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Subject: KCCP 2020 MID-PT UPD--JOINT KC RA ORGAN--ADDENDUM TO COMMENTS
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Attachments: [ADDENDUM to Jt RA Org Comments--2020 KCCP Mid-Pt Upd--FINAL.pdf](#)
[KCCP "20 Mid-Pt Upd--RA Org"s Comments--FINAL.pdf](#)
[Ltr to KC C--KCCP Upd Process.pdf](#)

King County Councilmembers,

On June 8 the following King County Unincorporated Rural Area organizations—Enumclaw Plateau Community Association (EPCA), Friends of Sammamish Valley (FoSV), Greater Maple Valley Unincorporated Area Council (GMVUAC), Green Valley/Lake Holms Association (GV/LHA), Hollywood Hills Association (HHA), Soos Creek Area Response (SCAR), and Upper Bear Creek Unincorporated Area Council (UBCUAC) provided you with a detailed set of Joint Comments on the 2020 King County Comprehensive Plan (KCCP) Mid-Point Update (Update).

At that time, because there literally only was a weekend plus to review and prepare comments on the Council's proposed Update amendments before its June 9 Public Hearing and because the SEPA Review was released the same day we made our submittal, we reserved the right to provide you with an ADDENDUM to those Joint Comments.

Attached below please find our ADDENDUM, which includes:

- (1) A more thorough review of the proposed *S2 Amendments*.
- (2) Comments on the SEPA Review (in fact, we followed the format of the SEPA Review which aligns with the chapters of the Update). Unfortunately, the SEPA Review only addressed the *S1 Amendments* and *S2 Amendment Concepts*, as it was conducted *prior to* the Council's release of the line-item details of its *S2 Amendments*.

For the Council's convenience we also attach our Joint Comments submitted on June 8.

Please note that we previously submitted to you a separate Letter (dated June 3) on the Process/Schedule being used by the Council to modify, amend, review, accept Public Comments, and approve the subject Update. We touch upon some of those concerns, as they relate to specific items, in our attached ADDENDUM. We have attached that Letter for the Council's convenience.

Again, the collective territories of our seven organizations cover nearly all of King County's Rural Area from the Snohomish to the Pierce County lines. We believe our perspective provides the Council with a very good understanding from the Rural Area, the vast portion of the County that is most directly affected by the KCCP.

We thank you in advance for your time and effort in reviewing the attached materials as you deliberate on the Update.

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"To know and not to do is not to know."-- Chinese proverb

Please consider our shared environment before printing.

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Striking Amendments S1 & S2 (rev. 6/5/20 & 6/8/20) to Executive's Proposed Language

ADDENDUM to June 8, 2020, Joint Comments

King County Rural Area Unincorporated Area Councils (UACs), Unincorporated Area Associations (UAAs), and Organizations

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KC Rural Area UAC/UAA/Organization Joint Comments ADDENDUM

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I. Introduction

This **ADDENDUM** supplements our **Joint Comments** submitted to the King County Council on June 8. Although it is far shorter than those Comments, we have included specific **highlighting of key points** to help guide the reader.

The *2020 KCCP Mid-Point Update (Update)* is a limited-scope "*four-year midpoint*" update and is considered an "*annual amendment*" and subject to such applicable rules under the State Growth Management Act (GMA). The State Environmental Policy Act (SEPA) guides the environmental review of the amendments to the KCCP and ensures environmental considerations are identified and addressed during decision-making processes. SEPA procedures require agencies to determine if a proposed action will have probable significant adverse environmental impacts. The *Update* falls under the definition of actions. One of SEPA's primary purposes is to: "*to promote efforts which will prevent or eliminate damage to the environment and biosphere;...*" **Consequently, the King County Executive's Recommended Plan (9/20/19) and subsequent Amendments by the King County Council must "prevent or eliminate damage to the environment and biosphere."**

The King County Executive's Office, as the lead agency, has developed the SEPA documents referenced herein, which are binding on the County and, thus, on the King County Council. The SEPA review for the *Update* assessed potential adverse environmental impacts associated with both the Executive Recommended Plan and amendments to this Plan by the King County Council. **However, because this SEPA review was conducted prior to the Council's release of the details of its S2 Amendments (June 5) it does not address same, but rather only S1 Amendments and S2 Amendment Concepts.** This is highlighted in the last section of the *SEPA Addendum* (p. 35):

"The hearing notice includes potential modifications that might be included within the second Striker ("S2"). These include a specific topic area changes as well as notification that items such as those related to the adopted scope or items considered in earlier stages of the process may be included. The Council will consider in its deliberations how any changes based on these fall within the range of impacts analyzed in the Addendum."

In this ADDENDUM we document several inconsistencies between the proposed S2 Amendments and the SEPA review, as well as identify further concerns associated with the subsequent S2 Amendment details released after the SEPA review. It is incumbent on the King County Council to ensure its proposed S2 Amendments do not result in environmental

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impacts above and beyond what was analyzed in the *SEPA Addendum*, for such changes have yet to be vetted in any SEPA review. In past *Updates* this has not been the case, as line-item details were available for SEPA Review.

II. Concerns

Chapter 1: Regional Growth Management Planning

While the SEPA review found “no probable significant adverse environmental impacts” with the *S1 Amendments* and the *S2 Amendment Concepts*, it was conducted before the latter’s details were released on June 5. We find *additional* concerns over and above what we identified under the “**Four-to-One Program**” section of our **Joint Comments** submitted on June 8. In part, we stated several concerns with proposed language such as: “*high conservation value property*,” “*modifications to the four-to-one ratio*,” and “*accepting non-UGA-adjacent parcels*.” To those concerns we add the following after reviewing the Countywide Planning Policies (CCPs):

- CPP Policy **DP-16b1**:

“DP-16 Allow expansion of the Urban Growth Area only if at least one of the following criteria is met:

...

- b) *A proposed expansion of the Urban Growth Area is accompanied by dedication of permanent open space to the King County Open Space System, where the acreage of the proposed open space*
 - 1) *is at least four times the acreage of the land added to the Urban Growth Area;*”

The proposed language conflicts with CPP Policy **DP-16b1**.

Further, we believe a “*reduced ratio*” for “*high-conservation properties*” is inconsistent with the King County Charter (the basic structural document of the King County government, similar to a constitution) under **Section 26.14 HIGH CONSERVATION VALUE PROPERTY** and existing King County Code. In November 2009, King County voters approved the *Open Space Protection Amendment* to the Charter, which ensured that certain King County-owned properties listed on a “*High Conservation Value Property Inventory*” would have enhanced protection against sale, transfer, change of use, or surplus. Properties on the inventory were acquired “*to conserve, preserve, protect or enhance natural or scenic resources*”, such as timberlands, streams, wetlands, wildlife habitat, or scenic vistas, and for “*passive recreational opportunities*.” The updated High Conservation Value Property Inventory includes 105 sites, with a total acreage of 16,503 acres in fee and 142,623 acres in easement.

However, the phrase “*High Conservation Value Property*” is never defined in the Charter. In the process properties the County already owns are selected and given extra protection. So, to use that phrase in a different way – that presumably would also be in King County Code, if passed, would cause confusion and, thus, should not be done. The statement that the County is going to use criteria or a definition similar to *High Conservation Value* properties is meaningless, since no definition exists!

This appears to be an attempt to give legitimacy to some properties where someone might want to do 4:1 that otherwise doesn’t qualify, but it doesn’t work. Also, using a “*reduced ratio*,” likely would invite legal challenges, since the 4:1 program originates from the Countywide Planning Policies (CPPs).

In no way, under any circumstances, should the King County Council accept a “*reduced ratio*” under the 4:1 Program for “*high-conservation properties*.” The King County Council must remove these *S2 Amendments* to ensure consistency with the Countywide Planning Policies, King County Charter, and King County Code.

Chapter 2: Urban Communities

The SEPA review “*found one policy would overturn a restriction that has been in place for about two decades to not allow roads serving the new urban area to be outside of the urban area. This approach is in tension with amendments in 2016*”

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that expressed that the intent for urban-serving facilities to primarily be located within the urban growth area.” In part, we stated in our June 8 **Joint Comments** on proposed changes to Policy **U-189** regarding roads through the Rural Area to serve Urban Areas: “There must be strong rules in place to ensure that such decisions are based on science and not politics.” To that concern we add the following after reviewing the Countywide Planning Policies (CCPs):

The *S2 Amendment* on **Policy U-189** clearly is inconsistent with CPP Policy **DP-16b1** discussed in **Chapter 1** above. Further, The *S2 Amendment* on **Policy U-189** is inconsistent with the following CPP Policies in both intent and implementation:

- **DP-17c:**
“If expansion of the Urban Growth Area is warranted based on the criteria in DP-16(a) DP-16(b), add land to the Urban Growth Area only if it meets all of the following criteria:
...
c) Can be efficiently provided with urban services and does not require supportive facilities located in the Rural Area;”
- **DP-47:** “Limit the extension of urban infrastructure improvements through the Rural Area to only cases where it is necessary to serve the Urban Growth Area and where there are no other feasible alignments. Such limited extensions may be considered only if land use controls are in place to restrict uses appropriate for the Rural Area and only if access management controls are in place to prohibit tie-ins to the extended facilities.”
- **T-2:**
“Avoid construction of major roads and capacity expansion on existing roads in the Rural Area and Resource Lands. Where increased roadway capacity is warranted to support safe and efficient travel through the Rural Area, appropriate rural development regulations and effective access management should be in place prior to authorizing such capacity expansion in order to make more efficient use of existing roadway capacity and prevent unplanned growth in the Rural Area.”

Finally, the **PUBLIC FACILITIES AND SERVICES** section of the CPPs states on pp. 49-50:

“VISION 2040 calls for a full range of urban services in the Urban Growth Area to support the Regional Growth Strategy, and for limiting the availability of services in the rural area. In the long term, there is increased efficiency and cost effectiveness in siting and operating facilities and services that serve a primarily urban population within the Urban Growth Area. At the same time, those facilities and services that primarily benefit rural populations provide a greater benefit when they are located within neighboring cities and rural towns.”

The *S2 Amendment* on Policy **U-189** mentions “the County may allow roads to be located outside of the urban portion of the development to protect critical areas or for other ecological benefit.” This is inconsistent with CPP Policy **DP-17c** above.

Further, under **RCW 36.70A—Growth Management**, there is no express need for public facilities, such as roads, to be placed in the Rural Area to serve urban needs:

RCW 36.70A.70(5) Rural Element.

- “(d)(iii) ... Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;
- (d)(iv) ... provide public facilities and public services in a manner that does not permit low-density sprawl;”

The King County Council must remove the *S2 Amendments* on Policy **U-189** concerning “(R)oads that support ... urban development...” to ensure consistency with the CPPs.

Chapter 3: Rural Areas and Natural Resource Lands

The SEPA review in its third bullet point under “Proposal” states our highlighting):

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- Amends policy to clarify where and when industrial zoned parcels and uses can be sited in the Rural Area. **These amendments do not create any new industrial sites in the Rural Area.** These are primarily technical changes to clarify the existing intent."

The S1 Amendment, which stated: "Modifies policies so that new Industrial zoned property would not be permitted in the rural area," is consistent with the SEPA review's words highlighted above: "These amendments do not create any new industrial sites in the Rural Area." However, the S2 Amendment, which stated: "Modifies Policy R-512 to limit new industrial-zoned lands to existing sites or those that have long been used for industrial or comparable purposes with similar impacts." is completely inconsistent with that SEPA review.

Further, when looking at the S2 Amendment details (released on June 5) it is proposed to effect several changes in key policies as described in the following:

Policy R-512

Policy **R-512** is proposed to be changed as follows:

~~"((The creation of new)) Industrial-zoned lands in the Rural Area shall be limited to existing sites or those that have long been used for industrial or comparable purposes with similar impacts, ((do not have potential for conversion to residential use due to a historic designation and that may be accessed directly from State Route 169)) in order to reduce pressure for growth, limit impacts on nearby natural resources and functions, and avoid the need for infrastructure extensions. Existing industrial uses in the Rural Area zone that do not qualify to be zoned Industrial may continue if they are permitted uses or legal, nonconforming uses."~~

The proposed changes above *expand* the purposes for which Industrial zoning would be allowed by stating: "industrial or comparable purposes with similar impacts." We believe the King County Council's proposed changes to Policy **R-512** open the door to almost *anything* based on one's interpretation of the words "comparable" and "similar."

Our **Joint Comments** (submitted on June 8) under "**Non-Resource Industrial Uses in the Rural Area**" section made it clear that: "Industrial-zoned parcels (beyond the three existing I-zoned parcels) have no place in the Rural Area; nor do industrial-scaled facilities."

The King County Council must address these inconsistencies with the SEPA review by removing its S2 Amendment proposed words we identify above. This would result in the following for Policy **R-512:**

~~"((The creation of new)) Industrial-zoned lands in the Rural Area shall be limited to those that have long been used for industrial purposes, ((do not have potential for conversion to residential use due to a historic designation and that may be accessed directly from State Route 169)) in order to reduce pressure for growth, limit impacts on nearby natural resources and functions, and avoid the need for infrastructure extensions. Existing industrial uses in the Rural Area zone that do not qualify to be zoned Industrial may continue if they are permitted uses or legal, nonconforming uses."~~

Policy R-513

Policy **R-513** is proposed to be changed as follows:

~~"Rural Public Infrastructure Maintenance Facilities((;)) and agriculture and forestry product processing should be allowed in the Rural Area. ((Other new industrial uses in the Rural Area shall be permitted only in Rural Towns and in the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston.))"~~

We tend to agree with the February 12, 2020, Staff report to the King County Council's Mobility and Environment Committee: "...removal of this sentence could effectuate a different policy direction." Has the King County Council explored the legal ramifications and on-the-ground impacts of such a change? Our reading of such a change is that it opens up the Rural Area to new Industrial uses.

Please recall the language that first was enacted as part of the 2000 KCCP Update and designated as Policy **R-412** (which subsequently became **R-513**) was:

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"New industrial uses in the Rural Area shall be permitted only in Rural Towns and in the designated industrial area adjacent to the Rural Neighborhood of Preston."

Also recall that the Goodnight property on SR-169 was not rezoned until 2008 in order to accommodate Sunset Materials—a recycling operation on that site. Former Policy **R-412** (quoted above) was, at that time, amended to read as follows (which is the *existing* language of **R-513**):

"Rural Public Infrastructure Maintenance Facilities, and agriculture and forestry product processing should be allowed in the Rural Area. Other new industrial uses in the Rural Area shall be permitted only in Rural Towns and in the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston."

So, at the time the subject property was rezoned by the Council to Industrial, the Council also amended and adopted Policy **R-513**—which has the effect of limiting new "industrial uses" in the Rural Area—a new "use" is a proposed project that was not vested at the time the 2008 KCCP Update was enacted. There was a good reason for the Council to adopt this policy in 2008 as it did so in recognition that Sunset Materials and the site rezone was a very special and limited circumstance—and new industrial uses in the Rural Area would necessarily be restricted to Rural Towns and the Preston area. This Policy did not restrict in any way the siting of new industrial uses in the UGA portion of unincorporated King County.

There was no "mistake" or error in the adoption of Policy **R-513**—and former Policy **R-412**. It is the law that the County's Zoning Code must be consistent with and implement this KCCP Policy. Accordingly, any changes that are to be made must necessarily be to *amend* the Zoning Code to be *consistent* with this current Policy. Clearly, the County is making every effort to legitimize the siting of the Lakeside Asphalt Facility on the SR-169 property—which is contrary to the State's Growth Management Act and adopted Rules thereunder.

The King County Council must address such ramifications and we strongly recommend it retain the *existing* language of Policy **R-513**.

Policy R-515

Policy **R-515** is proposed to be eliminated in its entirety:

~~((Existing industrial uses in the Rural Area outside of Rural Towns, the industrial area on the King County-designated historic site along State Route 169 or the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston shall be zoned rural residential but may continue if they qualify as legal, nonconforming uses.))~~

However, eliminating Policy **R-515** is inconsistent with the following (our **emphases**):

WA State RCW 36.70A.011: "The legislature finds that **this chapter is intended to recognize the importance of rural lands and rural character to Washington's economy, its people, and its environment**, while respecting regional differences. Rural lands and rural-based economies enhance the economic desirability of the state, help to preserve traditional economic activities, and contribute to the state's overall quality of life. . . . [T]he legislature finds that in defining its rural element under RCW 36.70A.070(5), **a county should foster land use patterns and develop a local vision of rural character** that will: **Help preserve rural-based economies and traditional rural lifestyles**; encourage the economic prosperity of rural residents; foster opportunities for small-scale, rural-based employment and self-employment; permit the operation of rural-based agricultural, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns; **be compatible with the use of the land by wildlife and for fish and wildlife habitat**; foster the private stewardship of the land and preservation of open space; and **enhance the rural sense of community and quality of life.**"

King County Comprehensive Planning Policy DP-1: "All lands within King County are designated as: Urban land within the Urban Growth Area, where new growth is focused and accommodated; **Rural land, where farming, forestry, and other resource uses are protected, and very low-density residential uses, and small-scale non-residential uses are allowed**; or Resource land, where permanent regionally significant agricultural, forestry, and mining lands are preserved."

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King County Executive's Recommended Plan: *"Based on data from 2006 through 2011, the 2014 Buildable Lands Report evaluated the actual housing constructed, densities of new residential development, and the amount of actual land developed for commercial and industrial uses within the Urban Growth Area. **Based on that data, it projected that there is a sufficient amount of land within the Urban Growth Area to accommodate housing, commercial and industrial uses through 2031 and beyond.** Additional discussion and policies can be found in Chapter 12, Implementation, Amendments and Evaluation."*

The King County Council must address these inconsistencies by fully retaining the *existing* Policy **R-515**.

In summary, the premise that the Comprehensive Plan must be amended to conform with the King County Code (Development Regulations) is clearly erroneous. This is yet another reason why the King County Council should not effect the proposed S2 Amendment changes to Policies **R-512**, **R-513**, and **R-515**. These Policies have been in effect for many years and it is the law that the King County Code must be consistent with and implement these Policies, not vice versa—it is not the Code that drives the Plan Policies, rather it is the Plan Policies that drive the Code to be consistent with and conform thereto. It is neither illegal, nor contrary to the State's Growth Management Act, for Comprehensive Plan Policies to direct certain land uses to particular areas of the County so as to be compatible with surrounding land uses—especially in the Rural Area (see **RCW 36.70A. 011** cited above). The Comprehensive Plan Policies, as presently written and long adopted, do not in any way prohibit industrial uses in the Rural Area; moreover, there are ample areas in the County's Urban Growth Area to accommodate any and all forms of industrial uses that would be forced upon the Rural Area under the proposed S2 Amendment Policy changes.

Chapter 5: Environment

In Attachment A, p. 44, lines 1127-8: ~~"((The Partnership anticipates updating the Action Agenda again in 2018.))"~~ This should be retained and the year for next update should be included.

In Attachment A, p. 44 line 1145: Policy **E-215bb** — *"based on best available information,"* we again stress that the word *"science"* should not be replaced with the word *"information."* *"Information"* is a vague word that could include anything including *"hearsay."* We must base decisions on science—facts and data—in order to develop regulations that will meaningfully accomplish the stated goals.

In Attachment A, p. 45 lines 1159-1162: Policy **E-420** —

"King County should incorporate climate change projections into new species protection plans, and shall revise older species protection plans when feasible or when conducting ((regular-plan)) eight-year updates to incorporate projected impacts from climate change."

Annual Plan updates must include climate change assessments. Eight years is an eternity in terms of impacts being wrought by human-accelerated climate change to our shared environment.

Chapter 8: Transportation

The SEPA review in its second bullet point under *"Proposal"* states (our highlighting):

- *"Removes policy and text related to the County's Mitigation Payment System which had already been deleted from the County Code and is no longer in effect."*

However, the proposed S2 Amendments are not consistent with this statement. At Section 4(H [Road Services Division duties])(10), describing duties of the Office of County Road Engineer, it states:

*"10. Administering the transportation concurrency and mitigation payment programs; and
11.a. Performing the duties of the office of the county road engineer, which is hereby established as an administrative office of the road services division. The office of the county road engineer shall be an office of record, supervised by*

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the county road engineer hired in accordance with RCW 36.80.010 and reporting to the manager of the road services division. The office of the county road engineer shall be located within the corporate limits of the county seat.

Why must the county road engineer be located in downtown Seattle? Why not change his/her location to unincorporated King County, so as to be closer to the assets to be assessed, maintained, and improved?

Appendix C: Transportation and C1: Transportation Needs Report

The SEPA review, since it did not have access to the *S2 Amendment* details released on June 5 after it was conducted is inadequate here because it dwells primarily on the “*technical revisions*” or word changes due to reorganization of county departments, and fails to recognize many adverse traffic impacts due to growth, fails to mitigate such impacts, and, thereby, perpetuates the illusion that the Comprehensive Plan meets the requirements of the State’s Growth Management Act (GMA) to anticipate and provide for the impacts of growth. The *S2 Amendment* contains no information at all addressing such deficiencies and, therefore, is complicit in perpetuating that inadequacy. For example:

- The Appendix C *Figure 1 (map)* displays forecast travel volumes for 2031 on a small selection of state highways and *Figure 2 (map)* identifies a subset of those state highway locations that are forecast to be deficient (have demand greater than capacity) in 2031. But nowhere is there any information about existing and future traffic volumes on county roads, which are far more central to the County’s responsibilities. Absent such basic traffic volume information there can be no understanding of what traffic issues exist whether present or future.
- The Transportation Needs Report (TNR) of improvements through 2031 based on that forecast predominantly addresses maintenance of physical conditions. The TNR is largely silent about operational or capacity improvements to address traffic congestion and safety issues at numerous deficient locations that are well known to residents of the Rural Area and, we believe, have been frequently reported to King County and, thus, are well known to the County’s Department of Local Services, Roads Division.
- Despite numerous public complaints to the County, the transportation documents remain silent about the increasing adverse impact of urban traffic commuting between cities via rural roads serving as detour routes around highly congested state highways. From the traffic data in *Figure 2* showing the most congested state highway corridors, it is easy to surmise that nearby rural county roads would be adversely impacts, yet the documents are silent to this.
- The reporting of future congestion on state highways is incomplete and inconsistent. *Figure 2* appears to say that SR-169 from Renton to Black Diamond will be uncongested in 2031 with the sole exception of the intersection at 196th Ave SE. Yet, nowadays SR-169 is woefully congested and the documents provide no indication of any improvements. All the while, the cities of Maple Valley, Covington, Enumclaw, and Black Diamond (the latter spectacularly so) continue to add population, which inevitably generates more demand to use SR-169. Absent any commitment to add new lanes to SR-169—or perhaps a massive increase in transit service with dedicated HOV lanes—the only alternative for all those new commuters is to use any available county roads. Continued use by commuters living in the Urban areas increasingly disturbs the safety, tranquility, and rural quality of life in the affected road corridors—all clearly contrary to County policies and the State’s GMA.
- *Figure 2* shows extreme congestion on SR-900, Issaquah-Hobart Road, and SR-18—these are all the routes available to SE King County residents to reach I-90 at Issaquah and to reach points beyond. This example repeats itself throughout the County. Only SR-169 north of Maple Valley appears as a potential alternative, described in Figure 2 as largely uncongested in contradiction to the everyday experience of commuters today in this corridor and, thus, a woefully out-of-date assessment!
- Although SR-169 through Maple Valley is currently congested, and already forcing commuters to seek alternative routes, there is no discussion of the ongoing increase of traffic on 276th Ave SE through rural Hobart, and its continuation southerly through Ravensdale to Black Diamond. Yet, it is well known that when the Landsburg Bridge over the Cedar River was closed for reconstruction in August 2019 (and before the release of the *Transportation Appendix*), traffic volumes dropped over 75% on 276th Ave SE through rural Hobart and on Black Diamond-Ravensdale Rd, with a smaller reduction on Lake Retreat-Cumberland Rd connecting to Enumclaw,

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while traffic congestion on SR-169 through Maple Valley was markedly increased as north-south commuters shifted back to the state highway given no other choices. Again, this example repeats itself throughout the County.

- Several other rural county roads are known to have similar problems of unwanted through-traffic that should be served by state highways. The failure here to identify or evaluate such through-traffic serves only to perpetuate ignorance about this unmitigated impact of growth.
- The traffic forecast conditions in Appendix C were produced by the Puget Sound Regional Council (PSRC) using its regional traffic model. It may seem logical for the County to use the PSRC model on a *technical basis*, but there are unwelcome consequences of great policy importance. PSRC as the regional planning agency under GMA has established a growth target for each city in the county. But, the City of Black Diamond refuses to comply, and is committed to grow far, far beyond the PSRC growth targets by several thousand houses (note that PSRC has only *conditionally* certified the city's *Comprehensive Plan Update* because of this issue, as well as several transportation planning and funding issues). To date the City of Black Diamond has actually approved major developments leading to that outcome that could increase its population by upwards of 20,000 people, with nearly all those with jobs seeking to commute outside the city itself. Further, the City of Black Diamond makes little provision to mitigate traffic or other adverse impacts *outside* the city. Thus, King County's plans for rural southeast King County are woefully behind the reality of Black Diamond's plans, because King County relied on PSRC forecasts based on assigned Growth Targets that exclude Black Diamond's massive growth plans. King County appears unable or unwilling to influence that city's plans, and PSRC lacks statutory authority to impose its view of the future on Black Diamond. Consequently, King County must consider Black Diamond's future plans as significant external facts beyond its control and make plans accordingly, rather than disregard that reality by deferring to the reasoning behind PSRC's traffic models.

Pacific Raceways Site and Surrounding Areas - Industrial Zone Change

The SEPA review concluded that if option 1 is chosen (our emphases) *"the site would be allowed all industrial uses, subject to meeting other County Code provisions, as described in Title 21A Zoning. The permitted uses allowed on industrial sites can have more extensive impacts than the existing raceway use. If this option is selected, additional environmental review should be conducted."*

The SEPA review also concluded that (again, our emphases) *"(t)his site is not currently listed and therefore adding this as a new industrial site in the Rural Area as a map amendment is not consistent with the Comprehensive Plan as it is currently adopted."*

We take issue with whether the SEPA process followed constituted the *"hard look"* the Courts have said is the standard for *"adequate SEPA review."* For example, of the three alternatives reviewed: a no-action alternative (doesn't need much review); modification of the p-suffix conditions (which requires moderate to serious review depending on how proposed changes match up with existing regulatory requirements and policies), and changing the zoning outright to Industrial (which would obviously have severe impacts, which the SEPA review stated in asking the Council it should do additional environmental review if there was any intent of giving that option further consideration).

Consequently, the only alternative that received what could be characterized as *"adequate SEPA review"* is the no-action alternative. The least impacting alternative of changes to the *"I p-suffix"* zoning, wasn't evaluated because the changes were not specified at the time of the review. Without specific changes to compare to existing conditions, policies, and regulation there is no basis to perform an analysis rendering the SEPA process without effect. In the highest impact alternative—changing the zoning to Industrial outright—the complete lack of analysis indicates that such a change isn't consistent with the current Comprehensive Plan and policies, and says there should be additional environmental review.

We must review the history here to obtain a clear picture of where we are and how we got here. There have been serious deficiencies in the SEPA approach at the Pacific Raceways site for decades, which are made substantially worse by the current proposed amendment. On December 24, 1985, the then Department of Planning and Community Development issued a Determination of Significance (DS), requiring an Environmental Impact Statement (EIS) for the proposed construction of an oval track at Seattle International Raceway (now Pacific Raceways). Though that project was not built at the time, that was to be the last time the County required an EIS for any Pacific Raceways proposal to the presently issued permits for site work. This is in spite of multiple expansions of Pacific Raceways operations including multiple

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tracks, millions of dollars worth of gravel mined, and now major changes to zoning being proposed that have implications for the entire county.

The County has continued to grant permissions and authorities, as well as other benefits on Pacific Raceways with significant environmental impacts from related plans and projects that were done piecemeal, with no consideration, to this day, of the cumulative impacts resulting from approved projects, zoning changes, and decisions.

The proposed amendments strike *Map Amendment 5*, to the 2012 KCCP Major Update, which would eliminate a conservation easement agreed to in exchange for a rezone of 1.6 ac that has not yet been enacted. There was no relevant SEPA analysis of the impacts of that proposal, and due to serious errors and omissions, such analysis would have been seriously flawed even if done. Clearly, we remain perplexed the Council has pushed this amendment out in such a hurry that it failed to get some of the basic facts correct, or missed them altogether. For example, the Council;

1. Cannot state a conservation easement for a 40-ac rezone was done, when it wasn't.
2. Failed to discern that the 2012 rezone for a 1.6-ac conservation easement had a direct connection to the failure to implement the 2000 conservation easement.
3. Didn't recognize that the property impacted by the 2012 proposed rezone had changed ownership from State Roads, to King County Parks for open space/habitat.

Unfortunately, the above-listed compounding failures mean that, even if the Council had taken a hard look at the myriad impacts from its proposal, it would have got that analysis wrong. If the Council wants to continue with these options it should do the work first, adequately notify the public of the facts along with the analysis second, and then talk about taking a vote on it third.

Finally, the proposed change of zoning of Pacific Raceways from "*I p-suffix*" to straight "*I*" zoning was presented to the public in a context that made it appear this would *only* impact Pacific Raceways. This is not correct as changing to an "*I p-suffix*" zoned property in the Rural Area would have major implications for the entirety of King County's Rural Area. The proposal to place new industrial zoning in the Rural Area is completely at odds with the entirety of KCCPs back to 1991, and to the Community Area Plans that preceded them, all of which were specifically designed to not allow for general industrial zoning to be applied, either specific, to Pacific Raceways, or, generally, to be expanded outside of very limited conditions (that, by the way, Pacific Raceways doesn't meet) anywhere in King County's Rural Area. No notice of this information or potential impacts were provided to the public, in spite of the fact the Council is proposing to move these amendment alternatives to a final vote in a matter of weeks!

Since the SEPA review couldn't specify what the range of impacts would be from this drastic zoning change—which would impact industrial zoning throughout all rural lands in King County, it incumbent upon the King County Council to secure such SEPA review through an EIS before making any decisions on the options identified. Also, consideration of flipping the Pacific Raceways site zoning to outright "*Industrial*," is about the most major of major changes that could be considered with huge implications for regional (PSRC *VISION 2050*), Countywide Planning Policies (CPPs), and KCCP policies and should only even be considered during the 8-yr Major KCCP Update cycle, when there will be sufficient time to weight impacts and risks, and apply the necessary level of SEPA review, and adequate public participation.

Other Items: Snoqualmie Interchange

The "*Finding for 2024 Update*" (i.e., Lambert Amendment—**AMENDMENT TO STRIKING AMENDMENT S2 TO PROPOSED ORDINANCE 2019-0413, VERSION 1**, although dated June 3, was not released to the Public until June 8 and, thus, was never part of any SEPA review. Consequently, this **ADDENDUM** adds to our **Joint Comments** the fact that the results of any such Study on the "*land use designation and zoning classification from rural area to an urban-level land use and zoning*" will need SEPA review before any recommendations and further steps are taken.

Further, we notice the **AMENDMENT** calls for the following to be inserted on page 6, after line 114: a proposal for a study and special consideration for Rural parcels near Snoqualmie "*to consider modifying the land use designation and zoning classification from rural area to an urban-level land use and zoning*" (lines 9 & 10). This proposal and language raise serious concerns and questions. If any additions to the Urban Growth Area (UGA) and/or Zoning changes are to be considered that should only be possible under the *existing* 4:1 program. There is no provision in King County policies that would allow rural lands to be added to the UGA and upzoned simply because that would provide a possible public benefit.

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One could easily envision many scenarios where arguments might be made that converting rural lands to urban for a public benefit is justified. And in doing so, it would completely dismantle the State's Growth Management Act (GMA) and all the long-term efforts to protect rural lands King County.

If a study *is* done, then it should be based upon use of the *existing* 4:1 program, not some new approach that may seek to justify conversion and upzoning of rural lands simply to grant a "*private request*" that may result in some undefined "*public benefit*."

We also have some concerns about process here. One of the major advantages of moving major KCCP Updates to every 8 years was to stabilize Policies and remove work load from citizens and county staff alike. Unfortunately, the Council passed an amendment that allows for changes (not simply map *corrections*, such as relatively *minor line adjustments*) to the Urban Growth Boundary (UGB) during the *mid-point* updates. This results in no real effort saved by the change to 8-yr cycles. This proposed Amendment is an excellent example of what now can routinely be included. We call on the Council to amend the process to disallow such changes to the UGB except during the 8-yr major update cycle.

III. Conclusions and Recommendations

Conclusions

1. **PROCESS:** The process used by the King County Council has been flawed. The details of *S2 Amendments* were posted for Public review on June 5, but after we alerted Council Staff that all the links went to dead-ends, they were not fixed until June 6. At least one *S2 Amendment* was not posted until June 8. After a relentless 48 hours of research and comment development, we provided the Council detailed **Joint Comments** on June 8 the day before its June 9 Public Hearing. There has been lack of transparency and a lack of equity. Forced to use a *virtual* process during a pandemic the public has little meaningful ability to participate when such significant and far-reaching proposals are added to a two-year KCCP update process with less than a month to go before *possible* final approval, and no significant impact analyses conducted. Further, last minute additions have not been vetted and subject to due diligence and analysis, and instill and magnify a lack of transparency, accountability, and equity in the process.

2. **SEPA:** The details of *S2 Amendments* have not gone through full SEPA review, as only the "*concepts*" available (i.e., no detailed language or Policy descriptions) from the Council's Mobility and Environment Committee on April 24 were analyzed in the *SEPA Addendum* released on June 8. This is but another reason we have provided you with this **ADDENDUM**, as we had no time to review the *SEPA Addendum* published the same day, June 8, that we submitted our **Joint Comments**.

3. **CPPs:** The Countywide Planning Policies (CPPs) would need to be amended before many of the changes contemplated by the *S2 Amendments* are adopted by the King County Council. That said, we do have serious concerns with several of the proposed *S2 Amendments*, as detailed in our **Joint Comments** of June 8 and the **ADDENDUM** herein and the fact that the details of the *S2 Amendments* have not been through SEPA review. Consequently, we do not recommend the Growth Management Planning Council (GMPC) contemplate such related CPP changes at this time.

4. **GMA:** There appears to be a common thread woven through many of the proposed *S2 Amendments*—watering down the 4:1 program, allowing urban-serving infrastructure outside the UGA, and expanding industrial sites—that represents, what can only be called, a direct attack on the Rural Area, as contemplated in the State's Growth Management Act (GMA). These amendments, each, and in combination, would bring permanent degradation to the overall health and sustainability of the Rural Area environment for all habitat and residents of the county, as well as specifically to the rural residents' quality of life.

5. **Executive Order:** On September 4, 2019, before the Executive released his recommended *Update* on September 30, he issued Executive Order: LUD-12-2-EO: *Clean Water Health Habitat*. The EO stated (in part), that:

"King County has implemented protective land use policies and active habitat restoration programs, yet continued habitat loss, stormwater pollution, and toxics have resulted in critically endangered orca and declining salmon runs, threatening our shared natural heritage and Tribes' ability to exercise treaty rights;..."

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King County's forests, rivers, lakes, wetlands, shorelines, estuaries, and marine waters are connected systems that require an integrated and coordinated approach;...

...develop King County-wide 30-year water quality and habitat goals based on the best environmental outcomes believed possible as part of the Clean Water, Healthy Habitat Strategic Plan."

We do not see aspects of the EO in any specific Policies in the proposed *Update*.

Recommendations

1. **PROCESS:** KCCP Update process-related problems must be fixed to ensure the County and its citizens have a strong *KCCP Mid-Point Update* using a completely transparent process that has not been rushed and includes a strong Public Participation Plan as contemplated by the State Growth Management Act and codified in the related RCWs.
2. **SEPA:** SEPA Review must continue so that it includes the details of the *S2 Amendments* released on June 5 and 8.
3. **CPPs:** Revise the *S2 Amendments* so as to be in compliance with the CPPs.
4. **GMA:** Drop *S2 Amendments* that undermine the integrity of the Rural Area and go contrary to the State's GMA.
5. **Executive Order:** We encourage future Amendments to the *KCCP Policies* address specifics of the Executive's EO on *Clean Water Health Habitat*.

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Four-to-One Program

S1: “Allows a reduced open space dedication/ratio if the proposal includes a property qualifying as high conservation value or provides affordable housing....Allows roads within the open space or rural area if allowing that would provide an ecological benefit.”

Both of these new statements could make this open to a wide range of interpretation, if one is determined to secure a reduced open space dedication ratio. Further, for “high conservation value property” the County should not accept a lesser amount of protection instead of the full 4:1 ratio, as these are the most important lands needing protection. Consequently, the County should maximize their conservation and not accept a lesser proportion while allowing more of the land to get developed in urban density.

S2 Policy Wording:

“U-185 — Through the Four-to-One Program, King County shall actively pursue dedication of open space along the original Urban Growth Area line adopted in the 1994 King County Comprehensive Plan. Through this program, one acre of Rural Area zoned land may be added to the Urban Growth Area for residential development in exchange for a dedication to King County of four acres of permanent open space. ((Land added to the Urban Growth Area for drainage facilities that are designed as mitigation to have a natural looking visual appearance in support of its development, does not require dedication of permanent open space.)) In some cases, such as for provision of affordable housing or for protection of properties eligible as high conservation value properties, the County may approve modifications to the four-to-one ratio. The total area added to the Urban Growth Area as a result of the Four-to-One Program shall not exceed 4,000 acres.”

We have several questions:

What would be the “modifications to the four-to-one ratio”? We need to see specific definitions of such “modifications” before lending any support here.

Why would the County accept <4:1 for any lands that are “high conservation value” lands?

Why is the 1994 UGA used as a basis?

What is the scientific/technical basis for the 4,000-ac maximum and is that in perpetuity?

Why can so high a maximum amount of land be added to the UGA?

How close is the County to its 4,000-ac maximum?

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S2: “Modifies U-189 to clarify that allowance for roads to be outside the urban area is roads serving the urban portion are in the urban area “to the maximum extent feasible,” and that the language regarding protection of critical areas and ecological benefits is an example of a project that could meet that criteria.”

S2 Policy Wording:

“U-189 —Roads that support the urban development shall, to the maximum extent feasible, be located within the urban portion of the development; for example, the County may allow roads to be located outside of the urban portion of the development to protect critical areas or for other ecological benefit.”

There must be strong rules in place to ensure that such decisions are based on science and not politics.

S1: “Specifies the process based on the results of the Executive's recommendation on the proposal in the docket request. If the Executive is supportive, the proposal is processed as a land use map amendment to the KCCP and included in a future update. If the Executive is not supportive or does not provide a recommendation, the proponent may petition the Council, and if the Council adopts a motion, the Executive will work with the proponent to move the proposal forward, based on the timing identified in the motion.”

The Executive's words should be retained.

S1: “For proposals not adjacent to an incorporated area or where the City or Town does not agree to annex the urban portion, requires a timeframe for preliminary plat application for the urban portion and requires open space dedication at the time of final plat approval. If the proponent does not pursue urban development within the specified timeframes, the property is required to be reverted back to rural at the next midpoint or eight-year KCCP update.”

This puts a time limit for non-UGA-adjacent parcels. We don't believe the 4:1 program should ever accept non-UGA-adjacent parcels.

S2 Policy Wording:

“U-190a — For Four-to-One proposals adjacent to an incorporated area, approval of a Four-to-One proposal should be coordinated with the adjacent city or town, and strive to achieve an interlocal agreement with the adjacent city or town for annexation of the urban portion of the proposal.”

The County should not simply “strive” for annexation, but insist upon it. Also, again, we don't believe the 4:1 program should ever accept non-UGA-adjacent parcels.

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Non-Resource Industrial Uses in the Rural Area

S1: No change to Executive's recommendation to "(m)odif(y) policies so that new Industrial zoned property would not be permitted in the rural area."

We agree.

S2: "Modifies Policy R-512 to limit new industrial-zoned lands to existing sites or those that have long been used for industrial or comparable purposes with similar impacts. Includes language from Policy R-515 (which is deleted) on nonconforming uses in Policy R-512."

S2 Policy Wording:

"R-512 — ((The creation of new)) Industrial-zoned lands in the Rural Area shall be limited to existing sites or those that have long been used for industrial or comparable purposes with similar impacts, ((do not have potential for conversion to residential use due to a historic designation and that may be accessed directly from State Route 169)) in order to reduce pressure for growth, limit impacts on nearby natural resources and functions, and avoid the need for infrastructure extensions. Existing industrial uses in the Rural Area zone that do not qualify to be zoned Industrial may continue if they are permitted uses or legal, nonconforming uses."

We agree , but such facilities must not be allowed to expand their operations. Industrial-zoned parcels (beyond the three existing I-zoned parcels) have no place in the Rural Area; nor do industrial-scaled facilities.

"R-516 Existing isolated industrial sites in the Rural Area with Industrial zoning shall not be expanded and any new industrial uses shall conform with the requirements in Policy R-514."

We do not see Policy R-516 that was included in the KC Executive's 9/30/19 recommended plan. It is important that such sites *not* be allowed to expand further in the Rural Area. The following is our extensive Policy Analyses on R-512 thru R-516 which accompanied our July 31, 2019, Joint Comments on the Executive's PRD. In the *Public Comment and Response Report* the Executive stated the following in relation to our Comments: "*The Executive agrees with the spirit behind this comment and has revised the language in the Executive's Recommended Plan accordingly*" and Analysis "*King County appreciates this analysis. Please see previous response about edits included in the Executive's Recommended Draft.*" So, why does it appear that the Executive's recommended Policy R-516 is being dropped? **To be clear: Industrial-zoned parcels (beyond the three existing I-zoned parcels) have no place in the Rural Area; nor do industrial-scaled facilities.**

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Analysis

RELEVANT LAW

1. **RCW 36.70A.130(1)(d)**: “Any amendment of or revision to a comprehensive land use plan shall conform to this chapter.”

2. **RCW 36.70A.011**: “The legislature finds that **this chapter is intended to recognize the importance of rural lands and rural character to Washington's economy, its people, and its environment**, while respecting regional differences. Rural lands and rural-based economies enhance the economic desirability of the state, help to preserve traditional economic activities, and contribute to the state's overall quality of life. . . . [T]he legislature finds that in defining its rural element under RCW 36.70A.070(5), **a county should foster land use patterns and develop a local vision of rural character** that will: Help **preserve rural-based economies and traditional rural lifestyles**; encourage the economic prosperity of rural residents; foster opportunities for small-scale, rural-based employment and self-employment; permit the operation of rural-based agricultural, commercial, recreational, and tourist businesses that are consistent with existing and planned land use patterns; **be compatible with the use of the land by wildlife and for fish and wildlife habitat**; foster the private stewardship of the land and preservation of open space; and **enhance the rural sense of community and quality of life.**” (Emphases added.)

3. **RCW 36.70A.030(16)**: “ ‘Rural character’ refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

- (a) In which open space, the natural landscape, and vegetation predominate over the built environment;
- (b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;
- (c) That provide visual landscapes that are traditionally found in rural areas and communities;
- (d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;
- (e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;
- (f) That generally do not require the extension of urban governmental services; and
- (g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.”

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4. **RCW 36.70A.115(1)**: *“Counties and cities that are required or choose to plan under RCW 36.70A.040 shall ensure that, taken collectively, adoption of and amendments to their comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth, including the accommodation of, as appropriate, the medical, governmental, educational, institutional, commercial, and industrial facilities related to such growth, as adopted in the applicable countywide planning policies and consistent with the twenty-year population forecast from the office of financial management.”*

RELEVANT KING COUNTY PLANNING POLICIES

5. 2012 King County Comprehensive Planning Policies (as amended June 25, 2016):

*“**DEVELOPMENT PATTERNS**: The policies [DP-x] in this chapter address the location, types, design and intensity of land uses that are desired in King County and its cities. They guide implementation of the vision for physical development within the county.”*

*“**DP-1** All lands within King County are designated as: Urban land within the Urban Growth Area, where new growth is focused and accommodated; Rural land, where farming, forestry, and other resource uses are protected, and very low-density residential uses, and small-scale non- residential uses are allowed; or Resource land, where permanent regionally significant agricultural, forestry, and mining lands are preserved.”*

*“**DP-34** Concentrate manufacturing and industrial employment within countywide designated Manufacturing/Industrial Centers. The Land Use Map in Appendix 1 shows the locations of the designated Manufacturing/Industrial Centers.”*

*“**DP-50** Except as provided in Appendix 5 (March 31, 2012 School Siting Task Force Report), limit new nonresidential uses located in the Rural Area to those that are demonstrated to serve the Rural Area, unless the use is dependent upon a rural location. Such uses shall be of a size, scale, and nature that is consistent with rural character.”*

RELEVANT FACTS

6. 2020 KCCP PRD (pp.5-6):

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“As part of its review of the Comprehensive Plan, King County, together with its cities, published the 2007 King County Buildable Lands Report and updated it in 2014. Ratified in 2015, the report fulfills the requirements of the Growth Management Act for the county and its cities to evaluate every eight years whether there is sufficient suitable land to accommodate the projected countywide population. The Buildable Lands Report represents a mid-course check on achievement of Growth Management Act goals. The focus of the evaluation is on the designated urban areas of King County and growth targets for those areas as established in the Countywide Planning Policies.

*Based on data from 2006 through 2011, the 2014 Buildable Lands Report evaluated the actual housing constructed, densities of new residential development, and the amount of actual land developed for commercial and industrial uses within the Urban Growth Area. **Based on that data, it projected that there is a sufficient amount of land within the Urban Growth Area to accommodate housing, commercial and industrial uses through 2031 and beyond.** Additional discussion and policies can be found in Chapter 12, Implementation, Amendments and Evaluation.” (Emphases added.)*

APPLICATION OF LAW AND FACTS TO PROPOSED 2020 KCCP PRD

7. PSRC VISION 2050 Draft SEIS at Section 2.4.2 identifies and designates the Manufacturing/Industrial Centers. Figure 2.4-4 shows the designated manufacturing/industrial centers. See also PSRC *Industrial Lands Analysis* (March 2015). None of the properties adjoining SR 169 identified in the 2020 KCCP PRD in the amended Policy R-512 are identified as manufacturing/industrial centers. The inclusion of these lands for industrial use in the rural area is inconsistent with the KC Comprehensive Planning Policies and violates the GMA.

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Agricultural Production Districts (APDs)

S1: Clarifies when public infrastructure may intrude into an APD: *“Modifies policies so that regional public infrastructure may intrude into an APD when necessary and minimizes disruptions to agricultural activities.”*

The Executive allowed such intrusions *“if they meet regional needs.”* S1 allows such intrusions *“when necessary and minimizes disruptions to agricultural activities.”* Language such as: *“regional needs,” “when necessary,”* or *“minimizes disruptions”* should be better defined as each of these are subject to wide interpretation. As an example of concern here, the Sammamish Valley has been targeted numerous times for significant expansion of SR-202 and for extension of Willows Road, both of which would present significant intrusions into the Rural Area. Any expansion of SR-202 would almost certainly affect the APD. The on-and-off-again expansion plans for SR-169 present another example of concern for impacts to the APD in SE King County. Our precious *“designated agricultural resource”* lands within King County’s APDs need the highest levels of protection if they are to functionally survive into a future in which their value will certainly continue to grow. This statement of purpose is contrary to a long-term goal of agricultural preservation and contradicts itself in the process. If we are serious about *“minimizing disruptions to agricultural activities,”* we will plan our *“regional public infrastructure”* around our APDs, not over them.

S1: Agrees with Executive’s proposal for: *“mitigation for intrusion into the APD for public facilities and infrastructure is required within the same APD at a 1 to 1 ratio, in another APD at a 1.5 to 1 ratio, or in-lieu fee at a 2 to 1 ratio.”*

We are opposed to these added provisions. The existing 1:1 ratio is intended to preserve the precious *“designated resource”* lands in each APD. The 1.5:1 proposal would threaten our APDs (e.g., in the Sammamish Valley and the Green River Valley), which are under the most development pressure and which have the most value for the open space they provide close to the County’s Urban areas. These added provisions would almost certainly result in taking acreage out of these APDs and shifting them to the County’s more far-flung areas. Even more threatening is the *“in-lieu fee on a 2:1 ratio.”* This would simply allow APD land to be bought outright and converted to other uses. These proposals would have the short-term effect of fueling a speculative run on A-zoned land, driving up the price of farmland farther above what an agricultural enterprise can afford. It must be remembered that farmland is irreplaceable. Once it is gone it is gone and soils suitable for farming are not a commodity. The County already has made a

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significant effort to identify the areas with the best soils for farming and, thus, needing full protection, not swapped out for other land that is less suitable to farming.

S2: "Modifies Policy R-656a to allow the County to approve alternative mitigation for loss of APD land. If acquisition within the same APD at a 1 to 1 ratio is not possible, then a minimum of 3 acres added to 1 acre lost is required, within a minimum 1 acre of acquisition in another APD and up to 2 acres of restoration of unfarmed land within the same APD. Requires that mitigation occur concurrently with removal of the APD land, and clarifies the County must approve the remove and mitigation."

S2 Policy Wording:

"R-656a — King County may only approve the ((R))removal of ((the)) land from the Agricultural Production District ((may occur only)) if it is, concurrently with removal of the land from the Agricultural Production District, mitigated through the ((addition)) replacement of agricultural land abutting the same Agricultural Production District that is, at a minimum, comparable in size, soil quality and agricultural value. As alternative mitigation, the County may approve a combination acquisition and restoration totaling three acres for every one acre removed as follows:

- a. A minimum of one acre must be added into another APD for every one acre removed; and**
- b. Top to two acres of unarmred land in the same APD from which land is removed shall be restored for every acre removed."**

We do not support this proposal. Why would anyone utilize the 3:1 in the same APD when all they need to do is a 1:1? Does the 3:1 mean replacement land may be acquired in another APD on a 1:1 plus the 2:1 for acquisition/restoration? We do not support any proposal that allows for a net loss of acreage in any individual APD.

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Accessory Dwelling Units (ADUs)

S1: "Excludes basement from maximum square footage (existing for urban area/rural town is 1,000 square feet of heated floor area, striker also allows 1,000 square feet of unheated area)....Expands owner-occupied requirement to include immediate family.

Removes provision regarding subdivision of lots with ADUs in the Rural Area zone."

This allows an ADU up to 2,000 sq ft, which we believe we can live with.

S2: "Modifications to the maximum square footage, including the allowance for basements to be excluded from the maximum square footage size and the allowance for 1,000 square feet of unheated area."

Without the details it is hard to understand exactly what is being proposed in terms of maximum square footage. However, should basements be excluded from the maximum square footage resulting in an ADU's size to be greater than 2,000 sq ft, we cannot live with that. We also have some questions not yet addressed:

- 1. In the Rural Area what type of well would be required? We support a single-user system. We do not support an upgrade to a Group B system.**
- 2. Is another septic system required or an upgrade to existing septic system?**
- 3. Will design standards, height limitations, and on-site location analysis be better defined, along with supporting rationale?**

S2—Lambert Amendment 2:

"B. Development conditions.

7.a. Accessory dwelling units are subject to the following standards:

...

(2) Only allowed in the same building as the primary dwelling unit (($\theta\theta$)), except that detached accessory dwelling units are allowed when there is no more than one primary dwelling unit on the lot, and the following conditions are met:

...

(b) the lot must meet the minimum lot area for the applicable zone if located in the rural area but not in a rural town, except that if one transferable development right is purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling unit is allowed on an RA-5 zoned lot that is two and one-half acres or greater;

The Rural Area should not be used as receiving sites for TDRs except for *intra-Rural Area* TDRs. Consequently, we call for removing "*or Natural Resource*

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Lands” above. KC Code 21A.37(A.)(3.) specifically states “**RA-2.5 zoned parcels,**” **not RA-5 zoned parcels.**

(3) The accessory dwelling unit shall not exceed one thousand square feet of heated floor area and one thousand square feet of unheated floor area except:

...

(b) for detached accessory dwelling units, the floor area contained in a basement does not count toward the floor area maximum; or

(c) on a site zoned RA if one transferable development right is purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, the accessory dwelling unit is permitted a maximum heated floor area of one thousand five hundred square feet and one thousand five hundred square feet of unheated floor area;

...”

This allows an ADU up to 3,000 sq ft, which we cannot live with.

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KC Rural Area UAC/UAA Comments

Sea Level Rise / Climate Change / Greenhouse Gas Mitigation

S2 Policy Wording:

“E-215bb — King County should implement regulations that mitigate and build resiliency to the anticipated impacts of climate change, based on best available information. Such impacts include sea level rise, changes in rainfall patterns and flood volumes and frequencies, changes in average and extreme temperatures and weather, impacts to forests including increased wildfires, droughts and pest infiltrations. Methods could include mitigating greenhouse gas emissions, establishing sea level rise regulations, and/or strengthening forests ability to withstand impacts.”

We support this policy, but we do not support replacing the word “science” with “information” in the phrase “best available....” We must base decisions on science—facts and data—in order to develop regulations that will meaningfully accomplish the stated goals.

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Mineral Resources

S1: *“Clarifies coal mines, and oil and gas extraction are not permitted in unincorporated King County.”*

We agree.

S2 Resource Tables:

We do not understand why the Table of “Designated Mineral Resource Sites” removes reference to “John Henry Coal Mine / Palmer Coking Coal” (p. 35), but the table of “Potential Surface Mineral Resource Sites” (pp. 36-37) retains four “Palmer Coking Coal” sites (Map # Sections: 47, 48, 50, and 63).

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Fossil-Fuel Facilities

S1: Streamlines and clarifies allowances for “non-hydroelectric energy generation facilities” and adds “a renewable energy generation facility separate from non-hydroelectric” as follows:

“Modifies definition of non-hydroelectric generation facility to exclude renewable energy. Removes exclusion for fuels related to waste management processes from the definition.”

We disagree, as this would include “fuels related to waste management processes” in the definition of non-hydroelectric generation facilities. We do not want to see such Industrial-scale facilities sited in Unincorporated Areas.

“Modifies allowances for "Non-Hydroelectric Generation Facility" to require a conditional use permit (CUP) if related to a waste management process, or require a special use permit (SUP).”

We disagree, as we do not want any such permits approved in the Unincorporated Area.

“Adds definition for "renewable energy generation facility" for solar, wind, and geothermal electricity generation. Adds ~~add~~ a definition to differentiate "consumer scale" from non-consumer scale energy system.”

We again are wary here, as we do not want to see such Industrial-scale facilities sited in the Unincorporated Area, whether “consumer scale” or “non-consumer scale energy system(s).” In fact, What does “non-consumer scale” energy systems mean? Energy production is capital intensive and requires significant scale to even be financially feasible.

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Pathways/Sidewalks in RA

S1: Adds safe routes to schools as a criteria for sidewalks in the rural area as follows:
"Adds lead-in text that addresses provision of sidewalks in the rural area to address safety or high use issues when other walkway alternatives would not be as effective, and for safe routes to schools."

We are opposed to the proposed new language, if it allows for urban-style infrastructure to extend into the Rural Area, which could be a big problem in trying to contain the spread of Urban activities into the Rural Area such as the rogue wine bars and pubs and event centers that have caused so much trouble just outside of Woodinville. While the Growth Management Hearings Board (GMHB) recently invalidated the County's Adult Beverage Ordinance (ABO) that sought to legalize such urban activities in the Rural Area, the problem of tamping down such capers is far from over and allowing formal sidewalks into such areas would only make the matter worse. Existing provisions allow for "soft trails" in the RA and A zones and these currently are used extensively to good effect. "Sidewalks for schools" is a red herring. In 2011-2012 the School Siting Task Force (several members from our organizations served on the task force) was successful in finding agreement between school districts, cities, rural area, and the county that new schools serving primarily urban populations should be sited *inside* the UGA. The non-conforming schools already sited in the Rural Area have long-since established protocols to accommodate their access needs. We do not know of any existing schools in the Rural Area pushing for "sidewalks to schools."

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Community Service Area (CSA) Subarea Planning

S2: Increase Subarea Planning scope by: *“(b)roadening the scope of Community Subarea Plan subarea planning to cover locally-specific topics identified through a scope of work developed by the community and the County.”*

We agree with the basic premise.

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Map Amendments

S1: “Map Amendment 1a – Expansion of Snoqualmie APD – Carnation Area”

We agree with this adjustment. It is rare to see acreage being added to our APDs, in spite of there being some excellent land, such as the subject parcel, that still exists outside the A-zones.

S1: “Map Amendment 1b – Expansion of Snoqualmie APD – Fall City Area: Removes P-suffix condition regarding fill in the floodway.”

We agree for the same reasons provided under 1a above.

S2: “Map Amendment 2 – Woodinville Roundabout Mitigation—Potential substantive changes for Map Amendment 2 depending on final agreement with City of Woodinville”

We agree with this mitigation action. Where possible, future Urban transportation infrastructure should be accommodated *inside* the Urban Growth Area, whenever possible. This project unnecessarily impacted the Sammamish Valley APD due to a combination of the failure of the County to carry out oversight when it ignored the SEPA information provided by the City of Woodinville, which clearly showed this project extending onto the “protected” farmland. This mitigation action is, at this point, a reasonable compensation for the loss.

S2: “Map Amendment 9 – Racetrack Zoning—Repeals 2012 map amendment that has not been effectuated for the same property.

We strongly oppose repealing the 2012 Map Amendment. The 2012 map amendment *Conservation Easement* has been an issue since 2000 (or 2001 if pegged to the literal adoption date). Pacific Raceways continues to not sign the *Conservation Easement*, which was supposed to have been included as part of the referenced amendment to the 2000 Comprehensive Plan. Without the conservation easement being enacted, any zoning change amounts to the granting of a specific zoning benefit to Pacific Raceways with no commensurate benefit to the either King County or the general Public and will pose a significant adverse impact to the environment.

These major changes undermine 20 years of work to obtain a *Conservation Easement* originally promised, but never enacted from the 2000 Comprehensive Plan approved Pacific Raceways zoning change (rural to I-p), and the increase to that *Conservation Easement* that was established in 2012's Comprehensive Plan

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and mapping change to mitigate for the additional upzoning requested by Pacific Raceways.

The description of the history of the Pacific Raceways rezones it is inaccurately claimed that the 2000 (adopted 2001) rezone *Conservation Easement* was put in place! This was a major issue during the 2012 conservation easement fight, and Pacific Raceways admitted freely the 2000 *Conservation Easement* was never put in place. This clear error is of particular concern as it implies that mitigation for the 2000 rezone was provided, when in fact it wasn't, and the failure to provide the 2000 *Conservation Easement* as promised is the underlying reason the 2012 *Conservation Easement* was written as it was. Providing any additional benefit to Pacific Raceways by further undermining the *Conservation Easement* in the face of the actual, rather than stated history is unacceptable.

The changes proposed are intensive and will have substantial impact. Even the Count's own analysis states the proposal to change the zoning from I-p to I is inconsistent with the Comprehensive Plan and, in our opinion, the county wide planning policies as well!

The proposed changes would overturn four decades of permitting, land-use policy, and successive Comprehensive Plans, with completely inadequate impact analysis, and substantial errors in underlying assumptions, such as claiming that mitigation through a *Conservation Easement* in exchange for the 2000 rezone was done, when the facts are exactly the opposite.

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Transportation Appendices

Transportation Appendix C to KCCP

S1: Adopts the 2020 Transportation Element with technical changes.

We are dismayed that no substantive changes were made to the *Transportation Element*, in broad disregard of our Joint Comments earlier in the KCCP 2020 Mid-Point Update process detailing inadequacies with respect to transportation conditions in the Rural Area, including suggested policy changes to resolve several issues. Formal responses to our public comments seem to assert (in summary) that existing policies, procedures, and inter-agency processes are “adequate” to address the issues we raised, and/or that the issues raised are somehow beyond the scope of the KCCP. But after 30 years of supposedly “adequate” planning under both the State Growth Management Act (GMA) and the State Environmental Policy Act (SEPA) why is it that:

- **Virtually every state highway and city/county arterial is overcrowded?**
- **Lesser roads (especially County roads through the Rural Area) inappropriately carry the overflows from major roads?**
- **City-to-city urban travel increasingly flows through the Rural Area and disrupts the rural way of life that GMA allegedly would protect?**
- **Rural Area residents are increasingly afraid to walk along their own County roads (the Issaquah-Hobart Rd is but one of many, many examples) due to high volumes of urban through-traffic, yet the roads are deemed “adequate” based on minor upgrades to isolated intersections, if even those?**
- **There is no systematic method for the County to seek mitigation for impacts in rural areas due to urban developments in nearby cities, other than polite talk at interagency forums, which has resulted in almost nothing being mitigated? We understand the Council withdrew the Mitigation Payment System (MPS) program, effective December 17, 2016. Unfortunately, this left mitigation of the impacts of new development through SEPA and the County’s intersection standards (14.80 INTERSECTION STANDARDS, specifically: Subtitle 14.80.040 Mitigation and payment of costs). However, it is clear these mechanisms are not generating sufficient funds to truly mitigate the impacts. Further, we’ve seen nothing proposed to replace the MPS. This is an equity-justice issue the County must consider.**

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We see a pressing need to systematically *redefine* the scope and priorities for current transportation planning, growth management, and development regulation practices, to ensure long-term protection to the Rural Area that both the GMA and SEPA are supposed to provide, otherwise the Rural Area will be ever-increasingly impacted by deleterious through-traffic flows from the nearby urban areas.

Below we *include* and expand upon some of the detailed Joint Comments we made last year during the 2020 KCCP Mid-Point Update process that reflect the need for the County to look at transportation systems more from a regional perspective. Although we have an “Urban Growth Line,” commuters and the traffic congestion they cause could care less. The KC Executive Office’s response to these comments was: *“There are numerous regional transportation issues identified within this comment letter that require regional collaboration, solutions, and regional funding. King County is and will be actively engaged in regional transportation planning efforts.”* While we recognize those efforts, they clearly have proven to be insufficient to the magnitude of the problem.

1. Existing policies T-403 and T-404 are *insensitive* to the actual needs in the Rural Areas.

“T-403 — The unincorporated county road system provides transportation connections for large numbers of users that travel through the Rural Area and Natural Resource Lands to reach adjoining cities, other counties or regional destinations. King County should seek and support regional funding sources that could be used to repair and maintain the arterial system.”

“T-404 — When funding transportation projects in areas where annexations or incorporations are expected, (~~the Department of Transportation~~) King County should seek interlocal agreements with the affected cities and other service providers to provide opportunities for joint grant applications and cooperative funding of improvements.”

Alternative policies are needed that seek the following:

1. *Protect the Rural Area from urban traffic that belongs elsewhere.*
2. *Strategically address “Rural Regional Corridors” (as described on p.4 in the accompanying Transportation Needs Report) between urban centers, including*

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transit, to prevent diversions into Rural Areas; however, done in such a way as to not enable further urban development in the outlying areas, which, for all intents and purposes, are ignoring Concurrency.

- 3. Reclassify rural routes in the Plan so as to reflect rural needs only and highlight the priority to divert urban traffic away from such routes*
- 4. Apply "traffic calming" methodologies to discourage urban through-traffic from using rural routes*
- 5. Discourage urban or quasi-urban growth in areas served only by rural routes*
- 6. Work with regional agencies and other local governments to implement a new method of transportation finance that properly integrates development impact mitigation into regional plans.*

2. The Mitigation Payment System (MPS) was terminated with no replacement. This means that apart from SEPA there is no provision to mitigate the traffic impacts on King County roads due to new developments. This guarantees the gradual degradation of traffic conditions countywide without even the feeblest attempt by King County to address the problem. This is unbelievable after 30 years of GMA! The MPS system may indeed have been too complex and expensive to maintain, but it is imperative to find an alternative, not just quit trying. We believe such alternatives exist and are waiting to be developed. The recent exploration of mileage-based road fees by WSDOT gives one example that could be adapted for mitigation purposes. Since King County has already embraced the traffic forecasting model of the Puget Sound Regional Council for planning purposes, it would be relatively straightforward technical analysis to use that model to develop and operate a truly coordinated region-wide traffic impact mitigation fee system based on an average cost per user-mile of road construction and the average trip length (miles) of new trips generated by developments in various locations. Such modeling technology has been used elsewhere. What's now needed is policy support for such methods. In our July 31 Joint Comments we offered the following proposed *new* transportation policy for just that purpose:

T-yyy — King County shall work with local, regional, and state agencies to increase the certainty and adequacy of funding for road and transit improvements to match travel increases due to future growth impacts. Such a system should replace diverse local traffic-impact fee systems that fail to consider regional impacts, and impose instead a regionally consistent fee or tax on all new development based on a measure of person-miles of travel or

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vehicle-miles of travel added to the entire regional system. Such a user charge, in combination with other public streams of transportation funding, should provide improvements roughly commensurate with new traffic impacts. A regional authority should be established to prioritize and disperse the collected funds among all jurisdictions to implement needed improvements across all modes of travel.

3. The great imbalance of funding for rural roads versus growing demand to use same should be addressed by working with the State to modify RCWs 36.78, 46.68, 120-124 & 84.52 to enable a more sustainable allocation of gas tax monies. Changes are needed to provide mechanisms and incentives for a portion of revenues now allocated to cities to be shared with the county as a compensation for use of county roads by developments in cities for city-to-city travel, since that impact is of far greater magnitude than the impact of rural developments (which are few) using city roads to pass through cities. Policies should explore the PSRC *Transportation 2040* (and subsequent *Regional Transportation Plan*) “user-pays model” by providing authority for usage charges including toll roads.

4. Policies T-219 through T-224 do not adequately express the scope of the problem facing King County and specifically its Rural Area residents. We again recommend a *new* policy for Concurrency:

T-xxx — When conducting concurrency testing, King County shall collaborate with other jurisdictions to ensure infrastructure improvement strategies will prevent travel shed failure caused by traffic generated outside the unincorporated area and/or lack of funding for city and state projects meant to support continued growth and development.

If no such revisions are made in the 2020 KCCP Mid-Term Update, then we strongly urge the Council undertake to implement these or similar policy concepts in the 2024 KCCP Major Update. This will require substantial planning efforts in the next two+ years, in order to ensure we have suitable plan amendments ready early enough for the 2024 process. As always, we stand ready to work with you in this important area. We believe the outcome will be well worth the effort.

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Transportation Appendix C1 to KCCP

S1: Adopts the 2020 Transportation Needs Report with technical changes.

We again are dismayed that no substantive changes were made to the *Transportation Needs Report*. This comment dovetails with our comments above. If the Council declines to understand the problems, it follows, sadly, that it would be unable to recognize a need for solutions. Again, we stand ready to work with the County for better outcomes in the future.

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KC Rural Area UAC/UAA Comments

Phased Adoption of 2020 Update

S2: *“Splitting the 2020 update into a two-phase (or more) adoption, with the first phase addressing those topics and issues that are necessary to be adopted by June 2020, and a second phase for remaining topics that can be delayed and adopted in June 2021 or as part of the 2024 update.”*

We agree in principal with a “*phased approach*” in that it provides the Public more time to review and comment on late proposed amendment changes. However, A “*phased approach*” has both pros and cons. We believe the cons outweigh the pros, because such an approach would allow yet *another* year when even *more* items can be proposed that again could be “*substantive changes*.” We recommend, should a “*phased approach*” be implemented, it only allow for further Public Comment, not major changes to the Update. [please see our June 3 comment letter to the Council on its *KCCP Update Process and Schedule*.]

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Pacific Raceways Area Map Amendment

S2: *“AMENDMENT CONCEPT: The Council is considering the following amendment concepts for the Pacific raceway property and surrounding area.*

- 1. Modify the land use designation to Industrial and the zoning classification to Industrial, with no P-suffix condition.*
- 2. Modify the land use designation to Industrial and the zoning classification to Industrial, with a P-suffix condition that limits the uses. Such limits could:*
 - a. Prohibit certain types of uses (such as retail uses and general services uses)*
 - b. Limit the uses to those allowed in certain tables (such as manufacturing and business services)*
 - c. Limit the use to specified SIC or County Code defined uses.*
- 3. Do not approve any change to the land use designation or zoning classification of the property.*

An area land use and zoning study will be issued prior to the public hearing at full Council.”

Of the three amendment concepts The Council is considering for the Pacific raceway property and surrounding area we strongly support concept 3: “Do not approve any change to the land use designation or zoning classification of the property.” We believe changing the zoning in any way from the current p-suffix designation, without the contemplated conservation easement for Soosette Creek that has been on the table with King County and Pacific Raceways for almost two decades (as an example), amounts to the granting of a specific zoning benefit to Pacific Raceway with no commensurate benefit to the either King County or the general Public and will pose a significant adverse impact to the environment.

Because it was difficult to follow the threads through all the Council’s 2020 KCCP Mid-Point Update documents, we also have extensive comments on this subject in the “Map Amendments” section herein.

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Executive's Code Study 4: Organics Composting Regulations

Code Study: "Review the potential for siting organic composting facilities. Consider sites in the rural area, including those that currently have a Mineral use designation and implementing zoning, and consider whether to modify the land use and zoning to Rural Area, either outright or with property-specific conditions that would be appropriate for organic composting facilities as a primary use. Consider modifying associated policies or development regulations associated with organic composting facilities as a materials processing use at such locations."

"The term "organics composting facilities" is not defined in the King County Code. However, for the sake of consistency with Motion 15329, this code study uses the term "organics composting" and "organics composting facility" to mean industrial scale, commercial food- and yard-waste composting at an approved facility."

"The one organics composting facility currently operating in unincorporated King County is permitted as a Materials Processing Facility.² Materials processing facilities are defined in the zoning code (King County Code 21A.06.742) as follows:

'Materials processing facility:

- A. A site or establishment, not accessory to a mineral extraction or sawmill use, that is primarily engaged in crushing, grinding, pulverizing or otherwise preparing earth materials, vegetation, organic waste, construction and demolition materials or source separated organic materials and that is not the final disposal site; and*
- B. A site or establishment lawfully established before October 10, 2004, as an interim recycling facility for processing source separated, organic materials.'*

Materials processing facilities are allowed in the Forest, Mineral, Rural Area, and Industrial zones under certain conditions (see Table 1). They are allowed as accessory, not primary, uses in the Forest and Mineral zones due the Growth Management Act provisions that prioritize primary forestry and mining uses on designated Natural Resource Lands.

² *This code study assumes that the materials processing facility definition would apply to new organics composting facilities."*

We understand the study itself found that no new King County Code was necessary and, thus, recommended no action be taken by the Council. However,

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we do not agree with the Executive's basic premise to assume "*materials processing facility definition would apply to new organics composting facilities*" and, thus, believe the Code Study was flawed.

Allowing more industrial-scale facilities that *pretend* to be composting facilities to go unbridled, uncontrolled in the Rural Area is inexcusable. We all need to be held accountable for the damage and disappearance of local habitat and clean water in the local rivers, particularly those that the endangered salmonoids depend on for life.

Further, we believe the existing King County Code (21A.06.742) that allows industrial-scale operations, such as "*materials processing facilities*," in the Rural Area, is flawed. We do not want to see any industrial-scale operations, such as industrial-scale farming or industrial-scale livestock operations located or allowed in the Rural Area. Industrial-scale facilities simply do not belong in the Rural Area.

We as a community and County have gotten this wrong for so long, that there is not much left to save. We have a narrow window to preserve what is necessary in the Rural Area, otherwise it will be gone forever—along with our cherished rural way of life. Many decades of experience have proven that we cannot depend on such industrial-scale businesses to do the right thing. Once these industrial sites are permitted (whether I- or RA-zoned), they could (and some have in the past) take advantage of being in the Rural Area to disregard different aspects of the KC Code to do what they want. It is better to keep these businesses in the Urban Growth Area where they are close to the population they serve and where more eyes are on their operations to prevent them from willfully creating more damage and degradation.

We can provide the Council multiple examples of such industrial-scale facilities in the Rural Area and are willing to go into details at its request.

Consequently, we call for the Council to revisit this Code section and, thus, begin to rectify such an inconsistency with basic Rural Area policies elsewhere in the Comprehensive Plan.

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Finding on Snoqualmie Interchange

Lambert Amendment: *“The council intends to add the following item to the scope of work for the 2024 Comprehensive Plan update. The executive is encouraged to begin work on this item ahead of adoption of the scope of work. The potential scope of work item is an area land use and zoning study for parcels 0223079063, 0223079046 and 0223079075, and the surrounding area, including properties west of Snoqualmie Parkway and SE 99th Street, to consider modifying the land use designation and zoning classification from rural area to an urban-level land use and zoning....”*

We strongly disagree with this proposed Amendment to study rezoning of these Rural Area parcels to Urban. The three parcels identified are adjacent to each other and located near northwest of the I-90 / Snoqualmie Parkway interchange. We believe it is irresponsible to use the Public’s tax dollars to study a change in zoning for these parcels. The City of Snoqualmie and King County already have more than enough property incorporated as Urban Growth Area of the city to accommodate growth.

June 3, 2020

To: King County Council

Re: Proposed Ordinance 2019-0413

Honorable Councilmembers,

Our King County Unincorporated Rural Area organizations—*Enumclaw Plateau Community Assoc. (EPCA)*, *Friends of Sammamish Valley (FoSV)*, *Greater Maple Valley Unincorporated Area Council (GMVUAC)*, *Green Valley/Lake Holms Assoc. (GV/LHA)*, *Hollywood Hills Assoc. (HHA)*, *Soos Creek Area Response (SCAR)*, and *Upper Bear Creek Unincorporated Area Council (UBCUAC)*—have long recognized the importance of participating in reviews of all proposed King County Comprehensive Plan (KCCP) updates.

Without the shield of incorporation, as possessed by cities, we recognize what is accepted and implemented by King County Ordinance, governs citizens in the unincorporated areas by implementing policies that directly affect quality of life and the ability to sustain and insulate the Rural Area. We take this very seriously and hope the Council understands the full impact of its actions on the Rural Area.

We have worked tirelessly, and in good faith, to provide detailed comments on KCCP updates—some of our organizations—for the past two decades. However, this year, while nearing the end of the **first 4-yr Mid-Point Update (Update)**, we all are under State “lock-down” orders which prevent most face-to-face meetings. Yet, under these extraordinary circumstances, the Council is moving quickly to prepare and vote on *Striking Amendment 2* to the **Update**, which includes “*substantive changes*,” as evidenced by the following on the Council’s webpage (our **highlighting** below):

“The Mobility and Environment Chair continues to work with all Councilmembers, Executive staff, and stakeholders to refine Striking Amendment S1. It is likely that the Striking Amendment S1 will be updated and issued as Striking Amendment S2. If issued, Striking Amendment S2 will be made public prior to the June 9, 2020 public hearing at full Council. Some of the topics under consideration include substantive changes to policy or regulations for the Four-to-One Program, Transfer of Development Rights Program, Non-Resource Industrial Use, Agricultural Production District and Public Infrastructure Mitigation, Cottage Housing, Accessory Dwelling Units, Sea Level Rise, Climate Change and Greenhouse Gas Emission Mitigation, Fossil Fuel Facilities, Subarea Planning Program, Skyway-West Hill Subarea Plan, Workplan Action Items, and the Woodinville Roundabout Mitigation Map Amendment.”

Further, the Council states: *“a finalized striking amendment, and individual line amendments, would be issued around June 5, 2020.”* This is only 4 days before the scheduled Public Hearing! The repercussions possible from a recently defined *Striking Amendment S2* with “*substantive changes*” should make this concern obvious. It also is stated: *“Councilmembers may offer additional amendments for consideration by the Council.”* So, potentially anything could be proposed and added at the last minute by the Council!

Depending on how it is handled by the Council, the only potential *partial* solace offered is stated at the end of the Council’s Public Hearing notice (our **highlighting** below):

“In the event that the June 9, 2020 public hearing must be held remotely to comply with the WA State Governor’s Declaration 20-28 (or as amended) regarding the Open Public Meetings Act, then the Council may consider a phased approach to the 2020 update to the 2016 King County Comprehensive Plan: the first phase to address those topics and issues that are necessary to be adopted in 2020, and a second phase for the remaining topics that can be delayed and adopted in 2021, or as part of the eight-year update in 2024. In the description for Striking Amendment S2, there is consideration for a phased adoption option.”

We request the Council address the following concerns with its KCCP approval process and schedule:

1. This is the **first 4-yr Mid-Point Update**. Executive Constantine’s Staff, members of the Public, and all of us have worked diligently for nearly 2 years, yet, in the final month, the Council could make “*substantive changes*” and then hold, what is expected to be, a “*virtual*” Public Hearing.

2. The Council has stated it will publicly release details (of the language it plans to use for the areas identified in *Striking Amendment 2*) “[around June 5,](#)” just 4 days prior to its June 9 Public Hearing. This affords the Public nearly no time to credibly review and comment on what could be “[substantive changes](#)” (again, the Council’s own wording).
3. In the 3 weeks between its June 9 Public Hearing and its June 30 potential final adoption the Council could add *additional* items the Public will be unable to rebut. This has been a long-standing concern. A Councilmember can submit additional proposals or changes, even if they apply to an area outside his or her own district, and have them approved as part of the final **Update**. Members of the Public directly impacted are then denied the basic due process of representation and, if by some chance, they hear about these last-minute proposals, they have to take immediate action (sometimes only 1 or 2 days) to defend their own local areas. Such changes leave the Public vulnerable and feeling targeted and should simply not be allowed. Everyone (Council and Public) involved in the review and update of the KCCP should play by the same rules.
4. A “*phased approach*” has both pros and cons, but we believe the cons outweigh the pros because this would allow yet *another* year, when even *more* items can be proposed that again could represent “[substantive changes](#).” We recommend, should a “*phased approach*” be implemented, it only allow for Public Comment, *not* major changes to the **Update**. Without a clear process developed for dealing with items to be “*phased*” versus those to be dealt with this year, it conceivably could result in yet *another* year when even *more* items can be proposed that again could be *substantive*. In addition, given the fact that the contents of *Striking Amendment 2* will not be made available to the Public until around June 5, how will the decision be reached on which items are addressed now versus those “*phased*” to 2021? How can the Council assure the Public there will be transparency, along with adequate time, for Public review and comment regarding the “*phased*” items, when it has not provided enough time for this year’s proposals? We believe that trust in the process is critical.

Thank you.

Submitted by:

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From: [chillshweta](#)
To: [Policy Staff](#), [Council CompPlan](#); [Dembowski, Rod](#); [von Reichbauer, Pete](#); [Balducci, Claudia](#); [Lambert, Kathy](#); [Kohl-Welles, Jeanne](#); [McDermott, Joe](#); [Upthegrove, Dave](#); [Zahilay, Girmay](#); [Dunn, Reagan](#); [Krekel-Zoppi, Leah](#); [Calderon, Angelica](#); [AskLocalServices](#); [Taylor, John - Dir](#); [LeClair, Kevin](#)
Subject: Redmond Ridge and Trilogy UPD
Date: Wednesday, June 24, 2020 12:42:44 PM

Hi

Please help us maintain our community to be kid and family friendly. Please help us maintain the original UPD.

To King County Mobility and Review Committee, King County Representatives of the Department of Local Services and King County Councilmembers:

This letter is in response to the review of the Redmond Ridge and Trilogy UPD Comparison Chart with King County Code Chapter 21A.08 – Permitted Uses, and Striking Amendment S1 to proposed ordinance 2019-0413.

Based on this detailed comparison chart which includes the Draft Comprehensive Use plan and new zoning changes, specifically referencing the Redmond Ridge Residential Owners Association and Master Planned Community, we would like to reiterate our position that it is imperative that the intent and the tested protections of the current UPD guidelines remain intact.

The only means to maintain the vitality of our community is to prevent negative business impacts and to preserve property values by upholding current UPD use restrictions for businesses.

Based upon King County Code 21A.38.100 Special district overlay - commercial/industrial. A. The purpose of the commercial/industrial special district overlay is to accommodate and support existing commercial/industrial areas outside of activity centers by providing incentives for the redevelopment of underutilized commercial or industrial lands and by permitting a range of appropriate uses consistent with maintaining the quality of nearby residential areas.

We strongly encourage the comparison chart's newly allowed uses be:

- 1) removed from the comprehensive plan, and/or
- 2) the adoption of an additional special district overlay to ensure the integrity of the UPD be maintained, and the land use remain consistent with maintaining the quality of the nearby residential areas, per K.C.C. 21.A.38.100.A.

We believe that this request is also consistent with King County Council's Motion 15329, Attachment A, Section II. Area Zoning and Land Use Proposals, which states: In advance of the expiration of development agreements for the Bear Creek Urban Planned Developments (Redmond Ridge, Trilogy, and Redmond Ridge East), review and establish the comprehensive plan land use designation and zoning classifications in a manner consistent with the development patterns in said agreements and reflecting current conditions in the area.

Thank you for your time and consideration of the above requests and recommendations.

From: [Rahul Khot](#)
To: [Policy Staff, Council CompPlan](#); [Dembowski, Rod](#); [von Reichbauer, Pete](#); [Balducci, Claudia](#); [Lambert, Kathy](#); [Kohl-Welles, Jeanne](#); [McDermott, Joe](#); [Upthegrove, Dave](#); [Zahilay, Girmay](#); [Dunn, Reagan](#); [Krekel-Zoppi, Leah](#); [Calderon, Angelica](#); [AskLocalServices](#); [Taylor, John - Dir](#); [LeClair, Kevin](#)
Subject: Redmond Ridge and Trilogy UPD
Date: Wednesday, June 24, 2020 12:41:01 PM

Hi

Please help us maintain our community to be kid and family friendly. Please help us maintain the original UPD.

To King County Mobility and Review Committee, King County Representatives of the Department of Local Services and King County Councilmembers:

This letter is in response to the review of the Redmond Ridge and Trilogy UPD Comparison Chart with King County Code Chapter 21A.08 – Permitted Uses, and Striking Amendment S1 to proposed ordinance 2019-0413.

Based on this detailed comparison chart which includes the Draft Comprehensive Use plan and new zoning changes, specifically referencing the Redmond Ridge Residential Owners Association and Master Planned Community, we would like to reiterate our position that it is imperative that the intent and the tested protections of the current UPD guidelines remain intact.

The only means to maintain the vitality of our community is to prevent negative business impacts and to preserve property values by upholding current UPD use restrictions for businesses.

Based upon King County Code 21A.38.100 Special district overlay - commercial/industrial. A. The purpose of the commercial/industrial special district overlay is to accommodate and support existing commercial/industrial areas outside of activity centers by providing incentives for the redevelopment of underutilized commercial or industrial lands and by permitting a range of appropriate uses consistent with maintaining the quality of nearby residential areas.

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- 1) removed from the comprehensive plan, and/or
- 2) the adoption of an additional special district overlay to ensure the integrity of the UPD be maintained, and the land use remain consistent with maintaining the quality of the nearby residential areas, per K.C.C. 21.A.38.100.A.

We believe that this request is also consistent with King County Council's Motion 15329, Attachment A, Section II. Area Zoning and Land Use Proposals, which states: In advance of the expiration of development agreements for the Bear Creek Urban Planned Developments (Redmond Ridge, Trilogy, and Redmond Ridge East), review and establish the comprehensive plan land use designation and zoning classifications in a manner consistent with the development patterns in said agreements and reflecting current conditions in the area.

Thank you for your time and consideration of the above requests and recommendations.

Rahul Khot

From: [Jason A. Garza](#)
To: [Policy Staff, Council CompPlan](#)
Subject: REJECT changes to Redmond Ridge Zoning!
Date: Tuesday, June 23, 2020 8:24:00 PM

Dear Members of the King County Council,

Back in 2016, I was one of several Redmond Ridge residents that attended the County Council meeting to voice my displeasure with the proposed zoning that would allow marijuana growing operations within our residential community. I thank you for the decision that you made then to restrict zoning in the area to industrial and business activities that were compatible with the character of a family neighborhood.

Now that the UPD agreement is coming to an end, I find it very disturbing that Council members would consider a proposal that would renege on the assurances that you've provided over the years that long term zoning would be compatible with the temporary UPD agreement. Waste transfer stations, waste water treatment plants, transition facilities, jails, marijuana production and processing, adult entertainment business are not family friendly facilities that are suitable for a neighborhood filled with young families, schools and daycare facilities, and host to a variety of outdoor sports and recreation venues.

I respectfully ask that the Council keep to their promises to retain the spirit of the zoning restrictions as provided in the UPD agreement and **REJECT** any changes to the zoning at Redmond Ridge that would impact the family-friendly character of our neighborhood by allowing facilities such as waste transfer stations, waste water treatment plants, transition facilities, jails, marijuana production and processing, or adult entertainment businesses.

Thank you,

Jason A. Garza
22645 NE Alder Crest Dr. #203
Redmond, WA 98053