

Greater Maple Valley Area Council
P.O. Box 101
Maple Valley, WA 98038

December 1, 2014

To: Ms. Sherie Sabour
Project/Program Manager
DPER Permitting
35030 SE Douglas St
Suite 210
Snoqualmie, WA 98065

Re: King County Department of Permitting and Environmental Review's September 19, 2014, CDUP14-000 Conditional-Use Permit "Report and Decision" to the Applicant, William Cloud

Please accept review comments herein concerning the subject CDUP14-000 Conditional-Use Permit (CUP) "Report and Decision."

While we applaud the issues the Department of Permitting and Environmental Review (DPER) has addressed, including several raised by concerned neighbors, we do have some items we request you consider, should the process allow.

In addition, we believe it is important to put our concerns in the Public Record should similar applications be made in the future, that directly affect Rural Area citizens. Please be advised our Public Safety concerns, set forth in our review comments, are intended to address those unique security issues related to proposed projects such as a Marijuana production or processing facility or similar high-profile ones having elevated security and safety concerns.

Should you have any technical questions regarding the attached comments, please contact the Chair of our Growth Management Committee, Peter Rimbos, at 425-432-1332 or primbos@comcast.net. Thank you.

Sincerely,

Steve Hiester (gmvac_chair@hotmail.com)
Chairman, Greater Maple Valley Unincorporated Area Council

cc: DPER Product Line Manager Ty Peterson: ty.peterson@kingcounty.gov
King County Councilman Reagan Dunn: reagan.dunn@kingcounty.gov
Community Service Area (CSA) Manager Alan Painter: alan.painter@kingcounty.gov

PROPOSAL

"Establishment of a 21,000 sq. ft. outdoor area for recreational marijuana production on a parcel zoned Rural Area with a base density of 1 DW/5 acres (RA-5). (KCC 21A.08.090 [B17])."

KEY DATES

CUP application submission: 4/3/14
DPER found "complete": 4/10/14
DPER granted CUP: 9/19/14

PLAN & FINDINGS

Fencing would be 8-ft high.
No on-site processing except for product trimming and drying.
Extensive wetlands disturbances without permits; Wetland Mitigation Plan required.
No impervious surfaces.
No major traffic impacts expected.

C. KING COUNTY CODE REQUIREMENTS

KCC 21A.44.040 Conditional use permit:

“ ... compatible with the character and appearance with ... existing ... development ...”

Not met: This business is not “compatible” with a residential neighborhood.

“ ... modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title.”

Not met: The compromised wetland “buffer averaging,” while mathematically equivalent to standards required and, possibly, suitable on a larger scale, does not constitute ecological equivalence on this relatively small scale.

“ ... supported by adequate public facilities or services ...”

Not met: There is little to no police service in this remote area and no private security Condition is required of the Applicant. DPER simply defers (under E. OTHER CONSIDERATIONS) to the WA State Liquor & Control Board as being the responsible agency to “ensure public safety by ... requiring security measures ...” The proposed operation belongs where there is a suitable police presence.

KCC 21A.12.220 Nonresidential land uses in residential zones:

“Sites must be assessable from at least one public street functioning at a level consistent with King County Road Design Standards.” Not met: Both SE 187th St and SE 186th St are private roads not serviced by King County. Whether they function at a “level consistent with King County Road Design Standards” is immaterial, since, should they fall below those standards, King County is not responsible to maintain or make any improvements.

D. KING COUNTY COMPREHENSIVE PLAN POLICIES

KCCP R-204: Farming and forestry ..

King County's regulation of farming, keeping of livestock, and forestry in the Rural Area should be consistent with these guiding principles: d. County environmental standards for forestry and agriculture should protect environmental quality, especially in relation to water and fisheries resources, while encouraging forestry and farming.

Not met: The wetland “buffer averaging” on a relatively small scale here should not be used to meet “County environmental standards.”

KCCP R-324: Nonresidential uses in the Rural Area shall be limited to those that:

- a. Provide convenient local products and services for nearby residents;
- b. Require location in a Rural Area;
- c. Support natural resource-based industries;
- d. Provide adaptive reuse of significant historic resources; or
- e. Provide recreational opportunities that are compatible with the surrounding Rural Area.

Not met: Of the 5 purposes above only a. could be considered possibly applicable. However, even that is unlikely as “nearby residents” do not appear to be seeking such “local products and services.”

KCCP R-205 Uses ...

Uses related to and appropriate for the Rural Area include those relating to agriculture, forestry, mineral extraction, and fisheries, such as the raising of livestock, growing of crops, creating value-added products, and sale of agricultural products; small-scale cottage industries; and recreational and small-scale tourism uses that rely on a rural location. Not met: The proposed use does not “rely on a rural location.”

F. CONCLUSIONS

1. Compatibility

Not met: This is a residential neighborhood and the proposed business is not “compatible with the character and appearance of existing uses ...”

2. & 3. Not in conflict with KCCP policies:

Not met: See comments under D. above.

4. Overall health and safety of the community:

Not met: See comments under D. above.

G. DECISION

4. Wetland conditions as part of the building/grading approval:

Not acceptable: While we understand it is too late to affect this decision, we do want to make our concerns known for the Record.

In requiring a revised "Wetland Mitigation Plan," it is our hope DPER is not be waiving any fines that could be levied on, or is failing to impose appropriate and prompt remediation of destroyed or impaired wetlands and functions by, the Applicant, who apparently violated King County Code in clearing and draining part of a Category 3 Wetland. Rather than impose the proposed conditions as part of an approval, appropriate remediation of critical area code violations should occur as a precondition to any approvals granted by the County, if indeed approval is warranted under all the circumstances.

DPER could have held back any decision on the Grow Operation Permit Application and approval of a CUP, until such time that all required mitigation had been implemented and inspected. In the future this should be taken into account.

Finally, once again, while the use of "buffer averaging" for the compromised wetland might mathematically equivocate to the standards required and possibly be suitable on a larger scale, it does not constitute real ecological equivalence on the relatively small scale presented here.