

Date: December 14, 2021

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Subject: **Written Testimony—December 14, 2021 King County Council Meeting—Public testimony for Agenda Items 8 & 23**

We represent eight King County (KC) Rural Area Unincorporated Area Councils (UACs), Associations (UAAs), and Organizations whose breadth spans from the Snohomish to the Pierce County lines. [EPCA: Enumclaw Plateau Assoc.; FoSV: Friends of Sammamish Valley; GMVUAC: Greater Maple Valley Area UAC; GRC: Green River Coalition; GV/LHA: Green Valley/Lake Holm Assoc.; HHA: Hollywood Hills Assoc.; SCAR: Soos Creek Area Response; and UBCUAC: Upper Bear Creek UAC.]

For the past 20 months we worked on the **Countywide Planning Policies (CPP) Update** closely with CPP Manager (at the time) Karen Wolf, KCCP Manager Ivan Miller, and KC Demographer Rebecca Maskin. Throughout the process, we reviewed all the **Update's** versions and public drafts. We then prepared detailed comments on each and submitted same to Ms. Wolf and her **Update** team, the County's Growth Management Planning Council (GMPC), and your M&E Committee at its August and October meetings.

We have reviewed the Council's proposed substitute Ordinance for the **Update**. Our Written Comments on same are given herein. We also have submitted Written Comments to the Council's M&E Committee, as well as the GMPC in addition to providing Oral Testimony at its December 1 meeting.

### **COUNCIL PROPOSED SUBSTITUTE ORDINANCE 2021-0254.2**

#### ***Four-to-One Program Review***

Rural Area Councils, Associations, and Organizations, as well as concerned citizens, are cautiously open to the proposed review. The 4:1 Program has served its purpose well for over 25 years, so changes only should be considered if they enhance, rather than seek to exploitively weaken it.

The proposed review is to be done by the Executive in consultation with Council members, but how will concerned citizens, especially those of us with detailed knowledge of this program and the possible ramifications of the suggested amendments be involved in and consulted with as this review takes place? We, too, wish to have a voice in this process as it is underway and NOT after the Review already has been finalized.

Consequently, our group of knowledgeable and experienced Rural Area citizens specifically requests the Council include language in its proposed Ordinance that will require Executive Staff to share information and offer opportunities for public participation and engagement as this Review is underway (as was done by Karen Wolf and Rebecca Maskin on the CPPs) and require the Council also to provide for such public participation once it receives the Executive's Review. To this end we request the Council make the following addition to the proposed Ordinance:

*"Executive staff shall provide opportunities during the Four-to-One Program Review for Rural Area Councils, Associations, and Organizations, and any concerned citizens to review proposed amendments to the 4:1 program, to understand the potential impacts of any proposed amendments, and to offer multiple opportunities for feedback in shaping final outcomes of this Review. Once transmitted by the Executive to the Council, the Public should be given opportunity, at multiple stages, to provide both Oral and Written Testimonies to the Council and any of the committees it assigns to this Review."*

Below are our comments on the specifics included in the potential amendments to be considered in the proposed 4:1 Program Review:

*"a. whether the four-to-one program should require projects be contiguous with the 1994 urban growth area boundary, later adopted boundaries through subsequent joint planning processes between the county and cities, or some combination thereof;"*

Although this is a fair question, we need to see what differences there are between 1994 and now to know the scope of potential impacts. Our concern is that such a study will identify multiple circumstances/locations where this could make a big difference. Every city so identified will want to have 4:1 Program and accompanying CPP/KCCP Policy language changed.

*"b. whether the four-to-one program should allow reduced open space dedication if a proposal contains lands with high ecological value, such as lands that could provide for high-value floodplain restoration, riparian habitat or working resource lands;"*

We do not like this idea. It would rely too much on interpretation as to what is a high-ecological-value lands. Further, why accept a lesser ratio for high conservation lands when those are the lands we most need to protect? We would like to see examples of where this concept may be appropriate, and why, *before* we can accept this.

*"c. whether the four-to-one program should allow for noncontiguous open space preservation;"*

If "noncontiguous" means "off-site" open-space dedication, then we have a problem with this. For example, a 4:1 in the City of Snoqualmie where open space is dedicated in Cumberland or some other far-off open space, say in the Forest Production District that allows 1 home per 80 acres and can be bought up cheaply by a developer while he/she obtains incalculable new urban lands, simply makes no sense. This is akin to what happened in 2016 with the "Reserve at Covington Creek" (keeping in mind that this also had a Transfer of Development Rights (TDR) component) where KC Council Ordinance 2016-0155 stated in part (our **highlighting**):

*"The total acreage of conserved land will be achieved through ... b) permanent conservation of off-site lands as follows: Conservation of rural, agricultural and/or forestry lands in the Duwamish-Green River Watershed (via conservation easement(s) and/or purchase of Transfer of Development Rights);...."*

*"d. whether the four-to-one program should allow facilities, such as roads or stormwater, that serve the new urban area to be located in the Rural Area;"*

This is not a good idea and the start of a *slippery slope*. The Rural Area should not have to pay the price to accommodate *new* urban growth for *any* 4:1 project. Further, if this refers to those lands that are conserved as part of the 4:1 project, no, as they must be conserved, *not* used for infrastructure. We remain staunchly for keeping the Rural Area rural and for not allowing urban infrastructure and urban-serving facilities in the Rural Area.

*“e. whether the four-to-one program should allow nonresidential and multifamily residential projects;”*

We fear that *“non-residential”* could include major commercial projects such as a: Walmart, Amazon warehouse, Boeing airplane part painting facility, etc. Consequently, *“non-residential”* projects should be removed from the 4:1 Program Review.

*“and*

*f. whether the four-to-one program should allow projects that are not likely to be annexed in a timely manner;”*

No, why would anyone want this? We completely oppose such consideration as 4:1 projects are supposed to have the concurrence of the City that would annex the new urban addition. This would undo that requirement and potentially create a series of small, unincorporated urban areas all over the County...the last thing the County or anyone wants.

We agree with the GMPC-recommended language on the 4:1 program and see no reason for the King County Council to change it. Why is there a need for yet another 4:1 program review. The most recent one was conducted as part of a *“Code Study”* related to the 2016 KCCP Major Update. It addressed: Land types allowed; Contiguity to the original 1994 UGA boundary; Variable ratios for lands with high ecological value; Smaller minimum parcel sizes and/or multiple ownerships; and Level of detail and specificity in the CPPs, KCCP, and Code. The recommendations from this study informed the 2020 KCCP Mid-Point Update. We fully supported those recommendations and continue to do so.

The proposed 4:1 Program Review mirrors this past studies. Why? Must the Public fight again and again when another (or the same) developer knocks on the door?

### ***Growth Targets***

Growth Targets were created based on *VISION 2050* Regional Forecast’s projection of growth to 2044. With KC’s share, allocations were created for six regional geographies including *Cities and Towns*.

As part of the Growth Target process, the City of Sammamish submitted its final development capacity estimates, constrained by a sewer capacity issue. The City of Sammamish and Sammamish Plateau Water & Sewer District identified a timeline for resolution of the sewer capacity issue and allowed the development moratorium to expire in August 2021. The Council’s M&E Committee amended the 2021 CPPs removing the City of Sammamish’s Growth Targets at its November 30 meeting and requested *“the City of Sammamish, in consultation with King County, the Sammamish Plateau*

*Water and Sewer District, and other jurisdictions in the Cities and Towns Regional Geography, revise its 2019-2044 growth targets to reflect updated capacity estimates by June 1, 2022....”*

However, during negotiations this past Summer, within the *Cities and Towns* category, some “trading” was done between Sammamish—which did not want its full allocation, and Black Diamond and Covington—which wanted more than their allocations. The M&E Committee proposed amendment re-moved Sammamish’s Growth Targets. GMPC Motion 21-4 requested Sammamish to revise its 2019-2044 growth targets to reflect updated capacity estimates by June 1, 2022.

However, GMPC Motion 21-4 did not address the imbalance, and the conflict with *VISION 2050*, that would be created if, through such a revision, Sammamish receives an *increased* allocation of growth, but the *artificially increased* allocations for Black Diamond and Covington (the result of the aforementioned “trading”) are not *reduced* by the same amount or reset to their original allocations.

**We call for the Council to maintain the *VISION 2050* projected growth forecast by addressing this imbalance.**

This is important for multiple reasons, but especially because of the gross overdevelopment by Black Diamond, a city on the far urban fringe of the UGB, which affects all of SE KC’s road network. With SR-169 as the only main route through Black Diamond and with WSDOT having no plan to expand it, especially at its southern end, KC unincorporated area roads will take the brunt of the new traffic created. As the Council well knows, KC DLS-Roads has no money to improve any of its roads or bridges, let alone try to keep up with needed safety maintenance. Increased allocations to Black Diamond will have direct impacts on Rural Area residents who use these roads everyday and mega-impacts on safety! We expect the Council to support *VISION 2050* so as to limit both overall costs and deleterious impacts through better planning.

**We urge the Council to not let this problem get any worse. Please require the total growth target allocations among Sammamish, Black Diamond, and Covington to balance with *VISION 2050* projected growth and place such allocations only where infrastructure can best support growth—as intended by the GMA.**

## ***CPP Framework Policies***

### ***FW-4***

We urge you to **REJECT** the following that was proposed by Ms. Lambert and that is now has found its way into the proposed substitute Ordinance:

*“FW-4 Support fiscal sustainability of Rural Areas. Rural Areas provide an overall benefit for all residents of King County and strategies to fund infrastructure and services in Rural Areas may be needed to support a defined rural level -of -service.”*

As *VISION 2050*, the CPPs and the KCCP all state, urban services should not be sited in the Rural Area. In recognition of the many opportunities that currently exist for private enterprise to exist in ways that respect “*rural character*,” we do not seek ways to increase rural development under the

guise of “*fiscal sustainability*” in the Rural Area. Finally, Rural Area citizens have no desire for “*strategies to fund infrastructure and services in Rural Areas*” to “*support a defined rural level-of-service.*”

## **Development Patterns Policies**

### **DP-21**

The proposed substitute Ordinance reads:

*“The County and the cities, through the Growth Management Planning Council, will collaboratively determine whether reasonable measures other than amending the Urban Growth Area are necessary to ensure sufficient additional capacity if a countywide urban growth capacity report, informed by local data and analysis where appropriate, determines that:*

- a) The current Urban Growth Area is insufficient in capacity to accommodate the housing and employment growth targets; or*
- b) Any jurisdiction:*
  - 1) Contains insufficient capacity to accommodate the housing and employment growth targets;*
  - 2) Has significant differences between development assumptions and growth targets and actual housing and employment growth; or*
  - 3) Has not achieved urban densities consistent with the adopted comprehensive plan.”*

However, at the very end the following has been removed:

~~*“Reasonable measures should be adopted to help implement local targets in a manner consistent with the Regional Growth Strategy.”*~~

Does this let rogue cities on the urban fringe, such as Black Diamond, to grossly exceed its housing unit Growth Targets? All must understand that what is happening in Black Diamond will affect all of unincorporated King County, especially its already collapsing and terribly underfunded road infrastructure.

### **DP-47**

The following changes appear in the proposed Striker:

*“Limit growth in the Rural Area to prevent sprawl and the overburdening of rural services, ~~and avoid~~minimize the need for new rural infrastructure, maintain rural character, and protect open spaces and the natural environment.”*

We believe that “*minimize*” is too weak a word and that “*avoid*” should be retained.

**DP-48**

The proposed substitute Ordinance reads:

*“Limit residential development in the Rural Area to housing at low densities that are compatible with rural character and comply with the following density guidelines....*

- a) One home per 20 acres where a pattern of large lots exists and to buffer Forest Protection Districts and Agricultural Districts;*
- b) One home per 10 acres where the predominant lot size is less than 20 acres; or*
- c) One home per five acres where the predominant lot size is less than 10 acres.*

*Allow limited clustering within development sites to prevent development on environmentally critical lands or on productive forest or agricultural lands, but not to exceed the density guidelines cited in (a) through (c).”*

We request the following be added to the end:

*“Prohibit upzones; consider downzones if property owner requested. Establish clear criteria for all rural zoning categories to protect rural character and control rural development. Reduce subsidies for rural development by adopting impact fees for transportation, fire facilities, and other public facilities that recover capital costs of serving development.”*

**DP-51**

The proposed substitute Ordinance reads:

*“Mitigate negative impacts of industrial-scale development that occurs within the Rural Area.”*

following the removal of:

*“Prevent or, if necessary, mitigate negative impacts of urban development to the adjacent Rural Area.”*

This not only weakens the policy, but also changes the focus by *only* referring to *“industrial-scale development that occurs within the Rural Area”* and not *“urban development” “adjacent Rural Area.”*

**DP-63**

We have concerns with mining sites undergoing reclamation and potential *redesignation* of uses following such reclamation. PSRC’s *Multi-County Planning Policy MPP-DP-44* states the following:

*“MPP-DP-44 Work to conserve valuable rural and resource lands through techniques, such as conservation programs, transfer of development rights, and the purchase of development rights. Focus growth within the urban growth area, especially cities, to lessen pressures to convert rural and resource areas to residential uses.”*

**MPP-DP-44** addresses future residential uses. Policies **DP-54 through DP-64** address County agriculture, forestry, and mining resource lands. Based on the concern about post-mining site reclamation uses we request the following be added to the end of **DP-63** so it would read as follows:

***DP-63** Use a range of tools, including land use designations, development regulations, level-of-service standards, and transfer or purchase of development rights to preserve Rural and Natural Resource Lands and focus urban development within the Urban Growth Area. Prohibit redesignations of resource lands (forest, agriculture, mineral) to rural residential uses.*

This change will ensure consistency with *Multi-County Planning Policy MPP-DP-44*, which does address future residential uses. It also makes up for the removal of the following in **DP-55**:

*“Avoid redesignation to non-resource uses and ...”*

### ***New DP-XX***

Because of the disconnect between CPP-agreed-to growth targets and the transportation plans of various jurisdictions, including PSRC’s *Regional Transportation Plan*, we request addition of a new *Development Patterns* policy:

*“DP-XX Develop, implement, and evaluate concurrency programs and methods that fully consider growth targets, service needs, and level-of-service standards. Focus level-of-service standards for transportation on the movement of people and goods instead of only on the movement of vehicles.”*

This would establish consistency between the CPPs and the *Multi-County Planning Policy MPP-DP-52* which states those exact same words.

## ***Economy Policies***

### ***EC-25***

The proposed substitute Ordinance reads:

*“Encourage economic activity within Cities in the Rural Area, at an appropriate size, scale, and type compatible with these communities and that does not create adverse impacts to the surrounding Rural Area and Natural Resource Lands.*

However, the following key phrase was removed from the end and should be *re-instated* to meet multiple *VISION 2050 MPPs*:

*“and will not create the need to provide urban services and facilities to those areas.”*

## **Transportation Policies**

### **T-2**

The proposed substitute Ordinance reads:

*“Avoid construction of major roads and capacity expansion on existing roads in the Rural Area and Natural Resource Lands. Where increased roadway capacity is warranted to support safe and efficient travel through the Rural Area, appropriate rural development regulations and effective access management should be in place prior to authorizing such capacity expansion in order to make more efficient use of existing roadway capacity and prevent unplanned growth in the Rural Area.”*

This policy is damaging the very rural areas that growth management is supposed to protect, by placing rural areas *subservient* to traffic between cities. We request replacing the entire text with:

*“Minimize the expansion or upgrading of rural roads to serve travel growth through the Rural Area as follows:*

- (a) Avoid construction of new roads and capacity expansion on existing roads in the Rural Area and Resource Lands, but support retrofitting of rural roads with improvements where warranted to protect nonmotorized modes of travel from conflicts with vehicular traffic and to provide for safe and efficient access to abutting rural properties.*
- (b) Coordinate the rate of future development in cities either located on the fringe of the Urban Growth Boundary or outside the Urban Growth Boundary to be concurrent with the provision of adequate capacity to serve associated traffic growth on state highways and designated Rural Regional Arterials only, so as to protect other rural roads from through traffic growth.”*

### **T-14**

The proposed substitute Ordinance reads:

*“Promote the mobility of people and goods through a multimodal transportation system based on regional priorities consistent with VISION 2050 and local comprehensive plans.”*

To meet The Growth Management Act’s *“plan consistency”* requirement, we request the following be added to the end:

*“...with enforcement of continuity and consistency of those plans among adjacent jurisdictions as required by GMA. Require consistency of city and county plans for interconnecting routes.”*

The GMA calls for *“plan consistently”* and so should the CPPs, which guide all Comprehensive Planning within the County.



## **Public Facilities and Services Policies**

### **PF-1**

PSRC's **VISION 2050 Multi-County Planning Policy MPP-PS-5** states:

***"MPP-PS-5** Do not provide urban services in rural areas. Design services for limited access when they are needed to solve isolated health and sanitation problems, so as not to increase the development potential of the surrounding rural area."*

We request the following changes be made to policy **PF-1** to be consistent with **MPP-PS-5** above:

*"Provide a full range of urban services in the Urban Growth Area to support the Regional Growth Strategy and adopted growth targets and limit the availability of urban services in the Rural Area consistent with VISION 2050. ~~Avoid locating urban serving facilities in the Rural Area. Do not provide urban services in rural areas. Design services for limited access when they are needed to solve isolated health & sanitation problems, so as not to increase development potential of the surrounding rural area.~~"*

### **PF-24**

The proposed substitute Ordinance reads:

*"Site or expand essential public facilities of regional importance within the county using a process that incorporates broad public involvement, especially from historically marginalized and disproportionately burdened communities, and that equitably disperses impacts and benefits while supporting the Countywide Planning Policies."*

Based on, and to be consistent with, *Multi-County Planning Policy MPP-PS-30*, please consider adding the following to the end, which exactly matches **MPP-PS-30**:

*"Do not locate regional capital facilities outside the urban growth area unless it is demonstrated that a non-urban site is the most appropriate location for such a facility."*

## **School Siting Policies**

Thank you for rejecting a proposed amendment by Ms. Lambert to School Siting policies (we paraphrase):

*“The recommendations of the **School Siting Task Force (SSTF)** are too stringent and forces rural kids to take long bus rides into urban areas.”*

That is not true. If *new* schools were sited *outside* of the UGA, further from the centers of population density, far more students, who live *inside* the cities, would have to endure longer rides. Also, please note all the School Districts agreed to the solutions documented by the SSTF. We are very familiar with the SSTF, as representatives from several of our organizations served as members and helped draft, discuss, and finalize its recommendations. Please note the *School Siting Task Force Report* makes up *Appendix 5* of the **Update** and that *Development Patterns* policies **DP-52** and **PF-13, 19,** and **20** all reference the *School Siting Task Force Report* and are consistent with the *Task Force’s* findings. Again, thank you for rejecting Ms. Lambert’s school siting proposals by preserving the GMPC-recommended language and, thereby maintaining the multidimensional SSTF’s diligent work.

Each of our King County Rural Area UACs, UAAs, and Organizations have expended a great deal of time and effort into trying to ensure a strong and meaningful **2021 CPP Update**. Our work included in-depth research, frequent communications/meetings with County Staff, careful preparation of detailed comments and recommendations, and submittal of same to Staff, Council M&E Committee, and the GMPC.

The process followed was arduous, yet rewarding. Each of our groups convened public meetings and communicated all work on the **Update** to members of the Public through various means. Then, each of our groups conducted its own unique approval process. Finally, each of our groups participated in regional discussions to reach consensus on all submittals.

We are proud of all these efforts by so many Rural Area citizens representing different geographic areas, diverse backgrounds, and shared issues that affect all.

We urge you to please review in depth and act on the many Rural Area citizen concerns expressed and recommendations offered herein. Thank you.

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