



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 14, 2003

Ordinance 14775

Proposed No. 2003-0383.2

Sponsors Hague

1 AN ORDINANCE relating to comprehensive planning and
2 zoning; adopting the King County Comprehensive Plan
3 2003 amendments to the King County Comprehensive Plan
4 2000 and area zoning, in accordance with the Washington
5 State Growth Management Act; and amending Ordinance
6 263, Art. 2 Section 1, as amended, and K.C.C. 20.12.010.

7
8

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 SECTION 1. Findings. For the purposes of effective land use planning and
11 regulation, the King County council makes the following legislative findings:

12 A. King County has adopted the 2000 King County Comprehensive Plan to meet
13 the requirements of the Washington State Growth Management Act ("GMA");

14 B. The GMA requires that the Comprehensive Plan and development regulations
15 be subject to continuing review and evaluation by the county;

16 C. The GMA requires that King County adopt development regulations to be
17 consistent with and implement the Comprehensive Plan; and

18 D. The changes to zoning contained in this ordinance are needed to maintain
19 conformity with the King County Comprehensive Plan, as required by the GMA. As
20 such, they bear a substantial relationship to, and are necessary for, the public health,
21 safety and general welfare of King County and its residents.

22 SECTION 2. Ordinance 263, Article 2, Section 1, as amended, and K.C.C.
23 20.12.010 are each hereby amended to read as follows:

24 **Comprehensive Plan adopted.** A. Under the King County Charter, the state
25 Constitution and the Washington State Growth Management Act, chapter 36.70A RCW,
26 the 1994 King County Comprehensive Plan is adopted and declared to be the
27 Comprehensive Plan for King County until amended, repealed or superseded. King
28 County has performed its first comprehensive four-cycle review of the Comprehensive
29 Plan. As a result of the review, King County amended the 1994 Comprehensive Plan
30 through passage of the King County Comprehensive Plan 2000. The Comprehensive
31 Plan shall be the principal planning document for the orderly physical development of the
32 county and shall be used to guide subarea plans, functional plans, provision of public
33 facilities and services, review of proposed incorporations and annexations, development
34 regulations and land development decisions.

35 B. The amendments to the 1994 King County Comprehensive Plan contained in
36 Appendix A to Ordinance 12061 (King County Comprehensive Plan 1995 amendments)
37 are hereby adopted.

38 C. The amendments to the 1994 King County Comprehensive Plan contained in
39 Attachment A to Ordinance 12170 are hereby adopted to comply with the Central Puget

40 Sound Growth Management Hearings Board Decision and Order in Vashon-Maury
41 Island, et. al. v. King County, Case No. 95-3-0008.

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

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

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

55 G. The Black Diamond Urban Growth Area contained in Appendix A to Ordinance
56 12533 is hereby adopted as an amendment to the King County Comprehensive Plan.

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

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

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

68 K. The amendments to the 1994 King County Comprehensive Plan contained in
69 the 1998 Transportation Needs Report, contained in Appendices A and B to Ordinance
70 12931 and in the supporting text, are hereby adopted as amendments to the King County
71 Comprehensive Plan.

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

75 M. The 1999 Transportation Needs Report contained in Attachment A to
76 Ordinance 13339 is hereby adopted as an amendment to the 1994 King County
77 Comprehensive Plan, Technical Appendix C, and the amendments to the 1994 King
78 County Comprehensive Plan contained in Attachment B to Ordinance 13339 are hereby
79 adopted as amendments to the King County Comprehensive Plan.

80 N. The amendments to the 1994 King County Comprehensive Plan contained in
81 Attachment A to Ordinance 13672 (King County Comprehensive Plan 1999 amendments)
82 are hereby adopted as amendments to the King County Comprehensive Plan.

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

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

91 Q. The amendments to the King County Comprehensive Plan contained in
92 Attachment A to Ordinance 13875 are hereby adopted as amendments to the King County
93 Comprehensive Plan.

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

99 S. The amendments to the 1994 King County Comprehensive Plan Land Use Map
100 contained in Attachment A to Ordinance 13987 are hereby adopted to comply with the
101 Central Puget Sound Growth Management Hearings Board Decision and Order on
102 Supreme Court Remand in Vashon-Maury Island, et. al. v. King County, Case No. 95-3-
103 0008 (Bear Creek Portion).

104 T. The 2001 transportation needs report contained in Attachment A to Ordinance
105 14010 is hereby adopted as an amendment to the 1994 King County Comprehensive Plan,
106 technical appendix C.

107 U. The amendments to the 1994 King County Comprehensive Plan contained in
108 Attachments A, B and C to Ordinance 14044 (King County Comprehensive Plan 2000) are
109 hereby adopted as amendments to the King County Comprehensive Plan. Attachment A
110 amends the policies, text and maps of the Comprehensive Plan. Amendments to the
111 policies are shown with deleted language struck out and new language underlined. The text
112 and maps in Attachment A replace the previous text and maps in the Comprehensive Plan.
113 Attachment B to Ordinance 14044 contains technical appendix A (capital facilities), which
114 replaces technical appendix A to the King County Comprehensive Plan, technical appendix
115 C (transportation), which replaces technical appendix C to the King County
116 Comprehensive Plan, and technical appendix M (public participation), which is a new
117 technical appendix that describes the public participation process for the King County
118 Comprehensive Plan 2000. Attachment C includes amendments to the King County
119 Comprehensive Plan Land Use Map. The land use amendments contained in Attachment C
120 are adopted as the official land use designations for those portions of unincorporated King
121 County defined in Attachment C to Ordinance 14044.

122 V. The Snoqualmie Urban Growth Area Subarea Plan contained in Attachment A
123 to Ordinance 14117 is adopted as a subarea plan of the King County Comprehensive Plan
124 and, as such, constitutes official county policy for the geographic area of unincorporated
125 King County defined in the plan. Attachment B to Ordinance 14117 amends the King
126 County Comprehensive Plan 2000 land use map by revising the Urban Growth Area for the

127 City of Snoqualmie. Attachment C to Ordinance 14117 amends the policies of the
128 Comprehensive Plan.

129 W. The Snoqualmie Urban Growth Area Subarea Plan area zoning amendments in
130 Attachment D to Ordinance 14117 are adopted as the zoning control for those portions of
131 unincorporated King County defined in the attachment. Existing property-specific
132 development standards (p-suffix conditions) on parcels affected by Attachment D to
133 Ordinance 14117 do not change

134 X. The amendments to the King County Comprehensive Plan 2000 contained in
135 Attachment B to Ordinance 14156 are hereby adopted as amendments to the King County
136 Comprehensive Plan.

137 Y. The amendments to the King County Comprehensive Plan 2000 contained in
138 Attachment A to Ordinance 14185 are hereby adopted as amendments to the King
139 County Comprehensive Plan in order to comply with the order of the Central Puget
140 Sound Growth Management Hearings Board in *Green Valley et al, v. King County*,
141 CPSGMHB Case No. 98-3-0008c, Final Decision and Order (1998) and the order of the
142 Washington Supreme Court in *King County v. Central Puget Sound Growth Management*
143 *Hearings Board*, 142 Wn.2d 543, 14 P.3d 133 (2000).

144 Z. The amendments to the King County Comprehensive Plan 2000 contained in
145 Attachment A to Ordinance 14241 (King County Comprehensive Plan 2001
146 Amendments) are hereby adopted as amendments to the King County Comprehensive
147 Plan.

148 AA. The amendment to the King County Comprehensive Plan 2000 contained in
149 Attachment A to ~~((this-ø))~~ Ordinance 14286 is hereby adopted as an amendment to the

150 King County Comprehensive Plan in order to comply with the Central Puget Sound
151 Growth Management Hearings Board's Final Decision and Order in *Forster Woods*
152 *Homeowners' Association and Friends and Neighbors of Forster Woods, et al. v. King*
153 *County, Case No. 01-3-0008c (Forster Woods)*, dated November 6, 2001.

154 BB. The amendments to the King County Comprehensive Plan 2000 contained in
155 Attachment A to Ordinance 14448 (King County Comprehensive Plan 2002
156 Amendments) are hereby adopted as amendments to the King County Comprehensive
157 Plan.

158 CC. The amendments to the King County Comprehensive Plan 2000 contained in
159 Attachment A to this ordinance (King County Comprehensive Plan 2003 Amendments)
160 are hereby adopted as amendments to the King County Comprehensive Plan.

161 SECTION 3. The King County Comprehensive Plan 2003 zoning amendments
162 contained in Attachment A to this ordinance are adopted as the official zoning control for
163 those portions of unincorporated King County defined in Attachment A to this ordinance
164 in accordance with K.C.C. 20.12.050.

165 SECTION 4. Severability. If any provision of this ordinance or its application to

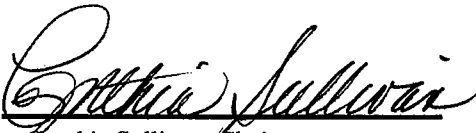
Ordinance 14775

166 any person or circumstance is held invalid, the remainder of the ordinance or the
167 application of the provision to other persons or circumstances is not affected.
168


Ordinance 14775 was introduced on 8/18/2003 and passed as amended by the Metropolitan King County Council on 10/13/2003, by the following vote:

Yes: 12 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Mr. Phillips, Mr. Pelz, Mr. McKenna, Mr. Constantine, Mr. Hammond, Mr. Gossett, Ms. Hague, Mr. Irons and Ms. Patterson
No: 1 - Ms. Lambert
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Cynthia Sullivan, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 24 day of OCTOBER, 2003.



Ron Sims, County Executive

RECEIVED
2003 OCT 24 PM 3:44
CLERK
KING COUNTY COUNCIL

Attachments A. King County Comprehensive Plan 2003 Amendments as amended by Council, October 13, 2003

**Ordinance 14775
Attachment A**

King County Comprehensive Plan
2003 Amendments
As amended by Council,
October 13, 2003

- Amendment to Policy E-168
- Amendments to the land use designation, zoning and development conditions for the “Tanner Mill” properties within the North Bend Urban Growth Area

Policy E-168 Amendment

Policy E-168 is amended to read as follows:

E-168 King County shall designate and protect, through measures such as regulations, incentives, capital projects or purchase, the following Fish and Wildlife Habitat Conservation Areas found in King County:

- a. Habitat for federal or state listed Endangered, Threatened or Sensitive species.**
- b. Habitat for Salmonids of Local Importance; kokanee/sockeye/red salmon, chum salmon, coho/silver salmon, pink salmon, coastal resident/searun cutthroat, rainbow trout/steelhead, bull trout, Dolly Varden, and pygmy whitefish, including juvenile feeding and migration corridors in marine waters;**
- c. Habitat for Raptors and Herons of Local Importance: ((red-tailed hawk,)) osprey, black-crowned night heron, and great blue heron;**
- d. Commercial and recreational shellfish areas;**
- e. Kelp and eelgrass beds;**
- f. Herring, sand lance and smelt spawning areas;**
- g. Wildlife habitat networks designated by the County, and**
- h. Riparian corridors.**

King County shall also protect the habitat for the red-tailed hawk and for candidate species, as listed by the Washington Department of Fish and Wildlife, found in King County outside of the Urban Growth Area.

Policy E-168 Amendment Background Information

When King County adopted Policy E-168, the state Department of Fish and Wildlife had been considering placing the red-tailed hawk on the state's Priority Species list.

Since that time, the red-tailed hawk has become the most common raptor in North America and the state is no longer considering it's placement on that list.

The proposed amendment would continue to protect habitat for this species in the Rural Area, while providing additional flexibility for growth within the Urban Areas due to the dramatic recovery of the red-tailed hawk.

“Tanner Mill” Amendments

Land Use Map Amendment LU-1

Location: North of I-90 between SE North Bend Way and SE 136th Street, east of 436th Ave SE
Land Use Atlas Map Page 32
Section 14, Township 23, Range 8

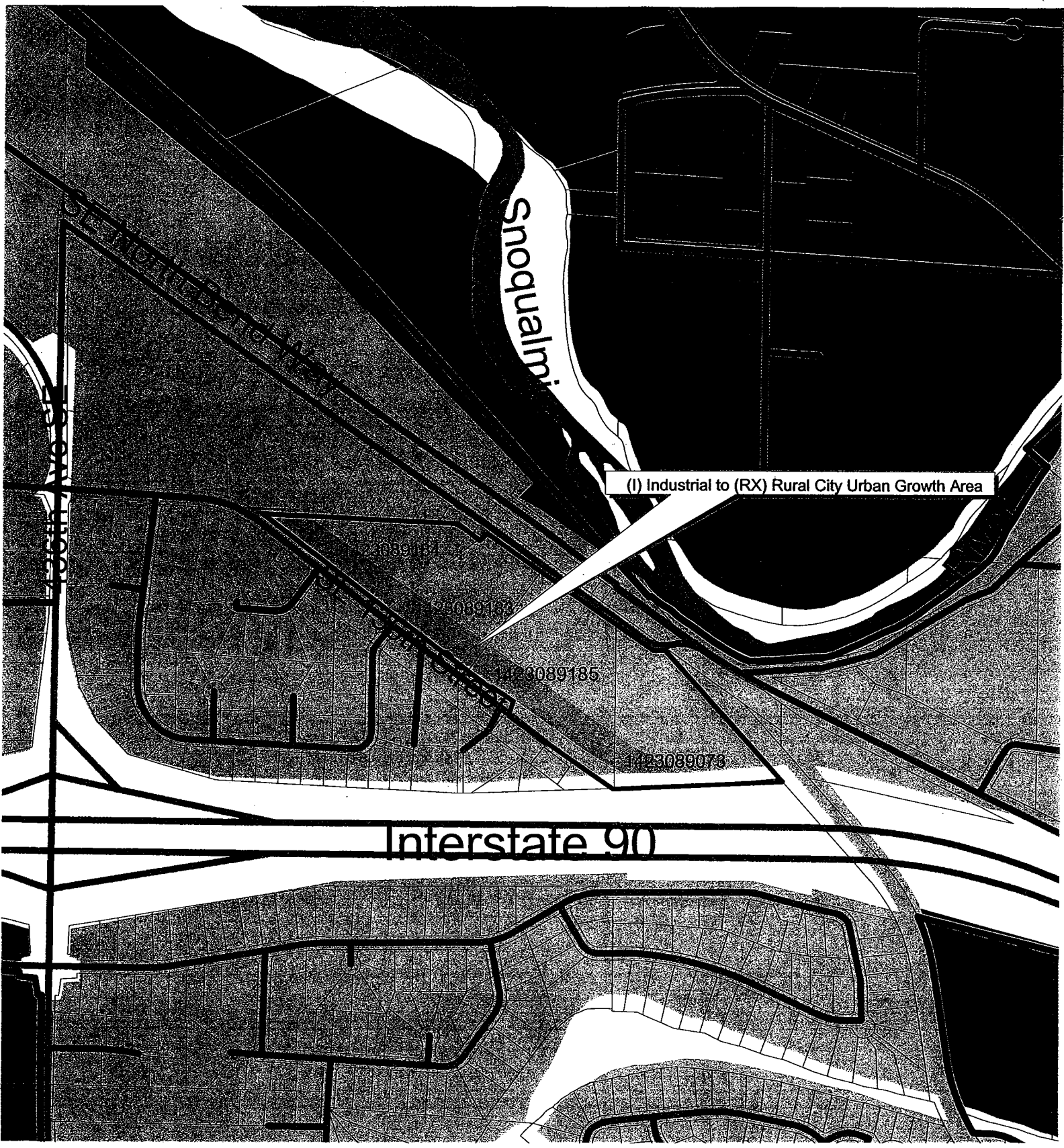
Parcel Numbers: 1423089184 (portion)
1423089183 (portion)
1423089185 (portion)
1423089073 (portion)

Current Land Use Designation: Industrial
Proposed Land Use Designation: Rural City Urban Growth Area

The amendment affects a portion of four parcels are located totally within the North Bend Urban Growth Area, between SE North Bend Way and SE 136th Street, just easterly of 436th Avenue SE. The affected portion of the four properties measures approximately 120' by 2,000' (totaling approximately 5.1 acres).





Surrounding land uses include commercial and industrial development to the west, north and east, Urban Reserve zoned land developed with homes to the southwest and Interstate 90 to the south. The portion of the four properties that are currently zoned Industrial contain a number of industrial uses. Utilities, including: power, telephone, and water are available to the site. Access is available through either SE North bend Way or SE 136th Street. According to the King County Geographic Information System, there are no documented sensitive areas.

NOTE: The proposed land use designation is consistent with the remainder of the four parcels, as well as, all other properties located within the North Bend UGA.



(I) Industrial to (RX) Rural City Urban Growth Area

Interstate 90

-  RR - Rural Residential
-  RX - Rural City Urban Growth Area
-  I - Industrial
-  Urban Growth Line

Affected Parcels
 142308-9184
 142308-9183
 142308-9185
 142308-9073



North Bend Land Use Amendment LU-1

“Tanner Mill” Amendments

Zoning Map Amendment AZ-1

Location: North of I-90 between SE North Bend Way and SE 136th Street, east of 436th Ave SE
Zoning Atlas Map Page 32
Section 14, Township 23, Range 8

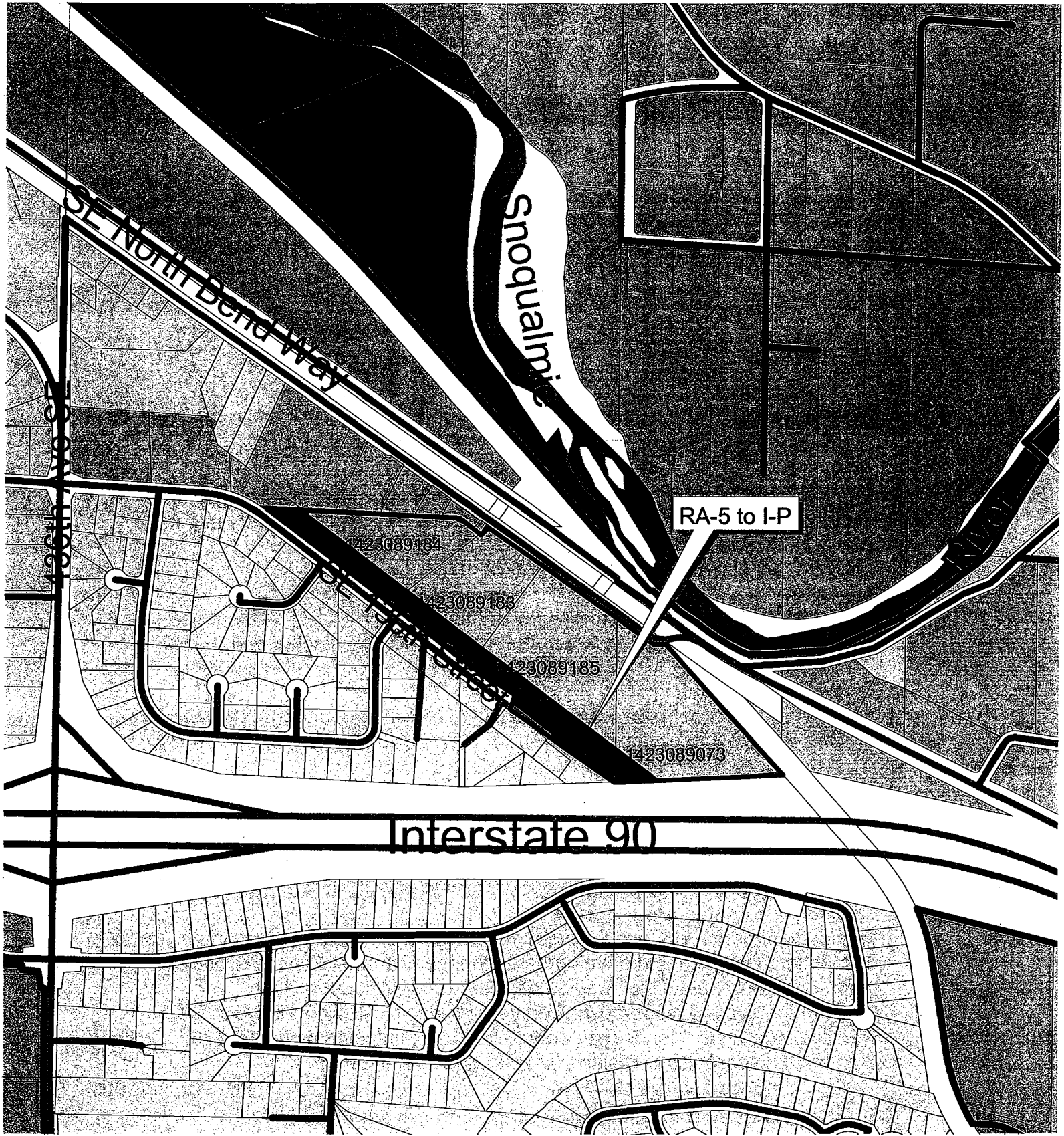
Parcel Numbers: 1423089184 (portion)
1423089183 (portion)
1423089185 (portion)
1423089073 (portion)

Current Land Use Designation: Industrial
Current Zoning: RA-5 (Rural - one dwelling unit per 5 acres)
Proposed Zoning: I-P (Industrial with conditions)

The amendment affects a portion of four parcels are located totally within the North Bend Urban Growth Area, between SE North Bend Way and SE 136th Street, just easterly of 436th Avenue SE. The affected portion of the four properties measures approximately 120' by 2,000' (totaling approximately 5.1 acres).

Surrounding land uses include commercial and industrial development to the west, north and east, Urban Reserve zoned land developed with homes to the southwest and Interstate 90 to the south. The portion of the four properties that are currently zoned Industrial contain a number of industrial uses. Utilities, including: power, telephone, and water are available to the site. Access is available through either SE North bend Way or SE 136th Street. According to the King County Geographic Information System, there are no documented sensitive areas.

NOTE: The proposed zoning is consistent with the remainder of the four parcels.



RA-5 to I-P








Interstate 90

1423089184

1423089183

1423089185

1423089073

-  Regional Business zone
-  RA 10 zone
-  RA 5 zone
-  RA 2.5 zone
-  Industrial zone
-  Urban Reserve zone
-  Urban Growth Line

Affected Parcels
 142308-9184
 142308-9183
 142308-9185
 142308-9073



North Bend Zoning Amendment AZ-1

“Tanner Mill” Amendments P-Suffix Revision

Location: North of I-90 between SE North Bend Way and SE 136th Street, east of 436th Ave SE

Parcel Numbers: 1423089184 (all)
1423089183 (all)
1423089185 (all)
1423089073 (all)

Current P-Suffix:

1. The uses on the subject property shall be limited as follows:
 - a. Parcels 1 and 2 to log storage and moorage and saw mills, and shingle mills and lumber mills, wood planing mill (SIC 2421, 2429), and accessory use as follows:
 1. Circle head saw;
 2. Planer;
 3. Log truck deliveries and lumber shipments;
 4. Yard equipment usage such as rubber tire forklift, log stacker and crawler tractor;
 5. Two resaws;
 - b. Parcel 3 to truck repairing and rental (SIC 7359, 7699), and truck parking (limit 12).

Proposed P-Suffix:

1. Uses on the subject property shall be limited to:
 - a. log storage and moorage, saw mills, shingle mills, lumber mills, and accessory uses;
 - b. utility service center; and
 - c. employment park uses, such as light manufacturing, indoor fabrication, distribution, research and development, finance and other service related business. Heavy industrial may be allowed with additional review.
2. Access to the subject property shall only be by way of SE North Bend Way.
3. A 50 foot wide Type 1 landscape buffer shall be maintained along SE 136th Street and adjacent to any residential zone and Interstate 90.

NOTE: The proposed p-suffix is consistent with the conditions recommended as part of the 1994 Snoqualmie Valley Community Plan Area Zoning Study and applied to the former right-of-way portion of the four properties under Ordinance 11665.

“Tanner Mill” Amendments Background Information

The affected parcels are part of an area formerly occupied by the Tanner Mill and an adjacent 100-foot wide right-of-way, which was sold as surplus property by the state Department of Transportation in 1981. In 1981, the Tanner mill properties were zoned MH (Heavy Manufacturing) subject to p-suffix conditions that generally limited uses to a sawmill and related accessory uses (Rezone File No. 112-79 adopted per Ordinance 5744).

When the right-of-way was sold as surplus property to the owners of the Tanner Mill, it was zoned AR-2.5 (Rural residential – 2.5 acres) rather than MH. Other portions of the surplus right-of-way sold to adjacent MH-zoned property were given MH zoning. Timing of the sale of the property seems to have played a part, in that, at the time of the sale the MH zoning for the Tanner Mill had not yet gone into effect.

Zoning the surplus right-of-way consistent with the soon to be effective MH zoning on the Tanner Mill site would have been consistent with the county practice of zoning surplus right-of-way identical to the zoning for the rest of the receiving site and consistent with the MH zoning given to other segments of surplus right-of-way sold to adjacent MH-zoned properties.

In 1994, by Motion 9303, the Council initiated an area zoning study to amend the 1990 Snoqualmie Valley Community Plan relating to the entire Tanner Mill site. The purpose of the study was to rezone the surplus right-of-way portion of the site and to amend the P-suffix conditions for the entire site (Tanner Mill and right-of-way) to allow a broader range of employment park uses, consistent with the city of North Bend Employment Park zone. The council also elected to review the amendments through a quasi-judicial process, rather than the legislative process typical used for area zoning studies, and directed the Hearing Examiner to conduct the hearing as soon as the study was completed and to transmit a recommendation to council within 14 days of the conclusion of the hearing.

Responding to Motion 9303, the Planning and Community Development Division (P&CD) contracted with David Nevens Associates to conduct the area zoning study. This study was completed on December 5, 1994 and recommended that the surplus right-of-way portion of the site be zoned Industrial (I) and that the P-suffix conditions allowing a broader mix of industrial uses be applied to the entire Tanner Mill site.

On December 20, 1994, the Examiner conducted the public hearing. On January 4, 1995, the Examiner issued a report recommending adoption of Industrial zoning for the surplus right-of-way portion of the site and applied the revised p-suffix conditions for the right-of-way consistent with the recommendations of the area zoning study. Interestingly, the Examiner describes the request as only

applying to the right-of-way portion of the site despite the fact that Motion 9303, the area zoning study, the environmental checklist submitted for the hearing and the public notice for the hearing all clearly indicate that P-suffix conditions for the entire Tanner Mill site were intended to be addressed. On January 19, 1995, the council adopted Ordinance 11665 implementing the recommendations contained in the Examiner's January 4th report.

The difference between the intent and action, as relates to the remaining, larger portion of the Tanner Mill site, went unnoticed when the council adopted Ordinance 11665 and remained unnoticed when the Department of Development and Environmental Services issued a permit for a communications center for a portion of the Tanner Mill owned by Puget Sound Energy.

To further complicate matters, the council adopted Ordinance 12824, as part of the county-wide review of p-suffix conditions in 1997. This ordinance was written in such a way that the Industrial zoning and the p-suffix conditions of the right-of-way portion of the site adopted under Ordinance 11665 were inadvertently repealed and the area rezoned RA-5.

Conclusions:

Land Use:

The current land use designation of the former right-of-way portion is Industrial. While this is not inconsistent with the proposed zoning change, it is different that the land use designation of all other properties, including the remaining majority of the Tanner Mill site, contained within the North Bend Rural City UGA.

Zoning:

The current RA-5 zoning is inconsistent with prior council intent per Motion 9303 and Ordinance 11665 (adopted January 1995). The 1997 reinstatement of the RA-5 zoning under Ordinance 12824 appears to be unintended, having occurred during the massive review of all properties in the county with P-suffix conditions.

Furthermore, the current RA-5 zoning is inconsistent with the current Industrial land use designation, the proposed Rural City UGA designation, King County Comprehensive Plan policies and Countywide Planning Policies governing the location of Rural zoning.

P-Suffix Conditions:

The current P-suffix conditions reflect those initially placed on the Tanner Mill properties in 1981. In 1994, circumstances had already so significantly (i.e. passage of the Growth Management Act, inclusion of the entire Tanner Mill site within the North Bend UGA and the intent of the City of North Bend to designate the commercial and industrial area along SE North Bend Way as "Employment Park") that the council adopted a motion for an area zoning study to implement new P-suffix conditions allowing more flexibility of uses, consistent with the city's

Employment Park designation. This intent was also clearly reflected in the area zoning study, as well as, the environmental checklist prepared by PC&D and the public notice sent for the public hearing before the Hearing Examiner.

Despite all the clearly stated intent to address the P-suffix conditions for the entire Tanner Mill properties, the Examiner report was focused solely upon the former right-of-way portion. It is unknown as to why there was such a limited focus and the fact that it was limited to just that portion of the Tanner Mill properties appears to be an oversight, as opposed to a clearly stated intent.