvial Fans and Tsunami Hazard Areas are added and others strengthened.
- There are some new important things like: Wildlife Lighting to reduce impacts to wildlife from exterior lights and Adding a definition of and allowing use of climate-smart plants to increase resilience in restorations and new plantings—these show attention to current known issues and the need to add protections.
- The list of species of concern is updated to reflect current information and status.
- There is a requirement to apply for a permit to do vegetation management for wildfire protection in a critical area, so this can't be used as a work around to clear a critical area that otherwise wouldn't be allowed.

There are other proposed changes that aren't quite fleshed out yet:

- Basin Plans are being repealed. Basin Plans have been an important and useful tool for over 30 years, but they are old, have not been updated, and the protections offered are now covered elsewhere. This could simplify implementation Countywide. There are, however, Basin specific provisions such as stormwater plans that may be able to reside in the Subarea Plans. The need for some *locally specific* requirements is important and we await the proposal to do so.
- Rural Stewardship Plans are proposed to be removed from Code. The County no longer approves or administers them and does not have the resources to do so. There has been little demand. There is flexibility in Code such as buffer averaging that may serve the same purpose.

- There is needed clarity added—an example is that a property cannot use the Boundary-Line Adjustment (BLA) process to create a lot-constrained by critical areas and then ask for a *Reasonable-Use Exemption*.

As Rural property owners, there are some big concerns:

- This comprises hundreds of pages and most property owners would have no idea when or why they might need to apply for a permit. It is mind-boggling for the homeowner to read through this and understand and apply it appropriately. We understand why it is so large and comprehensive, but also understand how this may limit property owner compliance, even by many who want to do the right thing.
- Education materials in *lay* language and small bites are critical. These materials need to be developed and somehow made available and we would like to know how this is proposed to be completed and implemented to the Public.
- We are in favor of much or most of the protections offered here, but still feel qualms at having so many rules apply to our private property. As in the past, there are others who will simply see this as a land grab. There are those with enough resources who will look for every work-around possible thereby costing the County (taxpayers) money.

**Thought in how this is implemented is very important. Unfortunately, the Department of Local Services, Permitting Division, which will have the greatest responsibility here, has a poor track record. Enforcement goes hand in hand with these regulations and that process is broken. A recent audit recognizes some of the problems. All the work to update these policies and code will prove useless without the full complement of needed tools and personnel to implement and enforce.**

Thank you for the opportunity to comment on this important aspect of the **2024 King County Comprehensive Plan (KCCP) Major Update**.

*(\*) Joint Rural Area Team: Enumclaw Plateau Community Association (EPCA), Friends of Sammamish Valley (FoSV), Greater Maple Valley Unincorporated Area Council (GMVUAC), Green River Coalition (GRC), Green Valley/Lake Holm Association (GV/LHA), Hollywood Hill Association (HHA), Soos Creek Area Response (SCAR), Upper Bear Creek Unincorporated Area Council (UBCUAC), and Rural Technical Consultants—Mike Birdsall (Transportation Focal), Ken Konigsmark (Growth Management Focal), and Terry Lavender (Environmental Focal).*

Peter Rimbos  
Coordinator, Joint Rural Area Team--KCCP, CPPs, and VISION 2050  
Greater Maple Valley Unincorporated Area Council (GMVUAC)  
[primbos@comcast.net](mailto:primbos@comcast.net)