



2004-114

**King County**

**Metropolitan King County Council**

Stafford L. Smith, Hearing Examiner

400 Yesler Way, Room 404  
Seattle, WA 98104

206-296-4660  
296-296-1654 Fax

January 13, 2004

TO: Larry Phillips, Chair, Metropolitan King County Council  
FROM: Stafford L. Smith, King County Hearing Examiner  
RE: Site-specific land use map amendment applications for review in 2004

Attached is my annual report as required by KCC 20.18.055 and 20.24.400 regarding site-specific land use map amendments reviewed by the Hearing Examiner's Office in December 2003 for inclusion in the Council's 2004 Comprehensive Plan review. Copies of the three recommendations issued are appended to the report.

Please do not hesitate to contact me if you have any questions or comments.

Enc.

cc: Councilmembers  
Ron Sims, County Executive  
Stephanie Warden, DDES Director  
Paul Reitenbach, DDES  
Greg Borba, DDES

**Carolyn Edmonds** District 1  
**Larry Phillips** District 4  
**Pete von Reichbauer** District 7  
**Larry Gossett** District 10  
**Julia Patterson** District 13

**Bob Ferguson** District 2  
**Dwight Pelz** District 5  
**Dow Constantine** District 8  
**Jane Hague** District 11

**Kathy Lambert** District 3  
**Rob McKenna** District 6  
**Steve Hammond** District 9  
**David Irons** District 12

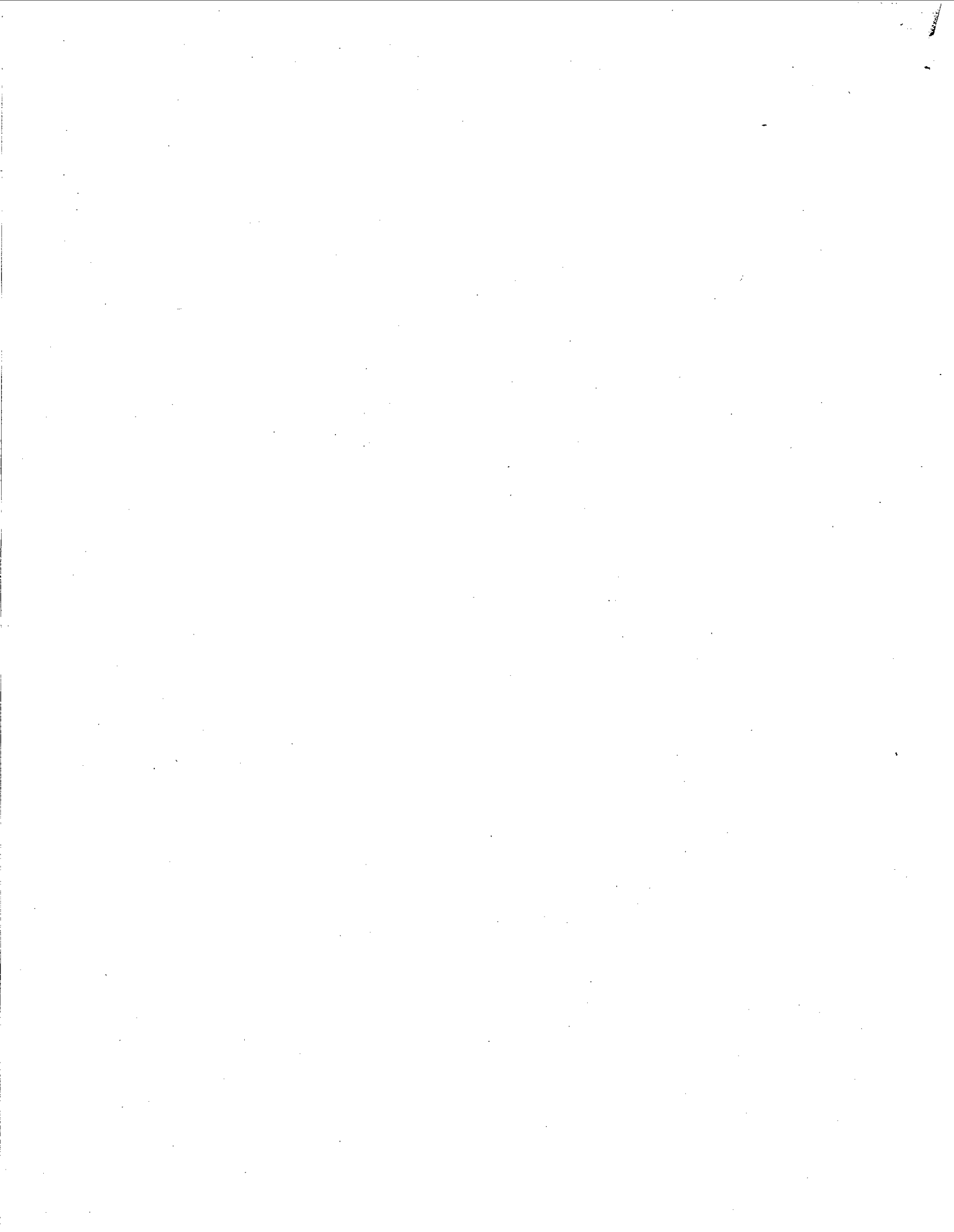
411-4002

**2004**  
**Annual Report**  
**to**  
**Metropolitan King County Council**  
**on**  
**SITE-SPECIFIC LAND USE MAP AMENDMENT**  
**APPLICATIONS**

This is the first year that the Hearing Examiner's Office has conducted legislative hearings on site-specific land use map amendments applications under authority of KCC 20.18.040 *et seq.* Not surprisingly, the process was a mixed success, with two of the three applications reviewed deemed not qualified for annual review consideration since they sought amendments to the County's Urban Growth Area. Because 2004 allows consideration by the Council of changes to the Urban Growth boundary, some applicants apparently concluded that the Hearing Examiner review process provided an avenue for initiating such consideration.

As detailed in the attached Woodinville Alliance Church and Renton Christian Center reports, KCC Chapter 20.18 makes no provision for expanded Hearing Examiner jurisdiction to consider Urban Growth Area amendments as part of the four-year cycle. Nor would such expanded review be appropriate unless the code provisions were revised to clearly define and limit the circumstances under which an amendment to the Urban Growth line were to be deemed permissible.

Until the code framework is changed, the more pertinent question is probably whether any useful purpose is served by allowing these Urban Growth Area amendment applications to go forward as part of the site-specific map amendment review. It might be better if they were simply rejected at the outset by DDES as inappropriate requests. After completion of the Council's Comprehensive Plan review, these and other questions related to the current procedures set forth in KCC 20.18 should be analyzed jointly by DDES and the Hearing Examiner with the goal of identifying changes necessary to improve the process.



December 29, 2003

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

400 Yesler Way, Room 404  
Seattle, Washington 98104  
Telephone (206) 296-4660  
Facsimile (206) 296-1654

**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL  
ON A PROPOSED SITE-SPECIFIC LAND USE AMENDMENT APPLICATION**

**SUBJECT:** Department of Development and Environmental Services File No. L03LUA01

**WOODINVILLE ALLIANCE CHURCH, et al**  
Site-Specific Land Use Amendment Application

**Location:** 13940 Northeast 166<sup>th</sup> Street, Woodinville

**Applicant:** Woodinville Alliance Church, *represented by*  
**Lee Kirk**  
17601 Northeast 140th Avenue Northeast, #202  
Woodinville, Washington 98072

**King County:** Department of Development and Environmental Services, *represented by*  
**Paul Reitenbach**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055-1219  
Telephone: (206) 296-6705  
Facsimile: (206) 296-6614

**EXAMINER PROCEEDINGS:**

Hearing Opened: December 10, 2003  
Hearing Closed: December 10, 2003

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 King County Hearing Examiner.

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

**FINDINGS OF FACT:**

1. KCC 20.18.050 authorizes the Hearing Examiner to make a legislative recommendation on a site-specific land use map amendment initiated by a property owner application. Consideration of

Growth Management Act; that their properties are logically and functionally part of the City of Woodinville to the north; that the City is prepared to annex these properties once Urban zoning is applied; and that reasonable development of these parcels to meet the demands generated by Urban area residents nearby is currently frustrated by Rural zoning limitations relating to impervious lot area coverage and prohibition of public sewer hookups. The Woodinville Alliance Church, in particular, is contemplating a two-story classroom addition with supporting parking that cannot be implemented without an Urban zoning designation.

6. Regarding the policy merits of the question of whether this area should be redesignated from Rural to Urban, the DDES staff report for this proceeding recommends denial of the request based on the conclusion that 20-year County housing and jobs targets can be met without an Urban Growth Area expansion at this time. Moreover, staff argues that the specific request would be impactive to nearby agricultural lands, increase pressures for urban expansion and would not meet current Comprehensive Plan and County-Wide Planning Policies, including those governing removal of lands from APD status.

#### CONCLUSIONS:

1. The Woodinville Alliance Church application presents squarely the question of whether the fact that 2004 will generate a four year cycle Comprehensive Plan review effects a resultant expansion of Hearing Examiner authority to consider proposed site-specific land use amendment changes. It is clear from even a cursory reading of KCC Chapter 20.18 that the scope of Hearing Examiner authority to consider site-specific Comprehensive Plan land use amendments normally excludes proposed changes to policy or modifications of the Urban Growth boundary. KCC 20.18.030 B defines the annual cycle as entailing consideration of "amendments that do not require subsequent changes to policy language, changes to the priority areas map, or changes to the urban growth boundary. . ." Subsection 12 of KCC 20.18.030 B defines site-specific Comprehensive Plan land use amendments as actions "that do not require substantive change to comprehensive plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors." The limitations stated at KCC 20.18.030 B12 regarding site-specific land use map amendments are reiterated at KCC 20.18.040 B1.
2. We do not agree with the Woodinville Alliance Church that the four year cycle process operates to expand Hearing Examiner authority to consider Comprehensive Plan policy and Urban zoning redesignations within the context of site-specific land use map amendment review. First, as noted above, the contents of site-specific land use amendment review are explicitly delineated in a number of code sections to exclude policy issues and Urban Growth Area expansion requests. Second, there is nothing within the ordinance that suggests even implicitly that Hearing Examiner review authority should under any circumstances extend beyond site-specific land use amendments. Third, concurrently with the enactment of KCC Chapter 20.18 in 1998 a procedural amendment was made to KCC 20.24.400. This procedural provision requires the Hearing Examiner to make findings and conclusions on a proposed site-specific land use amendments' "qualification for annual review consideration, and consistency or lack of consistency with applicable review criteria". Inclusion of a requirement to determine qualification for annual review consideration implies an expectation that there will be applications presented to the Hearing Examiner that do not meet the criteria for inclusion in the annual review. The Woodinville Alliance Church application is plainly an instance of a request that is beyond the scope of Hearing Examiner review under KCC Chapter 20.18. This conclusion is reinforced by

## MINUTES OF THE DECEMBER 10, 2003, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L03LUA01.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Paul Reitenbach, representing the Department; Lee Kirk representing the Applicants, and Alan Marsh, Richard Moore, Robert Brown, Mary Schneider, Gary Hirotsuka, and Joseph Chan.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES staff report, dated November 26, 2003
- Exhibit No. 2 Application for Site-specific Comprehensive Plan Land Use Map Amendment, received September 12, 2003
- Exhibit No. 3 Legal description of subject property
- Exhibit No. 4 Site plan, received September 12, 2003
- Exhibit No. 5 SEPA Checklist, received September 12, 2003
- Exhibit No. 6 GIS map, dated May 2003
- Exhibit No. 7 Public hearing notice, mailed November 12, 2003
- Exhibit No. 8a Letter from Alan & Marilyn Marsh, dated March 18, 2003
  - 8b Letter from Mary Escobar-Brodyn and Mary Schneider, dated August 14, 2003
  - 8c Letter from Merry Moore, dated August 14, 2003
  - 8d Letter from Stephen J. Brown, dated August 14, 2003
- Exhibit No. 9 2004 King County Comprehensive Plan Update, Area Zoning Study for Sammamish Agricultural Production District – Northeast Area
- Exhibit No. 10 2004 King County Comprehensive Plan Update, Area Zoning Study for Willows Road
- Exhibit No. 11 Language revision to Comprehensive Land Use policy R547 (R-547a), proposed by Woodinville Alliance Church with attached proposed boundary map
- Exhibit No. 12 Page 3-36 of King County Comprehensive Plan, dated November 2003
- Exhibit No. 13 Memorandum in support of Woodinville Alliance Church's proposed site-specific land use amendment, from Charles E. Maduell, dated 12/10/03
- Exhibit No. 14 Printout and compact disk of Lee Kirk's PowerPoint presentation

SLS:gao  
L03LUA01 RPT

January 9, 2004

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL  
ON A PROPOSED SITE-SPECIFIC LAND USE AMENDMENT APPLICATION**

**SUBJECT:** Department of Development and Environmental Services File No. **L03LUA03**

**RENTON CHRISTIAN CENTER**  
Site-Specific Land Use Amendment Application

**Location:** 16640 Old Petrovitsky Road

**Applicant:** **Renton Christian Center**  
16640 Old Petrovitsky Road  
Renton, Washington 98058

**King County:** Department of Development and Environmental Services, *represented by*  
**Paul Reitenbach**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055-1219  
Telephone: (206) 296-6705  
Facsimile: (206) 296-6614

**EXAMINER PROCEEDINGS:**

Hearing Opened: December 23, 2003  
Hearing Closed: December 23, 2003

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 King County Hearing Examiner.

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

**FINDINGS OF FACT:**

1. KCC 20.18.050 authorizes the Hearing Examiner to make a legislative recommendation on a site-specific land use map amendment initiated by a property owner application. Consideration of site-specific land use map amendments is part of the Comprehensive Plan annual review cycle



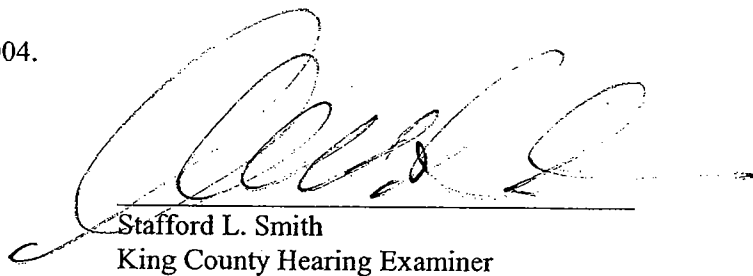
use amendments' "qualification for annual review consideration, and consistency or lack of consistency with applicable review criteria". Inclusion of a requirement to determine qualification for annual review consideration implies an expectation that there will be applications presented to the Hearing Examiner that do not meet the criteria for inclusion in the annual review. The Renton Christian Center application is plainly an instance of a request that is beyond the scope of Hearing Examiner review under KCC Chapter 20.18.

3. The Renton Christian Center application does not qualify for annual review consideration by the Hearing Examiner under authority of KCC Chapter 20.18 because it seeks an amendment of the Urban Growth boundary.
4. As pointed out by the Applicant, the approximately 17 acre extension of Rural Area lying north of the Lake Youngs watershed maybe viewed as a zoning anomaly. As such, there may be merit to studying the question of whether this portion of the Rural Area should be redesignated Urban. Such question, however, is a policy issue that is beyond the scope of a site-specific review.

**RECOMMENDATION:**

The application should be rejected on procedural grounds as inappropriate for annual review consideration.

ORDERED this 9th day of January, 2004.



Stafford L. Smith  
King County Hearing Examiner

TRANSMITTED this 9th day of January, 2004, to the parties and interested persons of record:

Dana Buck  
16029 SE 173rd St.  
Renton WA 98058

Debbie Diederich  
39129 - 200th Ave. SE  
Auburn WA 98092

Thomas Nishimura  
733 - 7th Ave.  
Kirkland WA 98033

Alex Ohlsen  
16640 SE Old Petrovitsky Rd.  
Renton WA 98058

Chris Wenkle  
806 - 23rd St. SE  
Auburn WA 98002

Greg Borba  
DDES/LUSD  
MS OAK-DE-0100

Paul Reitenbach  
DDES Senior Policy Analyst  
DDES/Director's Office  
MS OAK-DE-0100

Carol Rogers  
DDES/LUSD  
MS OAK-DE-0100

January 12, 2004

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**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL  
ON A PROPOSED SITE-SPECIFIC LAND USE AMENDMENT APPLICATION**

**SUBJECT:** Department of Development and Environmental Services File No. **L03LUA02**

**DALE FRANK**

Site-Specific Land Use Amendment Application

**Location:** 13250 Northeast 126th Place, Kirkland

**Applicant:** **Dale Frank**  
7825 Southeast 76th Street  
Mercer Island, Washington 98040  
Telephone: (206) 275-4130

**King County:** Department of Development and Environmental Services,  
*represented by Paul Reitenbach*  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055-1219  
Telephone: (206) 296-6705  
Facsimile: (206) 296-6614

**EXAMINER PROCEEDINGS:**

**Hearing Opened:** December 4, 2003  
**Hearing Closed:** December 4, 2003

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 King County Hearing Examiner.

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

**FINDINGS OF FACT:**

1. KCC 20.18.050 authorizes the Hearing Examiner to make a legislative recommendation on a site-specific land use map amendment initiated by a property owner application. KCC 20.24.400

to the west permits a density of up to eight dwellings per acre in recognition of both its proximity to single-family development and severe topographic constraints. Mr. Frank's property is also next to single family and has similar topography, although it appears to be not quite as steep. Consequently a similar density, perhaps somewhat higher, to the Kirkland property may be appropriate. If residential use is allowed on Mr. Frank's property, I recommend that special consideration be given to developing it in a manner that is compatible with the adjacent single family homes and which minimizes conflicts between the new dwellings and the property with adjacent industrial uses. The property also contains quite a number of mature trees. Retaining as many of those as possible would be desirable..."

#### CONCLUSIONS:

1. As noted in the DDES staff report, the two primary Comprehensive Plan policies bearing on this map redesignation request are U-167 and U-313. Policy U-167 specifies that existing industrial uses shall be protected, while U-313 "supports programs and strategies to preserve and plan for an adequate supply of industrial and commercial land," with subsection f specifically focused on preventing "the encroachment of non-industrial uses on industrially-zoned land and the rezoning of industrial land to other uses." Applicable Countywide Planning Policies support cooperation between King County and local cities with respect to the transfer of potential annexation areas to city jurisdiction. With respect to the Comprehensive Plan policies, DDES staff concluded that the 2002 Buildable Lands Report demonstrates a surplus industrial capacity within the Eastside subarea.
2. The protection of existing industrial uses south of Northeast 126th Place is not the issue with this application so much as the avoidance of future conflict with currently vacant industrially-zoned properties on the hillside to the east. An area study should be conducted for the entire swath of hillside industrially-zoned properties north of Northeast 126th Place in order to avoid haphazard and inconsistent development. Due to Kirkland's primary interest in the future of this area, the City would be the logical agency to perform such a study.
3. As noted above, the Frank parcel is a transitional property that neither fits perfectly into a residential nor an industrial designation. With site design review implemented through the potential zone activation process, use conflict issues such as noise buffering and building orientation can be addressed. On balance, we agree with DDES staff that the County should defer to Kirkland's recommendation that a medium density residential designation should be provided to this parcel. If an area study of the hillside is undertaken, conflicts can be avoided and no adverse impact will occur to either adjacent properties or the industrial land base.
4. The Dale Frank application qualifies for annual review consideration by the Hearing Examiner under authority of KCC Chapter 20.18 because it raises no issues of policy nor does it seek an amendment of the Urban Growth boundary. If appropriate site design review is required through the process of implementing potential zoning, redesignation of the Frank property to multifamily residential use will be consistent with the policies, objectives and goals of the County Comprehensive Plan, the Countywide Planning Policies and the Growth Management Act, and will be compatible with adjacent and nearby existing and permitted land uses and the surrounding development pattern.

January 12, 2004

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**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL  
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**Location:** 13250 Northeast 126th Place, Kirkland

**Applicant:** **Dale Frank**  
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#### CONCLUSIONS:

1. As noted in the DDES staff report, the two primary Comprehensive Plan policies bearing on this map redesignation request are U-167 and U-313. Policy U-167 specifies that existing industrial uses shall be protected, while U-313 "supports programs and strategies to preserve and plan for an adequate supply of industrial and commercial land," with subsection f specifically focused on preventing "the encroachment of non-industrial uses on industrially-zoned land and the rezoning of industrial land to other uses." Applicable Countywide Planning Policies support cooperation between King County and local cities with respect to the transfer of potential annexation areas to city jurisdiction. With respect to the Comprehensive Plan policies, DDES staff concluded that the 2002 Buildable Lands Report demonstrates a surplus industrial capacity within the Eastside subarea.
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January 9, 2004

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**SUBJECT:** Department of Development and Environmental Services File No. L03LUA03

**RENTON CHRISTIAN CENTER**  
Site-Specific Land Use Amendment Application

**Location:** 16640 Old Petrovitsky Road

**Applicant:** **Renton Christian Center**  
16640 Old Petrovitsky Road  
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**King County:** Department of Development and Environmental Services, *represented by*  
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**FINDINGS, CONCLUSIONS & RECOMMENDATION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS OF FACT:**

1. KCC 20.18.050 authorizes the Hearing Examiner to make a legislative recommendation on a site-specific land use map amendment initiated by a property owner application. Consideration of site-specific land use map amendments is part of the Comprehensive Plan annual review cycle

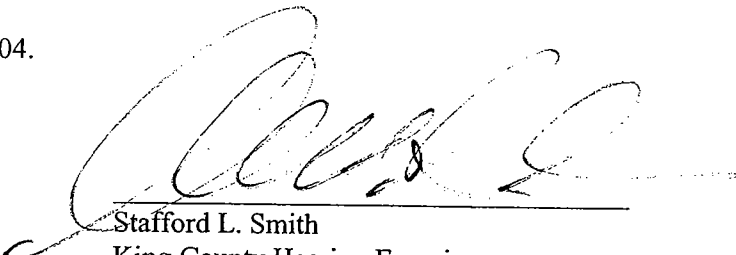
use amendments' "qualification for annual review consideration, and consistency or lack of consistency with applicable review criteria". Inclusion of a requirement to determine qualification for annual review consideration implies an expectation that there will be applications presented to the Hearing Examiner that do not meet the criteria for inclusion in the annual review. The Renton Christian Center application is plainly an instance of a request that is beyond the scope of Hearing Examiner review under KCC Chapter 20.18.

- 3. The Renton Christian Center application does not qualify for annual review consideration by the Hearing Examiner under authority of KCC Chapter 20.18 because it seeks an amendment of the Urban Growth boundary.
- 4. As pointed out by the Applicant, the approximately 17 acre extension of Rural Area lying north of the Lake Youngs watershed maybe viewed as a zoning anomaly. As such, there may be merit to studying the question of whether this portion of the Rural Area should be redesignated Urban. Such question, however, is a policy issue that is beyond the scope of a site-specific review.

RECOMMENDATION:

The application should be rejected on procedural grounds as inappropriate for annual review consideration.

ORDERED this 9th day of January, 2004.



Stafford L. Smith  
King County Hearing Examiner

TRANSMITTED this 9th day of January, 2004, to the parties and interested persons of record:

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16029 SE 173rd St.  
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39129 - 200th Ave. SE  
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Paul Reitenbach  
DDES Senior Policy Analyst  
DDES/Director's Office  
MS OAK-DE-0100

Carol Rogers  
DDES/LUSD  
MS OAK-DE-0100



**DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES  
KING COUNTY, WASHINGTON**

**PRELIMINARY REPORT TO THE HEARING EXAMINER  
December 4, 2003 - PUBLIC HEARING AT 1:30 PM  
DDES Hearing Room  
900 Oakesdale Avenue Southwest  
Renton, WA 98055-1219  
Phone: 206- 296-6705**

**2004 King County Comprehensive Plan Update  
Proposed Site-Specific Land Use Amendment**

Department of Development and Environmental Services  
November 20, 2003

**Applicant:** Dale Frank  
7825 Southeast 76<sup>th</sup> Street  
Mercer Island, WA 98040

**Description of the Proposed Amendment:** This proposed site-specific land use map amendment was initiated by the applicant, who filed a docket request consistent with King County Code Chapter 20.18.050 (3).

The subject property is parcel number 2726059018, located at 13250 NE 126<sup>th</sup> Place, Kirkland Washington.

The applicant is proposing to amend the King County Comprehensive Plan Land Use Map for the subject property from Industrial to Urban Residential, over 12 homes per acre. The applicant requested 12-18 homes per acre.

**Background:** A building permit for the construction of two one story self-storage buildings and one office building and related parking and landscaping on the subject property was issued on January 9, 2003 (file number B01C0031). The applicant states there have been other self-storage buildings recently constructed in the vicinity, thereby reducing the market for such uses.

This property is located within the City of Kirkland Potential Annexation Area (PAA). A letter from Eric Shields, Kirkland Planning Director is attached to this report.



The properties to the south and east are designated for industrial development. The area to the north is designated for residential development at densities of 4 to 12 homes per acre. Immediately to the west are two small parcels (.3 and .5 acres) designated for industrial development. Further to the west, inside the City of Kirkland, properties are designated for residential development.

**Applicable King County Comprehensive Plan Policies:**

- U- 167      Within the UGA but outside Unincorporated Activity Centers, properties with existing industrial uses shall be protected. The County may use tools such as special district overlays to identify them for property owners and residents of surrounding neighborhoods.
- U- 313      King County supports programs and strategies to preserve and plan for an adequate supply of industrial and commercial land including but not limited to:
- a. In compliance with the State of Washington Buildable Lands legislation - RCW 36.70A.215 - and in cooperation with the cities, inventory and monitor the use of industrial, commercial, and residential lands every 5 years. The first 5-year report is due to the State in 2002;
  - b. In partnership with other jurisdictions and the private sector, advocate for a regional Geographic Information System to track the supply of industrial and commercial land;
  - c. Actively apply for Federal, State, and other resources to help defray the costs of assessment, remediation, and redevelopment of private and/or public brownfields. Brownfields are defined as vacant or underdeveloped industrial/commercial sites with real or perceived contamination;
  - d. Sell county-owned surplus industrial and commercial lands for development by the private sector;
  - e. Promote the redevelopment and infill of industrial and commercial areas and explore the feasibility of using incentives to achieve this goal;
  - f. Prevent the encroachment of non-industrial uses on industrially-zoned land and the rezoning of industrial land to other uses.
- U- 120      King County shall not approve proposed zoning changes to increase density within the Urban Area unless:
- a. The development will be compatible with the character and scale of the surrounding neighborhood;
  - b. Urban public facilities and services are adequate, consistent with adopted levels of service and meet GMA concurrency requirements, including King County transportation concurrency standards;
  - c. The proposed density change will not increase unmitigated adverse impacts on environmentally sensitive areas, either on site or in the vicinity of the proposed development;
  - d. The proposed density increase will be consistent with or contribute to achieving the goals and policies of this Comprehensive Plan, and subarea plan, if applicable; and

- e. The proposal is consistent with the adopted city comprehensive plan for the Potential Annexation Area where the rezone is located if the proposed density exceeds eight dwelling units per acre. If the city is not planning for urban densities and efficient land use patterns consistent with the Countywide Planning Policies, then this paragraph shall not apply.

U- 121 King County, when evaluating rezone requests for increases in density, shall notify adjacent cities, special purpose districts and local providers of urban utility services and should work with these service providers on issues raised by the proposal.

### **King County Buildable Lands Evaluation Report**

In 1997, the Washington State Legislature adopted the Buildable Lands amendment to the Growth Management Act. This amendment requires six counties, including King County, and their cities to determine the amount of land suitable for urban development. This amendment also called for an evaluation of capacity for future growth based on measurement of five years of actual development activity.

On page 38 of the 2002 Buildable Lands Report, it is stated that King County has the capacity for 491,000 additional jobs, once the 2012 jobs target is achieved. The Eastside subarea has a large surplus capacity once this target is achieved. Table 16 on page 39 of the Buildable Lands Report shows a surplus capacity of 136,989 jobs for the Eastside subarea after the 2012 target is achieved.

### **Applicable Countywide Planning Policies:**

- LU-31 In collaboration with adjacent counties and cities and King County, and in consultation with residential groups in affected areas, each city shall designate a potential annexation area. Each potential annexation area shall be specific to each city. Potential annexation areas shall not overlap. Within the potential annexation area the city shall adopt criteria for annexation, including conformance with Countywide Planning Policies, and a schedule for providing urban services and facilities within the potential annexation area. This process shall ensure that unincorporated urban islands of King County are not created between cities and strive to eliminate existing islands between cities.
  
- RF-5 In order to transition governmental roles so that the cities become the provider of local urban services and the County becomes the regional government providing Countywide and rural services, unincorporated Urban Growth Areas are encouraged to annex or incorporate within the 20-year timeframe of these Policies. To achieve this goal, all cities that have identified potential annexation areas shall enter into interlocal agreements with King County that includes a plan for development standards and financing of capital and operating expenditures during the period prior to annexation.

**Analysis:**

King County Comprehensive Plan (KCCP) Policy U-167 calls for the protection of properties with existing industrial uses. The subject property is undeveloped.

KCCP Policy U-313 lists strategies to preserve an adequate supply of industrial land, including prevention of encroachment of non-industrial uses into industrial areas and rezoning of industrial land. The applicant has a building permit to allow construction of a self-storage facility on this site. This use is not likely to generate industrial jobs.

The Buildable Lands Report indicates a surplus job capacity in relation to the 2012 job targets. The Eastside subarea has a large surplus of job capacity even after the 2012 target is achieved.

The subject property abuts residential land to the north and is more topographically oriented to this residential area than the lower-lying industrial land to the south, across 126<sup>th</sup> Place. Any development of this property has the potential to adversely affect other nearby properties.

KCCP Policies U-120 and U-121 guide the evaluation of rezone requests to increase density within the Urban Area. It should be noted that the King County Code Chapter 20.18.050 (H) indicates that a site-specific land use amendment is a separate decision from a rezone. Approval of this site-specific land use amendment may result in potential zoning, with a subsequent rezone needed to activate the potential zone. This subsequent rezone analysis should address compliance with the criteria in policy U-120, particularly with regard to adequacy of services and possible impacts on environmentally sensitive areas.

The site is located within the City of Kirkland PAA. In 1992, the Countywide Planning Policies established a 20-year goal for all unincorporated Urban Areas to achieve incorporated status. The King County Executive recently convened an annexation summit with city officials to emphasize the need for all jurisdictions to work cooperatively to achieve this goal as soon as possible.

**Conclusions:**

The intent of applicable KCCP policies is to preserve our industrial land supply. Policy U-313 mentions State Buildable Lands legislation, calling for an inventory and monitoring of our industrial land supply. The 2002 Buildable Lands report indicated there was surplus job capacity both countywide and in the East subarea, even after the 2012 targets are achieved. Designation of this 5.9-acre parcel for residential development would not affect King County's ability to meet its job targets.

While designated for industrial use, the subject property is undeveloped land located between an existing residential area and land developed with industrial uses. The transitional nature of this site will present challenges whether it is developed with industrial or residential uses. The goal of this analysis is to recommend land use for the subject property that will be compatible with adjacent residential land without inhibiting the use or viability of the remaining industrial area.

This site is more oriented to the adjacent residential area to the north than to the industrial area to the south, across NE 126<sup>th</sup> Place. It is likely that residential development of this site will be compatible with the adjacent residential neighborhood. The development review process could determine specific measures such as building location, tree retention and landscaping to minimize possible land use conflicts between residential development on this site and the industrial land to the south.

The King County Comprehensive Plan and the Countywide Planning Policies call for annexation of unincorporated Urban areas, and the subject property is located within the Potential Annexation Area of the City of Kirkland. Eventually, Kirkland will annex and provide local urban services to this property, the neighborhood to the north, and the industrial area to the south and east. For this reason, this site-specific analysis carefully considered input from Kirkland staff.

**Staff Recommendation:**

Amend the King County Comprehensive Plan land use map designation for the subject property from Industrial to Urban Residential Medium Density, 4-12 homes per acre. The Area Zoning for this property should be amended from I (Industrial) to I with a potential zone of R-12.

If the recommended land use redesignation is approved, a rezone is required to activate the potential R-12 zoning. This rezone should address issues raised in the attached letter from Eric Shields, Kirkland Planning Director, including retention of significant trees on site and placement of future buildings to minimize possible conflicts with nearby industrial uses.



# Proposed Site-Specific Land Use Amendment

## 2004 King County Comprehensive Plan Update

### Dale Frank Property Land Use Amendment





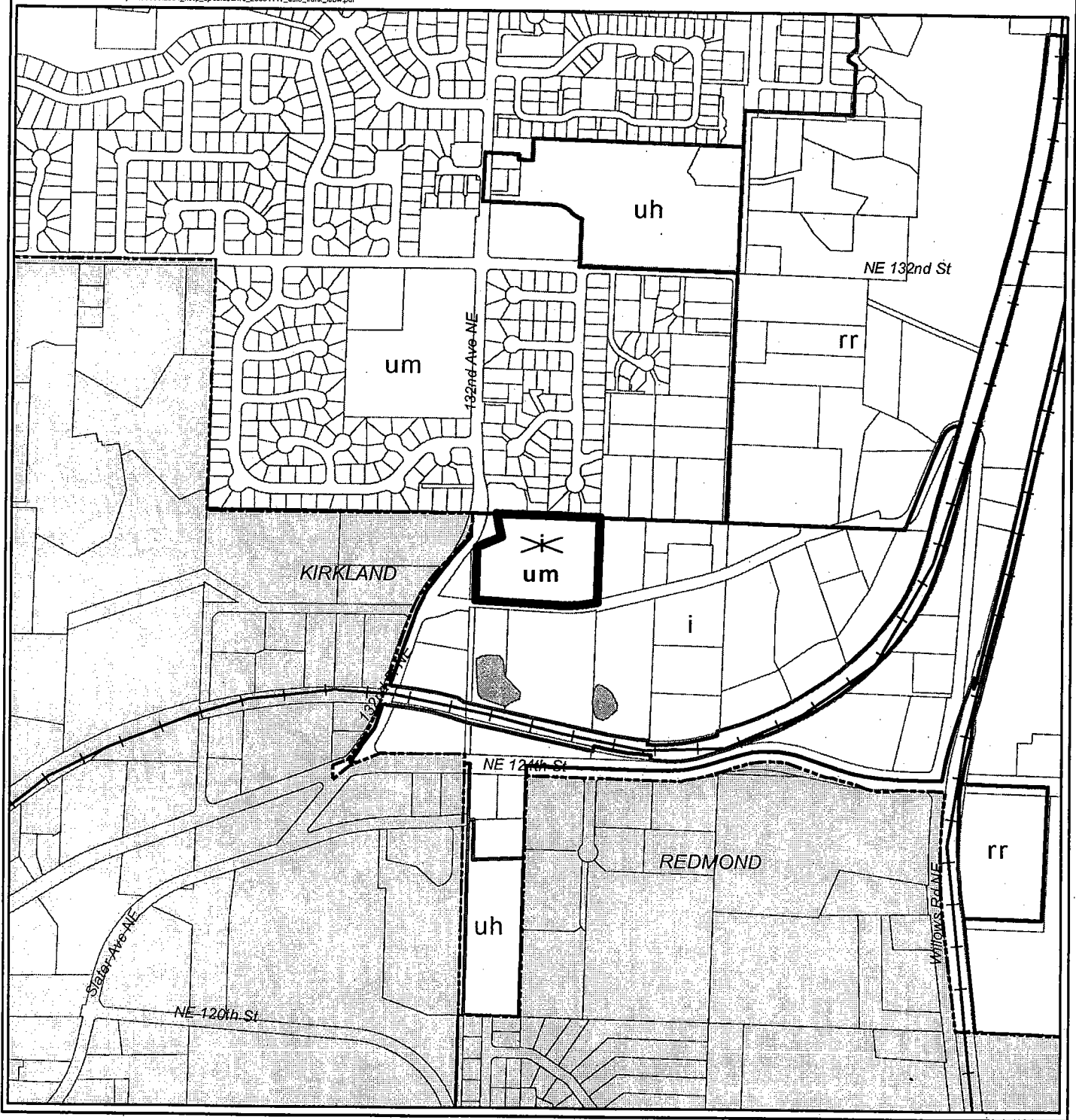
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- i Industrial
- UM Urban Residential medium, 4-12 du/ac
-  Change Area
-  Incorporated Areas





# Proposed Site-Specific Land Use Amendment 2004 King County Comprehensive Plan Update Dale Frank Property Zoning Amendment



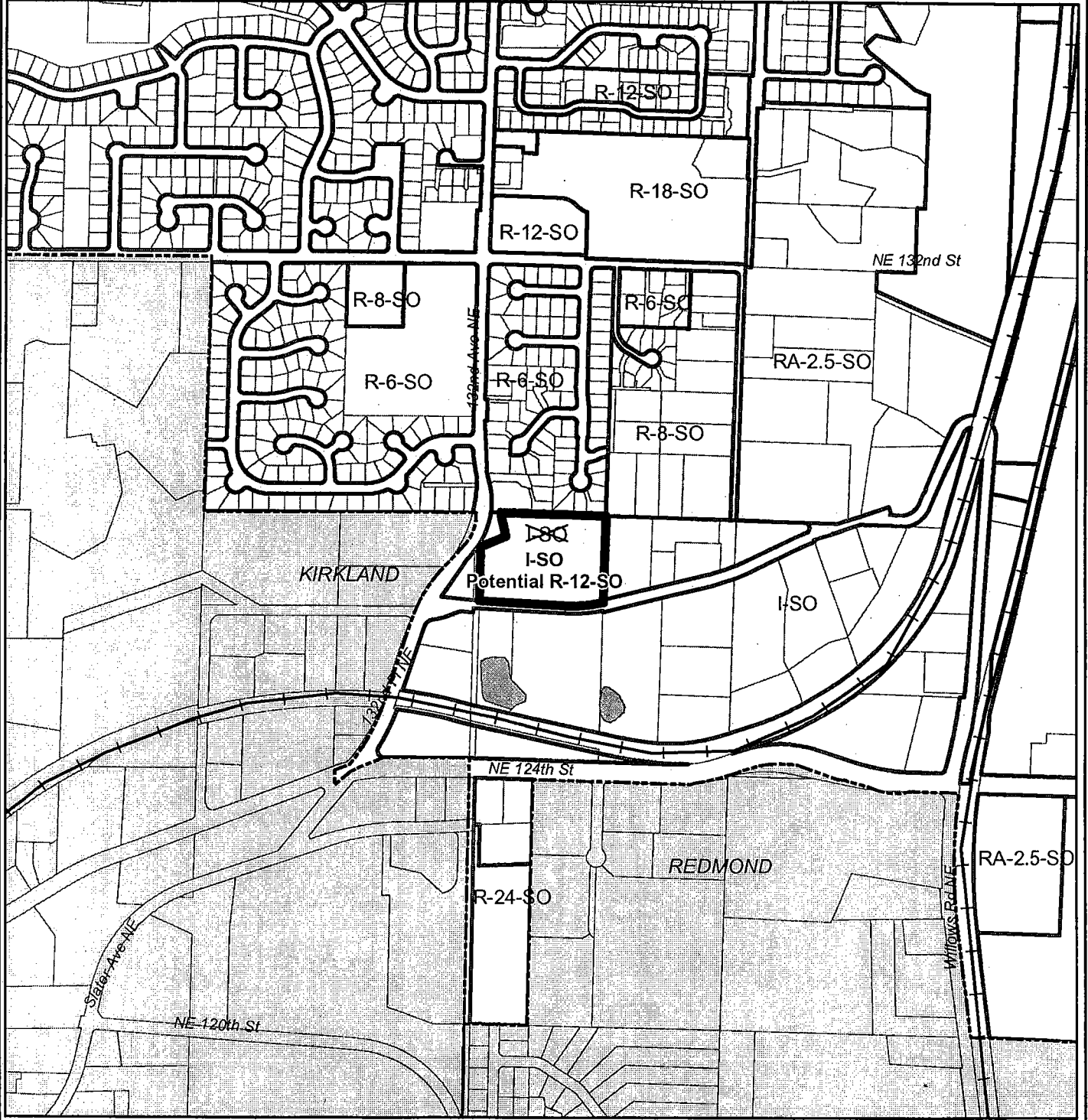
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- I Industrial
- R-12 Residential, 12 DU per acre
- Change Area
- Incorporated Areas





**DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES  
KING COUNTY, WASHINGTON**

**PRELIMINARY REPORT TO THE HEARING EXAMINER  
December 23, 2003 - PUBLIC HEARING AT 9:30 AM**

**DDES Hearing Room  
900 Oakesdale Avenue Southwest  
Renton, WA 98055-1219  
Phone: 206- 296-6705**

**2004 King County Comprehensive Plan Update  
Proposed Site-Specific Land Use Amendment**

Department of Development and Environmental Services  
December 10, 2003  
DDES File No.L03LUA03

**Applicant:** Renton Christian Center  
16640 Old Petrovitsky Road  
Renton, WA 98058

**Description of the Proposed Amendment:**

The applicant requests an Urban land use designation, which would permit extension of Urban services including sewers to the subject property. This would enable the church to expand its facilities for religious and social services.

**Background:**

Existing land uses to the north, across Petrovitsky Road include a Junior High School and Urban residential development. South of Petrovitsky Road is designated Rural. The adjacent property south of Petrovitsky Road is also designated open space owned by King County.

**Applicable King County Comprehensive Plan Policies:**

- R- 103** King County's Rural Area is considered to be permanent and shall not be redesignated to an Urban Growth Area until reviewed pursuant to the Growth Management Act (RCW 36.70A.130(3) and Countywide Planning Policy FW-1.
- R- 221** Nonresidential uses in the Rural area shall be limited to those that:
- a. Provide convenient local services for nearby residents; or
  - b. Require location in a Rural area; or
  - c. Support natural resource-based industries; or
  - d. Provide adaptive reuse of significant historic resources; or
  - e. Provide recreational opportunities that are compatible with the surrounding Rural Area.

These uses shall be sited, sized and landscaped to complement rural character as defined in policy R-101, prevent impacts to the environment and function with rural services including on-site wastewater disposal.

**Applicable Countywide Planning Policy:**

- LU-7** Designated Rural Areas are considered to be permanent and shall not be redesignated to an Urban Growth Area until reviewed pursuant to the Growth Management Act (RCW 36.70A.130 (3)) and policy FW-1. Future growth should be accommodated to the maximum extent feasible by efficient use of existing urban land within the Urban Growth Area. Annexation of Rural Areas to cities shall be prohibited. When annexation of Rural Areas is necessary to link two Urban Areas, that intervening Rural Area shall be designated as permanent urban separator at low rural densities.

**Analysis:**

Recently, King County and the cities within the county completed a detailed assessment of the development capacity within our Urban Growth Area, as envisioned by the Growth Management Act and the Countywide Planning Policies. This assessment, known as the "Buildable Lands Report," indicates there is sufficient development capacity within our Urban Growth Area to accommodate forecast growth for at least the next 10 years.

On May 21, 2003 the Growth Management Planning Council adopted Motion 03-1, which affirmed the sufficiency of the development capacity of the existing Urban Growth Area to accommodate 20-year growth targets for households and jobs in King County.



Applicable King County Comprehensive Plan Policies and Countywide Planning Policies (CPP's) refer to the Rural Area as permanent, not to be redesignated unless reviewed under the Growth Management Act and the CPP's. The Urban Growth Area is designated on the land use map of the Countywide Planning Policies.

Under the Growth Management Act, all jurisdictions comprehensive plans must be consistent with the CPP's. Framework Policy FW-1, step 9 of the Countywide Planning Policies outlines the process to amend the CPP's. The Growth Management Planning Council must approve proposed modifications to the Urban Growth Area. Then the King County Council must also approve. Finally, ratification by all the jurisdictions is required.

KCCP Policy R-221 calls for non-residential uses in the Rural Area to be sized and landscaped to complement Rural character...and to function with Rural services including on-site wastewater disposal.

**Conclusions:**

There is no demonstrated need to expand the Urban Growth Area to accommodate growth. Based on the Buildable Lands Report, GMPC determined the Urban Growth Area has sufficient capacity to accommodate 2022 Growth Targets.

The proposal to redesignate the subject property from Rural to Urban is not consistent with King County Comprehensive Plan and Countywide Planning Policies, which indicate the Rural designation is permanent, and subject to regional review by the Growth Management Planning Council. A proposal to redesignate Rural land to Urban so an existing non-residential use may connect to sewers and expand is in direct conflict with KCCP Policy R-221.

**Staff Recommendation:**

No change in land use designation or zoning is warranted under King County Comprehensive Plan Policies and the Countywide Planning Policies.



# Proposed Site-Specific Land Use Amendment

## 2004 King County Comprehensive Plan Update



### Renton Christian Center - Land Use Amendment

#### No Change Recommended

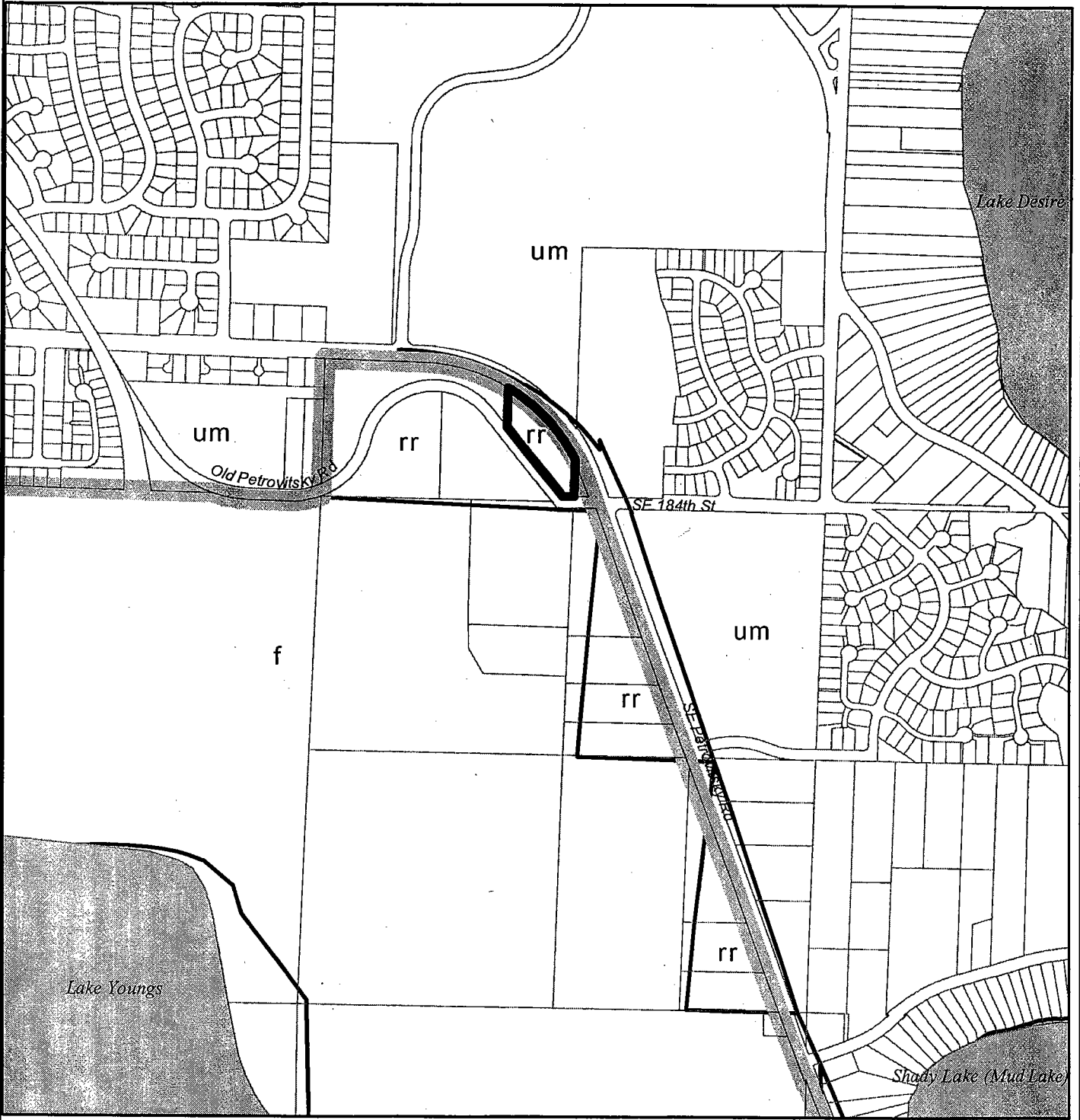


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- rr Rural Residential
- um Urban Residential, medium, 4-12 du/ac
-  Urban Growth Boundary
-  Study Area

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# Proposed Site-Specific Land Use Amendment

## 2004 King County Comprehensive Plan Update



### Renton Christian Center - Zoning Amendment

#### No Change Recommended

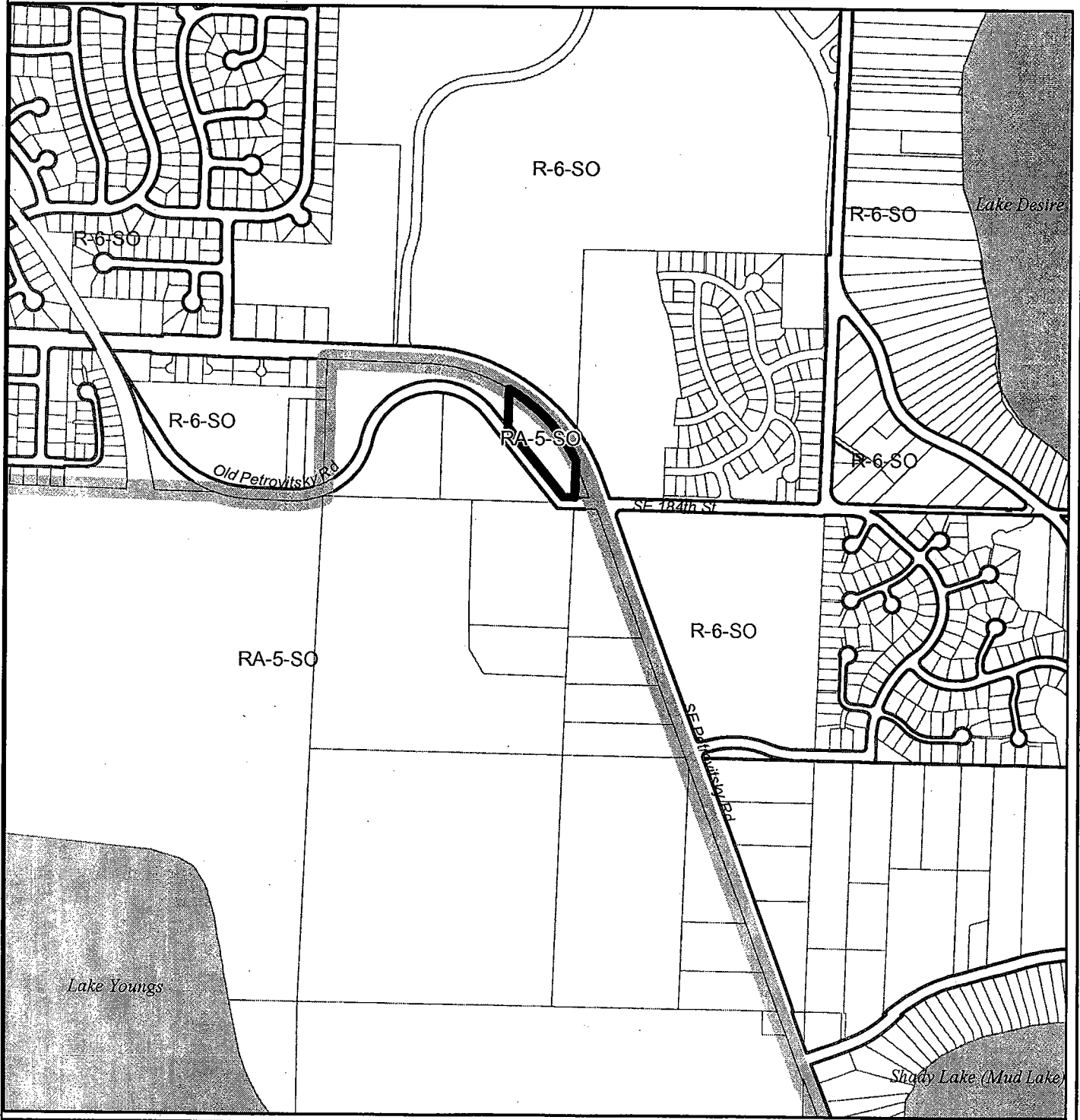


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- RA-5 Rural Area, one DU per 5 acres
- R-6 Residential, six DU per acre
-  Urban Growth Boundary
-  Study Area

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**DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES  
KING COUNTY, WASHINGTON**

**PRELIMINARY REPORT TO THE HEARING EXAMINER  
December 10, 2003 - PUBLIC HEARING AT 1:30 PM  
DDES Hearing Room  
900 Oakesdale Avenue Southwest  
Renton, WA 98055-1219  
Phone: 206- 296-6705**

**2004 King County Comprehensive Plan Update  
Proposed Site-Specific Land Use Amendment**  
Department of Development and Environmental Services  
November 26, 2003

**Applicant:** Woodinville Alliance Church  
13940 NE 166<sup>th</sup> Street  
Woodinville, WA 98072

**Description of the Proposed Amendment:**

The applicant and several adjoining property owners request a site-specific land use amendment to remove their properties from the Sammamish Valley Agricultural Production District (APD) and to redesignate these properties Urban. These properties are outside of the Urban Growth Area and are zoned RA2.5 SO. "SO" indicates the properties are within the Rural buffer and Significant Tree Retention Special Overlay Districts.

These individual property owners submitted separate docketed requests for site-specific land use amendments. Since the properties are adjacent and the policy issues are the same, these requests have been combined.

Maps and a list of all the parcels requesting site-specific amendments are attached.

**Background:**

It should be noted that King County Motion 11697, passed by the King County Council on April 28, 2003, established the scope of work for the 2004 King County Comprehensive Plan Update. This Motion called for an Area Zoning Study to review RA-zoned property within the Sammamish Valley APD. This area zoning study has been completed and is included in the 2004 King County Comprehensive Plan Public Review Draft.

This area zoning study did not consider an Urban land use alternative for any land in the Sammamish Valley APD. Any policy changes or land use amendments contemplated in the Public Review Draft are subject to change until the King County Council approves the 2004 Update of the Comprehensive Plan late next year.

**Applicable King County Comprehensive Plan Policies:**

**R- 537** All parcels within the boundaries of an APD should be zoned Agricultural, either A-10 or A-35. If small parcels in the APD are not zoned for Agriculture, permitted nonresidential uses must not conflict with agricultural uses in the APD

**R-547** Lands can be removed from the Agricultural Production Districts only when it can be demonstrated that:

- a. Removal of the land will not diminish the productivity of prime agricultural soils or the effectiveness of farming within the local APD boundaries; and
- b. The land is determined to be no longer suitable for agricultural purposes.

In addition to meeting these two tests, removal of the land from the APD may only occur if it is mitigated through the addition of agricultural land abutting the same APD of equal acreage and of equal or greater soils and agriculture value.

**R- 103** King County's Rural Area is considered to be permanent and shall not be redesignated to an Urban Growth Area until reviewed pursuant to the Growth Management Act (RCW 36.70A.130(3) and Countywide Planning Policy FW-1.

**R- 209** The RA-2.5 zone has generally been applied to rural areas with an existing pattern of lots below five acres in size that were created prior to the adoption of the 1994 Comprehensive Plan. These smaller lots may still be developed individually or combined, provided that applicable standards for sewage disposal, environmental protection, water supply, roads and rural fire protection can be met. A subdivision at a density of one home per 2.5 acres shall only be permitted through the transfer of development credits from property in the designated Rural Forest Focus Areas. The site receiving the density must be approved as a Transfer of Development Credits receiving site in accordance with the King County Code. Properties on Vashon-Maury Islands shall not be eligible as receiving sites.

**Applicable Countywide Planning Policies:**

- LU-2 All jurisdictions shall protect existing resource lands within their boundaries that have long-term commercial significance for resource production. Any designated agricultural and forestry lands shall not be considered for urban development. Jurisdictions are required to enact a program authorizing the transfer or purchase of development rights for designated forest or agricultural areas within Urban Growth Areas. At the request of any city, King County will work to reinstate the King County Purchase of Development Rights Program and/or establish an interjurisdictional transfer of development rights program to protect these resource lands in accordance with the Growth Management Act.
- LU-7 Designated Rural Areas are considered to be permanent and shall not be redesignated to an Urban Growth Area until reviewed pursuant to the Growth Management Act (RCW 36.70A.130 (3)) and policy FW-1. Future growth should be accommodated to the maximum extent feasible by efficient use of existing urban land within the Urban Growth Area. Annexation of Rural Areas to cities shall be prohibited. When annexation of Rural Areas is necessary to link two Urban Areas, that intervening Rural Area shall be designated as permanent urban separator at low rural densities.

**Analysis:**

While KCCP Policy R-537 calls for properties within the APD to be zoned for Agriculture, this policy acknowledges that some parcels within the APD are not zoned for Agriculture. Permitted non-residential uses on these parcels must not conflict with agriculture. This site specific request raises the question: Would Urban development and full Urban services including sewers have a greater potential for impact on adjoining land within the APD than development under Rural zoning and Rural service levels?

Policy R-547 specifies the criteria for removal of land from an APD. The applicant has not submitted arguments or evidence that these criteria have been met or could be met.

Recently, King County and the cities within the county completed a detailed assessment of the development capacity within our Urban Growth Area, as envisioned by the Growth Management Act and the Countywide Planning Policies. This assessment, known as the "Buildable Lands Report," indicates there is sufficient development capacity within our Urban Growth Area to accommodate forecast growth for at least the next 10 years.

On May 21, 2003 the Growth Management Planning Council adopted Motion 03-1, which affirmed the sufficiency of the development capacity of the existing Urban Growth Area to accommodate 20-year growth targets for households and jobs in King County.

The Urban Growth Area is designated on the land use map of the Countywide Planning Policies. Under the Growth Management Act, all jurisdictions comprehensive plans must be consistent with the CPP's. Framework Policy FW-1, step 9 of the Countywide Planning Policies outlines the process to amend the CPP's. The Growth Management Planning Council must approve proposed modifications to the Urban Growth Area. Then the King County Council must also approve. Finally, ratification by all the jurisdictions is required.

**Conclusions:**

Urban development on the subject property is likely to have greater impact on adjacent Agricultural land than existing and future Rural development.

Urban development and extension of urban services to the subject properties would also bring pressure to bear on adjacent Agricultural lands and nearby Rural areas for increased development.

There has been no demonstration of compliance with Policy R-547, which guides proposals to remove land from an APD. Removal of this land from the APD is therefore inconsistent with Policy R-547 and the King County Comprehensive Plan.

There is no demonstrated need to expand the Urban Growth Area to accommodate growth. Based on the Buildable Lands Report, GMPC determined the Urban Growth Area has sufficient capacity to accommodate 2022 Growth Targets.

**Staff Recommendation:**

No change in land use designation or zoning is warranted under existing King County Comprehensive Plan Policies and the Countywide Planning Policies.



# Proposed Amendment

## 2004 King County Comprehensive Plan Update

### Sammamish Agricultural Production District (APD) - Land Use Amendment

#### No Change Proposed



King County

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Urban Growth Boundary



Incorporated Areas

ag

Agriculture

rr

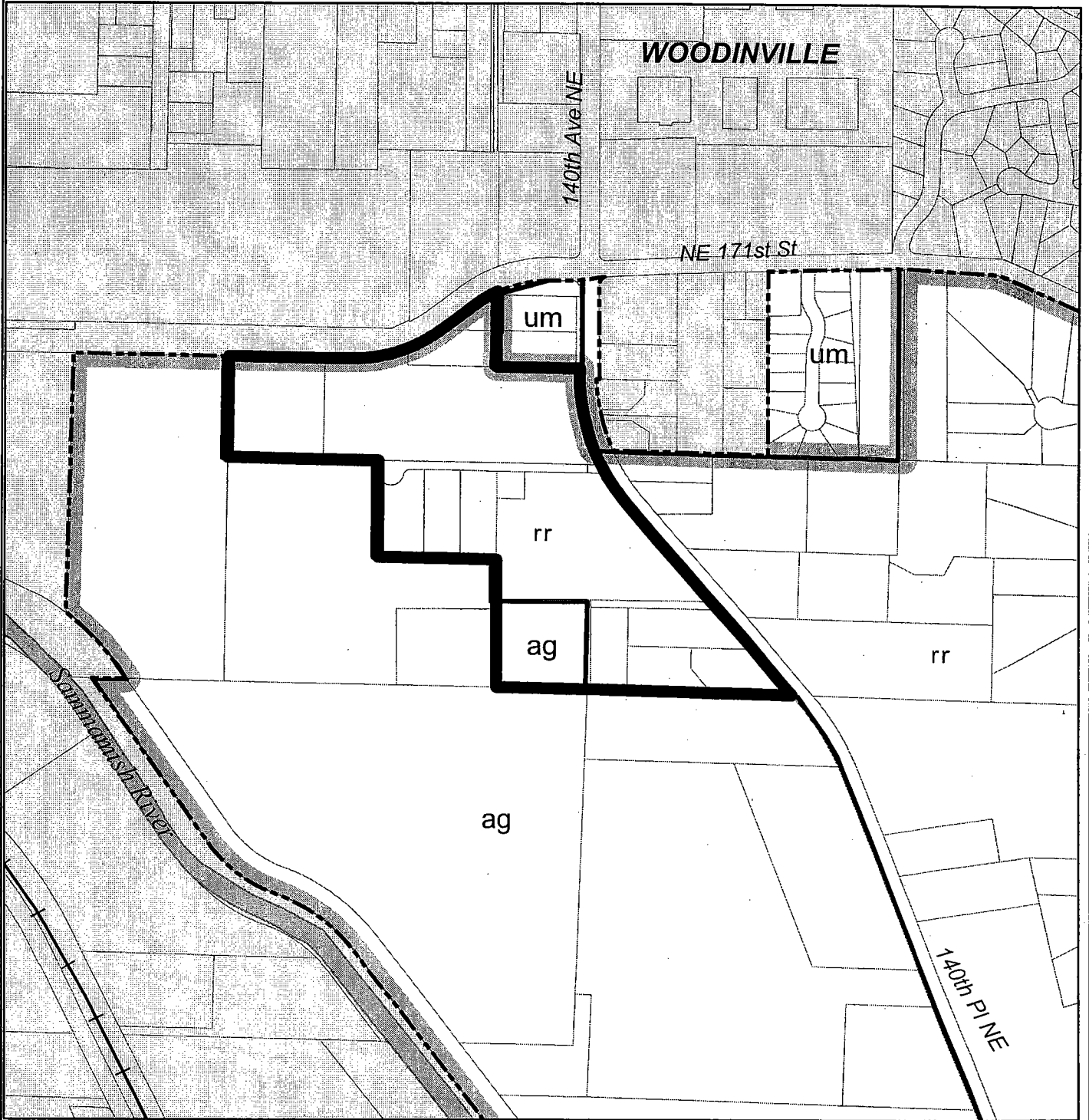
Rural Residential



Study Area

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Feet

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**Proposed Amendment**  
**2004 King County Comprehensive Plan Update**  
**Sammamish Agricultural Production District (APD) - Zoning Amendment**  
**No Change Proposed**



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Urban Growth Boundary



Incorporated Areas

A-10 Agricultural, one DU per 10 acres

RA-2.5 Rural Area, one DU per 5 acres



Study Area

250 125 0 250 500  
 Feet

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