



Legislation Text

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Clerk 05/21/2001

**AN ORDINANCE relating to comprehensive planning and zoning, adopting amendments to the 1994 King County Comprehensive Plan in accordance with the Washington State Growth Management Act as provided for by a decision of the Central Puget Sound Growth Management Hearings Board (Case No. 96-3-0022c); and amending Ordinance 263, Art. 2, Section 1, as amended, and K.C.C. 20.12.010.**

**STATEMENT OF FACTS:**

**King County has adopted the 1994 King County Comprehensive Plan to meet the requirements of the Washington State Growth Management Act (GMA). The GMA requires that the Comprehensive Plan and development regulations be subject to continuing review and evaluation by the county. The GMA requires that King County adopt development regulations to be consistent with and implement the Comprehensive Plan.**

**On April 19, 2001, the Central Puget Sound Growth Management Hearings Board (Board) ruled that King County failed to comply with the GMA's public participation requirements in March 1996 when the County adopted an "Industrial" land use designation for the Spenser Industries property in the South Park neighborhood. See Attachment A. Specifically, the Board ruled that the County had failed to publish notice of the proposed land use designation in two newspapers (as required by the King County Code) and failed**

to mail notice to property owners within 500 feet (as required by the King County Code).

In their decision, the Board remanded this matter back to the County for further action consistent with their decision. The Board has imposed a date and time deadline for compliance of 4:00 p.m. on Monday, July 2, 2001.

The changes to zoning contained in this ordinance are needed to maintain conformity with the April 19, 2001 Board decision and with the King County Comprehensive Plan, as required by the GMA. As such they bear a substantial relationship to, and are necessary for, the public health, safety and general welfare of King County and its residents.

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

**SECTION 1. Ordinance 263, Art. 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 Ordinance 13987 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 a. v. King County, Case No. 95-3-0008 (Bear Creek Portion).**

**T. The 2001 transportation needs report contained in Attachment A to Ordinance 14010 is hereby adopted as an amendment to the 1994 King County ((e))Comprehensive ((p))Plan, technical appendix C.**

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

**V. The amendments to the 1994 King County Comprehensive Plan contained in Attachment B to this ordinance are hereby adopted as amendments to the King County Comprehensive Plan.**

**SECTION 2. The Comprehensive Plan land **area zoning** amendment contained in Attachment B to this ordinance is adopted as the official zoning control for those portions of unincorporated King**

**County defined in Attachment B to this ordinance in accordance with K.C.C. 20.12.050. Existing property-specific development conditions (p-suffix conditions) and**

**special district overlays on parcels affected by this area zoning Comprehensive Plan amendment, whether adopted through reclassifications or area zoning, are retained by this ordinance.**

**30 day notice, area and official paper, post outside Chamber**

**2001-0296**

**NOTICE OF PUBLIC HEARING  
Proposed Ordinance No. 2001-0296**

**METROPOLITAN KING COUNTY COUNCIL NOTICE OF HEARING**

**NOTICE IS HEREBY GIVEN that the Metropolitan King County Council will hold a public hearing in the Council Chambers on the 10th Floor of the King County Courthouse (516 Third Avenue, Seattle Washington) on Monday the 2<sup>nd</sup> day of July, 2001 at 1:30 PM. The purpose of this public hearing is to consider adoption of Proposed Ordinance 2001-0296, which adopts amendments to King County Comprehensive Plan Land Use Map and Area Zoning Map relating to properties located in the South Park neighborhood of unincorporated King County.**

King County encourages public comment on Proposed Ordinance 2001-0296. You may wish to present oral testimony at the July 2<sup>nd</sup>, 2001 public hearing. Testimony is limited to three minutes per speaker and you may provide written copies for the Councilmembers' review. Please provide 20 copies of any written material you wish to submit. The chamber is equipped with an audio/visual system capable of displaying 35mm slides, VHS tapes, overheads, and computer displays. Audio/visual presentations are included in the 3-minute timeframe. Testimony sign-up will begin at 12:00 PM on July 2<sup>nd</sup> in the lobby outside the Council Chambers. Please call the Metropolitan King County Council offices at (206) 296-1000 if you need directions to the Courthouse. You may also mail or fax comments to Councilmembers. The address for the Council is King County Courthouse, 516 Third Avenue #1200 Seattle Washington 98104. The Council fax number is (206) 296-0198.

The complete text and attachments of Proposed Ordinance 2001-0296 is available in the Council Clerk's office, Room 1025, King County Courthouse, 516 Third Avenue, Seattle Washington. A copy of the ordinance will be mailed to you upon your request to the Clerk at (206) 296-1020. Copies of this legislation are also available on the Internet, at [www.metrokc.gov/mkcc/clerk](http://www.metrokc.gov/mkcc/clerk).

**BACKGROUND**

An Industrial land use designation for the affected properties (listed below) was initially recommended by the King County Executive on November 14, 1994 as Amendment 89 to the King County Comprehensive Plan. The Council adopted the Executive-proposed designation on November 18, 1994. The Council action was appealed to the Central Puget Sound Growth Management Hearings Board (Board) in consolidated Case No. 95-3-0008c.

In the Board decision dated October 23, 1995, the Council action was invalidated and the matter was remanded to the County with directions to provide a reasonable opportunity for public comment prior to consideration by the Council of any subsequent re-adoption of the amendment.

On March 11, 1996, the Council adopted Ordinance 12170 in partial response to the Board's remand for Case No. 95-3-

0008c. On May 24, 1996, the Board issued an Order concluding that the County had complied with the remand direction for Case No. 95-3-0008c. The Board further determined that further challenges to the County's public participation compliance upon remand would have to be filed as a new petition for review.

A new petition for review challenging the adoption of 12170 was received and was consolidated with two others under Case No 96-3-0022c. The portion of the consolidated case relating to the Spencer Industries amendments is commonly referred to as the Duwamish portion. On November 12, 1996, the Board issued a Final Declaration and Order in which the Board concluded that the amendments including those relating to the Spencer Industries properties, were in compliance with the GMA.

The Duwamish portion of the Board's Final Declaration and Order, relating to the industrial land use designation and potential industrial zoning classification of the Spencer Industries properties, was appealed to the Washington State Court of Appeals, Division One. On June 28, 1999, the Court of Appeals upheld the Board's decision in all respects except on the issue of the adequacy of mailed notice as that notice relates to compliance with GMA public participation requirements.

**On March 22, 2001, the Board conducted the remand hearing on the matter of the adequacy of public notice of the Spencer Industries amendments. On April 19, 2001, the Board ruled that King County failed to comply with the GMA's public participation requirements in March 1996. Specifically, the Board ruled that the County had failed to publish notice of the proposed land use designation in two newspapers (as required by the King County Code) and failed to mail notice to property owners within 500 feet (as required by the King County Code). The Board remanded this matter back to the County for further action consistent with its decision and imposed a date and time deadline for compliance of 4:00 p.m. on Monday, July 2, 2001.**

#### **SUMMARY**

This action adopts the Industrial land use designation and adopts the R-4 (Residential 4 units per acre) Potential Industrial zone classification on the listed parcels and is taken to comply with the April 19, 2001 decision of the Central Puget Sound Growth Management Hearings Board (Case No. 96-3-0022c) (Duwamish portion) relating to properties owned or controlled by Spencer Industries.

The affected properties (listed below) are located in the South Park neighborhood, westerly of the 14<sup>th</sup> Avenue South Bridge. The properties are bounded on the north by South Rose Street, on the south by South Orr Street, on the west by 12<sup>th</sup> Avenue South and on the east by a parcel that fronts upon the west margin of 14<sup>th</sup> Avenue South.

#### **Assessor Parcel Nos.**

2185000915  
2185000925  
2185000945  
2185000956  
2185000970  
2185000990  
2185000995  
2185001015

The affected properties contain residences with a variable state of conditions. The property is intended for future expansion of the current operations of Spencer Industries, which is located adjacent to the affected parcels, southerly of South Orr Street.

**Dated at Seattle, Washington, this 30th day of May, 2001.**

**METROPOLITAN KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON**

**Anne Noris  
Clerk of the Council**

**West Seattle Herald, Seattle Times May 30, 2001**

