



## King County

# Transportation, Economy and Environment Committee

### STAFF REPORT

<b>Agenda Item:</b>	7	<b>Name:</b>	Kendall Moore
<b>Proposed No.:</b>	2013-0411	<b>Date:</b>	September 17, 2013
<b>Invited:</b>	Karen Wolf, Executive's Office		

**SUBJECT** Proposed Ordinance amending selected chapters and Technical Appendix D to the 2012 Comprehensive Plan ("KCCP") to comply with the August 12, 2013 decision by the Growth Management Hearings Board.

### **SUMMARY**

King County adopted 2012 updates to the KCCP in December of that year. The City of Snoqualmie timely appealed to the Growth Management Hearings Board ("Board"), arguing, among other things, that the County's 2012 updates failed to comply with the 2009 amendments to the Growth Management Act ("GMA"), commonly referred to as SHB 1825. While the Board dismissed the substance of the City's appeal in its entirety, it also determined that the KCCP did not adequately demonstrate that the updates were reviewed and potentially revised to comply with the requirements of the GMA since the last major update to the KCCP in 2008.

The Board remanded to the County the KCCP's Introduction, Chapters 1 and 2, and Technical Appendix D to take appropriate action to show that the 2012 updates to the KCCP comply with the requirements of the GMA, including statutory amendments effective after 2008.

Proposed Ordinance 2013-0411 makes revisions to the remanded KCCP sections to conform with the Board's directive.

### **BACKGROUND**

With one exception noted below, the Board's decision completely vindicates the County's position and process with regard to the City of Snoqualmie's multi-faceted appeal. The Board not only accepted all the County's reasoning for decisions made relative to the actions taken by the County in approving both the 2012 KCCP updates and the revisions to the Countywide Planning Policies ("CPPs"), but the Board on its own found additional reasons to support the County's process for (1) developing and

amending the CPPs; and (2) decision-making on whether to expand the UGA to include the I-90/SR 18 interchange as part of the KCCP update. Specifically, the Board accepted the County's contention that the sizing of the UGA should be evaluated on a countywide basis, not on a city by city determination, as the City argued the recent changes to RCW 36.70A.110 required. The Board also affirmed the County's decision not to expand the UGA at the I-90/SR 18 interchange. The Board's discussion on this issue was extensive and the Board made multiple findings against an expansion of the UGA at this location.

There is one slightly technical area where the Board is requiring County action. The Board found that the 2012 KCCP updates failed to include a discussion regarding the analysis required by SHB 1825, specifically the consideration of the appropriate size of the UGA based on various commercial and institutional uses, in addition to the long-standing consideration of housing and jobs. The Board remanded back to the County the KCCP's Introduction, Chapters 1 (Regional Planning) and 2 (Urban Communities), and Appendix D, the Growth Targets and UGA report, in order for the County to consider revising them to demonstrate these sections comply with SHB 1825. By the Board's order, compliance is required by November 12, 2013.

As members may recall, the 2012 KCCP updates were considered by the full Council on a similar briefing schedule as the revisions proposed to the CPPs. However, because of issues surrounding the school siting provisions, it was not known at the time whether the revised CPPs would be voted out with the KCCP 2012 updates. Therefore, staff's analysis of the proposed 2012 KCCP updates during the Spring, Summer, and Fall of 2012, included a check that the proposed revisions to the KCCP was consistent not only with the then current adopted CPPs, but also the proposed revisions to the CPPs that were ultimately adopted together with the KCCP in December 2012.

Therefore, while the KCCP updates adopted in 2012 were intended to comply with not only the revised CPPS, but also with the GMA as it had been amended since 2008, the year of the last major update to the KCCP, the Board's action of remanding limited sections of the KCCP indicates that the County's consideration of the 2009 amendments was not sufficiently addressed. Proposed Ordinance 2013-0411 makes changes to satisfy the Board's directive. They include:

Introduction, page I-3 - The following sentences, found in the paragraph under the heading 'Countywide Planning,' are revised to better describe the 2012 CPPs, which the board found to be properly grounded in the GMA, including the 2009 amendments:

In response to VISION 2040, the county and the cities within the county ~~((King County's Growth Management Planning Council))~~ approved a major overhaul and update to the Countywide Planning Policies (CPPs) ~~((in 2011,))~~ in 2013. ~~((Originally adopted in 1992, the))~~ These revised CPPs implement the regional vision ~~((within King County and the cities within the county, provide))~~ by providing a countywide framework to plan for new

development, including housing, commercial, institutional and other non-residential uses, and for job growth ((targets, and)).

The added language (shaded) specifically addresses the additional requirements set forth in RCW 36.70A.115 for the County and its cities to consider when determining the sufficiency of the urban growth area.<sup>1</sup> The term "non-residential uses" was used by the Board as a short cut for "medical, governmental, educational, institutional, commercial, and industrial facilities" as used in the statute.

Chapter 1, page 1-2 - The following sentences, found in the third paragraph under the header "Background, " are revised to provide the recent history of the revisions to the CPPs:

~~((These Countywide Planning Policies (CPP), first adopted in 1992, subsequently updated, and substantially so in 2011 for adoption in 2012,))~~  
The Countywide Planning Policies (CPPs) were first adopted by King County and ratified by the cities within the county in 1992, and have been periodically amended since then. In 2010, King County and the cities within the county embarked on a comprehensive update of the CPPs. King County adopted these updated CPPs in 2012, and they were subsequently ratified by the cities. The 2012 King County Countywide Planning Policies establish a vision for the future of King County – its cities, unincorporated urban areas, rural areas, and farms and forests.

Chapter 1, page 1-7 - The following sentences in the first full paragraph are revised to provide the recent history of the revisions to the CPPs and again set the context of the CPPs relevant to the regional planning by the County and its cities:

The CPPs were first adopted by King County and ratified by the cities within the county in 1992. Starting in 2010, as part of a multi-year process, the GMPC undertook a major revision of CPPs. It forwarded these revised CPPs to the King County council in 2012. The council adopted an amended version of them in late 2012, which were then ratified by the cities in 2013. The CPPs describe an overall vision for the cities and unincorporated portions of King County, and provide general strategies and approaches to be used by local jurisdictions, acting individually and cooperatively, to achieve that vision. The policies address those issues that benefit from greater consistency across jurisdictions and those that are of a countywide or regional nature. The 2012 King County Countywide Planning Policies ((are currently undergoing the first major

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<sup>1</sup> RCW 36.70A.115: "Counties and cities that are required or choose to plan under RCW 36.70A.040 shall ensure that, taken collectively, adoption of and amendments to their comprehensive plans and/or development regulations provide sufficient capacity of land suitable for development within their jurisdictions to accommodate their allocated housing and employment growth, including the accommodation of, as appropriate, the medical, governmental, educational, institutional, commercial, and industrial facilities related to such growth, as adopted in the applicable countywide planning policies and consistent with the twenty-year population forecast from the office of financial management."

~~update since 1992 to~~) reflect: the requirements of the Growth Management Act, the ~~((recent))~~ adoption of VISION 2040; revised population, housing, and employment growth targets; and the fact that previous ~~((the))~~ policies were ~~((are))~~ out-of-date after nearly 20 years of growth and development.

Chapter 2, page 2-8: The following revision includes in policy the County's obligation to provide sufficient urban area in unincorporated King County for the non-residential uses as contemplated by RCW 36.70A.115:

U-115 King County shall provide adequate land capacity for residential, commercial, ~~((and))~~ industrial, and other non-residential growth in the urban unincorporated area. This land capacity shall include both redevelopment opportunities as well as opportunities for development on vacant lands.

Technical Appendix D, various pages -

- page D-3, adding a closing clause to the second sentence in the first paragraph to capture the "non-residential uses" language offered by the Board:

Each city within King County is responsible for determining, through its comprehensive plan, land use within its borders, including accommodating the broad range of residential and non-residential uses associated with urban growth.

- page D-3, adding a sentence to the fourth paragraph, which describes the County's 20 year planning period:

As part of the county's planning, it must accommodate housing and employment growth targets, including institutional and other non-residential uses.

- page D-13, revising the second sentence of the second paragraph to accurately reflect the correlation of the Technical Appendix D data to the CPPs adopted in 2012:

This update was conducted as part of the revisions made to the ~~((an overall))~~ Countywide Planning Policies ~~((update))~~, which ~~((was adopted in 2011))~~ were recommended by the Growth Management Planning Council, adopted by King County in 2012, and ratified by the cities in 2013.

- page D-13, add a final sentence to the last paragraph to acknowledge that while the urban growth targets support a finding that the urban growth area is sufficiently sized for the 20 year planning period, both the KCCP and the CPPs allow for expansion under limited circumstances:

However, in accordance with both county's Comprehensive Plan policies and the Countywide Planning Policies, the Urban Growth Area may be adjusted if a countywide analysis determines that the current Urban Growth Area is insufficient in size and additional land is needed to accommodate the housing and employment growth targets, including institutional and other non-residential uses, and there are no other reasonable measures, such as increasing density or rezoning existing urban land, that would avoid the need to expand the Urban Growth Area.

Other grammatical or minor clean up revisions found during the review of the remanded KCCP sections are also made.

In addition to the changes to the KCCP, Proposed Ordinance 2013-0411 also makes a finding that with these KCCP changes, it is the intent of the County to be in compliance with the GMA, including those 2009 amendments found in SHB 1825. It also directs the Executive to make the changes to the web based version of the KCCP and identify at the Chapter title level and at the paragraph level those sections that have been amended by this Proposed Ordinance.

On a procedural note, these revisions were sent to the State's Department of Commerce for review and comment. There is a 60-day comment period, which runs on November 4, 2013. The public notice that will be published on this proposed ordinance will alert the public of this schedule.

The City has already appealed the Board's decision.

## **ANALYSIS**

KCC 20.18.030.A.2. allows for the County to make substantive changes to the KCCP as needed to address an appeal filed with the Board.

In its decision, the Board directed the County to address the perceived silence in the KCCP on the effects of the 2009 amendments to the GMA, contained in SHB 1825.

In consultation with Executive staff and the PAO, Proposed Ordinance 2013-0411 corrects the misapprehension that the 2012 KCCP was not reviewed and revised to take into consideration the 2009 amendments to the GMA.

These provisions, with the finding, provide the record that the KCCP is intended to comply with the GMA as currently adopted. It would be a reasonable decision to adopt the Proposed Ordinance. Having Council final action before the deadline set out by the Board would establish on appeal that the County is in complete compliance with the Board's decision and place the County on a solid footing.

## **ATTACHMENTS**

1. Proposed ordinance 2013-0411, with Attachments A & B
2. Department of Commerce Acknowledgement letter
3. Redline version of Technical Appendix D