



## King County

# Maple Valley Industrial Area Zoning and Land Use Study 2024 King County Comprehensive Plan December 2023

## I. Overview

The 2024 Comprehensive Plan Scope of Work<sup>1</sup> directs analysis of land use and zoning of an area located north of the City of Maple Valley, as follows:

**Review land use designations and implementing zoning on parcels 1622069091, 1522069034, and 1522069036 and the surrounding area, and consider changes that would facilitate development of this area, including modifying the land use designation and/or implementing zoning, and/or whether to revise or eliminate the development conditions.**

This site was the subject of a previous Area Zoning Study in the 2016 Comprehensive Plan Update,<sup>2</sup> which evaluated the following: “Review land use designations and implementing zoning on parcels 1622069091, 1522069034, and 1522069036 and the surrounding area, and consider whether to change designation and/or zoning, including whether to revise or eliminate the development conditions placed by Ordinance 12824 in 1997.” At that time, the area zoning study recommended to make no change and to review the site further as part of a future Comprehensive plan update due to its eligibility for removal from the Urban Growth Area (UGA).

## II. Land Use Information

### A. Parcel and Vicinity Information

Parcel Number	Property Name/ Ownership	Land Use Designation	Zoning Classification	Property Specific Condition(s)	Acreage	Present Use
1622069091	R&H Mining LLC	Industrial	I-P	TR-P17	5.63	Vacant
1522069034	R&H Mining LLC	Industrial	I-P	TR-P17	1.66	Vacant
1522069036	R&H Mining LLC	Industrial	I-P	TR-P17	5.63	Vacant

The site is approximately 3 acres in size and has an "I" (Industrial) land use designation and I (Industrial) zoning classification. It is within the UGA adjacent to the City of Maple Valley. The

<sup>1</sup> Motion 16142 [\[LINK\]](#)

<sup>2</sup> Area Zoning Study #15 [\[LINK\]](#)

City has not affiliated this area as part of its Potential Annexation Area (PAA), nor has any future land use designation been proposed in the City's Comprehensive Plan. The City is currently updating its Comprehensive Plan. As of the drafting of this study, there is no indication that City is considering annexation or planning for the study area.

The study area includes Rural Area and Natural Resource Lands surrounding the site on three sides. The western side of the site is adjacent to a 5.2-acre parcel, zoned RA-5 (Rural Area, one home per five acres), and developed with a single-family residence. North of the site is a 14.2-acre property that is zoned A-10 (Agricultural) and used by the South Seattle Saddle Club as an equestrian facility. The properties to the east are zoned RA-5, average approximately 1.6 acres in size, and are developed with single-family residences.

The site is relatively flat with topography generally falling from southeast to northwest. There are no existing structures on site; however, a chain-link fence surrounds the site and light poles placed throughout the site. The site sits elevated (due to past filling) from the roadways to the east and north and vegetation for most of fenced area consists of grasses. A shallow swale conveys onsite drainage from the southeast to a sediment pond located in the northwest part of the site. The Cedar River Trail Right-of-Way (ROW) borders the southwest portion of the site.

The site is topographically and physically separated from the City due to slopes, the City of Seattle Cedar River Water Transmission Line ROW and the King County Cedar River Trail ROW. Rural infrastructure, rural residential, and agricultural uses and character to the north, east, and west, and the presence of environmentally sensitive areas in the vicinity pose challenges for potential annexation and/or urban level development.

Historically, this site was part of the Maple Valley gravel pit located to the south. A couple of code enforcement cases and remediation permits related to clearing and grading were undertaken for the site between 2001- 2003. Most of the site was filled and graded and was proposed to be developed as an approximately 490-stall recreational vehicle (RV) storage lot when the last permit application B03M0163 permit was cancelled in 2003. Comments from the surrounding neighborhood area indicated opposition to impacts on the surrounding rural area at that time.

In 1997, Ordinance 12824 established updated zoning classifications across the County and zoned the three parcels Industrial with a property specific (P-suffix) Development Condition, TR-P17.<sup>3</sup> The Ordinance became effective in August 1997, one month before the City of Maple Valley incorporated. The City did not include the area in its incorporation. TR-P17 reads as follows:

R & H Partnership Urban Reserve Study (Source: 1995 King County Comprehensive Plan Amendment Package: Ordinance 12061, Amendment 72)

1. Future industrial development shall be limited to those that do not require a conditional use permit; and
2. A limited scope Master Drainage Plan shall be completed by the developer to address groundwater concerns.

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<sup>3</sup> TR-P17 [\[LINK\]](#)

## B. Infrastructure and Services

The site is within the Cedar River Water District service area; however, no fire hydrants appear along the access route. The site is also within the Soos Creek Sewer District Boundaries, however, is not currently served by sewer, nor has any septic system approvals. The rural residential sites to the north, east, and west are served by on-site septic systems.

Two access points to the site come from 228<sup>th</sup> Ave SE and SE 230<sup>th</sup> Place. These roads connect with lower Witte Road via SE 228<sup>th</sup> Street, just north of the Cedar River Trail crossing. This crossing poses the first access problem with only an approximately 12-foot clearance – it will not provide suitable truck or fire apparatus access. See maps and photos below for roadway geometric conditions. Witte Road is classified as a ‘neighborhood collector’ and SE 228<sup>th</sup> street, 228<sup>th</sup> Avenue SE and SE 230<sup>th</sup> Place are designated ‘minor access’ roadways. These roads are rural in nature, ranging from 18-24 feet of pavement with varying shoulder and no curbs, gutters, or sidewalks.

The access roads do not meet fire access standards or current King County Road Standards. Accommodating some types industrial uses generating higher levels of traffic and certain types of trucks will be a challenge for this site and the existing access. Significant on-site and off-site improvements would be necessary for urban level industrial development, and even rural level industrial development would necessitate improvements.

## C. Environmental Constraints

The parcels are located in mapped seismic hazard and as a Category I Critical Aquifer Recharge Area (CARA). CARA I is the most restrictive CARA designation and limits certain land uses, as prescribed in King County Code (K.C.C.)<sup>4</sup> 21A.24.316. This further limits uses beyond those in TR-P17. The CARA designation will pose additional difficulties for drainage / surface water compliance of large-scale industrial uses.

Parcel 1522069036 has a small area of mapped landslide hazard adjacent to the County trail property, and an area of steep slopes in the southeastern corner of the site.

Parcel 1522069036 has wetland in the eastern portion of the site. The wetland was rated Class 2 with a 50-foot buffer under the Sensitive Areas Code. A mitigation plan was required in 2002 for clearing part of the buffer. The mitigation plantings were implemented, and the financial guarantee released a few years later. The critical areas regulations in the current code will likely require a larger buffer with a different wetland rating.

On the far side of the County trail from these parcels are steep slopes, and mapped landslide and erosion hazards. The standard buffer from a steep slope is 50 feet, with an additional 15-foot building setback. It appears that this buffer does not encroach on any of these parcels.

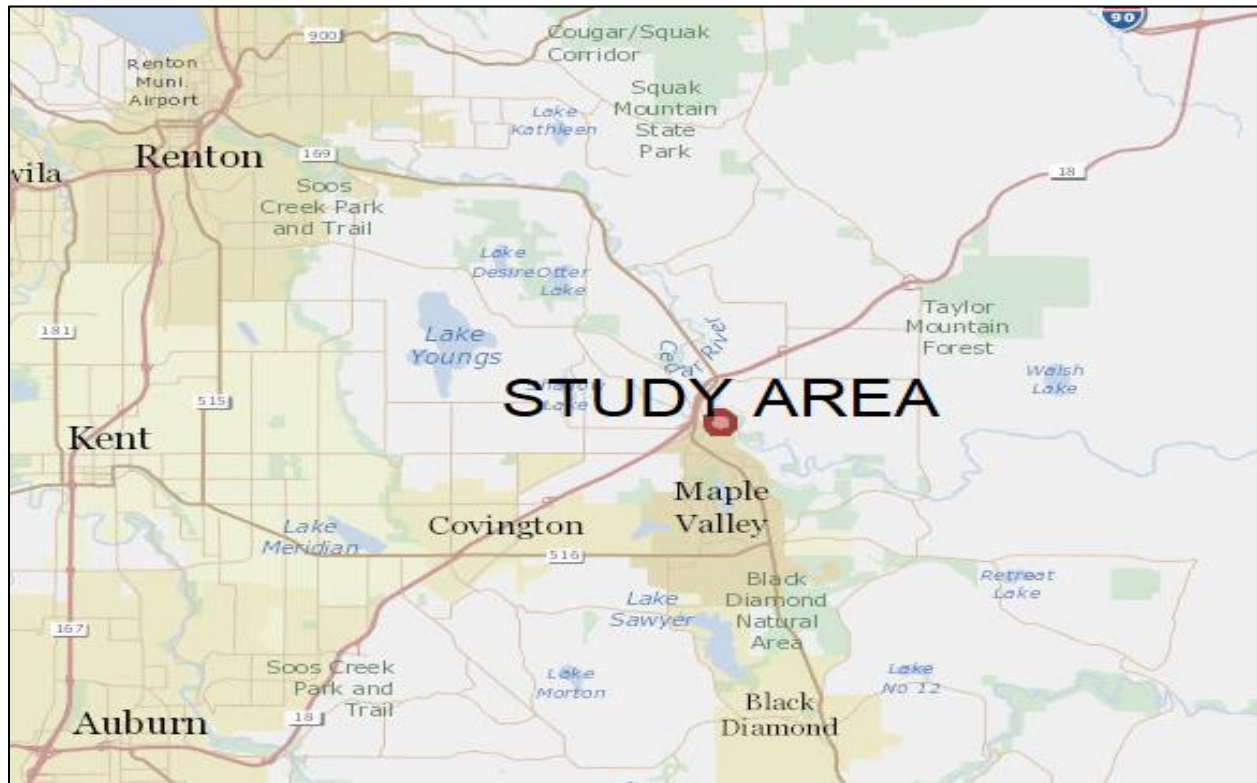
The Cedar River is approximately 500 feet to northeast from the northern portion of the site.

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<sup>4</sup> K.C.C. [\[LINK\]](#)

## D. Maps and Photos

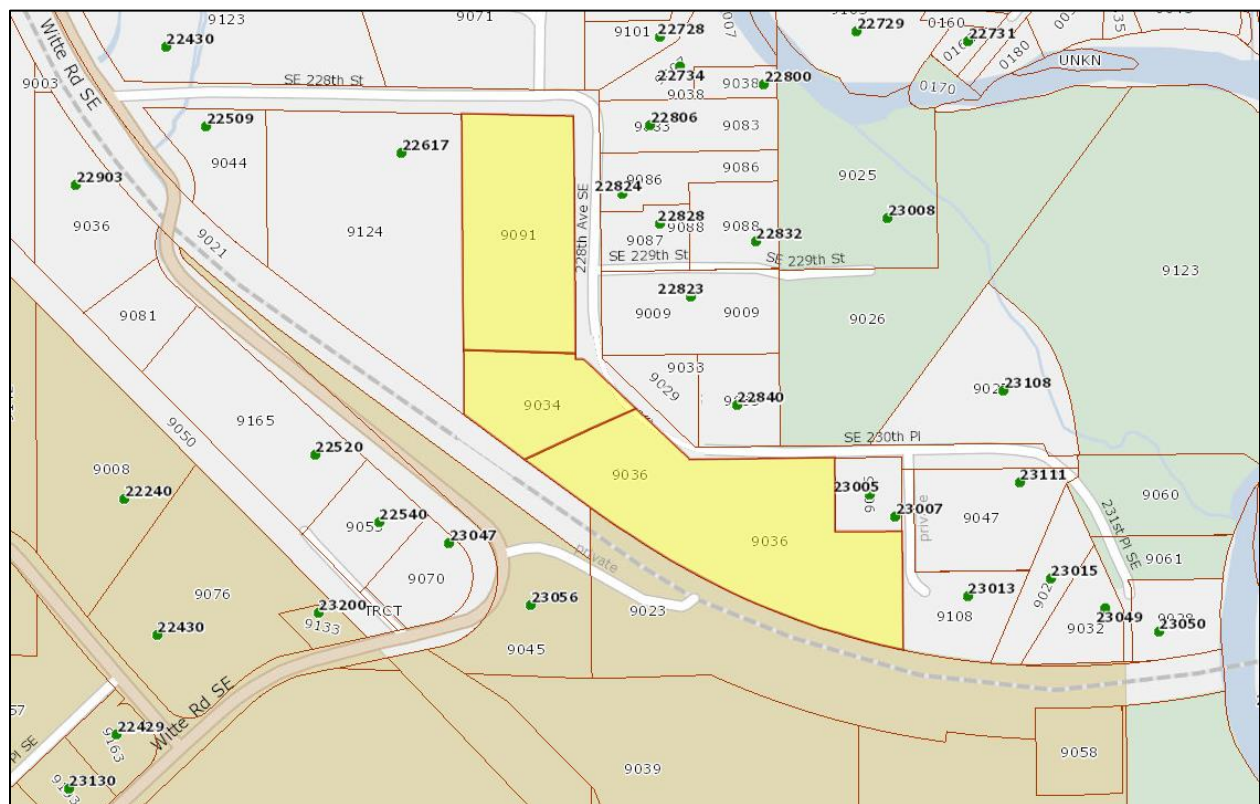
### 1. Vicinity Maps<sup>5</sup>



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<sup>5</sup> iMap [\[LINK\]](#)



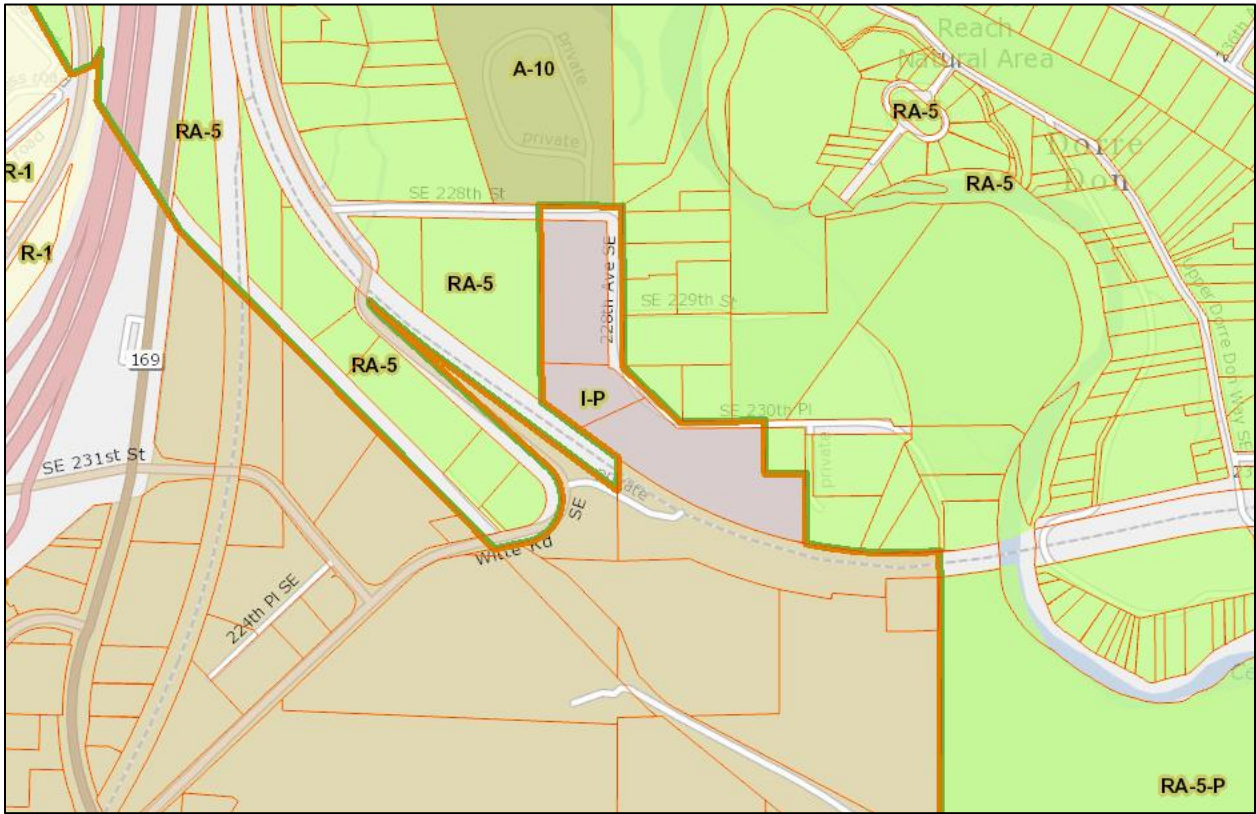








3. Zoning Map<sup>7</sup>



<sup>7</sup> iMap

#### 4. Photos<sup>8</sup>

a. Witte Road looking south and just south of intersection with 228<sup>th</sup> Street. Cedar River Trail (old trestle) crossing.



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<sup>8</sup> Google Maps [\[LINK\]](#)



b. Looking east onto SE 228<sup>th</sup> Street from Witte Rd.



c. Looking south onto 228<sup>th</sup> Avenue from 228<sup>th</sup> Street.





d. Looking south near the transition from SE 228<sup>th</sup> Ave to SE 230<sup>th</sup> place. Note the low utility lines.





e. Looking east onto SE 230<sup>th</sup> from 228<sup>th</sup> Ave. The utility pole on right is near the SE edge of property.



### III. Regulatory Context and Analysis

#### A. Countywide Planning Policies

Considering the context in which this site sits, it could be considered for redesignation from urban to rural, as guided by Policy DP-19 in the Countywide Planning Policies (CPPs):

**DP-19:** Allow redesignation of Urban land currently within the Urban Growth Area to Rural land outside of the Urban Growth Area if the land is not needed to accommodate projected urban growth, is not served by public sewers, is contiguous with the Rural Area, and:

- a) Is not characterized by urban development;
- b) Is currently developed with a low density lot pattern that cannot be realistically redeveloped at an urban density; or
- c) Is characterized by environmentally sensitive areas making it inappropriate for higher density development.



The site appears to meet these criteria for being removed from the UGA, as follows.

As industrial-zoned land, these parcels are not needed to accommodate projected urban employment growth; sufficient non-residential capacity exists elsewhere within the urban unincorporated area. This site is currently in the UGA, but is not affiliated with a city. The only potential annexation would be to the City of Maple Valley, however, the City has not affiliated it, nor intends to, due to its lack of infrastructure, topographical separation, sensitive areas, and separation by linear utility and park ROWs. Based upon Table DP-1 “King County Growth Targets” in the CPPs and the 2021 Urban Growth Capacity Report, the site is not needed to accommodate projected employment growth:

- The City of Maple Valley has an employment growth target of 1,570 jobs in the 2019-2044 planning timeframe.
- The City of Maple Valley has adequate jobs capacity within its incorporated limits.
- If Maple valley intended to annex this area, it still wouldn't be needed by the City to accommodate its projected employment growth.

The site is not served by public sewers and is contiguous with the Rural Area.

As shown on the aerial maps and photos, and confirmed with site visits, the area is not characterized by urban development. The site is vacant and has lack of utilities and limited road infrastructure and site access.

The site has environmentally sensitive areas, including seismic hazards, CARAs, a wetland, erosion hazards, and landslide hazards. These environmentally sensitive areas, and associated buffers and mitigations, make higher density (or intensity) development inappropriate.

## **B. King County Comprehensive Plan**

As shown in the policies below (emphasis added), the Comprehensive Plan encourages preservation and development of industrial sites, while also encouraging those sites to avoid conflict with surrounding rural residential areas and address access issues. Balancing these policy goals is necessary for the evaluation in this study.

**ED-102** The focus for significant economic growth will remain within the Urban Growth Area, while within the Rural Area, the focus will be on sustaining and enhancing prosperous and successful rural businesses as well as encouraging new businesses that support and are compatible with the rural economic clusters.

The site is very unlikely to contribute significantly to the economic vitality of the area due to its limited size, infrastructure, and rural-proximate location.

**ED-204** King County shall encourage redevelopment of and reinvestment in industrial and manufacturing properties by collaborating with other jurisdictions and the private sector to remove, revise, or streamline regulatory or other redevelopment barriers without compromising environmental standards or quality. This includes assessment and/or remediation of contaminated properties.

The study area contains environmental constraints that may result in long-term degradation to the environment if the site were to be developed at urban industrial levels.

**ED-211** King County should support programs and strategies to preserve and plan for an adequate supply of industrial and commercial land, including but not limited to:

- a. Complying with the State of Washington Buildable Lands Program – RCW 36.70A.215 – and, in cooperation with the cities, inventory and monitor the use of industrial, commercial, and residential lands every five years;
- b. Partnering with other jurisdictions and the private sector, to advocate for development and maintenance of a regional Geographic Information System to track the supply of land;
- c. Actively applying for federal, state, and other resources to help defray the costs of assessment, remediation, and redevelopment of private and/or public Brownfields;
- d. Selling county-owned surplus industrial and commercial lands for development by the private sector;
- e. Promoting the redevelopment and infill of industrial and commercial areas and explore the feasibility of using incentives to achieve this goal; and
- f. Preventing the encroachment of non-industrial uses on industrially-zoned land and the rezoning of industrial land to other uses.

The County should carefully consider the preservation of industrial lands for their continued ability to support the economic vitality of the County. In this situation, the land is not a viable candidate for productive industrial or commercial use. It lacks public sewer, has known critical area constraints, and the location (surrounded by rural area on three site and separated from the City by the Cedar River Trail) would substantively impact nearby Rural Area properties. The site constraints would limit the site from meaningfully contributing to the County's employment supply or industrial products.

**U-115** King County shall provide adequate land capacity for residential, commercial, industrial and other non-residential growth in the urban unincorporated area. This land capacity shall include both redevelopment opportunities as well as opportunities for development on vacant lands.

The site is physically located in the urban unincorporated area of King County. The study area has not been claimed by the adjacent jurisdiction for potential annexation, is not needed to accommodate growth in the urban area, and is not suitable for urban industrial or commercial development.

**U-172** Within the UGA, but outside unincorporated activity centers, properties with existing industrial uses shall be protected. The county may use tools such as special district overlays to identify them for property owners and residents of surrounding neighborhoods.

The property is vacant. Any new industrial uses would negatively impact the rural character of the surrounding Rural Area.

**U-173** Industrial development should have direct access from arterials or freeways. Access points should be combined and limited in number to allow smooth traffic flow on arterials. Access through residential areas should be avoided.



The study area is accessible from west on SE 228<sup>th</sup> Street, from its intersection with Witte Road SE. SE 228<sup>th</sup> Street is a local street that serves residential uses in the vicinity of the study area. SE 228<sup>th</sup> Street does not currently have the capacity to serve industrial traffic.

**U-102** The Urban Growth Area designations shown on the official Land Use Map include enough land to provide the countywide capacity, as required by the Growth Management Act, to accommodate residential, commercial and institutional growth expected over the period 2006-2031. These lands should include only those lands that meet the following criteria:

- a. Are characterized by urban development that can be efficiently and cost effectively served by roads, water, sanitary sewer and storm drainage, schools and other urban governmental services within the next 20 years;
- b. Do not extend beyond natural boundaries, such as watersheds, which impede provision of urban services;
- c. Respect topographical features that form a natural edge, such as rivers and ridge lines;
- d. Are sufficiently free of environmental constraints to be able to support urban growth without major environmental impacts, unless such areas are designated as an urban separator by interlocal agreement between jurisdictions;
- e. Are included within the Bear Creek Urban Planned Development sites; and
- f. Are not Rural Area or Natural Resource Lands.

Consideration should also include whether the site meet the criteria for having a UGA designation. In this case, the lands are not needed to support countywide capacity for growth. They are not characterized by urban development and likely could not be effectively served by urban services due to the physical separation from the City. Given the substantive critical areas conditions on the site, they are also not "sufficiently free of environmental constraints to be able to support urban growth without major environmental impact."

**R-202** The Rural Area geography shown on the King County Comprehensive Plan Land Use Map include areas that are rural in character and meet one or more of the following criteria:

- a. Opportunities exist for significant commercial or noncommercial farming and forestry (large-scale farms and forest lands are designated as Resource Lands);
- b. The area will help buffer nearby Natural Resource Lands from conflicting urban uses;
- c. The area is contiguous to other lands in the Rural Area, Resource Lands or large, predominantly environmentally critical areas;
- d. There are major physical barriers to providing urban services at reasonable cost, or such areas will help foster more logical boundaries for urban public services and infrastructure;
- e. The area is not needed for the foreseeable future that is well beyond the 20-year forecast period to provide capacity for population or employment growth;
- f. The area has outstanding scenic, historic, environmental, resource or aesthetic values that can best be protected by a rural designation; or
- g. Significant environmental constraints make the area generally unsuitable for intensive urban development.

Similarly, Policy states that only one of the listed criteria needs to be met in order to have the Rural Area land use designation. The site is rural in character and meets four of the seven thresholds (being contiguous with other Rural Area lands, having physical barriers for providing urban services and not fostering local boundaries for such services; not being needed for future growth, and having significant environment constraints making the site unsuitable for intensive urban development).

### **C. King County Code**

TR-P17 limits uses of the site to those that do not require a Conditional Use Permit (CUP). This is appropriate to avoid the more intense uses or uses with potentially more impacts than those permitted outright. This is likely in recognition of the site infrastructure limitations, environmental constraints, and surrounding rural character. Additionally, the CARA I designation further restricts or prohibits land uses that pose a potential risk to the aquifer, most of these restrictions are on industrial type uses.

Should the zoning remain urban industrial, the condition should remain to keep these protections. If the site is removed from the UGA but retains industrial zoning, the condition would not be needed, as it would be redundant to the code provision already limits rural industrial sites to those that do not require a CUP.<sup>9</sup> If the site is removed from the UGA and changed to RA (Rural Area) zoning, the condition would not be needed, as only a small set of appropriately sized and scaled industrial uses are allowed in that zone.

The TR-P17 condition concerning a “master drainage plan” is redundant to the King County Surface Water Design Manual requirements and the designation of the site as a CARA I, which require groundwater study and drainage plan review and approval.

## **IV. Equity and Social Justice Analysis**

Substantive equity and/or social justice issues are not anticipated at this time due to both the de minimis change in development potential were the change to occur, and because this area has a low 2019 Equity Score of 1.67.<sup>10</sup> This score indicates a low presence of priority populations identified in K.C.C. Chapter 2.10 (people of color, people with low incomes, and/or people with limited English proficiency).

## **V. Public Engagement**

Ownership of the property is in a partnership. During the 2016 evaluation of the site, discussion with the owner representative provided some insight and, generally, that they preferred to retain the current urban status. A concern identified was that, without an urban designation and the possibility of the site being served by sewers, use of the site would be significantly limited because septic design would likely be very difficult based on the property not infiltrating sufficiently and many industrial uses not being permitted to discharge to septic systems. The owner represented that some feasibility had been explored to serve the site through an existing sewer easement and a pressurized/pump system that would get sewer effluent to a location to the south where sewer service exists by Soos Creek within the City of Maple Valley.

<sup>9</sup> K.C.C. 21A.08.080.B.11

<sup>10</sup> King County Census Viewer (arcgis.com) [\[LINK\]](#) Scores range 1 to 5, with higher scores representing a more diverse, less wealthy population.

In 2023, the property owner's representative was contacted to discuss the potential redesignation the properties. At that time, they had no additional comment, but indicated they would follow up with the County as appropriate.

Public notice of the evaluation of the land use and zoning for this area was identified in:

- **The Draft Executive Early Concepts Proposals of the 2024 Update** that was issued for public review and comment January 30 through February 24, 2023. Notice of the comment period was provided via the County website, County email distribution lists, social media, and printed notices. The Early Concepts Proposals included an initial, high-level recommendation that the property be removed from the UGA, rezoned as RA-5, and that the p-suffix condition be removed. No public comments were received on this item.
- The Executive's draft recommendation in this study, as well as an associated implementing land use and zoning map amendment, in the **Public Review Draft of the 2024 Update** that was issued for public review and comment in June to July 2023. Notice of the comment period was provided via the County website, County email distribution lists, social media, and area-specific newspaper notices. No public comments were received on this item.

#### IV. Conclusion and Recommendation

The development conditions restricting uses to those that do not require a Conditional Use Permit limit the types of uses that would likely conflict with the surrounding Rural Area. This condition is the same as the rural industry standards contained in the code. The condition concerning a "master drainage plan" is also redundant to current code provisions. The combination of these conditions treats this site as if it is in the Rural Area, which is appropriate given its location and surrounding environment.

The City of Maple Valley does not have plans to annex this site and it is not represented in their Comprehensive Plan for growth. Further, the site currently lacks urban services and infrastructure adequate for an urban industrial site, has environmental constraints, and is surrounded on three sides by rural residential properties. It also abuts an agricultural parcel, (use and zoning A-10) which may create further incompatibilities.

No progress has been made in over 20 years to urbanize it, improve infrastructure, or make it suitable for urban or industrial development.

This site's lack of infrastructure, critical areas designations, proximity to rural residential development, a regional recreation trail corridor and the Cedar River habitat, strongly suggest a Rural Area designation and zoning is appropriate.

#### Recommendation

This study recommends the following for parcels 1622069091, 1522069034, and 1522069036:

- removal from the UGA;
- change the land use designation from "i" (Industrial) to "ra" (Rural Area);
- change the zoning classification from I (industrial) to RA-5 (Rural Area, one home per five acres); and
- removal of TR-P17 from the site and repeal from the zoning atlas.