



Planning and Community Development

Ryan Countryman

Council Initiated:

☐ Yes

☒ No

ECAF: 2024-2646

Ordinance: 24-097

Type:

☐ Contract

☐ Board Appt.

☒ **Code Amendment**

☐ Budget Action

☐ Other

Requested Handling:

☒ **Normal**

☐ Expedite

☐ Urgent

Fund Source:

☐ General Fund

☐ Other

☒ **N/A**

Executive Rec:

☒ **Approve**

☐ Do Not Approve

☐ N/A

Approved as to

Form:

☒ **Yes**

☐ No

☐ N/A

Subject: Code amendment – Critical Area Regulations.

Scope: Ordinance 24-097 (Ord 24-097) would revise several chapters in Title 30 SCC regarding Critical Area Regulations (CAR).

Amendment Sheet 1 would retain several mitigation options and incentives that Ord 24-097 will otherwise remove.

Duration: N/A

Fiscal Impact: ☐ Current Year ☐ Multi-Year ☒ **N/A**

Authority Granted: None

Background: Staff from Planning and Development Services (PDS) provided a briefing to the County Council regarding Ord 24-097 on December 3, 2024. Council and PDS staff discussed a variety of issues and competing priorities related to the ordinance. Council continued the discussion to December 17 to prepare possible amendments for further discussion.

The Growth Management Act (GMA) requires that counties “shall include the best available science [BAS] in developing policies and development regulations to protect the functions and values of critical areas” [RCW 36.70A.172](#). Including BAS does not mean solely relying on it. The CAR updates proposed by PDS are based on the department’s interpretation of BAS. As with any complex intersection of science and policy there is scope for legislative bodies to debate and determine appropriate regulation. In developing regulations, counties must consider other GMA goals and requirements too. Criteria for using BAS in developing regulations are in [WAC 365-195-915 and -920](#). These criteria include guidance for use of information that departs from BAS recommendations, including ways to apply incomplete scientific information to development permitting processes.

Amendment Sheet 1 is a discussion-draft prepared at the request of Councilmembers Mead and Nehring. It responds to concerns about impacts of Ord 24-097 on housing affordability and maintenance of development capacity within Urban Growth Areas necessary to accommodate adopted growth targets. This draft only addresses code portions of the ordinance. It proposes changes to the ordinance that would retain existing incentives to:

1. Provide protecting fencing;
2. Place critical areas and buffers in separate tracts;
3. Combine fencing and tracts to increase likelihood of protection;
4. Use buffer averaging; and
5. Fill and mitigate small wetlands when following Best Management Practices (BMPs).

Amendment Sheet 1 does not yet include findings to show compliance with the WACs. Council staff may add such findings and may make technical adjustments to the code related language in a final amendment sheet prior to a public hearing.

Request: Move Ordinance 24-097 to General Legislative Session on December 18, 2024, to set date and time for a hearing. Suggested: January 15, 2025, at 10:30 a.m.