

## KING COUNTY GROWTH MANAGEMENT PLANNING COUNCIL

**AGENDA TITLE:** King County Four-to-One Program – Review and comment on proposed changes under consideration in 2020 Comprehensive Plan

**PRESENTED BY:** Ivan Miller, King County Office of Performance, Strategy and Budget, King County

### **Today's Discussion:**

King County is considering a set of amendments to the Four-to-One program.<sup>1</sup> Consistent with the requirements in the Comprehensive Plan,<sup>2</sup> the proposed amendments are being brought to the Growth Management Planning Council for its review and consideration.

The presentation will provide a brief overview of the existing program and will primarily focus on the proposed amendments. Note that this follows a briefing on this topic in November 2018, at which time the Growth Management Planning Council gave their concurrence on an initial set of draft changes.

The Growth Management Planning Council is being asked to provide comment on the proposed changes because the Four to One Program is called-out in the Countywide Planning Policies as a technique to amend the Urban Growth Area and some of the proposed changes differ from the existing policies in the Countywide Planning Policies. The Growth Management Planning Council is not being asked to amend the Countywide Planning Policies related to the Four to One Program at this time.

### **Summary of Program:**

The Four-to-One Program ("4:1") is a discretionary program and innovative land use technique allowed under the Washington State Growth Management Act that seeks to

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<sup>1</sup> Overview :

<http://www.kingcounty.gov/depts/executive/performance-strategy-budget/regional-planning/king-county-comprehensive-plan/amend/4to1.aspx>

<sup>2</sup> See attachment at end of memo. Additionally, see King County Comprehensive Plan, Actions Related to the Growth Management Planning Council, starts on page 12-20:

[https://kingcounty.gov/~media/Council/documents/CompPlan/2016/FullCouncil/adoptedplan/Attachment\\_A-KingCountyComprehensivePlan-120516.ashx](https://kingcounty.gov/~media/Council/documents/CompPlan/2016/FullCouncil/adoptedplan/Attachment_A-KingCountyComprehensivePlan-120516.ashx)

create a contiguous band of open space along the original 1994 Urban Growth Area (UGA.)

For properties that meet the criteria, the program allows land owners to apply to have their land considered, with twenty percent of the land (i.e., the "one") potentially added to the UGA and the remaining eighty percent (i.e., the "four") permanently added to the King County Open Space System. This program, in effect, creates development capacity where it did not exist before and, in exchange, benefits to the public are required. 4:1 projects are approved at the discretion of the county as part of an update to the Comprehensive Plan; this includes review and recommendation by the GMPC.

Through nine transactions<sup>3</sup> since program inception in 1994, about 350 acres have been added to the urban growth area and about 1,300 acres of permanent open space have been conserved. The program was used most heavily in the 1990s after the initial UGA was set. The 4:1 Program is guided by policies and criteria in the Countywide Planning Policies, King County Comprehensive Plan, and King County Code.<sup>4</sup>

The following is a summary of the key provisions of the existing program.

- Voluntary tool for property owners to add land to UGA.
- Discretionary approval by county, based on eligibility and evaluation criteria.
- Eligible lands include Rural Area zoned parcels. Agricultural lands are exempted in King County Code, and all Natural Resource lands are exempted in the Countywide Planning Policies.
- Criteria for new open space lands:
  - Contiguous to 1994 UGA, intended to buffer the surrounding rural area from new urban land, and the open space should connect to other open spaces where feasible.
  - Evaluation criteria include quality of open space for fish and wildlife habitat, protection of wetlands, stream corridors, ground water and water bodies; unique natural, biological, cultural, historical, or archeological features; and size of the open space dedication.
  - Open space retains rural area zoning but can be used for agriculture/forestry; use of land include incidental uses like trails, active recreation on 5% of land, and wetland mitigation.
- Criteria for new urban lands:

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<sup>3</sup> In addition to 4:1 projects that adhered to the program criteria, three Joint Planning Agreement projects were approved based on 4:1 "principles" meaning conservation was achieved through related programs such as the Transferrable Development Rights ("TDRs") program. Joint Planning Agreements were a tool used in the 1990s to finalize the urban growth area boundary and these types of transactions are not likely to occur again. The three Joint Planning Agreements were: the Grand Ridge/Issaquah Highlands Agreement, a related Issaquah Highlands Expansion Area Agreement, and the Black Diamond Agreement.

<sup>4</sup> Countywide Planning Policies DP-16 and DP-17; Comp. Plan Policies U-185 to U-190; King County Code 20.18.170 and 20.18.180

- Contiguous to 1994 UGA, only residential development is allowed, urban development must achieve minimum of 4 dwelling units per acre.
- Must be served by sewers and other urban services and facilities directly from the existing urban area without crossing the open space or rural area.
- Jurisdictions must agree to add the new urban land to their Potential Annexation Area (PAA).

**Relevant Countywide Planning Policies:**

The Countywide Planning Policies contains a section in the Development Patterns Chapter that addresses amendments to the Urban Growth Area. These are shown below with the citations that specifically address the 4:1 program *italicized*.

**DP-14** Review the Urban Growth Area at least every ten years. In this review consider monitoring reports and other available data. As a result of this review, and based on the criteria established in policies *DP-15 and DP-16*, King County may propose and then the Growth Management Planning Council may recommend amendments to the Countywide Planning Policies and King County Comprehensive Plan that make changes to the Urban Growth Area boundary.

**DP-15** Allow amendment of the Urban Growth Area only when the following steps have been satisfied:

- a) The proposed expansion is under review by the County as part of an amendment process of the King County Comprehensive Plan;*
- b) King County submits the proposal to the Growth Management Planning Council for the purposes of review and recommendation to the King County Council on the proposed amendment to the Urban Growth Area;*
- c) The King County Council approves or denies the proposed amendment; and*
- d) If approved by the King County Council, the proposed amendment is ratified by the cities following the procedures set forth in policy G-1.*

**DP-16** Allow expansion of the Urban Growth Area only if at least one of the following criteria is met:

- a) A countywide analysis determines that the current Urban Growth Area is insufficient in size and additional land is needed to accommodate the housing and employment growth targets, including institutional and other non-residential uses, and there are no other reasonable measures, such as increasing density or rezoning existing urban land, that would avoid the need to expand the Urban Growth Area; or*
- b) A proposed expansion of the Urban Growth Area is accompanied by dedication of permanent open space to the King County Open Space System, where the acreage of the proposed open space*
  - 1) is at least four times the acreage of the land added to the Urban Growth Area;*
  - 2) is contiguous with the Urban Growth Area with at least a portion of the dedicated open space surrounding the proposed Urban Growth Area expansion; and*

- 3) *Preserves high quality habitat, critical areas, or unique features that contribute to the band of permanent open space along the edge of the Urban Growth Area; or*
- c) The area is currently a King County park being transferred to a city to be maintained as a park in perpetuity or is park land that has been owned by a city since 1994 and is less than thirty acres in size.

**DP-17** If expansion of the Urban Growth Area is warranted based on the criteria in DP-16(a) or DP-16(b), add land to the Urban Growth Area *only if it meets all of the following criteria:*

- a) *Is adjacent to the existing Urban Growth Area;*
- b) For expansions based on DP-16(a) only, is no larger than necessary to promote compact development that accommodates anticipated growth needs;
- c) *Can be efficiently provided with urban services and does not require supportive facilities located in the Rural Area;*
- d) *Follows topographical features that form natural boundaries, such as rivers and ridge lines and does not extend beyond natural boundaries, such as watersheds, that impede the provision of urban services;*
- e) *Is not currently designated as Resource Land;*
- f) *Is sufficiently free of environmental constraints to be able to support urban development without significant adverse environmental impacts, unless the area is designated as an Urban Separator by interlocal agreement between King County and the annexing city; and*
- g) *Is subject to an agreement between King County and the city or town adjacent to the area that the area will be added to the city's Potential Annexation Area. Upon ratification of the amendment, the Countywide Planning Policies will reflect both the Urban Growth Area change and Potential Annexation Area change.*

The aforementioned countywide planning policies address 4:1 program criteria, as well as how 4:1 projects and their effects on the urban growth area boundary are processed through the Growth Management Planning Council and the King County Comprehensive Plan and code.

**Proposed Amendments:**

The following table summarizes the proposed substantive amendments under consideration by King County. Minor, non-substantive, or strictly procedural amendments are not included, but all of these can be viewed on the County website.

<b>Proposed Amendments</b>	<b>Relevant CPP</b>
<b>New urban lands</b>	
Requires a city or town to agree to add new urban area to their potential annexation area.	DP-17 (g) Is subject to an agreement between King County and the city or town adjacent to the area that the area will be added to the city's Potential Annexation Area....

<b>Proposed Amendments</b>	<b>Relevant CPP</b>
For proposals adjacent to a city or town, gives them the option to agree to annex the urban portion, and if agreed to would require development to occur only after annexation, and require an interlocal agreement within 90 days approval. If the jurisdiction does not agree, development can occur prior to annexation.	DP-23 Facilitate the annexation of unincorporated areas within the Urban Growth Area that are already urbanized and are within a city's Potential Annexation Area in order to provide urban services to those areas...
<b>New open space lands</b>	
Requires the open space portion of the proposal to be primarily on-site and buffer the urban portion from Rural Area and Natural Resource Lands	DP-16 (b)(2) Is contiguous with the Urban Growth Area with at least a portion of the dedicated open space surrounding the proposed Urban Growth Area expansion...
Allows a reduced open space dedication ratio if the proposal includes a property qualifying as high conservation value or provides affordable housing	DP-16 (b)(1) Is at least four times the acreage of the land added to the Urban Growth Area...
Requires that roads serving the new urban, to the maximum extent feasible, not be allowed within the open space or rural area.	DP-17 (c) Can be efficiently provided with urban services and does not require supportive facilities located in the Rural Area...
<b>Program procedures</b>	
Does not allow any parcels designated as natural resource lands to use the program	DP-17 (e) Is not currently designated as Resource Land...

**Next Steps:**

The next steps in the project are scheduled as follows:

- GMPC review and comment on proposed 2020 amendments in the King County Comprehensive Plan (June 2020)
- County Council potential adoption (July 2020)
- IJT work on 4:1 revisions to CPPs (2020-21)
- GMPC review and adoption of CPP amendments (2021)
- County Council adoption of CPPs amendments; City Ratification process (2021-22)

**For More Information:**

Contact Ivan Miller, AICP, King County Comprehensive Planning Manager, at 206-263-8297 or [ivan.miller@kingcounty.gov](mailto:ivan.miller@kingcounty.gov).

# Attachment

## **King County Comprehensive Plan Workplan Action Item for Four to One Program Review**

### **Actions Related to the Growth Management Planning Council**

The Growth Management Planning Council (GMPC) is a separate formal body consisting of elected officials from King County, Seattle, Bellevue, other cities and towns in King County, special purpose districts, and the Port of Seattle. The GMPC developed the Countywide Planning Policies, providing a countywide vision and serving as a framework for each jurisdiction to develop its own comprehensive plan, which must be consistent with the overall vision for the future of King County. The GMPC is chaired by the King County Executive; five King County Councilmembers serve as members. Recommendations from the GMPC are transmitted to the full King County Council for review and consideration. The GMPC develops its own independent work program every year; this section of the 2016 Comprehensive Plan Workplan identifies issues the County will bring forward to the GMPC for review, consideration and recommendations. King County will submit these Workplan items to the GMPC for consideration at its first meeting of 2017, with a goal of completing the GMPC review and recommendations by December 31, 2018. The Executive will work with the Council to determine whether the amendments are appropriate for inclusion in an Annual or Midpoint Comprehensive Plan Amendment prior to the next Eight-Year update.

**Action 18: Review the Four-to-One Program.** The County's Four-to-One Program has been very effective in implementing Growth Management Act goals to reduce sprawl and encourage retention of open space. This is done through discretionary actions by the County Council, following a proposal being submitted by a landowner(s) to the County. Over time, there have been proposals that vary from the existing parameters of the program; these have included possible conversion of urban zoning for lands not contiguous to the original 1994 Urban Growth Area, allowing the open space to be non-contiguous to the urban extension, use of transfer of development rights, providing increased open space credit for preserved lands with high ecological value (such as lands that could provide for high value floodplain restoration, riparian habitat, or working resource lands), and consideration of smaller parcels or parcels with multiple ownerships. Allowing these changes have the potential for increasing the use of the tool, with attendant risks and benefits. The Growth Management Planning Council would review the Four-to-One program and determine whether changes to the existing program should be implemented that will strengthen the program and improve implementation of the Comprehensive Plan, including evaluation of the proposals listed above.