

**From:** [David Matson](#)  
**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:** RE: Redmond Ridge Zoning Changes  
**Date:** Saturday, June 13, 2020 2:59:00 PM

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I attended the forum Councilmember Lambert arranged, and I was disappointed by King County's apparent reluctance to take seriously the concerns raised by residents. I was hoping for a forum where my voice might be heard. In this forum, county officials were the only ones permitted to speak, with no opportunity provided for residents actually to lend their voices audibly to the issues.

In this event, our concerns seemed often to be minimized, dismissed or misrepresented, and answers were unsatisfying and sometimes condescending or even misleading.

The UPD created a unique community, and now King County seems determined to treat parts of it like any other commercial area in unincorporated King County. The colocation and intermingling of residential with very light commercial in Redmond Ridge is unique in my experience of King County, and we moved here knowing and appreciating that uniqueness. We did not want to live next to the kind of commercial properties elsewhere in unincorporated King County. Redmond Ridge offered a compelling approach that was different, and we chose it intentionally.

I am asking that King County consider either:

1. Removing newly allowed uses from the comprehensive plan, and/or
2. Adopting a special district overlay to ensure the land use remains consistent with the unique community King County created under the UPD, and/or
3. Creating new zoning classifications that can be used county-wide, that reflect the conditions of Redmond Ridge today, and using these classifications in the new zoning decisions.

The property values in Redmond Ridge today reflect the community as it exists, and changes that would make this community just like commercial areas elsewhere threaten the integrity of the existing community and the financial value of its residents.

The current circumstances make it particularly difficult for Washington's open government laws to function as intended, and insisting on moving forward without the opportunities for public input that were originally expected, intended, and provided for by law, seems an inappropriate disregard for the importance of hearing fully from the community.

Please reconsider this plan to change our community's nature without truly listening to its residents.

Thank you for your consideration.

David Matson

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**From:** David Matson  
**Sent:** Friday, 15 May 2020 12:33

**To:** CouncilCompPlan@kingcounty.gov; rod.dembowski@kingcounty.gov;  
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Dir.Taylor@kingcounty.gov; Kevin.LeClair@kingcounty.gov  
**Subject:** Redmond Ridge Zoning Changes

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.

David Matson

**From:** [Holli Johnson](#)  
**To:** [Policy Staff, Council CompPlan](#)  
**Subject:** WSPA Comments on King County Comprehensive Plan 2020  
**Date:** Thursday, June 11, 2020 4:17:36 PM  
**Attachments:** [image003.png](#)  
[WSPA letter King County Comp Plan June 11 2020.pdf](#)

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Dear Honorable Council,

Attached please find Western States Petroleum Association (WSPA) comments on the proposed King County Comprehensive Plan amendments. If you have any questions about these comments, please contact me at any of the below contact methods.

Thank you,

[Holli Johnson](#)  
MANAGER, NW REGION

 WSPA  
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P 360.239.2248 [wspa.org](http://wspa.org)



Holli Johnson  
NW External Affairs

June 11, 2020

King County Council  
King County Administration Building  
500 Fourth Ave.  
Seattle, WA 98104

Sent via E-mail: [CouncilCompPlan@kingcounty.gov](mailto:CouncilCompPlan@kingcounty.gov)

Re: WSPA Comments for Proposed Ordinance 2019-0413, 2020 Comprehensive Plan Amendments to the King County Code Related to Fossil Fuel Facilities

Honorable Members of the King County Council:

Western States Petroleum Association (WSPA) appreciates this opportunity to comment on the Proposed Ordinance 2019-0413, "2020 Comprehensive Plan Amendments to the King County Code Related to Fossil Fuel Facilities".<sup>1</sup> WSPA is a nonprofit trade association that represents companies engaged in petroleum exploration, production, refining, transportation, and marketing in the western United States including Washington.

WSPA respectfully urges the Council to reject the amendments to the King County Comprehensive Plan and zoning regulations concerning fossil fuel facilities. WSPA believes that the Proposed Amendments, as written, are extremely problematic for both industry and the County, imposing onerous permitting and local review obligations. The proposed changes to the King County Comprehensive Plan and implementing regulations will require County officials to complete a lengthy review process based on extremely ambiguous approval standards, necessitating technical assessments well beyond staff expertise. This process will likely require virtually all physical or operational modifications, no matter how small with resulting decisions subject to potential legal challenge.

As noted below, the Proposed Amendments raise the following concerns:

- Fail to contain meaningful standards for approval of fossil fuel facility development.
- Violate several aspects of the Growth Management Act (the "GMA").
- Irreconcilable with several elements of the Comprehensive Plan.
- Contravene the state and regional transportation plans.
- Contradict the King County Strategic Plan and Countywide Planning Policies.
- Attempt to enforce federal/state statutes without delegation by these higher authorities.

Furthermore, the Proposed Amendments may in fact be unconstitutional as they: (1) impose excessive exactions without proportionality or a nexus to the proposed development; (2) violate the Equal Protection Clause of the United States Constitution by discriminating between

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<sup>1</sup> The King County Executive transmitted the 2020 Proposed Amendments to the Planning Commission as Proposed Ordinance 2019-0413 (the "Proposed Ordinance"). On April 24, 2020, the Mobility and Environment Committee made its Striking Amendment S1 publicly available that will be used in place of a Committee-recommended substitute proposed ordinance, and the Mobility and Environment Chair has issued further potential topics in Striking Amendment S2 (collectively, the "Proposed Amendments").

similarly situated businesses without rational justification; (3) constitute an arbitrary deprivation of constitutionally protected property interests in violation of substantive due process rights under both federal and state constitutions; and (4) impermissibly discriminate against and obstruct interstate commerce in violation of the Dormant Commerce Clause of the United States Constitution.

### **The Proposed Amendments are unlawfully vague**

The Proposed Amendments create a new review process for the siting of "fossil fuel facilities," which are defined as "a commercial facility used primarily to receive, store, transfer, wholesale trade or transport of fossil fuels, such as but not limited to bulk terminals, bulk storage facilities, bulk refining and bulk handling facilities \* \* \*." (Proposed Ordinance at 41.)

The proposed review criteria are so extreme and unclear, however, that they will effectively preclude the approval of any new facility or modification of an existing facility. The proposed provision F-330b states that "King County shall thoroughly review *the full scope of potential impacts* on proposals for new, modified, or expanded fossil fuel facilities," which, pursuant to new provision F-330c, means that the County will only grant approval when:

*"a. The proposed facility can confine or mitigate all operational impacts;*

*"b. The facility can adequately mitigate conflicts with adjacent land uses;*

*"c. The full scope of environmental impacts, including life cycle greenhouse gas emissions and public health, have been evaluated and appropriately conditioned or mitigated as necessary, consistent with the County's substantive State Environmental Policy Act authority;*

*"d. The applicant must comply with applicable federal and state regulations, including the Clean Water Act, Clean Air Act, and Endangered Species Act;*

*"e. The applicant has demonstrated early, meaningful, and robust consultation with the public, surrounding property owners, and with Indian Tribes to assess impacts to Treaty-protected cultural and fisheries resources; and*

*"f. Risks to public health and public safety can be mitigated." (Proposed Ordinance, Attach. A at 53.)*

The Proposed Amendments do not limit or even provide basic definitions/explanations for the subjective concepts scattered throughout these criteria, including: (1) what is meant by and included in "all operational impacts"; (2) how does the County determine when a proposal "conflicts with adjacent land uses"; (3) what constitutes the total or "adequate" mitigation/confinement, respectively, of these two issues; (4) how is the County determining whether the "full scope environmental impacts" have been evaluated; (5) who is evaluating these impacts; (6) what measurements and data are used to estimate the "life cycle greenhouse gas emissions"; (7) what constitutes "appropriate" conditions and/or "necessary" mitigation of environmental impacts found to exist; (8) when is public involvement sufficiently "early, meaningful, and robust consultation"; and (9) how is the County determining the existence and calculating the extent of "risks to public health and public safety," as well as the sufficient mitigation thereof?

These indeterminable criteria are unlawful for several reasons. First, the overly vague regulations violate the County's Comprehensive Plan. Specifically, the criteria fail to meet the requirements of the Comprehensive Plan which provide that "King County's regulation of land use should:

*"d. Be expeditious, predictable, clear, straightforward and internally consistent;*

*"e. Provide clear direction for resolution of regulatory conflict;*

*"f. Be enforceable, efficiently administered and provide appropriate incentives and penalties;*

*"g. Be consistently and effectively enforced;*

*"i. Be responsive, understandable and accessible to the public." (Section I-101.)*

Second, the Proposed Amendments violate the Due Process Clause because they are "so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application." *Connally v. Gen. Constr. Co.*, 269 U.S. 385, 391, 46 S. Ct. 126, 70 L. Ed. 32 (1926); *see also State v. Reader's Digest Ass'n, Inc.*, 81 Wn.2d 259, 273, 501 P.2d 290 (1972). The generic language in the Proposed Amendments, such as the undefined requirement of "compatibility" with surrounding land uses, has been found by the Washington Supreme Court to be overly vague. *E.g., Anderson v. City of Issaquah*, 70 Wash. App. 64, 76, 851 P.2d 744 (1993).

In addition, the unfettered discretion provided to the unelected planning officials by the subjective and ambiguous terms is also an unlawful delegation of legislative authority. *Keeting v. P. U. D. No. 1 of Clallam County*, 49 Wn.2d 761, 767, 306 P.2d 762 (1957) ("It is unconstitutional for the legislature to abdicate or transfer to others its legislative function. It is not unconstitutional for the legislature to delegate administrative power. In so doing, the legislature must define \* \* \* the scope of the instrumentality's authority in so doing, by prescribing reasonable administrative standards.")

### **The Proposed Amendments violate the GMA**

While local governments may exercise discretion in developing their comprehensive plan and zoning regulations, that "[l]ocal discretion is bounded \* \* \* by the goals and requirements of the GMA." *King Cnty. v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 142 Wn.2d 543, 561, 14 P.3d 133 (2000). The Proposed Amendments here violate several components of the GMA.

#### **1. The Proposed Amendments do not meet the level of planning required by the GMA and the County's Comprehensive Plan.**

The GMA mandates that the local land use planning must be based on a comprehensive plan that is sufficiently clear, internally consistent, and includes a "plan, scheme, or design" for key elements in the form of maps and "descriptive text covering objectives, principles, and standards used to develop the comprehensive plan." RCW 36.70A.070.

Further, the transportation element of the plan must include detailed analysis for several issues, including the sufficiency of transportation infrastructure and capacity, projections for future demand and transportation volume, and impact of the local government's planned land

use regulations. RCW 36.70A.070(6). If the planning concerns sensitive lands (which, according to the County, is applicable here), the policies and regulations must also be based on the "best available science." WAC 365-195-915.

The GMA's obligation to provide detailed analysis and support for land use policies in the County's Comprehensive Plan is buttressed by the Plan, which states that all amendments to the Plan must include "a detailed statement of what is proposed to be changed and why[,] "a statement detailing the anticipated outcome of the change on the geographic area affected, populations affected, and environment]" and an explanation of how the new provisions comply with state law, countywide planning policies, and the County's strategic plan. (Section I-207); see also KCC 20.18.030(D) ("The executive's recommendations for changes to policies, text and maps shall include the elements listed in Comprehensive Plan policy I-207 and analysis of their financial costs and public benefits \* \* \*").

The Proposed Amendments, however, do not meet any of these obligations. The County does not provide a report outlining its analysis, identify its evidentiary basis, or even explain the underlying logic of its many conclusory statements related to purported safety risks and expected impact of the amendments. The County does not appear to have procured critical professional assistance (e.g., impact assessments, traffic studies, economic analysis, or other expert opinions) prior to preparing this drastic regulation targeting fuel distribution.

Instead, the County states that it primarily based its development of the Proposed Amendments on its study of "definitions, use classifications, policies, development regulations, zoning tools, and review procedures used by other local and state governments, to regulate fossil fuel facilities." Proposed Ordinance, Amendment A at 51. Further, the County explicitly states in the supporting "Equity and Social Justice Impact Analysis" that "[a]lternatives to updating the regulations were not considered."

Thus, it is clear that the County's process and ultimate proposal do not meet the state or local criteria for responsible planning.

## **2. The Proposed Amendments are inconsistent with the GMA's goals**

In preparing and amending comprehensive plans, state law requires local governments to accomplish several planning goals, including:

*"Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans."*

*"Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities."*

*"Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be*

*protected from arbitrary and discriminatory actions." RCW 36.70A.020.*

It is not sufficient for a local government to show that it did not violate a specific statutory regulation. Rather, a municipality must demonstrate furtherance of these general state goals. *King Cnty. v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 142 Wn.2d at 562; *Low Income Hous. Inst. v. City of Lakewood*, 119 Wn. App. 110, 115–16, 77 P.3d 653 (2003).

The County cannot do so here. The Proposed Amendments actively thwart the goals above by unreasonably blocking the expansion, modification, or modernization of critical fuel infrastructure. This is another violation of the GMA.

### **3. Private property rights are not adequately protected by the Proposed Amendments.**

In addition to the last stated goal above, the GMA includes a separate statute mandating that local governments protect private property interests. WAC 365-196-855 & 365-196-725. The Proposed Amendments violate this obligation by severely curtailing the use and normal operations of existing fossil fuel facilities. Further, these existing sites cannot be converted to other industrial uses outside the scope of the Proposed Amendments without great and unreasonable expense. Accordingly, the amendments violate the GMA and should be rejected.

### **The Proposed Amendments are inconsistent with elements of the Comprehensive Plan**

Under state and local law, comprehensive plans and land use regulations must be internally consistent. RCW 36.70A.070; WAC 365-196-500; Comprehensive Plan I-101(c). The Proposed Amendments, however, are inconsistent with, and even directly contradict, numerous elements of the County's Comprehensive Plan. These provisions relate to the economy, transportation, infrastructure, and shoreline management, including but not limited to:

- ED-203 King County shall support and participate in programs and strategies that help create, retain, expand, and attract businesses that export their products and services. Exports bring income into the county that increases the standard of living of residents.
- ED-204 King County shall encourage redevelopment of and reinvestment in industrial and manufacturing properties by collaborating with other jurisdictions and the private sector to remove, revise, or streamline regulatory or other redevelopment barriers without compromising environmental standards or quality. \* \* \*
- ED-210 King County should support programs and strategies to expand international trade, including those that: a. Promote, market, and position the county for increased export, import, and foreign investment opportunities; \* \* \*
- T-508 The King County transportation system should support reliable and efficient movement of goods throughout the county, while minimizing the impacts of freight traffic on general purpose traffic and residential neighborhoods. The county should participate in regional efforts and partnerships to achieve these goals.
- T-509 King County should support regional freight mobility by incorporating freight considerations into road planning, design, construction, and maintenance.
- T-510 King County should coordinate with other jurisdictions, the public and the private sector to

identify barriers to the effective and efficient movement of freight and goods and develop proposals to improve freight mobility on the arterial system.

- ED-401 King County recognizes that adequate infrastructure is essential to support existing economic activity and to attract new industry and development. The county therefore supports and partners on programs and strategies to maintain existing infrastructure and construct new facilities (transportation, utilities \* \* \*) necessary to accommodate current and future economic demand, in locations and at a size and scale that is consistent with other policies in the Comprehensive Plan.
- ED-402 King County will support programs and partnerships to facilitate the efficient movement of freight to promote global competitiveness for business and industry.
- S-205 The following policy goals apply to all of the shoreline jurisdiction. \* \* \*
  - a. The use of the shoreline jurisdiction for those economically productive uses that are particularly dependent on shoreline location or use \* \* \* f. Planning for public facilities and utilities correlated with other shorelines uses \* \* \* h. Recognizing and protecting private property rights.
- S-301 King County should plan for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state.

The Proposed Amendments do not further but directly undermine all of the plan elements above. Thus, they are invalid and should not be adopted by the Commission.

### **The Proposed Amendments contravene the countywide planning policies and the County's strategic plan**

Amendments to a comprehensive plan must also comply with countywide planning policies and local strategic plans. RCW 36.70A.210(1); WAC 365-196-305(3); Comprehensive Plan, Section I-207; KCC 20.18.020 et seq. The Proposed Amendments, however, violate several components of each. For example, the new provisions will violate the following components of the countywide planning policy:

- *EC-5 Help businesses thrive through [t]ransparency, efficiency, and predictability of local regulations and policies. \* \* \**
- *EC-6 Foster the retention and development of those businesses and industries that export their goods and services outside the region.*
- *EC-9 Identify and support the retention of key regional and local assets to the economy, such as major educational facilities, research institutions, health care facilities.*
- *T-9 Promote the mobility of people and goods through a multi-modal transportation system based on regional priorities consistent with VISION 2040 and local comprehensive plans.*
- *T-10 Support effective management of existing air, marine and rail transportation*

*capacity and address future capacity needs in cooperation with responsible agencies, affected communities, and users.*

- *T-11 Develop and implement freight mobility strategies that strengthen King County's role as a major regional freight distribution hub, an international trade gateway, and a manufacturing area.*

The Proposed Amendments also violate the following components of the County's strategic plan:

*"Mobility - Deliver a safe, reliable, and seamless network of transportation options to get people and goods where they need to go, when they need to get there \* \* \**

*"1. Increase integration between transportation modes and all service providers*

*"2. Preserve and optimize the mobility system"*

*\* \* \**

*"Economic Vitality - Increase access to family wage job opportunities throughout the County.*

*"1. Add and retain jobs in King County, prioritizing sectors that lead to family-wage jobs*

*"2. Improve job pay and benefits for the lowest wage workers*

*"3. Provide opportunities for people in low-wage jobs to move up career ladders \* \* \*"*

Fossil fuel facilities are a key component of the County's intermodal transportation system and economy, as well as an important source of blue-collar jobs that provide sufficient wages to support local families. The attack on these facilities in the Proposed Amendments are in direct contravention of the goals and policies above, and thus should be rejected. The Proposed Amendments would prevent intermodal transportation and force fuel transport by less efficient means, such as truck.

### **The Proposed Amendments violate state and regional transportation planning.**

State law requires the Washington Department of Transportation ("WSDOT") to adopt a statewide multimodal transportation plan, which must include a freight mobility plan, marine ports and navigation plan, and freight rail plan. RCW 47.060.040 et seq. WSDOT's multimodal transportation plans require local governments to adopt transportation policies that ensure the efficient movement of freight, support the construction of intermodal infrastructure, promote international trade, improve competitiveness of marine ports, decrease marine system congestion, address supply chain dynamics, ensure safety by decreasing reliance on truck transportation, improve rail system capacity by addressing rail infrastructure needs, and address terminal infrastructure needs. (See 2017 Washington State Freight System Plan at 45, 51-52, 63, 83, 95, 109.)

Washington statute requires these goals to be further implemented through regional transportation plans. RCW 47.80.030(1). In turn, local comprehensive plans and other forms of local transportation planning and must be consistent with the regional and state transportation

plans. RCW 47.80.026.

The Proposed Amendments, however, violate multiple components of the Puget Sound Regional Council regional transportation plan (the "PRSC Plan"), including the following provisions:

- *Regional Manufacturing/Industrial Centers Goal: "the region will continue to maintain and support viable regional manufacturing/industrial centers to accommodate manufacturing, industrial, or advanced technology uses." (PSRC Plan at 4.)*
- *Business Goal: the transportation system ensures that "the region's economy prospers by supporting businesses and job creation." (PSRC Plan at 6.)*
- *MPP-Ec-1 Support economic development activities that help to retain, expand, or diversify the region's businesses. Target recruitment activities towards businesses that provide family-wage jobs.*
- *MPP-Ec-2 Foster a positive business climate by encouraging regionwide and statewide collaboration among business, government, education, labor, military, workforce development, and other nonprofit organizations.*
- *MPP-Ec-3 Support established and emerging industry clusters that export goods and services, import capital, and have growth potential.*
- *MPP-Ec-4 Leverage the region's position as an international gateway by supporting businesses, ports, and agencies involved in trade-related activities.*
- *MPP-Ec-6 Ensure the efficient flow of people, goods, services, and information in and through the region with infrastructure investments, particularly in and connecting designated centers, to meet the distinctive needs of the regional economy.*
- *MPP-T-9 Coordinate state, regional, and local planning efforts for transportation through the Puget Sound Regional Council to develop and operate a highly efficient, multimodal system that supports the regional growth strategy.*
- *MPP-T-17 Ensure the freight system meets the needs of: (1) global gateways, (2) producer needs within the state and region, and (3) regional and local distribution.*
- *MPP-T-18 Maintain and improve the existing multimodal freight transportation system in the region to increase reliability and efficiency and to prevent degradation of freight mobility.*
- *MPP-T-19 Coordinate regional planning with railroad capacity expansion plans and support capacity expansion that is compatible with state, regional, and local plans.*

The Proposed Amendments effectively block all expansion, modification, and modernization of transportation facilities related to fossil fuel. Not only is this industry an important component of the state's export economy, but also critical for support of virtually all other local business types. Portions of the Proposed Amendments only allow for local distribution of fuel through the freight system, thereby blocking regional, state, and interstate mobility and distribution. Accordingly, the Proposed Amendments are invalid and subject to reversal.

### **The Proposed Amendments impose unlawful exactions.**

The state and federal constitutions prohibit mitigation that is not related to the impact of the project ("nexus") or is not commensurate with the extent of the impact ("rough proportionality"). *Nollan v. Cal. Coastal Comm'n*, 483 U.S. 825, 837, 107 S. Ct. 3141, 97 L. Ed. 2d 677 (1987); *Dolan v. City of Tigard*, 512 U.S. 374, 395, 114 S. Ct. 2309, 129 L. Ed. 2d 304 (1994). This obligation is also echoed by the GMA. *Honesty in Env'tl. Analysis & Legislation (HEAL) v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 96 Wn. App. 522, 533, 979 P.2d 864 (1999), as amended on reconsideration in part (Aug. 25, 1999).

Here, the Proposed Amendments attempt to impose on owners/operators of fossil fuel facilities a requirement to offset all potential downstream and upstream effects of the commodity it trades in, regardless of whether the purported impacts were created by an unrelated party and are not connected to the siting or operations of the fossil fuel facility within King County. This (unprecedented) regulation is not even close to complying the nexus and proportionality requirements of the constitution and GMA.

Further, the imposition of these obligations is based on planning objectives that are not supported by adequate analysis, a reasonable factual basis, or the best available science. The lack of adequate rationale and support for the imposition of a costly obligation is itself sufficient to render a regulation unconstitutional. *Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 96 Wn. App. at 533 ("If a local government fails to incorporate, or otherwise ignores the best available science, its policies and regulations may well serve as the basis for conditions and denials that are constitutionally prohibited.")

### **The County improperly attempts to enforce state and federal laws that it has no jurisdiction over**

The Proposed Amendments include the approval criterion that "[t]he applicant must comply with applicable federal and state regulations, including the Clean Water Act, Clean Air Act, and Endangered Species Act[.]" (Proposed Ordinance, Ex. A, at 53). The County's determination of compliance with state and federal law—which it has not been delegated responsibility for enforcing—exceeds the County's authority. Because these laws are enforced exclusively by state and local authorities, the County's attempt to also enforce this law (subjecting applicants to potentially inconsistent determinations) is preempted. *City of Seattle v. Burlington N. R. Co.*, 145 Wn.2d 661, 669, 41 P.3d 1169 (2002) (ordinance is preempted when conflicting with state or federal law or when these authorities occupy the field).

Further, local governments may only pass legislation concerning local matters. *Cannabis Action Coal. v. City of Kent*, 183 Wn.2d 219, 225–26, 351 P.3d 151 (2015) ("This court has established that an ordinance is [invalid if] \* \* \* the Ordinance is not a reasonable exercise of the [local government's] police power; or \* \* \* the subject matter of the Ordinance is not local.") The Proposed Amendments are invalid under this rule because this criterion is not limited to operations within the county. For instance, the Proposed Amendment's Findings state that

"[b]urning fossil fuels is a major source of environmental pollution and carbon dioxide contributing to climate change in King County" and that "[t]he policies and development regulations place limits on the development and operation of fossil fuel facilities in order to address those impacts to residents of King County." (Proposed Ordinance, Ex. A, § 1(E).)

### **The Proposed Amendments violate the Equal Protection Clause of the United States Constitution**

The Fourteenth Amendment of the United States Constitution mandates that "no state shall \* \* \* deny to any person within its jurisdiction the equal protection of laws." This right is also guaranteed by the Washington Constitution. Const. art. I, § 12. Equal protection means all similarly situated persons, including corporations, be treated alike unless there is a rational basis for disparate treatment. *Harmon v. McNutt*, 91 Wn.2d 126, 131, 587 P.2d 537 (1978).

The Proposed Amendments violate this constitutional provision because they single out and target the fossil fuel facilities even though the purported local goals of regulations apply equally to virtually all other heavy industrial uses (e.g., transport of flammable products and generation of pollution).

The County's attempt to create a rational basis for the disparate treatment fails. The County cannot legitimately distinguish the in-jurisdiction operations of these facilities based on purported effects of the trade in fossil fuel outside King County arising from the operations of third parties. In fact, the attempt to do so indicates that the Proposed Amendments are based on animus towards politically disfavored parties.

Accordingly, a court would likely subject these code provisions to a higher level of scrutiny, which has been the basis for striking down similar regulations targeting politically disfavored parties. *E.g., U. S. Dep't of Agric. v. Moreno*, 413 U.S. 528, 534, 93 S. Ct. 2821, 37 L. Ed. 2d 782 (1973) ("For if the constitutional conception of 'equal protection of the laws' means anything, it must at the very least mean that a bare congressional desire to harm a politically unpopular group cannot constitute a legitimate governmental interest.")

### **The Proposed Amendments violate substantive due process**

The Due Process Clause of the United States Constitution protects individuals from arbitrary government conduct. *Wolff v. McDonnell*, 418 U.S. 539, 558, 94 S. Ct. 2963, 41 L. Ed. 2d 935 (1974) ("The touchstone of due process is protection of the individual against arbitrary action of government."). Substantive due process is implicated when the government arbitrarily deprives a person of a constitutionally protected property or liberty interest and that deprivation lacks any reasonable justification. *Action Apartment Ass'n, Inc. v. Santa Monica Rent Control Bd.*, 509 F.3d 1020, 1025-26 (9th Cir. 2007). Such property interests include a landowner's right to use their land for any legitimate use and the continuation of existing uses, even if no longer allowed under local zoning code. *Id.*

Here, the Proposed Amendments deprive owners/operators of fossil fuel facilities of these constitutionally protected property rights by placing onerous permitting requirements for all expansions, modifications, modernization, or other operational changes, no matter how small. Even if approved, the proposed regulations subject these facilities to perpetual "periodic review" of their operations under arbitrary, ambiguous, and subjective standards. (Proposed Ordinance, Attach. A, at 53-54.) In fact, the Proposed Amendments provide that the County is authorized to modify or add new conditions of approval, even though the site owner has not

altered its previously approved operations.

This clear deprivation of substantial property rights is not based on rational grounds. The Proposed Amendments target fossil fuel facilities in order to influence trade and actions of third parties outside the County's jurisdiction. Aside from unsupported, conclusory statements about safety, the County has failed to show sufficient *local* grounds for its deprivation of these important rights.

Even if the Proposed Amendments were based on a rational basis, they would still violate the Due Process Clause because they are overly burdensome. In determining whether a regulation is overly burdensome, courts consider the "amount and percentage of value loss, the extent of remaining uses, past, present and future uses, temporary or permanent nature of the regulation, the extent to which the owner should have anticipated such regulation and how feasible it is for the owner to alter present or currently planned uses." *Presbytery of Seattle v. King Cnty.*, 114 Wn.2d 320, 330, 787 P.2d 907 (1990). If an ordinance is found to be overly burdensome on the landowner, it will be struck down, even if found to be rational. *Id.*

Here, existing fossil fuel facilities would lose a large percentage of their value if they were not able to expand, modernize, or alter their operations—no matter how small the change—without a cumbersome and overreaching permitting process. Further, the sites cannot reasonably be altered to some other use outside the scope of the oppressive regulation because of the massive investments made in the existing infrastructure.

### **The Proposed Amendments violate the Dormant Commerce Clause**

The Commerce Clause of the United States Constitution states that "Congress shall have Power \* \* \* [t]o regulate Commerce \* \* \* among the several States." U.S. Const. art. I, § 8, cl. 3. "Though phrased as a grant of regulatory power to Congress, the Clause has long been understood to have a 'negative' aspect that denies the States the power unjustifiably to discriminate against or burden the interstate flow of articles of commerce." *Or. Waste Sys., Inc. v. Dep't of Env'tl. Quality of State of Or.*, 511 U.S. 93, 98, 114 S. Ct. 1345, 128 L. Ed. 2d 13 (1994).

Courts apply two levels of review for determining whether a regulation of commerce is invalid under the Dormant Commerce Clause. Ordinances that discriminate against (on their face or in effect) or directly regulate interstate commerce are per se invalid. A statute is discriminatory if it "impose[s] commercial barriers or discriminate[s] against an article of commerce by reason of its origin or destination out of State." *C & A Carbone, Inc. v. Town of Clarkstown, N.Y.*, 511 U.S. 383, 390, 114 S. Ct. 1677, 128 L. Ed. 2d 399 (1994). Even if an ordinance is nondiscriminatory, they are unconstitutional if they are overly burdensome on interstate commerce. *Pike v. Bruce Church, Inc.*, 397 U.S. 137, 142, 90 S. Ct. 844, 25 L. Ed. 2d 174 (1970). A law is deemed overly burdensome if the *local* interests are outweighed by the burden on national trade. *Id.*

In this instance, the Proposed Amendments both impermissibly discriminate against and obstruct interstate commerce. The Proposed Amendments are discriminatory because they heavily burden fossil fuel facilities needed for interstate trade but provide exceptions for local interests. For instance, the amendments explicitly exclude "local distribution gas storage tanks," "facilities for the local consumption," and local storage facilities with up to 60,000 gallons of capacity from the definition of fossil fuel facilities. (Proposed Ordinance at 40-42). Even if the Ordinance did not provide such exceptions, it would still be discriminatory because

it attempts to shift unwanted transportation to other jurisdictions. *Kassel v. Consol. Freightways Corp. of Del.*, 450 U.S. 662, 677-78, 101 S. Ct. 1309, 67 L. Ed. 2d 580 (1981).

The Proposed Amendments also constitute an overly burdensome regulation of interstate trade because they effectively prohibit the expansion, modification, and modernization of fossil fuel facilities, thus creating a bottleneck in the supply chain as the demand for and trade in fossil fuel increase. The County has not provided even a scintilla of evidence to support its claim that the Proposed Amendments will provide a local benefit. And even if a reduction of non-local consumption of fuel and emissions was a valid consideration for the *Pike* balancing test, the County has not explained, let alone demonstrated, how the Proposed Amendments will actually accomplish this stated goal.

Accordingly, the Proposed Amendments violate the Dormant Commerce Clause and will be struck down if challenged as an unconstitutional regulation and obstruction of interstate commerce.

\* \* \*

In consideration of the findings detailed above, WSPA respectfully requests that the King County Council reject the Proposed Amendments. If you have any questions or comments regarding our comments, please contact me at (360) 352-4506 or by e-mail at [hjohnson@wspa.org](mailto:hjohnson@wspa.org).

Sincerely,



cc: Jessica Spiegel - WSPA  
Jodie Muller - WSPA

**From:** [Warren Pagel](#)  
**To:** [Policy Staff, Council CompPlan](#)  
**Subject:** TESTIMONY FORM  
**Date:** Thursday, June 11, 2020 9:37:29 AM

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Dear King County Councilmembers & Executive Dow Constantine:

I am a lifelong resident of King County, homeowner in north Woodinville, retired teacher in the Northshore School District, and Audubon member. I am discouraged to hear what is being proposed for family-friendly Redmond Ridge. I signed the petition that is circulating from John Towers to stop these zoning changes, and I noticed the number of supporters has quickly jumped to nearly 2,500 signatures and still growing. The county's recent "Town Hall" failed to answer many questions either.

Why is this area so concentrated with young families, schools, childcare, senior citizens, low-income Section 8 tenants, and critically designated environmental areas being targeted for such sweeping, questionable zoning changes? Heavy industry, marijuana processing, jails, transitional housing, sewage processing, garbage transfer stations, and helipads have no place amidst such highly sensitive populations and one of the county's last thriving patches of forest and wetland ecosystems.

My husband and I can't understand what the county is thinking here. We ask you to use common sense and prevent these inappropriate uses from being written into zoning. Please vote responsibly and protect residents in unincorporated King County before business and special interests.

Thank you,

Sharon Pagel  
Woodinville resident

**From:** [Nilepta Mishra](#)  
**To:** [Policy Staff, Council CompPlan](#)  
**Subject:** Against Re-zoning(UPD)  
**Date:** Tuesday, June 9, 2020 3:58:46 PM

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[EXTERNAL Email Notice! ] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

I oppose adding a slew of uses in the UPD for the Bear Creek area that includes RR, RRE and Trilogy communities. These uses are MJ manufacturing/retail, strip clubs, jail, sex offenders support, helipad and more. These are not in harmony with this community. I want to be clear that I do not wish this upon any other community. We have elementary and middle school kids mostly in our community and this is not in their best interest. Between 2016 and February this year, DLS and KC members have repeatedly, unequivocally promised us that the new UPD agreement will be matching the existing provisions of the development. Residents do not want to cross their fingers hoping that newly allowed uses don't become reality and that variances continue to remain effective means to block the shocking new uses, when they were promised protective zoning to prevent the new uses. Now you have introduced so many undesirable uses. If approved, this will create irreversible and irreparable damage to our communities.

I am against this Re-zoning,

**From:** [Dave Russel](#)  
**To:** [Policy Staff, Council CompPlan](#)  
**Subject:** public testimony into the record  
**Date:** Wednesday, June 10, 2020 10:07:29 AM

---

Dear Councilmembers,

Thank you for the opportunity to comment on the proposed 2020 Comprehensive Plan Update, and for the important improvements relative to climate change in that document.

The science is clear. We must move beyond a fossil fuel economy, and we must do it quickly! While providing an excellent base, the proposed plan could do more to respond to the emergency, and to provide backup for the King County Climate Change Coalition work and the Strategic Climate Action Plan.

I encourage you to consider adding stronger climate action policies before the final 2020 version is passed.

Sincerely,

Dave Russell  
4507 105<sup>th</sup> Ave NE  
Kirkland, WA 98033

Sent from [Mail](#) for Windows 10

**From:** [Dan Streiffert](#)  
**To:** [Policy Staff, Council CompPlan](#)  
**Subject:** King County Fossil Fuel Moratorium  
**Date:** Wednesday, June 10, 2020 9:16:45 AM

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I am writing in support of the proposed amendments for the Fossil Fuel Moratorium. We are far past the point of avoiding climate change, and we must now do everything we can to limit it.

The recent oil spill in Siberia shows we are near a tipping point that may be impossible to arrest.

Even with the huge federal subsidies on fossil fuels, clean energy technologies are now competitive, and will get cheaper at exponential rates.

I thank the Council for supporting this.

--

Dan Streiffert

Conservation Chair: Rainier Audubon Society

[www.RainierAudubon.org](http://www.RainierAudubon.org)

[dan\\_streiffert@hotmail.com](mailto:dan_streiffert@hotmail.com)

<https://www.flickr.com/photos/danstreiffert>

Save on Tesla cars and solar panels <https://ts.la/dan66412>

"I want you to panic. I want you to feel the fear I feel every day. And then I want you to act." - Greta Thunberg

**From:** [Wei Tao](#)  
**To:** [Policy Staff, Council CompPlan](#)  
**Subject:** Testimony Form  
**Date:** Tuesday, June 9, 2020 8:21:51 PM

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Dear King County Council members,

I am a resident of Redmond Ridge community and a mother of three girls whom I have raised in this community for the last 15 years.

I am very concerned at the introduction of several uses into the revised UPD for our community which can easily bring businesses that create irreparable and irreversible damage to public health, quality of life and property values.

You listened to us in 2013, and 2016. You found the courage to do the right thing. Please stay courageous and do not give into pressures from businesses such as strip clubs, marijuana manufacturing and retail.

Thank you for your time.

Wei Tao

**From:** [Charleisha Cox](#)  
**To:** [Policy Staff, Council CompPlan](#)  
**Subject:** Re: ADU 0413  
**Date:** Tuesday, June 9, 2020 2:37:20 PM

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Hi there,

I listened in on the public hearing today held at 1:00. I didn't hear much about ADU in particular, but I wanted to know when the decision will be made. Couple dates were mentioned 6/23 and 7/7. Thanks for your help.

Sent from my iPhone

> On May 20, 2020, at 9:42 AM, Policy Staff, Council CompPlan <[CouncilCompPlan@kingcounty.gov](mailto:CouncilCompPlan@kingcounty.gov)> wrote:

>

> Hi Charleisha,

>

> Great - they're going to be sent to the Councilmembers today. Thank you!

>

> Council Policy Staff

>

> -----Original Message-----

> From: Charleisha Cox <[charleishacox@icloud.com](mailto:charleishacox@icloud.com)>

> Sent: Wednesday, May 20, 2020 7:30 AM

> To: Policy Staff, Council CompPlan <[CouncilCompPlan@kingcounty.gov](mailto:CouncilCompPlan@kingcounty.gov)>

> Subject: Re: ADU

>

> Thank you,

> Yes, I would like to send them on. Thanks again for following up with me.

>

> Sent from my iPhone

>

>> On May 14, 2020, at 9:16 AM, Policy Staff, Council CompPlan <[CouncilCompPlan@kingcounty.gov](mailto:CouncilCompPlan@kingcounty.gov)> wrote:

>>

>> Hi Charleisha,

>>

>> There are some amendments proposed for the ADU code for unincorporated King County. The most relevant change would be to expand the owner-occupied requirement to allow "owner" to include any member of the owner's family. There still remains a requirement for the owner or their family member to live in the main home or the ADU.

>>

>> Your concern makes sense to us as a public comment to provide to our Councilmembers for consideration but we wanted to take the opportunity to tell you about this change. Would you like us to send your comments on?

>>

>> Best,

>> Council Policy Staff

>>

>> -----Original Message-----

>> From: Charleisha Cox <[charleishacox@icloud.com](mailto:charleishacox@icloud.com)>

>> Sent: Wednesday, May 13, 2020 6:37 PM

>> To: Policy Staff, Council CompPlan <[CouncilCompPlan@kingcounty.gov](mailto:CouncilCompPlan@kingcounty.gov)>

>> Subject: ADU

>>

>> I'm a current homeowner in Unincorporated King County. I have an ADU on my property and wanted to know since Seattle has moved to allow tenants in ADU without having the owner to living on the premises. Is this something King County could do as well? If this is not possible, what is the reason why?

>> I have goals in life and one of my goals in life is to eventually have a nice house on the water, but I feel I'm

being held back because I have to live on site in order to rent my ADU. I understand the current proposal in place but falls short of the owner occupied clause as in Seattle. Thank you for your time and consideration.

>>

>> Sent from my iPhone

**From:** [Chris Conner](#)  
**To:** [Policy Staff, Council CompPlan](#)  
**Subject:** Concerns RE: proposed zoning for Redmond Ridge  
**Date:** Tuesday, June 9, 2020 1:49:03 PM

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As a long-standing resident and taxpaying citizen, I beg that you listen and honor my wish that you NOT approve the zoning for the redmond ridge neighborhood as it currently is written.

I understand that this may cause some temporary issues with the existing buildings and homes; however, as a resident, I'm willing to put up with that uncertainty until we can find a solution that truly suits the needs and desires of the families and business owners that have settled in this community.

It is my understanding (from our June 4th town hall) that King County and the original developers agreed to a set of customized, restrictive use conditions in the (UPD Agreement) that function as zoning for the residential, retail & business areas. I'm sure that you all realize that our homes were sold to us (and the current business owners settled here) with an understanding based on that original Agreement's protections and restrictions.

I was here in 2013, when King County Council proposed changes to the Agreement that our community did not agree with and stood against. I was also here in 2016 when King County, again, proposed the same changes to allow new uses in the Business Park that many in the community felt would be detrimental and undermined or conflicted with the restrictions in the original UPD. In both cases, members of the community and our business owners fought to be heard and rallied together to testify to KC Council against the changes. For the third time, I feel the need to stand and let my voice be heard.

What I would like to see from the KC Council is proposed zoning that will MATCH—essentially replicate and extend—the critical restrictions and conditions that **currently exist in the UPD Agreement** and that **special zoning overlays** would be written to make the new zoning MATCH the current conditions.

I do so with the implicit understanding around the temporary issues this will raise with respect to the current homes on site; however, I feel that a future of temporary uncertainty is better than a future that does not match the will of the members that call Redmond Ridge their home!

I implore you **NOT to support** the zoning for my community that sit before you today! I ask that you create a new play with special zoning overlays that match the restrictions that exist in the current UPD that protects the development of our community.

Chris Conner  
Redmond Ridge homeowner

**From:** [Terry Jorgensen](#)  
**To:** [Policy Staff, Council CompPlan](#)  
**Cc:** [Ptjorgens2](#)  
**Subject:** Comp Plan changes  
**Date:** Tuesday, June 9, 2020 1:07:43 PM

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Dear Members of the King County Council:

Thanks your efforts to introduce climate action items into the proposed 2020 King County Comprehensive Plan. I think stronger policies be required and introduced before the final 2020 version is approved.

As stated by others: “We are running out of time. Most scientific models, indicate a need to reduce GHG by 50% in the year 2030 to meet the Paris and UN goals of no more than 1.5 degrees Celsius by 2050. 70% of our GHG emissions are coming from urban counties and cities. King County plays an important role and can be a leader in this effort.”

More of the specific climate actions generated by the K4C Tool kit, need to be included in the final version of 2020 KC Comp Plan.

Sincerely,

Terrance C Jorgensen  
2345 SW 116 ST  
Burien WA 98146  
(Cell/Text 206 979-2245)

**From:** [Greg Wingard](#)  
**To:** [Dembowski, Rod](#); [Zahilay, Girmay](#); [Lambert, Kathy](#); [Kohl-Welles, Jeanne](#); [Upthegrove, Dave](#); [Balducci, Claudia](#); [von Reichbauer, Pete](#); [McDermott, Joe](#); [Dunn, Reagan](#)  
**Cc:** [Auzins, Erin](#); [Policy Staff, Council CompPlan](#); [Miller, Ivan](#); [Taylor, John - Dir](#); [Daw, David](#); [Ngo, Jenny](#); [Smith, Lauren](#)  
**Subject:** 2020 KCCP Mid-Point Update, Striking Amendments S1, and S2, Pacific Raceways Proposed Map & Zoning Changes  
**Date:** Tuesday, June 9, 2020 12:59:32 PM  
**Attachments:** [KC\\_CompPlan\\_6920.pdf](#)

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King County Council:

Attached you will find Green River Coalition's brief comments on the proposed 2020 Comprehensive Plan amendments, map and zoning changes as they relate to the Pacific Raceways (PacRac) facility in rural King County, adjacent to the lower reaches, and confluence of Soosette and Soos Creeks, in the middle Green/Duwamish River basin.

We are concerned that;

- The submission of these substantial changes to the Comp Plan amendments happened very late in the Comp Plan process, and during a pandemic, which collectively has undermined public access to information, ability to participate in one of the county's most significant public policy issues, and results in a lack of sufficient, accurate analysis of impacts related to the proposed changes.
- The proposal to grant outright Industrial zoning, removing the p-suffix from the current zoning is incompatible with all Comp Plans and process since 1991, as it would create a new industrial zoning/facility in the rural area in spite the facility not being so designated, or within an a part of the rural land base designated for such zoning. We are opposed to this in the strongest possible terms.
- The materials provided inaccurately assert that a conservation easement required as a result of the 2000 Comp Plan amendment to flip rural RA-5 zoned land to Industrial p-suffix was put in place. That is a substantial factual error, which in turn robs the proposed deletion of the Map Amendment 9, conservation easement of necessary context. That being the conservation easement was designed to address King County and PacRac's failure to enact the agreed to conservation easement for the 2000 Comp Plan amendment zoning change for Pacific Raceways.

Your attention and consideration of the submitted comments is appreciated.

Regards,

Greg Wingard,  
President



GREENRIVERCOALITION.ORG



**SUBJECT**

King County  
Comprehensive Plan  
2020

**DATE**

June 9, 2020

**RECEIVER**

King County Council

Dear King County  
Council:

We are providing brief comments on the 2020 Comprehensive Plan Mid-Point Update, Striking Amendments S1 and S2, to the Executives proposed language, related to Pacific Raceways (PacRac).

It is disappointing the PacRac changes were not part of the initial Executives Proposed Language update, allowing for more substantive public/staff review and involvement in these changes to the Comp Plan, which substantively alter the policies and protections afforded to rural lands. Adding these amendments at the end of a yearlong process, during a pandemic, needlessly truncated public input/participation. This is not in the spirit of transparency and cooperation the Council, and PacRac promised the public would characterize future development plans for the PacRac site.

The S2 Amendment Concept considers modifying the land use designation to remove the p-suffix and grant PacRac outright Industrial zoning, or modify the p-suffix for additional uses not currently allowed. In addition there is a third option to leave the p-suffix as is and not change the land use designation or zoning. As noted in an understated way in the staff analysis, the proposal to flip PacRac zoning to outright Industrial zoning is inconsistent with Comp Plan policies (for industrial uses/facilities in the rural area), and suffers from a serious lack of impact analysis. The coalition is strongly opposed to any change to the zoning or land use designation at this site, as inconsistent with established and allowed uses in the rural area, an additional gifting to a single private property owner with no commensurate benefit to the people of King County, and the creation of unacceptable additional impacts to the surround rural lands, people and environment.

We are also concerned with the S2 map amendment 9, to repeal the 2012 PacRac map amendment conservation easement. There is a substantial factual error in the staff analysis, which indicates that in the 2000 Comp Plan amendment adoption that the proposed conservation easement was put in place. That is false, and in fact underlies why the 2012 map amendment conservation easement was designed as it was, and why language was added to assure the 2012 zoning change could not take effect until the conservation easement as specified was recorded on title. Council action to eliminate the 2012 map amendment is also strongly opposed by the coalition, as that easement is viewed as an irreplaceable part of the minimal acceptable mitigation for further development as has been proposed for the PacRac site.

Best regards,

Greg Wingard,  
President

**From:** [markwebwest@gmail.com](mailto:markwebwest@gmail.com)  
**To:** [Policy Staff, Council CompPlan](#)  
**Subject:** Skyway-West Hill potential annexation area  
**Date:** Tuesday, June 9, 2020 12:54:19 PM

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As a resident of skyway since 2011 and south seattle all my life I am opposed to this rezoning. However I am open to hearing more about the proposal and would be more open to it if there was a town hall meeting or some venue where you actually talked to the residents about it instead of doing it behind closed doors.

Mark Westbrook

*Sent from my MetroPCS 4G LTE Android device*

**From:** [Ronald Andres](#)  
**To:** [Policy Staff, Council CompPlan](#)  
**Subject:** Skyway-west hill potential area  
**Date:** Tuesday, June 9, 2020 12:53:56 PM

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I am against with this plan we would like to re schedule this to be in public. We would like to keep the same.

Sent from my iPhone

**From:** [russ eslinger](#)  
**To:** [Policy Staff, Council CompPlan](#)  
**Subject:** Don't rezone Skyway  
**Date:** Tuesday, June 9, 2020 12:51:08 PM

---

Please don't rezone Skyway. At least wait until we can proceed with this issue in public. I live at 7230 s 116th st and I am against this proposal.

Skyway Resident  
Russell Eslinger

**From:** [Dan Ericson](#)  
**To:** [Policy Staff, Council CompPlan](#)  
**Subject:** Fwd: Public Comment - SO-230  
**Date:** Tuesday, June 9, 2020 12:50:38 PM  
**Attachments:** [image.png](#)  
[Annotation 2020-06-09 101207.png](#)

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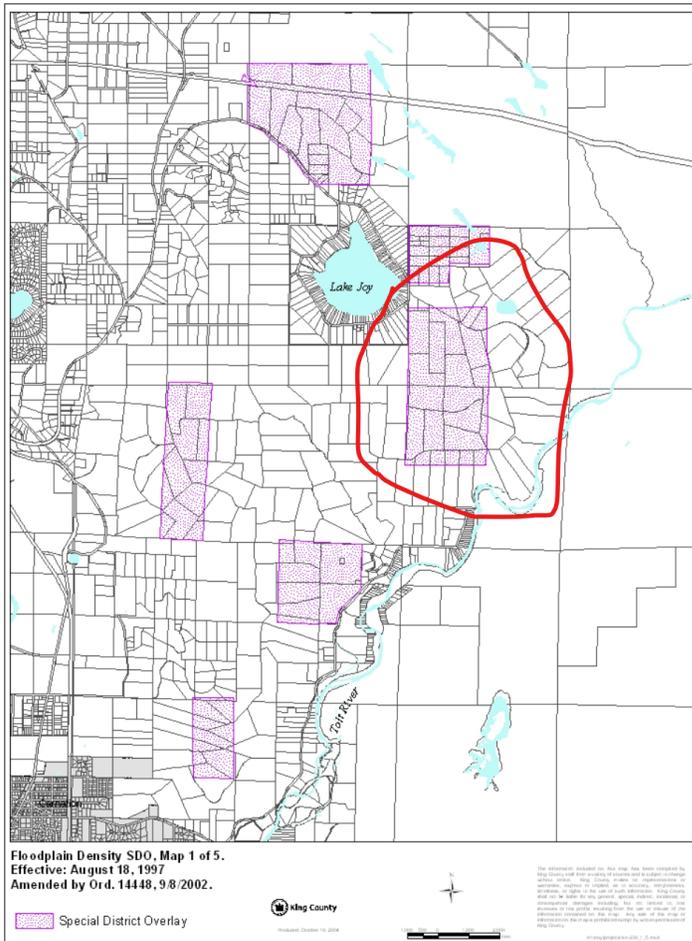
Hi,

My name is Erin Ericson and I live at 34409 NE 82nd Pl Carnation 98014. My parcel, 0225079038 is currently zoned with special district overlay SO-230.

I tried to submit comments online but the link provided in your public notice does not work.

I have the following concerns with removal of SO-230 in my area, which is currently planning for streamflow restoration under RCW 90.94. The WRIA 7 streamflow enhancement committee is in progress of looking for offset to future exempt well development.

1. Did the WRIA 7 Streamflow Enhancement Committee include the removal of SO-230 in projecting future domestic exempt well connections and required offset?
2. The area where I live in the forested uplands above Carnation is currently 20 acre parcels zoned RA-5. With the special overlay, this restricts density to 1 home/10-acres.
3. With the removal of this special overlay there is the potential to increase groundwater withdrawals related to permit exempt well installation for new residential beyond the planning horizon determined in the WRIA 7 streamflow committee.
4. This location, in the upper watershed of Harris Creek, a basin closed to further appropriation, is critical to enhance water storage.



For these reasons, I am opposed to removal of a special overlay SO-230.

Thank you,

Erin Ericson  
 206-412-0548