

Greater Maple Valley Unincorporated Area Council  
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Mr. Reinert,

Earlier this year the Greater Maple Valley Unincorporated Area Council (GMVUAC) tasked its Growth Management Committee (Chair, Peter Rimbos) and Transportation Committee (Chair, Gordon Moorman) to conduct a comprehensive review of the King County Code (KCC). This multi-month effort is now complete. It specifically addressed potential Rural Area impacts from large urban developments. This was precipitated by the Yarrow Bay-proposed 6,000-home Master Planned Developments in Black Diamond which are expected to have major far-reaching effects on all of southeast King County including the Rural Area.

The ultimate goal of the effort is *"to protect the Rural Area from massive urban development and its "overflow" (intentional or not)."* As part of the effort, the committees also reviewed applicable King County Comprehensive Plan (KCCP) provisions and the state's Revised Codes of Washington (RCWs).

The committees developed a set of recommendations and supporting rationale of those KCC TITLES deemed most applicable to the goal. Specific areas were identified that we believe need better clarity, stronger language, or more emphasis and execution.

in general, the GMVUAC recommends King County enforce the KCC, as many provisions are well structured to protect Rural Area citizens from the impacts of adjacent urban development. Unfortunately, in many cases, meaningful or timely enforcement is sometimes lacking. There were several items under TITLE 21A--Zoning that warrant special attention. A brief summary of our recommendations by KCC TITLE are provided below:

7--Parks & Recreation: This is a *general recommendation* not specific to any particular section/subsection: Combine school needs with park needs to create multipurpose parks.

9--Surface Water Management: Strengthen surface water runoff policy to protect Rural Area property rights; Maintain consistency with the KC Surface Water Design Manual; If an East KC Groundwater Protection Committee is again funded, it should have equal Rural and Urban representation.

10--Solid Waste: Ensure Rural Area representation on KC Solid Waste Advisory Committee.

13--Water & Sewer Systems: No recommendations.

14--Roads & Bridges: KC shall lobby the State to change **RCW 36.70A.070** to eliminate Transportation Concurrency's 6-year lag time for completing Transportation Infrastructure mitigation.

16--Building Standards: No recommendations.

17--Fire Code: No recommendations.

20--Planning: No recommendations.

21A--Zoning: Eliminate the outright permitting and Condition-Use or Special Permitting of several "non-Rural Area" uses.

26--Agriculture & Open Space Lands: This is a general comment not specific to any particular section/subsection: There is insufficient funding to purchase Open Space at a time of historically low prices.

Our detailed recommendations, rationales, and comments (all shown in *Italics*) follow below organized by KCC TITLE and section/subsection:

## TITLE 9 -- SURFACE WATER MANAGEMENT

*OVERALL COMMENTS: The code provides good protection for Rural Area (RA) landowners, as long as it's consistently enforced throughout the County--unincorporated areas, cities, special purpose districts, sewer & water utilities & associations, and water purveyors.*

### **Chapter 9.04 -- SURFACE WATER RUNOFF POLICY**

**KCC 9.04.010 -- Purposes.** The council finds this chapter is necessary in order to promote the public health, safety and welfare by providing for the comprehensive management of surface and storm waters and erosion control, especially that which preserves and utilizes the many values of the county's natural drainage system including open space, fish and wildlife habitat, recreation, education and urban separation. The council also finds that King County shall conduct

programs to reduce flooding, erosion, and sedimentation; prevent and mitigate habitat loss; enhance groundwater recharge; and prevent water quality degradation through the implementation of comprehensive and thorough permit review, construction inspection, enforcement, and maintenance in order to promote the effectiveness of the requirements contained in this chapter. (Ord. 11615 § 2, 1994: Ord. 9163 § 1, 1989).

**RECOMMENDATION:** Add the following paragraph: In future developments numbering twenty-five (25) or more, all parties (unincorporated areas, cities, special purpose districts, sewer & water utilities & associations, and water purveyors) concerned about said development shall work to anticipate any surface water runoff problems resulting from the potential development and work to develop strategies to resolve these problems to the satisfaction of all involved. Adequate infrastructure shall be provided and included in County projects. **RATIONALE:** Such communication and cooperation will help to protect adjacent property owners.

**KCC 9.04.030 -- Drainage review - when required - type.**

"A. Drainage review is required when any proposed project is subject to a King County development permit or approval and...."

**RECOMMENDATION:** Ensure RA protection. **RATIONALE:** RA property rights.

**KCC 9.04.050 -- Drainage review - requirements.**

**A.1.** Core requirement 1: ... The manner in which runoff is discharged from the project site shall not create a significant adverse impact to downhill properties or drainage systems as specified in the discharge requirements of the Surface Water Design Manual;

**RECOMMENDATION:** Change to read: "The manner in which runoff is discharged from the project site shall not create or aggravate adverse impacts to downhill properties or drainage systems as specified in the discharge requirements of the Surface Water Design Manual;". **RATIONALE:** The new language is consistent with the Surface Water Design Manual: "aggravate" is more specific than "significant."

**KCC 9.04.115 -- Drainage facilities accepted by King County for maintenance.**

**RECOMMENDATION:** Enforce this. **RATIONALE:** It is good policy and it works.

**KCC 9.04.120 -- Drainage facilities not accepted by King County for maintenance.**

**RECOMMENDATION:** Enforce this. **RATIONALE:** It is good policy and it works.

**Chapter 9.08 -- SURFACE WATER MANAGEMENT PROGRAM**

**KCC 9.08.060 -- Policy.**

**A.** It is the finding of the county that the majority of the basins in the service area are shared with incorporated cities and towns. In order to achieve a comprehensive approach to surface and storm water management the county and incorporated jurisdictions within a specific basin should coordinate surface and storm water, management services. In addition, the program may contract for services with interested municipalities or special districts including but not limited to sewer and water districts, school districts, port districts or other governmental agencies.

**RECOMMENDATION:** Replace "should" with "shall." **RATIONALE:** More specific.

**C.** It is the finding of the county that technical assistance and community education....

**RECOMMENDATION:** Enforce this. **RATIONALE:** It is good policy and it works.

**D.** It is the finding of the county that developed parcels contribute to an increase in surface....

**RECOMMENDATION:** Enforce this. **RATIONALE:** It is good policy and it works.

**V.** It is the finding of the county that the unique storm water needs of the unincorporated rural area....

**RECOMMENDATION:** Enforce this. **RATIONALE:** It is good policy and it works.

**Chapter 9.14 -- GROUNDWATER PROTECTION**

**KCC 9.14.080 -- East King County groundwater protection committee.**

**8.** One representative from the unincorporated area council;...

**RECOMMENDATION:** If an East KC Groundwater Protection Committee is again funded, it should have equal Rural and Urban representation. **RATIONALE:** Groundwater protection is important and Rural Area citizens should be represented.

**TITLE 10 -- SOLID WASTE**

**Chapter 10.25 -- SOLID WASTE MANAGEMENT PLANNING**

**KCC 10.25.110 --** Metropolitan solid waste management advisory committee (as amended by Ordinance 15912) and KCC 10.25.110 Metropolitan solid waste management advisory committee (as amended by Ordinance 16320). Establishes a solid waste management advisory committee.

\*\*\* There are two KCC 10.25.110 paragraphs as amended by ordinances 15912 and 16320. \*\*\*

**RECOMMENDATION:** Merge into one paragraph. **RATIONALE:** Clarity.

**Chapter 10.28 -- SOLID WASTE ADVISORY COMMITTEE**

**KCC 10.28.010** -- The King County Solid Waste Advisory Committee is established and to be comprised of a countywide group of representatives of citizens, public interest groups, business, the waste management industry, local elected public officials, the recycling industry, manufacturers located in King County and marketing and education interests to provide for coordination and information exchange between the groups about solid waste issues and to provide on going public input and advice to King County on solid waste management issues including the marketing and use of recycled materials.

RECOMMENDATION: Add Rural representation. RATIONALE: Complete representation.

## TITLE 14 -- ROADS AND BRIDGES

### Chapter 14.65 -- INTEGRATED TRANSPORTATION PROGRAM

**KCC 14.65.010** -- Components of the integrated transportation program.

**A. Transportation concurrency management (TCM)**, by which King County regulates new development based on adequate transportation improvements needed to maintain level of service standards, in accordance with in accordance with **RCW 36.70A.070(6)**, the King County Comprehensive Plan and K.C.C. chapter 14.70.

**RCW 36.70A.070 Comprehensive plans — Mandatory elements.**

**(6)(b)** After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. ... For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within 6 years.

RECOMMENDATION: KC shall lobby the State to change **RCW 36.70A.070(6)b** to read, in part: "For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements are in place at the time of development". RATIONALE: It is a massive loophole that must be closed to ensure the integrity and operation of the Transportation infrastructure.

**C. Intersection standards (IS)** by which King County evaluates intersections affected by new development to assure safe and efficient operation and that improvements to mitigate the adverse impacts of such developments are completed, in accordance with SEPA, **K.C.C. 20.44.080** and the **King County Comprehensive Plan ... C. Level of Service Standards & D. Concurrency.**

COMMENT: These KCCP sections look good.

Reference to: **KCC 20.44.080 County Environmental Procedures --- Substantive authority.**

**C.** Within the urban growth area, substantive SEPA authority to condition or deny new development proposals or other actions shall be used only in cases where specific adverse environmental impacts are not addressed by regulations as set forth below or unusual circumstances exist. ... Unusual circumstances related to a site or to a proposal, as well as environmental impacts not mitigated by the regulations listed in this subsection, will be subject to site-specific or project-specific SEPA mitigation.

RECOMMENDATION: Enforce this. RATIONALE: It is good policy and it works.

### Chapter 14.70 -- TRANSPORTATION CONCURRENCY MANAGEMENT

GENERAL RECOMMENDATION: Enforce this. RATIONALE: It is good policy and it works.

**KCC 14.70.300 -- Relationship to SEPA.** A determination of concurrency shall be an administrative action of King County that is categorically exempt from the state Environmental Policy Act.

COMMENT: Even though the concurrency system is subject to environmental review when it is adopted, we remain concerned about individual decisions and their review.

### Chapter 14.75 -- MITIGATION PAYMENT SYSTEM

RECOMMENDATION: Enforce this. RATIONALE: It is good policy and it works.

### Chapter 14.80 -- INTERSECTION STANDARDS

RECOMMENDATION: Enforce this. RATIONALE: It is good policy and it works.

## TITLE 21A -- ZONING

### Chapter 21A.08 -- PERMITTED USES

Recommendations are guided by **21A.04.060A--Rural Area Zone**, which states: "The purpose of the rural zone is to provide for an area-wide long-term rural character and to minimize land use conflicts with nearby agricultural or forest production districts or mineral extraction sites." All recommendations below pertain the land-Use Tables.

**KCC 21A.08.030 -- Residential Land Uses.**

**A. Residential Land Uses.**

RECOMMENDATION: 1. Eliminate the permitting (even as a Conditional Use) of Community Residential Facility-I (up to 9-10 residents and staff that provide counseling, rehabilitation, and medical supervision). RATIONALE: These do not meet Rural Character, off-street parking is limited, and nearby supporting activities are lacking.

**KCC 21A.08.050 -- General Services Land Uses.**

**A. General Services Land Uses.**

RECOMMENDATIONS:

1. Require a Conditional Use permit for Social Services Facilities when re-using a public school. REQUEST: King County should recommend size and use limitations for review by the GMVUAC.

2. Require a Conditional Use permit for Office/Outpatient clinics when re-using a public school.

3. Eliminate the permitting (even as a Conditional Use) of both Middle/Junior High Schools and Secondary/Senior High Schools. RATIONALE: There are little to no facilities to support such complexes including roads/road maintenance.

4. Eliminate the permitting (even as a Conditional Use) of School District Support Facilities. RATIONALE: Traffic congestion created by such facilities does not fit in the Rural Area and what happened with the Tahoma School District Bus Facility should be avoided in the future.

5. Eliminate the technical loop holes in notes 15 and 16 (that apply to items 3. and 4. above) regarding of expansion of public sewer facilities in any way, shape, or form. RATIONALE: Expanding public sewer lines would enable possible future development in conflict with long-term rural character.

**KCC 21A.08.100 -- Regional Land Uses.**

**A. Regional Land Uses.**

RECOMMENDATIONS:

1. Eliminate the permitting (even as a Special Use) of Jail/Farm Camp Facilities.

2. Eliminate the permitting (even as a Special Use) of Work Release Facilities.

3. Eliminate the permitting (even as a Special Use) of Wastewater Treatment Plants.

4. Eliminate the permitting (even as a Special Use) of Airport/Heliport Facilities unless the Heliport is restricted to emergency use only.

5. Eliminate the permitting (even as a Conditional or Special Use) of School Bus Base Facilities. The transportation infrastructure is unable to handle the trips generated by such facilities.

6. Eliminate the permitting (even as a Special Use) of Racetrack Facilities. RATIONALE: The transportation infrastructure is unable to handle the trips generated by such facilities.

7. Eliminate any permitting of College/Universities especially as re-use of surplus non-residential facilities. RATIONALE: The transportation infrastructure is unable to handle the trips generated by such facilities.

**Chapter 21A.24 -- CRITICAL AREAS**

**KCC 21A.24.100--Critical Area Review**

GENERAL RECOMMENDATION: When initial Critical Area Reviews are performed, charges should be reasonable~\$250-\$350.

We request the KCC Review Committee consider the recommendations contained herein. As Committee Chair we wish to invite you to discuss these recommendations at a future Area Council meeting. Please contact me at your convenience. Thank you.

Sincerely,

Steve Hiester ([hies\\_skel@hotmail.com](mailto:hies_skel@hotmail.com))

Chairman, Greater Maple Valley Unincorporated Area Council

cc: DDES Director John Starbard [John.Starbard@kingcounty.gov](mailto:John.Starbard@kingcounty.gov),