

July 23, 2019

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
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www.kingcounty.gov/independent/hearing-examiner

**REPORT AND RECOMMENDATION TO THE
METROPOLITAN KING COUNTY COUNCIL**

SUBJECT: Department of Local Services file no. **LUT4180001**
Proposed ord.: **2019-0217**
Parcel nos.: **6893300620** and **3324079013**

OLD PRESTON MILL

Rezone Application

Location: 30818 Preston-Fall City Road, Preston

Applicant: Department of Natural Resources and Parks
represented by **TJ Davis**
201 S Jackson Street, Suite 700
Seattle, WA 98104
Telephone: (206) 229-3965
Email: tj.davis@kingcounty.gov

King County: Department of Local Services
represented by **Fereshteh Dehkordi**
35030 SE Douglas Street, Suite 210
Snoqualmie, WA 98065
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Email: fereshteh.dehkordi@kingcounty.gov

FINDINGS AND CONCLUSIONS:

Overview

1. Rezones are often among our most complex and contentious cases. Conversely, today's application to remove a P-suffix—allowing a defunct mill site to be redeveloped into a County park—is straightforward and non-controversial. One hiccup (a buried water district line running through the site) emerged at our hearing and caused us to keep the record open. Having sorted out that issue, we now recommend Council's approval.

Background

2. The proposal involves the old Preston Mill, established in 1886. The Snoqualmie Community Plan was prepared in the mid-1980s and approved by the Council in 1989. The Plan sought to maintain the Mill's historic operation and the area's rural and historic character via three property-specific, "P-suffix" zoning conditions.
3. As detailed in the Department of Local Services' (DLS's) report, SV-P12 applied to a small convenience store in the corner of one of the parcels. The most applicable Plan item, SV-P17, allowed the Mill to continue to operate as a legal land use. And SV-P21 contained requirements for access, buffers, building scale, permitted business and industrial uses, and storm water discharges.
4. The Mill burned down in 1989. It was never reestablished. In 1997, the Snoqualmie Community Plan was repealed, but the P-suffix zoning designations remained in effect. Also in 1997, through the Trust for Public Land the County acquired the property with the intent of converting the mill site into a passive recreational public park (Park). All Mill equipment was removed, leaving a mill pond and four remaining historic structures, three in poor condition.
5. In August 2018, Department of Natural Resources and Parks (DNRP) applied for a rezone to remove the P-suffix conditions while maintaining the parcels' underlying zoning designations. The site and surrounding area are in the Rural-designated portion of the County, with a Comprehensive Plan (Comp Plan) designation as Open Space.
6. DNRP proposes to develop the site into a Park. DNRP applied for—and DLS is reviewing Park redevelopment under—grading permit GRDE19-0042. DNRP proposes concentrating improvements and Park amenities (parking lot, new shelters, restroom, stone paths, etc.) into the already-cleared area previously used for Mill operations.
7. In April 2019, DNRP issued a Determination of Non-Significance under the State Environmental Policy Act. No appeal or comments from the public were received.

Analysis

8. Our standard for review of a zone reclassification, is:

KCC 20.22.150 Examiner duties – zone reclassification. When the examiner issues a recommendation regarding an application for a zone reclassification of property, the recommendation shall include findings on whether the application meets both of the following:

A. The proposed rezone is consistent with the King County Comprehensive Plan; and

B....3. The requested reclassification is based on changed conditions.

9. The underlying zoning—mostly Forestry (F), with a tiny portion of one parcel near the road zoned Neighborhood Business (NB)—will stay the same.¹ The reclassification will simply remove the P-suffix from those parcels. The Mill quitting the site after approximately a century easily qualifies as a changed condition for P-suffix conditions crafted to allow and manage that Mill’s ongoing operations. So subsection B is satisfied.
10. As to whether the rezone is consistent with the Comp Plan, thereby satisfying subsection A, DLS’s prehearing report thoroughly explains the P-suffix removal’s consistency with the pertinent provisions:
 - R-204 (establishing new rural, resource-base uses while protecting habitat resources);
 - S-316 (historic resource preservation/restoration education)
 - P-107 (providing parks, trails, and other open spaces);
 - S-748 (recreational development allowed in shoreline jurisdiction, if consistent with property’s shoreline environment designation);
 - S-749 (County providing public recreational uses on county-owned shoreline); and
 - P-102 (County as leader in providing regional open space).
11. We drilled down on three main questions at hearing.
12. While the Park will certainly promote historic resource education, will it also preserve those resources? DNRP proposes to repair and retain at least the one salvage-able building (the kiln) and to construct a restroom and shelter in the style of original sheds that were part of historic Mill operations. The County’s archaeologist/cultural resources officer notes that the project area has not been systematically surveyed for cultural resources; we will include, as a condition of rezone, a requirement for shovel/auger probes prior to any deep excavation.

¹ Among the Mill properties DNRP acquired in 1997 is a Rural Area (RA)-zoned property on the opposite side of the Raging River. It did not have a P-suffix condition placed on it and it is not impacted by this rezone or the current Park proposal.

13. Although passive recreation uses are generally allowed in shorelines and critical areas, will such areas, and habitat resources in general, be protected? The proposed improvements (new shelters, restroom, stone paths, etc.) will be concentrated in the already-cleared area previously used for Mill operations, minimizing the impact. As to our concern about visitor spillover into sensitive areas, DLS explained at hearing that its critical areas staff has the same concern in the context of large gatherings; grading permit review will tackle whether DNRP should be allowed to issue permits for large-scale events at the Park. Any work within the shoreline boundary triggering shoreline substantial development requirements will be evaluated through permit review.
14. What about traffic impacts? The P-suffix that discussed avoiding “additional congestion” along the Preston-Fall City Road (SV-P21) does not have a direct import, as it was limited to mitigating “industrial, commercial and residential uses,” which the Park decidedly is not. However, we nonetheless probed about traffic at hearing. The water district commissioner attendee (mentioned below) raised a concern about Park access onto Preston-Fall City Road and traffic safety. DLS noted that the Park proposal must go through traffic review to look at entering sight distance, stopping sight distance, and other traffic impacts. The Road Standards, and their detailed prescriptions for what is allowed and how it is allowed, will need to be followed during permit review. But there is nothing about converting the Mill to a Park that butts up against any County policies.
15. The one new twist at hearing is that Steven Carlson noted that the adjacent water district (Water District) has an easement for its water line running through the Park property. He expressed concern about Park construction damaging the water line or complicating future water line repairs/upgrades. That concerned us, and DLS said at hearing that it too wanted to know this information as it reviewed the pending grading permit.
16. We held the record open and requested a DNRP response. DNRP then consulted with the Water District. DNRP agreed to take several specific steps to ensure protection of the aging water line within the Park. We include these as conditions (below) of this rezone. Except as otherwise modified today, we adopt the findings and conclusions contained in DLS’s report.

RECOMMENDATION:

1. We recommend that Council APPROVE the Old Preston Mill rezone request and remove the P-suffix conditions SV-P12, SV-P17, and SV-P21 from the Mill properties, subject to the following conditions.
17. The site must be developed as a public Park for passive recreation. The proposed Park redevelopment will be reviewed under the grading permit, GRDE19-0042 and must comply with all applicable development standards.
18. King County Grading Permit GRDE18-0042 must be approved prior to any site preparation activities. The proposed redevelopment of the Park must comply with applicable provisions of the King County Surface Water Design Manual, the King County Road Design and Construction Standards, the King County critical areas

standards (KCC chapter 21A.24), and the King County clearing and grading standards (KCC chapter 16.82).

19. The site contains both aquatic and wetland areas. The wetland and aquatic areas must be protected. The proposed redevelopment of the site must comply with the critical areas standards. To the extent practical, the wetland and aquatic area buffers impacted previously must be restored or compensated for. A mitigation plan must be prepared and approved through the review of the current grading permit.
20. To the extent practical, the historic structure(s) identified on the site plan must be restored and used as an interpretive gallery. Interpretive and educational signs about the history of the site must be placed in appropriate locations for public information.
21. Areas not previously investigated as part of the site's archaeological survey must be surveyed with shovel/auger probes prior to any excavation deeper than four feet. Excavation must be monitored during the archeological survey.
22. As to the water line specifically:
 - A. The historic easement and pipe line location information is inadequate for planning and design purposes. As part of its initial design effort, DNRP located and surveyed the actual water line route using a professional surveying company, as well as a ground penetrating radar specialist (see attached schematic). The easement was also formalized on the survey using the historic legal description provided by the Water District. This data will continue to be updated and confirmed as more detail becomes available, including pipe line depth information, particularly in some known shallow areas.
 - B. The proposed Park is designed to assure that no structures or hardscapes will be located above the line. After final confirmation of the line's location, pathways and other surface improvements were moved even further away. Only a gravel trail crosses the water line at one location, then continues alongside it under the bridge. DNRP acknowledges and accepts that future water line improvements or repairs in this area will require disturbing the gravel trail. Rock armory protection from the slope is also proposed around the access vault in that area.
 - C. DNRP and the Water District will update the Water District's easement to:
 - i. Incorporate current surveyed pipeline and easement location information;
 - ii. Confirm and renew existing, historical conditions of the easement (update or clarify, if necessary);
 - iii. Address any current concerns related to ongoing DNRP operations and/or current Park use by the public;

- iv. Address any mutually agreed upon concerns related to the proposed Park improvements; and
 - v. Address Water District potential future needs related to their planned water line replacement/upgrade.
- D. DNRP and the Water District will convene a joint meeting between the Water District’s engineer, the Park’s designers and engineers, and DNRP operations staff to determine what can be done onsite in the interim to further protect the existing line from damage, either by current Park users or daily Park operations—especially in areas where the line’s depth is known to be shallower than typical modern pipeline standards. This may include barricades, fencing, better demarcation, or other onsite solutions. This joint group will also meet in the future, as the Water District continues to plan for and design the water line’s replacement/upgrade.
- E. As the proposed Park improvement plan continues through the design and permitting process, DNRP will continue to update the Water District on any changes and to seek input on any new concerns that arise. If and when proposed improvements are eventually approved and funded for construction, DNRP will also include the Water District at all pre-construction and construction update meetings.
- F. DNRP and the Water District will work together to provide approved water service for the Park.

DATED July 23, 2019.



David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

A person appeals an Examiner recommendation by following the steps described in KCC 20.22.230, including filing with the Clerk of the Council a sufficient appeal statement and a \$250 appeal fee (check payable to the King County FBOD), and providing copies of the appeal statement to the Examiner and to any named parties listed on the front page of the Examiner’s recommendation. Please consult KCC 20.22.230 for exact requirements.

Prior to the close of business (4:30 p.m.) on *August 16, 2019*, an electronic copy of the appeal statement must be sent to Clerk.Council@kingcounty.gov and a paper copy of the appeal statement must be delivered to the Clerk of the Council's Office, Room 1200, King County Courthouse, 516 Third Avenue, Seattle, Washington 98104. Prior mailing is not sufficient if the

Clerk does not actually receive the fee and the appeal statement within the applicable time period.

Unless the appeal requirements of KCC 20.22.230 are met, the Clerk of the Council will place on the agenda of the next available Council meeting a proposed ordinance implementing the Examiner's recommended action.

If the appeal requirements of KCC 20.22.230 are met, the Examiner will notify parties and interested persons and will provide information about "next steps."

MINUTES OF THE JUNE 13, 2019, HEARING ON THE APPLICATION OF OLD PRESTON MILL, DEPARTMENT OF LOCAL SERVICES FILE NO. LUT4180001, PROPOSED ORDINANCE NO. 2019-0217

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Fereshteh Dehkordi and Steven Carlson.

The following exhibits were offered and entered into the hearing record:

- | | |
|----------------|---|
| Exhibit no. 1 | Department of Local Services file no. LUT4180001 |
| Exhibit no. 2 | Preliminary department report, transmitted to the Examiner on June 13, 2019 |
| Exhibit no. 3 | Application, dated August 14, 2018 |
| Exhibit no. 4 | Environmental Checklist, received August 14, 2018 |
| Exhibit no. 5 | Declaration of Non-significance, dated April 5, 2019 |
| Exhibit no. 6 | Site Plan, dated August 14, 2018 |
| Exhibit no. 7 | Affidavit of Posting, posted September 14, 2018 |
| Exhibit no. 8 | Critical Area Study, dated May 12, 2017 |
| Exhibit no. 9 | Wildlife Habitat Assessment, dated July 25, 2018 |
| Exhibit no. 10 | Result of Archaeological Monitoring of Geotechnical Investigation, dated October 17, 2018 |
| Exhibit no. 11 | Preston Mill Rezone Comprehensive Plan Consistency Analysis Report by Ivan Miller, Comprehensive Plan Manager of Office of Performance Strategy and Budget |
| Exhibit no. 12 | Excerpts from Engineering Report and Comprehensive Plan for Water System Development for King County Water District No. 123, Preston, Washington, prepared by Kramer, Chin and Mayo, Consulting Engineers, dated April 1969 |
| Exhibit no. 13 | Preliminary site plan, annotated by Steve Larsen |

The following exhibit was entered into the hearing record on June 28, 2019:

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| Exhibit no. 14 | Email from TJ Davis (DNRP) to the Hearing Examiner, sent June 28, 2019 |
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DS/jo

July 23, 2019

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CERTIFICATE OF SERVICE

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Proposed ord.: **2019-0217**
Parcel nos.: **6893300620** and **3324079013**

OLD PRESTON MILL

Rezone Application

I, Vonetta Mangaoang, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND RECOMMENDATION TO THE METROPOLITAN KING COUNTY COUNCIL** to those listed on the attached page as follows:

- EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- caused to be placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED July 23, 2019.

Vonetta Mangaoang

Vonetta Mangaoang
Senior Administrator

Carlson, Joanne

Department of Local Services

Carlson, Steven

Casey, Laura

Department of Local Services

Davis, TJ

Department of Natural Resources and Parks

Dehkordi, Fereshteh

Department of Local Services

Eichelsdoerfer, Robert

Department of Local Services

Goll, Shirley

Department of Local Services

Miller, Ivan

Executive Services

Pedroza, Melani

Metropolitan King County Council

Reeck, Amanda

Department of Local Services

Scott, Charlie

Jones & Jones Architects

Hardcopy