

**December 2014**

## King County Rural Ombudsman

by Peter Rimbos, Corresponding Secretary

On Monday, December 1 the Area Council held its regular monthly meeting. Our Guest Speaker was Elizabeth Hill, Senior Deputy Ombudsman for Rural and Unincorporated Area Affairs, discussed the citizen complaint and resolution process.

### **Public Comments**

Over 30 members of the Public were in attendance, but decided to reserve their comments/questions until Ms. Hill's discussion.

### **Ombudsman for Rural and Unincorporated Area Affairs**

Elizabeth Hill stated the Ombudsman's Office manages citizen complaints concerning King County agencies. It strives to respond in an impartial, efficient and timely manner. It tries to improve the operation of King County government by making recommendations based upon the results of complaint investigations. Often complaints relate to the permitting process and code enforcement.

Ms. Hill received many questions from both the Area Council members and members of the Public. Several regarded the proposed Marijuana Processing and Production Facilities located in a Rural Area neighborhood west of Maple Valley and north of Covington on 200th Ave SE. Members of the Public detailed several issues topped by improper Vesting and Innocent Purchaser status for the parcel. They stated they have not received adequate responses from the King County Department of Permitting and Environmental Review (DPER) over the last few months. It was asked of Ms. Hill to help expedite such responses and she said she would do so.

The Area Council described to Ms. Hill problems with an incomplete response (e.g., many redactions) to its Public Disclosure Request (PDR) from the King County Prosecutor's Office regarding advice it gave DPER on Vesting of the proposed CSDP. King County Councilman Dunn has been asked to review the redacted portions of the response and provide an explanation for the rationale behind the Prosecutor's Office advice. The Area Council explained to Ms. Hill that provisions of both King County Code and State Law, as well as recent Appellate Court case decisions, indicate such Vesting can only be conferred upon Building Permit Approval. If it is shown the Commercial Site Development Permit (CSDP) application is not vested, then the recently imposed King County Council 1-yr Moratorium on development applications for isolated Industrial-zoned parcels in the Rural Area would apply.

Members of the Public also stated DPER has granted the Applicant a 2-mo extension (out to February 3, 2015) to its deadline to respond to 69 detailed comments regarding its CSDP application.

### **Neighborhood Marijuana-Growing Operations**

The Area Council discussed its review of a Conditional-Use Permit (CUP) King County Department of Permitting and Environmental Review (DPER) approved for a proposed Marijuana-Growing Operation located on a residential parcel east of Lake Francis off of 244th Ave SE. The proposal is for a 21,000-sq-ft outdoor area for growing recreational marijuana on an RA-5 parcel in a residential neighborhood.

The review revealed many problems in meeting King County requirements for issuing a CUP: (1) Incompatibility with the surrounding residential neighborhood, (2) Inadequate Police protection in the area, and (3) Inappropriate Wetlands protection. The biggest overarching issue is locating such an incompatible non-residential use in a rural residential area. The Area Council agreed to send its review to King County DPER for consideration regarding the current proposal, as well as similar future permit applications in Rural Area residential neighborhoods, as it is important to put concerns in the Public Record. Public Safety concerns raised by the Area Council 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.

### **Noise Code and Enforcement**

The King County Council's Law, Justice, and Health and Human Services (LJHHS) Committee has been looking into noise concerns expressed by unincorporated area residents that interfere with quality of life. It has found that residents suffering from such noise find it difficult to get an infraction issued that will stand up in court. Two primary reasons for this difficulty are the lack of resources of the County to enforce the noise code and code language that has proven difficult to interpret. Consequently, the King County Council's LJHHS Committee asked its Staff to research the history of the County's noise code and its enforcement and are discussing policy issues for improving the county's noise code.

The Area Council's Growth Management Committee reviewed the King County Council's LJHHS Committee Staff Report and believe it has identified a reasonable approach to try to address improvements in the King County Code and to identify which King County Agency(s) should be involved. The Area Council awaits recommendations which will be discussed by the King County Council's LJHHS Committee at its December 9 meeting.

### **Community Service Area Grants**

The Area Council agreed to apply for two potential Grants through the King County Community Service Area (CSA) Office: (1) 2015 Election Ballot/Citizen Survey/Newsletter and (2) 2015 Train Show.

The Area Council's last Ballot/Survey/Newsletter was very well received by members of the community with a large response rate. The Model Train Show was a big hit with the community again this past October with over 600 people attending. It was agreed to apply for 2015 Grants for both these items.

### **Next Area Council Meeting**

The Area Council's next monthly meeting will held Monday, January 5, 2015, from 7:00 - 9:00 PM at the Fire Station on the southeast corner of the intersection of SE 231st St & SR-169. Meetings are held the first non-holiday Monday of each month. A Public Comment period at the beginning of each meeting provides an opportunity to voice issues of concern to Area Council members and government officials in attendance.

