

## Chapters

### CHAPTER 1—REGIONAL PLANNING

1. **((GP-103)) RP-203** “King County shall continue to support the reduction of sprawl by focusing growth and future development in the existing urban growth area, consistent with adopted growth targets.”

**RECOMMENDATION:** We support this policy change. It is consistent with State GMA growth-management principles, as well as Countywide Planning Policies. It focusses growth within the UGA, which is the clear intent of the State GMA.

### CHAPTER 2—URBAN COMMUNITIES

1. **U-109** -- “King County should concentrate facilities and services within the Urban Growth Area to make it a desirable place to live and work, to increase the opportunities for walking and biking within the community, to more efficiently use existing infrastructure capacity and to reduce the long-term costs of infrastructure maintenance. Facilities serving urban areas such as new medical, governmental, educational or institutional development, shall be located in within the Urban Growth Area, except as provided in policies R-326 and R-327.”

**RECOMMENDATION:** We support the addition made to this policy, as it aligns with our overall mission (“Keep the Rural Area rural”) by restricting the siting of urban- or largely urban-serving facilities to the Urban Growth Area.

2. **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 in exchange for a dedication to King County of four acres of permanent open space. Land added to the Urban Growth Area for ~~((naturally appearing))~~ 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.”

**CONCERNS:** While we have no problems with the original intent of the Four-to-One Program, we do not support annexing of Rural Area acreage into the UGA when it is not part of a recognized Potential Annexation Area (PAA).

**RECOMMENDATION:** Revisit this augmentation of the Four-to-One Program.

3. **U-207**

**COMMENT:** Bonded Debt: State law (RCWs 35.13.110; 35.13.270, and 35A.14.801) is rigid here.

**RECOMMENDATION:** Revisit State law (RCWs 35.13.110; 35.13.270, and 35A.14.801) so that Counties and Cities have the opportunity to “negotiate” any transfer of bonded debt incurred within the annexed area. Approval of County bonded debt could be similar to how cities do so upon annexation by offering a vote to the annexing residents and allow the county to require a disapproval of the annexation should residents vote against the bonded

*debt continuance.*

**QUESTION:** *Does the new R-320a policy in CHAPTER 3 take care of this?*

**KC EXEC OFFICE RESPONSE:** *“Comments noted; see the Workplan section of Chapter 12. It includes a workplan to revisit the Annexation Areas Map and Countywide Planning Policies. This type of analysis may be an important part of this future work.”*

## CHAPTER 3—RURAL AREA AND NATURAL RESOURCE LANDS

1. R-201 -- *“Therefore, King County’s land use regulations and development standards shall protect and enhance the following (~~components of~~) attributes associated with a rural lifestyle (the) and the Rural Area: Rural uses that do not include urban or largely urban-serving facilities.”*

**RECOMMENDATION:** *We strongly support this addition. The Rural Area is no place for “urban or urban-serving facilities.” (see RECOMMENDATIONS under R-326 below)*

2. II. Rural Designation / B. Forestry and Agriculture in Rural King County / 1. Forestry / Item f. -- *“Conduct projects on King County park lands to demonstrate sustainable forestry practices, and.”*

**CONCERN:** *King County has several types of “lands”--“Recreation Parks, Multi-Use Parks, Working Forest Lands, Natural Areas, Regional Trail Properties, Flood Hazard Properties, and Other Public Lands”--all identified on “King County’s Open Space System 2016” map accompanying Chapter VII--Parks, Open Space, and Natural Resources. Our Rural Area parks (many of which include ballfields for both children and adults) should not see chain saws just to “demonstrate” something.*

**RECOMMENDATION:** *Eliminate Item “f.”. Otherwise, make the language more specific, so as not to encompass all the lands identified in our CONCERN above, since we don’t think that was the intent.*

3. III. Rural Densities and Development / D. Nonresidential Uses

**CONCERN:** *This section does not address resource-based businesses in unincorporated areas, such as Marijuana production, processing and retail uses. Policies should preclude siting of Marijuana production, processing, and retail uses in residential areas in the Rural Area. SEPA reviews should ensure the particular issues associated with such businesses, such as Public Safety, are included and fully addressed. An excellent example in the Rural Area is the proposed Marijuana Processing Facility at the end of 200th Ave SE, a narrow (18 ft at its worst), unshouldered one-lane country road that is bordered by residences on both sides. The Commercial Site Development Permit Application already was found complete by KC DPER and the KC PAO has provided an opinion that all future permit applications are fully vested. The GMVUAC discussed this issue with Deputy KC Executive Fred Jarrett at its May 19, 2015, Community Service Area Meeting and he requested full documentation, which the GMVUAC provided to Mr. Jarrett, DPER Director John Starbard, and the KC Ombudsman Office. This went nowhere.*

**RECOMMENDATION:** *Marijuana growing operations,*

*processing/manufacturing facilities, or distribution businesses should not be sited in Rural Area residential neighborhoods. Such businesses could be quite lucrative both with valuable product on the premises and amount of cash on hand. However, the County Sheriff's Office budget has been continually pared down and can no longer provide adequate Police protection to the Rural Area. This is a dangerous mix. Such operations must be recognized as incompatible with the Rural Character the County and the people strive to maintain. In addition, KC Code definitions 21A.06.605 Home industry and 21A.06.610 Home occupation should be revised back to their pre-2008 Comprehensive Plan definitions to address the existing loophole whereby a residence can be converted to a business establishment without maintaining "the primary use of the site as a residence."*

4. **R-309** -- "The RA-2.5 zone has generally been applied to (~~rural areas~~) Rural Areas with an existing pattern of lots below five acres in size that were created prior to the adoption of the 1994 Comprehensive Plan. These smaller lots may still be developed individually or combined, provided that applicable standards for sewage disposal, environmental protection, water supply, roads and rural fire protection can be met. A subdivision at a density of one home per 2.5 acres shall only be permitted through the transfer of development rights from property in the designated Rural Forest Focus Areas. The site receiving the density must be approved as a Transfer of Development Rights receiving site in accordance with the King County Code. Properties on Vashon-Maury Islands shall not be eligible as receiving sites."

**CONCERNS:** We have two major concerns:

1. *Allowing such 2.5 zoning perpetuates existing traffic flow issues, consequently, identifying a viable plan to address the traffic issue should be part of any subdivision adjustment, not just TDR agreements. To address Transportation Concurrency we recommend the language be changed to require all the TDRs to not only be purchased from the Rural Area, but also from the same Travel Shed. To do this, we recommend the following be added to the end of the third sentence: "...within the same Travel Shed."*

2. *That said, Rural Area properties should not serve as receiving sites for any TDRs.*

**RECOMMENDATION:** The third sentence in R-309 should be modified as follows:

*"In the RA-2.5 zone a subdivision at a density of one home per 2.5 acres shall only be permitted through the transfer of development rights from property in the designated Rural Forest Focus Areas within the same Travel Shed."*

**RECOMMENDATION:** Add a new fourth sentence to be consistent with the intent of C. Transfer of Development Rights Program (immediately below R-311): "Rural Area properties should not serve as receiving sites for any TDRs." [this could necessitate changes to **CHAPTER 8--TRANSPORTATION**]

5. **COMMENT:** *Following R-309 regarding the RA-2.5 zone, there needs to be*

*more specifics related to the RA-5 zone, especially as related to private wells.*

**CONCERN:** The King County Board of Health Code's Title 13's references to the "1972" cutoff and "5-acre" minimums (13.04.070 Domestic water supply source., B. Private individual well source: "A private well on a lot five acres or greater in size or a lot created prior to May 18, 1972,...") are not consistent with the "1994 Comprehensive Plan" cited in R-309.

**RECOMMENDATION:** Add a new Policy as follows:

*"R-309a The RA-5 zone is typical of the Rural Area. However, there exist numerous legal parcels of less than five acres in size. These smaller lots may still be developed individually or combined (at the owner's discretion) and private wells allowed, provided applicable King County Board of Health separation requirements can be met for sewage disposal and water supply. Water treatment is an acceptable means of providing, and proving the existence of, an adequate water supply."*

**RATIONALE:** In 1992 State Attorney General issued the following opinion in AGO 1992 No. 17, Re: Requirement of Adequate Water Supply Before a Building permit is Issued: (our emphasis shown)

*"If a local building department chooses not to apply public water system standards to other water sources, then it may apply any other criteria that it determines are appropriate to ensure that the water supply for a building is of sufficient quality and quantity for the intended use of the building. These criteria must be based on considerations of water quality and quantity, and not on other considerations, such as limiting density or the construction of unpopular facilities. Furthermore, the local building department may not act in an arbitrary and capricious manner in setting the criteria. E.g., Rosen v. Tacoma, 24 Wn. App. 735, 740, 603 P.2d 846 (1979). This means that its actions must not be willful and unreasoning, taken "without consideration and in disregard of facts and circumstances." e.g., Pierce Cy. Sheriff v. Civil Serv. Comm'n, 98 Wn.2d 690, 695, 658 P.2d 648 (1983)." [Ref: <http://www.atg.wa.gov/ago-opinions/requirement-adequate-water-supply-building-permit-issued>]*

*Consequently, such criteria must be based on "water quality and quantity," not to limit density, which is under the purview of and, thus, a decision made by the legislative body (i.e., King County Council), not the Board of Health or other agency.*

6. R-324 "Nonresidential uses in the Rural Area shall be limited to those that:
- Provide convenient local products and services for nearby Rural Area residents;

**RECOMMENDATION:** We strongly support this addition.

7. R-326 "Except as provided in R-327:
- New schools and institutions primarily serving rural residents shall be located in neighboring cities and rural towns;
  - New schools, institutions, and other community facilities primarily

serving urban residents shall be located within the ((UGA)) Urban Growth Area; and

c. New community facilities and services that primarily serve rural residents shall be located in neighboring cities and rural towns, with limited exceptions when their use is dependent on a rural location and their size and scale supports rural character.”

**CONCERN:** Siting of Urban facilities in the Rural Area: Policies must be strengthened to forbid siting and approval of urban- or largely urban-serving facilities in Unincorporated or Rural Areas. As an example, the following King County Code should be amended:

KCC 21A.08.060 A. Government/business services land uses. under “Specific Land Use” – “Utility Facility” by adding Note #38 as a Development Condition to all Zoning Designations.

Note #38: Utility Facilities consisting of regional surface water flow control and water quality facilities that are proposed to be wholly located within a Resource or Rural-designated area and associated in whole or in part with an existing or new proposed private residential development that is located wholly within an Urban-designated area are prohibited. Where such conditions are proposed for a new facility or where substantial facility or service area modifications to an existing regional surface water flow control and water quality facility are proposed, the requirements under Note #8 shall apply to Utility Facilities.

**RECOMMENDATION:** Add an item “d.” to R-326 as follows:

“d. New stormwater facilities primarily serving urban needs shall be located within the UGA.”

**COMMENT:** There was an attempt to address this in CHAPTER 9, F-230, by adding a new subsection: “i. To the extent allowable under the Growth Management Act, the locational criteria in policy R-326.” However, the problem actually stems from King County Code. We are on record recommending a change to: KCC 21A.08.060 A. Government/business services land uses. under “Specific Land Use” – “Utility Facility” by adding a Note #38 as a Development Condition to all Zoning Designations:

Note #38: Utility Facilities consisting of regional surface water flow control and water quality facilities that are proposed to be wholly located within a Resource or Rural-designated area and associated in whole or in part with an existing or new proposed private residential development that is located wholly within an Urban-designated area are prohibited. Where such conditions are proposed for a new facility or where substantial facility or service area modifications to an existing regional surface water flow control and water quality facility are proposed, the requirements under Note #8 shall apply to Utility Facilities.

8. 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 SR-169.”

***QUESTION: How is this consistent with the proposed “Demonstration Project” at Pacific Raceways? If the land is in the Rural Area and not zoned “Industrial,” then this policy should preclude consideration of such a “Demonstration Project.”***

**9. VI. Resource Lands / E. Mineral Resources**

***CONCERN: “Demonstration Projects” must not be used to convert resource-based lands into housing subdivisions, as has been proposed in the past and continues to be proposed (e.g., Reserve Silica site in Ravensdale). King County Code Title 21A.55 -- DEMONSTRATION PROJECTS (.010 thru .030) should be strictly adhered to. The Code states the following:***

- 1. The purpose of “Demonstration Projects” as to: “...evaluate alternative development standards and processes prior to amending King County policies and regulations” and “test the efficacy of alternative regulations that are proposed to facilitate increased quality of development and/or increased efficiency in the development review processes;...” and that “All demonstration projects shall have broad public benefit through the testing of new development regulations and shall not be used solely to benefit individual property owners seeking relief from King County development standards.” (ref.: KCC Title 21A.55.010)***
- 2. The following should be specified: “5. The process through which requests for modifications or waivers are reviewed and any limitations on the type of permit or action; 6. The criteria for modification or waiver approval; 7. The effective period for the demonstration project and any limitations on extensions of the effective period;...” (ref.: KCC Title 21A.55.020)***
- 3. “Demonstration projects must be consistent with the King County Comprehensive Plan. Designation of a demonstration project and its provisions to waive or modify development standards must not require nor result in amendment of the comprehensive plan nor the comprehensive land use map.” (ref.: KCC Title 21A.55.030)***

**CHAPTER 4—HOUSING AND HUMAN SERVICES** (No review)

**CHAPTER 5—ENVIRONMENT** (In development; to be submitted in July)

**CHAPTER 6—SHORELINE MASTER PROGRAM** (No review)

**CHAPTER 7—PARKS, OPEN SPACE, & CULTURAL RESOURCES** (In development; to be submitted in July)

**CHAPTER 8—TRANSPORTATION** (Submitted in May via 5/4/16 e-mail)

**CHAPTER 9—SERVICES, FACILITIES, & UTILITIES**

1. **F-230** Please see **RECOMMENDATION** under **R-326c** above.
2. **F-236** *“In the Rural Area, King County land use and water service decisions support the long-term integrity of Rural Area ecosystems. Within the Rural Area, individual private wells, rainwater catchment, Group B water systems, and Group A water systems are all allowed. If an existing Group A water provider cannot provide direct or indirect service to new development per the exceptions in Policy F-233, a new public water system or private well may be established if it is owned or operated by the following, in order of preference:*
  - a. *By a satellite management agency approved by the state Department of Health under contract with the Group A system in whose service area the system is located, provided that the existing Group A water system remains responsible for meeting the duty to serve the new system under RCW 43.20.260; and*
  - b. *By a satellite management agency or an existing Group B system approved by both the State Department of Health and King County. If service cannot be obtained by means of the above stated options, then water service may be obtained by creation of a new system, use of private wells or rainwater catchment. All new public water systems formed in the Rural Area shall connect to the Group A water system in whose service area the new system is located when direct service becomes available.”*

**CONCERN:** *Small Group B water systems should not be required to connect to Group A water systems when they become available.*

**RECOMMENDATION:** *In the last sentence of subitem “b.” change “shall” to “may.”*

3. **F-240** *“King County shall require any new or expanding Group B water system to have a totalizing source meter and make information from the meter available upon request of King County.”*

**CONCERN:** *Our biannual Citizen Surveys, which have been conducted and published over the past decade, continually have indicated Rural Area residents do not want their wells metered.*

**RECOMMENDATION:** *Strike F-240 in its entirety.*

**CHAPTER 10--ECONOMIC DEVELOPMENT** (In development; to be submitted in July)

**CHAPTER 11—COMMUNITY SERVICE AREA PLANNING** (No comments)

**CHAPTER 12— IMPLEMENTATION**

1. **I-203** Item b.

**COMMENT:** *This appears to ameliorate our past and ongoing concerns related to the proposed Reserve Silica Demonstration Project. We strongly support such a change. The Executive has not supported this project, nor have we. Members of the Public in our area also strongly oppose this project. It never has been consistent with other policies in the Comprehensive Plan. The County should follow its standard methods for transitioning mining sites when resource extraction is complete, which we*

*and the Public do support, with the land reverting to the underlying zoning as code and practice has long required. This best protects the County's forest and rural resources. [Please also see our related detailed comments above under Chapter 3, VI. Resource Lands / E. Mineral Resources (listed as Item 9.)]*

### **Technical Appendices**

**Technical Appendix A—CAPITAL FACILITIES** (No review.)

**Technical Appendix B—HOUSING** (No review.)

**Technical Appendix C—TRANSPORTATION** (No comments.)

**Technical Appendix C1—TRANSPORTATION NEEDS REPORT (TNR)** (Submitted in May via 5/4/16 e-mail)

**Technical Appendix C2—REGIONAL TRAILS NEEDS REPORT** (No comments)

**Technical Appendix D—Growth Targets and Urban Growth Area** (No comments)

**Technical Appendix R—PUBLIC OUTREACH FOR DEVELOPMENT OF COMPREHENSIVE PLAN** (No comments)

### **Attachments**

**Attachment—SKYWAY-WEST HILL ACTION PLAN** (No review)

**Attachment—AREA ZONING STUDIES**

1. Cedar Hills/Maple Valley--Future Subarea Plan:

**CONCERN:** *The greater community (unincorporated area councils, community organizations, rural residents, and rural business owners, including forest and farm owners, and rural communities, towns, and cities) must be involved with such Subarea planning, not just the owners of the twelve specific properties identified. Future changes in this subarea could have major impacts on the quality of life of surrounding residences and greatly increase traffic on Cedar Grove Rd, Lake Francis Rd, and SR-169.*

**RECOMMENDATION:** *Provide the Public with the formal process the County uses to define Subarea Plans.*

**Attachment--DEVELOPMENT CODE STUDIES**



1. **CONCERN:** *There is a need for a Development Code Study #X --*  
**Scope of Work:** *Consider code changes regarding the definitions of “Home Industry” and “Home Occupation.”*  
**Background:** *This requested development code review is in response to expressed concerns about businesses being set up in the Rural Area that are wholly incompatible with the surrounding dwellings and neighborhoods. Examples include Marijuana growing, processing, and distribution facilities and operations. The following is County Code as it currently exists:*

**“21A.06 TECHNICAL TERMS AND LAND USE DEFINITIONS**

**21A.06.605 Home industry.** *Home industry: a limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or residential accessory building, or in a barn or other resource accessory building and is subordinate to the primary use of the site as a residence. (Ord. 13022 § 7, 1998: Ord. 10870 § 161, 1993).*

**21A.06.610 Home occupation.** *Home occupation: a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the site as a residence. (Ord. 13022 § 8, 1998: Ord. 10870 § 162, 1993).”*

**Discussion:** *The 2008 Comprehensive Plan Update changed the definitions of both “Home Industry” and “Home Occupation.” The pre-2008 condition that such activities are permitted only as “... subordinate to the use of the site as the primary residence of the business owner.”*

*The purpose of this change is to narrow a loophole where a residence is converted to a business establishment without maintaining “the primary use of the site as a residence.”*

*It should be noted that should this change be adopted it would be somewhat more lenient than the associated language pre-2008, which mandated that a “Home Industry” and “Home Occupation” was permitted in an RA, F, or A zone only as accessory to the primary use of the site as a residence of the “property owner.” Also, should this change be adopted, a renter or a property owner could operate a “Home Industry” and “Home Occupation” as long as the site is her/his actual “primary residence.”*

**RECOMMENDATION:** *Amend K.C.C. Titles 21A.06.605 and 21A.06.610 as follows:*

**“21A.06.605 Home industry.** *Home industry: a limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or residential accessory building, or in a barn or other resource accessory building and is subordinate to the ~~primary~~ use of the site as a the primary residence of the business owner. (Ord. 13022 § 7, 1998: Ord. 10870 § 161, 1993).”*

**“21A.06.610 Home occupation.** *Home occupation: a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the ~~primary~~ use of the site as a*

*the primary residence of the business owner. (Ord. 13022 § 8, 1998: Ord. 10870 § 162, 1993)."*

**Attachment—POLICY AMENDMENT ANALYSIS MATRIX** (No comments)

**Attachment—PUBLIC PARTICIPATION REPORT** (No comments)