



King County

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CLERK
KING COUNTY COUNCIL

2010-163

March 1, 2010

The Honorable Bob Ferguson
Chair, King County Council
Room 1200
COURTHOUSE

Dear Councilmember Ferguson:

I am pleased to transmit for your review and consideration, the Executive Recommended 2010 update of the King County Comprehensive Plan (KCCP).

This recommended plan update satisfies the requirement in the King County Code for an annual review of the comprehensive plan. Annual updates are limited to land use, zoning, and code changes that are consistent with current comprehensive plan policies.

In addition to technical changes, this proposed update includes four significant proposals that are consistent with current policies:

- Issaquah Highlands Urban Growth Area Boundary, Zoning, and Land Use Changes
The Urban Growth Area (UGA) boundary for the City of Issaquah is proposed to be amended by adding 35 acres of Rural land to the UGA and while permanently protecting more than 140 acres of park and open space land. This proposed UGA amendment is allowed in an annual comprehensive plan update by KCCP Policy RP-303.

The changes in the UGA boundary, land use, and zoning are functionally linked to and conditioned by amendments to a 3-party agreement between King County, City of Issaquah, and Grand-Glacier LLC, and should be considered and acted on concurrently by the council. We are finalizing negotiations on the three-party agreement and anticipate transmittal to the Council by May 1, 2010.

- Form-Based Code Pilots

This Comprehensive Plan Update also includes two pilot projects to test the feasibility of replacing selected elements of the current conventional land use code with a "form-based

code”. A conventional code is based on detailed permitted use tables. A “pure” form-based code may have no permitted uses, relying entirely on design guidelines, street and block standards, and architectural guidelines to regulate future development. This type of form-based code has been most successful in urban settings that are geographically small, such as neighborhood commercial areas. To be useful in unincorporated King County, the staff and consultant recommend a hybrid form-based code that includes permitted and conditional uses written more broadly to allow a mix of uses, while still employing the standards and guidelines intended to produce a more vibrant pedestrian friendly development pattern.

With this transmittal package, I am proposing two form-based code pilot projects to test the feasibility of a form-based zoning code for unincorporated Urban and Rural neighborhoods. In the Urban Area (West Hill area), the pilot’s goal is to allow greater flexibility to developers and land owners while encouraging the development of vibrant, mixed-use neighborhoods. For the Rural Area (Cottage Lake area), the pilot’s goal is simplified and flexible land use regulations to provide increased predictability in the development process and create more opportunities for rural businesses.

The form-based code has potential to produce higher quality infill development within existing neighborhoods, while being simpler and more user-friendly than our current zoning code. The knowledge we gain through these will help us to strike a better balance between predictability and flexibility for landowners and surrounding communities.

- Code Amendments to Streamline Review Processes

This transmittal also includes code changes intended to streamline the review process for certain types of land uses while providing for public notice, streamline advertising requirements, and make the code-enforcement process more predictable for landowners

- Transportation Needs Report

Finally, the biennial update of the Transportation Needs Report (TNR) is included in this transmittal. As part of the county’s “Healthscape” initiative to better integrate planning for transportation, health, and air quality, this is the first year that the non-motorized elements of the TNR have been prioritized according to a “Transportation Programming Tool” (TPT). Using the TPT, pedestrian projects are evaluated and prioritized according to their potential for increasing pedestrian accessibility and meeting air quality, health, and transportation outcomes.

The Public Review Draft and all related information including policies, maps, and draft code language have been available on the Department of Development and Environmental Services (DDes) Website. Comments were accepted at public meetings, via regular mail, and e-mail.


Supporting Documentation

Included with this letter are the following enclosures:

- An ordinance adopting the 2010 update of the King County Comprehensive Plan
- An ordinance adopting the King County Code Amendments
- The Public Involvement Document
- The Fiscal note and regulatory note

The determination in accordance with the State Environmental Policy Act (SEPA) is underway and will be completed in advance of any action by the King County Council. If you have any questions, please contact Joe Miles, Acting Director, Department of Development and Environmental Services, at 206-296-7179, or via email at joe.miles@kingcounty.gov.

Sincerely,



Dow Constantine
King County Executive

Enclosures

cc: King County Councilmembers
 ATTN: Tom Bristow, Chief of Staff
 Anne Noris, Clerk of the Council
Dwight Dively, Director, Office of Management and Budget
Joe Miles, Acting Director, Department of Development and Environmental
 Services (DDES)
Paul Reitenbach, Comprehensive Plan Project Manager, DDES

FISCAL NOTE

Ordinance/Motion No. 00-

Title: Executive Recommended Comprehensive Plan 2010, and related amendments
of the King County Code.

Affected Agency and/or Agencies: Development and Environmental Services

Note Prepared By: Paul Reitenbach

Note Reviewed By: Paul Reitenbach

Impact of the above legislation on the fiscal affairs of King County is estimated to be:

Revenue to:

Fund/Agency	Fund Code	Revenue Source	Current Year	1st Year	2nd Year	3rd Year
1340 DDES						0
						0
TOTAL			0	0	0	0

Expenditures from:

Fund/Agency	Fund Code	Department	Current Year	1st Year	2nd Year	3rd Year
1340 DDES					0	0
TOTAL			0	0	0	0

Expenditures by Categories

	Current Year	1st Year	2nd Year	3rd Year
TOTAL	0	0	0	0

- Assumptions:
1. The Department of Development and Environmental Services (DDES), projects this proposal will have no net fiscal impact to its operations. DDES charges a combination of flat and hourly fees for its services. These fees are equal to the costs of operations.
 2. No fiscal impact is anticipated for other county departments.

REGULATORY NOTE
CHECKLIST OF CRITERIA

Proposed No.: _____ Prepared By: Paul Reitenbach

Date: March 1, 2010

Yes No N/A
[x] [] []

NEED: Does the proposed regulation respond to a specific, identifiable need?

The proposed regulations implement the policies of the King County Comprehensive Plan and addresses the need to make processes at the Department of Development and Environmental Services more efficient and customer-friendly..

[x] [] []

If so, is county government the most appropriate organization to address this need?

King County Government has regulatory authority for land use in unincorporated areas.

[x] [] []

ECONOMY & JOB GROWTH: Has the economic impact of the proposed regulation been reviewed to ensure it will not have a long-term adverse impact on the economy and job growth in King County?
No adverse impacts to the economy or job growth were identified.

[x] [] []

PURPOSE: Is the purpose of the proposed ordinance clear?

The ordinances would adopt the Executive Recommended Comprehensive Plan 2010, and related amendments to the King County Code.

[x] [] []

Are the steps for implementation clear?

The comprehensive plan guides land use in unincorporated King County. The comprehensive plan will be primarily implemented by DDES, through the development review process.

Yes No N/A
[x] [] []

EVALUATION: Does the proposed ordinance identify specific measurable outcomes that the proposed regulation should achieve?

The King County Comprehensive Plan includes sufficient development capacity to accommodate the adopted growth targets for the unincorporated Urban Area

[x] [] []

Is an evaluation process identified?

A monitoring system is in place to determine whether or not King County is achieving its growth targets. Several performance measures are being developed to evaluate the effectiveness of future updates of the King County Comprehensive Plan

☒ ☐ ☐

INTERESTED PARTIES: Has adequate collaboration occurred with all those affected by the proposed regulation (including the public, the regulated and the regulators)?

Yes. The Unincorporated Area Councils were notified. The three UAC's that are affected by the proposals have been briefed at least three times. About 4500 notices were sent to property owners affected by possible zoning changes, as well as a 500' radius list of nearby property owners were also notified.

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COSTS & BENEFITS: Will the proposed regulation achieve the goal with the minimum cost and burden?

No fiscal impacts were identified to King County government. The proposal does not place undue financial burden on affected property owners.

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Has the cost of not adopting the proposed regulation been considered?

No. "No action" would result in no policy clarifications, no zoning changes, and no code amendments.

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Do the benefits of the proposed regulations outweigh the costs?

Yes. There are public policy benefits of having an updated comprehensive plan and development regulations and no additional cost to King County government.

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VOLUNTARY COMPLIANCE: Does the proposed ordinance inspire voluntary compliance?

Land use regulations are not voluntary.

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CLARITY: Is the proposed ordinance written clearly and concisely, without ambiguities?

Yes.

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CONSISTENCY: Is the proposed regulation consistent with existing federal, state and local statutes?

Yes. The proposed legislation - the 2010 update of the King County Comprehensive Plan, is consistent with the Growth Management Act and the Countywide Planning Policies.

2010 Comprehensive Plan Update Public Involvement Summary

Overview

King County regulations require the Department of Development and Environmental Services (DDES) update the County Comprehensive Plan (KCCP) every four years. The last major update of the KCCP was approved in 2008.

The Executive Recommended 2010 update is technical in nature, with two important exceptions: the Urban Growth Area (UGA) boundary is proposed to be amended by adding 35 acres of Rural land to the UGA consistent with adopted policy, and three pilot projects are proposed to test the usefulness of a form-based zoning code for unincorporated Urban and Rural neighborhoods. Amendments of the King County Code are proposed to improve review processes at DDES. Finally, the annual update of the Transportation Needs Report is included in this transmittal.

Outreach

In 2009, the consultant that assisted with the preparation of the form-based code conducted public meetings for the Cottage Lake and East Renton neighborhoods. Executive staff conducted a similar public meeting for the Martin Luther King Jr. S / S 129th Street area. The purpose of these public meetings was to provide an early alert that a new type of zoning approach was being developed and these three neighborhoods were under consideration to be pilot projects.

Twice in 2009 and again in January, 2010 the West Hill, Four Creeks and Upper Bear Creek UAC's were briefed on the form-based code project status and substance. At the three January 2010 briefings, about 75 people attended at West Hill, 20 at Four Creeks, and about 10 at the Upper Bear Creek meeting.

In January 2010, a post card notice announcing three public meetings for the 2010 update of the KCCP was sent to about 4,500 unincorporated residents and property owners within a 500 foot radius of proposed zoning changes, affected cities, the UAC's and other interested citizens.

The public meetings were held as follows: the first meeting was Tuesday, January 26, 2010, at the DDES Hearing Room in Renton. Fifteen citizens attended this meeting. The second public meeting was held on Wednesday, January 27 at the Woodinville Water District Office. About 15 citizens attended this meeting. The third public meeting was held at Issaquah City Hall Northwest. Two citizens and a reporter attended this meeting, which was jointly hosted by King County and Issaquah planning staff.

The public review draft has been available on the Department of Development and Environmental Services web page and hard copies have been sent to citizens upon request.