

February 13, 2022

To: Chris Jensen, KC Comprehensive Planning Manager: christine.Jensen@kingcounty.gov

Re: **Public Comment—KCCP 2024 Major 8-Yr Update—Scoping**

Chris,

Please accept the *Scoping* ideas herein from our Joint Team of King County Unincorporated Rural Area organizations—Enumclaw Plateau Community Association (EPCA), Friends of Sammamish Valley (FoSV), Greater Maple Valley Unincorporated Area Council (GMVUAC), Green River Coalition (GRC), Green Valley/Lake Holms Association (GV/LHA), Hollywood Hills Association (HHA), Soos Creek Area Response (SCAR), and Upper Bear Creek Unincorporated Area Council (UBCUAC).

We endeavor to review, consult, and develop solutions on issues of interest to people who live in a wide expanse of King County's unincorporated rural areas. Each of our organizations considers its work on the King County Comprehensive Plan (KCCP) as one of its most important duties.

Contained herein please find a set of *Scoping* ideas that encompass KCCP Policy changes and/or changes to King County Code. We encourage you to please consider these to minimize unintended negative consequences as you proceed on the subject Update.

We wish to continue an open dialogue with you on the **KCCP 2024 Major 8-Yr Update**.

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Docket Form

King County Comprehensive Plan

Date			
I. Applicant Information			
Name <i>(if multiple, list all)</i>	Greater Maple Valley Unincorporated Area Council (GMVUAC); Enumclaw Plateau Community Association (EPCA); Green Valley/Lake Holm Association (GV/LHA); Soos Creek Area Response (SCAR); Upper Bear Creek Unincorporated Area Council (UBCUAC); Hollywood Hills Association (HHA); Green River Coalition (GRC); and Friends of Sammamish Valley (FofSV)		
Property Address	N/A		
Phone	N/A	Email	N/A
Council District	3, 7, & 9		

II. Type of Request <i>[These all are Scoping Items for initial consideration]</i>			
Comp. Plan Policy or Text Amendment		Land Use Designation Amendment	
Development Regulation Amendment		Zoning Classification Amendment	
Four to One Proposal		Other	
Has this been submitted previously?	Yes	No	If yes, please indicate the year
If yes, what was the outcome?			

III. Amendments to Comprehensive Plan Policy or Text, or Development Regulations	
<p>Additional Information for 2024 Update to the King County Comprehensive Plan: Over the coming months, King County will be developing a scope of work for the next update. If you have ideas and suggestions, please share them! And, consider joining the Comprehensive Plan <u>mailing list</u> to get updates as we move towards key milestones in the project. Thank you for participating in the next update as we plan for the coming 20 years!</p>	
Requested Change?	See pp. 4-7.
If addressed already in the plan or code, what change is needed?	See pp. 4-7.
Why is this amendment needed?	See pp. 4-7.
What are the expected or desired outcomes of this change?	TBD as KCCP Update process proceeds.
What are the potential positive or negative impacts of this change?	TBD as KCCP Update process proceeds.
How is this amendment consistent with the Growth Management Act?	All proposed Scoping Items in the attached are consistent with GMA provisions for the Rural Area.

IV. Amendments to Property Specific Land Use and Zoning <i>[N/A]</i>	
General Location	

Total Acres			
Tax Parcel ID (if multiple, list all)			
Current Land Use Designation	Click here	Requested Land Use Designation Amendment	Click here
Current Zoning Classification	Click here	Requested Zoning Classification	Click here
Is there a Special District Overlay or Property Development Condition?			
Requested Change and Rationale			
Proposed Use of Parcel			
How will change affect adjoining parcels?			
How is change compatible with the surrounding area?			
Additional information?			

For property owner representatives: <i>[N/A]</i>			
Name		Email	
Phone		Click to testify you have authorization to submit a docket for this property owner.	

How to Submit a Docket Form:

- Save the Form to your computer, fill it out, and then email it to: compplan@kingcounty.gov.
- Due to the covid pandemic, paper copies are not being accepted.

Background on King County Docket Process

The Docket process responds to the requirements of the Growth Management Act at 36.70A.470 and is codified at the King County Code Title 20.18.107 and .140. Docketing means compiling and maintain a list of suggested changes to the comprehensive plan or development regulations in a manner that ensures suggested changes are considered by the county and are available for review by the public. June 30 is the annual docket deadline. There is no fee for submitting the docket form. To download this form electronically or learn more about the Docket Process, visit: <http://www.kingcounty.gov/compplan/>

1. Event Centers

Event Centers are not defined in KC code and, therefore, not allowed in the Rural Area. However, the Winery/Brewery/Distillery (WBD) controversy opened a can of worms. There are several entities that just want *Event Centers*, and they thought they were going to get them through the WBD legislation. That seems highly unlikely at this point, given the conflict with the GMA. However, we fear is that if these people don't get Event Centers as part of WBD legislation, they will come back to the County and try to get them another way.

Consequently, we seek a KC Code change such that Event Centers, as “*stand-alone*” operations, are not allowed in the Rural Area and on Ag-zoned parcels. We also seek a definition for *Special Events* be included in the KC Code.

2. Rural Area As Receiving Site for TDRs

Existing KCCP Policy **R-313** states: “*The purpose of the Transfer of Development Rights Program is to reduce development potential in the Rural Area and designated Natural Resource Lands, and its priority is to encourage the transfer of development rights from private rural properties into the Urban Growth Area.*”

This should be retained and language should be made clear that parcels in the Rural Area should not be receiving sites.

3. Agricultural Production District Mitigation

In the **2020 KCCP Mid-Point Update** the KC Council rejected this Line Amendment:

“Amends mitigation requirements for when land is removed from an agricultural production district. Land is required to be replaced at a 1:1 ratio in the same agricultural production district, at a 1.5:1 ratio in a different agricultural production district, or 2:1 ratio for the financial value of the land if no other land is available.”

The *existing* code language that requires a 1:1 swap in the *same* Agricultural Production District (APD) should be retained and strengthened.

BACKGROUND RATIONALE:

The effect of the failed language above is that speculators will buy land in close-in APDs near urban centers (such as the Sammamish Valley APD) and try to swap it out for land in APDs that are in farther flung corners of the County. This will destroy the close-in APDs. Even worse, the subsequent line amendment allows for financial consideration. All a speculator has to do is pay off at twice the value in cash and they can sit on farmland.

It might be argued that speculators won't get development rights from permitting, but there is never a guarantee. Further, any sign that the Council is weakening protections for APD farmland means speculators will be more encouraged to buy and hold for a future weakening. Even if a speculator can't get it developed in the near term, just sitting on it—which they can usually afford to do—means it is not leasable to farmers. Farmers require 10-year leases to justify the improvements they must make to the land. Speculators won't do long-term leases to farmers, removing access to APD farmland for farmers, which fundamentally destroys farming.

Speculation is not theory. This situation already exists in the Sammamish Valley APD, where speculators (and WBD violators) are just sitting on APD farmland waiting to see what happens with the WBD code. They ultimately want to commercialize the APD land and are willing to wait out the legal process to see if they will be able to do so, and to what extent. Weakening the swap rules puts yet another “For Sale” sign on farmland and signals to speculators the tide is turning in their direction.

Also important to consider is that an APD ecosystem need to maintain enough protected acreage and rural buffer areas to remain ecologically viable for farming. Chipping away bit by bit at rural buffer areas and the farmland itself can set in motion a chain reaction that ultimately renders the entire APD unusable for farming.

4. Pacific Raceways Map Amendment

In the **2020 KCCP Mid-Point Update** the KC Council approved this Line Amendment:

“Modifies Map Amendment 9 to modify the uses allowed on the site, the reversion of the zoning to RA-5 if the racetrack use is abandoned, the procedural and substantive requirements for a conservation easement, and a process to undo the changes in the Map Amendment if the requirements of the conservation easement aren’t met.”

We refer to **Map Amendment 9: Pacific Raceways** contained in the adopted KCCP, Attachment D to Ordinance 19146: “*Amendments to Land Use and Zoning Maps 2020 update to 2016 King County Comprehensive Plan,*” dated July 20, 2020 (https://kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/2020-Comprehensive-Plan-Update/2020-CompPlan-Adopted/2020_KCCP_Attachment_D_MapAmendments.ashx?la=en).

We seek changes to the Pacific Raceways Map to reflect:

- (1) Recently enacted conservation easement with Pacific Raceways which additionally requires revegetation of the currently disturbed areas within the conservation easement area.
- (2) Buffer requirement on the steep slopes in the northwest area of Pacific Raceways property where Soos Creek flows.

5. Non-Resource Industrial Uses in the Rural Area

We seek to strengthen KCCP Policy language. “*Non-Resource Industrial Uses in the Rural Area*” were addressed during the **2020 KCCP Midpoint Update** KC Council deliberations and striker proposals, some of which sought to “*Modif(y) 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.*” That was completely *inconsistent* with *existing* policy and the *SEPA* review, e.g., 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 were last-minute changes that were not well thought-out, nor vetted, and had no place in the *Update*, as they would have allowed *new* sites to be added during any annual update and allow them to be located anywhere in the Rural Area. Fortunately, our concerns were heeded by the KC Council when it decided to retain the *existing* KCCP language.

We seek to retain the existing language and strengthen it, as non-resource industrial-scale facilities simply do not belong in the Rural Area.

6. Non-Hydroelectric Facilities in the Rural Area

Current County Code **TITLE 21A.08.100 Regional land use** allows such facilities in the Rural Area under Development Conditions 12 and 29 using a CUP or SUP, respectively. Such facilities should not be sited in the Rural Area.

At a minimum, all such facilities sited in the Rural Area should require a SUP and the requirements under Development Condition 29.

7. Property Specific Development Standards/Special District Overlays

We are concerned with existing standards for *alternative* development for sites with unique characteristics not addressed by the general zoning requirements of KC Code. These include “*Property Specific Development Standards*” (-P Suffix) and the designation for “*Special District Overlay*” (-SO Suffix), as described in County Code **Chapter 21A.38, General Provisions- Property Specific Development Standards/Special District Overlays**.

We seek changes to **Chapter 21A.38** that would tighten up language on definitions and requirements related to both the -P and -SO suffixes.

8. Demonstration Projects in the Rural Area

KC Code **Title 21A.55 DEMONSTRATION PROJECTS** states in **21A55.010 Purpose** that: “*All demonstration projects shall have broad public benefit...*” However changes in code language are needed that backs up and reinforces this purpose.

For example, **21A55.105 Regional motor sports facility – master planning process demonstration project** and **21A55.1010 Remote tasting room – demonstration project A** do not belong in the Rural Area.

9. Surface Water Management—Drainage Districts

Proper Surface Water Management (SWM) requires Drainage Districts to have their activities directed and managed by King County, otherwise Drainage Districts should be re-thought and King County perform their functions, including maintaining ditches/waterways.

We seek changes to King County Code to address this issue.

10. Cumulative Impacts of Mineral Extraction Operations

Limitations are needed on the number of mineral extraction sites in a Subarea. Mitigation of *collective* impacts on roads, safety, environment need to be systematically addressed per King County goals to reduce Greenhouse Gas (GHG) emissions 80% by 2050.

In addition, operations at mineral extraction sites should not include material processing/debris storage/disposal operations (no stumps, or “*inert material*” allowed from offsite), as allowing same creates additional impacts and makes mitigation within a Subarea much more difficult to identify and monitor.

Although we have more research to conduct here, we cite the following KCCP Policies: **R-616**, **R-681**, **R-686**, and **R-690**. We seek appropriate changes in KCCP Policy and King County Code, as necessary.

11. Code Compliance for Permitting on Resource Lands

It is important that King County retain productive resource lands—mines and forests. However, due to lack of enforcement of King County Code and specific Permit Conditions, the retention of productive resource lands is in jeopardy. When bad actors continue to have compliance issues, yet continue to receive permit after permit, the system begins to fall apart. Besides the obvious long-term environmental issues that arise, such behavior costs King County money.

We seek changes in King County Code, so that permits are not granted to applicants with outstanding compliance issues on the same or other applicant-owned properties. We see that the Rural Forest Commission (RFC) possesses the similar concerns (see the soon-to-be-published **King County Rural Forest Commission Strategic Priorities: Recommendations and Actions for Conservation of Forestland in King County**, January 2022—Focus Area 1: Protection, Restoration, and Stewardship of Private Forestland; *1.6.7 Revise King County Code so that permits are not granted to applicants with outstanding compliance issues on the same or other applicant-owned property.*)