



King County

DEPARTMENT OF PERMITTING AND ENVIRONMENTAL REVIEW KING COUNTY, WASHINGTON

PRELIMINARY REPORT TO THE HEARING EXAMINER December 12, 2017 – PUBLIC HEARING AT 10 A.M. DPER Hearing Room 35030 SE Douglas St., Suite 210 Snoqualmie, WA 98065-9266 Phone: (206) 296-6600

FEDERAL WAY FIRST PRESBYTERIAN ZONING RECLASSIFICATION REQUEST FILE NO.: LUT417-0002 PROPOSED REZONE ORDINANCE NO.: 2017-0495

A. SUMMARY OF REQUEST:

The applicant is requesting a zone reclassification to remove a land use zoning condition from the property to allow an expansion of the church use onto the adjacent parcel. The zoning condition is known as P-suffix condition FW-P29 and exclusively limits the use of the property to that of a self-storage facility.

B. GENERAL INFORMATION:

Date of Application:	June 13, 2017
Completeness Determination:	July 10, 2017
Applicant:	Federal Way First Presbyterian By: Paul Choi 3225 S 288 th Street Auburn, WA 98001
Consultant:	Roddy J. Nolten, PE 1220 S 356 th Street, Suite A-3 Federal Way, 98003
Location:	Vacant parcels located west of 3225 S 288 th Street
Parcel:	032104-9066 and 042104-9045
Section/Township/Range:	NW ¼ of Section 3 and NE ¼ of Section 4, Township 21 North, Range 4 East
Current Zoning:	NB-P (neighborhood business with P-suffix (FW-P29))
Requested Zoning:	NB (neighborhood business)
Acreage:	2.74 acres
SEPA Threshold Determination:	Determination of Non-Significance (DNS)
Date of Issuance:	November 17, 2017
Comprehensive Plan Designation:	co (commercial outside of center)
Community Plan:	Federal Way (no longer adopted)

C. HISTORY/BACKGROUND:

A preapplication conference was held with the applicant, the applicant's consultant, and King County permitting staff on November 9, 2016.

The rezone application was submitted on June 13, 2017. The application was deemed

complete on July 10, 2017. On July 24, 2017, notices of application were mailed to all of the properties within 500 feet of the requested zone change. Due to an error with posting of the site, notices were re-sent and the request published in the local newspapers a second time on September 27, 2017. The proposal was also sent to the agencies listed in Section E below.

The current P-suffix condition (FW-P29), limiting the uses on the subject property to self-storage, was applied as part of the adoption of the King County Comprehensive Plan in 2000 by Ordinance 14044. At that time, the previous owners of subject property requested a zoning designation that would allow a limited, low-intensity use of the property. The result was that its Comprehensive Plan land use designation was changed from Urban Residential-Medium Density to Commercial Outside of Centers; and the zoning was changed from R-6 to NB with a P-suffix condition to limit the use.

The current owners of the property have indicated a desire to expand the various accessory uses onto the subject properties to complement the existing religious facility that has been in operation on the adjacent parcel since 2005. The church was constructed following the issuance of a Conditional Use Permit that was issued June 15, 2001 under DPER file L99CU309.

D. THRESHOLD DETERMINATION OF ENVIRONMENTAL SIGNIFICANCE:

Pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C, the responsible official issued a determination of non-significance (DNS) for the proposed development on November 17, 2017. This determination was based on the review of the environmental checklist and other pertinent documents, resulting in the conclusion that the requested zone change would not cause probable significant adverse impacts on the environment.

Comments were received from the Lakehaven Water and Sewer District. The comment indicated that the property was served by both water and sewer service. The City of Federal Way was notified of the request. They contacted the Department for additional information and did not comment.

Agencies, affected Native American tribes, and the public were offered the opportunity to comment on or appeal the determination for 24 days. As of the transmittal of this report, the DNS has not been appealed by any party, including the applicant.

E. AGENCIES CONTACTED:

1. King County Department of Natural Resources and Parks: No response.
2. King County Fire Protection Engineer: No response.
3. Seattle King County Department of Public Health: No response.
4. Federal Way School District: No response.
5. Lakehaven Water and Sewer District: Response received.
6. Washington State Department of Ecology: No response.
7. Washington State Department of Fish and Wildlife: No response.
8. Washington State Department of Natural Resources: No Response
9. Washington State Department of Transportation: No response.
10. METRO: No response.

F. NATURAL ENVIRONMENT:

1. Topography: The subject properties slope gradually from south to northeast at a grade of approximately 5%. There is a steeper embankment located on the northwestern boundary of the property, associated with a constructed overpass where Interstate 5 crosses over the top of S 288th Street.
2. Soils: Soil types in this area have been mapped as Alderwood Gravelly Sandy Loam (AgC). These soils are moderately well-drained.
3. Wetland/streams: There are no critical areas present on the site.
4. Vegetation: The site's vegetation has been cleared of most of its native vegetation for many years. There are an assortment of native conifers, but most of the vegetation is Himalayan blackberry.
5. Wildlife: Small birds and animals may inhabit this site from time to time; however, their population and species are limited due to nearby development. No threatened or endangered species are known to exist on or near the property.

G. NEIGHBORHOOD CHARACTERISTICS:

The site is in the urban growth area of unincorporated King County. It is located adjacent to the limited access right-of-way of Interstate 5 and the City of Federal Way's incorporated boundary. The land uses in the immediate vicinity are primarily residential, with a mixture of single-family neighborhoods, multi-family complexes, and a church.

The properties are currently vacant. The northern property (parcel 032104-9066) has a gravel parking area that appears to be used for temporary parking associated with the adjacent church. The parcel is 2.15 acres in size and measures approximately 480 feet deep and 190 feet wide. The southern property (parcel 032104-9045) measures 0.59 acres in size, is irregularly shaped, and is approximately 545 feet deep and 50 feet wide.

The following table summarizes the development condition of the properties surrounding the proposed subdivision:

Direction	Zoning	Current Use
North	R-4	Church and single-family residences
East	R-8, R-6	Church and single-family residences
South	R-6	Single-family residences
West	RM3600 Federal Way	Interstate 5 and a mobile home park on west side of Interstate 5

I. TRANSPORTATION:

1. The site is accessed via the adjacent, developed property that has a driveway on S 288th Street.
2. Traffic Generation: The applicant has submitted a conceptual future development plan for property. Given the size of the site and the lack of a specific development proposal, the requested rezone did not warrant the need for a traffic impact analysis at this time. Depending on the scope of the future development on the property, a traffic impact analysis may be warranted in the future.
3. Adequacy of Arterial Roads: This proposal has been reviewed under the criteria in King County Code 14.70, Transportation Concurrency Management; 14.80, Intersection Standards; and King County Code 14.75; Mitigation Payment System.
 - a. King County Code 14.70 – Transportation Concurrency Management: The property is currently in a travel shed that passes transportation concurrency. This designation indicates that the transportation network is currently operating at or above acceptable standards and is capable of absorbing additional impacts.
 - b. King County Code 14:80 – Intersection Standards: No intersections exceed intersection standards as a result of this proposal.

J. PUBLIC SERVICES:

1. Schools: This proposal has been reviewed under RCW 58.17.110 and King County Code 21A.28 (School Adequacy).
 - a. School Facilities: The subject subdivision is within the Federal Way School District. The current zoning would not allow for residential development. The proposed zoning of the property would allow residential dwelling units at eight dwelling units per acre as part of a mixed use development. The base density may be exceeded in certain circumstances. Any residential dwelling units would be subject to School Impact Fees.
 - b. School Impact Fees: King County Code requires school impact fees be imposed to fund school system improvements to serve new development within this district. Payment of this fee in a manner consistent with K.C.C. 21A.43 will be a condition of issuance of the building permit for any dwelling units. The amount of the fee will be determined by the applicable fee ordinance at the time the fee is collected.
2. Parks and Recreation Space: The nearest public park is Lake Fenwick Park, operated by the City of Kent, approximately 3 miles from the subject properties.

3. Fire Protection: The property is in the South King Fire and Rescue. The requested zoning change will not increase the need for fire protection services on the property. Future development will be reviewed to ensure compliance with building and fire codes, as well as adequacy of service from the local fire district.

K. UTILITIES

1. Sewage Disposal: Sewer is provided by Lakehaven Water and Sewer District.
2. Water Supply: Water is provided by Lakehaven Water and Sewer District.

L. COMPREHENSIVE AND COMMUNITY PLAN:

1. Comprehensive Plan: This plan is governed by the 2016 King County Comprehensive plan which designates this area as CO, Commercial Outside of Centers. This comprehensive plan land use designation is supportive of the following zoning designations: NB, CB, RB, O, and I.

The following Comprehensive Plan Policies have been identified as being supportive of the requested zone reclassification:

U-115 – King County shall provide adequate land capacity for residential, commercial, industrial and other non-residential growth in the urban unincorporated area. As required under the Growth Management Act, this land capacity shall be calculated on a countywide basis and shall include both redevelopment opportunities as well as opportunities for development on vacant lands.

U-139 – Nonresidential uses, such as school, religious facilities, libraries and small scale retail and personal services, should be integrated into urban residential neighborhoods to create viable neighborhoods with reduced dependence on the automobile. These uses should be sited, designed and scaled to be compatible with existing residential character and should provide convenient and safe walking and bicycling connections to neighboring residences.

U-141 – King County should support infill and redevelopment proposals in unincorporated urban areas that serve to improve the overall character of existing communities or neighborhoods. New development should consider the scale and character of existing buildings.

2. Community Plans: The property is located in the Federal Way Community Planning Area and the East Federal Way Annexation Area. The community plan for this area and subsequent amendments occurred in 1972 to 1975, 1977 to 1980, and 1984 to 1986. The City of Federal Way incorporated in 1990 and removed much of this planning area from King County's jurisdiction. After this time, the Federal Way Community Plan and its amendments were no longer readopted as part of the King County Comprehensive Plan.

As stated above, the current zoning was adopted as part of the 2000 King County Comprehensive Plan, which adopted land use designation of Commercial Outside of Centers for this area and applied a consistent zoning designation of neighborhood business to the subject properties, along with the P-suffix condition that limited the uses on the property to only self-storage facilities. This appears to have been done based on a request from the owner of the properties at that time.

M. STATUTES/CODES:

1. KCC 21A.44.060 Zone reclassification: A zone reclassification shall be granted only if the applicant demonstrates that the proposal complies with the criteria for approval specified in KCC 20.22.140 and 20.22.150 and is consistent with the Comprehensive Plan and applicable community and functional plans.

Finding: See Section L above for applicable Comprehensive Plan policies. The request to remove the P-suffix condition is supported by Policies U-139 and U-141 from the 2016 King County Comprehensive Plan. There is no currently adopted community plan for this area of urban unincorporated King County.

2. KCC 20.22.140 Examiner findings: When the examiner renders a determination the examiner shall make and enter findings of fact and conclusions from the record which

support the determination and shall set forth how the determination is consistent with applicable laws, regulations and adopted policies.

Finding: The applicant's request and supporting documentation has been entered into the record for the Examiner's review and consideration. The subject property is served by adequate public facilities that will allow for development of the subject property in a manner consistent with the applicant's stated intentions. A full review of a development proposal will be conducted at the building permit or site development phase of the project.

3. KCC 20.22.150 Examiner duties – zone reclassification: When the examiner issues a recommendation regarding an application for a zone reclassification of property, the recommendation shall include findings on whether the application meets both of the following:
 - A. The proposed rezone is consistent with the King County Comprehensive Plan; and
 - B.
 1. The property is potentially zoned for the reclassification being requested;
 2. An adopted subarea plan or area zoning specifies that the property shall be subsequently considered through an individual reclassification application; or
 3. The requested reclassification is based on changed conditions.

Finding: See Section L for a discussion of consistency with the King County Comprehensive Plan. Policies U-139 and U-141 are both supportive of the request to remove the P-suffix condition and allow expansion of the church onto the subject property.

The requested reclassification is based on changed conditions. Since the current NB-P zoning designation was put in place in the year 2000, the church has obtained a conditional use permit and a building permit to legally establish a church on the neighboring parcel. In 2000, the previous owner of the subject property had requested the current NB-P zoning designation as part of the 2000 King County Comprehensive Plan update process, which the King County Council adopted. The previous owner has since passed away and the property ownership was transferred to the applicant requesting the zone reclassification, Federal Way First Presbyterian Church.

N. CONCLUSIONS:

The requested zoning reclassification is consistent with the policies of the King County Comprehensive Plan and complies with the criteria for a zone reclassification.

O. RECOMMENDATION:

The Department of Permitting and Environmental Review recommends granting the request zone to remove the P-suffix condition of FW-P29 from the two Neighborhood Business-zoned parcels of 032104-9066 and 032104-9045.

P. TRANSMITTED TO PARTIES LISTED HEREAFTER:

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Jim Harris	City of Federal Way	33325 8 th Ave S	Federal Way	WA 98003
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Wally Archuleta	KC DPER			
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