



Legislation Text

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. On October 9, 2000, the King County council adopted Ordinance 13962 redesignating a portion of the Bear Creek UPD site from urban to rural. Ordinance 13962 also rezoned the affected portion of the Bear Creek UPD site from UR-P-SO to RA-5-P-SO.

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

C. On October 11, 2000, the board held a hearing to determine whether Ordinance 13962 complied

with the board's June 15, 2000, order. On November 3, 2000, the board issued its Order Finding Partial Noncompliance and Partial Invalidity in this matter. King County received this order on November 6, 2000.

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

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

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

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

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

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

D. Based on the facts that existed as of March 1996 the board held that the urban designation of the

Bear Creek UPD site did not comply with the locational criteria of RCW 36.70A.110 that govern the land that may be included within an Urban Growth Area.

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

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

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

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

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

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

K. In December 1995 King County approved an Urban Planned Development permit for Blakely Ridge through the adoption of Ordinance No. 12090. This permit provides for the urban development of the Blakely Ridge portion of the Bear Creek UPD site. As a requirement of that permit, King County entered into a

development agreement with the owner of that property. This development agreement obligates the county to approve subsequent land use and construction permits and approvals that are needed to complete the urban development of this property for a period of more than fifteen years. The agreement was entered into in January 1996 and was recorded under Recording Number 9601090553. That agreement and the county's obligations under that agreement are not, in any way, affected or changed by this ordinance.

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

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

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

Comprehensive Plan adopted. A. Under the King County Charter, the state Constitution and the Washington State Growth Management Act, chapter 36.70A RCW, the 1994 King County Comprehensive Plan is adopted and declared to be the Comprehensive Plan for King County until amended, repealed or superseded. The Comprehensive Plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations and land development decisions.

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

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

Board Decision and Order in Vashon-Maury Island, et. al. v. King County, Case No. 95-3-0008.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

R. The Fall City area zoning amendments contained in Attachment A to Ordinance 13875 are adopted as the zoning control for those portions of unincorporated King County defined in the attachment. Existing property-specific development standards (p-suffix conditions) on parcels affected by Attachment A to

Ordinance 13875 do not change except as specifically provided in Attachment A to Ordinance. 13875.

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

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

Post Adoption Notice Seattle Times December 7, 2000, outside chamber