

April 3 — LSLU Committee – Briefing 6

Chapter 7: Parks, Open Space, & Cultural Resources [Karen; Tim]

Cultural Resources [KAREN MEADOR]

My name is Karen Meador, I am a member of the Green Valley/Lake Holm Association, a part of the Joint Rural Area Team, and a King County Writer and Historian.

Cultural resources make an important contribution to the quality of life in King County. Arts and heritage organizations, public art, historic and archaeological properties, as well as Indian tribal celebrations and traditional cultural events contribute to the region's economic vitality, play an essential role in cultural tourism, and contribute significantly to the county's overall quality of life. As King County grows, the need to protect, support and enhance cultural opportunities and resources is essential to sustain livability.

As per our KCCP Comments, we recommend King County encourage and pursue partnerships and mutually beneficial agreements with public agencies, Indian tribes, nonprofit and community organizations, and the private sector to fund, program, manage, and steward sites and facilities for public recreation and natural resource protection consistent with the classification, role, and use of said sites and facilities.

Given the unique value of heritage sites and historic buildings, as well as their value to the community, we recommend King County shall encourage preserving, reusing and recycling historic buildings in its facilities planning and other relevant actions. We suggest King County shall assist in encouraging interested parties to pursue preservation, restoration, and repurposing projects, particularly for those doing repairs and/or upgrades themselves.

In summary, cultural resources contribute to the vibrancy, economic health, and well-being of King County. By recognizing their value and investing in such resources, we can create a more equitable and thriving community.

Regional Trails Needs Report [TIM O'BRIEN]

To further expand the Regional Trail System, we encourage the County to shift its near-term focus to secure the land needed for trails, before development in the rural area makes this impossible. One specific example is the rail line through Cumberland that is the planned right of way for the Foothills Trail extension. The county should renew efforts to buy this right of way before the gravel mine proposed by Segale Properties on the adjacent land makes this no longer possible.

Consequently, we recommend the following *new* Policy:

P109a King County shall plan and further develop the Snoqualmie Valley Trail and Foothills Trail to enhance connectivity between cities in the Rural Area, as well as to trail systems in adjacent counties, and to facilitate statewide and national trail connection transportation routes. This effort includes partnering with Seattle Public Utilities to find a solution to extend the Cedar River Trail to Cedar Falls.

SE King County also wants to promote the idea of repurposing the currently unused trail along **SR-410/White River Corridor** known as the Weyerhaeuser Mainline. Using this logging road as an adventure trail would greatly expand the recreation and access to Mount Rainier National Park – needed now that entrance to the park is by reservation only. This and the other connections I just noted, would transform SE King County into a recreation hub for the region. Then, this trail could later be connected with the Foothills Trail and Flume Trail in Pierce County along the lower White River for a cost-effective east west route to the Sound

Chapter 8: Transportation; Transportation Appendix; & TNR Appendix [Susan, Peter, Mike B.]

Chapter 8: Transportation [SUSAN HARVEY]

Good morning. My name is Susan Harvey. I am the chair of the transportation committee of the Greater Maple Valley Unincorporated Area Council, which is a member of the Joint Rural Area Team. In February the Joint Team provided you with written testimony proposing extensive changes to the Executive's draft update. Today I urge you to study the 50 pages on transportation that the Joint Team sent you, which detail how King County policy and practice should change, first to protect the rural area from a slow death and second to chart a new course for road finance.

We who live in the rural area are calling for standards and policies that reflect reality in the rural area. Replace the outmoded urban-centric standards from the previous century with a new approach:

- (1) Change level of service to be multi-modal in scope and recognizing rural settings are different from urban settings
- (2) Change concurrency to measure adequacy of local access rather than speed of through travel,
- (3) Update old road standards to provide design options for pedestrians and bicyclists
- (4) Change arterial classifications to account for local access needs.
- (5) Pursue greater equity in road finance at the regional level and at the state level

This update is your one chance for ten years to right the ship and move King County in a new direction. The changes we submitted in February are very detailed. We hope very much to speak further with your staff to walk them through it. Please care enough to take our proposals to heart.

Transportation Appendix C [PETER RIMBOS]

Good morning. My name is Peter Rimbos. I am a member of the Greater Maple Valley Unincorporated Area Council and the Coordinator of the Joint Rural Area Team. In February we provided you with Detailed Comments in which we proposed changes to the Executive's "Recommended Plan."

The Joint Team's Susan Harvey just spoke to you about reforms needed in **Chapter 8— Transportation**. Many of those reforms must be technically supported in **Transportation Appendix C**. Last summer we proposed extensive reforms to the *Public Review Draft's Appendix C* to properly support our proposals for **Chapter 8**.

Unfortunately, we found very few changes in the Executive's "Recommended Plan." Consequently, our 20 pages of **Appendix C** comments to you last February, not only repeated our previous comments, but provided more specifics.

To be clear, **Appendix C** should contain much more information. It should be organized in the manner spelled out in the Growth Management Act to produce a document that would pass an audit.

In particular, our Comments show how to follow the GMA outline for documenting:

- (a) Future growth and transportation conditions,
- (b) Future deficiencies that will arise based on level of service policies,
- (c) Financial analysis of how to meet future needs, and
- (d) Revision of the Comprehensive Plan to achieve internally balanced policies, conditions, and finances.

Unfortunately, we find very little of that in **Appendix C**. To meet GMA standards we believe **Appendix C** must be totally rewritten. We stand ready to work with your staff to understand the needs and how to address them.

Transportation Needs Report (Appendix C1) [MIKE BIRDSALL]

Good morning. My name is Michael Birdsall. I am a retired transportation planning engineer with decades of experience in preparing transportation plans under the Growth Management Act. I speak today as the transportation specialist of the Joint Rural Area Teams.

Susan Harvey just explained to you what changes are needed in Chapter 8 for you to be able to apply the rural-supportive policies you've already adopted. Peter Rimbo has shown you how much more work is needed with Appendix C Transportation to comply with the Growth Management Act. Now I'd like to close with some words about data to support those reforms.

Appendix C-1 the Transportation Needs Report is the right place to assemble that data. But it's not there. There's a lot of high-level financial data but not much that helps with planning.

The Needs Report makes clear that the county can only finance 18% of its overall needs based on current law, and hints at road and bridge closures to come. But without any specifics. News flash: last week the Green River Road Bridge was weight-limited at just 5 tons, down from 22 tons. The next shoe to fall will be to close that bridge entirely. The downfall of our rural road network has now begun. But we see no real road map of how it will unfold.

This Appendix must be greatly amplified with data on how each road does or doesn't comply with design standards, pavement life, bridge safety ratings, multi-modal level of service, and so forth. The Roads Division has that data, it just isn't presented in a fashion that helps us to understand the priorities, or help you to understand the roads work program. Please pay attention to our extensive written recommendations from February to accomplish the

April 17 — LSLU Committee – Briefing 7

Chapter 9: Services, Facilities, & Utilities [Don; Janet]

Urban-Serving Facilities [Don Huling]

My name is Don Huling. I am a board member of the Soos Creek Area Response. We are part of the Joint Rural Area Team. Urban or urban-serving facilities should not be sited in the Rural Area. Unfortunately, there are several examples that have been made under Special-Use Permits, etc.: Pacific Raceways near Auburn; Cedar Hills Regional Landfill near Maple Valley; soon-to-be sited Asphalt Facility along the Cedar River; Wineries/Breweries/Distilleries in the Sammamish Valley. Then, there are so-called Temporary-Use Permits for what can only be called “commercial businesses” such as 6,000-seat Amphitheatres, raceway garages, etc.

In general, we seek County Policies that are consistent with *not* siting urban or urban-serving facilities in the Rural Area. Such Policies would be consistent with those in **Chapter 3-RURAL AREA AND NATURAL RESOURCE LANDS**.

We seek a change in Policy **F-227**, so that it reads as follows:

F-227 *King County and neighboring counties should share essential public facilities to increase efficiency of operation, including consideration of the overall value of the essential public facility to the region and the county and that does not further impact the community where the facility is located whether expansion of an existing essential public facility might be more economical and environmentally sound.*

We are glad to see the Executive has proposed improvements in the Policy **F-270** based partly on our July 2023 PRD Comments. However, we recommend further changes so that it reads as follows:

F-270 *King County should seek and plan for closure of the Cedar Hills Regional Landfill in as timely manner as possible, and plan for future disposal when Cedar Hills Landfill closes to ensure no gap in service, subject to environmental constraints, relative costs to operate, partner and public interests, and overall solid waste system optimization. A replacement landfill shall not be located in King County.*

Thank you for your efforts in this regard.

Siting and Expansion of Essential Facilities [Janet Dobrowolski]

My name is Janet Dobrowolski. I am a longtime resident living adjacent to the CHRLF and a member of the Environment Committee for the GMVUAC, a Joint Team member. I'd like to discuss “equity.” Policies **F-228** and **F-230** discuss the siting and expansion, respectively, of essential facilities, such as the CHRLF.

Unfortunately, Policy **F-228** has identified only 3 groups, **racial, cultural, or socio-economic**, to be included for assessment for equitable consideration. This policy ignores some groups currently impacted by public facilities. The communities surrounding CHRLF do not fit into KC's criteria. Currently impacted communities, regardless of their social equity status must be included. History has shown expansion will always be the choice over siting a new facility and existing communities have no standing.

The policy statement “No single community should absorb an inequitable share of these facilities and their impacts” is already being violated by continued operation and expansion of CHRLF. Isn't bearing the burden of one landfill for the county's garbage for decades considered an inequitable share for one community?

Any analysis under **F-230** should include:

- **Historical and current** impacts for ALL impacted communities where expansion is considered, including regulatory violations, complaints, mitigation effectiveness, and any ongoing issues.
- **Combined** impact of public and private facilities within an area, such as Cedar Hills Landfill, Cedar Grove Compost, Reclamation sites and permitted asphalt plant.
- **Recommendations** from outside expert agencies, such as the EPA, should be solicited and held in high regard.

Frankly, the policies for equity look good on paper, but in reality are irrelevant with regards to expansions and assessments of impacts. HOW are the impacts assessed or WHAT weight is given to the impacts on a community?

Communities where expansion is considered will receive no equity or social justice under these current policies.

Chapter 10: Economic Development [Serena—submitted in writing]

My name is Serena Glover. I am the Executive Director of the Friends of Sammamish Valley. We are part of the Joint Rural Area Team. The rural economy should not be endangered by allowing urban-serving businesses in the Rural Area. There are many instances where the County seems to be pushing “*rural economic development*” for the sake of rural economic development.

We believe the County should follow the intent and the letter of the State’s Growth Management Act in which **RCW 36.70A (5) Rural element** states: “*counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural economic advancement, densities, and uses that are not characterized by urban growth and that are consistent with rural character.*”

We also believe the County also should follow the intent and the letter of PSRC’s *VISION 2050* Policy **MPP-RGS-13**, which says to: “*...avoid the conversion of rural land into commercial uses*” and Policy **MPP-DP-37**, which says to: “*Ensure that development occurring in rural areas is rural in character and is focused into communities and activity areas.*”

Throughout every document—GMA, RCWs, *VISION 2050*, *Countywide Planning Policies*, and the *KCCP* there is a strong *consistency* in requirements, goals, policies, language, etc. to “*conform with the rural character of the area,*” “*preserve rural character,*” “*consistent with rural character,*” etc. Consequently, we strongly urge the County to follow its very good policies when considering expanding so-called “*rural economic development*” beyond its identified rural economic clusters: Agriculture, Equestrian, & Forestry.

Finally, in Policy **ED-602 g** we are wary of the phrase “*agricultural tourism,*” which is ill-defined with unknown ramifications for the Rural Area. For example, who decides what is value-added and how? This must be defined. Further, if a product is brought in from outside the county, to what “*value-added programs*” is the policy referring and how can imported products be considered beneficial to county production of food or flowers?

It is especially *inappropriate* for the County to once again be promoting “*specialty beverages*” production as part of the rural economy! This battle has been ongoing for over 20 years with continued attempts to open the Rural Area to *urban-serving* businesses that have no connection to agriculture or any production of food, flowers, or agricultural products that *require* a rural location. Such businesses clearly are *not* an element, nor should they be, of the rural economy. Any promotion of Wineries, Breweries, and Distilleries in the Rural Area directly violates the intent of Policy **R-324**, which clearly defines that “*no urban-serving facilities*” are allowed to operate in the rural area. Thus, to avoid a direct conflict within the *KCCP*, we urge removal of any reference here to “*specialty beverages.*”

Chapter 12: Implementation, Amendments, & Evaluation [Greg—submitted in writing]

My name is Greg Wingard. I am the President of the Green River Coalition. We are part of the Joint Rural Area Team. I personally have been involved in growth management-related issues with the County for over 40 years.

Implementation of many good County Policies and Code is inadequate regarding permitting, land use, code enforcement, and other issues impacting development and uses on Rural Area parcels.

We have seen over the years many problems with *implementation* of County Policies and Code—we have touched upon this in our detailed Written Comments on Chapter 12, as well as on other Chapters. Although the County, in general, has strong Policies and Code language, all too often implementation has been wanting. Either through poor interpretation, spotty followthrough, poorly funded and not-prioritized enforcement, and myriad exceptions / special considerations, the County does not give justice to those Policies and Code in practice on the ground to serve its residents.

We question why the following has been proposed to be removed: *“Review of land segregation, substantial development permits and other development proposals are key parts of the development process for making sure facilities and services to support potential development are adequate and for evaluating environmental impacts.”* Clearly, the process used to ensure facilities and services to support potential development are adequate and to evaluate environmental impacts is critical. Although there are newly added paragraphs that direct one to specific County Code Titles (i.e., *“Surface Water Management, Water and Sewer Systems, Roads and Bridges, Building and Construction Standards, Fire Code, Land Segregation, Planning, and Zoning*) that address various aspects of such a process, we find this process so important to helping to maintain the integrity and character of the Rural Area that it should remain and be further discussed within Chapter 12.

Unfortunately, we see far too many instances where policies simply are ignored such as Policy **I-501** which states:

I-501 When needed infrastructure and facilities are not available in a timely manner, development approvals shall: Be denied; Divided into phases; or Provide the needed facilities and infrastructure to address impacts directly attributable to their project.

This is especially true for road infrastructure, for which the County has *insufficient* funds to keep up with needed maintenance.

Development Regulations [Peter, Mike B., Tim]

No Mixed-Use in NB zones [Peter Rimbo]

My name is Peter Rimbo. I am the Coordinator for the Joint Rural Area Team. I will discuss Development Regulations, specifically, **21A.04.090** on Neighborhood Business zones and **21A.08.030** on allowed residential land uses. We strongly agree with the Executive’s proposal to limit mixed-use development to the urban area and Rural Towns.

In its Report, Staff has suggested that Council *“may wish to allow limited mixed-use development in some instances in the rural area, such as in rural neighborhood commercial centers.”* Further, Staff has made the *same* suggestion for **21A.04.100** (Commercial Business), **.110** (Regional Business), **and .120** (Office Zone) — all of which are for the Urban Unincorporated Area, not the Rural Area and all of which require public sewers.

For the past 7 years, working with Chris Jensen when they were at DLS-Permitting, we have pursued exactly what the Executive has proposed, specifically to ensure the mixed-use development under construction in the NB district located at the intersection of Issaquah-Hobart Rd and Cedar Grove Rd (i.e., next to the Tiger Mountain Store) cannot happen again. If you've been by the area, the three multiple story apartment/condos, etc. (with more to come) are utterly out of place in an area completely surrounded by RA-zoned parcels.

The two examples cited in Staff's comment—rural neighborhood commercial centers in "*Preston and outside Maple Valley*"—are *land-use designations* meant for "*commercial*" activities, not multistory high-density housing.

Please accept the Executive's proposal to limit mixed-use development to the urban area and Rural Towns. We strongly do. Again, thank you.

Code Enforcement [Mike Birdsall]

My name is Michael Birdsall, a member of the Joint Rural Area Team. I ask you today to add **nine words** to one policy about Code Enforcement. **Nine words.**

I regularly drive by two locations where permits were issued with conditions, but those conditions are not enforced. As a result, two urban serving businesses are growing on properties zones rural residential. Travesty. King County must shore up its code enforcement function.

But instead of shoring up that function, the proposed amendment to Policy **I-504** downgrades code enforcement from "*pursuing complaints*" to only "responding to complaints". That is linguistically better and reflects current practice. The real problem not addressed begins with relying on complaints from the public. That's too passive. Current practice is broken. Reform can begin by adding to that amended policy this active requirement: "*periodically assessing whether imposed permit conditions are being met.*" I'll say that again: "*periodically assessing whether imposed permit conditions are being met.*"

See how "**periodically assessing**" is neither "*pursuing*" nor "*responding*" to complaints, but objectively monitoring the effectiveness of permits?

Adding these **nine words** will lead to more systematic compliance than waiting for citizens to complain. Why delegate monitoring to the public? That makes every citizen a whistleblower. Erin Brockovich was a great movie, but whistleblowing doesn't work as everyday policy.

Many problems affecting the Rural Area are rooted in failure to enforce County Policies and Code. We cannot emphasize enough that **revamping** both Permitting and Code Enforcement taken together – i.e., the entire Permitting Division - is necessary to uphold the major goals underlying Policies like **I-504**.

Nine words will start the reforms.

Why? Failing to enforce code adversely impacts people, property, health and safety, and our shared environment. Major county goals. But this ten-year update of county policies only tweaks two little phrases in Policy **I-504** for linguistic precision. The real issue is overlooked: that code enforcement must be a vital active service to protect and preserve people, property, health and safety, and our shared environment in the rural area. Major goals of King County. And benefits that extend to all county residents.

So we strongly recommend adding the role of "**periodic assessment**" to Policy **I-504**.

Also, add "**Code enforcement**" under Policy **F-209a** as a service the County provides in rural areas.

KC Code 21A.22.060 [Tim O'Brien]

My name is Tim O'Brien. I am the Chair of the Enumclaw Plateau Community Association, one of the many organizations that comprise the Joint Rural Area Team.

We propose adding five items to **KC Code 21A.22.060 Development Condition 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;
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.

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.). 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. In fact, **KC Code 21A.22.050** Periodic review, should apply to reclamation, not just permitted extraction activities. ... Compounding all of this, is the lack of Periodic Review per Code, 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.

Finally, a disastrous example. King County can never allow the environmental debacle and legal quagmire that occurred this in mid 2023 at the Reserve Silica site in Ravensdale to happen again! Forty acres were illegally clearcut, then 33 truckloads of contaminated fill from the Tacoma ASARCO Superfund site were illegally dumped on the clearcut land and illegally graded. We alerted King County DLS-Permitting about the clearcut and provided photographic evidence—we were ignored! The Federal EPA and the State DOE alerted King County of the dumping of the contaminated fill—extremely embarrassing! As King County does little inspection and little code enforcement, none of this should be a surprise.

[Please note the above was the full Oral Testimony prepared, but there was not sufficient time to complete it within the 2-min allotted per speaker. We provide it here to help you with the full context.]

Four-To-One

We provided multiple sets of Comments on this Topic in 2023 during the GMPC's multiple meetings.