

## 2020 KCCP Mid-Point Update

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

# ***ADDENDUM to June 8, 2020, Joint Comments***

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

*Coordinated by:*

Peter Rimbo  
[primbos@comcast.net](mailto:primbos@comcast.net)  
Coordinator, KCCP Updates, Greater Maple Valley  
Unincorporated Area Council (GMVUAC)

*Approved by:*

Tim O'Brien  
[obrien\\_timothy@hotmail.com](mailto:obrien_timothy@hotmail.com)  
President, EPCA  
Enumclaw Plateau Community Association (EPCA)

Serena Glover  
[serena@allenglover.com](mailto:serena@allenglover.com)  
Executive Director  
Friends of Sammamish Valley (FofSV)

Steve Hiester  
[steve.Hiester@oldcastle.com](mailto:steve.Hiester@oldcastle.com)  
Chair, Greater Maple Valley  
Unincorporated Area Council (GMVUAC)

Gwyn Vukich  
[GVLHAssn@gmail.com](mailto:GVLHAssn@gmail.com)  
Chair, Green Valley/Lake Holms  
Association (GV/LHA)

Michael Tanksley  
[wmtanksley@hollywoodhillassoc.org](mailto:wmtanksley@hollywoodhillassoc.org)  
President, Hollywood Hills Association (HHA)

Jeff Guddat  
[jeffguddat@yahoo.com](mailto:jeffguddat@yahoo.com)  
President, Soos Creek Area Response (SCAR)

Nancy Stafford  
[nm.staff@outlook.com](mailto:nm.staff@outlook.com)  
Chair, Upper Bear Creek  
Unincorporated Area Council (UBCUAC)

**2020 KCCP Mid-Point Update  
Striking Amendments S1 & S2 (rev. 6/5/20 & 6/8/20) to Executive's Proposed Language**

**KC Rural Area UAC/UAA/Organization Joint Comments ADDENDUM**

**Table of Contents**

<u>Section</u>	<u>Page</u>
I. Introduction	2
II. Concerns	3
Chapter 1: Regional Growth Management Planning	3
Chapter 2: Urban Communities	3
Chapter 3: Rural Areas and Natural Resource Lands	4
Chapter 5: Environment	7
Chapter 8: Transportation	7
Appendix C: Transportation and C1: Transportation Needs Report	8
Pacific Raceways Site and Surrounding Areas - Industrial Zone Change	9
Other Items: Snoqualmie Interchange	10
III. Conclusions and Recommendations	11
Conclusions	11
Recommendations	12

## I. Introduction

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

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

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

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

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

**2020 KCCP Mid-Point Update  
Striking Amendments S1 & S2 (rev. 6/5/20 & 6/8/20) to Executive's Proposed Language**

***KC Rural Area UAC/UAA/Organization Joint Comments ADDENDUM***

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

## II. Concerns

### Chapter 1: Regional Growth Management Planning

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

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

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

...

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

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

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

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

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

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

### Chapter 2: Urban Communities

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

**2020 KCCP Mid-Point Update**  
**Striking Amendments S1 & S2 (rev. 6/5/20 & 6/8/20) to Executive's Proposed Language**

**KC Rural Area UAC/UAA/Organization Joint Comments ADDENDUM**

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

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

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

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

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

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

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

**RCW 36.70A.70(5) Rural Element.**

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

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

### **Chapter 3: Rural Areas and Natural Resource Lands**

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

**2020 KCCP Mid-Point Update**  
**Striking Amendments S1 & S2 (rev. 6/5/20 & 6/8/20) to Executive's Proposed Language**

**KC Rural Area UAC/UAA/Organization Joint Comments ADDENDUM**

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

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

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

**Policy R-512**

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

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

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

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

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

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

**Policy R-513**

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

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

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

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

**2020 KCCP Mid-Point Update  
Striking Amendments S1 & S2 (rev. 6/5/20 & 6/8/20) to Executive's Proposed Language**

**KC Rural Area UAC/UAA/Organization Joint Comments ADDENDUM**

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

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

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

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

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

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

**Policy R-515**

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

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

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

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

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

**2020 KCCP Mid-Point Update**  
**Striking Amendments S1 & S2 (rev. 6/5/20 & 6/8/20) to Executive's Proposed Language**

***KC Rural Area UAC/UAA/Organization Joint Comments ADDENDUM***

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

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

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

## Chapter 5: Environment

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

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

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

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

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

## Chapter 8: Transportation

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

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

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

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

**2020 KCCP Mid-Point Update**  
**Striking Amendments S1 & S2 (rev. 6/5/20 & 6/8/20) to Executive's Proposed Language**

***KC Rural Area UAC/UAA/Organization Joint Comments* **ADDENDUM****

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

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

## **Appendix C: Transportation and C1: Transportation Needs Report**

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

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



**2020 KCCP Mid-Point Update**  
**Striking Amendments S1 & S2 (rev. 6/5/20 & 6/8/20) to Executive's Proposed Language**

**KC Rural Area UAC/UAA/Organization Joint Comments ADDENDUM**

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

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

### **Pacific Raceways Site and Surrounding Areas - Industrial Zone Change**

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

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

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

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

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

**2020 KCCP Mid-Point Update**  
**Striking Amendments S1 & S2 (rev. 6/5/20 & 6/8/20) to Executive's Proposed Language**

**KC Rural Area UAC/UAA/Organization Joint Comments ADDENDUM**

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

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

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

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

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

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

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

### **Other Items: Snoqualmie Interchange**

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

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

**2020 KCCP Mid-Point Update  
Striking Amendments S1 & S2 (rev. 6/5/20 & 6/8/20) to Executive's Proposed Language**

***KC Rural Area UAC/UAA/Organization Joint Comments* ADDENDUM**

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

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

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

### III. Conclusions and Recommendations

#### Conclusions

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

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

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

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

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

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

**2020 KCCP Mid-Point Update  
Striking Amendments S1 & S2 (rev. 6/5/20 & 6/8/20) to Executive's Proposed Language**

***KC Rural Area UAC/UAA/Organization Joint Comments ADDENDUM***

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

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

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

## **Recommendations**

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