



King County

**Metropolitan King County Council
Transportation, Economy and Environment Committee**

STAFF REPORT

Agenda Item:	10	Name:	Christine Jensen Erin Auzins
Proposed No.:	2016-0155	Date:	June 21, 2016

SUBJECT

A briefing on the proposed 2016 update to the King County Comprehensive Plan (KCCP).

SUMMARY

This year marks a four-year, “major” update to the KCCP, which allows for consideration of substantive policy changes to the Plan and potential revisions to the Urban Growth Area (UGA). The Executive transmitted the proposed 2016 KCCP to the Council on March 1. The Council is in the process of reviewing and deliberating on the Executive’s proposal. The Council’s review will include briefings in the Transportation, Economy and Environment Committee (TrEE) over the next several months and possible final adoption in mid-to-late 2016.

Today’s briefing will cover Chapter 5 (Environment) and Chapter 6 (Shorelines).

BACKGROUND

The KCCP is the guiding policy document for land use and development regulations in unincorporated King County, as well as for regional services throughout the County, including transit, sewers, parks, trails, and open space. The King County Code dictates the allowed frequency for updates to the KCCP.

Annual cycle. On an annual basis, only technical changes and other limited amendments to the KCCP are allowed to be adopted.¹ This is known as the “annual cycle.” While the Code states that the KCCP “may be amended” annually,² it is not required to be reviewed or amended on an annual basis.

¹ K.C.C. 20.18.030

² K.C.C. 20.18.030(B)

Four-year cycle. Substantive changes to policy language and amendments to the UGA boundary³ are only allowed to be considered once every four years.^{4,5} This is known as the “four-year cycle.” The Code requires the County to complete a “comprehensive review” of the KCCP once every four years in order to “update it as appropriate” and ensure continued compliance with the Growth Management Act (GMA).⁶ The Code requires the Executive to transmit to the Council a proposed ordinance amending the KCCP once every four years.⁷ However, the Code does not require the Council to adopt a KCCP update during the four-year cycle.⁸ This year’s four-year review of the KCCP is the fifth major review since 2000.

GMA update requirements. It is worth highlighting how the County’s KCCP cycles fit into the GMA planning cycles. The GMA requires cities and counties to update their comprehensive plans once every eight years.⁹ The GMA authorizes, but does not require, cities and counties to amend their comprehensive plans annually.

For King County, the GMA-established plan update deadlines are in 2015 and 2023. For the purposes of the GMA, the 2012 update to the KCCP¹⁰ satisfied the State’s requirement to update the County’s comprehensive plan by 2015. The GMA does not require the County to complete another comprehensive update until 2023. Under the County’s current policies and Code, the County will complete this update in the 2020 four-year cycle.

Under the County’s policies and regulations, the 2016 review of the KCCP constitutes a “four-year amendment.” However, under GMA requirements, the County’s 2016 review is subject to the rules applicable to an “annual amendment,” which is not a required action.

Actions to date for the 2016 KCCP. In May 2015, the Council adopted the Scoping Motion¹¹ for the 2016 KCCP update, a link to which is provided at the end of the staff

³ Note that Four-to-One UGA proposals may be considered during the annual cycle (see K.C.C. 20.18.030(B)(10), 20.18.040(B)(2), 20.18.170, and 20.18.180).

⁴ From year 2000 and forward. Substantive updates to the KCCP can be considered on a two-year cycle, but only if: “the county determines that the purposes of the KCCP are not being achieved as evidenced by official population growth forecasts, benchmarks, trends and other relevant data” (K.C.C. 20.18.030(C)). This determination must be authorized by a motion adopted by the Council. To date, this option has not been used by the County.

⁵ The annual Capital Improvement Plan (CIP), Transportation Needs Report (TNR), and school capital facilities plans are elements of the KCCP but are adopted in conjunction with the County budget, and thus follows separate timeline, process, and update requirements (see K.C.C. 20.18.060 and 20.18.070).

⁶ K.C.C. 20.18.030(C)

⁷ K.C.C. 20.18.060

⁸ If the Council decides not to adopt a four-year update, the County may still need to formally announce that it has completed the required review; the mechanism to do that, whether legislatively or not, would need to be discussed with legal counsel.

⁹ Revised Code of Washington (RCW) 36.70A.130

¹⁰ Ordinance 17485

¹¹ Motion 14351, which was required to be transmitted by the Executive by K.C.C. 20.18.060. The Council approved the 2016 KCCP scoping motion after the April 30 deadline for Council action. However,

report. The Scoping Motion outlined the key issues the Council and Executive identified for specific consideration in the forthcoming KCCP update. While the scope of work approved through the Scoping Motion was intended to be as thorough as possible, it does not establish the absolute limit on the scope of issues that can be considered. Based on subsequent public testimony, new information, or Council initiatives, other issues may also be considered by the Executive or the Council – except for UGA expansion proposals, which must follow the limitations of KCCP policy RP-107¹² as discussed in the Area Zoning Studies and Land Use Map Amendments section of the March 15 staff report.¹³

King County Code (K.C.C.) 20.18.160 and RCW 36.70A.140 call for “early and continuous” public engagement in the development and amendment of the KCCP and any implementing development regulations. As part of that public engagement process, the Executive published a Public Review Draft (PRD) of the KCCP on November 6, 2015, which was open for public comment through January 2016.¹⁴ During that time, the Executive hosted six PRD community meetings: one each in Fairwood, Skyway, Fall City, Issaquah, and two in Vashon. A summary of the Executive’s outreach efforts can be found in Appendix R “Public Outreach for Development of KCCP.” A detailed listing of all of the public comments received during development of the Plan can be found in the Public Participation Report that is located on the Council’s KCCP website.¹⁵

Council review of the transmitted 2016 KCCP began with a briefing of the Transportation, Economy and Environment Committee on March 15, 2016. Council review will continue with briefings on selected sections of the transmitted 2016 KCCP, as well as opportunities for public comment and engagement. As noted above, today’s briefing will cover Chapter 5 (Environment) and Chapter 6 (Shorelines).

ANALYSIS

How the Analysis section is organized. The analysis in this staff report includes a review of selected chapters of the transmitted 2016 KCCP. Analysis of other chapters in the transmitted plan has been provided already or will be provided at subsequent TrEE meetings, as noted in the schedule in Attachment 1 to the staff report.¹⁶ Staff analysis of each chapter will include identification of what is new in the transmitted 2016 KCCP compared with the adopted 2012 KCCP, discussion of any issues or

as noted in the adopted Motion, the Executive agreed to treat the scope as timely and would proceed with the work program as established in the Council-approved version of the motion.

¹² This policy is currently RP-203 in the adopted 2012 KCCP, and is proposed to be changed to RP-107 as part of the 2016 KCCP. Does not apply to Four-to-One proposals.

¹³ <http://www.kingcounty.gov/council/2016compplan/materials.aspx>

¹⁴ General public comment was open through January 6, 2016. Additional comments on the late addition of the East Cougar Mountain Potential Annexation Area to the Public Review Draft were allowed from January 27 to February 3.

¹⁵ <http://www.kingcounty.gov/council/2016compplan.aspx>

¹⁶ Subject to change.

inconsistencies with adopted policies and plans and/or the Scoping Motion, and highlights of any additional issues for Council consideration.¹⁷

This staff report includes:

Chapter 5 Environment Page 514

Chapter 6 Shorelines Page 531

Chapter 5 Environment

The policies in Chapter 5 address the natural environment, including critical areas, endangered species, water quality, air quality, shorelines, fish and wildlife resources and habitat, non-native plant and animal species, climate change, surface water management, and monitoring and adaptive management.

What's new in the transmitted 2016 KCCP?

Climate Change. Section II of Chapter 5 is dedicated to climate change. The section has been significantly expanded and updated to reflect the 2015 Strategic Climate Action Plan (SCAP).¹⁸ A more global look at all climate change policy changes, including more detailed analysis of the Chapter 5 changes noted below, will be discussed at a future TrEE briefing on the transmitted 2016 KCCP.

- **SCAP and K4C lead-in text.** The transmitted 2016 KCCP includes many changes in order to be consistent with the recently adopted 2015 SCAP, including updating facts about climate change impacts and the targets and strategies of the SCAP. The transmitted 2016 KCCP also includes text that restates the countywide climate commitments that were developed by King County and the King County-Cities Climate Collaboration (K4C).¹⁹
- **Reporting.** Policy E-202 related to reporting is modified by deleting “environmental sustainability programs.”

E-202 (~~Through reporting on its major environmental sustainability programs,)~~ King County shall assess and publicly report on:
a. Its normalized and total energy usage and total greenhouse gas emissions associated with county operations;
b. Countywide greenhouse gas emissions associated with resident, business, and other local government activities; and

¹⁷ For information on the Executive's rationale for the proposed changes, please refer to the Policy Amendment Analysis Matrix that was included in the 2016 KCCP transmittal package as required by policy I-207, which can be found here: <http://www.kingcounty.gov/council/2016compplan/transmittal.aspx>

¹⁸ Ordinance 14449

¹⁹ Ordinance 17285 adopted the Interlocal Agreement for the County's participation in the K4C.

c. ~~((e))~~ Countywide greenhouse gas inventories that quantify all direct local sources of greenhouse gas emissions as well as emissions associated with local consumption.

- **Collaborating with other local governments.** Policy E-203 relating to collaboration has been modified to delete the reference to collaborating with “local governments, regionally, nationally, and internationally.”

E-203 King County should collaborate ~~((with other local governments regionally, nationally and internationally))~~ to set transparent standards to account for the net energy and greenhouse gas emissions impacts of government actions such as constructing transportation infrastructure and providing services such as recycling and transit and should assess and publically report these impacts as practicable.

- **Collaborating with experts.** Policy E-204 has been expanded to include publicly sharing information about the impacts of climate change in King County.

E-204 King County should collaborate with experts in the field of climate change, including scientists at the University of Washington’s Climate Impacts Group, to monitor, ~~((and))~~ assess and publicly share information about the impacts of climate change in King County.

- **GHG emissions government operation reductions targets.** E-206 is updated to reflect the new greenhouse gas (GHG) reduction targets that were adopted in the SCAP.²⁰

E-206 King County shall reduce total greenhouse gas emissions from government operations, compared to a 2007 baseline by at least ~~((80% by 2050))~~ 15 percent by 2015, 25 percent by 2020, and 50 percent by 2030.

- **Developing near-term reduction targets.** The 2012 KCCP policy E-207²¹ requires King County to develop near-term reduction targets for GHG emissions emanating from its government operations. This policy is proposed to be deleted.

~~((F-207 King County shall develop near-term reduction targets of greenhouse gas emissions emanating from its government operations to help achieve the 2050 goal.))~~

- **Carbon neutral operations.** Policy E-206a is a new policy that states that the Department of Natural Resources and Parks (DNRP) shall achieve net carbon

²⁰ GHG emissions reductions of 25 percent by 2020 and 50 percent by 2030.

²¹ This was incorrectly listed as F-207 in the 2012 Comprehensive Plan so that is how it is referenced in the proposed Comprehensive Plan

neutrality for its operations by 2017. Additionally, new policy E-206b states that the department's Wastewater Treatment Division and Solid Waste Division shall each independently achieve carbon neutral operations by 2025.²²

E-206a King County's Department of Natural Resources and Parks, including the Wastewater Treatment Division, Solid Waste Division, Parks and Recreation Division, and Water and Land Resource Division, shall achieve net carbon neutrality for its operations by 2017.

E-206b King County's Wastewater Treatment Division and Solid Waste Division shall each independently achieve carbon-neutral operations by 2025.

- **Cost of carbon.** A new policy, E-206c, states that the County shall develop and implement an operational "cost of carbon." Additionally, the cost of carbon should then be used in life-cycle assessments and decision making related to County operations, including for purchase of clean vehicles and alternative fuels, for facility construction and resource efficiency projects, and for related technology investments. The policy also states that the County should also pursue using the cost of carbon to inform broader County planning and decision making.

E-206c King County shall develop and implement an operational "cost of carbon." The cost of carbon should be used in life-cycle assessments and decision making related to County operations, including for purchase of clean vehicles and alternative fuels, for facility construction and resource efficiency projects, and for related technology investments. King County should also pursue using the cost of carbon to inform broader County planning and decision making.

- **GHG emissions reductions targets.** Policy E-210 is updated to reflect the new greenhouse reduction targets that were adopted in the SCAP.

E-210 King County shall collaborate with its cities, and other partners, to ~~((meet or exceed the statewide greenhouse gas emissions reduction requirement of 50 percent below 1990 levels by 2050))~~ reduce countywide sources of greenhouse gas emissions, compared to a 2007 baseline, by 25 percent by 2020, 50 percent by 2030, and 80 percent by 2050.

- **Near-term reduction targets.** The 2012 KCCP policy E-211 requires King County to develop near-term reduction targets for GHG emissions emanating from its government operations, and is proposed to be deleted.

²² As required by Ordinance 17971

~~((E-211 King County shall collaborate with its cities and other partners to develop near term targets to achieve greenhouse gas emission reductions throughout the region to 80 percent below 2007 levels by 2050.))~~

- **“Adaptation” Changed to “Preparing for Climate Change Impacts.”** The title of subsection C of Section II is proposed to be changed from “Adaptation” to “Preparing for Climate Change Impacts.” Additional lead in text is also added related to climate preparedness.
- **Overarching Climate Change Preparedness Goals.** The transmitted 2016 KCCP adds two new policies under a new header “Overarching Climate Change Preparedness Goals.” Policy E-215a calls for collaboration in preparing for the effects of climate. Policy E-215b specifies King County shall plan and prepare for the likely impacts of climate change on County-owned properties.

E-215a King County will collaborate with local cities, residents, and other partners to prepare for the effects of climate change on the environment, human health, public safety, and the economy.

E-215b King County will plan and prepare for the likely impacts of climate change on County-owned facilities, infrastructure, and natural resources.

- **Coordination with Partners.** The transmitted 2016 KCCP modifies the 2012 sub-heading “Collaboration” to instead read “Coordination with Partners.” These policies replaced some of the 2012 policies related to climate preparedness. Two policies are added (E-215c and E-215d) and one is deleted (E-216).

Policy E-215c is a new policy for collaboration to develop science-based estimates of the magnitude and timing of climate change impacts.

E-215c King County should collaborate with the scientific community, state and federal agencies, and other jurisdictions to develop detailed, science-based estimates of the magnitude and timing of climate change impacts on air temperatures and heat waves, rainfall patterns and severe weather, river flooding, sea level rise, fish and wildlife, and ocean acidification in King County.

Changes related to policies E-215d, E-216 and E-218 are discussed below.

- **Climate Change Awareness.** Policy E-216, related to taking steps to raise awareness about climate change is deleted.

~~((E-216 King County should take steps to raise awareness about climate change impacts, including impacts on human health, and~~

~~should collaborate with climate science experts, federal and state agencies, and other local governments to develop strategies to adapt to climate change.))~~

- **Sharing of Information on Climate Change impacts.** Policy E-215d is added for consistency with the SCAP.

E-215d King County should share information on climate change impacts and collaborate on approaches to improving resiliency of infrastructure, disaster preparedness, and public engagement with local cities and other partners to make the best use of limited resources and more effectively engage King County residents.

- **Emergency Planning.** The transmitted 2016 KCCP adds a new policy consistent with the SCAP related to emergency planning.

E-215e King County shall integrate observed and projected climate change impacts, including severe weather, flooding, drought, fire, and landslides, into emergency management planning and programs.

- **Equity and Social Justice (ESJ).** Policy E-221a is a new policy that requires using the Equity Impact Review process to help prioritize investments in making infrastructure, natural resources, and communities, more resilient to the impacts of climate change.

E-221a King County shall apply its Equity Impact Review process to help prioritize investments in making infrastructure, natural resources, and communities more resilient to the impacts of climate change.

- **Outdated policies deleted.** 2012 KCCP policies E-218, E-219, and E-220 are deleted.

~~E-218 King County should collaborate with climate scientists, federal and state agencies, and other local governments to evaluate and plan for the potential impacts associated with sea level rise.~~

~~E-219 King County shall consider projected impacts of climate change, including more severe winter flooding and heat events, when updating disaster preparedness, levee investment, and land use plans; siting King County infrastructure; and updating development regulations.~~

~~E-220 The county should inventory essential county facilities and infrastructure, including roads and wastewater treatment and conveyance facilities, that are subject to impacts that may be exacerbated by climate change, such as flooding and inundation from~~

~~sea level rise, and develop strategies for reducing risks and mitigating future damages.))~~

- **Planning for Climate Change Impacts.** New policy E-221b is a new statement related to addressing climate change impacts.

E-221b King County shall integrate estimates of the magnitude and timing of climate change impacts into capital project planning, siting, design, and construction and also implement infrastructure operation and maintenance programs that consider full life-cycle costs and climate change impacts in asset management.

- **Natural Environment.** Policy E-224 includes a list of priority efforts to foster resilience to climate change in ecosystems and species. Proposed changes to E-224 would add “restoration of floodplains to improve the resilience of major rivers to changing flow regimes and temperatures” as an effort to prioritize. Additional language is added to identify another function of restoring riparian vegetation.

E-224 To foster resilience to climate change in ecosystems and species, the ((county)) King County should prioritize efforts such as the restoration of floodplains to improve the resilience of major rivers to changing flow regimes and temperatures, the protection and restoration of riparian vegetation to reduce warming in cold water systems ((, restore)) and of wetlands to reduce drought and flooding, ((improve)) and of connections between different habitats to maintain current seasonal migration and ((,)) facilitate migration opportunities for species whose ranges shift in latitude and altitude ((and protect and restore areas most likely to be resistant to climate change)) .

- **Support of market based price on carbon.** The transmitted 2016 KCCP includes new policy E-226a in support of comprehensive federal, regional and state science-based limits and a market based price on carbon pollution and other GHG emissions.

This policy replaces policy E-227, which references support for market-based emissions reduction programs and support for renewable energy standard for electricity production and vehicle efficiency performance standards.

~~((E-227 King County should support appropriate comprehensive approaches to reducing greenhouse gas emissions, such as market-based emissions reduction programs and products, renewable energy standards for electricity production, and vehicle efficiency performance standards.))~~

E-226a King County supports comprehensive federal, regional and state science-based limits and a market-based price on carbon pollution and other greenhouse gas emissions. A portion of revenue from these policies should support local GHG reduction efforts, such as funding for transit service, energy efficiency projects, and forest protection and restoration initiatives. King County also supports renewable energy standards for electricity production and vehicle efficiency performance standards.

Goals for Environmental Programs. Policy E-103, as currently adopted, provides broad policy direction for the development of environmental regulations, restoration and mitigation projects and incentive and stewardship programs. This policy is proposed to be revised to add specific direction to consider floodplain management, stormwater and salmon recovery. There are many other environmental goals for the urban, rural and resource lands in King County. The Council may want to consider whether calling out these three types of plans meets the Council's policy goals.

E-104 Development of environmental regulations, restoration and mitigation projects, and incentive and stewardship programs should be coordinated with local jurisdictions, federal and state agencies, tribes, special interest groups and citizens when conserving and restoring the natural environment consistent with Urban Growth Area, Rural Area and designated Natural Resource Land goals, floodplain management plans, stormwater retrofitting plans and salmon recovery plans.

Water Quality. The transmitted 2016 KCCP includes several changes related to water quality protection and restoration, including:

- **Impaired water quality.** Policy E-112 is proposed to be modified to require the County to take actions to moderate impairments to water quality that are caused by human activities. This narrows the focus of this policy so that the County would not take action on impairments caused by other forces (not by humans).

E-112 When environmental monitoring indicates human activities have caused impaired water quality, such as increased water temperature, fecal contamination, low oxygen, excess nutrients, metals, or other contaminants, King County shall take actions which will help moderate those impairments.

- **Lake water quality.** Policy E-491 is proposed to be modified, to encourage collaboration with local and state agencies to identify and reduce pollutants that affect aquatic life or human health.

E-491 ((The county)) King County, in partnership with other governments and community groups, should monitor and assess lake water and sediment quality, physical habitat, and biotic resources.

Assessment should identify trends and describe impacts on human health, aquatic life, and wildlife habitat. The county should collaborate with other affected jurisdictions, Public Health -- Seattle & King County, State, the State Department of Health, and the State Department of Ecology to identify pollutant sources adversely impacting aquatic life or human health, and through local or grant funding opportunities reduce or remove these inputs.

- **Marine water quality.** A similar change is proposed to policy E-499g, relating to pollutants that affect marine waters, nearshore areas and embayments.

E-499g King County should collaborate with the federal and state agencies (including the Puget Sound Partnership), cities, tribes, counties, and universities to monitor and assess Puget Sound marine waters, ~~((and))~~ nearshore areas, and embayments ~~((of Puget Sound))~~ . Monitoring and assessment should address water and sediment quality, bioaccumulation of chemicals, physical habitat, and biotic resources. Assessment should identify trends and describe impacts on human health and safety, aquatic life, and wildlife habitat. The county should collaborate with other affected jurisdictions, Public Health -- Seattle & King County, State, the State Department of Health, and the State Department of Ecology to identify pollutant sources adversely impacting aquatic life or human health, and through local or grant funding opportunities reduce or remove these inputs.

- **Groundwater protection in Rural Area.** Policy E-497, regarding protection of groundwater in the Rural Area, is proposed to be changed to require risk assessments and monitoring of rural potable water supplies, coordination with local and state government on this monitoring for supplies at high risk, and planning for loss or serious impairment of domestic groundwater supply. This could require developers to conduct risk assessment and monitoring, as part of a development proposal.

E-497 King County should protect groundwater in the Rural Area by:

a. Preferring land uses that retain a high ratio of permeable to impermeable surface area, and that maintain and/or augment the natural soil's infiltration capacity and treatment capability for groundwater; ~~((and))~~

b. Requiring risk assessments and monitoring, where appropriate, of rural potable water supplies in groundwater subareas, and coordinate findings with local and state governments, agencies, districts and local property owners to monitor potable water supplies at high risk and develop plans to mitigate for the loss or serious impairment of domestic water supply from wells and springs; and

c. ____ Requiring standards for maximum vegetation clearing limits, impervious surface limits, and, where appropriate, infiltration of surface water.

- **Failing septic systems.** Policy E-499i, regarding failing septic systems and their impact on shoreline environments, is proposed to be changed to encourage the County move beyond developing strategies to actually addressing failing septic systems in these areas.

E-499i King County should work with landowners, other jurisdictions, the state Department of Health, sewer districts, and the Puget Sound Partnership to ~~((develop more effective strategies and additional resources for addressing))~~ address failing septic systems in constrained shoreline environments.

Salmon recovery. The transmitted 2016 KCCP includes several changes to lead in text and policies related to salmon recovery, including:

- **Puget Sound Action Agenda.** The Puget Sound Partnership is updating the salmon recovery Action Agenda for 2016, and will focus on three Strategic Initiatives: protecting and restoring habitat, preventing pollution from stormwater, and recovering shellfish beds. The County does not officially adopt the Action Agenda, although many Councilmembers and the Executive participate through the Water Resource Inventory Area (WRIA) forums. Introductory text in this chapter, on page 5-14, and policy E-113 reference these Strategic Initiatives and the Action Agenda. The Council may want to consider the policies and text that reference this Action Agenda or Initiatives to ensure they are consistent with the Council's policy goals.
- **Coordination.** Policy E-113 is also proposed to be revised to reference participation in and coordination with organizations leading salmon recovery efforts in Snohomish and Pierce Counties.

E-113 King County should actively participate in updating and implementing the Puget Sound Partnership's 2020 Action Agenda, including participating in the South Central Caucus Group and Snohomish-Stillaguamish Local Integrating Organizations, and supporting the Partnership's three Strategic Initiatives.

- **Salmon recovery monitoring.** A change is proposed to policy E-115, regarding the monitoring and adaptive management for salmon recovery. It identifies additional monitoring programs by the Puget Sound Partnership.

E-115 ~~((The county))~~ King County should identify opportunities for coordinating its existing monitoring programs with monitoring and assessment work conducted through Puget Sound Ecosystem Monitoring Program, the Puget Sound Partnership's Strategic Science Plan and the Puget Sound Partnership's Biennial Science Work Plan.

Policy E-607 is proposed to be modified, to provide more specificity in the types of information that should be monitored, including salmon populations, habitat status, and trends over time.

E-607 (~~The county~~) King County should coordinate with other governments, agencies, tribes, non-governmental organizations and others to develop and implement regional and watershed-based Monitoring and Adaptive Management programs focused on achieving salmon recovery goals. The programs should include monitoring of salmon populations and habitat status and trends over time in order for the county and its partners in salmon recovery to be able to access the overall trajectory of salmon recovery efforts.

- **Tribal treaty rights.** Policy E-499j regarding salmon recovery is proposed to be modified to identify tribal treaty rights as a top priority in implementation the salmon recovery plans.

E-499j King County shall continue to participate in the Water Resource Inventory Area(~~-based~~) salmon(~~id~~) recovery plan implementation efforts and in other regional efforts to recover salmon and the ecosystems they depend on, such as the Puget Sound Partnership. King County's participation in planning and implementation efforts shall be guided by the following principles:

- a. Focus on federally listed salmonid species and declining stocks protected under tribal treaty rights first, take an ecosystem approach to habitat management and seek to address management needs for other species over time;
- b. Concurrently work on early actions, long-term projects and programs that will lead to improvements to, and information on, habitat conditions in King County that can enable the recovery of endangered or threatened salmonids, while maintaining the economic vitality and strength of the region;
- c. Address both King County's growth management needs and habitat conservation needs;
- d. Use best available science as defined in WAC 365-195-905 through 365-195-925;
- e. Improve water quality, water quantity and channel characteristics;
- f. Coordinate with key decision-makers and stakeholders; and
- g. Develop, implement and evaluate actions within a watershed-based program of data collection and analysis that documents the level of effectiveness of specific actions and provides information for adaptation of salmon conservation and recovery strategies.

Noxious weeds. The transmitted 2016 KCCP includes several changes related to noxious weeds.

- **Control Board.** A new section and a new policy have been added regarding noxious weeds. While the policy in the plan would be new, there is already a Noxious Weed Control Board in King County, and a noxious weed control program organizationally housed in DNRP.

E-115a King County shall exercise its authority under RCW 17.10 to (1) establish a county noxious weed control board to provide citizen oversight and direction, and (2) implement a program of activities that minimizes the impacts of noxious weeds to the environment, economy, recreation and public health within the County.

- **Incentives.** Policy E-429, related to incentives for private landowners, is clarified to add the types of incentives that should be provided.

E-429 King County should provide incentives for private landowners who are seeking to remove invasive plants and noxious weeds and replace them with native plants such as providing technical assistance or access to native plants.

- **Herbicide Use.** Policy E-431b²³ is proposed to be modified, to further clarify when herbicide use is appropriate for vegetation control.

~~(E-505)~~ **(E-431b)** Through training and other programs, King County should actively encourage the use of environmentally safe methods of vegetation control. Herbicide use should be ~~((minimized))~~ restricted to low toxicity products applied by trained and licensed staff or contractors, and used only as necessary. King County should be a good steward of public lands and protect water quality, by reducing the use of insecticides, herbicides and fungicides through the use of integrated pest and vegetation management practices.

Biodiversity. The transmitted 2016 KCCP includes several changes related to biodiversity conservation policies, including:

- **Rare Ecosystems.** Policy E-418 is related to impacts of proposed habitat modifications on sensitive species. It is proposed to be modified to add a criteria for “sensitivity,” in addition to “scarcity,” and to add habitats.

E-418 King County should assess the relative scarcity and sensitivity of different land types, habitats and resources, the role of these ~~((lands))~~ land types, habitats and resources in supporting

²³ This policy is currently E-505 in the adopted 2012 KCCP, and is proposed to be changed to E-431b as part of the transmitted 2016 KCCP.

sensitive species, and the level of threat to these ((lands)) land types, habitats, and resources in terms of habitat modifications that would likely reduce populations of sensitive species.

- **Integrated Planning.** Policy E-422 is proposed to be modified to include parks planning in the types of operational and planning functions that should be integrated for ecosystem planning. This change appears to be consistent with the Land Conservation and Preservation work program²⁴ and other policies in Chapter 7.

E-422 King County's land use and park planning, regulatory, and operational functions related to environmental protection, public safety, and equity should be closely coordinated across departments and with other applicable agencies and organizations to achieve an ecosystem-based approach.

- **Wetland and Stream Buffers.** Policy E-425 is proposed to be modified to add a criteria for the use of buffer modifications and clustering techniques, to protect adjacent wetlands and streams. This proposed change could limit where these techniques are used. However, a similar change was not made to policy E-475 related to protection of native vegetation connecting wetland complexes. The Council may want to consider whether this additional language meets the Council's policy goals.

E-425 Stream and wetland buffer requirements may be increased to protect King County species of Local Importance and their habitats, as appropriate. Whenever possible, density transfers, clustering and buffer averaging should be allowed to protect adjacent wetlands and protect or improve aquatic habitats.

E-475 Areas of native vegetation that connect wetland complexes should be protected. Whenever effective, incentive programs such as buffer averaging, density credit transfers, or appropriate non-regulatory mechanisms shall be used for this purpose.

Further, policy E-499c is proposed to be modified so that buffers for aquatic areas should mitigate impacts of upland development beyond the aquatic area.

E-499c The designation of buffers for aquatic areas, including rivers and streams, should take into account watershed-scale actions to mitigate the impacts of upland development on flooding, erosion, and habitat to protect adjacent wetlands and protect or improve aquatic habitats.

²⁴ 2016-RPT0045. Discussed further in the Chapter 7 section of the June 7 staff report.

Upland Forest Cover. Policy E-447 is proposed to be modified to change the word “protecting” to “conserving,” in a policy about the importance of headwater and upland forest cover on downstream resources. Conserve is a broader term than protecting, and indicates additional actions that the County could take.

E-447 King County recognizes that ((protecting)) conserving and restoring headwater and upland forest cover is important for preventing flooding, improving water quality, and protecting salmon and other wildlife habitat. The central role that forest cover plays in supporting hydrologic and other ecological processes should be reflected in policies and programs addressing stormwater management, flooding, wildlife, and open space.

Healthy Soils. Policy E-450 encourages site development practices to reuse native soils. This policy is proposed to be changed, so that the reuse would be to the maximum extent “practicable,” rather than maximum extent “possible” under the existing language.

E-450 Site development practices should minimize soil disturbance and maximize retention of native vegetation and soils. Where soil disturbance is unavoidable, native soils should be stockpiled on site and reused on site in accordance with best management practices to the maximum extent ((possible)) practicable.

Wetland Alteration and Mitigation. There are two policies related to wetland regulations that have modified substantively in the transmitted 2016 KCCP. First, policy E-481 is proposed to move language regarding wetland alterations. The existing policy allows alterations for public agency or utility development, as well as utility, stormwater and road infrastructure, without qualification. The policy also allows “reasonable use” for private development, subject to criteria on minimization and mitigation. The proposed change to E-481 would apply this same criteria to the public agency and infrastructure development.

E-481 ((Alterations)) Provided all wetland functions are evaluated, the least harmful and reasonable alternatives are pursued, affected significant functions are appropriately mitigated, and mitigation sites are adequately monitored, alterations to wetlands may be allowed to:

- a. Accomplish a public agency or utility development;
- b. Provide necessary crossings for utilities, stormwater tightlines and roads; or
- c. Allow constitutionally mandated “reasonable use” of the property ((; provided all wetland functions are evaluated, the least harmful and reasonable alternatives are pursued, affected significant functions are appropriately mitigated, and mitigation sites are adequately monitored)) .

Second, a change to policy E-483 would clarify where on-site mitigation is appropriate. It adds language that the on-site mitigation must be feasible and likely to continue providing desired functions “in perpetuity.”

E-483 Wetland impacts should be avoided if possible, and minimized in all cases. Where impacts cannot be avoided, they should be mitigated on site if ~~((possible and if))~~ the proposed mitigation is feasible, ecologically appropriate, and likely to continue providing desired functions in perpetuity. Where on-site mitigation is not possible or appropriate, King County may approve off-site mitigation.

Beavers. A new section is included in the transmitted 2016 KCCP regarding beavers and beaver activity. One new policy is also proposed, which would state the County's support for coexistence of beavers and people in rural King County, and call for a beaver management strategy to address co-existence and where beavers should be excluded or removed.

E-499ii King County supports the coexistence of beavers and people in rural King County. King County should prepare a beaver management strategy to guide a program on issues such as where and how beavers and humans can co-exist with or without engineered solutions and where beavers should be excluded or removed.

Flood Hazard Areas. New policies are proposed regarding flood hazard areas. New policy E-499q1 requires implementation of a comprehensive floodplain management program, and new policy E-499q2 requires continuation of the County's policy of exceeding minimum federal standards through the National Flood Insurance Program. These policies appear to be consistent with the Flood Hazard Management Plan.

E-499q1 King County shall implement a comprehensive local floodplain management program that protects lives, minimizes damage and disruption to infrastructure and critical facilities, preserves and restores natural floodplain functions, and ensures that new development does not put people in harm's way or cause adverse flooding impacts elsewhere.

E-499q2 King County shall continue to exceed the federal minimum standards stipulated by the National Flood Insurance Program for unincorporated areas to better protect public safety, reduce the risk of flood and channel migration hazards to existing public and private property.

Emergency Management Planning. A new section is added to the section on Geologically Hazardous Areas. This includes information from the King County Emergency Management Planning Model and new policy E-999u that would require the County incorporate into land use, transportation and economic development planning,

and natural resource management, actions that would reduce impacts from natural hazards (earthquakes, flooding and landslide risk).

E-499u King County shall incorporate into its land use and transportation planning, economic development efforts, and natural resource management the most promising actions to reduce impacts from natural hazards, such as earthquake, flooding, and landslide risk.

Landslide Hazard Planning. New text and policies related to inventorying of landslide hazard areas, and the relationship between landslide hazards and flooding hazards, are included in the transmitted 2016 KCCP. These policies appear to be part of the County's response to better planning around landslide hazard areas resulting from the Oso Landslide in 2014.

New policy E-507a encourages the County to maintain an inventory of landslide hazard areas, and then requires that that inventory be used to inform future planning and guide regulations.

E-507a King County should maintain a map and inventory of known and potential landslide hazard areas in unincorporated King County that is based upon the best available information. This information will be used to inform future planning and guide development regulations.

New policy E-507b encourages the County to make landslide hazard information available to the public.

E-507b King County should make landslide hazards information readily available to the public in order to improve the general understanding of landslides and their associated hazards. This may include making information available on a public web site and providing outreach and assistance to current and prospective property owners and developers.

Policy E-508 is proposed to be revised to:

- Consolidate the terms “avalanche hazard area” and “landslide hazard area.” The definition in the King County Code for landslide hazard areas includes snow avalanche hazard areas. The Council may want to consider whether snow avalanche areas should be called out separately, or whether consolidation of the terms meets the Council’s policy goals.
- Strengthen the policy, by changing “should” to “shall,” and by requiring that risks and adverse impacts of development are eliminated or minimized to a non-significant level on the property being developed as well as adjacent lands, as opposed to downstream lands, as in the current policy.

E-508 ((~~Avalanche or Landslide Hazard Areas~~)) Landslide hazard areas (including snow avalanche zones and other features as defined

~~in King County Code) ((should)) shall not be developed unless the risks and adverse impacts associated with such development ((can be reduced to a non)) are eliminated or minimized so that they are at a non-significant level. Development proposed in ((or adjacent to avalanche or landslide hazard)) areas affected by landslide hazards shall be adequately reviewed and mitigated as needed to eliminate or minimize risk to the development as well as to ensure the development does not increase landslide or erosion hazards that would adversely impact ((downstream)) adjacent properties or natural resources.~~

New policy E-508a requires the County to include landslide and flooding hazards in emergency management planning.

E-508a King County shall consider landslide hazards and related flooding hazards in the context of hazard communication, operational preparedness and emergency response.

Adaptive Management. The transmitted 2016 KCCP includes several changes related to adaptive management, including:

- **Monitoring Data.** Policy E-601 is proposed to be revised to include monitoring for toxics in fish and shellfish to the types of information the County should be collecting.

E-601 King County should conduct a comprehensive and coordinated program of environmental monitoring and assessment to track long-term changes in climate (e.g., precipitation, temperature), water quality and quantity, toxics in fish and shellfish, land use, land cover and aquatic and terrestrial habitat, natural resource conditions, and biological resources as well as the effectiveness of policies, programs, regulations, capital improvement projects, and stormwater treatment facility design. This monitoring program should be coordinated with other jurisdictions, state and federal agencies, tribes, and universities to ensure the most efficient and effective use of monitoring data.

- **National Pollutant Discharge Elimination System (NPDES) Permit Compliance.** Policy E-605 is proposed to be revised to more generally state the County's requirement to comply with the federal NPDES permit, while the current policy is more directly related to monitoring and data collection.

~~((**E-605** King County shall carry out monitoring in compliance with its National Pollutant Discharge Elimination System municipal permit. Data collected through these monitoring efforts should be coordinated with King County's other monitoring efforts to the extent possible, and carried out in the most cost-effective and useful manner))~~

E-605 King County shall fully comply with its National Pollutant Discharge Elimination System permits, including seeking compliance strategies that are cost-effective and useful.

- **Salmon Recovery.** As mentioned in the above section on salmon recovery planning, policy E-607 is proposed to be modified to provide more specificity in the types of information that should be monitored, including salmon populations, habitat status, and trends over time.

E-607 ((The county)) King County should coordinate with other governments, agencies, tribes, non-governmental organizations and others to develop and implement regional and watershed-based Monitoring and Adaptive Management programs focused on achieving salmon recovery goals. The programs should include monitoring of salmon populations and habitat status and trends over time in order for the county and its partners in salmon recovery to be able to access the overall trajectory of salmon recovery efforts.

Consistency with adopted policies and plans

Equity and Social Justice (ESJ). Analysis of proposed changes regarding ESJ will be discussed at a future TrEE briefing on the transmitted 2016 KCCP.

Climate change. Proposed changes regarding climate change and consistency with the SCAP will be discussed at a future TrEE briefing on the transmitted 2016 KCCP.

Wetland Alteration and Mitigation. There are two policies related to wetland regulations that have substantive policy modifications in the transmitted 2016 KCCP. First, policy E-481 is proposed to move language regarding wetland alterations. The existing policy currently allows alterations for public agency or utility development, as well as utility, stormwater and road infrastructure, without qualification. The policy also currently allows “reasonable use” for private development, subject to criteria on minimization and mitigation. The proposed change to E-481 would apply this same criteria to public agency and infrastructure development. This change may not be consistent with the current King County Code requirements for these types of development, and the Council may want to consider whether this change meets the Council’s policy goals.

Second, a change to policy E-483 would clarify where on-site mitigation is appropriate. It adds language that the on-site mitigation must be feasible and likely to continue providing desired functions “in perpetuity.” This language may not account for variability and uncertainty with natural systems, and could discourage on-site mitigation for wetland impacts. Executive staff note that the federal mitigation rules prefer off-site

mitigation, although the King County Code states that “to the maximum extent practical,” mitigation should be completed onsite or on a contiguous site.²⁵

Consistency with the Scoping Motion

The Scoping Motion listed a number of items to include in this chapter. Staff notes here the items that do not appear to be addressed in the transmitted 2016 KCCP.

Low income communities/People of color. The Scoping Motion called for updated and strengthened policy regarding environmental justice and climate justice. While there are references to these issues added to the introductory text, and existing policy E-225 addresses air quality and climate change related health inequities, there are not new or revised policies that address this item from the Scoping Motion.

Other issues for Council consideration

No issues identified.

Chapter 6 Shorelines

The policies in Chapter 6 comprise King County’s Shoreline Master Program (SMP), which addresses the management and conservation of the shoreline jurisdiction in the county as required by RCW 90.58.

What’s new in the transmitted 2016 KCCP?

The County’s SMP, as included in Chapter 6²⁶ of the 2012 KCCP, was approved by the Department of Ecology in 2014. As a result, the transmitted 2016 KCCP does not propose substantive changes to Chapter 6.

Consistency with adopted policies and plans

No issues identified.

Consistency with the Scoping Motion

The Scoping Motion listed a number of items to include in this chapter. Staff notes here the items that do not appear to be addressed in the transmitted 2016 KCCP.

Public outreach and education. The adopted Scoping Motion called for an update to policies to reflect an emphasis on the importance of outreach and education to shoreline property owners. The transmitted 2016 KCCP did not address this; however, this is due to the pre-existing Department of Ecology approval of the SMP. If substantive changes

²⁵ K.C.C. 21A.24.133

²⁶ Formerly Chapter 5 in the 2012 KCCP, and proposed to be changed to Chapter 6 in the transmitted 2016 KCCP due to the proposed addition of the new Health and Human Services chapter, Chapter 4.

to Chapter 6 are proposed, the changes would need to be reviewed and approved by the Department of Ecology.

Other issues for Council consideration

No issues identified.

ATTACHMENTS

1. 2016 KCCP Schedule, updated as of June 1, 2016
2. Frequently Used Acronyms
3. Comprehensive Plan Comments, updated as of June 13, 2016
4. Executive provided materials regarding climate change

LINKS

Proposed Ordinance 2016-0155, the underlying ordinance for the proposed 2016 KCCP, can be found at:

<http://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=2594294&GUID=050D99B0-CE2F-4349-BD0D-46D46F673458&Options=ID%7cText%7c&Search=2016-0155>

The Council's Scoping Motion, Motion 14351, can be found at:

<http://mkcclegisearch.kingcounty.gov/LegislationDetail.aspx?ID=2233471&GUID=8A16CDC8-8A9A-455D-A9E6-00CF10E055A9&Options=ID|Text|&Search=2015-0104>

All components of the proposed 2016 KCCP can be found at:

<http://www.kingcounty.gov/council/2016compplan/transmittal.aspx>

These components include:

- Proposed Ordinance 2016-0155
- 2016 KCCP
- Land Use and Zoning Changes
- Appendix A: Capital Facilities
- Appendix B: Housing
- Appendix C: Transportation

- Appendix C1: Transportation Needs Report
- Appendix C2: Regional Trails Needs Report
- Appendix D: Growth Targets and the Urban Growth Area
- Appendix R: Public Outreach for Development of KCCP
- Attachment: Skyway-West Hill Action Plan
- Attachment: Area Zoning Studies
- Attachment: Development Code Studies
- Attachment: Policy Amendment Analysis Matrix
- Attachment: Public Participation Report

INVITED

- Ivan Miller, KCCP Manager, Performance, Strategy and Budget

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King County Council
Schedule for 2016 King County Comprehensive Plan
(As of 6/1/16, Subject to change)

March 1	Transmittal of King County Executive's proposed 2016 King County Comprehensive Plan.
March 15 9:30 a.m.	<p>Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Committee review process overview</i> • <i>Land use proposals/Area Zoning Studies</i> • <i>Chapter 11 Community Service Area Planning</i> • <i>Chapter 12 Implementation, Appendix D Growth Targets</i> <p>Opportunity for public comment</p>
April 6 6:30 p.m.	<p>Committee of the Whole Town Hall - Special Evening Meeting Location: Gracie Hansen Community Center at Ravensdale Park (Rock Creek Sports) - 27132 SE Ravensdale Way, Ravensdale WA Opportunity for public comment on proposed 2016 Comprehensive Plan</p>
May 3 9:30 a.m.	<p>Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Chapter 1 Regional Planning</i> • <i>Chapter 3 Rural Area and Natural Resource Lands</i> • <i>Chapter 8 Transportation, Appendix C Transportation, C1 Transportation Needs Report</i> • <i>Chapter 10 Economic Development</i> • <i>Development code updates (Proposed Ordinance 2016-0155)</i> <p>Opportunity for public comment</p>
May 17 9:30 a.m.	<p>Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Chapter 2 Urban Communities</i> <p>Opportunity for public comment</p>
May 31 9:30 a.m.	<p>Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Chapter 4 Housing and Human Services, Appendix B Housing</i> <p>Opportunity for public comment</p>
June 7 9:30 a.m.	<p>Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Chapter 7 Parks, Open Space and Cultural Resources, Appendix C2 – Regional Trail Needs Report</i> <p>Opportunity for public comment</p>
June 21 9:30 a.m.	<p>Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change):</p> <ul style="list-style-type: none"> • <i>Chapter 5 Environment</i> • <i>Chapter 6 Shorelines</i> <p>Opportunity for public comment</p>

June 30 1:30 p.m.	Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change): <ul style="list-style-type: none"> • <i>Climate Change (all chapters)</i> • <i>Equity and Social Justice (all chapters)</i> Opportunity for public comment
July 5 9:30 a.m.	Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change): <ul style="list-style-type: none"> • <i>Chapter 9 Services, Facilities and Utilities, Appendix A – Capital Facilities</i> Opportunity for public comment
July 19 9:30 a.m.	Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change): <ul style="list-style-type: none"> • <i>Real Property Asset Management Plan (Proposed Ordinance 2016-0159)</i> Opportunity for public comment
August 16 9:30 a.m.	Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change): <ul style="list-style-type: none"> • <i>Follow up on identified issues</i> Opportunity for public comment
August 24 1:30 p.m.	Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change): <ul style="list-style-type: none"> • <i>Follow up on identified issues</i> Opportunity for public comment
August 30 9:30 a.m.	Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change): <ul style="list-style-type: none"> • <i>Follow up on identified issues</i> Opportunity for public comment
September 6 9:30 a.m.	Briefing in Transportation, Economy and Environment Committee. Anticipated topics (subject to change): <ul style="list-style-type: none"> • <i>Chair’s Striking Amendment</i> Opportunity for public comment
September 20 9:30 a.m.	Possible vote in Transportation, Economy and Environment Committee <ul style="list-style-type: none"> • <i>Includes consideration of possible amendments</i> Opportunity for public comment
November 28 Time TBD	Anticipated public hearing at full Council Opportunity for public comment
December 5 Time TBD	Possible vote at full Council <ul style="list-style-type: none"> • <i>Includes consideration of possible amendments</i>

Unless otherwise noted, all meetings will take place in the Council Chambers on the 10th Floor of the King County Courthouse, at 516 3rd Ave, Seattle WA.

2016 King County Comprehensive Plan Frequently Used Acronyms

APD	Agricultural Production District
CIP	Capital Improvement Program
CPP	Countywide Planning Policy
ESA	Endangered Species Act
FCC	Fully Contained Community
FPD	Forest Production District
GMA	Growth Management Act
GMPC	Growth Management Planning Council
HOT	High Occupancy Toll
HOV	High Occupancy Vehicle
ITS	Intelligent Transportation Systems
KCCP	King County Comprehensive Plan
KCSP	King County Strategic Plan
LID	Low Impact Development
LOS	Level of Service
LSRA	Locally Significant Resource Area
MPP	Multi-county Planning Policies
MPS	Mitigation Payment System
PAA	Potential Annexation Area
PBRS	Public Benefit Rating System
PSRC	Puget Sound Regional Council
RSRA	Regionally Significant Resource Area
RWSP	Regional Wastewater Services Plan
SCAP	Strategic Climate Action Plan
SPPT	Strategic Plan for Public Transportation
SPRS	Strategic Plan for Road Services
SEPA	State Environmental Policy Act
TAM	Transportation Adequacy Measure
TDR	Transfer of Development Rights
TDM	Transportation Demand Management
TNR	Transportation Needs Report
TOD	Transit Oriented Development
UGA	Urban Growth Area
UGB	Urban Growth Boundary
UPD	Urban Planned Development
UTRC	Utilities Technical Review Committee

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1510 228th Avenue SE
Sammamish, WA 98075

Main: 425.392.6256
Fax: 425.391.5389

www.spwater.org

May 24, 2016



Rod Dembowski, Chair
King County Council Transportation, Economy & Environment Committee
516 Third Ave, Room 1200
Seattle WA 98104

Re: Comments on the King County Comprehensive Plan Update

Dear Chair Dembowski,

The District Board of Commissioners recognizes the County is in the process of updating its comprehensive plan as required under the Growth Management Act (GMA). When the King County Countywide Planning Policies were revised in 2011, the District offered constructive comments (letter attached) encouraging enhanced local government collaboration to promote progressive utility service delivery models. Similar to those comments, please consider the following comments as they relate to the GMA, Countywide Planning Policies, and proposed revisions to King County Comprehensive Plan Chapter 9 – Services, Facilities, and Utilities.

The Sammamish Plateau Water and Sewer District was incorporated in 1948 pursuant to Title 57 RCW: Water-sewer districts. The District provides water and sewer service to a population of approximately 64,000 people. As the District has grown and developed, it has done so relative to the geography and physical influences of utility service delivery boundaries, as opposed to traditional city limits. In serving the majority of the City of Sammamish, a significant portion of the City of Issaquah, and adjacent portions of King County, the District in essence is a regional provider of utility services necessary for urban growth and economic development.

The GMA (RCW 36.70A) authorizes countywide planning policies to ensure consistency with GMA requirements. The GMA (RCW 36.70A.110(4)) also states:

"In general (emphasis added), cities are the units of local government most appropriate to provide urban governmental services."

While the Countywide Planning Policies and current Comprehensive Plan contain numerous references to local government coordination and collaboration, the existing countywide planning policies appear to have veered from the GMA by stating:

"Cities are the appropriate providers of services in the Urban Growth Area either directly or by contract." and "Within the Urban Growth area, as time and conditions warrant, cities will assume local urban services provided by Special Service Districts."

(King County Countywide Planning Policy Public Facilities and Services – PF-3). While few in words, this modification is a significant deviation from the texture of GMA.

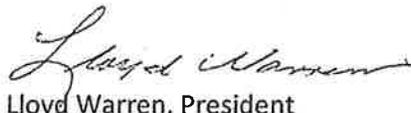
While the intent of the planning policies may be to assign authority and responsibility for services in the urban growth area to local government, the current policy is a substantive deviation from the language of the GMA which cites cities as “generally” the preferred provider of services. The Committee is now considering an additional revision to the Comprehensive Plan, Chapter 9 – Services, Facilities and Utilities Section 1.F 102 reflecting further change, also inconsistent with the GMA, stating “Over time, (new language, emphasis added) *as directed by the GMA*, cities will assume primary responsibility for coordinating the provision of local service delivery. Since there is no language in the GMA which supports this, but rather general language, we ask that this proposed revision be deleted or modified to be consistent with the expressed language of the GMA.

As stated in our 2011 letter, the District Board of Commissioners is well aware of different perspectives over whether cities or districts should be providing urban level of services. The arguments began with language and subsequent modifications to the State Growth Management a number of years ago. Our Board continues to maintain that because of the focus on the debate, we have lost sight of the objective: providing the best possible urban service delivery and governance. Let’s focus our vision on a future that may need new and creative solutions.

The Sammamish Plateau Water and Sewer District believes that the answer to effective service delivery may be a city, it may be a district, or it may be some other form of governance. The Council should not be promulgating policy that is too narrow and precludes opportunities to be collaborative and creative, or assumes one type of government is more effective in delivering utility service.

In lieu of policies PF-3 and 1.F we would encourage policies which call on the appropriate local governments within an area to gather on a periodic basis to evaluate opportunities to promote and implement creative, responsive, and progressive governance and service delivery for urban level services within a region or community. We at Sammamish Plateau Water stand ready to assist in crafting such language.

Respectfully,



Lloyd Warren, President
Board of Commissioners

Encl: 2011 Letter to Growth Management Planning Council

cc: Claudia Balducci, Vice Chair
Jeanne Kohl-Welles, Committee Member
Kathy Lambert, Committee Member
Joe McDermott, Committee Member
Dave Upthegrove, Committee Member
Pete von Reichbauer, Committee Member



SAMMAMISH PLATEAU

WATER AND SEWER DISTRICT

June 29, 2011

Honorable Dow Constantine
Chair, Growth Management Planning Council
King County Chinook Building
401 5th Avenue, Suite 800
Seattle, WA 98104

RE: King County Countywide Planning Policies

Dear Chair Constantine:

The Sammamish Plateau Water and Sewer District was incorporated in 1948 pursuant to Title 57 RCW: Water-sewer districts. The District provides water and sewer service to a population area estimated to be approximately 55,000 people. As the District has grown and developed, it has done so relative to the geography and physical influences of utility service delivery boundaries, as opposed to traditional city limits. In serving the majority of the City of Sammamish, a significant portion of the City of Issaquah, and adjacent portions of both urban and rural King County, the District in essence is a small regional provider of utility services.

The District Board of Commissioners is well aware of the debate concerning whether cities or districts should be providing urban level of services. The arguments began with language and subsequent modifications to the State Growth Management a number of years ago. The Board feels that because of this enmity over time, we have lost sight of the objective: providing the best possible urban service delivery and governance. Let's focus our vision on a future that may need new and creative solutions.

The Sammamish Plateau Water and Sewer District believes that the answer may be a city, it may be a district, or it may be some other form of governance. The Growth Management Planning Council should not be promulgating policy that is too narrow and precludes opportunities to be collaborative and creative. As an extremely successful example, the Cascade Water Alliance came together ten years ago as a coalition of eight cities and water districts, including the Sammamish Plateau Water and Sewer District, to secure drinking water supplies for a large portion of the King County urban area.

This year Cascade spearheaded an initiative which resulted in the passage of House Bill 1332. This legislation had overwhelming support from governments in urban areas from across the State and passed the legislature with bi-partisan support. The bill allows an effective way for cities, districts, counties, and other governmental entities to form together to provide municipal water, wastewater, stormwater, and floodwater utility services. The legislation was successful because of the widespread need to think beyond current governmental structures and to find ways to be more efficient and effective in delivering services.

The language as proposed in CPP PF-3 of the proposed policies could preclude the services that our customers, residents, and business want and deserve. The policy should be revised to be more expansive and provide the ability for local governments to work together to find the best solutions for their communities. We encourage the Growth Management Planning Council to consider a similar approach as opposed to predispositions based upon city limits or type of government. The corporate boundaries of government do not always correspond to the boundaries of service efficiency.

Thank you for this opportunity to comment.

Respectfully,



Mary Shustov
President and Commissioner

LW: as

Cc: Mr. Paul Reitenbach, Senior Policy Analyst

MLM
06/02/16

RESOLUTION NO. 405

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARNATION, WASHINGTON, EXPRESSING SUPPORT FOR THE PROPOSED EXPANSION OF THE CITY'S URBAN GROWTH AREA TO INCLUDE PARCEL NOS. 152507-9049, 152507-9005, and 152507-9010.

WHEREAS, the City Council of the City of Carnation seeks to increase development capacity within the City's planning area in order to increase the city's housing stock and population; and

WHEREAS, an increase in new residential development to the city will provide a needed economic boost to our local existing and potential new businesses; and

WHEREAS, the existing land base within in the city has limited capacity and the lands within the City of Carnation Urban Growth Area (UGA) have very limited capacity for new development; and

WHEREAS, a proposal has been presented to the City and King County to add parcels 152507-9049, 152507-9005 and 152507-9010 to City's UGA via the King County Department of Permitting and Environmental Review (DPER) 4 to 1 Program; and

WHEREAS, the proposed expansion is consistent with the City's growth goals and would have the added benefit of permanently protecting over 20 acres of farmlands; and

WHEREAS, King County seeks the City's opinion on the proposal during their review of the current 2016 King County Comprehensive Plan Update; NOW, THEREFORE,

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF

CARNATION AS FOLLOWS:

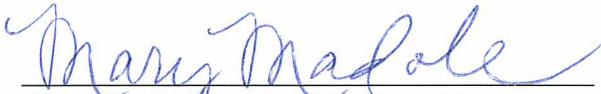
The City Council of the City of Carnation hereby expresses support for the proposed expansion of the City of Carnation Urban Growth Area to include Parcel Nos. 152507-9049, 152507-9005 and 152507-9010 under the King County 4 to 1 Program, and urges the King County Council to approve the proposal.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF THIS
7TH DAY OF JUNE, 2016.

CITY OF CARNATION


MAYOR, JIM BERGER

ATTEST/AUTHENTICATED:


CITY CLERK, MARY MADOLE

RESOLUTION NO.:.....405

From: Lara Thomas [mailto:lara.thomas@duvallwa.gov]
Sent: Thursday, June 09, 2016 3:53 PM
To: Jensen, Christine <Christine.Jensen@kingcounty.gov>
Subject: RE: June 7th - briefing in Transportation, Economy and Environment Committee

Christine,

Please add into the formal Comp Plan Record. We will follow up with a formal letter late July or early August. I have attached one of the documents that relates to the future of the SVT. Attached is an easement that will expire if the county does not take action. Look at page 5 of PDF line 19.

Thank you,

Lara



Lara Thomas, Planning Director
City of Duvall, PO Box 1300, Duvall WA 98019
[Lara.thomas@duvallwa.gov](mailto:lara.thomas@duvallwa.gov) (425) 788-2779 ext 2

From: Jensen, Christine [mailto:Christine.Jensen@kingcounty.gov]
Sent: Tuesday, June 7, 2016 4:41 PM
To: Lara Thomas <lara.thomas@duvallwa.gov>; Sanders, April <April.Sanders@kingcounty.gov>
Cc: Matthew Morton <matthew.morton@duvallwa.gov>; Will Ibershof <will.ibershof@duvallwa.gov>; Jason Walker <jason.walker@duvallwa.gov>
Subject: RE: June 7th - briefing in Transportation, Economy and Environment Committee

Thanks for sharing, Lara. Do you want these to be added to the formal comp plan record? Or is this just an interim FYI?

Christine Jensen

Principal Legislative Analyst | King County Council
516 Third Ave, Room 1200 | Seattle, WA 98104
206.477.5702 | christine.jensen@kingcounty.gov

Learn more about the [2016 King County Comprehensive Plan Update](#)

This email and any response to it constitute a public record and may be subject to public disclosure.

From: Lara Thomas [mailto:lara.thomas@duvallwa.gov]
Sent: Tuesday, June 07, 2016 3:49 PM
To: Jensen, Christine <Christine.Jensen@kingcounty.gov>; Sanders, April <April.Sanders@kingcounty.gov>
Cc: Matthew Morton <matthew.morton@duvallwa.gov>; Will Ibershof <will.ibershof@duvallwa.gov>;

Jason Walker <jason.walker@duvallwa.gov>

Subject: RE: June 7th - briefing in Transportation, Economy and Environment Committee

Christine,

The City of Duvall will be providing formal comments on the King County Comprehensive Plan update. Currently we are in the fact finding mode but wanted to share some of our preliminary comments on the Appendix C2 Regional Trail Needs Report. The City of Duvall would like to see projects 33 – Snoqualmie Valley Trail elevated to a higher priority for completion and funding. Below are our preliminary comments:

- The City of Duvall and the Snoqualmie Valley see the trail as a Legacy Project
- The SVT is a gap project and should not be perceived as a trail to nowhere
- Snohomish County has prioritized the Centennial Trail as a high priority and completed several miles of trail in the last decade.
- The City of Monroe has placed the final connection of the Centennial and Snoqualmie Valley Trail as a high priority
- King and Snohomish County should coordinate the completion of the SVT
- King County should place the project on the KCTIP for permitting and construction
- The project is identified in the PSRC 2040 project list – a candidate project
- The county should apply for funding in the next PSRC funding cycle
- Legacy projects should extend into East King County
- The Snoqualmie Valley welcomes several bike tours every year. The number of events and the number of riders continues to grow but the trail and road infrastructure does not.
- We are aware of a parcel on the SVT alignment that may have an easement expiration in the next few years. It is important that if that is the case the county should re-negotiate the easement for the future trail improvement.

Thank you,

Lara



Lara Thomas, Planning Director
City of Duvall, PO Box 1300, Duvall WA 98019
Lara.thomas@duvallwa.gov (425) 788-2779 ext 2

OFFICE OF THE PROSECUTING ATTORNEY
KING COUNTY, WASHINGTON
CIVIL DIVISION

Norm Maleng
Prosecuting Attorney

E550 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9015
FAX (206) 296-0191

May 29, 1990

Pat Crowley
Siderius, Lonergan & Crowley
847 Logan Building
500 Union Street
Seattle, WA 98101

Re: Burhen, et al., v. King County

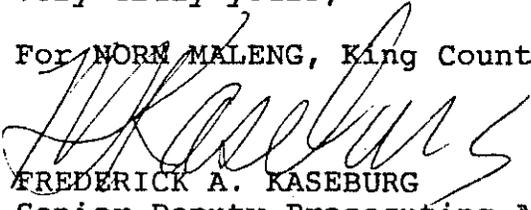
Dear Pat:

I think some sort of celebration is in order. Enclosed with this letter is a copy of the final settlement and order in the Burhen case.

I am taking the liberty of sending a copy directly to your client.

Very truly yours,

For NORM MALENG, King County Prosecuting Attorney


FREDERICK A. KASEBURG
Senior Deputy Prosecuting Attorney

FAK:jh

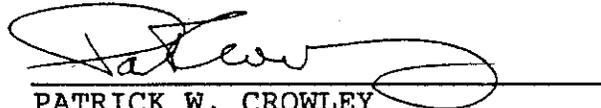
Enclosure

cc: Bud Parker, King County Natural Resources and Parks
Tim Clancy, King County Real Property Division
Mr. and Mrs. Clarence Zylstra

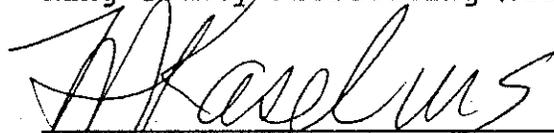
1 Prosecuting Attorney for King County that the subjoined Order may be
2 entered pursuant to the "Stipulation and Settlement" between the
3 parties dated 1989, the original of which is Exhibit A hereto.

4 STIPULATED TO AND DATED this 29 day of May, 1990.

5
6 SIDERIUS, LONERGAN & CROWLEY

7
8 
9 PATRICK W. CROWLEY
Attorneys for Plaintiffs

10
11 NORM MALENG
King County Prosecuting Attorney

12
13 
14 FREDERICK A. KASEBURG WSBA #957
15 Senior Deputy Prosecuting Attorney
Attorneys for Defendant King County

16 ORDER

17 THIS COURT having read the above Stipulation, and being
18 familiar with the files and records in this case,

19 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that

20 1. The "Stipulation and Settlement" attached as Exhibit A is
21 approved, and the parties thereto shall each perform their duties as
22 set forth therein.

23 2. All right, title, and interest in the 1730 feet of former
24 Chicago, Milwaukee, and Puget Sound Railroad Company right of way as
25 described in Exhibit B attached to and incorporated herein is

1 quieted in Clarence Zylstra and Theresa Zylstra (hereafter called
2 Zylstra), subject to existing easements and reservations of record
3 other than the right of way interest.¹

4 3. Zylstra hereby grants and conveys to King County, and this
5 court hereby quiets all right, title and interest to King County in
6 fee simple the following described property:

7 (1) A thirty (30) foot wide strip of land
8 along Zylstra's south property line as de-
9 scribed on Exhibit "C" attached hereto and by
10 this reference incorporated herein; and a

11 (2) A one hundred (100) foot wide strip of
12 land along the Snoqualmie River from his south
13 property line to a point four hundred fifty
14 (450) feet north, as described on Exhibit "D",
15 attached hereto and by this reference incorpor-
16 ated herein.

17 4. Zylstra hereby grants and conveys to King County, and this
18 court hereby quiets all, right, title and interest to King County,
19 an easement for public non motorized transportation purposes in the
20 following described property:

21 (1) A twenty-five (25) foot wide easement
22 along the Snoqualmie River on the west property
23 line, measured from the top of the river bank,
24

25 ¹. A map of the various parcels quiet titled by this order
is attached hereto as Exhibit G and incorporated by reference.

Norm Maleng
Prosecuting Attorney
CIVIL DIVISION
E550 King County Courthouse
Seattle, Washington 98104-2312
(206) 296-9015
FAX (206) 296-0191

1 running from a point four hundred fifty (450)
2 feet north of his south property line to his
3 north property as described on Exhibit "E",
4 attached hereto and by this reference incorpor-
5 ated herein. The easement is measured from the
6 top of the west edge of the river bank, and
7 will move as the river bank moves in the fu-
8 ture; and

9 (2) A thirty (30) foot wide easement along his
10 north property as described on Exhibit "F"
11 attached hereto and by this reference incorpor-
12 ated herein.

13 The thirty (30) foot wide easement along the north property
14 line and the twenty-five (25) foot easement along the Snoqualmie
15 River will only be developed by the County if the trail is extended
16 into Snohomish County northward of the Zylstra property.

17 In the event the County does not use either the thirty (30)
18 foot easement on the north property line or the twenty-five (25)
19 foot easement along the Snoqualmie River by September 1, 2019, the
20 unused easement(s) shall revert to Zylstra or his heirs, devisees or
21 assigns free and clear of any interest of the County.

22 Zylstra retains the right to relocate and replace the thirty
23 (30) easement as set forth in paragraph 16.e of the Stipulation and
24 Settlement between the parties.

1 5. From the property described in paragraphs 3 and 4 above,
2 Zylstra reserves a right of access to:

3 (1) The Snoqualmie River at one point;

4 (2) To any property he may acquire lying south of his
5 existing property at one point;

6 (3) To any property he may acquire lying north of his
7 existing property at two points.

8 These rights of access are for the sole purpose of conducting
9 farming operations. The exact locations of the access points shall
10 be mutually agreed upon by Zylstra and the County.

11 6. Except as provided in paragraph 2 above, all right, title,
12 and interest in the abandoned Chicago, Milwaukee & Puget Sound
13 Railway Company right of way described in the plaintiffs' Second
14 Amended Complaint is hereby quieted in King County free and clear of
15 the plaintiffs, their heirs, successors and assigns.

16 ///

17 ///

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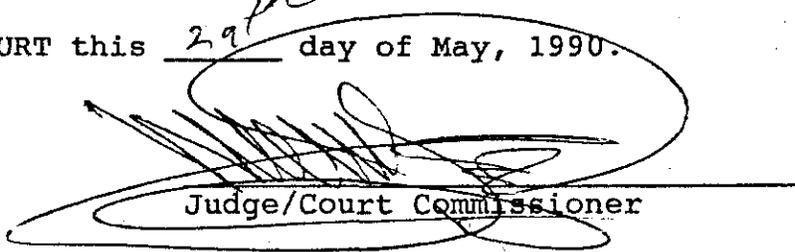
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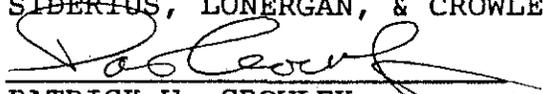
1 7. This action is dismissed with prejudice, and each party
2 shall bear its costs.

3 DONE IN OPEN COURT this 29th day of May, 1990.

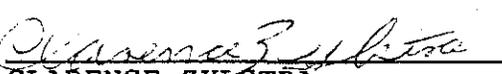
4
5 
6 Judge/Court Commissioner

7 Presented by:

8 SIDERIUS, LONERGAN, & CROWLEY

9 
10 PATRICK W. CROWLEY
Attorneys for Plaintiffs

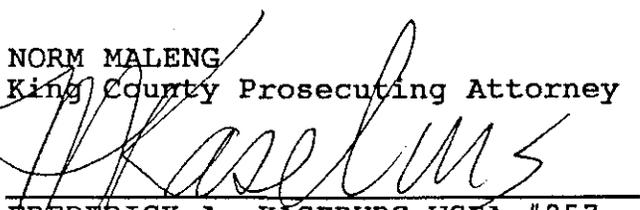
11 Approved for entry:

12 
13 CLARENCE ZYLSTRA

14 and

15 
16 THERESA ZYLSTRA

17 Approved for entry;
18 Notice of presentation waived:

19 NORM MALENG
20 King County Prosecuting Attorney
21 
22 FREDERICK A. KASEBURG WSEA #957
23 Senior Deputy Prosecuting Attorney
Attorneys for Defendant King County

ORIGINAL

STIPULATION AND SETTLEMENT

IT IS HEREBY AGREED by and between GEORGE GEERTSMA, MARGARET McCORMICK, CLARENCE ZYLSTRA, DONALD DeBOER, OLE RONNEI, RAYMOND BURHEN and their respective marital communities, and DIAMOND M. FARMS, INC., a Washington corporation, hereinafter "Farmers", and KING COUNTY, hereinafter "County", as follows:

1. Farmers grow crops, raise cattle or operate dairies in the Duvall area and own real estate across which runs the abandoned Chicago, Milwaukee & Puget Sound Railway Company right of way.

2. Farmers claim title to the abandoned right of way and so also does County.

3. In an effort to resolve the conflict Farmers initiated a quiet title action in the Superior Court of the State of Washington Civil Case No. 810531, seeking an order of the court quieting title to the said abandoned railroad right of way.

4. Farmers and County have resolved their differences and enter into this Stipulation in order to settle the pending litigation and to resolve the status of title to the railroad right of way as between the parties as to the land described in King County suit #810531. The parties hereto agree to sign any deeds or other documents necessary in order to accomplish the objectives of this stipulation and settlement.

5. Farmers agree to waive, release, or convey any right, title or interest in the abandoned Chicago, Milwaukee & Puget Sound Railway Company right of way to the County in fee simple.

6. The County agrees to construct, except where there are adequate natural barriers, a six (6) foot high chain link fence along the right of way in areas (1) where livestock are being or are likely to be kept or (2) where silage, green chop, hay or other crops are raised. The County may, in some locations, install the fencing on the side slopes of the old railroad grade and not on the property lines. The existing brush at the margin of the trail will be left in its natural state as an additional barrier except where it will interfere with the trail or its maintenance. All fencing to be installed along the trail will be subject to the rules and regulations of the surface water laws of the County which may dictate the type and height of fencing. The farmers acknowledge that the fencing on the side slopes may not be on the property lines and thus does not necessarily indicate their property lines.

7. The existing culverts and drainage ways originally constructed by the railroad will be kept open and maintained. All existing bridges on the right of way which cross culverts and creeks will be maintained by the County.

8. The existing underpasses, heights and widths, will not be reduced below that specified in the railroad deeds. There are two areas, Northeast 138th Street and just west of Big Rock Road, where the trestles have been removed. In these two areas, the County will work with the adjacent property owners when the trestles are to be replaced so that the heights of the new trestles will allow normal ingress and egress to farm vehicles.

7/11

9. The three existing major on-grade crossings on property owned by DeBoer, Ronnei and Geertsma will be designed and constructed by the County so that trail users and the adjoining owners have safe sight distance. The County will consider building a new approach ramp for vehicles crossing the trail at the Ronnei property and lowering the trail up to two (2) feet at the DeBoer property to improve the safety of these crossings. The Farmers acknowledge that any lowering of the trail grade will have to be approved through the County's surface water management laws and regulations which might prohibit lowering of the railroad grade. The County agrees to work with each of the three owners to have a mutually agreed upon solution to each crossings situation.

10. The County will allow emergency use of the trail by abutting farmers to prevent death or injury to their livestock. Such farmers must promptly notify King County of the use and clean up the trail and restore any damage upon cessation of the emergency. Fencing and gating requirements on the Ronnei property for access to the trail in emergency conditions will be provided by the County.

11. Farmers may hunt on their property under the same County rules and regulations that were applicable when the railway company owned the property as allowed by current applicable City, County and Federal laws and regulations.

7/17

12. King County shall not impose any additional agricultural practice standards on the Farmers as a result of their proximity to the trail.

13. In those cases (1) where there are existing drainage ways and (2) where no new construction is required, the County will maintain drainage ways under trestle passageways where dairy cattle must pass.

14. The County will provide adequate signage along the right of way to alert the users of the agricultural nature of the crossings and that the ultimate responsibility is upon the trail users to preserve safety.

15. If the County should ever impose user fees for any proposed use, commercial or otherwise, of the right of way, the Farmers who are signatory to this agreement will be reimbursed all such fees which they may pay.

16. Due to the unique characteristics of the property of Farmer Clarence Zylstra, the following special considerations shall apply:

a. The County will convey to Zylstra all right, title, and interest in the seventeen hundred thirty (1730) feet of the abandoned Chicago, Milwaukee, and Puget Sound Railroad Company right of way lying south of the existing Zylstra north property line subject to existing easements and reservations of record.

b. Zylstra will convey to the County a thirty (30) foot wide strip of land along his south property line and a one hundred (100) foot wide strip of land along the Snoqualmie River from his south property line to a point four hundred fifty (450) feet north. In addition, Zylstra will grant to the County: (1) a twenty five (25) foot wide easement along the Snoqualmie River on his west property line, measured from the top of the river

bank, running from a point four hundred fifty feet north of his south property line to his north property line, for use as a County recreation trail and (2) a thirty (30) foot wide easement along his north property line, for use as a recreational trail. Zylstra hereby acknowledges that the twenty five (25) foot easement along the Snoqualmie River is measured from the top of the river bank and will move if the river bank moves in the future. The entire thirty (30) foot wide easement along the north property line and the twenty five (25) foot easement along the Snoqualmie River will only be developed by the County if a trail is developed from Snohomish County to the King County border northward of the Zylstra property. In the event the County ceases to use the thirty (30) foot easement on the north property line or the twenty five (25) foot easement along the Snoqualmie River, for recreational trail purposes, it shall revert to Zylstra or his heirs, devisees or assigns, thirty years (30) from the date hereof.

c. When the trail is developed, the County will, as part of the development, fence both the conveyed property and the easements granted herein as stated in paragraph 6 in this agreement. The County grants to Zylstra right of access to the Snoqualmie River for purposes necessary for the operation of his farm as well as one gate on the south boundary of his property and two gates on the north boundary of his property for the purpose of conducting farm operations. The exact locations and access points shall be mutually agreed upon by Zylstra and the County.

d. All fencing, drainage, and gate requirements as specified as to other farmers shall also apply to Zylstra.

e. In the future, if Zylstra purchases the property north of his existing northern boundary, he reserves the right to request the County to move the thirty (30) foot trail easement along the northern boundary of his existing property to the northern boundary of his new property. In addition, Zylstra agrees to convey to the County a twenty five (25) foot wide permanent easement along the Snoqualmie River, measured from the top of the river bank, on the new property. Zylstra hereby acknowledges that the twenty (25) foot permanent easement along the Snoqualmie River that would exist on his west property line of the new property is measured from the top of the river bank and will move if the river bank moves in the future. If the above mentioned purchase happens before the County develops the trail, the easement will be at no cost to the County.

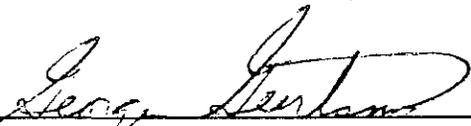
f. When the right of way is developed in the twenty (25) foot easement along the Snoqualmie River, the County will, as part of normal maintenance and operation of the right of way, try to minimize erosion of the banks along the easement caused by the public using the banks to get to the river. When the right of way is developed in the easement along the Snoqualmie River, the County will meet with Zylstra on an annual basis to coordinate erosion control methods for erosion caused by the public using the banks to get to the river.

17. In recognition of and in consideration for the efforts of the Farmers to have the trail designed and constructed in a manner that is compatible with the existing farm and agricultural use which were accomplished

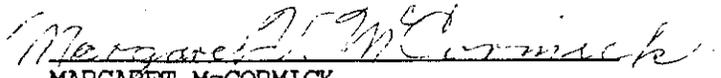
through litigation, the County will pay plaintiffs reasonable attorney's fees up to a maximum of Ten Thousand Dollars (\$10,000.00) upon submission of an affidavit acceptable to the County setting forth the fees by said Farmers' attorney.

18. This settlement and stipulation must be substantially accomplished by September 1, 1989.

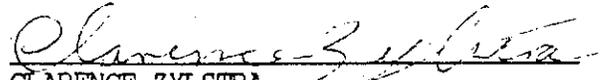
DATED this _____ day of _____, 1989.



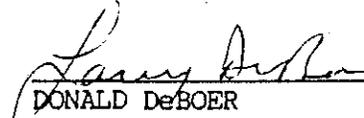
GEORGE GEERTSMA



MARGARET MCCORMICK



CLARENCE ZYLSTRA



DONALD DeBOER



OLE RONNEI



RAYMOND BURHEN

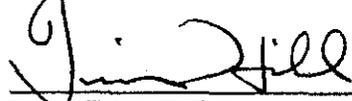
DIAMOND M FARMS, INC.



By:

7/11/89

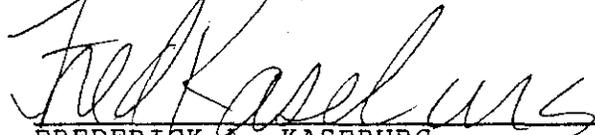
KING COUNTY



By: TIM HILL
King County Executive

Approved as to Form:

NORM MALENG
King County Prosecuting Attorney



FREDERICK A. KASEBURG
Senior Deputy Prosecuting Attorney

Approved for Entry



MIKE WILKINS
Manager, King County Natural
Resources and Parks

A portion of the Chicago, Milwaukee and St. Paul Railroad Company right-of-way; being 100 feet wide; as originally located and established, and now abandoned; situated in Government Lots 2 and 3, and in the Southwest 1/4 of the Northeast 1/4 of Section 6, Township 26 North, Range 7 East, W.M., and described as follows:

Beginning at the intersection of said railroad right-of-way centerline with the South line of the North 16 acres of said Government Lot 3, said 16 acres to lay parallel with the North line of said Government Lot 3;

Thence Southeasterly on said right-of-way a centerline distance of 1730 feet to the end of this description;

Situate in the County of King, State of Washington.

30' Strip on South Property Line

The South 30' of Government Lot 6, Section 6, Township 26 North, Range 7 East, W.M..
Also the South 30 feet of the Southwest 1/4 of the Northeast 1/4 of said Section 6
lying west of the state highway;

Except that portion lying Westerly of the following described line;

Commencing at the Northwest corner of said Section 6;

Thence S 1° 16' 05" E a distance of 2372.35 feet to the West 1/4 corner of said
Section 6;

Thence S 83° 30' 14" E along the East-West centerline of section a distance of
2499.90 feet to the True Point of Beginning of said line; thence N 10° 38' 53" E a
distance of 30.08 feet and the terminus of said line.

Situate in the County of King, State of Washington.

EXHIBIT C

100 X 450 Strip

A strip of land on the right bank of the Snoqualmie River, said strip being 100 feet wide and 450 feet long as measured along the river and the South line of which is the South line of Government Lot 6 and the South line of the SW 1/4 of the NE 1/4 of Section 6, Township 26 North, Range 7 East, W.M., and more particularly described as follows:

Commencing at the Northwest corner of said Section 6;

Thence S 1° 16' 05" E a distance of 2372.35 feet to the West 1/4 corner of said Section 6;

Thence S 83° 30' 14" E along the East-West centerline of section a distance of 2399.64 feet to the right bank of the Snoqualmie River and the True Point of Beginning;

Thence continuing S 83° 30' 14" E a distance of 100.26 feet;

Thence N 10° 38' 53" E a distance of 248.28 feet;

Thence N 12° 20' 19" W a distance of 201.28 feet;

Thence N 83° 30' 14" W a distance of 100.26 feet more or less to the right bank of the Snoqualmie River;

Thence Southerly along the right bank of said river to The True Point of Beginning.

Situate in the County of King, State of Washington.

Contains 1.01 Acres more or less.

EXHIBIT D

A 25 foot strip of land lying Northerly and Easterly and equal distance from the top of the right bank of the Snoqualmie River; being a portion of Government Lots 3 and 6, Section 6, Township 26 North, Range 7 East, W.M.

Except that portion lying Northerly of the South line of the North 16 acres of said Government Lot 3;

And except that portion lying Southerly of the following described line;

Commencing at the Northwest corner of said Section 6;

Thence S 1° 16' 05" E a distance of 2372.35 feet to the West 1/4 corner of said Section 6;

Thence S 83° 30' 14" E along the East-West centerline of section a distance of 2499.90 feet;

Thence N 10° 38' 53" E a distance of 248.28 feet;

Thence N 12° 20' 19" W a distance of 201.72 feet to the True Point of Beginning;

Thence N 83° 30' 14" W a distance of 100.26 feet more or less to the right bank of the Snoqualmie River and the terminus of said line.

Situate in the County of King, State of Washington.

30' Easement on North Property Line

The North 30 feet of the following described tract of land: Government Lot 3, Section 6, Township 26 North, Range 7 East, W.M., lying West of state highway;

Except the North 16 acres thereof, said 16 acres to lay parallel with the North line of said Lot 3; the North line of said 30 feet being the South line of said 16 acres.

Situate in the County of King, State of Washington.

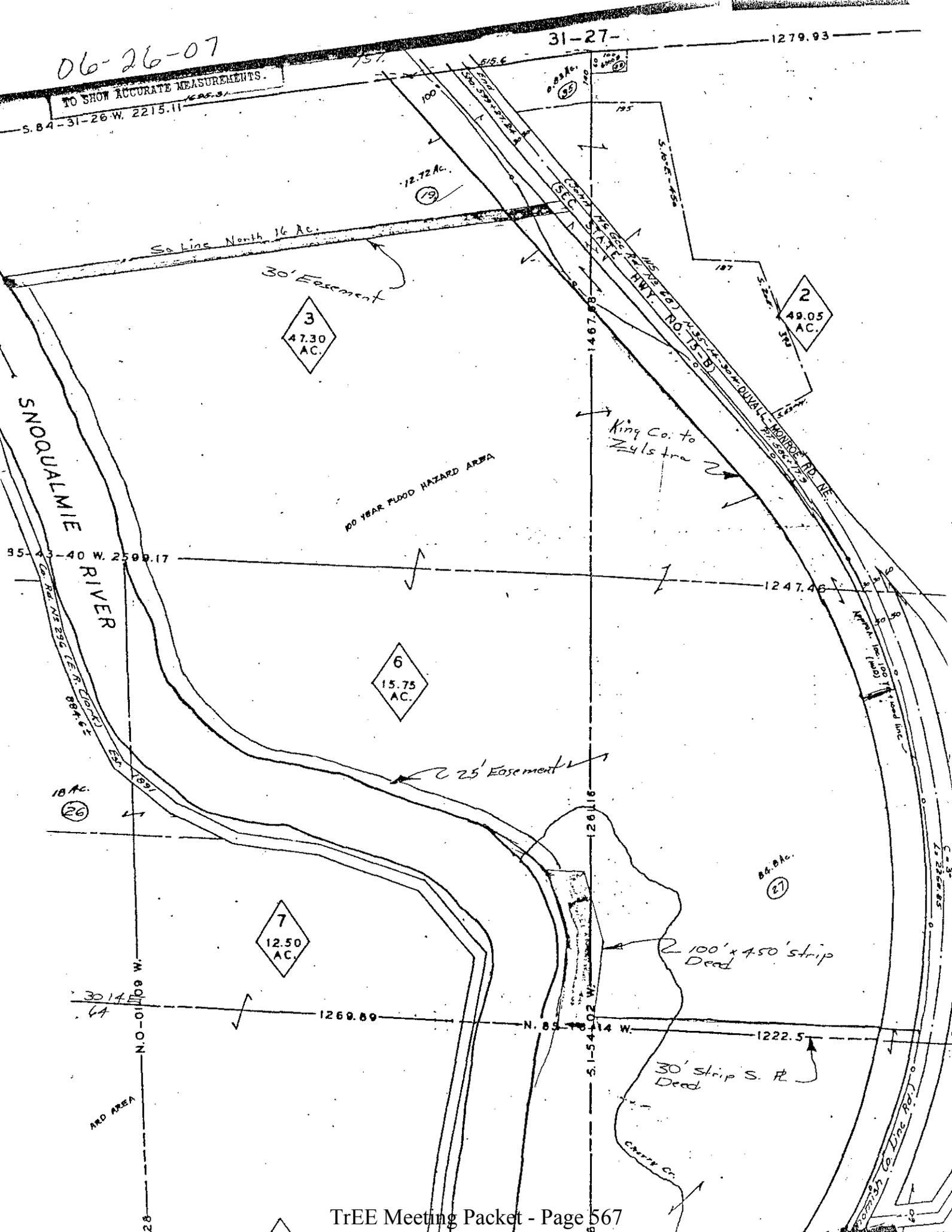
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31-27-

1279.93

TO SHOW ACCURATE MEASUREMENTS.

S. 84-31-26 W. 2215.11



Greater Maple Valley Unincorporated Area Council
P.O. Box 101
Maple Valley, WA 98038

June 7, 2016

To: King County Council TrEE Committee

Re: 2016 KCCP Update

Chairman Dembowski,

Since early 2015 the Greater Maple Valley Unincorporated Area Council (GMVUAC) has provided inputs to the Executive's Office in its development of its 2016 KCCP Update Public Review Draft (PRD). The GMVUAC subsequently provided comments on the PRD.

We continue to review and prepare Written Comments on the Executive's proposed 2016 KCCP Update submitted to the KC Council on March 1 of this year. On May 3 we submitted to you and your committee our Transportation-related Written Comments.

Attached is our second set of Written Comments. These deal with **Growth Management-related** parts of the Update's Chapters, Appendices, and Attachments. Once again, our package is color-coded and consists of **COMMENTS**, **CONCERNS**, **RECOMMENDATIONS**, and **RATIONALE**.

We wish to especially emphasize three very important issues to Rural Area residents:

1. There must be strong restrictions to preclude the siting of urban- or largely urban-serving facilities to the Rural Area. Consequently, we strongly support the Executive's proposed additions to Policy **U-109**.
2. Legal parcels of less <5 ac in the Rural Area should remain developable, provided applicable Health Department separation requirements can be met for sewage disposal and water supply. We believe our proposed Policy **R-309a** clarifies and protects Rural Area residents who wish to drill a private well on their property. In addition, to protect these rights, applicable King County Code (Title 13) and King County Board of Health Code (Titles 12 & 13) need to be revisited.
3. The potential for a "Demonstration Project" at the Reserve Silica site in Ravensdale must be allowed to lapse, as for over four years the Public, many local organizations, and our Area Council have strongly opposed this proposal to develop a major housing development on land that has served as a dump for environmental wastes (including ASARCO ash) and could result in County legal liability should any future residents suffer deleterious health effects. Consequently, we strongly support the Executive's proposed changes to Policy **I-203b]**

In early July we will submit our third and final set of Written Comments on the and **Economic Development-** and **Environment-related** parts of the KCCP Update's Chapters, Appendices, and Attachments.

Should you have any questions regarding the attached Written Comments, please contact our Coordinator for the KCCP Update, Peter Rimbo, at 425-432-1332 or primbos@comcast.net.

Thank you in advance for your careful consideration of our Written Comments.

Sincerely,

Steve Hiester
Chairman, Greater Maple Valley Unincorporated Area Council

Greater Maple Valley Unincorporated Area Council

Chapters

CHAPTER 1—REGIONAL PLANNING

1. **((GP-103)) RP-203** “King County shall continue to support the reduction of sprawl by focusing growth and future development in the existing urban growth area, consistent with adopted growth targets.”

RECOMMENDATION: We support this policy change. It is consistent with State GMA growth-management principles, as well as Countywide Planning Policies. It focusses growth within the UGA, which is the clear intent of the State GMA.

CHAPTER 2—URBAN COMMUNITIES

1. **U-109** -- “King County should concentrate facilities and services within the Urban Growth Area to make it a desirable place to live and work, to increase the opportunities for walking and biking within the community, to more efficiently use existing infrastructure capacity and to reduce the long-term costs of infrastructure maintenance. Facilities serving urban areas such as new medical, governmental, educational or institutional development, shall be located in within the Urban Growth Area, except as provided in policies R-326 and R-327.”

RECOMMENDATION: We support the addition made to this policy, as it aligns with our overall mission (“Keep the Rural Area rural”) by restricting the siting of urban- or largely urban-serving facilities to the Urban Growth Area.

2. **U-185** -- “Through the Four-to-One Program, King County shall actively pursue dedication of open space along the original Urban Growth Area line adopted in the 1994 King County Comprehensive Plan. Through this program, one acre of Rural Area zoned land may be added to the Urban Growth Area in exchange for a dedication to King County of four acres of permanent open space. Land added to the Urban Growth Area for ~~((naturally appearing))~~ drainage facilities that are designed as mitigation to have a natural looking visual appearance in support of its development, does not require dedication of permanent open space.”

CONCERNS: While we have no problems with the original intent of the Four-to-One Program, we do not support annexing of Rural Area acreage into the UGA when it is not part of a recognized Potential Annexation Area (PAA).

RECOMMENDATION: Revisit this augmentation of the Four-to-One Program.

3. **U-207**

COMMENT: Bonded Debt: State law (RCWs 35.13.110; 35.13.270, and 35A.14.801) is rigid here.

RECOMMENDATION: Revisit State law (RCWs 35.13.110; 35.13.270, and 35A.14.801) so that Counties and Cities have the opportunity to “negotiate” any transfer of bonded debt incurred within the annexed area. Approval of County bonded debt could be similar to how cities do so upon annexation by offering a vote to the annexing residents and allow the county to require a disapproval of the annexation should residents vote against the bonded debt continuance.

QUESTION: Does the new R-320a policy in CHAPTER 3 take care of this?

KC EXEC OFFICE RESPONSE: “Comments noted; see the Workplan section of Chapter 12. It includes a workplan to revisit the Annexation Areas Map and Countywide Planning Policies. This type of analysis may be an important part of this future work.”

CHAPTER 3—RURAL AREA AND NATURAL RESOURCE LANDS

1. R-201 -- “Therefore, King County’s land use regulations and development standards shall protect and enhance the following ~~((components of))~~ attributes associated with a rural lifestyle ((the)) and the Rural Area: Rural uses that do not include urban or largely urban-serving facilities.”

RECOMMENDATION: We strongly support this addition. The Rural Area is no place for “urban or urban-serving facilities.” (see RECOMMENDATIONS under R-326 below)

2. II. Rural Designation / B. Forestry and Agriculture in Rural King County / 1. Forestry / Item f. -- “Conduct projects on King County park lands to demonstrate sustainable forestry practices, and.”

CONCERN: King County has several types of “lands”--“Recreation Parks, Multi-Use Parks, Working Forest Lands, Natural Areas, Regional Trail Properties, Flood Hazard Properties, and Other Public Lands”--all identified on “King County’s Open Space System 2016” map accompanying Chapter VII-- Parks, Open Space, and Natural Resources. Our Rural Area parks (many of which include ballfields for both children and adults) should not see chain saws just to “demonstrate” something.

RECOMMENDATION: Eliminate Item “f.”. Otherwise, make the language more specific, so as not to encompass all the lands identified in our CONCERN above, since we don’t think that was the intent.

3. III. Rural Densities and Development / D. Nonresidential Uses

CONCERN: This section does not address resource-based businesses in unincorporated areas, such as Marijuana production, processing and retail uses. Policies should preclude siting of Marijuana production, processing, and retail uses in residential areas in the Rural Area. SEPA reviews should ensure the particular issues associated with such businesses, such as Public Safety, are included and fully addressed. An excellent example in the Rural Area is the proposed Marijuana Processing Facility at the end of 200th Ave SE, a narrow (18 ft at its worst), unshouldered one-lane country road that is bordered by residences on both sides. The Commercial Site Development Permit Application already was found complete by KC DPER and the KC PAO has provided an opinion that all future permit applications are fully vested. The GMVUAC discussed this issue with Deputy KC Executive Fred Jarrett at its May 19, 2015, Community Service Area Meeting and he requested full documentation, which the GMVUAC provided to Mr. Jarrett, DPER Director John Starbard, and the KC Ombudsman Office. This went nowhere.

RECOMMENDATION: Marijuana growing operations, processing/manufacturing facilities, or distribution businesses should not be sited in Rural Area residential neighborhoods. Such businesses could be quite lucrative both with valuable product on the premises and amount of cash on hand. However, the County Sheriff’s Office budget has been continually pared down and can no longer provide adequate Police protection to the Rural Area. This is a dangerous mix. Such operations must to be recognized as incompatible with the Rural Character the County and the people strive to maintain. In addition, KC Code definitions 21A.06.605 Home industry and 21A.06.610 Home occupation should be revised back to their pre-2008

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Comprehensive Plan definitions to address the existing loophole whereby a residence can be converted to a business establishment without maintaining “the primary use of the site as a residence.”

4. **R-309** -- “The RA-2.5 zone has generally been applied to (~~rural areas~~) 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. These smaller lots may still be developed individually or combined, provided that applicable standards for sewage disposal, environmental protection, water supply, roads and rural fire protection can be met. A subdivision at a density of one home per 2.5 acres shall only be permitted through the transfer of development rights from property in the designated Rural Forest Focus Areas. The site receiving the density must be approved as a Transfer of Development Rights receiving site in accordance with the King County Code. Properties on Vashon-Maury Islands shall not be eligible as receiving sites.”

CONCERNS: We have two major concerns:

1. **Allowing such 2.5 zoning perpetuates existing traffic flow issues, consequently, identifying a viable plan to address the traffic issue should be part of any subdivision adjustment, not just TDR agreements. To address Transportation Concurrency we recommend the language be changed to require all the TDRs to not only be purchased from the Rural Area, but also from the same Travel Shed. To do this, we recommend the following be added to the end of the third sentence: “...within the same Travel Shed.”**

2. **That said, Rural Area properties should not serve as receiving sites for any TDRs.**

RECOMMENDATION: The third sentence in R-309 should be modified as follows:

“In the RA-2.5 zone a subdivision at a density of one home per 2.5 acres shall only be permitted through the transfer of development rights from property in the designated Rural Forest Focus Areas within the same Travel Shed.”

RECOMMENDATION: Add a new fourth sentence to be consistent with the intent of C. Transfer of Development Rights Program (immediately below R-311): “Rural Area properties should not serve as receiving sites for any TDRs.” [this could necessitate changes to **CHAPTER 8--TRANSPORTATION]**

5. **COMMENT: Following R-309 regarding the RA-2.5 zone, there needs to be more specifics related to the RA-5 zone, especially as related to private wells.**

CONCERN: The King County Board of Health Code’s Title 13’s references to the “1972” cutoff and “5-acre” minimums (13.04.070 Domestic water supply source., B. Private individual well source: “A private well on a lot five acres or greater in size or a lot created prior to May 18, 1972,...”) are not consistent with the “1994 Comprehensive Plan” cited in R-309.

RECOMMENDATION: Add a new Policy as follows:

“R-309a The RA-5 zone is typical of the Rural Area. However, there exist numerous legal parcels of less than five acres in size. These smaller lots may still be developed individually or combined (at the owner’s discretion) and private wells allowed, provided applicable King County Board of Health separation requirements can be met for sewage disposal and water supply.

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Water treatment is an acceptable means of providing, and proving the existence of, an adequate water supply.”

RATIONALE: In 1992 State Attorney General issued the following opinion in AGO 1992 No. 17, Re: Requirement of Adequate Water Supply Before a Building permit is Issued: (our emphasis shown)

“If a local building department chooses not to apply public water system standards to other water sources, then it may apply any other criteria that it determines are appropriate to ensure that the water supply for a building is of sufficient quality and quantity for the intended use of the building. These criteria must be based on considerations of water quality and quantity, and not on other considerations, such as limiting density or the construction of unpopular facilities. Furthermore, the local building department may not act in an arbitrary and capricious manner in setting the criteria. E.g., Rosen v. Tacoma, 24 Wn. App. 735, 740, 603 P.2d 846 (1979). This means that its actions must not be willful and unreasoning, taken "without consideration and in disregard of facts and circumstances." e.g., Pierce Cy. Sheriff v. Civil Serv. Comm'n, 98 Wn.2d 690, 695, 658 P.2d 648 (1983).” [Ref: <http://www.atq.wa.gov/ago-opinions/requirement-adequate-water-supply-building-permit-issued>]
Consequently, such criteria must be based on “water quality and quantity, not to limit density, which is under the purview of and, thus, a decision made by the legislative body (i.e., King County Council), not the Board of Health or other agency.

6. R-324 “Nonresidential uses in the Rural Area shall be limited to those that:
a. Provide convenient local products and services for nearby Rural Area residents;

RECOMMENDATION: We strongly support this addition.

7. R-326 “Except as provided in R-327:
a. New schools and institutions primarily serving rural residents shall be located in neighboring cities and rural towns;
b. New schools, institutions, and other community facilities primarily serving urban residents shall be located within the ((UGA)) Urban Growth Area; and
c. New community facilities and services that primarily serve rural residents shall be located in neighboring cities and rural towns, with limited exceptions when their use is dependent on a rural location and their size and scale supports rural character.”

CONCERN: Siting of Urban facilities in the Rural Area: Policies must be strengthened to forbid siting and approval of urban- or largely urban-serving facilities in Unincorporated or Rural Areas. As an example, the following King County Code should be amended:

KCC 21A.08.060 A. Government/business services land uses. under “Specific Land Use” – “Utility Facility” by adding Note #38 as a Development Condition to all Zoning Designations.

Note #38: Utility Facilities consisting of regional surface water flow control and water quality facilities that are proposed to be wholly located within a Resource or Rural-designated area and associated in whole or in part with an existing or new proposed private residential development that is located wholly within an Urban-designated area are

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prohibited. Where such conditions are proposed for a new facility or where substantial facility or service area modifications to an existing regional surface water flow control and water quality facility are proposed, the requirements under Note #8 shall apply to Utility Facilities.

RECOMMENDATION: Add an item “d.” to R-326 as follows:

“d. New stormwater facilities primarily serving urban needs shall be located within the UGA.”

COMMENT: *There was an attempt to address this in CHAPTER 9, F-230, by adding a new subsection: “i. To the extent allowable under the Growth Management Act, the locational criteria in policy R-326.” However, the problem actually stems from King County Code. We are on record recommending a change to: KCC 21A.08.060 A. Government/business services land uses. under “Specific Land Use” – “Utility Facility” by adding a Note #38 as a Development Condition to all Zoning Designations:*

Note #38: *Utility Facilities consisting of regional surface water flow control and water quality facilities that are proposed to be wholly located within a Resource or Rural-designated area and associated in whole or in part with an existing or new proposed private residential development that is located wholly within an Urban-designated area are prohibited. Where such conditions are proposed for a new facility or where substantial facility or service area modifications to an existing regional surface water flow control and water quality facility are proposed, the requirements under Note #8 shall apply to Utility Facilities.*

8. R-512 *“The creation of new Industrial-zoned lands in the Rural Area shall be limited to those that have long been used for industrial purposes, do not have potential for conversion to residential use due to a historic designation and that may be accessed directly from SR-169.”*

QUESTION: *How is this consistent with the proposed “Demonstration Project” at Pacific Raceways? If the land is in the Rural Area and not zoned “Industrial,” then this policy should preclude consideration of such a “Demonstration Project.”*

9. VI. Resource Lands / E. Mineral Resources

CONCERN: *“Demonstration Projects” must not be used to convert resource-based lands into housing subdivisions, as has been proposed in the past and continues to be proposed (e.g., Reserve Silica site in Ravensdale). King County Code Title 21A.55 -- DEMONSTRATION PROJECTS (.010 thru .030) should be strictly adhered to. The Code states the following:*

1. *The purpose of “Demonstration Projects” as to: “...evaluate alternative development standards and processes prior to amending King County policies and regulations” and “test the efficacy of alternative regulations that are proposed to facilitate increased quality of development and/or increased efficiency in the development review processes;...” and that “All demonstration projects shall have broad public benefit through the testing of new development regulations and shall not be used solely to benefit individual property owners seeking relief from King County development standards.” (ref.: KCC Title 21A.55.010)*

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2. *The following should be specified: “5. The process through which requests for modifications or waivers are reviewed and any limitations on the type of permit or action; 6. The criteria for modification or waiver approval; 7. The effective period for the demonstration project and any limitations on extensions of the effective period;...” (ref.: KCC Title 21A.55.020)*
3. *“Demonstration projects must be consistent with the King County Comprehensive Plan. Designation 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 land use map.” (ref.: KCC Title 21A.55.030)*

CHAPTER 4—HOUSING AND HUMAN SERVICES (No review)

CHAPTER 5—ENVIRONMENT (In development; to be submitted in July)

CHAPTER 6—SHORELINE MASTER PROGRAM (No review)

CHAPTER 7—PARKS, OPEN SPACE, & CULTURAL RESOURCES (In development; to be submitted in July)

CHAPTER 8—TRANSPORTATION (Submitted in May via 5/4/16 e-mail)

CHAPTER 9—SERVICES, FACILITIES, & UTILITIES

1. **F-230** Please see **RECOMMENDATION** under **R-326c** above.
2. **F-236** *“In the Rural Area, King County land use and water service decisions support the long-term integrity of Rural Area ecosystems. Within the Rural Area, individual private wells, rainwater catchment, Group B water systems, and Group A water systems are all allowed. If an existing Group A water provider cannot provide direct or indirect service to new development per the exceptions in Policy F-233, a new public water system or private well may be established if it is owned or operated by the following, in order of preference:*
 - a. *By a satellite management agency approved by the state Department of Health under contract with the Group A system in whose service area the system is located, provided that the existing Group A water system remains responsible for meeting the duty to serve the new system under RCW 43.20.260; and*
 - b. *By a satellite management agency or an existing Group B system approved by both the State Department of Health and King County. If service cannot be obtained by means of the above stated options, then water service may be obtained by creation of a new system, use of private wells or rainwater catchment. All new public water systems formed in the Rural Area shall connect to the Group A water system in whose service area the new system is located when direct service becomes available.”*

CONCERN: *Small Group B water systems should not be required to connect to Group A water systems when they become available.*

RECOMMENDATION: *In the last sentence of subitem “b.” change “shall” to “may.”*

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3. **F-240** “King County shall require any new or expanding Group B water system to have a totalizing source meter and make information from the meter available upon request of King County.”

CONCERN: *Our biannual Citizen Surveys, which have been conducted and published over the past decade, continually have indicated Rural Area residents do not want their wells metered.*

RECOMMENDATION: *Strike F-240 in its entirety.*

CHAPTER 10--ECONOMIC DEVELOPMENT (In development; to be submitted in July)

CHAPTER 11—COMMUNITY SERVICE AREA PLANNING (No comments)

CHAPTER 12— IMPLEMENTATION

1. **I-203** Item b.

COMMENT: *This appears to ameliorate our past and ongoing concerns related to the proposed Reserve Silica Demonstration Project. We strongly support such a change. The Executive has not supported this project, nor have we. Members of the Public in our area also strongly oppose this project. It never has been consistent with other policies in the Comprehensive Plan. The County should follow its standard methods for transitioning mining sites when resource extraction is complete, which we and the Public do support, with the land reverting to the underlying zoning as code and practice has long required. This best protects the County's forest and rural resources. [Please also see our related detailed comments above under Chapter 3, VI. Resource Lands / E. Mineral Resources (listed as Item 9.)]*

Technical Appendices

Technical Appendix A—CAPITAL FACILITIES (No review.)

Technical Appendix B—HOUSING (No review.)

Technical Appendix C—TRANSPORTATION (No comments.)

Technical Appendix C1—TRANSPORTATION NEEDS REPORT (TNR) (Submitted in May via 5/4/16 e-mail)

Technical Appendix C2—REGIONAL TRAILS NEEDS REPORT (No comments)

Technical Appendix D—Growth Targets and Urban Growth Area (No comments)

Technical Appendix R—PUBLIC OUTREACH FOR DEVELOPMENT OF COMPREHENSIVE PLAN (No comments)

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Attachments

Attachment—SKYWAY-WEST HILL ACTION PLAN (No review)

Attachment—AREA ZONING STUDIES

1. Cedar Hills/Maple Valley--Future Subarea Plan:

CONCERN: *The greater community (unincorporated area councils, community organizations, rural residents, and rural business owners, including forest and farm owners, and rural communities, towns, and cities) must be involved with such Subarea planning, not just the owners of the twelve specific properties identified. Future changes in this subarea could have major impacts on the quality of life of surrounding residences and greatly increase traffic on Cedar Grove Rd, Lake Francis Rd, and SR-169.*

RECOMMENDATION: *Provide the Public with the formal process the County uses to define Subarea Plans.*

Attachment--DEVELOPMENT CODE STUDIES

1. **CONCERN:** *There is a need for a Development Code Study #X --*

Scope of Work: *Consider code changes regarding the definitions of “Home Industry” and “Home Occupation.”*

Background: *This requested development code review is in response to expressed concerns about businesses being set up in the Rural Area that are wholly incompatible with the surrounding dwellings and neighborhoods. Examples include Marijuana growing, processing, and distribution facilities and operations. The following is County Code as it currently exists:*

“21A.06 TECHNICAL TERMS AND LAND USE DEFINITIONS

21A.06.605 Home industry. *Home industry: a limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or residential accessory building, or in a barn or other resource accessory building and is subordinate to the primary use of the site as a residence. (Ord. 13022 § 7, 1998: Ord. 10870 § 161, 1993).*

21A.06.610 Home occupation. *Home occupation: a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the site as a residence. (Ord. 13022 § 8, 1998: Ord. 10870 § 162, 1993).”*

Discussion: *The 2008 Comprehensive Plan Update changed the definitions of both “Home Industry” and “Home Occupation.” The pre-2008 condition that such activities are permitted only as “... subordinate to the use of the site as the primary residence of the business owner.”*

The purpose of this change is to narrow a loophole where a residence is converted to a business establishment without maintaining “the primary use of the site as a residence.”

It should be noted that should this change be adopted it would be somewhat more lenient than the associated language pre-2008, which mandated that a “Home Industry” and “Home Occupation” was permitted in an RA, F, or A zone only as accessory to the primary use of the site as a

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residence of the “*property owner.*” Also, should this change be adopted, a renter or a property owner could operate a “Home Industry” and “Home Occupation” as long as the site is her/his actual “*primary residence.*”

RECOMMENDATION: Amend K.C.C. Titles 21A.06.605 and 21A.06.610 as follows:

“21A.06.605 Home industry. Home industry: a limited-scale sales, service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or residential accessory building, or in a barn or other resource accessory building and is subordinate to the ~~primary~~ use of the site as a the primary residence of the business owner. (Ord. 13022 § 7, 1998: Ord. 10870 § 161, 1993).”

“21A.06.610 Home occupation. Home occupation: a limited-scale service or fabrication activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the ~~primary~~ use of the site as a the primary residence of the business owner. (Ord. 13022 § 8, 1998: Ord. 10870 § 162, 1993).”

Attachment—POLICY AMENDMENT ANALYSIS MATRIX (No comments)

Attachment—PUBLIC PARTICIPATION REPORT (No comments)

From: hobartgolfer@comcast.net [<mailto:hobartgolfer@comcast.net>]
Sent: Monday, May 30, 2016 8:22 PM
To: Painter, Alan
Subject: Well Drilling Regulation and Social Justice!

Alan Painter King County

I enjoyed speaking with you the other day regarding wells etc. I thought I was going to attend the Redmond meeting, however, our growth planning meeting was held that Wednesday at the Hobart Church.

I'd like to follow up with my concerns regarding drilling wells with 5 AC minimum size requirement, combining of several owned adjacent smaller lots to equal 5 AC requirement, water treatment abilities and Board of Health determinate actions.

First some background history. I was a member of the Tahoma-Raven Heights planning group from 1979 to 1984. During those five years, numerous public meetings were held regarding primarily land use. The area was zoned G for general which meant 1 AC size lots were the existing prevalent zoning and buildable lot size. These meetings were well attended and the debate was whether to continue with that zoning or to change to a new 5 AC zoning. A compromise was reached, where all smaller than 5 AC lots were grandfathered as long as those lots could meet septic and well requirements of a 100' radius circle which had been the standard for many years. (Note much before this there were NO standards meaning wells were drilled where the property owners wanted them. A 50' standard setback was implemented at some point in time and then the 100' setback from septic and housing became the norm.) The 100' standard was in place when the Tahoma-Raven Heights plan was adopted by the K.C. Council in 1984. I don't know how many lots were created and built upon in the decades since or how many vacant lots remain. All of these lots were created after May 15, 1972 by King County and all were and still are legal lots owned by taxpayers who believe they still have enormous value as does the K.C. Assessor! These smaller than 5 AC lots which, again, were approved by K.C. after May 18, 1972 are not buildable without an approved water source.

Incidentally, the date of May 18, 1972 was decided upon, I believe, in the early 2000s AFTER the fact! Without a doubt after K.C. had blessed these lots with their approval between 1984 and you must locate date of change. You can read the 2016 plan where K.C. acknowledges that smaller lots exist in the 1994 Comp Plan.

I am a founding member of the GMVUAC for over 40 years and the Area Council and I would be well aware of any K.C. proposal to change from a 100' radius to a 5 AC minimum! I believe this change occurred in the mid 2000s and the Seattle-K.C. Board of Health meetings which were approved in 2010 by the K.C. Council. No Public Hearings were held in the Rural Areas (the affected area) by either the Seattle-K.C. Board of Health or more incredibly the K.C. Council (OUR REPRESENTATIVE GOVERNMENT)!

This begs the question "When did the K.C. Council abrogate their land use decisions regarding wells to a Board of Health. Neither Snohomish or Pierce County have this requirement! What makes our water different from theirs except an arbitrary decision? Now what do the property owners do? Who has or should have notified property owners that their K.C. approved lots from the 1970s, 80s, 90s, and early 2000s

are not buildable (unless they have 5 AC)? These lots are not properly assessed and taxed because of a “retroactive” Board of Health action. What’s to keep the Board of Health going back to 1962 or changing the requirement from 5 to 7 acres to drill, which would further reduce the number of buildable lots in the Rural Areas.

This would have the effect of further reducing the number of lots available to build upon in the Rural Area. Remember in 2010 four hundred permits were issued per year and now fewer than two hundred permits per the 2016 Comp plan. Is the goal to use the Board of Health to further restrict building in the Rural Area? Also why are 5 AC water wells requirement discussed in Title 13 Septic but not in Title 12 Water? K.C. has an entire chapter on Social Justice. Perhaps this is where this wrong should be corrected!

I do not support any 4 to 1 conversions in the Rural Area nor have I supported any existing housing developments in the Rural Area. I do support those lots K.C. approved and acknowledged exist as these are part of the fabric of the Rural Area. I do support getting one building permit for 1 property if that property meets the Tahoma-Raven Heights setback of 100’ well radius.

Basic Fairness, Social Justice and, I believe, the rule of law would support my position. Don’t Rural Lives Matter or do they only **over pay** property taxes to support a drive through the country.

On this Memorial Day, I wonder how many veterans who have defended our nation, own vacant property of less than 5 AC in size and won’t be able to secure a building permit? Where’s the Social Justice?!!

Regarding the combining of small lots to make one lot of 5 AC was discussed at the K.C. Council level when Councilman Brian Derdowski was a member in the late 1990s but was withdrawn for lack of K.C. Council support after many public hearings. This had nothing to do with well setbacks but only an attempt to force any single property owner who owned several small adjoining lots to become one lot to meet the 5 AC zoning. Again, this is merely Seattle K.C. Board of Health requirement, without public hearings but ratified by K.C. Council in 2010?

These types of proposals resulted in the formation of the Cedar County Movement which cited lack of representation, over use of regulation, and too high property taxes. Looks like it is still true today!

The Rural Area will always be unrepresented and governed by King County. As I have previously said Executive Dow Constantine and DPER manager John Starbard are wonderful for the Rural Area and recognize that at some point K.C. will only be the Rural Area as all others will hopefully become annexed to cities.

Of course K.C. will represent all of K.C. but land use permits, environment, wells and septic will only be governed by K.C. unless they choose to let some Board make those decisions for them without benefit of public hearings in the areas those decisions only effect!

Finally regarding Arsenic and Lead in wells. We have seen in Flint, Michigan; Seattle, Bellevue, and other nearby cities have all found lead in the water. They all are treating these contaminates as well as others and yet the Seattle-K.C. Board of Health, again, prohibits use of new drilled wells if arsenic is found. Treated water whether existing or drilled today provide safe drinking water for an individual or small Group B systems so why not allow this?

Pierce and Snohomish Counties allow treatment. They also allow new wells on less than 5 AC provided the 100' radius can be met.

Nothing in State law requires 5 AC to drill or the above Counties would comply also or hold public hearings for pushback. Apparently, the Rural Lives of these and other Counties DO MATTER! Do they matter in King County?

What Social Justice demands:

1. 1. Restore the old requirement of meeting the 100' radius circle for well sites regardless of Amount of Acreage owned just as other counties discussed above.
2. 2. The combining of smaller than 5 AC lots owners adjacent to make the 5 AC requirement is then moot, unless they couldn't make septic or drilled well standards from the Tahoma-Raven Heights 1984 Plan.
3. 3. Water treatment for contaminants shall be allowed as in other counties!
4. 4. I strongly suggest allowing the simple conversion of single well users up to 6 users and the 5000 gallons exempt Ecology limit perhaps by creating a new Group b (small letter b) of up to 6 users and retain the large Group B of up to 15 currently allowed. This small b system can be modified from the existing code of 1 or 2 users to expand to up to 6. I hope we can all agree that fewer holes in the ground (1 well for 6 users) are better for the environment and lowers the chance of contaminants for all Rural users. Please remember the rural residents you govern and allow them to comment on these issues; and include the Rural Area Councils on this matter, as you have done on the 2016 Comp Plan.

This is not meant to be the last word on this subject but begins a dialogue that You, Ivan, and Area Councils will want to comment on. Our GMVUAC will discuss this issue with a council recommendation to follow.

Sincerely,
Warren M. Iverson

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CLIMATE CHANGE Related Amendments in 2016 Proposed Plan

Climate change is one of the paramount environmental and economic challenges for this generation. King County's 2015 Strategic Climate Action Plan (SCAP) is the County's comprehensive legislative and policy plan for climate action. It provides the blueprint for county decision-makers, employees, and the general public to learn about the County's climate change commitments. A subset of the policies and commitments from the SCAP are reflected in the proposed 2016 Comprehensive Plan.

Impacts from climate change have the potential to dramatically impact ecosystems, agriculture, economy, biodiversity, and public health and safety in myriad and interrelated ways. Impacts of a changing climate will be experienced differently by King County residents, influenced by factors such as income, age, health, and where they live. However, by working collaboratively to develop and implement strategies to prevent, respond to, and prepare for climate change, the County has many opportunities to address broader inequities. Sustaining quality of life and the environment requires a significant commitment on the part of the County to both reducing greenhouse gas emissions and preparing for climate change impacts in an ever-changing and increasingly dynamic landscape.

The first two sections of this document outline amendments proposed in the Climate Change Section in Chapter 5 of the proposed 2016 Comprehensive Plan, with the goal of alignment and consistency with the 2015 SCAP. The last section of this document outlines key climate change related issues covered in other chapters of the Comprehensive Plan. The Comprehensive Plan focuses on policy direction and avoids providing as much detail on implementation strategies compared to what is contained within the SCAP. To learn more about the SCAP: <http://www.kingcounty.gov/climate>.

1. Text changes in Environment Chapter

Minor changes in the Climate Change Section in Chapter 5 that provide:

- **New scientific information** about local climate change related environmental observations and potential future climate change impacts
- Background about how **goal area targets adopted** in the 2015 SCAP will contribute to achieving comprehensive long term greenhouse gas reduction targets, at both the government operations and countywide scales
- Background about how the SCAP and Comprehensive Plan proposed policies integrate and align with **commitments made in partnership with local cities** through the King County-Cities Climate Collaboration
- Background about the **roles King County government can play** in climate change preparedness work
- Minor changes to policy E-224 to provide examples about **how floodplain restoration can help address climate change impacts** on rivers and river ecosystems

2. Policy changes in Environment Chapter

Key proposed changes in the Climate Change Section, **Reducing Greenhouse Gas Emissions subsection**, include:

- Updating government operations related greenhouse gas reduction policies to be consistent with the SCAP (E-206; E-206a; E206b) and deleting existing policies that directed King County to develop such policies (E-207).
- Reflecting SCAP **direction to develop and implement an operational "cost of carbon"** to support decision making and planning efforts (E-206c).
- Updating countywide greenhouse gas reduction policies to be consistent with **shared targets developed and unanimously adopted by the Growth Management Planning Council** (E-210) and deleting outdated policies.

Key proposed changes in the Climate Change Section, **Preparing for Climate Change Impacts subsection**, include:

- New proposed **policies to collaborate regionally on climate change preparedness** and to plan and prepare for climate impacts on County built and natural assets (E-215a; E215b; E215c; E215d; E221b).
- Direction to **integrate climate change impacts considerations into emergency management** efforts (E215e).

- Direction to **apply the Equity Impact review process** to support climate preparedness efforts (E-221a).
- Deletion of redundant existing policies (E-218; E219; E220).

And, in the subsection on Collaboration with Others, existing policy E-227, which focused on King County support for comprehensive approaches to reducing greenhouse gas emissions, is proposed to be replaced by E-226a which covers similar issues, but is consistent with SCAP policies. For example, the new policy indicates that King County supports reinvestment of potential carbon market revenue into local strategies to reduce greenhouse gas emissions such as for transit service, energy efficiency and forest protection and restoration.

In addition to the stand-alone Climate Change Section detailed above, climate change direction related to natural resource issues are included, such as **directing consideration of climate change information into biodiversity conservation** approaches (E-405) and native plant restoration (E-427).

3. Climate Change Policies throughout the Executive's Recommended 2016 Comprehensive Plan

Climate change is an issue and priority that cuts across many different topics, and climate related policies are included across almost every chapter of the proposed 2016 Comprehensive Plan:

Chapter I: Regional Planning

- Direction to **participate in regional planning efforts** about climate change, such as the King County-Cities Climate Collaboration (RP-109).

Chapter II: Urban Communities

- Direction to **focus employment and population growth in the contiguous Urban Growth Area** to help reduce sprawl and associated transportation related greenhouse gas emissions (e.g. U-106). Importantly there were no substantive urban growth area boundary amendments in the proposed 2016 Comprehensive Plan.

Chapter III: Rural Area and Natural Resource Lands

- Direction to **manage and restore King County forested parks and natural lands** in ways that maximize biological carbon storage and sequestration, and increase resilience to changing climate conditions (e.g. R-641).

Chapter IV: Housing and Human Services

- Direction to **require the Evergreen Sustainable Development green building standard** for County supported housing projects (H-145).

Chapter VI: Shoreline Master Program

- Direction to **plan for sea level rise** and other climate change impacts as it relates to King County owned infrastructure (S-650) and habitat projects (S-651).

Chapter VII: Parks, Open Space and Cultural Resources

- Direction related to **forest land protection and restoration**, important for both carbon sequestration and reducing local climate impacts (e.g. P-116 and P-117).

Chapter VIII: Transportation

- Transportation is the region's number one source of greenhouse gas emissions. Many policies in this chapter relate to climate change such as **policies on transit service, multi-modal transportation options, and land use and growth strategies**.

Chapter IX: Services, Facilities and Utilities

- Climate change related policies are included related to **flood preparedness issues** (F-289; F-291), **sea level rise impacts** on Vashon-Maury Island (F-292) and importantly related to **energy efficiency and renewable energy** considerations (F-304 through F-323).

These edits align the Comprehensive Plan with the SCAP and other work at the County, and put the region on a path towards addressing and responding to a changing climate.