



2020 Docket Report
King County Comprehensive Plan
June 2020

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. Due to the COVID-19 pandemic, the transmittal in 2020 has been delayed by sixty days.

¹ King County Code 20.18.050 and 21A.44.060

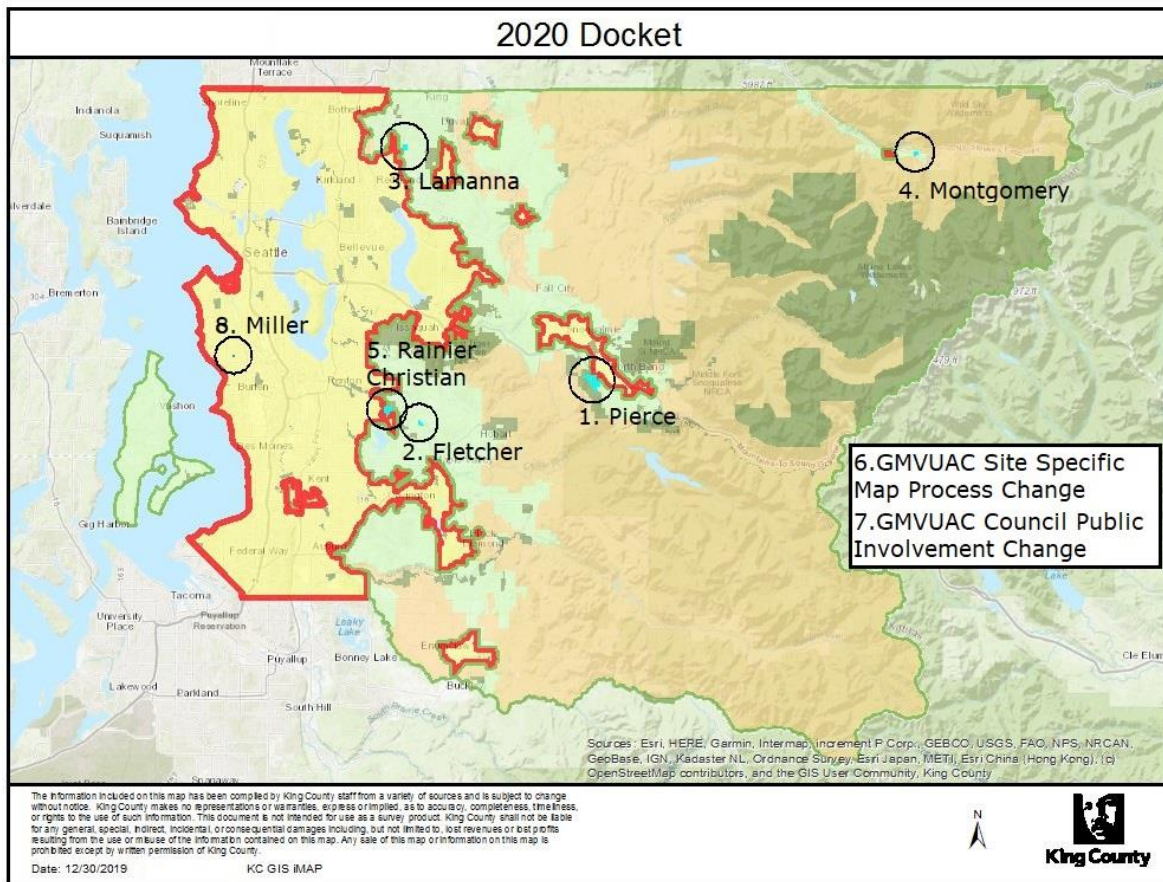
² Link to Docket webpage: <https://www.kingcounty.gov/depts/executive/performance-strategy-budget/regional-planning/king-county-comprehensive-plan/amend/docket.aspx>

³ King County Code 20.18.140 and 20.18.030

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.

II. Summary of Submittals

King County received eight Docket submittals for consideration in the 2020 Docket process by the deadline of December 31, 2019. The complete set of submitted materials for the 2020 Docket process can be found in the 2020 Docket Submittals Report.⁴ The following map identifies the location of the 2020 Docket items.



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

⁴ Link to webpage: <https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/Comprehensive-Plan/2020-Docket-Submittals-Report.aspx>

classification, background information, policy review, and concludes with an Executive recommendation.

| Docket Item | Council District | Submittal, Background and Recommendation |
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| 1. Mr. & Mrs. Pierce | 3 | <p>Submittal: Request to use Four to One Program in order to change a portion of two parcels adjacent to the City of North Bend from Rural Area to Urban, and to permanently protect the remainder as King County owned open space. Parcel numbers are 1723089006 and 2607740120.</p> <p>Discussion: This is a request to amend the urban growth area boundary through use of the Four to One program. Four to One submittals are eligible to be considered in an annual update. The Four to One Program is a discretionary land use map amendment process. Information on the Four to One Program can be found at:</p> <p style="text-align: center;">https://www.kingcounty.gov/depts/executive/performance-strategy-budget/regional-planning/king-county-comprehensive-plan/amend/4to1.aspx</p> <p>One eligibility criteria is that the adjacent city agrees to add the new urban land that would be created into their Potential Annexation Area. In cases where the city is the provider of services, they would need to be supportive of providing urban services to serve the new urban development. Relevant provisions state the following:</p> <p style="padding-left: 40px;">20.18.170.D. states that proposals adjacent to incorporated area or potential annexation areas shall be referred to the affected city and special purpose districts for recommendations.</p> <p style="padding-left: 40px;">Countywide Planning Policy DP-17(g) requires an agreement between King County and the city or town that the area will be added to the city's Potential Annexation Area.</p> <p>The relevant city for this Four to One is North Bend, and the City provided a letter stating that it does not support this proposal (see attachment). The City has concerns regarding the impacts to environmentally sensitive areas of the site, impacts on nearby open space, the inability of the parcel to support urban levels of density, and concerns regarding the provision of water, sewer, emergency, and other services.</p> <p>Executive Recommendation: Based on these issues, this Docket request is not supported by the Executive.</p> |

| Docket Item | Council District | Submittal, Background and Recommendation |
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| 2. Mr. & Mrs. Fletcher | 9 | <p>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.</p> <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. 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 a number of reasons, and these are stated 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>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.</p> |
| 3. Peter Lamanna | 3 | <p>Submittal: Request to change speed limits from 35 to 25 mph on Bear Creek Road NE and NE 132nd Street between Avondale Road NE and NE 133rd Street to address traffic conditions, lack of law enforcement, and safety.</p> <p>Discussion: This is a request for a change to posted speed limits on a road segment in the Bear Creek area. While this request is eligible to be considered in an annual update, the Comprehensive Plan does not direct speed limits and therefore is not the appropriate mechanism for considering this change.</p> <p>That said, King County uses criteria based on the Washington State Model Traffic Ordinance (RCW 46.04; WAC 303-308), the King County Code, crash history, and the Manual on Uniform Traffic Control Devices (MUTCD) in the evaluation of posted speed limits. The MUTCD is a Federal Highway Administration document, which has been adopted by most public agencies and provides guidelines for traffic control devices and pavement markings.</p> |

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| | | <p>The locations in question were evaluated by the Road Services Division’s Traffic Engineering Section for changes to the posted speed limits using said criteria. As a result of the investigation it was determined a change to the existing posted speed limit was not justified.</p> <p>Executive Recommendation: Based on these citations, there are currently no plans to lower the speed limit.</p> |
| 4. Mr. & Mrs. Montgomery | 3 | <p>Submittal: Request to change land use and zoning on one parcel outside of the City of Skykomish from Rural Area 2.5 to Urban Residential 12, in order to allow for a cluster village of small homes and Recreational Vehicle parking. Parcel number is 3026129019.</p> <p>Discussion: This Docket requests an urban area zoning designation on a Rural Area parcel; this is not allowed under the King County Comprehensive Plan or King County Code. Allowing this would require substantive changes to existing Comprehensive Plan policies and therefore this request is not eligible to be considered in an annual update. The following text addresses the substantive issues raised by this request.</p> <p>The subject parcel is zoned Rural Area 2.5, which is a designation established to recognize typically smaller parcel in the Rural Area that existed at the time the first Growth Management Act Comprehensive Plan was adopted by King County in 1994. The policies and text related to Rural Area 2.5 zoning are provided below.</p> <p>Although King County intends to retain low residential densities in the Rural Area, residential development has occurred in the past on a wide variety of lot sizes. Both existing homes on small lots and rural infill on vacant, small lots contribute to the variety of housing choices in the Rural Area. In some cases, however, rural-level facilities and services (e.g. on-site sewage disposal, individual water supply systems) may not permit development of the smallest vacant lots. Policy R-309 recognizes that some of the Rural Area has already been subdivided at a density greater than one lot per five acres (for example, parts of the shoreline of Vashon-Maury Island) when the original 1994 Comprehensive Plan was adopted, and applied a zoning category to <i>just those properties in existence at that time</i>. Zoning to implement policies R-306 through R-309 has been applied through subarea and local plans and area zoning maps. <i>(emphasis added)</i></p> <p>R-309 The RA-2.5 zone has generally been applied to Rural Areas with an existing pattern of lots below five</p> |

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| | | <p>acres in size that were created prior to the adoption of the 1994 Comprehensive Plan. These smaller lots may still be developed individually or combined, provided that applicable standards for sewage disposal, environmental protection, water supply, roads and rural fire protection can be met. A subdivision at a density of one home per 2.5 acres shall only be permitted through the Transfer of Development Rights from property in the designated Rural Forest Focus Areas. The site receiving the density must be approved as a Transfer of Development Rights receiving site in accordance with the King County Code. Properties on Vashon-Maury Island shall not be eligible as receiving sites.</p> <p>This policy reflects the designation of the RA-2.5 zone to the lots that existed prior to adoption of the 1994 Comprehensive Plan and it establishes guidance for how these lots are to be realized. Meaning, to realize the RA-2.5 density, the purchase of a transferable development right is required. Given the size of the parcel, it may be possible to add more than one unit and that would be clarified through discussions with the Department of Local Services – Permitting Division.</p> <p>Executive Recommendation: Rural Area 2.5 zoning is the densest Rural Area zoning classification, and the request to allow greater densities would not be consistent with the Comprehensive Plan. Among others, one inconsistency is that greater levels of density typically require public sewer system service and this is not allowed in the Rural Area, except in very limited exceptions. Based on this, this Docket request would not be supported by the Executive.</p> <p>Additional Information: Options other than what was requested may exist for this parcel. Under the RA-2.5 zoning designation, the property may have the potential to create one additional lot using a Transfer of Development Rights program. Also, one of the allowed uses under this zoning is for a Recreational Vehicle (RV) park, subject to approval of a Conditional Use Permit (CUP) and with the following conditions:</p> <p style="padding-left: 40px;">KCC21A.08.040: Recreational vehicle parks are subject to the following conditions and limitations:</p> <ol style="list-style-type: none"> a. The maximum length of stay of any vehicle shall not exceed one hundred eighty days during a three-hundred-sixty-five-day period; b. The minimum distance between recreational vehicle pads shall be no less than ten feet; and |

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| | | <p>c. Sewage shall be disposed in a system approved by the Seattle-King County health department.</p> <p>The definition of an RV park is as follows:</p> <p style="padding-left: 40px;">KCC21A.06.965 Recreational vehicle parks: the use of land upon which two or more recreational vehicle sites, including hook up facilities, are located for occupancy by the general public of recreational vehicles as temporary living quarters for recreation or vacation purposes. (Ord. 10870 § 233, 1993).</p> <p>Last, the subject parcel is within the landslide hazard area and at the time of a future proposed subdivision application, the Permitting Division can require an assessment of geological risk associated with landslide areas.</p> |
| 5. Rainier Christian School | 9 | <p>Submittal: Request to use Four to One Program to change a portion of one parcel in the Fairwood unincorporated urban area from Rural Area to Urban, and to permanently protect the remainder as King County owned open space. Parcel number is 2523059086.</p> <p>Discussion: This is a request to amend the urban growth area boundary through use of the Four to One program. Four to One submittals are eligible to be considered in an annual update.</p> <p>The Four to One Program is a discretionary land use map amendment process. The core purpose of the program is to create a continuous band of open space alongside the 1994 urban growth area boundary. This core purpose has existed since the creation of the program in 1994. To support this core purpose, the Four to One Program has not approved a Four to One proposal directly adjacent to the new urban area created by a previous Four to One. This avoids a domino effect of urban growth area expansions.</p> <p>Directly adjacent to the proposed site for this Four to One proposal is the Glacier Ridge/McGarvey Park Four to One project, which was approved in 1994 and resulted in approximately 100 new acres of urban area. This urban area remains unincorporated today. The Four to One proposal in the 2020 Docket would further extend the new urban land that was created with the previous Four to One. This is not consistent with the core purpose of the program, and could establish a precedent antithetical the program's desired outcomes. This area was considered for redesignation to urban in 2004 and 2012 and, in both cases, was denied.</p> <p>In addition, there may be site challenges that would preclude urban levels of development. The parcel was formerly used by the United States Department of Defense as a missile base. The full record of cleanup of the site is not available to the County and there is a risk that contamination</p> |

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| | | <p>may still exist. The site was transferred to the United States Department of Education, and there are records that a covenant may exist that precludes use for anything other than educational purposes.</p> <p>Executive Recommendation: Based on these factors, this Four to One is not supported by the Executive.</p> |
| 6. Greater Maple Valley Unincorporated Area Council | 9 & 3 | <p>Submittal: Request for procedural change to require the King County Council to prepare and publish responses to the public comments that it receives on the King County Executive's Executive Recommended Comprehensive Plan updates.</p> <p>Discussion: This request is for a procedural change that would not necessarily require a change to policies and is therefore eligible for consideration in an annual update. The Executive and Legislative branch work to meet the Growth Management Act goals for early and continuous public engagement. Documentation of the update process is provided with every major update in an appendix that is entitled <i>Summary of Public Outreach for the Development of the King County Comprehensive Plan Update</i>. This appendix lists dates of meetings, groups involved or consulted, and estimates of overall involvement.</p> <p>Since 2012, the Executive has supplemented this appendix with a companion document that shows outreach materials such as postcards or e-newsletters, mailings, meeting summaries, and this includes the full set of written comments along with written responses.</p> <p>The Council process is legislative, and there is a permanent record of each meeting when the Comprehensive Plan is discussed, including agendas and minutes, with oral and written comments. There is also a video of each meeting that includes presentations, public testimony, and Council discussions.</p> <p>Executive Recommendation: The Executive branch and the Legislative branch each manage their own portion of Comprehensive Plan update process. It will be for the Council to decide if this request is supported during its stages of the process.</p> |
| 7A. Greater Maple Valley Unincorporated Area Council | 9 & 3 | <p>Submittal: Request for procedural changes to require Site-Specific Land Use Map Amendments be reviewed through the Type 4 Quasi-Judicial Hearing Examiner process, and not be allowed to be considered legislatively through the Comprehensive Plan process. As part of this, require that land use and zoning changes that affect the same parcel be considered together, rather than bifurcated with zoning going through the hearing examiner process and land use going through the Comprehensive Plan process.</p> |

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| | | <p>Discussion: This request is for a procedural change that would not necessarily require a change to policies and is therefore eligible for consideration in an annual update. Under the Growth Management Act, land use decisions are legislative actions. In King County, changes to land use designations are exclusively legislative decisions that are enacted through updates to the Comprehensive Plan's Land Use Map. Portions of the land use process, such as zoning reclassifications, may be delegated to administrative processes, but even these are ultimately brought to the County Council for legislative action.</p> <p>As noted in King County Code Title <i>20.20.20 Classifications of Land Use Decision Processes</i>, land use permit decisions are classified into four types, based on who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made, and whether administrative appeals are provided. Type 4 decisions are quasi-judicial decisions made by the County Council based on the record established by the hearing examiner.</p> <p>Given this, it appears that the request is to require hearing examiner review of all land use changes prior to Council action. This approach raises issues. The hearing examiner's purpose, as defined in King County Code 20.22.020, is to consider and apply adopted county policies and regulations. The hearing examiner is required to separate the application of regulatory controls from the legislative planning process. Hearing examiner decisions are to be based on adopted King County codes and policies, state statutes, regulations, and appellate court decisions. An example of this role is described in King County Code 20.22.150, wherein the examiner issues a recommendation regarding an application for a zone reclassification of property and the recommendation is based on the Comprehensive Plan, subarea plans, subarea studies, or area zoning studies. This makes clear that the hearing examiner ensures fair application of adopted provisions, not the creation of new provisions.</p> <p>Given that planning and comprehensive planning processes by their nature involve making discretionary decisions to potentially alter adopted codes and policies (while of course guided by state statutes and regulations), requiring the hearing examiner to make these types of discretionary recommendations appears inconsistent with their defined role. Further, the typical planning process is for the Executive branch to manage the planning function, develop, and transmit planning recommendations to Council for their consideration, refinement, and adoption.</p> <p>Executive Recommendation: Based on these factors, this request is not supported.</p> |

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| 7B. Greater Maple Valley Unincorporated Area Council | 9 & 3 | <p>Submittal: Request for procedural changes to expressly provide that site-specific land use proposals cannot be added as a last minute amendment by the King County Council during its consideration of a Comprehensive Plan update.</p> <p>Executive Recommendation: As noted previously, the Executive branch and the Legislative branch each manage their own portion of Comprehensive Plan update process. Council will decide if this request is supported during its stages of the process.</p> |
| 8. Richard Miller | 8 | <p>Submittal: Request to change land use and zoning on one parcel in the North Highline Unincorporated Urban Area from Urban Residential Medium to Urban Planned Development, and from R-8 (8 units per acre) to R-48 (48 units per acre) zoning. Parcel number is 0623049298.</p> <p>Discussion: This request relates to the North Highline urban unincorporated area, which is currently undergoing a subarea land use planning process. Additionally, the parcel is directly adjacent to a parcel that is being considered for a substantial upzone that is part of the Comprehensive Plan 2020 update. Links to both of these are as follows:</p> <p style="padding-left: 40px;">North Highline Subarea Planning: https://www.kingcounty.gov/depts/local-services/permits/planning-regulations/community-service-area-land-use-subarea-plans/north-highline.aspx</p> <p style="padding-left: 40px;">2020 Update – Area Studies (see Area Study 3): https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/2020-Comprehensive-Plan-Update/2020-Exec-Recommended-Plan/Area_LandUse_Zoning_Studies-2020Update.ashx</p> <p>Executive Recommendation: Given the land use focus of the subarea planning process, and the intent to look at zoning, land use, property-specific development conditions, and special district overlays in each of the subareas, the Executive recommends that this request be considered within the subarea planning process and this change is not recommended until such process occurs.</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

The following public comments were submitted on the Docket Submittals following the release of the 2020 Docket Submittals Report.

- Letter from City of North Bend

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 two attachments:

- A. Public Comments
- B. Docket Submittals Report, January 2020

Supporting Materials for 2020 Docket Report

King County Comprehensive Plan

June 2020

2020 Docket Report
King County Comprehensive Plan
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Public Comment

1. Letter from City of North Bend
2. Comments from Greater Maple Valley Unincorporated Area Council on Docket items 4 (Fletcher) and 5 (Rainier Christian School)

January 10, 2020



Ivan Miller
Comprehensive Planning Manager
King County Executive's Office of Performance Strategy and Budget

RE: King County 2020 Docket for Mr. and Mrs. Pierce

Ivan,

It was great to talk on the phone January 9, 2020 with you. The City of North Bend (City) was notified January 3, 2020 that a docket was submitted to King County adjacent to the City and outside the City's Urban Growth Area (UGA). The request is to use the Four-to-One Program to change a portion of two parcels adjacent to the City from Rural Area to Urban, and to permanently protect the remainder as King County owned open space. The Tax ID numbers are 1723089006 and 2607740120. The City has several concerns and constraints identified below. The Pierce docket is not supported by the City because of the number of unsurmountable issues and additionally the proposal does not appear to meet the provisions outlined in the Four-to-One program.

There are numerous concerns with proposing clustered development (of potentially 40 homes) adjacent to the Forester Woods neighborhood:

1. The project area is identified on City of North Bend Critical Area Ordinance Figures 3 and 5 (which uses King County GIS data) as having extensive Debris Flow Hazard and Five (5) Type F streams with 115' buffers on both sides. According to the Streams map alone the area proposed for urban density is almost entirely within Type F Stream buffers.
2. The City's Waste Water Treatment Plant does not have capacity for more residential growth for at least 3 years or more while improvements are made. The City supports consistency with the Growth Management Act (GMA) by not extending public sewer outside the Urban Growth Boundary.
3. The City has many concerns with our ability to supply mitigation water and must limit service to existing properties within the City before annexing or extending water service beyond our corporate limits.
4. This property is not only located outside City Limits, it is also outside the City's UGA. The City has existing UGA areas with no immediate plans or desire for annexation at this time. The City's UGA identified by the State and adopted in 1994 has not changed and the City supports expanding our existing UGA prior to any increase in the UGA.
5. Viewshed impacts with further residential development towards existing open spaces would be a concern to the City and likely the Mountains to Sound Greenway Trust. The City, Si View Metropolitan Park District, King County and the Trust For Public Land purchased nearly 32 acres of land slated for development nearby for development of Tennant Trailhead Park.

These parcels include 0823089049, -018 and -014. The City is proud of the continuous public ownership that connects North Bend to Rattlesnake Mountain.

6. The State's Boundary Review Board would have to approve expansion of the City UGA. This area has never been considered by the City as a desirable area for UGA expansion. This proposal is likely inconsistent with many goals and policies of the City (and County) Comprehensive Plans and Policies, including City Policy LU- 1.3 to locate residential land uses in environmentally unconstrained areas and City Policy LU- 9.6 which supports annexation only within identified UGA areas. The City's Comprehensive Plan Goal 8 and Policies calls for protection for people and property from the risks and negative effects of unstable slopes and landslide areas and Policy 8.4 calls for the City to work with the County to restrict development in landslide hazard areas and their flow paths.
7. If pre-annexation zoning were applied, The City would likely assign CLDR (constrained low density residential 2 units per acre zoning) and with the numerous environmental constraints development at that density is unlikely. This appears to go directly against the King County Four to One Criteria which states that new urban land shall have a minimum density of 4- dwelling units per acre and be served directly and sufficiently free of environmental constraints in order to allow urban densities.

Thank you for consideration of our comments. Please keep us informed as this goes through King County review.



Rob McFarland, Mayor
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Cc: Mark Rigos, P.E. Public Works Director/Interim City Administrator
David Miller, CED Director, City
Jamie Burrell, Senior Planner, City

**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.

“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 #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 Rimbo, 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.

2020 Docket Report
King County Comprehensive Plan
June 2020

Attachment

A. 2020 Docket Submittals Report

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