

Joint Rural Team

EPCA, FoSV, GMVUAC, GRC, GV/LHA, HHA, SCAR, UBCUAC

March 17, 2024

To: King Council Local Services and Land-Use Committee: [Sarah Perry](#); [De'Sean Quinn](#); [Teresa Mosqueda](#); and [Reagan Dunn](#)

cc: King Councilmembers: [Claudia Balducci](#); [Jorge Baron](#); [Rod Dembowski](#); [Peter von Reichbauer](#); and [Girmay Zahilay](#); KC Director, Regional Planning: [Lauren Smith](#); KCCP Manager: [Chris Jensen](#); and KC DNRP - Clean Water Healthy Habitat, Government Relations Officer: [Megan Smith](#)

Re: **Review and Comment—King County Executive's 2024 Proposed Update to the King County Critical Areas Ordinance (CAO) and Best Available Science (BAS), October 2024**

The Joint Rural Area Team (*) has completed its review of the subject document, as part of the **2024 King County Comprehensive Plan (KCCP) Major Update**. The document offers a greater level of protection to critical areas in the County. Throughout, Best Available Science (BAS) is explained clearly, along with how it informs the regulations and protections with BAS sources noted. If there is a conflict with CAO/BAS application and other Growth Management Act goals, this is noted and explained. For example, buffers are smaller in Urban Areas to allow for the density of housing required. It is noted that planting vegetation in buffers may mitigate for some of the reduced size.

However, we are very concerned the promise of this required CAO update will fall short without urgently needed major reform in the Department of Local Services, Permitting Division (DLS-P). Careful application of code, landowner assistance, updated materials and maps, adequate staff, and reliable and effective code enforcement are all needed, but wanting.

It is a challenge to truly protect Critical Areas and allow use of private property. This has been a tension in unincorporated urban and rural King County since the Sensitive Areas Ordinance (SAO) was adopted nearly three decades ago. This update recognizes both and attempts to ensure a high level of Critical Area protection, while recognizing appropriate use within the structure of Growth Management. However, much about this is hard for citizens to understand and apply. While Stream and Wetland layers have been updated on King County I-Map, much *new* mapping is needed and we fear is years away. Materials for citizens all will need to be updated, when the CAO passes. It is truly a huge task for citizens to know how to apply the regulations. In fact, many spend significant money hiring consultants, surveyors, and/or scientists to help them through the regulatory process. Methods to defray some of these costs should be considered to help ensure citizen compliance. Ideally this would include: (1) adequately staffing DLS-P to provide assistance and guidance and (2) updating educational materials to be truly useful.

Good intentions fail terribly without careful and consistent implementation, much of which is done through the permitting and code enforcement process. We continue to be deeply concerned that these critical functions are fundamentally broken and further complicated by recently State-mandated permit streamlining (which actually was proposed and passed to streamline permitting of needed housing in Urban Areas, but is being applied throughout unincorporated King County). We also understand attempts at improvement are underway, which we applaud, but we have yet to see any positive results. If anything, in particular cases, issues with permitting and code enforcement in rural King County are getting worse. Yet effective permitting and code enforcement are essential County services on which we all depend.

In the CAO update it states, "*Regulations can only be effective when they are used consistently and correctly.*" Pg 31. The final page (Pg 203) is a table showing how many permit applications in the last three years have had a Critical Area Condition—40% !!! This assumes critical areas correctly were identified and mapped. This update, required by the Growth Management Act and essential to protecting Critical Areas in King County, is dependent on significant and real improvement in the permitting and code enforcement process. We cannot overemphasize this point.

Mapping is consistently noted as critical. Many maps have been updated and there are plans to update more, but this work will still need funding. These inform areas to be regulated, gives the Department of Local Services, Permitting Division, important information when evaluating proposals or reviewing code enforcement actions, and gives property owners a realistic view of their property and what parts need special protection. Important areas being updated are Channel Migration Zones with mapping ongoing; Critical Aquifer Recharge Areas with mapping due to be completed before the 2034 Comprehensive Plan Major Update; and a new category of Geologic Hazard / Alluvial Fan Hazard Area with mapping planned. It is very clear mapping alone is not enough and site visits by knowledgeable people also must be conducted. Successful implementation of this CAO Update relies on good mapping, site visits when needed, code interpretation, expert consultation, and code enforcement (as needed). Otherwise, all these good legislative efforts likely will fall short of our shared goals to protect critical areas in the long term.

We applaud the naming and extensive use of *non-regulatory measures* throughout. These include new and improved mapping, monitoring, the Land Conservation Initiative, The Public Benefit Rating System (PBRs), voluntary sale of properties, storm water management, flood management planning, Best Management Practices, Farm and Forest Management Plans, restoration, and other proven strategies. All of these have multiple benefits and provide some flexibility, while still ensuring compliance.

We also note *incentive programs* that are mutually beneficial by providing both positive enhancement and a tax break, are important, desirable, and should be used whenever / wherever possible. However, regulated set-asides, such a stream and wetland buffers, are not eligible for incentive programs like PBRs. Thus, increasing the regulated area increases those areas that *cannot* be incentivized. Incentive programs should be evaluated to ascertain if there are opportunities for positive gain in protecting critical areas. For example, BAS notes that vegetation in a buffer is of major importance, so possibly, a regulated buffer could be incentivized to be enhanced. Also, the tax structure should be looked at for opportunities to rethink assessments when critical areas are a significant portion of a property.

Thank you for the opportunity to comment on this important aspect and final piece 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).*

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