

January 17, 2023

To: Ivan Miller, SEPA Responsible Official ivan.miller@kingcounty.gov
cc: Chris Jensen, KCCP Manager chris.jensen@kingcounty.gov
David Daw, KC DLS External Relations Manager ddaw@kingcounty.gov

Re: Response to Comments Received on EIS Scoping for 2024 KCCP Major Update

Ivan,

Our Joint Team of King County Rural Area UACs / UAAs/ Organizations (*) has been working on various aspects to the 2024 KCCP Major Update (Update) for over a year with KCCP Manager, Chris Jensen. One of our first major actions was to provide extensive comments to the King County Council on the Update's Scoping. Our comments were included in the Parametrix *King County Comprehensive Plan Scoping Summary Report (Report)* dated October 2022.

We recently became aware of the *Report* and have now reviewed all the comments included therein. The *Report* includes comments from individuals and four organizations: Futurewise, the King County Component of the Puget Sound School Coalition (PSSC-KCC), the Washington Aggregates & Concrete Association (WACA), and ourselves. We generally have no issues with the comments provided by Futurewise. However, we have several concerns with the comments provided by PSSC-KCC and WACA.

Herein we provide their submitted comments in full, along with our concerns and specific related Recommendations/Rationale to be considered in both the Update's Environmental Impact Statement (EIS) and Public Review Draft (PRD).

Thank you.

(*) *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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King County Component of the Puget Sound School Coalition (PSSC-KCC)

August 31, 2022

Via Email: ivan.miller@kingcounty.gov
King County
Office of Performance, Strategy and Budget Attn: Ivan Miller
Chinook Office Building
401 Fifth Avenue, Suite 810
Seattle, WA 98104

Re: Comments – 2024 King County Comprehensive Plan EIS Scope

Dear Ivan:

The King County Component of the Puget Sound School Coalition¹ (the “School Coalition”) submits these comments regarding the scope of the Environmental Impact Statement (“EIS”) for the 2024 update to the King County Comprehensive Plan (the “Comprehensive Plan Update”). The Coalition is an active participant in regional planning efforts as related to needed school capacity and school siting considerations. As population across King County continues to grow, school capacity needs remain critical, particularly given increasing challenges with locating developable land and in the project permitting process. The School Coalition views King County as a partner in its school siting efforts and requests that the County continue to prioritize this necessary public infrastructure as a part of this planning exercise.

The School Coalition agrees with the lead agency’s identification of public services and utilities as one environmental area for discussion in the EIS. As you know, the Growth Management Act (GMA) specifies a planning goal to “[e]nsure that public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.” RCW 36.70A.020(12) (“GMA Goal 12”). The GMA definition of “public facilities” and “public services” include schools and education, respectively. RCW 36.70A.030(12) and (13). New development affects significantly a public school district’s capacity through enrollment increases resulting from the construction of new dwelling units and by further reducing land available for school capacity construction. Related impacts occur when students must travel further across a school district to reach available school capacity.

The School Coalition recognizes that much of the anticipated growth within King County will occur within the incorporated areas of the County and, as such, members intend to provide input to their various cities as they plan for their own comprehensive plan updates. However, consistent with adopted Countywide Planning Policy PF-22 (formerly PF-19A) and PF-23, the County plays an important role in working collaboratively with the school districts and partner jurisdictions to develop and implement strategies for assuring adequate school capacity (including early learning opportunities). This cooperation is particularly important given (1) the County’s directive for new schools to be located within the urban growth boundary; and (2) that boundaries of Coalition member districts include multiple jurisdictions (including the unincorporated area). As such, the EIS should consider mitigation measures that:

We strongly support the directive for new schools to be located *within* the Urban Growth Boundary (UGB). It would be illogical and damaging for environmental protections, conservation and climate change goals for schools to locate outside the UGA when the vast bulk of students live in urban areas. *Rethinking and redeveloping existing urban parcels for schools is a far better approach.* Schools can be multistory, sports facilities can be shared, and there are many other ideas to use smaller parcels or redevelop existing urban parcels. Property may be more expensive initially, but transportation, service and delivery costs will be less expensive and less environmentally damaging over time.

- *Prioritize a school district’s ability to purchase surplus County property located within the school district’s boundaries;*
But only within the UGA.
- *Emphasize the County’s priority for sharing use of its public properties with school districts where logical and practical;*
But only within the UGA.
- *Permit playfields on land in the rural area directly adjacent to school sites located within the urban area and with direct access from the urban area;*
This should be on a site-specific basis and not an approved tool for locating all schools with playfields. The playfields allowed should meet a Conservation Futures Tax (CFT) levy type criteria in keeping with the character of the rural land they are located on. This means passive use only and impervious surface

and small play structures on less than 15% of the property. This likely limits the use of this tool to elementary schools only.

- *Allow school districts to access the Four-to-One Program in a practical and cost-effective manner;*
We cannot comment on this as the Four-to-One Program is undergoing review at this time. While a School District currently should be able to access the Program (like any other property owner), there should be no special consideration or concessions.
- *Require regular review and updates to local regulatory approaches, including code requirements and permitted uses in zones, with the intent to facilitate and prioritize the siting of schools;*
It is impossible to know what this means without more specifics. However, it is clear, whatever specific approaches, requirements, permitted uses, etc. are identified, they should only be considered and applied *within* the UGA.
- *Ensure new residential development pays its fair share of costs of needed school capacity and that the County's existing school impact fee program is not compromised; and*
- *Advance the ability of school districts, as providers of education (including early learning services) and community spaces, to play a key role in the County's overall planning processes.*
As well as broad outreach to community groups and residents.

We recognize that existing King County Comprehensive Plan policies provide a basis for some of the above measures and anticipate that those policies could be strengthened to reflect the County's continuing school siting priorities.

Ever since the 2011/2012 School Siting Task Force (several members of the Joint Team's organizations served on the SSTF), we have consistently tried to ensure the language in *existing* KCCP Policies meets the needs of all parties. We believe that language has served, and continues to serve, all parties well. We see no reason to change it.

The Coalition appreciates the opportunity to provide these comments. Please add my name, on behalf of the Coalition, as an interested party for purposes of the EIS process and the Comprehensive Plan Update.

Sincerely,

PACIFICA LAW GROUP LLP

Denise L. Stiffarm

cc: Members, Puget Sound School Coalition – King County Component

Washington Aggregates & Concrete Association (WACA)

King County Office of Performance, Strategy and Budget
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August 31, 2022

Re: Scoping Comments
2024 Update to the King County Comprehensive Plan EIS

Dear Mr. Miller:

The Washington Aggregates and Concrete Association (the "Association") submits these comments to the EIS Scoping Notice for the 2024 Update to the King County Comprehensive Plan (the "2024 KCCP"). The EIS for the 2024 KCCP should address the following issues and impacts:

- The existing KCCP improperly provides that the mineral resource plan designation for a site must be removed if permits to develop the mineral resource are denied. This approach is contrary to RCW 36.70B, under which mineral resource designation are to be based on the availability of the mineral resource, not whether an individual permit application succeeds in a difficult entitlement process. The denial of such a permit application does not indicate the absence of the mineral resource, only that one particular plan for development of the resource did not meet approval standards. The EIS should evaluate modifications to these policies of the KCCP.

We cannot comment on the legal validity of the above, but it must be recognized there are mineral resources under much of the land in King County, especially along the foothills and into the mountains. However, that alone does not qualify all of this land to be zoned M and fortunately, much of it isn't. Note we are talking about plentiful rock aggregate material, not gold or lithium. The existence of aggregate mineral resources on a site is not the determining factor to grant or deny a permit application for mining that material. There are specific criteria that are considered in permit review – and it has not been the *character* of the permit application, as alluded to above. The permit review process and EIS primarily consider the suitability of the site for such an operation – neighbors, adjacent land-use compatibility, environmental impact, etc. These things are generally fixed and cannot be modified significantly by a new application or applicant. So, if the application is denied, it is best to remove the M designation and, thus, provide some certainty going forward for planning – for the community, applicant, county, — and to prevent unnecessary time and resources to be spent trying to change or protect this.

- The section on Land and Shoreline Use should review the existing inventory of mineral resource lands in King County and evaluate whether additional mineral resource lands should be designated in King County in order to meet the growing needs for aggregates in the region. We believe that the existing inventory of mineral resource lands is not adequate to meet the future needs of the region.

The capacity of existing gravel mines in the region (not just King County) is extensive. There are many permitted smaller mine sites that owners choose not to operate or not operate regularly (e.g., there are several of these in the Enumclaw Plateau area, such as those owned by Jensen Sand & Gravel). Plus, there are many more identified resource lands available that are not yet in operation. Clearly, a major issue of WACA is that many of these designated/inventoried sites are on public lands or those held by other owners (many identified sites are on land in the foothills and mountains owned by the Muckleshoot Tribe) and not in possession of the current major operators. It is not the public's responsibility to keep all current players in operation. Resources such as these should be looked at more *regionally*. An example is the big gravel mine operated by CalPortland at Dupont, which is set up to conveyor crushed rock directly onto barges for transport to Seattle or Tacoma more efficiently than from sites in the rural areas by trucks long congested roads (see photo below).



- *The sections on Transportation, Energy, Air and Water should evaluate the impacts to these elements of the environment if it becomes necessary to import aggregates from outside the region. Increased transportation distances will have impacts in each of these areas.*

Currently, aggregate from sites in rural King County is typically trucked 25+ miles to major population centers, often along 1-lane each way roads. When they are already trucking that far, it can be just as economical to bring in by train from Eastern Washington or further. For example, consider the case of frac sand (proppant) that typically gets transported by train thousands of miles to destinations. We also have some of the largest ports to bring in material by barge, that is the lowest cost of transport for longer distances.

- *The EIS should assume that existing aggregate mining sites, following reclamation, will no longer be appropriate for a Mineral zoning designation. As such, alternative designations that allow redevelopment would be appropriate. As noted above, the existing KCCP will remove a mineral resource designation where a permit application fails, even when the mineral resource remains. But when the resource is exhausted and the site is reclaimed, the designation must be removed. The EIS should assume that reclaimed mineral resource lands must be redesignated to allow for redevelopment of the sites.*

We suggest such sites get a new designation that is neither M or RA, but clearly indicates it was a mine and has been partially or fully reclaimed, but with an asterisk. Future landowners should be made aware of the risks and be limited on what they can and cannot do with the land. Currently, and especially in the past, mines typically have had secondary uses as lower-grade landfills – that is why test wells have typically been required. It can be unsafe for people to drink the water from wells on those sites. Land subsidence and flooding are issues that will come back to the liability of the County and Public, if these sites are allowed to get passed off as just as good as other more natural sites for development. Further, allowing these sites to get upzoned after or during reclamation incentivizes mine operators to also be land speculators and developers. This has led to hoarding of land that further exacerbates our land and housing affordability crisis.

We appreciate the opportunity to provide these EIS Scoping comments.

Sincerely,

*Bruce Chattin
Executive Director
Washington Aggregates & Concrete Association*

In addition, we would like to add that to help meet the County's **climate and safety goals, not to mention quality of life issues**, we need to get more of these heavy trucks hauling aggregate off the road and reduce the “last mile” distances hauled by truck. To do this we recommend the 2024 KCCP Major Update consider the following:

- Use and site more extraction of aggregates closer to where it is needed. For example, the large quarry of Lakeside Industries has at 500 Monster Rd SW, Renton, near Skyway.
- Essentially, continue to use existing, older sites rather than close and re-develop these sites for other uses. Yes, with high land/housing values, there is an incentive to close and sell these sites for re-development, but we need to try to slow or stop that process. There is much less impact to use existing sites, than to level pristine forest habitat to make new mines – that displace many species of flora and fauna, including humans that live near in the Rural Area.

Clearly, WACA maintains some concern that current gravel proposals under consideration (e.g., on the Enumclaw Plateau —Segale, Kombol, ERC) are all very unpopular with the general Public and for various reasons have some potential regulatory hurdles that could lead to one or more of those applications being denied. However, those few regulatory constraints are there to ensure protection of communities and the general environment.

RECOMMENDATION: Language should be added to the KCCP to ensure that *prior* to considering any upzoning proposal for current or former sites zoned M, there needs to be a showing that no viable aggregate resources remain to be mined.

RATIONALE: This approach, coupled with existing policy and code that provides for returning mining sites to their underlying zoning/land use (almost always forest in King County), would provide much better protection of our designated resource lands and far more certainty and protection of aggregate resources than the WACA's proposal as can be shown through the number of aggregate or former aggregate sites converted or proposed for conversion.