

King County Rural Area UAC/UAA Public Comment
2020 KCCP MID-POINT UPDATE — PUBLIC REVIEW DRAFT

July 31, 2019

To: Ivan Miller, Comprehensive Planning Manager, King County: ivan.miller@kingcounty.gov

Re: Public Comment—KCCP 2020 Midpoint Update—Public Review Draft (PRD)

Mr. Miller,

Please accept Public Comment herein on the subject PRD ([2020 KCCP PRD](#)) from the following King County Unincorporated Area Councils (UACs) and Unincorporated Area Associations (UAAs): Enumclaw Plateau Community Association (EPCA); Greater Maple Valley UAC (GMVUAC), Green Valley/Lake Holm Association (GV/LHA), Hollywood Hill Association (HHA); and Upper Bear Creek UAC (UBCUAC).

We endeavor to review, consult, and develop solutions on issues of interest to people who live in a wide variety of King County's unincorporated areas—north, east, and south. Each of our organizations considers its work on the King County Comprehensive Plan (KCCP) as one of its most important duties and have worked *jointly* on the preparation of relevant comments on the subject PRD.

Attached herein please find detailed PRD *Comments*, in which we provide relevant PRD text (in black) followed by our specific comments (in purple). While we reviewed the entire PRD, our *Comments* cover only certain sections/subsections (see TABLE OF CONTENTS).

We encourage you to please consider our *Comments* and those of citizens throughout King County's unincorporated Rural Area to minimize unintended negative consequences in the implementation of the **KCCP 2020 Mid-Point Update**.

We wish to continue an open dialogue with King County officials on this effort. Thank you in advance for your careful consideration of our *Comments*.

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Amendments to the King County Comprehensive Plan
[Amendments to KCCP](#)

Chapter 1 Regional Growth Management Planning
(pp. 4-7)

(p. 5):

RP-107 King County shall not forward to the Growth Management Planning Council for its recommendation any proposed (~~expansion of~~) amendment to the Urban Growth Area unless the proposal was:

- a. Included in the scoping motion for a King County Comprehensive Plan update;**
- b. An area zoning study of the proposal was included in the public review draft of a proposed King County Comprehensive Plan update; or**
- c. Subjected to the hearing examiner process for site specific map amendments as contemplated by the King County Code; or**
- d. Initiated as a Four-to-One proposal through King County's Docket process.**

We do not support adding “d.” above, as we believe the annual Docket process should not become a regular avenue for wholesale changes to the Urban Growth Area.

Chapter 3 Rural Areas and Natural Resource Lands
(pp. 14-34)

(pp. 15-16):

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(~~;~~) and do not have potential for conversion to residential use due to a historic designation (~~and that may be accessed directly from State Route 169~~), in order to reduce pressure for growth, limit impacts on nearby natural resources and functions, and avoid the need for infrastructure extensions. These lands shall be limited to: industrial parcels inside of Rural Towns; industrial parcels accessed directly from State Route 169, inclusive of parcels 1923069026, 3223069098, and 3223069104; and industrial parcels adjacent to the Rural Neighborhood Commercial Center of Preston.

We strongly do not support changing the zoning for latter two parcels from “I-P” to “I,” thus removing its site-specific designation and opening them up to possible future sales to different industrial operations. These two parcels are south of the Cedar Grove intersection and south of the parcels addressed in the GMVUAC’s October 2018 Comments on Docket Item #4 to

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“Reclassify two parcels from ‘NB’ to ‘I’—the GMVUAC recommended rejection of the request. Also, this is akin to the 2006 Docket Item that sought to rezone the first parcel listed for the benefit of its then-current occupant, Sunset Materials, and now is the site of the proposed move from the UGA to the RA of the Lakeside Industries Asphalt Facility.

(p. 16):

R-513 Rural Public Infrastructure Maintenance Facilities, and agriculture and forestry product processing should be allowed in the Rural Area. ~~((Other new industrial uses in the Rural Area shall be permitted only in Rural Towns and in the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston.))~~

We strongly oppose “new industrial uses” in the Rural Area, consequently, we are concerned with the proposed revisions to policies R-512 and R-513 that would allow such uses.

(p. 16):

In order to preserve rural character and protect sensitive natural features, new rural industrial development in the Rural Area needs to be of a scale and nature that is distinct from urban industrial development. The scale and intensity and many of the uses allowed in urban industrial ~~((development))~~ areas are not appropriate for rural industrial areas. The following policy applies to all new industrial development in the Rural Area.

We recommend modifying the first sentence above as follows:

“In order to preserve rural character and protect sensitive natural features, new any rural industrial development in the Rural Area needs to be of a scale and nature that is distinct from urban industrial development.”

This should preclude parcel zoning changes to **Industrial** through the annual Docket process.

(p. 17):

There are also existing, isolated industrial uses on sites in the Rural Area that are recognized, but are not appropriate for new industrial uses. Further expansion of these isolated industrial uses is ~~((not encouraged))~~ limited, and therefore ~~((they))~~ these sites are not zoned Industrial.

This appears to conflict with revisions proposed to policies **R-512** and **R-513** above.

The *proposed* amendment to policy **R-513** would convert that Policy to a mere aspirational statement that does not actually require or assure protection of rural character. This is a violation of the State’s Growth Management Act (GMA) by failing to include required measures to protect rural areas. See *Kittitas County Conservation Coalition v. Kittitas County*, EWGMHB Case Nos. 07-1-0004c and 07-1-0015, Compliance Order pp. 11-15 (May 31, 2013).

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(p. 17):

R-515 Existing industrial uses on isolated sites in the Rural Area (~~outside of Rural Towns, the industrial area on the King County-designated historic site along State Route 169 or the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston shall be zoned rural-residential~~) shall retain their Rural Area zoning but may continue if they qualify as legal, nonconforming uses.

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

We have conducted an *Analysis* (see below) on the above proposed changes to Policies **R-512**, **R-513**, **R-515**, and **R-516**. Based on our *Analysis*, it is readily apparent such changes are inconsistent with, and violate, the GMA.

The rationale set forth in the commentary relating to *proposed* amendments to Policies **R-512** and **R-513** do not accurately reflect the purpose and scope of those Policies as currently adopted. Whereas *existing* **R-512** relates to location of industrial lands, Policy **R-513** relates solely to industrial use of such lands. The commentary supporting the proposed amendments improperly conflates the land itself with allowable *uses* of and on that land.

There is no rational basis for amending Policy **R-513** and adding a *new* **R-516** in light of the express purpose and origin of **R-513** in the 2008 KCCP Update to specifically address and mitigate the impact and future misuse of the last second KC Council inclusion and summary adoption of Map Amendment #31 (see our past extensive commentaries on the proposed move of the Lakeside Industries' Asphalt Facility from the City of Covington, inside the Urban Growth Area, to a parcel along the Cedar River in the Rural Area).

New **R-516** only exists in a hollow and invalid attempt to fill the void created by the evisceration of *existing* **R-513** by the proposed amendments. Further, the accompanying commentary provides no meaningful rationale:

“Effect: Distinguishes between sites with Rural Area zoning and sites with Industrial zoning, within the Rural Area geography. This policy refers to sites with Industrial zoning and establishes that the site not be expanded, and that the use will conform with the regulations noted in policy R-514 (which are codified in the zoning code).”

We conclude there is absolutely no public interest served and rural area protection afforded by these proposed amendments. Any increase in industrial lands and/or uses in the rural area are inconsistent with the King County Comprehensive Planning Policies and violate the GMA.

Our *Analysis* of these matters follows below:

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Analysis

RELEVANT LAW

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

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

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

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.”

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

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from the office of financial management.”

RELEVANT KING COUNTY PLANNING POLICIES

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

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

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

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

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

RELEVANT FACTS

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

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

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

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APPLICATION OF LAW AND FACTS TO PROPOSED 2020 KCCP PRD

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

(p. 28) *Mineral Resources Property Information for the Mineral Resources Map*

We do not understand why the Table of “*Designated Mineral Resource Sites*” removes reference to “*John Henry Coal Mine / Palmer Coking Coal*,” but the table of “*Potential Surface Mineral Resource Sites*” (pp. 29-30) retains four “*Palmer Coking Coal*” sites (Map # Sections: 47, 48, 50, and 63).

(pp. 33-34) *Agricultural and Forest Lands Map* and *Mineral Resources Map*.

What specific *Land-Use and Zoning Map Amendments* are reflected in these proposed maps?

Chapter 8 Transportation

(pp. 41-48)

(no page number, as the following Policy is not proposed to be revised in this Update):

T-102 As a transportation provider and participant in regional transportation planning, King County should support, plan, design, and implement an integrated, coordinated and balanced multimodal transportation system that serves the growing travel needs of the county safely, effectively and efficiently and promotes a decrease in the share of trips made by single occupant vehicles.

We propose Policy T-102 be expanded to embrace Regional Transportation Concurrency Testing and County-wide road networks. Accordingly, we recommend adding a second sentence to policy T-102 as follows: “**King County should explore establishing county-wide “road networks,” which know no jurisdictional boundaries, or a Transportation Benefit District, both funded by all County taxpayers without increasing the total tax burden.**”

(no page number):

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T-202 As resources allow, King County’s transportation investments in Rural Areas and Natural Resource Lands should emphasize maintaining and preserving safe road infrastructure that is compatible with the preservation of rural character and does not promote urban or unplanned growth.

This is in the *existing* plan and is not proposed to be changed. However, we recommend, to further protect rural areas, adding the following at the end the sentence:

“, and shall work with other jurisdictions to prioritize capacity improvements in urban corridors to prevent diversion of urban-oriented traffic into rural corridors as by-pass routes.”

(p. 45):

The State Environmental Policy Act establishes environmental review of project impacts on all elements of the environment including transportation. ~~((In addition, the county has a mitigation payment system whereby developments are charged proportionate shares for transportation projects and services needed as a result of the related growth.))~~

~~**((T-229 King County shall implement a system that establishes fees needed to mitigate the growth-related transportation impacts of new development. The fees will be used to pay a development’s proportionate share of transportation capital projects needed to support growth including, but not limited to, road, transit, and nonmotorized facilities. Such fees are in addition to any requirements established for transportation services and facilities needed solely as a result of the development.))**~~

We understand the King County Council withdrew the Mitigation Payment System (MPS) program, effective December 17, 2016. Unfortunately, this leaves mitigation of the impacts of new development through SEPA and the County’s intersection standards requirements. Do these mechanisms generate sufficient funds to truly mitigate the impacts? What is proposed to replace the MPS? Does King County Code **Title 14.80 INTERSECTION STANDARDS**, specifically: **Subtitle 14.80.040 Mitigation and payment of costs**, still apply (e.g., *“...the owner of a proposed development shall be required to provide improvements that bring the intersection into compliance with intersection standards, or that return the intersection to its preproject condition, as may be required by the director...the county may require that the owner of a proposed development pay the full costs of required intersection standards improvements required under this title...the owner of a proposed development is responsible for the costs of any traffic study needed to determine traffic impacts and mitigation measures at intersections, as determined by the road services division.”*)?

Further, how does the County account for improving roads to proper standards between intersections? This a an important issue in the Rural Area that everyday serve high levels of urban-generated traffic without upgrades—an equity-justice issue the County must consider.

(p. 48):

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

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

We believe the above two policies are *insensitive* to Rural Area. We propose alternative policies that seek the following:

1. Protect the Rural Area from urban traffic that belongs elsewhere.
2. Strategically address “*Rural Regional Corridors*” (as described on p. 4 in the accompanying *Transportation Needs Report*) between urban centers, including transit, to prevent diversions into Rural Areas; however, done in such a way as to not enable further urban development in the outlying areas, which, for all intents and purposes, are ignoring Concurrency.
3. Reclassify rural routes in the Plan so as to reflect rural needs only and highlight the priority to divert urban traffic away from such routes
4. Apply “*traffic calming*” methodologies to discourage urban through-traffic from using rural routes
5. Discourage urban or quasi-urban growth in areas served only by rural routes
6. Work with regional agencies and other local governments to implement a new method of transportation finance that properly integrates development impact mitigation into regional plans.

Further, we propose an approach based on the PSRC regional transportation model that uses the Number of Vehicle Trips and Average Trip Length of new trips generated in each Community Service Area of rural King County AND each city contiguous with rural king county, and calculates for each area the *proportional cost* of road capacity per vehicle mile and computes a Road User Fee related to the Vehicle Miles of Travel so generated. This approach could use broad average construction cost data per vehicle-mile of new capacity for an average arterial project. Such costs could then be imposed on each new development wherever situated in unincorporated King County AND in contiguous cities, with appropriate discounting for the confirmed availability of funds from other sources, reduced trip generation due to alternative modes of travel, and/or innovative land development concepts, all in accordance with the general principles of the GMA. Such costs could be imposed on new development as a tax rather than an impact fee to both simplify and standardize the process. We understand that this will be a political challenge, but the County has few other options and truly needs State help in better distributing gas taxes, etc.

To begin to address the Rural road usage/funding imbalance problem State laws (RCWs 36.78, 46.68,120-124, & 84.52) could be reviewed for opportunities to enable a more transportation-

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sustainable allocation of gas tax monies and provide more flexibility in revenues used. Working with the State, some mechanism should be developed, along with incentives, for cities to share revenues with Counties, possibly tied to growth that occurs in the absence of job opportunities. Policies should explore the Puget Sound Regional Council's (PSRC's) Transportation 2040 "user-pays model" by providing authority for usage charges, such as tolling key roads and methods to implement such strategies.

(no page number, as the following Policy is not proposed to be revised in this Update):

Under **G. Concurrency**, Policies **T-219** through **T-224**, do not truly address the scope of the problem facing King County and Rural Area residents. We recommend adding two new policies as follows:

T-xxx When conducting concurrency testing, King County shall collaborate with other jurisdictions to ensure infrastructure improvement strategies help prevent travel shed failure caused by unfunded city and state projects and traffic generated outside the unincorporated area.

T-yyy King County shall work with local, regional, and state agencies to increase the certainty and adequacy of funding for road and transit improvements to match travel increases due to future growth impacts. Such a system should replace diverse local traffic-impact fee systems that fail to consider regional impacts, and impose instead a regionally consistent fee or tax on all new development based on a measure of person-miles of travel or vehicle-miles of travel added to the entire regional system. Such a user charge, in combination with other public streams of transportation funding, should provide improvements roughly commensurate with new traffic impacts. A regional authority should be established to prioritize and disperse the collected funds among all jurisdictions to implement needed improvements across all modes of travel.

Chapter 9 Services, Facilities and Utilities
(pp. 48-55)

(p. 48):

1. Legal Water Availability and New State Laws

In January 2018, the Washington State Legislature approved Engrossed Substitute Senate Bill (ESSB) 6091, now codified in chapters 19.27, 58.17, 90.03, and 90.94 Revised Code of Washington. The adopted statutes clarify the steps building permit and subdivision applicants must take to establish that water is "legally available" when proposing to obtain water from a new permit exempt well.

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In King County, the new water law requirements most directly affect development in the Rural Area where new development may not be served by public water systems and applicants are proposing to use permit exempt wells for a source of water supply. King County has had a long-standing preference for limiting new permit exempt wells and requiring new development to be connected to larger public water systems, known as Group A water systems. Consistent with the new water law requirements, King County permitting processes ensure that the hierarchy of water service is fully implemented with the Comprehensive Plan policies and the King County Code.

... In accordance with new water law requirements, King County has an established a hierarchy of water service that restricts the creation of new permit exempt wells in closed basins except in very limited circumstances.

We recommend deleting the 2nd (“*In King County, ...*”) and 3rd (“*... In accordance with ...*”) new paragraphs above in their entirety and replacing them with the following:

The State Department of Ecology and the WRIA #7, #8, #9, and #10 Watershed Restoration & Enhancement (WRE) Committees include many municipal and private stakeholders and interest groups. The outcome from their ongoing work will not be pre-judged by King County, especially in light of the tremendous cost of providing public water in the Rural Area. Consequently, the County intends to include in future KCCP updates policies and goals, and the KC Code, changes that are consistent with and implement the WRE Committees' recommendations regarding the continued importance and dependence on private, permit exempt water wells in the Rural Area.

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Transportation Needs Report and Arterial Classification
[Transportation Appendix Amendment Change Report](#)([maps](#))

We preface our comments here by first addressing some concerns in the *existing* 2016 Transportation Needs Report (TNR), specifically, Chapter 3 — Transportation Modeling (pp. 46-47):

Travel Demand Forecasting at King County

Travel demand forecasting is the process of estimating the number of vehicles that will use a particular transportation facility in the future. Travel forecasting begins with the collection of current traffic data. This traffic data is combined with other known data, such as population, employment and trip rates to develop a traffic demand model for the existing situation. Coupling it with projected data for population, employment, etc., results in estimates of future traffic. Traffic forecasts are used in transportation policy, planning, and engineering, to determine demand and provide the basis for calculating the capacity of infrastructure and determining level of service performance.

The official travel forecasting model at the PSRC is called 4k. It was used in development of the PSRC's Transportation 2040 Plan update in 2014, and is being used for the 2016 King County Comprehensive Plan update. The 4k model is a Trip-Based Model. A trip-based model estimates daily travel patterns and conditions within the four counties (King, Kitsap, Pierce, and Snohomish) of the Puget Sound region. [Puget Sound Regional Council, "Travel Demand Forecasting," Analysis and Forecasting at PSRC, October 2009, http://www.psrc.org/assets/2938/Travel_Demand_White_Paper_2009_final.pdf]

The 4k model relies upon population and employment forecasts from the land use model at PSRC. The model is used to generate forecasts to provide travel measures for use in regional analysis. For every household in the region, the model estimates how many trips are made each day, where they go, what time of day they travel, which modes they use, and which routes they follow.

Prior to the 4k model, King County used a custom model based on an older generation of the PSRC's Trip-Based Model. The major difference is that the King County model used localized traffic data, including concurrency and local development data specific to unincorporated King County, whereas the PSRC model used regional level data. Following the incorporation of remaining major urban portions of King County, unincorporated King County is primarily a rural area with an older, transportation infrastructure with less density, much lower growth levels, and mature and stable growth patterns. A highly specialized and detailed travel demand model is no longer needed, so in the interest of program and cost efficiency, as well as to ensure regional planning consistency, King County adopted the 4k model in 2015.

Forecasted P.M. peak hour (afternoon rush hour [Defined by PSRC as 3:00 pm - 6 pm]) traffic volumes were reviewed for indications of potential level-of-service problems. King County staff used PSRC Travel Model output data to analyze deficiencies for the forecast year 2031. The Travel Model's afternoon rush hour field covers a three hour time period for both directions of

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vehicle travel. The latest model forecast showed fewer deficiencies than were forecasted in 2012. This change can be attributed in part to differences in travel models, however these differences are not as great in unincorporated King County, where the PSRC has increased the level of detail in recent versions of its model.

Capacity Projects Derived from PSRC Travel Model for Unincorporated King County

No additional capacity projects were proposed as a result of the deficiency analysis performed for the TNR. Most of the remaining deficiencies are on unincorporated arterial roadways with severe congestion levels and significant cost or engineering challenges dating back many years, and which are unlikely to see improvement without very significant investments.

We remain concerned the County is not conducting detailed modeling of local roads in the Rural Area, most likely based on the assumption that growth there is slow and trusting that the PSRC network adequately covers the rural roads that might carry meaningfully large volumes where capacity/level of service would be a concern. This might possibly be adequate, but we request to see a copy of the Rural Area road network model map to understand what roads are included and, for those not included, how routes are networked together. We also request a map of the Traffic Analysis Zones (TAZs) used in the modeling to be able to better understand land-use growth forecasts by locality.

(p. 4):

Rural Regional Corridors

Rural Regional Corridors are recognized in the King County Comprehensive Plan as segments of certain arterials that pass through rural lands to primarily connect urban areas. This type of roadway plays a key regional mobility role in the county's transportation system. While additional capacity is generally prohibited by county policy on arterial roads in the rural area, a limited exception is made for Rural Regional Corridors. These corridors may receive capacity improvements if the increased capacity is designed to serve mobility and safety needs of the urban population while discouraging inappropriate development in the surrounding Rural Area or natural resource lands.

We do not know how the four identified Rural Regional Corridors can: *“receive capacity improvements ... while discouraging inappropriate development in the surrounding Rural Area or natural resource lands.”* There appears no realistic way to do so. Further, especially for the fringe cities, e.g., as Black Diamond, such *“capacity improvements”* would effectively enable gross exceedance of agreed-to Growth Targets to everyone's detriment.

Specifically, the TNR describes Issaquah-Hobart Road from Issaquah south to SR 18 as a Rural Regional Corridor based on high volumes of through travel between cities and/or state highways. We note that the continuation of that route southward to Ravensdale and Black Diamond is not so designated, but carries much of the same long distance traffic that feeds the section north of SR18. We believe this route through rural Hobart and rural Ravensdale should be relieved of current urban through traffic and the prospect of further increases due to urban growth in Enumclaw, Black Diamond, and Maple Valley. Priority should be given to completing the lanes on

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SR 18 and continuing to pursue the SR 169 Route Development Plan to provide for such growth, and not subject the rural unincorporated areas south of SR 18 to such traffic impacts.

(p. 6):

Table 1. *2020 Transportation Needs Report (TNR) Summary of Changes*

Why have the estimated costs for Reconstruction projects nearly tripled with no new projects added and one since completed (WRT the 2016 adopted TNR)?

We support the *non-increase-in-capacity* additions (WRT the 2016 adopted TNR) that emphasize safety, such as Intersection and Traffic Safety Operations (INT-TSO), Vulnerable Road Segments (VRS), Drainage, and Guardrail projects. Unfortunately, these collectively only represent 29% of the total estimated costs shown.

Appendix A. *2020 Transportation Needs Report (TNR) Lists*—[NEW PROJECTS ONLY]

p. 29: **INT-TSO-20-10** Intersection and Traffic Safety Operations Kent / Black Diamond Rd & SE Auburn / Black Diamond Rd Intersection Improvement (\$12.1 M)

INT-TSO-20-10—The Auburn / Black Diamond Rd, Kent / Black Diamond Rd / Thomas Rd complex is an important intersection and we support its inclusion as a new entry in the proposed TNR. However, out of concern for safety, we recommend some sort of improvement(s) be implemented sooner rather than later. We understand the County cannot fund a complete overhaul at this time, yet, some immediate and low-cost safety features, such as signage, could be added that would forewarn or aid drivers in several places. For example, the right turn from Auburn / Black Diamond Rd onto Kent / Black Diamond Rd is especially difficult to maneuver due to limited vision to the left and the grade of the road itself. This is especially the case during heavy traffic, which will only increase in the future with the build out of the massive Master-Planned Developments in Black Diamond. Another early safety improvement to consider would be a blinking warning sign approaching the Auburn / Black Diamond Rd - Thomas Rd intersection.

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Amendments to Land Use and Zoning Maps
[Land Use and Zoning Map Amendments](#)

Map Amendment 2: Woodinville Roundabout Mitigation

Please see our comments under: “*Area Zoning & Land Use Study 2: Woodinville Roundabout Mitigation.*”

King County Rural Area UAC/UAA Public Comment
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Area Zoning and Land Use Studies
[Area Zoning Studies](#)

Area Zoning & Land Use Study 2: Woodinville Roundabout Mitigation

Unfortunately, the City of Woodinville and King County failed to carry out due diligence in the siting and mitigations for street and sidewalk improvements which were put in place in 2016 along NE 171st St. This resulted in removing ~ 1/3 ac of land from not only the general Rural Area, but from arable land in the Sammamish Valley Agricultural Production District (APD). This amendment is an effort to mitigate same *after-the-fact*. Had King County policies been followed, complete mitigation measures would have required two elements: (1) Replacement of the lost Agricultural (A)-zoned land on a 1-to1 basis and (2) Replacement of the lost Rural Area land using the 4-to-1 program. (KCC 20.18.170 & .180)

(p. 7):

VIII. RECOMMENDATION

Both of the parcels proposed for inclusion in the Sammamish Agricultural Production District have had agricultural use in the past and are proximate to the location of the encroachment. The parcels are undeveloped and are well suited as mitigation acquisitions for the Woodinville encroachment. Due to the small size of these parcels, A-10 is the appropriate zoning. The Agricultural Production District boundary will be shifted to meet the conservation easement area.

While the proposed solution adequately replaces the loss of APD land with arable land contiguous to the APD, it is inadequate to meet the requirement to mitigate the conversion of Rural Area land into Urban land (i.e., inside the Urban Growth Area [UGA]) with the 4-to-1 ratio as the land being added to the Sammamish Valley APD is *already* in the Rural Area, outside of the UGA.

By requiring less mitigation than would have been required had due diligence been applied *before* construction, this would set a precedent that rewards failure to follow the policies that are in place to support the goals set forth in the King County Planning Policies, the KCCP and the law as set forth in the State's GMA.

Excellent opportunities exist to replace the Rural Area land with UGA land that meets the requirements of KC 20.18.170 & .180. Parcel # 720594-0030 is located on Woodinville's Urban Growth Boundary adjacent to King County Parks' Rural Area property along the Sammamish River. The heavily used Sammamish Valley Trail takes a very sharp bend to go around this vacant Urban parcel, which features a metal fence along its lot line. This dangerous bend has been the site of numerous injury accidents. If King County were to purchase this property (0.81 ac) and add it to the Parks system, not only could the trail safety be improved, but this would provide a buffer from the impending development on nearby lots *within* the City of Woodinville. And it would go a long way to meeting the mitigation requirements of converting Rural Area land into the UGA.

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Code Studies and Reports
[Code Studies and Reports](#)

Report 2: Review of 4-to-1 Program

(p.6-8):

The following bullets summarize the provisions guiding the Four-to-One program, with additional detail provided in the Program Review section of the report.

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- **Allowed uses of new urban lands:** New urban land is limited to residential development and must achieve a minimum density of four units per acre. The new urban land must be served by sewers and other urban services, and facilities must be provided directly from the existing urban area without crossing the open space or rural area. In cases where the Four-to-One is adjacent to a city, the jurisdiction must agree to add the new urban land to their Potential Annexation Area.
- **Annexation:** In cases where the Four-to-One is adjacent to a city, the jurisdiction must agree to add the new urban land to their Potential Annexation Area. No requirement or timeframe is established for the annexation to occur.

[The city, which is benefiting from additional urban land, should be required to annex such land at the outset, rather than simply including it in its PAAs.](#)

(p. 13):

Between 2015 and 2017, a number of additional Four-to-One projects were proposed, and others were amended. The following summarizes these proposals.

- **Reserve at Covington Creek:** This Four-to-One proposal was approved in 2008. The project resulted in approximately 51 new urban acres (including 40 acres for development plus an 11-acre athletic field) being added to the urban growth area, and would require about 160 new acres of rural land to be conserved. The project has not yet been built. The proposal included a pre-annexation agreement and required that the development be consistent with the City of Black Diamond's regulations and guidelines. In 2016, both of these conditions were removed, with a "*no-contest to annexation*" provision added. Also, the requirement for conservation of rural area land was modified to include rural, agricultural or forestry lands (with up to 20 acres onsite open space allowed to count towards the open space requirement). In both the 2008 and 2016 adoption, transferable development rights were allowed, with the result being open space conservation that did not include the land being permanently dedicated to the County.

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It appears from the description above that the County gave in on many aspects of the original agreement. Of particular concern is the statement: *“the requirement for conservation of rural area land was modified to include rural, agricultural or forestry lands (with up to 20 acres onsite open space allowed to count towards the open space requirement).”* This implies that less Rural Area land was conserved with the difference replaced by either agricultural and/or forestry lands.

“Also, with respect to the statement: “transferable development rights were allowed, with the result being open space conservation that did not include the land being permanently dedicated to the County,” we believe the County should seek, with willing parties and should it fit within the County’s long-term plans, securing permanent dedication of the land to the County.”

(pp. 19-20):

V. REVIEW OF PROGRAM / Procedural issues / Open Space Lands

- **Allowing the use of transferable development rights:** [last paragraph] ... Based on this experience, and the fact that the conservation benefit occurs on land that remains in private ownership rather than land that gets added to County's open space system, it is not recommended that conservation be achieved through the Transfer of Development Rights program, or that clear criteria be established for how and when transferable development rights are allowed.

We agree with the first part, but have concerns with the second part regarding *“criteria.”* It appears that this could *“open the door”* as it would be based on whatever *“criteria”* eventually are developed and used.

(p. 20):

- **Criteria for, and allowed uses on, new open space lands:** The provisions state that the open space land retain its rural area designation but other provisions allow it to be used as natural areas, passive recreation sites, resource lands for farming or forestry, and allow that a small portion of the open space can be used for trails, wetland mitigation, and limited areas for active recreation uses. To create consistency, it is recommended that the new open space lands be allowed to have a Rural Area, open space, or natural resource land designation, consistent with its proposed use.

We disagree with the last sentence: *“To create consistency, it is recommended that the new open space lands be allowed to have a Rural Area, open space, or natural resource land designation, consistent with its proposed use,”* We do not want Rural Area lands, which are morphing into new open space through the program, ever be allowed to be designated as natural resource land (potentially a gravel pit, salt mine, etc.—all of which we already have)—a complete change in use.

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Amendments to King County Code
[King County Code Amendments](#)

TITLE 20 - PLANNING

20.18.170 The four to one program – process for amending the urban growth area to achieve urban densities and open space.

(p. 19):

B. Proposals from a property owner shall be initiated through the Docket process at 20.18.140. Proposals shall be processed as land use amendments to the Comprehensive Plan and may be considered in the annual update, midpoint update or eight-year update. As part of the Docket review of a Four-to-One project, ((Site)) site suitability and development conditions for both the urban and rural portions of the proposal shall be established through ((the preliminary formal plat approval process)) the pre-application review process.

This establishes the annual Docket process for the mechanism for 4-to-1 proposals and, by doing so, opens the door to routine annual changes in the Urban Growth Area. This is of concern, because the annual Docket process, though Public, is not as widely known by citizens and because it is not subject to same level of Public scrutiny as 8-yr Major Updates and the 4-yr Mid-Point Updates. **KCC 20.18.10 B. 3.** states, in part: “...*the department shall issue an executive response to all docketed comments. Responses shall include a classification of the recommended changes as appropriate for the annual update, midpoint update or eight-year update,*” With respect to such criteria, it is not clear *what* exists and *where* to find same in order to make decisions such as, what Docket recommendation is “*appropriate*” for which level of KCCP update?

(p. 11)

D. Proposals adjacent to an incorporated area or potential annexation areas shall be referred to the affected city and special purpose districts for recommendations and agreement by the jurisdiction to add the new urban area to the jurisdiction's Potential Annexation Area.

Again, the city, which is benefiting from receiving additional urban land, should be required to annex such land *at the outset*, rather than simply including it in its PAAs, which could languish there for decades.