

April 22, 2022

To: **KC Council Local Services and Land-Use Committee:** kcccomitt@kingcounty.gov

Re: **Public Comment—KCCP 2024 Major Update—Executive’s Recommended Scope**

Please accept the subject *Comments* herein from our Joint Team of King County Unincorporated Rural Area organizations (*) as you review the Executive’s recommended SCOPE for the **King County Comprehensive Plan (KCCP) 2024 Major Update** at your April 26 and May 24 meetings

We conducted an in-depth review of the Executive’s recommended SCOPE. We offer both comments on same, as well as *additional* items to consider as your committee develops and recommends a final SCOPE to the full Council. Our *Comments* encompass KCCP Policy changes and/or changes to King County Code. We encourage you to please consider these to minimize unintended negative consequences to the Rural Area as you proceed on the **KCCP 2024 Major Update**.

Herein our *Comments* deal with the four **Focus Areas** in the Executive’s recommended SCOPE:

I. Pro-Equity — We fully support and offer no comment.

II. Housing — We fully support and offer no comment.

III. Climate Change & Environment — We fully support, but offer specific comments on the 4:1 *Program Review* and the *Transfer of Development Rights Program*. (see pp. 2-3)

IV. General — We offer extensive comments (see pp. 4-7), as well as offer several *additional* items (see pp. 7-11) for inclusion in your recommended SCOPE to the full Council.

Our Joint Team endeavors to review, consult, develop, and offer 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 KCCP one of its most important duties and responsibilities. Indeed, our Joint Team has been through multiple KCCP Major Updates (including the 2020 Mid-Point Update) with some of our member organization’s work on same going back nearly 20 years to the **2004 KCCP Major Update**.

We wish to continue an open dialogue with the Executive’s staff, your committee, and the full Council on the **KCCP 2024 Major Update**.

(*) *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 Hill Association (HHA), Soos Creek Area Response (SCAR), and Upper Bear Creek Unincorporated Area Council (UBCUAC).*

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Focus Area — I. Pro-Equity — *Support.*

Focus Area — II. Housing — *Support.*

Focus Area — III. Climate Change & Environment

Scoping Topic	Possible Issues to be Evaluated	Joint Rural Area Team Comments
<p>A. Alignment with and advancement of 2020 Strategic Climate Action Plan to reduce greenhouse gas emissions, support sustainable and resilient communities, and prepare for climate change</p>	<ol style="list-style-type: none"> 1. Build on the goals of House Bill 1099, which did not pass the state legislature in 2022, by strengthening the County's climate policies and regulations to reduce greenhouse gas emissions and increase resiliency to local climate impacts 2. Advance environmental justice and reduce climate-related health impacts 3. Increase climate resilience by supporting investments in urban green spaces, including in Skyway and North Highline 4. Support decarbonization/elimination of fossil fuel use in the built environment and increase affordable and equitable access to energy efficiency and decarbonization programs 5. Reduce transportation-related emissions 6. Examine development regulations in wildfire risk areas 7. Support development of and access to green jobs that advance sustainability and living wage opportunities and increase representation and access for low-income populations; Black, Indigenous, and other People of Color; and immigrants and refugees 	<p><i>1. thru 7. Support.</i></p>
<p>B. Integrate and implement Clean Water, Healthy Habitat goals</p>	<ol style="list-style-type: none"> 1. Update shoreline armoring regulations 2. Support net ecological gains and accelerate improvements to salmon habitat and removal of barriers to fish passage 3. Improve integrated floodplain management 4. Advance key Farm, Fish, Flood goals 	<p><i>1. thru 4. Support.</i></p>

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<p>C. Increase land conservation</p>	<ol style="list-style-type: none"> 1. Increase open space investments to help eliminate disparities in access, especially in urban areas such as Skyway and North Highline 2. Review Four-to-One Program 3. Strengthen Transfer of Development Rights Program 	<p>1. Support.</p> <p>2. We seek to participate in this review to ensure the successful 4:1 Program continues to thrive.</p> <p>3. Support. We’ve initiated dialogue with Transfer of Development Rights (TDR) Program Manager, Michael Murphy, to ensure key KCCP policies are strengthened:</p> <p>“R-309 The RA-2.5 zone has generally been applied to Rural Areas with an existing pattern of lots below five acres in size that were created prior to the adoption of the 1994 Comprehensive Plan. ... A subdivision at a density of one home per 2.5 acres shall only be permitted through the TDRs from property in the designated Rural Forest Focus Areas. The site receiving the density must be approved as a TDRs receiving site in accordance with the King County Code.”</p> <p>“R-313 The purpose of the TDRs 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.”</p> <p>“R-319 TDRs may be used on receiving sites in the following order of preference as follows: ... d. Rural Areas zoned RA-2.5 ... may receive transfers of development rights, but only from the Rural Forest Focus Areas.”</p>

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Focus Area — IV. General

Scoping Topic	Possible Issues to be Evaluated	Joint Rural Area Team Comments
A. Implement unincorporated area-related changes from the CPPs	<ol style="list-style-type: none"> 1. Adopt new housing and jobs growth targets for unincorporated King County 2. Evaluate designating Skyway and North Highline as countywide centers 	<ol style="list-style-type: none"> 1. <i>Support.</i> 2. <i>No comment.</i>
B. Implement Subarea Planning Program	<ol style="list-style-type: none"> 1. Evaluate possible unincorporated-wide policies and regulations for applicable issues raised during subarea planning processes 2. Vashon p-suffix and special district overlay review 	<ol style="list-style-type: none"> 1. <i>All Community Service Area (CSA) Subarea plans need to be completed first.</i> 2. <i>No comment.</i>
C. Update transportation policies <i>(continued on next page)</i>	<ol style="list-style-type: none"> 1. Support equitable access to mobility options and invest in transit services where the needs are greatest, especially for low-income populations; Black, Indigenous, and other People of Color; and immigrants and refugees 2. Support investments to increase safe access to public transit <i>(continued on next page)</i>	<ol style="list-style-type: none"> 1. & 2. <i>Primarily are of interest inside Urban Growth Area (UGA), where most transit service exists. Rural Area (RA) improvements should take these forms:</i> <ul style="list-style-type: none"> • <i>Demand-responsive (dial-a-ride) transit will be more effective than fixed-route operations to provide transit-dependent RA residents with similar mobility options that 1. explores for a more diverse range of underserved groups.</i> • <i>Tailored high-capacity, high-speed transit is needed to provide commuter runs between isolated outlying cities to urban core area jobs.</i> <p><i>A growing number of such commuters congest Rural Area (RA) roads, devastating quality of life the Growth Management Act (GMA) was meant to protect. Less commuting by cars is also a climate change priority, and thus need to prioritize peak period express transit service to outlying cities.</i></p> <i>(continued on next page)</i>

KC Executive’s SCOPE—Joint Rural Area Team’s **Comments**

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<p>C. Update transportation policies <i>(continued from previous page)</i></p>	<p>3. Advancing integrated approaches to enhanced traffic safety for all users, such as supporting complete streets and equitable infrastructure investments</p> <p><i>[Note: T-208’s “rural regional corridors” are not defined in the Appendix C—Transportation Needs Report as currently is cited.]</i></p> <p>4. Make Urban Growth Area boundary corrections for road rights-of-way No comment.</p>	<p>3. Rural Area (RA) roads are being overwhelmed by commuter flows between isolated outlying cities and the urban core. State highways should serve that function, but are too few and far between, thus excess volume uses many county roads. King County (KC) has designated four “rural regional arterials” for that purpose to implement policy T-208. But at least two dozen other KC minor and collector arterials are now forced to serve traffic far above historic levels. RA residents along those roads are being deprived of safe access during peak commuter periods—several hours each day. The Level of Service (LOS) for local access movements (not through movements) in that situation varies from D to F, whereas the LOS standard in the RA is B. From the local access perspective many RA roads are fail concurrency. High volumes also make them unsafe for pedestrians and bicyclists. KC must work with outlying urban jurisdictions to alleviate this.</p> <p>We support Complete Streets policies applied to RA roads, as well as the Federal Safe System Approach, traffic calming techniques, and funding priority to mitigate these impacts in the RA caused by the rapidly growing use of rural roads by urban commuters, in direct opposition to GMA intent.</p> <p>Current policies T-208, T-209, and T-210 provide guidance about capacity for through movements, where such need is paramount. Missing is support for a fundamental requirement of the GMA to preserve and protect the RA from urban encroachments. We recommend adding a new policy:</p> <p>“T-2XX King County shall seek to mitigate adverse impacts on local access movements of high volumes of through travel using rural county roads, by a range of traffic operations and road reconstruction strategies including traffic calming, complete streets design, Federal Safe Systems Approach, and travel-demand management.”</p> <p>There is also a need for policy to focus on the safety of active transportation in the presence of high traffic volumes on RA roads. As a practical matter this should focus on selected locations of highest priority, such as blind curves, blind hillcrests, and high activity areas. We recommend adding a new policy:</p> <p>“T-2YY King County shall endeavor to improve the safety and utility of the rural arterial network for active transportation, by making improvements to separate active transportation from high traffic volumes in those spot locations where the conflict between modes is accentuated by adverse topography or by high levels of active transportation. Complete re-construction of long road sections for this purpose is not intended.”</p>

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<p>D. Review rural and natural resources regulations</p>	<p>1. Advance key Farm, Fish, Flood goals</p> <p>2. Increase the amount of farmland in active production</p> <p>3. Evaluate regulations for resorts in the rural area</p> <p>4. Review mineral processing regulations in forest zones</p> <p><i>[Note: This needs to look beyond just the “forest zones.”]</i></p>	<p>1. Support.</p> <p>2. Support. The existing code language that requires a 1:1 swap in the same Agricultural Production District (APD) should be strengthened. The effect of several proposed amendments by a former King County Councilmember, which failed last year (“Amends mitigation requirements for when land is removed from an APD. 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.”), would have allowed for speculators to buy land within 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 would destroy the close-in APDs. Even worse, the subsequent line amendment would have allowed for financial considerations to be taken into account, such that all a speculator would have to do is pay off at twice the value in cash and they can sit on farmland. Consequently, KC Code and KCCP Policies regarding APDs must be strengthened and made “bulletproof.”</p> <p>3. Resorts do not belong in Rural Area (RA). Event Centers are not defined in KC Code and, therefore, not allowed in the RA. Several entities just want Event Centers, and thought they would get them through the Winery/Brewery/Distillery (WBD) legislation. We fear they again will 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 RA and on Ag-zoned parcels. KC Code needs a definition for Special Events.</p> <p>4. Support (please see our KCCP Annual Docket Request submitted in 2021). 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 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. We seek appropriate changes in KCCP Policies: R-616, R-681, R-686, R-690, etc. and KC Code: 21A.22.—050, 060, 081, etc., as necessary.</p>

KC Executive’s SCOPE—Joint Rural Area Team’s **Comments**

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<p>E. Advance public Docket amendment requests, where appropriate</p>	<ol style="list-style-type: none"> Evaluate Vashon grange retail proposal Review materials processing standards in rural area 	<p>1. No comment.</p> <p>2. Support (please see our King County Comprehensive Plan (KCCP) Annual Docket Request submitted in 2021). KC Code 21A.06.742 Materials Processing Facility allows facilities engaged in: “... preparing earth materials, ... and is not final disposal site” on RA-zoned parcels. Much could be improved here, particularly to be more protective of rural character. For example, potential changes should be made to in the Code Development Conditions tables, in particular: consideration of size of parcel, setbacks, impervious surface requirements, noise controls, reducing fire risk, provisions for fire protection on site, etc. Currently, concerns exist with construction and demolition materials shipped from far and wide to such sites to be “processed,” clearly going beyond the original permits.</p> <p>We seek a separation of different regulations of mining vs. material processing. For example, KC Code 21.08.080 Manufacturing Land Uses (and its affiliated Development Conditions) should be re-assessed.</p>
<p>NEW—Non-Residential Uses in Rural Area: Resource Industrial Uses and Facilities</p>	<ol style="list-style-type: none"> Strengthen King County Comprehensive Plan (KCCP) Chapter 3—Rural Area & Natural Resource Lands: <ul style="list-style-type: none"> III.—Rural Densities & Development, D. Nonresidential Uses: Policies R-324 thru R-329 IV. Rural Public Facilities & Services: Policies R-401 thru R-403 IV. Rural Public Facilities & Services, D. Non-Resource Industrial Uses & Development Standards in the RA: Policies R-512 thru R-515 Do not allow new sites to be added during annual Docket process 	<ol style="list-style-type: none"> Rural Area (RA) residents have continually had to fight against many industrial and non-industrial uses that do not belong in the RA. We do not agree that industrial uses belong in the RA. Further, there have been continual attempts by various entities since GMA went into effect to site schools, mega-churches, wineries/breweries, and other retail/commercial uses in the RA and/or to seek improper urban rezoning to enable such uses. All of these Growth Management Act (GMA)-flaunting attempts have taken enormous effort to oppose (and several were nonetheless approved by action or inaction by King County). The pressure to site GMA-designated urban facilities in the RA will only increase and King County must clarify and tighten restrictions to prevent such inappropriate uses. The annual Docket process should not be used as a “back-door” way to add new sites.

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<p>NEW—Non-Hydro-electric Facilities in Rural Area</p>	<p>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</p>	<p>Such facilities should not be sited in the Rural Area (RA). Current Code Title 21A.08.100 Regional land use table is not consistent with the King County Comprehensive Plan (KCCP) Policies R-201, R-324, R-402, R-403, R-512, R-513, F-228, F-229, F-230, F-324, and F-325. At a minimum, all such facilities sited in the RA should require a Special-Use Permit (SUP) and the requirements under Development Condition 29.</p>
<p>NEW—Property-Specific Development Standards/ Special District Overlays</p>	<p>Existing standards for alternative development for sites with unique characteristics are 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 Chapters: 21A.38.030 Property-Specific Development Standards - General Provisions and 21A.38.040 Special District Overlays - General Provisions.</p>	<p>Although Subarea planning can look at standards for <u>specific</u> sites, we seek changes to Chapter 21A.38 that would tighten up <u>general</u> language on definitions and requirements related to both the property-specific -P and Special District Overlay -SO suffixes.</p>

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<p>NEW— Demonstration Projects in Rural Area</p>	<p>KC Code Title 21A.55 DEMONSTRATION PROJECTS states under: 21A55.010 Purpose — "All demonstration projects shall have broad public benefit...."</p>	<p><i>For example, 21A55.105 Regional motor sports facility – master planning process demonstration project and 21A55.110 Remote tasting room – demonstration project A do not belong in the Rural Area, as neither meets: 21A.55.030 Demonstration project - general provisions. "B. Demonstration projects must be consistent with the King County Comprehensive Plan. Classification of a demonstration project and its provisions to waive or modify development standards must not require nor result in amendment of the Comprehensive Plan nor the Comprehensive Plan land use map."</i></p> <p><i>Specifically, 21A55.105 Regional motor sports facility – master planning process demonstration project has had many problems fulfilling the many promises made by Pacific Raceways to garner the Demonstration Project designation for its development. A myriad of warehouse facilities to support experimentation with next generation racing vehicles, including vehicles utilizing electric vehicle technology in the racing arena, has consistently been years behind the promised schedule, years behind the promised incremental net new, ongoing jobs for the community, and has consistently not met its promises for environmental protections, including noise pollution. Even with the broadest interpretation of "broad public benefit", this ongoing Demonstration project does not meet the spirit of this term. As a result, Pacific Raceways continues to operate, on its roughly 300 acres, essentially an entertainment venue racing facility with ideas of growing well beyond the current laws/agreements governing its development and operations. Ultimately, this Demonstration project likely will require changes to the Comprehensive Plan land-use map that reflect those current zoning restrictions to protect an incredibly environmentally sensitive area which sits in the Soos Creek watershed, one of the largest salmon breeding grounds in the lower 48 United States.</i></p> <p><i>Specifically, 21A55.110 Remote tasting room – demonstration project A was included in the invalidated Adult Beverage Ordinance (ABO). It would not have provided a "broad public benefit" and was unnecessary because the purported study topics could be easily enough observed by looking at existing tasting room businesses operating legally inside the Urban Growth Area (UGA), across the street from the Demonstration Project A properties. Fortunately, this concept has been abandoned in the new ordinance being worked up to replace the invalidated ABO (Ordinance 19030).</i></p>

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<p>NEW— Demonstration Projects in Rural Area (continued from previous page)</p>		<p>Further, such demonstration projects do not meet multiple and comparable Policies such as: <u>PSRC’s VISION 2050:</u> ”MPP-DP-37 Ensure that development occurring in rural areas is rural in character and is focused into communities and activity areas” <u>2021 King County Countywide Planning Policies (CPP) Update:</u> “DP-47 Limit growth in the Rural Area to prevent sprawl and the overburdening of rural services, minimize the need for new rural infrastructure, maintain rural character, and protect open spaces and the natural environment;” <u>2020 KCCP Mid-Point Update:</u> “R-301 A low growth rate is desirable for the Rural Area, including Rural Towns and Rural Neighborhood Commercial Centers, to comply with the State Growth Management Act, continue preventing sprawl and the overburdening of rural services, reduce the need for capital expenditures for rural roads, maintain rural character,...”</p>
<p>NEW—Rural Neighborhood Commercial Centers and Mixed-Uses— Zoning</p>	<p>Clarify that, in Neighborhood Business (NB), Commercial Business (CB), and Regional Business (RB) zones, mixed uses (housing and retail/ service) are allowed <u>only</u> when inside the Urban Growth Area (UGA) or in a Rural Town, not in the Rural Area. This “loophole” already was exploited in a permit application submitted in 2018 (since approved) at the intersection of Cedar Grove Rd & Issaquah-Hobart Rd.</p>	<p>Originally asked for in 2017 and handled by Chris Jensen when at King County (KC) Department of Local Services (DLS)-Permitting. The King County Council was about to vote on this when it was pulled from the 2018 Omnibus Package. The King County Council-proposed changes were:</p> <p>21A.04.090 Neighborhood business zone. — “...2. Allowing for mixed use (housing and retail/ service) developments <u>in the urban area and in Rural Towns.</u> ((and for)) <u>Townhouse developments are permitted as a sole use on properties in the urban area with the land use designation of commercial outside of center; and....”</u></p> <p>21A.04.100 Community business zone. — “...2. Allowing for mixed use (housing and retail/ service) developments <u>in urban areas and in Rural Towns;</u> and....”</p> <p>21A.04.110 Regional business zone. — “...4. Allowing for mixed use (housing and retail/ service) developments <u>in urban areas and in Rural Towns....”</u></p> <p>In January 2022 we were told by KC DLS Permitting Division Director, Jim Chan, that it would be handled in the 2024 KCCP Update. We support the above Council-proposed changes.</p>

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<p>NEW—Home Occupation and Home Industry Zoning</p>	<p><i>Reconsider the residential requirements for Home Occupation (HO) and Home Industry (HI) zoning. Return to the original (pre-2008) stipulations for HO and HI in A, F and RA zones to require the property be the primary residence of the business owner. also, return to the original (pre-2008) stipulations to include outbuildings and garages in square-foot calculations of what is permissible to use for activities and/or storage by a HO enterprise.</i></p>	<p><i>Over the years there have been many problems associated with what a real Home Occupation (HO) and Home Industry (HI) is, including associated code enforcement issues that linger for years.</i></p> <p><i>The original intent of allowing HO’s and HI’s to exist in our Rural Areas is implicit in the title word “Home” — in the home of the business owner. Changes in 2008 removed this requirement, replacing it with a vague reference to “residents of a dwelling”. This has resulted in a significant expansion of commercial activities in neighborhoods and resource lands that are incompatible with our Growth Management Act (GMA) goals of protecting rural resources and character.</i></p> <p><i>A primary residence can be verified in a number of ways. A palate of options could be provided to a person to prove their primary residence.</i></p> <p><i>Another concern deals with total square footage of facilities on a property used for an HO business. Allowing outbuildings and garages to be used without ANY limits greatly expanded the scale of what can occur as an HO. While HI’s are a conditional use, HO’s are simply permitted, per KC Code 21A.08.030 Residential land uses.</i></p> <p><i>For example, we seek changes to: 21A.30.085 Home occupations in the A, F and RA zones. ... “B. Areas within garages and storage buildings shall not be considered part of the dwelling unit and may be used for activities associated with the home occupation;...” and 21A.30.090 Home industry. ... “C. Areas within attached garages and storage buildings shall not be considered part of the dwelling unit for purposes of calculating allowable home industry area but may be used for storage of goods associated with the home industry;...”</i></p>