



King County

2018 Docket Report

King County Comprehensive Plan

December 2018

I. About the Docket Process

The King County Docket was established in 1998 in accordance with Revised Code of Washington 36.70A.470 to provide an opportunity for residents of the County to register comments on the *King County Comprehensive Plan* and associated development regulations. The Docket process, as adopted in King County Code 20.18.140, is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan's policies, area-wide land use designations, development regulations, and site-specific land use and zoning. For docket requests that require a site-specific change in a land use designation or zoning classification, submitters may be referred to the appropriate process for requesting these changes.¹

The Docket process is open continuously and, once a year,² the items registered in the previous twelve months are considered. Requests are compiled into a **Docket Submittals Report** which is made available via the Comprehensive Plan website. Following this, Executive staff classifies³ whether each Docket is appropriate for the Annual Cycle (which allows primarily technical updates, corrections, and amendments that do not require substantive changes to policy language) or the Eight-Year or Four-Year Midpoint Cycle (wherein all changes may be

¹ King County Code 20.18.050 and 21A.44.060

² New: In 2018, King County restructured its comprehensive planning program and made minor changes to the Docket process, primarily related to schedule. In the 2018 restructure, the submittal deadline was changed from June 30 to December 31, and the Docket Report's deadline for transmittal to the County Council was changed from December 1 to April 30. For the 2018 Docket process, however, the dates in place at the time when the process began (meaning, June 30 submittal deadline and December 1 transmittal deadline) are being used.

³ New: Another component of the 2018 comprehensive planning program restructure was to switch from a four-year major update cycle to an eight-year major update cycle. The County retained the option for annual cycle updates as well as for four-year updates on the "midpoint" of the eight-year cycle. Similar to the eight-year cycle update, the "four-year midpoint" cycle update allows for consideration of substantive policy and land use changes, but midpoints will not include a review of the entire Comprehensive Plan. This means that Docket requests will now be classified as eligible for (a) the eight-year and four-year cycles, or (b) for the annual cycle.

considered). This classification guides whether the Docket item could be included in the following year’s Comprehensive Plan update.⁴

Following submittal and classification, the next phase includes analysis by County departments, outreach to the proponent, determining the appropriate mechanism for public engagement (dependent on the type and scale of the request), and coordination with relevant entities such as adjacent cities or special purpose districts, again dependent on the request and the aforementioned classification.

On the first business day of December (for the 2018 process as described in the footnotes on page 1), the Executive transmits a **Docket Report** with analysis and recommendations to the County Council. The Council then includes all submitters of Docket requests in the mailing list for the relevant County committee meetings, and notifies them of any other opportunities for public testimony, as it considers **Council Action** on the requests. For Docketed changes that are not recommended by the Executive, the proponent may petition the Council during its legislative review process.

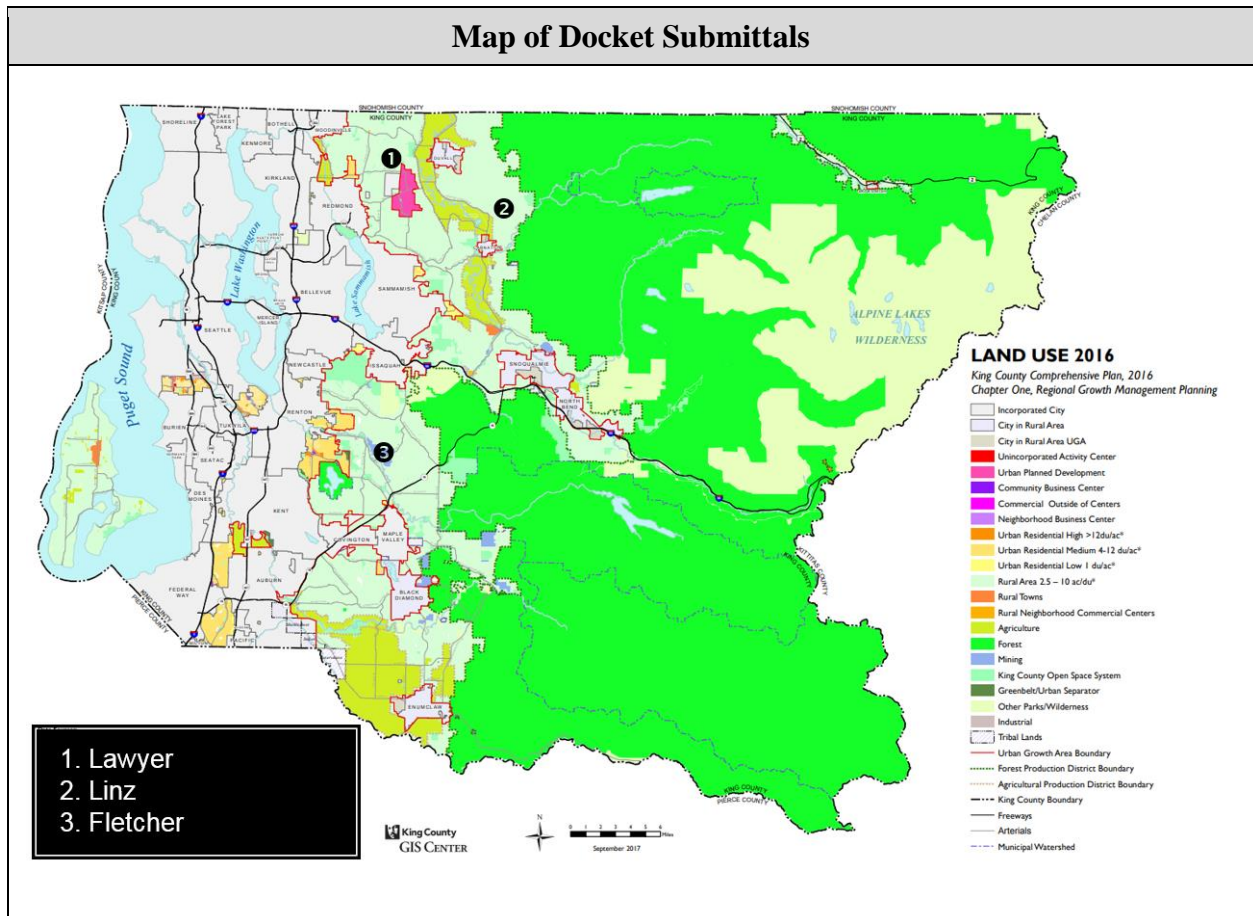
II. Summary of Submittals

King County received five Docket submittals in 2018. One request was found ineligible because the submitter did not have agreement from the property owners to submit on their behalf, and one was withdrawn by the property owner. The report addresses the remaining three Docket submittals, which are listed below.

Name	Council District	Summary of Request
1. Paul Lawyer	Council District 3, Councilmember Lambert	Allow the subdivision of one parcel zoned Rural Area-2.5 to divide into two parcels.
2. Raymond and Monique Linz	Council District 3, Councilmember Lambert	Remove Special District Overlay (SDO-230 Floodplain Densities) on one parcel and adjoining parcels.
3. Michael and Linda Fletcher	Council District 9, Councilmember Dunn	Change zoning classification on two parcels in the rural area geography from Neighborhood Business to Industrial (and to make commensurate changes to the land use designation).

⁴ King County Code 20.18.140 and 20.18.030

Map of Docket Submittals



III. Submittals, Analyses and Recommendations

The following lists the Docket submitter(s), identifies the County Council district, and includes the full text of the information provided with the Docket Submittal. This is followed by discussion and analysis of the relevant issues including classification, background information, policy review, and concludes with an Executive Recommendation.

Docket #1: Lawyer

DOCKET SUBMITTAL

Name of Submitter(s): Paul Lawyer

Council District: #3, Councilmember Lambert

Submitted Request: Request to subdivide property to add an additional single family home. Parcel size is 3.79 acres, and the parcel is zoned Rural Area 2.5 (RA-2.5).

Docket #1: Lawyer

Submitted Background Information: No impact to adjoining parcels. There are significant trees and greenery that provide significant privacy. The property is completely surrounded by large lots on a private road.

When sub-divided, the two lots would still be larger than most adjacent properties and those of surrounding neighborhoods (Lake of the Woods, Trilogy, Tuscany and Bear Creek). Property is located within private cul-de-sac and surrounded by other properties. The lot cannot be seen from public street. Provides significant tax revenue to King County without any change to neighborhood characteristics.

Requesting the ability to subdivide into two lots for single family homes.

1. Severe increase in property taxes make staying financially difficult. People should not be forced to sell their homes due to unsustainable property tax increases.
2. Property is 3.79 acres, which is much larger than adjacent properties.

Adjacent Lot	Acreage
13414 218th Ave NE	1.05
13506 218th Ave NE	1.18
13610 218th Ave NE	1.15
21817 NE 137th St	1.02
21827 NE 137th St	1.00
21909 NE 137th St	0.98
21925 NE 137th St	1.01
13321 220th Ct NE	2.87
13307 220th Ct NE	0.99
13328 220th Ct NE	2.06

3. Area density has significantly increased with Redmond Ridge and Trilogy development. This is a dense residential area--not rural. Land set aside by developers for preservation was not buildable (slopes and wetlands).
4. Subdivided lot would still have 1 acre of property and provide added tax revenue for King County.
5. Property was subdivided previously and could have been broken into more buildable lots.
6. The purpose of the GMA was to preserve open spaces and farmland. This request does not interfere or contravene GMA in any way.
7. The property is located within walking distance to elementary school and shopping

Address: 13329 220th Court NE Woodinville, WA 98077. Parcel Identification Number 2126069096.

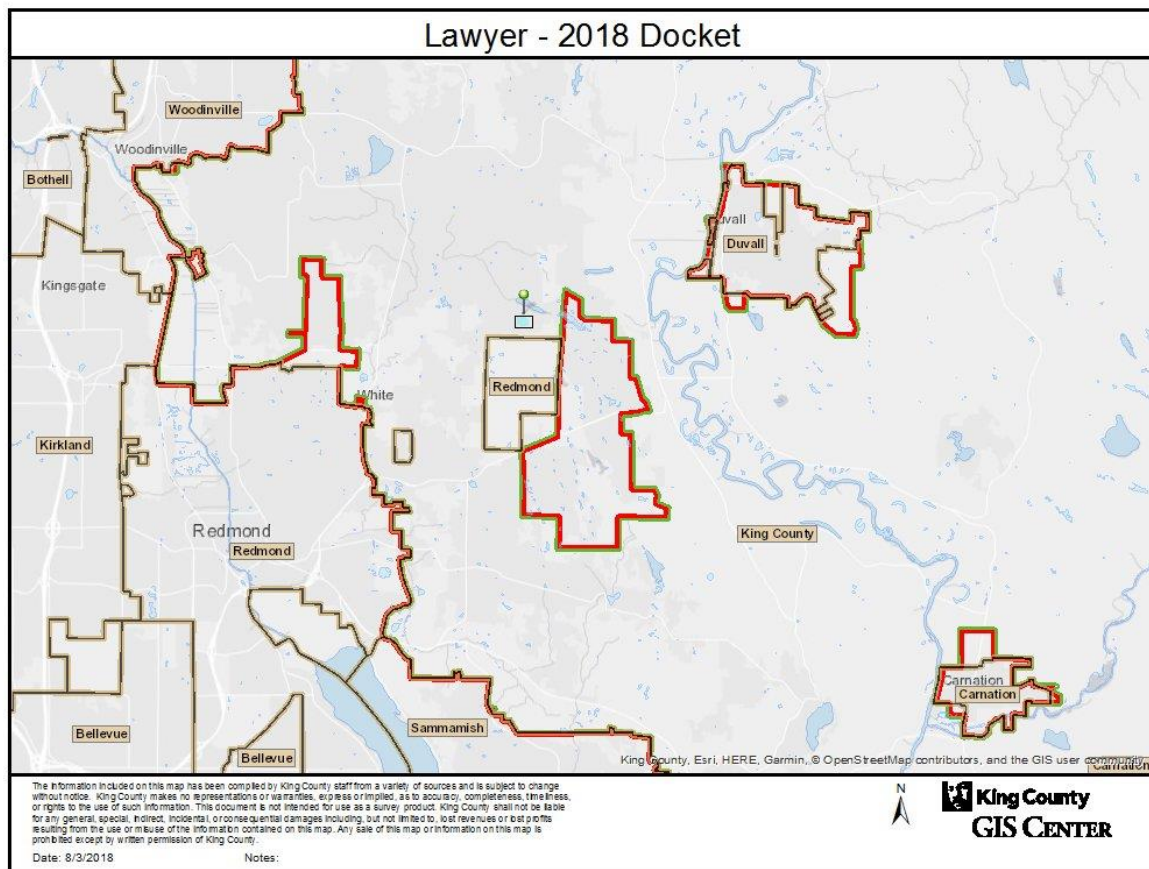
EXECUTIVE REVIEW

Docket #1: Lawyer

Classification: The request is for a land use and zoning change that would require a substantive policy change, as discussed in the following text. Given that these types of changes are not allowed on the Annual Cycle update per King County Code 20.18.030(B), the request would not be eligible for consideration in the 2019 Comprehensive Plan, but would be eligible for consideration in the 2020 Four-Year Midpoint update.

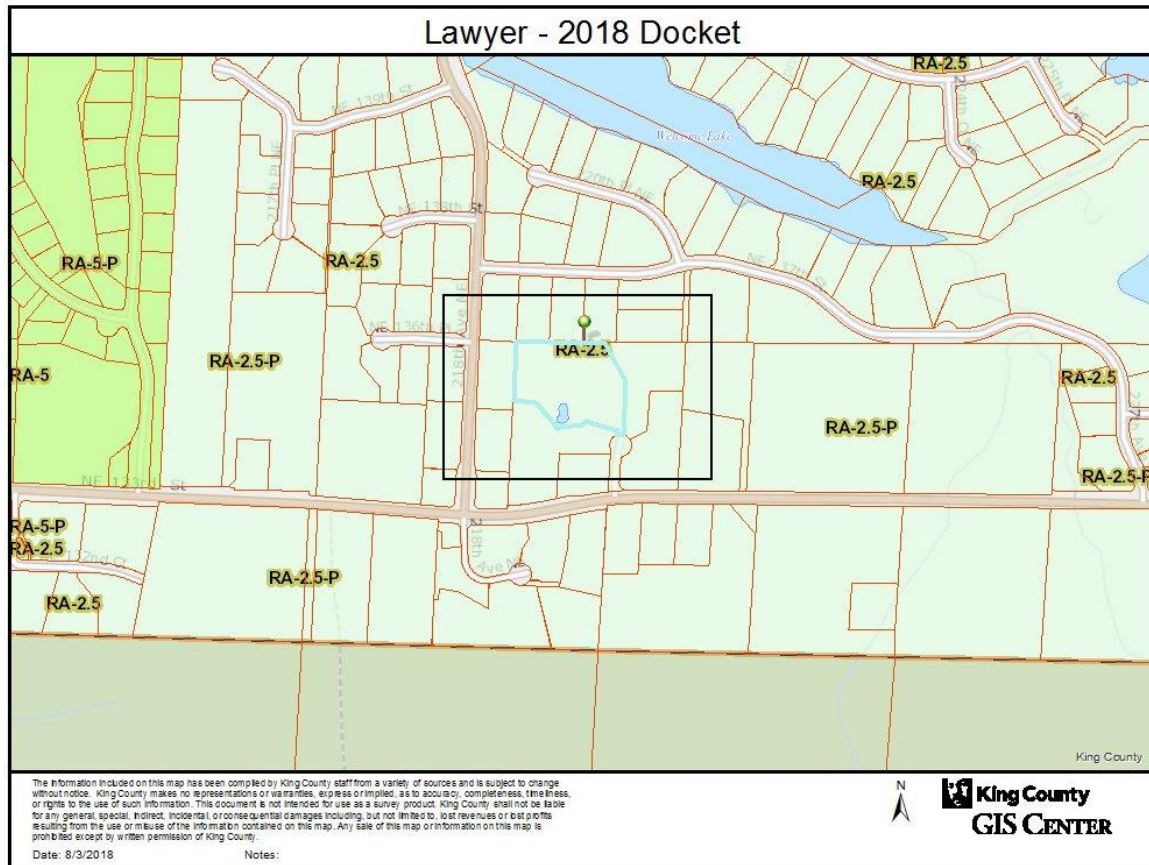
Discussion and Analysis: The submittal requests a subdivision of a parcel zoned Rural Area 2.5 (RA-2.5) into two parcels.

Vicinity map:



Docket #1: Lawyer

Zoning map:



As noted in the King County Comprehensive Plan, *Chapter 3: Rural Area and Natural Resource Lands*, RA-2.5 is a zoning category created to recognize densities and subdivisions that were in existence at the time the 1994 plan was adopted. Following the establishment of this zoning category in the 1994 Comprehensive Plan and the establishment of RA-2.5 lots at that time, no new RA-2.5 lots have been created.

The explanatory text and policy are as follows:

Although King County intends to retain low residential densities in the Rural Area, residential development has occurred in the past on a wide variety of lot sizes. Both existing homes on small lots and rural infill on vacant, small lots contribute to the variety of housing choices in the Rural Area. In some cases, however, rural-level facilities and services (e.g. on-site sewage disposal, individual water supply systems) may not permit development of the smallest vacant lots. Policy R-309 recognizes that some of the Rural Area has already been subdivided at a density greater than one lot per five acres (for example, parts of the shoreline of Vashon-Maury Island) when the original 1994 Comprehensive Plan was

Docket #1: Lawyer

adopted, and applied a zoning category to just those properties in existence at that time. Zoning to implement policies R-306 through R-309 has been applied through subarea and local plans and area zoning maps.

R-309 The RA-2.5 zone has generally been applied to 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 Island shall not be eligible as receiving sites.

Given this, the subdivision of the parcel is not consistent with the Comprehensive Plan.

In addition to the policy conflict, the request raises issues of precedence that could broadly affect the surrounding area and the zoning category in general. As shown on the Zoning map, the parcel is surrounded on all sides by parcels, some smaller and some larger, with the same zoning classification.

While the subdivision of the parcel is not consistent with Comprehensive Plan, other options exist for additional development on this parcel. The King County Zoning Code, at *Title 21A.08.030 Residential Land Uses*, allows for "Residential Accessory Uses" which are commonly known as accessory dwelling units. The subject parcel is larger than the minimum lot size for an RA-2.5 and therefore an option may exist for either a detached or an attached accessory unit, depending on site conditions (*see 21A.08.030(B)(7)*).

This information was shared with the Docket submitter and he was referred to staff at the Department of Permitting and Environmental Review with specific experience related to accessory dwelling units.

Executive Recommendation: Based on this analysis, the Executive does not support the subdivision of this RA-2.5 zoned parcels into two parcels.

Docket #2: Linz

DOCKET SUBMITTAL

Name of Submitter(s): Raymond and Monique Linz

Council District: #3, Councilmember Lambert

Submitted Request: Remove Special District Overlay SO-230, which applies limitations for density for parcels in the floodplain, on parcel 3626079039. This parcel is not in a flood plain. It sits atop 620' elevation per King County iMap. Therefore flood plain density should not apply. Proposed use of the parcel is for the development of single family homes on no less than five acres. Other than removal of the SDO, there is no change to zoning being requested. It has the future potential of having one more resident on the same shared private street that is currently used by 2 residents.

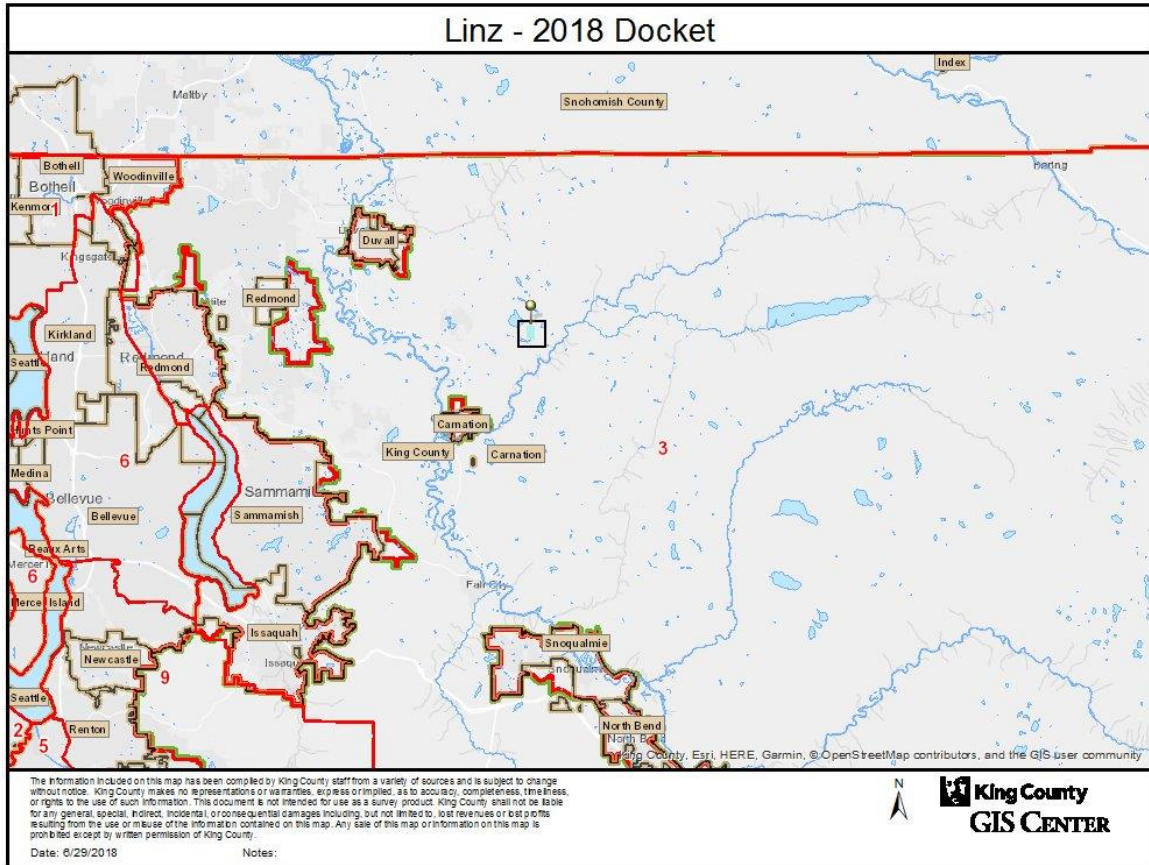
Submitted Background Information: The submitter notes that there is no effect on adjoining parcels as the surrounding parcels are subject to the same change rationale and need the SO-230 removed as well.

Address: Undeveloped; no address. Parcel Identification Number 3626079039.

EXECUTIVE REVIEW

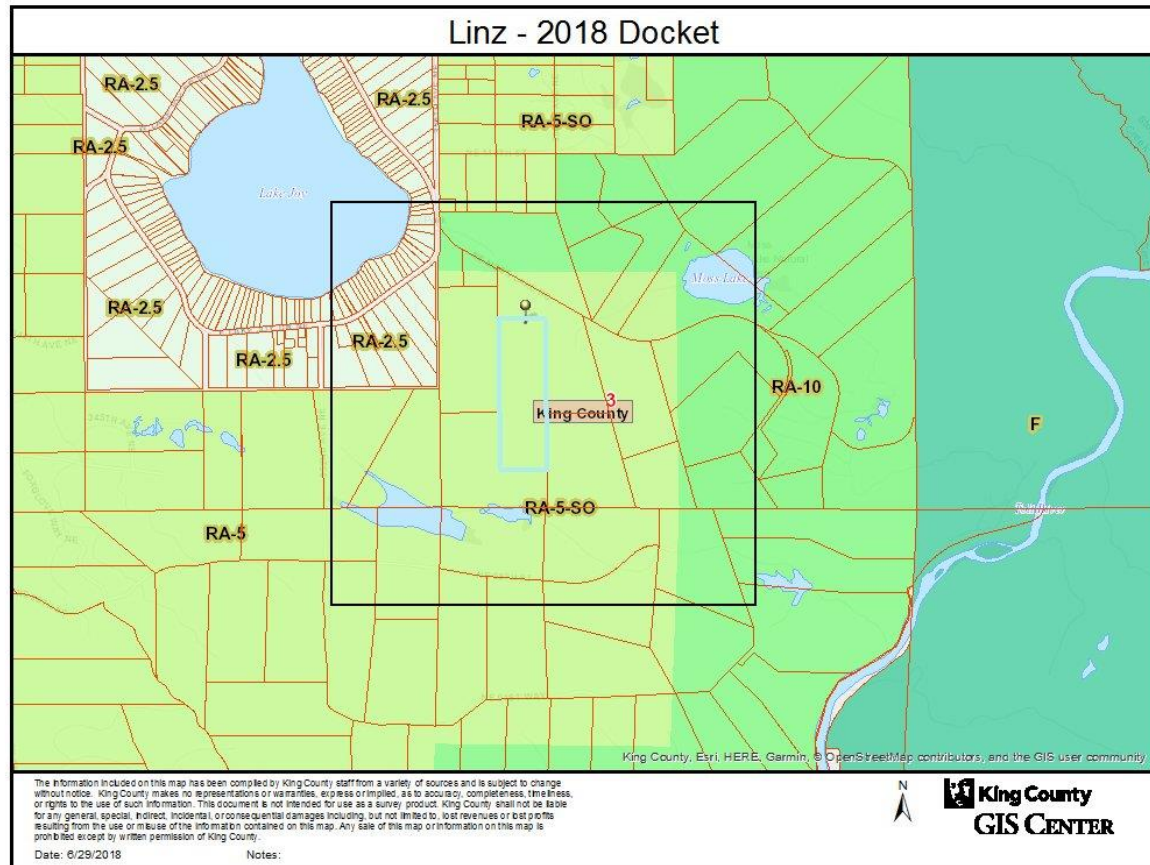
Docket #2: Linz

Vicinity map:



Docket #2: Linz

Zoning map:



Classification and Background: King County Code Title 21A.38.040 *Special District Overlay - General Provisions* states that removal of a Special District Overlay is an Area Zoning Process, which is analyzed through an Area Zoning and Land Use Study as part of a Comprehensive Plan update. As such, it would be eligible for consideration in an Annual Cycle amendment in 2019 or in the 2020 Four-Year Midpoint update.

Discussion and Analysis: The purpose of a Special District Overlay is 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 general code provisions.

Special district overlays are generally applied to a group of individual properties or entire community, subarea or neighborhood planning areas and are designated primarily through the area zoning process. Removal is done through the same process.

Docket #2: Linz

The text of the subject Special District Overlay includes the following conditions:

21A.38.240 Special district overlay - Floodplain Density.

A. The purpose of the floodplain density special district overlay is to provide a means to designate areas that cannot accommodate additional density due to severe flooding problems. This district overlay limits development in sensitive areas to reduce potential future flooding.

B. The following development standards shall be applied to all development proposals on RA-5 zoned parcels located within a floodplain density special district overlay:

1. Density is limited to one home per 10 acres for any property that is located within a sensitive area; and
2. All development shall be clustered outside of the identified sensitive areas, unless the entire parcel is a mapped sensitive area. (Ord. 12823 § 19, 1997).

Link to SO-230:

<https://www.kingcounty.gov/depts/permitting-environmental-review/gis/DevConditionsSearch/SDO/SO-230.aspx>

This 2018 request to remove the Special District Overlay follows a similar request that was considered, and supported, in the 2016 Comprehensive Plan.

Link to 2016 Map Amendments (see Amendment 3):

<https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/2016CompPlanUpdate/2016Adopted-KCCP/LandUseZoningAmendments-ADO-120516.ashx?la=en>

Link to 2016 Area Zoning and Land Use Studies (see Study 4):

<https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/2016CompPlanUpdate/ExecRecommend2016CompPlan/Attach-AreaZoningLandUseStudies2016KCCP-d.ashx?la=en>

As noted in Study 3, the Special District Overlay originated in the 1989 Snoqualmie Valley Community Plan. The condition stems from Area-wide Suffix Condition AR-5-P, which limits density on Rural Area 5 parcels. The condition is shown on, or referenced in, multiple maps (pages 123, 125, 129, 132, 133, 141, and 181) and reads as follows:

AR-5-P (one home per five acres with P-Suffix)

The purpose of this zoning is to implement policies of the King County Comprehensive Plan which call for maintaining the rural community character of the planning areas and protect sensitive natural features. The following P-suffix shall apply: Subdivision activity within this zone designation requires the site plan review process to determine the boundary of sensitive areas as defined in the King County Sensitive Areas Folio. Density is restricted to one home per 10 acres for sensitive areas. One home per five acres is allowed on the non-sensitive areas. Mandatory clustering is required on the non-sensitive areas unless the entire site is a mapped sensitive area. This zoning implements Snoqualmie Valley Community Plan policies SQP 45 and SQP 48.

Docket #2: Linz

The two referenced policies from the Community Plan read as follows:

SQP 45 In unincorporated areas, a density of one home per 5 acres shall be applied to areas where there is an existing platting pattern of 5 acre lots or larger, where there are a minimum of environmental hazards or other land use constraints and where resources do not exist on site or nearby which would benefit from lesser density.

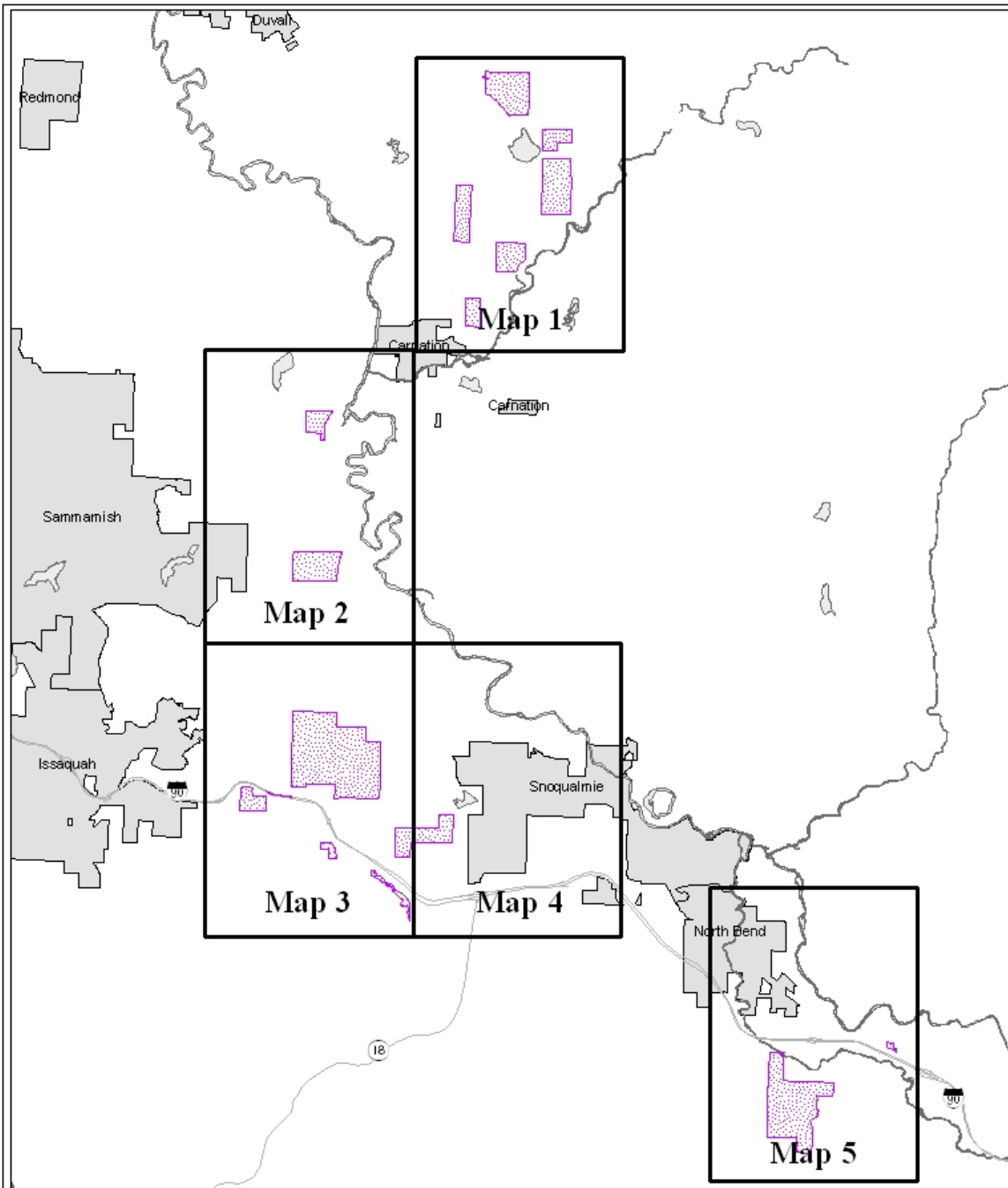
SQP 48 To minimize the risk to public safety and reduce the potential for property damage, the following environmentally sensitive areas shall be designated one home per 10 acres.

- A. floodways and flood-fringe areas (flood plains),
- B. class iii landslide hazard areas,
- C. slopes of a grade of 40% or more,
- D. unique/outstanding or significant wetlands,
- E. lands with erosion hazards or a combination of seismic and erosion hazards.



These conditions were imposed through the adoption of the Community Plan, and subsequent ordinances that amended the plan and conditions. While the Snoqualmie Valley Community Plan is no longer in effect, Special District Overlay (SO-230: Floodplain Density SDO) remains in effect.

During the zoning conversion in the mid-1990s, the rationale for the limitation was shortened to just flood hazards even though other critical areas were also protected under the original zoning. The parcels to which the Special District Overlay apply are as follows:

Docket #2: Linz

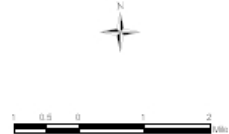


Floodplain Density SDO Index Map
Effective: August 18, 1997
Amended by Ord. 14448, 9/8/2002

-  Special District Overlay
-  Incorporated Areas



Produced October 10, 2004



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. King County shall not be liable for any general, special, indirect, incidental, or consequential damages, including, but not limited to, lost revenue or lost profits, resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

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Docket #2: Linz

While the current focus of SO-230 is on floodplain densities, the language still refers to "areas that cannot accommodate density" rather than parcels, and states that development be clustered outside of the "identified sensitive area" not just outside of the floodplain area. These retain and convey a focus that is broader than just floodplains.

The removal of the Special District Overlay from another property in 2016 noted that the while County's Sensitive Areas Ordinance and Surface Water Design Manual had been adopted in 1990, and that the Special District Overlay built on those provisions, both the Ordinance and Manual had been updated numerous times since that time to reflect best available science and both include rigorous standards for protecting critical areas and controlling runoff and sedimentation during the development process.

The Manual does this by addressing a wide variety of topics from drainage plan submittal requirements, hydrologic analysis and design, conveyance system analysis and design, flow control design and more. The effect of these requirements and standards are to minimize and mitigate impacts on water resources and functions.

Link to King County Code, 21A.24 Critical Areas:

https://kingcounty.gov/council/legislation/kc_code/24_30_Title_21A.aspx

Link to Surface Water Design Manual:

<https://your.kingcounty.gov/dnrp/library/water-and-land/stormwater/surface-water-design-manual/SWDM%202016%20complete%20document%20FINAL%20first%20errata%206%2015%202016.pdf>

In 2016, the conclusion by the Department of Permitting and Environmental Review (the department that administers this Special District Overlay and a participant in the updates to the Sensitive Areas Ordinance and the Surface Water Design Manual), was that removing the Special District Overlay would not likely result in any significant flooding or sedimentation issue, that the aforementioned regulations effectively control runoff from new development, and that the Special District Overlay was no longer needed on those parcels.

Looking at the context today, SO-230 applies to a total of 426 parcels that are or were zoned Rural Area 5 when the Special District Overlay was established. Of this number, 39 are in public ownership and therefore likely to never be developed, 6 are within cities and therefore not subject to this condition, and 80 are not zoned RA-5 and therefore not subject to this condition. Of the remaining 301 parcels, 235 are less than 10 acres, meaning they are unlikely to have sufficient size to be subdivided with or without the overlay. This leaves 66 parcels that are theoretically subdividable.

Docket #2: Linz

Of these, 18 have Sensitive Area Notices on Title, and 24 show some type of environmental feature – wetlands, seismic or erosion hazard areas, stream corridors – in the County's mapping programs. While the exact impact of these constraints on development potential is beyond the scope of this study (and difficult to precisely quantify without a development proposal), the overall impact is a likely reduction in the amount of development on these 66 larger sized parcels.

In summary, the Special District Overlay applies to a limited set of potentially subdividable Rural Area 5 parcels, these parcels frequently have other environmental constraints that could minimize development potential, and impacts of future development proposals (both on floodplains and environmental features) will be addressed through County regulations that have superseded this Special District Overlay.

Executive Recommendation: Based on this analysis and previous analysis in 2016, the Executive supports including consideration of deleting the Special District Overlay on all parcels to which it applies into the Scope of Work for the 2020 Comprehensive Plan Midpoint update.

Docket #3: Fletcher

DOCKET SUBMITTAL

Name of Submitter(s): Michael and Linda Fletcher

Council District: #9, Councilmember Dunn

Submitted Request: Reclassify zoning on two parcels from NB (Neighborhood Business) to I (Industrial). Combined size is 3.54 acres. The rationale for the requested changes is to be consistent with the adjacent property and the current use of the land. The proposed use is industrial, which is grandfathered and has been there for 25 years. The submittal notes that there will be no effect on adjoining properties to the south which are also industrial zoned and the current use is for industrial uses.

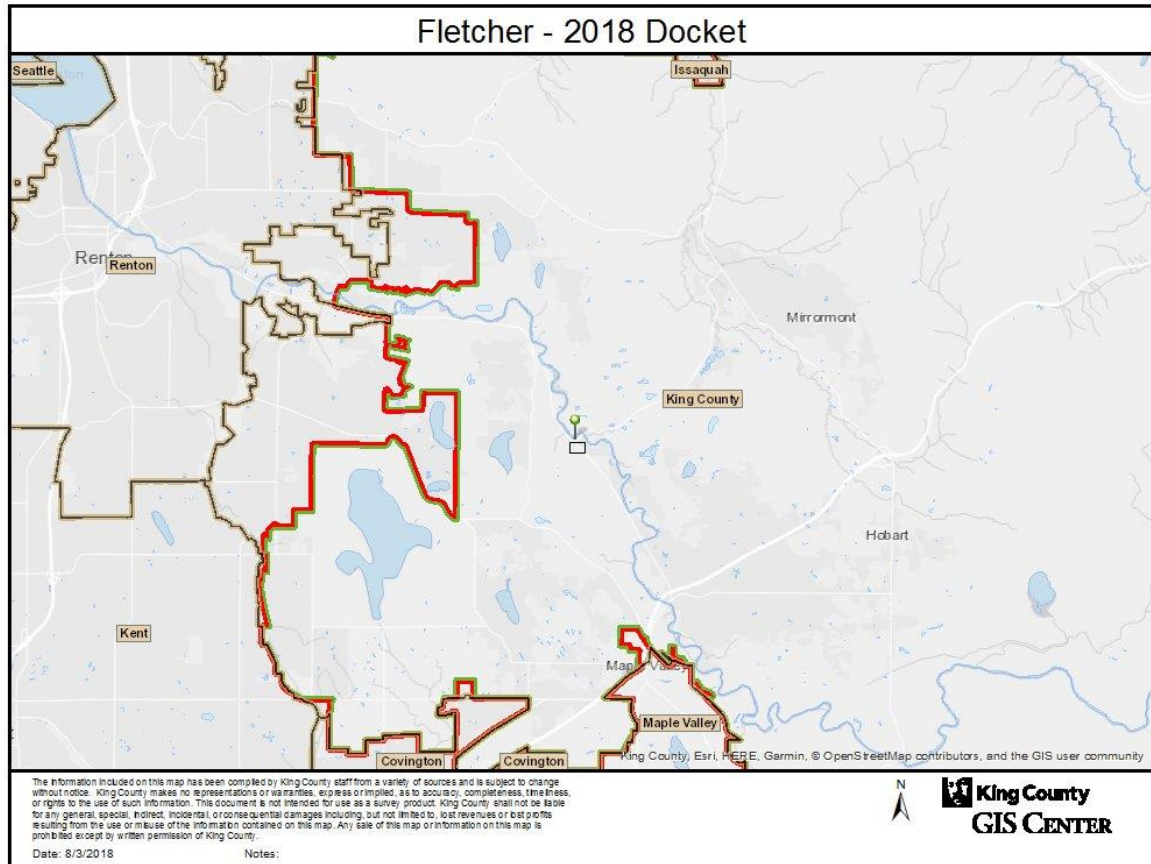
Submitted Background Information: No affect- the adjoining properties to the south are also industrial zoned and current use on the subject parcels are already industrial uses.

Address: 18407 Renton-Maple Valley Highway, Maple Valley, WA 98038. Parcel identification numbers 3223069052 and 3223069070.

Docket #3: Fletcher

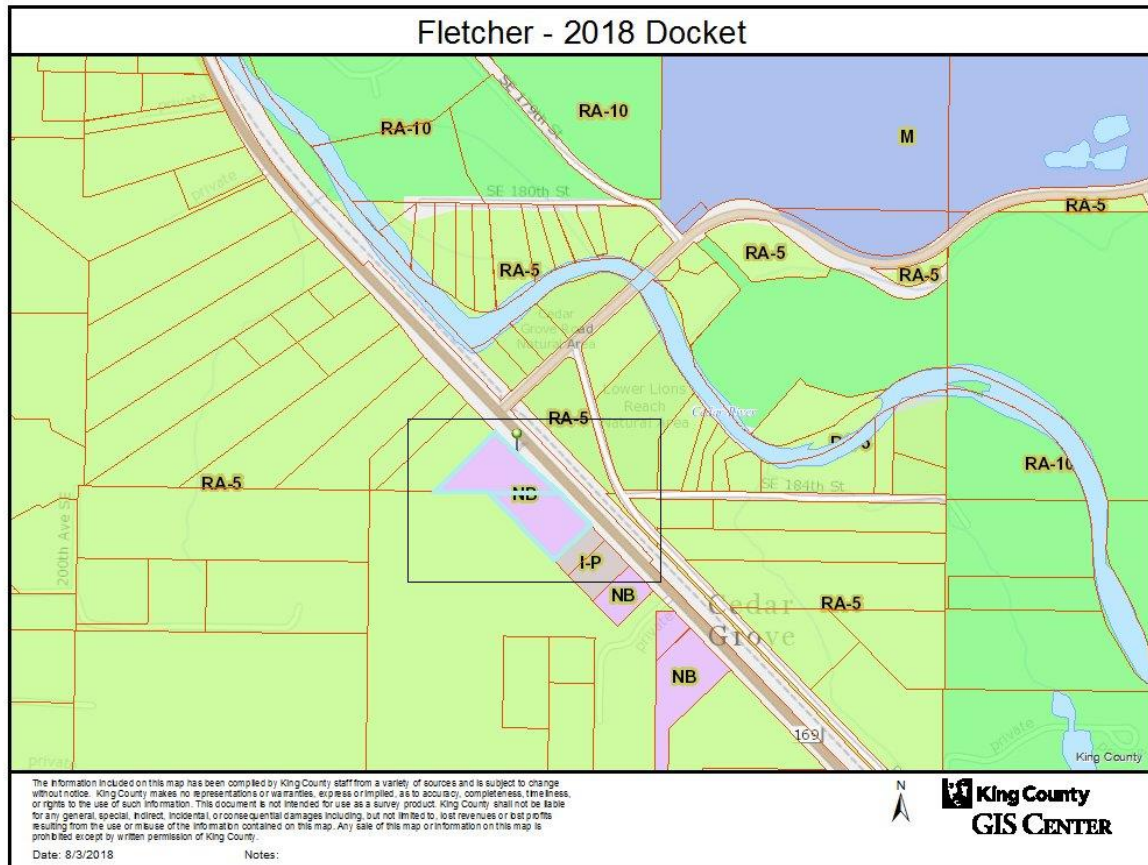
EXECUTIVE REVIEW

Vicinity map:



Docket #3: Fletcher

Land Use map:



Classification: The request is for a zoning change; this would require that the land use designation also be changed to Industrial to allow the zoning classification to be Industrial. As discussed in the following text, this would require a substantive policy change. Given that these types of changes are not allowed on the Annual Cycle update, the request would not be eligible for consideration in the 2019 Comprehensive Plan, but would be eligible for consideration in the 2020 Four-Year Midpoint update.

Discussion and Analysis: The Comprehensive Plan, in *Chapter 3: Rural Area and Natural Resource Lands*, discusses Non-Residential Uses in the Rural Area, as well as Non-Resource Industrial Uses and Development Standards in the Rural Area. The plan recognizes that some compatible public and private nonresidential uses are appropriate in the Rural Area geography and contribute to rural character. The plan states that compatible uses might include small, neighborhood churches, feed and grain stores, produce stands, forest product sales and home occupations such as woodcrafters, small day care facilities or veterinary services. (see page 3-25)

Docket #3: Fletcher

The plan notes that there are variety of locations for commercial activities in the rural area geography. These include Rural Neighborhood Commercial Centers, Rural Towns, the Cities in the Rural Area, as well as non-resource industrial sites located in rural King County. The plan notes that Cities in the Rural Area and Rural Towns are the primary locations for nonresidential uses in the Rural Area geography, and that Rural Neighborhood Commercial Centers provide limited, local convenience shopping, restaurants, and services to meet the daily needs of rural residents. The Comprehensive Plan describes this intent as follows:

R-505 Commercial and industrial development that provides employment, shopping, and community and human services that strengthen the fiscal and economic health of rural communities should locate in Rural Towns if utilities and other services permit. Urban-level parking, landscaping, and street improvement standards are not appropriate for Rural Towns. Sidewalks and other pedestrian safety measures should be provided to serve the Rural Town.

In the context of the Docket request, the use on the subject parcels is a metal recycling facility, which would be classified in the zoning code as an "interim recycling facility" as defined at King County Code *Title 21A.06.640*. Under the existing Neighborhood Business zoning classification, the current use is allowed, although the existing business does not meet the requirement that all processing and storage of material be within enclosed buildings (*see 21A.08.050.B.22*). Additionally, as currently developed, the site would be considered non-conforming to current site development standards.

The request to change the zoning from Neighborhood Business to Industrial is based, in part, because of a desire on the part of the property owner to sync up the use with the underlying zoning, and also because the subject parcels are directly adjacent to an Industrial zoned property (parcels 3223069104 and 3223069098). The neighboring property has a property-specific development condition, enacted in 1997, that limits the uses on the site to any use permitted in the Regional Business zoning classification or a vehicle interior refurbishing and re-upholstery (the use on the site at the time the condition was enacted). Meaning, while it has an Industrial land use, it has a more constrained set of allowed uses. Were the subject parcels to be rezoned to Industrial, it would be allowed to have significantly more intensive commercial activities than the properties to the south.

Policies related to industrial sites in the Rural Area geography are primarily found in Chapter 3, subsection *V.D. Non-Resource Industrial Uses and Development Standards in the Rural Area*. Since 1994, the policies and text in this section of the King County Comprehensive Plan have sought to recognize industrial uses that pre-existed when the Growth Management Act was adopted, to limit their expansion, to limit creation of new industrial sites in the Rural Area, and to condition and scale any development or redevelopment of existing sites to maintain and protect rural area character and the environment. Some of the policies read as follows:

Docket #3: Fletcher

R-513 Rural Public Infrastructure Maintenance Facilities, and agriculture and forestry product processing should be allowed in the Rural Area. Other new industrial uses in the Rural Area shall be permitted only in Rural Towns and in the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston.

R-515 Existing industrial uses in the Rural Area outside of Rural Towns, the industrial area on the King County-designated historic Site along State Route 169 or the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston shall be zoned rural residential but may continue if they qualify as legal, nonconforming uses.

Taken collectively, the County's policies recognize and allow industrial uses on industrial zoned parcels even in the Rural Area geography, but also limit expansion or the establishment of new industrial zoned parcels.

Beyond the policy constraints, there site-specific constraints as well. The site lacks public sewer and water, is a relatively small site for accommodating industrial uses and, with needed septic systems, drainage systems, other utilities, parking, etc., it is not clear on whether it could actually accommodate an industrial use that isn't already allowed under the existing Neighborhood Business zoning.

Additional issues are that the slope related critical areas (and their associated buffers and setbacks) that exist in the west portion of the site would further impact the usable area of the site. The same is true for the Category I critical aquifer recharge area designation on the site, which further limits the types of industrial uses and development.

This information was shared with the Docket submitter who inquired as to whether a Community Business zoning designation would be more appropriate for the site. This option does not appear warranted for a number of reasons. First, the purpose statement for the Community Business zone states:

21A.04.100 Community business zone.

- A. The purpose of the community business zone (CB) is to provide convenience and comparison retail and personal services for local service areas which exceed the daily convenience needs of adjacent neighborhoods but which cannot be served conveniently by larger activity centers, and to provide retail and personal services in locations within activity centers that are not appropriate for extensive outdoor storage or auto related and industrial uses. These purposes are accomplished by:
1. Providing for limited small-scale offices as well as a wider range of the retail, professional, governmental and personal services than are found in neighborhood business areas;
 2. Allowing for mixed use (housing and retail/service) developments; and
 3. Excluding commercial uses with extensive outdoor storage or auto related and industrial uses.

Docket #3: Fletcher

- B. Use of this zone is appropriate in urban and community centers or rural towns that are designated by the Comprehensive Plan and community plans and that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 11621 § 14, 1994: Ord. 10870 § 31, 1993).

A number of issues are relevant in this zone purpose statement related to changing the zoning to Community Business. As noted in section A.3. above, and as implemented in the permitted uses table *Title 21A.08.050 General services land uses*, commercial uses with extensive outdoor storage are excluded from the Community Business designation. This means that even in Community Business zoning, all processing and storage of recycling materials would be required to be within enclosed buildings. And, as noted in B. above, this zone is to be used in urban and community centers or Rural Towns. In contrast, the description of the Neighborhood Business zone (at *21A.04.090 Neighborhood business zone*) states that the zone is appropriate in urban neighborhood business centers, rural towns, or rural neighborhood centers.

Additionally, the site-specific constraints and development limits discussed related to an Industrial designation would be very similar with a Community Business designation.

Last, other than in Rural Towns, there is only one site with Community Business parcels in entire Rural Area geography, and this site is directly adjacent the Urban Growth Area boundary at the northern edge of the East Renton Plateau Potential Annexation Area. If changed to Community Business, this would be the only the second Community Business area in the Rural Area geography, and would be the only free-standing Community Business zone in the Rural Area geography that is not directly adjacent to the Urban Growth Area boundary.

Executive Recommendation: Based on this analysis, the Executive does not support changing the zoning and land use on this parcel from Neighborhood Business to Industrial or to Community Business.

IV. For More Information

For questions regarding this report, please contact Ivan Miller, Comprehensive Planning Manager, at 206-263-8297, or ivan.miller@kingcounty.gov.

V. Public Comments on 2018 Docket Submittals

The following public comments were submitted on the Docket Requests following the release of the 2018 Docket Submittals Report.

<p>Name: Greater Maple Valley Unincorporated Area Council</p> <p>Date: October 2, 2018</p> <p>Comment: Docket Item (D.I.) #4 #3 <i>(King County Staff note: This refers to Docket 3: Fletcher. The docket was renumbered after other requests were removed as noted on page 1 of the report.)</i></p> <p>Location: 18407 SR-169 Parcel ID Nos.: 3223069052 and 3223069070</p> <p><i>“Reclassify zoning on two parcels from NB (Neighborhood Business) to I (Industrial). The land use would remain Rural Area. Combined size is 3.54 acres. The purpose for the request is to provide consistency with the actual land use activity (recycling center) that has been in operation for over 25 years. An industrial use (grandfathered) – a metal recycling facility. The use and zoning will be consistent with what is actually developed in the immediate vicinity and on these specific properties.”</i></p> <p>INTRODUCTION</p> <p>The D.I. states the site’s existing business is an <i>“industrial use”</i> that is <i>“grandfathered.”</i> The D.I. request is to rezone the site from Neighborhood Business (NB) to Industrial (I). If the existing <i>“metal recycling”</i> business is indeed <i>“grandfathered,”</i> then no change in zoning is necessary.</p> <p>Of critical concern is that should the site be rezoned, the <i>next</i> owner could propose a <i>different</i> industrial use (much like the proposed Asphalt Facility on a parcel along SR-169, which was the subject of a successful rezoning request through the D.I. process). [Note; The site in question was not evaluated earlier this year in KC DPER’s <i>Cedar River Sites Industrial Moratorium (CRSIM) Study</i> as part of the KC Council’s Asphalt Facility discussions, because it was not zoned <i>“Industrial.”</i>]</p> <p>BACKGROUND</p> <p>The D.I. specifically refers to the adjoining site to the south and its <i>“I”</i> zoning as justification for the site in question to be rezoned to <i>“I”</i>. Attached is the final Zoning and Subdivision Examiner’s Decision and the BALD Report 124-88-R— (Note: The Building and Land Development Division is the predecessor to present-day DPER), which supported the 1989 rezone of the adjoining site to <i>“I-P”</i> (<i>“I”</i> zoned, but with a <i>P-suffix</i>—which imposed express limitations on future use).</p> <p>The <i>“I-P”</i> zoning for the adjacent site was adopted by the KC Council as Ordinance 8865 and incorporated into subsequent Comprehensive Plans (and <i>Tahoma-Raven Heights Subarea Plan</i> by Ordinance 12824 in 1997). The uses of that <i>“I-P”</i> zoned site are limited to those allowed in the Regional Business (RB) zone and <i>“vehicle interior refurbishing and re-upholstering.”</i></p> <p>DISCUSSION</p>

Name: Greater Maple Valley Unincorporated Area Council

The 1989 rezone was *unique* and cannot, and should not, constitute grounds for rezoning the site in question from "NB" to a general "I" without any *P-suffix* to substantially limit its future use. The attached BALD Report gives an extensive history of this area and land uses that existed in that vicinity for many years. D.I. #4's assertion that a "rezone of their property to 'I' - Industrial would be consistent with the zoning and use of the property to the south" simply is not accurate.

We remain highly skeptical and very concerned that a rezone to a generic "I" could result in another debacle, as has been encountered with the proposed Asphalt Facility on a parcel along SR-169. As with the former rezone of that parcel to simply a generic "I", rezoning of the site to allow lawful continuation of an *existing nonconforming use* has severe and, perhaps, unintended consequences, where such rezone is not limited in scope to allow only that particular existing use and any other uses that are in fact consistent with such existing use. In fact, since the existing business can continue under *existing* zoning, no rezone is necessary.

Finally, any proposed site-specific rezone (e.g., from "NB" to "I") *inconsistent* with the KC Comprehensive Plan (KCCP) must be considered and resolved **first** through a Hearing Examiner following a public hearing (KCC 20.20.020(E) and KCC 20.22). Annual amendments to the KCCP are deemed *legislative*; whereas, a site-specific rezone is *quasi-judicial* and must be reviewed as a Type 4 permit application. Clearly, an annual D.I. request should not be part of any *bifurcated* process (i.e., KC Council amends zoning designation, refers it to Hearing Examiner, who, sends recommendation back to KC Council for a final decision).

RECOMMENDATION

D.I. ~~#4~~ #3 should be denied.

Attachment: Final Zoning and Subdivision Examiner's Decision and the BALD Report 124-88-R, 1989. (*available upon request*)



2018 Docket Submittals Report

King County Comprehensive Plan
August 2018

8/3/2018 Report updated to include Docket which arrived 1 day after the deadline due to the deadline falling on a weekend day.

8/21 Report updated following property owner's request to remove Docket Item #2. The order and numbering of the other items remains unchanged.

I. BACKGROUND

The King County docket was established in 1998 in accordance with K.C.C. 20.18.140 to provide an opportunity for residents of the county to register comments on the *King County Comprehensive Plan* and associated development regulations. The county responds to each item registered on the docket, providing a feedback loop, as required by RCW 36.70A.470. Docket forms are available on the King County Website and at several county departments. The docket is open continuously and, each June 30, the items registered in the previous twelve months are compiled into the docket report for release on December 1 to the King County Council.

The information in the Docket Submittals Report includes the complete set of materials submitted by Docket proponents. Providing the Docket Submittals Report to the public, early in the process and **even before substantive analysis has occurred**, allows for more transparent communication to the public regarding the issues the County is being asked to consider.

II. SUBMITTALS

King County received **five** items for the Docket period that closed on June 30, 2018.

Docket Request # 1

Name of Requestor(s): Raymond and Monique Linz
Council District: 3
Summary Category: Removal of Special District Overlay

Submitted Request

Remove Special District Overlay SO-230, which applies limitations for density for parcels in the floodplain, on parcel 3626079039. This parcel is not in a flood plain. It sits atop 620' elevation per King County iMap. Therefore flood plain density should not apply. Proposed use of the parcel is for the development of single family homes on no less than five acres. Other than removal of the SDO, there is no change to zoning being requested. It has the future potential of having one more resident on the same shared private street that is currently used by 2 residents.

Address

Undeveloped; no address. Parcel Identification Number 3626079039.

Submitted Background Information

The submitter notes that there is no effect on adjoining parcels as the surrounding parcels are subject to the same change rationale and need the SO-230 removed as well.

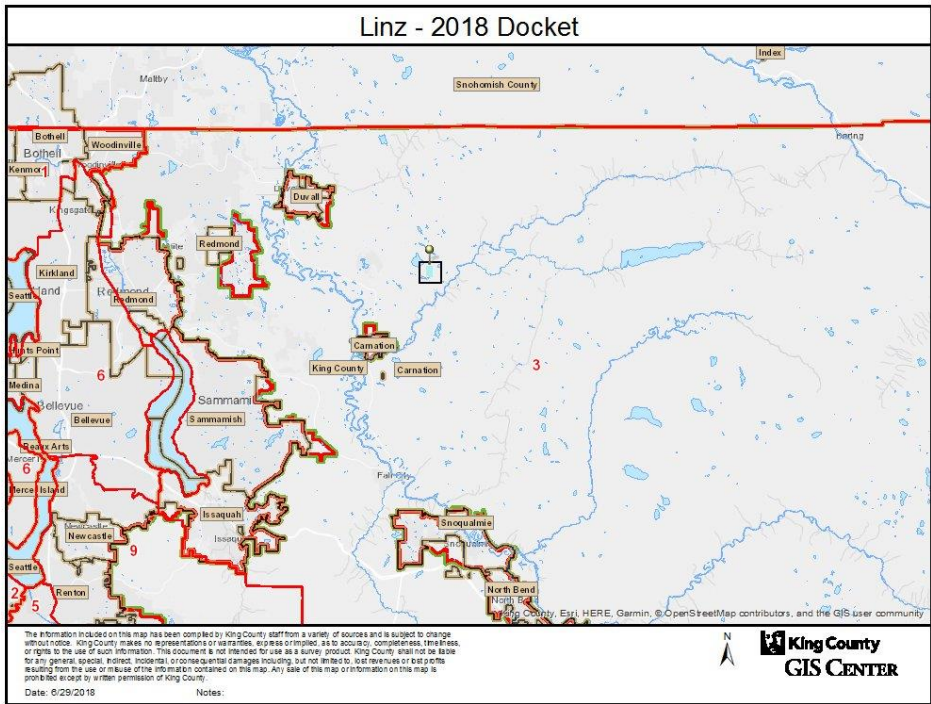
Special District Overlay SO-230: Floodplain Density SDO

A floodplain density special district overlay provides a means to designate areas that cannot accommodate additional density due to severe flooding problems.

<https://www.kingcounty.gov/depts/permitting-environmental-review/gis/DevConditionsSearch/SDO/SO-230.aspx>

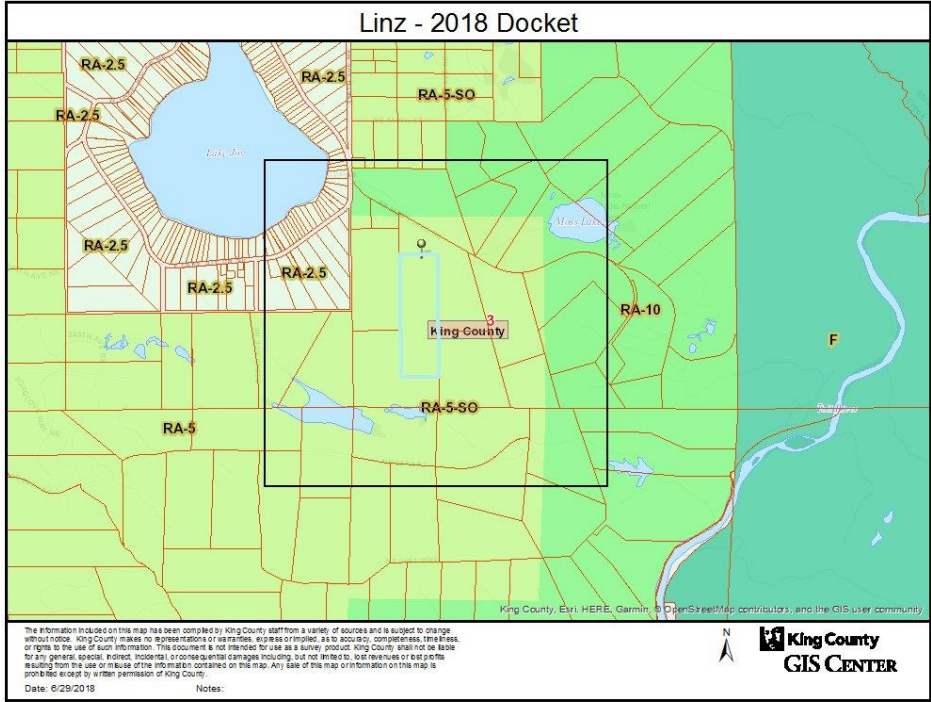
Maps of Docket Area (parcel denoted with pin)

Vicinity:

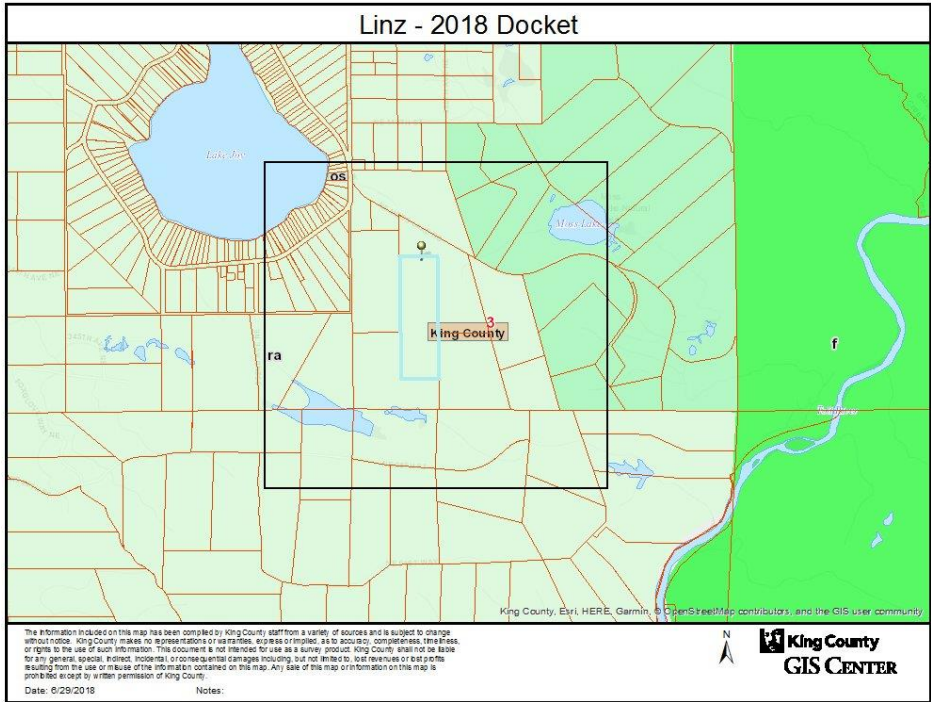


Docket Request # 1

Zoning:

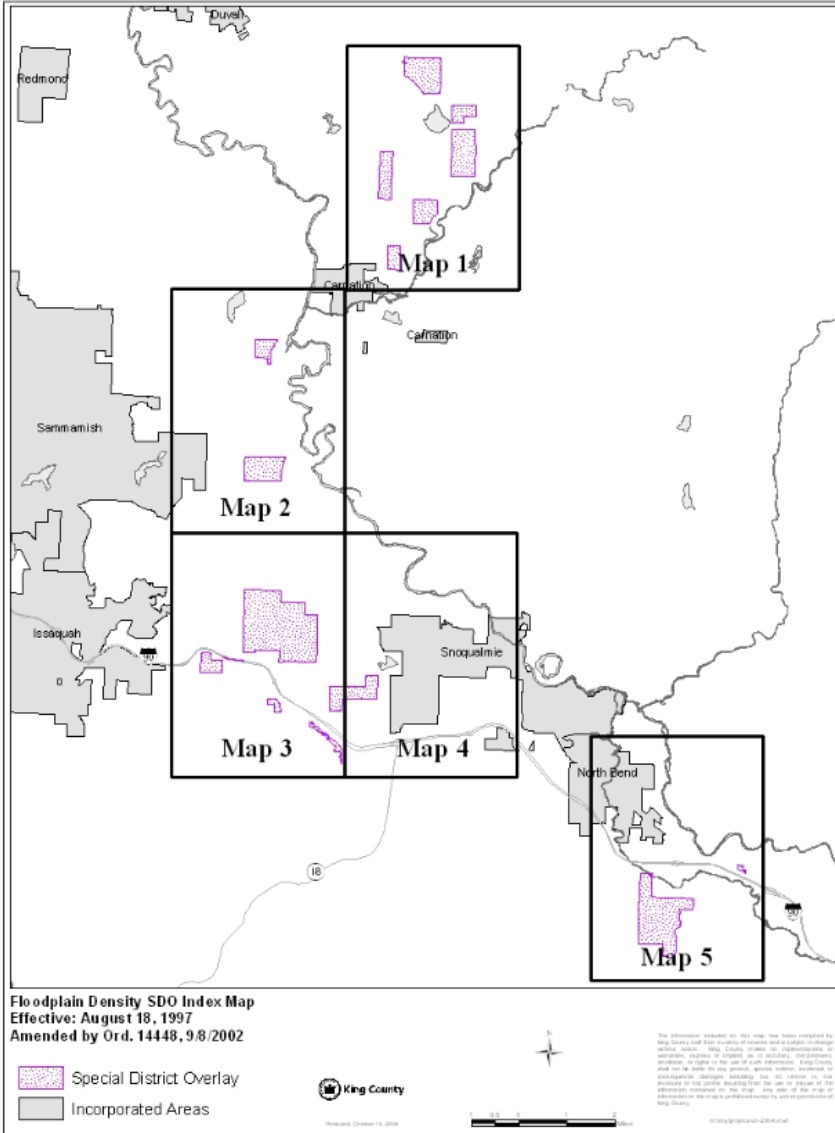


Land Use:



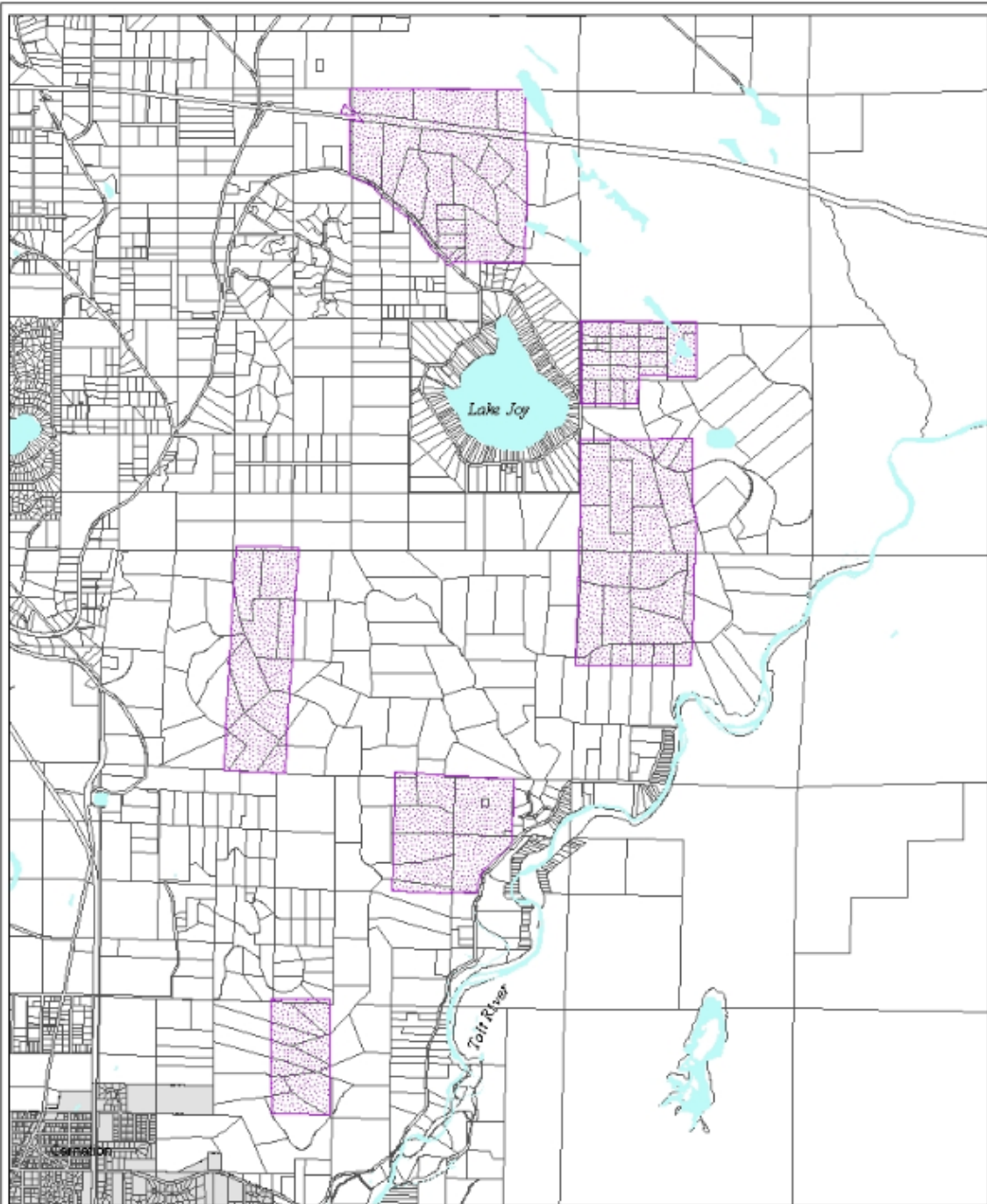
Docket Request # 1

Special District Overlay – All Parcels



Docket Request # 1

Special District Overlay – Map 1



Floodplain Density SDO, Map 1 of 5.
Effective: August 18, 1997
Amended by Ord. 14448, 9/8/2002.

 Special District Overlay



Produced October 13, 2008



The information included on this map has been compiled by King County and has been reviewed by engineers and a judge to change without notice. King County makes no representation or warranty, express or implied, as to accuracy, completeness, timeliness, or legal use of such information. King County shall not be liable for any personal, special, indirect, or consequential damages, including but not limited to, the purchase or use of goods, resulting from the use or misuse of the information contained on this map. Any sale of the map or information on the map is prohibited except by or through the seal of King County.

<http://www.kingcounty.gov/2008/10/13/5.html>

Docket Request # 2: Withdrawn

Docket Request # 3

Name of Requestor(s): Kevin Huber, Sky Ridge Developments

Council District: 2

Summary Category: Zoning Reclassification and Land Use Redesignation

Submitted Request

Change zoning on two "split zoning" parcels from Residential 8 (8 units per acre) / Residential 24 (24 units per acre) to just R-24. Change zoning on one adjacent and one nearby parcel to R-24. For all four parcels, the Comprehensive Plan land use designation would change from Urban Residential, Medium to Urban Residential, High.

Address

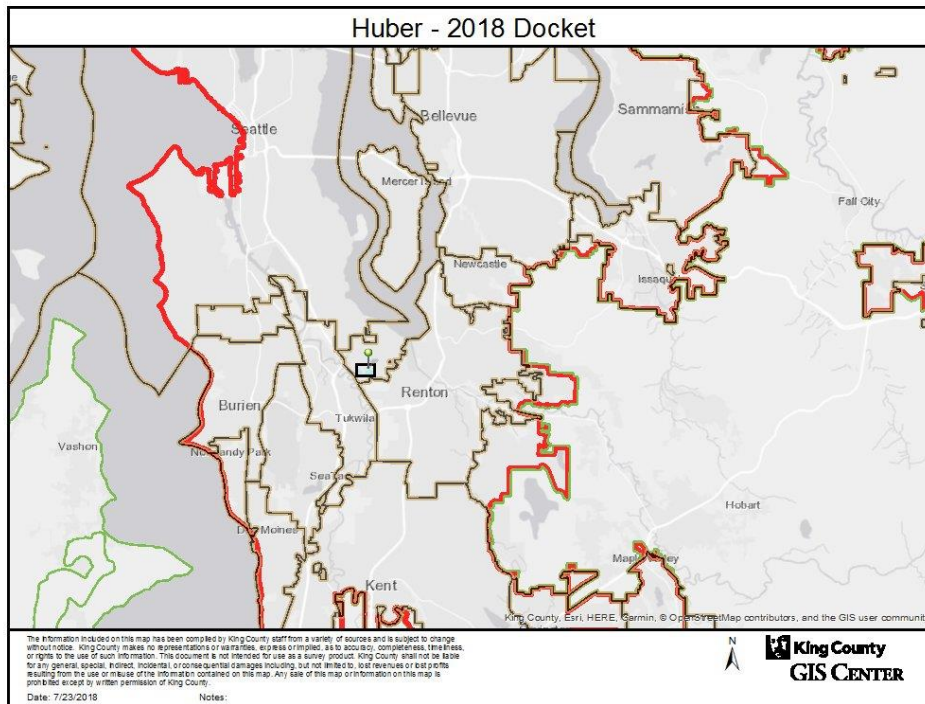
Four parcels – 1323049052, 13233049076, 1323049003, and 788720-0460. Combined, the properties are about 5.35 acres.

Submitted Background Information

The submitter notes that the nearby and adjacent properties are already R-24.

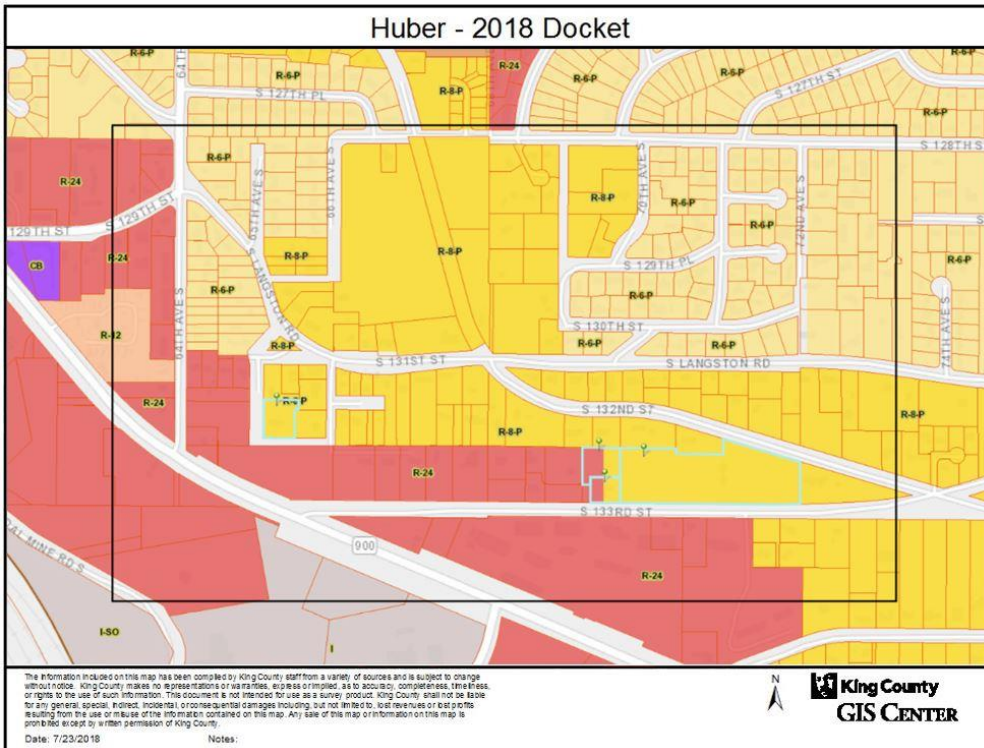
Maps of Docket Area (parcel denoted with pin)

Vicinity:

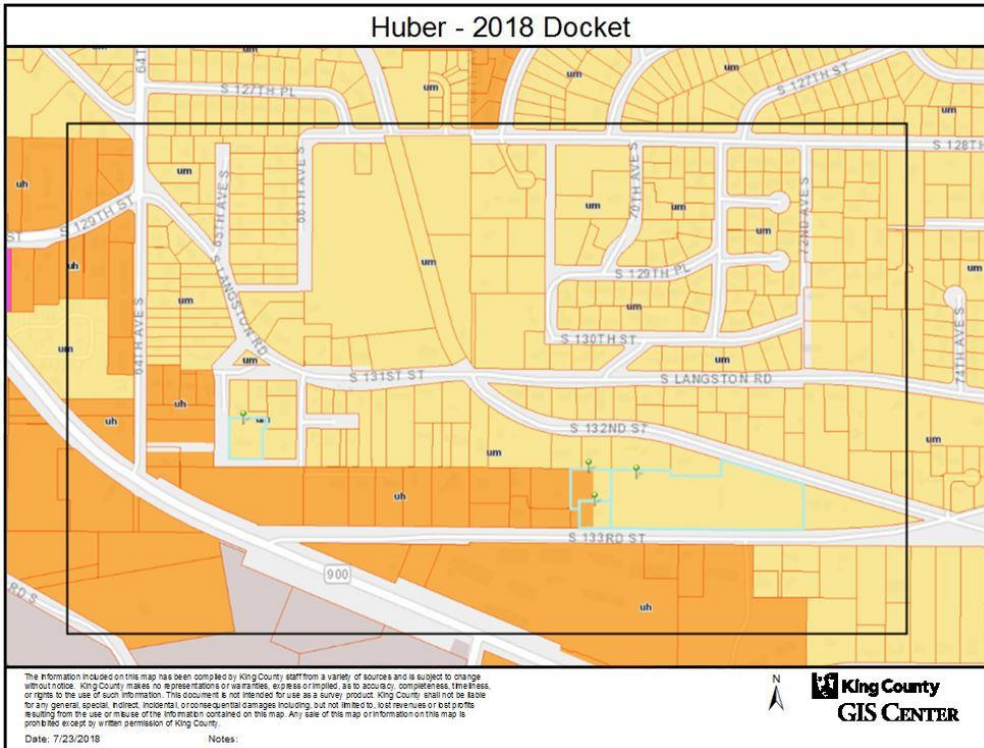


Docket Request # 3

Zoning:



Land Use:



Docket Request # 4

Name of Requestor(s): Michael and Linda Fletcher

Council District: 9

Summary Category: Zoning Reclassification

Submitted Request

Reclassify zoning on two parcels from NB (Neighborhood Business) to I (Industrial). The land use would remain Rural Area. Combined size is 3.54 acres.

The purpose for the request is to provide consistency with the actual land use activity (recycling center) that has been in operation for over 25 years. An industrial use (grandfathered) – a metal recycling facility. The use and zoning will be consistent with what is actually developed in the immediate vicinity and on these specific properties.

Address

18407 Renton-Maple Valley Highway, Maple Valley, WA 98038

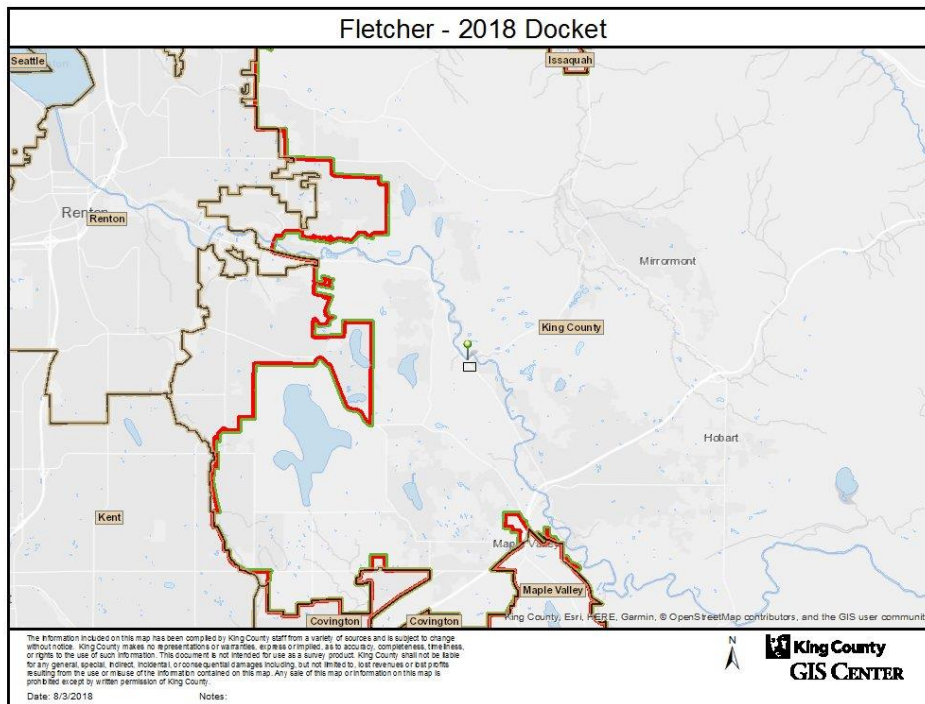
Parcel identification numbers 3223069052 and 3223069070

Submitted Background Information

No affect- the adjoining properties to the south are also industrial zoned and current use on the subject parcels are already industrial uses.

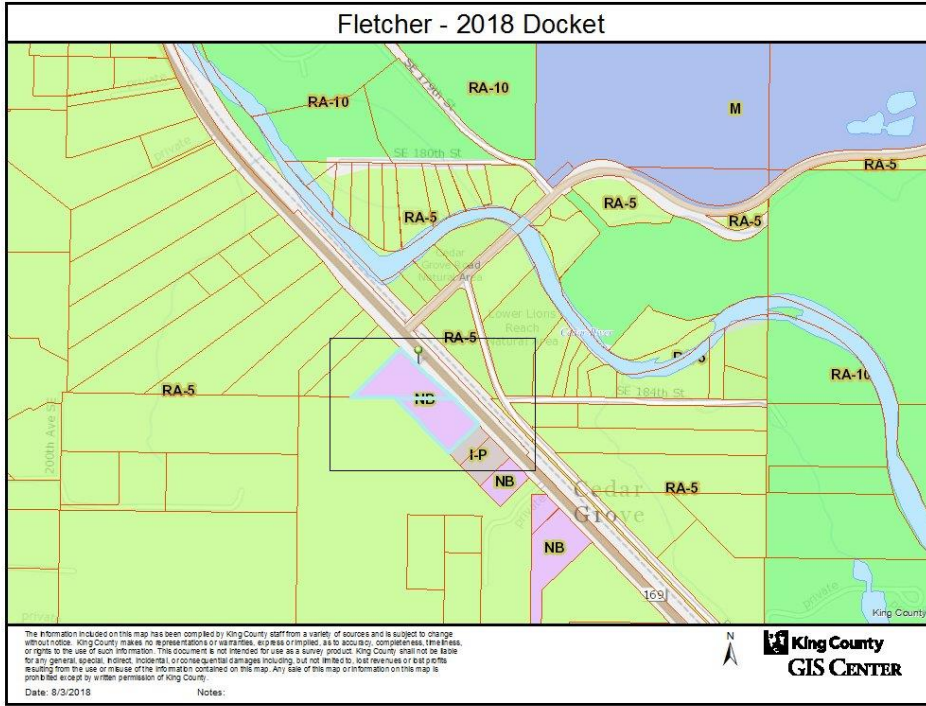
Maps of Docket Area (parcel denoted with pin)

Vicinity:

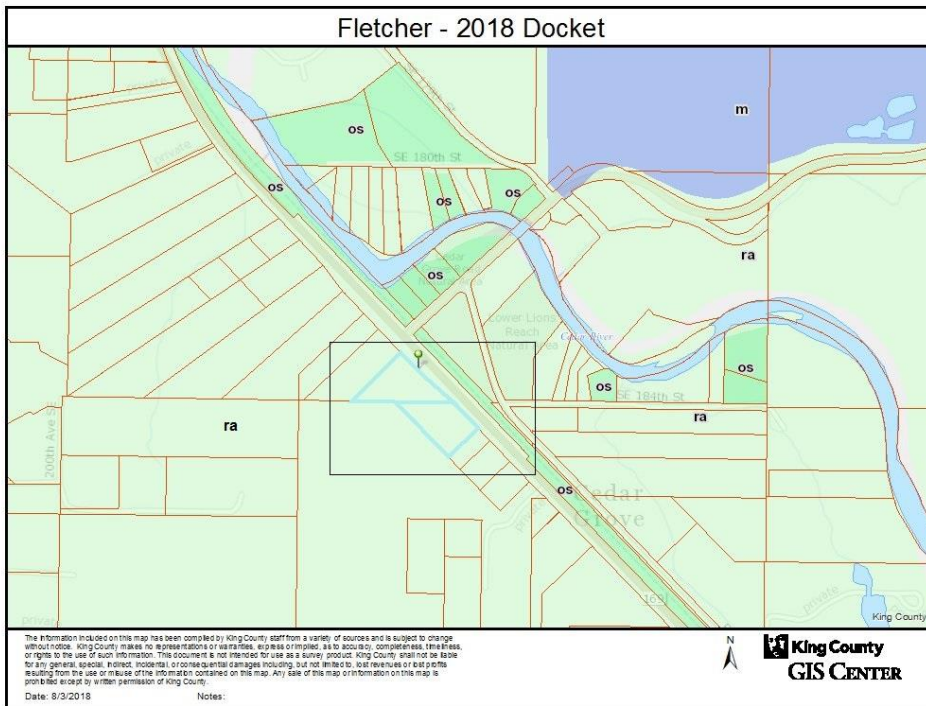


Docket Request # 4

Zoning:



Land Use:



Docket Request # 5

Name of Requestor(s): Paul Lawyer
Council District: 3
Summary Category: Variance Request

Submitted Request

Request to subdivide property to add additional single family home. Parcel size is 3.79 acres.

Address

13329 220th Court NE Woodinville, WA 98077
Parcel Identification Number 2126069096

Submitted Background Information

No impact to adjoining parcels. There are significant trees and greenery that provide significant privacy. The property is completely surrounded by large lots on a private road.

When sub-divided, the two lots would still be larger than most adjacent properties and those of surrounding neighborhoods (Lake of the Woods, Trilogy, Tuscany and Bear Creek). Property is located within private cul-de-sac and surrounded by other properties. The lot cannot be seen from public street. Provides significant tax revenue to King County without any change to neighborhood characteristics.

Requesting the ability to subdivide into two lots for single family homes.

1. Severe increase in property taxes make staying financially difficult. People should not be forced to sell their homes due to unsustainable property tax increases.
2. Property is 3.79 acres, which is much larger than adjacent properties.

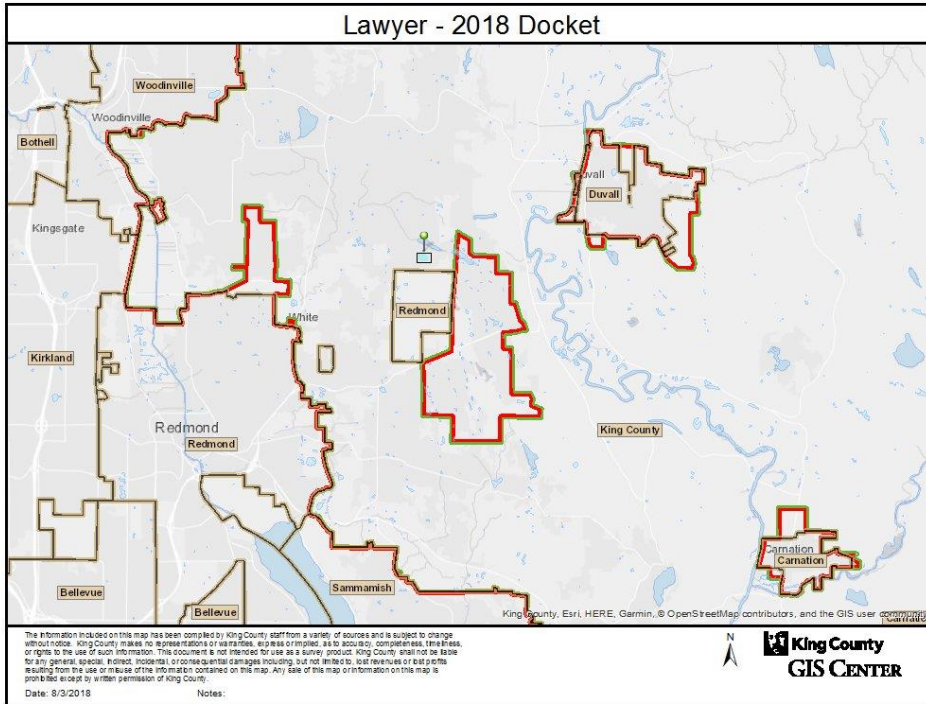
Adjacent Lot	Acreage
13414 218th Ave NE	1.05
13506 218th Ave NE	1.18
13610 218th Ave NE	1.15
21817 NE 137th St	1.02
21827 NE 137th St	1.00
21909 NE 137th St	0.98
21925 NE 137th St	1.01
13321 220th Ct NE	2.87
13307 220th Ct NE	0.99
13328 220th Ct NE	2.06

3. Area density has significantly increased with Redmond Ridge and Trilogy development. This is a dense residential area--not rural. Land set aside by developers for preservation was not buildable (slopes and wetlands).
4. Subdivided lot would still have 1 acre of property and provide added tax revenue for King County.
5. Property was subdivided previously and could have been broken into more buildable lots.
6. The purpose of the GMA was to preserve open spaces and farmland. This request does not interfere or contravene GMA in any way.
7. The property is located within walking distance to elementary school and shopping

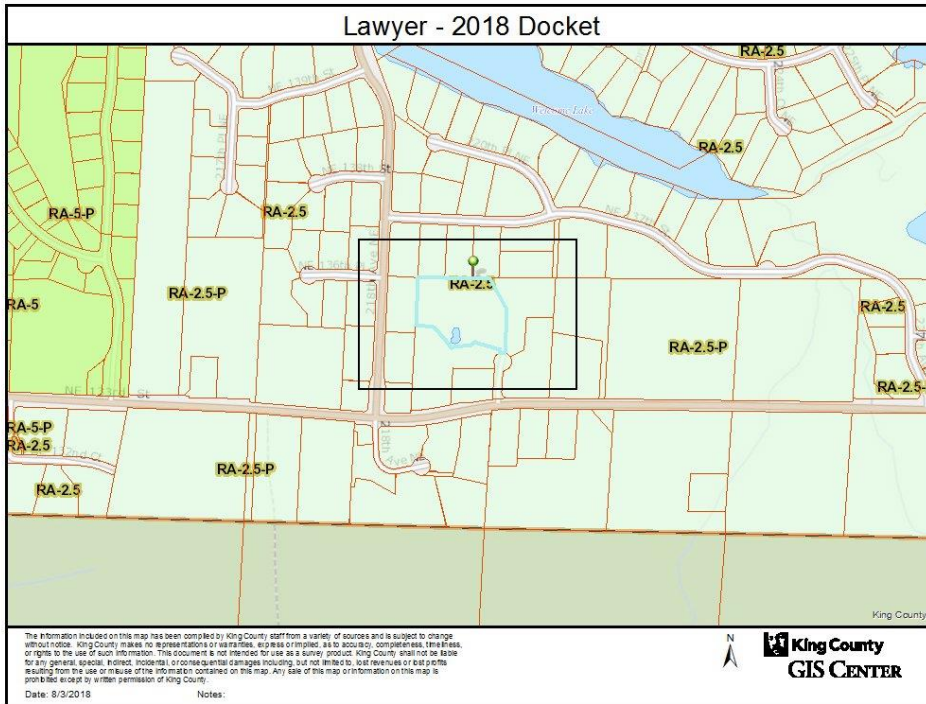
Docket Request # 5

Maps of Docket Area (parcel denoted with pin)

Vicinity:

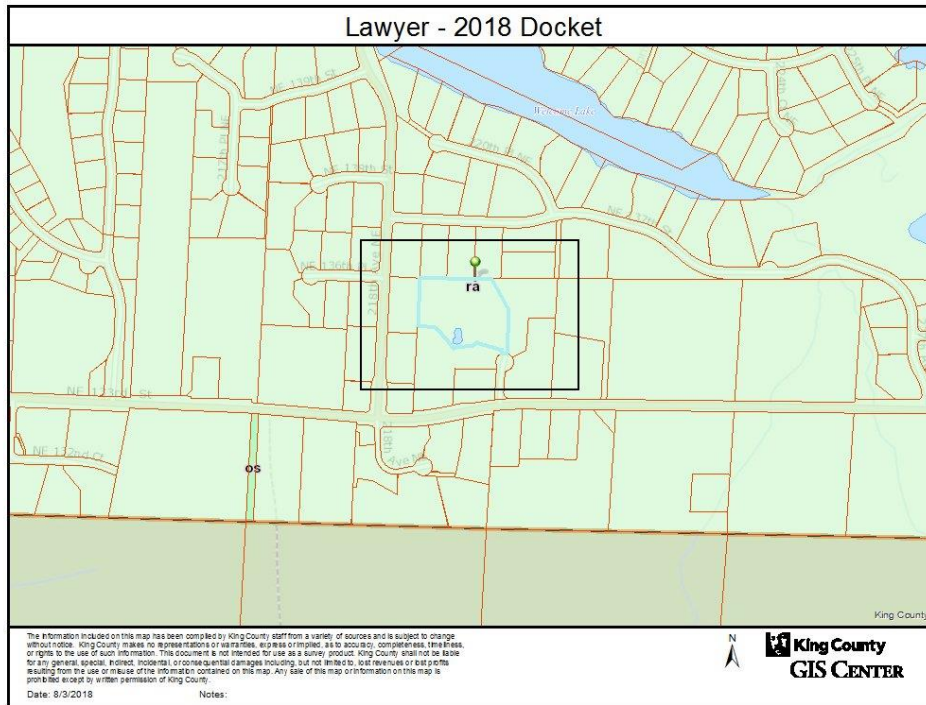


Zoning:



Docket Request # 5

Land Use:



III. FOR MORE INFORMATION

The purpose of the Docket Submittals Report is to provide notification regarding the proposals that have submitted. The report is posted shortly after the Docket deadline of June 30, and is therefore released prior to conducting an analysis of the request(s).

Contact Ivan Miller, Comprehensive Plan Manager, 206-263-8297 or ivan.miller@kingcounty.gov.

**Attachment to Greater Maple Valley Unincorporated Area Council Public Comment on
Docket Request #3: Fletcher**

Final Zoning and Subdivision Examiner's Decision and the BALD Report 124-88-R, 1989

January 6, 1989

OFFICE OF THE ZONING AND SUBDIVISION EXAMINER
KING COUNTY, WASHINGTON

REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Building and Land Development File No. 124-88-R
Proposed Ordinance No. 88-871

BRICE E. WILLINGHAM
CG to ML-P

West side of Renton-Maple Valley Road, 160 feet
south of S.E. 184th (if extended)

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary:	Approve ML-P subject to conditions
Division's Final:	Approve ML-P subject to conditions
Examiner:	Approve ML-P subject to conditions (modified)

PRELIMINARY REPORT:

The Building and Land Development Division's Preliminary Report on Item No. 124-88-R was received by the Examiner on November 30, 1988.

PUBLIC HEARING:

After reviewing the Building and Land Development Division's Report, examining available information on file with the application and visiting the property and surrounding area, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. 124-88-R was opened by the Examiner at 10:30 a.m. on December 22, 1988 in Hearing Room No. 2, 3600 - 136th Place S.E., Bellevue, Washington, and adjourned at 11:10 a.m. and administratively continued until January 3, 1989, 4:30 p.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the Zoning and Subdivision Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

MASTER COPY

FININGS:

1. General Information:

STR: S32-T23-R5

This is a request for zone reclassification from CG to ML-P in order to enable continued operation and expansion of an existing vehicle upholstery and interior refurbishing business on a 1.37 acre site located on the west side of Renton/Maple Highway, approximately 160 feet south of S. E. 184th Street (if that street were extended).

2. In 1986, King County issued a building permit for the existing principal structures. The permit specified that the buildings would be used for "upholstery shop" purposes. Exhibit No. 16.
3. Except as noted above in Finding 2, the facts, analysis and recommendation presented in the Division of Building and Land Development Preliminary Report dated December 22, 1988 (published November 30, 1988) are uncontested and they are incorporated here by reference. A copy of the Division of Building and Land Development report will be attached to the copies of the examiner's report which are submitted to the King County Council.

CONCLUSIONS:

1. Based upon the whole record, and according substantial weight to the determination of environmental significance made by the Division of Building and Land Development, it is concluded that approval of the subject action as recommended below, would not constitute a major action significantly affecting the quality of the environment. All evidence of environmental impact relating to the proposed action and reasonable alternatives to the proposed action have been included in the review and consideration of the subject action.
2. Considering the authorization of public improvements affecting this property (SR 169, including 1993 signalization of the Maple Valley/Cedar Grove intersection), as well as other circumstances affecting the subject property (including continued nonconforming industrial use of two abutting properties and County issuance of a building permit specifying the existing use), it is concluded that the proposed reclassification as recommended below would carry out and help to implement the goals and objectives of the Comprehensive Plan, the Zoning Code and other policies and objectives for the growth of King County. The requested use will not be unreasonably incompatible with, or detrimental to, affected properties and the general public, and will be consistent with KCC 20.24.190.

RECOMMENDATION:

APPROVE ML-P with the following conditions of "P-suffix" site plan approval (reference KCC 21.46.150 through 21.46.200):

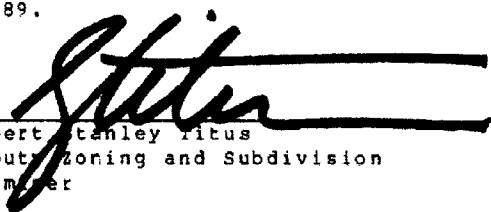
- A. Uses on the subject property shall be limited to the following:

- (1) Any use permitted in the CG classification (KCC 21.30; General Commercial).

(2) Vehicle interior refurbishing and re-upholstery.

- B. The required site plan shall reflect any proposed uses or changes in uses of the existing buildings and any future buildings. The site plan will be prepared consistent with King County landscaping, parking, drainage, fire and other applicable review standards. Performance bonding may be required.

ORDERED this 6th day of January, 1989.


Robert Stanley Titus
Deputy Zoning and Subdivision
Examiner

TRANSMITTED this 6th day of January, 1989 by certified mail to the following parties of record:

Brice Willingham

James G. & Sandra Routs

TRANSMITTED this 6th day of January, 1989 to the following parties:

Gordon Thomson, Building and Land Development Division
Craig Larsen, Building and Land Development Division
Betty Salvati, Building and Land Development Division
Paul Reitenbach, Community Planning
Larry Kirchner, Seattle-King County Dept. of Public Health
METRO
Washington State Department of Fisheries
Washington State Department of Transportation

NOTICE OF RIGHT TO APPEAL

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$50.00 (check payable to King County Office of Finance) on or before January 20, 1989. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before January 27, 1989. If a written notice of appeal and filing fee are not filed within 14 calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE DECEMBER 22, 1988 PUBLIC HEARING ON BALD FILE NO. 124-88-R:

Robert Stanley Titus was the Hearing Examiner in this matter. Those participating in the hearing were Mr. and Mrs. Brice Willingham.

The following exhibits were presented and entered into the record:

- Exhibit No. 1 Building and Land Development Division Preliminary Report, dated December 22, 1988
- Exhibit No. 2 Rezone Application, dated October 10, 1988
- Exhibit No. 3 Determination of Nonsignificance effective November 15, 1988
- Exhibit No. 4 Five Building and Land Development Division photographs dated November 8, 1988
- Exhibit No. 5 Site Plan with Fire Engineer's notation
- Exhibit No. 6 Letter from Brice Willingham, dated November 9, 1988
- Exhibit No. 7 Letter from Department of Fisheries, dated November 19, 1988
- Exhibit No. 8 Letter from METRO, dated November 29, 1988
- Exhibit No. 9 Memo from Craig Larsen of Community Planning, dated November 30, 1988
- Exhibit No. 10 Letter from J. L. Lutz of the Washington State Department of Transportation
- Exhibit No. 11 500 Foot Radius Notice, dated November 16, 1988
- Exhibit No. 12 Affidavit of Posting, dated November 10, 1988
- Exhibit No. 13 Preliminary Site Plan (Plat & Paving Plan)
- Exhibit No. 14 Examiner's Report and Building and Land Development Division Report in BALD File No. 301-73-P
- Exhibit No. 15 Assessor's Map of SE1/4 S32-T23-R6
- Exhibit No. 16 Willingham application for Building Permit No. 103910, dated February 13, 1986

3758D;RST:ja 124-88-R

PARKS, PLANNING AND RESOURCES DEPARTMENT
 BUILDING AND LAND DEVELOPMENT DIVISION
 PRELIMINARY REPORT TO THE ZONING AND SUBDIVISION EXAMINER
 DECEMBER 22, 1988 - PUBLIC HEARING

APPLICANT: BRICE E. WILLINGHAM FILE NO. 124-88-R
 Proposed Ordinance No. 88-871

I. INTRODUCTION:

A. GENERAL INFORMATION:

Owner: Brice E. Willingham
 20008 - 244th Ave. S.E.
 Maple Valley, WA 98038
 Phone: 432-9867

Location: West side of Renton-Maple Valley Road,
 160 feet south of S.E. 184th (if
 extended).

STR: 32-23-6

Request: CG to ML-P

Agencies Contacted:

Washington State Department of Fisheries
 Washington State Department of Wildlife
 Washington State Department of Transportation
 Washington State Department of Ecology
 Washington State Parks and Recreation
 King County Fire District No. 43
 METRO
 King County Traffic Division
 Issaquah Planning Department
 King County Health Department
 King County Parks Division
 King County Planning Division

B. SUMMARY OF ACTION:

This is a request for a rezone CG to ML-P to permit an existing vehicle upholstery and interior refurbishing business on a 1.37-acre site. A 2500-square-foot concrete wall and steel-framed building and a 546-square-foot single-story wood frame "caretaker's" residence exist on the site. The applicant is proposing a second 2500-square-foot steel-framed building. A site plan has been submitted.

C. **KCC 21.32.010 Purpose of classification.** The purpose of this classification and its application is to provide for the location of and grouping of industrial activities and uses involving the processing, handling and creating of products, and research and technological processes, all as distinguished from major fabrication, and uses which are largely devoid of nuisance factors, hazard or exceptional demands upon public facilities and services. A further purpose is to apply zoning protection to the industries so located by prohibiting the intrusion of residential and institutional uses and all commercial enterprise, except those which serve as accessory to the needs and convenience of such industries, thus establishing a pattern of land use advantageous to the specialized needs of the uses permitted in this classification. (Res. 25789 (1600, 1963).

KCC 21.32.020 Permitted uses. The following uses only are permitted and specifically provided and allowed by this chapter:

A. Any use first permitted in the C-G classification provided however a dwelling shall be permitted on the same

lot or site on which an industrial use is located when the dwelling is used exclusively by a caretaker or superintendent of such enterprise and his family.

...(D) Upholstering.

D. STATE ENVIRONMENTAL POLICY ACT/BACKGROUND:

1. The Manager of the Building and Land Development Division (BALD) issued a determination of non-significance (DNS) (see Attachment 1) on November 15, 1988. A DNS indicates that environmental impacts from the proposal are not anticipated to be significant. Therefore, an Environmental Impact Statement (EIS) is not required.

2. The subject property was zoned CG under File 301-73-P. The file no longer exists. The Division's report and the Examiner's report on the case, however, do not indicate that a specific use for the property was discussed or planned at that time.

Prior to the CG zoning the subject property was zoned SE under the Maple Valley Area Zoning in 1969. A rezone (File 308-72-P) from SE to CG was also granted by the Council on property immediately to the northwest.

3. The applicant applied for and was issued a building permit (#103910) for two buildings on the site. Staff notes that the bus refurbishing use was not known at that time and that the January 21, 1986 Environmental Checklist for the building permit described the buildings to be used for "general commercial" uses. The permit approved B-2 (office) buildings when both B-1 (storage/maintenance) and B-2 should have been indicated. One building (on the corner of the site) was built before the permit expired. A renewal (#108467) was applied for on the second building. The renewal is on hold pending resolution of this rezone request.

4. Uses that are first permitted in a M-H zone (a junk yard and equipment storage yard) are present on either side of the subject property. The underlying zoning on both sites is CG. The non-conforming MH uses have existed on these sites for over 20 years and have shown no sign of being discontinued. CG zoning was approved for the site of the junk yard northwest of the subject property in 1972 (File 308-72-P). The Tahoma/Raven Heights Community Plan retained CG zoning on both the subject property and the two properties with MH uses without acknowledging the existence of those uses. Staff notes, after viewing aerials, that prior to development of the upholstery use the subject property appears to have been vacant.

II. ISSUE ANALYSIS:

This analysis is based upon the responses of the agencies of jurisdiction and other reviewing public agencies; citizens and community organizations; a field inspection of the project site; and information submitted by the applicant.

A. UTILITIES AND PUBLIC SERVICES:

1. Sewer and Water: The subject property is served by a septic system. The Seattle-King County Department of Public Health approved an application for an individual sewage disposal system for an upholstery shop on the site on May 26, 1985 (see Attachment 2).

Water service is provided to the site via a community well shared with three other parties. Water flow is unknown; however, the buildings are exempt from King County Fire Engineering requirements per Ordinance No. 5828, Part 4, Section 4.

B. TRAFFIC AND TRANSPORTATION:

King County Code 21.49 (Road Adequacy Standards) does not require rezones to comply with Level-of-Service (LOS) standards. The standards, however, do not limit the authority of King County to deny or approve with conditions:

A. Zone reclassification requests based on traffic impacts, or

B. Proposed developments or zone reclassifications if King County determines a hazard to public health, safety, or welfare would result from direct traffic impacts without roadway or intersection improvements, regardless of LOS, or

C. Proposed developments reviewed under the authority of the Washington State Environmental Policy Act (Ord. 7544 { 12, 1986).

The subject property fronts on Renton-Maple Valley Highway, a state highway. A highway access permit is therefore required. King County Traffic and Planning and Washington State Department of Transportation (WSDOT) had no comments on the proposal.

C. ENVIRONMENT:

The site is flat and covered with impervious surface over approximately 50% of the site. The King County Sensitive Areas Map Folio does not indicate the presence of any sensitive features on the site. The Cedar River is approximately 800 feet north of the site. The site is topographically constrained by a hill immediately to the west.

D. 1985 COMPREHENSIVE PLAN AND TAHOMA/RAVEN HEIGHTS COMMUNITY PLAN:

In accord with Ordinance No. 7178, Section 2, C-1, the following Comprehensive Plan and Tahoma/Raven Heights policies are cited:

1. The subject property is located within the "Urban Areas" designation of the 1985 Comprehensive Plan.

2. Comprehensive Plan 1985 Policies CI-108, CI-228, CI-231, CI-232, and F-215:

a. CI-108: King County should encourage a wide range of commercial and industrial development in Urban Activity Centers, and should provide for small-scale retail stores, offices and services in Community and Neighborhood Centers. Commercial

and industrial development should occur primarily in compact centers.

COMMENT: The intent of Policy CI-108 is to encourage the location of industrial development in compact centers (i.e. Urban and Rural Activity Centers). However, it does not, by the use of the word "primarily," preclude industrial development outside of Urban Activity Centers. The subject property is located in the "Urban Area" as designated by the 1985 Comprehensive Plan. As noted previously (Section I, D-2), CG zoning has existed on and adjacent to the site since 1973. The nonconforming MH uses present on the adjacent CG-zoned properties have been in existence for 20 to 25 years. The CG zoning which exists in the vicinity is an approximately 8-acre strip fronting on Renton-Maple Valley Road (SR 169).

b. CI-228: Individual separate industrial sites may be permitted in Urban Areas when adequate facilities and services can be provided, adverse impacts on adjacent land uses and the natural environment are mitigated, and when these sites are located to provide a suitable core for a future Urban Activity Center.

COMMENT: As noted in the comment to CI-108, the subject property is located in an Urban Area. CI-228 serves to elaborate upon CI-108 by specifically allowing industrial development outside of "activity centers" providing adverse impacts can be mitigated and the location provides a core for a future activity center. Although the site may not be part of a future Urban Activity Center, the property is located within a core of CG-zoned property which currently accommodates long-standing, nonconforming MH type uses.

c. CI-231: Industrial development should be designed to be compatible with adjoining uses. Off-site impacts such as noise, odors, light, and glare should be prevented through pollution control measures, setbacks, landscaping, and other techniques. Unsightly views of parking, loading, and storage areas should be screened from neighboring office retail and residential uses.

d. CI-232: Industrial development should have direct access from arterials or freeways. Access points should be combined and limited in number to allow smooth traffic flow on arterials. Access through residential areas should be avoided.

COMMENT: As noted in the comments to CI-108 and CI-228, the land uses surrounding the subject property are MH. The applicant has submitted a site plan. Policy CI-231 could be implemented with the addition of a "P" suffix requiring site plan approval per KCC 21.46.150 through 21.46.200 to the rezone. In reference to Policy CI-232, the right-of-way for SR 169 is located adjacent to the property on the northeast. As noted previously, a State Highway Access Permit is also required for the proposal.

3. T/RH Plan Policies 23, 24, 25, and 26:
- a. T/RH #23: Existing commercial sites located outside of designated centers should be allowed to develop to the limits of the present zoning; however, expansions should not be allowed.
 - b. T/RH #24: Future industrial development should be encouraged unless proven incompatible with surrounding land use and densities.
 - c. T/RH #25: Industrial development should be located where a full range of urban/suburban services are available, including water supply, sewers, solid waste disposal, road access, public transit, and an adequate level of police and fire protection.
 - d. T/RH #26: Industrial development should be given special site review to ensure that all local impacts are mitigated.

COMMENT: T/RH Policies 23, 24, 25, and 26 provide a general location criteria for general commercial and industrial uses in the T/RH planning area. That criteria places a size limit on existing commercial sites outside of designated centers and calls for a compatibility test for industrial development. Compatibility includes such factors as environmental impact and the availability of urban/suburban services. Both factors are discussed in Section II (A-C) of this report.

III. OTHER CONSIDERATIONS:

- A. KCC 20.12.070 Community plan amendments -
Criteria for advancing revision schedule: A study to determine the need for revision of one or more community plans shall be undertaken by the Department of Parks, Planning, and Resources in cooperation with the policy development commission if appropriate when the Council adopts a finding that one of the following criteria is present:
- A. Development activity is substantially greater than anticipated in the plan, as indicated by:
 - 1. County-wide or community plan area total residential unit construction as measured by building permits and by annual subdivision activity as measured by number of lots created or by acreage, is one hundred percent higher for twelve consecutive months than the average level for the previous three years, or
 - 2. County-wide or community plan area total annual vacant land consumption is occurring at a rate of one hundred percent higher for twelve consecutive months than the average rate for the previous three years;
 - B. In the review of a request for a zone reclassification, planned unit development, subdivision, or unclassified use permit, the Council finds that the request is inconsistent with an adopted community plan, but circumstances affecting the area in which the proposal is located may have undergone changes substantially and materially different from those anticipated or contemplated by the community plan, and that the impacts from the changed circumstances make consideration of a plan revision necessary. The application shall be denied without prejudice or deferred at the request of the applicant until the Department of Parks, Planning, and Resources completes a study to

determine the need for a plan revision, and a plan revision, if any, is adopted by the Council.

C. Issues of current concern to area residents or the county, including but not limited to: policy conflicts due to subsequent comprehensive plan amendments, regional service or facility needs, annexations, or other circumstances not anticipated in the community plan make it necessary to consider a revision to one or more community plans. (Ord. 4305 (4, 1979.)

KCC 20.24.180 Examiner findings. When the examiner renders a decision or recommendation, he shall make and enter findings of fact and conclusions from the record which support his decision, and the findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation is consistent with, carries out, and helps implement applicable state laws and regulations; and the regulations, policies, objectives, and goals of the comprehensive plan, the community plans, the sewerage general plan, the zoning code, the subdivision code, and other official laws, policies, and objectives of King County and that the recommendation or decision will not be unreasonably incompatible with or detrimental to affected properties and the general public. (Ord. 4461 (9, 1979: Ord. 263 Art. 5) 14, 1969.)

KCC 20.24.190 Additional examiner findings - Reclassifications and shoreline redesignations. When the examiner issues a recommendation regarding an application for a reclassification of property or for a shoreline environment redesignation, the recommendation shall include additional findings which support the conclusion that at least one of the following circumstances applies:

A. The property is potentially zoned for the reclassification being requested and conditions have been met which indicate the reclassification is appropriate; or

B. An adopted community plan or area zoning specifies that the property shall be subsequently considered through an individual reclassification application; or

C. Where a community plan has been adopted but subsequent area zoning has not been adopted, that the proposed reclassification or shoreline redesignation is consistent with the adopted community plan; or

D. The applicant has demonstrated with substantial evidence that:

1. Since the last previous area zoning or shoreline environment designation of the subject property, authorized public improvements, permitted private development or other conditions or circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the community plan or area zoning;

2. The impacts from the changed conditions or circumstances affect the subject property in a manner and to a degree different than other properties in the vicinity such that area rezoning or redesignation is not appropriate; and

3. The requested reclassification or redesignation is required in the public interest. (Ord. 4461 Sec. 10, 1979.)

COMMENT: The MH uses which exist on properties adjacent to the subject site (see I, D-4) were established 20 to 25 years ago and are considered legal, nonconforming uses. The Tahoma/Raven Heights Community Plan does not recognize the existence of these uses, instead retaining the CG zone on both properties. The presumption on the part of the community plan is that such non-

BRICE E. WILLINGHAM
FILE NO. 124-88-R

conforming uses will eventually move or go out of business, thus freeing up the properties for conforming uses.

B. The CG zone (KCC 21.30.030) accommodates assembly, fabrication, and heavy repair uses. Some of these uses include boat building (which may include fibreglassing), tire rebuilding, recapping, and retreading, laboratories, and machine shops. In a recent administrative decision, the Manager of BALD allowed an artificial marble sink and sill manufacturer in the CG zone, comparing the use to the fibreglassing operation one might find in boat building (see Attachment 3).

C. The 1987 Standard Industrial Classification (SIC) Manual is the statistical classification standard which underlies all "establishment-based" federal economic statistics classified by industry type. The SIC covers all economic activities and defines industries in accordance with the composition and structure of the economy. The SIC is useful in the subject case to help define whether or not a manufacturing use would be established on the site if the request were approved. The SIC classifies automotive upholstery repair under Top, Body, and Upholstery Repair Shops and Paints Shops (SIC Industry #7532). SIC 7532 is part of SIC Division I - Services, which is defined as follows:

"This division includes establishments primarily engaged in providing a wide variety of services for individuals, business, and government establishments, and other organizations. Hotels and other lodging places; establishments providing personal, business, repair, and amusement services; health, legal, engineering, and other professional services; educational institutions; membership organizations, and other miscellaneous services, are included.

Establishments which provide specialized services closely allied to activities covered in other divisions are classified in such divisions."

Service uses are generally found in the CG zone per KCC 21.03.020. The list of permitted services in the CG zone, however, currently does not include upholstery.

IV. CONCLUSIONS AND RECOMMENDATIONS:

A. CONCLUSIONS:

1. No significant environmental impacts are expected to occur from continued use of the site for bus re-upholstery and interior refurbishing.

2. The request is consistent with the 1985 Comprehensive Plan, specifically Policies CI-108 and CI-228 which allow for individual industrial locations in the Urban Area when adverse environmental impacts can be mitigated (see Conclusion 1, above). Policy CI-232 has already been fulfilled by the nature of the location of the subject property on a major arterial. Policy CI-231 should be implemented with the addition of a P-Suffix condition.

3. The request is inconsistent with the Tahoma/Raven Heights Community Plan land use map and Area Zoning which designates the subject property for general commercial uses (upholstery is first permitted in the

M-L per KCC 21.32.020(D)). The request, however, does not conflict with T/RH Policies 23, 24, 25, and 26 cited in this report.

4. The bus upholstery/interior refurbishing use was apparently established under false pretenses with the issuance of a commercial building permit in 1986. The plans and environmental checklist submitted to BALD, and upon which the permit was issued, did not portray the current use. If an error has been made, it has been on the part of the applicant who did not accurately portray the intended use for the property at the time of building permit submittal.

5. Circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the community plan or area zoning. Moreover, the impacts from the changed circumstances affect the subject property in a manner and to a degree different from other properties in the vicinity such that area rezoning or redesignation is not appropriate. The changed circumstances have occurred as a result of the continuing use of the CG-zoned properties adjacent to the subject property for MH uses (see Section III.A.).

6. The use of the subject property for vehicle re-upholstery and interior refurbishing is no more intense than uses permitted in the CG zone. In fact, there are uses in the CG zone (e.g. boat building) which are more intense and pose a greater likelihood of environmental impact than the existing use. An alternative to an ML rezone would be to amend the CG zone to allow upholstery as an outright use.

7. The subject property is uniquely affected by the adjacent MH uses. These uses were not addressed during the T/RH plan update process and have only become an issue with this application.

8. The Department feels that a plan revision study is not required given the isolation of the subject property, due to the adjacent MH type uses and the hill to the west of the property. Given the long-term nature of the adjacent MH type uses, it is unlikely that ML zoning would be expanded to those properties.

B. RECOMMENDATION:

1. Approve ML-P with the following post-effective conditions:

a. Limit the use to the upholstery/vehicle interior refurbishing as proposed by the applicant.

b. A site plan shall be submitted for review by BALD at the time of building permit approval. The site plan shall reflect the proposed uses of the existing and any future buildings, in addition to landscaping and parking requirements of the zoning code.

8865

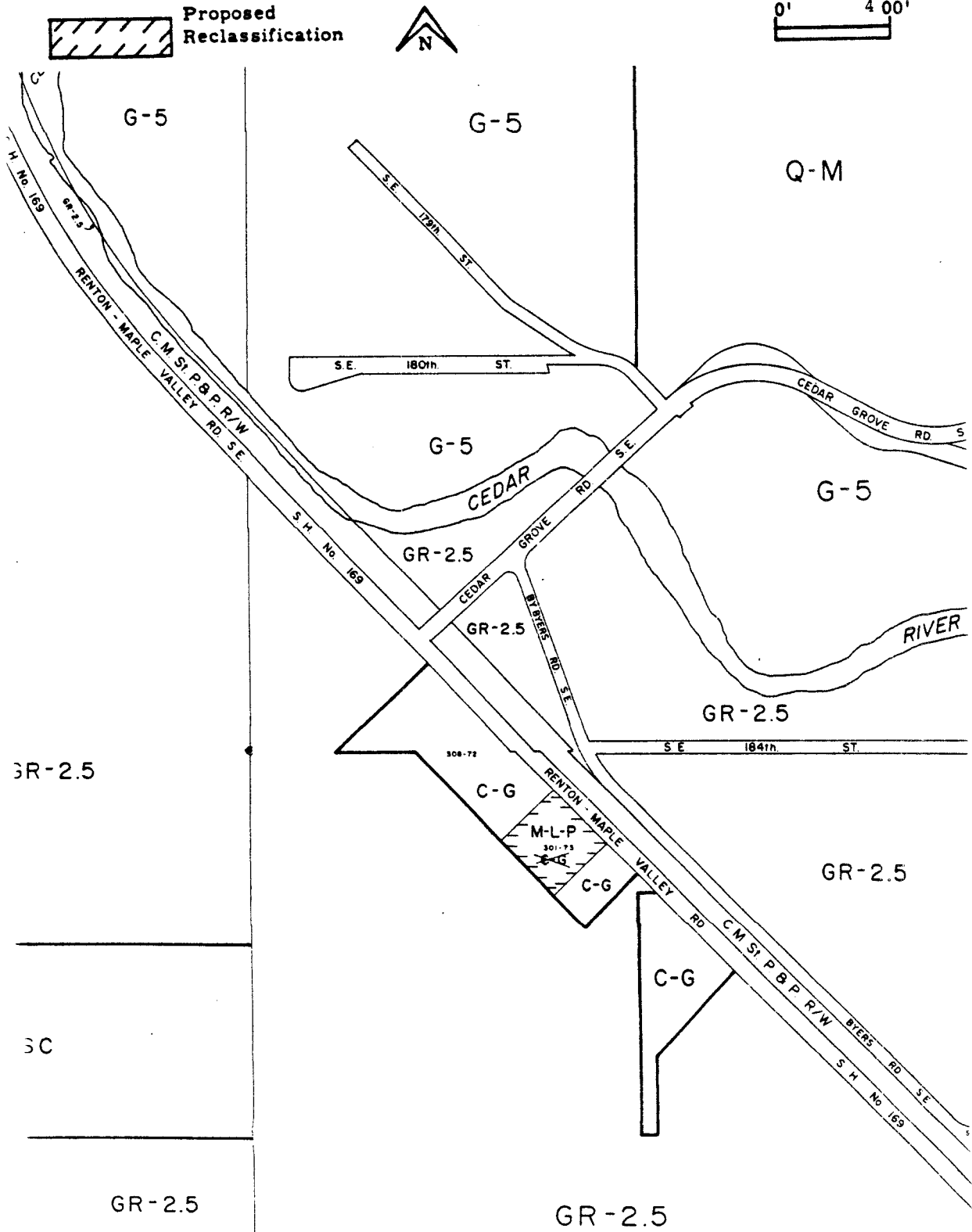
BRICE E. WILLINGHAM
FILE NO. 124-88-R

TRANSMITTED to parties listed hereafter:

Brice E. Willingham
20008 - 244th Ave. S.E., Maple Valley, WA 98038
Paul Reitenbach, Community Planning
Larry Kirchner, Seattle-King County Dept. of Public Health

APPLICANT: BRICE WILLI AM
REQUEST: C-G to M-L-P
STR: 32-23-6

FILE 124-88-R
Appendix B





King County
Building & Land Development Division
Parks, Planning and Resources Department
3600 - 136th Place Southeast
Bellevue, Washington 98006-1400

8865

November 10, 1988
Determination of Non-Significance

Effective Determination Date: November 15, 1988

File: 124-88-R Willingham Rezone

Proponent: Brice E. (Gene) Willingham
20008 244th Ave. SE
Maple Valley, WA 98038
432-9867

Proposal Description:
The rezone of 1.37 acres from CG (General Commercial) to MLP (Light Manufacturing with Provisions) zones. The business will be the refurbishing and upholstering of the interiors of charter and intercity buses. This is the legalization of an existing illegal use.

Location: 18415-19 Renton-Maple Valley Rd (SR169), on the west side of the Renton-Maple Valley Rd, 160' south of SE 184th, if extended.

STR: 32-23-06

Mitigation under SEPA for this proposal includes:
1. Provide permanent protection of the drainfield; such as a log wheel-stops, fence, Type I landscape strip, or 6" extruded curb. This protection shall permanently prevent parking in this area.

Conditions:
1. Approval of this rezone does not constitute site plan approval. The information submitted does not allow BALD to review for building code requirements. The building permit issued for building #1 may have to be amended for the change in use of the building.

The Building and Land Development Division has determined that an environmental impact statement (EIS) is not required under RCW 43.21C, WAC 197-11, and KCC 20.44. This decision was made after review of a completed environmental checklist, other information on file at the Division's office, and mitigation proposed and/or required as part of this project. The proposal or required mitigation is now part of the proposed action. The conditions and/or agreements are deemed necessary to mitigate environmental impacts identified during the environmental review process.

Any interested party may submit written comments on this proposal. Written comments or appeals will be accepted until November 30, 1988

Any appeal shall state with specificity the reasons why the determination should be reversed. ALL APPEALS MUST BE ACCOMPANIED BY A NON-REFUNDABLE \$50.00 FILING FEE.

Attachment 1

COMMERCIAL
RECEIVED
OCT 10 1988

SEATTLE KING COUNTY DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH SERVICE

124 88 R

B.L.D.C. & LAND DEVELOPMENT

SITE APPLICATION FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEM
(Submit 5 copies of application with 3 copies of plans)

(This accompanies the building permit application and is prerequisite to the issuance of the Individual Sewage Disposal System Permit. Acceptance of plan expires one year from date of acceptance. Using this plan to secure a building permit constitutes agreement to adhere to the requirements of the plan.)

NOTE: If the property is within the boundaries of a sewer service area, it will be necessary to obtain written permission from the sewerage authority allowing use of an individual sewage disposal system.

Approximate Location of Property - Street Address 18711 Maple Valley Hiway

Addition or Subdivision Attached Lot Block
(Or attach legal description) Sewer Service Area Yes No X Reserve Required 50% X 100%

Type of Building: New Single Family Residence (No. Bedrooms)

Shop & Office Existing Other (Specify) Upholstrey Shgp

North End	10501 Meridian Ave. N. Seattle 98133	363-4765
Eastside	2424 156 N.E., Bellevue 98004	885-1278 or 747-1760
Southeast	3001 N.E. 4th Street, Renton 98055	328-2620-296-4900
Southwest	10821 8th S.W. 98146	244-6400
Central	172 20th Ave. Seattle 98122	625-2763

Owner Brice Willingham Street Address 20008 244th Ave. S.E.
City-Zip Code M.V. Wn 98038 Phone 432-9867

Builder Owner Street Address
City-Zip Code Phone

Designer Ed Harwood Street Address 18422 S.E. 394th St.
City-Zip Code Auburn 98002 Phone 833-5262

Soil Log Tests (Describe soils encountered preferably by SCS soil classification system). Minimum depth 48 inches.

- Hole No. 1 0"-48" Sand & Gravel (Type 1)
- Hole No. 2 Same
- Hole No. 3 Same
- Hole No. 4 Same

Evidence of seasonal Water Table. (Probable minimum distance from ground surface) None

Source of Domestic Water Supply Cedar Inn Comm. Water Supply

Percolation Tests (Fall in minutes per inch, bottom 6 inches of test hole) 1.0 M/P/I for design

Hole No.	Depth	Average Rate	Length of Time Soaked	
			T.P.F.P.S.P.	
Hole No. 1	36"	1.0		
Hole No. 2	"	"		
Hole No. 3	"	"		
Hole No. 4	"	"		
Hole No. 5	"	"		
Hole No. 6	"	"		

(For additional remarks or comments attach letter in triplicate or utilize unused spaces around drawing on reverse side of application.)

Signature - Designer Ed Harwood ED HARWOOD Cert. #62 Date of testing 2/21/85

VALID FOR 24 MONTHS FROM DATE OF APPROVAL
RECEIVED

DO NOT WRITE BELOW THIS LINE. (To be filled in by Health Department) Note: Existing well (District Office Use)
Accepted Dina Christensen 6/26/85 to be considered prior to installation permit return MAR 26 1985

Not Accepted (Date) (District Sanitarian)
COMMERCIAL SOUTHEAST DISTRICT OFFICE

Attachment 2

8865

King County
Building & Land Development Division
Parks, Planning and Resources Department
3600 - 136th Place Southeast
Bellevue, Washington 98006-1400

November 3, 1988

FILE COPY

Mr. Mickey Conlin
c/o Tiffany Marble Works
10025 - 16th Avenue South
Seattle, WA 98146

RE: Application C88-1279 (11618 Des Moines Memorial Dr. South)

Dear Mr. Conlin:

I have reviewed your application with Jerry Marbett and Jerry Balcom.

Your proposed use, which I understand is custom culture marble business, is consistent with the purpose of the general commercial classification (21.30.010) and is likely to be of relatively less impact than some of the more intensive uses that are permitted (i.e., boat building, paint and carpenter shops and tire recapping).

The M-L zone, under permitted uses (21.32.020), does use language that describes the materials that you use, but I am further persuaded that your intensity of use (5 employees) and production of one and one-half now to three bathrooms a day maximum (approximately) would be less intensive than many of the uses that are permitted in the CG zone.

This letter then will serve as authority to complete your plans to move into your new location.

The request for more information contained in Herb Haines' September 30, 1988 letter must be answered and reflected in the final plans you prepare for our subsequent issuance, as well as any other applicable code(s).

Attachment 3