



King County

**Black Diamond Fire Station
Area Zoning and Land Use Study**
2024 King County Comprehensive Plan
Public Review Draft
June 2023

I. Overview

The 2024 King County Comprehensive Plan Update Scope of Work¹ directs analysis of potential Urban Growth Area boundary, policy, and/or code changes near the City of Black Diamond, as follows:

Black Diamond Fire Station: Review land use designations and implementing zoning on parcel 0421069092 and the surrounding area; to consider changes to the land use designation and zoning that would allow sewer service, including whether this area should be inside the urban growth area; and evaluate whether policy and/or code modifications should be enacted to allow sewer service for public safety facilities that are outside the urban growth area boundary.

II. Land Use Information

A. Parcel and Vicinity Information

Parcel Number	Property Name/ Ownership	Land Use Designation	Zoning Classification	Development Conditions	Acreage	Present Use
0421069092	Black Diamond Fire Station 98/City of Black Diamond	ra	RA-5	None	1.37	Governmental Service

The subject parcel is currently developed with a fire station owned by the City of Black Diamond. According to sales history and property information, the property was purchased by King County Fire District #17 from a private seller in 1988. The existing fire station was built in

¹ Motion 16142 [\[LINK\]](#)

1989, then the property was subsequently sold by the Fire District to the City of Black Diamond in 2003.

The property is zoned RA-5 (Rural Area, one home per five acres) and has an "ra" (Rural Area) land use designation. The site is roughly 120 feet deep and has approximately 680 feet of frontage on SE 296th St. Access to the site is provided via a loop driveway connecting to SE 296th St.

The subject property is in a residential area and is adjacent to the City of Black Diamond city limits and the Urban Growth Area boundary. Surrounding properties are developed with single family residential development. Adjacent property zoning is RA-5 to the south, UR-P (Urban Reserve, with p-suffix condition TR-P49)² to the west, and City of Black Diamond zoning R4 (Single Family Residential, four homes per acre) to the north and east.

The UR-P lands to the west were created via a Four-to-One³ Urban Growth Area expansion proposal adopted in 2008⁴ and as subsequently amended in 2016.⁵ A permanent conservation easement was placed on the eastern portion of the expanded urban area so as to not allow for further expansion of the Urban Growth Area boundary to the rural properties to the east (which includes the subject parcel), consistent with the Four-to-One Program goals and requirements.

The Kentlake Highlands Potential Annexation Area is to the west.

B. Infrastructure and Services

Water service to the property is provided by the Covington Water District. The subject property has paved parking and is currently on a private septic system. The parcel fronts SE 296th St. There are no King County Metro bus routes that serve the subject property.

The fire station on the site currently supports four overnight staff, with some additional staffing and services. The Fire District has indicated a near-term desire to improve the sleeping conditions for the overnight staff by creating four bedrooms within the existing building footprint. The Fire District has indicated that the current septic system cannot accommodate the planned building improvements and has requested to connect to sewer service to support the remodel.

In the summer of 2021, County staff requested that the district provide additional information about the condition of the current septic system and the technical reasons behind the request for sewer service consistent with King County Code (K.C.C.)⁶ 13.24.134 (discussed further below). This would include but might not be limited to a description of the condition and capacity of the current septic system, and the feasibility of septic upgrades to accommodate the additional staffing post-remodel.

As of May 2023, the County has not received the information required in K.C.C. 13.24.134 from the Fire District. However, in the 2023-24 Biennial Budget, the County Council provided funding for the County to work with a consultant to analyze the septic system capacity for the station in consultation with the District;⁷ this work is expected to be completed later in 2023.

² TR-P49: Reserve at Covington Creek UGA - RA-5 to UR-P [\[LINK\]](#)

³ Four-to-One Program [\[LINK\]](#)

⁴ Ordinance 16263 [\[LINK\]](#)

⁵ Ordinance 18427 [\[LINK\]](#)

⁶ King County Code [\[LINK\]](#)

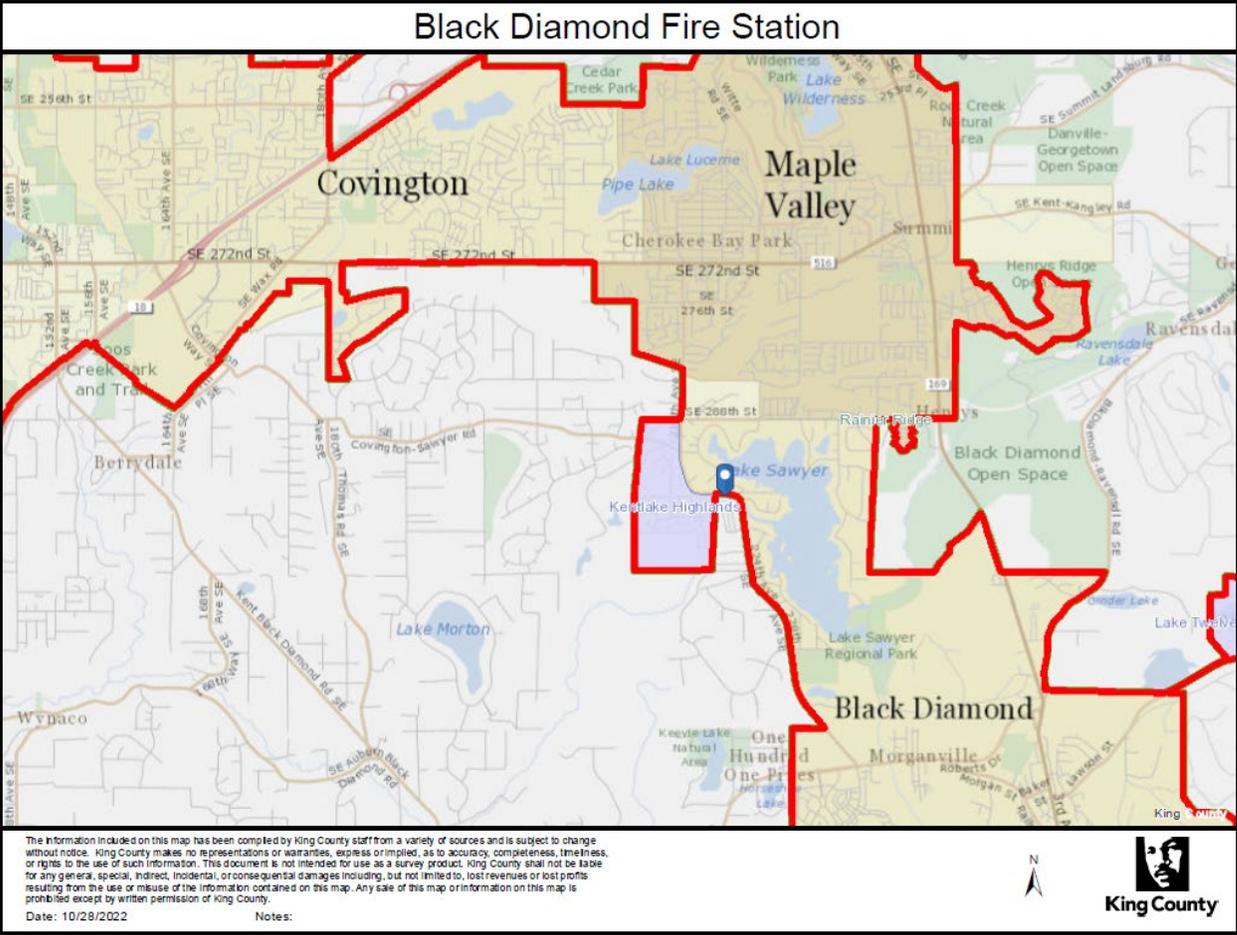
⁷ Ordinance 19546, Section 17, Expenditure Restriction 1 [\[LINK\]](#)

C. Environmental Constraints

There are no currently mapped wetlands, geologically hazardous areas, or channel migration hazard areas, nor does the property have a sensitive area notice on title. There is a mapped stream on parcels to the south, running diagonally to the subject property's south property line, approximately 25-100 feet from the subject property. All of the property is in the Wildland Urban Interface.⁸

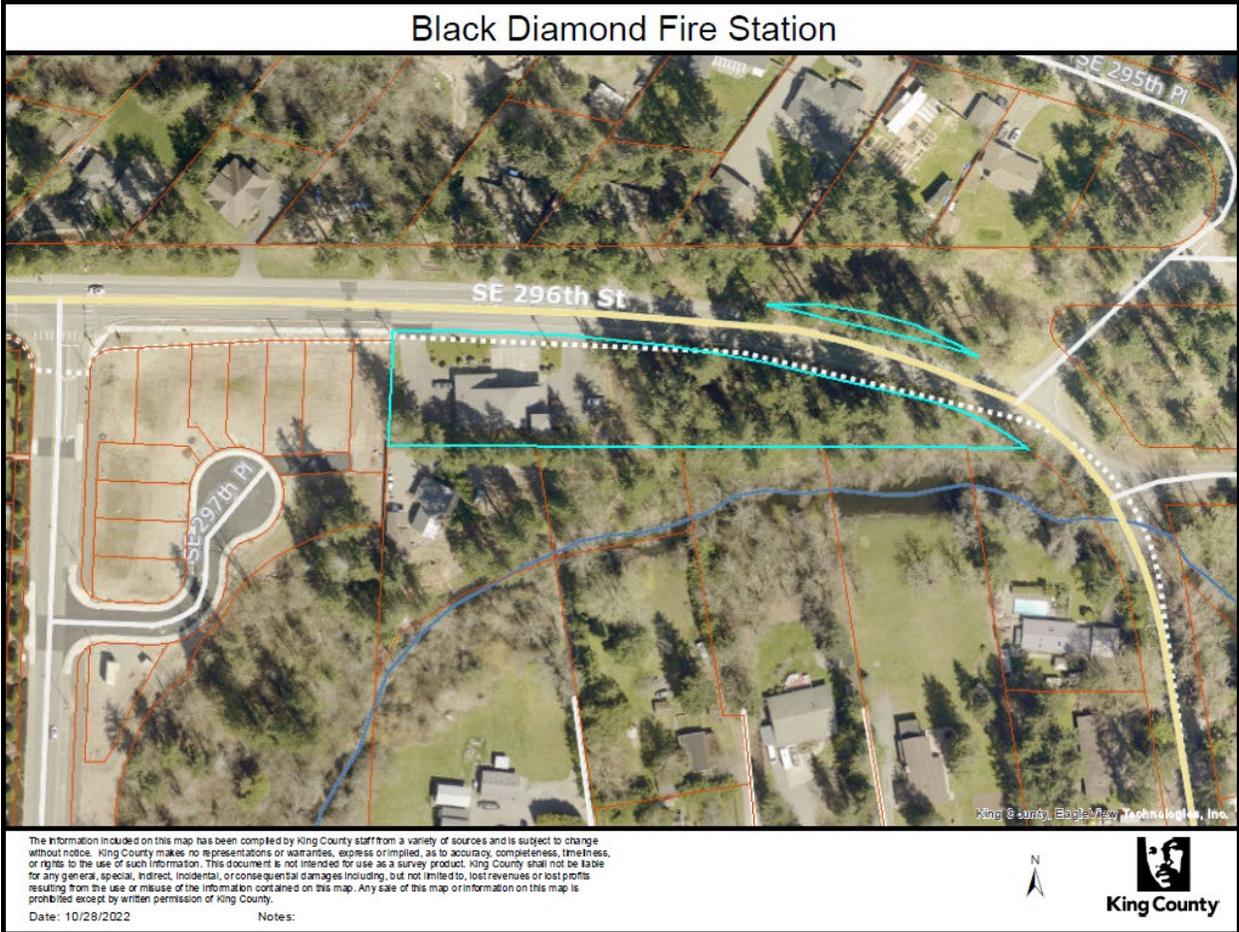
D. Maps and Photos

1. Vicinity Map⁹



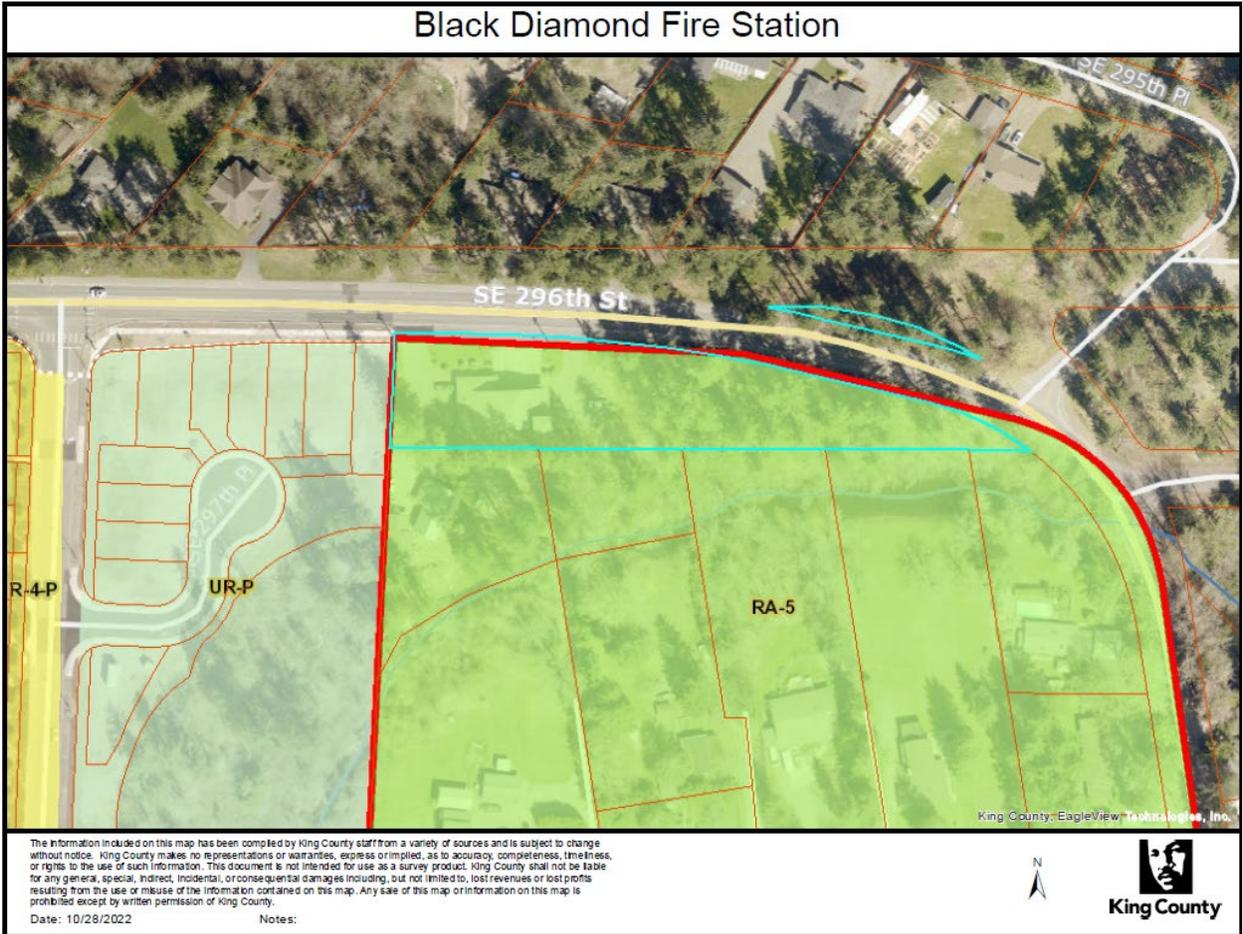
⁸ WA State's Wildland Urban Interface (arcgis.com) [\[LINK\]](#)
⁹ King County iMap [\[LINK\]](#)

2. Aerial Site Map¹⁰



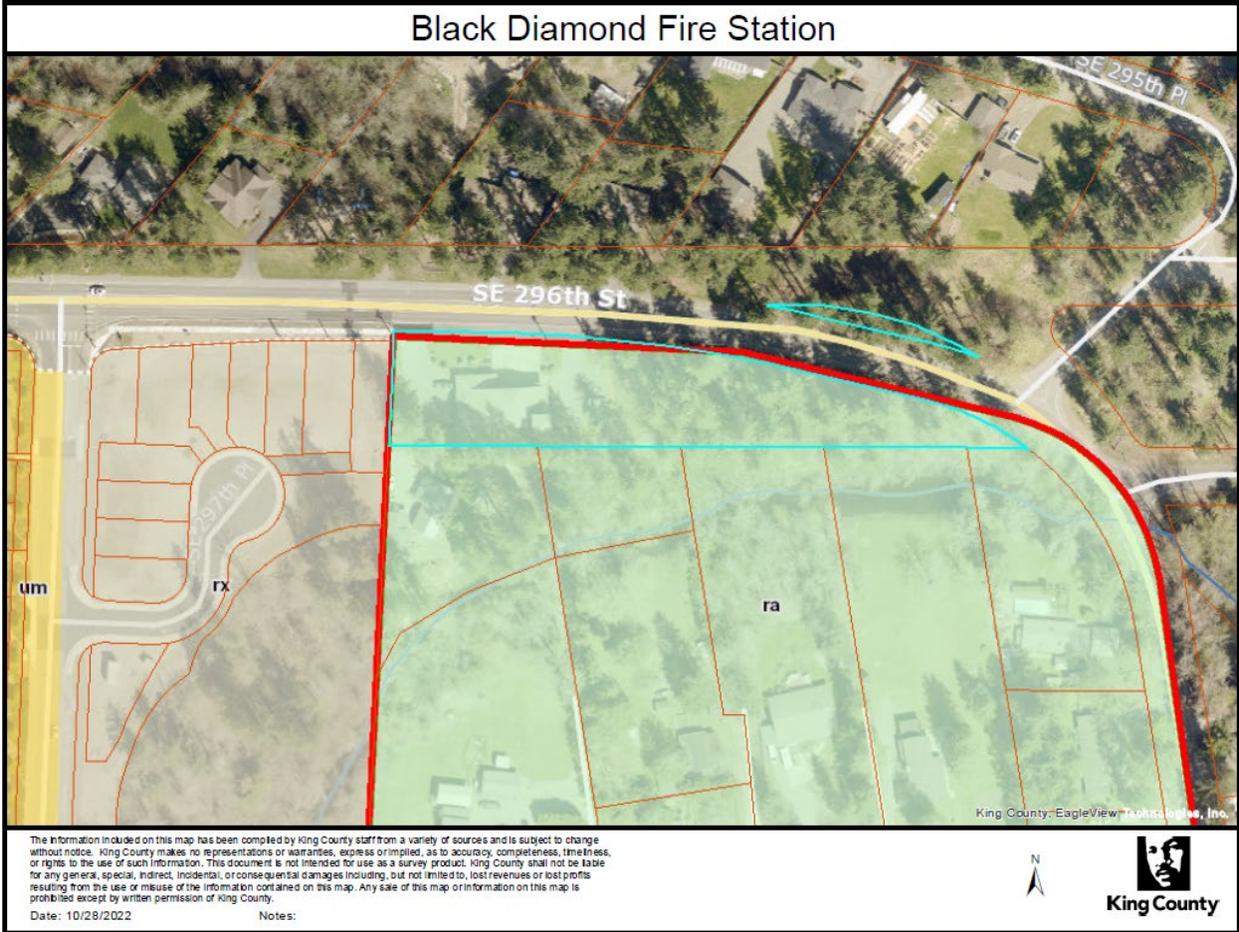
¹⁰ Ibid

3. Zoning Map¹¹



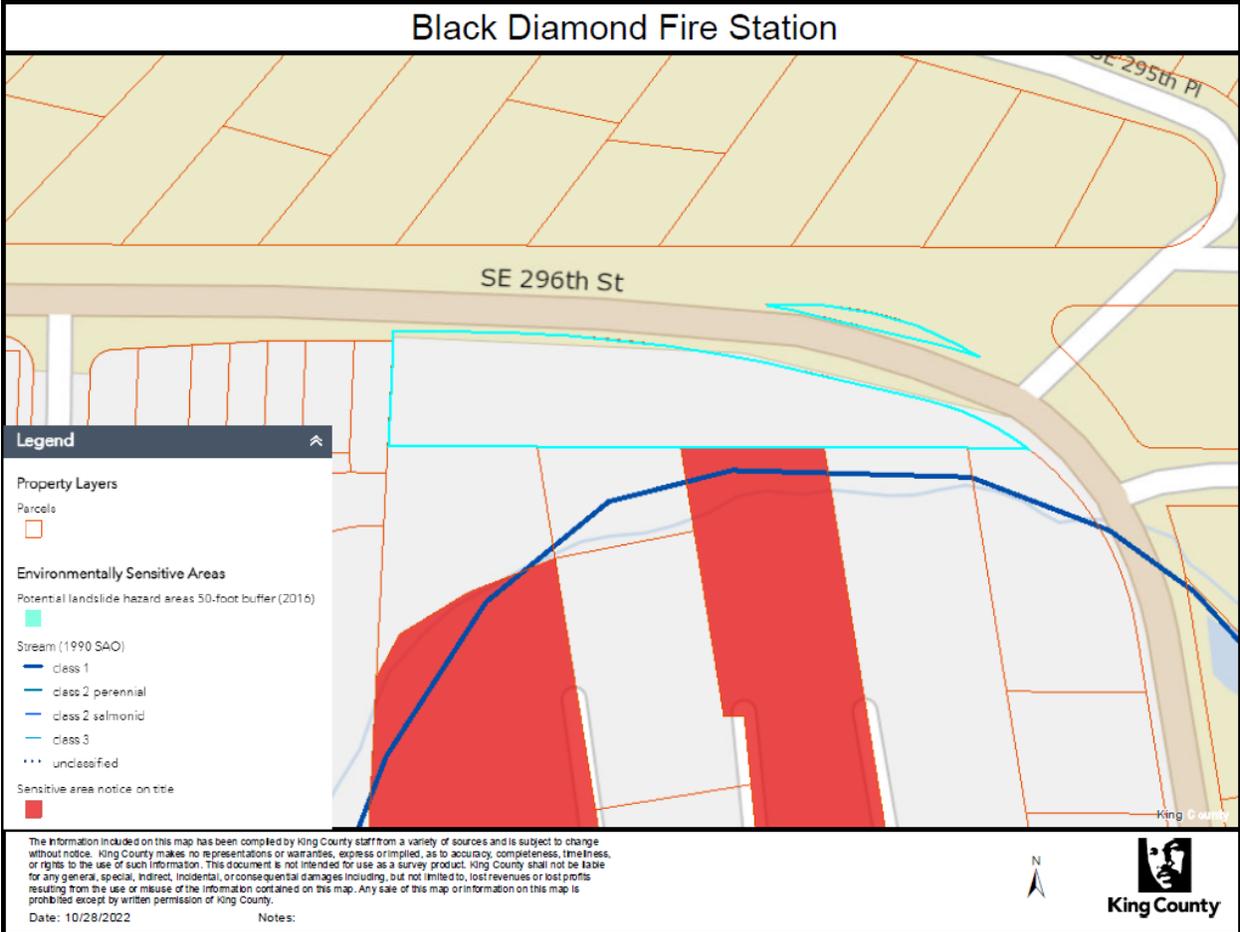
¹¹ Ibid

4. Land Use Map¹²



¹² Ibid

5. Environmentally Sensitive Areas Map¹³



¹³ Ibid

6. Photos¹⁴



¹⁴ Bing maps [\[LINK\]](#)



III. Regulatory Context and Analysis

King County is required by the Growth Management Act (RCW Chapter 36.70A) to designate an Urban Growth Area, within which urban growth is directed and outside of which growth can occur if it is not urban in nature. The Act also dictates that “rural services do not include ... sewers” except in limited cases to protect basic public health and safety and the environment.¹⁵ The County is also required to maintain countywide planning policies “for promotion of contiguous and orderly development and provision of urban services to [Urban Growth Areas]”.¹⁶

To implement this statutory requirement, the King County Countywide Planning Policies (CPPs)¹⁷ contain policies that guide when urban services such as sewer service may be allowed outside of the Urban Growth Area (see PF-13 and DP-49, below). Sewer service is not allowed in the rural area, except in limited instances.

PF-13 Prohibit sewer service in the Rural Area and on Natural Resource Lands except:

- a) Where needed to address specific health and safety problems threatening existing structures; or
- b) As allowed by Countywide Planning Policy DP-49; or
- c) As provided in Appendix 5 (March 31, 2012 School Siting Task Force Report).

DP-49 Limit the extension of urban infrastructure improvements through the Rural Area to only cases where it is necessary to serve the Urban Growth Area and where there are no other feasible alignments. Such limited extensions may be considered

¹⁵ RCW 36.70A.030(25) [\[LINK\]](#) and RCW 36.70A.110(4) [\[LINK\]](#)

¹⁶ RCW 36.70A.210(3)(b) [\[LINK\]](#)

¹⁷ King County Countywide Planning Policies [\[LINK\]](#)

only if land use controls are in place to restrict uses appropriate for the Rural Area and only if access management controls are in place to prohibit tie-ins to the extended facilities.

The subject property currently does not meet any of the criteria in policy PF-13. No information documenting a specific health and safety problem threatening existing structures has yet been provided to the County pursuant to subsection a); the extension of sewer service would be to serve an area *outside* the Urban Growth Area, therefore subsection b) does not apply; and lastly, the proposed land use is a fire station that was not included in the School Siting Task Force report, therefore subsection c) does not apply.

In addition to the policy requirements in the CPPs, the King County Comprehensive Plan¹⁸ also contains policies regarding the provision of sewer service to rural areas. A key policy is F-264:

F-264 Except as otherwise provided for in this policy, public sewer service shall be prohibited in the Rural Area or on Natural Resource Lands.

- a. Public sewer service may be expanded to the Rural Area or to Natural Resource Lands, only:
 1. Where needed to address specific health and safety problems threatening the use of existing structures and the use of septic or other onsite wastewater systems has been determined by King County to be not feasible; or
 2. To serve a new school authorized to be located in the Rural Area by R-327.
- b. Public sewers may be extended, pursuant to this policy, only if they are tightlined and only after a finding is made by King County that no reasonable alternative technologies are feasible.
- c. Public sewers that are allowed in the Rural Area or on Natural Resource Lands pursuant to this policy shall not be used to convert Rural Area land or Natural Resource Lands to urban uses and densities or to expand permitted nonresidential uses.

Similar to Countywide Planning Policy PF-13 above, public sewer service could potentially be provided under subsection a.1. or b. if documentation describing health and safety problems and the infeasibility of continued septic use were to be submitted; no such information has been provided at this time. There are also similar requirements in the code, such as in K.C.C. 13.24.035 and 13.24.134. These code sections also require King County Council action to amend to an applicable sewer comprehensive plan to allow sewer service to a rural area if it meets the aforementioned criteria.

13.24.035 Public sewer service. (excerpt)

...

- C. Public sewer service shall not be provided outside the urban growth area or any rural town designated to receive the service, except as described in K.C.C. 13.24.134.

¹⁸ King County Comprehensive Plan [LINK](#)

D. Sewer extensions under subsections A. and C. of this section shall be approved by the council, if it is determined that the extension meets the criteria in this section and is consistent with all other adopted King County policies and regulations. Decisions on sewer extensions in rural or resource areas shall be made by the council in the form of a sewer comprehensive plan or an amendment to a sewer comprehensive plan.

...

13.24.134 Sewer service in rural and natural resource areas - prohibited - exceptions.

A. Except as otherwise provided in this subsection B. of this section, sewer services is prohibited in the rural and natural resource areas.

B. Sewer service may be expanded to serve uses in the rural and natural resource areas only if:

1. The facilities are:

a. needed to address:

i. specific health and safety problems threatening the use of existing structures;

or

ii. to serve a new school authorized to be located in the RA zone by King County comprehensive plan policies; and

b. tightlined; and

2. A finding is made by the utilities technical review committee that no cost-effective alternative technologies are feasible

C. Decisions on sewer service expansions in rural or resource areas shall be made by King County in the form of approval of a sewer comprehensive plan or approval of an amendment to a sewer comprehensive plan.

An alternative option that would allow the fire station to connect to sewer service would be to expand the Urban Growth Area to include this parcel. CPP Policy DP-17 establishes the circumstances under which Urban Growth Area expansion may occur:

DP-17 Allow expansion of the Urban Growth Area only if at least one of the following criteria is met:

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

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

Presently, the subject property does not meet any of the criteria in this policy. Additional land is not needed to accommodate housing and employment growth targets as provided in subsection a), as documented by the most recent Urban Growth Capacity Report.¹⁹ There is no land available that could meet the Four-to-One Program criteria for permanent open space in subsection b), and the area is not a King County park as allowed in subsection c). The Comprehensive Plan²⁰ and K.C.C. also has additional requirements for Four-to-One Program eligibility that the property does not conform with, such as a 20-acre minimum lot size and a requirement that use(s) on the new urban land be limited to residential development.

IV. Equity and Social Justice Analysis

Substantive equity and/or social justice issues are not anticipated at this time because this area has a low 2019 Equity Score of 1.67.²¹ This score indicates a low presence of people of color, people with low incomes, and/or people with limited English proficiency.

V. Engagement

Engagement has included communication with City of Black Diamond and Fire District staff, as well as with the office of King County Council District 9 (which this study area is located in).

Public notice of the evaluation of the land use and zoning for this area was identified in:

- **The Draft Executive Early Concepts Proposals of the 2024 Update** that was issued for public review and comment January 30 through February 24, 2023. Notice of the comment period was provided via the County website, County email distribution lists, social media, and printed notices. The Early Concepts Proposals did not include a specific recommendation for this study, but did identify that the zoning for the property and the vicinity was being evaluated for possible changes. No public comments were received on this item.
- The Executive's draft recommendation for this study was included in the **Public Review Draft of the 2024 Update** that was issued for public review and comment in June to July 2023. Notice of the comment period was provided via the County website, County email distribution lists, social media, and area-specific newspaper notices. Information about public comments received during this time will be included in the final version of this study that will be submitted to the Council in December 2023.

Additional engagement may occur after the County receives the final report on the condition of the septic system, depending on the results.

¹⁹ Urban Growth Capacity Report [\[LINK\]](#)

²⁰ Comprehensive Plan Policies U-185 to U-190; K.C.C. 20.18.170 and -.180

²¹ Census Viewer (arcgis.com) [\[LINK\]](#)

III. Conclusion and Recommendation

A. Conclusion

No information has been submitted to the County showing that the site meets requirements to allow extension of sewer service to the rural area. The site also does not meet the requirements for addition to the Urban Growth Area. In order for the Black Diamond Fire Station to connect to sewer service, either:

1. The County must receive technical documentation from a septic expert describing existing health and safety problems that cannot be addressed by upgrading the septic system; or
2. Changes to the CPPs, Comprehensive Plan, Code, land use designation, and/or zoning classification would need to be adopted to add the property to the Urban Growth Area. Any such changes would need to be evaluated for consistency with the requirements in the Growth Management Act, including limitations on where sewer service is allowed and the mandate to preserve the rural area and limit sprawl. Given that there is an alternative pathway in Option 1 above, changing these policies to add the property to the Urban Growth Area is the least feasible path.

B. Recommendation

No changes are recommended at this time. This recommendation may be revisited pending the completion and review of the septic system analysis that is anticipated to be completed later in 2023. A final Executive recommendation will be issued with the transmittal of the 2024 Comprehensive Plan to the King County Council in December 2023.