



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 20, 2000

Ordinance 13987

Proposed No. 2000-0636.1

Sponsors Sullivan

1 AN ORDINANCE relating to comprehensive planning and
2 zoning; adopting amendments to the 1994 King County
3 Comprehensive Plan and area zoning, to comply with the
4 Central Puget Sound Growth Management Hearings
5 Board's Decision and Order on Supreme Court Remand in
6 Vashon-Maury Island, et. al v. King County, case No. 95-3-
7 0008, remanding portions of the 1994 King County
8 Comprehensive Plan to the county for modification;
9 amending Ordinance 263, Article 2, Section 1, as amended,
10 and KCC 20.12.010 and Appendix B to Ordinance 12824
11 and repealing Ordinance 13962, Section 1, Ordinance
12 13962, Section 2, and Ordinance 13962, Section 3.

13
14 **BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:**

15 **SECTION 1. Findings:**

16 A. On October 9, 2000, the King County council adopted Ordinance 13962
17 redesignating a portion of the Bear Creek UPD site from urban to rural. Ordinance 13962

18 also rezoned the affected portion of the Bear Creek UPD site from UR-P-SO to RA-5-P-
19 SO.

20 B. Ordinance 13962 was adopted to comply with the June 15, 2000, Final
21 Decision and Order issued by the growth management hearings board in Vashon-Maury
22 Island et al. v. King County, Case No. 95-3-0008 (Bear Creek portion). Because of the
23 compliance deadline set by the board in that case, Ordinance 13962 was adopted as an
24 emergency ordinance, without providing all of the public notice ordinarily provided for
25 the adoption of development regulations.

26 C. On October 11, 2000, the board held a hearing to determine whether
27 Ordinance 13962 complied with the board's June 15, 2000, order. On November 3,
28 2000, the board issued its Order Finding Partial Noncompliance and Partial Invalidity in
29 this matter. King County received this order on November 6, 2000.

30 D. In its November 3, 2000, order, the board ordered King County to readopt
31 Ordinance 13962 on a noninterim basis, following a public hearing conducted after
32 appropriate public notice. The board also ordered the county to fix a typographical error
33 contained on the zoning map attached to Ordinance 13962.

34 E. On November 13, 2000, the King County council held a public hearing,
35 following mailed and published notice, to hear testimony from the public regarding
36 whether Ordinance 13962 should be modified or retained. This ordinance is the
37 legislative vehicle by which modifications to Ordinance 13962 may be adopted. This
38 ordinance is adopted to replace, on a noninterim basis, Ordinance 13962 and to fix the
39 typographical error contained on the zoning map attached to Ordinance 13962.

40 SECTION 2. Additional findings: The following findings from Ordinance
41 13962 are hereby readopted:

42 A. Pursuant to the Countywide Planning Policies and the 1994 King County
43 Comprehensive Plan, an area of land approximately two thousand five hundred acres in
44 size located midway between the cities of Redmond and Duvall was designated urban
45 and included within the county's Urban Growth Area. Two urban planned developments
46 (UPDs) have been approved on this land, which is located in the Bear Creek community
47 planning area of the county. This area of land is known as the Bear Creek UPD site.

48 B. The Central Puget Sound Growth Management Hearings Board (board)
49 considered on appeal the county's urban designation of the Bear Creek UPD site. The
50 board's consideration of this appeal was limited to the facts and circumstances that
51 existed as of March 1996 when the county adopted the designation for the Bear Creek
52 UPD site.

53 C. In an order issued June 15, 2000 the board ordered King County to redesignate
54 a portion of the Bear Creek UPD site from urban to rural.

55 D. Based on the facts that existed as of March 1996 the board held that the urban
56 designation of the Bear Creek UPD site did not comply with the locational criteria of
57 RCW 36.70A.110 that govern the land that may be included within an Urban Growth
58 Area.

59 E. The board held that as of March 1996 when the county took the action being
60 reviewed by the board, the Bear Creek UPD site was neither characterized by urban
61 growth nor adjacent to territory characterized by urban growth within the meaning of
62 RCW 36.70A.110.

63 F. The board declined to look at current facts regarding the extent of
64 development that has occurred on site and also did not evaluate current information with
65 regard to the extent of development adjacent to the site.

66 G. The board also held, however, that King County's designation of the Bear
67 Creek UPD site as a fully contained community does comply with the requirements of the
68 Growth Management Act.

69 H. RCW 36.70A.350(2) provides that the final approval of a permit for a fully
70 contained community designates the property subject to the FCC as urban by operation of
71 law.

72 I. On January 24, 1997, King County adopted Ordinance No. 12617 approving a
73 fully contained community permit for one of the two Bear Creek UPDs (Redmond Ridge,
74 formerly known as Northridge). This ordinance was challenged and upheld in court as
75 valid. The effect of this ordinance was to designate the property subject to the permit as
76 urban in the county's Comprehensive Plan. The urban designation of this portion of the
77 Bear Creek UPD site was not affected by the board's decision.

78 J. This ordinance is adopted solely to comply with the board's order. The
79 redesignation of portions of the Bear Creek UPD site to comply with the board's order
80 does not take into account any of the facts and circumstances that have changed since
81 March 1996. The adoption of this ordinance does not preclude future redesignation of
82 those portions of the Bear Creek UPD site affected by this ordinance as urban upon
83 consideration of current circumstances.

84 K. In December 1995 King County approved an Urban Planned Development
85 permit for Blakely Ridge through the adoption of Ordinance No. 12090. This permit

86 provides for the urban development of the Blakely Ridge portion of the Bear Creek UPD
87 site. As a requirement of that permit, King County entered into a development agreement
88 with the owner of that property. This development agreement obligates the county to
89 approve subsequent land use and construction permits and approvals that are needed to
90 complete the urban development of this property for a period of more than fifteen years.
91 The agreement was entered into in January 1996 and was recorded under Recording
92 Number 9601090553. That agreement and the county's obligations under that agreement
93 are not, in any way, affected or changed by this ordinance.

94 L. King County has appealed the board's order in litigation now pending in King
95 County Superior Court (Cause No. 00-2-23110-5 SEA). The county's position as to the
96 proper designation of the portions of the Bear Creek UPD site affected by this ordinance
97 is set forth in that lawsuit. This ordinance is enacted solely to comply with the board's
98 order pending resolution of that appeal and does not reflect a policy determination by the
99 county that the land use designation should be changed from that adopted previously.

100 SECTION 3. Ordinance 13962, Section 1, Ordinance 13962, Section 2, and
101 Ordinance 13962, Section 3, are each hereby repealed.

102 SECTION 4. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.
103 20.12.010 are each hereby amended to read as follows:

104 **Comprehensive Plan adopted.** A. Under the King County Charter, the state
105 Constitution and the Washington State Growth Management Act, chapter 36.70A RCW,
106 the 1994 King County Comprehensive Plan is adopted and declared to be the
107 Comprehensive Plan for King County until amended, repealed or superseded. The
108 Comprehensive Plan shall be the principal planning document for the orderly physical

109 development of the county and shall be used to guide subarea plans, functional plans,
110 provision of public facilities and services, review of proposed incorporations and
111 annexations, development regulations and land development decisions.

112 B. The amendments to the 1994 King County Comprehensive Plan contained in
113 Appendix A to Ordinance 12061 (King County Comprehensive Plan 1995 amendments)
114 are hereby adopted.

115 C. The amendments to the 1994 King County Comprehensive Plan contained in
116 Attachment A to Ordinance 12170 are hereby adopted to comply with the Central Puget
117 Sound Growth Management Hearings Board Decision and Order in Vashon-Maury
118 Island, et. al. v. King County, Case No. 95-3-0008.

119 D. The Vashon Town Plan contained in Attachment 1 to Ordinance 12395 is
120 adopted as a subarea plan of the King County Comprehensive Plan and, as such,
121 constitutes official county policy for the geographic area of unincorporated King County
122 defined in the plan and amends the 1994 King County Comprehensive Plan Land Use
123 Map.

124 E. The amendments to the 1994 King County Comprehensive Plan contained in
125 Appendix A to Ordinance 12501 are hereby adopted to comply with the Order of the
126 Central Puget Sound Growth Management Hearings Board in Copac-Preston Mill, Inc., et
127 al, v. King County, Case No. 96-3-0013 as amendments to the King County
128 Comprehensive Plan.

129 F. The amendments to the 1994 King County Comprehensive Plan contained in
130 Appendix A to Ordinance 12531 (King County Comprehensive Plan 1996 amendments)
131 are hereby adopted as amendments to the King County Comprehensive Plan.

132 G. The Black Diamond Urban Growth Area contained in Appendix A to
133 Ordinance 12533 is hereby adopted as an amendment to the King County Comprehensive
134 Plan.

135 H. The 1994 King County Comprehensive Plan and Comprehensive Plan Land
136 Use Map are amended to include the area shown in Appendix A of Ordinance 12535 as
137 Rural City Urban Growth Area. The language from Section 1D of Ordinance 12535 shall
138 be placed on Comprehensive Plan Land Use Map page #32 with a reference marker on
139 the area affected by Ordinance 12535.

140 I. The amendments to the 1994 King County Comprehensive Plan contained in
141 Appendix A to Ordinance 12536 (1997 Transportation Need Report) are hereby adopted
142 as amendments to the King County Comprehensive Plan.

143 J. The amendments to the 1994 King County Comprehensive Plan contained in
144 Appendix A to Ordinance 12927 (King County Comprehensive Plan 1997 amendments)
145 are hereby adopted as amendments to the King County Comprehensive Plan.

146 K. The amendments to the 1994 King County Comprehensive Plan contained in
147 the 1998 Transportation Needs Report, contained in Appendices A and B to Ordinance
148 12931 and in the supporting text, are hereby adopted as amendments to the King County
149 Comprehensive Plan.

150 L. The amendments to the 1994 King County Comprehensive Plan contained in
151 Appendix A to Ordinance 13273 (King County Comprehensive Plan 1998 amendments)
152 are hereby adopted as amendments to the King County Comprehensive Plan.

153 M. The 1999 Transportation Needs Report contained in Attachment A to
154 Ordinance 13339 is hereby adopted as an amendment to the 1994 King County

155 Comprehensive Plan, Technical Appendix C, and the amendments to the 1994 King
156 County Comprehensive Plan contained in Attachment B to Ordinance 13339 are hereby
157 adopted as amendments to the King County Comprehensive Plan.

158 N. The amendments to the 1994 King County Comprehensive Plan contained in
159 Attachment A to Ordinance 13672 (King County Comprehensive Plan 1999
160 amendments) are hereby adopted as amendments to the King County Comprehensive
161 Plan.

162 O. The 2000 Transportation Needs Report contained in Attachment A to this
163 Ordinance 13674 is hereby adopted as an amendment to the 1994 King County
164 Comprehensive Plan, Technical Appendix C.

165 P. The Fall City Subarea Plan contained in Attachment A to Ordinance 13875 is
166 adopted as a subarea plan of the King County Comprehensive Plan and, as such,
167 constitutes official county policy for the geographic area of unincorporated King County
168 defined in the plan. The Fall City Subarea Plan amends the 1994 King County
169 Comprehensive Plan land use map by revising the Rural Town boundaries of Fall City.

170 Q. The amendments to the King County Comprehensive Plan contained in
171 Attachment A to Ordinance 13875 are hereby adopted as amendments to the King
172 County Comprehensive Plan.

173 R. The Fall City area zoning amendments contained in Attachment A to
174 Ordinance 13875 are adopted as the zoning control for those portions of unincorporated
175 King County defined in the attachment. Existing property-specific development
176 standards (p-suffix conditions) on parcels affected by Attachment A to Ordinance 13875
177 do not change except as specifically provided in Attachment A to Ordinance. 13875.

178 S. The amendments to the 1994 King County Comprehensive Plan Land Use
179 Map contained in Attachment A to this Ordinance are hereby adopted to comply with the
180 Central Puget Sound Growth Management Hearings Board Decision and Order on
181 Supreme Court Remand in Vashon-Maury Island, et. al. v. King County, Case No. 95-3-
182 0008 (Bear Creek Portion).

183 SECTION 5. The amendments to the official King County zoning map contained in
184 attachment B to this ordinance in compliance with the Central Puget Sound Growth
185 Management Hearings Board Decision and Order on Supreme Court Remand in Vashon-
186 Maury Island, et. al. v. King County, case no. 95-3-0008c (Bear Creek Portion) are
187 adopted as the official zoning control for those portions of unincorporated King County
188 defined therein pursuant to KCC 20.12.050. Existing property specific development
189 conditions (p-suffix conditions) on parcels affected by the decision and order in case
190 number 95-3-0008c (Bear Creek Portion) are retained by this ordinance. Pursuant to
191 KCC 20.12.050, Appendix B to Ordinance 12824 is hereby amended by removing special
192 district overlay SO-070 from those portions of the Bear Creek urban planned

193 development that are being rezoned to RA-5-P-SO as shown on the map in Attachment B
194 to this ordinance.

Ordinance 13987 was introduced on 11/13/00 and passed by the Metropolitan King County Council on 11/20/00, by the following vote:

Yes: 13 - Mr. von Reichbauer, Ms. Miller, Ms. Fimia, Mr. Phillips, Mr. Pelz,
Mr. McKenna, Ms. Sullivan, Mr. Nickels, Mr. Pullen, Mr. Gossett, Ms.
Hague, Mr. Vance and Mr. Irons
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



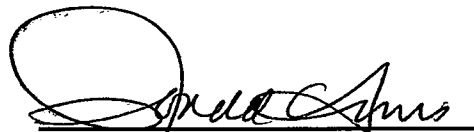
Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council

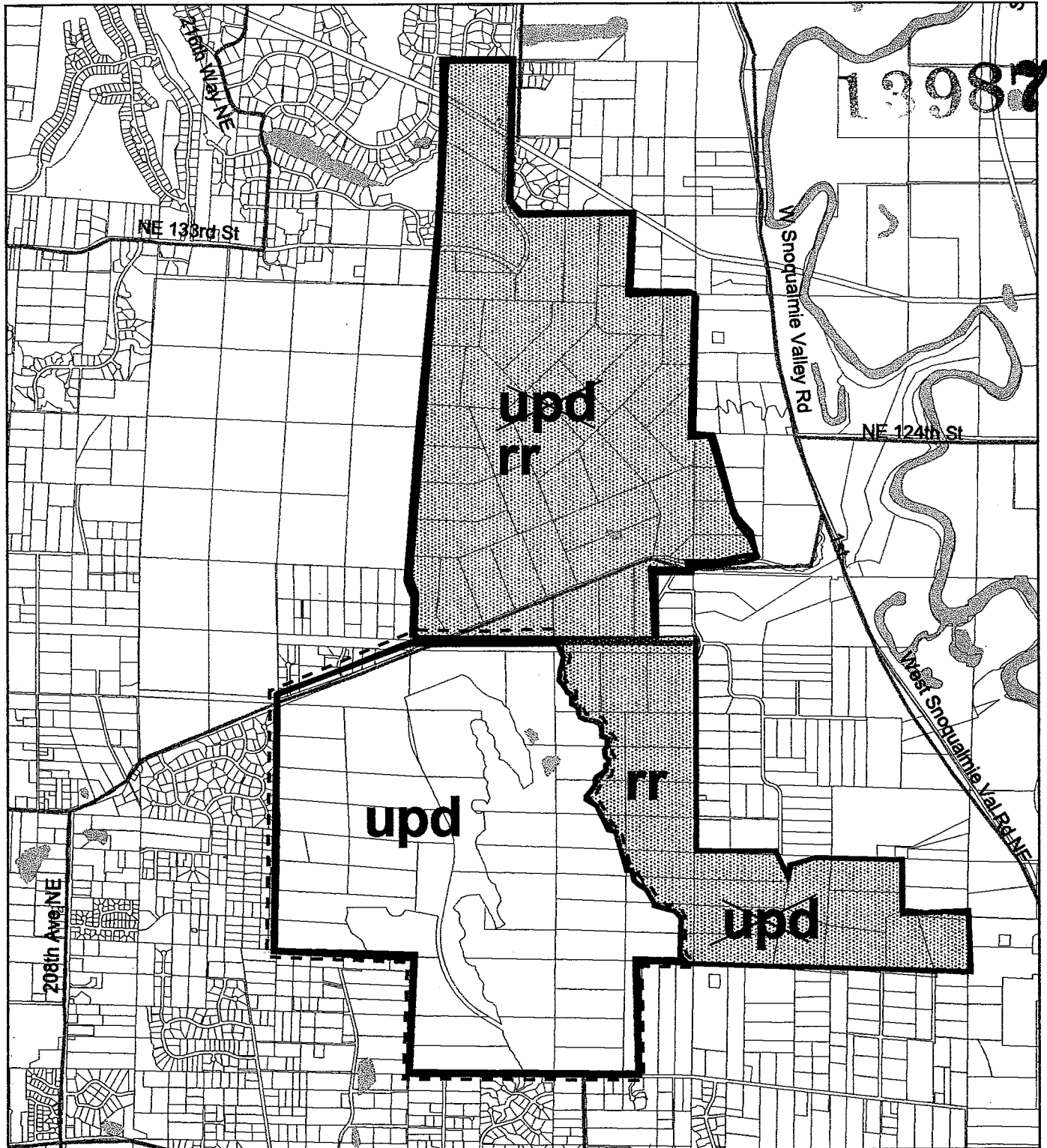
APPROVED this 27 day of NOVEMBER, 2000.








Ron Sims, County Executive

Attachments A. Amendment to King County Land Use Map; B. Amendment to the King County Zoning Map

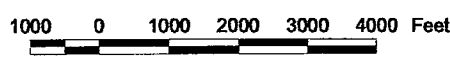
13987



Amendment to King County Land Use Map

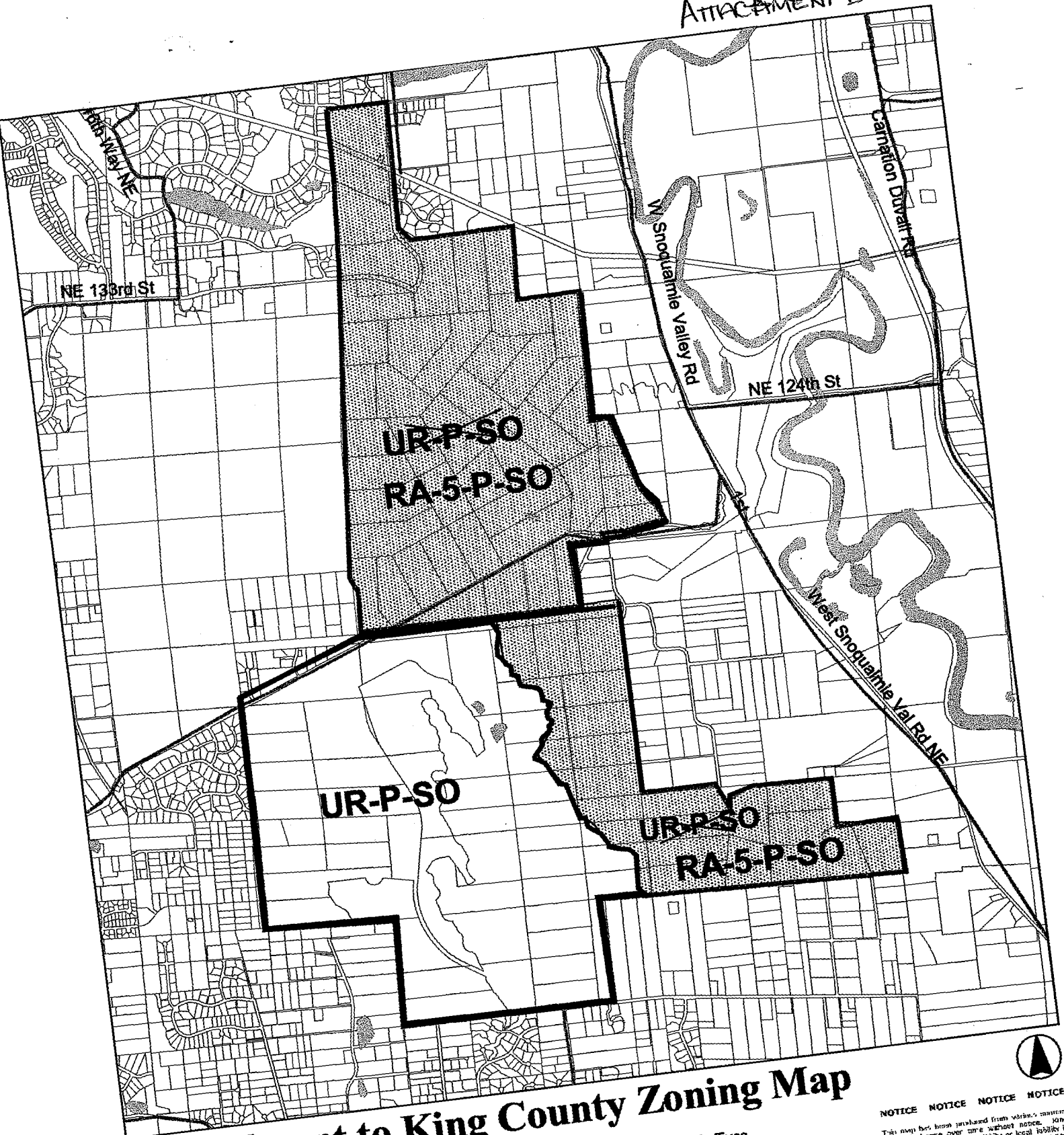
-  Areas of Land Use Change
-  Revised Urban/Rural Line
-  Main Roads
-  Parcels
-  Lakes and Rivers

upd = Urban Plan Development
 rr = Rural Residential







King County
DOES Department of Development and Planning System
 Geographic Information System
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 GIS File: m/susan/upd_xout.apr September, 2000

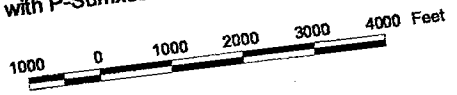


Amendment to King County Zoning Map

-  Areas of Zoning Change
-  Main Roads
-  Parcels
-  Lakes and Rivers

UR-P-SO = Urban Reserve, with P-Suffixes and Special Overlays

RA-5-P-SO = Rural Area, One Dwelling Unit per 5 Acres, with P-Suffixes and Special Overlays



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