

December 29, 2003

**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. **L03LUA01**

WOODINVILLE ALLIANCE CHURCH, et al
Site-Specific Land Use Amendment Application

Location: 13940 Northeast 166th Street, Woodinville

Applicant: Woodinville Alliance Church, *represented by*
Lee Kirk
17601 Northeast 140th Avenue Northeast, #202
Woodinville, Washington 98072

King County: Department of Development and Environmental Services, *represented*
by
Paul Reitenbach
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EXAMINER PROCEEDINGS:

Hearing Opened: December 10, 2003
Hearing Closed: December 10, 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 Woodinville Alliance Church, representing itself and four other adjacent property owners, has filed an application with DDES to initiate site-specific land use map amendment review on approximately 21 acres encompassing 9 parcels located southwest of the corner of Northeast 171st Street and 140th Avenue Northeast, just south of the City of Woodinville. The other Applicants include Stephen and Ida Mae Brown, Merry Moore, the Woodinville Montessori School and the Marsh Veterinary Hospital.
3. The specific legislative actions requested by the Applicants are the following:
 - a. An amendment to Comprehensive Plan policy R-547 to change the standards applicable to removal of land from the Sammamish Agricultural Production District.
 - b. The adjustment of the boundaries of the Sammamish Agricultural Production District to exclude the Applicants' properties.
 - c. Redesignation of the Applicants' properties from Rural to Urban, with the present RA 2.5 SO zoning being replaced by R1 zoning.

While the total acreage in the Applicants' parcels is 21 acres, the proposal also would logically include two east/west access roads and two small parcels lying directly north of the Stephen Brown property. With the inclusion of these parcels and tracts the total area affected by the redesignation proposal would comprise approximately 23.5 acres.

4. The Agricultural Production District as currently configured includes all of the Applicants' parcels except for the eastern one third of the Stephen Brown property and the northeast corner of the Woodinville Alliance Church main parcel. The removal of these parcels from the Sammamish Agricultural Production District is already under consideration within the 2004 update review and is the subject of an area zoning study recently performed by DDES. The area zoning study recommends the removal of the Applicants' parcels from the APD but concludes that rezoning this area from Rural to Urban would be inappropriate: "While outside the scope of this area zoning study, conversion of Rural land within the APD to Urban is inconsistent with KCCP policies and would bring severe development pressure to bear on other property within and adjacent to the APD." The study also notes that "additionally, the study area serves as a rural buffer for the APD, preventing conflicting urban uses from developing adjacent to agricultural land."

The Applicants support the area zoning study recommendation to remove the designated parcels from the APD but contend that the study does not go far enough. Hence the further request for amendment of Comprehensive Plan policy R-547 and a southward relocation of the Urban Growth boundary.

5. The Applicants support their request by pointing out that the commercial and institutional uses

they represent were established along 140th Avenue Northeast well before the passage of the Growth Management Act; that their properties are logically and functionally part of the City of Woodinville to the north; that the City is prepared to annex these properties once Urban zoning is applied; and that reasonable development of these parcels to meet the demands generated by Urban area residents nearby is currently frustrated by Rural zoning limitations relating to impervious lot area coverage and prohibition of public sewer hookups. The Woodinville Alliance Church, in particular, is contemplating a two-story classroom addition with supporting parking that cannot be implemented without an Urban zoning designation.

6. Regarding the policy merits of the question of whether this area should be redesignated from Rural to Urban, the DDES staff report for this proceeding recommends denial of the request based on the conclusion that 20-year County housing and jobs targets can be met without an Urban Growth Area expansion at this time. Moreover, staff argues that the specific request would be impactive to nearby agricultural lands, increase pressures for urban expansion and would not meet current Comprehensive Plan and County-Wide Planning Policies, including those governing removal of lands from APD status.

CONCLUSIONS:

1. The Woodinville Alliance Church application presents squarely 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 agree with the Woodinville Alliance Church that the four year cycle process operates to expand Hearing Examiner authority to consider Comprehensive Plan policy and Urban zoning 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 Woodinville Alliance Church application is plainly an instance of a request

that is beyond the scope of Hearing Examiner review under KCC Chapter 20.18. This conclusion is reinforced by the fact that DDES as a separate action within the four year cycle review process has already undertaken to address some of the issues raised by the Applicants. Clearly, the study procedure being implemented by DDES within the four year cycle process is the correct approach under the ordinance.

3. The Woodinville Alliance Church, *et al*, application does not qualify for annual review consideration by the Hearing Examiner under authority of KCC Chapter 20.18 because it raises issues of policy and seeks an amendment of the Urban Growth boundary.

RECOMMENDATION:

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

ORDERED this 29th day of December, 2003.

Stafford L. Smith
King County Hearing Examiner

TRANSMITTED this 29th day of December, 2003, to the parties and interested persons of record:

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MINUTES OF THE DECEMBER 10, 2003, PUBLIC HEARING ON DEPARTMENT OF
DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. L03LUA01.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing were Paul Reitenbach, representing the Department; Lee Kirk representing the Applicants, and Alan Marsh, Richard Moore, Robert Brown, Mary Schneider, Gary Hirotaka, and Joseph Chan.

The following exhibits were offered and entered into the record:

- Exhibit No. 1 DDES staff report, dated November 26, 2003
- Exhibit No. 2 Application for Site-specific Comprehensive Plan Land Use Map Amendment, received September 12, 2003
- Exhibit No. 3 Legal description of subject property
- Exhibit No. 4 Site plan, received September 12, 2003
- Exhibit No. 5 SEPA Checklist, received September 12, 2003
- Exhibit No. 6 GIS map, dated May 2003
- Exhibit No. 7 Public hearing notice, mailed November 12, 2003
- Exhibit No. 8a Letter from Alan & Marilyn Marsh, dated March 18, 2003
 - 8b Letter from Mary Escobar-Brodyn and Mary Schneider, dated August 14, 2003
 - 8c Letter from Merry Moore, dated August 14, 2003
 - 8d Letter from Stephen J. Brown, dated August 14, 2003
- Exhibit No. 9 2004 King County Comprehensive Plan Update, Area Zoning Study for Sammamish Agricultural Production District – Northeast Area
- Exhibit No. 10 2004 King County Comprehensive Plan Update, Area Zoning Study for Willows Road
- Exhibit No. 11 Language revision to Comprehensive Land Use policy R547 (R-547a), proposed by Woodinville Alliance Church with attached proposed boundary map
- Exhibit No. 12 Page 3-36 of King County Comprehensive Plan, dated November 2003
- Exhibit No. 13 Memorandum in support of Woodinville Alliance Church's proposed site-specific land use amendment, from Charles E. Maduell, dated 12/10/03
- Exhibit No. 14 Printout and compact disk of Lee Kirk's PowerPoint presentation

SLS:gao
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