



Kent Pet Cemetery Area Zoning and Land Use Study 2024 King County Comprehensive Plan December 2023

I. Overview

This study considers a "mini Docket"¹ request submitted as part of scoping for the 2024 Update to the King County Comprehensive Plan (2024 Update),² related to evaluating the zoning and land use designation on parcel 1522049162 and the surrounding area in urban unincorporated King County near Kent.

II. Land Use Information

A. Parcel and Vicinity Information

Parcel Number	Property Name/ Ownership	Land Use Designation	Zoning Classification	Development Conditions	Acreage	Present Use
1522049162	Seattle-Tacoma Pet Cemetery	i	I-P	GR-P03	2.12	Pet Cemetery

The subject property is in a small node of urban unincorporated King County near the Interstate 5 (I-5) and State Route 516 (SR-516, also known as Kent-Des Moines Road) interchange, within the City of Kent's "Midway" Potential Annexation Area. The parcel is 2.12 acres in size and has an Industrial (I) zoning classification and Industrial (i) land use designation, with a property-specific development condition (p-suffix) that limits the allowed uses to long-term storage of recreation vehicles (RVs). The parcel was previously zoned Neighborhood Business (NB) before being rezoned to Industrial in 2001.³

The Seattle-Tacoma Pet Cemetery is located on the site; the property was purchased in 2012 by the current owner.⁴ The current pet cemetery use on the property has been in place since

¹ The Docket is an opportunity for the public to request changes to the Comprehensive Plan, land use designations and zoning classifications, and development regulations. [\[LINK\]](#) The Executive utilized a "mini Docket" process during scoping for the 2024 Update, which was an additional opportunity for the public to submit requests for changes in a more expedited manner than the full Docket process.

² King County Comprehensive Plan [\[LINK\]](#)

³ Ordinance 14044 [\[LINK\]](#)

⁴ King County Assessor Property Detail [\[LINK\]](#)

1951 and recently received a historic designation from the King County Landmarks Commission.⁵

There are three buildings on the site, as follows, as well as a cell tower:

- 280 square foot office building
- 816 square foot storage building
- 165 square foot shed

We know of no easements or deed restrictions on the site, nor is the property enrolled in any current use taxation programs. However, the historic landmark designation decision does impose the following "protection measures" on the parcel:

"Controls: No feature of significance may be altered, nor may any new construction take place within the designated boundaries, without first obtaining a Certificate of Appropriateness from the Commission pursuant to the provisions of King County Code 20.62.080. The following exclusions are allowed:

1. In-kind maintenance and repair
2. Routine landscape maintenance
3. Emergency repair work
4. New burial plots and marker"⁶

The properties in the vicinity of this site are generally commercially or residentially zoned, except for one industrial zoned property.

The property immediately to the north (parcel 1522049053) is zoned Industrial and is used as a private commercial parking lot for trench and traffic safety equipment. The property has a p-suffix GR-P04⁷ that includes conditions intended to protect nearby residential properties from impacts of intensive uses that might be permitted in the Industrial zone, as follows:

- "Excluding all "I" zone uses within the "resource lands" classification of KCC 21A.08.090;
- Excluding any "I" zone uses within the "manufacturing" classification of KCC 21A.08.080 that require a conditional use permit or special use permit;
- Excluding any "I" zone uses within the "regional uses" classification of KCC 21A.08.100 that require a conditional use permit or special use permit; and
- All uses shall be entirely within an enclosed building; provided that outside storage that is accessory to an authorized use, and usual and customary shipping, delivery and parking activities, may be permitted with a solid view-

⁵ King County Landmarks Commission - Findings of Fact and Decision - Seattle-Tacoma Pet Cemetery, September 1, 2022

⁶ "Features of significance" are defined in the Findings of Fact and Decision as: "the small office building, historic grave markers, circulation roads/paths, block demarcations and cemetery layout, and all open land area within the designated boundaries (for new construction only.) The existing cell tower and accessory equipment within the fenced area are not features of significance, however, any proposed increase in height or footprint of the cellular facility is considered new construction within the designated boundaries and is subject to the protection measures ..."

⁷ GR-P04 [\[LINK\]](#)

obscuring fence and a supplemental landscaped buffer, where needed along the east and south property lines to reduce impacts."

North of the parking lot property is parcel 1522049035, which is zoned Neighborhood Business and has a public storage use. The parcel has a p-suffix GR-P01⁸ that limits the property to the mini-storage use, sets roadway access conditions, and establishes thresholds for future changes to the use limitation. All properties further north are on the other side of SR-516, located within Kent city limits, zoned MCR (midway commercial residential), and mostly publicly owned by either the City of Kent or the City of Seattle (primarily encompassing a landfill and natural areas).

The property immediately to the south (parcel 8075400550) is zoned Neighborhood Business and has a convenience store and a duplex on the site. South of that property is parcel 8075400560, which is zoned R-12 (residential, 12 homes per acre) and has a duplex and a triplex on the site.

Parcels east and further southeast of the site are zoned R-4 (residential, four homes per acre). Parcels to the west are located within Kent city limits, with CC (community commercial) zoning. Parcels to the southwest are also located within Kent city limits, with SR-6 (single family, six homes per acre) zoning.

B. Infrastructure and Services

The site is served by public water and sewer via the Highline Water District and City of Kent, respectively. South King Fire and Rescue provides fire protection services.

The parcel is an unincorporated area island that is only accessible by crossing through the City of Kent. The site fronts Military Rd S on the east, which is the primary vehicle access to the site. Access is also available to the west via 38th Ave S but is gated.

The closest transit access is at the Kent-Des Moines Park & Ride approximately 1/4 of a mile away, which is served by King County Metro routes 162, 165, 190, 193, 197, and Sound Transit route 574. Approximately 1/2 of a mile away, a new Sound Transit Kent-Des Moines light rail station is anticipated to open in 2024, which is planned to include transit-oriented development.

The closest recreation facilities are Grand View Park, approximately 1/2 of a mile to the north and the Green River Trail, approximately 1/2 of a mile to the east.

The parcel is approximately 1/4 of a mile southeast of the I-5 and SR-516 interchange. The interchange is currently undergoing improvements as part of the Washington State Department of Transportation's "SR-509, I-5 to 24th Avenue South – Expressway Project (Stage 1b)" project.⁹ This is a portion of a larger "SR-509 Completion Project", which will extend State Route 509 (SR-509) from where it currently ends by Sea-Tac International Airport to I-5. Stage 1b will occur between 2021 and 2025 and includes improvements to the I-5 and SR-516 interchange, creating an I-5 undercrossing at Veterans Drive (north of the interchange) and wider sidewalks and a shared use path at the interchange to support connections to the future light rail station. The planned interchange improvements are not expected to have direct

⁸ GR-P01 [\[LINK\]](#)

⁹ Link to SR 509, I-5 to 24th Avenue South – Expressway Project [\[LINK\]](#)

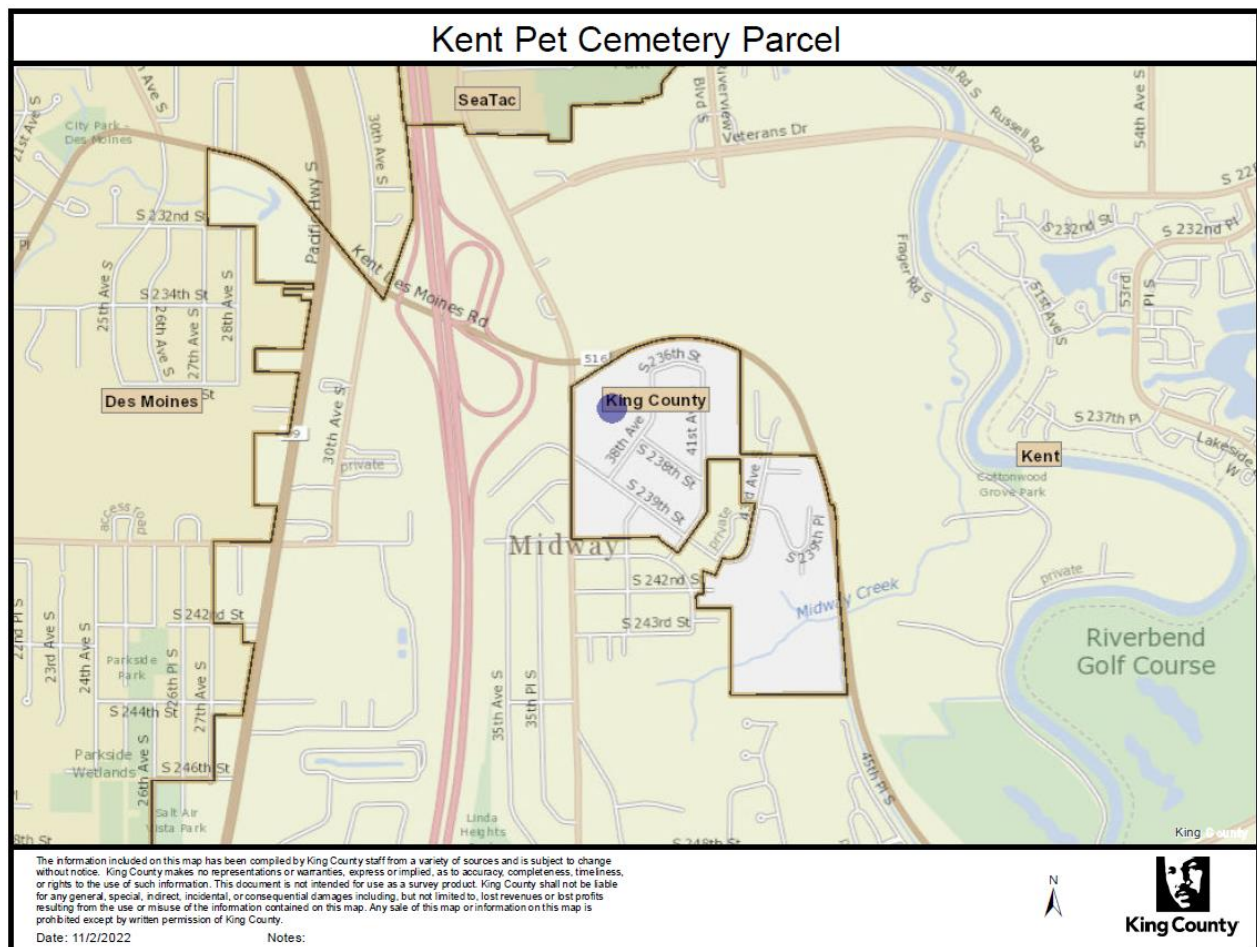
impacts to the pet cemetery property, though it might increase development pressure in the vicinity.

C. Environmental Constraints

The site is relatively flat, and there no known environmental constraints on the site or in the immediate vicinity. The Green River is nearby, but the study area is outside of the associated mapped flood hazard areas.

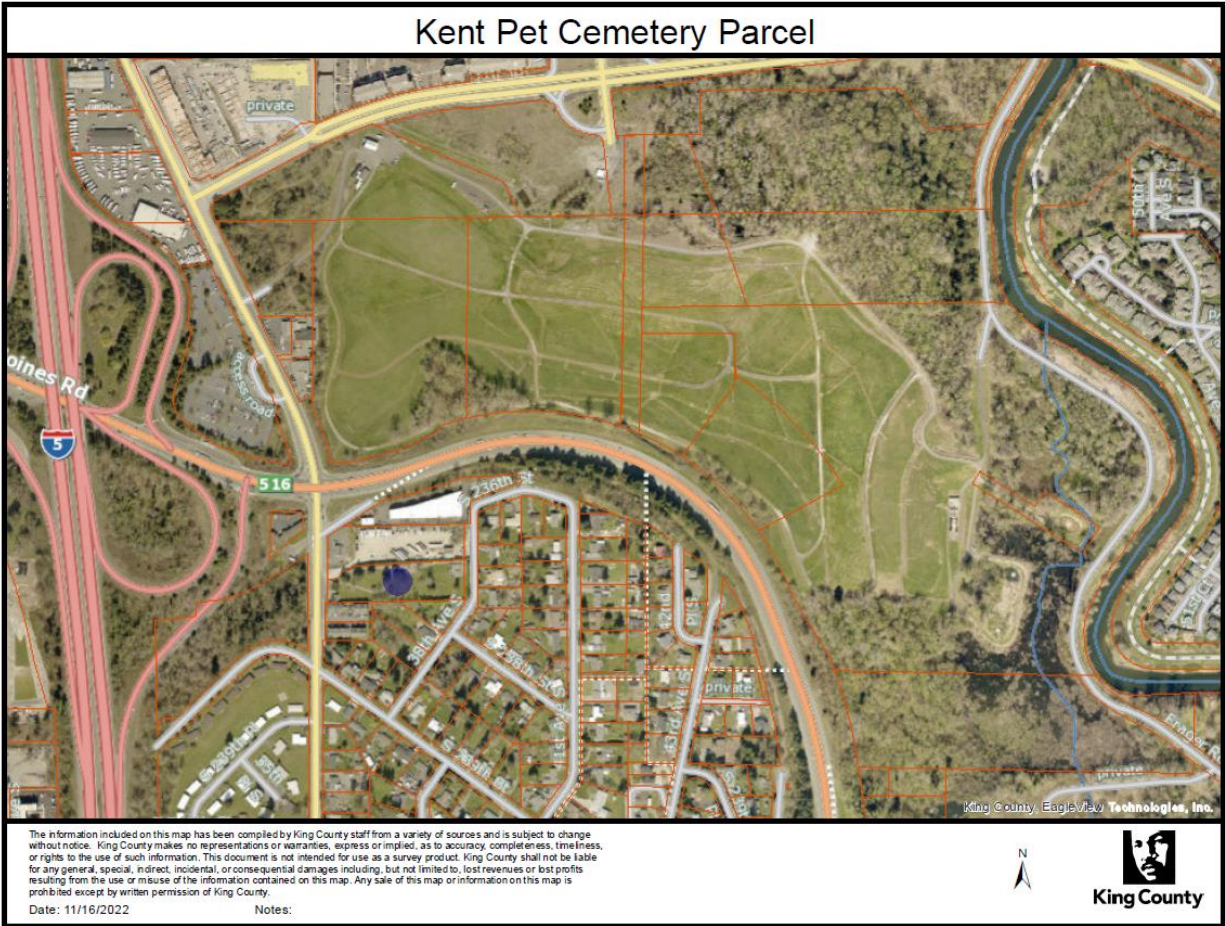
D. Maps and Photos

1. Vicinity Map¹⁰



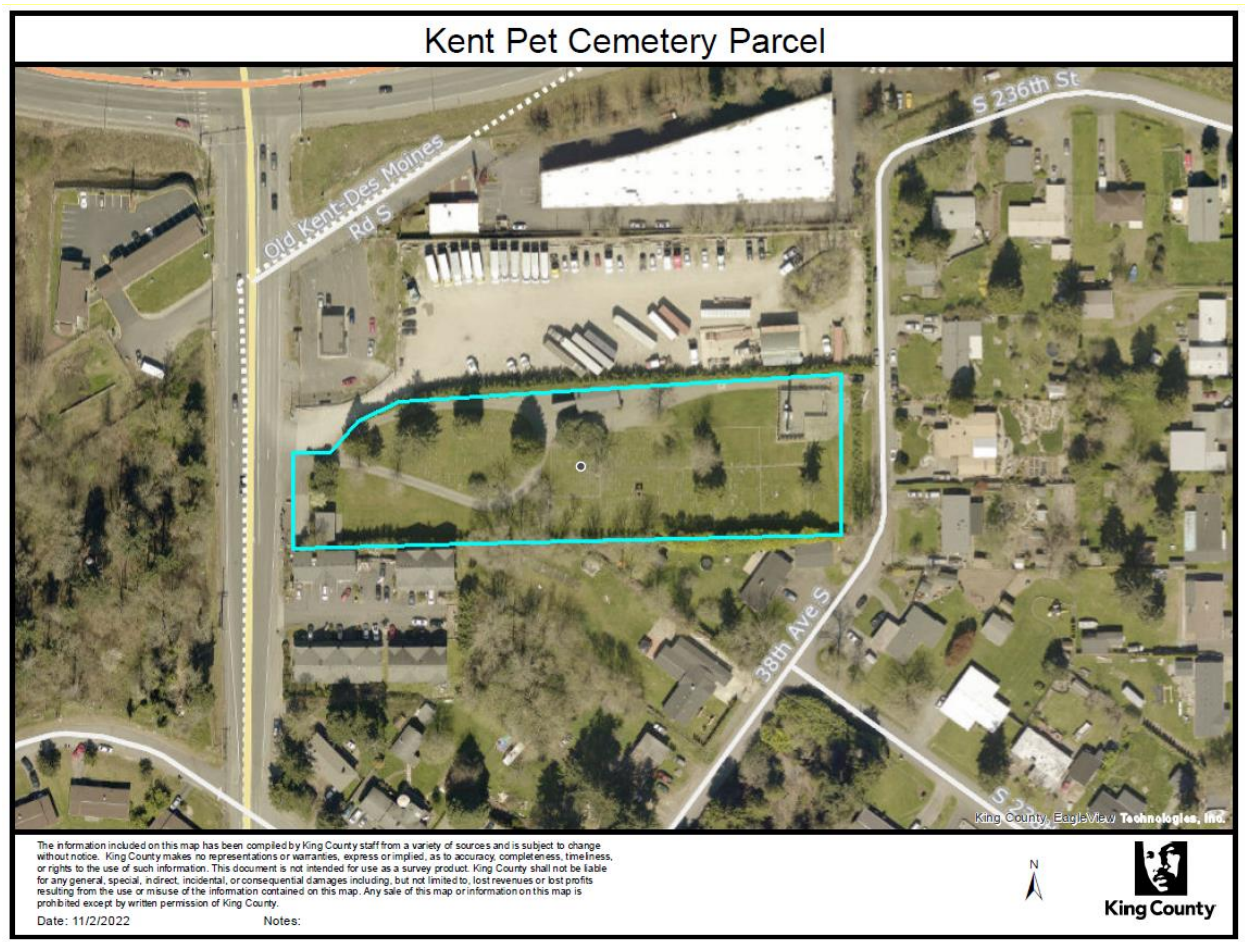
¹⁰ iMap [\[LINK\]](#)

2. Vicinity Aerial Map¹¹



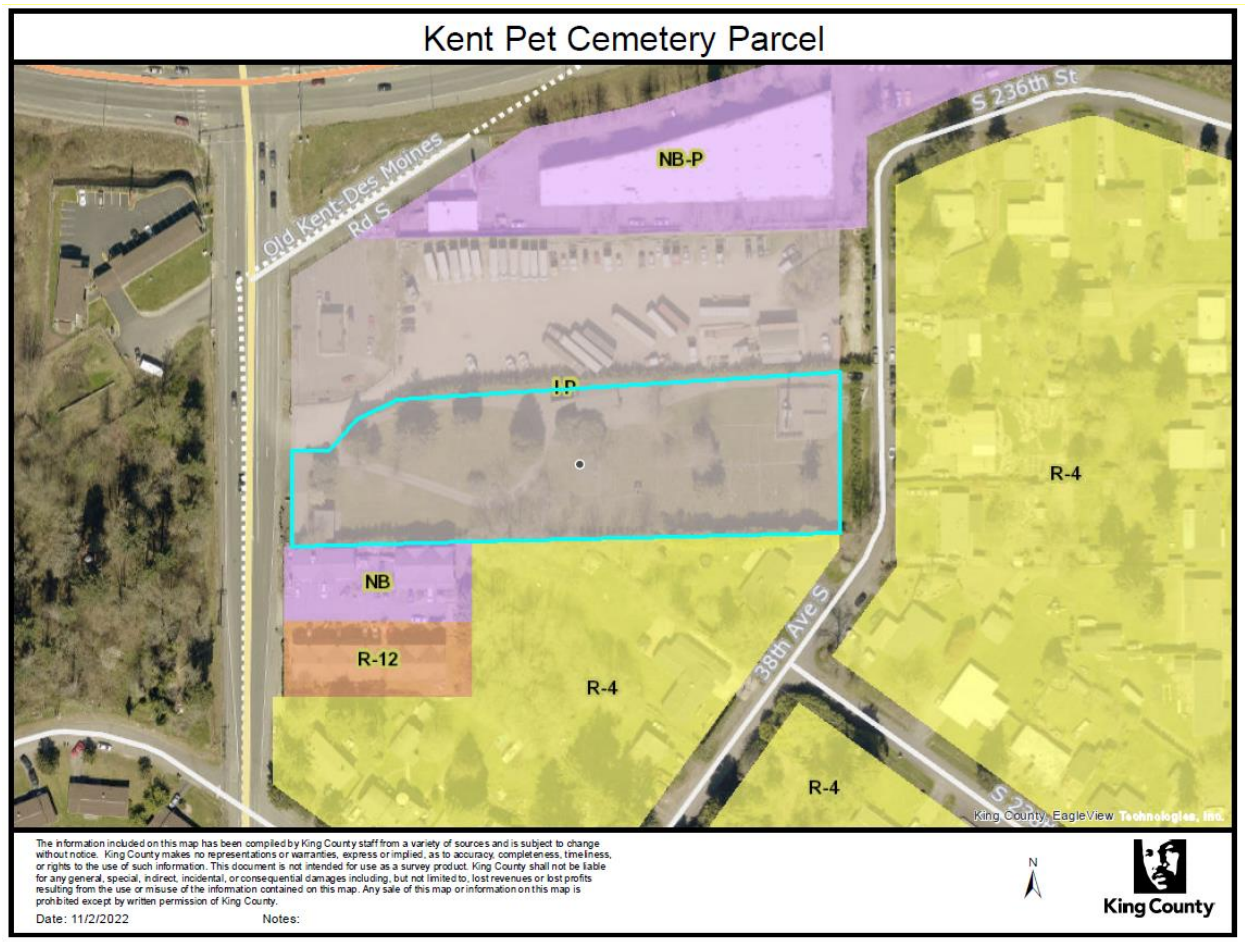
¹¹ iMap

4. Site Aerial Map¹³



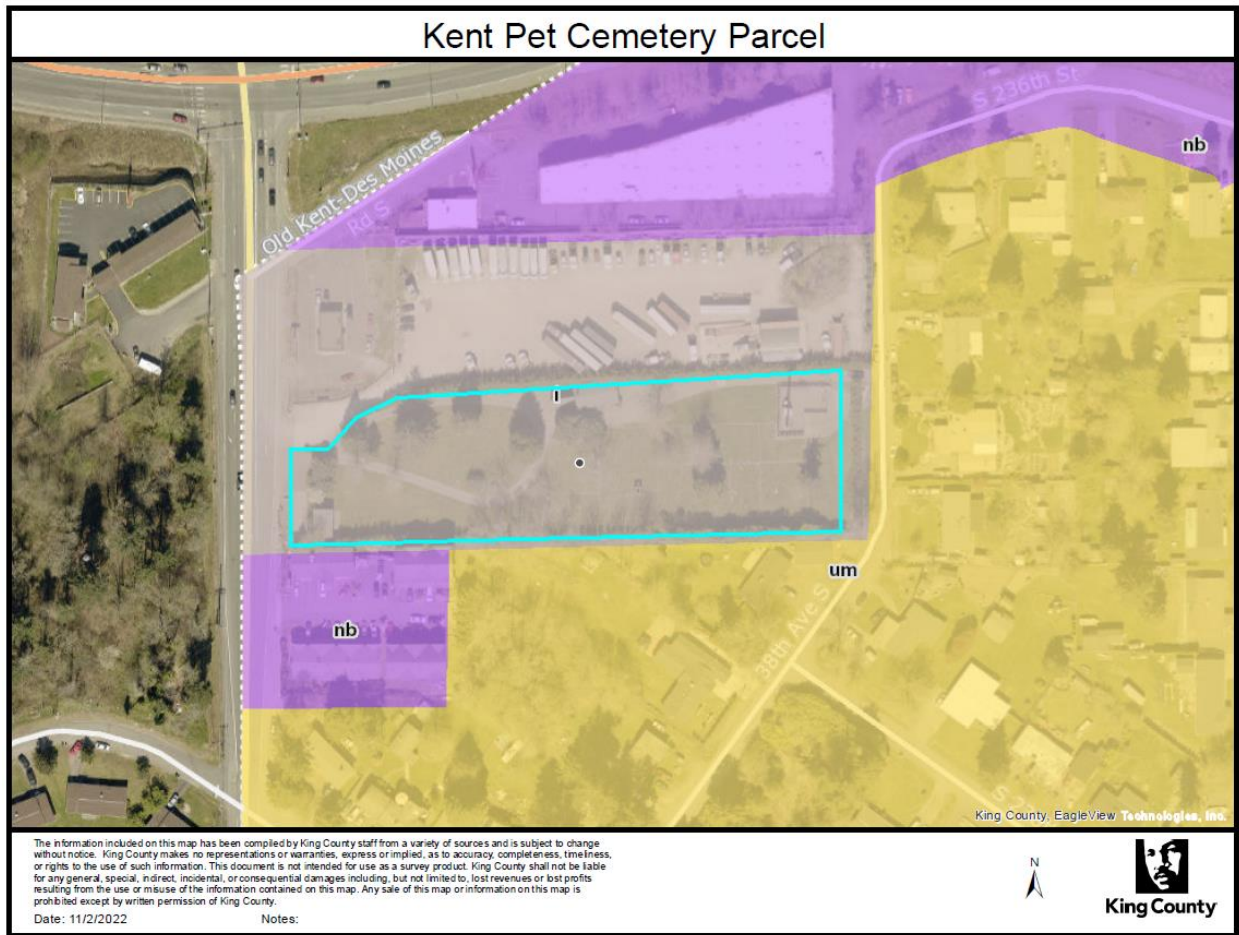
¹³ iMap

5. Zoning Map¹⁴



¹⁴ iMap

6. Land Use Map¹⁵



¹⁵ iMap

7. Photos¹⁶



¹⁶ King County Assessor

III. Regulatory Context and Analysis

The County generally zones properties based on long-range planning goals for the area and the intended purposes of the zone, consistent with direction in the Comprehensive Plan and the King County Code. Possible zoning changes considered via an Area Zoning and Land Use Study are evaluated in the context of the overall study area and are typically not imposed on individual properties in response to specific current or desired uses, however that may be taken into consideration, especially for historically designated uses.

The pet cemetery on this site includes a pet cemetery and a cell tower. King County Code establishes the zones in which each of these uses are allowed. Excerpts from the code are provided below, with color coding for clarity. The following summary and analysis are not a formal code interpretation provided for under K.C.C. Chapter 2.100 and do not guarantee permit approval nor legal conforming or nonconforming status for any of the uses.

Green = the use is allowed in that zone and is likely applicable for this site

Yellow = the use is allowed, at least in part, in that zone but is likely not applicable for this site

Red = the use is not allowed in that zone

Grey = regardless of the use, the zoning is not applicable for this site

A. Cemetery, columbarium, and crematory zoning allowances

K.C.C. 21A.08.050 General services land uses. *(excerpt; emphasis added)*

A. General services land uses.

P-Permitted Use C-Conditional Use S-Special Use			RESOURCE			R U R A L	RESIDENTIAL			COMMERCIAL/INDUSTRIAL				
IC#		SPECIFIC LAND USE	A	F	M	RA	UR	R1-8	R12-48	NB	CB	RB	O	I
7261		Funeral Home/Crematory					C4	C4	C4		P	P		
*		Cemetery, Columbarium or Mausoleum				P24 C5 and 31	P24 C5	P24 C5	P24 C5	P24	P24	P24 C5	P24	

B. Development conditions.

4. Only as accessory to a cemetery, and prohibited from the UR zone only if the property is located within a designated unincorporated Rural Town. *(note: this part in grey is likely not applicable to this site)*

5. Structures shall maintain a minimum distance of one hundred feet from property lines adjoining rural area and residential zones.

24. Limited to columbariums accessory to a church, but required landscaping and parking shall not be reduced.

31. Subject to review and approval of conditions to comply with trail corridor provisions of K.C.C. chapter 21A.14 when located in an RA zone. *(note: this part in grey is likely not applicable to this site)*

Per the zoning code excerpts above, cemeteries, columbariums, and crematories are not allowed in the Industrial (I) zone. This means those uses on this site would likely be considered legal nonconforming uses under the current zoning.

There has been general public interest in rezoning the property to Neighborhood Business (NB), given that the property had NB zoning prior to 2001 and that there is NB zoning on two nearby unincorporated parcels. In the NB zone, a "cemetery" use is only allowed as a columbarium (i.e., no burial plots in the ground) and only if there is a church on site; neither of these conditions applies here. Crematories are also not allowed. This means that if the property were to be rezoned to NB, the current uses would likely continue to be nonconforming, as is the case with the current Industrial zoning. The same use conditions and nonconformance would apply under the Office (O) zone as well.

Given the nonconformance issues with the NB, I and O zones, other zones to consider include urban residential (UR, R-1 through R-48). These zones allow cemetery, columbarium, and crematory uses with a conditional use permit as long as any structures maintain a 100-foot distance from any adjacent urban residential zoned properties. This does not appear to be an issue with the current configuration of the site but would likely need to be kept in mind if any structures are added in the future near the urban residential (R-4) zoned properties south or east of the site. The use could likely be allowed outright if it was a columbarium with an on-site church, but the site does not appear to meet this condition, so a conditional use permit would likely be required to come into full conformance.

The Rural Area (RA), Community Business (CB), and Regional Business (RB) zones are not appropriate in this case, as the property does not appear to meet the underlying thresholds in the Comprehensive Plan and K.C.C. Chapter 21A.04 as to where those zones can be applied.

The zoning of other cemeteries in unincorporated urban King County was analyzed as part of this study, based on a survey of cemeteries completed by the Historic Preservation Program in 2010. The survey identified two cemeteries in the Potential Annexation Areas for Carnation and Duvall; however, because those are Cities in the Rural Area, they have different zoning considerations not applicable to this site within the contiguous Urban Growth Area. The survey identified another urban unincorporated cemetery near Kent with urban residential R-1 zoning.

B. Cell tower zoning allowances

Under the definitions in K.C.C. 21A.06.210 and 21A.06.215, cell towers are minor communication facilities. K.C.C. 21A.08.100.B.17. establishes that minor communications facilities are regulated under K.C.C. Chapter 21A.27. Per K.C.C. 21A.27.020 and 21A.27.030, new cell towers are an allowed use in all zones, varying by permitted or conditional use depending on the height and setbacks of the tower. Antennae are a permitted use in all zones. K.C.C. 21A.27.030 establishes that different standards apply to "transmission support structures that are being modified or replaced pursuant to the provisions of K.C.C. 21A.27.090 or replace an existing transmission support structure," which are generally a permitted use under K.C.C. 21A.27.090. Additionally, U.S. Federal Communications Commission rules preempt many local regulations on personal wireless service facilities. Under 47 U.S.C. 1455 Sec. 6409 and 47

C.F.R. 17 § 1.6100, the mounting, installation, or modification of transmission equipment on existing support structures, including cell towers, that does not substantially change the physical dimensions of the tower cannot be prohibited. Given that the cell tower is already constructed, any changes to the site's zoning classification or land use designation are unlikely to impact the cell tower use.

C. Nonconforming uses

K.C.C. Chapter 21A.32 includes standards for nonconforming uses, such as setting limits on expansions, structures, or site improvements. A key limitation of nonconformance is a 10 percent limit on expansions; this may be exceeded with a conditional use permit. A conditional use permit for expanding a nonconforming use (such as for the cemetery uses if the site is zoned **Industrial** or **Neighborhood Business**) is sometimes more challenging than a conditional use permit for an allowed use (such as potentially for the cemetery uses if the site is zoned **urban residential**).

Generally, a nonconforming use is no longer allowed if the use is discontinued for longer than 12 months. However, such a use could be reestablished if sufficient documentation is provided that shows that there was no intent to abandon the use and efforts were made to reestablish the use within 12 months that the use was discontinued, such as applying for state or county permit approvals. As long as remains are still on the site, the cemetery and columbarium uses would likely still be considered an active use. It would only be considered discontinued if remains are removed from the site for longer than 12 months.

Crematories are defined and regulated in the code separately from cemeteries and columbariums. Therefore, if the site is zoned in a manner that might make the crematory a nonconforming use, and if the cremation services were to stop for a period longer than 12 months without efforts to reestablish, then the crematory use could be considered discontinued and no longer allowed; this would likely be the case even if the nonconforming cemetery and columbarium uses was still considered active.

D. GR-P03 P-Suffix Condition

The property currently has a p-suffix condition, GR-P03, that limits allowed uses to long-term storage of RVs. This condition was imposed in 2000 when the parcel (1522049162) was part of the parcel to the north (1522049053). When Parcel 1522049053 was subdivided around that same time, the p-suffix was carried forward on both parcels. In 2009, a rezone was approved that removed the p-suffix from Parcel 1522049053; there was no commensurate change to Parcel 1522049162 and the condition still remains on the property. Given the historic designation of the cemetery on Parcel 1522049162, the condition limiting the property to RV storage is inconsistent with the requirements to protect the cemetery use.

IV. Equity and Social Justice Analysis

This area has a moderate 2019 Equity Score of 3.33 (more diverse, less wealthy).¹⁷ This score indicates a moderately higher 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).

¹⁷ King County Census Viewer (arcgis) [\[LINK\]](#) Scores range 1 to 5, with higher scores representing a more diverse, less wealthy population.

Given the historic landmark designation and the existing cell tower, any potential zoning or land use changes are not expected to substantively affect the future on-the-ground land uses on the property and, thus, are not anticipated to have equity impacts in the area.

V. Engagement

Executive staff have discussed this study and possible land use and zoning changes extensively with the pet cemetery property owners. During those discussions, the property owners stated that they would like to maintain the existing Industrial zoning.

The King County Historic Preservation Program was also consulted, given the historic landmark designation on the site. Program staff are supportive of applying zoning classifications that would best support the historic use without increasing redevelopment pressure. Within that context, program staff expressed that the industrial zone would be the most concerning, and the residential zone would be the most consistent with the cemetery and crematory use.

Per Comprehensive Plan Policy U-126, in January 2023 Executive staff contacted the City of Kent about the review of the zoning and land use designations on this site, and the potential for changes. City representatives shared that Kent has not established pre-annexation land use or zoning for the property and took a neutral position on any changes. Once a recommendation is issued in the Public Review Draft, the County will reach out to the City to confirm their position.

At the time the Public Review Draft is issued, the County will also contact South King County Fire and Rescue and the Highline Water District for input on potential zoning and land use changes.

The office of King County Council District 5 (which this study area is located in) was consulted and kept informed throughout the development of this report.

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

- **Draft Executive Early Concepts Proposals of the 2024 Update** 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 did not include a specific recommendation for this study but did identify that the zoning for the property and the surrounding area were being evaluated for possible changes. Three public comments were received on this item: one supported removing the pet cemetery; one supported conservation of the cemetery; and one from the property owner supporting retention of the current industrial zoning and land use designation of the property.
- The Executive's draft recommendation in this study, as well as an associated draft implementing land use and zoning map amendment, in the **Public Review Draft of the 2024 Update** 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. One public comment was received from a representative of the property owner requesting that the County purchase the property.

Executive staff held meetings and had phone calls and email exchanges with community members advocating for zoning and land use changes throughout the process. The "mini Docket" request that initiated this study was submitted by these advocates.

III. Conclusion and Recommendation

A. Conclusion

The current cemetery uses on the property are likely to continue to be nonconforming uses should the current industrial land use and zoning be retained. Urban residential land use and zoning would allow the uses to be conforming; this would also support the historic designation and be consistent with zoning on another cemetery in the urban unincorporated area. Any potential changes to land use or zoning are unlikely to impact the cell tower use. The GR-P03 p-suffix condition is inconsistent with the historic designation.

B. Recommendation

Based on the analysis in this study, the following changes are recommended:

1. Change the land use designation from "i" (Industrial) to "ul" (Urban Residential, Low);
2. Change the zoning classification from I (Industrial) to R-1 (Urban Residential, one dwelling unit per acre); and
3. Remove the GR-P03 p-suffix condition from the property and repeal it from the zoning atlas.