

January 9, 2004

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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**REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL
ON A PROPOSED SITE-SPECIFIC LAND USE AMENDMENT APPLICATION**

SUBJECT: Department of Development and Environmental Services File No. **L03LUA03**

RENTON CHRISTIAN CENTER
Site-Specific Land Use Amendment Application

Location: 16640 Old Petrovitsky Road

Applicant: **Renton Christian Center**
16640 Old Petrovitsky Road
Renton, Washington 98058

King County: Department of Development and Environmental Services, *represented*
by

Paul Reitenbach
900 Oakesdale Avenue Southwest
Renton, Washington 98055-1219
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EXAMINER PROCEEDINGS:

Hearing Opened: December 23, 2003
Hearing Closed: December 23, 2003

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS OF FACT:

1. KCC 20.18.050 authorizes the Hearing Examiner to make a legislative recommendation on a site-specific land use map amendment initiated by a property owner application. Consideration of

site-specific land use map amendments is part of the Comprehensive Plan annual review cycle authorized under KCC 20.18.030 B. The 4 year cycle review and update of the Comprehensive Plan authorized by KCC 20.18.030 C will also occur in 2004. The 4 year cycle includes, among other things, the review of Urban Growth boundaries.

2. The Renton Christian Center has filed an application with DDES to initiate site-specific land use map amendment review on 2.02 acres located in the RA 5 SO zone in the Fairwood area. The property is currently occupied by a main sanctuary building, a couple of portables plus supporting parking. Further development of the property has been determined by the church to be infeasible unless a public sewer hookup is provided. The property is located on the south side of Southeast Petrovitsky Road directly opposite Petrovitsky Park and just north of the Lake Youngs watershed. Adjacent properties north of Petrovitsky Road are within the Urban Growth Area, and the Applicant is requesting that its parcel be redesignated as Urban as well.
3. The Renton Christian Center property is located within a nob of Rural Area approximately 17 acres in size that protrudes north into the Urban Growth Area and is surrounded on the west, north and east sides by Urban properties and on the south by the Lake Youngs watershed. The Applicant contends that its natural service area is the Fairwood neighborhood to the northwest and Lake Desire to the east, and its ambitious program to provide important social services to these communities is being thwarted by septic system limitations. The church appears to have a particularly active teen program and would like to build a gymnasium to support after-school activities. DDES staff opposes the requested Urban redesignation on the basis that it conflicts with Comprehensive Plan policies calling for the preservation of the Rural Area.

CONCLUSIONS:

1. The Renton Christian Center application presents the question of whether the fact that 2004 will generate a four year cycle Comprehensive Plan review effects a resultant expansion of Hearing Examiner authority to consider proposed site-specific land use amendment changes. It is clear from even a cursory reading of KCC Chapter 20.18 that the scope of Hearing Examiner authority to consider site-specific Comprehensive Plan land use amendments normally excludes proposed changes to policy or modifications of the Urban Growth boundary. KCC 20.18.030 B defines the annual cycle as entailing consideration of “amendments that do not require subsequent changes to policy language, changes to the priority areas map, or changes to the urban growth boundary. . .” Subsection 12 of KCC 20.18.030 B defines site-specific Comprehensive Plan land use amendments as actions “that do not require substantive change to comprehensive plan policy language and that do not alter the urban growth area boundary, except to correct mapping errors.” The limitations stated at KCC 20.18.030 B12 regarding site-specific land use map amendments are reiterated at KCC 20.18.040 B1.
2. We do not find that the four year cycle process operates to expand Hearing Examiner authority to consider Urban Area redesignations within the context of site-specific land use map amendment review. First, as noted above, the contents of site-specific land use amendment review are explicitly delineated in a number of code sections to exclude policy issues and Urban Growth Area expansion requests. Second, there is nothing within the ordinance that suggests even implicitly that Hearing Examiner review authority should under any circumstances extend beyond site-specific land use amendments. Third, concurrently with the enactment of KCC Chapter 20.18 in 1998 a procedural amendment was made to KCC 20.24.400. This procedural

provision requires the Hearing Examiner to make findings and conclusions on a proposed site-specific land use amendments' "qualification for annual review consideration, and consistency or lack of consistency with applicable review criteria". Inclusion of a requirement to determine qualification for annual review consideration implies an expectation that there will be applications presented to the Hearing Examiner that do not meet the criteria for inclusion in the annual review. The Renton Christian Center application is plainly an instance of a request that is beyond the scope of Hearing Examiner review under KCC Chapter 20.18.

3. The Renton Christian Center application does not qualify for annual review consideration by the Hearing Examiner under authority of KCC Chapter 20.18 because it seeks an amendment of the Urban Growth boundary.
4. As pointed out by the Applicant, the approximately 17 acre extension of Rural Area lying north of the Lake Youngs watershed maybe viewed as a zoning anomaly. As such, there may be merit to studying the question of whether this portion of the Rural Area should be redesignated Urban. Such question, however, is a policy issue that is beyond the scope of a site-specific review.

RECOMMENDATION:

The application should be rejected on procedural grounds as inappropriate for annual review consideration.

ORDERED this 9th day of January, 2004.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 9th day of January, 2004, to the parties and interested persons of record:

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MINUTES OF THE DECEMBER 23, 2003, PUBLIC HEARING ON DEPARTMENT OF
DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L03LUA03.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing was Paul Reitenbach, representing the Department; and Thomas Nishimura, Chris Wenkle, Pastor Alex Ohlsen, Debbie Diederich and Dana Buck.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES Staff Report dated December 10, 2003
- Exhibit No. 2 Application for Site-Specific Comprehensive Plan Land Use Map Amendment
Received November 25, 2003
- Exhibit No. 3 Legal Description
- Exhibit No. 4 Site Plan received November 25, 2003
- Exhibit No. 5 Environmental Checklist received November 25, 2003
- Exhibit No. 6 GIS Map
- Exhibit No. 7 Assessors Maps
- Exhibit No. 8 Public Hearing Notice mailed November 26, 2003

SLS:gao
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