

## **Attachment A**

### King County Comprehensive Plan 2003 Amendments

- Amendments to Policies E-168 and E-169
- Amendments to the land use designation, zoning and development conditions for the "Tanner Mill" properties within the North Bend Urban Growth Area

## Policy E-168 and E-169 Amendments

Policies E-168 and E-169 are amended to read as follows:

**E- 168** King County shall designate and protect, through measures such as regulations, incentives, capital projects or purchase, the following Fish and Wildlife Habitat Conservation Areas found in King County:

- a. Habitat for federal or state listed Endangered, Threatened or Sensitive species.
- b. Habitat for Salmonids of Local Importance: kokanee/sockeye/red salmon, chum salmon, coho/silver salmon, pink salmon, coastal resident/searun cutthroat, rainbow trout/steelhead, bull trout, Dolly Varden, and pygmy whitefish, including juvenile feeding and migration corridors in marine waters;
- c. Habitat for Raptors and Herons of Local Importance: (~~red-tailed hawk,~~) osprey, black-crowned night heron, and great blue heron;
- d. Commercial and recreational shellfish areas;
- e. Kelp and eelgrass beds;
- f. Herring, sand lance and smelt spawning areas;
- g. Wildlife habitat networks designated by the County, and
- h. Riparian corridors.

King County shall also protect the habitat for candidate species, as listed by the Washington Department of Fish and Wildlife, found in King County outside of the Urban Growth Area.

**E- 169** King County should protect the following species of local importance, as listed by the Washington Department of Fish and Wildlife and listed by King County, on lands outside of the Urban Growth Area, where they are likely to be most successful. Protection should be accomplished through regulations, incentives or purchase.

Species of local importance are:

- a. mollusks - Geoduck clam and Pacific oyster;
- b. crustaceans - Dungeness crab and Pandalid shrimp;
- c. echinoderms- Red urchin;
- d. fish - white sturgeon, Pacific herring, channel catfish, longfin smelt, surfsmelt, Pacific cod, Pacific whiting, black rockfish, copper rockfish, quillback rockfish, yelloweye rockfish, lingcod, Pacific sand lance, English sole, and rock sole;
- e. birds - Trumpeter swan, Tundra swan, Snow goose, Band-tailed pigeon, Brant, Harlequin duck, Blue grouse, Mountain quail, red-tailed hawk, and Western bluebird;
- f. mammals - marten, mink, Columbian black-tailed deer, elk, and mountain goat.

## **Policy E-168 and E-169 Amendments Background Information**

When King County adopted Policies E-168 and E-169, the state Department of Fish and Wildlife had been considering placing the red-tailed hawk on the state's Priority Species list.

Since that time, the red-tailed hawk has become the most common raptor in North America and the state is no longer considering it's placement on that list.

The proposed amendments would continue to protect habitat for this species in the Rural Area, while providing additional flexibility for growth within the Urban Areas due to the dramatic recovery of the red-tailed hawk.

# **“Tanner Mill” Amendments**

## **Land Use Map Amendment LU-1**

**Location:** North of I-90 between SE North Bend Way and SE 136<sup>th</sup> Street, east of 436<sup>th</sup> Ave SE  
Land Use Atlas Map Page 32  
Section 14, Township 23, Range 8

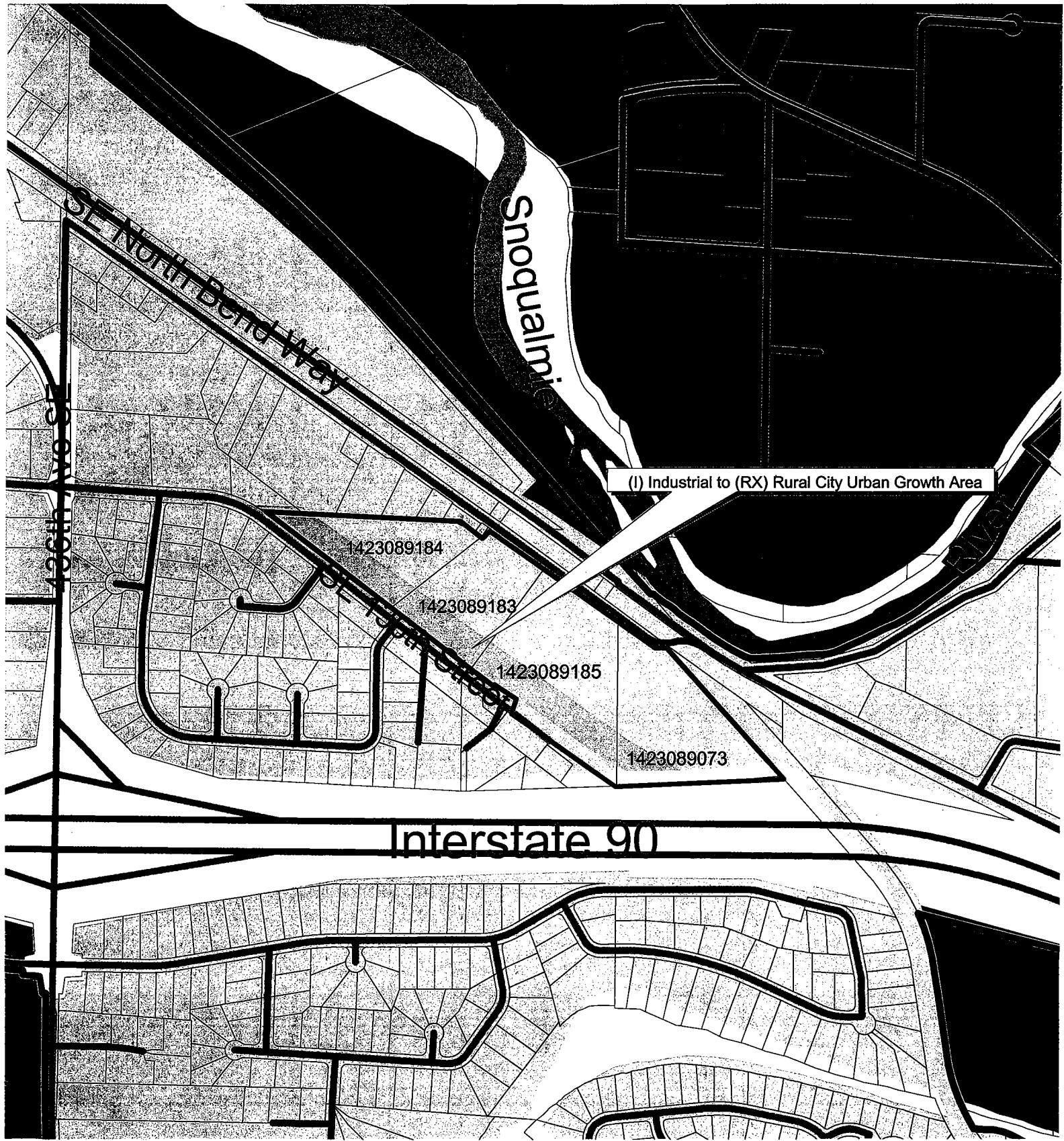
**Parcel Numbers:** 1423089184 (portion)  
1423089183 (portion)  
1423089185 (portion)  
1423089073 (portion)

**Current Land Use Designation:** Industrial  
**Proposed Land Use Designation:** Rural City Urban Growth Area

The amendment affects a portion of four parcels are located totally within the North Bend Urban Growth Area, between SE North Bend Way and SE 136<sup>th</sup> Street, just easterly of 436<sup>th</sup> Avenue SE. The affected portion of the four properties measures approximately 120' by 2,000' (totaling approximately 5.1 acres).





Surrounding land uses include commercial and industrial development to the west, north and east, Urban Reserve zoned land developed with homes to the southwest and Interstate 90 to the south. The portion of the four properties that are currently zoned Industrial contain a number of industrial uses. Utilities, including: power, telephone, and water are available to the site. Access is available through either SE North bend Way or SE 136<sup>th</sup> Street. According to the King County Geographic Information System, there are no documented sensitive areas.

**NOTE: The proposed land use designation is consistent with the remainder of the four parcels, as well as, all other properties located within the North Bend UGA.**



- Affected Parcels
- 142308-9184
  - 142308-9183
  - 142308-9185
  - 142308-9073



-  RR - Rural Residential
-  RX - Rural City Urban Growth Area
-  I - Industrial
-  Urban Growth Line

# North Bend Land Use Amendment LU-1

# **“Tanner Mill” Amendments**

## **Zoning Map Amendment AZ-1**

**Location:** North of I-90 between SE North Bend Way and SE 136<sup>th</sup> Street, east of 436<sup>th</sup> Ave SE  
Zoning Atlas Map Page 32  
Section 14, Township 23, Range 8

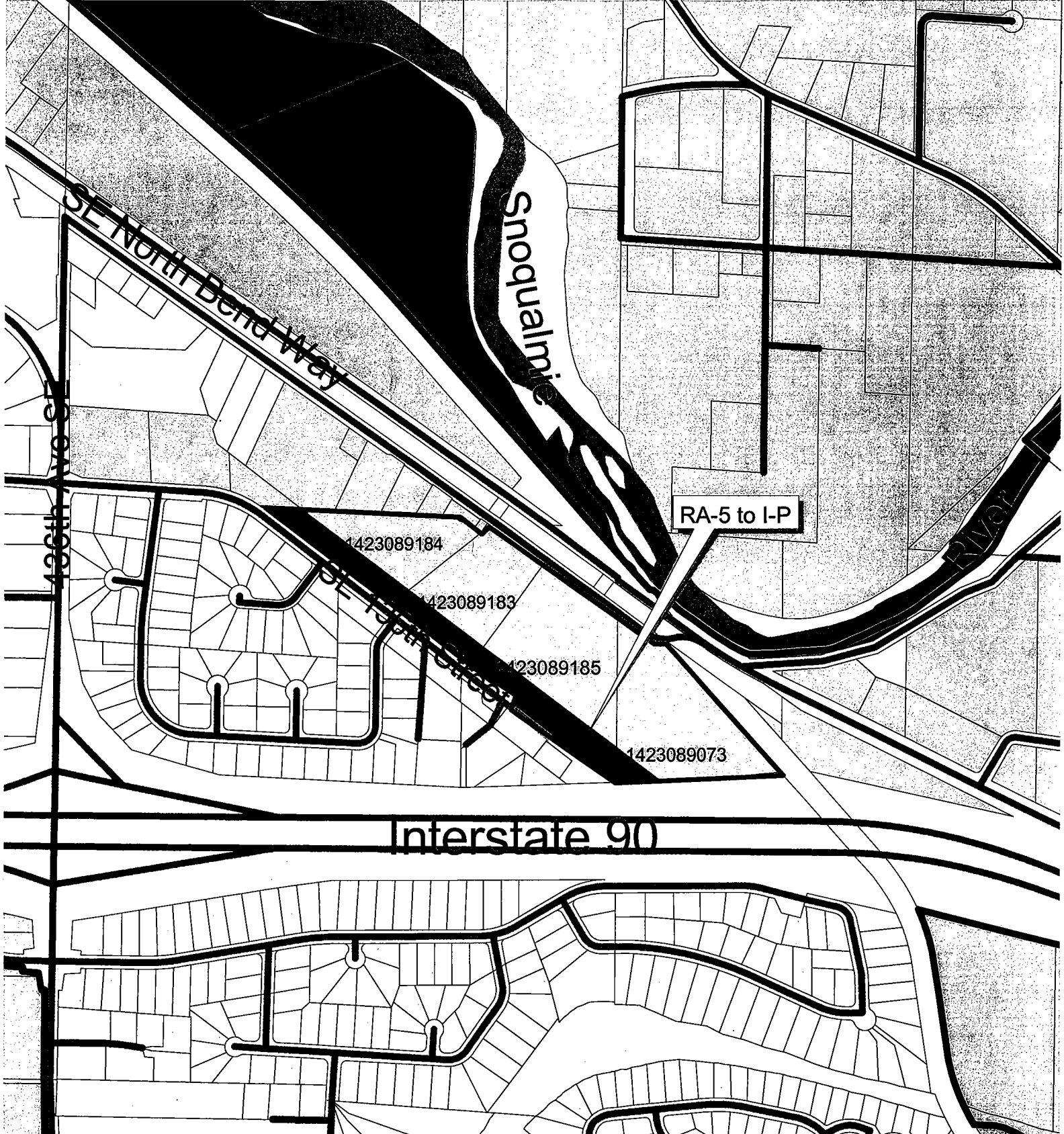
**Parcel Numbers:** 1423089184 (portion)  
1423089183 (portion)  
1423089185 (portion)  
1423089073 (portion)








**Current Land Use Designation:** Industrial  
**Current Zoning:** RA-5 (Rural - one dwelling unit per 5 acres)  
**Proposed Zoning:** I-P (Industrial with conditions)

The amendment affects a portion of four parcels are located totally within the North Bend Urban Growth Area, between SE North Bend Way and SE 136<sup>th</sup> Street, just easterly of 436<sup>th</sup> Avenue SE. The affected portion of the four properties measures approximately 120' by 2,000' (totaling approximately 5.1 acres).

Surrounding land uses include commercial and industrial development to the west, north and east, Urban Reserve zoned land developed with homes to the southwest and Interstate 90 to the south. The portion of the four properties that are currently zoned Industrial contain a number of industrial uses. Utilities, including: power, telephone, and water are available to the site. Access is available through either SE North bend Way or SE 136<sup>th</sup> Street. According to the King County Geographic Information System, there are no documented sensitive areas.

**NOTE: The proposed zoning is consistent with the remainder of the four parcels.**



-  Regional Business zone
-  RA 10 zone
-  RA 5 zone
-  RA 2.5 zone
-  Industrial zone
-  Urban Reserve zone
-  Urban Growth Line

Affected Parcels  
 142308-9184  
 142308-9183  
 142308-9185  
 142308-9073



# North Bend Zoning Amendment AZ-1

## **“Tanner Mill” Amendments P-Suffix Revision**

**Location:** North of I-90 between SE North Bend Way and SE 136<sup>th</sup> Street, east of 436<sup>th</sup> Ave SE

**Parcel Numbers:** 1423089184 (all)  
1423089183 (all)  
1423089185 (all)  
1423089073 (all)

**Current P-Suffix:**

1. The uses on the subject property shall be limited as follows:
  - a. Parcels 1 and 2 to log storage and moorage and saw mills, and shingle mills and lumber mills, wood planing mill (SIC 2421, 2429), and accessory use as follows:
    1. Circle head saw;
    2. Planer;
    3. Log truck deliveries and lumber shipments;
    4. Yard equipment usage such as rubber tire forklift, log stacker and crawler tractor;
    5. Two resaws;
  - b. Parcel 3 to truck repairing and rental (SIC 7359, 7699), and truck parking (limit 12).

**Proposed P-Suffix:**

1. Uses on the subject property shall be limited to:
  - a. log storage and moorage, saw mills, shingle mills, lumber mills, and accessory uses;
  - b. utility service center; and
  - c. employment park uses, such as light manufacturing, indoor fabrication, distribution, research and development, finance and other service related business. Heavy industrial may be allowed with additional review.
2. Access to the subject property shall only be by way of SE North Bend Way.
3. A 50 foot wide Type 1 landscape buffer shall be maintained along SE 136<sup>th</sup> Street and adjacent to any residential zone and Interstate 90.

**NOTE: The proposed p-suffix is consistent with the conditions recommended as part of the 1994 Snoqualmie Valley Community Plan Area Zoning Study and applied to the former right-of-way portion of the four properties under Ordinance 11665.**



## **“Tanner Mill” Amendments Background Information**

The affected parcels are part of an area formerly occupied by the Tanner Mill and an adjacent 100-foot wide right-of-way, which was sold as surplus property by the state Department of Transportation in 1981. In 1981, the Tanner mill properties were zoned MH (Heavy Manufacturing) subject to p-suffix conditions that generally limited uses to a sawmill and related accessory uses (Rezone File No. 112-79 adopted per Ordinance 5744).

When the right-of-way was sold as surplus property to the owners of the Tanner Mill, it was zoned AR-2.5 (Rural residential – 2.5 acres) rather than MH. Other portions of the surplus right-of-way sold to adjacent MH-zoned property were given MH zoning. Timing of the sale of the property seems to have played a part, in that, at the time of the sale the MH zoning for the Tanner Mill had not yet gone into effect.

Zoning the surplus right-of-way consistent with the soon to be effective MH zoning on the Tanner Mill site would have been consistent with the county practice of zoning surplus right-of-way identical to the zoning for the rest of the receiving site and consistent with the MH zoning given to other segments of surplus right-of-way sold to adjacent MH-zoned properties.

In 1994, by Motion 9303, the Council initiated an area zoning study to amend the 1990 Snoqualmie Valley Community Plan relating to the entire Tanner Mill site. The purpose of the study was to rezone the surplus right-of-way portion of the site and to amend the P-suffix conditions for the entire site (Tanner Mill and right-of-way) to allow a broader range of employment park uses, consistent with the city of North Bend Employment Park zone. The council also elected to review the amendments through a quasi-judicial process, rather than the legislative process typical used for area zoning studies, and directed the Hearing Examiner to conduct the hearing as soon as the study was completed and to transmit a recommendation to council within 14 days of the conclusion of the hearing.

Responding to Motion 9303, the Planning and Community Development Division (P&CD) contracted with David Nevens Associates to conduct the area zoning study. This study was completed on December 5, 1994 and recommended that the surplus right-of-way portion of the site be zoned Industrial (I) and that the P-suffix conditions allowing a broader mix of industrial uses be applied to the entire Tanner Mill site.

On December 20, 1994, the Examiner conducted the public hearing. On January 4, 1995, the Examiner issued a report recommending adoption of Industrial zoning for the surplus right-of-way portion of the site and applied the revised p-suffix conditions for the right-of-way consistent with the recommendations of the area zoning study. Interestingly, the Examiner describes the request as only

applying to the right-of-way portion of the site despite the fact that Motion 9303, the area zoning study, the environmental checklist submitted for the hearing and the public notice for the hearing all clearly indicate that P-suffix conditions for the entire Tanner Mill site were intended to be addressed. On January 19, 1995, the council adopted Ordinance 11665 implementing the recommendations contained in the Examiner's January 4<sup>th</sup> report.

The difference between the intent and action, as relates to the remaining, larger portion of the Tanner Mill site, went unnoticed when the council adopted Ordinance 11665 and remained unnoticed when the Department of Development and Environmental Services issued a permit for a communications center for a portion of the Tanner Mill owned by Puget Sound Energy.

To further complicate matters, the council adopted Ordinance 12824, as part of the county-wide review of p-suffix conditions in 1997. This ordinance was written in such a way that the Industrial zoning and the p-suffix conditions of the right-of-way portion of the site adopted under Ordinance 11665 were inadvertently repealed and the area rezoned RA-5.

### **Conclusions:**

#### **Land Use:**

The current land use designation of the former right-of-way portion is Industrial. While this is not inconsistent with the proposed zoning change, it is different that the land use designation of all other properties, including the remaining majority of the Tanner Mill site, contained within the North Bend Rural City UGA.

#### **Zoning:**

The current RA-5 zoning is inconsistent with prior council intent per Motion 9303 and Ordinance 11665 (adopted January 1995). The 1997 reinstatement of the RA-5 zoning under Ordinance 12824 appears to be unintended, having occurred during the massive review of all properties in the county with P-suffix conditions.

Furthermore, the current RA-5 zoning is inconsistent with the current Industrial land use designation, the proposed Rural City UGA designation, King County Comprehensive Plan policies and Countywide Planning Policies governing the location of Rural zoning.

#### **P-Suffix Conditions:**

The current P-suffix conditions reflect those initially placed on the Tanner Mill properties in 1981. In 1994, circumstances had already so significantly (i.e. passage of the Growth Management Act, inclusion of the entire Tanner Mill site within the North Bend UGA and the intent of the City of North Bend to designate the commercial and industrial area along SE North Bend Way as "Employment Park") that the council adopted a motion for an area zoning study to implement new P-suffix conditions allowing more flexibility of uses, consistent with the city's

Employment Park designation. This intent was also clearly reflected in the area zoning study, as well as, the environmental checklist prepared by PC&D and the public notice sent for the public hearing before the Hearing Examiner.

Despite all the clearly stated intent to address the P-suffix conditions for the entire Tanner Mill properties, the Examiner report was focused solely upon the former right-of-way portion. It is unknown as to why there was such a limited focus and the fact that it was limited to just that portion of the Tanner Mill properties appears to be an oversight, as opposed to a clearly stated intent.