



2017 Docket Report
King County Comprehensive Plan
December 2017

I. About the Docket Process

The King County Docket was established in 1998 in accordance with Revised Code of Washington 36.70A.470 to provide an opportunity for residents of the County to register comments on the *King County Comprehensive Plan* and associated development regulations. The Docket process, as shown in King County Code 20.18.140, is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan's policies, area-wide land use designations, development regulations, and site-specific land use and zoning. For docket requests that require a site-specific change in a land use designation or zoning classification, submitters may be referred to the appropriate process for requesting these changes.¹

The Docket is open continuously and, each June 30, the items registered in the previous twelve months are considered. Requests are compiled into a **Summary of Docket Submittals Report** which is made available via the Comprehensive Plan website. Following this, the County classifies whether each Docket is appropriate for the Annual Cycle (which allows primarily technical updates and corrections and amendments that do not require substantive changes to policy language) or Four-Year Cycle (wherein all changes may be considered) update. This classification guides whether the Docket item could be included in the following year's Comprehensive Plan update.²

The next phase includes analysis by County departments, outreach to the proponent, determining the appropriate mechanism for public engagement (dependent on the type and scale of the request), and coordination with relevant entities such as adjacent cities or special purpose districts. Note that the level of analysis and type of engagement is guided, in part, by the aforementioned classification.

On the first business day of December, the Executive transmits a **Docket Report** with analysis and recommendations to the Council. The Council then includes all proponents of Docket requests in the mailing list for the relevant Council committee meetings, and notifies them of any other opportunities for public testimony, as it considers **Council Action** on the requests.

¹ King County Code 20.18.050 and 21A.44.060

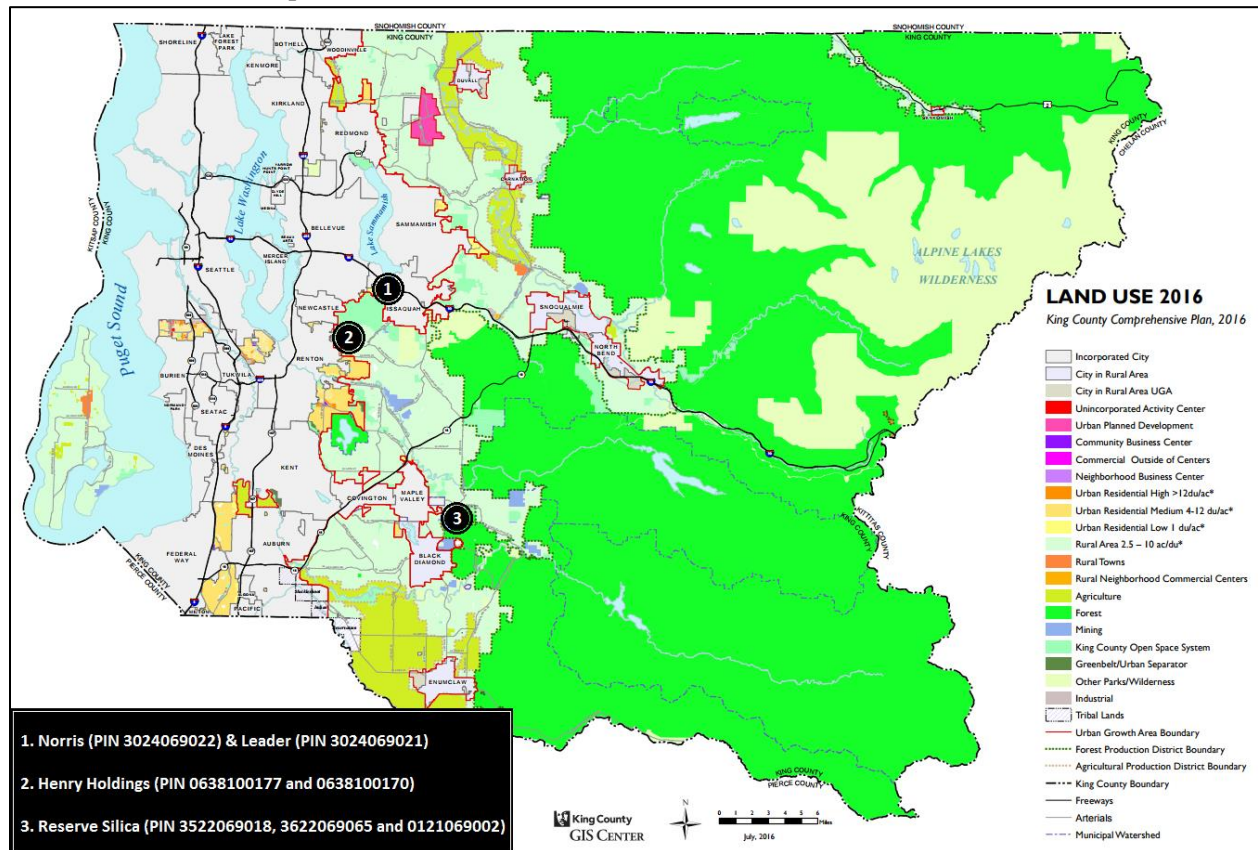
² King County Code 20.18.140 and 20.18.030

II. Summary of Submittals

King County received the following three items for the Docket period that closed on June 30, 2017:

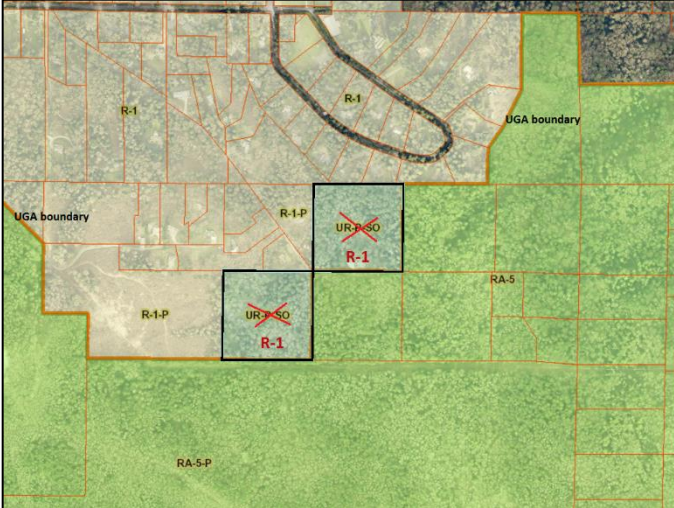
Docket #	Applicants Name(s)	District #	Summary of Requests
1	Mr. Norris Mr. Leader	CD 3, Councilmember Lambert	Request to increase the zoned density on two urban residential parcels in East Cougar Mountain unincorporated urban area, near the Cities of Issaquah and Bellevue
2	Henry Holdings, LLC	CD 9, Councilmember Dunn	Request to move two Rural Area parcels into the Urban Growth Area boundary using the Four to One Program, near the City of Renton and East Renton Potential Annexation Area
3	Reserve Silica Corporation	CD 9, Councilmember Dunn	Request to de-designate three Mining parcels and change the zoning to Rural Area 10 to allow residential development, near the cities of Maple Valley and Black Diamond

Below is the Docket map with Parcel Identification Numbers (PINs).



III. Submittals and Recommendations

The following lists the Docket applicant(s), identifies the County Council district and general location, and includes the full text of the requested change and submitted background information. This is followed by discussion and analysis of the relevant issues including classification and consistency review, and concludes with an Executive Recommendation.

Docket #1: Norris/Leader at East Cougar Mountain	
<p>Docket # 1 Applicant Names(s): Mr. Norris and Mr. Leader Council District # 3: Councilmember Lambert Location: Within the East Cougar Mountain Potential Annexation Area</p>	 <p>Request: Rezone and reclassify the land use on parcels 3024069021 and 3024069022 from Urban Reserve zoning to Urban Residential 1 zoning (and from Urban Planned Development land use to Urban Residential Low land use). The docket request notes that they are the only Urban Reserve-zoned parcels remaining in this part of the unincorporated Urban Growth Area, and that all adjoining parcels are zoned Urban Residential 1 as a result of the 2016 Comprehensive Plan Land Use Amendment # 6 – East Cougar Mountain Potential Annexation Area.</p>
<p>Discussion and Analysis: The submittal does not request a change to any broad Growth Management Act land categories (such as Rural to Urban, or Resource to Rural), does not request moving the urban growth area boundary, and does not require any substantive amendments to Comprehensive Plan policies or King County Code. As such, the request is eligible for consideration in the annual cycle.</p> <p>The current zoning on these two parcels is Urban Reserve. These are in fact the only Urban Reserve parcels in the entire area. The parcels are bounded on the north and west by Urban Residential Low parcels and on the south and east by Rural Area 5 parcels, including parcels that are in Cougar Mountain Park. The request would represent a five-fold increase in potential densities from the current Urban Reserve (1 unit per 5 acres) to Urban Residential 1 (1 unit per 1 acre).</p> <p>In the 2016 Comprehensive Plan update, twenty four parcels in East Cougar Mountain were removed from the Urban Growth Area and the City of Issaquah's Potential Annexation Area. This was based in part on a request by Issaquah to remove them, given the City's stated intent to no longer commit to annexing any portion of this area due to environmental constraints and service provision challenges. The City of Bellevue expressed the same sentiments. These issues were discussed in the Executive Recommended 2016 Comprehensive Plan, in Area Zoning and Land Use Study #20.</p>	

Docket #1: Norris/Leader at East Cougar Mountain

The twenty-four parcels included in the 2016 amendment, for the most part, had designated Potential Landslide Hazard Areas and Buffers and/or Potential Steep Slope Hazard Areas, did not have homes on them, and lacked infrastructure and roadway access. These same conditions are not present on the two Docket parcels, and they both have existing homes, roadway access and limited steep slopes.

The Docket Request is to change the zoning on the Docket parcels *in the opposite manner* from the changes in 2016 update, namely to increase the allowed densities by changing the zoning from Urban Reserve to Urban Residential Low. The City of Issaquah submitted a comment letter in September 2017 stating they are opposed to this request and any increase in zoning in the East Cougar area. (*see section V: Public Comments*)

Per policy U-201, the Comprehensive Plan seeks to focus growth in cities and in areas affiliated with cities for annexation. In policy U-125, the Comprehensive Plan supports density increases when a number of criteria are met, including adequacy of public facilities and services to support the growth; this is not the case in this area. The infrastructure deficits and position of the City of Issaquah and City of Bellevue not to annex this area make this density increase inconsistent with County policies.

Executive Recommendation #1: Given County goals to focus unincorporated urban growth into areas affiliated with Cities for annexation, the complexities of the service provision, limited infrastructure, and the City of Issaquah and City of Bellevue's stated positions in 2016, and City of Issaquah position in 2017, not to annex these areas, the request to increase the densities on these two parcels is not recommended.

Not changing the zoning and land use on these parcels means that they will have zoning that is functionally equivalent to the adjacent properties in the Rural Area on the east. It may be appropriate to reconsider this issue in a future Four Year cycle update, at which time changes to the urban growth area boundary (expansions and contractions) are eligible for consideration.

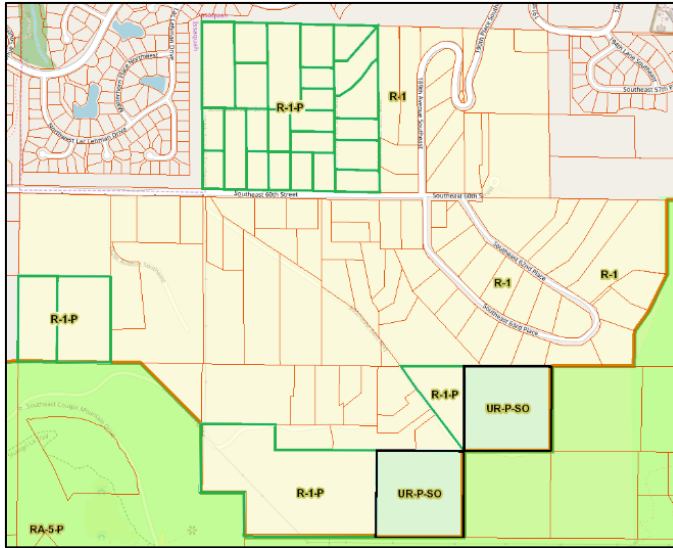
Reference Materials:

- Comprehensive Plan Land Use [Amendment # 6](#) – East Cougar Mountain Potential Annexation Area, starting on page 20 (December 2016)
- Executive Recommended 2016 Comprehensive Plan, [Area Zoning and Land Use Study #20](#), starting on page 144 (March 2016)

Issue #2 – Special District and Property Specific Condition: A related issue is that the two Docket parcels, along with numerous adjacent parcels in the East Cougar Mountain Area, have outdated development conditions imposed on them that are remnants of the 1993 Newcastle Community Plan.

- [Newcastle Property Condition 01 \(NC-P01\)](#): Cougar Mountain Subarea Master Plan Development (adopted August 1997, amended in March 2001 and October 2004). NC-P01 contains nineteen sections of suffix conditions for properties within the Master Plan Development Overlay District, including eligibility for village development, size and area requirements, land ownership requirements, review process, approved master plan development, development and housing criteria and more.

Docket #1: Norris/Leader at East Cougar Mountain



- **Special District Overlay 070 (SO-070):** Urban Planned Development Purpose and Designation SDO (adopted June 1993). SO-070 allows designation of areas which are appropriate for urban development on a large scale and adoption of urban residential zoning consistent with a subarea plan and the comprehensive plan.

The Docket parcels are shown in black and the other parcels with these development conditions shown in green on the map.

As noted, these conditions are geared towards a large scale development and

creation of a new Urban Planned Development. The minimum size of a new Urban Planned Development is defined at 21A.38.080 and states:

21A.38.080 Special district overlay - UPD implementation. *Implementation of the UPD designation shall comply with the following:*

A. *The minimum site size for an UPD permit application shall be not less than one hundred acres. "Site size" for purposes of this subsection means contiguous land under one ownership or under the control of a single legal entity responsible for submitting an UPD permit application and for carrying out all provisions of the development agreement; and*

B. *The UPD shall comply with the standards and procedures set out in K.C.C. chapter 21A.39. (Ord. 16267 § 73, 2008; Ord. 10870 § 581, 1993).*

Given the size, configuration and ownership of parcels in the East Cougar area, establishment of a new Urban Planned Development would not be feasible. Removing the development conditions would not affect the existing zoning or land use on the parcels (i.e., it would not affect rights such as Base Densities, Minimum Lot Areas, Minimum Lot Widths, Minimum Street and Interior Setbacks, Base Heights, Maximum Impervious Surfaces, etc.), and would simply de-codify these outdated and inapplicable conditions.

These conditions apply to [other areas](#) as well, including some that are fully contained in an incorporated city, meaning the conditions are not applicable. However, they still show up on the County's mapping systems and may create confusion.

Executive Recommendation #2: Given the widespread nature of these conditions, consider removal of these conditions in the next Four Year cycle, during which time more extensive public engagement and notification will occur.

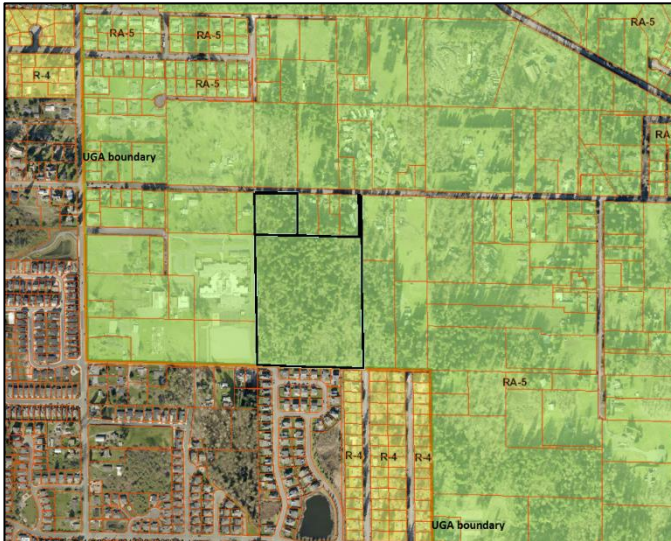
Docket #2: Henry Holdings Four to One near Coalfield

Docket # 2

Applicant Name(s): Henry Holdings

Council District # 9: Councilmember Dunn

Location: Rural area adjacent to the East Renton Plateau Potential Annexation Area, Near Coalfield



Request: Rezone and reclassify the land use on parcels 0638100177 and 0638100170 from Rural Area 5 zoning to Urban Residential 4 zoning (and from Rural Area land use to Urban Residential Medium land use) using the Four-to-One program. The docket request states that there is no significant effect on adjoining parcels, as the adjacent residential area to the south has the same R-4 zoning as is proposed for these two parcels.

Discussion and Analysis: The request does not appear to require any substantive amendments to Comprehensive Plan policies or King County Code. The request

proposes to change a broad Growth Management Act land category, moving two parcels from Rural to Urban. However, because the proposed method is through the use of the County's Four to One Program, which is allowed for consideration during the Annual Cycle, the request is eligible for consideration in the annual amendment cycle.

Comprehensive Plan policy R-203 states that the rural area is to be considered permanent and to be protected, although it does allow expansion of the Urban Growth Area boundary using the Four to One Program. This program is guided by policies and criteria in the Countywide Planning Policies, Comprehensive Plan, and County Code and allows for discretionary land use amendments, including urban growth area changes. As a discretionary program, the County has authority to support or reject based on the totality of the proposal, and the County's evaluation is guided by both eligibility and evaluation criteria, and states in policy U-186 that the highest-quality proposals shall be recommended for adoption.

The Docket parcel meets many of the eligibility criteria in King County Code 20.18.180, as follows:

Criteria	Parcel
Not zoned agriculture	meets criteria
Physically contiguous to 1994 urban growth area	meets criteria
Not in an existing band of contiguous open space	meets criteria
Could be served by sewers and other urban services	meets criteria, but requires agreement from City of Renton to serve (see below)

Docket #2: Henry Holdings Four to One near Coalfield

Could have urban facilities provided directly from the urban area and not cross the open space or rural area	meets criteria, but requires agreement from City of Renton to serve (see below)
Is greater than 20 acres	meets criteria

In addition to the eligibility criteria, requests for redesignation are evaluated to identify those that are the highest quality, based on the following:

Criteria	Parcel
Preservation of fish and wildlife habitat, including wildlife habitat networks, and habitat for endangered and threatened species	parcel does not rate highly on criteria
Provision of regional open space connections	parcel does not have open space connections; creating them in the area would be difficult and expensive and is not a current county priority
Protection of wetlands, stream corridors, ground water and water bodies	parcel does not rate highly on criteria; no significant streams or water bodies
Preservation of unique natural, biological, cultural, historical or archeological resources	parcel does not rate highly on criteria; no significant resources
Size of open space dedication and connection to other open space dedications along the urban growth area boundary	parcel does not rate highly on criteria; this would provide a small isolated open space, lacking economies of scale, for the County to maintain
Ability to provide extensions of urban services to the redesignated urban areas	parcel could rate highly, but requires agreement from City of Renton (see below)

While the Docket parcels are free of environmental constraints and are adjacent to the Urban Growth Area boundary, the habitat is not rated as high quality, does not have unique features and does not connect to other public open spaces. As such, it does not rate highly on the open space criteria.

The criteria for the urban portion are to achieve urban densities, and that it be subject to an agreement between King County and the adjacent city or town that it will be added to the city's Potential Annexation Area. This requirement exists in order to meet a separate goal under the Growth Management Act that unincorporated urban areas be annexed or incorporated into cities.

As such, Four to One proposals seek to ensure that the new urban portion, at a minimum, be affiliated with a city for annexation - if not annexed outright at the time of approval - so that development occurs under city standards and regulations. This is important for the County because incentives for annexation are very limited and, once development has occurred, it becomes less likely that a city will want to annex the area.

One example of this issue is whether the development meets city design standards which are typically more urban in approach than the County. This includes standards related to curb design, requirements for and placement of landscape strips, sizing of parking garage entrance aprons, requirements for pedestrian lighting, and more. This is also important to the County so that urban facilities such as sewer

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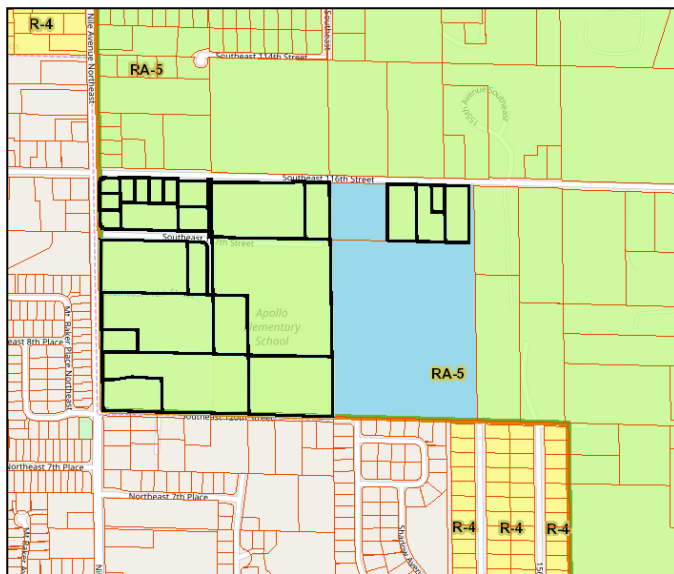
and water can be provided directly from the urban area and do not cross the open space or rural area, and do not create development pressure on rural lands.

The City of Renton is the only proximate city able to serve this development. The City reviewed the proposed site and stated the following:

"... the city is NOT in support of the referenced Urban Growth Boundary (UGB) expansion. The City commends King County for the 4:1 program and is very supportive of the program in general. However, until the City has agreement with King County regarding development standards for new urban development in the City's Potential Annexation Area (PAA) it is premature to consider adding additional land to the UGB."
(see section V: Public Comments)

The City's opposition to this proposed change is important in that the City would be the provider of services such as sewer and/or water, which are necessary for urban development to occur. While the program does not provide sole discretion to the City of Renton to make a final determination on the proposal, the criteria support proposals where a city is able to make a commitment for future annexation.

In addition to the Four to One program criteria, the impacts of a proposal on the surrounding rural area are also important considerations. One concern that this proposal raises is that it would create two new notches in the Rural Area. Shown on the map below, the Docket parcels are blue, and potential notch properties are outlined in black.



Four parcels at the northern edge are surrounded by the Docket parcels, and twenty-two parcels are between the Docket parcels and the urban growth area which runs along this portion of 148th Avenue SE (listed as Nile Avenue Northeast on the map). All of these parcels would be surrounded on three sides by the urban growth area and, if the Docket parcels were annexed by the City of Renton, they would be surrounded on three sides by the City of Renton. This would have the potential to create pressure for these notches to convert

to urban as well, as has happened in other parts of the County.

Executive Recommendation: The proposal meets many of the eligibility criteria, but does not rate highly on the evaluation criteria. Importantly, the adjacent City that would need to provide services to support urban development does not support the proposal. Given the limited benefits of adding the open space portion of the site to the County's open space system, the City of Renton's stated lack of support for adding this property into their potential annexation area, and the concerns that this would

Docket #2: Henry Holdings Four to One near Coalfield

create pressure on other nearby Rural Area parcels to convert to urban, the request to add these parcels into the Urban Growth Area boundary is not recommended.

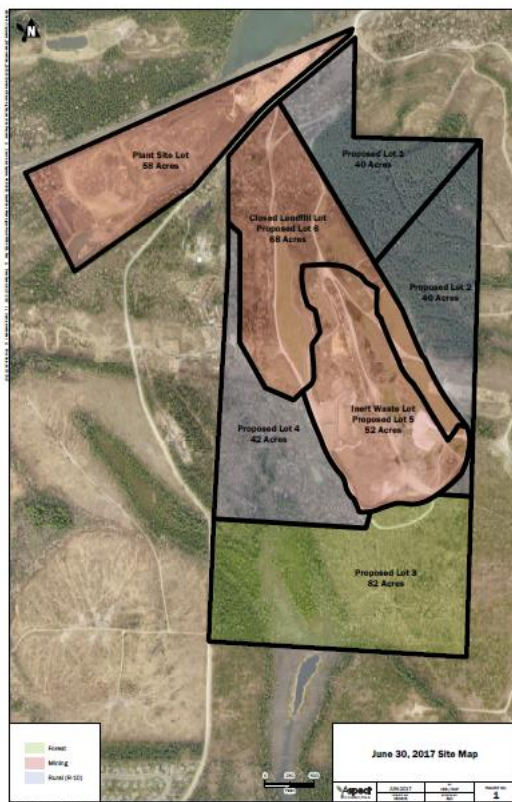
Docket #3: Reserve Silica near Ravensdale

Docket # 3

Applicant Names(s): Reserve Silica Corporation

Council District # 9: Councilmember Dunn

Location: Near Ravensdale



Request: Rezone and reclassify the land use on 122 acres of the 245 acres currently designated Mineral land use to Rural Area land use, and from Mining zoning to Rural Area 10 zoning. The docket request states that the proposed use of the parcels (3522069018, 3622069065 and 0121069002) would allow 12 rural residential lots averaging 10 acres in size. Three other parcels on this site would retain their existing Mining and Forestry land use and zoning.

The docket request also notes that this property was included in the 2012 Comprehensive Plan as a Demonstration Project; this was repealed in 2016. The Docket request further states that there would be no effect on the adjoining parcels because the proposed large rural residential lots with setbacks and other restrictions would maintain compatibility with adjacent forest uses.

Note: The existing three tax parcels discussed in the Docket Request have been divided into six parcels, under Revised Code of Washington RCW 58.17.040(2) and RCW 58.18.010. These statutes allow large lot segregations as long as the parcels meet minimum lot

sizes under existing zoning (King County Code 19A.08.070.B.2.b (3)). The Docket Request would apply to three of the six tax lots.

Discussion and Analysis: The request proposes to change a Growth Management Act land category (redesignation from Resource to Rural) and does not propose to move the urban growth area boundary, but would require substantive amendments to Comprehensive Plan policies. As such, the request would not be eligible for consideration in the annual Comprehensive Plan amendment cycle in 2018, but could be considered in the next Four-Year cycle update in 2020.

The Docket Request follows a substantive change adopted in the 2016 update of the Comprehensive Plan related to this property. In the 2016 update, the County removed policy language that would have

Docket #3: Reserve Silica near Ravensdale

allowed a "mining site conversion demonstration project" to be submitted and considered in the Annual amendment cycle. Along with concerns regarding the impacts of development on this site on adjacent forest lands, site toxicity, and inverted reclamation and stewardship incentives, the County determined that projects of this scope, scale and precedent were not appropriate for review during Annual update cycle. Classification of the 2017 Docket is therefore consistent with the actions taken in the 2016 Comprehensive Plan update.

The 2017 Docket Request is different from previous iterations, and the scale of the proposal has been reduced, however, numerous substantive classification concerns remain given that the project proposes to:

1. De-designate natural resource lands to rural area
2. Change the zoning in a manner inconsistent with the mineral land development standard provisions in King County Code 21A.22.081.C.2.a.
3. Allow rural development directly adjacent to the Forest Production District in a location where none is currently allowed
4. Create twelve development rights on the site where none are allowed under existing zoning

These items are further discussed below.

1. De-designates Natural Resource Lands

The total site area is 325 acres – approximately 80 acres would remain zoned forestry, 245 acres remain zoned mining, and the Docket requests redesignation of 122 acres from Mineral to Rural Area 10. There are three broad categories of jurisdiction-controlled land under the Growth Management Act – Urban, Rural and Resource. Changing one of these land represents a substantive change to land categories.

2. Changes zoning inconsistent with King County Code

King County Code chapter 21A.22 - *Reclamation* states that final grades are required to be so as to encourage the uses permitted within the primarily surrounding zone or, if applicable, the underlying or potential zone classification. This is a stronger statement than the requirement for compatibility between zones. The three parcels proposed for redesignation to Rural Area would be surrounded on all sides by mineral and forestry land uses. With the cessation of mining, the remaining zone surrounding the parcels would be forestry.

A related policy in the Comprehensive Plan, at R-621, states that "Lands may be removed from the Forest Production District only through a Subarea Study, and only to recognize areas with historical retail commercial uses." The Docket Parcels are fully surrounded by Forest Production District parcels, and removing them would be inconsistent without a subarea study.

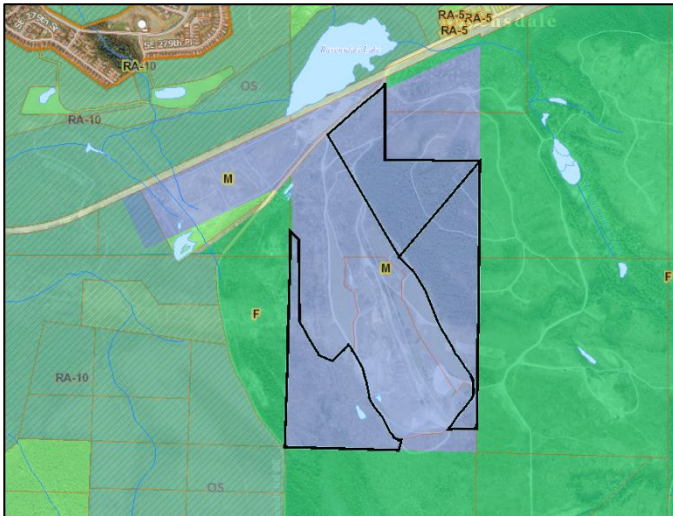
3. Allows potentially incompatible rural development directly adjacent to the Forest Production District

While low-density rural residential development can be compatible with forestry, this site is a geographic peninsula within the Forest Production District; any resulting residential development would be surrounded on multiple sides by the Forest Production District.

Docket #3: Reserve Silica near Ravensdale

In the 2007 Docket process, it was stated that the Comprehensive Plan policies included a preference that the site be redesignated to industrial, open space or forest. In the 2012 Comprehensive Plan's Area Zoning and Land Use Studies, it was recommended that the land use be changed to Forestry and the entire 402 acre site be included with the Forest Production District. Finally, the study stated that "Residential development adjacent to the Forest Production District may also bring pressure to bear on other resource-designated properties for residential development."

These statements were, in part, based on Comprehensive Plan policies, such as R-691, which states that "Reclamation of mining sites in the Forest Production District should return the land to forestry." While the policy number has changed over the years, this concept has been in the Comprehensive Plan since the [1994 Plan](#), wherein it stated "mines in the Forest Production District should be returned to forest use." (see page 112) This approach has been understood in the community for some time. For example, the 1991 Application for Reclamation Permit submitted by Reserve Silica to the Washington State Department of Natural Resources stated that the Subsequent Land Use would be forestry.



This theme continues in the Comprehensive Plan today. To maintain the Forest Production District, policy R-623 commits the County to promote forestry, reduce uses and activities that conflict with resource uses, and recognize forestland values. Further, policy R-684 states that the preferred adjacent land uses to sites designated as Mining on the Land Use Map are mining, industrial, open space, or forestry uses. This policy is relevant because large portions of the site will

remain with a mining designation, with residential development not a preferred land use. Additionally, the text of the Comprehensive Plan at page 3-45, provides context, stating "The purpose of the Forest Production District is to conserve large blocks of commercially valuable forestland for the long term. The designation and zoning is designed to prevent intrusion of incompatible uses, to manage adjacent land uses to minimize land use conflicts, and to prevent or discourage conversion from forestry to other uses." Allowing residential development on parcels surrounded by the Forest Production District would require changes to Comprehensive Plan policies.

4. Creates twelve development rights on the site where none are allowed under existing zoning.

Under King County Code 21A.12.040 Densities and dimensions - resource and commercial/industrial zones, no dwelling units are allowed on mining sites. The Docket request is for 12 development rights. The County has programs (such as the Residential Density Incentive Program, the Four to One Program, or the Transfer of Development Rights Program), that allow property owners to create development rights where none exist today. These programs require that a commensurate public benefit, such as permanent open space or affordable housing units, be

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provided. The Docket request does not provide these benefits; this would be a substantive change from existing county practices and would require changes to the aforementioned programs and the policies and King County Code that guide them.

These issues form the basis for classification of the Docket request as eligible for the Four Year, not the Annual, Comprehensive Plan cycle.

There are other, substantive issues that bear on the Executive recommendation of the proposal. These include issues such as: the appropriateness of allowing the portions of the site with the most potential for commercial forestry to be used for non-forestry uses; the location of residential development directly adjacent to parcels that have known toxins that have not yet been removed; creating incentives for mining sites to be managed for long-term conversion to residential uses rather than to forestry; the lack of site-specific analysis for issues such as roadway access (given that the elevation gain on portions of the site range between 850 and 1000 feet); long-term maintenance of these private roads by only 12 households; and service delivery. These substantive issues add to the aforementioned classification concerns.

Note: King County staff attempted to contact staff from the City of Black Diamond and City of Maple Valley on July 20 and October 3 to understand the city's perspective on this proposal. Neither city responded.

Executive Recommendation:

The requested change includes a number of elements that go beyond the Annual cycle's allowance for primarily technical updates and corrections and amendments that do not require substantive changes. Given the scope and potential precedence of these changes, the action taken in the 2016 plan, and other substantive issues that would bear on the Executive position on whether to support this proposal, the proposal is classified as not eligible for consideration in the Annual cycle.

Reference Materials:

- King County Rural Forest Commission Letter, June 1, 2016
- King County 2016 Comprehensive Plan – Executive Recommended Plan, Public Participation Report, March 1, 2016
- Department of Ecology – Site Hazard Assessment Ranking Notification Letters and Assessment Worksheet, January 2016 and February 2016
- King County Rural Forest Commission Letter, October 17, 2012
- King County 2012 Comprehensive Plan – Executive Recommended Plan, Map Amendment for Reserve Silica, March 1, 2012
- King County 2012 Comprehensive Plan – Public Review Draft, Area Zoning Studies, October 7, 2011
- Reserve Silica 1991 Application for Reclamation Permit submitted to the Washington State Department of Natural Resources

IV. For More Information

For questions regarding this report, please contact Ivan Miller, Comprehensive Planning Manager, at 206-263-8297 or ivan.miller@kingcounty.gov.

V. Public Comments on 2017 Docket Submittals

The following public comments were submitted on the Docket Requests following the release of the 2017 Summary of Docket Submittals Report.

Name: Tom Carpenter, Communications Secretary & acting Treasurer, Four Creeks Unincorporated Area Council; Gwendolyn High, President, CARE; Edie Jorgensen, Member, CARE, and Vice President, Four Creeks UAC; Peter Eberle, President, Four Creeks UAC; and Byron Murgatroyd, Commissioner, King County Water District #90

Date: October 31, 2017

Comment:

We collectively are active in the local community, including active participation in CARE, Four Creeks Unincorporated Area Council, and as a Commissioner at King County Water District #90. To be clear, our comments are personal, not organizational.

The parcels lie directly east of Apollo Elementary School. The UGB runs along the south side of Parcel 063810-0170 (a roughly square parcel of 18.44 acres), but turns south slightly to the east of the eastern parcel boundary on the the southern property line. (Parcel 063810-0177 lies to the north on the western side of the northern boundary of Parcel 0170, and is about 2.37 acres.) To the west, the UGB runs past several parcels near, and south of, Apollo Elementary to Nile Avenue. The surrounding properties within the UGB mostly lie within the City of Renton and are zoned R-4. All the surrounding parcels outside the UGB are zoned RA-5. Importantly, all parcels to the east of parcels 0170 and 0177 are zoned RA-5.

We oppose the proposal for the following reasons:

1. The proposal, if granted, would create a “nub” in the Urban Growth Boundary (UGB), which only invites further efforts to then “in-fill” surrounding areas that are also currently zoned RA-5. There are no other 20+ acre parcels surrounding the relevant parcels, but there are sufficient parcels that a developer would be motivated to purchase to accumulate 20+ acres to attempt to additional Four to One projects.
2. Because the surrounding parcels that lie outside the UGB are all zoned RA-5, there is no basis for some transition to farm or other rural uses other than to RA-5 parcels. Thus, this Four to One proposal fails to meet a basic criterion.
3. Traffic in the area already overburdens the road infrastructure. There is no significant public transport, and adding 15-16 homes will not induce additional public transport but will have significant effects on the overburdened road infrastructure. Other residents on the social media site Nextdoor are expressing concern about the traffic impacts. Due to the

short timeframe we've had to prepare these comments, we were unable to coordinate our response with these neighbors.

4. The Water District's planning for providing water is frustrated. The District, and Renton, are precluded by law from planning on higher densities in the rural area. While adding 16 homes rather than 5 homes is immaterial, if this approach is enabled, and a significant amount of other areas are turned into Four to One projects, the planning for the area is frustrated, and potentially the sizing of pipes, vaults, valves, tanks and fireflow infrastructure are made deficient. The area has some hills and hydrologic challenges. Providing proper water flow is a significant cost, and charging developers fair fees is impossible if ad hoc additions are made to the UGB.
5. When researching these properties it was found that the parcels to the south, which are part of the Maureen Highlands development have a Sensitive area designation attached to their titles. How this would impact the subject parcels needs to be researched.

For these reasons, we oppose Docket Request #2.

Name: Christopher Wierzbicki, PE, Executive Director, Futurewise; Bryce Yadon; Tim Trohimovich

Date: October 31, 2017

Comment:

Subject: Do not recommend including Docket Request # 3, Reserve Silica, for either the Annual Plan Update Cycle or Four-Year Update Cycle

Futurewise works work throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests & water resources. We have members throughout Washington State including many in King County.

Thank you for the opportunity to comment on the 2017 Docket. Futurewise recommends that Docket Request # 3, Reserve Silica, not be included in either the Annual Plan Update Cycle or Four-Year Update Cycle. The current designation was adopted in the last comprehensive plan update. There is no change in circumstances justify a change.

Futurewise advised the rejection of a similar residential proposal at the Reserve Silica site in 2013, and our reasoning for objecting to this recent proposal remain consistent today:

- Preventing residential development of this site is basic consumer protection. The Washington State Department of Ecology has given this site its most severe hazard ranking. In addition to silica residue, the site has been used as an industrial disposal site for cement kiln dust, coal tailings, and acidic and caustic leachate, all of which are significant public safety hazards. This is not a suitable environment for housing.

- This residential proposal will be difficult and costly for King County and special purpose districts to serve with the public facilities and services needed to adequately support housing. These include services and infrastructure such as road maintenance, fire and emergency services, and school transportation. Providing these services will add to the county's existing burden of maintaining the public facilities and services that the residents of unincorporated King County depend upon and deserve.
- This land is in a remote location in the Forest Production District. Building housing in this area will create pressure to convert the nearby forest land to residential development, which is contrary to county policy and VISION 2040, the growth strategy for central Puget Sound adopted by King, Kitsap, Pierce, Snohomish counties and the cities in those counties, to conserve these areas. This impact is already apparent, as adjacent property owners have requested that their parcels be added to the proposal to change the comprehensive plan designation and zoning to RA 10 during the last update.
- The property is a logical addition to the surrounding Forest Production District, resulting in a more regular boundary.
- Approval of the Reserve Silica proposal could establish a precedent incentivizing inadequate mining reclamation and then dumping the site on unsuspecting homeowners.

Thank you for the opportunity to provide our comments on this important land-use and public health issue. We urge the county to reject the residential proposal for the Reserve Silica property.

Name: Jason Nonis

Date: October 30, 2017

Comment: We prefer the land in question being developed under a 4 to 1 proposal rather than full development. If the 4 to 1 proposal is approved, we hope the developer and King County will respect the rural designation of most neighboring plats as much as is feasible, by positioning the developed urban lands near the city of Renton boundary or Apollo Elementary School as much as possible. We look forward to hearing more about the development plans and will remain respectfully engaged throughout the approval process, weighing in when public feedback is requested.

Name: Ken Konigsmark

Date: October 23, 2017

Comment: As a long time conservationist and rural lands and growth management activist, I am always concerned about the "wish list" proposals that inevitably appear in these Docket requests. This year seems to be no exception.

Docket request #1 seeks R-1 zoning: Is there water and sewer service to serve these new lots given that it is inadvisable to drill wells or install septic drainfields on 1 acre lots. What will be the impacts on Cougar Mountain Regional Wildland Park? Wouldn't these parcels be better used as open space additions to the park rather than sites for new mega-mansions on the edge of the park? Until these questions are analyzed and answered this proposal should not be approved.

Docket request #2 seeks upzoning to R4 on rural zoned lands supposedly under the 4:1 program. Yet, it appears that while there may be R4 zoning only to the south of these two parcels it is surrounded on the other 3 sides by rural zoned/rural use lands. Will 80% of the land truly be donated as public open space and if so to which public agency (King County Parks?)? Does that agency even desire this land and can it be managed for the public effectively? If R4 density is allowed will the homes, in fact, be located adjacent to the existing R4 homesites to the south? Until these questions are analyzed and answered this proposal should not be approved.

Docket request #3 seeks upzoning from Mineral/Mining to R10 for 122 acres of land that has been heavily impacted by mining and toxic materials. This should not be allowed at all given the health risks to anyone who would live on these parcels, particularly when considering that all homes would utilize wells drilled into the heavily contaminated soils. Further, R10 zoning represents a significant and valuable upzoning from what current use would allow. Why should the applicant not be required to purchase density credits from King County's TDR bank? No free upzoning should be given to anyone when there are density credits readily available for purchase from King County! The Reserve Silica site is not suitable for residential use. This request should be denied.

Name: Michael and Donna Brathovde

Date: October 4, 2017

Comment: Attached are our public comments on Reserve Silica's proposed Docket Request #3 to change Land Use and Zoning on 122 acres of their Ravensdale property.

Note that we do NOT believe it is appropriate for this request to be considered as part of the 2017 KCCP, and we strongly disagree with the request to change the designated Land Use/Zoning on these Resource lands to a Rural Area/RA-10 zoning.

Thank you for including these considerations in the Executive's deliberations on this proposal.

Docket Request #3:

Reserve Silica's Docket Request #3 asks for a "site specific land use map amendment and companion rezone" for three parcels of land, totaling ~122 acres. The parcels currently have a Mineral land use designation, and are zoned Mining. The request is to change land use on these parcels to a Rural Area land use, with a RA-10 zoning.

Brathovde position:

First, we strongly recommend that this Docket proposal NOT be considered as part of the annual, 2017 KCCP. And secondly, if the Executive and Council should agree to consider this proposal within the 2017 KCCP, we strongly recommend that the proposal be soundly rejected.

Rationale for why this proposal should not be considered in 2017 KCCP:

The proposed Docket change is a major decision, reflecting significant changes to the Comp Plan; violates numerous County policies; and, if approved, will set a precedent that will likely have a major impact on the County's ability to retain critical Resource Lands in southeast King County. As such, this request should be addressed as part of the four-year, major Comp Plan update cycle, rather than in the 2017 annual update.

Furthermore, the entire Reserve property, including these three parcels, is currently designated by the Washington Department of Ecology (DOE) as a Class I (highest priority) MTCA Toxic Waste Clean-up site, due to known hazardous wastes that have contaminated surface and ground water, of which contamination has already migrated off-site. This contaminated water has been determined to represent an extremely high risk to human health and the environment. While consultants for Reserve have done a preliminary, internal Remedial Investigation to try to assess the extent of this, and other unknown contaminants on the property, this internal, Reserve-sponsored study (performed last April) has still not been released for public review/comment, and has not yet been submitted to DOE for their review and critique. Based on a very high level summary of the study presented by Reserve's consultant in June, we have serious concerns regarding major shortcomings of this study. Until the public and DOE has had an opportunity to carefully assess this study and Reserve's internal conclusions, one must hold with the DOE conclusion that the entire property, including these three parcels, may contain contaminants potentially hazardous to human health. Changing the land use and zoning of these three parcels to reflect a Residential land use is premature until such time as DOE has concluded that these parcels are safe for human habitation. And such a decision by DOE prior to the scheduled County adoption of the 2017 KCCP seems highly unlikely.

Note that Docket Request #3 is not the first time Reserve has proposed a similar land use change and upzoning for these lands. Similar Minerals/Mining -to-Rural /RA10 change were promoted by Reserve in the 2012 KCCP, and in the 2016 KCCP. In both cases, after detailed reviews and careful consideration, the Council ultimately decided to reject these earlier requests. To try to run the current Docket proposal through the abbreviated, annual Comp Plan update seems totally inappropriate, given the sensitivities and uncertainties surrounding this property.

Rationale for why the proposed land use/zoning change should NOT be approved:

The three parcels proposed for land use/zoning change are all currently forested, with timber ranging from 25 – 50 years of age (mostly 35-40). All of these lands were actively managed for commercial timber production by Plum Creek and its predecessors, up until purchase by Reserve Silica in 1997. All these lands were zoned Forestry, and included within the Forest Production District (FPD), prior to acquisition by Reserve. With the change to Minerals/Mining to reflect the active and prospective sand mining on a portion of the property by Reserve, County policy at the time indicated the land would revert back to its underlying Forestry zoning at the conclusion of mining and reclamation activities. Past mining activity on the three subject parcels proposed for upzone has been very limited, and mostly ended over 100-years ago. These three parcels reflect the most-suitable areas of the entire 382-acre Reserve Ravensdale ownership for the long-term practice of commercial forestry. And the proposal being promoted by Reserve and their forestry consultant (American Forest Management) through the

2016 KCCP confirmed that these parcels are entirely suitable for long-term forest management. The King County Rural Forest Commission also concurred with this conclusion.

Besides being ideally suited for long-term forestry use, a Rural Residential use of these parcels, as requested in Docket Request #3, would be entirely inconsistent, and incompatible, with surrounding land uses. Contrary to the Docket assertion that “*there would be no affect on the adjoining parcels regarding maintaining compatibility with adjacent forest uses*”, the Rural Forest Commission concluded that a similar assertion by Reserve in their 2016 KCCP promotion was not supported by past experience. And this entire property is totally surrounded by lands that will never have any residential use (see land use map). The lands to the east and south of this property are zoned Forestry, included within the FPD, and are under Conservation Easement owned by Forterra that allows no permanent structures to be constructed on these lands into perpetuity. The two small parcels on the western border of Reserve’s ownership are zoned Forestry and within the FPD; and due to their small size and contamination issues originating from Reserve’s property, will never have a residential use. And all the remaining lands to the west and north are under County ownership and part of the Black Diamond Open Space lands, which does not allow any residential development despite their being zoned RA-10. So to upzone these 122 acres to RA-10 when totally surrounded by permanently protected and/or FPD lands, thus creating a residential land use “island”, 1 ½ miles outside the urban growth boundary, within a 3,500-acre sea of lands that will never have any residential use, makes no sense whatsoever. It only serves to create an isolated residential zone, inconsistent with the surrounding land uses, strictly for the benefit of a single land owner.

This entire property is currently designated Resource lands – either Minerals or Forest. To change land use on 122-acres would represent an unnecessary loss of Resource lands – in conflict with County strategic goals. Furthermore, the requested land use/zoning change on these parcels would set a terrible precedent for upzoning Resource lands upon the completion of mining or other resource extraction activities. We are aware of six different mining operations in Southeast King County that would likely apply for similar residential upzoning should the Docket #3 precedent be set. And there are thousands of acres of forestlands within the FPD in southeast King County that were segregated into mostly 20-acre parcels by Plum Creek, Weyerhaeuser and Palmer Coking Coal, prior to sale to various private investor groups, that would also likely try to tag along on Reserve’s coattails to upzone their properties to a residential use should the Reserve precedent be set.

Extensive details behind the arguments presented above, can be found in the document provided to Council as part of the 2016 KCCP Council deliberations, titled “Assessment of Reserve Silica’s Proposed Mining Site Conversion Demonstration Project”, dated August 2016. An electronic copy of this document will gladly be provided to any interested party upon request.

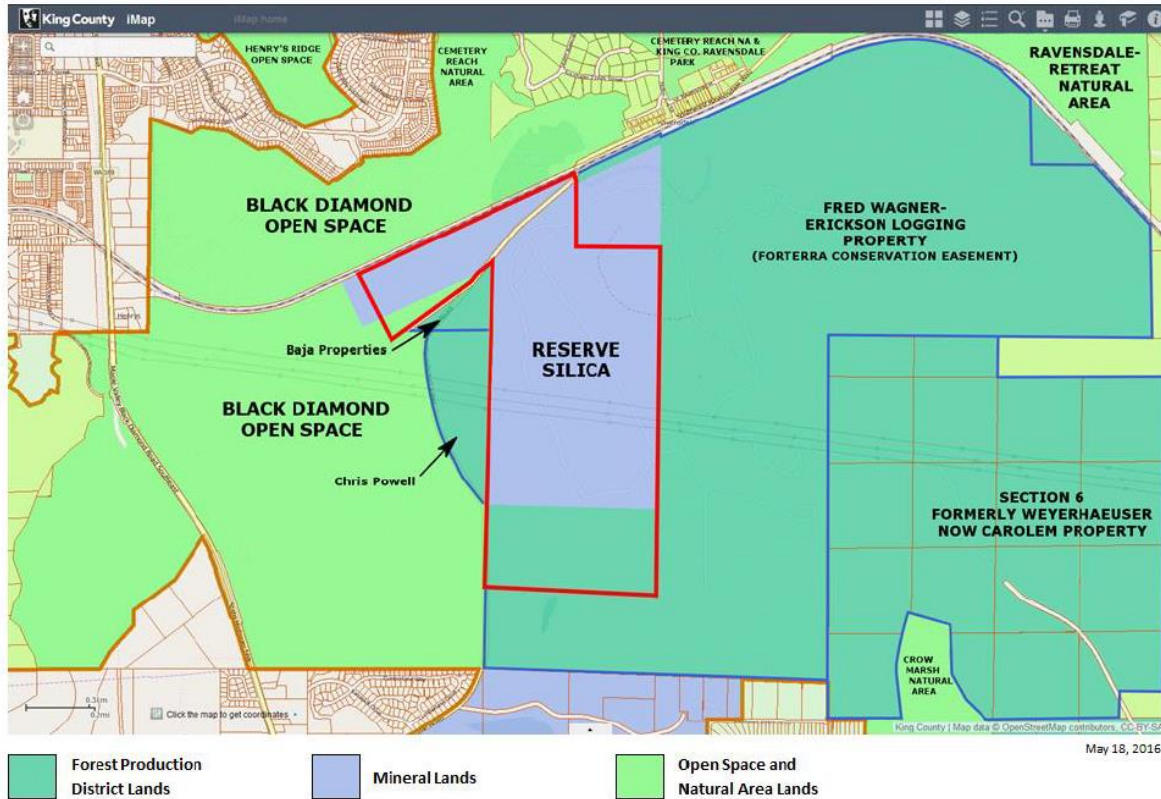
Conclusion & Recommendation

Given the significance of the Docket Request #3, and the huge uncertainties surrounding this particular property at this point in time, this Docket item should only be considered as part of the 2020 major Comp Plan update cycle, rather than as part of the 2017 annual update. And at whatever time this request is eventually considered by Council, this request should be soundly rejected, and these three parcels in particular, should revert to their pre-mining Forest land use and Forestry zoning, and be included within the Forest Production District. Any residential use of these three parcels would violate numerous County policies and goals, be totally inconsistent and incompatible with surrounding land

uses, and set a terrible precedent which would pose serious challenges to the County's efforts to retain Resource lands within Southeast King County.

Current Land Use Map for lands surrounding Reserve Silica Ravensdale property

Reserve Silica property is entirely surrounded by Forest Production District Lands and King County Open Space lands.



Name: Mayor Fred Butler, City of Issaquah;
Autumn Monahan, Darcey Strand, City of Issaquah

Date: October 3, 2017

Comment: (letter starts on next page)



CITY OF
ISSAQUAH
WASHINGTON

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Sept. 28, 2017

Lauren Smith
Director of Regional Planning
Office of Performance Strategy and Budget
401 Fifth Avenue, Suite 810
Seattle, WA 98104

Re: Issaquah's recommendation to deny request on 2017 King County Docket to increase zoning potential on two parcels within East Cougar Mountain Potential Annexation Area (PAA)

Thank you for providing the information that you have received regarding a request on the 2017 King County Docket to increase the zoning potential on two parcels within East Cougar Mountain PAA. The purpose of this letter is to notify you that we are against any increase in zoning in this area. As you recall, in 2015 Issaquah petitioned King County to remove the East Cougar Mountain area from Issaquah's PAA for several reasons: the area is not suitable for urban growth due to environmental constraints; difficulty in the provision of urban services; the area is no longer necessary to accommodate Issaquah's urban growth targets; and the area is not characterized by urban development or served by public sewers. For these reasons, our community has no intention of annexing this area.

East Cougar Mountain PAA is now approximately 588 acres and is adjacent to the Cougar Mountain Wildland Park outside of the Urban Growth Area. The two parcels requesting increased zoning potential are both adjacent to the Cougar Mountain Wildland Park and both have environmental constraints (see attached).

Issaquah maintains that no increased zoning should be approved and continues to recommend that the PAA should be redesignated to Rural land since it meets all the criteria of the King County Countywide Policy DP-18:


DP-18 Allow redesignation of Urban land currently within the Urban Growth Area to Rural land outside of the Urban Growth Area if the land is not needed to accommodate projected urban growth, is not served by public sewers, is contiguous with the Rural Area, and:

- a) Is not characterized by urban development;
- b) Is currently developed with a low density lot pattern that cannot be realistically redeveloped at an urban density; or
- c) Is characterized by environmentally sensitive areas making it inappropriate for higher density development.

5

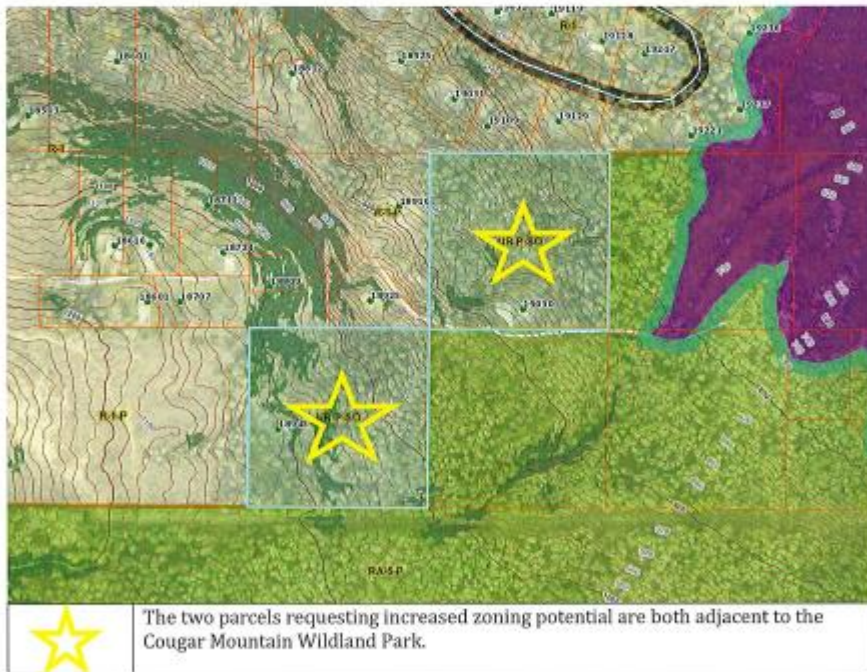
I am looking forward to working with you on this important issue.

Sincerely,


Mayor Fred Butler
City of Issaquah

Attachment

Cc Ivan Miller, King County Comprehensive Planning Manager
Issaquah City Council



Name: C.E. "Chip " Vincent, Administrator, City of Renton Department of Community & Economic Development

Date: August 17, 2017

Comment: As a follow up to our phone conversation this afternoon, I wanted to confirm in writing that the city is NOT in support of the referenced Urban Growth Boundary (UGB) expansion. The City commends King County for the 4:1 program and is very supportive of the program in general. However, until the City has agreement with King County regarding development standards for new urban development in the City's Potential Annexation Area (PAA) it is premature to consider adding additional land to the UGB.

Name: Michael Brathovde

Date: July 12, 2017

Comment: The following [was sent] to Randy Sandin, as part of an email covering several other topics.

Finally, on the topic of Reserve Silica's Large Lot Segregation proposal, I believe you indicated in the GMVUAC meeting Monday that DPER was close to completing their review of this proposal, and was anticipating approving it. I also reviewed the Docket proposal that Reserve submitted to upzone Lots 1, 2 and 4 to RA-10 as part of the 2018 Comp Plan update. I have a couple of major concerns relating to the proposed Large Lot Segmentation under your review.

First, as I'm sure you are aware, there is an active MTCA clean-up assessment in process on this property. At this point, until a Remedial Investigation (RI) is accepted by DOE, thus defining that portion of the property that is contaminated with toxic wastes and requiring clean-up, it seems premature to even be considering a lot segregation. While Reserve has completed an internally directed RI, this study has not yet even been submitted to DOE. Until such time as DOE has received, reviewed and accepted an RI, Reserve's internal conclusions as to what areas of the property are contaminated is strictly their own opinion.

Secondly, it seems there is a very substantial probability that the Council will reject the RA-10 upzone proposal in the 2018 Comp Plan, just as they rejected the residential upzone proposal in both the 2012 and 2016 Comp Plan updates. The driving factors behind such a rejection would include (1) the contamination issues on the property; (2) the fact that all the surrounding lands will never have any residential development built upon them (they are all either in County-owned Open Space/Natural Area, or under perpetual Conservation Easement disallowing any development - despite the misleading perception given by the Land Use map that these lands are residential); and (3) several other reasons as well that surfaced during the review of Reserve's 2016 Comp Plan upzone request.

Thus, it would seem to make sense to consider the Large Lot Segmentation issue in concert with the 2018 Docket upzone proposal, and contingent upon Council approval of the RA-10 upzone request. To unilaterally approve the Large Lot Segregation prior to action by the County Council on the Docket upzone request would constrain the Council's options to redesignate the property as Forest, since the property would now have substandard lots (40 - 68 acres, as opposed to the 80-acre minimum Forestry lot size). This situation would make the property less attractive for addition to the FPD, thus fueling arguments that it should, indeed, be upzoned for residential use - in spite of all the reasons residential may not make sense.

Note also, I did finally find the prior Large Lot Segregation* that Greg had mentioned, which DPER approved in June. In that segregation, Reserve split their ~126 acre, single-parcel block located by Black Diamond (purchased to serve as a TDR sending site for their Demonstration Project proposal), into three separate parcels. It is interesting to note that in their 2016 Comp Plan Demonstration Project effort, they had proposed retaining 3 development credits on this property, and transferring the remaining 25 credits to their Ravensdale property, to be part of their proposed 72-unit housing development. The fact that they've now split this RA-5 zoned Black Diamond property into three large parcels, would tend to imply to me that they still have an objective of transferring ~25 development credits to somewhere, or selling them to the TDR bank. I specifically asked Keith Dearborn (Reserve's attorney) in the GMVUAC meeting whether their Ravensdale property would qualify as a TDR receiving site if they were granted the RA-10 upzone they have requested in their 2018 Docket submission. Keith unequivocally indicated that it would NOT be a TDR receiving candidate. If you believe him, still leaves the question as to what they plan to do with these 25 development rights.

Another concern I have, is that if they succeed in the current segregation and upzone request, and are granted the 12 - 14 houses, there is nothing to prevent them from requesting an upzone of the 52-acre Inert Waste Lot (Lot 5) in 2019 (once they have finished reclamation and shown it not to be contaminated - note they didn't even evaluate this area in their Remedial Investigation study). And there's nothing to keep them from requesting an upzone of the 58-acre, lake-side Plant Site in 2019 or 2020. So it's not a matter of accepting the 12 - 14 houses, and we're done with this. This may continue for years. Discouraging.

Michael & Donna Brathovde

* this has been referred to as a "Large Lot Subdivision", a "Large Lot Segmentation", and a "Large Lot Segregation". I believe that technically, this is not a "subdivision". I had understood (from my prior life) that this was a "segregation". But Reserve's submission to DPER labeled it as a "segregation". So not sure what correct legal terminology is.

Name: Michael Brathovde

Date: July 11, 2017

Comment: Reserve Silica presented their Large Lot Subdivision and Rezone proposal for their Ravensdale property to the Greater Maple Valley Unincorporated Area Council at their Monday, July 10 meeting. And Peter Rimbos forwarded the link to the KC docket you provided. In reviewing Reserve's Docket submittal (Request #3), I find the Land Use map to be extremely misleading. Most specifically, the area to the north and west of Reserve's property is shown as an RA (rural residential) Land Use. And I believe this is consistent with County maps. However, these neighboring properties are NOT in any kind of residential land use, and never will be. The properties to the north are all part of King County's Black Diamond Natural Area, and will never have any residential use. And the properties to the west (beyond the two adjacent Forestry-zoned parcels) are all part of King County's Black Diamond Open Space lands - which again will never have any residential use. And the properties to the east and south are all Forestry-zoned, and have a perpetual Conservation Easement on them owned by Forterra, which disallows construction of any permanent structure on these lands. So essentially all the properties surrounding these Reserve lands will never have any kind of residential development of any kind on them. So to imply visually through the Land Use map that approximately half of the surrounding properties are in a rural residential land use seems very misleading.

Relatedly, the adjacent parcel to the northeast, shown as Minerals land use, is also misleading. This parcel, owned by Fred Wagner/Kurt Erickson, is managed solely for Forestry, and has not had ANY mining activity of any kind for over 60 years. This parcel is also covered by the Forterra Conservation Easement, which does not allow any residential unit to be constructed on this parcel.

This Reserve property was originally zoned Forestry, with a Forest Land Use; and was actively managed for commercial forestry by Plum Creek and their predecessor organizations for over 100 years. The property's zoning and land use was switched to Mining and Minerals at a time when a portion of this property was leased out for silica sand mining. At that time, County code indicated these lands would revert back to their original Forestry zoning and land use, once mining and reclamation work was completed. But Randy Sandin (DPER) indicated Monday that the concept of an "underlying zoning" (i.e., a Forestry zoning, underlying the temporary Mining zoning) was eliminated in the 1994 Comp Plan. And with the elimination of the "underlying zoning" concept, the requirement to revert back to a Forestry zoning following reclamation is not longer in place. Instead, Randy indicates under current code, properties will retain the Mining zoning, even after reclamation, until such time as someone files for a re-zone. And then it is up to the County to decide whether they accept or reject the proposed rezone.

So with this Docket submittal, Reserve is filing to rezone 122 acres of this property to RA-10. And apparently, the Council will consider this proposal as part of their 2018 annual Comp Plan update process.

To reiterate our position of many years now, we strongly oppose this rezone, and establishing a rural residential use essentially within the boundaries of the Forest Production District. We also strongly believe that no residential use should be allowed on this property until such time as a thorough MTCA

Remedial Investigation (RI) of the contamination on this property has been performed, and accepted by DOE. The internal RI performed under Reserve Silica's direction, and presented to the GMVUAC on June 5, has still not even been submitted to DOE for their review. In our view, until DOE has endorsed the RI, and DOE clearly defines the MTCA cleanup "site", the conclusions drawn by Reserve Silica regarding contamination of the site, or lack thereof, carry no weight whatsoever.

Reserve also indicated (and Randy Sandin confirmed) that they have applied to DPER for a Large Lot Subdivision of this property, essentially breaking the current three parcels up into seven parcels. Randy indicated Monday that DPER is close to having completed their review of this Subdivision proposal, and is anticipating approving it in the very near future. It is this subdivision that will enable Reserve to request a rezone on the 122 acres in the Docket submission. Randy indicated that under a Mining zoning, a Large Lot Subdivision proposal must have a minimum parcel size of 30 acres. And all seven parcels in the subdivision proposal meet this minimum size requirement. Our concern is that, should the Council ultimately decide to reject the Docket proposal to upzone the 122 acres to RA-10, and instead decide that this property should revert back to a Forestry zoning and land use, and be included again as part of the Forest Production District, then five of these seven new parcels will be substandard for Forestry, being less than the 80-acre Forestry minimum.

If this concern is shared by the County Exec, it would seem that there is a real urgency to make sure DPER is aware of this, as it sounds like they are very close to approving Reserve's proposed Large Lot Subdivision (DPER already approved a Large Lot Subdivision for Reserve's Black Diamond property; recorded last month). And I would expect that once a subdivision is approved, it would be nearly impossible to unwind that.

Name: Michael Brathovde

Date: June 22, 2017

Comment: We now understand from DPER that what Reserve Silica had applied for is not a BLA on their property, but a Large Lot Segregation instead. And that Segregation proposal has already been approved by DPER (with no public review/comment). Unfortunately, we do not yet know any of the specifics of the approved Segregation, as it has not yet been posted on King County's website (iMap). Do you have anymore details on this?

Obviously, Reserve is still pushing for some kind of housing development on some portion of their Ravensdale property - presumably something similar to what they were proposing in their Demonstration Project proposal in the 2016 Comp Plan. And it would seem highly unlikely that they are willing to wait until the 2020 Comp Plan update to gain approval for such a development.

In trying to understand what strategy they may be pursuing, and ensuring that the public has the opportunity to review and provide comment on any such proposal prior to its being approved and adopted, there are a couple of questions that come to mind that you may be able to address.

First, my understanding of a Large Lot Segregation, is that the newly-created parcels still have to comply with the underlying zoning. So, for example, if I owned a 400 acre parcel of Forestry zoned

property (80 acre minimum lot size), then I could segregate this property into 5 separate parcels, each 80 acres in size. Is this understanding correct? In Reserve's case, they have approximately 80 acres that are zoned Forestry. At a minimum lot size of 80 acres, they presumably cannot "segregate" this into anything but a single parcel. That leaves them with about 297 acres that are currently zoned Mining. Code would indicate these lands should revert to a Forestry zoning, as they were so zoned prior to the mining activity. And under an 80 acre minimum Forestry lot size, this would imply they could only segregate this 297 acres into three parcels. Is this understanding correct? Or given that the 297 acres are currently zoned Mining, is there something that would allow these acres to be "segregated" into something smaller than the 80-acre Forestry minimum?

Second, while the "mining site conversion demonstration project" provision of policy I-203 was killed in the 2016 Comp Plan, there is still a "Four-to-One" demonstration project provision in I-203. With a Large Lot Segregation, could they be positioning themselves to request a 4:1 in the annual 2017 Comp Plan update? Something like, 'we'll designate 323 acres of our 377 as "open space" lands, in exchange for upzoning 54 acres to Rural Residential to put in our proposed 72-unit housing development'. Could they make such a 4:1 proposal in an off-year Comp Plan update cycle? And if so, can they also request an upzone from Mining to Rural Residential under a 4:1 (or some other special provision) in an off-year? And, under a 4:1, or if upzoned Rural Residential, could they qualify for a TDR, moving 25 development rights from their 140-acre Black Diamond property over to their Ravensdale property?

Finally, is there some other kind of approach you may be aware of, that they may be pursuing through this Large Lot Segregation, to get permitted for a housing development on their Ravensdale property?

Again, our biggest concern is that Reserve will seek a means and push for approval of a housing development on this property, at greater density than allowed under current zoning, without any opportunity for public review or comment.

The following comments were received after October 31 deadline. Note that the Greater Maple Valley Unincorporated Area Council and the King County Rural Forest Commission emailed County staff prior to the deadline to let them know that they would be submitting comments, but that the October 31 deadline preceded the meeting at which their comments would be finalized.

Name: Greater Maple Valley Unincorporated Area Council
Peter Rimbo; Rhys Sterling; Steve Heister

Date: November 7, 2017

Comment: *(letter starts on next page)*



P.O. Box 111
Maple Valley, WA 98038

November 7, 2017

To: Ivan Miller, Comprehensive Planning Manager, KCEO-PSB: ivan.miller@kingcounty.gov
Subject: KCCP Update Docket Item #3—“Zoning, Land Use and Parcel Configuration Amendments”

Mr. Miller,

Please accept the comments herein from the Greater Maple Valley Unincorporated Area Council (GMVUAC). Our Growth Management Committee and Environment Committee have conducted extensive research into the subject request.

The GMVUAC has convened multiple meetings to discuss the details of the subject request. These meetings included discussions with the State Department of Ecology, King County Executive's Office and DPER, and Seattle-King County Public Health, as well as the requestor and its consultants.

The detailed comments provided reflect our extensive research efforts into the facts and data presented, as well as applicable State WACs and RCWs, King County Code, and King County Comprehensive Plan Policies.

Please consider our comments in helping to inform any recommendation the Executive provides to the King County Council. Thank you.

Peter Rimbo (primbos@comcast.net)
Chair, Growth Management Committee
GMVUAC

Rhys Sterling (rhysobart@hotmail.com)
Chair, Environment Committee
GMVUAC

Steve Hiestler (gmvac_chair@hotmail.com)
Chair
GMVUAC

cc: King County Council: council@kingcounty.gov
Alan Painter, Manager, King County Community Service Areas: alan.painter@kingcounty.gov
Lauren Smith, Director, Regional Planning, KCEO-PSB: lauren.smith@kingcounty.gov
Peter Eberle, Chair, Four Creeks UAC (FCUAC): mtcphe@msn.com
Nancy Stafford, Chair, Upper Bear Creek UAC (UBCUAC): nancy@gq2email.net
Gwyn Vukich, Chair, Green Valley/Lake Holms Association (GV/LHA): gvukich@msn.com

2017 King County Comprehensive Plan Update

***Docket Item #3 —
Reserve Silica Rezone***

November 7, 2017

Public Comment by

***Greater Maple Valley Unincorporated Area
Council***

Presented to

King County Executive's Office

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Executive Summary

The Greater Maple Valley Unincorporated Area Council (GMVUAC) has provided a voice for Rural Area residents in the greater Maple Valley area for 40 years. Currently, there are ~16,000 residents whom we help connect with King County government, their “local” government. The GMVUAC takes seriously this charge, as it endeavors to execute its mission to “Keep the Rural Area Rural.”

The GMVUAC conducts thorough reviews of King County Comprehensive Plan Updates—both minor (annual) and major (quadrennial)—and provides King County officials detailed comments on same.

The GMVUAC has followed the activities at the Reserve Silica site in Ravensdale for decades. The GMVUAC has convened multiple meetings on Reserve Silica’s past attempts at securing an upzone and a Demonstration Project, respectively, through the 2012 and 2016 KCCPs. The GMVUAC has met with all key WA State and King County Agencies, as well as the requestor, and has conducted extensive research into Reserve Silica’s 2017 KCCP Docket Item #3 request (the subject of the comments herein).

The GMVUAC opposes the Docket Item #3 request for the following reasons with details and supporting rationale p[resented herein:

1. **State's Growth Management Act (GMA)**

It does not in any way conform to the GMA to repair a "deficiency" in the King County Comprehensive Plan (KCCP).

RCW 36.70A GROWTH MANAGEMENT—PLANNING BY SELECTED COUNTIES AND CITIES codifies main elements of the State's Growth Management Act. It provides jurisdictions specific guidance on comprehensive planning including amendments thereof in **RCW 36.70A.130 Comprehensive plans—Review procedures and schedules—Amendments.**

The Annual cycle of amending comprehensive plans is meant to handle "minor" technical revisions.

2. **State Appellate Court Decisions**

By not *bifurcating* the consideration of the Comprehensive Plan and what is a *separate* zone change subject to independent public hearings conducted by the Hearing Examiner, the site specific proposal made by Reserve Silica and the combination of concurrent legislative and quasi-judicial functions constitutes illegal spot zoning clearly in contravention of numerous State appellate court decisions.

3. **King County Code**

It would violate, at a minimum, the following King County Code titles:

TITLE 19A. LAND SEGREGATION

19A.04 DEFINITIONS

19A.04.205 Large lot segregation.

TITLE 20. PLANNING

20.18 PROCEDURES FOR AMENDMENT OF COMPREHENSIVE PLAN OR OF DEVELOPMENT REGULATIONS-PUBLIC PARTICIPATION

20.18.030 General procedures. B.

20.18.050 Site-specific land use map and shoreline master program map amendments initiation. I. and

J.

20.18.055 Site-specific land use map amendment review standards and transmittal procedures.

20.18.140 Provision for receipt, review of and response to the docket.

TITLE 21A ZONING

21A.12 DEVELOPMENT STANDARDS - DENSITY AND DIMENSIONS

21A.12.040 Densities and dimensions - resource and commercial/industrial zones.

**21A.22 DEVELOPMENT STANDARDS - MINERAL
EXTRACTION**

21A.22.081 Reclamation B.

4. King County Comprehensive Plan (KCCP)

It would violate, at a minimum, the following KCCP policies:

Chapter 3—Rural Areas and Natural Resource Lands

R-208 [Rural Forest Focus Areas]

R-304 [individual zone reclassifications are discouraged and should not be allowed in the Rural Area]

R-305 [residential density of one home per 20 ac on Rural Area lands managed for forestry]

R-691 [reclamation of mining sites in the Forest Production District should return the land to forestry...zoning classification should be compatible with the surrounding properties]

Chapter 12—Implementation, Amendments, and Evaluation

I-203 [annual cycle shall not consider proposed substantive changes]

5. Forest Production District (FPD)

It essentially would establish residential use *within* the boundaries of the FPD. The overarching goal of the FPD—and the Rural Forest Focus Areas (RFFAs)—is to retain large, contiguous blocks of forest land. This overarching goal would clearly not be achieved by upzoning the 122 ac to a RA-10 land use/zoning. As recently confirmed by King County's Department of Permitting & Environmental Review (DPER) staff, reforestation of all this land and retaining the underlying zone as Forestry are also consistent with the King County Code requirements applicable to the surface mining permit reclamation plan and program for the entire Reserve Silica site.

King County goals would best be achieved by *returning* this property to its underlying Forestry land use/zoning. [Note: even if the land use is changed to rural residential, these parcels should clearly be included *within* the RFFA, to achieve the goals of that program, and, if included within the RFFA, then the minimum lot size is 20 ac, not 10 ac.]

6. Upzoning “Domino” Effect

It could cause a “*domino*” effect in the FPD. If these 122 ac go to a rural residential land use, then the two Forestry-zoned, FPD parcels to the west will be forever isolated from the FPD block. So, why not upzone them also, as Reserve Silica tried to do in 2012? Then why not upzone the 52-ac Inert Waste Lot #5 next? Then why not upzone the 58-ac "Plant Site/Settling Ponds" tract? Should the precedent be set with these 122 ac, a classic *domino effect* of continuing upzones likely could follow. In fact, if the FPD boundary were pushed to the east of Reserve Silica's site, the 80-ac Lot 3,

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currently zoned Forestry, could be upzoned as Reserve Silica tried to do in 2016.

It should be noted there are six or seven other mining sites in the area that, with a precedent set, could fully expect to petition for a rural residential upzone.

Finally, there are thousands of acres in the area, that are zoned Forestry and within the FPD, that Plum Creek, Weyerhaeuser, and Palmer Coking Coal segmented to substandard-sized lots before selling them to private investors, whose clear goal is to develop these lots for residential use once they can get out from under the Forestry zoning. Being substandard lots (mostly 20 ac, against an 80-ac minimum Forestry lot size), one can easily imagine these lot owners could try to tag along on Reserve Silica's coattails to upzone their substandard lots, which they likely would argue are *'too small to practice commercial forestry on.'*

Consequently, upzoning of Reserve Silica's 122 ac would create a precedent for upzoning other depleted mining/industrial sites and a *loop-hole* for upzoning other substandard sized lots in the FPD. Such a very dangerous *domino effect* should be avoided at all costs!

7. State Department of Ecology (DOE)

It is *premature* to even contemplate any change in use until a Model Toxics Control Act (MTCA) Remedial Investigation/Feasibility Study (RI/FS) has been completed and accepted by the State DOE. Until DOE accepts a final RI/FS and clearly defines the MTCA cleanup *"site"* contours (i.e., parts or all of the site), Reserve Silica cannot state or prove unequivocally that contamination is contained to any portion of the site, thus rendering any consideration for future residential zoning moot.

8. Administrative

Finally, the King County Council has taken two previous actions during the major four-year KCCP Update related to the Reserve Silica site in 2012 and 2016. Both decisions wisely rejected Reserve Silica's *previous* requests to change its land use and zoning from Mineral/Mining to Rural Residential/RA-10. In addition, the 2016 decision *removed* the option from being pursued during the annual KCCP Update cycles.

Consequently, the GMVUAC requests the Executive recommend to the King County Council denial of the Docket Item #3 request to rezone 122 ac of isolated land outside of Ravensdale currently zoned Mining to Rural Area land use (RA-10).

Upon State Department of Ecology approval of the successful completion of any mine reclamation plans and upon approval of the successful completion of any Remedial Investigation/Feasibility Studies, the subject lands should revert back their original land use of forestry and underlying zoning of Forestry.

Further, the subject lands should then be re-incorporated in the Forest Production District.

1. KCCP Docket Item #3 Request

Docket Item Request

Reserve Silica seeks zoning, land use and parcel configuration Amendments:

“Change 122 ac of the 245 ac currently designated mineral and zoned mining to Rural Area land use (RA-10). The proposed use of the parcels would allow 12 rural residential lots averaging 10 ac in size. The existing tax parcels are being divided into 6 (six) 40-80 acre Tax Lots. The site specific land use map amendment and the companion rezone will apply to 3 (three) of the Tax Lots. The amendment and rezone will be filed before November 1, 2017.” [Parcel Identification Numbers - 3522069018, 3622069065 and 0121069002] See — http://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/2016CompPlanUpdate/Summary_2017Docket_Submittals.ashx?la=en

Per the Docket Item #3 request:

“This property was included in the 2012 Comprehensive Plan as an adopted Demonstration Project Option; this option was repealed in 2016. Total area 325 ac - 80 ac zoned forestry and 245 ac zoned mining. This docket request affects 122 ac currently designated Mineral. The docket states that there would be no affect on the adjoining parcels, with the proposed large rural residential lots with setback and restrictions regarding maintaining compatibility with adjacent forest uses.”

Inaccuracies in the Request

There are inaccuracies in the Docket Item #3 request. The 2012 KCCP provided for a mining site conversion demonstration project, and laid out very specific conditions for a property to qualify for such a demonstration project. Reserve Silica assumed at the time its property would likely qualify, but there was no assurance of this in the 2012 KCCP; and the property was not “*adopted*” as a Demonstration Project at any point in the process. Further, the statement regarding “*compatibility with adjacent forest uses*” is an assertion, which was disputed by the Rural Forest Commission in 2016 (this is explored in more detail herein).

Site Map

The *Proposed Map* from the Docket Item #3 request is provided as *Figure 1-1* in the Appendix.

2. Reserve Silica Site

History

The Reserve Silica site consists of ~382 ac immediately southwest of Ravensdale in southeast King County. Originally, the property was acquired in pieces by the Northern Pacific Railway, as part of its 1870 Land Grant, and in 1903 from the Seattle and San Francisco Railway and Navigation Company. Northern Pacific Railway and its subsidiaries and successors (Burlington Northern, Plum Creek, and Glacier Park) owned and managed the property until 1997. Reserve Silica has owned and managed the property from 1997 until present.

For 100 years *prior to* the 1997 sale to Reserve Silica, the vast majority of the property was managed for commercial forestry operations (a small portion was actively mined). When King County delineated the FPD in the 1990's, the entire property (excepting the Plant Site/Settling Ponds) was zoned Forestry and included *within* the FPD. Eighty ac still retain a Forestry zoning, while the remaining ~300 ac carry the later-instituted "*Minerals*" zoning (i.e., "*Mining*" land-use designation). King County policies, in place at that time, required the land would revert back to its "*underlying zoning*" (i.e., Forestry) upon completion of approved mine reclamation plans. Recently, per discussion with King County's Department of Permitting & Environmental Review (DPER), Product Line Manager for Resources, Randy Sandin, stated: "*adjoining land use in the area is forestry so DPER's expectation is that the property will be reclaimed in a manner to allow/support that use*" (ref.: 10/9/17 e-mail).

From 1924 to 1947 coal mining was conducted on the property by Dale Coal Company. Then from 1948 to 1967 no mining activity occurred on the property. In 1967, a portion of the property was leased for mining silica sand. In 1972 Industrial Mineral Products acquired the lease and continued sand mining operations until 1986, when Reserve Industries took over and continued sand mining until December 2007.

Industrial and Solid Waste Fill Operations

Industrial Mineral Products, also an industrial waste processing firm, accepted ASARCO slag and Cement Kiln Dust to be dumped on the property. In 2016 the State Department of Ecology (DOE) designated the property as a Class I Model Toxics Control Act (MTCA) toxic waste clean-up site.

In addition to the known toxins dumped on the property, pit-filling permits (issued by King County DPER) allowed all manner of solid waste dumping since 1971. In the 1980s Seattle-King County Public health (S-KCPH) issued permits for landfill operations. Both the State DOE and Reserve Silica's environmental consultants, Aspect Engineering, have concluded that it is unknown what other waste materials may have been dumped at the site *prior to* 2012 when an Inert Waste Disposal Permit was issued.

The site has been managed for forestry for nearly the entire 20th century.

3. Site Reclamation

History

All sand mining on the property ended in 2007 with ~ 35% of the land impacted by sand or coal mining. Reclamation efforts began in 2008 with no timeline for completion agreed to by the State DOE. Applicable governing state laws are codified in **WAC 173-350-410: Inert waste landfills** and **WAC 173-340: MTCA—CLEANUP**.

1988 Reclamation Plan

This 1988 plan was quite general and not particularly specific, as mining was very active and expected to continue for “10+ years.” It states “*the overall reclamation plan is only outlined in general terms.*” As such, it is not particularly useful to the discussion herein.

Revised Surface Mining Permit

In 1991 the State Department of Natural Resources (DNR) issued a letter to Reserve Silica which discusses future site reclamation (ref.: “*Revised Surface Mining Permit No. 70-010346*”).

In a subsequent “*Application for Reclamation Permit*” (undated, but sometime after 2001), it states in multiple places the mined areas will be “*reclaimed for forestry*” and under “*Subsequent Land Use*” it states: “*The subsequent land use for this site is forestry.*”

Hydrogeologic Studies

The City of Kent, as part of its Wellhead Protection Program, has conducted hydrogeologic studies of all the areas in the vicinity of its watershed located west of Ravensdale and the Reserve Silica site. It has identified concerns with groundwater, soils, and surface water and ranked the site as a “*high priority*” for its Kent Springs site and a “*medium priority*” for both its Clark Springs and Armstrong Springs sites.

These analyses and rankings were detailed in the *City of Kent Wellhead Protection Program Clark, Kent, and Armstrong Springs* report (No. J-3508-01) issued on April 2, 1996. Consequently, this report does not capture any additional contamination risks incurred over the last 21 years. However, the report clearly shows both the Kent and Covington wellfields to be downgradient just a short distance from the known Reserve Silica groundwater contamination, with very high hydrologic conductivity soils in between. The City of Kent’s concerns remain.

Transfer of Reclamation Responsibilities

In a March 31, 2010, DPER (Fred White) memo to the DNR (Rian Skov)—subject: “*Reserve Silica: Transfer of Reclamation Responsibilities to King County*”—it was stated: “*a final reclamation in exceedence of that required and approved under the State Reclamation Permit*” would occur, and the site would be “*totally revegetated in accordance with the zoning and applicable standards.*”

“Interim Reclamation Plan”

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In an "*Interim Reclamation Plan for the Ravensdale Quarry*" dated May of 2014 (Reserve Silica had this prepared to support its May 2016 "*Rural Mining Site Conversion Project*" document it planned to present to the County as part of its 2016 KCCP Demonstration Project proposal). This *Interim Reclamation Plan* was approved by DPER contingent upon the following required revisions:

1. Struck Reserve Silica's assertion the site was unsuitable for forestry (p. 7) and
2. Added the condition the final reclamation and revegetation plan for the site would be developed once future zoning was determined, and could include reforestation (p. 17).

Of particular note is that the *Interim Reclamation Plan* states less than 17% of the property is suitable for forestry. In fact, the majority of this property is suitable for commercial forestry, and does satisfy King County FPD criteria to determine forest land with long term commercial significance:

1. Predominant parcel size \geq 80 ac;
2. Site characteristics make it possible to sustain timber growth and harvest over time;
3. Adjacent residential development is scarce, and siting of future dwelling likely to limit any adverse impacts to forestry; and
4. Predominant land use of the property is forestry. It should be noted the vast majority of the property has been managed for forestry from the 1890's until the mid 1980's.

Consequently, it appears, reclamation of the majority of this property for long-term forest use, as dictated by King County policy, would be prudent and should be required.

Site Hazard Assessment

The State DOE performed a Site Hazard Assessment of the property in January 2016 to confirm the presence of hazardous substances, as well as to determine the risks posed to human health and the environment. Based on this assessment, the Reserve Silica site is ranked as a Class 1 (i.e., most dangerous) toxic waste clean-up site.

Following the DOE's Class 1 ranking of a site, a Site Hazard Assessment was conducted in February 2016 to confirm the presence of hazardous substances, as well as to determine the risks posed to human health and the environment.

Remedial Investigation/Feasibility Study

The next step in the DOE process is to perform a Remedial Investigation/Feasibility Study (RI/FS) to define the extent (and amount) of site contamination. The clean-up site boundaries should be determined during the RI phase of the work, while it is the FS that should provide the proposed options for cleaning up the site.

Clearly, It will be important to know what is being proposed for cleanup for the site as well, such as, what will be done with the ASARCO slag "*gravel*" remaining along the roadways? Potential impacts on human health and the environment and potential cleanup processes are evaluated as part of the RI/FS.

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Reserve Silica's consultant, Aspect Engineering, conducted a preliminary investigation in early 2017, but a draft RI/FS has yet to be submitted to the State Department of Ecology. Until that study is submitted, reviewed, modified, finalized, publicly available, and approved, no decisions on site rezoning or future use should be undertaken.

There are a myriad of concerns with placing future residences—especially on public water and with on-site septic systems—on a site through which as number of toxic contaminants have penetrated and immediately above the already identified Cement Kiln Dust pits, to which approval of Docket Item #3 would eventually lead. This will only serve to compound the problems over the past couple of decades in attempting to control such contamination, as well as further increasing risks to downstream Kent and Covington water supplies.

4. Large Area Subdivision

Request

To facilitate Reserve Silica's request to change land-use designation and upzone 122 ac of its property as proposed in Docket Item #3, it filed a Large-Lot Subdivision request with King County DPER to split two existing parcels into six separate lots. Three of the resulting lots, totaling 122 ac, are what is being requested for *upzone* in Docket Item #3.

Procedure

This presents a procedural issue with no real means to resolve same. Our understanding is that DPER has approved the Large-Lot Subdivision request, in spite of knowing five of the six resulting lots would be *substandard size* (i.e., less than the 80-ac Forestry minimum lot size). So, should the King County Executive (and subsequently the King County Council) reject the Docket Item #3 request and require the property revert back to its underlying Forestry land use and zoning following reclamation (as King County policy would dictate), the Large-Lot Subdivision request would need to be revisited.

Concerns

The Rural Forest Commission strongly recommended the property revert back to its Forestry zoning during both the 2012 and 2016 major 4-yr KCCP updates. The King County Council previously *rejected* Reserve Silica's requests for a Rural Residential land use and upzone in both those same updates.

The King County DPER approval of Reserve Silica's Large-Lot Subdivision request was made in error and should be rescinded.

5. State Growth Management Act on Planning

The State Growth Management Act (GMA), as codified in **RCW 36.70A GROWTH MANAGEMENT—PLANNING BY SELECTED COUNTIES AND CITIES**, is clear on what is required by jurisdictions when preparing and amending their comprehensive plans. King County has developed its Code in conformance to **RCW 36.70A**. The following subsections under **TITLE 20 PLANNING** specifically delineate the KCCP amendment process.

Planning

20.18 PROCEDURES FOR AMENDMENT OF COMPREHENSIVE PLAN OR OF DEVELOPMENT REGULATIONS-PUBLIC PARTICIPATION

20.18.030 General procedures. B. *Every year the Comprehensive Plan may be amended to address technical updates and corrections, and to consider amendments that do not require substantive changes to policy language, changes to the priority areas map, or changes to the urban growth area boundary, except as permitted in subsection B.9. and 11. of this section. This review may be referred to as the annual cycle. The Comprehensive Plan, including subarea plans, may be amended in the annual cycle only to consider the following:*

- 1. Technical amendments to policy, text, maps or shoreline designations;*
- 2. The annual capital improvement plan;*
- 3. The transportation needs report;*
- 4. School capital facility plans;*
- 5. Changes required by existing Comprehensive Plan policies;*
- 6. Changes to the technical appendices and any amendments required thereby;*
- 7. Comprehensive updates of subarea plans initiated by motion;*
- 8. Changes required by amendments to the countywide planning policies or state law;*
- 9. Redesignation proposals under the four-to-one program as provided for in this chapter;*
- 10. Amendments necessary for the conservation of threatened and endangered species;*
- 11. Site-specific land use map amendments 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;*
- 12. Amendments resulting from subarea studies required by comprehensive plan policy 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; and*
- 13. Changes required to implement a study regarding the provision of wastewater services to a Rural Town. The amendments shall be limited to policy*

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amendments and adjustment to the boundaries of the Rural Town as needed to implement the preferred option identified in the study.

Item 11. above (underlined) could be construed to *possibly* fit Reserve Silica's Docket Item #3 request; however, because of the "spot-zoning" contemplated for RA-10 zoning completely surrounded by nonresidential uses, this does constitute a "substantive change to comprehensive plan policy." Also, KCCP Policy **I-203** states much of the same in that: "... 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...."

Reserve Silica is requesting the creation of 12 new development rights on its 3 large lots (122 ac with RA-10 zoning conferred). The following Code section on "site-specific land-use map amendments" (as listed in item 11. underlined above under **20.18.030 General procedures. B.**) outlines the specifics of the process:

20.18.050 Site-specific land use map and shoreline master program map amendments initiation.

I. A property-owner-initiated docket request for a site-specific land use map or shoreline master program map amendment may be accompanied by an application for a zone reclassification to implement the proposed amendment, in which case administrative review of the two applications shall be consolidated to the extent practical consistent with this chapter and K.C.C. chapter 20.20. The council's consideration of a site-specific land use map or shoreline master program map amendment is a legislative decision that should be determined before and separate from its consideration of a zone reclassification, which is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with an application for a site-specific land use map or shoreline master program map amendment and the amendment is adopted, the property shall be given potential zoning. A zone reclassification in accordance with K.C.C. 20.20.020 is required in order to implement the potential zoning.

A "site-specific land use map ... amendment" is a "legislative decision" that is generally determined before a "zone reclassification, which is a "quasi-judicial decision" (underlined above). These cannot be combined into one legislative decision by the King County Council. In fact, such decisions should be subject to SEPA under **WAC 197-11 SEPA RULES** and King County Code **Title 20.44 COUNTY ENVIRONMENTAL PROCEDURES**.

Also,

20.18.050 Site-specific land use map and shoreline master program map amendments initiation.

J. Site-specific land use map or shoreline master program map amendments for which a completed recommendation by the hearing examiner

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has been submitted to the council by January 15 will be considered concurrently with the annual amendment to the Comprehensive Plan. Site-specific land use map or shoreline master program map amendments for which a recommendation has not been issued by the hearing examiner by January 15 shall be included in the next appropriate review cycle following issuance of the examiner's recommendation.

We are not aware of any Hearing Examiner decision on a “*Site-specific land use map amendment*” (see underlined above). Consequently, the Docket Item #3 request cannot be brought forth this year before any issuance of recommendations by the County’s Hearing Examiner. **TITLE 20.18.055 Site-specific land use map amendment review standards and transmittal procedures** discussed below also addresses this issue.

There are certain review standards which must be following as delineated in the following:

20.18.055 Site-specific land use map amendment review standards and transmittal procedures.

A. All site-specific land use map amendments, whether initiated by property owner application, by council motion, or by executive proposal, shall be reviewed based upon the requirements of Comprehensive Plan policy RP-307, and must meet the following additional review standards:

1. Consistency with the policies, objectives and goals of the Comprehensive Plan, (including any applicable subarea plans), the countywide planning policies and the state Growth Management Act;

2. Compatibility with adjacent and nearby existing and permitted land uses;
and

3. Compatibility with the surrounding development pattern.

B. Site-specific land use map amendments for which recommendations have been issued by the hearing examiner by January 15 shall be submitted to the executive and the council by the hearing examiner by January 15. The department will provide for a cumulative analysis of these recommendations and such analysis will be included in the annual March transmittal. All such amendments will be considered concurrently by the council committee charged with the review of the comprehensive plan. Following this review, site-specific land use map amendments which are recommended by this committee will be incorporated as an attachment to the adopting ordinance transmitted by the executive for consideration by the full council. Final action by the council on these amendments will occur concurrently with the annual amendment to the comprehensive plan. (Ord. 14047 § 4, 2001).

The Docket Item #3 amendment request does not conform to any of the provisions (i.e., ,1., 2. and 3.) of **20.18.055. A.** above (see underlined).

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The provisions below delineate the purpose of Docket Item process as codified in **RCW 36-070A.470**:

20.18.140 Provision for receipt, review of and response to the docket.

A. In accordance with RCW 36.70A.470, a docket containing written comments on suggested plan or development regulation amendments shall be coordinated by the department. The docket is the means either to suggest a change or to identify a deficiency, or both, in the Comprehensive Plan or development regulation. For the purposes of this section, "deficiency" refers to the absence of required or potentially desirable contents of the Comprehensive Plan or development regulation and does not refer to whether a development regulation addressed a project's probable specific adverse environmental impacts that could be mitigated in the project review process. Any interested party, including applicants, citizens and government agencies, may submit items to the docket.

The Docket Item #3 amendment request does not "identify a deficiency," nor does it attempt to rectify any "deficiency" in the KCCP.

Additional Planning Issues to Consider

In light of the State's GMA and King County Code to implement same—some of which were identified above, there are a plethora of problems associated with the Docket Item #3 request to amend the KCCP during its "minor" annual amendment cycle, when only "technical updates and corrections" (see **TITLE 20.18.030 General procedures. B.** discussed above) are to be addressed.

"Spot Zoning"

An annual amendment to the KCCP should be supported by changed circumstances or some palpable land-use change in the neighborhood that supports such a change in the KCCP -- especially where such a change is related to and stems from a site-specific request for a spot of land in a sea of other uses and that occurs so soon after the last major update of the KCCP. The 2016 KCCP designates the Reserve Silica property itself as "Mining."

This is a classic case of, and constitutes, what is commonly called "spot zoning," which consistently has been "defined to be zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from and inconsistent with the classification of surrounding land, and not in accordance with the comprehensive plan." However, "(n)ot all spot zones are illegal; the main inquiry being the relationship of the rezone to the 'general welfare of the affected community.'" [Ref.: KC Hearing Examiner Report and Recommendation re: Maple Valley Rezone; July 31, 2015; KC Council file no. 2015-0170; Proposed ordinance no.: 2015-0170]. When it comes to the "welfare" test, clearly the requested rezone fails, as there is no clear Public benefit.

The following characterizes the properties surrounding the site:

To the north properties are all part of King County's Black Diamond Open Space. These will never have any residential use. Although the land northerly

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of the property is designated Rural Area 2.5-10 du/ac, it has been irrevocably placed in trust or reserve as "Open Space" — King County's Black Diamond Natural Area — such that an actual use should not be able to constitute valid support to spot zone the requested Reserve Silica property to residential RA-10.

To the east properties are all Forestry-zoned, and have a perpetual Conservation Easement on them owned by Forterra, which disallows construction of any permanent structure on these lands in perpetuity.

To the south properties are all Forestry-zoned, and have a perpetual Conservation Easement on them owned by Forterra, which disallows construction of any permanent structure on these lands in perpetuity.

To the west (beyond the two adjacent Forestry-zoned parcels) properties are all part of King County's Black Diamond Open Space. These will never have any residential use.

Consequently, all the properties surrounding the Reserve Silica lands will never have any kind of residential development of any kind on them. [See *Figure A-2: King County iMap* and *Figure A-3: Aerial View* in the Appendix.]

Finally, KCCP Docket Item requests are supposed to be simple mid-term corrections of deficiencies in the currently adopted plan; otherwise, such proposals should be part of the major update of the plan every four years (the last KCCP major update was just adopted less than a year ago in December 2016. According to the King County Office of Performance, Strategy and Budget's March 2017 Comprehensive Plan Information Bulletin: "*While Annual Amendments and Docket Requests are allowed during these [interim] years, the issues are typically folded into the Four Year Cycle.*" [See KCC 20.18.140; RCW 36.70A.470(2); RCW 36.70A.130(1)(d) ("*Any amendment of or revision to a comprehensive land use plan shall conform to this chapter.*")].

The Docket process is a means for citizens to petition the County on an annual basis (interim to major update cycles) to address existing "*deficiencies*" in the adopted plan. "*[A] deficiency in a comprehensive plan or development regulation refers to the absence of required or potentially desirable contents of a comprehensive plan.*" [See RCW 36.70A.470(3)].

Further, one of the intended purposes of comprehensive plans and planning is to conserve mineral resource lands [See RCW 36.70A.180] -- such as the Reserve Silica site is currently designated in the 2016 KCCP. Clearly, the Reserve Silica Docket Item #3 request does not address correction of any *deficiency* in the currently adopted KCCP, nor does it *conserve* resource lands.

6. State Appellate Court Decisions

The State appellate courts have addressed the legal problems stemming from a concurrent private party-sponsored amendment to a comprehensive plan and request for zone change. The resultant illegal spot zoning stemming from this intertwining of legislative and quasi-judicial functions should give pause as the County considers the Docket Item #3 amendment request.

Spot Zoning

When specific parties request a zone classification change for a specific tract, the County's action constitutes rezoning. *Cathcart-Maltby-Clearview Community Council v. Snohomish County*, 96 Wn.2d 201, 212, 634 P.2d 853 (1981). Legally, the Docket Item #3 request constitutes "a site-specific rezone [because it] is a change in the zone designation of a 'specific tract' at the request of 'specific parties.'" *Spokane County v. Eastern Washington Growth Management Hearings Board*, 176 Wn. App. 555, 570, 309 P.3d 673 (2013) (internal quotation marks omitted) (quoting *Woods v. Kittitas County*, 162 Wn.2d 597, 611 n.7, 174 P.3d 25 (2007)), review denied, 179 Wn.2d 1015 (2014).

Whereas the amendment of an existing comprehensive plan is a *legislative* function, it is clear that a private party-sponsored zone change request is a separate *quasi-judicial* junction. *Coffey v. City of Walla Walla*, 145 Wn. App. 435, 441, 187 P.3d 272 (2008); *Barrie v. Kitsap Cy.*, 93 Wn. 2d 843, 852, 613 P.2d 1148 (1980); *Parkridge v. Seattle*, 89 Wn. 2d 454, 460, 573 P.2d 359 (1978).

As there is no presumption of validity favoring a rezone, the proponents of the rezone have the burden of proving that conditions have substantially changed since the original zoning or the most recent plan amendment. *Parkridge*, 89 Wn.2d at 462. A change in a comprehensive plan does not constitute sufficient legal support for the concurrent zone change of affected parcels – especially where the proposed zoning for such parcels is sponsored by a private party and is not consistent with that of adjoining surrounding parcels. *Woodcrest Investments Corp. v. Skagit County*, 39 Wn. App. 622, 627-29, 694 P.2d 705 (1985). Such a zone change constitutes illegal spot zoning. Spot zoning is "zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from and inconsistent with the classification of surrounding land". *Smith v. Skagit County*, 75 Wn.2d 715, 743, 453 P.2d 832 (1969); *Lutz v. City of Longview*, 83 Wn.2d 566, 573-74, 520 P.2d 1374 (1974).

Where the site specific rezone (*i.e.*, spot zone) grants a discriminatory benefit to one or a group of owners to the detriment of their neighbors or the community at large without adequate public advantage or justification, a county's rezone is illegal and will be overturned. *Anderson v. Island County*, 81 Wn.2d 312, 325, 501 P.2d 594 (1972);

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Save A Neighborhood Environment [SANE] v. Seattle, 101 Wn.2d 280, 286, 676 P.2d 1006 (1984).

Concurrent Comprehensive Plan Amendment

Docket Item #3 is a private party-sponsored request to concurrently amend the comprehensive plan and rezone specific parcels of land totally inconsistent with that of surrounding parcels. This is a site specific proposal that improperly conjoins legislative and quasi-judicial functions, and in so doing attempts to bypass the normal procedures attendant with comprehensive plan amendments and applications for a rezone.

This proposal also bypasses the normal procedure for Hearing Examiner and public review of rezone applications, including the SEPA process.

Moreover, such a proposal is not a mere mid-term correction to a deficiency in the very recently adopted 2016 Comprehensive Plan and zoning approved thereunder. In accordance with the rule of law applicable to such requests, the GMVUAC recommends the County Council deny Reserve Silica's proposal, bifurcate the requests, and consider them separately, if at all, as part of the normal major 4-year cycle of update and amendments to the Comprehensive Plan.

In accordance with the rule of law applicable to such requests, the County should deny Reserve Silica's proposal, bifurcate the requests, and consider them separately, if at all, as part of the normal major 4-year cycle of update and amendments to the Comprehensive Plan.

7. King County Code

In addition to King Code sections/subsections cited earlier in section 5 regarding the State GMA, there are others that must be considered as King County contemplates the Docket Item #3 request.

TITLE 19A. LAND SEGREGATION

19A.04.205 Large lot segregation. *"Large lot segregation" means the division of land into lots or tracts each one of which is one-sixteenth of a section of land or larger, or forty acres or larger if the land is not capable of description as a fraction of a section of land. However, for purposes of computing the size of a lot that borders on a street or road, the lot size shall be expanded to include that area that would be bounded by the center line of the road or street and the side lot lines of the lot running perpendicular to such center line. Also, within the resource zones, each lot or tract shall be of a size that meets the minimum lot size requirements of K.C.C. 21A.12.040.A. for the respective zone. (Ord. 17841 § 1, 2014).*

Since the underlying zoning for the Reserve Silica site is Forestry (and to which it must revert back to after exhausting its mineral rights) and the highlighted (underlined) KC Code section (**21A.12.040 Densities and dimensions - resource and commercial/industrial zones.**) calls for a minimum of 80 ac for “*minimum lot area*,” the Large Lot Segregation to a minimum of 40-ac lots, sought by Reserve Silica, clearly should have been rejected outright by DPER.

TITLE 20. PLANNING

20.18.050 Site-specific land use map and shoreline master program map amendments initiation.

I. A property-owner-initiated docket request for a site-specific land use map or shoreline master program map amendment may be accompanied by an application for a zone reclassification to implement the proposed amendment, in which case administrative review of the two applications shall be consolidated to the extent practical consistent with this chapter and K.C.C. chapter 20.20. The council’s consideration of a site-specific land use map or shoreline master program map amendment is a legislative decision that should be determined before and separate from its consideration of a zone reclassification, which is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with an application for a site-specific land use map or shoreline master program map amendment and the amendment is adopted, the property shall be given potential zoning. A zone reclassification in accordance with K.C.C. 20.20.020 is required in order to implement the potential zoning.

Our underlining above highlights that “a site-specific land use map ... amendment” be addressed “before and separate” from “a zone reclassification.” Yet, Reserve Silica’s Docket Item #3 request states: “The site specific land use map amendment and the companion rezone....”

J. Site-specific land use map or shoreline master program map amendments for which a completed recommendation by the hearing examiner has been submitted to the council by January 15 will be considered concurrently with the annual amendment to the Comprehensive Plan. Site-specific land use map or shoreline master program map amendments for which a recommendation has not been issued by the hearing examiner by January 15 shall be included in the next appropriate review cycle following issuance of the examiner’s recommendation.

Our underlining above highlights the examiner’s recommendation. We are unaware the Hearing Examiner has reviewed and provided recommendations on the Reserve Silica’s proposed “site-specific land use map amendment.”

TITLE 21A. ZONING

Regarding mining site reclamation and underlying zoning, the following Code section applies:

21A.22.081 Reclamation B. *A reclamation plan approved in accordance with chapter 78.44 RCW shall be submitted before the effective date of a zone reclassification in Mineral-zoned properties or the acceptance of any development proposal for a subsequent use in Forest-zoned properties. The zone reclassification shall grant potential zoning that is only to be actualized, under K.C.C. chapter 20.22, upon demonstration of successful completion of all requirements of the reclamation plan. Development proposals in the Forest zone for uses subsequent to mineral extraction operations shall not be approved until demonstration of successful completion of all requirements of the reclamation plan except that forestry activities may be permitted on portions of the site already fully reclaimed.*

There is no reclamation plan that has been accepted or completed.

The regulations governing reclamation of the Reserve Silica site are found, in part, in KCC 21A.22.081.

21A.22.081 RECLAMATION C.2. *Mineral extraction operations that are not required to have an approved reclamation plan under chapter 78.44 RCW shall meet the following requirements:*

2. Final grades shall:

- a. be such so as to encourage the uses permitted within the primarily surrounding zone or, if applicable, the underlying or potential zone classification; and...*

As mentioned earlier, per discussion with KC DPER's Randy Sandin (10/9/17 e-mail), the "adjoining land use in the area is forestry so DPER's expectation is that the property will be reclaimed in a manner to allow/support that use." In fact, Reserve Silica on its "Application for Reclamation Permit" form (undated, but sometime after 2001) stated: "The subsequent land use for this site is forestry."

Further, as mentioned earlier, in a March 31, 2010, KC DPER (White) memo to the WA DNR (Skov)—subject: Reserve Silica: Transfer of Reclamation Responsibilities to King County—it was stated: "a final reclamation in exceedence of that required and approved under the State Reclamation Permit" would occur, and that the site would be "totally revegetated in accordance with the zoning and applicable standards."

Greater Maple Valley UAC Comment Letter

Finally, it is critical that any approved reclamation plan include how the parties will effectively deal with contamination resulting from the mining/reclamation activities. The Public, nor the Department of Ecology and the County, would consider a site “reclaimed”, and reclamation complete, if there is still highly contaminated areas on the site which pose extreme risk to the environment and/or human health.

King County Code is very clear on land segregation, planning, and zoning related to the Docket Item #3 request.

8. King County Comprehensive Plan

Chapter 3—Rural Areas and Natural Resource Lands

Per **KCCP—Chapter 3—Rural Areas and Natural Resource Lands** (pp. 3-12; 3-17 to 3-18; 3-75)

R-208 The Rural Forest Focus Areas should be maintained in parcels of 20 acres or more in order to retain large, contiguous blocks of rural forest. Regulations and/or incentives should seek to achieve a maximum density of one home per 20 acres.

The highlighted (underlined) portion above of **KCCP Policy R-208** seek to maintain large contiguous blocks of forest in Rural Forest Focus Areas (RFFAs) consisting of parcels of 20 ac or greater, which would not be achieved should the requested KCCP Docket Item #3 be approved. It is no clear if the Reserve Silica site lies within the Cedar River/Ravensdale RFFA or the FPD according to the 2016 KCCP Update’s “*Agriculture and Forest Lands 2016.*”

Some history is required here: This property was originally classified as Forestry and included within the FPD (clearly obvious from the ‘*island*’ nature of this property, as designation of the FPD was set up to delineate large contiguous blocks of forest production land). The Rural Forest Commission confirms this property was originally zoned Forestry and included within the FPD. After King County placed the Minerals/Mining overlay zoning on the property (to reflect the active and potential mining on this site), it stopped showing the property as being *within* the FPD. What is unclear is whether it *explicitly excluded* it from the FPD, given that it now had a Mining/Minerals overlay zoning; or if it just *informally stopped* showing the property as FPD on their maps because of the Mining zoning.

It should be noted that removing this property from the designated FPD would have violated State GMA, because there are specific criteria to be satisfied in order to remove lands from the FPD, plus such a removal also created two small, substandard parcels (to the west), that no longer satisfied FPD requirements. Since these two parcels *remained* in the FPD, it appears King County simply *informally stopped* showing the property as FPD on its maps strictly due to the Mining zoning overlay.

Greater Maple Valley UAC Comment Letter

The view at the time was that the Minerals/Mining was a *temporary* land use/zoning and the zoning/land use would *revert back* to it's underlying Forestry zoning upon completion of mining and reclamation activity. Presumably, the property would also again be formally included and shown as being within the FPD, thus restoring the integrity of the contiguous, large-block character of the FPD.

R-304 Rural Area zoned residential densities shall be applied in accordance with R-305 – R-309. Individual zone reclassifications are discouraged and should not be allowed in the Rural Area. Property owners seeking individual zone reclassifications should demonstrate compliance with R-305 – R-309.

The highlighted (underlined) portion above of KCCP Policy R-304 seek to not allow such "*individual zone reclassifications*" as requested in KCCP Docket Item #3.

R-305 A residential density of one home per 20 acres or 10 acres shall be achieved through regulatory and incentive programs on lands in the Rural Area that are managed for forestry or farming respectively, and are found to qualify for a Rural Forest Focus Area designation in accordance with R-207.

The highlighted (underlined) portions above of KCCP Policy R-305 seek to not allow such zoning changes as requested in KCCP Docket Item #3, when it is considered that reclaimed natural resource lands revert back to their original underlying zoning, in this case Forestry.

R-691 King County should work with the Washington State Department of Natural Resources to ensure that mining areas are reclaimed in a timely and appropriate manner. Reclamation of mining sites in the Forest Production District should return the land to forestry. Where mining is completed in phases, reclamation also should be completed in phases as the resource is depleted. When reclamation of mining sites located outside of the Forest Production District is completed, the site should be considered for redesignation to a land use designation and zoning classification compatible with the surrounding properties.

The highlighted (underlined) portion above of KCCP Policy R-691 seek any *redesignation* compatible with surrounding land. As detailed herein, that is not the case with the KCCP Docket Item #3 request.

Chapter 12—Implementation, Amendments, and Evaluation

Per KCCP—Chapter 12—Implementation, Amendments, and Evaluation (p. 12-5)

- I-203** 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 Boundary. Substantive amendments and changes to the Urban Growth Area 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, or to implement:
- a. A proposal for a Four-to-One project; or
 - b. An amendment regarding the provision of wastewater services to a Rural Town. Such amendments shall be limited to policy amendments and adjustments to the boundaries of the Rural Town as needed to implement a preferred option identified in a Rural Town wastewater treatment study.

The highlighted (underlined) portion above of KCCP **Policy I-203** clearly states that the KCCP annual review cycle shall not include “*substantive changes.*”

King County Comprehensive Plan policies are very clear on rural forest focus areas, forestry, zoning, residential densities, sites reclamation, and plan amendments related to the Docket Item #3 request.

9. State Department of Ecology

Scope

As briefly mentioned earlier, the entire Reserve Silica site has been the subject of DOE investigation of contaminants and their movement within and without. DOE’s Water Quality Program, Solid Waste Program, and Toxic Cleanup Program have all had some level of connection to the site.

Remedial Action

Remedial action on the site has been deferred and the owners have been out of compliance with State water quality standards for decades. Contaminants include: Cement Kiln Dust (CKD), high-pH leachate seepage, and Arsenic. DOE conducted a Site Hazard Assessment in January 2016 and rated it as a Class 1 (highest priority)

Greater Maple Valley UAC Comment Letter

Model Toxics Control Act (MTCA) toxic waste clean-up site. Reserve Silica has chosen to do a Remedial Investigation (RI), since DOE does not have the manpower to do it. Aspect Engineering, Reserve Silica's consultant, presented the results of its DRAFT RI at our June GMVUAC meeting, but it has yet to be submitted to DOE for review.

Closure Plan ?

An acceptable closure plan has yet to be developed and agreed upon so as not to allow the site to remain out of compliance into the unforeseen future. Such a closure plan must ensure requirements of environmental laws are met or that measures to implement and assure compliance are underway with enforceable milestones.

Landfill Operations

In addition, the site is being used as solid waste landfill under continuing Solid Waste permits from Department of Public Health—Seattle-King County. This in itself entails another closure plan per the requirements of WAC 173-350-410(6).

DOE has formally concluded that Holcim (originally responsible for the CKD) and Reserve Silica are both "*Liabe Parties*" in the CKD contamination, and have warned the neighboring property owner (Baja Properties) that contamination has spread to its property.

It is far too premature for the County to even consider such a rezone proposal as presented in Docket Item #3.

10. Water Banking Proposal

Although Reserve Silica's proposed water banking proposal is *not directly tied* to its Docket Item #3 rezone request, it must be ensured it does not in any way affect the Executive's recommendations, nor the King County Council's decisions.

Below we provide some background:

History

On June 2, 1967 a Water-Use Permit (Book No 38 of Permits, on Page 15096, Under Application No. 20279) was issued to Northern Pacific Railway Company. On April 28, 1970 a Surface Water Right Certificate (# 11039) was issued to Burlington Northern, Inc., successor to NP Railway Co. (NP/BN) to withdraw up to 744 ac-ft per yr of surface water from Ravensdale Lake for "*processing mineral products*" on the 'plant site' south of the BN right-of-way. On December 18, 1967 a Report of Examination by the Water Resources Inspector for the Division of Water Management, clarified that: "... *use of the water appropriated under this application will be largely non-consumptive and all or a portion of the diverted quantity will be returned to this source of supply or other public waters.*" Also "*All of the utilized waters, less normal evaporation, will be returned to the water course*" [i.e., the "*outlet stream*" of Ravensdale Lake].

Discussions with DOE

On September 5, 2017, we met with Buck Smith & Ria Berns of the State Department of Ecology's (DOE's) Water Resources Program (Hydrogeology/Ground Water Supply - Quantity) at its offices at Eastgate in Bellevue. The purpose of the meeting was To better understand the current status of Reserve Silica proposal to create an Osprey Water Exchange, LLC Water Bank.

DOE has not approved Reserve Silica proposed *Water Bank*. DOE has told Reserve Silica it cannot apply for any *Water Right* conversion or *Transfer of Right to Trust* status until it has ceased using the water (Reserve Silica told DOE this could be in ~12 – 18 mo). DOE has told Reserve Silica it must have a clearly "*defined project*" before DOE will consider its *Water Right* conversion proposal.

DOE stated that once Reserve Silica's current use of the *Water Right* is concluded, Reserve Silica can put it into the State *Water Trust*, indefinitely, to hold it, which freezes the 5-yr time clock on past use.

Reserve Silica does not have an existing Water Bank, nor will it have one during the KC Council's deliberations regarding the Docket Item #3 request. It is important the Executive and the Council not consider any approval of Reserve Silica's Water Bank proposal as "*pending*," as it could be more than a year from now before Reserve Silica can even apply to DOE for any *Water Right* conversion or *Transfer of Right to Trust* status.

11. Recommendations

For the reasons and supporting rationale detailed herein, the GMVUAC opposes the Docket Item #3 request.

The GMVUAC requests the Executive recommend to the King County Council denial of the Docket Item #3 request to rezone 122 ac of isolated land outside of Ravensdale currently zoned Mining to Rural Area land use (RA-10).

Upon State DOE approval of the successful completion of any mine reclamation plans and upon approval of the successful completion of any Remedial Investigation/Feasibility Studies, the subject lands should *revert back* their original land use of forestry and underlying zoning of Forestry. Further, the subject lands should then be *re-incorporated* in the Forest Production District.

Appendix—Maps

Figure A-1 — Proposed Map (from Docket item #3 Request)

Figure A-2 — Map of the Reserve Silica Site and Surrounding Open Space and FPD Lands

Figure A-3 — Aerial View of Reserve Silica Site and Surrounding Forest Lands

Greater Maple Valley UAC Comment Letter

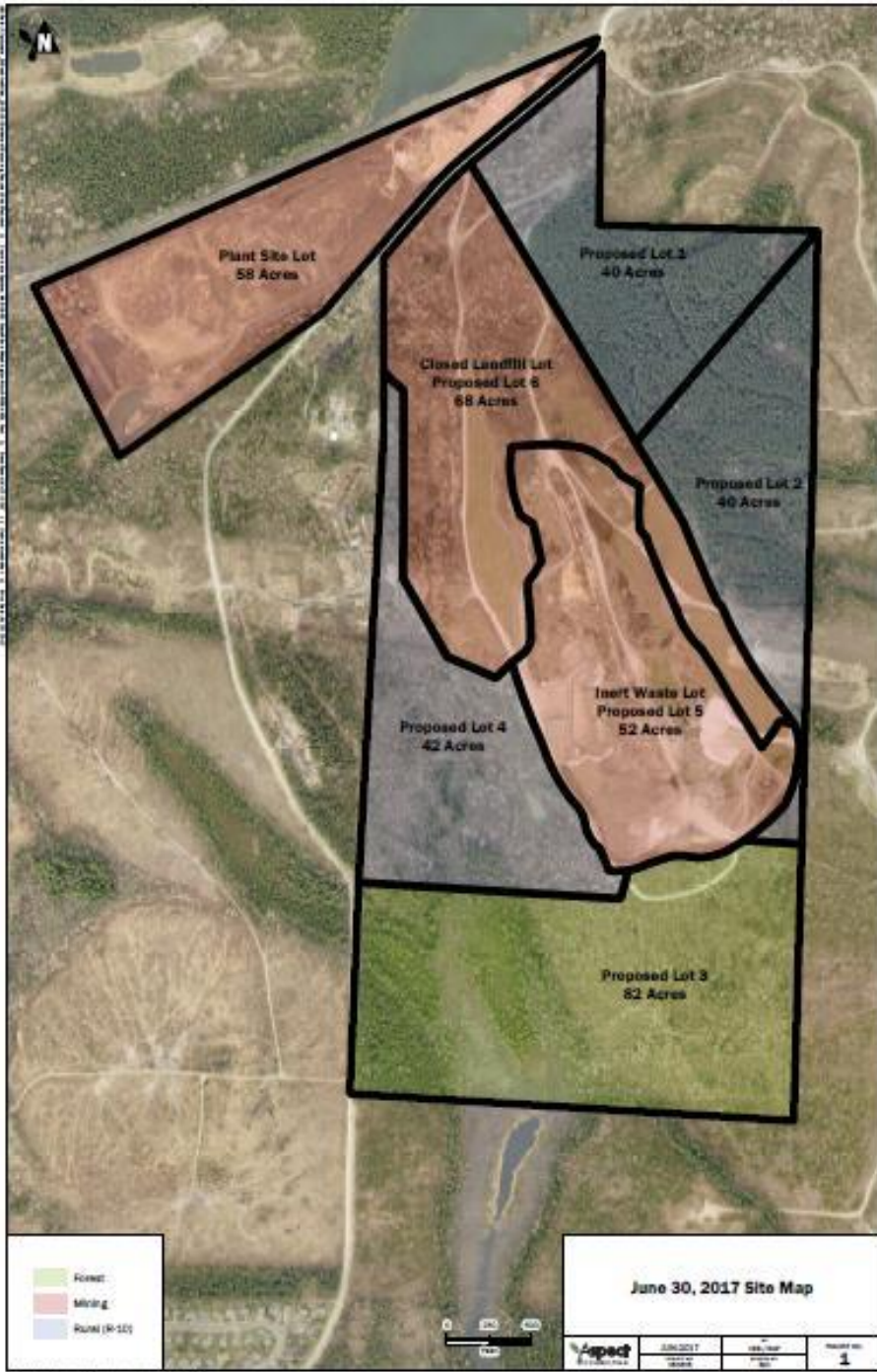


Figure A-1: Proposed Map (from Docket item #3 Request)

Greater Maple Valley UAC Comment Letter

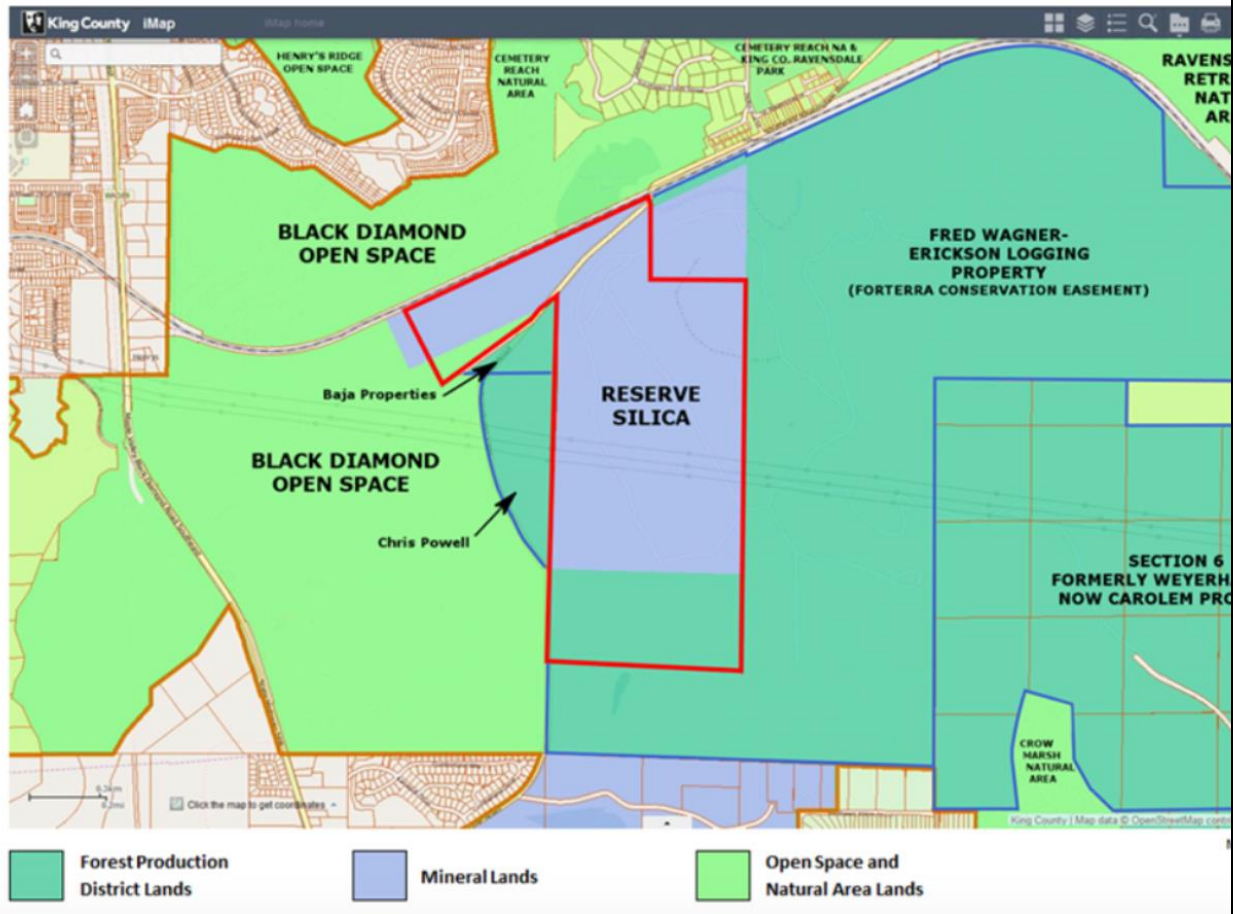


Figure A-2: Map of the Reserve Silica Site and Surrounding Open Space and FPD Lands



Figure A-3: Aerial View of Reserve Silica Site and Surrounding Forest Lands

Name: Peter Eberle

Date: November 7, 2017

Comment:

I have reviewed the Greater Maple Valley UAC's submitted comments on KCCP Docket Item #3 and agree with their findings. This request should be denied, and in the future, the county should work towards returning these properties to the forest production zoning.

Please consider this email as my submitted comments for Docket item #3

Name: King County Rural Forest Commission

Date: November 7, 2017

Comment: *(letter starts on next page)*



King County
Rural Forest Commission
 201 South Jackson Street, Suite 600
 Seattle, WA 98104-3855
 206-296-8042 206-296-0192 Fax

Nate Veranek
 Chair
 Forest Landowner
 November 7, 2017

Rex Thompson
 Cascadia Pacific Group
 Vice Chair
 The Honorable Dow Constantine
 King County Executive
 Chinook Building
 401 Fifth Avenue, Suite 800
 Seattle, WA 98104

Laurie Benson
 Washington Department
 of Natural Resources

Andy Chiniok
 Forest Landowner
 Dear Executive Constantine:

Wendy Davis
 Forest Landowner

Daryl Harper
 Forest Landowner

LiWay Hsi
 Forest Landowner

Amy LaBarge
 Forest Ecologist

Bernie McKinney
 Green River Coalition

Steven Mullen-Moses
 Snoqualmie Indian Tribe

Monica Paulson Pribe
 Green River College

Brandy Reed
 King Conservation District

Dick Ryan
 Forester

Grady Steere
 Campbell Global

I write on behalf of the King County Rural Forest Commission (Commission) to comment on a 2017 Comprehensive Plan Docket submittal for the zoning and land use reclassification of the Reserve Silica mining site (Proposal). The Commission includes representatives from a variety of constituencies involved with forestland in King County, including private forest landowners, professional foresters, environmental organizations, the timber industry, affected Indian tribes, and governmental agencies.

The Commission views the proposed changes as requiring a sober and thorough analysis by the County before a decision is made. Although the Proposal is more modest than previous proposals for the subject property, in no event should it be taken lightly. As you know, the Proposal would convert 122 wooded acres of resource lands to residential land use. This change could clear the way for the balance of the property to be similarly converted in the future. As discussed below, we recommend that the Council consider the Proposal under the four-year planning cycle process to ensure that all of the short- and long-term environmental impacts and policy implications of the Proposal are clearly understood.

Please also consider the following:

1. The Proposal could require substantive changes to Comprehensive Plan policy language.

Under existing policy, because of its proximity to the Forest Production District and its history as designated Resource land, the Reserve Silica site should revert to Forest zoning and land use. King County policy is clear that when zoning changes are being considered for mining sites the new land use and zoning should be compatible with the surrounding properties. The Reserve Silica mine is bordered on three sides by Forest-zoned properties and on the north and west by the County's

The Honorable Dow Constantine
November 7, 2017
Page 2

Black Diamond Open Space, which although zoned RA-10 will remain in forest use. Therefore, the Proposal is tantamount to a redrawing of the Forest Production District boundary.

2. There are health risks associated with the Reserve Silica property.

There have been numerous reports of contamination from mine operations. Most recently, the State Department of Ecology confirmed to Reserve Silica that the company is responsible for cleaning up the significant contamination on the site. In another example, G. Bradley's report for Reserve Silica in 2012 pointed to "significant liabilities" present on the site: open mines, buried coal and cement tailings and test mine pits throughout the forested part of the property.

In consideration of the fact that the ultimate purpose of the proposed rezone is to allow for large lot residential development, it is clear the County must allocate sufficient time and resources to ensure that there is no possibility of risk to local ecology, including water quality, or future residents from prior land uses. Among the risks, is that a rezone that results in residential uses could preclude complete remediation/restoration of the site. Without complete remediation, the aquatic ecosystem, both on- and off-site, is at risk, as well as human health.

Our comments here are consistent with our previous comments regarding the Reserve Silica property:

Letter to Council Chair Larry Gossett, dated October 17, 2012

Letter to TrEE Committee Chair Rod Dembowski, dated June 1, 2016

Conclusion

On its face, the current proposal would convert resource lands to residential lands. That is a substantive land use policy change. In addition, even if such a change were acceptable, and we are not convinced that it is under these circumstances, it will take careful study to determine the nature and extent of the public health risks presented by siting residential housing on this contaminated property. Perhaps most importantly, allowing for the review of this plan outside of the four-year cycle risks setting an unacceptable precedent that would almost certainly erode the forest resources of King County over time. In light of these considerations, the Commission believes that the four-year review cycle is required to give the County (and State Agencies) appropriate time to assess risks.

The Honorable Dow Constantine
November 7, 2017
Page 3

Thank you for considering the recommendations of the Rural Forest Commission. Please do not hesitate to contact us if we can be of additional assistance.

Sincerely,



Nate Veranth
Chair, King County Rural Forest Commission

cc: King County Councilmembers
ATTN: Grant Lahmann, Chief of Staff to Chair McDermott
Jeff Muhm, Director of Council Initiatives
Melani Pedroza, Clerk of the Council
King County Rural Forest Commission members
Christie True, Director, King County Department of Natural Resources and Parks
(DNRP)
Bob Burns, Deputy Director, DNRP
Josh Baldi, Division Director, Water and Land Resources Division (WLRD), DNRP
John Taylor, Assistant Division Director, WLRD, DNRP

-End of Report-



Summary of 2017 King County Comprehensive Plan Docket Submittals

July 2017

I. BACKGROUND

The King County docket was established in 1998 in accordance with K.C.C. 20.18.140 to provide an opportunity for residents of the county to register comments on the *King County Comprehensive Plan* and associated development regulations. The county responds to each item registered on the docket, providing a feedback loop, as required by RCW 36.70A.470. Docket forms are available on the King County Website and at several county departments. The docket is open continuously and, each June 30, the items registered in the previous twelve months are compiled into the docket report for release on December 1 to the King County Council.

The information in the Summary of Submittals Report includes the **complete set of materials** submitted by Docket proponents. Providing the Summary of Submittals Report to the public, early in the process and even before substantive analysis has occurred, allows for more transparent communication to the public regarding the issues the County is being asked to consider.¹

II. SUBMITTAL

King County received **three** items for the Docket period that closed on June 30, 2017.

Docket Request # 1

Name of Requestor(s): Paul Norris and Bruce Leader
Council District: 3
Summary Category: Zoning and Land Use Amendments

Submitted Request

Rezone and reclassify parcels 3024069021 and 3024069022 from Urban Reserve zoning (Urban Planned Development land use) to Residential-1 zoning (Urban Residential Low land use) as they are the only Urban Reserve zoned parcels remaining in the Urban Growth Area Boundary in this area. All adjoining parcels are zoned Residential-1, as a result of the recent Comprehensive Plan Map amendment # 6 East Cougar Mountain Potential Annexation Area.

Address

18945 SE 64th Way, King County WA (Norris) and 19030 SE 66th St , King County WA (Leader)
Parcel Identification Numbers 3024069022 (Norris) and 3024069021 (Leader)

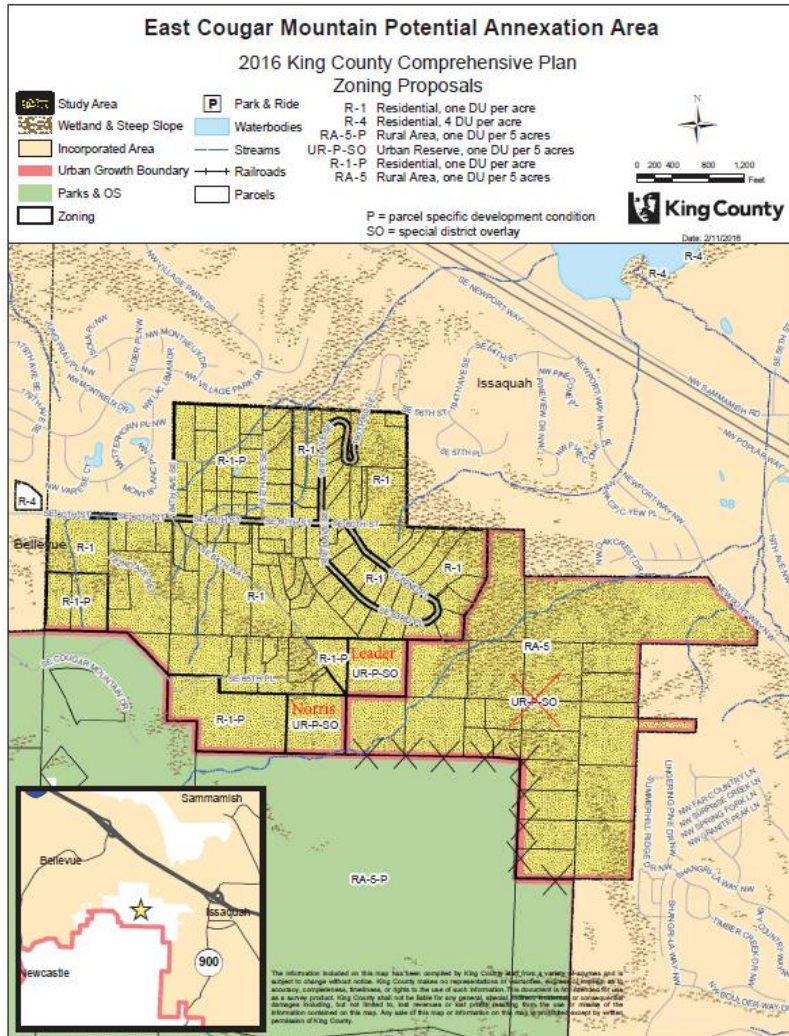
Submitted Background Information

Docket states that there is no impact as all adjoining parcels within the Urban Growth Area are zoned Residential-1.

¹ Text added in October 2017 to clarify the role and purpose of the Summary of Submittals Report in the Docket Process.

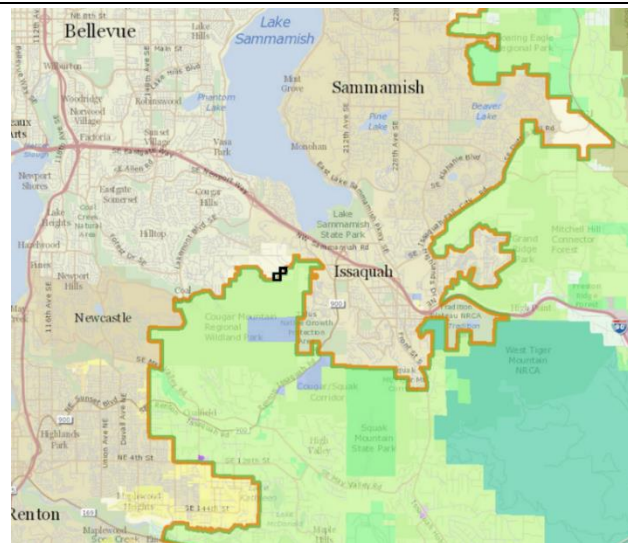
Docket Request # 1

Proposed Map

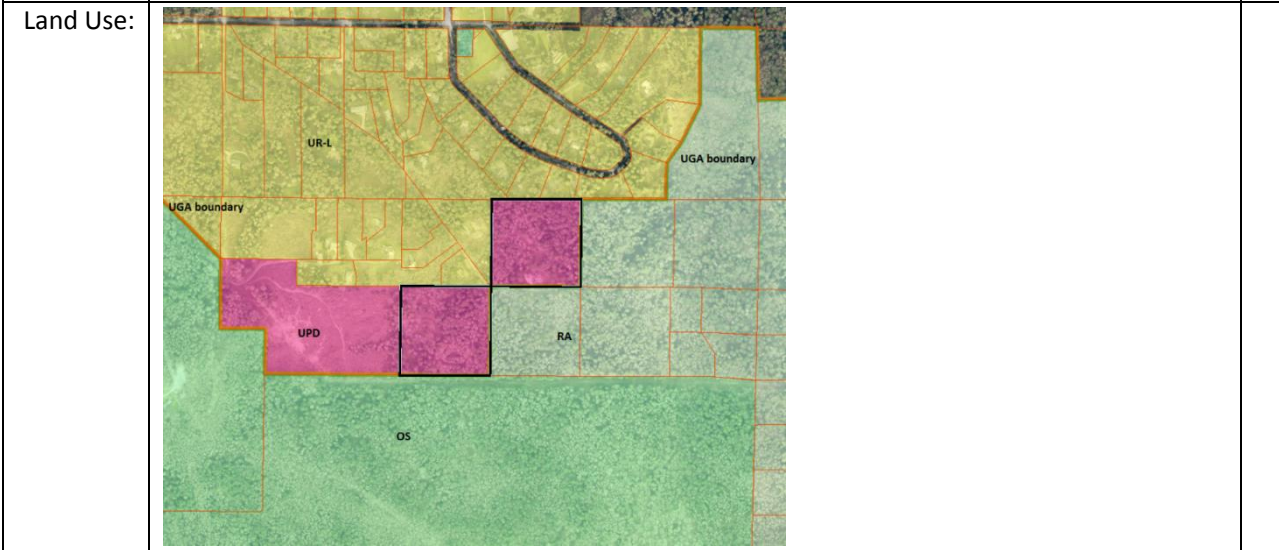
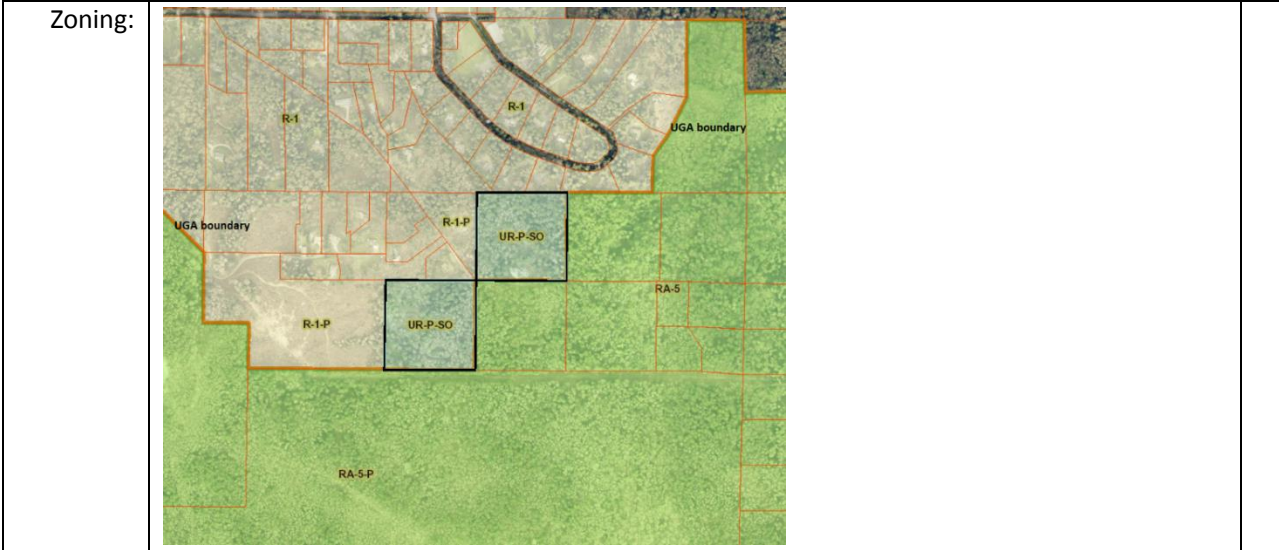


Maps of Docket Area (parcels outlined in black)

Vicinity:



Docket Request # 1



Docket Request # 2

Name of Requestor(s): Dmitriy Mayzlin (ACH Homes LLC) as agent for Henry Holdings LLC
Council District: 9
Summary Category: Four to One Proposal (Zoning, Land Use and Urban Growth Area Boundary Amendments)

Submitted Request
 Rezone and reclassify 20.810 acres of Rural Area 5 zoning (Rural Area land use) into Residential 4 zoning (Urban Residential Medium land use) using the four-to-one program.

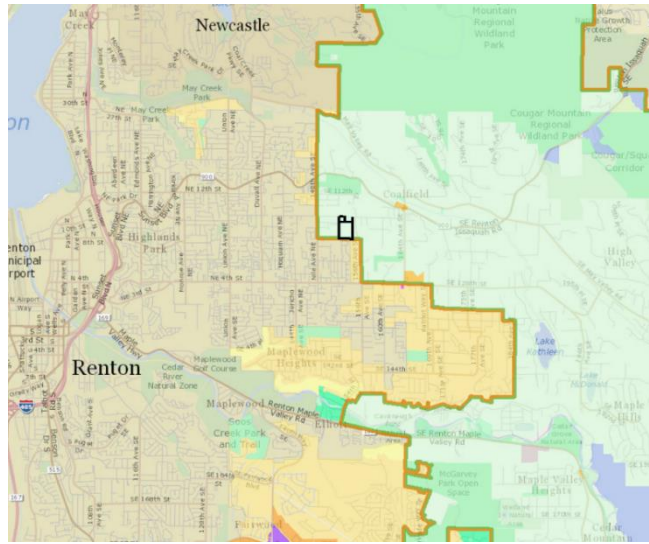
Address
 15411 and 15209 SE 116th St., King County, WA 98059.
 Parcel Identification Numbers 0638100177 and 0638100170

Submitted Background Information
 Docket states that there is no significant effect on adjoining parcels, as the adjacent residential area to the south has the same R-4 zoning as proposed for these two parcels.

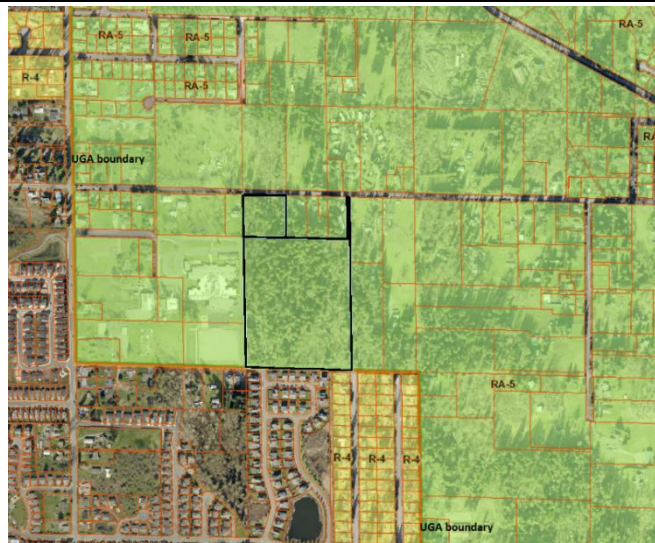
Docket Request # 2

Maps of Docket Area (parcels outlined in black)

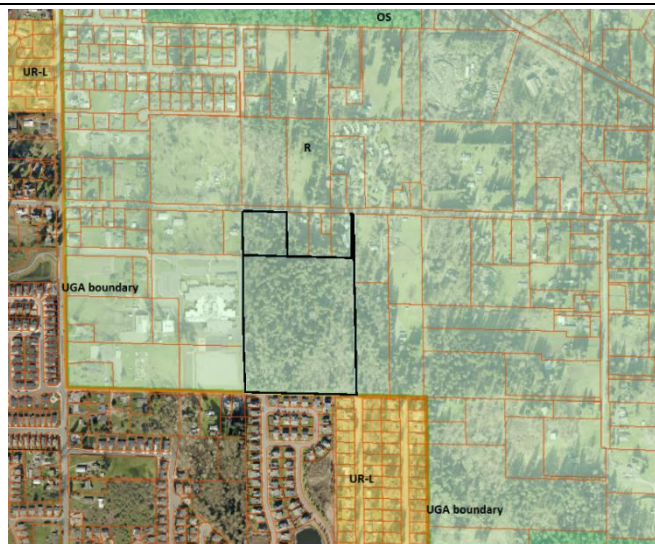
Vicinity:



Zoning:



Land Use:



Docket Request # 3

Name of Requestor(s): Reserve Silica Corporation

Council District: 9

Summary Category: Zoning, Land Use and Parcel Configuration Amendments

Submitted Request

Change 122 acres of the 245 acres currently designated mineral and zoned mining to Rural Area land use (Rural Area 10 zoning). The proposed use of the parcels would allow 12 rural residential lots averaging 10 acres in size. The existing tax parcels are being divided into 6 (six) 40-80 acre Tax Lots. The site specific land use map amendment and the companion rezone will apply to 3 (three) of the Tax Lots. The amendment and rezone will be filed before November 1, 2017.

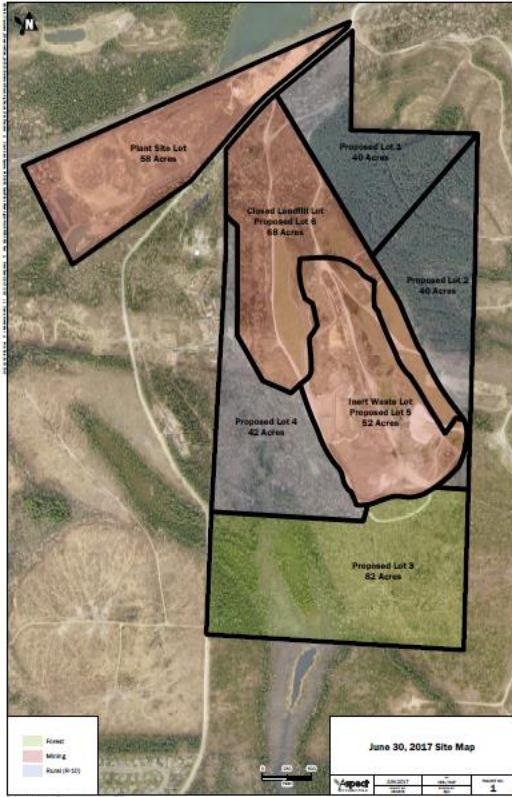
Address

Parcel Identification Numbers - 3522069018, 3622069065 and 0121069002

Submitted Background Information

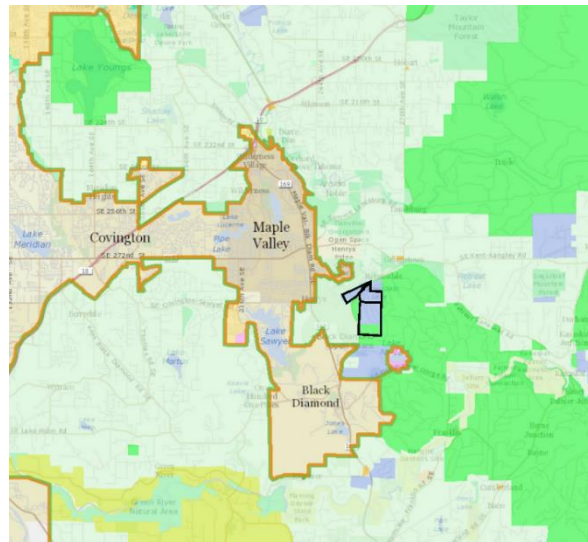
This property was included in the 2012 Comprehensive Plan as an adopted Demonstration Project Option; this option was repealed in 2016. Total area 325 acres - 80 acres zoned forestry and 245 acres zoned mining. This docket request affects 122 acres currently designated Mineral. The docket states that there would be no affect on the adjoining parcels, with the proposed large rural residential lots with setback and restrictions regarding maintaining compatibility with adjacent forest uses.

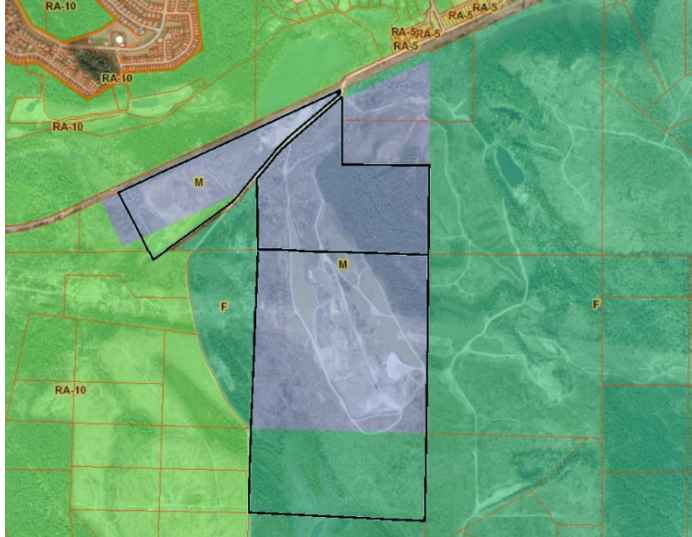
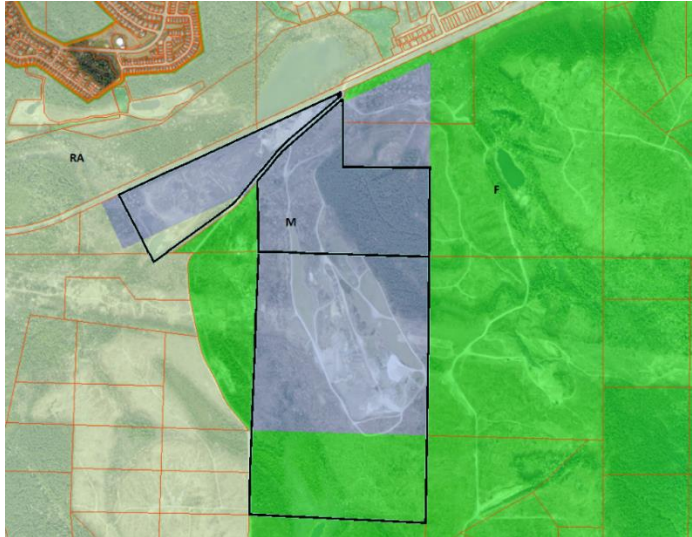
Proposed Map



Maps of Docket Area (parcels outlined in black)

Vicinity:



<p>Zoning:</p>		
<p>Land Use:</p>		

III. FOR MORE INFORMATION

The purpose of the Summary of Submittals Report is to provide notification regarding the proposals that have submitted. The Summary of Submittals is posted shortly after the Docket deadline of June 30, and is therefore released prior to conducting an analysis of the request(s).

Contact Ivan Miller, Comprehensive Plan Manager, 206-263-8297 or ivan.miller@kingcounty.gov.



King County

2018 Docket Report

King County Comprehensive Plan

December 2018

I. About the Docket Process

The King County Docket was established in 1998 in accordance with Revised Code of Washington 36.70A.470 to provide an opportunity for residents of the County to register comments on the *King County Comprehensive Plan* and associated development regulations. The Docket process, as adopted in King County Code 20.18.140, is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan's policies, area-wide land use designations, development regulations, and site-specific land use and zoning. For docket requests that require a site-specific change in a land use designation or zoning classification, submitters may be referred to the appropriate process for requesting these changes.¹

The Docket process is open continuously and, once a year,² the items registered in the previous twelve months are considered. Requests are compiled into a **Docket Submittals Report** which is made available via the Comprehensive Plan website. Following this, Executive staff classifies³ whether each Docket is appropriate for the Annual Cycle (which allows primarily technical updates, corrections, and amendments that do not require substantive changes to policy language) or the Eight-Year or Four-Year Midpoint Cycle (wherein all changes may be

¹ King County Code 20.18.050 and 21A.44.060

² New: In 2018, King County restructured its comprehensive planning program and made minor changes to the Docket process, primarily related to schedule. In the 2018 restructure, the submittal deadline was changed from June 30 to December 31, and the Docket Report's deadline for transmittal to the County Council was changed from December 1 to April 30. For the 2018 Docket process, however, the dates in place at the time when the process began (meaning, June 30 submittal deadline and December 1 transmittal deadline) are being used.

³ New: Another component of the 2018 comprehensive planning program restructure was to switch from a four-year major update cycle to an eight-year major update cycle. The County retained the option for annual cycle updates as well as for four-year updates on the "midpoint" of the eight-year cycle. Similar to the eight-year cycle update, the "four-year midpoint" cycle update allows for consideration of substantive policy and land use changes, but midpoints will not include a review of the entire Comprehensive Plan. This means that Docket requests will now be classified as eligible for (a) the eight-year and four-year cycles, or (b) for the annual cycle.

considered). This classification guides whether the Docket item could be included in the following year’s Comprehensive Plan update.⁴

Following submittal and classification, the next phase includes analysis by County departments, outreach to the proponent, determining the appropriate mechanism for public engagement (dependent on the type and scale of the request), and coordination with relevant entities such as adjacent cities or special purpose districts, again dependent on the request and the aforementioned classification.

On the first business day of December (for the 2018 process as described in the footnotes on page 1), the Executive transmits a **Docket Report** with analysis and recommendations to the County Council. The Council then includes all submitters of Docket requests in the mailing list for the relevant County committee meetings, and notifies them of any other opportunities for public testimony, as it considers **Council Action** on the requests. For Docketed changes that are not recommended by the Executive, the proponent may petition the Council during its legislative review process.

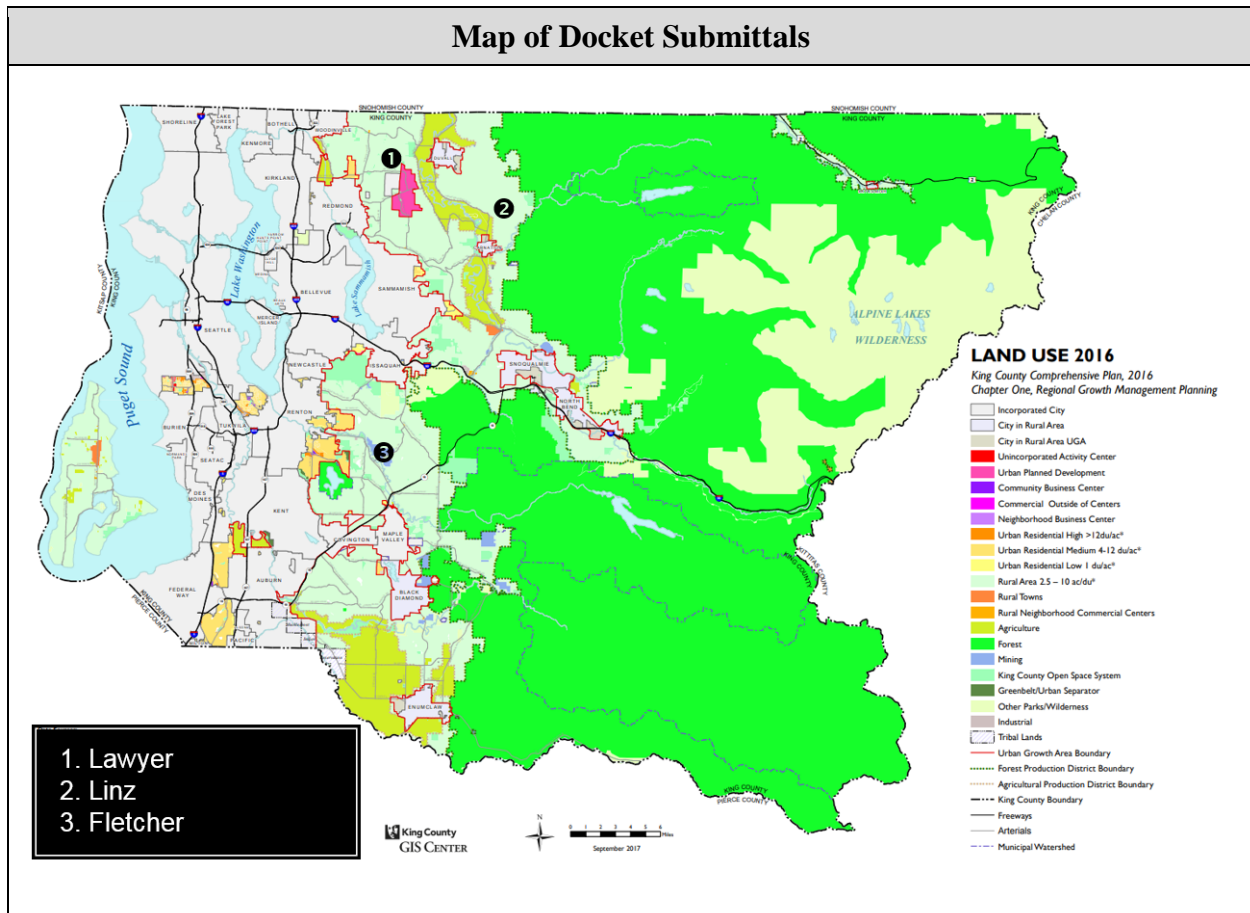
II. Summary of Submittals

King County received five Docket submittals in 2018. One request was found ineligible because the submitter did not have agreement from the property owners to submit on their behalf, and one was withdrawn by the property owner. The report addresses the remaining three Docket submittals, which are listed below.

Name	Council District	Summary of Request
1. Paul Lawyer	Council District 3, Councilmember Lambert	Allow the subdivision of one parcel zoned Rural Area-2.5 to divide into two parcels.
2. Raymond and Monique Linz	Council District 3, Councilmember Lambert	Remove Special District Overlay (SDO-230 Floodplain Densities) on one parcel and adjoining parcels.
3. Michael and Linda Fletcher	Council District 9, Councilmember Dunn	Change zoning classification on two parcels in the rural area geography from Neighborhood Business to Industrial (and to make commensurate changes to the land use designation).

⁴ King County Code 20.18.140 and 20.18.030

Map of Docket Submittals



III. Submittals, Analyses and Recommendations

The following lists the Docket submitter(s), identifies the County Council district, and includes the full text of the information provided with the Docket Submittal. This is followed by discussion and analysis of the relevant issues including classification, background information, policy review, and concludes with an Executive Recommendation.

Docket #1: Lawyer

DOCKET SUBMITTAL

Name of Submitter(s): Paul Lawyer

Council District: #3, Councilmember Lambert

Submitted Request: Request to subdivide property to add an additional single family home. Parcel size is 3.79 acres, and the parcel is zoned Rural Area 2.5 (RA-2.5).

Docket #1: Lawyer

Submitted Background Information: No impact to adjoining parcels. There are significant trees and greenery that provide significant privacy. The property is completely surrounded by large lots on a private road.

When sub-divided, the two lots would still be larger than most adjacent properties and those of surrounding neighborhoods (Lake of the Woods, Trilogy, Tuscany and Bear Creek). Property is located within private cul-de-sac and surrounded by other properties. The lot cannot be seen from public street. Provides significant tax revenue to King County without any change to neighborhood characteristics.

Requesting the ability to subdivide into two lots for single family homes.

1. Severe increase in property taxes make staying financially difficult. People should not be forced to sell their homes due to unsustainable property tax increases.
2. Property is 3.79 acres, which is much larger than adjacent properties.

Adjacent Lot	Acreage
13414 218th Ave NE	1.05
13506 218th Ave NE	1.18
13610 218th Ave NE	1.15
21817 NE 137th St	1.02
21827 NE 137th St	1.00
21909 NE 137th St	0.98
21925 NE 137th St	1.01
13321 220th Ct NE	2.87
13307 220th Ct NE	0.99
13328 220th Ct NE	2.06

3. Area density has significantly increased with Redmond Ridge and Trilogy development. This is a dense residential area--not rural. Land set aside by developers for preservation was not buildable (slopes and wetlands).
4. Subdivided lot would still have 1 acre of property and provide added tax revenue for King County.
5. Property was subdivided previously and could have been broken into more buildable lots.
6. The purpose of the GMA was to preserve open spaces and farmland. This request does not interfere or contravene GMA in any way.
7. The property is located within walking distance to elementary school and shopping

Address: 13329 220th Court NE Woodinville, WA 98077. Parcel Identification Number 2126069096.

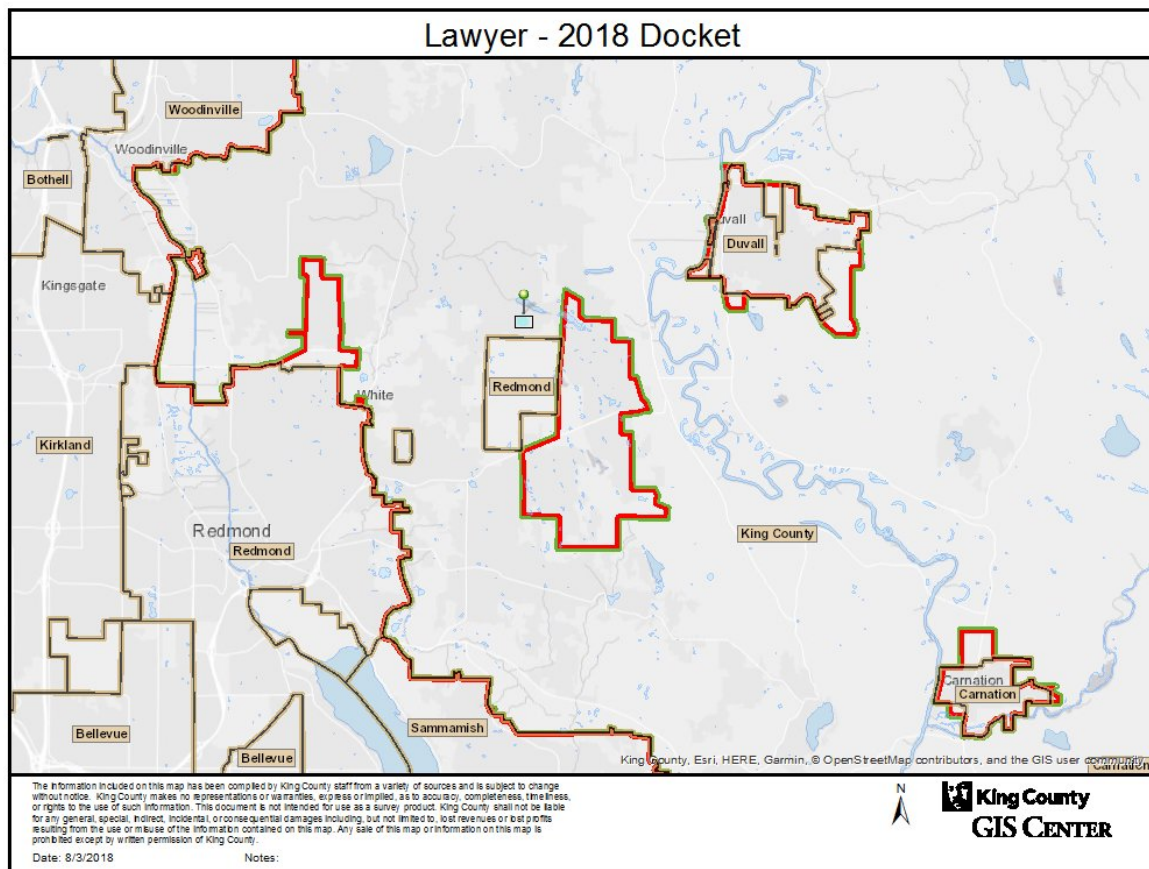
EXECUTIVE REVIEW

Docket #1: Lawyer

Classification: The request is for a land use and zoning change that would require a substantive policy change, as discussed in the following text. Given that these types of changes are not allowed on the Annual Cycle update per King County Code 20.18.030(B), the request would not be eligible for consideration in the 2019 Comprehensive Plan, but would be eligible for consideration in the 2020 Four-Year Midpoint update.

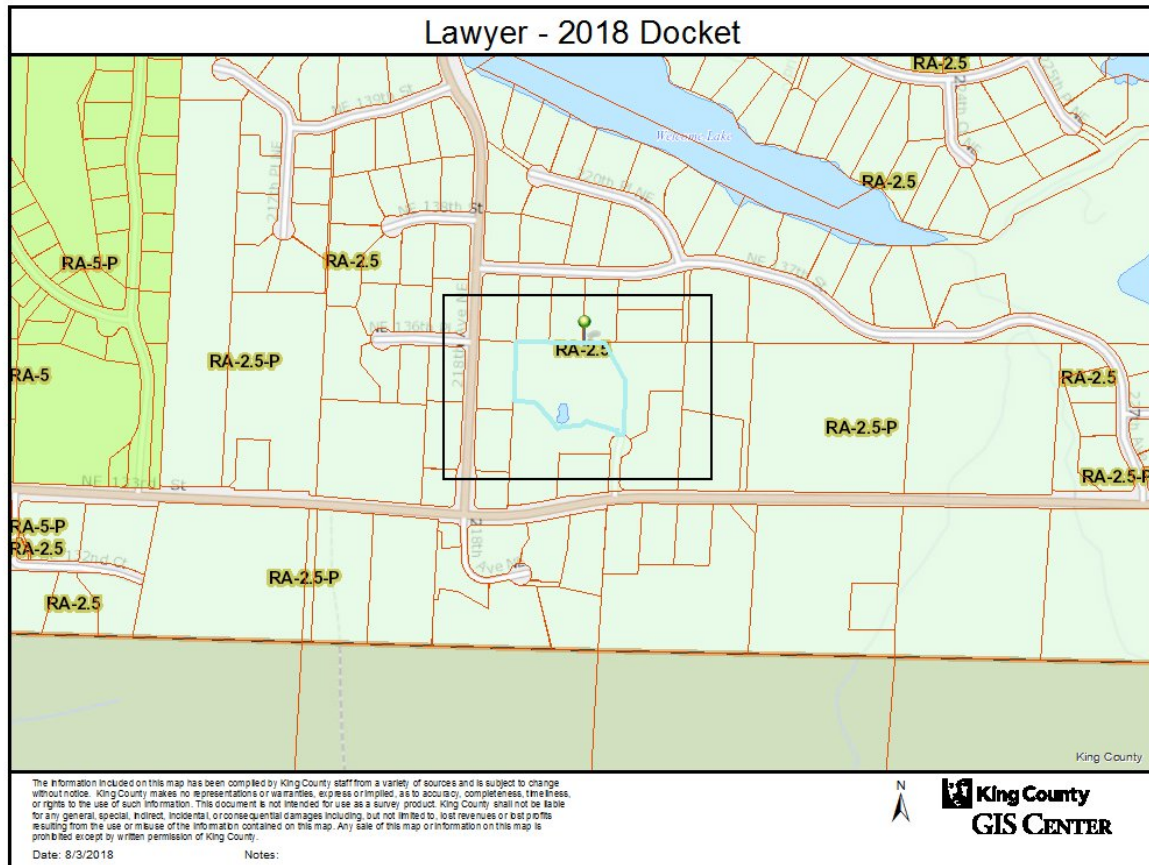
Discussion and Analysis: The submittal requests a subdivision of a parcel zoned Rural Area 2.5 (RA-2.5) into two parcels.

Vicinity map:



Docket #1: Lawyer

Zoning map:



As noted in the King County Comprehensive Plan, *Chapter 3: Rural Area and Natural Resource Lands*, RA-2.5 is a zoning category created to recognize densities and subdivisions that were in existence at the time the 1994 plan was adopted. Following the establishment of this zoning category in the 1994 Comprehensive Plan and the establishment of RA-2.5 lots at that time, no new RA-2.5 lots have been created.

The explanatory text and policy are as follows:

Although King County intends to retain low residential densities in the Rural Area, residential development has occurred in the past on a wide variety of lot sizes. Both existing homes on small lots and rural infill on vacant, small lots contribute to the variety of housing choices in the Rural Area. In some cases, however, rural-level facilities and services (e.g. on-site sewage disposal, individual water supply systems) may not permit development of the smallest vacant lots. Policy R-309 recognizes that some of the Rural Area has already been subdivided at a density greater than one lot per five acres (for example, parts of the shoreline of Vashon-Maury Island) when the original 1994 Comprehensive Plan was

Docket #1: Lawyer

adopted, and applied a zoning category to just those properties in existence at that time. Zoning to implement policies R-306 through R-309 has been applied through subarea and local plans and area zoning maps.

R-309 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 Rights from property in the designated Rural Forest Focus Areas. The site receiving the density must be approved as a Transfer of Development Rights receiving site in accordance with the King County Code. Properties on Vashon-Maury Island shall not be eligible as receiving sites.

Given this, the subdivision of the parcel is not consistent with the Comprehensive Plan.

In addition to the policy conflict, the request raises issues of precedence that could broadly affect the surrounding area and the zoning category in general. As shown on the Zoning map, the parcel is surrounded on all sides by parcels, some smaller and some larger, with the same zoning classification.

While the subdivision of the parcel is not consistent with Comprehensive Plan, other options exist for additional development on this parcel. The King County Zoning Code, at *Title 21A.08.030 Residential Land Uses*, allows for "Residential Accessory Uses" which are commonly known as accessory dwelling units. The subject parcel is larger than the minimum lot size for an RA-2.5 and therefore an option may exist for either a detached or an attached accessory unit, depending on site conditions (*see 21A.08.030(B)(7)*).

This information was shared with the Docket submitter and he was referred to staff at the Department of Permitting and Environmental Review with specific experience related to accessory dwelling units.

Executive Recommendation: Based on this analysis, the Executive does not support the subdivision of this RA-2.5 zoned parcels into two parcels.

Docket #2: Linz

DOCKET SUBMITTAL

Name of Submitter(s): Raymond and Monique Linz

Council District: #3, Councilmember Lambert

Submitted Request: Remove Special District Overlay SO-230, which applies limitations for density for parcels in the floodplain, on parcel 3626079039. This parcel is not in a flood plain. It sits atop 620' elevation per King County iMap. Therefore flood plain density should not apply. Proposed use of the parcel is for the development of single family homes on no less than five acres. Other than removal of the SDO, there is no change to zoning being requested. It has the future potential of having one more resident on the same shared private street that is currently used by 2 residents.

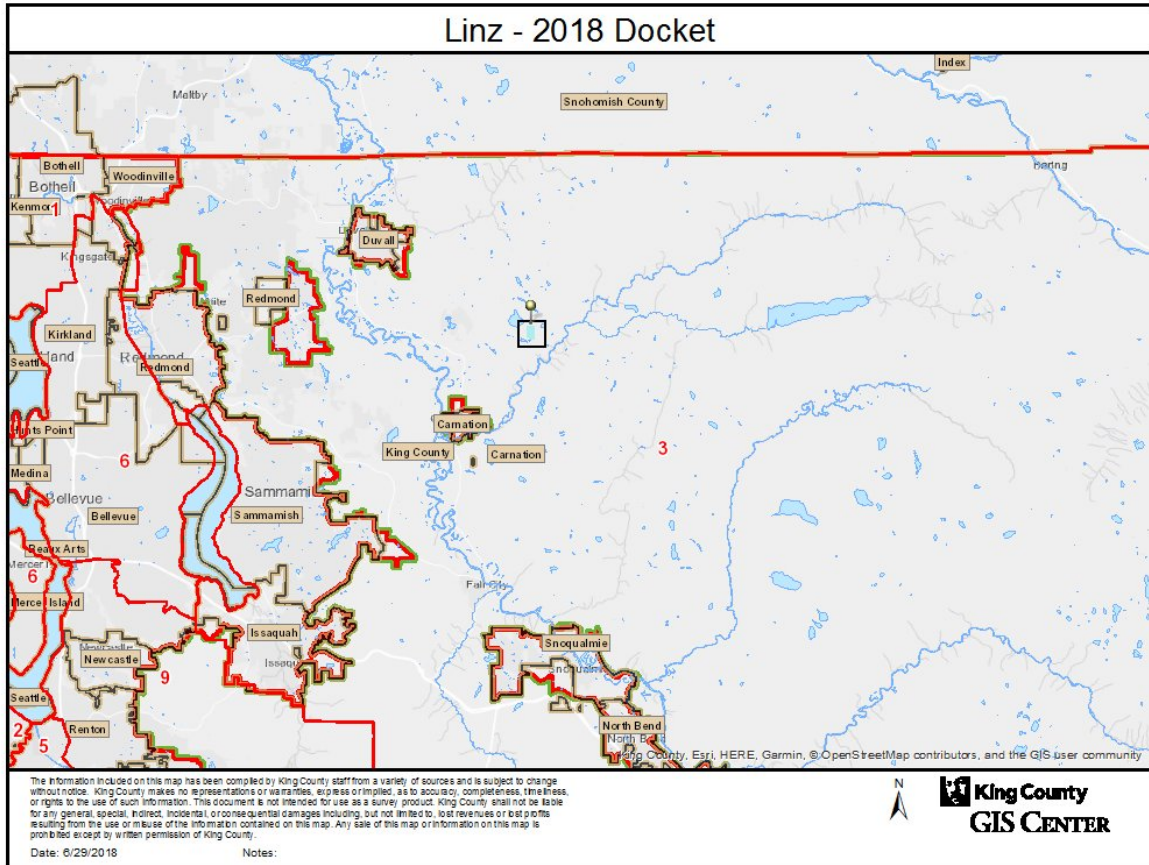
Submitted Background Information: The submitter notes that there is no effect on adjoining parcels as the surrounding parcels are subject to the same change rationale and need the SO-230 removed as well.

Address: Undeveloped; no address. Parcel Identification Number 3626079039.

EXECUTIVE REVIEW

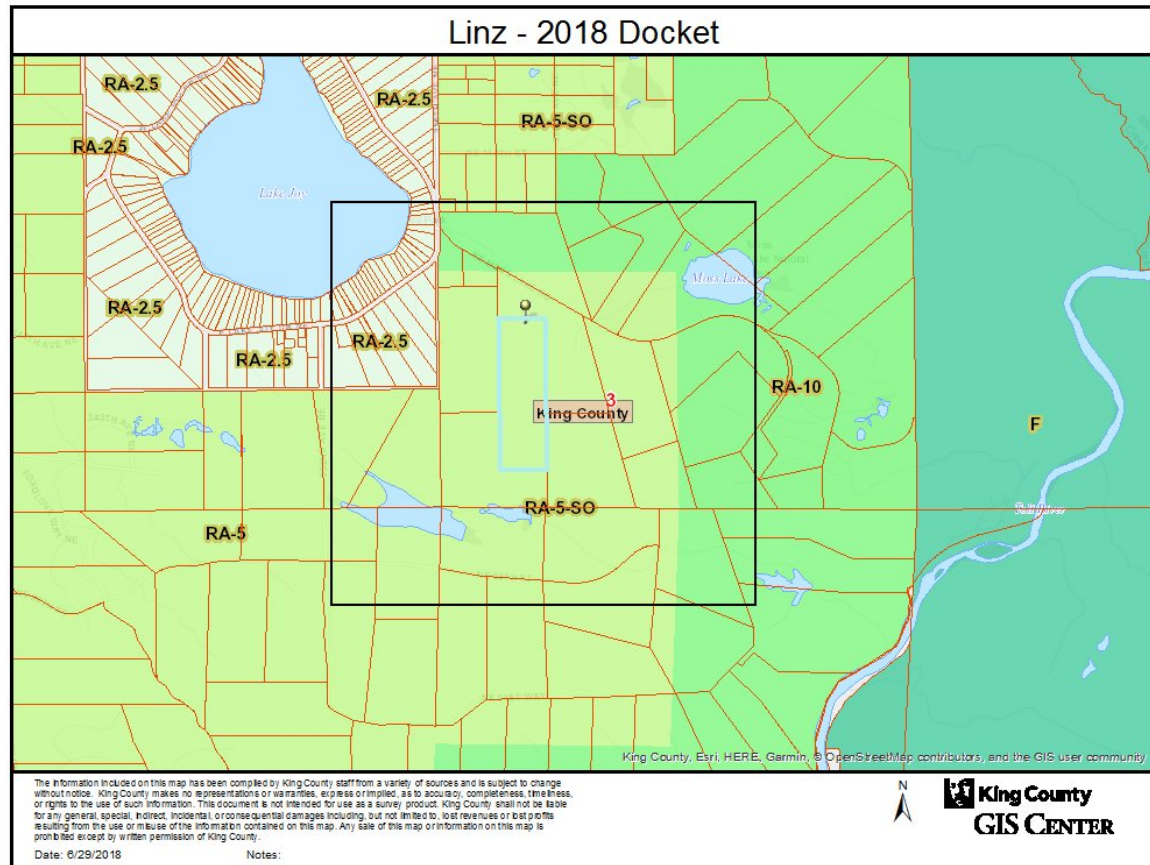
Docket #2: Linz

Vicinity map:



Docket #2: Linz

Zoning map:



Classification and Background: King County Code Title 21A.38.040 *Special District Overlay - General Provisions* states that removal of a Special District Overlay is an Area Zoning Process, which is analyzed through an Area Zoning and Land Use Study as part of a Comprehensive Plan update. As such, it would be eligible for consideration in an Annual Cycle amendment in 2019 or in the 2020 Four-Year Midpoint update.

Discussion and Analysis: The purpose of a Special District Overlay is to carry out Comprehensive Plan and community, subarea or neighborhood plan policies that identify special opportunities for achieving public benefits by allowing or requiring alternative uses and development standards that differ from general code provisions.

Special district overlays are generally applied to a group of individual properties or entire community, subarea or neighborhood planning areas and are designated primarily through the area zoning process. Removal is done through the same process.

Docket #2: Linz

The text of the subject Special District Overlay includes the following conditions:

21A.38.240 Special district overlay - Floodplain Density.

A. The purpose of the floodplain density special district overlay is to provide a means to designate areas that cannot accommodate additional density due to severe flooding problems. This district overlay limits development in sensitive areas to reduce potential future flooding.

B. The following development standards shall be applied to all development proposals on RA-5 zoned parcels located within a floodplain density special district overlay:

1. Density is limited to one home per 10 acres for any property that is located within a sensitive area; and
2. All development shall be clustered outside of the identified sensitive areas, unless the entire parcel is a mapped sensitive area. (Ord. 12823 § 19, 1997).

Link to SO-230:

<https://www.kingcounty.gov/depts/permitting-environmental-review/gis/DevConditionsSearch/SDO/SO-230.aspx>

This 2018 request to remove the Special District Overlay follows a similar request that was considered, and supported, in the 2016 Comprehensive Plan.

Link to 2016 Map Amendments (see Amendment 3):

<https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/2016CompPlanUpdate/2016Adopted-KCCP/LandUseZoningAmendments-ADO-120516.ashx?la=en>

Link to 2016 Area Zoning and Land Use Studies (see Study 4):

<https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/2016CompPlanUpdate/ExecRecommend2016CompPlan/Attach-AreaZoningLandUseStudies2016KCCP-d.ashx?la=en>

As noted in Study 3, the Special District Overlay originated in the 1989 Snoqualmie Valley Community Plan. The condition stems from Area-wide Suffix Condition AR-5-P, which limits density on Rural Area 5 parcels. The condition is shown on, or referenced in, multiple maps (pages 123, 125, 129, 132, 133, 141, and 181) and reads as follows:

AR-5-P (one home per five acres with P-Suffix)

The purpose of this zoning is to implement policies of the King County Comprehensive Plan which call for maintaining the rural community character of the planning areas and protect sensitive natural features. The following P-suffix shall apply: Subdivision activity within this zone designation requires the site plan review process to determine the boundary of sensitive areas as defined in the King County Sensitive Areas Folio. Density is restricted to one home per 10 acres for sensitive areas. One home per five acres is allowed on the non-sensitive areas. Mandatory clustering is required on the non-sensitive areas unless the entire site is a mapped sensitive area. This zoning implements Snoqualmie Valley Community Plan policies SQP 45 and SQP 48.

Docket #2: Linz

The two referenced policies from the Community Plan read as follows:

SQP 45 In unincorporated areas, a density of one home per 5 acres shall be applied to areas where there is an existing platting pattern of 5 acre lots or larger, where there are a minimum of environmental hazards or other land use constraints and where resources do not exist on site or nearby which would benefit from lesser density.

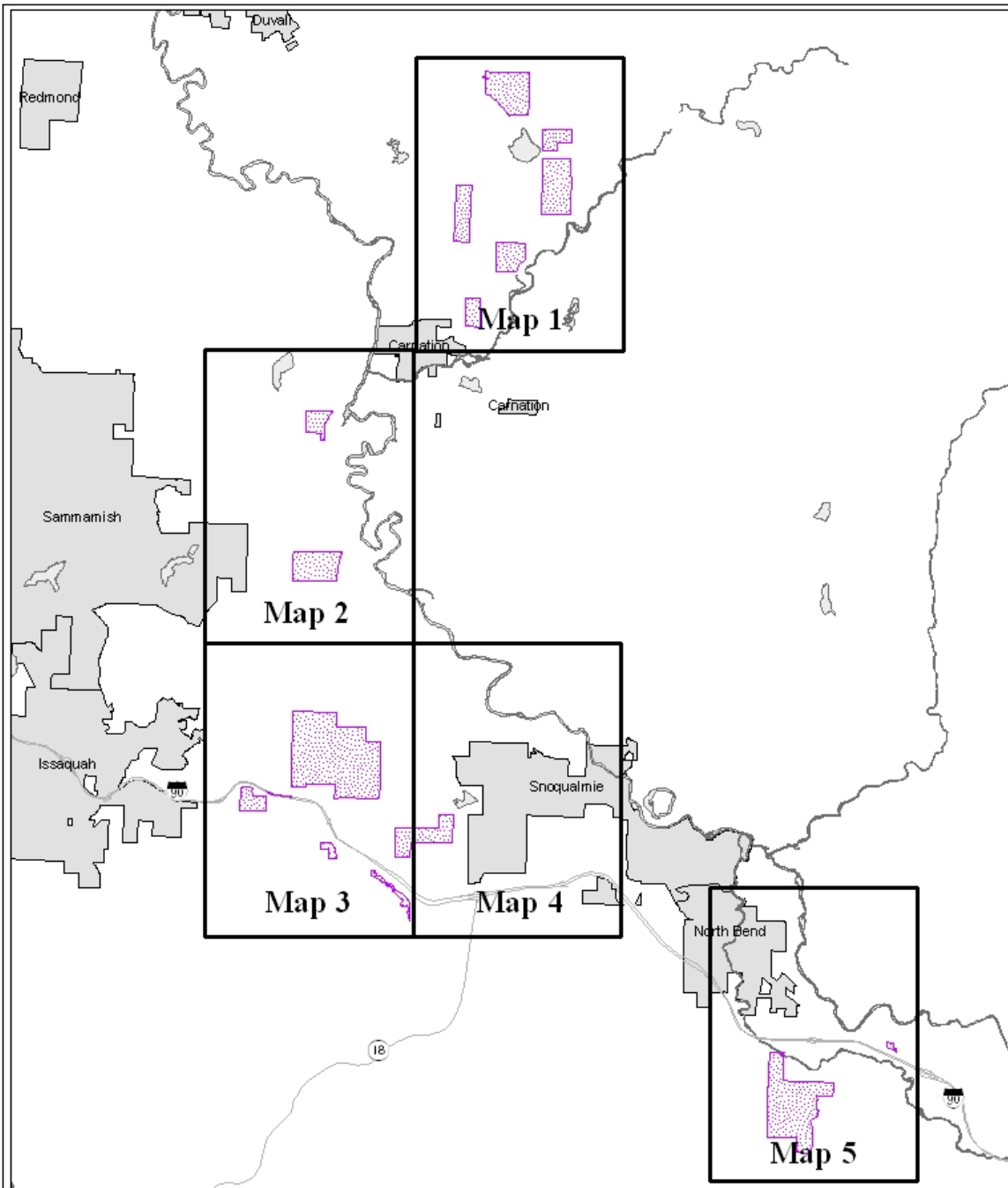
SQP 48 To minimize the risk to public safety and reduce the potential for property damage, the following environmentally sensitive areas shall be designated one home per 10 acres.

- A. floodways and flood-fringe areas (flood plains),
- B. class iii landslide hazard areas,
- C. slopes of a grade of 40% or more,
- D. unique/outstanding or significant wetlands,
- E. lands with erosion hazards or a combination of seismic and erosion hazards.

These conditions were imposed through the adoption of the Community Plan, and subsequent ordinances that amended the plan and conditions. While the Snoqualmie Valley Community Plan is no longer in effect, Special District Overlay (SO-230: Floodplain Density SDO) remains in effect.

During the zoning conversion in the mid-1990s, the rationale for the limitation was shortened to just flood hazards even though other critical areas were also protected under the original zoning. The parcels to which the Special District Overlay apply are as follows:

Docket #2: Linz



Floodplain Density SDO Index Map
Effective: August 18, 1997
Amended by Ord. 14448, 9/8/2002

- Special District Overlay
- Incorporated Areas



Produced October 10, 2004

0 0.5 1 2 Miles

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or right to the use of such information. King County shall not be liable for any general, special, indirect, incidental, or consequential damages, including, but not limited to, lost revenue or lost profits, resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

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Docket #2: Linz

While the current focus of SO-230 is on floodplain densities, the language still refers to "areas that cannot accommodate density" rather than parcels, and states that development be clustered outside of the "identified sensitive area" not just outside of the floodplain area. These retain and convey a focus that is broader than just floodplains.

The removal of the Special District Overlay from another property in 2016 noted that the while County's Sensitive Areas Ordinance and Surface Water Design Manual had been adopted in 1990, and that the Special District Overlay built on those provisions, both the Ordinance and Manual had been updated numerous times since that time to reflect best available science and both include rigorous standards for protecting critical areas and controlling runoff and sedimentation during the development process.

The Manual does this by addressing a wide variety of topics from drainage plan submittal requirements, hydrologic analysis and design, conveyance system analysis and design, flow control design and more. The effect of these requirements and standards are to minimize and mitigate impacts on water resources and functions.

Link to King County Code, 21A.24 Critical Areas:

https://kingcounty.gov/council/legislation/kc_code/24_30_Title_21A.aspx

Link to Surface Water Design Manual:

<https://your.kingcounty.gov/dnrp/library/water-and-land/stormwater/surface-water-design-manual/SWDM%202016%20complete%20document%20FINAL%20first%20errata%206%2015%202016.pdf>

In 2016, the conclusion by the Department of Permitting and Environmental Review (the department that administers this Special District Overlay and a participant in the updates to the Sensitive Areas Ordinance and the Surface Water Design Manual), was that removing the Special District Overlay would not likely result in any significant flooding or sedimentation issue, that the aforementioned regulations effectively control runoff from new development, and that the Special District Overlay was no longer needed on those parcels.

Looking at the context today, SO-230 applies to a total of 426 parcels that are or were zoned Rural Area 5 when the Special District Overlay was established. Of this number, 39 are in public ownership and therefore likely to never be developed, 6 are within cities and therefore not subject to this condition, and 80 are not zoned RA-5 and therefore not subject to this condition. Of the remaining 301 parcels, 235 are less than 10 acres, meaning they are unlikely to have sufficient size to be subdivided with or without the overlay. This leaves 66 parcels that are theoretically subdividable.

Docket #2: Linz

Of these, 18 have Sensitive Area Notices on Title, and 24 show some type of environmental feature – wetlands, seismic or erosion hazard areas, stream corridors – in the County's mapping programs. While the exact impact of these constraints on development potential is beyond the scope of this study (and difficult to precisely quantify without a development proposal), the overall impact is a likely reduction in the amount of development on these 66 larger sized parcels.

In summary, the Special District Overlay applies to a limited set of potentially subdividable Rural Area 5 parcels, these parcels frequently have other environmental constraints that could minimize development potential, and impacts of future development proposals (both on floodplains and environmental features) will be addressed through County regulations that have superseded this Special District Overlay.

Executive Recommendation: Based on this analysis and previous analysis in 2016, the Executive supports including consideration of deleting the Special District Overlay on all parcels to which it applies into the Scope of Work for the 2020 Comprehensive Plan Midpoint update.

Docket #3: Fletcher

DOCKET SUBMITTAL

Name of Submitter(s): Michael and Linda Fletcher

Council District: #9, Councilmember Dunn

Submitted Request: Reclassify zoning on two parcels from NB (Neighborhood Business) to I (Industrial). Combined size is 3.54 acres. The rationale for the requested changes is to be consistent with the adjacent property and the current use of the land. The proposed use is industrial, which is grandfathered and has been there for 25 years. The submittal notes that there will be no effect on adjoining properties to the south which are also industrial zoned and the current use is for industrial uses.

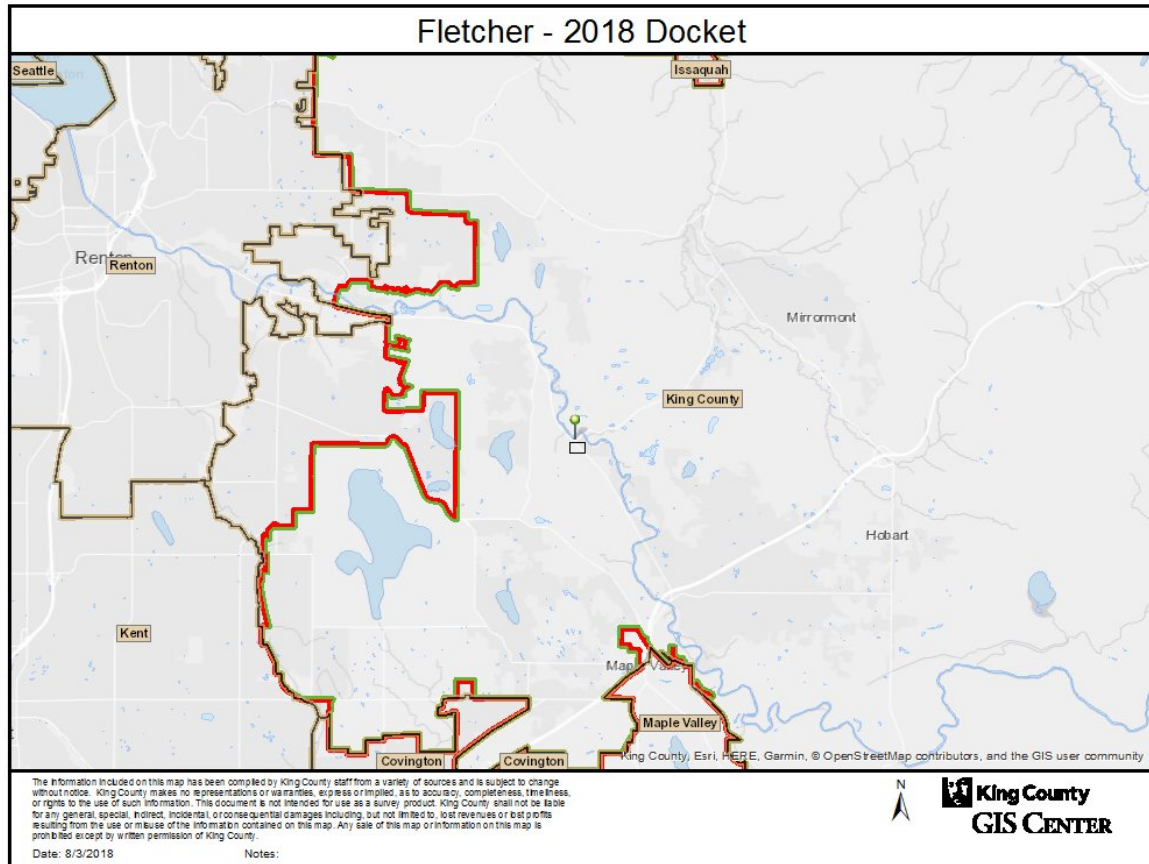
Submitted Background Information: No affect- the adjoining properties to the south are also industrial zoned and current use on the subject parcels are already industrial uses.

Address: 18407 Renton-Maple Valley Highway, Maple Valley, WA 98038. Parcel identification numbers 3223069052 and 3223069070.

Docket #3: Fletcher

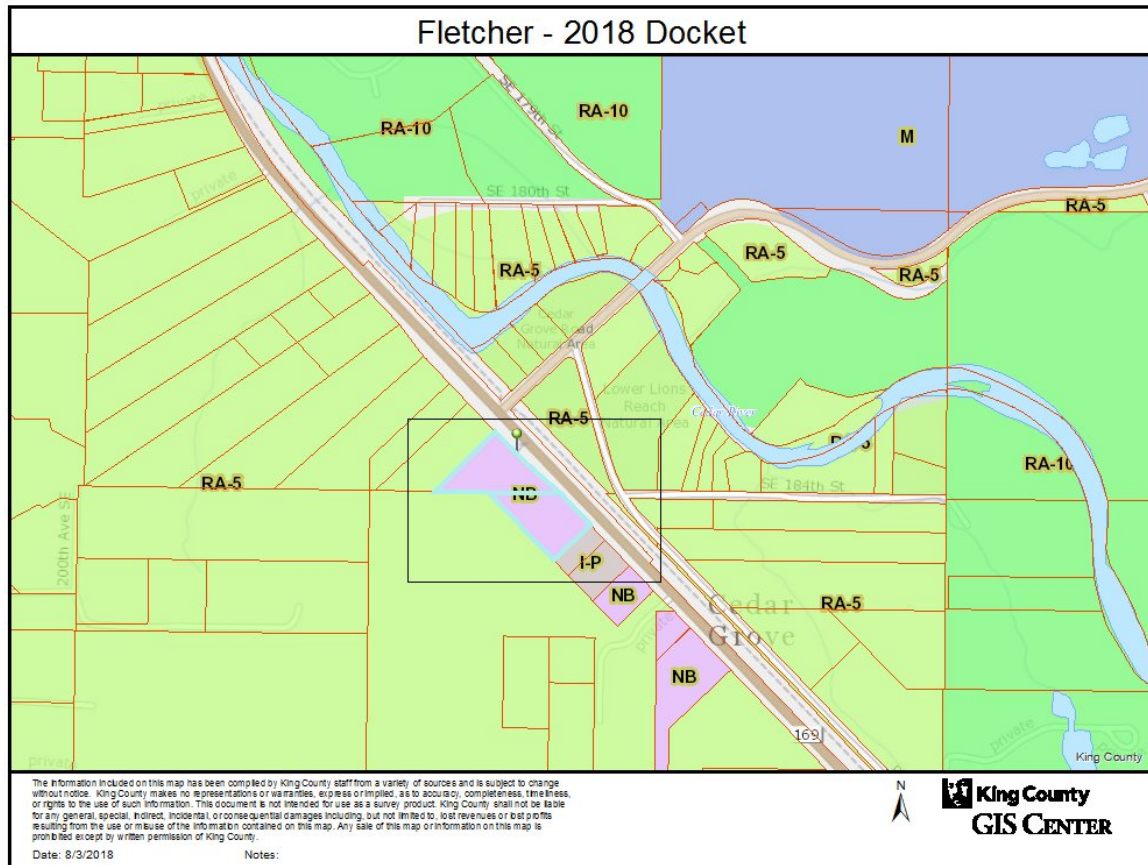
EXECUTIVE REVIEW

Vicinity map:



Docket #3: Fletcher

Land Use map:



Classification: The request is for a zoning change; this would require that the land use designation also be changed to Industrial to allow the zoning classification to be Industrial. As discussed in the following text, this would require a substantive policy change. Given that these types of changes are not allowed on the Annual Cycle update, the request would not be eligible for consideration in the 2019 Comprehensive Plan, but would be eligible for consideration in the 2020 Four-Year Midpoint update.

Discussion and Analysis: The Comprehensive Plan, in *Chapter 3: Rural Area and Natural Resource Lands*, discusses Non-Residential Uses in the Rural Area, as well as Non-Resource Industrial Uses and Development Standards in the Rural Area. The plan recognizes that some compatible public and private nonresidential uses are appropriate in the Rural Area geography and contribute to rural character. The plan states that compatible uses might include small, neighborhood churches, feed and grain stores, produce stands, forest product sales and home occupations such as woodcrafters, small day care facilities or veterinary services. (see page 3-25)

Docket #3: Fletcher

The plan notes that there are variety of locations for commercial activities in the rural area geography. These include Rural Neighborhood Commercial Centers, Rural Towns, the Cities in the Rural Area, as well as non-resource industrial sites located in rural King County. The plan notes that Cities in the Rural Area and Rural Towns are the primary locations for nonresidential uses in the Rural Area geography, and that Rural Neighborhood Commercial Centers provide limited, local convenience shopping, restaurants, and services to meet the daily needs of rural residents. The Comprehensive Plan describes this intent as follows:

R-505 Commercial and industrial development that provides employment, shopping, and community and human services that strengthen the fiscal and economic health of rural communities should locate in Rural Towns if utilities and other services permit. Urban-level parking, landscaping, and street improvement standards are not appropriate for Rural Towns. Sidewalks and other pedestrian safety measures should be provided to serve the Rural Town.

In the context of the Docket request, the use on the subject parcels is a metal recycling facility, which would be classified in the zoning code as an "interim recycling facility" as defined at King County Code *Title 21A.06.640*. Under the existing Neighborhood Business zoning classification, the current use is allowed, although the existing business does not meet the requirement that all processing and storage of material be within enclosed buildings (*see 21A.08.050.B.22*). Additionally, as currently developed, the site would be considered non-conforming to current site development standards.

The request to change the zoning from Neighborhood Business to Industrial is based, in part, because of a desire on the part of the property owner to sync up the use with the underlying zoning, and also because the subject parcels are directly adjacent to an Industrial zoned property (parcels 3223069104 and 3223069098). The neighboring property has a property-specific development condition, enacted in 1997, that limits the uses on the site to any use permitted in the Regional Business zoning classification or a vehicle interior refurbishing and re-upholstery (the use on the site at the time the condition was enacted). Meaning, while it has an Industrial land use, it has a more constrained set of allowed uses. Were the subject parcels to be rezoned to Industrial, it would be allowed to have significantly more intensive commercial activities than the properties to the south.

Policies related to industrial sites in the Rural Area geography are primarily found in Chapter 3, subsection *V.D. Non-Resource Industrial Uses and Development Standards in the Rural Area*. Since 1994, the policies and text in this section of the King County Comprehensive Plan have sought to recognize industrial uses that pre-existed when the Growth Management Act was adopted, to limit their expansion, to limit creation of new industrial sites in the Rural Area, and to condition and scale any development or redevelopment of existing sites to maintain and protect rural area character and the environment. Some of the policies read as follows:

Docket #3: Fletcher

R-513 Rural Public Infrastructure Maintenance Facilities, and agriculture and forestry product processing should be allowed in the Rural Area. Other new industrial uses in the Rural Area shall be permitted only in Rural Towns and in the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston.

R-515 Existing industrial uses in the Rural Area outside of Rural Towns, the industrial area on the King County-designated historic Site along State Route 169 or the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston shall be zoned rural residential but may continue if they qualify as legal, nonconforming uses.

Taken collectively, the County's policies recognize and allow industrial uses on industrial zoned parcels even in the Rural Area geography, but also limit expansion or the establishment of new industrial zoned parcels.

Beyond the policy constraints, there site-specific constraints as well. The site lacks public sewer and water, is a relatively small site for accommodating industrial uses and, with needed septic systems, drainage systems, other utilities, parking, etc., it is not clear on whether it could actually accommodate an industrial use that isn't already allowed under the existing Neighborhood Business zoning.

Additional issues are that the slope related critical areas (and their associated buffers and setbacks) that exist in the west portion of the site would further impact the usable area of the site. The same is true for the Category I critical aquifer recharge area designation on the site, which further limits the types of industrial uses and development.

This information was shared with the Docket submitter who inquired as to whether a Community Business zoning designation would be more appropriate for the site. This option does not appear warranted for a number of reasons. First, the purpose statement for the Community Business zone states:

21A.04.100 Community business zone.

- A. The purpose of the community business zone (CB) is to provide convenience and comparison retail and personal services for local service areas which exceed the daily convenience needs of adjacent neighborhoods but which cannot be served conveniently by larger activity centers, and to provide retail and personal services in locations within activity centers that are not appropriate for extensive outdoor storage or auto related and industrial uses. These purposes are accomplished by:
1. Providing for limited small-scale offices as well as a wider range of the retail, professional, governmental and personal services than are found in neighborhood business areas;
 2. Allowing for mixed use (housing and retail/service) developments; and
 3. Excluding commercial uses with extensive outdoor storage or auto related and industrial uses.

Docket #3: Fletcher

- B. Use of this zone is appropriate in urban and community centers or rural towns that are designated by the Comprehensive Plan and community plans and that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 11621 § 14, 1994: Ord. 10870 § 31, 1993).

A number of issues are relevant in this zone purpose statement related to changing the zoning to Community Business. As noted in section A.3. above, and as implemented in the permitted uses table *Title 21A.08.050 General services land uses*, commercial uses with extensive outdoor storage are excluded from the Community Business designation. This means that even in Community Business zoning, all processing and storage of recycling materials would be required to be within enclosed buildings. And, as noted in B. above, this zone is to be used in urban and community centers or Rural Towns. In contrast, the description of the Neighborhood Business zone (at *21A.04.090 Neighborhood business zone*) states that the zone is appropriate in urban neighborhood business centers, rural towns, or rural neighborhood centers.

Additionally, the site-specific constraints and development limits discussed related to an Industrial designation would be very similar with a Community Business designation.

Last, other than in Rural Towns, there is only one site with Community Business parcels in entire Rural Area geography, and this site is directly adjacent the Urban Growth Area boundary at the northern edge of the East Renton Plateau Potential Annexation Area. If changed to Community Business, this would be the only the second Community Business area in the Rural Area geography, and would be the only free-standing Community Business zone in the Rural Area geography that is not directly adjacent to the Urban Growth Area boundary.

Executive Recommendation: Based on this analysis, the Executive does not support changing the zoning and land use on this parcel from Neighborhood Business to Industrial or to Community Business.

IV. For More Information

For questions regarding this report, please contact Ivan Miller, Comprehensive Planning Manager, at 206-263-8297, or ivan.miller@kingcounty.gov.

V. Public Comments on 2018 Docket Submittals

The following public comments were submitted on the Docket Requests following the release of the 2018 Docket Submittals Report.

<p>Name: Greater Maple Valley Unincorporated Area Council</p> <p>Date: October 2, 2018</p> <p>Comment: Docket Item (D.I.) #4 #3 <i>(King County Staff note: This refers to Docket 3: Fletcher. The docket was renumbered after other requests were removed as noted on page 1 of the report.)</i></p> <p>Location: 18407 SR-169 Parcel ID Nos.: 3223069052 and 3223069070</p> <p><i>“Reclassify zoning on two parcels from NB (Neighborhood Business) to I (Industrial). The land use would remain Rural Area. Combined size is 3.54 acres. The purpose for the request is to provide consistency with the actual land use activity (recycling center) that has been in operation for over 25 years. An industrial use (grandfathered) – a metal recycling facility. The use and zoning will be consistent with what is actually developed in the immediate vicinity and on these specific properties.”</i></p> <p>INTRODUCTION</p> <p>The D.I. states the site’s existing business is an <i>“industrial use”</i> that is <i>“grandfathered.”</i> The D.I. request is to rezone the site from Neighborhood Business (NB) to Industrial (I). If the existing <i>“metal recycling”</i> business is indeed <i>“grandfathered,”</i> then no change in zoning is necessary.</p> <p>Of critical concern is that should the site be rezoned, the <i>next</i> owner could propose a <i>different</i> industrial use (much like the proposed Asphalt Facility on a parcel along SR-169, which was the subject of a successful rezoning request through the D.I. process). [Note; The site in question was not evaluated earlier this year in KC DPER’s <i>Cedar River Sites Industrial Moratorium (CRSIM) Study</i> as part of the KC Council’s Asphalt Facility discussions, because it was not zoned <i>“Industrial.”</i>]</p> <p>BACKGROUND</p> <p>The D.I. specifically refers to the adjoining site to the south and its <i>“I”</i> zoning as justification for the site in question to be rezoned to <i>“I”</i>. Attached is the final Zoning and Subdivision Examiner’s Decision and the BALD Report 124-88-R— (Note: The Building and Land Development Division is the predecessor to present-day DPER), which supported the 1989 rezone of the adjoining site to <i>“I-P”</i> (<i>“I”</i> zoned, but with a <i>P-suffix</i>—which imposed express limitations on future use).</p> <p>The <i>“I-P”</i> zoning for the adjacent site was adopted by the KC Council as Ordinance 8865 and incorporated into subsequent Comprehensive Plans (and <i>Tahoma-Raven Heights Subarea Plan</i> by Ordinance 12824 in 1997). The uses of that <i>“I-P”</i> zoned site are limited to those allowed in the Regional Business (RB) zone and <i>“vehicle interior refurbishing and re-upholstering.”</i></p> <p>DISCUSSION</p>

Name: Greater Maple Valley Unincorporated Area Council

The 1989 rezone was *unique* and cannot, and should not, constitute grounds for rezoning the site in question from "NB" to a general "I" without any *P-suffix* to substantially limit its future use. The attached BALD Report gives an extensive history of this area and land uses that existed in that vicinity for many years. D.I. #4's assertion that a "rezone of their property to 'I' - Industrial would be consistent with the zoning and use of the property to the south" simply is not accurate.

We remain highly skeptical and very concerned that a rezone to a generic "I" could result in another debacle, as has been encountered with the proposed Asphalt Facility on a parcel along SR-169. As with the former rezone of that parcel to simply a generic "I", rezoning of the site to allow lawful continuation of an *existing nonconforming use* has severe and, perhaps, unintended consequences, where such rezone is not limited in scope to allow only that particular existing use and any other uses that are in fact consistent with such existing use. In fact, since the existing business can continue under *existing* zoning, no rezone is necessary.

Finally, any proposed site-specific rezone (e.g., from "NB" to "I") *inconsistent* with the KC Comprehensive Plan (KCCP) must be considered and resolved **first** through a Hearing Examiner following a public hearing (KCC 20.20.020(E) and KCC 20.22). Annual amendments to the KCCP are deemed *legislative*; whereas, a site-specific rezone is *quasi-judicial* and must be reviewed as a Type 4 permit application. Clearly, an annual D.I. request should not be part of any *bifurcated* process (i.e., KC Council amends zoning designation, refers it to Hearing Examiner, who, sends recommendation back to KC Council for a final decision).

RECOMMENDATION

D.I. ~~#4~~ #3 should be denied.

Attachment: Final Zoning and Subdivision Examiner's Decision and the BALD Report 124-88-R, 1989. (*available upon request*)

**Attachment to Greater Maple Valley Unincorporated Area Council Public Comment on
Docket Request #3: Fletcher**

Final Zoning and Subdivision Examiner's Decision and the BALD Report 124-88-R, 1989

January 6, 1989

OFFICE OF THE ZONING AND SUBDIVISION EXAMINER
KING COUNTY, WASHINGTON

REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Building and Land Development File No. 124-88-R
Proposed Ordinance No. 88-871

BRICE E. WILLINGHAM
CG to ML-P

West side of Renton-Maple Valley Road, 160 feet
south of S.E. 184th (if extended)

SUMMARY OF RECOMMENDATIONS:

Division's Preliminary:	Approve ML-P subject to conditions
Division's Final:	Approve ML-P subject to conditions
Examiner:	Approve ML-P subject to conditions (modified)

PRELIMINARY REPORT:

The Building and Land Development Division's Preliminary Report on Item No. 124-88-R was received by the Examiner on November 30, 1988.

PUBLIC HEARING:

After reviewing the Building and Land Development Division's Report, examining available information on file with the application and visiting the property and surrounding area, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. 124-88-R was opened by the Examiner at 10:30 a.m. on December 22, 1988 in Hearing Room No. 2, 3600 - 136th Place S.E., Bellevue, Washington, and adjourned at 11:10 a.m. and administratively continued until January 3, 1989, 4:30 p.m. 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 Zoning and Subdivision Examiner.

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

MASTER COPY

FININGS:

1. General Information:

STR: S32-T23-R5

This is a request for zone reclassification from CG to ML-P in order to enable continued operation and expansion of an existing vehicle upholstery and interior refurbishing business on a 1.37 acre site located on the west side of Renton/Maple Highway, approximately 160 feet south of S. E. 184th Street (if that street were extended).

2. In 1986, King County issued a building permit for the existing principal structures. The permit specified that the buildings would be used for "upholstery shop" purposes. Exhibit No. 16.
3. Except as noted above in Finding 2, the facts, analysis and recommendation presented in the Division of Building and Land Development Preliminary Report dated December 22, 1988 (published November 30, 1988) are uncontested and they are incorporated here by reference. A copy of the Division of Building and Land Development report will be attached to the copies of the examiner's report which are submitted to the King County Council.

CONCLUSIONS:

1. Based upon the whole record, and according substantial weight to the determination of environmental significance made by the Division of Building and Land Development, it is concluded that approval of the subject action as recommended below, would not constitute a major action significantly affecting the quality of the environment. All evidence of environmental impact relating to the proposed action and reasonable alternatives to the proposed action have been included in the review and consideration of the subject action.
2. Considering the authorization of public improvements affecting this property (SR 169, including 1993 signalization of the Maple Valley/Cedar Grove intersection), as well as other circumstances affecting the subject property (including continued nonconforming industrial use of two abutting properties and County issuance of a building permit specifying the existing use), it is concluded that the proposed reclassification as recommended below would carry out and help to implement the goals and objectives of the Comprehensive Plan, the Zoning Code and other policies and objectives for the growth of King County. The requested use will not be unreasonably incompatible with, or detrimental to, affected properties and the general public, and will be consistent with KCC 20.24.190.

RECOMMENDATION:

APPROVE ML-P with the following conditions of "P-suffix" site plan approval (reference KCC 21.46.150 through 21.46.200):

- A. Uses on the subject property shall be limited to the following:
 - (1) Any use permitted in the CG classification (KCC 21.30; General Commercial).

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE DECEMBER 22, 1988 PUBLIC HEARING ON BALD FILE NO. 124-88-R:

Robert Stanley Titus was the Hearing Examiner in this matter. Those participating in the hearing were Mr. and Mrs. Brice Willingham.

The following exhibits were presented and entered into the record:

- | | |
|----------------|---|
| Exhibit No. 1 | Building and Land Development Division Preliminary Report, dated December 22, 1988 |
| Exhibit No. 2 | Rezone Application, dated October 10, 1988 |
| Exhibit No. 3 | Determination of Nonsignificance effective November 15, 1988 |
| Exhibit No. 4 | Five Building and Land Development Division photographs dated November 8, 1988 |
| Exhibit No. 5 | Site Plan with Fire Engineer's notation |
| Exhibit No. 6 | Letter from Brice Willingham, dated November 9, 1988 |
| Exhibit No. 7 | Letter from Department of Fisheries, dated November 19, 1988 |
| Exhibit No. 8 | Letter from METRO, dated November 29, 1988 |
| Exhibit No. 9 | Memo from Craig Larsen of Community Planning, dated November 30, 1988 |
| Exhibit No. 10 | Letter from J. L. Lutz of the Washington State Department of Transportation |
| Exhibit No. 11 | 500 Foot Radius Notice, dated November 16, 1988 |
| Exhibit No. 12 | Affidavit of Posting, dated November 10, 1988 |
| Exhibit No. 13 | Preliminary Site Plan (Plat & Paving Plan) |
| Exhibit No. 14 | Examiner's Report and Building and Land Development Division Report in BALD File No. 301-73-P |
| Exhibit No. 15 | Assessor's Map of SE1/4 S32-T23-R6 |
| Exhibit No. 16 | Willingham application for Building Permit No. 103910, dated February 13, 1986 |

3758D;RST:ja 124-88-R

**PARKS, PLANNING AND RESOURCES DEPARTMENT
BUILDING AND LAND DEVELOPMENT DIVISION
PRELIMINARY REPORT TO THE ZONING AND SUBDIVISION EXAMINER
DECEMBER 22, 1988 - PUBLIC HEARING**

APPLICANT: BRICE E. WILLINGHAM FILE NO. 124-88-R
Proposed Ordinance No. 88-871

I. INTRODUCTION:

A. GENERAL INFORMATION:

Owner: Brice E. Willingham
20008 - 244th Ave. S.E.
Maple Valley, WA 98038
Phone: 432-9867

Location: West side of Renton-Maple Valley Road,
160 feet south of S.E. 184th (if
extended).

STR: 32-23-6

Request: CG to ML-P

Agencies Contacted:

Washington State Department of Fisheries
Washington State Department of Wildlife
Washington State Department of Transportation
Washington State Department of Ecology
Washington State Parks and Recreation
King County Fire District No. 43
METRO
King County Traffic Division
Issaquah Planning Department
King County Health Department
King County Parks Division
King County Planning Division

B. SUMMARY OF ACTION:

This is a request for a rezone CG to ML-P to permit an existing vehicle upholstery and interior refurbishing business on a 1.37-acre site. A 2500-square-foot concrete wall and steel-framed building and a 546-square-foot single-story wood frame "caretaker's" residence exist on the site. The applicant is proposing a second 2500-square-foot steel-framed building. A site plan has been submitted.

C. KCC 21.32.010 Purpose of classification. The purpose of this classification and its application is to provide for the location of and grouping of industrial activities and uses involving the processing, handling and creating of products, and research and technological processes, all as distinguished from major fabrication, and uses which are largely devoid of nuisance factors, hazard or exceptional demands upon public facilities and services. A further purpose is to apply zoning protection to the industries so located by prohibiting the intrusion of residential and institutional uses and all commercial enterprise, except those which serve as accessory to the needs and convenience of such industries, thus establishing a pattern of land use advantageous to the specialized needs of the uses permitted in this classification. (Res. 25789 (1600, 1963).

KCC 21.32.020 Permitted uses. The following uses only are permitted and specifically provided and allowed by this chapter:

A. Any use first permitted in the C-G classification provided however a dwelling shall be permitted on the same

lot or site on which an industrial use is located when the dwelling is used exclusively by a caretaker or superintendent of such enterprise and his family.

...(D) Upholstering.

D. STATE ENVIRONMENTAL POLICY ACT/BACKGROUND:

1. The Manager of the Building and Land Development Division (BALD) issued a determination of non-significance (DNS) (see Attachment 1) on November 15, 1988. A DNS indicates that environmental impacts from the proposal are not anticipated to be significant. Therefore, an Environmental Impact Statement (EIS) is not required.

2. The subject property was zoned CG under File 301-73-P. The file no longer exists. The Division's report and the Examiner's report on the case, however, do not indicate that a specific use for the property was discussed or planned at that time.

Prior to the CG zoning the subject property was zoned SE under the Maple Valley Area Zoning in 1969. A rezone (File 308-72-P) from SE to CG was also granted by the Council on property immediately to the northwest.

3. The applicant applied for and was issued a building permit (#103910) for two buildings on the site. Staff notes that the bus refurbishing use was not known at that time and that the January 21, 1986 Environmental Checklist for the building permit described the buildings to be used for "general commercial" uses. The permit approved B-2 (office) buildings when both B-1 (storage/maintenance) and B-2 should have been indicated. One building (on the corner of the site) was built before the permit expired. A renewal (#108467) was applied for on the second building. The renewal is on hold pending resolution of this rezone request.

4. Uses that are first permitted in a M-H zone (a junk yard and equipment storage yard) are present on either side of the subject property. The underlying zoning on both sites is CG. The non-conforming MH uses have existed on these sites for over 20 years and have shown no sign of being discontinued. CG zoning was approved for the site of the junk yard northwest of the subject property in 1972 (File 308-72-P). The Tahoma/Raven Heights Community Plan retained CG zoning on both the subject property and the two properties with MH uses without acknowledging the existence of those uses. Staff notes, after viewing aerials, that prior to development of the upholstery use the subject property appears to have been vacant.

II. ISSUE ANALYSIS:

This analysis is based upon the responses of the agencies of jurisdiction and other reviewing public agencies; citizens and community organizations; a field inspection of the project site; and information submitted by the applicant.

A. UTILITIES AND PUBLIC SERVICES:

1. Sewer and Water: The subject property is served by a septic system. The Seattle-King County Department of Public Health approved an application for an individual sewage disposal system for an upholstery shop on the site on May 26, 1985 (see Attachment 2).

Water service is provided to the site via a community well shared with three other parties. Water flow is unknown; however, the buildings are exempt from King County Fire Engineering requirements per Ordinance No. 5828, Part 4, Section 4.

B. TRAFFIC AND TRANSPORTATION:

King County Code 21.49 (Road Adequacy Standards) does not require rezones to comply with Level-of-Service (LOS) standards. The standards, however, do not limit the authority of King County to deny or approve with conditions:

A. Zone reclassification requests based on traffic impacts, or

B. Proposed developments or zone reclassifications if King County determines a hazard to public health, safety, or welfare would result from direct traffic impacts without roadway or intersection improvements, regardless of LOS, or

C. Proposed developments reviewed under the authority of the Washington State Environmental Policy Act (Ord. 7544 { 12, 1986).

The subject property fronts on Renton-Maple Valley Highway, a state highway. A highway access permit is therefore required. King County Traffic and Planning and Washington State Department of Transportation (WSDOT) had no comments on the proposal.

C. ENVIRONMENT:

The site is flat and covered with impervious surface over approximately 50% of the site. The King County Sensitive Areas Map Folio does not indicate the presence of any sensitive features on the site. The Cedar River is approximately 800 feet north of the site. The site is topographically constrained by a hill immediately to the west.

D. 1985 COMPREHENSIVE PLAN AND TAHOMA/RAVEN HEIGHTS COMMUNITY PLAN:

In accord with Ordinance No. 7178, Section 2, C-1, the following Comprehensive Plan and Tahoma/Raven Heights policies are cited:

1. The subject property is located within the "Urban Areas" designation of the 1985 Comprehensive Plan.

2. Comprehensive Plan 1985 Policies CI-108, CI-228, CI-231, CI-232, and F-215:

a. CI-108: King County should encourage a wide range of commercial and industrial development in Urban Activity Centers, and should provide for small-scale retail stores, offices and services in Community and Neighborhood Centers. Commercial

and industrial development should occur primarily in compact centers.

COMMENT: The intent of Policy CI-108 is to encourage the location of industrial development in compact centers (i.e. Urban and Rural Activity Centers). However, it does not, by the use of the word "primarily," preclude industrial development outside of Urban Activity Centers. The subject property is located in the "Urban Area" as designated by the 1985 Comprehensive Plan. As noted previously (Section I, D-2), CG zoning has existed on and adjacent to the site since 1973. The nonconforming MH uses present on the adjacent CG-zoned properties have been in existence for 20 to 25 years. The CG zoning which exists in the vicinity is an approximately 8-acre strip fronting on Renton-Maple Valley Road (SR 169).

b. CI-228: Individual separate industrial sites may be permitted in Urban Areas when adequate facilities and services can be provided, adverse impacts on adjacent land uses and the natural environment are mitigated, and when these sites are located to provide a suitable core for a future Urban Activity Center.

COMMENT: As noted in the comment to CI-108, the subject property is located in an Urban Area. CI-228 serves to elaborate upon CI-108 by specifically allowing industrial development outside of "activity centers" providing adverse impacts can be mitigated and the location provides a core for a future activity center. Although the site may not be part of a future Urban Activity Center, the property is located within a core of CG-zoned property which currently accommodates long-standing, nonconforming MH type uses.

c. CI-231: Industrial development should be designed to be compatible with adjoining uses. Off-site impacts such as noise, odors, light, and glare should be prevented through pollution control measures, setbacks, landscaping, and other techniques. Unsightly views of parking, loading, and storage areas should be screened from neighboring office retail and residential uses.

d. CI-232: Industrial development should have direct access from arterials or freeways. Access points should be combined and limited in number to allow smooth traffic flow on arterials. Access through residential areas should be avoided.

COMMENT: As noted in the comments to CI-108 and CI-228, the land uses surrounding the subject property are MH. The applicant has submitted a site plan. Policy CI-231 could be implemented with the addition of a "P" suffix requiring site plan approval per KCC 21.46.150 through 21.46.200 to the rezone. In reference to Policy CI-232, the right-of-way for SR 169 is located adjacent to the property on the northeast. As noted previously, a State Highway Access Permit is also required for the proposal.

3. T/RH Plan Policies 23, 24, 25, and 26:
- a. T/RH #23: Existing commercial sites located outside of designated centers should be allowed to develop to the limits of the present zoning; however, expansions should not be allowed.
 - b. T/RH #24: Future industrial development should be encouraged unless proven incompatible with surrounding land use and densities.
 - c. T/RH #25: Industrial development should be located where a full range of urban/suburban services are available, including water supply, sewers, solid waste disposal, road access, public transit, and an adequate level of police and fire protection.
 - d. T/RH #26: Industrial development should be given special site review to ensure that all local impacts are mitigated.

COMMENT: T/RH Policies 23, 24, 25, and 26 provide a general location criteria for general commercial and industrial uses in the T/RH planning area. That criteria places a size limit on existing commercial sites outside of designated centers and calls for a compatibility test for industrial development. Compatibility includes such factors as environmental impact and the availability of urban/suburban services. Both factors are discussed in Section II (A-C) of this report.

III. OTHER CONSIDERATIONS:

- A. KCC 20.12.070 Community plan amendments -
Criteria for advancing revision schedule: A study to determine the need for revision of one or more community plans shall be undertaken by the Department of Parks, Planning, and Resources in cooperation with the policy development commission if appropriate when the Council adopts a finding that one of the following criteria is present:
- A. Development activity is substantially greater than anticipated in the plan, as indicated by:
 - 1. County-wide or community plan area total residential unit construction as measured by building permits and by annual subdivision activity as measured by number of lots created or by acreage, is one hundred percent higher for twelve consecutive months than the average level for the previous three years, or
 - 2. County-wide or community plan area total annual vacant land consumption is occurring at a rate of one hundred percent higher for twelve consecutive months than the average rate for the previous three years;
 - B. In the review of a request for a zone reclassification, planned unit development, subdivision, or unclassified use permit, the Council finds that the request is inconsistent with an adopted community plan, but circumstances affecting the area in which the proposal is located may have undergone changes substantially and materially different from those anticipated or contemplated by the community plan, and that the impacts from the changed circumstances make consideration of a plan revision necessary. The application shall be denied without prejudice or deferred at the request of the applicant until the Department of Parks, Planning, and Resources completes a study to

determine the need for a plan revision, and a plan revision, if any, is adopted by the Council.

C. Issues of current concern to area residents or the county, including but not limited to: policy conflicts due to subsequent comprehensive plan amendments, regional service or facility needs, annexations, or other circumstances not anticipated in the community plan make it necessary to consider a revision to one or more community plans. (Ord. 4305 (4, 1979.)

KCC 20.24.180 Examiner findings. When the examiner renders a decision or recommendation, he shall make and enter findings of fact and conclusions from the record which support his decision, and the findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation is consistent with, carries out, and helps implement applicable state laws and regulations; and the regulations, policies, objectives, and goals of the comprehensive plan, the community plans, the sewerage general plan, the zoning code, the subdivision code, and other official laws, policies, and objectives of King County and that the recommendation or decision will not be unreasonably incompatible with or detrimental to affected properties and the general public. (Ord. 4461 (9, 1979: Ord. 263 Art. 5) 14, 1969.)

KCC 20.24.190 Additional examiner findings - Reclassifications and shoreline redesignations. When the examiner issues a recommendation regarding an application for a reclassification of property or for a shoreline environment redesignation, the recommendation shall include additional findings which support the conclusion that at least one of the following circumstances applies:

A. The property is potentially zoned for the reclassification being requested and conditions have been met which indicate the reclassification is appropriate; or

B. An adopted community plan or area zoning specifies that the property shall be subsequently considered through an individual reclassification application; or

C. Where a community plan has been adopted but subsequent area zoning has not been adopted, that the proposed reclassification or shoreline redesignation is consistent with the adopted community plan; or

D. The applicant has demonstrated with substantial evidence that:

1. Since the last previous area zoning or shoreline environment designation of the subject property, authorized public improvements, permitted private development or other conditions or circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the community plan or area zoning;

2. The impacts from the changed conditions or circumstances affect the subject property in a manner and to a degree different than other properties in the vicinity such that area rezoning or redesignation is not appropriate; and

3. The requested reclassification or redesignation is required in the public interest. (Ord. 4461 Sec. 10, 1979.)

COMMENT: The MH uses which exist on properties adjacent to the subject site (see I, D-4) were established 20 to 25 years ago and are considered legal, nonconforming uses. The Tahoma/Raven Heights Community Plan does not recognize the existence of these uses, instead retaining the CG zone on both properties. The presumption on the part of the community plan is that such non-

conforming uses will eventually move or go out of business, thus freeing up the properties for conforming uses.

B. The CG zone (KCC 21.30.030) accommodates assembly, fabrication, and heavy repair uses. Some of these uses include boat building (which may include fibreglassing), tire rebuilding, recapping, and retreading, laboratories, and machine shops. In a recent administrative decision, the Manager of BALD allowed an artificial marble sink and sill manufacturer in the CG zone, comparing the use to the fibreglassing operation one might find in boat building (see Attachment 3).

C. The 1987 Standard Industrial Classification (SIC) Manual is the statistical classification standard which underlies all "establishment-based" federal economic statistics classified by industry type. The SIC covers all economic activities and defines industries in accordance with the composition and structure of the economy. The SIC is useful in the subject case to help define whether or not a manufacturing use would be established on the site if the request were approved. The SIC classifies automotive upholstery repair under Top, Body, and Upholstery Repair Shops and Paints Shops (SIC Industry #7532). SIC 7532 is part of SIC Division I - Services, which is defined as follows:

"This division includes establishments primarily engaged in providing a wide variety of services for individuals, business, and government establishments, and other organizations. Hotels and other lodging places; establishments providing personal, business, repair, and amusement services; health, legal, engineering, and other professional services; educational institutions; membership organizations, and other miscellaneous services, are included.

Establishments which provide specialized services closely allied to activities covered in other divisions are classified in such divisions."

Service uses are generally found in the CG zone per KCC 21.03.020. The list of permitted services in the CG zone, however, currently does not include upholstery.

IV. CONCLUSIONS AND RECOMMENDATIONS:

A. CONCLUSIONS:

1. No significant environmental impacts are expected to occur from continued use of the site for bus re-upholstery and interior refurbishing.

2. The request is consistent with the 1985 Comprehensive Plan, specifically Policies CI-108 and CI-228 which allow for individual industrial locations in the Urban Area when adverse environmental impacts can be mitigated (see Conclusion 1, above). Policy CI-232 has already been fulfilled by the nature of the location of the subject property on a major arterial. Policy CI-231 should be implemented with the addition of a P-Suffix condition.

3. The request is inconsistent with the Tahoma/Raven Heights Community Plan land use map and Area Zoning which designates the subject property for general commercial uses (upholstery is first permitted in the

M-L per KCC 21.32.020(D)). The request, however, does not conflict with T/RH Policies 23, 24, 25, and 26 cited in this report.

4. The bus upholstery/interior refurbishing use was apparently established under false pretenses with the issuance of a commercial building permit in 1986. The plans and environmental checklist submitted to BALD, and upon which the permit was issued, did not portray the current use. If an error has been made, it has been on the part of the applicant who did not accurately portray the intended use for the property at the time of building permit submittal.

5. Circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the community plan or area zoning. Moreover, the impacts from the changed circumstances affect the subject property in a manner and to a degree different from other properties in the vicinity such that area rezoning or redesignation is not appropriate. The changed circumstances have occurred as a result of the continuing use of the CG-zoned properties adjacent to the subject property for MH uses (see Section III.A.).

6. The use of the subject property for vehicle re-upholstery and interior refurbishing is no more intense than uses permitted in the CG zone. In fact, there are uses in the CG zone (e.g. boat building) which are more intense and pose a greater likelihood of environmental impact than the existing use. An alternative to an ML rezone would be to amend the CG zone to allow upholstery as an outright use.

7. The subject property is uniquely affected by the adjacent MH uses. These uses were not addressed during the T/RH plan update process and have only become an issue with this application.

8. The Department feels that a plan revision study is not required given the isolation of the subject property, due to the adjacent MH type uses and the hill to the west of the property. Given the long-term nature of the adjacent MH type uses, it is unlikely that ML zoning would be expanded to those properties.

B. RECOMMENDATION:

1. Approve ML-P with the following post-effective conditions:

a. Limit the use to the upholstery/vehicle interior refurbishing as proposed by the applicant.

b. A site plan shall be submitted for review by BALD at the time of building permit approval. The site plan shall reflect the proposed uses of the existing and any future buildings, in addition to landscaping and parking requirements of the zoning code.

GWM:GT:lg
11/30/88
Attachments

8865

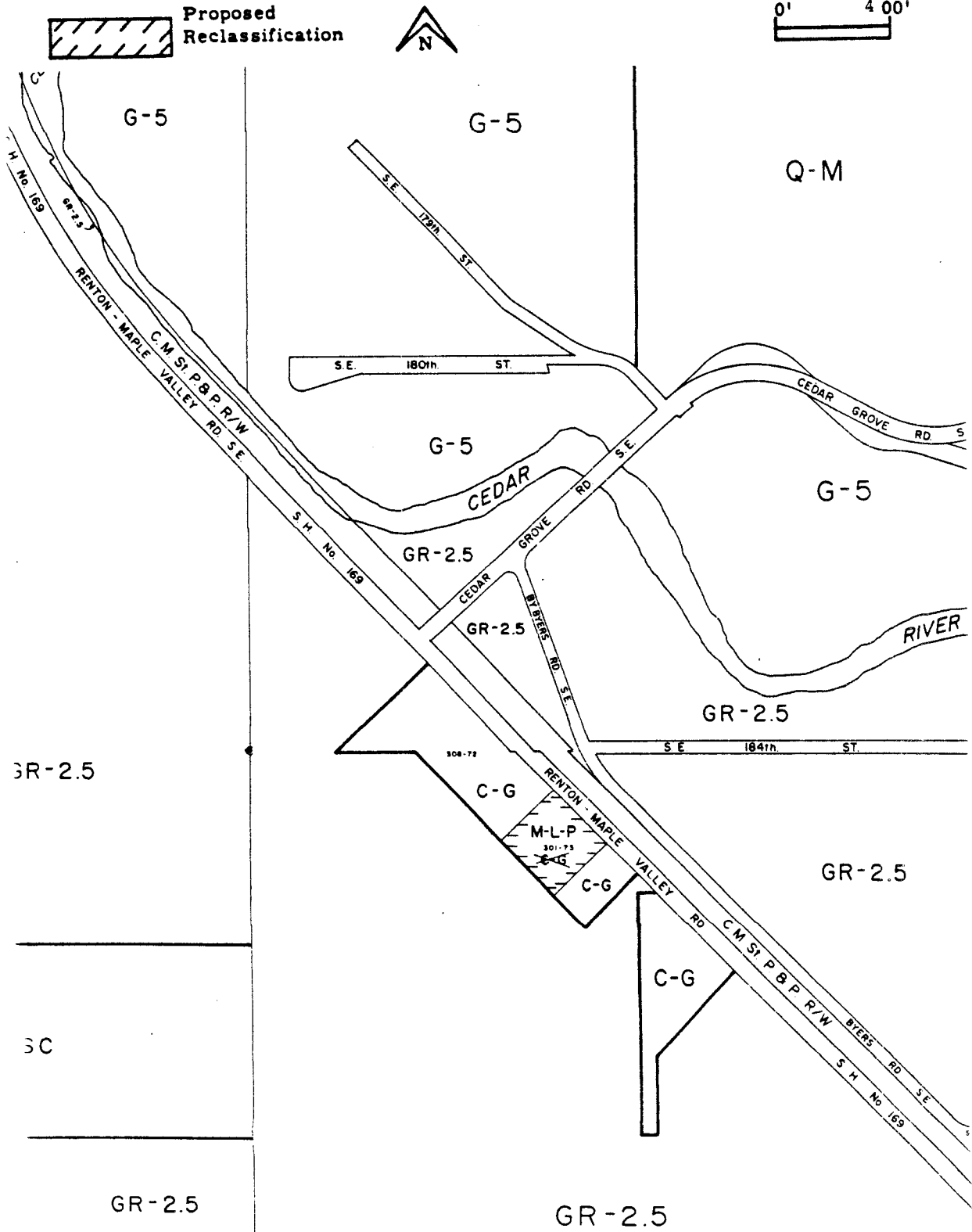
BRICE E. WILLINGHAM
FILE NO. 124-88-R

TRANSMITTED to parties listed hereafter:

Brice E. Willingham
20008 - 244th Ave. S.E., Maple Valley, WA 98038
Paul Reitenbach, Community Planning
Larry Kirchner, Seattle-King County Dept. of Public Health

APPLICANT: BRICE WILLI AM
REQUEST: C-G to M-L-P
STR: 32-23-6

FILE 124-88-R
Appendix B





King County
 Building & Land Development Division
 Parks, Planning and Resources Department
 3600 - 136th Place Southeast
 Bellevue, Washington 98006-1400

8865

November 10, 1988
 Determination of Non-Significance

Effective Determination Date: November 15, 1988

File: 124-88-R Willingham Rezone

Proponent: Brice E. (Gene) Willingham
 20008 244th Ave. SE
 Maple Valley, WA 98038
 432-9867

Proposal Description:
 The rezone of 1.37 acres from CG (General Commercial) to MLP (Light Manufacturing with Provisions) zones. The business will be the refurbishing and upholstering of the interiors of charter and intercity buses. This is the legalization of an existing illegal use.

Location: 18415-19 Renton-Maple Valley Rd (SR169), on the west side of the Renton-Maple Valley Rd, 160' south of SE 184th, if extended.

STR: 32-23-06

Mitigation under SEPA for this proposal includes:
 1. Provide permanent protection of the drainfield; such as a log wheel-stops, fence, Type I landscape strip, or 6" extruded curb. This protection shall permanently prevent parking in this area.

Conditions:
 1. Approval of this rezone does not constitute site plan approval. The information submitted does not allow BALD to review for building code requirements. The building permit issued for building #1 may have to be amended for the change in use of the building.

The Building and Land Development Division has determined that an environmental impact statement (EIS) is not required under RCW 43.21C, WAC 197-11, and KCC 20.44. This decision was made after review of a completed environmental checklist, other information on file at the Division's office, and mitigation proposed and/or required as part of this project. The proposal or required mitigation is now part of the proposed action. The conditions and/or agreements are deemed necessary to mitigate environmental impacts identified during the environmental review process.

Any interested party may submit written comments on this proposal. Written comments or appeals will be accepted until November 30, 1988

Any appeal shall state with specificity the reasons why the determination should be reversed. ALL APPEALS MUST BE ACCOMPANIED BY A NON-REFUNDABLE \$50.00 FILING FEE.

Attachment 1

COMMERCIAL
RECEIVED
OCT 10 1988

SEATTLE KING COUNTY DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH SERVICE

124 88 R

B.L.D.C. & LAND DEVELOPMENT
SITE APPLICATION FOR INDIVIDUAL SEWAGE DISPOSAL SYSTEM
(Submit 5 copies of application with 3 copies of plans)

(This accompanies the building permit application and is prerequisite to the issuance of the Individual Sewage Disposal System Permit. Acceptance of plan expires one year from date of acceptance. Using this plan to secure a building permit constitutes agreement to adhere to the requirements of the plan.)

NOTE: If the property is within the boundaries of a sewer service area, it will be necessary to obtain written permission from the sewerage authority allowing use of an individual sewage disposal system.

Approximate Location of Property - Street Address 18711 Maple Valley Hiway

Addition or Subdivision Attached Lot Block
(Or attach legal description) Sewer Service Area Yes No X Reserve Required 50% X 100%

Type of Building: New Single Family Residence (No. Bedrooms)
Shop & Office Existing Other (Specify) Upholstrey Shgp

North End	10501 Meridian Ave. N. Seattle 98133	363-4765
Eastside	2424 156 N.E., Bellevue 98004	885-1278 or 747-1760
Southwest	3001 N.E. 4th Street, Renton 98055	228-2620-296-4900
Central	10821 8th S.W. 98146	244-6400
	172 20th Ave. Seattle 98122	625-2763

Owner Brice Willingham Street Address 20008 244th Ave. S.E.
 City-Zip Code M.V. Wn 98038 Phone 432-9867
 Builder Owner Street Address
 City-Zip Code Phone
 Designer Ed Harwood Street Address 18422 S.E. 394th St.
 City-Zip Code Auburn 98002 Phone 833-5262

Soil Log Tests (Describe soils encountered preferably by SCS soil classification system). Minimum depth 48 inches.

Hole No. 1 0"-48" Sand & Gravel (Type 1)
 Hole No. 2 Same
 Hole No. 3 Same
 Hole No. 4 Same

Evidence of seasonal Water Table. (Probable minimum distance from ground surface) None

Source of Domestic Water Supply Cedar Inn Comm. Water Supply

Percolation Tests (Fall in minutes per inch, bottom 6 inches of test hole) 1.0 M/P/I for design

Hole No.	Depth	Average Rate	Length of Time Soaked
			T.P.F.P.S.P.
Hole No. 1	36"	1.0	"
Hole No. 2	"	"	"
Hole No. 3	"	"	"
Hole No. 4	"	"	"
Hole No. 5	"	"	"
Hole No. 6	"	"	"

(For additional remarks or comments attach letter in triplicate or utilize unused spaces around drawing on reverse side of application.)

Signature - Designer Ed Harwood ED HARWOOD Cert. #62 Date of test 12/21/85

VALID FOR 24 MONTHS FROM DATE OF APPROVAL
RECEIVED

DO NOT WRITE BELOW THIS LINE. (To be filled in by Health Department) Note: Existing well (District Office Use)
 Accepted Dwight Christensen 6/26/85 to be considered prior to installation permit return
 Not Accepted (Date) (District Sanitarian)

COMMERCIAL

SOUTHEAST DISTRICT OFFICE

Attachment 2

8865

King County
Building & Land Development Division
Parks, Planning and Resources Department
3600 - 136th Place Southeast
Bellevue, Washington 98006-1400

November 3, 1988

FILE COPY

Mr. Mickey Conlin
c/o Tiffany Marble Works
10025 - 16th Avenue South
Seattle, WA 98146

RE: Application C88-1279 (11618 Des Moines Memorial Dr. South)

Dear Mr. Conlin:

I have reviewed your application with Jerry Marbett and Jerry Balcom.

Your proposed use, which I understand is custom culture marble business, is consistent with the purpose of the general commercial classification (21.30.010) and is likely to be of relatively less impact than some of the more intensive uses that are permitted (i.e., boat building, paint and carpenter shops and tire recapping).

The M-L zone, under permitted uses (21.32.020), does use language that describes the materials that you use, but I am further persuaded that your intensity of use (5 employees) and production of one and one-half now to three bathrooms a day maximum (approximately) would be less intensive than many of the uses that are permitted in the CG zone.

This letter then will serve as authority to complete your plans to move into your new location.

The request for more information contained in Herb Haines' September 30, 1988 letter must be answered and reflected in the final plans you prepare for our subsequent issuance, as well as any other applicable code(s).

Attachment 3

Attachment to Docket Report:

Copies of the docket requests and supporting materials submitted by the proponents.

Copies of the executive response that was issued to the proponents.



King County

Docket Form King County Comprehensive Plan

Date	June 30, 2017		
I. APPLICANT INFORMATION			
Name* <i>(if multiple, list all)</i>	Paul Lawyer		
Property Address	13329 220 th Court NE Woodinville, WA 98077		
Phone	425-558-9030	Email	paul_lawyer@hotmail.com
Council District	3		

II. TYPE OF REQUEST			
Comp. Plan Policy or Text Amendment	<input type="checkbox"/>	Land Use Designation Amendment	<input checked="" type="checkbox"/>
Development Regulation Amendment	<input type="checkbox"/>	Zoning Classification Amendment	<input checked="" type="checkbox"/>
Four to One Proposal	<input type="checkbox"/>	Other	<input type="checkbox"/>
Has this been submitted previously?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	If yes, please indicate the year
If yes, what was the outcome?			

III. AMENDMENTS TO COMPREHENSIVE PLAN POLICY OR TEXT, OR DEVELOPMENT REGULATIONS	
Requested Change†	21A.44.030 Variance
Why amendment is needed or useful?	Subdivide property to add additional single family home.
How is this amendment consistent with the Growth Management Act?‡	When sub-divided, the two lots would still be larger than most adjacent properties and those of surrounding neighborhoods (Lake of the Woods, Trilogy, Tuscany and Bear Creek). Property is located within private cul-de-sac and surrounded by other properties. The lot cannot be seen from public street. Provides significant tax revenue to King County without any change to neighborhood characteristics.

* Site-specific dockets can be submitted only by property owners or their representatives

† If proposing a change to a specific policy or regulation, please include the policy number or code citation

‡ Revised Code of Washington, 36.70A and related chapters

IV. AMENDMENTS TO PROPERTY-SPECIFIC LAND USE OR ZONING[§]

General location	Near Redmond Watershed																								
Total Acres	3.79																								
Tax Parcel ID (if multiple, list all)	2126069096																								
Current Land Use Designation	Rural Area	Requested Land Use Designation	Rural Area																						
Current Zoning Classification	Rural Area 2.5	Requested Zoning Classification	Rural Area 2.5																						
Is there a Special District Overlay or Property Development Condition? ^{**}	No																								
Requested Change and Rationale	<p>Requesting the ability to subdivide into two lots for single family homes.</p> <p>1. Severe increase in property taxes make staying financially difficult. People should not be forced to sell their homes due to unsustainable property tax increases.</p> <p>2. Property is 3.79 acres, which is much larger than adjacent properties.</p> <table border="1"> <thead> <tr> <th>Adjacent Lot</th> <th>Acreeage</th> </tr> </thead> <tbody> <tr><td>13414 218th Ave NE</td><td>1.05</td></tr> <tr><td>13506 218th Ave NE</td><td>1.18</td></tr> <tr><td>13610 218th Ave NE</td><td>1.15</td></tr> <tr><td>21817 NE 137th St</td><td>1.02</td></tr> <tr><td>21827 NE 137th St</td><td>1.00</td></tr> <tr><td>21909 NE 137th St</td><td>0.98</td></tr> <tr><td>21925 NE 137th St</td><td>1.01</td></tr> <tr><td>13321 220th Ct NE</td><td>2.87</td></tr> <tr><td>13307 220th Ct NE</td><td>0.99</td></tr> <tr><td>13328 220th Ct NE</td><td>2.06</td></tr> </tbody> </table> <p>3. Area density has significantly increased with Redmond Ridge and Trilogy development. This is a dense residential area—not rural. Land set aside by developers for preservation was not buildable (slopes and wetlands).</p> <p>4. Subdivided lot would still have 1 acre of property and provide added tax revenue for King County.</p> <p>5. Property was subdivided previously and could have been broken into more buidable lots.</p> <p>6. The purpose of the GMA was to preserve open spaces and farmland. This request does not intefere or contravene GMA in any way.</p> <p>7. The property is located within walking distance to elementary school and shopping</p>			Adjacent Lot	Acreeage	13414 218th Ave NE	1.05	13506 218th Ave NE	1.18	13610 218th Ave NE	1.15	21817 NE 137th St	1.02	21827 NE 137th St	1.00	21909 NE 137th St	0.98	21925 NE 137th St	1.01	13321 220th Ct NE	2.87	13307 220th Ct NE	0.99	13328 220th Ct NE	2.06
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13321 220th Ct NE	2.87																								
13307 220th Ct NE	0.99																								
13328 220th Ct NE	2.06																								
Proposed Uses of Parcel	Change from 1 building lot to 2 building lots.																								
How will change affect adjoining parcels?	No impact. There are significant trees and greenery that provide significant privacy. The property is completely surrounded by large lots on a private road.																								
How is change compatible with the surrounding area?	Completely compatible. All surrounding areas are single family homes.																								
Additional information?																									

For property owner representatives...

Name		Email	
Phone		Click to testify you have legal authorization to submit a docket for the property	<input type="checkbox"/>

[§] If multiple parcels, please include information for all parcels

^{**} If there is an SDO- or P-Suffix Condition, please list the condition number



King County

Docket Form King County Comprehensive Plan

Date	June 30, 2017		
I. APPLICANT INFORMATION			
Name* <i>(if multiple, list all)</i>	Raymond and Monique Linz		
Property Address	Parcel # 3626079039 No Address		
Phone	425-322-6306	Email	raylinz1@hotmail.com
Council District	3		

II. TYPE OF REQUEST			
Comp. Plan Policy or Text Amendment	<input type="checkbox"/>	Land Use Designation Amendment	<input type="checkbox"/>
Development Regulation Amendment	<input checked="" type="checkbox"/>	Zoning Classification Amendment	<input type="checkbox"/>
Four to One Proposal	<input type="checkbox"/>	Other	<input type="checkbox"/>
Has this been submitted previously?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	If yes, please indicate the year
If yes, what was the outcome?			

III. AMENDMENTS TO COMPREHENSIVE PLAN POLICY OR TEXT, OR DEVELOPMENT REGULATIONS	
Requested Change†	
Why amendment is needed or useful?	
How is this amendment consistent with the Growth Management Act?‡	

IV. AMENDMENTS TO PROPERTY-SPECIFIC LAND USE OR ZONING§	
General location	Carnation - Lake Joy/Moss Lake
Total Acres	20
Tax Parcel ID <i>(if multiple, list all)</i>	3626079039

* Site-specific dockets can be submitted only by property owners or their representatives

† If proposing a change to a specific policy or regulation, please include the policy number or code citation

‡ Revised Code of Washington, 36.70A and related chapters

§ If multiple parcels, please include information for all parcels

IV. AMENDMENTS TO PROPERTY-SPECIFIC LAND USE OR ZONING ⁵			
Current Land Use Designation	Rural Area	Requested Land Use Designation	Rural Area
Current Zoning Classification	Rural Area 5	Requested Zoning Classification	Rural Area 5
Is there a Special District Overlay or Property Development Condition? ^{**}	Yes SO-230		
Requested Change and Rationale	This parcel is not in a flood plain. It sits atop 620' elevation per King County iMap Therefore flood plain density should not apply.		
Proposed Uses of Parcel	The development of single family homes on no less than five acres.		
How will change affect adjoining parcels?	It doesn't unless surrounding parcels are subject to the same change rationale and need the SO-230 removed as well.		
How is change compatible with the surrounding area?	There is no change to zoning being requested. It has the future potential of having one more resident on the same shared private street that is currently used by 2 residents.		
Additional information?			

For property owner representatives...

Name		Email	
Phone		Click to testify you have legal authorization to submit a docket for the property	<input type="checkbox"/>

How to Submit a Docket Form:

Print form and submit by mail:

Comprehensive Planning Manager
King County Office of Performance, Strategy and Budget
401 Fifth Avenue, Suite 810, Seattle, WA 98104

OR

***Save form to your computer,
then attach to an email and send to:***

CompPlan@kingcounty.gov

Background on King County Docket Process

The Docket process responds to the requirements of the Growth Management Act at **36.70A.470** and is codified at King County Code **Title 20.18.107** and **.140**. Docketing means compiling and maintaining a list of suggested changes to the comprehensive plan or development regulations in a manner that ensures suggested changes are considered by the county and are available for review by the public.

June 30 is the annual docket **deadline**. There is **no fee** for submitting the docket form. To download this form electronically or learn more about the Docket Process, visit: <http://www.kingcounty.gov/compplan/>

^{**} If there is an SDO- or P-Suffix Condition, please list the condition number



King County

Docket Form King County Comprehensive Plan

Date	June 30, 2018		
I. APPLICANT INFORMATION			
Name* <i>(if multiple, list all)</i>	Michael and Linda Fletcher		
Property Address	18407 Renton-Maple Valley Highway, Maple Valley, WA 98038		
Phone	206.850.1229	Email	fletchlm@msn.com
Council District	9		

II. TYPE OF REQUEST			
Comp. Plan Policy or Text Amendment	<input type="checkbox"/>	Land Use Designation Amendment	<input checked="" type="checkbox"/>
Development Regulation Amendment	<input type="checkbox"/>	Zoning Classification Amendment	<input checked="" type="checkbox"/>
Four to One Proposal	<input type="checkbox"/>	Other	<input type="checkbox"/>
Has this been submitted previously?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	If yes, please indicate the year
If yes, what was the outcome?			

III. AMENDMENTS TO COMPREHENSIVE PLAN POLICY OR TEXT, OR DEVELOPMENT REGULATIONS	
Requested Change†	
Why amendment is needed or useful?	
How is this amendment consistent with the Growth Management Act?‡	

IV. AMENDMENTS TO PROPERTY-SPECIFIC LAND USE OR ZONING§	
General location	18407 Renton-Maple Valley Highway, Maple Valley, WA 98038
Total Acres	3.54
Tax Parcel ID <i>(if multiple, list all)</i>	322306-9070, 322306-9052

* Site-specific dockets can be submitted only by property owners or their representatives
 † If proposing a change to a specific policy or regulation, please include the policy number or code citation
 ‡ Revised Code of Washington, 36.70A and related chapters
 § If multiple parcels, please include information for all parcels

IV. AMENDMENTS TO PROPERTY-SPECIFIC LAND USE OR ZONING*

Current Land Use Designation	Click here RA	Requested Land Use Designation	Click here RA
Current Zoning Classification	Click here NB	Requested Zoning Classification	Click here I
Is there a Special District Overlay or Property Development Condition?"	No		
Requested Change and Rationale	Consistent with the adjacent property and current use of the land.		
Proposed Uses of Parcel	Industrial (grand-fathered)--metal recycling facility which has been there for 25 years.		
How will change affect adjoining parcels?	No affect--adjoining properties to the south are also industrial zoned and current use is for industrial uses.		
How is change compatible with the surrounding area?	The use and zoning will be consistent with what is actually developed in the immediate vicinity and on these specific properties.		
Additional information?	Again, these properties have been functioning as a metal recycling facility for over 25 years.		

For property owner representatives...

Name	Phillip Kitzes / PK Enterprises	Email	pkenterprises.mv@gmail.com
Phone	206.227.7445	Click to testify you have legal authorization to submit a docket for the property	<input checked="" type="checkbox"/>

How to Submit a Docket Form:

Print form and submit by mail:

Comprehensive Planning Manager
King County Office of Performance, Strategy and Budget
401 Fifth Avenue, Suite 810, Seattle, WA 98104

OR

*Save form to your computer,
then attach to an email and send to:*

CompPlan@kingcounty.gov

Background on King County Docket Process

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June 30 is the annual docket deadline. There is no fee for submitting the docket form. To download this form electronically or learn more about the Docket Process, visit: <http://www.kingcounty.gov/compplan/>

* If there is an SDO- or P-Suffix Condition, please list the condition number



King County

Office of Performance, Strategy and Budget

401 5th Ave. Suite 800

Seattle, WA 98104

206-263-9600 TTY Relay: 711

November 30, 2018

Paul Lawyer
13329 220th Court NE
Woodinville, WA 98077

Dear Mr. Lawyer,

Thank you for participating in this year's Docketing process for the King County Comprehensive Plan. The Docket process¹ is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan's policies, area-wide land use designations, development regulations, and site-specific land use and zoning. The Docket process is open continuously and, once a year, the items registered in the previous twelve months are compiled into the Docket Report with Executive branch recommendations. This is transmitted to the King County Council for their review and consideration

Request: Your request is to subdivide your property to add an additional single family home. The parcel size is 3.79 acres, and the parcel is zoned Rural Area 2.5 (RA-2.5). You noted in your submitted materials that there would be no impact to adjoining parcels because there are significant trees and greenery that provide significant privacy and the property is completely surrounded by large lots on a private road. You also noted that when subdivided, the two lots would still be larger than most adjacent properties (and you provided a list of 10 nearby or adjacent properties), as well as those of surrounding neighborhoods (Lake of the Woods, Trilogy, Tuscany and Bear Creek).

Discussion and Analysis: The submittal does not request a change to any broad Growth Management Act land categories (such as Rural to Urban, or Resource to Rural) and does not request moving the urban growth area boundary. The request would require a substantive policy change, as discussed in the following text. Given that these types of changes are not allowed on the Annual Cycle update per King County Code *20.18.030(B)*, the request would not be eligible for consideration in the 2019 Comprehensive Plan, but would be eligible for consideration in the 2020 Four-Year Midpoint update.

¹ Docket Process website: <http://www.kingcounty.gov/depts/executive/performance-strategy-budget/regional-planning/king-county-comprehensive-plan/amend/docket.aspx>, and Docket Process in the King County Code: https://aqua.kingcounty.gov/council/clerk/code/23_Title_20.pdf, at 20.18.140

As noted in the King County Comprehensive Plan, *Chapter 3: Rural Area and Natural Resource Lands*, RA-2.5 is a zoning category created to recognize densities and subdivisions that were in existence at the time the 1994 plan was adopted. Following the establishment of this zoning category in the 1994 Comprehensive Plan and the establishment of RA-2.5 lots at that time, no new RA-2.5 lots have been created.

The explanatory text and policy are as follows:

Although King County intends to retain low residential densities in the Rural Area, residential development has occurred in the past on a wide variety of lot sizes. Both existing homes on small lots and rural infill on vacant, small lots contribute to the variety of housing choices in the Rural Area. In some cases, however, rural-level facilities and services (e.g. on-site sewage disposal, individual water supply systems) may not permit development of the smallest vacant lots. Policy R-309 recognizes that some of the Rural Area has already been subdivided at a density greater than one lot per five acres (for example, parts of the shoreline of Vashon-Maury Island) when the original 1994 Comprehensive Plan was adopted, and applied a zoning category to just those properties in existence at that time. Zoning to implement policies R-306 through R-309 has been applied through subarea and local plans and area zoning maps.

R-309 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 Rights from property in the designated Rural Forest Focus Areas. The site receiving the density must be approved as a Transfer of Development Rights receiving site in accordance with the King County Code. Properties on Vashon-Maury Island shall not be eligible as receiving sites.

Given this, the subdivision of the parcel is not consistent with the Comprehensive Plan.

In addition to the policy conflict noted previously, the request raises issues of precedence that could broadly affect the surrounding area and the zoning category in general. As noted in the Docket request, the parcel is surrounded on all sides by parcels, some smaller and some larger, with the same zoning classification.

Lawyer
November 2018
Page 3

Executive Recommendation: Based on this analysis, the Executive does not support subdividing this RA-2.5 zoned parcels into two parcels.

Please note that the Docket Report, in accordance with King County Code Title 20.18, will be sent to the King County Council on the first business day of December. At that time, you have the option to petition the Council to consider this Docket change, which has not been recommended by the Executive.

If you have further questions or concerns, please contact Ivan Miller, Comprehensive Plan Manager, at (206) 263-8297 or via email at ivan.miller@kingcounty.gov.

Again, thank you for participating in this year's Docketing process.

Sincerely,

Lauren Smith
Director of Regional Planning
Office of Performance, Strategy and Budget

cc: Jim Chan, Acting Director, Department of Permitting and Environmental Review
Ivan Miller, Comprehensive Plan Manager, Office of Performance, Strategy and Budget



King County

Office of Performance, Strategy and Budget

401 5th Ave. Suite 800

Seattle, WA 98104

206-263-9600 TTY Relay: 711

November 30, 2018

Raymond and Monique Linz
King County Parcel Identification # 3626079039
(no address)

Dear Raymond and Monique,

Thank you for participating in this year's Docketing process for the King County Comprehensive Plan. The Docket process¹ is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan's policies, area-wide land use designations, development regulations, and site-specific land use and zoning. The Docket process is open continuously and, once a year, the items registered in the previous twelve months are compiled into the Docket Report with Executive branch recommendations. This is transmitted to the King County Council for their review and consideration

Request: Your request is to remove the Special District Overlay (SO-230), which applies limitations for density for parcels in the floodplain, from your parcel. You noted in your submitted materials that this parcel is not in a flood plain but instead sits atop 620' elevation per King County's iMap. You noted that the proposed use of the parcel is for the development of single family homes on no less than five acres, and that the request change would allow you the future potential of having one more resident on the same shared private street that is currently used by 2 residents. Last, you noted that there would be no effect on adjoining parcels as the surrounding parcels are subject to the same change rationale and need the SO-230 removed as well.

¹ Docket Process website: <http://www.kingcounty.gov/depts/executive/performance-strategy-budget/regional-planning/king-county-comprehensive-plan/amend/docket.aspx>, and Docket Process in the King County Code: https://aqua.kingcounty.gov/council/clerk/code/23_Title_20.pdf, at 20.18.140

Discussion and Analysis: The submittal does not request a change to any broad Growth Management Act land categories (such as Rural to Urban, or Resource to Rural) and does not request moving the urban growth area boundary. The request does not require a substantive policy change although the Special District Overlay does affect a relatively large number of parcels across a broad geographic area. The King County Code at *21A.38.040 Special District Overlay - General Provisions* states that removal of a Special District Overlay is an Area Zoning Process, which is analyzed through an Area Zoning and Land Use study as part of a Comprehensive Plan update. As such, it would be eligible for consideration in the 2020 Four-Year Midpoint update.

Special District Overlay SO-230 establishes a "floodplain density" by designating areas that cannot accommodate additional density due to severe flooding problems, and by requiring clustering of development outside of identified sensitive areas. SO-230 originated in the 1989 Snoqualmie Valley Community Plan and while the Community Plan is no longer in effect, SO-230 remains in effect and affects over 400 properties in areas ranging from north of the City of Carnation to south of North Bend. Since SO-230 was established, the County has updated its regulations, including adopting new Critical Area regulations and the Surface Water Design Manual. These programs were updated to reflect best available science and both include rigorous standards for protecting critical areas and controlling runoff and sedimentation during the development process.

In the 2016 update to the Comprehensive Plan, the County removed this Special District Overlay from properties near Preston, concluding that removing the Special District Overlay from a set of properties in that area would not likely result in any significant flooding or sedimentation issue, that the aforementioned regulations effectively control runoff from new development, and that the Special District Overlay was no longer needed.

Executive Recommendation: Based on this analysis and previous analysis in 2016, the Executive supports including consideration of deleting the Special District Overlay on all parcels to which it applies into the Scope of Work for the 2020 Comprehensive Plan Midpoint update. The scheduled deadline for the 2020 Comprehensive Plan update is June 2020, with a draft Plan transmitted to the County Council in September 2019.

Linz

November 2018

Page 3

Please note that the Docket Report, in accordance with King County Code Title 20.18, will be sent to the King County Council on the first business day of December. At that time, you have the option to petition the Council to consider this Docket change, which has not been recommended by the Executive.

If you have further questions or concerns, please contact Ivan Miller, Comprehensive Plan Manager, at (206) 263-8297 or via email at ivan.miller@kingcounty.gov.

Again, thank you for participating in this year's Docketing process.

Sincerely,

Lauren Smith
Director of Regional Planning
Office of Performance, Strategy and Budget

cc: Jim Chan, Acting Director, Department of Permitting and Environmental Review
Ivan Miller, Comprehensive Plan Manager, Office of Performance, Strategy and Budget



King County

Office of Performance, Strategy and Budget

401 5th Ave. Suite 800

Seattle, WA 98104

206-263-9600 TTY Relay: 711

November 30, 2018

Michael and Linda Fletcher
18407 Renton-Maple Valley Highway
Maple Valley, WA 98038

Dear Michael and Linda,

Thank you for participating in this year's Docketing process for the King County Comprehensive Plan. The Docket process¹ is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan's policies, area-wide land use designations, development regulations, and site-specific land use and zoning. The Docket process is open continuously and, once a year, the items registered in the previous twelve months are compiled into the Docket Report with Executive branch recommendations. This is transmitted to the King County Council for their review and consideration

Request: Your request is to reclassify the zoning on two parcels from Neighborhood Business (NB) to Industrial (I). The rationale for the request is to have zoning that is consistent with the adjacent property and the current use of the land. The proposed future use is industrial in nature, and which is grandfathered and been on the site for 25 years. You noted that there will be no effect on adjoining properties to the south which are also industrial zoned and the current use is for industrial uses. The combined size of the parcels is 3.54 acres.

Discussion and Analysis: The submittal does not request a change to any broad Growth Management Act land categories (such as Rural to Urban, or Resource to Rural) and does not request moving the urban growth area boundary. The request would require a substantive policy change. Given that these types of changes are not allowed on the Annual Cycle update, the request would not

¹ Docket Process website: <http://www.kingcounty.gov/depts/executive/performance-strategy-budget/regional-planning/king-county-comprehensive-plan/amend/docket.aspx>, and Docket Process in the King County Code: https://aqua.kingcounty.gov/council/clerk/code/23_Title_20.pdf, at 20.18.140

be eligible for consideration in an Annual Amendment, but would be eligible for consideration in the 2020 Four-Year Midpoint update.

The Comprehensive Plan, in *Chapter 3: Rural Area and Natural Resource Lands*, discusses Non-Residential Uses in the Rural Area, as well as Non-Resource Industrial Uses and Development Standards in the Rural Area. The plan recognizes that some compatible public and private nonresidential uses are appropriate in the Rural Area geography and contribute to rural character. The plan states that compatible uses might include small, neighborhood churches, feed and grain stores, produce stands, forest product sales and home occupations such as woodcrafters, small day care facilities or veterinary services. (*see page 3-25*)

The plan notes that there are variety of locations for commercial activities in the rural area geography. These include Rural Neighborhood Commercial Centers, Rural Towns, the Cities in the Rural Area, and non-resource industrial uses located in rural King County. The plan notes that Cities in the Rural Area and Rural Towns are the primary locations for nonresidential uses in the Rural Area geography, and that Rural Neighborhood Commercial Centers provide limited, local convenience shopping, restaurants, and services to meet the daily needs of rural residents. The Comprehensive Plan describes this intent as follows:

- R-505** Commercial and industrial development that provides employment, shopping, and community and human services that strengthen the fiscal and economic health of rural communities should locate in Rural Towns if utilities and other services permit. Urban-level parking, landscaping, and street improvement standards are not appropriate for Rural Towns. Sidewalks and other pedestrian safety measures should be provided to serve the Rural Town.

In the context of the Docket request, the use on the subject parcels is a metal recycling facility, which would be classified in the zoning code as an "interim recycling facility" as defined at King County Code *Title 21A.06.640*. Under the Neighborhood Business zoning classification, the current use is allowed, although it does not meet the requirement that all processing and storage of material be within enclosed buildings (*see 21A.08.050.B.22*). Additionally, the site would be considered non-conforming to current site development standards.

The request to change the zoning from Neighborhood Business to Industrial is based, in part, because of a desire on the part of the property owner to sync up the use with the underlying zoning, and also because the subject parcels are directly adjacent to an Industrial zoned property (parcels 3223069104 and 3223069098). The neighboring property has a property-specific development condition, enacted in 1997, that limits the uses on the site to any use permitted in the Regional Business zoning

classification or a vehicle interior refurbishing and re-upholstery (the use on the site at the time the condition was enacted). Meaning, while it has an Industrial land use, it has a more constrained set of allowed uses. Were the subject parcels to be rezoned to Industrial, it would be allowed to have significantly more intensive commercial activities than the properties to the south.

Policies related to industrial sites in the Rural Area geography are primarily found in Chapter 3, subsection *V.D. Non-Resource Industrial Uses and Development Standards in the Rural Area*.

Since 1994, the policies and text in this section of the King County Comprehensive Plan (Comprehensive Plan), have sought to recognize industrial uses that pre-existed with the Growth Management Act was adopted, to limit their expansion, to limit creation of new industrial sites in the Rural Area, and to condition and scale any development or redevelopment of existing sites to maintain and protect rural area character and the environment. Some of the policies read as follows:

R-513 Rural Public Infrastructure Maintenance Facilities, and agriculture and forestry product processing should be allowed in the Rural Area. *Other new industrial uses in the Rural Area shall be permitted only in Rural Towns and in the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston.*

R-515 Existing industrial uses in the Rural Area outside of Rural Towns, the industrial area on the King County-designated historic Site along State Route 169 or the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston shall be zoned rural residential but may continue if they qualify as legal, nonconforming uses.

Taken collectively, the County's policies recognize and allow industrial uses on industrial zoned parcels even in the rural area, but also limit expansion or the establishment of new industrial zoned parcels.

Beyond the policy constraints, there site-specific constraints as well. The site lacks public sewer and water, is a relatively small site for accommodating Industrial uses and, with needed septic system, drainage systems, other utilities, parking, etc., it is not clear on whether it could actually accommodate an industrial use that isn't already allowed under the existing Neighborhood Business zoning.

Additional issues are that the slope related critical areas (and their associated buffers and setbacks) that exist in the west portion of the site would further impact the usable area of the site. The same is

true for the Category I critical aquifer recharge area designation on the site, which also further limits the types of industrial uses and development.

This information was shared with the Docket submitter who inquired as to whether a Community Business zoning designation would be more appropriate for the site. This option does not appear warranted either for a number of reasons. First, the purpose statement for the Community Business zone states:

21A.04.100 Community business zone.

- A. The purpose of the community business zone (CB) is to provide convenience and comparison retail and personal services for local service areas which exceed the daily convenience needs of adjacent neighborhoods but which cannot be served conveniently by larger activity centers, and to provide retail and personal services in locations within activity centers that are not appropriate for extensive outdoor storage or auto related and industrial uses. These purposes are accomplished by:
1. Providing for limited small-scale offices as well as a wider range of the retail, professional, governmental and personal services than are found in neighborhood business areas;
 2. Allowing for mixed use (housing and retail/service) developments; and
 3. Excluding commercial uses with extensive outdoor storage or auto related and industrial uses.
- B. Use of this zone is appropriate in urban and community centers or rural towns that are designated by the Comprehensive Plan and community plans and that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 11621 § 14, 1994; Ord. 10870 § 31, 1993).

A number of issues are relevant in this zone purpose statement related to the follow-up question from the Docket submitter regarding switching the zoning to Community Business. As noted in A3 above, and as implemented in the permitted uses table *Title 21A.08.050 General services land uses*, commercial uses with extensive outdoor storage are excluded from the Community Business designation. This means that even in Community Business zoning, all processing and storage of recycling materials would be required to be within enclosed buildings. And, as noted in B above, this zone is to be used in urban and community centers or Rural Towns. This is different from the description of the Neighborhood Business zone (at *21A.04.090 Neighborhood business zone*), which states that the zone is appropriate in urban neighborhood business centers, rural towns, or rural neighborhood centers.

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Additionally, the site-specific constraints and development limits discussed related to an Industrial designation would be very similar with a Community Business designation. And, other than in Rural Towns, there is only one site with Community Business parcels in entire Rural Area; this site is adjacent the Urban Growth Area boundary at the northern edge of the East Renton Plateau Potential Annexation Area. If changed to Community Business, this would be the only free-standing Community Business zone in the Rural Area geography that is not adjacent to the Urban Growth Area boundary.

Executive Recommendation: Based on this analysis, the Executive does not support changing the zoning and land use on this parcel from Neighborhood Business to Industrial or to Community Business.

Please note that the Docket Report, in accordance with King County Code Title 20.18, will be sent to the King County Council on the first business day of December. At that time, you have the option to petition the Council to consider this Docket change, which has not been recommended by the Executive.

If you have further questions or concerns, please contact Ivan Miller, Comprehensive Plan Manager, at (206) 263-8297 or via email at ivan.miller@kingcounty.gov.

Again, thank you for participating in this year's Docketing process.

Sincerely,

Lauren Smith

Director of Regional Planning

Office of Performance, Strategy and Budget

cc: Jim Chan, Acting Director, Department of Permitting and Environmental Review
Ivan Miller, Comprehensive Plan Manager, Office of Performance, Strategy and Budget

