

Docket Item (D.I.) #1
Location: 18407 Renton-Maple Valley Highway (SR-169)
Parcel ID Nos.: 3223069052 and 3223069070

“Request to change land and zoning on two parcels on the Renton- Maple Valley Road near the Cedar Grove Natural Area from Neighborhood Business to Industrial. Parcel numbers are 3223069070 and 3223069052.”

INTRODUCTION

The D.I. requestors’ own submitted background information explains exactly what is happening here:

“The owners have attempted twice to align the actual use (industrial recycle center) with the correct zoning (Industrial)... As stated before, the use is non-conforming (grandfathered [sp]) and poses a big issue in the need to resell/re-finance the property...Fortunately, there is not an urgent need, but the Fletchers are elders in the community...”

Clearly, the D.I. requestors’ are getting on in age and seek to sell. Rezoning the parcels from Neighborhood Business (NB) to Industrial (I) could and, most likely, would, greatly increase the asking prices for the parcels. The D.I. Request has nothing to do with continuing the existing use on the parcels as that use is allowed as a “non-conforming” use, as the D.I. requestors’ state in their own words.

DISCUSSION

We previously have submitted detailed comments on the D.I. requestors’ past two attempts for a rezone through the Docket Process: 2018 and 2020—those are attached and fully explain our supporting rationale. In our 2018 response we also included “*Final Zoning and Subdivision Examiner’s Decision and the BALD Report 124-88-R, 1989,*” which we again attach (separately) for convenience.

Further, King County, in denying the D.I. requestors’ 2020 D.I. Request it deemed it:

“...not eligible to be considered until 2024, which is when the eight-year cycle update will occur.”

We could not agree more; however, we believe it again should be denied in 2024.

RECOMMENDATION

D.I. #1 should be denied for the third time.

Attachments:

1. Comments on D.I. Request #2, GMVUAC, March 3, 2020.
2. Comments on D.I. Request #4, GMVUAC, October 2, 2018.
3. *Final Zoning and Subdivision Examiner’s Decision and the BALD Report 124-88-R, 1989.* [pdf is attached separately]

Attachment 1—GMVUAC Comments on D.I. Request #2, March 3, 2020

D.I. Request #2—Fletcher (past Metal Recycling Facility at 18407 Renton-Maple Valley Rd [SR-169], just south of the Cedar Grove Rd intersection)

This is a *re-submittal* of a 2018 request. However, in this case, the requester specifically asks for: “*the opportunity to sit down with the councilman and staff to discuss the merits of this request.*” The GMVUAC submitted formal comments to King County on the original 2018 D.I. Request recommending it be rejected (see attached).

The 2020 D.I. Request remains the same as that rejected by the County in 2018: change zoning from Neighborhood Business (NB) to Industrial (I). The site has been cleared of much of its past business and possibly in anticipation of a zoning change or to be sold? Clearly, a zoning change could greatly increase the value of the property.

It is our understanding that a “*site-specific*” amendment needs to wait a total of three years before re-submittal. The original submittal was less than two years ago in 2018.

We completely support the Executive’s excellent rationale for recommending rejection of this request in 2018.

We request the Executive to recommend this D.I. Request, again, be firmly rejected.

Attachment 2—GMVUAC Comments on D.I. Request #4, October 2, 2018

Docket Item (D.I.) #4
Location: 18407 SR-169
Parcel ID Nos.: 3223069052 and 3223069070

“Reclassify zoning on two parcels from NB (Neighborhood Business) to I (Industrial). The land use would remain Rural Area. Combined size is 3.54 acres. The purpose for the request is to provide consistency with the actual land use activity (recycling center) that has been in operation for over 25 years. An industrial use (grand- fathered) – a metal recycling facility. The use and zoning will be consistent with what is actually developed in the immediate vicinity and on these specific properties.”

INTRODUCTION

The D.I. states the site’s existing business is an “*industrial use*” that is “*grandfathered*.” The D.I. request is to *rezone* the site from Neighborhood Business (NB) to Industrial (I). If the existing “*metal recycling*” business is indeed “*grandfathered*,” then no change in zoning is necessary.

Of critical concern is that should the site be rezoned, the *next* owner could propose a *different* industrial use (much like the proposed Asphalt Facility on a parcel along SR-169, which was the subject of a successful rezoning request through the D.I. process). [Note: The site in question was not evaluated earlier this year in KC DPER’s *Cedar River Sites Industrial Moratorium (CRSIM) Study* as part of the KC Council’s Asphalt Facility discussions, because it was not zoned “*Industrial*.”]

BACKGROUND

The D.I. specifically refers to the adjoining site to the south and its “*I*” zoning as justification for the site in question to be rezoned to “*I*”. Attached is the final Zoning and Subdivision Examiner’s Decision and the BALD Report *124-88-R*— (Note: The Building and Land Development Division is the predecessor to present-day DPER), which supported the 1989 rezone of the adjoining site to “*I-P*” (“*I*” zoned, but with a *P-suffix*—which imposed express limitations on future use).

The “*I-P*” zoning for the adjacent site was adopted by the KC Council as Ordinance 8865 and incorporated into subsequent Comprehensive Plans (and *Tahoma-Raven Heights Subarea Plan* by Ordinance 12824 in 1997). The uses of that “*I-P*” zoned site are limited to those allowed in the Regional Business (RB) zone and “*vehicle interior refurbishing and re-upholstering*.”

DISCUSSION

The 1989 rezone was *unique* and cannot, and should not, constitute grounds for rezoning the site in question from “*NB*” to a general “*I*” without any *P-suffix* to substantially limit its future use. The attached BALD Report gives an extensive history of this area and land uses that existed in that vicinity for many years. D.I. #4’s assertion that a “*rezone of their property to ‘I’ - Industrial would be consistent with the zoning and use of the property to the south*” simply is not accurate.

We remain highly skeptical and very concerned that a rezone to a generic “*I*” could result in another debacle, as has been encountered with the proposed Asphalt Facility on a parcel along SR-169. As with the former rezone of that parcel to simply a generic “*I*”, rezoning of the site to allow lawful continuation of an *existing nonconforming use* has severe and, perhaps, unintended consequences, where such rezone is not limited in scope to allow only that particular existing use and any other uses that are in fact consistent with such existing use. In fact, since the existing business can continue under *existing* zoning, no rezone is necessary.

Finally, any proposed site-specific rezone (e.g., from “*NB*” to “*I*”) *inconsistent* with the KC Comprehensive Plan (KCCP) must be considered and resolved **first** through a Hearing Examiner following a public hearing (KCC 20.20.020(E) and KCC 20.22). Annual amendments to the KCCP are deemed *legislative*; whereas, a site-specific rezone is *quasi-judicial* and must be reviewed as a Type 4 permit application. Clearly, an annual D.I. request should not be part of any *bifurcated* process (i.e., KC Council amends zoning designation, refers it to Hearing Examiner, who, sends recommendation back to KC Council for a final decision).

RECOMMENDATION

D.I. #4 should be denied.