## STAFF REPORT

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| **Agenda Item:** | 10 | **Name:** | Christine Jensen |
| **Proposed No.:** | 2017-0317 | **Date:** | October 17, 2017 |

**SUBJECT**

Proposed Ordinance (PO) 2017-0317 would adopt the 2017 annual cycle update to the 2016 King County Comprehensive Plan (KCCP) and the Vashon-Maury Island Community Service Area (CSA) Subarea Plan.

**SUMMARY**

On July 21, 2017, the Executive transmitted the proposed 2017 update to the KCCP as PO 2017-0317. The 2017 KCCP is a limited, annual cycle update, and will be primarily focused on the proposed Vashon-Maury Island CSA Subarea Plan. The Council is in the process of reviewing and deliberating on the Executive’s proposal.

The Transportation, Economy and Environment (TrEE) Committee received a briefing on September 19, 2017, on substantive policy issues in the transmittal. On October 3, the Executive transmitted an updated version of the proposed plan as Striking Amendment S1.[[1]](#footnote-1) The TrEE Committee was briefed on the changes proposed in the Striking Amendment at a special committee meeting on October 4. Public comments were taken in Committee on September 19 and October 4, and the Executive held a community meeting on the Striking Amendment on October 10. Written public comments have also been submitted throughout the process.

The TrEE Committee is scheduled to take action today on PO 2017-0317, including consideration of Striking Amendment S1 and proposed amendments to the Striking Amendment. A Public Hearing and final action is currently anticipated to occur at the full Council on December 4, 2017. Due to public noticing requirements,[[2]](#footnote-2) if the Committee does not take action today, it would most likely limit the Council’s ability to take final action before the end of the year.

**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. It is informed by and must be consistent with the Washington State Growth Management Act (GMA). The GMA, policies in the KCCP, and regulations in the King County Code dictate the allowed frequency for considering and adopting updates to the KCCP.

**Annual cycle.** On an annual basis, limited types of amendments to the KCCP are allowed to be adopted. This is known as the “annual cycle.” Adoption of CSA subarea plans may also occur during the annual cycle. Except in limited instances allowed by the GMA,[[3]](#footnote-3) the KCCP cannot be amended more than once per year. While the Code states that the KCCP “may be amended” annually, it is not required to be reviewed or amended on an annual basis.

**Four-year cycle.** Substantive changes to KCCP policy language and amendments to the Urban Growth Area (UGA) boundary[[4]](#footnote-4) are only allowed to be considered once every four years.[[5]](#footnote-5),[[6]](#footnote-6) This is known as the “four-year cycle.” The last four-year update to the KCCP occurred in 2016.[[7]](#footnote-7)

**CSA Subarea Plans.** A CSA subarea plan is a 20-year, multi-discipline, integrated policy document that applies the countywide goals of the KCCP to a smaller geographic area. Although CSA subarea plans are bound as stand-alone documents, these plans are still elements of and adopted as part of the KCCP. The policies included in CSA subarea plans carry the same weight as the policies that are in the KCCP.

**Previous Vashon-Maury Island planning documents.** The Vashon-Maury Island CSA Subarea Plan was initiated as King County’s first plan developed under its new subarea planning program. The recent history of prior Vashon-Maury Island community plans is as follows:

* 1986 Vashon Community Plan. This Island-wide plan was adopted in 1986,[[8]](#footnote-8) but was then rescinded over a decade later, in 1998,[[9]](#footnote-9) due to the passage of the GMA in the early 1990s. At that time, some key policies from the 1986 plan that were consistent with the GMA were incorporated into the KCCP. These policies remain in the KCCP today.
* 1996 Vashon Town Plan.[[10]](#footnote-10) This plan focused on a smaller geography, the Rural Town, and was developed consistent with the GMA. The 1996 Town Plan is still an active planning document for the Vashon Rural Town.

**Elements of the transmittal package.** The transmittal package for the 2017 KCCP and Vashon-Maury Island CSA Subarea Plan is comprised of the following elements:

* **Proposed Ordinance 2017-0317:** PO 2017-0317 would direct adoption of: the Vashon-Maury Island CSA Subarea Plan as an element of the KCCP; land use and zoning map amendments; and 2017 amendments to the 2016 KCCP. The proposed ordinance would also amend the King County Code to create a new Special District Overlay (SDO),[[11]](#footnote-11) which would create an incentive program for affordable housing development on 246 parcels within the Vashon Rural Town[[12]](#footnote-12) boundary.
* **Attachment A – Vashon-Maury Island CSA Subarea Plan:** The proposed Subarea Plan would create a new community-level planning document specific to the Vashon-Maury Island CSA geography. The Subarea Plan would be an element of the KCCP, and includes a suite of long-term planning policies and implementation actions that direct development, provision of services, and infrastructure investments in the community over the next 20 years. While these policies are specific only to Vashon-Maury Island, they would carry the same legal-weight as the policies in the KCCP.
* **Attachment B – Land Use Map Amendments:** The proposed ordinance proposes to change the land use designation for four parcels within the Maury Island Natural Area[[13]](#footnote-13) (from “Mining” to “Open Space”). Additionally, the land use designation for a parcel[[14]](#footnote-14) in the Vashon Rural Town is proposed to be changed (from “Other Parks” to “Rural Town”).
* **Attachment C – Zoning Map Amendments:** Related to the proposed Land Use Map Amendments in Attachment B, the proposed ordinance also proposes to change the zoning classification for the four parcels within the Maury Island Natural Area (from “Mineral” to “RA-10-SO”). The proposed zoning change would also add these parcels into SDO 140, related to groundwater protection.
* **Attachment D – Affordable Housing SDO Map:**  As noted above, the transmittal proposes to create a new SDO to incentivize affordable housing development on 246 parcels within Vashon Rural Town. Attachment D would designate the specific parcels that would be eligible to participate in the incentive program.
* **Attachment E – Vashon Rural Town Area Zoning:** There are 30 different property specific, or p-suffix, development conditions[[15]](#footnote-15) across the Island. Two of those conditions, VS-P28 and VS-P29, are proposed to be amended in PO 2017-0317.
* **Attachment F – Amendments to the 2016 KCCP:** The current KCCP includes policies that are specific to Vashon-Maury Island throughout the Plan. PO 2017-0317 proposes to remove most of these Vashon-Maury Island-specific policies from the KCCP. Most of these policies are proposed to be moved into Vashon-Maury Island CSA Subarea Plan, some with updated language to reflect current policy goals and community interests.[[16]](#footnote-16)

**Actions to-date for the 2017 KCCP and Vashon-Maury Island CSA Subarea Plan.**

Development of the transmitted Vashon-Maury Island CSA Subarea Plan in PO 2017-0317 included a community outreach process that began in March 2016. A listing of all outreach activities can be found in the “Public Involvement Summary” document that is located on the Council’s 2017 KCCP website.[[17]](#footnote-17) Additional outreach information and public comments received during plan development can be found on the Executive’s Vashon-Maury Island CSA Subarea Plan website.[[18]](#footnote-18)

PO 2017-0317 was transmitted to the Council on July 21. The TrEE Committee received a briefing on September 19, 2017, on substantive policy issues in the transmittal. On October 3, the Executive transmitted an updated version of the proposed plan as Striking Amendment S1. The TrEE Committee was briefed on the changes proposed in the Striking Amendment at a special committee meeting on October 4. Public comments were taken in Committee on September 19 and October 4, and the Executive held a community meeting on October 10. Written public comments have also been submitted throughout the process. The TrEE Committee is anticipated to take action today on PO 2017-0317, including consideration of Striking Amendment S1 and proposed amendments to the Striking Amendment. A Public Hearing and final action is currently anticipated to occur at the full Council on December 4, 2017.

**Timeline for Council adoption.** As noted above, the GMA requires that, except in limited instances, the KCCP can only be amended once per year. Therefore, to adopt the 2017 KCCP and Vashon-Maury Island CSA Subarea Plan, the Council must either:

1. Adopt PO 2017-0317 by the end of 2017; or
2. Defer adoption of PO 2017-0317 until sometime in 2018, when it can then be considered and adopted in conjunction with the 2018 KCCP annual update. The 2018 KCCP is anticipated to include the updated Skyway-West Hill Action Plan (SWAP)/CSA Subarea Plan,[[19]](#footnote-19) and is expected to be transmitted on March 1, 2018. Both ordinances (the 2017 KCCP/Vashon-Maury Island CSA Subarea Plan and the 2018 KCCP/Skyway-West Hill CSA Subarea Plan) would then need to be considered and acted on by the Council at the same time in 2018.

The 2016 KCCP directed that the Vashon-Maury Island outreach and subarea plan development occur in 2016 for transmittal by March 1, 2017. Executive staff note that plan development took longer than they expected, and on March 1, 2017, the Executive requested an extension in the transmittal deadline to June 15, 2017. Ultimately, the plan was transmitted on July 21, 2017, as PO 2017-0317. This delay in transmittal has significantly condensed the Council’s review and adoption schedule if the Council wishes to complete action by the end of 2017. As shown in Attachment 9 to the staff report, the current schedule for consideration of the proposed ordinance is based on adoption by the end of 2017. However, due to public noticing requirements,[[20]](#footnote-20) if the Committee does not take action today, it would most likely limit the Council’s ability to take final action before the end of the year.

**ANALYSIS**

On September 19, the TrEE Committee was briefed on technical and substantive policy issues in the transmittal identified by Council staff, which included the following issues:

* **Inconsistency with the GMA.** The proposed plan would carry forward old policies and priorities from the repealed 1986 Community Plan, which was adopted prior to the GMA and thus means that many of the 1986 Plan elements are not consistent with current state law.
* **Changes to current policy direction.** In a number of cases, current policy language from the KCCP and the Vashon Town Plan is proposed to be incorporated into the Subarea Plan but is proposed to be changed from a current “should” direction to a new “shall” requirement.
* **Inconsistency with adopted policies.** The transmitted plan includes a number of proposed policies and implementation actions that are inconsistent with the GMA, KCCP, the King County Code, and/or current adopted direction of King County agencies.
* **Potential for unanticipated County responsibilities.** The transmitted plan includes a number of proposed policies and implementation actions that impose new requirements on the County that may not be feasible within the County’s adopted budget, or that may not meet the Council’s policy goals.
* **Policy implications for countywide policies and/or other geographies.** The transmitted plan includes a number of proposed policies and implementation actions that are included in this Vashon-Maury Island-specific plan but could have impacts on countywide policies, plans, and regulations or could potentially set precedents for subarea plans in other CSA geographies.
* **Potential for inconsistent service levels.** The transmitted plan includes a number of proposed policies and implementation actions that would result in providing higher service levels to Vashon-Maury Island communities than in other unincorporated areas.
* **Scope beyond King County government.** The transmitted plan includes a number of proposed policies and implementation actions that would direct required actions of non-County agencies or organizations.

**AMENDMENTS**

On October 3, the Executive transmitted an updated version of the proposed plan as **Striking Amendment S1**, included as **Attachment 2** to the staff report.[[21]](#footnote-21) The Striking Amendment would to amend all elements of the transmittal package, including changes to: the King County Code, the proposed Subarea Plan, and all attachments to PO 2017-0317. The proposed changes include: technical corrections; non-substantive edits; and substantive changes to text, policies, and implementation actions to address the policy issues noted above. A summary of the Striking Amendment is included as Attachments 7 and 8 to the staff report. A briefing on the proposed changes in the Striking Amendment was provided to the TrEE Committee on October 4.

Currently, there are two proposed amendments to the Striking Amendment:

* **Amendment 2**, included as **Attachment 3** to the staff report, would add additional evaluation requirements for the affordable housing SDO.
* **Amendment 3**, included as **Attachment 4** to the staff report, is a technical amendment that would replace Attachment B Land Use and Zoning Map Amendments with a corrected version.

There is also **Title Amendment T1**, included as **Attachment 5** to the staff report, which would reflect changes in the Striking Amendment.

The TrEE Committee is scheduled to take action today on PO 2017-0317, including consideration of these amendments. Due to public noticing requirements,[[22]](#footnote-22) if the Committee does not take action today, it would most likely limit the Council’s ability to take final action before the end of the year.

The aforementioned GMA requirements for “early and continuous” public engagement in the development and amendment of the KCCP means that amendments to PO 2017-0317 are encouraged to be considered during committee review and action. Any additional amendments that are anticipated to be considered at the time of full Council action in December would need to be included in the public hearing notices.

**ATTACHMENTS**

1. Proposed Ordinance 2017-0317
2. Striking Amendment S1, and attachments:

* Attachment A: Vashon-Maury Island Community Service Area Subarea Plan, dated October 2, 2017
* Attachment B: Land Use and Zoning Map Amendments, dated October 2, 2017
* Attachment C: Amendments to 2016 King County Comprehensive Plan, dated October 2, 2017

1. Amendment 2, and attachment
   * Redline of Amendment 2 changes to Striking Amendment S1 (provided for illustrative purposes only)
2. Amendment 3, and attachment
   * Attachment B: Land Use and Zoning Map Amendments, dated October 13, 2017
3. Title Amendment T1
4. Transmittal letter regarding Striking Amendment S1
5. Summary of Striking Amendment S1
6. Summary of SDO changes in Striking Amendment S1
7. 2017 KCCP & Vashon-Maury Island CSA Subarea Plan Schedule, updated as of September 29, 2017
8. Public comments, October 2 – October 12, 2017

**INVITED**

* Lauren Smith, Director of Regional Planning, Office of Performance, Strategy and Budget
* John Starbard, Director, Department of Permitting and Environmental Review

**LINKS**

**All components of the transmitted 2017 KCCP and Vashon-Maury Island CSA Subarea Plan can be found at:**

[**http://www.kingcounty.gov/council/CompPlan/2017compplan**](http://www.kingcounty.gov/council/CompPlan/2017compplan)

The components of the ordinance and its attachments include:

* Proposed Ordinance 2017-0137
* Vashon-Maury Island Community Service Area Subarea Plan (Attachment A)
* Land Use Map Amendments (Attachment B)
* Zoning Map Amendments (Attachment C)
* Affordable Housing Special District Overlay Map (Attachment D)
* Vashon Rural Town Area Zoning (Attachment E)
* Amendments to 2016 King County Comprehensive Plan (Attachment F)

Also included are supporting documents that do not get adopted as part of the legislation, but provide useful information:

* Transmittal Letter
* Plain Language Summary of Affordable Housing Special District Overlay
* Policy Amendment Analysis Matrix
* Public Involvement Summary
* Regulatory Note
* Fiscal Note
* Fiscal Note Supplement

1. The transmittal letter for the Striking Amendment is included as Attachment 6 to the staff report. [↑](#footnote-ref-1)
2. Requirements include: newspaper advertising 30 days in advance of the public hearing, mailed notice to properties within 500 feet of any zoning change 30 days in advance of the public hearing, and 30 day public comment period on the SEPA determination. The timeline would also need to include staff time needed to produce the necessary public documents in advance of 30 day deadlines. [↑](#footnote-ref-2)
3. RCW 36.70A.130 [↑](#footnote-ref-3)
4. 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). [↑](#footnote-ref-4)
5. 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. [↑](#footnote-ref-5)
6. 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). [↑](#footnote-ref-6)
7. Ordinance 18427 [↑](#footnote-ref-7)
8. Ordinance 7837 [↑](#footnote-ref-8)
9. Ordinance 13273 [↑](#footnote-ref-9)
10. Ordinance 12395 [↑](#footnote-ref-10)
11. Per K.C.C. 21A.04.160: SDO’s are used “to carry out Comprehensive Plan and community, subarea or neighborhood plan policies that identify special opportunities for achieving public benefits by allowing or requiring alternative uses and development standards that differ from the general provisions of [the King County Code].” [↑](#footnote-ref-11)
12. Rural Towns are unincorporated areas in rural King County that have urban-level zoning. The KCCP designated these areas to “recognize existing concentrations of higher density and economic activity in rural areas and to allow modest growth of residential and economic uses.” There are only three Rural Towns designated in the KCCP: Fall City, Snoqualmie Pass, and Vashon. [↑](#footnote-ref-12)
13. Parcel numbers 2822039023, 2822039057, 2822039024 and 2822039025 [↑](#footnote-ref-13)
14. Parcel number 2923039044 [↑](#footnote-ref-14)
15. Per K.C.C. 21A.04.150, P-suffix conditions are “property specific development standards that are imposed on certain properties to indicate that conditions beyond the minimum requirements of [the King County Code] have been applied to development on the property, including but not limited to increased development standards, limits on permitted uses or special conditions of approval.” [↑](#footnote-ref-15)
16. A policy-by-policy explanation of each proposed KCCP policy change is included in the “I-207 policy matrix” in the transmittal package. [↑](#footnote-ref-16)
17. <http://www.kingcounty.gov/council/CompPlan/2017compplan> [↑](#footnote-ref-17)
18. <http://www.kingcounty.gov/depts/permitting-environmental-review/community-service-area-plan/2016-vashon-maury-island-CSAP> [↑](#footnote-ref-18)
19. The proposed SWAP was included as a component of the 2016 KCCP transmittal. The proposed 2016 SWAP was drafted prior to the adoption of the new CSA Subarea Planning Program framework in the 2016 KCCP; therefore, the 2016 SWAP was not adopted in the 2016 KCCP update. Instead, the 2016 KCCP directed that the SWAP and the existing 1994 West Hill Community Plan be reviewed and updated under the new CSA Subarea Planning Program framework. The 2016 KCCP also directed that the updated Skyway-West Hill CSA Subarea Plan be transmitted by September 1, 2017. On March 1, 2017, the Executive requested an extension of the transmittal deadline to December 31, 2017. To be consistent with KCCP transmittal timelines in the King County Code and the GMA requirements to only amend the KCCP once per year, it is anticipated that the Skyway-West Hill CSA Subarea Plan will be transmitted as a part of the 2018 KCCP annual update on March 1, 2018. [↑](#footnote-ref-19)
20. Requirements include: newspaper advertising 30 days in advance of the public hearing, mailed notice to properties within 500 feet of any zoning change 30 days in advance of the public hearing, and 30 day public comment period on the SEPA determination. The timeline would also need to include staff time needed to produce the necessary public documents in advance of 30 day deadlines. [↑](#footnote-ref-20)
21. The transmittal letter for the Striking Amendment is included as Attachment 6 to the staff report. [↑](#footnote-ref-21)
22. Requirements include: newspaper advertising 30 days in advance of the public hearing, mailed notice to properties within 500 feet of any zoning change 30 days in advance of the public hearing, and 30 day public comment period on the SEPA determination. The timeline would also need to include staff time needed to produce the necessary public documents in advance of 30 day deadlines. [↑](#footnote-ref-22)