

2020 KCCP Mid-Point Update

Striking Amendments S1 & S2 (6/5-8/20) & S3 (7/2/20) to Executive's Proposed Language (9/30/19)

Revision **to June 26, 2020, ADDENDUM** **to June 8, 2020, Comments**

July 13, 2020

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

Coordinated by:

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

Approved by:

Tim O'Brien
obrien_timothy@hotmail.com
President, EPCA
Enumclaw Plateau Community Association (EPCA)

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

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

Lynne Miller
GVLHAssn@gmail.com
Board Member, Green Valley/Lake Holms
Association (GV/LHA)

Michael Tanksley
wmtanksley@comcast.net
President, Hollywood Hills Association (HHA)

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

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

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I. INTRODUCTION AND SUMMARY

Introduction

This is the *fourth* set of Comments on the *2020 Comprehensive Plan Update (Update)* our seven King County Rural Area organizations have provided to the Council. It is a **Revision** to our June 26 **ADDENDUM** which itself supplemented our June 8 **Joint Comments**—all of which was preceded by our June 3 **Process/Schedule Letter**:

- July 13 **Revision**—Comments on *S3 Amendment* and July 6 *Updated SEPA Addendum* (released on June 8), which was the first SEPA review of the detailed language of both the *S2* and *S3 Amendments*.
- June 26 **ADDENDUM**—Comments on the detailed language of the *S2 Amendment* and June 8 *SEPA Addendum*, which *only* covered April 24 detailed language of *S1 Amendment* and “*line-item concepts*” of the *S2 Amendment*.
- June 8 **Joint Comments**—Comments on the detailed language of both the *S1* and *S2 Amendments*, but not the June 8 *SEPA Addendum*, which was released the same day.
- June 3 **Process/Schedule Letter**—Serious concerns about the process being used by the Council and its very compressed schedule to review the *Update*, accept and review Public Comments, continue to add amendments, and holding virtual Public Hearings during a Pandemic.

In this **Revision**, as with our June 26 **ADDENDUM**, we have followed the format of the *SEPA Review (Revision to the SEPA Addendum and SEPA Addendum)*. Again, we include specific **highlighting of key points** to help guide the reader.

In this **Revision** we also document several **inconsistencies** between the proposed *S2 and S3 Amendments* and the SEPA review contained in the July 6 *Updated SEPA Addendum*. We believe it is imperative and required that the King County Council (Council) ensures its proposed *S1, S2, and S3 Amendments* do not result in environmental impacts above and beyond what was analyzed in the *Updated SEPA Addendum*. According to SEPA, updates to Comprehensive Plans are considered “*non-project actions*” and an environmental review must be prepared for planning decisions that provide the basis for later project review. Since comprehensive plans provide the basis for future project development, probable impacts must be considered of any future downstream development that would be allowed under its policies.

We remind the Council the *Update* is a limited scope “*four-year midpoint*” update under King County regulations, and is an “*annual amendment*” under the State’s Growth Management Act (GMA). King County’s next required update to its comprehensive plan, a *Major Update*, is required in 2024.

Summary

We urge the Council to consider these major points detailed in our **Revision** herein:

1. The *existing* Four-to-One Program (4:1 Program) must be retained—it works and is win-win for all. The *S3* does this, but we fail to see why all the Executive’s edits in Policies **U-185** thru **U-190** are to be eliminated, as well as his excellent *new* Policy **U-190a**—all included, with some edits, in *S2*, but inexplicably removed in *S3*. 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 edits and new Policy, is inconsistent with the GMPC’s Motion. This must be rectified by the King County Council.
2. The description of Industrial-zoned lands in the Rural Area must be kept as is in the *existing* KCCP. Changing wording that states there are three sites to citing three named sites simply as “*examples*” and changing policies to allow sites to be zoned Industrial if they have “*long been used*” for “*comparable purposes with similar impacts*” to industrial. Clearly, these are last-minute changes that have not been well thought out, nor vetted, and have no place in the *Update*. They would allow new sites to be added during any annual update and allow them to be located anywhere in the Rural Area. If the Council wants to maintain the integrity of the Rural Area as

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encapsulated in the State's Growth Management Act (GMA) and in the *existing* KCCP, such language must be completely removed from the *Update*. **Industrial-scale facilities simply do not belong in the Rural Area.**

3. The long-standing policies for maintaining *existing* acreages in each of our Agricultural Production Districts (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.**
4. 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*." Climate Change represents the most serious environmental challenge humanity will ever face.
5. *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*."
6. Code cannot be changed subject to the Growth Management Hearing Board's (GMHB's) Order of Invalidation of the **Code amendments adopted in King County Ordinance 19030**—the Winery/Brewery/Distillery Ordinance.
7. The *Update* must recognize 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.
8. The permanent change in land use for the Pacific Raceways site has never been subject to environmental review. Removing the easement requirement retracts a *precondition* established during previous environmental reviews and two ordinances adopted over a 12 yr period. The July 6 *Updated SEPA Addendum* has clearly informed the Council that **additional environmental review is required prior to it taking any further action.** The Council should eliminate both *Map Amendment 9 — Pacific Raceways Land Use and Zoning* and the proposal to strike *Map Amendment 7* to the 2012 KCCP.
9. The July 6 *Updated SEPA Addendum* concludes "*there could be about 40 potential new sites covering about 275 acres*" of Rural land could potentially be rezoned "*Industrial*" and create "*significant environmental impacts*." If one adds in the 330-ac Pacific Raceways site, the potential to be rezoned "*Industrial*" grows to over 600 ac of Rural land to be rezoned "*industrial*." This clearly violates both the intent and the words in the State's Growth Management Act (GMA) and must be rectified. This is directly related to **Summary** points 2. and 7. above and **appear to show a pattern to change supposedly unrelated items (i.e., Industrial Zoning/Non-Resource Uses in the Rural Area and the Pacific Raceways Land-Use and Zoning Map Amendment) to achieve some yet undefined goal for private benefit.** This is troubling and, at a minimum, warrants a cumulative impact analysis.
10. Any Study of parcels in the vicinity of the Snoqualmie Interchange must be based on use of the *existing* 4:1 program. We do not support some *new approach* that may seek to justify **conversion and upzoning of Rural Area parcels simply to grant a "private request" that may result in some undefined "public benefit."**
11. The 4:1 Program should not be changed simply to solve a parcels' owner's "*problem*" and, in turn, open the door to similar requests from others across the County. We remain concerned for any unanticipated private developments adding *new* congestion, an outcome that would thwart the *original* public purpose of new or improved infrastructure. This is directly related to our **Summary** points 1. and 9. above and **appear to again show a pattern to change supposedly unrelated items (i.e., 4:1 and Snoqualmie Interchange Study) to achieve some yet undefined goal for private benefit.** This, *again*, is troubling and warrants a cumulative impact analysis.

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II. CONCERNS

Individual Chapter Amendments

Chapter 1: Regional Growth Management Planning

Since the June 8 *SEPA Addendum* covered the proposed changes to the Four-to-One Program (4:1 Program) under *Chapter 1*, we also do so herein.

We are pleased to see our earlier Comments (and those of many others) have been heeded and are reflected S3 as the *Summary Matrix* states:

“All changes removed from the Proposed Ordinance. The existing KCCP policy and K.C.C. regulations remain in place.”

However, this means that the Executive's recommended edits in Policies **U-185** thru **U-190** also are eliminated. We supported those edits and his new Policy **U-190a**:

*“For Four-to-One proposals adjacent to an incorporated area, approval of a Four- to-One proposal shall require:
a. development shall only occur after the site has been annexed to the adjacent city or town; and
b. establishment of an interlocal agreement between King County and the adjacent jurisdiction that identifies conditions for site development that are consistent with the Four-to-One program requirements and goals.”*

In fact, the Growth Management Planning Council (GMPC) stated in *GMPC MOTION NO. 2020-2* (our emphases):

“The Growth Management Planning Council recommends that the King County Council defer action on any changes to the Four-to-One program that are related to the Countywide Planning Policies, and recommends that those amendments be considered first as part of the 2021 update to the Countywide Planning Policies. This includes amendments related to the following topics that were identified in the June 24, 2020 Growth Management Planning Council agenda packet: allowing facilities that serve the new urban area to be located in the rural area, reducing the requirement for at least four acres of new open space for each new acre of urban land, prohibiting Four-to-One proposals on parcels that are designated as natural resource lands, and requiring the city or town affiliated with the new urban area to add the land to their Potential Annexation Area. The Growth Management Planning Council makes no recommendation on the remaining Four-to-One program amendments under consideration by King County.”

The S3 Amendment, by eliminating all the Executive's edits and new Policy, is inconsistent with the GMPC's Motion. This must be rectified by the King County Council.

We must ensure consistency with the Countywide Planning Policies, King County Charter, and King County Code. The **Four-to-One Program** works and should be left alone.

Chapter 2: Urban Communities

Please note in Chapter 2 we again cover the “**U**” **Policies** related to the 4:1 Program, but in more depth due to our concerns about S3's proposed complete elimination of the Executive's proposed edits in his Recommended Update (September 30, 2019).

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We fully support S3's complete rescinding of S2's proposed changes here related to the 4:1 program and Rural Area roads. However, S3 also removed all the Executive's edits of **Policies U-185 thru U190** in addition to the Executive's proposed new **U-190a**, which were included (with some editing) in S2 (e.g., "throwing the baby out with the bathwater"). **These must all be restored in full and are shown below as they appear in the Executive's Recommended Update.**

U-185 *Through the Four-to-One Program, King County (~~shall actively pursue~~) may support 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. The total area added to the Urban Growth Area as a result of this policy shall not exceed 4,000 acres.*

U-186 *King County shall evaluate Four-to-One proposals for both quality of open space and feasibility of urban development. The highest-quality proposals (~~shall~~) may be recommended for adoption as amendments to the Urban Growth Area. Lands preserved as open space shall primarily be on the site, shall buffer the adjacent Rural Area or Natural Resource Lands from the new urban development, (~~retain their Rural Area designations~~) and should generally be configured in such a way as to connect with open space on adjacent properties.*

U-187 *King County shall use the following criteria for evaluating open space in Four-to-One proposals:*

- a. *Quality of fish and wildlife habitat areas;*
- b. *Connections to regional open space systems;*
- c. *Protection of wetlands, stream corridors, ground water and water bodies;*
- d. *Unique natural, biological, cultural, historical, or archeological features;*
- e. *Size of proposed open space dedication and connection to other open space (~~dedications~~) lands along the Urban Growth Area line; (~~and~~)*
- f. *(~~The land proposed as open space shall remain undeveloped, except for those uses allowed in U-188~~) Size and configuration of open space and the County's ability to efficiently manage the property; and*
- g. *Potential for public access.*

U-188 *King County shall preserve the open space acquired through the Four-to-One Program primarily as natural areas, passive recreation sites or (~~resource~~) lands for farming or forestry, and be given a land use designation and zoning classification at the time of Council approval consistent with the intended use. King County may allow the following additional uses only if located on a small portion of the open space, provided that these uses are found to be compatible with the site's natural open space values and functions such as those listed in the preceding policy:*

- a. *Trails;*
- b. *Compensatory mitigation of wetland losses on the urban designated portion of the project, consistent with the King County Comprehensive Plan and the Critical Area Ordinance; and*
- c. *Active recreation uses not to exceed five percent of the total open space area. Support services and facilities for the active recreation uses may locate within the active recreation area only, and shall not exceed five percent of the active recreation area. An active recreation area shall not be used to satisfy the active recreation requirements for the urban designated portion of the project as required by King County Code Title 21A.*

U-189 *Land added to the Urban Growth Area under the Four-to-One Program shall have a minimum density of four (~~dwellings~~) dwelling units per acre and shall be physically contiguous to the original Urban Growth Area, unless there are limitations due to the presence of critical areas, and shall be able to be served by sewers and other efficient urban services and facilities; provided that such sewer and other urban services and facilities shall be provided directly from the urban area and shall not cross the open space or Rural Area or Natural Resource Lands. (~~Drainage~~) Infrastructure, including roads and drainage facilities, to support the urban development shall be located within the urban portion of the development. In some cases, lands must meet affordable housing requirements under this program. (~~The total area added to the Urban Growth Area as a result of this policy shall not exceed 4,000 acres.~~)*

U-190 *King County shall amend the Urban Growth Area to add Rural Area lands to the Urban Growth Area consistent with Policy U-185 during the annual Comprehensive Plan (~~amendment~~) update process. Proposals submitted by*

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property owners shall be initiated through the Comprehensive Plan Docket process. Open space dedication shall occur at final formal plat recording. If the applicant decides not to pursue urban development or fails to record the final plat prior to expiration of preliminary plat approval, the urban properties shall be restored to a Rural Area land use designation and associated zoning during the next ((annual-review)) midpoint or eight-year update of the King County Comprehensive Plan.

U-190a For Four-to-One proposals adjacent to an incorporated area, approval of a Four- to-One proposal shall require:

- a. development shall only occur after the site has been annexed to the adjacent city or town; and
- b. establishment of an interlocal agreement between King County and the adjacent jurisdiction that identifies conditions for site development that are consistent with the Four-to-One program requirements and goals.

The King County Council must restore the Executive's edits (embodied in part of S2 with some edits) to Policies **U-185** thru **U-190**, plus his new Policy **U-190a**.

Chapter 3: Rural Areas and Natural Resource Lands

Transfer of Development Rights

The Transfer of Development Rights (TDR) Program is intended to preserve land and direct growth away from the County's Rural Area and Resource lands into the Urban Growth Area. The TDR program's original purpose was to use it as a tool to, on the one hand, benefit the rural area—by minimizing impacts through urban expansion and preserving/creating rural open space, while providing incentives to better meet the GMA goal of infilling *existing* urban lands prior to modifying the UGA to incorporate more rural lands. Unfortunately, the proposed changes shown in SECTION 70 of the Ordinance include removing the preservation of "urban separators":

SECTION 70. Ordinance 13274, Section 1, as amended, and K.C.C. 21A.37.010 are hereby amended to read as follows:

A. The purpose of the transfer of development rights program is to transfer residential density from eligible sending sites to eligible receiving sites through a voluntary process that permanently preserves urban, rural((:)) and resource ((and urban separator)) lands that provide a public benefit. The TDR provisions are intended to supplement land use regulations, resource protection efforts and open space acquisition programs and to encourage increased residential development density or increased commercial square footage, especially inside cities, where it can best be accommodated with the least impacts on the natural environment and public services by:

1. Providing an effective and predictable incentive process for property owners of rural, resource and urban separator land to preserve lands with a public benefit as described in K.C.C. 21A.37.020; and
2. Providing an efficient and streamlined administrative review system to ensure that transfers of development rights to receiving sites are evaluated in a timely way and balanced with other county goals and policies, and are adjusted to the specific conditions of each receiving site.

We should continue to preserve *urban separators* as one of the a fundamental purposes of the TDR Program. The purpose of *urban separators* is to have a zone of land between incorporated cities that have characteristics of rural areas, and improved protections of critical areas (e.g., steep slopes, streams, wetlands, etc.) so as to create distinct breaks between these areas.

Curiously, we do not see such a change in the three TDR-related Policies (**R-316**, **R-317**, and **R-323**) proposed to be changed.

We call on the Council to restore the "urban separator" language in SECTION 70.

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Non-Resource Industrial Uses in the Rural Area

The July 6 *Updated SEPA Addendum* describes (see p. 10) the extent of the proposed S3 (see below). We support this finding and implore the Council to not change the related Policies described herein (see further below) to allow "new (industrial) sites anywhere in the Rural Area geography that meet" newly defined "criteria."

"Striker 3 contains text and policy changes related to Non-Resource Industrial Uses in the Rural Area. Text and policies are changed from stating that there are three sites to stating that the three named sites are only examples. Policy changes allow sites to be zoned Industrial if they have "long been used" for "comparable purposes with similar impacts" to industrial uses. The geographic area to which new sites could be created (and were created in 2008) had been those areas adjacent to State Route 169. This condition is removed in Striker 3, allowing new sites anywhere in the Rural Area geography that meet the above-mentioned criteria. Policy requiring some sites with existing industrial uses to retain Rural Area zoning is replaced with text encouraging the sites not be rezoned to Industrial."

We strongly agree with the *Updated SEPA Addendum* that there could be "significant adverse impacts" specifically because of proposed changes in language contained in S3: (1) Change from stating there are three sites to stating the three named sites simply as examples and (2) Change to allow sites to be zoned Industrial if they have "long been used" for "comparable purposes with similar impacts" to industrial. These are last-minute changes that clearly have not been well thought out, nor vetted and have no place in the *Update*. They would allow new sites to be added during any annual update and allow them to be located anywhere in the Rural Area.

We strongly support the following excerpt from the July 6 *Updated SEPA Addendum* that acknowledges there are significant adverse effects from the proposed S2 to Policies R-512 -- R-515:

"Conditions for Mitigation. The impacts from the Non-Resource Industrial Uses in the Rural Area amendments in Striker 3 have the potential for significant adverse environmental impacts that fall outside of the range of previous environmental review. Previous environmental analysis were based on a limited set of defined sites; in contrast, the 2020 language allows for designation on numerous sites that have not been identified or studied. At issue is the broad nature of the language. To remain within the range of past environmental reviews, the language would need to be revised to narrow the scope and effect of the amendments or an Area Study be conducted on a broader set of sites in a future Comprehensive Plan update. If the complete set of new sites is allowed, then supplemental environmental review is required."

To emphasize these issues, we re-iterate what we provided in our June 26 **ADDENDUM** in the following:

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

- *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."*

S1, 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, S2, 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 S2 details (released June 5) changes are proposed to 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

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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 S2 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:

"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 rezoned 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.

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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."

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:

1. 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 enact proposed S2 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.

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2. 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).
3. 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 proposed S2 Policy changes.

Agricultural Production Districts (APDs)

In our June 8 Joint Comments we detailed our opposition to the proposed changes here and to modification to Policy **R-656a** to allow the County to approve alternative mitigation for loss of APD land. The effect of adopting these changes would be to facilitate a loss of high-quality "*designated agriculture resource*" land and cherished open spaces that are closest to our Urban fringes. Not only would farm acreage be transferred to far-flung corners of King County, but the resulting speculation-driven increase in prices for farmland adjacent to our UGBs would make it impossible for new farmers to justify a business plan. We do not support any proposal that allows for a net loss of acreage in any individual APD. **No Farmers = No Farming = No Farms.**

Code Study 4: Organics Composting Regulations

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 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.**

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.

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Chapter 8: Transportation

We must re-iterate our concerns expressed in our June 8 **Joint Comments** on *Pathways/Sidewalks in Rural Area*. 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 strongly oppose this proposed new language, if it allows for urban-style infrastructure to extend into the Rural Area. This 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. We believe that "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."**

Chapter 12: Implementation, Amendments and Evaluation

We support amending policies for future KCCP mid-point updates to **consider a smaller range of changes** established through a scope of work.

A clarification question: Is the Rural Area meant to be included in the "*unincorporated King County*" in the following Action:

Action 6: Alternative Housing Demonstration Project. *There is considerable interest to explore temporary and permanent alternative housing models to address the issues of homelessness and affordable housing in the Puget Sound region. King County is currently exploring microhousing pilot projects across the region that can inform a larger demonstration project under King County Code on alternative housing models in **unincorporated King County.***

If so, we call on the Council to correct this and use the phrase "urban unincorporated King County" instead.

Adding to our confusion was a SEPA Non-Project-Action Determination of Non-Significance (DNS) issued on May 1, 2020, that stated: "*Proposed Ordinance 2020-0032 [Alternative Housing Demonstration Project] would allow a development project for two microhousing developments, one in White Center and one in the Vashon Rural Town.*"

King County Code

21A.08.080: Permitted Uses/Manufacturing Land Uses

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In Friends of Sammamish Valley (FoSV), et.al. vs. King County, the Growth Management Hearings Board (GMHB) **No. 20-3-004cGMHB Order** rejected as noncompliant Code amendments adopted in King County Ordinance 19030—the Winery/Brewery/Distillery Ordinance—due to gross deficiencies under the State Environmental Policy Act (SEPA) and in meeting Growth Management Act (GMA) requirements.

The GMHB May 26, 2020 Order did not just hold noncompliant Ordinance 19030 provisions subject to GMHB jurisdiction, it also took the additional step of *invalidating* them due to their pronounced violations, and set a schedule for County compliance. Whether the steps barely begun by the County will ultimately prove sufficient to establish compliance with SEPA and the GMA remains to be seen.

However, as of now, there is no lawful basis under SEPA or the GMA for the County to *adopt* or *re-adopt* those provisions into its *KCCP Update* or Code. Yet, that is effectively what the proposed *Update* appears to do in renumbered **SECTION 43**. These proposed provisions must be stricken and the proposed *re-adoption* dropped until, if, and when the requirements of the GMHB Order and invalidation have been satisfied. Consequently, we urge the County to remove the zoning code changes in “21A.08 Permitted Uses” related to Invalidated Ordinance 19030 and reinstate the pre-existing provisions.

Technical Appendices

Appendix C: Transportation and C1: Transportation Needs Report

Both the *Updated SEPA Addendum* and the *SEPA Addendum* dwell 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. We expect this to be the case since it basically is administrative in nature and anticipates future project-level environmental review:

“The updates to appendix C1 reflect completed capital projects as well as current technical information regarding traffic safety, asset condition, regulatory requirements, community needs, and local-regional considerations. Projects, programs, and investments that come from this appendix will need funding and, if secured, will go through project level environmental review at the time of consideration at the project level. The changes are technical in nature and are anticipated to have no probable significant adverse environmental impacts. Future project-level environmental reviews will be conducted when and if projects move towards implementation.”

While we understand that position and the future environmental analyses required, we must reiterate that **S2 contains no information addressing such deficiencies and, therefore, it itself perpetuates the Update’s inadequacy when it comes to meeting GMA requirements**. 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 concerns, 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

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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 impacted, 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 196th 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 of rural roads 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 276th 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 276th Ave SE through rural Hobart and on Black Diamond-Ravensdale Rd, with a smaller reduction on Lake Retreat-Cumberland Rd connecting to Enumclaw, 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.

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Map Amendments

#9—Pacific Raceways Land Use and Zoning

Interrelated Changes

Three S3 interrelated changes focus on or cause impacts to the Pacific Raceway site and adjoining properties:

1. Non-resource industrial use policy: This would create a radical change from limiting non-resource industrial uses to three sites in King County's rural area, to simply using the 3 sites as "examples," while allowing industrial uses anywhere in the rural area as long as certain conditions are met. This change, on its own, was determined to be a radical departure from previous KCCP updates. It is also outside the range of State Environmental Policy Act (SEPA) analysis done historically as determined in the July 6 *Updated SEPA Addendum*, which found this change on its own "required" additional environmental review prior to adoption. This was, in part, based on the change potentially adding another 275 ac of industrial-zoned land to the existing 300 ac in the Rural Area—nearly doubling the potential for industrial land use acreage.

2. The p-suffix conditions: This removes the *p-suffix* conditions from both the Pacific Raceways property and 1.6 acres of adjacent rural zoned land, thus upzoning over 330 ac from *1 p-suffix*, to outright *Industrial* zoning. This would not be consistent with *existing* KCCP policy. In fact, the proposed change described in 1. above implicitly makes it consistent by changing the underlying policy at the same time.

3. Conservation Easement: This strikes the Conservation Easement that was included in Map Amendment 7, to the 2012 KCCP. In our earlier comments we indicated the Council staff assessment of the history of the adoption of the Conservation Easement in Map Amendment 5, to the 2000 KCCP was in error, which was compounded by a fundamental lack of understanding of the significance and historic context of Map Amendment 7 to the 2012 KCCP. According to the Council summary of the background for S2, the Conservation Easement was put in place in 2001 when the 2000 KCCP Update was adopted. That, in fact, never happened and has been an escalating point of contention with the surrounding community for the past 20 years, as clearing, development proposals, and permitting actions continued to accumulate.

Cumulative Impacts

It must be stressed that the cumulative impact of the first two above-mentioned proposed changes—to non-resource industrial rural land use policy and the industrial rezone—would immediately add 330+ acres of industrial land to the rural area. This change alone, on adoption, would more than double the current industrial zoned acreage in the Rural Area, not counting the *potential* additional 275 ac that could be added in the future, thus creating a total that would more than triple the potential added industrial acreage in the Rural Area. While the July 6 *Updated SEPA Addendum* addressed these as separate impacts, it must be noted these are actually cumulative impacts that must be subject to cumulative impact analysis prior to adoption.

Conservation Easement

More on the Conservation Easement is warranted here. This matter came to a head in the lead up to the adoption of an ordinance allowing for a master plan/demonstration project for Pacific Raceways, coupled with a related Map Amendment 7 to the 2012 KCCP. That amendment created a Conservation Easement to mitigate and was adopted as a *precondition* to the included proposal to upzone 1.6 ac of land adjacent to the northwest corner of the property to facilitate the proposed development master plan.

In 2012 Soos Creek Area Response (SCAR) and other community members insisted the 2001 Conservation Easement be included in the mitigation package considered for Map Amendment 7 as a starting point for *any* consideration of an *additional* rezone. SCAR's consultant at the time, Greg Wingard, reviewed the information used in crafting the Conservation Easement as shown in the maps in the amendment with the lead author, King County Department of

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permitting and Environmental Review's Paul Reitenbach as it was being developed. As a result, SCAR has first-hand knowledge that the 2012 Map Amendment was crafted, in part, to fulfill the promise made, but never kept in the 2000 KCCP Map Amendment 5—a situation that remains unchanged with the current in-force 2012 Map Amendment 7.

It is important to keep in mind that in both the previously cited 2000 and 2012 KCCP major updates, SEPA analysis, at the time, was based on impacts and mitigation of the proposed rezones, including these two conservation easements, created 12 years apart. Further the 2012 conservation easement was specifically crafted to be a *pre-condition* to the related Rural Area rezone to *I p-suffix* zoning due to the prior failure of the landowner to record the promised conservation easement on the property title in 2001 (or subsequently).

The 2012 KCCP Map Amendment 7, by intent, solved the previous 2000 KCCP Map Amendment 5 problem by making it clear: **No conservation easement, No rezone**. King County Council attempts to delete the 2012 KCCP Map Amendment 7 conservation easement in this context is particularly egregious, and injurious to the public interest. It would *de facto* "gift" over 40 ac of rezone to Pacific Raceways, while relieving them of any obligation to meet their end of the proposed deal and provide the long promised and never materialized conservation easement(s).

Finally, it is worth noting that, when the 2012 KCCP Map Amendment 7 was written with the specific intent to provide *additional* protection to Soosette Creek over and above the level of protection provided by the Critical Area code, this was agreed to by all involved, including the property owner, who had the option and chose not to appeal Map Amendment 7, as adopted by the Council in 2012.

SEPA Review

The July 6 *Updated SEPA Addendum* stated in its "Conditions for Mitigation" (our *emphases below*):

"The impacts from this map amendment in Striker 3 have the potential for significant adverse environmental impacts that fall outside of the range of previous environmental review."

In reviewing the S3 proposed changes the *Updated SEPA Addendum* drew several major conclusions:

1. Change of Land-Use Designation:

"Changing the land use designation from Rural Area to Industrial would permanently add about 330 new acres of industrial land to the existing supply of about 300 rural industrial acres. This is comparable to adding three Preston Industrial areas. The impact of this is significant and environmental review has not been conducted to assess the impacts of this change on the applicable elements of the environment...."

Such a massive change is unprecedented and should not be contemplated without significant environmental review.

2. Reversion of Zoning:

"The County, ..., did not as a matter of policy determine that the long-term use of the site should be industrial. Instead, it determined the long-term use of the site would be a raceway use and, should that use cease, the zoning would revert to RA-5. That determination has been the basis of previous environmental reviews. ..., the impact of this is significant and environmental review has not been conducted to assess the impacts of this change on all of the applicable elements of the environment...."

Again, such a massive change is unprecedented and should not be contemplated without significant environmental review.

3. Remove Conservation Easement:

"In the 2000 map amendment for the site, a permanent conservation easement was offered. This easement was never effectuated. In 2012, another map amendment was adopted, and this required the establishment of the permanent conservation easement as a precondition to the map change. This conservation easement was the subject of an Area Study and was extensively analyzed in the 2012 SEPA addendum and included in the 2012

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ordinance. Importantly, while the County's critical area regulations protect a substantial portion of the area covered by the easement, the County in 2012 determined that this added layer of permanent rather than regulatory protection was appropriate for mitigating impacts of the rezone."

It is clear: No conservation easement, No rezone.

History: Where are we and how did we get 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 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.

Summary and Conclusions

S3's 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 KCCP updates 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.

Since the SEPA review didn'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 Council to secure such SEPA review through an Environmental Impact Statement (EIS) before making any decisions. 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 weigh impacts and risks, and apply the necessary level of SEPA review, and adequate public participation.

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Line Amendments

Snoqualmie Interchange

We support a *Study*; however, any outcome of same must be based upon no free upzones, no free additions to the Urban Growth Area (UGA), and only if a Four-to-One (4:1)-like approach or Transfer of Development Rights (TDRs) is used to buy out the existing rights from the Rural Area parcels and leave them in a "open space" status. We believe this will be difficult to do at best since the current 4:1 program cannot work for the 15-ac parcels in question, because they do not in total meet the minimum 20-ac criteria, nor do they abut the *original* 1994 UGA boundary. We do not want to see 4:1 program changed simply to solve the parcels' owner's "problem" and, in turn, open the door to similar requests from small cities across the County. We remain concerned for any *unanticipated* private developments adding *new* congestion to the area, an outcome that would thwart the *original* public purpose of the interchange.

In our June 26 **ADDENDUM** we reserved further comment on the "Finding for 2024 Update" (i.e., Lambert Amendment—**AMENDMENT TO STRIKING AMENDMENT S2 TO PROPOSED ORDINANCE 2019-0413, VERSION 1**) until full SEPA Review was complete. The *Updated SEPA Addendum* released on July 6 states:

"While the study, and any potential actions taken as a result of the study may be substantive, inclusion of the intent in the findings of the 2020 update ordinance does not create any binding actions and is not anticipated to have a significant adverse environmental impact."

While we agree with that assessment, we still stand by our earlier comments provided in our June 26 **ADDENDUM** repeated below for convenience of the reader.

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 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. 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."

Finally, we have some concerns about the 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.

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III. CONCLUSIONS AND RECOMMENDATIONS

Conclusions

1. **PROCESS:** The process used by the King County Council has been flawed and represents an executed *Public Participation Plan* in name only rather than what is truly required and practical for the Public for which the Council serves:

S3:

Details were posted for Public review on July 2, the day before a Holiday weekend.
Updated SEPA Addendum posted for Public review on July 6.
Public Hearing was held on July 7.

S2:

Details were posted for Public review on June 5.
After we alerted Council Staff that all those links led to dead-ends, they were not fixed until June 6.
At least one *Amendment* was not posted until June 8.
SEPA Addendum (partial only as S2 details were not included) posted for Public review on June 8.
Public Hearing was held on June 9.

S1:

Details were posted for Public review on April 24.
SEPA Addendum was posted for Public review on June 8.

Clearly, there has been a continued 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 process to develop a KCCP 4-year Mid-Point Update literally at the last minute before *possible* final approval, and no significant impact analyses conducted. Further, such last minute additions have not been vetted and subject to due diligence and analysis.

2. **SEPA:** There was a clear disconnect between release of Amendments and SEPA Review of same. Details of S2 did not go through full SEPA review, until the *Updated SEPA Addendum* was posted on July 6, the day before the July 7 Public Hearing, as noted above in 1. Since only line-item "*concepts*" (i.e., no detailed language or Policy descriptions) from the Council's Mobility and Environment Committee from April 24 were analyzed in the *SEPA Addendum*, the Public was unable to respond to same either orally or in writing prior to the Public Hearing. This is but another reason we have provided the Council with multiple written submittals (**Joint Comments**—June 8, **ADDENDUM**—June 26, and this **Revision**—July 14), as we had no time to review the SEPA materials prior to each Public Hearing. This **Revision** represents the first time we have been able to assess and provide comments related to the SEPA Review of all Striker Amendment details contained in the July 6 *Updated SEPA Addendum*.

3. **CPPs:** The Countywide Planning Policies (CPPs) would need to be amended before some of the changes contemplated by S3 (which kept much of S2 intact) are adopted by the Council. 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 proposed S3 (which kept much of S2 intact) that represent, 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, especially, *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:

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"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;...

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 completely transparent process that is not been rushed and includes a strong **Public Participation Plan** as required by the GMA and codified in the related RCWs. Such **fixes should be in place before the 2021 Annual Update and, most certainly, before the 2024 Major Update.**
2. **SEPA:** **SEPA Review must be scheduled to provide both Council and Public adequate time to study and respond.**
3. **CPPs:** **To be in compliance with the CPPs revise S3** (which kept much of S2 intact).
4. **GMA:** To **ensure the continued integrity of the Rural Area** drop parts of S3 (which kept much of S2 intact) that are contrary to the State's GMA.
5. **Executive Order:** In future Amendments to **KCCP Policies** **address specifics of the Executive's EO on Clean Water Health Habitat.**