

2020 KCCP Mid-Point Update

Council Strikers S1 & S2 (6/5-6/8/20), S3 (7/2), & S4 (7/17) to Executive's Recommended Plan (9/30/19)

KC Rural Area UAC/UAA/Organizations Response Comments

The following King County Unincorporated Rural Area organizations—Enumclaw Plateau Community Association (EPCA), Friends of Sammamish Valley (FoSV), Greater Maple Valley Unincorporated Area Council (GMVUAC), Green Valley/Lake Holms Association (GV/LHA), Hollywood Hills Association (HHA), Soos Creek Area Response (SCAR), and Upper Bear Creek Unincorporated Area Council (UBCUAC) request the Council consider comments herein on proposed *S4 Amendments* for the **2020 KCCP Mid-Point Update (Update)**.

Please note our past comments (and dates of submittal) on proposed *Amendments: S1* (June 8), *S2* (June 26), and *S3* (July 13).

Four-to-One Program

Thank you for reverting back to the *existing* Four-to-One (4:1) Program; however, we fail to see why all the Executive's *recommendations* in Policies **U-185** thru **U-190** are to be eliminated, as well as his excellent *new* Policy **U-190a**. All were included, with some edits, in *S2*, but inexplicably removed in *S3/S4*. These should be restored and included in the *Update*. The Growth Management Planning Council (GMPC) agrees with this position. *S3*, by eliminating all the Executive's *recommendations* here, is inconsistent with the GMPC's Motion. *S4* did not fix this and the Council should rectify it.

Non-Resource Industrial Uses in the Rural Area

Thank you for reverting back to *existing* KCCP Policies **R-512** through **R-515**, as this will maintain the integrity of the Rural Area as encapsulated in the State's Growth Management Act (GMA). Again, Industrial-scale facilities simply do not belong in the Rural Area. However, further action is required as the Council must amend the Zoning Code to implement the *existing and long-standing KCCP policies* as required by the GMA and its State-adopted implementing regulations (as the law mandates that the comprehensive plan takes precedence over and controls the zoning code, and not vice versa):

[RCW 36.70A.040\(3\): Development regulations must implement comprehensive plans.](#)

[RCW 36.70A.130\(1\)\(d\): Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.](#)

[WAC 365-196-500\(3\): The development regulations must be internally consistent and be consistent with and implement the comprehensive plan.](#)

[WAC 365-196-640\(1\): Each county or city should provide for an ongoing process to ensure: . . .](#)

[\(b\) The development regulations are consistent with and implement the comprehensive plan.](#)

[WAC 365-196-800\(1\): Development regulations under the act are specific controls placed on development or land use activities by a county or city. Development regulations must be consistent with and implement comprehensive plans adopted pursuant to the act. "Implement" in this context has a more affirmative meaning than merely "consistent." See WAC 365-196-210.](#)

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"Implement" connotes not only a lack of conflict but also a sufficient scope to fully carry out the goals, policies, standards, and directions contained in the comprehensive plan.

WAC 365-196-810(1): When adopting any development regulation intended to carry out a comprehensive plan, the proposing county or city should review its terms to ensure it is consistent with and implements the comprehensive plan and make a finding in the adopting ordinance to that effect.

Development regulations must be consistent with and implement comprehensive plans.

Please also see our comments on "Property Specific Development Standards" (-P Suffix) and "Special District Overlay" (-SO Suffix) under our **King County Code** section further below.

Agricultural Production Districts (APDs)

Long-standing policies for maintaining *existing* acreages in each of our APDs should be retained. These policies require that any land taken out of an APD must be replaced with an equal or greater area of arable land and that is contiguous with the same APD. S4 did not do this.

Climate Change

Human-induced Climate Change is the major issue facing humanity in the 21st century and beyond. Consequently, we must take research, analysis, and mitigation seriously, such that any assessment of Climate Change-induced impacts must be based on science, not simply "information." Hence, Policy **E-215bb** must be revised as follows: *"King County should implement regulations that mitigate and build resiliency to the anticipated impacts of climate change, based on best available (~~information~~) science...."* Climate Change is the most serious environmental challenge humanity has ever faced. S4 did not fix this.

Pathways/ Sidewalks in Rural Area

We see no reason for the addition in KCCP Chapter 8 (lines 1180-1182) of the following: *"Sidewalks are allowed in Rural Towns and, under certain circumstances, sidewalks are allowed in the Rural Area as a spot improvement to address an existing safety or high-use issue when other walkway alternatives would not be as effective, or for safe routes to school."* We see "Sidewalks for Schools" is both misleading and distracting. 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 requiring or asking for "sidewalks to schools." S4 did not fix this.

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Transportation

We again call on the Council to recognize in the *Update* the many adverse traffic impacts due to growth and discuss strategies to mitigate such impacts to meet State Growth Management Act (GMA) requirements to both anticipate and provide for the impacts of growth. S4 did not fix this.

Pacific Raceways—Map Amendment 9

The *S4 Amendments* state three main effects: (1) Modify existing P-suffix condition to also allow a new range of industrial uses; (2) Repeal the 2012 zoning map change, deleting the Conservation Easement; and (3) Require a new conservation easement be dedicated to King County prior to issuing development permits.

The P-suffix condition language would adopt these changes into the *KCCP Update* with no environmental review, which is at odds with how the Council said this would be done when it passed the demonstration project/master planned development ordinance in 2012. In addition, it would have the Executive use these standards for sending an ordinance the Council for the *2024 KCCP Major Update*. This could pre-determine the scope of the SEPA review for the EIS, or outright bypass SEPA review by altering the current baseline conditions on the property without environmental review.

The striking of the 2012 Conservation Easement only lessens the protection of the environment and the public interest, while it benefits a single property owner. There is no environmental review, no balancing of interests, and provides yet another promise for some time in the future for yet more impacts today, which simply continues the primary injustice the community has been subject to for 20 years from the original failure to follow through on the Conservation Easement that was supposed to result from the 2001 rezone to benefit the race track, and the 8 years of the property owners refusal to sign the 2012 Conservation Easement. In spite of the property owner agreeing to sign, and failing to appeal the adoption of the 2012 ordinance that required the easement be recorded on title prior to the rezone becoming effective, he is further rewarded by making the rezone anyhow (after 20 years of failing to meet obligations), which is the only purpose served by the proposed Map Amendment.

The revised language in *S4* makes it clear the Council is aware the current action doesn't meet basic standards of review, and the matter belongs in the 8-year full review cycle, not the 4-year cycle. Indeed, trying to shoehorn some portion of the changes in such a flawed manner into the current 4-year cycle is simply not supportable, and only serves to constrain a future planning process from doing an analysis of the entire range of impacts, by simply adopting a set of changes with no analysis. This doesn't meet any rationale standard of good governance, let alone balancing of the public interest with the development proposal(s).

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In summary, the changes contemplated in S4 should either go under environmental review now, or the entirety of the changes should wait until 2024, and only be considered when the uses proposed are clearly defined as per the site master plan, and subject to environmental review as defined alternatives in an EIS as stipulated in the 2012 ordinance. The P-suffix changes to industrial uses to be broadly enacted with S4 have not been subject to environmental review, or even consistency with KCCP and other policies and County Code provisions that apply. Should the Council pass this as is, it will confer unqualified, unquantified benefits now that only will be subjected (if then) to substantive review in the as yet speculative 2024 8-year review process. The proposals are badly flawed, subject to almost no environmental review (certainly none that meets current standards), and should be considered fresh during the 2024 cycle, based on conditions and analysis at that time.

Snoqualmie Interchange Study

The "special study" of zoning of Rural lands at the Snoqualmie interchange raises suspicions, questions, and concerns. These lands were the source of two earlier battles over proposed Urban rezoning and under no circumstances should any similar initiative for free urban upzoning be considered. The study only should consider if and how rezoning of these lands could be accomplished under existing County policies and programs like 4:1 or TDR, without altering such policies and programs in any way that opens new loopholes for other Rural lands to seek rezoning. The study should not seek to employ, nor enable, new varieties of undefined "public benefits" as justification for Urban upzoning in lieu of 4:1 land-conservation criteria. The landowner seeking this study purchased Rural-zoned land in hopes of gaining Urban zoning and making a large profit. The only way this land should be considered for rezoning is via the existing 4:1 program.

King County Code

There exist standards for alternative development for sites with unique characteristics not addressed by the general zoning requirements of County Code. These include "Property Specific Development Standards" (-P Suffix) and the designation for "Special District Overlay" (-SO Suffix), as described in County Code Chapter 21A.38, General Provisions- Property Specific Development Standards/ Special District Overlays. The need for such standards, in themselves, is understandable, but they should not be misapplied (as they have been, e.g., Buckley Recycling Center, Pacific Raceways, and various Sand & Gravel and Quarry operations). Further, such standards often are, but should not be, wide open to interpretation when permit applications are reviewed. The County should not provide any special consideration to private developers at the public's expense.