

B. Comprehensive Plan Goals & Policies

B.1 Executive Summary

This analysis is the result of an Annual Comprehensive Plan Amendment i.e. “docket” request made by King County Department of Transportation to relocate the King County Department of Transportation Regional Roads Maintenance facility. The docket request includes re-designating the county owned property from “Rural Area” to “Urban” and bring the property within the Urban Growth Area as a potential annexation area for Maple Valley. Full council action on the 2008 Comprehensive Plan update is anticipated to occur by October 6th, 2008. King County identifies this request as docket request number 17 by Bernie Thompson of the King County Department of Transportation. This property is located in Council District 9.

The site is known by two names – “Summit Pit” or the “Donut Hole”. It is a 156 acre rural unincorporated island surrounded by the City of Maple Valley. The King County Department of Transportation has operated a regional roads maintenance facility and a leased nine-hole portion of the 18-hole Elk Run golf course on the site. The King County Executive has drafted a termination of this lease, including a buy-out option for \$4 million dollars. The lease termination does not appear to have been presented to the King County Council for approval.

The docket proposal must be understood in light of the proposal to sell the entire site. The King County Council adopted Ordinance 15856 on June 25, 2007, which declared the potential sale of this site as a “unique circumstance” that allowed the County to deviate from its adopted process for the surplus and sale of County owned land set forth in Chapter 4.56 K.C.C., and directly negotiate with a single bidder, Yarrow Bay Group. Ordinance 15856 indicated that King County intended to conditionally surplus the land, in anticipation that the County would be acquiring 276 acres of land within the Green River watershed know as “Icy Creek.” Thus, under Ordinance 15856, the actual surplus and sale of the site was conditioned upon a land swap to preserve valuable conservation land.

The County Executive departed from the plans as set forth in Ordinance 15856, and instead published a Request for Proposals (RFP) on February 28, 2008, offering the site for sale and development. The due date for responses to the RFP was April 29, 2008. Only one bidder responded to the RFP, that bidder was the Yarrow Bay Group.

The re-designation of the site from Rural to “Urban” at eight units per acre” with transfer of density credits, could allow in excess 1800 housing units to be built on the site as the material in Tab A represents. The City is very concerned with the impacts on its community, which have not been planned for or studied. At issue, are public services, capital facilities, transportation and parks. Planning for these impacts and their associated costs are at the core of the City’s concern.

In their March document, “2008 King County Comprehensive Plan Update Maple Valley Summit Pit Area Zoning Study” the county has concluded:

“Retention of the Rural land use designation and the requirement that future development be at Rural density and service levels would create an inefficient land use pattern that

requires King County to continue to provide costly public services in an area surrounded by an incorporated city.”

King County has applied three “Comprehensive Plan Policies” to this site. The first is **U-174** which proposes that the Summit Pit property be an “**Urban Planned Development**” (UPD) such as Trilogy at Redmond Ridge and Cougar Mount Village. The second is **U-175** which directs the UPD to achieve a mix of uses which shall include: a) Open space and critical areas protection, b) Diversity in housing types and affordability, c) Quality site design; and d) Transit and non-motorized transportation opportunities. The third is **U-116** which seeks to achieve an average zoning density of at least 7 to 8 homes per acre.

For the Summit Pit site to be an Urban Planned Development requires creating a Special District Overlay (KCC 21A.38.070.) The overlay will delineate the UPD boundary and require urban residential zoning consistent with King County Comprehensive Plan Policies. However, as a result of creating the Special District Overlay for the site, **King County must also amend its code (KCC 21A.28.080) to allow smaller sites to become UPDs.** The code now allows UPD designation only for parcels with minimum size of 200 acres. (see code provisions, indented below). Therefore, the County must adopt a code amendment to allow a minimum size of 100 acres for a UPD. Neither the King County planning staff nor the King County Executive have contacted the City of Maple Valley about the impacts of the UPD code change, or the impacts to Maple Valley of the anticipated zoning change and subsequent development impacts. As of the date of this report, no environment impact threshold decision for this re-designation, analyzing the associated environmental impacts under the State Environmental Policy Act (SEPA), has been issued.

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 200 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 Chapter 21A.39. (Ord. 10870 § 581, 1993)

The proposed re-designation of the Summit Pit site is only a small piece of the 2008 Comprehensive Plan Update, being one of 51 docketed requests.

B.2 King County Regulations Compatibility Analysis:

The following is an analysis of how the King County Proposed Amendment complies or conflicts with the King County Countywide Planning Policies and the King County Comprehensive Plan. The first section analyzes the applicable Countywide Planning Policies. The second section is a condensed analysis that looks at the King County Comprehensive Plan policies on Urban Growth Area Boundary changes, annexation and zoning. A more detailed compatibility analysis of the 2004 King County Comprehensive Plan, the City of Maple Valley Comprehensive Plan and the development scenarios are contained in Appendix 2.

B.3 King County Countywide Planning Policies

Introduction

Beginning in the fall of 1991, King County, the City of Seattle and the Suburban Cities of King County (which the City of Maple Valley is a part of) met jointly as the Growth Management Planning Council to develop and recommend Countywide Planning Policies for King County, as mandated by the Growth Management Act. This initial process ended in July of 1992 when the King County Council adopted the Countywide Planning Policies recommended to it by the Growth Management Planning Council. Since 1992 the Countywide Planning Policies have been amended to reflect the current approach towards development and growth management in King County. The following analysis uses the most recent King County Countywide Policies dated July 2007. The 2007 proposed Countywide Planning Policies amendments have been considered. Opinions on these amendments and how they relate to the Donut Hole Feasibility Study have been included.

The purpose of this analysis is to determine whether the proposed 2008 King County Comprehensive Plan Amendment Docket for the “Summit Pit” property, also referred to as the Donut Hole Property, is compatible with or in compliance with, the adopted King County Countywide Policies. The Countywide Planning Policies are divided into nine separate sections listed below. All policies within these nine sections were reviewed, however; only those policies relevant to the proposed amendment are reviewed in further detail. The nine sections of the King County Countywide Policies are:

- Critical Areas
- Land Use
- Transportation
- Community Character & Open Space
- Affordable Housing
- Urban Services
- Public Facilities of a Countywide or Statewide Nature
- Economic Development
- Regional Finance & Governance

In addition to the nine sections listed, the Framework Policies were reviewed in the context of the King County Proposed Comprehensive Plan Amendment.

The Framework Policies

The Framework Policies are a set of guidelines which provide the foundation for the planning process between King County and the cities within King County.

“FW-1 Countywide growth management is a multi-step process”

This policy identifies nine steps to the multi-step process of managing growth in King County. Steps 1 through 3 pertain to establishment of the Countywide Planning Policies and implementation of these policies in the Comprehensive Plan of each jurisdiction.

Step 4. involves the on going review and adoption of the household and employment target estimates for each jurisdiction. In reviewing these numbers, the City of Maple Valley has continuously exceeded the household targets established by King County. The current adopted household target number for the City of Maple Valley is 300 household. The proposed amendment by King County would create a new Potential Annexation Area that would create growth in an area that has already accommodate sufficient growth for the 2022 planning timeframe.

Step 5(b) states that if the target numbers are inconsistent with GMA requirements than measures should be taken to comply with the requirements of GMA and the Countywide Planning Policies. This policy appears to have been written in the event that jurisdictions fall short of their targets; however, if a jurisdiction has met the household target and no growth in the area of Maple Valley is required, then there is **no need to adjust the Urban Growth Area**. It is apparent, by reading this policy, that adjusting the Urban Growth Area is not a solution to achieve growth, yet the proposed amendment proposes to change the Urban Growth Boundary where growth is not targeted.

Step 6 further discusses monitoring the program which implements the Countywide Planning Policies. Further review of the existing data in the most recent buildable lands inventory, would result in the City of Maple Valley meeting the housing targets established by King County.

Step 7 discusses the need for open space that is contiguous with the Urban Growth Area Boundary when additional urban area is needed to meet demand. It further describes specific criteria in selecting area outside the Urban Growth Area to accommodate growth. It has been established that the City of Maple Valley is meeting the housing needs established by King County. However, assuming that additional land is needed as proposed by King County in their amendment, the proposal should follow the guidelines established in 1994 by the Metropolitan King County Council. The following is in response to each guideline, the bold items are those items where the proposed amendment is in conflict with adopted King County Policies.

- a. **Dedication or permanent open space in the amount of 624 acres shall be identified as part of the application.**
- b. The proposed amendment includes land contiguous with the existing Urban Growth Area.
- c. The total area does not exceed the maximum 4,000 acres allowed.
- d. **The proposed Comprehensive Plan designation of Urban Planned Development encourages the development of commercial development which is in conflict to this policy.**
- e. This guideline is subjective because the area proposed to be part of the Urban Growth area will not abut rural area if approved.

- f. This guideline is subjective because the area proposed to be part of the Urban Growth area will not abut rural area if approved.
- g. The size of the property is 156 acres exceeding the minimum of 20 acres.
- h. The application has been deemed to have been received in a timely manner.
- i. **The proposed application is adjacent to the City of Maple Valley. To date, the King County Executive has issued a Request for Proposal to potential developers, issued an Executive Recommendation to rezone the property and has issued a letter denying the opportunity for “joint” planning with the City of Maple Valley.**
- j. **There was no development proposal available for review when the King County Executive made the Executive Recommendation in March of 2008. Quality Open Space and Urban Development has not been reviewed before making a recommendation.**
- k. **As in j. above, no development application has been submitted for review to determine if the items in guideline k. have or can be provided. A premature recommendation was made prior to a full review of these items to determine compliance.**
- l. The proposal is less than 200 acres, however the Request for Proposal issued by King County requires that any new development contain the affordable housing as required if it were 200 acres or more.

Step 8 states that if King County initiates amendments to the Urban Growth Area Boundary, similar to this application, then the amendment shall be based on established criteria. There is no documented need for additional housing in the City of Maple Valley. The City of Maple Valley has met or exceeded past household targets. **The current household target for the 2022 planning period is 300. The City of Maple Valley as exceeded the current target number and no additional households are needed to meet the target number.** There was no documented review of these policies, prepared by King County, available to justify the need for the amendment. In addition to the listed criteria for proposed amendments, Step 8 discusses the King County Executives ability to propose minor technical changes to the Urban Growth Area. “Minor technical changes” was not defined; however, it is our opinion that this proposed amendment is not minor in nature.

Step 9 discusses amending the Countywide Planning Policies and is not relevant to this application.

Framework Policies 2 and 3 were not reviewed due to the policies not being relevant to the proposed amendment.

Critical Areas

The proposed amendment contains property where several critical areas are located. The critical areas include wetlands, critical aquifer recharge areas, and steep slopes. It is recognized that each jurisdiction within King County contain regulations which prohibit development within these areas and protect these areas from adjacent development. The framework policies outlined in this section can be accomplished through local regulations and any development specific

project will need to comply with the regulations for the applicable jurisdiction. The broader issue is that there needs to be joint cooperation between King County and the City of Maple Valley in planning for the Donut Hole property to ensure that adequate development (type and density) is proposed next to the critical areas.

Land Use Pattern ~ Section C. Urban Areas

The proposed amendment is to bring 156 acres into the King County Urban Growth Area, for analysis purposes the Urban Areas section of the Land Use Patter was reviewed for compliance between the proposed amendment and the adopted polices.

“FW-12- The Urban Growth Area shall provide enough land to accommodate future urban development. Policies to phase the provision of urban services and to ensure efficient use of the growth capacity within the Urban Growth Area shall be instituted.”

The City of Maple Valley has continued to meet the household target number established by King County. By meeting the required target numbers within the existing Urban Growth Area, there is no documented need to provide additional land to accommodate future growth. This meets the highest objective of FW-12(a) which states that new growth should be directed toward Urban Centers and Activity Centers. FW-12(b) discusses the need to provide transportation to support established growth targets. The City of Maple Valley has provided sufficient infrastructure to accommodate the city’s growth and the potential for rural growth within the Donut Hole. Based on findings in the Donut Hole Feasibility Report, any urban development within the Donut Hole property will have a negative impact on the transportation system within the City of Maple Valley. Another crucial finding is that the local water and sewer providers have not adequately planned for urban development and have not addressed urban development of the Donut Hole within their comprehensive plans.

1. Urban Growth Area

LU 25a-25d discusses the need to plan for and accommodate household and employment targets within each jurisdiction. Table LU-1 of the King County Countywide Planning Policies shows that the City of Maple Valley is required to accommodate 300 new households before the year 2022 within the city limits and no new households within the Potential Annexation Area. The city can accommodate this number without additional annexations or adjustments to the Urban Growth Area Boundary. There does not appear to be a documented need for adjustment to the Urban Growth Boundary.

2. Phasing Development with the Urban Growth Area

LU-28 states the priority areas to direct growth, when growth is needed. The assumption that is made with the proposed King County amendment is that growth is needed. As stated previously in this document, as well as Table LU-1of the Countywide Planning Polices, the City of Maple Valley is required to accommodate 300 new households within the city limits and the Potential Annexation Area. There is sufficient land within the current city limits to accommodate this growth. There is no need for further growth to be directed in any of the priority areas. The proposed amendment is not warranted based on the Countywide Planning Policies.

LU-29 is a very critical policy that has not been met by the King County Proposed amendment. This policy first requires that jurisdictions **shall** develop growth phasing plans to maintain Urban Area type services. As part of the proposal, King County is requesting that the Donut Hole property become part of the City of Maple Valley's Potential Annexation Area. This policy would **require** that King County develop a plan consistent with the City of Maple Valley's level of service. This has not been achieved because joint planning for the Donut Hole is not being offered by King County. This policy also **requires** that interlocal agreements be established between King County and the City of Maple Valley that specify applicable development regulations. **King County has not made an attempt to enter into an interlocal agreement as required by the adopted King County Countywide Planning Policies.**

LU-30 States that if urban services cannot be provided within 10 years, a plan must be put into place that establishes a process for converting rural land to urban densities. Based on discussions with local utility providers, no plan has been adopted or discussed that would provide services to the Donut Hole property. Without a plan, the proposed amendment is in conflict with this policy.

3. Joint Planning and Urban Growth Areas around Cities

LU-31 states that cities shall designate a Potential Annexation Area in consultation with King County and adjacent cities. With regards to this proposed amendment the required process is being reversed, the County is designating this property as City of Maple Valley Potential Annexation Area without consultation with the City of Maple Valley. This is in violation of the adopted process and policy. This policy also states that cities shall adopt criteria for annexation and adopt a schedule for providing urban services. The City of Maple Valley **is not** being offered that opportunity with the recommended King County Proposal. The King County Executive has accepted a Request for Proposal from a developer to develop the Donut Hole Property immediately after becoming a part of the Urban Growth Area. This does not allow the City of Maple Valley proper time to provide a required plan for their Potential Annexation Area.

LU-33 describes the detailed process in which King County and the City of Maple Valley may or must enter into an interlocal agreement to ensure that the adjacent development is constructed in a manner consistent with the city's **and** county's phasing plan. To date there has been no agreement or discussions to establish a "phasing plan". This policy is another example of the need for joint planning between the county and the City of Maple Valley to ensure development is consistent with the city's development patten and levels of service.

LU-37 Summarizes the current status of the proposed amendment and the absence of joint planning between the two jurisdictions. This policy states that "All jurisdictions shall cooperate in developing comprehensive plans which are consistent with those of adjacent jurisdictions and with the Countywide Planning Policies". In an effort to fully cooperate, King County should provide the City of Maple Valley an opportunity to designate this existing rural area as an area of Potential Annexation Area, which would give them the authority to adopt future land use designations in their Comprehensive Plans. King County should enter into an interlocal with the City of Maple Valley to establish a "joint phasing plan" that would ensure minimal impacts to the surrounding developments and provide urban services to the City of Maple Valley's level of service.

Transportation Policies

FW-18 states that the “The land use pattern shall be supported by a balanced transportation system which provides for a variety of mobility options. To date, King County has not performed any traffic analysis of what impacts may occur as a result of the proposed Comprehensive Plan Amendment. As part of the Donut Hole Feasibility Study, several impacts were identified that can result from the type of development following the proposed amendment. Without a detailed study of transportation impacts, the proposed amendment should not be considered.

Community Character and Open Space

FW-25 and FW 27 require that jurisdictions engage in cooperative discussion with each other to identify character of local importance when establishing development plans. King County is required to engage the City of Maple Valley to gain input on future development plans for the Donut Hole Property.

Affordable Housing

King County and the City of Maple Valley both recognize the importance of Affordable Housing; FW-28 will be accomplished through either a development in King County or a development with input from the City of Maple Valley.

Contiguous and Orderly Development and Provision of Urban Services to Such Development

Policy FW-30 requires that jurisdictions identify the services needed to achieve adopted level of services. As stated earlier, the City of Maple Valley’s level of service shall be adopted because the Donut Hole Property will be in their Potential Annexation Area. This requires that King County engage in discussions with the city to identify those levels of service.

General Policies

Urban Services Required as Growth Occurs

CO-1 requires that the jurisdiction identify a full range of urban services and how they plan to provide them. King County has not provided the necessary information to indicate that urban services will be provided.

Urban Areas Identified for Growth for the Next Ten Years

Urban Water and Sewer Systems Required

CO-10 requires that new subdivisions (previously stated, new commercial areas are not permitted in expansion of the Urban Growth Boundary) be connected to public water and sewer systems. King County has not identified that adequate public water and sewer is available to development that would be constructed as a result of the proposed amendment.

**Urban Areas Designated for Growth Beyond 2002
 Phased and Cost Effective Extension of Urban Water and Sewer Systems**

CO-13 requires that any new urban sewer system extended in unincorporated King County be permitted consistent with the policies of the jurisdiction whose potential annexation area the extension is proposed. There has been no discussion with the City of Maple Valley to determine what those policies are.

B.4 King County Comprehensive Plan

The following is an analysis of how the King County Proposed Comprehensive Plan Amendment is in compliance with or in conflict with the goals and policies of the King County Comprehensive Plan. This analysis looks at relevant policies on the annexation process, zoning of property for future development, and Urban Growth Area Boundary changes. A complete analysis of the King County Comprehensive plan is included as Appendix 2.

Urban Growth Area Boundary Changes / Annexation:

The City of Maple Valley has not included the Summit Pit site in their Urban Growth Area, nor has it planned for the inclusion of this area in the mandatory elements of the City of Maple Valley Comprehensive Plan because it has no authority to plan for areas outside the city’s Urban Growth Area or Potential Annexation Area. The following are the most relevant policies that pertain to the proposed amendment.

KC R-103	King County’s Rural Area is considered to be permanent and shall not be re-designated to an Urban Growth Area until reviewed pursuant to the Growth Management Act (RCW 36.70A.130 (3)) and Countywide Planning Policy FW-1.
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Changing the Summit Pit site from rural to urban while remaining under King County jurisdiction will equate to prescribing UGA status to the Summit Pit site and proposing that growth consistent with an Urban Planned Development.

A UGA is to include a city and shall include areas for urban growth. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth RCW 36.70A.110)

Based upon the population growth forecasts by the state Office of Financial Management the urban growth area shall include areas and densities sufficient to permit the urban growth that is projected to occur in the city for the succeeding twenty-year period. King County has not identified the affects of the proposed amendment on allocation to Maple Valley of this growth, nor has the City considered this density increase in their allocation of land area needed to meet previous totals. The re-designation may result in a surplus of land zoned residential. Evaluation of impacts on available lands inventory has not been presented.

UGA lands which include a City can be annexed. King County policy U 205 lists reasons not to support annexation;

U-205	<p>King County shall not support annexation proposals that would:</p> <ul style="list-style-type: none"> a. Result in illogical service areas; b. Create unincorporated islands unless the annexation is preceded by an interlocal agreement in which the city agrees to pursue annexation of the remaining island area in a timely manner; c. Focus solely on areas that would provide a distinct economic gain for the annexing city at the exclusion of other proximate areas that should logically be included; d. Move designated Agricultural and/or Forest Production District lands into the Urban Growth Area; or e. Apply zoning to maintain or create permanent, low -density residential areas, unless such areas are part of an urban separator or are environmentally constrained, rendering higher densities inappropriate.
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It is logical for the site to be annexed because the site is an unincorporated island that warrants correction. Exclusion of another area is not an issue because of its location. The City is not creating a permanent low density residential area in the middle of their urban core. The City is seeking to pursue a plan that includes consideration of the nature of the site, and the proposed zoning in light of the prior planning under the Comprehensive Plan for the City of Maple Valley.

King County Policy U-174 does not require UGA status for an Urban Planned Development to be established instead uses the term “may”.

KC U-174	<p>Sites for potential Urban Planned Developments (UPDs) may be designated within the established Urban Growth Area to realize mutual benefits for the public and the property owner. Two UPD areas have been designated by the county: the Bear Creek UPD area, comprised of Redmond Ridge (formerly known as Northridge) UPD, Trilogy at Redmond Ridge (formerly known as Blakely Ridge) UPD, and the proposed Redmond Ridge East UPD; and Cougar Mountain Village UPD. Future UPD sites in the Urban Growth Area shall be designated through a subarea planning process, or through a comprehensive plan amendment initiated by the property owner.</p>
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By moving the 156 acre site into a UPD, King County enters into a development agreement with the successful bidder and arrives at a subarea plan with specific boundaries. Utilities are supplied by Soos Creek Water & Sewer. Impacts on demand for services and timing of the infrastructure carrying capacity / improvements do not appear to have been measured even though Maple Valley residences compete for the same water supply.

Requirements of Washington State Growth Management contained in the King County Comprehensive Plan include the following:

RP-201	<p>King County's planning should include multi-county, countywide, subarea and neighborhood levels of planning. Working with citizens, special purpose districts and cities as planning partners, the county shall strive to balance the differing needs identified across or within plans at these geographic levels.</p>
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The amendment to the King County Code 21A.38.070 to change the land area of the Urban Planned Development from 200 to 100 acre minimum is a significant reduction in land area requirements. The impetus for the amendment is a “unique circumstance” not a countywide level of planning. The questions of how many 100 acre sites are there in the county, and what would be their impact on countywide policies in regards to buildable lands, population, & housing supply forecasts does not appear in the record.

RCW 36.70A.210	County-wide planning policies.... This framework shall ensure that city and county comprehensive plans are consistent as required in RCW 36.70A.100.
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Docket item #17 uses the **U-175 Policy** with no reference to the required retail /commercial space:

U-175	The creation of Urban Planned Developments (UPDs) is intended to serve as a model for achieving a mix of uses, appropriate development patterns, and high quality design as well as providing for public benefits which shall include: a. Open space and critical areas protection; b. Diversity in housing types and affordability; c. Quality site design; and d. Transit and non motorized transportation opportunities.
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The King County general provision requires a UPD **KCC21A.39.040 (C) 1** to provide retail / commercial areas at a ratio of one acre of retail / commercial area per 2500 projected UPD resident under a 200 acre condition. The proposed parcel size of 100 acres changes the scale of retail and commercial space necessary to meet the appropriate development pattern. However King County has not proposed to change the ratio. In addition the requirement for retail and commercial space does not consider the present land use within the City of Maple Valley’s Comprehensive Plan with commercial, retail and multifamily zones located away from Summit Pit site.

Zoning – Urban Communities

Regional planning should strengthen the community of Maple Valley.

RP-104	King County's planning should strengthen communities by addressing all the issues, resources and needs that make a community whole, including land use, transit, health, human services, natural environment and the provision of infrastructure and other services.
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Regional planning policies of King County promotes the identification of financial cost & public benefits.

RP-309	King County should identify the financial costs and public benefits of proposed subarea, functional and neighborhood plans prior to adoption to ensure that implementation can be appropriately prioritized.
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Maple Valley has established through zoning, sites where mixed use, affordable multifamily housing is to be allowed. In conjunction with King County the City has planned for growth by zoning land within its jurisdiction to acreage capable of supporting growth. The densities now

permitted within the City boundaries meet the demand. Additional residential zoned land is not required. However R6 density would have less impact on concurrency than an UPD of R8 zoning. The Soos Creek Water and Sewer District is more able to maintain concurrency with fewer households.

UT-P6	The City of Maple Valley shall coordinate phasing of development of sewer and water services according to future land use needs and to meet GMA concurrency requirements, in coordination with the Soos Creek Water and Sewer District, the Cedar River Water and Sewer District, and the Covington Water District.
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