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18 October 2010 Council Meeting

LP MOVED
PASSED 8-0 PUR EXCUSED

Sponsor: Larry Phillips

khm

Proposed No.: 2010-0163

- 1 **AMENDMENT TO PROPOSED SUBSTITUTE ORDINANCE 2010-0163,**
- 2 **VERSION 2**
- 3 On page 11, line 234, after "Study, dated" delete "March 1" and insert "September 13"
- 4 Delete Attachment B, King County Issaquah Highlands Area Zoning Study--Executive
- 5 Recommended--March 1, 2010, and insert Attachment B, King County Issaquah
- 6 Highlands Area Zoning Study dated September 13, 2010
- 7 Delete Attachment C, 2010 Update of the Transportation Needs Report 2008--A
- 8 Component of the Transportation Element of the King County Comprehensive Plan, and
- 9 insert Attachment C, 2010 Update of the Transportation Needs Report 2008--A
- 10 Component of the Transportation Element of the King County Comprehensive Plan dated
- 11 October 2010.
- 12

Effect: Directs the clerk to insert an updated Issaquah Highland area zoning study and Transportation Needs Report.



King County

16949

King County
Issaquah Highlands
Area Zoning Study

Revised September 13, 2010



King County

2010 King County Comprehensive Plan Update Issaquah Highlands Urban Growth Area Boundary Adjustment Area Zoning Study

(Revised September 13, 2010)

Department of Development and Environmental Services

Summary

This area zoning study addresses a 78 acre property, tax lot number 2624069032, owned by Grand-Glacier LLC. The subject property is currently designated rural and is zoned RA-5-P (rural area, one home per 5 acres with P-Suffix development conditions). This property is located at Issaquah Highlands and is adjacent to the Urban Growth Area (UGA) boundary.

The proposal is contained in a three party agreement between the City of Issaquah, Grand-Glacier LLC for the Issaquah Highlands and the County calls for the amendment of the King County Comprehensive Plan (KCCP) land use map by redesignating 35 acres of the 78 acre property from rural to urban. The remaining 43 acres of the 78-acre property would retain the existing rural land use designation, and be dedicated as parks or open space in perpetuity.

The 43 acres of park and open space land will be placed in a "New Conservation Easement Area," to be owned by Issaquah and the maintenance of which will be finalized by a subsequent agreement between Issaquah and the County.

In addition to the creation of 43 new acres of park land, the third amendment calls for extinguishing the development rights and placement in the New conservation Easement Area of at least 101 contiguous acres of land within the City of Issaquah or another 101 acres comprised of land mutually acceptable to both the City and the County and in the Issaquah vicinity that

provides substantially equivalent benefits in terms of linking Issaquah Alps open space, enhancing access to regional open space by both urban and rural residents, protecting forest cover in the Issaquah/Lake Sammamish Basin, and protecting salmon habitat. This will be accomplished by Transfer of Development Rights (TDR) to an urban receiving area. The 101 acre Park Point property is the preferred TDR sending area. Extinguishing the development rights on the 101 acre Park Point property or other mutually acceptable property, plus the 43 acre proposed new park site, will result in somewhat more than four times more open space and park land as the proposed 35 acres of new urban land ($35 \times 4 = 140$ acres required; $43 + 101 = 144$ acres provided).

Applicable King County Comprehensive Plan Policy:

RP-303 Except as otherwise provided in this policy, the annual cycle shall not consider proposed amendments to the King County Comprehensive Plan that require substantive changes to comprehensive plan policies and development regulations or that alter the Urban Growth Area (UGA) Boundary. Substantive amendments and changes to the UGA Boundary may be considered in the annual amendment cycle only if the proposed amendments are necessary for the protection and recovery of threatened and endangered species, to implement a proposal for a 4 to 1 project or to implement an amendment to a joint interlocal/development agreement in existence on January 1, 2008, between King County, another local government, and one or more private parties, only if the amendment to the joint interlocal/development agreement includes a provision to alter the UGA boundary to add areas to the Urban Growth Area, requires that an area four times the area that is added to the Urban Growth Area be permanently designated as park or open space and requires the transfer of development rights on terms as provided in the amendment (emphasis added).

(Emphasis added.)

Analysis:

KCCP Policy RP-303 allows consideration of a proposed change to the UGA boundary in an annual update of the KCCP in very narrowly defined circumstances. The relevant portion of Policy RP-303, underlined above, includes three provisions:

1. to implement an amendment to a joint interlocal/development agreement in existence on

January 1, 2008, between King County, another local government, and one or more private parties; and

2. includes a proposal to alter the UGA and requires that an area four times the area that is added to the UGA be permanently designated as park or open space; and
3. requires use of Transfer of Development Rights on terms as specified in the amendment to the three party agreement.

In this case, there is a third amendment to a joint interlocal/development agreement in existence on January 1, 2008, between King County, Issaquah, and Grand-Glacier LLC for the Issaquah Highlands. This amendment has already been executed by all three parties.

Specifically, the third amendment would provide for the transfer of development rights from the 144 acres of permanent park/open space land to the new 35 acre UGA consisting of 410 residential units in conjunction with the proposed UGA amendment.

The proposed land use changes include designation of 35 acres of new urban land, dedication of 43 acres of what is now private property as parks and open space, and the creation of at least an additional 101 acres of open space via transfer of development rights. The proposal to create 144 acres of park land and open space is more than four times the size of the proposed 35 acre addition to the UGA.

Transfer of development rights will be used to create at least 144 acres of open space and send 410 units of additional development capacity to the existing City of Issaquah.

This proposed UGA change meets the requirements of policy RP-303 for consideration of a UGA amendment in an annual update of the KCCP. The third amendment outlined above also satisfies the requirement of King County Comprehensive Plan policy RP-303 that an area four times the area added to the UGA is permanently designated as park or open space and that Transfer of Development Rights be used to create open space. Therefore, all three requirements of policy RP-303 are satisfied by this proposal.

Adding 35 acres of new urban land consistent with policy RP-303 creates the opportunity for efficient new housing development within the Urban Growth Area, as envisioned by the State Growth Management Act.

Extinguishing the development potential on the 101 acre Park Point property, or an equivalent

amount of other land mutually acceptable to the City and the County creates additional open space consistent with City and County planning goals.

Transfer of development rights to receiving sites within the Urban Growth Area will result in no net loss of development capacity as new open space is created within the UGA, also consistent with City and County planning goals.

Existing P-Suffix development conditions on the entire 78 acre property

ES-P2: The eastern portion of Grand Ridge shall retain its rural designation and is not included within the UGA. Zoning for this eastern portion shall require rural clustering. The western portion of Grand Ridge that is less environmentally constrained shall also be retained in a rural designation and is not within the urban growth area. Residential development within the western portion of Grand Ridge should require rural clustering. The western portion is substantially less constrained than the balance of Grand Ridge and redesignation to Rural may be considered through a plan amendment study, once the Issaquah Wellhead Protection Study is complete. Such plan amendment study also must comply with the Ground Water Management Plan when approved by the State Department of Ecology. Land use decisions should be compatible with the findings of the Wellhead Protection Study and the adopted Ground Water Management Plan.

ES-P9: *1. All new subdivisions and short subdivisions in the subarea, except those undergoing detailed drainage planning and review through the Master Drainage Planning (MDP) requirements of the King County Surface Water Design Manual, shall comply with the following conditions:*

a. Impervious Surfaces: Impervious surfaces within the subdivision or short subdivision, including surfaces associated with all structures, driveways, and roads within the development, shall be limited to a maximum of eight percent within areas draining to Patterson Creek and North Fork Issaquah Creek Wetland 7.

B. Clearing Limits: Clearing and vegetation retention restrictions in KCC 16.82.150(D) shall apply, except that the separate tract alternative shall be mandatory for all subdivisions and short subdivisions in areas draining to North Fork Issaquah Creek Wetland 7.

2. Subdivisions and short subdivisions within the Issaquah Creek basin in this subarea which are undergoing detailed drainage planning and review through the Master Drainage Planning (MDP) requirements of the King County Surface Water Design Manual, shall comply with the following conditions:

a. Impervious Surfaces: Impervious surfaces within the subdivision or short subdivision, including surfaces associated with all structures, driveways, and roads within the development, shall be limited to a maximum of eight percent.

b. Clearing Limits: Clearing and vegetation retention restrictions in KCC 16.82.150(b) shall apply, except that the separate tract alternative shall be mandatory.

c. Performance Goals: Alternate site and facility design standards may be approved by the SWM Division through the MDP process provided that it can be demonstrated that such standards would meet the following performance goals.

(1) Site development shall not result in a significant decrease in the diversity, productivity, resilience, or habitat value of North Fork Issaquah Creek Wetland 7; and

(2) Site development shall not result in a significant increase in phosphorus loading to the tributaries draining to the North and East Forks of Issaquah Creek; and

(3) Site development shall not result in a significant reuse in stream channel erosion or transport of sediment to the North and East Forks of Issaquah Creek; and

(4) Site development shall not result in a significant decrease in the diversity or abundance of anadromous fish in the North and East Forks of Issaquah Creek; and

(5) Site development shall not result in a significant increase in the frequency or duration of flood flows in the North and East Forks of Issaquah Creek.

ES-P12: *Any applications for development dated after January 9, 1995 for either the urban or rural portions of the property shall only be accepted and processed if they are consistent with the UPD development agreement.*

The rural open space portion of the subject property shall remain uncleared and shall be placed into a contiguous open space tract created and marketed pursuant to K.C.C. 21A.24.160 and K.C.C.21A.24.180 at the time of UPD approval. Limited alterations to the rural open space portion of the property including but not limited to clearing, grading, and timber removal shall be subject to review and approval by King County agencies responsible for parks, open space and surface water management and other agencies as appropriate for permit review. If the development agreement is denied, or not pursued by the property owner(s), then the pending rural applications will be processed and rezone to rural will be considered in the next comprehensive plan amendment.

Executive Staff Recommendation:

Amend the land use designation from rural to urban for the 35 acre area shown on the attached proposed land use map.

Amend the zoning for the 35 acre urban portion of the site from the existing RA-5-P zoning to UR-P, Urban Reserve with the following P-suffix conditions:

1. Annexation by the City of Issaquah of the 35 acre urban portion of the study area shall not occur until:

- The 43 acre portion of the site is dedicated for park and open space purposes in perpetuity; and
- At least 101 acres of additional open space is dedicated (or the dedication deed is held in escrow for recording concurrent with annexation) in perpetuity via the Issaquah TDR

program. The open space shall be created on the Park Point property or other property in the Issaquah vicinity mutually approved by the City and County that provides substantially equivalent benefits in terms of linking Issaquah Alps open space, enhancing access to regional open space by both urban and rural residents, protecting forest cover in the Issaquah/Lake Sammamish Basin, and protecting salmon habitat; and

- The development rights shall be transferred (or held in escrow until annexation) to receiving sites within Issaquah; and
- The three party agreement between Grand-Glacier LLC, the City of Issaquah, and King County is amended to allow development within the new 35-acre UGA of 400 residential units.

2. No development shall occur prior to annexation by the City of Issaquah.

Remove existing P-Suffix conditions ES-P2, ES-P12, and ES-P9 from the 35 acre urban portion of the site. These conditions are no longer necessary as the property will not be developed until it is annexed by the City of Issaquah.

Retain the rural land use designation for the remaining 43 acre portion of the 78-acre parcel, which is to be added to the Issaquah park system.

Retain the RA-5-P zoning for the 43 acre rural portion of the site.

Retain P-Suffix conditions ES-P9 and ES-P-12, which contains property-specific regulations and performance goals to protect the environment, for the 43-acre rural portion of the site.

Add a new P-suffix condition limiting the use of the 43 acre rural portion of the site to park-related uses and open space.

Delete P-Suffix condition ES-P2 for the rural portion of the site because residential lot clustering conditions are no longer necessary as the use of the property is limited to parks and open space.

