

# **CITY OF MAPLE VALLEY, WASHINGTON**

## **ORDINANCE NO. O-12-489**

### **AN ORDINANCE OF THE CITY OF MAPLE VALLEY, WASHINGTON AMENDING ORDINANCE O-11-456, PROVIDING FOR SEVERABILITY, ESTABLISHING AN EFFECTIVE DATE AND AUTHORIZING CORRECTIONS.**

WHEREAS, RCW 36.70A.080 provides that cities may adopt subarea plans consistent with the City's Comprehensive Plan pursuant to RCW 36.70A.130(2)(a)(i), and the City of Maple Valley ("City") has chosen and allocated funding to prepare, analyze, and consider potential changes to its Comprehensive Plan utilizing the subarea planning approach; and

WHEREAS, on June 13, 2005, the City of Maple Valley City Council ("Council") authorized the establishment of the Four Corners Subarea Plan; and

WHEREAS, the City has embarked on a multifaceted planning process for the geographic area identified as the Four Corners Subarea, including creation of an Economic Development Committee whose purpose is "to review and recommend to the City Council activities that will further economic development within the City of Maple Valley and to assist with implementation of programs and objectives identified on the Economic Development Committee Work Plan;" and

WHEREAS, the planning process for the Four Corners Subarea Plan contemplates revisions to the City's Comprehensive Plan land use designations, and to implementing development regulations and zoning classifications; and

WHEREAS, on April 10, 2006, the Council adopted Resolution No. R-06-470 authorizing the City Manager to execute a professional services agreement with Makers Architecture and Urban Design to complete the Four Corners Subarea Plan, and in so doing the Council ratified the Four Corners Subarea planning area; and

WHEREAS, on May 17, 2006, the City executed a professional services agreement with Community Attributes Inc. to prepare an economic profile and market assessment of Maple Valley to inform planning for the Four Corners Subarea with information about the demand for commercial development; and

WHEREAS, on June 26, 2006, the Maple Valley City Council, Planning Commission and Economic Development Committee held a joint meeting to establish preliminary goals and objectives for the Four Corners Subarea Plan; and

WHEREAS, on July 31, 2006, the City held a Town Hall meeting to obtain public input on a vision for the Four Corners Subarea Plan and to circulate an economic development questionnaire; and

WHEREAS, on September 27, 2006, the Planning Commission hosted a public workshop on the Four Corners Subarea Plan to obtain further public input on the vision for the Four Corners Subarea Plan; and

WHEREAS, on March 23, 2007 the Economic Development Committee presented its Strategic Priorities and Economic Development Recommendations to the City Council, which included recommendations for shaping the Four Corners Subarea Plan to promote economic development there; and

WHEREAS, on April 27, 2007, Community Attributes presented to the City Council its Maple Valley Economic Profile and Market Assessment; and

WHEREAS, on August 22, 2007, the Council authorized staff to pursue three specific alternatives for evaluation in the next phase of the Four Corners Subarea Plan process, with the recognition that the ensuing evaluation of three alternatives would result in the Council selecting a preferred alternative; and

WHEREAS, under the authority of RCW 35A.63.220, the City may impose land use and development moratoria to be effective for a period of up to six (6) months, or for a period of up to one year with an adopted work plan; and

WHEREAS, on September 4, 2007, the Council adopted Ordinance O-07-344 by emergency to be effective immediately, establishing a moratorium with an effective period of six months, and set a date for a public hearing on the same; and

WHEREAS, on October 22, 2007, the Council held a public hearing on Ordinance O-07-344; and

WHEREAS, on January 14, 2008, the Council adopted Resolution No. R-08-565 authorizing the City Manager to execute an amendment to the professional services agreement with Makers Architecture and Urban Design, to extend the term of the agreement and authorizing additional compensation to Makers and revising its scope to reflect direction from the Council; and

WHEREAS, on March 31, 2008 the Council directed staff, the City Planning Commission, the City Economic Development Committee, and contracted consultants (Makers Architecture and Urban Design) to pursue work plans and to analyze alternatives and bring forth recommendations for the Four Corners Subarea Plan; and

WHEREAS, the City's goal in studying the various alternatives for a subarea plan is to study the viability of creation of a vibrant commercial core within the City, and to

consider the various alternatives consistent with the Growth Management Act's planning goals set forth in RCW 36.70A.020; and

WHEREAS, on January 22, 2008, the Council considered the timeline for adoption of a Four Corners Subarea Plan proposed by staff and directed that staff revise the timeline to reflect Council's desire for a thorough planning process to occur to include more input from Council; and

WHEREAS, on January 23, 2008 a public workshop was held with City staff and Makers Architecture and Urban Design for purposes of presentation of the three alternatives for the Four Corners Subarea Plan, and to seek public input on a single preferred alternative; and

WHEREAS, a combined Planning Commission and Economic Development Committee retreat was held on February 2, 2008, for the purpose of reviewing the public input from the January 23 public workshop, with the goal of developing a single preferred alternative for recommendation to the City Council; and

WHEREAS, the City Council held a public hearing on Ordinance O-08-356 on February 11, which was continued to February 19, and continued again to February 21, 2008 where said Ordinance was adopted to renew the moratorium adopted on September 4, 2007 for another six months; and

WHEREAS, on February 25, 2008, the City's economic consultant, Community Attributes Inc., presented to the City Council an update to the consultant's 2007 study, providing a refined analysis of the market conditions to support commercial land uses in the Four Corners Subarea and the City's other commercial centers, entitled "Commercial Development Planning For Maple Valley;" and

WHEREAS, on March 22, 2008, the City Council held an Economic Development Visioning Mini-Retreat to agree on a set of principles related to future economic development to guide the City's planning and development activities, including the Four Corners Subarea Plan; and

WHEREAS, on March 31, 2008, the City Council held a joint meeting with the Planning Commission and Economic Development Committee to communicate the results of the March 22 Mini-Retreat and to give the Planning Commission and Economic Development Committee further guidance on their work to develop a single preferred alternative for the Four Corners Subarea Plan for recommendation to the City Council; and

WHEREAS, on April 14 and 28, 2008, the Economic Development Committee completed review of its February 2 work to develop a recommended preferred alternative for the Four Corners Subarea Plan with consideration given to the February 25 market assessment by Community Attributes and March 31 Council input, and forwarded its recommendation for Planning Commission review; and

WHEREAS, on April 16 and May 7 and 21, 2008, the Planning Commission completed review of its February 2 work to develop a recommended preferred alternative for the Four Corners Subarea Plan with consideration given to the February 25 market assessment by Community Attributes, March 31 Council input, and the April 28 recommendations of the Economic Development Committee, and forwarded the Planning Commission's recommendation for a preferred alternative for City Council review; and

WHEREAS, on May 19, 2008, staff presented the City Council a revised schedule and work plan for completing the Four Corners Subarea Plan and implementing zoning and development regulations by February 25, 2009; and

WHEREAS, the Community Development Director determined that direction from the City Council for additional steps in the subarea planning process has extended the time period for completion of the Four Corners Subarea work plan; and

WHEREAS, on May 27, 2008, the City Council began its review of the Planning Commission's recommendation for a preferred alternative for the Four Corners Subarea Plan, and

WHEREAS, the Council requested that the Planning Commission's recommendation and additional alternatives for the northwest quadrant of the Subarea be analyzed further with input from development industry experts through a "Developer Forum;" and

WHEREAS, on June 23, 2008, the City Council formally adopted a Maple Valley Economic Development Vision Statement to guide further planning in the Four Corners Subarea and elsewhere in the City; and

WHEREAS, on July 16, 2008, the City held a "Developer Forum" where the City Council, Planning Commission and Economic Development Committee, staff and the public heard, considered and evaluated feedback from development industry experts on various aspects of the draft preferred alternative for the Four Corners Subarea Plan and alternatives for the northwest quadrant of the Subarea; and

WHEREAS, on September 15, 2008, a joint meeting with the City Council, Planning Commission and Economic Development Committee was held to review the outcomes and findings of the "Developer Forum;" and

WHEREAS, on October 3, 2008 a sub-committee of members of the City Council, Planning Commission, and Economic Development Committee, met with consultants and staff to formulate a vision and "Big Bold Idea (BBI)" associated with the Four Corners Plan and specifically the NW quadrant of the Subarea Plan.; and

WHEREAS, on December 3, 2008 the City Council passed Resolution R-08-642 extending the contract with Makers Architecture for continuing the subarea planning process; and

WHEREAS, the development moratorium was scheduled to expire on March 4, 2009; and

WHEREAS, on February 9, 2009, the Council adopted Ordinance O-09-379 establishing interim development regulations pursuant to RCW 35A.63.220, and scheduled a public hearing within sixty days as required by law; and

WHEREAS, a public hearing was held March 23, 2009 to receive public comment on Ordinance No. O-09-379, followed by a public hearing on April 13, 2009 to receive public comment on proposed amendments to Ordinance No. O-09-379; and

WHEREAS, the Council adopted Ordinance No. O-09-381 establishing interim development regulations that is set to expire on March 4, 2010; and

WHEREAS, due to work load difficulties and a management change in 2009, the work plan envisioned for the BP Central Zone was not achieved as planned; and

WHEREAS, the Council held a public hearing on February 22, 2010 to hear public comment and testimony concerning extending the provisions of Ordinance No. O-09-381 by establishing interim regulations for a period of one year; and

WHEREAS, the Council adopted Ordinance No. O-10-409 on February 22, 2010, extending interim development regulations for period of one year, based in part on the directed City Planning Commission work plan and a schedule transmitted to Council by memo dated February 10, 2010; and

WHEREAS, the Community Development Department continued work on the Four Corners Sub-area Plan, and more specifically the northwest quadrant recommendations in the spring and summer of 2010; and

WHEREAS, the Planning Commission held an Open House and a Public Hearing on July 2, 2010 on consideration of a draft recommendation regarding a land use concept for the northwest quadrant; and

WHEREAS, the Planning Commission voted unanimously on a recommendation for a land use concept for the northwest quadrant to the City Council on August 4, 2010; and

WHEREAS, on September 20, 2010 the City Council reviewed the Planning Commission's recommendations, and, by consensus, directed the staff and Planning Commission to proceed with further developing the Subarea Plan based upon the recommended concept and directed that staff add that item to the Planning Commission's work plan for 2011; and

WHEREAS, the City Council affirmed the Planning Commission's work plan items that relate to the Four Corner Sub-area Plan, on January 18, 2011 that included a general schedule for items intended for action in the coming year; and

WHEREAS, the Council determines that further refinement of the interim regulations are necessary to preserve the integrity of the planning process, having now decided on a land use concept for which to pursue implementation of comprehensive plan policies and goals and economic development strategies; and

WHEREAS, the Council adopted Ordinance O-11-449 on February 28, 2011 through a declaration of emergency and pursuant to the requirements of RCW 35A.63.220, scheduled a public hearing on the ordinance within 60 days; and

WHEREAS, on March 28, 2011, the Council held a public hearing on Ordinance O-11-449; and

WHEREAS, following the close of the public hearing on March 28, 2011, the Council, by motion, adopted Ordinance O-11-456, amending Ordinance O-11-449 concerning expansion within the BP Central Zone and adopting additional findings of fact; and

WHEREAS, the City Council and Planning Commission held a joint meeting on November 7, 2011 and at the meeting provided direction to staff and the Planning Commission to complete recommendations in the first half of 2012 on new zoning for the area using the Interim Zoning as a starting point; and

WHEREAS, the City Council reviewed a schedule for completing the process for establishing new zoning and provided direction for modifications that necessitated extension of the Interim Zoning Regulations; and

WHEREAS, a public hearing on an extension of the Interim Regulations was scheduled, noticed and held on February 13, 2012; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Ordinance O-11-449 Amended. Section 1, Finding of Fact, of Ordinance O-11-449 is hereby amended as set forth herein, and renumbered as Section 2. A new section, Expansion in the BP Central Zone, as set forth herein in Section 5, is hereby added to Ordinance O-11-449. All Sections of Ordinance O-11-449 are reincorporated into this Ordinance, and renumbered, for clarity.

Section 2. Findings of Fact. The "Whereas" clauses above shall constitute findings of fact in support of the planning work plan necessary to adopt zoning and development regulations in the BP Central Zone as identified in Attachment A, incorporated herein. In

addition the Council adopts the following additional Findings of Fact as received by the Council on March 28, 2011 through testimony and written submissions into the record of public hearing:

1. There are living wage jobs within the BP Central Zone.
2. The existing businesses within the BP Central Zone provide essential services to citizens and businesses.
3. It is costly to existing non-conforming uses wishing to expand within the BP Central zone to relocate to other permissible zoning districts within Maple Valley.
4. The City recognizes that future economic vitality will be achieved by a successful balance between existing and new businesses.

Section 3. Interim Zoning Map Amendment. The City of Maple Valley Official Zoning Map as amended pursuant to Ordinance O-09-381 shall continue to reflect the rezone of the affected properties as depicted in Attachment A from “BP” to “BP Central Zone”.

Section 4. Interim Zoning Controls Established. The amendments of Sections 18.30.030, 18.30.040, 18.30.050, and 18.30.060 of the Maple Valley Municipal Code pursuant to Ordinance O-09-381 are hereby extended to limit the uses permitted within the BP Central Zone to a subset of the uses permitted with the BP zone. The use limitations set forth in this Ordinance shall only apply to the BP Central Zone and not to BP zoned property elsewhere in the City of Maple Valley.

A. Allowed Uses in the BP Central Zone. Uses in the Business Park Central Zone shall be limited to the following:

Caretaker Dwelling Unit .....	A <sup>1</sup>
Animals .....	A <sup>2</sup>
Adult Entertainment/Facility .....	P <sup>3</sup>
Child Day Care/Adult Day Care .....	P
Eating/Drinking Establishment .....	P
Medical/Dental Clinic .....	P
Veterinary Clinic .....	P
Office/Bank/Financial Institution .....	P
Graphics/Reproduction .....	P
Personal Services .....	P
Health Clubs, Fitness Centers, Spas .....	P
Retail – General .....	P <sup>4</sup>
Theater/Bowling Alley/Arcade .....	C
Religious Institution .....	C <sup>5</sup>
Community College/Vocational .....	P
Recreational Use .....	P
Public Park, Passive .....	P

Public Park, Active .....	P
Public Transit Facilities .....	P
Utilities, Major or Regional .....	C
Utilities, Minor or Local .....	P
Temporary Uses.....	P <sup>6</sup>

<sup>1</sup> Caretaker units may be allowed, subject to the following restrictions:

- a. Only one caretaker dwelling unit shall be permitted for each primary use or multitenant building;
- b. At least one additional off-street parking space shall be provided; and
- c. The caretaker dwelling unit may only be occupied by a watchman, custodian, manager, or property owner for the subject property.

<sup>2</sup> Animals may be kept as an accessory to a residential caretaker use in accordance with animal control regulations and subject to the following conditions:

- a. Small Animals.
  - i. Small animals kept indoors as household pets shall not be limited in number.
  - ii. Small animals kept outdoors shall be limited to five, unless the resident obtains a hobby kennel license from King County Animal Control.
  - iii. Structures for the keeping of small animals outdoors such as aviaries, apiaries, kennels, runs, cages, etc., shall be set back from property lines a minimum of 10 feet.

<sup>3</sup> Adult uses are subject to the following conditions:

- a. No adult use shall be located nearer than 600 feet from any other adult use;
- b. No adult use shall be located nearer than 600 feet from any public or private school, church, public park, day care center or residential use or zoning district;
- c. Distances shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property or parcel upon which the proposed use is to be located to the nearest point of the parcel or property of the land from which the proposed use is to be separated.

<sup>4</sup> The maximum size for an individual retail use in the BP-Central Interim zone is 60,000 square feet.

<sup>5</sup> Religious institutions/community/senior centers with a GFA of less than 2,000 square feet do not require a Conditional Use Permit.

<sup>6</sup> Subject to MVMC 18.30.015 Temporary Uses

**Section 5. Interim Nonconforming Use Provisions Established.** An amendment to Section 18.80.020 of the Maple Valley Municipal Code is hereby authorized to add a new subsection E, entitled “Expansion in the BP Central Zone,” to read as follows:

E. Expansion in the BP Central Zone. A nonconforming use within the BP Central Zone may not be expanded, except for major auto repair uses and welding and fabrication uses existing as of the effective date of this Ordinance. For these excepted uses, total expansion of the structure containing a nonconforming use shall not exceed 50 percent of the existing structure footprint.

Any such expansion must occur on the existing lot. Any such expansion shall comply with all other applicable development standards.

Section 6. Effective Period of Interim Development Regulations. This Ordinance shall become effective pursuant to the provisions of Section 7, herein, and, unless earlier repealed, shall sunset on May 31, 2012 and as of that date shall be of no further force and effect.

Section 7. Effective Date. A summary of this ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days after adoption and publication.

Section 8. Public Hearing. In accordance with the requirements of state law, a public hearing on these adopted interim regulations was held February 13, 2012, within 60 days of the adoption of Ordinance O-12-489.

Section 9. Severability. If any section, sentence, or phrase of this ordinance should be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, or phrase of this ordinance.

Section 10. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or resolution numbering and section/subsection numbering.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF  
ON THIS 13<sup>th</sup> DAY OF FEBRUARY, 2012.

CITY OF MAPLE VALLEY

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William T. Allison, Mayor

ATTEST/AUTHENTICATED:

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Shaunna Lee-Rice, City Clerk

Approved as to form:

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Christy A. Todd, City Attorney

Date of Publication:

Effective Date: