



**King County**

**Memorandum  
Metropolitan King County Council**

November 7, 2016

TO: King County Councilmembers

From: Christine Jensen, Comprehensive Plan Lead

RE: Reserve at Covington Creek proposal – 2016 King County Comprehensive Plan

The King County Council received a letter<sup>1</sup> dated October 18, 2016, from a representative of the Reserve at Covington Creek LLC, the owner of two parcels referred to in the 2008 King County Comprehensive Plan (KCCP) as “Reserve at Covington Creek.” The letter requested that the Council amend the current TR-P49 property specific (p-suffix) development conditions on the subject parcels, which were adopted in the 2008 KCCP as part of an Urban Growth Area (UGA) amendment. The owner’s representative has also provided draft redline edits to the p-suffix language.<sup>2</sup> The owners are hopeful that this request can be considered for possible adoption by the Council in time for planning for the site to move forward in 2017.

This requested change would require legislative action to amend the current p-suffix conditions, which could be addressed as part of a Comprehensive Plan update. The Council is currently in the process of reviewing the proposed 2016 update to the King County Comprehensive Plan (KCCP).<sup>3</sup> The 2016 KCCP was voted out of committee on September 20, 2016, and is scheduled to come before the full Council for a public hearing on November 28, 2016 and a possible vote on December 5, 2016. Given the time-sensitive nature of the owner’s request and the Council’s current consideration of the 2016 KCCP, the Council directed staff to review the owner’s proposal for possible consideration as a proposed amendment to the 2016 KCCP at the full Council on December 5.

The following provides analysis of the owner’s proposal and options for Council consideration.

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<sup>1</sup> Attachment 1

<sup>2</sup> Attachment 2

<sup>3</sup> Proposed Ordinance 2016-0155

## Background

### Site Details<sup>4</sup>

Site Name: Reserve at Covington Creek

Parcel Numbers: 0421069008 and 0421069011

Council District: 7

Land Use Designation: RX (Rural City Urban Growth Area)

Zoning: UR-P (Urban Reserve, one dwelling unit per five acres - with conditions)

Development Conditions: TR-P49

Combined Lot Size: 40.09 acres

### Current TR-P49 Development Condition Text

- “Development shall be consistent with all City of Black Diamond Plans, regulation and guidelines;
- King County and any development applicant shall address traffic in the area to ensure existing conditions are addressed and improved -not degraded - by any future development; and
- The applicant shall enter into a pre-annexation agreement that includes the use of rural transfer of development rights and conservation of at least four acres of rural land for every acre of urban land.”

### History and Current Status

In 2008, the County adopted Map Amendment #29 to the KCCP,<sup>5</sup> which was known as “Reserve at Covington Creek.” The map amendment made the following changes:

1. Rezoned the two subject parcels (0421069008 and 0421069011) from RA-5 (rural area, one home per five acres) to UR-P (urban reserve, one home per five acres, with conditions);
2. Rezoned an adjacent property (Kentlake Athletic Field, parcel 0421069106) from RA-5 to R-4 (urban residential, four homes per acre);
3. Amended the UGA boundary to include all three parcels, and added the three parcels to the City of Black Diamond’s Potential Annexation Area (PAA); and
4. Added p-suffix conditions to the two subject parcels, as outlined in TR-P49 above.

Since adoption of the map amendment, no development permits for the site have been issued or applied for. A pre-annexation agreement between the property owner and the County and/or the City has not yet been entered into. Council staff is not aware of purchase of Transfer of development Rights (TDRs) or conservation of land related to this development proposal.

The October 18 letter states that the owner has recently contracted to sell the two subject properties to a third party and the third party wishes to commence with project entitlement in 2017.

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<sup>4</sup> See maps in Attachments 3 and 4

<sup>5</sup> Ordinance 16263

## Property Owner's Proposal

The owner of the Reserve at Covington Creek site is requesting the following amendments to TR-P49, shown in strikethrough format:

- “Development shall ~~((be consistent with))~~ meet or exceed all of the City of Black Diamond's ~~((Plans,))~~ engineering regulations and guidelines;
- King County and any development applicant shall address traffic in the area to ensure that existing level of service conditions are ~~((addressed and improved--))~~ not degraded ~~((--))~~ by any future development; and
- ~~((The applicant shall enter into a pre-annexation agreement that includes the use of rural transfer of development rights and conservation of at least four acres of rural land for every acre of urban land))~~ Only 50 percent of the site shall be developed with no more than 80 single-family residential lots.”

## Analysis

When the 2008 map amendment was adopted, the property owners contemplated the potential for 240 dwelling units on the 40 acre site. Since 2008, the County has adopted updates to its development regulations, including for shorelines and surface water management. The current regulations, in conjunction with the site's environmental elements,<sup>6</sup> may cause a reduction in the current number of dwelling units and/or site development potential than would have been allowed under the 2008 regulations.

The owner now states that the third party is willing to limit the number of dwelling units to 80 and to limit development to 50 percent of the site. The owner's requested amendment would remove the current p-suffix requirement that there be a pre-annexation agreement to guide development, and replace it with conditions that would limit development to these new specifications. This would equate to a density of approximately four dwelling units per acre on 50 percent of the site. However, even if the requested p-suffix condition amendment is adopted, the site will continue to be limited to the density of the current UR zoning, which is one home per five acres. In order to develop at the desired density of 80 homes, the County would need to change the zoning and land use designation, or the property would need to annex into the City and the City would need to set a higher density.

TR-P49 also currently requires that the owner purchase TDRs and/or conserve at least four acres of rural land for every acre of urban land that was added to the UGA as part of the 2008 map amendment. In 2008, this site added 40.09 acres to the UGA, which would require conservation of at least 160.63 acres of rural land under the current p-suffix. This ratio of four acres of permanently conserved rural land for every one acre of new urban

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<sup>6</sup> Ravensdale Creek runs across both properties, and the parcels are near Lake Sawyer. The site is designated as a Class II Critical Aquifer Recharge Area.

land is generally consistent with the goals of the County's Four-to-One Program. The aforementioned owner's proposed limitations on development of the site would replace this rural land conservation requirement.

The current p-suffix conditions would have also required any development to be consistent with the City of Black Diamond's plans and regulations. If development of the site occurred prior to annexation, this would have required the development to be consistent with both the City's and the County's regulations. This could have included a range of plans and regulations, such as the both City's and the County's comprehensive plans, zoning codes, and/or regulations for development, transportation, drainage, etc. As TR-P49 is currently written, it is unclear how any potential inconsistencies between the two jurisdictions' regulations would have been resolved. Additionally, this requirement would have caused the County to have to track and evaluate consistency with another jurisdiction's regulations, which could potentially be challenging from a staff resources perspective.

Instead, the owner's requested changes would direct that development "meet or exceed" the City's engineering regulations. This would replace this current requirement that the development be "consistent with" all of the City's plans and regulations. While still potentially challenging as noted above, the scope of overlapping review would be lessened under the new language. That being said, "meeting or exceeding" the regulations may potentially be a higher threshold for the owner than being "consistent with" with them. Additionally, it is not entirely clear what the scope of "engineering regulations and guidelines" would include; this could maybe benefit from some additional clarification or definition in the p-suffix.

TR-P49 also currently requires the County and the development applicant address and improve traffic conditions in the area under the future development. It is not clear how "traffic conditions" would be defined – such as, is it intending to address concurrency or roadway infrastructure or quality. The owner proposes that this only apply to level of service conditions, rather than possibly apply to broader transportation conditions. While a potentially more limited scope than the current p-suffix, this change would provide more clear direction on what conditions need to be addressed. The owner also proposes that the conditions not be degraded, rather than be required to be improved. This would most likely be less of a burden on the owner, as it is currently unclear what the scope or scale of the necessary improvements would entail.

### Public Outreach

The owner's p-suffix amendment proposal has been made available to the public. The proposal was included in the:

- 2016 KCCP published 30-day public hearing notice;<sup>7</sup>
- mailed land use notice to property owners in the vicinity of the site;<sup>8</sup> and

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<sup>7</sup> In a supplemental notice issued on October 21, 2016, consistent with the requirements in K.C.C. 20.18.110 and 20.18.120.

<sup>8</sup> As required by K.C.C. 20.18.120, the notice was mailed within 30 days of the public hearing to: properties within 500 feet of the affected property, at least 20 property owners, and any individuals/organizations that

- 2016 Addendum to the King County Comprehensive Plan State Environmental Policy Act (SEPA) documents and associated comment period.

The proposal was also posted on the Council's 2016 KCCP website on October 21, 2016.<sup>9</sup>

### Council Consideration

If desired, the Council could amend TR-P49 as part of the 2016 KCCP. To achieve this, the request would need to be proposed as a land use map amendment<sup>10</sup> when the KCCP comes before the full Council for potential final action on December 5. Amending the p-suffix conditions as part of the 2016 KCCP would allow for project planning to commence in 2017, as requested by the owner, with the aforementioned caveat that a rezone and land use redesignation or annexation would need to occur before permits for development under the owner's requested density could be applied for.

There is no requirement for the Council to propose, or adopt, an amendment to the p-suffix in response to the owner's request. It is a policy decision for the members as to whether to amend the p-suffix conditions in some form or to have the current p-suffix conditions move forward as is. The Council could choose one of the following options.

#### **Option 1**

Amend TR-P49 in the 2016 KCCP, as follows:

- a. as outlined in the owner's requested changes in Attachment 2;
- b. with alternative modifications to the development conditions; or
- c. to eliminate the entire p-suffix.

#### **Option 2**

Do nothing in 2016, but consider of amending TR-P49 in future years.

#### **Option 3**

Make no changes to TR-P49.

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have formally requested notification from the Department of Permitting and Environmental Review (DPER) for land use applications in the subject area.

<sup>9</sup> <http://www.kingcounty.gov/council/2016compplan/notice.aspx>

<sup>10</sup> Attachment B to the KCCP in Proposed Ordinance 2016-0155



October 18, 2016

The Honorable Joe McDermott, Chair  
Metropolitan King County Council  
516 Third Avenue, Room 1200  
Seattle, WA 98104

**RE: Reserve at Covington Creek UGA**

Dear Councilmember McDermott:

On behalf of the Reserve at Covington Creek LLC, the owner of real property referred to as the "Reserve at Covington Creek UGA" in the 2008 KCCP Map Amendment #29 (herein after referred to as Owner), we provide this written explanation of Owner's recent request for revisions to the 2008 KCCP Map Amendment #29's Development Condition Text.

By way of background, Owner recently contracted to sell the Reserve at Covington Creek UGA to a third party that is willing to significantly limit the number of homes to be constructed on, as well as the developable area of, the site with the condition that project entitlement can commence in 2017. In order to facilitate these outcomes, Owner has requested that the King County Council consider revisions to the Development Condition Text of 2008 KCCP Map Amendment #29 that: (i) cap development of the Reserve at Covington Creek UGA to 80 residential units (instead of the 240 homes contemplated at the time of 2008 amendment) and limit development to fifty percent (50%) of the site; and (ii) clarify the permit approval criteria applicable to the development so that the adjacent City of Black Diamond's engineering standards will be met and local traffic conditions will not be degraded.

Owner greatly appreciates King County's review and consideration of its requested revisions to the 2008 KCCP Map Amendment #29's Development Condition Text. If you have any questions regarding this letter or Owner's proposed revisions, please do not hesitate to contact me.

Very Truly Yours,

Brian Ross  
President & CEO

cc: Council Vice Chairs Rod Dembowski and Reagan Dunn  
Councilmembers Dave Upthegrove, Kathy Lambert, Larry Gossett, Claudia Balducci,  
Pete von Reichbauer, and Jeanne Kohl-Welles  
City of Black Diamond Mayor Carol Benson

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## EXISTING Psuffix Condition TR P49 on parcels 0421069008 and 0421069011

- Development shall be consistent with all City of Black Diamond plans, regulation and guidelines;
- King County and any development applicant shall address traffic in the area to ensure existing conditions are addressed and improved – not degraded – by any future development; and
- The applicant shall enter into a pre-annexation agreement that includes the use of rural transfer of development rights and the conservation of at least four acres of rural land for every acre of urban land.

## PROPOSED REDLINE CHANGES to TR P49

- Development shall ~~be consistent~~meet or exceed with all of the City of Black Diamond's ~~plans, engineering~~ regulations and guidelines;
- King County and any development applicant shall address traffic in the area to ensure ~~that~~ existing level of service conditions are ~~addressed and improved~~ – not degraded – by any future development; and
- Only fifty percent (50%) of the site shall be developed with no more than 80 single-family residential lots~~The applicant shall enter into a pre-annexation agreement that includes the use of rural transfer of development rights and the conservation of at least four acres of rural land for every acre of urban land.~~

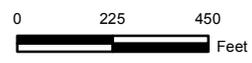
## CLEAN MODIFIED VERSION of TR P49

- Development shall meet or exceed all of the City of Black Diamond's engineering regulations and guidelines;
- King County and any development applicant shall address traffic in the area to ensure that existing level of service conditions are not degraded by any future development; and
- Only fifty percent (50%) of the site shall be developed with no more than 80 single-family residential lots.

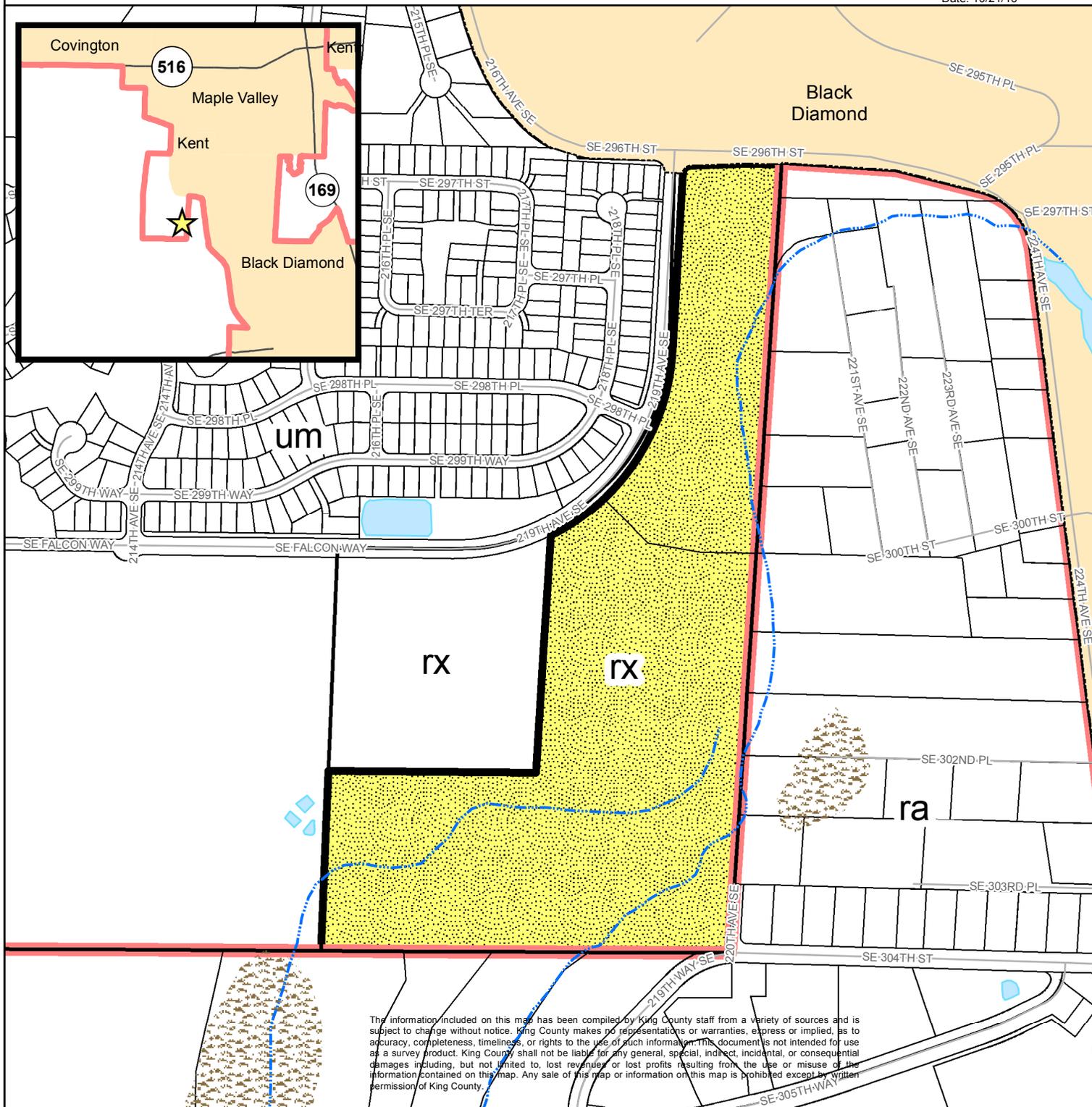
# Reserve at Covington Creek

## 2016 King County Comprehensive Plan Land Use Map

- |  |   |   |  |
|--|---|---|--|
|  Subject Parcels       |  Park & Ride |  Streams     | <b>um</b> Urban Res., Medium (4-12du/acre) |
|  CPLU                  |  Railroads   |  Waterbodies | <b>rx</b> Rural Cities Urban Growth Area   |
|  Wetland & Steep Slope |  Parcels     |   | <b>ra</b> Rural Area                       |
|  Incorporated Area     |   |   |  |
|  Urban Growth Boundary |   |   |  |
|  Parks & OS            |   |   |  |



Date: 10/21/16



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