

# 2024 King County Comprehensive Plan PUBLIC REVIEW DRAFT

August 29, 2023

To: **King County Comprehensive Plan:** [CompPlan@kingcounty.gov](mailto:CompPlan@kingcounty.gov)

Re: **Additional Public Comment—2024 KCCP Major Update—Public Review Draft—Proposed Code Amendments**

Please accept *Comments* herein on the subject **2024 King County Comprehensive Plan (KCCP) Major Update (Update)—Public Review Draft (PRD)—Proposed Code Amendments** from the Joint Team of King County Unincorporated Rural Area organizations (\*).

We provide these *additional* Public Comments as our *original* July 14 PRD Comments did not address some items. Herein we specifically address the following:

**PRD Proposed Ordinance with King County Code Amendments** Code Amendments

**PRD Summary** *Section D. Scope of Work Topic: Review rural and natural resources regulations*

Please note that one of our organizations, the Vashon-Maury Island Community Council (V-MCC), due to limitations in its By-Laws, is unable to complete its review of the Comments herein at this time and, hence, is *not* included in the approval “*signatures*” below.

Again, we will to continue to conduct our open dialogue with the Executive’s Office and staff as the **Update** proceeds to the release of the Executive’s *Recommended Plan* to be submitted to the King County Council in December of *this* year. At that time and going forward, we intend to engage with the Council as it conducts its reviews and Public Hearings leading to its final approval of the **Update** in December of *next* year.

Please contact us should any questions arise during the review of our *additional* Comments herein. Thank you.

(\* *Joint Team: Enumclaw Plateau Community Association (EPCA), Friends of Sammamish Valley (FoSV), Greater Maple Valley Unincorporated Area Council (GMVUAC), Green River Coalition (GRC), Green Valley/Lake Holm Association (GV/LHA), Hollywood Hill Association (HHA), Soos Creek Area Response (SCAR), Upper Bear Creek Unincorporated Area Council (UBCUAC), and Vashon-Maury Island Community Council (V-MCC).*

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**2024 King County Comprehensive Plan  
Major Ten-Year Update**

***Public Review Draft***

***Joint Rural Area Team  
Additional Public Comment  
Proposed Code Amendments***

**Submitted August 29, 2023**

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**PRD Proposed Ordinance with King County Code  
Amendments**

[We reviewed each of the following Code Amendments listed in the PRD Ordinance:  
21A.04.090, 21A.04.100, 21A.08.030, and 21A.08.040.]

Our **COMMENTS**, with references to the PRD Ordinance page numbers in parentheses, follow below.]

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**Neighborhood Business Zone (Mixed Use)—K.C.C. 21A.04.090**

(p. 114):

**SECTION X. Ordinance 10870, Section 30, as amended, and K.C.C. 21A.040.090 are hereby amended to read as follows:**

A. The purpose of the neighborhood business zone (NB) is to provide convenient daily retail and personal services for a limited service area and to minimize impacts of commercial activities on nearby properties and in urban areas on properties with the land use designation of commercial outside of center, to provide for limited residential development. These purposes are accomplished by:

1. Limiting nonresidential uses to those retail or personal services which can serve the everyday needs of a surrounding urban or rural residential area;
2. Allowing for mixed use (~~((housing and retail/service))~~) developments in urban areas and rural towns (~~((and))~~);
3. Allowing for townhouse developments as a sole use on properties in the urban area with the land use designation of commercial outside of center; and
- ~~((3-))~~ 4. Excluding industrial and community/regional business-scaled uses.

B. Use of this zone is appropriate in urban neighborhood business centers, rural towns, or rural neighborhood commercial centers designated by the comprehensive plan, on sites which are served at the time of development by adequate public sewers when located in urban areas or adequate on-site sewage disposal when located in rural areas, water supply, roads and other needed public facilities and services.

**[COMMENT: Good.]**

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**Community Business Zone (Mixed Use)—K.C.C. 21A.04.100**

(pp. 114-115):

**SECTION X. Ordinance 10870, Section 31, as amended, and K.C.C. 21A.04.100 are hereby amended to read as follows:**

A. The purpose of the community business zone (CB) is to provide convenience and comparison retail and personal services for local service areas which exceed the daily convenience needs of adjacent neighborhoods but which cannot be served conveniently by larger activity centers, and to provide retail and personal services in locations within activity centers that are not appropriate for extensive outdoor storage or auto related and industrial uses. These purposes are accomplished by:

1. Providing for limited small-scale offices as well as a wider range of the retail, professional, governmental and personal services than are found in neighborhood business areas;
2. Allowing for mixed use (~~((housing and retail/service)))~~ developments in urban areas and rural towns; and
3. Excluding commercial uses with extensive outdoor storage or auto related and industrial uses.

B. Use of this zone is appropriate in urban (~~(and)~~) community business centers or rural towns that are designated by the Comprehensive Plan and community plans and that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services.

**[COMMENT: Good.]**

NOTES (on proposed amendments):

**Recreational / Cultural Land Uses (Mixed Use)—K.C.C. 21A.08.040**

The Permit Table allows one Dwelling Unit per acre, subject to:

- B. 21. Only when consistent with 21A.08.030.B.16. **[see below]**

**Residential Land Uses (Mixed Use)—K.C.C. 21A.08.030**

B. 16. The development for a detached single-family residence shall be consistent with the following:

- a. The lot must have legally existed before March 1, 2005;
- b. The lot has a Comprehensive Plan land use designation of Rural Neighborhood Commercial Center or Rural Area; and
- c. The standards of this title for the RA-5 zone shall apply.

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**[COMMENT: Good. We want to ensure that KC Code going forward no longer allows *NEW* Mixed-Use at the existing sites listed in the PRD (p. 3-34). We understand some of these sites have had Mixed-Use for decades—we have absolutely no problem with those. We are concerned with sites that simply have a General Store / Gas Station, etc. and do not want to see Mixed-Use added, as it completely defeats the whole purpose of Rural Area Neighborhood Business Districts as defined in the PRD (p. 3-33):**

*“The Rural Neighborhood Commercial Center land use designation is used to recognize existing small pockets of commercial development, or in some cases, historic communities or buildings, that are too small to provide more than convenience shopping and services to surrounding residents. They generally do not have infrastructure or services such as water supply or sewage disposal systems any different from those serving the surrounding area.”*

**Yes, we know some of the older such areas, like Preston, etc., are pretty large and probably were that way before the State passed the Growth Management Act (GMA) ~30 years ago.]**

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## Residential Land Uses (Duplexes, Triplexes, and Fourplexes)—K.C.C. 21A.08.030

(p. 128):

**SECTION X. Ordinance 10870, Section 330, as amended, and K.C.C. 21A.08.030 are hereby amended to read as follows:**

A. Residential land uses. **[COMMENT: In the Permit Table “Duplex,” “Triplex,” and “Fourplex” are added and shown as Conditional Uses in the RA zone with Development Condition 4. Only in a building listed ((øñ)) in the National Register of Historic Places ((as an historic site)) or designated as a King County landmark subject to K.C.C. chapter 21A.32. We understand that “Townhouses” and “Apartments” already are included in the existing Code here. What we don’t understand is why *any* of these are allowed in the RA zone. We also wonder how many National Register of Historic Places actually exist in the RA zone that would qualify for such buildings? Development Condition 3b. states “*in commercial zones in the Rural Area on historic properties listed in the National Register of Historic Places or designated as a King County Landmark, multifamily residential or group residence uses are allowed within existing buildings,*” but that Condition is only identified in the Use Table for the “Commercial/Industrial” NB, CB, RM, and O zones. The accompanying Comment is understood—we’re just looking for consistency here.]**

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**Recreational / Cultural Land Uses (Destination Resorts)—K.C.C.  
21A.08.040**

(p. 137):

**SECTION X. Ordinance 10870, Section 331, as amended, and K.C.C. 21A.08.040 are hereby amended to read as follows:**

A. Recreational/cultural land uses.

Destination Resorts in RA as a Special-Use Permit (SUP) subject to a new **Development Condition 30. [EXISTING CODE CALLS FOR A SUP (SEE TABLE ON P. 138) SUBJECT TO DEVELOPMENT CONDITION 18.: “Subject to review and approval of conditions to comply with trail corridor provisions of K.C.C. chapter 21A.14 when located in an RA zone.”—THAT IS NOW PROPOSED TO BE PARAGRAPH b. AS PART OF A NEW DEVELOPMENT CONDITION 30 BELOW.]**

**Development Condition 30.** (pp. 150-152):

- a. A community meeting consistent with the requirements of K.C.C. 20.20.035 shall be convened by the applicant before submittal of an application for permits to establish a destination resort.
- b. Subject to review and approval of conditions to comply with trail corridor provisions of K.C.C. chapter 21A.14 when located in an RA zone.
- c. Except for trails, residential and recreational structures and facilities shall be setback at least one hundred feet from adjacent roadways and access easements; and at least three hundred feet from adjacent residential, rural or resource zoned properties.
- d. Outside the urban growth area:
  - (1) the minimum site area is ten acres and must be at least five miles from the urban growth area boundary;
  - (2) the number of temporary lodging units shall not exceed two dwelling units per acre and be proportionately scaled and limited based on site area, availability of recreation opportunities and distance to urban area zones allowing for temporary lodging;
  - (3) the site must be within ten miles of at least three off-site, outdoor resource-based recreation activities; and
  - (4) the destination resort shall provide at least two on-site outdoor resource-based recreation activities.
- e. Dwelling units may be permitted within the destination resort at residential densities in accordance with K.C.C. chapter 21A.12, except as further limited in subsection B.30.d. of this section.
- f. Accessory on-site uses are allowed if reviewed and approved by the County, such as: eating and drink places, retail, temporary lodging, recreation equipment rentals, entertainment and personal services shall be at a size and scale to serve primarily the guests of the resort.
- g. When occurring in the forest zone, forest production district or rural forest focus areas, the proposal must demonstrate that the predominate land area will remain viable for resource-based uses or preservation of forestry resources, or both.



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h. When occurring in the forest production district, only if consistent with subsection B.30.g of this section and if compatible with long-term forestry, the interests of Indian tribes and other resource management goals.

i. A destination resort application must demonstrate that public facilities are adequate to support the proposed use in accordance with K.C.C. chapter 21A.28.

**[COMMENT: It appears that a. and c. thru i. all are new, which implies that, under current Code, there are no limitations on acreage, distance from the UGB, etc.—correct ? If so, we support these additions.]**

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**Resource / Commercial / Industrial Zones—NB Zone—K.C.C.  
21A.12.040**

(pp. 233-235):

**SECTION X. Ordinance 10870, Section 341, as amended, and K.C.C. 21A.12.040 are hereby amended to read as follows:**

A. Densities and dimensions - resource and commercial/industrial zones.

B. Development conditions.

1. ~~((In the RB zone on property located within the Potential Annexation Area of a rural city, this density is not allowed.~~
- 2.)) These densities are allowed only in the urban area and rural towns through the application of mixed-use development standards and, in the NB zone on property in the urban area designated commercial outside of center, for stand-alone townhouse development.
3. These densities may only be achieved: .....

**[COMMENT: The proposed editing appears to eliminate Development Condition 1. and have the current Development Condition 2. become the new Development Condition 1. If so, the new Development Condition 1. is *not* referenced in the Permit Table and there is no new Development Condition 2., as the numbering continues at 3. Plus, the old Development Condition 1. only is referenced under the RB zone for “*Base Density.*”]**

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[PRD Summary](#)

[We also *re-looked* at some items listed in the [PRD Summary](#).

Our [COMMENTS](#), again with references to the PRD Ordinance page numbers in parentheses, follow below, all under:

*Work Topic General Planning*

*Section D. Scope of Work Topic: Review rural and natural resources regulations*

*Summary of Public Review Draft Proposals 1. thru 6. (below we specifically address Proposals 2. thru 5.; pp. 18-20).]*

**Destination Resorts**

2. Modify regulations to clarify where destination resorts are allowed in the Rural Area, consistent with County policies that support protection of Rural Area and Natural Resource Lands, and in acknowledgment of the infrastructure limitations in such areas. The current code requires destination resorts to be oriented around outdoor resource-based recreation. The changes propose to clarify and strengthen that requirement, by no longer allowing the use in the UR (Urban Reserve) zone, requiring a community meeting before applying for permits, and establishing setback requirements from adjacent lands. The changes also establish new rural siting conditions in proximity to nearby outdoor resource-based recreation activities, new requirements in the rural area for providing onsite outdoor resource-based recreation activities, and additional considerations when resorts are proposed on forest lands. To read in the Public Review Draft: See Ordinance amendments to K.C.C. 21A.08.040.

**[COMMENT: We commented on this item above on p. 8 under: *Recreational / Cultural Land Uses (Destination Resorts)—K.C.C. 21A.08.040*].**

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**Materials Processing Facilities**

**(Prohibit Industrial-Scale Earth, Construction and Demolition Materials Processing)**

3. In response to a 2022 Docket request, (#8)—**[COMMENT: This was ours.]** limit impacts of materials processing uses by clarifying that retail sales of the materials on the site are only allowed with a conditional use permit; as an accessory to a mineral use, only allow processing of onsite and/or nearby (within three miles of the site) materials; and additional requirements for sites in the rural area, including storage limitations (up to 3,000 cubic yards), ensuring code compliance requirements (landscaping, nonresidential land use standards, and grading permits), and requiring

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that materials be primarily from rural and resource lands to ensure it is a rural- dependent use. To read in the Public Review Draft: See Ordinance amendments to K.C.C. 21A.08.080

**[COMMENT: The PRD (p. 170) shows no changes in the Permit Table for “Materials Processing Facility” ???]**

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### Mining Operations—Reclamation (Periodic Reviews Should Include Reclamation Phase)

4. In response to a 2022 Docket request, (#9)—**[COMMENT: This was ours.]** and to help reduce impacts of mining operations, create phasing requirements that limit the size of each phase. On sites 100 acres or less, each phase would be limited 25 acres; on sites more than 100 acres, each phase would be limited to 50 acres, and any areas greater than 25 acres would be required to have setbacks twice as large as would be otherwise required. Regardless of the size of the site, a third phase would not be able begin until reclamation on the first phase is substantially complete. Uses, buildings, and storage of equipment or materials not directly related to an approved mining use, reclamation plan, or accessory use would be prohibited. To read in the Public Review Draft: See Ordinance amendments to K.C.C. 21A.22.060

Existing Code:

#### **“21A.22 DEVELOPMENT STANDARDS - MINERAL EXTRACTION**

**21A.22.010 Purpose.** *The purpose of this chapter is to establish standards that minimize the impacts of mineral extraction or processing, coal mining, materials processing facilities and fossil fuel facilities upon surrounding properties by:*

- A. Ensuring adequate review of operating aspects of mineral extraction or processing, coal mining, materials processing facility and fossil fuel facility sites;*
- B. Requiring project phasing on large sites to minimize environmental impacts;*
- C. Requiring minimum site areas large enough to provide setbacks and mitigations necessary to protect environmental quality; and*
- D. Requiring periodic review of mineral extraction or processing, coal mining, materials processing facilities and fossil fuel facilities to ensure compliance with the approved operating standards. (Ord. 19146 § 54, 2020: Ord. 15032 § 23, 2004: Ord. 11157 § 20, 1993: Ord. 10870 § 439, 1993).*

...

#### **21A.22.050 Periodic review.**

- A. In addition to the review conducted as part of the annual renewal of a mineral extraction or processing operating permit, coal mine permit or materials processing facility permit, the department shall conduct a periodic review of mineral extraction or processing, coal*

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- mine, materials processing facility or fossil fuel facility site design, operating standards and financial responsibility at five-year intervals from the date of issuance of the permit.
- B. The periodic review is a Type 2 land use decision. C. The periodic review shall:
1. Determine whether the site is operating consistent with all existing permit conditions and, if not, establish corrective actions; and
  2. Apply the most current site design and operating standards to the site through additional or revised permit conditions as necessary to mitigate identifiable environmental, public health and public safety impacts. (Ord. 19601 § 2, 2023: Ord. 19146 § 59, 2020: Ord. 15032 § 28, 2004: Ord. 11157 § 21, 1993: Ord. 10870 § 443, 1993).

**21A.22.060 Site design standards.** Except as otherwise provided in K.C.C. 21A.22.040, in addition to requirements in this title, all uses regulated under this chapter shall comply with the following standards:

- A. The minimum site area shall be ten acres;
- B. On sites larger than twenty acres, activities shall occur in phases to minimize environmental impacts. The size of each phase shall be determined during the review process; ...”

### Proposed Ordinance with KC Code Amendments (pp. 279-280):

- B. On sites larger than twenty acres, activities shall occur in phases to minimize environmental impacts. The size of each phase shall be determined during the review process in accordance with the following:
1. On sites one hundred acres or less, each phase shall not be more than twenty-five acres; and
  2. On sites more than one hundred acres, each phase shall not be more than fifty acres. Phases that include areas of greater than twenty-five acres shall have setbacks double those specified in subsections E and F of this section.
  3. A third phase shall not be initiated until reclamation of the first phase is substantially complete. No more than two phases shall be allowed to operate at a time without previous phases having been reclaimed.
  4. Minor variation from these standards may be requested and approved as part of the permit review process where it is demonstrated to be needed or beneficial for compliant operation of the mineral extraction based on regulations for protection of water quality, environmental conditions or safety;

**[COMMENT: The above proposed Code changes are certainly better than *status quo*, but don't truly address the real problem. The original purpose for our 2022 Docket Item was to prevent the typical practice of *delaying* reclamation by updating mine plans/expansions, and then *delaying* long enough either to go bankrupt or limit liability by selling site/business to “another” party. A good complement to the above proposed Code changes is to include a statement that major changes in the Reclamation Plan (or Schedule) will require a *new* application to conduct mining (with accompanying public comment, etc.).**

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The presumption is that such a new application is an opportunity to fully review mining on a site like it was a new mine proposal.

To be clear, we need stronger protections around this area of mine reclamation/disposal. Currently, under existing Code and how it is interpreted in practice, we are living with the harmful practice of using mining sites, especially former or abandoned mining sites, effectively as waste-disposal facilities where, unfortunately, the standards that are supposed to provide a safeguard are routinely ignored by both the permitting agency and the site owner/operator. This appears to mainly be the case to maximize profits to the site owner/operator. Compounding all of this, is the lack of *Periodic Review* per Code (also a focus of our 2022 Docket Item), as KC DLS-Permitting simply doesn't have the person-power to do it, as related to us by Jim Chan on 10/26/21: "*We have had significant staff turnover tied to this body of work and are working on a plan to back into alignment with new staff.*"

As a result, we see the need for more opportunities for Public Comment and Review, especially when there is a proposed change of activity and/or ownership. We have seen too many times when either has precipitated unanticipated problems and the Public is the last to know, but is the most affected. Although the existing KC Code 21A.22.060 Site design standards language could be regarded as already containing this requirement, as generally public comment is "*required*" as part of the permitting process, the requirement isn't explicit. We already know from the debacle around the Reserve Silica in Ravensdale (*note*: from the start of 2023 we have an ongoing dialogue with KC DLS-Permitting's Deputy Director, Mark Rowe, and Code Enforcement Manager, Thomas Campbell, on this particular site and operation) matter that such changes to permits for these types of properties and situations are done without any public notice, involvement or input. We believe such language is the *minimum* necessary to address such questionable activities by mine property owners and Permitting.

Consequently, we request the following be added to KC Code 21A.22.060 Site design standards. B., possibly, as item 5.:

- 5. Any significant revision of the mining plan or schedule, or ownership, will require the operation to reapply for a permit to conduct mining on the site, including the opening of a Public Comment period. If the revised permit to conduct mining is denied, then the operation must begin reclamation-only activities within one year of such determination.]**

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**Neighborhood Business Zone (Mixed Use); Community Business Zone  
(Mixed Use)**

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5. Disallow mixed use developments on Neighborhood Business (NB) and Office (O) zoned properties in the Rural Area, except in Rural Towns. The NB and O zoning classifications are applied to parcels in both urban and rural areas, and a range of uses are allowed within those zones, with a focus on commercial uses. However, multifamily housing (apartments, townhouses, and group residences) is also allowed if part of a mixed-use development. The allowed residential densities of these developments currently range from eight to 96 dwelling units per acre, regardless of whether the property is in the urban or rural area. As directed by the Growth Management Act and the Comprehensive Plan, those are urban levels of development that are not appropriate for the Rural Area, where the general growth pattern and established density limits range from one home per 2.5 to 10 acres (depending on the applicable rural zoning classification). To read in the Public Review Draft: See Ordinance amendments to K.C.C. Chapters 21A.08 and 21A.12

**[COMMENT: This originally was submitted by the GMVUAC. We commented on this item above under K.C.C. 21A.04.090 and .100 and K.C.C. 21A.08.030 and .040. We expand on those Comments below:**

**Our research here has shown us that nearly all these Rural Area NB Districts have been in existence for a long, long time and, basically, typically have no Mixed-Use, with the exception of all those on Vashon. This strengthens our push to allow no NEW Mixed-Use in KC Code going forward. We are concerns that, apparently, KC Council Staff does not agree, as it wants to keep Mixed-Use in the Code, while possibly reduce the Density. We do not believe that makes sense, as Mixed-Use has no place in these areas and even if it did, low densities would render such Mixed-Use, more or less, impractical.**

**The other problem is that it appears King County has tried to *shoehorn* every one of these nearly 30 locations into one category: *Rural Area NB Districts*. However, there are vast differences *within* that one category not recognized in the Code. For example, some:**

- 1. Border on the UGB (or are very nearby) and, thus, serve mainly Urban folks.**
- 2. Consist of a Gas Station, a General Store, or a Restaurant.**
- 3. Are very isolated, thus serving rural neighbors (or hikers, etc.) exclusively.**
- 4. Were the *original* Town prior to incorporation, but were excluded.]**

**As part of our research, we used the following list found in KCCP Chapter 4 and augmented it, including **adding an additional location**:**

***Rural Area—Neighborhood Business Districts  
(listed by Community Service Areas)***

**Bear Creek/Sammamish**

**Cottage Lake (no. end of Avondale Rd)—NO MIXED USE  
Redmond-Fall City Rd/236th Ave NE—NO MIXED USE**

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**Four Creeks/Tiger Mountain**

Issaquah-Hobart Rd/SE Tiger Mountain Rd—**MIXED USE UNDER CONSTRUCTION**  
SE Renton- Issaquah Rd and 164th Ave SE—**MULTIPLE BUSINESSES (PLUS A HOME)**  
SE 128th Street/164th Ave SE—**MULTIPLE BUSINESSES**

**Greater Maple Valley/Cedar River**

Renton-Maple Valley Rd SE/State Route 18—**NO MIXED USE**  
Ravensdale—**MULTIPLE SMALL BUSINESSES—NO MIXED USE**  
Hobart—**SINGLE STORE & POST OFFICE—NO MIXED USE**  
Kangley—**SINGLE PARCEL, LOOKS TO BE A RESIDENCE**  
Kanasket—**TWO PARCELS, LOOK LIKE TWO HOME-BASED BUSINESSES**

**Snoqualmie Valley/Northeast King County**

Preston—**LARGE BUSINESS COMPLEX—NO MIXED USE**  
Timberlane Village—**MORE OF A “DESTINATION RESORT,” RATHER THAN A NB**  
Baring—**COUNTRY STORE—NO MIXED USE**

**Southeast King County**

Enum-BD Rd SE/SE GV Rd—**TWO PARCELS (ONE OWNER?), NURSERY (PLUS A HOME)**  
Cumberland—**MIXED-USE—MULTIPLE SMALL BUSINESSES WITH HOUSING ABOVE**  
Krain's Corner—**RESTAURANT—DWELLING ABOVE**  
Newaukem—(If this is SR 169 / SE 416th St) **STOP & SHOP—NO MIXED USE**  
SR-164/SE 228th St (not listed)—**HOMES, BUT BUSINESSES ON SW CORNER ON A-35 LAND**

**Vashon-Maury Island**

**ALL THE FOLLOWING LOCATIONS HAVE HAD MIXED USE FOR QUITE SOME TIME**

Burton  
Dockton  
Tahlequah  
Portage  
Heights Dock  
Jack's Corner  
Valley Center  
Vashon Service Center  
Vashon Heights

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**Maury Island Service Center**

Where we did find some dwelling(s), but usually they were simply private homes. Again, other than on Vashon, which has unique circumstances, there were no Mixed-Uses consisting of businesses combined with apartments, townhouses, condos, etc.—with the exception of Issaquah-Hobart Rd/SE Tiger Mountain Rd NB District where new mixed-use buildings are under construction.]