



2021 Docket Report
King County Comprehensive Plan
April 2021

I. About the Docket Process

The King County Docket was established in 1998 in accordance with Revised Code of Washington 36.70A.470 in order to provide an opportunity for residents of the County to register comments on the *King County Comprehensive Plan* and the 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 submittals 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, the items registered in the previous twelve months are considered. Submittals are compiled into a **Docket Submittals Report**² that is made available via the Comprehensive Plan website and email list. Following this, Executive staff classifies whether each Docket is appropriate for the annual update (which allows primarily technical updates, corrections, and amendments that do not require substantive changes to policy language) or the four-year or eight-year updates (wherein all changes may be considered). This classification guides whether the Docket item could be included in the following year's Comprehensive Plan update.³

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 submittal), and coordination with relevant entities such as adjacent cities or special purpose districts, again dependent on the submittal.

On the last business day of April, the Executive transmits a **Docket Report** with analysis and recommendations to the County Council. The Council then includes all submitters of Docket items in the mailing list for the relevant County Council meetings and notifies them of any other opportunities for public testimony, as it considers the submittals. For Docket changes that are not recommended by the Executive, the proponent may petition the County Council during its legislative review process.

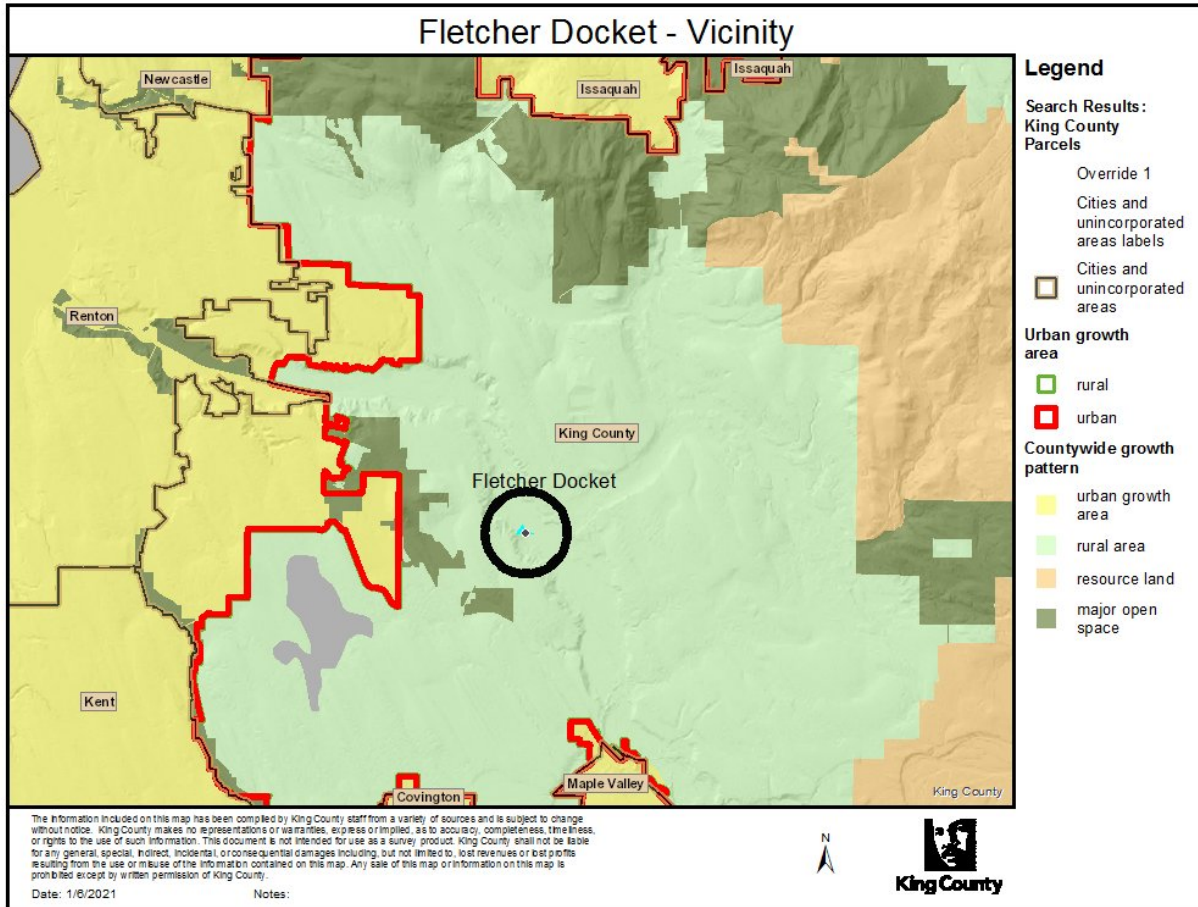
¹ King County Code 20.18.050 and 21A.44.060

² Link to Docket webpage: <https://www.kingcounty.gov/depts/executive/performance-strategy-budget/regional-planning/king-county-comprehensive-plan/amend/docket.aspx>

³ King County Code 20.18.140 and 20.18.030

II. Summary of Submittals

King County received one Docket submittal for consideration in the 2021 Docket process by the deadline of December 31, 2020. The complete set of submitted materials for the 2021 Docket process can be found in the Docket Submittals Report. The following map identifies the location of the 2021 Docket.



III. Submittals and Recommendations

The following lists the Docket submitter(s), identifies the County Council district, and includes the Docket submittal. This is accompanied by discussion and analysis of the relevant issues including classification, background information, policy review, and concludes with an Executive recommendation.

| Docket Item | Council District | Submittal, Background and Recommendation |
|--------------------------|------------------|--|
| 1. Mr. and Mrs. Fletcher | 9 | Submittal: Request to change land use and zoning on two parcels on the Renton-Maple Valley Road near the Cedar Grove Natural Area from Neighborhood Business to Industrial. Parcel numbers are 3223069070 and 3223069052. |

| Docket Item | Council District | Submittal, Background and Recommendation |
|-------------|------------------|---|
| | | <p>Discussion: This is a request for land use and zoning change. This Docket request is identical to what was submitted by the property owner in 2018 and again in 2020. That request was deemed not eligible for consideration in an annual amendment as it would require substantive updates to Comprehensive Plan policies. Additionally, the previous request was not supported for several substantive reasons, and these are discussed in the 2018 Docket Report, which can be viewed at:</p> <p style="text-align: center;">https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/Comprehensive-Plan/2018_Docket_Report.ashx</p> <p>King County Code 20.18.050.K.1. states that a site-specific land use map amendment, which is what is requested in this Docket, may not be initiated unless at least three years have elapsed since Council adoption or review of the current designation for the property. Limited exceptions to this restriction, such as a change in circumstances, exist in code. The conditions on the subject parcel and the circumstances in the surrounding area have not materially changed since 2018.</p> <p>Additionally, a suite of policy changes related to Non-Resource Industrial Uses in the Rural Area were considered in the 2020 Comprehensive Plan update that might have had bearing on this Docket Submittal. However, after significant discussion and review by the Executive and the Council, none of the changes were adopted and the policies remain as they were in 2018 when this Docket Submittal was initial considered. Given this, there are no changes to the policies that are discussed in the 2018 Docket Report and that guide the analysis of this Docket Submittal.</p> <p>Executive Recommendation: Based on these issues, this request is not eligible to be considered until 2024, which is when the eight-year cycle update will occur. The Executive and the Council have the option to include review of this Docket Submittal in the scope of work for the 2024 update.</p> |

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 2020 Docket Submittals

No public comments were submitted following the release of the 2021 Docket Submittals Report.

VI. Attachments

The King County Code requires that the transmittal of the Docket Report to the County Council shall include copies of the docket requests and supporting materials submitted by the proponents and copies of the executive response that was issued to the proponents. Compliance with this is met through inclusion of the following attachments:

- A. Copies of the Docket Request and Submitted Supporting Materials – see Docket Submittals Report, January 2021
- B. Copies of the Executive Response – see Letter to Docket Proponents, April 2021
- C. Public Comments on 2021 Docket Request

Attachments to 2021 Docket Report

- page intentionally left blank -



2021 Docket Submittals Report

King County Comprehensive Plan
January 2021

I. BACKGROUND

The King County Docket was established in 1998 in accordance with Revised Code of Washington 36.70A.470 and codified at King County Code 20.18.140. The Docket provides an opportunity for the public to register comments on the *King County Comprehensive Plan* and the 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 County website and at several county departments. The docket is open continuously with a deadline of December 31 for submitting docketed comments for consideration in the Comprehensive Plan update process. By the last business day of April, a Docket Report with executive responses and recommendations is released.

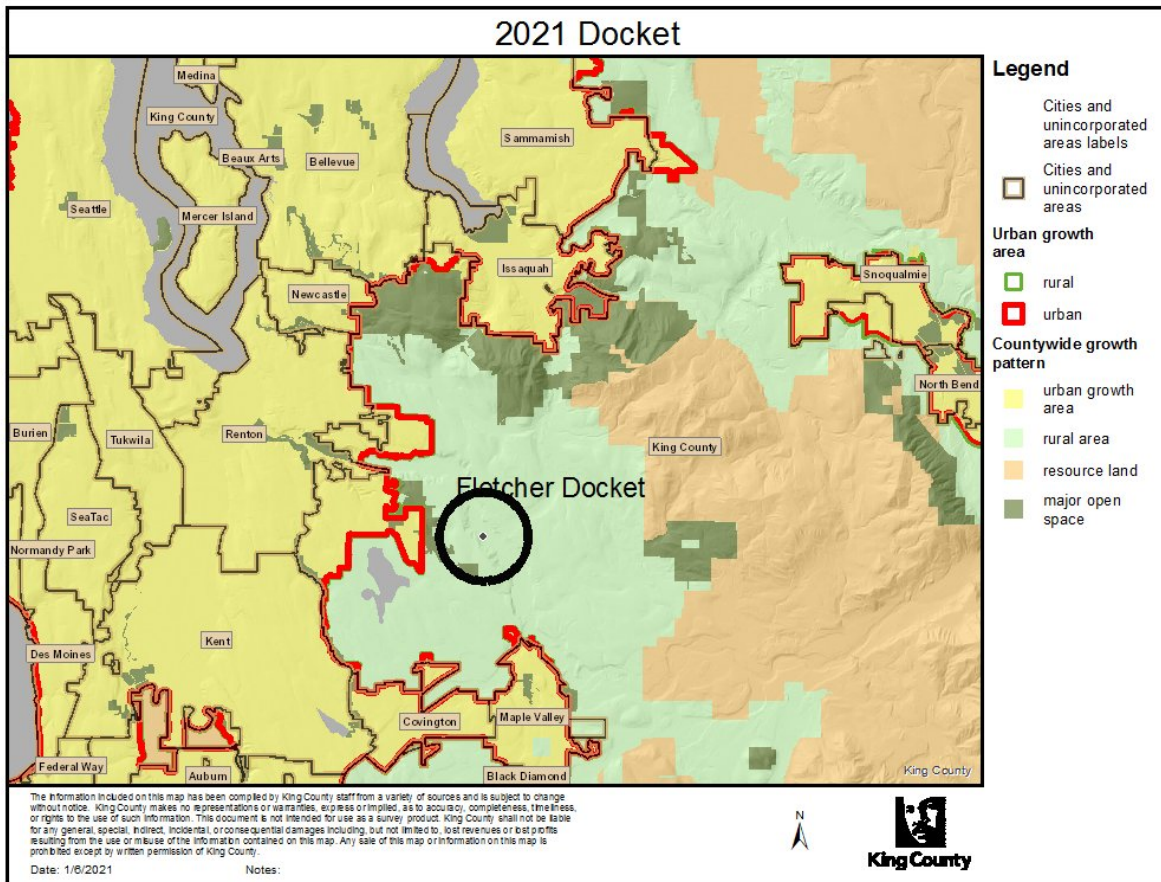
The information in the Docket Submittals Report includes the complete set of materials as they were submitted by the proponent. Providing the Docket Submittals Report to the public early in the process, and even before substantive analysis has occurred, allows for more transparent communication regarding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

II. OVERVIEW OF SUBMITTALS

The following item was received by King County by the deadline of December 31 for consideration in this year's Docket process.

| # | Name | Brief Summary |
|---|---------------------|--|
| 1 | Mr. & Mrs. Fletcher | Request to change land and zoning on two parcels on the Renton-Maple Valley Road near the Cedar Grove Natural Area from Neighborhood Business to Industrial. Parcel numbers are 3223069070 and 3223069052. |

The following map identifies the location of the Docket item(s).



III. SUBMITTALS

The tables below include all the information provided with the Docket submittal. For clarity and context purposes, but not analytical purposes at this stage in the process, maps are provided by the County that show the vicinity of the area, an aerial photo, the Comprehensive Plan land use designation, and the zoning classification. If special district overlays or property-specific development conditions are present, these are provided as well.

| Docket Request # 1: Fletcher |
|---|
| <p>Name of Requestor(s): Michael and Linda Fletcher Council District: #9 Summary Category: Land Use and Zoning Change</p> <p>Submitted Request Request to change the current zoning and land use designation from Neighborhood Commercial (NB) to Industrial (I). Combined size is 3.54 acres.</p> <p>Address 18407 Renton-Maple Valley Highway, Maple Valley, WA 98038. Parcel identification numbers 3223069052 and 3223069070</p> |

Docket Request # 1: Fletcher

Submitted Background Information

The owners have attempted twice to align the actual use (industrial recycle center) with the correct zoning (Industrial) as are the adjacent land uses to the south. As stated before, the use is non-conforming (grandfathered) and poses a big issue in the need to resell/re-finance the property if a crisis arises (i.e. Covid-19, etc.). Fortunately, there is not an urgent need, but the Fletchers are elders in the community and things could change in an instant.

Enclosed is the docket request form along with supporting materials. I also enclosed a letter I sent Councilperson Dunn back in 2018 that was part of the first request.

We urge you and your team to give this some serious thought during your evaluation. We encourage any meeting(s) that may be helpful whether in-person or electronically. This is very important to them and there are no hardships/repercussions to these properties or the adjacent properties in making the revision.

King County Districts and Development Conditions for parcel 3223069070

| | | | | |
|-------------------|--|----------------|---|---|
| Parcel number | 3223069070 | Drainage Basin | Lower Cedar River |  |
| Address | 18407 RENTON MAPLE VALLEY RD SE | Watershed | Cedar River / Lake Washington | |
| Jurisdiction | King County | WRIA | Cedar-Sammamish (8) | |
| Zipcode | 98038 | PLSS | SE - 32 - 23 - 6 | |
| Kroll Map page | 829 | Latitude | 47.43689 | |
| Thomas Guide page | 887 | Longitude | -122.06588 | |
| | | | | |

King County Electoral districts

| | | | |
|-----------------------------------|---|-----------------------------|--|
| Voting district | MORRIS | Fire district | King County Fire Protection District No. 43 |
| King County Council district | District 9, Reagan Dunn (206) 477-1009 | Water district | does not apply |
| Congressional district | 8 | Sewer district | does not apply |
| Legislative district | 11 | Water & Sewer district | does not apply |
| School district | Tahoma #409 | Parks & Recreation district | does not apply |
| Seattle school board district | does not apply (not in Seattle) | Hospital district | does not apply |
| District Court electoral district | Southeast | Rural library district | Rural King County Library System |
| Regional fire authority district | does not apply | Tribal Lands? | No |

King County planning and [critical areas](#) designations*

| | | | |
|-------------------------|--|---|---|
| King County zoning | NB | Urban Unincorporated Status | does not apply |
| Development conditions | None | Rural town? | No |
| Comprehensive Plan | ra | Water service planning area | Cedar River Water and Sewer District |
| Urban Growth Area | Rural | Transportation Concurrency Management | Pass - Lake Youngs/Hobart Traveled |
| Community Service Area | Greater Maple Valley/Cedar River Area | Forest Production district? | No |
| Community Planning Area | Tahoma/Raven Heights | Agricultural Production district? | No |
| Coal mine hazards? | None mapped | Snoqualmie Valley watershed improvement district? | No |
| Erosion hazards? | Yes | Critical aquifer recharge area? | Class 1 |
| Landslide hazards? | Yes | Wetlands at this parcel? | None mapped |
| Seismic hazards? | Yes | Within the Tacoma Smelter Plume? | Limited Data |
| 100-year flood plain? | None mapped | Estimated Arsenic Concentration in Soil | None mapped |

This report was generated on 12/31/2020 10:53:55 AM
 Contact us at giscenter@kingcounty.gov.
 © 2020 King County

Docket Request # 1: Fletcher

P K E N T E R P R I S E S

October 10, 2018

Councilmember Reagan Dunn
King County Council
516 Third Avenue, Room 1200
Seattle, WA 98104

RE: Fletcher Comp Plan / Re-Zone Request for Property Located at 18407 Renton-Maple Valley Highway, Maple Valley, WA.

Assessor's Parcel Numbers: 322306-9070, 3223069052

Dear Councilmember Dunn:

On behalf of Mr. and Mrs. Michael Fletcher, PK Enterprises is working with county staff through the current Comprehensive Plan / Zoning Updates for the 2018 year. For over 30 years, this property has been utilized as a recycling center and the owners would like for the use to continue as such. The zoning is Neighborhood Business (NB) which makes the use non-conforming. Therefore, the proposal is to re-zone the land to Industrial (I) making the land use and zoning compatible.

There are practical reasons to get the property into conformity. The adjacent properties to the east are also zoned Industrial. Therefore, there would be consistency in the zoning designation with this "pocket" of industrial/commercial uses. From a business standpoint, the ability to re-finance or sell a non-conforming use in the event of an emergency (health, etc.) is impeded dramatically on both sides. There is a tendency to look at only the positives or upside, but when reality hits and decisions need to be made quickly—this is when removing such obstacles by planning makes sense. Re-zoning the property to Industrial would be an important obstacle removed for Mr. and Mrs. Fletcher.

An application request was made on June 30, 2018 to the county for consideration. Since then, we have been working with Mr. Ivan Miller, KC Comprehensive Planning Manager, on the matter. There has been some push back on designating the property Industrial with the notion that another "commercial" designation would be better (i.e. Commercial Business (CB) or Regional Business (RB)). In reviewing Title 21A, the only designation that seems to appropriately categorize this use falls under Section 21A.08.080 Manufacturing Land Uses as Materials Processing Facility. Reviewing the table, this use is only permitted in the Industrial zone.

The purpose for writing you is for your assistance to aid staff in favor of this proposed land use modification. We realize the council will likely accept the recommendation of staff and we need to direct them to the correct decision. To date, we have not heard back on their position as they were planning on consulting with the Department of Planning and Environmental Review. In terms of ever expanding the use, it is understood that the owners would need to go through the development process and conform to all requirements of the county. This point has been discussed and acknowledged by Mr. Miller.

23035 SE 263RD STREET • MAPLE VALLEY, WA • 98038
PHONE: (206) 227.7445 • PKENTERPRISES.MV@GMAIL.COM

Docket Request # 1: Fletcher

- 2 -

December 31, 2020

Thank you for your time and consideration on this matter. The matter is very important to the Fletchers and they would appreciate your support at this time. If there are questions, please do not hesitate to contact me at (206) 227-7445.

Sincerely,

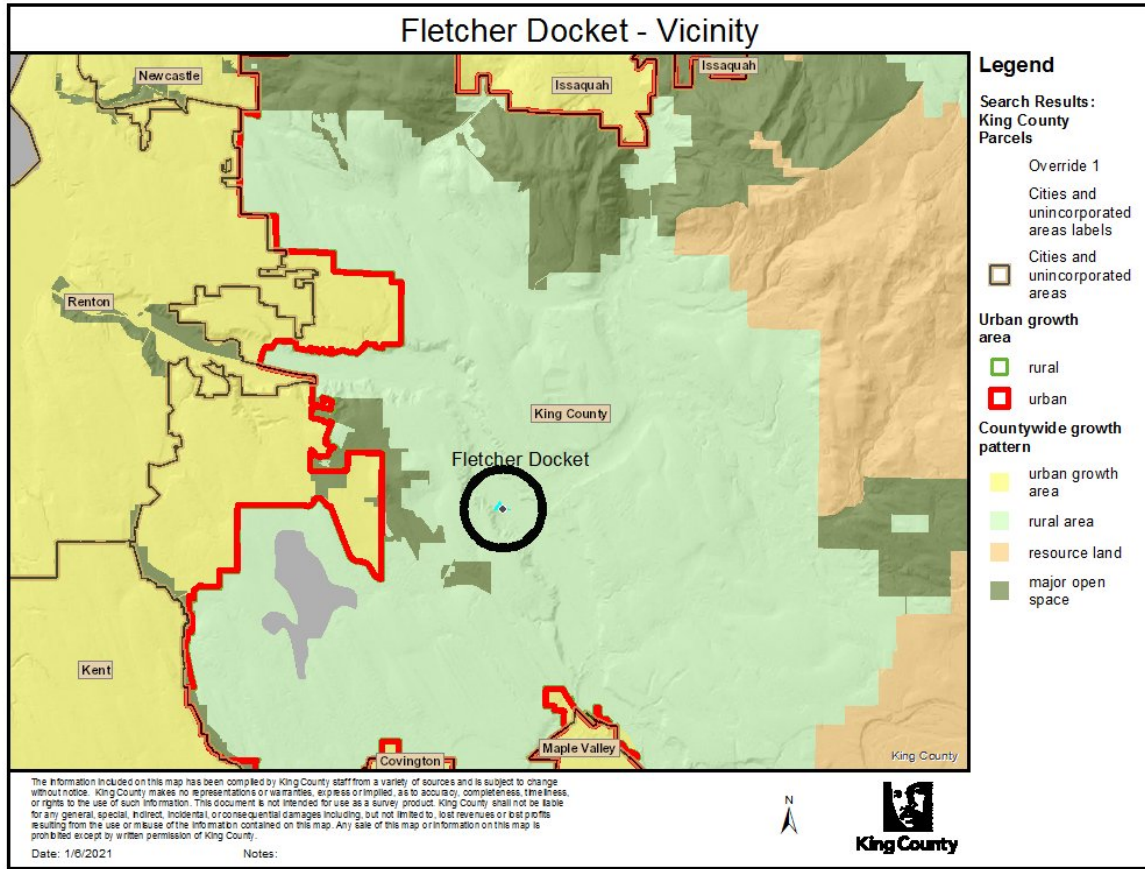
PK ENTERPRISES

PHILLIP KITZES

CC Mr. and Mrs. Michael Fletcher

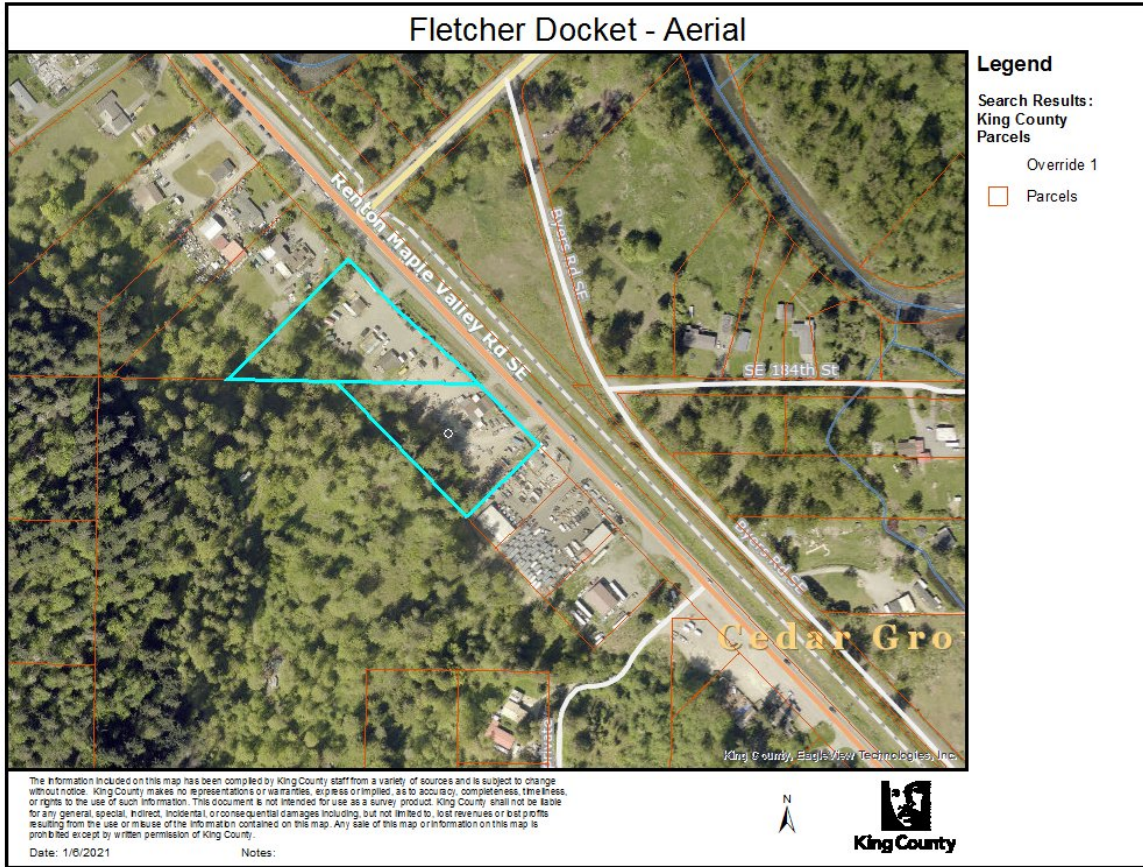
County Maps of Docket Area (parcels highlighted in blue)

Vicinity:



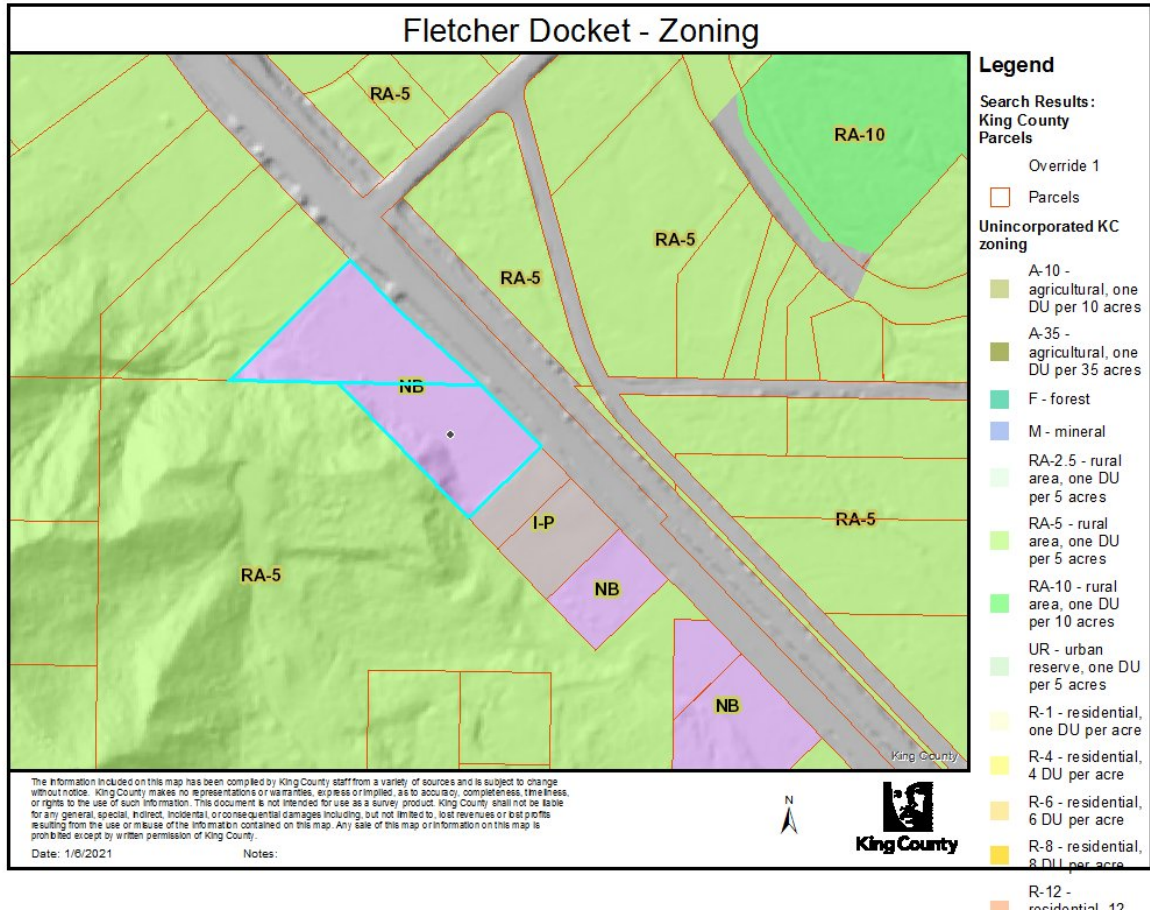
County Maps of Docket Area (parcels highlighted in blue)

Aerial:



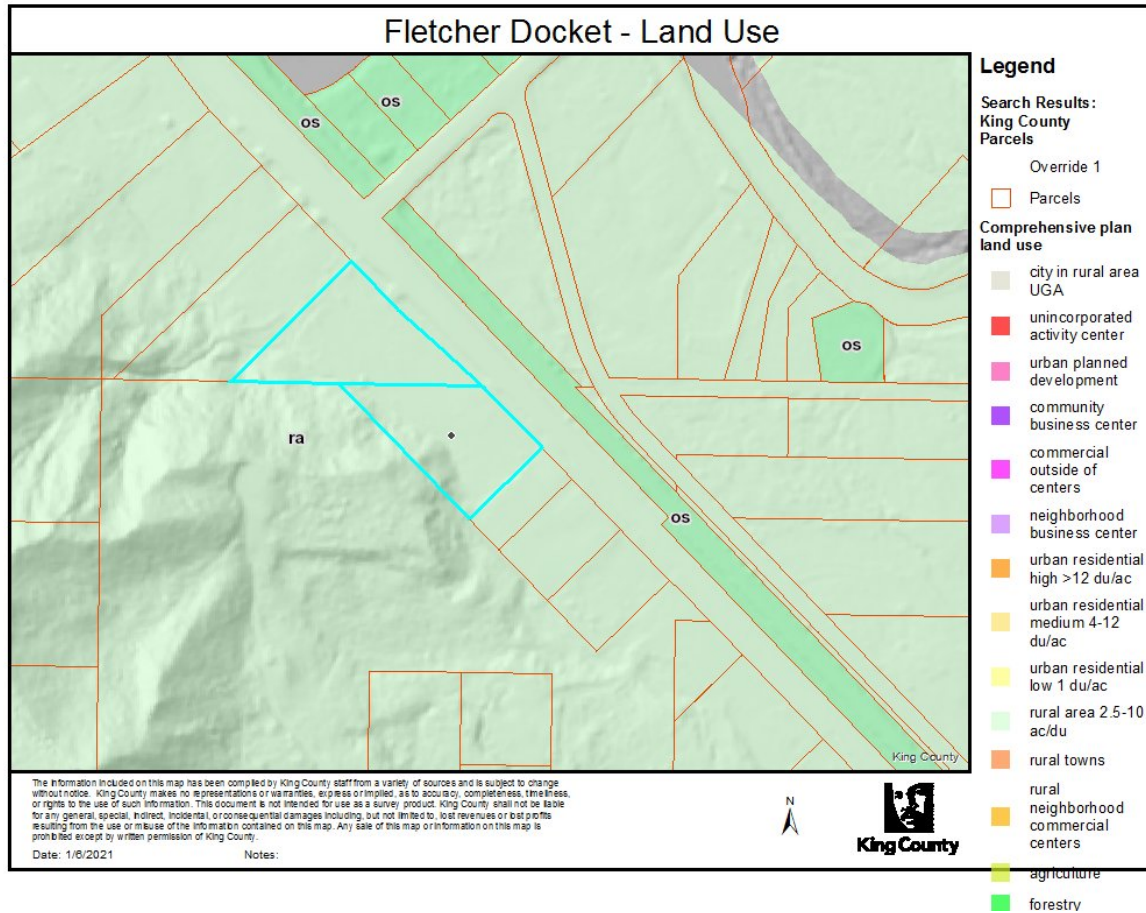
County Maps of Docket Area (parcels highlighted in blue)

Zoning:



County Maps of Docket Area (parcels highlighted in blue)

Land Use:



Property Specific Development Conditions and Special District Overlays:

None are present on the subject properties.

As noted in the submitted materials, this Docket item was submittal previously in 2018 and 2020. Links to Docket Reports for those years is as follows:

- [2018 Docket Report](#).
- [2020 Docket Report](#).

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 December 31 and is therefore released prior to conducting analysis on the request(s). The next steps in the process are described in the aforementioned Docket Reports.

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



King County

Office of Performance, Strategy and Budget

401 5th Ave. Suite 800

Seattle, WA 98104

206-263-9600 TTY Relay: 711

Attachment B. Letter to Docket
Submitter, April 2021

April 30, 2021

Michael and Linda Fletcher
18407 Renton-Maple Valley Highway
Maple Valley, WA 98038

Dear Mr. and Mrs. Fletcher,

Thank you for participating in this year's Docketing process for the King County Comprehensive Plan. The Docket process¹ 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. The Docket process is open continuously and, once a year, the items registered in the previous twelve months are compiled into the Docket Report with Executive branch recommendations. This is transmitted to the King County Council for their review and consideration

Submittal: Request to change land use and zoning on two parcels on the Renton-Maple Valley Road near the Cedar Grove Natural Area from Neighborhood Business to Industrial. Parcel numbers are 3223069070 and 3223069052.

Discussion: This is a request for land use and zoning change. This Docket request is identical to what was submitted by the property owner in 2018 and 2020. That request was deemed not eligible for consideration in an annual amendment as it would require substantive updates to Comprehensive Plan policies. Additionally, the previous request was not supported for several substantive reasons, and these are stated in the 2018 Docket Report, which can be viewed at:

https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/Comprehensive-Plan/2018_Docket_Report.ashx

¹ Docket Process website: <http://www.kingcounty.gov/depts/executive/performance-strategy-budget/regional-planning/king-county-comprehensive-plan/amend/docket.aspx>, and Docket Process in the King County Code: https://aqua.kingcounty.gov/council/clerk/code/23_Title_20.pdf, at 20.18.140

Fletcher
April 2021
Page 2

King County Code 20.18.050.K.1. states that a site-specific land use map amendment, which is what is requested in this Docket, may not be initiated unless at least three years have elapsed since Council adoption or review of the current designation for the property. Limited exceptions to this restriction, such as a change in circumstances, exist in code. The conditions on the subject parcel and the circumstances in the surrounding area have not materially changed since 2018.

Additionally, a suite of policy changes related to Non-Resource Industrial Uses in the Rural Area were considered in the 2020 Comprehensive Plan update that might have had bearing on this Docket Submittal. However, after significant discussion and review by the Executive and the Council, none of the changes were adopted and the policies remain as they were in 2018 when this Docket Submittal was initial considered. Given this, there are no changes to the policies that are discussed in the 2018 Docket Report and that guide the analysis of this Docket Submittal.

Executive Recommendation: Based on these issues, this request is not eligible to be considered until 2024, which is when the eight-year cycle update will occur. The Executive and the Council have the option to include review of this Docket Submittal in the scope of work for the 2024 update.

Please note that the Docket Report, in accordance with King County Code Title 20.18, will be sent to the King County Council on the last business day in April. At that time, you have the option to petition the Council to consider this Docket change, which has not been recommended by the Executive.

If you have further questions or concerns, please contact Ivan Miller, Comprehensive Plan Manager, at (206) 263-8297 or via email at ivan.miller@kingcounty.gov.

Again, thank you for participating in this year's Docketing process.

Sincerely,



Lauren Smith
Director of Regional Planning
Office of Performance, Strategy and Budget

cc: Jim Chan, Director, Department of Local Service – Permitting Division
Ivan Miller, Comprehensive Plan Manager, Office of Performance, Strategy and Budget

Attachment C: Public Comments on 2021 Docket Request



King County

Reagan Dunn

Councilmember, District 9

Metropolitan King County Council

March 31, 2021

April Putney
Chief of Staff, King County Executive Dow Constantine
Executive Office
401 5th Ave. Suite 800
Seattle, WA 98104

Dear Ms. Putney:

I am writing to bring attention to an issue of joint concern and to voice my strong opposition to the 2021 Docket request submitted to change land zoning on two parcels, parcel numbers 3223069070 and 3223069052 on the Renton-Maple Valley Road near the Cedar Grove Natural Area, from Neighborhood Business to Industrial.

King County's policies as described in the King County Comprehensive Plan intend to limit the expansion of industrial zoning in rural areas. This is to protect rural areas by safeguarding against the adverse impacts of industrialization. It is understood and established that a rise in industrial use can cause harm to the local environment and components critical to rural character, including natural resources, habitat, and farmland.

Regarding parcels 3223069070 and 3223069052, the 2018 Docket Report outlines many concerns that would need to be resolved if re-zoning were to be considered. There are many reasons these parcels wouldn't be able to accommodate industrial use, including the lack of septic systems, drainage systems, other utilities, and parking. These findings were affirmed in the 2020 Docket Report, noting these conditions of the subject parcel and the conditions of the subject area has not changed substantially. The parcels are also designated as Category I critical aquifer recharge area, and industrial zoning would make drinking water highly vulnerable to contamination. The Cedar River is also critical habitat for migrating salmon, populations of which would also suffer under industrial contamination.

Speaking in my capacity of the elected representative of residents of unincorporated Renton and Maple Valley, I can say that nowhere in King County has industrialization been a more intrusive threat than in this community. Residents of this area have repeatedly, over many years, voiced their concerns over a proposed zoning change of parcel 1923069026, which is adjacent to parcels 3223069070 and 3223069052. The proposed new use for parcel 1923069026 is for an asphalt manufacturing facility. An online petition has garnered almost 8,000 signatures from neighbors who vehemently oppose the

zoning change. Taken together, these three parcels would represent a huge intrusion of industrial use into this rural neighborhood if King County approves re-zoning.

For all of these reasons, I would expect the finding to be consistent with the 2018 and 2020 decisions to deem the property not eligible for consideration in an annual amendment. I strongly believe that it would be negligent for King County to move forward with industrial zoning within rural areas of Renton and Maple Valley, specifically in regards to parcels 3223069070 and 3223069052. It is of critical importance that we listen to impacted communities and prioritize the protection of our environment—including our potable water and struggling salmon population—over industrial businesses.

Thank you for considering this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Reagan Dunn", written in a cursive style.

Reagan Dunn
Vice Chair
Metropolitan King County Council

cc: Jim Chan, Division Director for Permitting
Shannon Braddock, Deputy Chief of Staff, King County Executive Office
Karan Gill, Director of Council Relations, King County Executive Office

Docket Item (D.I.) #1
Location: 18407 Renton-Maple Valley Highway (SR-169)
Parcel ID Nos.: 3223069052 and 3223069070

“Request to change land and zoning on two parcels on the Renton- Maple Valley Road near the Cedar Grove Natural Area from Neighborhood Business to Industrial. Parcel numbers are 3223069070 and 3223069052.”

INTRODUCTION

The D.I. requestors’ own submitted background information explains exactly what is happening here:

“The owners have attempted twice to align the actual use (industrial recycle center) with the correct zoning (Industrial)... As stated before, the use is non-conforming (grandfathered [sp]) and poses a big issue in the need to resell/re-finance the property...Fortunately, there is not an urgent need, but the Fletchers are elders in the community...”

Clearly, the D.I. requestors’ are getting on in age and seek to sell. Rezoning the parcels from Neighborhood Business (NB) to Industrial (I) could and, most likely, would, greatly increase the asking prices for the parcels. The D.I. Request has nothing to do with continuing the existing use on the parcels as that use is allowed as a “non-conforming” use, as the D.I. requestors’ state in their own words.

DISCUSSION

We previously have submitted detailed comments on the D.I. requestors’ past two attempts for a rezone through the Docket Process: 2018 and 2020—those are attached and fully explain our supporting rationale. In our 2018 response we also included “*Final Zoning and Subdivision Examiner’s Decision and the BALD Report 124-88-R, 1989,*” which we again attach (separately) for convenience.

Further, King County, in denying the D.I. requestors’ 2020 D.I. Request it deemed it:

“...not eligible to be considered until 2024, which is when the eight-year cycle update will occur.”

We could not agree more; however, we believe it again should be denied in 2024.

RECOMMENDATION

D.I. #1 should be denied for the third time.

Attachments:

1. Comments on D.I. Request #2, GMVUAC, March 3, 2020.
2. Comments on D.I. Request #4, GMVUAC, October 2, 2018.
3. *Final Zoning and Subdivision Examiner’s Decision and the BALD Report 124-88-R, 1989.* [pdf is attached separately]

Attachment 1—GMVUAC Comments on D.I. Request #2, March 3, 2020

D.I. Request #2—Fletcher (past Metal Recycling Facility at 18407 Renton-Maple Valley Rd [SR-169], just south of the Cedar Grove Rd intersection)

This is a *re-submittal* of a 2018 request. However, in this case, the requester specifically asks for: “*the opportunity to sit down with the councilman and staff to discuss the merits of this request.*” The GMVUAC submitted formal comments to King County on the original 2018 D.I. Request recommending it be rejected (see attached).

The 2020 D.I. Request remains the same as that rejected by the County in 2018: change zoning from Neighborhood Business (NB) to Industrial (I). The site has been cleared of much of its past business and possibly in anticipation of a zoning change or to be sold? Clearly, a zoning change could greatly increase the value of the property.

It is our understanding that a “*site-specific*” amendment needs to wait a total of three years before re-submittal. The original submittal was less than two years ago in 2018.

We completely support the Executive’s excellent rationale for recommending rejection of this request in 2018.

We request the Executive to recommend this D.I. Request, again, be firmly rejected.

Attachment 2—GMVUAC Comments on D.I. Request #4, October 2, 2018

Docket Item (D.I.) #4
Location: 18407 SR-169
Parcel ID Nos.: 3223069052 and 3223069070

“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 (grand- fathered) – 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.”

INTRODUCTION

The D.I. states the site’s existing business is an “*industrial use*” that is “*grandfathered*.” The D.I. request is to rezone the site from Neighborhood Business (NB) to Industrial (I). If the existing “*metal recycling*” business is indeed “*grandfathered*,” then no change in zoning is necessary.

Of critical concern is that should the site be rezoned, the *next* owner could propose a *different* 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 *Cedar River Sites Industrial Moratorium (CRSIM) Study* as part of the KC Council’s Asphalt Facility discussions, because it was not zoned “*Industrial*.”]

BACKGROUND

The D.I. specifically refers to the adjoining site to the south and its “*I*” zoning as justification for the site in question to be rezoned to “*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-P*” (“*I*” zoned, but with a *P-suffix*—which imposed express limitations on future use).

The “*I-P*” zoning for the adjacent site was adopted by the KC Council as Ordinance 8865 and incorporated into subsequent Comprehensive Plans (and *Tahoma-Raven Heights Subarea Plan* by Ordinance 12824 in 1997). The uses of that “*I-P*” zoned site are limited to those allowed in the Regional Business (RB) zone and “*vehicle interior refurbishing and re-upholstering*.”

DISCUSSION

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 should be denied.

Docket Item (D.I.) #4
Location: 18407 SR-169
Parcel ID Nos.: 3223069052 and 3223069070

“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.”

INTRODUCTION

The D.I. states the site’s existing business is an “*industrial use*” that is “*grandfathered.*” The D.I. request is to rezone the site from Neighborhood Business (NB) to Industrial (I). If the existing “*metal recycling*” business is indeed “*grandfathered,*” then no change in zoning is necessary.

Of critical concern is that should the site be rezoned, the *next* owner could propose a *different* 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 *Cedar River Sites Industrial Moratorium (CRSIM) Study* as part of the KC Council’s Asphalt Facility discussions, because it was not zoned “*Industrial.*”]

BACKGROUND

The D.I. specifically refers to the adjoining site to the south and its “*I*” zoning as justification for the site in question to be rezoned to “*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-P*” (“*I*” zoned, but with a *P-suffix*—which imposed express limitations on future use).

The “*I-P*” zoning for the adjacent site was adopted by the KC Council as Ordinance 8865 and incorporated into subsequent Comprehensive Plans (and *Tahoma-Raven Heights Subarea Plan* by Ordinance 12824 in 1997). The uses of that “*I-P*” zoned site are limited to those allowed in the Regional Business (RB) zone and “*vehicle interior refurbishing and re-upholstering.*”

DISCUSSION

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 should be denied.

Attachment: Final Zoning and Subdivision Examiner’s Decision and the BALD Report 124-88-R, 1989.

**2020 Docket Items to the KCCP
Comments**

D.I. Request #2—Fletcher (past Metal Recycling Facility at 18407 Renton-Maple Valley Rd [SR-169], just south of the Cedar Grove Rd intersection)

This is a *re-submittal* of a 2018 request. However, in this case, the requester specifically asks for: *“the opportunity to sit down with the councilman and staff to discuss the merits of this request.”* The GMVUAC submitted formal comments to King County on the original 2018 D.I. Request recommending it be rejected (see attached).

The 2020 D.I. Request remains the same as that rejected by the County in 2018: change zoning from Neighborhood Business (NB) to Industrial (I). The site has been cleared of much of its past business and possibly in anticipation of a zoning change or to be sold? Clearly, a zoning change could greatly increase the value of the property.

It is our understanding that a *“site-specific”* amendment needs to wait a total of three years before re-submittal. The original submittal was less than two years ago in 2018.

We completely support the Executive’s excellent rationale for recommending rejection of this request in 2018.

We request the Executive to recommend this D.I. Request, again, be firmly rejected.

2020 Docket Items to the KCCP Comments

D.I. Request #5—Rainier Christian School (just NW of Lk Desire in an unincorporated Urban area)

This property is directly adjacent to the GMVUAC's western border. The request is to use the 4:1 program to take the ~34.5-ac, RA-2.5 zoned site and adopt urban-designated development of R-6 (6 DUs/ac) over 20% of the site (~7 ac), thereby creating ~41 lots.

Our biggest issue is this entails extending sewer lines from the Urban Growth Area into the Rural Area to serve the projected ~41 home sites. Although the requester states there is an existing sewer line that extends through the site to serve the existing school, that line should be tightlined (as specified in the King County School Siting Task Force which convened in 2011-2012—GMVUAC member, Peter Rimbos, served on the Task Force). We expect the requestor cannot achieve the density that would accompany the requested R-6 zoning with septic systems and, thus, needs extension of sewer lines. Extending sewer lines in to the Rural Area would violate *County-Wide Planning Policy (CPP) DP-17c* [*“Can be efficiently provided with urban services and does not require supportive facilities located in the Rural Area”*].

One of the GMVUAC's bedrock principles is to *“Keep the Rural Area rural”* and one very strong way to do that is to not extend sewer lines into the Rural Area. King County policy agrees with this and it was a heavy determinator during the School Siting Task Force deliberations and recommendations.

In addition, a direct access road is required to be extended from the from the Urban Growth Area. The only existing road (174th Ave SE) to serve the school enters from the southeast, all in the Rural Area, from Lake Desire Dr.

Finally, the City of Renton would have to designate this area as part of its Potential Annexation Areas (PAAs), according to *CPP DP-17g* [*“Is subject to an agreement between King County and the city or town adjacent to the area that the area will be added to the city's Potential Annexation Area. Upon ratification of the amendment, the Countywide Planning Policies will reflect both the Urban Growth Area change and Potential Annexation Area change.”*]. The City of Renton already has several designated PAAs. One of which lies directly adjacent to the west of this area. For many years the City has chosen *not* to annex any of these PAAs, nor do we expect it would do so here, even if the city designated it as a PAA, thus defeating the purpose of requiring the sub sect of the 4:1 to be part of a designated PAA.

We request the Executive to recommend this D.I. Request be rejected, in part, due to the need for sewer line extensions into the Rural Area and the strong possibilities that the City of Renton, although it might designate it as part of its many PAAs, would have no real intention of annexing it in the future.

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).

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

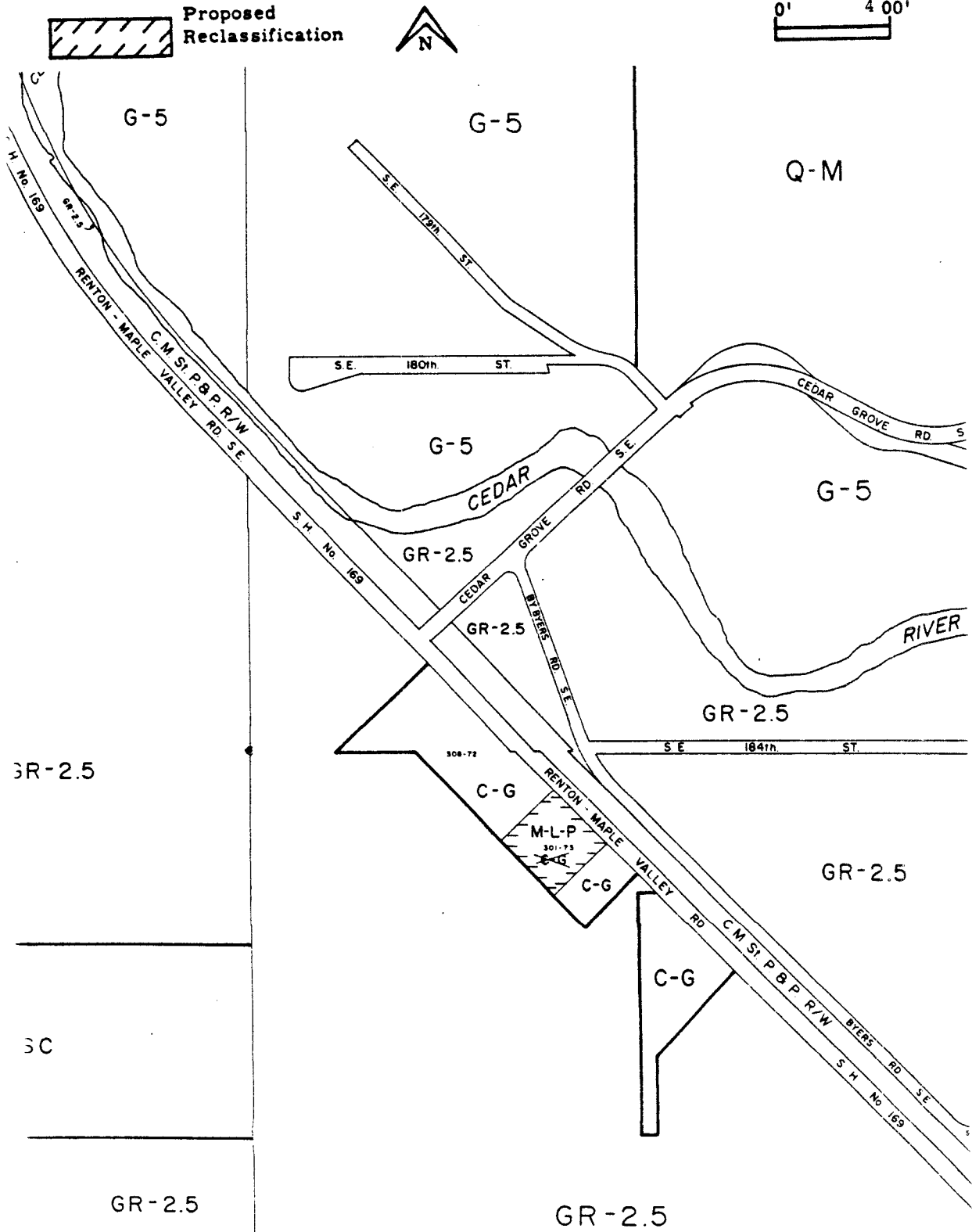
20008 - 244th Ave. S.E., Maple Valley, WA 98038

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 |
| Southwest | 3001 N.E. 4th Street, Renton 98055 | 328-2620-296-4900 |
| Central | 10821 8th S.W. 98146 | 244-6400 |
| | 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 test 6/20/85

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 6/20/85 to be considered prior to installation permit return

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