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

KC Rural Area UAC/UAA Comments

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Four-to-One Program

S1: *"Allows a reduced open space dedication/ratio if the proposal includes a property qualifying as high conservation value or provides affordable housing….Allows roads within the open space or rural area if allowing that would provide an ecological benefit."*

Both of these new statements could make this open to a wide range of interpretation, if one is determined to secure a reduced open space dedication ratio. Further, for *"high conservation value property"* the County should not accept a *lesser* amount of protection instead of the full 4:1 ratio, as these are the *most* important lands needing protection. Consequently, the County should *maximize* their conservation and not accept a *lesser* proportion while allowing more of the land to get developed in urban density.

S2 Policy Wording:

"U-185 — Through the Four-to-One Program, King County shall actively pursue dedication of open space along the original Urban Growth Area line adopted in the 1994 King County Comprehensive Plan. Through this program, one acre of Rural Area zoned land may be added to the Urban Growth Area for residential development in exchange for a dedication to King County of four acres of permanent open space. ((~~Land added to the Urban Growth Area for drainage facilities that are designed as mitigation to have a natural looking visual appearance in support of its development, does not require dedication of permanent open space.~~)) In some cases, such as for provision of affordable housing or for protection of properties eligible as high conservation value properties, the County may approve modifications to the four-to-one ratio. The total area added to the Urban Growth Area as a result of the Four-to-One Program shall not exceed 4,000 acres."

We have several questions:

- **What would be the *"modifications to the four-to-one ratio"*? We need to see specific definitions of such *"modifications"* before lending any support here.**
- **Why would the County accept <4:1 for any lands that are *"high conservation value"* lands?**
- **Why is the 1994 UGA used as a basis?**
- **What is the scientific/technical basis for the 4,000-ac maximum and is that in perpetuity?**
- **Why can so high a maximum amount of land be added to the UGA?**
- **How close is the County to its 4,000-ac maximum?**

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S2: *"Modifies U-189 to clarify that allowance for roads to be outside the urban area is roads serving the urban portion are in the urban area "to the maximum extent feasible," and that the language regarding protection of critical areas and ecological benefits is an example of a project that could meet that criteria."*
S2 Policy Wording:
"U-189 — ….Roads that support the urban development shall, to the maximum extent feasible, be located within the urban portion of the development; for example, 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."

There must be strong rules in place to ensure that such decisions are based on science and not politics.

S1: *"Specifies the process based on the results of the Executive's recommendation on the proposal in the docket request. If the Executive is supportive, the proposal is processed as a land use map amendment to the KCCP and included in a future update. If the Executive is not supportive or does not provide a recommendation, the proponent may petition the Council, and if the Council adopts a motion, the Executive will work with the proponent to move the proposal forward, based on the timing identified in the motion."*

The Executive's words should be retained.

S1: *"For proposals not adjacent to an incorporated area or where the City or Town does not agree to annex the urban portion, requires a timeframe for preliminary plat application for the urban portion and requires open space dedication at the time of final plat approval. If the proponent does not pursue urban development within the specified timeframes, the property is required to be reverted back to rural at the next midpoint or eight-year KCCP update."*

This puts a time limit for non-UGA-adjacent parcels. We don't believe the 4:1 program should ever *accept* non-UGA-adjacent parcels.

S2 Policy Wording:
"U-190a — For Four-to-One proposals adjacent to an incorporated area, approval of a Four-to-One proposal should be coordinated with the adjacent city or town, and strive to achieve an interlocal agreement with the adjacent city or town for annexation of the urban portion of the proposal."

The County should not simply *"strive"* for annexation, but insist upon it. Also, again, we don't believe the 4:1 program should ever *accept* non-UGA-adjacent parcels.

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Non-Resource Industrial Uses in the Rural Area

S1: No change to Executive's recommendation to *"(m)odif(y) policies so that new Industrial zoned property would not be permitted in the rural area."*

We agree.

S2:*"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. Includes language from Policy R-515 (which is deleted) on nonconforming uses in Policy R-512."*
S2 Policy Wording:

"R-512 — ((~~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."

We agree , but such facilities must not be allowed to expand their operations. Industrial-zoned parcels (beyond the three existing I-zoned parcels) have no place in the Rural Area; nor do industrial-scaled facilities.

"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 do *not* see Policy R-516 that was included in the KC Executive's 9/30/19 recommended plan. It is important that such sites *not* be allowed to expand further in the Rural Area. The following is our extensive Policy Analyses on R-512 thru R-516 which accompanied our July 31, 2019, Joint Comments on the Executive's PRD. In the *Public Comment and Response Report* the Executive stated the following in relation to our Comments: *"The Executive agrees with the spirit behind this comment and has revised the language in the Executive's Recommended Plan accordingly"* and Analysis *"King County appreciates this analysis. Please see previous response about edits included in the Executive's Recommended Draft."* So, why does it appear that the Executive's recommended Policy R-516 is being dropped? To be clear: Industrial-zoned parcels (beyond the three existing I-zoned parcels) have no place in the Rural Area; nor do industrial-scaled facilities.

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 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):

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"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.)

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.

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Agricultural Production Districts (APDs)

S1: Clarifies when public infrastructure may intrude into an APD: *"Modifies policies so that regional public infrastructure may intrude into an APD when necessary and minimizes disruptions to agricultural activities."*

The Executive allowed such intrusions *"if they meet regional needs."* S1 allows such intrusions *"when necessary and minimizes disruptions to agricultural activities."* Language such as: *"regional needs," "when necessary,"* or *"minimizes disruptions"* should be better defined as each of these are subject to wide interpretation. As an example of concern here, the Sammamish Valley has been targeted numerous times for significant expansion of SR-202 and for extension of Willows Road, both of which would present significant intrusions into the Rural Area. Any expansion of SR-202 would almost certainly affect the APD. The on-and-off-again expansion plans for SR-169 present another example of concern for impacts to the APD in SE King County. Our precious *"designated agricultural resource"* lands within King County's APDs need the highest levels of protection if they are to functionally survive into a future in which their value will certainly continue to grow. This statement of purpose is contrary to a long-term goal of agricultural preservation and contradicts itself in the process. If we are serious about *"minimizing disruptions to agricultural activities,"* we will plan our *"regional public infrastructure"* around our APDs, not over them.

S1: Agrees with Executive's proposal for: "*mitigation for intrusion into the APD for public facilities and infrastructure is required within the same APD at a 1 to 1 ratio, in another APD at a 1.5 to 1 ratio, or in-lieu fee at a 2 to 1 ratio."*

We are opposed to these added provisions. The existing 1:1 ratio is intended to preserve the precious *"designated resource"* lands in each APD. The 1.5:1 proposal would threaten our APDs (e.g., in the Sammamish Valley and the Green River Valley), which are under the most development pressure and which have the most value for the open space they provide close to the County's Urban areas. These added provisions would almost certainly result in taking acreage out of these APDs and shifting them to the County's more far-flung areas. Even more threatening is the *"in-lieu fee on a 2:1 ratio."* This would simply allow APD land to be bought outright and converted to other uses. These proposals would have the short-term effect of fueling a speculative run on A-zoned land, driving up the price of farmland farther above what an agricultural enterprise can afford. It must be remembered that farmland is irreplaceable. Once it is gone it is gone and soils suitable for farming are not a commodity. The County already has made a

significant effort to identify the areas with the best soils for farming and, thus, needing full protection, not swapped out for other land that is less suitable to farming.

S2: *"Modifies Policy R-656a to allow the County to approve alternative mitigation for loss of APD land. If acquisition within the same APD at a 1 to 1 ratio is not possible, then a minimum of 3 acres added to 1 acre lost is required, within a minimum 1 acre of acquisition in another APD and up to 2 acres of restoration of unfarmed land within the same APD. Requires that mitigation occur concurrently with removal of the APD land, and clarifies the County must approve the remove and mitigation."*

S2 Policy Wording:

"R-656a — King County may only approve the ((R))removal of ((the)) land from the Agricultural Production District ((may occur only)) if it is, concurrently with removal of the land from the Agricultural Production District, mitigated through the ((addition)) replacement of agricultural land abutting the same Agricultural Production District that is, at a minimum, comparable in size, soil quality and agricultural value. As alternative mitigation, the County may approve a combination acquisition and restoration totaling three acres for every one acre removed as follows:

a. A minimum of one acre must be added into another APD for every one acre removed; and

b. Top to two acres of unarmed land in the same APD from which land is removed shall be restored for every acre removed."

We do not support this proposal. Why would anyone utilize the 3:1 in the same APD when all they need to do is a 1:1? Does the 3:1 mean replacement land may be acquired in another APD on a 1:1 plus the 2:1 for acquisition/restoration? We do not support any proposal that allows for a net loss of acreage in any individual APD.

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Accessory Dwelling Units (ADUs)

S1: *"Excludes basement from maximum square footage (existing for urban area/rural town is 1,000 square feet of heated floor area, striker also allows 1,000 square feet of unheated area)….Expands owner-occupied requirement to include immediate family. Removes provision regarding subdivision of lots with ADUs in the Rural Area zone."*

This allows an ADU up to 2,000 sq ft, which we believe we can live with.

S2: *"Modifications to the maximum square footage, including the allowance for basements to be excluded from the maximum square footage size and the allowance for 1,000 square feet of unheated area."*

Without the details it is hard to understand exactly what is being proposed in terms of maximum square footage. However, should basements be excluded from the maximum square footage resulting in an ADU's size to be greater than 2,000 sq ft, we cannot live with that. We also have some questions not yet addressed:

1. In the Rural Area what type of well would be required? We support a single-user system. We do not support an upgrade to a Group B system.
2. Is another septic system required or an upgrade to existing septic system?
3. Will design standards, height limitations, and on-site location analysis be better defined, along with supporting rationale?

S2—Lambert Amendment 2:

"B. Development conditions.
7.a. Accessory dwelling units are subject to the following standards:
…
(2) Only allowed in the same building as the primary dwelling unit ((~~on~~)), except that detached accessory dwelling units are allowed when there is no more than one primary dwelling unit on the lot, and the following conditions are met:
…
(b) the lot must meet the minimum lot area for the applicable zone if located in the rural area but not in a rural town, except that if one transferable development right is purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, a detached accessory dwelling unit is allowed on an RA-5 zoned lot that is two and one-half acres or greater;

The Rural Area should not be used as receiving sites for TDRs except for *intra*-Rural Area TDRs. Consequently, we call for removing *"or Natural Resource*

Lands" **above. KC Code 21A.37(A.)(3.) specifically states** ***"RA-2.5 zoned parcels,"*** **not RA-5 zoned parcels.**

(3) The accessory dwelling unit shall not exceed one thousand square feet of heated floor area and one thousand square feet of unheated floor area except:

…

(b) for detached accessory dwelling units, the floor area contained in a basement does not count toward the floor area maximum; or

(c) on a site zoned RA if one transferable development right is purchased from the Rural Area or Natural Resource Lands under K.C.C. chapter 21A.37, the accessory dwelling unit is permitted a maximum heated floor area of one thousand five hundred square feet and one thousand five hundred square feet of unheated floor area;

…"

This allows an ADU up to 3,000 sq ft, which we cannot live with.

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Sea Level Rise / Climate Change / Greenhouse Gas Mitigation

S2 Policy Wording:
"E-215bb — King County should implement regulations that mitigate and build resiliency to the anticipated impacts of climate change, based on best available information. Such impacts include sea level rise, changes in rainfall patterns and flood volumes and frequencies, changes in average and extreme temperatures and weather, impacts to forests including increased wildfires, droughts and pest infiltrations. Methods could include mitigating greenhouse gas emissions, establishing sea level rise regulations, and/or strengthening forests ability to withstand impacts."

We support this policy, but we do not support replacing the word *"science"* with *"information"* in the phrase *"best available…."* We must base decisions on science—facts and data—in order to develop regulations that will meaningfully accomplish the stated goals.

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Mineral Resources

S1: *"Clarifies coal mines, and oil and gas extraction are not permitted in unincorporated King County."*

We agree.

S2 Resource Tables:

We do not understand why the Table of *"Designated Mineral Resource Sites"* removes reference to *"John Henry Coal Mine / Palmer Coking Coal"* (p. 35), but the table of *"Potential Surface Mineral Resource Sites"* (pp. 36-37) retains four *"Palmer Coking Coal"* sites (Map # Sections: 47, 48, 50, and 63).

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Fossil-Fuel Facilities

S1: Streamlines and clarifies allowances for *"non-hydroelectric energy generation facilities"* and adds *"a renewable energy generation facility separate from non-hydroelectric"* as follows:

"Modifies definition of non-hydroelectric generation facility to exclude renewable energy. Removes exclusion for fuels related to waste management processes from the definition."

We disagree, as this would include *"fuels related to waste management processes"* in the definition of non-hydroelectric generation facilities. We do not want to see such Industrial-scale facilities sited in Unincorporated Areas.

"Modifies allowances for "Non-Hydroelectric Generation Facility" to require a conditional use permit (CUP) if related to a waste management process, or require a special use permit (SUP)."

We disagree, as we do not want any such permits approved in the Unincorporated Area.

"Adds definition for "renewable energy generation facility" for solar, wind, and geothermal electricity generation. Adds ~~add~~ a definition to differentiate "consumer scale" from non-consumer scale energy system."

We again are wary here, as we do not want to see such Industrial-scale facilities sited in the Unincorporated Area, whether *"consumer scale"* or *"non-consumer scale energy system(s)."* In fact, What does *"non-consumer scale"* energy systems mean? Energy production is capital intensive and requires significant scale to even be financially feasible.

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Pathways/Sidewalks in RA

S1: Adds safe routes to schools as a criteria for sidewalks in the rural area as follows:
"Adds lead-in text that addresses provision of sidewalks in the rural area to address safety or high use issues when other walkway alternatives would not be as effective, and for safe routes to schools."

We are opposed to the proposed new language, if it allows for urban-style infrastructure to extend into the Rural Area, which could be a big problem in trying to contain the spread of Urban activities into the Rural Area such as the rogue wine bars and pubs and event centers that have caused so much trouble just outside of Woodinville. While the Growth Management Hearings Board (GMHB) recently invalidated the County's Adult Beverage Ordinance (ABO) that sought to legalize such urban activities in the Rural Area, the problem of tamping down such capers is far from over and allowing formal sidewalks into such areas would only make the matter worse. Existing provisions allow for *"soft trails"* in the RA and A zones and these currently are used extensively to good effect. *"Sidewalks for schools"* is a red herring. In 2011-2012 the School Siting Task Force (several members from our organizations served on the task force) was successful in finding agreement between school districts, cities, rural area, and the county that new schools serving primarily urban populations should be sited *inside* the UGA. The non-conforming schools already sited in the Rural Area have long-since established protocols to accommodate their access needs. We do not know of any existing schools in the Rural Area pushing for *"sidewalks to schools."*

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Community Service Area (CSA) Subarea Planning

S2: Increase Subarea Planning scope by: *"(b)roadening the scope of Community Subarea Plan subarea planning to cover locally-specific topics identified through a scope of work developed by the community and the County."*

We agree with the basic premise.

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Map Amendments

S1: *"Map Amendment 1a – Expansion of Snoqualmie APD – Carnation Area"*

We agree with this adjustment. It is rare to see acreage being added to our APDs, in spite of there being some excellent land, such as the subject parcel, that still exists *outside* the A-zones.

S1: *"Map Amendment 1b – Expansion of Snoqualmie APD – Fall City Area: Removes P-suffix condition regarding fill in the floodway."*

We agree for the same reasons provided under 1a above.

S2: *"Map Amendment 2 – Woodinville Roundabout Mitigation—Potential substantive changes for Map Amendment 2 depending on final agreement with City of Woodinville"*

We agree with this mitigation action. Where possible, future Urban transportation infrastructure should be accommodated *inside* the Urban Growth Area, whenever possible. This project unnecessarily impacted the Sammamish Valley APD due to a combination of the failure of the County to carry out oversight when it ignored the SEPA information provided by the City of Woodinville, which clearly showed this project extending onto the *"protected"* farmland. This mitigation action is, at this point, a reasonable compensation for the loss.

S2: *"Map Amendment 9 – Racetrack Zoning—Repeals 2012 map amendment that has not been effectuated for the same property.*

We strongly oppose repealing the 2012 Map Amendment. The 2012 map amendment *Conservation Easement* has been an issue since 2000 (or 2001 if pegged to the literal adoption date). Pacific Raceways continues to not sign the *Conservation Easement*, which was supposed to have been included as part of the referenced amendment to the 2000 Comprehensive Plan. Without the conservation easement being enacted, any zoning change amounts to the granting of a specific zoning benefit to Pacific Raceways with no commensurate benefit to the either King County or the general Public and will pose a significant adverse impact to the environment.

These major changes undermine 20 years of work to obtain a *Conservation Easement* originally promised, but never enacted from the 2000 Comprehensive Plan approved Pacific Raceways zoning change (rural to I-p), and the increase to that *Conservation Easement* that was established in 2012's Comprehensive Plan

and mapping change to mitigate for the additional upzoning requested by Pacific Raceways.

The description of the history of the Pacific Raceways rezones it is inaccurately claimed that the 2000 (adopted 2001) rezone *Conservation Easement* was put in place! This was a major issue during the 2012 conservation easement fight, and Pacific Raceways admitted freely the 2000 *Conservation Easement* was never put in place. This clear error is of particular concern as it implies that mitigation for the 2000 rezone was provided, when in fact it wasn't, and the failure to provide the 2000 *Conservation Easement* as promised is the underlying reason the 2012 *Conservation Easement* was written as it was. Providing any additional benefit to Pacific Raceways by further undermining the *Conservation Easement* in the face of the actual, rather than stated history is unacceptable.

The changes proposed are intensive and will have substantial impact. Even the Count's own analysis states the proposal to change the zoning from I-p to I is inconsistent with the Comprehensive Plan and, in our opinion, the county wide planning policies as well!

The proposed changes would overturn four decades of permitting, land-use policy, and successive Comprehensive Plans, with completely inadequate impact analysis, and substantial errors in underlying assumptions, such as claiming that mitigation through a *Conservation Easement* in exchange for the 2000 rezone was done, when the facts are exactly the opposite.

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Transportation Appendices

Transportation Appendix C to KCCP

S1: Adopts the 2020 Transportation Element with technical changes.

We are dismayed that no substantive changes were made to the *Transportation Element*, in broad disregard of our Joint Comments earlier in the KCCP 2020 Mid-Point Update process detailing inadequacies with respect to transportation conditions in the Rural Area, including suggested policy changes to resolve several issues. Formal responses to our public comments seem to assert (in summary) that existing policies, procedures, and inter-agency processes are *"adequate"* to address the issues we raised, and/or that the issues raised are somehow beyond the scope of the KCCP. But after 30 years of supposedly *"adequate"* planning under both the State Growth Management Act (GMA) and the State Environmental Policy Act (SEPA) why is it that:

- **Virtually every state highway and city/county arterial is overcrowded?**
- **Lesser roads (especially County roads through the Rural Area) inappropriately carry the overflows from major roads?**
- **City-to-city urban travel increasingly flows through the Rural Area and disrupts the rural way of life that GMA allegedly would protect?**
- **Rural Area residents are increasingly afraid to walk along their own County roads (the Issaquah-Hobart Rd is but one of many, many examples) due to high volumes of urban through-traffic, yet the roads are deemed *"adequate"* based on minor upgrades to isolated intersections, if even those?**
- **There is no systematic method for the County to seek mitigation for impacts in rural areas due to urban developments in nearby cities, other than polite talk at interagency forums, which has resulted in almost nothing being mitigated? We understand the Council withdrew the Mitigation Payment System (MPS) program, effective December 17, 2016. Unfortunately, this left mitigation of the impacts of new development through SEPA and the County's intersection standards (14.80 INTERSECTION STANDARDS, specifically: Subtitle14.80.040 Mitigation and payment of costs). However, it is clear these mechanisms are not generating sufficient funds to truly mitigate the impacts. Further, we've seen nothing proposed to replace the MPS. This is an equity-justice issue the County must consider.**

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We see a pressing need to systematically *redefine* the scope and priorities for current transportation planning, growth management, and development regulation practices, to ensures long-term protection to the Rural Area that both the GMA and SEPA are supposed to provide, ,otherwise the Rural Area will be ever-increasingly impacted by deleterious through-traffic flows from the nearby urban areas.

Below we *include* and expand upon some of the detailed Joint Comments we made last year during the 2020 KCCP Mid-Point Update process that reflect the need for the County to look at transportation systems more from a regional perspective. Although we have an *"Urban Growth Line,"* commuters and the traffic congestion they cause could care less. The KC Executive Office's response to these comments was: *"There are numerous regional transportation issues identified within this comment letter that require regional collaboration, solutions, and regional funding. King County is and will be actively engaged in regional transportation planning efforts."* While we recognize those efforts, they clearly have proven to be insufficient to the magnitude of the problem.

1. Existing policies T-403 and T-404 are *insensitive* to the actual needs in the Rural Areas.

"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~~)) <u>King County</u> should seek interlocal agreements with the affected cities and other service providers to provide opportunities for joint grant applications and cooperative funding of improvements."***

Alternative policies are needed 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.*

2. The Mitigation Payment System (MPS) was terminated with no replacement. This means that apart from SEPA there is no provision to mitigate the traffic impacts on King County roads due to new developments. This guarantees the gradual degradation of traffic conditions countywide without even the feeblest attempt by King County to address the problem. This is unbelievable after 30 years of GMA! The MPS system may indeed have been too complex and expensive to maintain, but it is imperative to find an alternative, not just quit trying. We believe such alternatives exist and are waiting to be developed. The recent exploration of mileage-based road fees by WSDOT gives one example that could be adapted for mitigation purposes. Since King County has already embraced the traffic forecasting model of the Puget Sound Regional Council for planning purposes, it would be relatively straightforward technical analysis to use that model to develop and operate a truly coordinated region-wide traffic impact mitigation fee system based on an average cost per user-mile of road construction and the average trip length (miles) of new trips generated by developments in various locations. Such modeling technology has been used elsewhere. What's now needed is policy support for such methods. In our July 31 Joint Comments we offered the following proposed *new* transportation policy for just that purpose:

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.***

3. The great imbalance of funding for rural roads versus growing demand to use same should be addressed by working with the State to modify RCWs 36.78, 46.68,120-124 & 84.52 to enable a more sustainable allocation of gas tax monies. Changes are needed to provide mechanisms and incentives for a portion of revenues now allocated to cities to be shared with the county as a compensation for use of county roads by developments in cities for city-to-city travel, since that impact is of far greater magnitude than the impact of rural developments (which are few) using city roads to pass through cities. Policies should explore the PSRC *Transportation 2040* (and subsequent *Regional Transportation Plan*) *"user-pays model"* by providing authority for usage charges including toll roads.

4. Policies T-219 through T-224 do not adequately express the scope of the problem facing King County and specifically its Rural Area residents. We again recommend a *new* policy for Concurrency:

> ***T-xxx — When conducting concurrency testing, King County shall collaborate with other jurisdictions to ensure infrastructure improvement strategies will prevent travel shed failure caused by traffic generated outside the unincorporated area and/or lack of funding for city and state projects meant to support continued growth and development.***

If no such revisions are made in the 2020 KCCP Mid-Term Update, then we strongly urge the Council undertake to implement these or similar policy concepts in the 2024 KCCP Major Update. This will require substantial planning efforts in the next two+ years, in order to ensure we have suitable plan amendments ready early enough for the 2024 process. As always, we stand ready to work with you in this important area. We believe the outcome will be well worth the effort.

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

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Transportation Appendix C1 to KCCP

S1: Adopts the 2020 Transportation Needs Report with technical changes.

We again are dismayed that no substantive changes were made to the *Transportation Needs Report*. This comment dovetails with our comments above. If the Council declines to understand the problems, it follows, sadly, that it would be unable to recognize a need for solutions. Again, we stand ready to work with the County for better outcomes in the future.

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KC Rural Area UAC/UAA Comments

Phased Adoption of 2020 Update

S2: *"Splitting the 2020 update into a two-phase (or more) adoption, with the first phase addressing those topics and issues that are necessary to be adopted by June 2020, and a second phase for remaining topics that can be delayed and adopted in June 2021 or as part of the 2024 update."*

We agree in principal with a *"phased approach"* in that it provides the Public more time to review and comment on late proposed amendment changes. However, A *"phased approach"* has both pros and cons. We believe the cons outweigh the pros, because such an approach would allow yet *another* year when even *more* items can be proposed that again could be *"substantive changes."* We recommend, should a *"phased approach"* be implemented, it only allow for further Public Comment, not major changes to the Update. [please see our June 3 comment letter to the Council on its *KCCP Update Process and Schedule*.]

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

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Pacific Raceways Area Map Amendment

S2: *"AMENDMENT CONCEPT: The Council is considering the following amendment concepts for the Pacific raceway property and surrounding area.*

1. *Modify the land use designation to Industrial and the zoning classification to Industrial, with no P-suffix condition.*
2. *Modify the land use designation to Industrial and the zoning classification to Industrial, with a P-suffix condition that limits the uses. Such limits could:*
   a. *Prohibit certain types of uses (such as retail uses and general services uses)*
   b. *Limit the uses to those allowed in certain tables (such as manufacturing and business services)*
   c. *Limit the use to specified SIC or County Code defined uses.*
3. *Do not approve any change to the land use designation or zoning classification of the property.*

An area land use and zoning study will be issued prior to the public hearing at full Council."

Of the three amendment concepts The Council is considering for the Pacific raceway property and surrounding area we strongly support concept 3: *"Do not approve any change to the land use designation or zoning classification of the property."* We believe changing the zoning in any way from the current *p-suffix* designation, without the contemplated conservation easement for Soosette Creek that has been on the table with King County and Pacific Raceways for almost two decades (as an example), amounts to the granting of a specific zoning benefit to Pacific Raceway with no commensurate benefit to the either King County or the general Public and will pose a significant adverse impact to the environment.

Because it was difficult to follow the threads through all the Council's 2020 KCCP Mid-Point Update documents, we also have extensive comments on this subject in the *"Map Amendments"* section herein.

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Executive's Code Study 4: Organics Composting Regulations

Code Study: *"Review the potential for siting organic composting facilities. Consider sites in the rural area, including those that currently have a Mineral use designation and implementing zoning, and consider whether to modify the land use and zoning to Rural Area, either outright or with property-specific conditions that would be appropriate for organic composting facilities as a primary use. Consider modifying associated policies or development regulations associated with organic composting facilities as a materials processing use at such locations."*

"The term "organics composting facilities" is not defined in the King County Code. However, for the sake of consistency with Motion 15329, this code study uses the term "organics composting" and "organics composting facility" to mean industrial scale, commercial food- and yard-waste composting at an approved facility."

"The one organics composting facility currently operating in unincorporated King County is permitted as a Materials Processing Facility.[2] Materials processing facilities are defined in the zoning code (King County Code 21A.06.742) as follows:

> *'Materials processing facility:*
> *A. A site or establishment, not accessory to a mineral extraction or sawmill use, that is primarily engaged in crushing, grinding, pulverizing or otherwise preparing earth materials, vegetation, organic waste, construction and demolition materials or source separated organic materials and that is not the final disposal site; and*
> *B. A site or establishment lawfully established before October 10, 2004, as an interim recycling facility for processing source separated, organic materials.'*

Materials processing facilities are allowed in the Forest, Mineral, Rural Area, and Industrial zones under certain conditions (see Table 1). They are allowed as accessory, not primary, uses in the Forest and Mineral zones due the Growth Management Act provisions that prioritize primary forestry and mining uses on designated Natural Resource Lands.

[2] This code study assumes that the materials processing facility definition would apply to new organics composting facilities."

We understand the study itself found that no *new* King County Code was necessary and, thus, recommended no action be taken by the Council. However,

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we do not agree with the Executive's basic premise to assume *"materials processing facility definition would apply to new organics composting facilities"* and, thus, believe the Code Study was flawed.

Allowing more industrial-scale facilities that *pretend* to be composting facilities to go unbridled, uncontrolled in the Rural Area is inexcusable. We all need to be held accountable for the damage and disappearance of local habitat and clean water in the local rivers, particularly those that the endangered salmonoids depend on for life.

Further, we believe the existing King County Code (21A.06.742) that allows industrial-scale operations, such as *"materials processing facilities,"* in the Rural Area, is flawed. We do not want to see any industrial-scale operations, such as industrial-scale farming or industrial-scale livestock operations located or allowed in the Rural Area. Industrial-scale facilities simply do not belong in the Rural Area.

We as a community and County have gotten this wrong for so long, that there is not much left to save. We have a narrow window to preserve what is necessary in the Rural Area, otherwise it will be gone forever—along with our cherished rural way of life. Many decades of experience have proven that we cannot depend on such industrial-scale businesses to do the right thing. Once these industrial sites are permitted (whether I- or RA-zoned), they could (and some have in the past) take advantage of being in the Rural Area to disregard different aspects of the KC Code to do what they want. It is better to keep these businesses in the Urban Growth Area where they are close to the population they serve and where more eyes are on their operations to prevent them from willfully creating more damage and degradation.

We can provide the Council multiple examples of such industrial-scale facilities in the Rural Area and are willing to go into details at its request.

Consequently, we call for the Council to revisit this Code section and, thus, begin to rectify such an inconsistency with basic Rural Area policies elsewhere in the Comprehensive Plan.

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Finding on Snoqualmie Interchange

Lambert Amendment: *"The council intends to add the following item to the scope of work for the 2024 Comprehensive Plan update. The executive is encouraged to begin work on this item ahead of adoption of the scope of work. The potential scope of work item is an area land use and zoning study for parcels 0223079063, 0223079046 and 0223079075, and the surrounding area, including properties west of Snoqualmie Parkway and SE 99th Street, to consider modifying the land use designation and zoning classification from rural area to an urban-level land use and zoning…."*

We strongly disagree with this proposed Amendment to study rezoning of these Rural Area parcels to Urban. The three parcels identified are adjacent to each other and located near northwest of the I-90 / Snoqualmie Parkway interchange. We believe it is irresponsible to use the Public's tax dollars to study a change in zoning for these parcels. The City of Snoqualmie and King County already have more than enough property incorporated as Urban Growth Area of the city to accommodate growth.