

September 2014

Industrial Permitting

by Peter Rimbos, Corresponding Secretary

On Monday, September 8, the Area Council held its regular monthly meeting. Topics discussed include proposed marijuana warehouses and transportation issues.

Public Comment

Over forty citizens attended the meeting with many providing comments on the proposed warehouses to produce and process marijuana in their neighborhood. Many citizens expressed wide-ranging concerns with public safety, traffic, and environmental protection.

Proposed Marijuana Warehouses

Ty Peterson of King County's Department of Permitting and Environmental Review (DPER) provided an overview of two proposed warehouses to produce and process Marijuana on 6 1/2 acres in the Rural Area just northwest of SR-18, west of Maple Valley, and north of Covington. Maple Valley Industries, LLC has applied for a Commercial Site Development Permit for two one-story (~30 ft. high) 20,000-sq. ft. warehouses.

Area Council members asked Mr. Peterson several questions regarding the Commercial Site Development Permit application, other applications submitted, total project contemplated, State Environmental Policy Act (SEPA) review, and Public participation opportunities.

Mr. Peterson stated only the application for a Commercial Site Development Permit (Type 1) has been received by DPER and they have found it to be "complete." This generated questions from Area Council members (and members of the Public) as to what "complete" means. Mr. Peterson stated the process DPER is required to follow is to ensure the Applicant has submitted a completed SEPA Checklist and associated environmental reports. The accuracy of either is not considered.

The Area Council asked about any vesting conferred upon the Applicant by such a finding of "completeness." Mr. Peterson stated DPER solicited the opinion of the King County Prosecuting Attorney's office and was told the Applicant's project is vested upon such a finding. The Area Council vigorously questioned this based on Court of Appeals cases showing such vesting can only be conferred upon an application for a Building Permit. The Area Council decided to talk with the King County Prosecuting Attorney's Office about the rationale used in providing its vesting opinion. This issue is important as it precludes the Applicant from being subject to a July 7 King County Code Amendment requiring Marijuana processing facilities greater than 2,000 sq. ft. be subject to a Conditional-Use Permit (prior to this Amendment, 30,000 sq. ft. was the limit).

When asked about the process from this point on, Mr. Peterson stated DPER is reviewing over 100 Public comments it received by its September 2 deadline and ensuring it has all the information necessary to make its decision on the permit application. However, Mr. Peterson stated the Public should continue providing information and concerns to DPER as it conducts its "Technical Review" of the application for the Commercial Site Development Permit. The Area Council encouraged the members of the Public in attendance to do just that, as will the Area Council.

Mr. Peterson stated he expects DPER to release its "Technical Review" by Friday, September 19. The Area Council will maintain close contact with Mr. Peterson and request a copy of the document when released. The Area Council's Growth Management Committee will evaluate the document and provide comments to DPER. The Area Council will provide all information it obtains, including reviews it conducts, to the concerned citizens.

The Area Council also discussed specific technical concerns related to: Stormwater Infiltration Pond, Health Hazards, and Traffic Impacts and Mitigation. With ~44% of the site to be covered by impervious surfaces, the Area Council stated the Stormwater Infiltration Pond must be of sufficient size to safely handle the expected runoff and its proposed location's distance to adjacent Jenkins Creek must be verified, as well as associated wetlands identified. King County must ensure homeowners' wells are fully protected.

The Area Council urged DPER take into account emergency response times to this remote Rural Area site for Police, Fire, and HAZMAT Units. Finally, the Area Council made clear to Mr. Peterson the deadend road in question--200th Ave SE--has been designated by King County Roads as a "Tier 5," the lowest classification, which will receive little maintenance, no improvements, and is expected to turn into gravel as priority is given to higher tier roads. With the Applicant's predicted 279 average daily trips, the Area Council countered that massive road/intersection "improvements" would be needed such as widening, paving, shoulders, signage, signals, etc.

Transportation Issues and Solutions

The Area Council's Transportation Committee, in conjunction with the Four Creeks UAC, Upper Bear Creek UAC (northeast), and Green Valley/Lake Holms Association (southeast), has finalized preparations for a meeting with local State Legislators. The purpose of the meeting is to discuss transportation issues facing the Unincorporated Area and potential solutions that could necessitate changes in State law.

The meeting will be held on Tuesday, September 16, from 7:00 - 9:00 PM at the the King County Library Administration Building at 960 Newport Way NW in Issaquah. The meeting is open to the Public. A meeting announcement is posted on the Area Council's web site.

Next Area Council Meeting

The Area Council's next monthly meeting will held Monday, October 6, from 7:00 - 9:00 PM at the Fire Station at SE corner of 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 citizens an opportunity to voice issues of concern to Area Council members and government officials in attendance.