



"The superior man seeks what is right; the inferior one, what is profitable."

— **Confucius**

City of Covington

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The City of Covington is a place where community, business, and civic leaders work together with citizens to preserve and foster a strong sense of community.

PLANNING COMMISSION AGENDA May 5, 2011 6:30 pm

CALL TO ORDER

ROLL CALL

Chair Sean Smith, Vice Chair Daniel Key, Jack Brooks, Sonia Foss, Bill Judd, Richard Pfeiffer, and Alex White.

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

1. Planning Commission Minutes for February 17, 2011 and March 17, 2011.

PUBLIC COMMUNICATION

2. Anderson, Baugh & Associates, LLC: 20 minute Presentation on "The Northern Notch"

CITIZEN COMMENTS - *Note: The Citizen Comment period is to provide the opportunity for members of the audience to address the Commission on items either not on the agenda or not listed as a Public Hearing. The Chair will open this portion of the meeting and ask for a show of hands of those persons wishing to address the Commission. When recognized, please approach the podium, give your name and city of residence, and state the matter of your interest. If your interest is an Agenda Item, the Chair may suggest that your comments wait until that time. Citizen comments will be limited to four minutes for Citizen Comments and four minutes for Unfinished Business. If you require more than the allotted time, your item will be placed on the next agenda. If you anticipate, in advance, your comments taking longer than the allotted time, you are encouraged to contact the Planning Department ten days in advance of the meeting so that your item may be placed on the next available agenda.*

PUBLIC HEARING

UNFINISHED BUSINESS

NEW BUSINESS

ATTENDANCE VOTE

PUBLIC COMMENT

COMMENTS AND COMMUNICATIONS OF COMMISSIONERS AND STAFF

ADJOURN

*Any person requiring a disability accommodation should contact the City at least 24 hours in advance.
For TDD relay service please use the state's toll-free relay service (800) 833-6384 and ask the operator to dial (253) 638-1110*

Web Page: www.ci.covington.wa.us

CITY OF COVINGTON
Planning Commission Minutes

February 17, 2011

City Hall Council Chambers

CALL TO ORDER

Chair Smith called the regular meeting of the Planning Commission to order at 6:35.

MEMBERS PRESENT

Chair Smith, Vice Chair Key, Jack Brooks, Sonia Foss, and Bill Judd.

MEMBERS ABSENT

Ed Pfeifer & Alex White

STAFF PRESENT

Richard Hart, Acting Director of Community Development

Salina Lyons, Senior Planner

Kelly Thompson, Planning Commission Secretary

APPROVAL OF CONSENT AGENDA

- Ø 1. Commissioner Foss moved and Vice Chair Key seconded to approve the consent agenda including the minutes for January 20, 2011. Motion carried 5-0.

CITIZEN COMMENTS – NONE

The record is noted to show that Commissioner White arrived at 6:38 p.m.

PUBLIC HEARING

2. Code Amendments for Banner Signs

Acting Community Develop Director, Richard Hart, explained that the City Council had asked that staff and the Planning Commission look at the current banner sign regulations. Currently, the banner sign permit applications require intake and review. The suggested amendments will allow permits to be issued over-the-counter. Additionally, the suggested amendments contain a size limitation, location requirements, and number of days allowed for display.

The City received comments from Washington State Department of Transportation relating to signs being placed on SR516/SR18 interchange. Approval must be given by WSDOT prior to placement of any signage being installed.

3. Decision Authority for Extension of Commercial Site Development Applications

Richard Hart explained the decision authority for Commercial Site Development Application Extension approvals currently rests with the City Council. This process could be more easily handled at a staff level. Existing regulations state that the permit approvals are valid for 3 years and the applicant can request two 1-year extensions. The suggested amendment allows for a single extension for a period of 2 years and approval at the staff level.

UNFINISHED BUSINESS

- Ø Vice Chair moved and Commissioner Foss seconded to recommend to the City Council to adopt the changes to the Covington Municipal Code 18.55.050 Code Table 1 for Special Sale/Promotional Events and Grand Openings to change the maximum number of signs to two, the maximum sign area to 32 square feet, the maximum height to not be located above the base of the roofline, and maximum length of display not exceed 120 days. Motion carried 6-0.
- Ø Commissioner Brooks moved and Commissioner White seconded to recommend to the City Council to adopt the Change of Decision Authority for Extension of Site Development Permit Approvals in Covington Municipal Code 18.110.080. Motion carries 6-0.

NEW BUSINESS

4. Discussion of 2011 Comprehensive Plan Amendment and Development Regulation Amendment Docket

Richard Hart reviewed the Comprehensive Plan Amendment Instruction Guide and Timeline with the Planning Commission. There are four (4) proposed amendments available for public review and to comment on. There have been no comments received to date. Any public comments received will be put on our website by March 4, 2011. The next step in the process is for the Planning Commission to review and discuss the four (4) proposed amendments.

There is a study session scheduled for April 12, 2011 with the Planning Commission and City Council to present the recommended docket. The City Council will hold the Public Hearing on April 26, 2011.

ATTENDANCE VOTE

- Ø Commissioner Brooks moved and Commissioner Foss seconded to excuse Commissioner Pfeifer's absence. Motion carried 6-0.

PUBLIC COMMENT

David Lucavish – Citizen and City Councilperson - The City Council appreciates all the work the Planning Commission has done over the last year. The Planning Commission went through a number of complicated issues and had a lot on their plates. The City Council appreciates the Planning Commission's opinions and comments.

COMMENTS AND COMMUNICATIONS FROM STAFF

Richard Hart noted that David Nemens is on leave for an undetermined period of time. Once further information is available it will be shared.

Daniel Key congratulated Chair Smith on receiving Commissioner of the Year award.

ADJOURN

The February 17, 2011 Planning Commission Meeting adjourned at 7:16 p.m.

Respectfully submitted,

Kelly Thompson, Planning Commission Secretary

CITY OF COVINGTON
Planning Commission Minutes

March 17, 2011

City Hall Council Chambers

CALL TO ORDER

Chair Smith called the regular meeting of the Planning Commission to order at 6:33.

MEMBERS PRESENT

Vice Chair Key, Jack Brooks, Sonia Foss, and Ed Pfeifer.

MEMBERS ABSENT

Chair Smith, Bill Judd & Alex White

STAFF PRESENT

Richard Hart, Community Development Director
Salina Lyons, Senior Planner
Scott Thomas, Parks & Recreation Director
Kelly Thompson, Planning Commission Secretary

APPROVAL OF CONSENT AGENDA

- Ø 1. Commissioner Pfeifer moved and Commissioner Foss seconded to approve the consent agenda. Motion carried 4-0.

CITIZEN COMMENTS

Barry Anderson with Branbar, LLC, asked the Planning Commission to be added to the agenda for the next Planning Commission meeting for 20 minutes for a presentation on the Northern Notch.

Jim Scott, citizen of Covington, 27030 200th Ave SE – commented that the Eastern Gateway to Covington (also known as the Northern Notch) does not reflect well on the City. The exit is covered in moss and rocks are everywhere. By looking at annexing the Notch, the City could add 70 acres of commercial property and be able to protect the stream. Some of the businesses looking at downtown Covington want freeway exposure. Annexing the Eastern Gateway would offer the City the opportunity for greater economic development: possibly a hotel and meeting place.

PUBLIC HEARING

Community Development Director, Richard Hart briefly reviewed the four items for discussion to potentially be placed on the 2011 Comprehensive Plan Amendment Docket.

Don Ramsey, Ashton Development, presented a letter for the record with regard to CPA-2011-3 and DRA-2011-1 and requested that the Planning Commission rescind CPA 2011-3 due to the hardship it will impose to the owner of the Town Center property.

Barry Anderson, Branbar LLC, asked the Planning Commission to consider an additional amendment moving the urban growth boundary for the Northern Notch. In 2007, the Planning Commission voted in support of the Northern Notch. The proposal is different and Mr. Anderson would like the opportunity to submit their proposal.

Jim Scott, citizen of Covington, urges the Planning Commission to look at the Comprehensive Plan Amendment for the Eastern Gateway (as opposed to calling this property the Northern Notch). This area is critical to the growth of our city. With regard to Comprehensive Plan Amendment CPA-2011-3, the road was originally established to promote a pedestrian friendly downtown as part of the proposed grid system. The proposed segment of 171st Ave SE was removed when there was a potential project, however, that project did not move forward. The City Council is now looking to create smaller areas. Mr. Scott is not speaking in favor or against this amendment and conveyed that the City Council appreciates the work of the Planning Commission.

UNFINISHED BUSINESS

Richard Hart referred to Agenda Item 1 and noted that time period for application for Comprehensive Plan Amendments has expired with regard to the request to consider an additional amendment to move the urban growth boundary for the Northern Notch. The Planning Commission has the right to take an amendment that has been submitted and modify it, but it appears that Mr. Anderson's request does not relate to any of the four proposed amendments. That does not preclude the Planning Commission from discussing or supporting Mr. Anderson's request or from Mr. Anderson coming before the Planning Commission and making a presentation.

- Ø Commissioner Foss moved and Commissioner Brooks seconded to recommend to the City Council the adoption of the 2011 Docket of Comprehensive Plan Amendments as presented and discussed. The motion carried unanimously, 4-0.

NEW BUSINESS - None

ATTENDANCE VOTE

The March 3, 2011 Planning Commission meeting was cancelled due to lack of quorum.

- Ø Commissioner Pfeifer moved and Commissioner Brooks seconded to excuse Commissioner Judd, Commissioner White and Chair Smith. Motion carried 4-0.

PUBLIC COMMENT

Jim Scott, City Councilperson, gave feedback on the joint utilities meeting with Covington Water and Soos Creek Water & Sewer and felt it was a great presentation.

COMMENTS AND COMMUNICATIONS FROM STAFF

Richard Hart reported that Barry Anderson also requested that the City Council allow him 20 minutes on the April 12, 2011 agenda to discuss the Northern Notch. Richard suggested that it would be appropriate to wait and see what direction the City Council gives staff and the Planning Commission at that time.

Richard also noted three items of interest to the Planning Commission: the Banner Sign Amendment, Shoreline Master Program, and the Inter-Local Agreement with Black Diamond to share building department resources will be presented at the next City Council meeting.

The April 7th Planning Commission is cancelled due to lack of agenda items and to allow time to receive direction from the City Council on the Northern Notch.

Commissioner Foss and Commissioner Brooks congratulated Richard Hart on his new position as the Director of Community Development.

ADJOURN

The March 17, 2011 Planning Commission Meeting adjourned at 7:15 p.m.

Respectfully submitted,

Kelly Thompson, Planning Commission Secretary

ANDERSON, BAUGH & ASSOCIATES, LLC.

Professional Service Consultants

P.O. Box 58792

Tukwila, WA 98138

Anderson.Baugh@Gmail.Com

425-656-7491

March 24, 2011

Mayor Margaret Harto
City of Covington
16720 SE 271st Street
Covington WA 98042

RECEIVED

MAR 31 2011

CITY OF
COVINGTON

Re: Support of Request to King County to Modify Growth Area Boundary Line

Dear Honorable Mayor Harto,

We represent a property located within unincorporated King County near Covington. We are seeking through King County a modification of the Urban Growth Area (UGA) boundary line, see attached request packet. In addition, we are asking the County to adopt the Urban Reserve (UR-P) zoning subject to conditions favorable to the City and property owners.

The applicant's site is within an area known commonly as the "Northern Notch" (Notch). The Notch is bounded by Covington on three sides. Our reading of the City's Comprehensive Plan (Figure 2.2) shows the Notch as a named Potential Annexation Area #4 (PAA#4). We believe there are important reasons, see below, why the Notch should be made a high priority staff assignment this year for study and inclusion in the City's Comprehensive Plan.

As a result of missing the City's February 1, 2011 Comprehensive Plan submittal deadline, we need the City Council's help directing City staff and the Planning Commission to add this Comprehensive Plan amendment request to the 2011 work study program for consideration this year. We stand prepared to finance City costs associated with this study effort to make sure all essential tasks are completed in 2011.

Although this area would not be eligible for annexation before the County modifies its land use designation to urban from rural in late 2012, the City could add this area to its Comprehensive Plan this year as a designated "King County Urban Growth Boundary" area identifying it as such on Figure 2.1 (City of Covington Future Land Use Map). In addition, the owner's site could be singled out by the City for immediate annexation upon King County's late 2012 Comprehensive Plan final action. Other Notch properties would annex to the City by request. The UR-P zoning in the County would help maintain existing use patterns until property

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**COUNCIL MEMBER
REAGAN DUNN**

MAR 17 2011

**RECEIVED
DISTRICT NINE**

March 16, 2011

Councilmember Reagan Dunn
King County Courthouse
516 Third Ave Rm 1200
Seattle WA 98104-3272

Re: For Addition of Enclosed Proposal as an Amendment to Scoping Motion 2011-0116

Dear Honorable Councilmember Dunn,

We come today seeking your help in putting our King County Comprehensive Plan re-designation proposal (see enclosures) for the Covington North Notch (Notch) before the Transportation, Economy and Environment Committee for consideration. This is not the first time these owners have attempted to have their property re-designated. This is, however, a different approach we hope you and your fellow councilmembers will find more appealing for its consistency with Growth Management goals and objectives and King County policy.

We are convinced also this proposal makes sense for its practical approach toward the permanent solution it provides in protecting that portion of Jenkins Creek passing through the subject site. In addition, by applying conditional zoning (we seek Urban Reserve, UR-P zoning) as part of an emerging urban area like Covington, the stage is set then for the orderly urban transition through annexations and development proposals, parcel by parcel, under the control and direction of the city. We think this approach for the systematic filling of the huge gap on the Covington's NW side is sound. Not only will the city receive over time the space it needs to grow in a logical way, the use and character of that area will be controlled by their adopted plans and policies.

We appreciate your consideration of this matter while relying on your assistance to move it before the Transportation, Economy and Environment Committee.

If you have questions regarding the proposal, please call or contact me at the address above or phone numbers provided.

Sincerely,

Dave Baugh, Partner
(206) 949-0548

Enclosures

Street Address: 7115 South 182nd Street – Suite 127, Kent WA 98032

ANDERSON, BAUGH & ASSOCIATES, LLC.

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PROPOSAL

The owners of sixty one acres (61) within an area described as the "Covington Northern Notch" (Notch) speak only for themselves regarding this matter feeling other area residents, neighbors and the City of Covington (City) are capable of putting forth proposals of their own. However, it is only after careful consideration and study of relevant growth management and King County Comprehensive Plan policies and an evaluation of previous efforts that we arrived at this solution. Our proposal was presented to City staff for informational purposes and comment. We recognize the City wants to consider its option after further study and is taking no position supporting or opposing the proposition at this time.

We think the proposal outlined below is worthy of careful consideration by the County and City. It provides excellent long-term opportunities for property owners, the County and City alike. It's also the only real permanent hope for preserving portions of the Jenkins Creek corridor.

Our proposal is for the County to re-designate all of the Notch area from "Rural" to "Urban" during the 2012 King County Comprehensive Plan update. We propose also the County rezone that same area from the current AR-5 zone classification to Urban Reserve, "UR", with a P-Suffix condition. The P-Suffix would require property owners within the re-designated Notch to seek higher density residential and commercial zoning only from the City through an annexation/rezone process. Further, the P-Suffix would prohibit parcel by parcel sewer expansion to this area without first receiving appropriate zoning and site plan approvals from the City following annexation.

The expansion of utility water service would be permitted to the Notch following required utility district comprehensive plan updates. In addition, UR-P uses would be allowed if adequate water services were available or could be made available by extension and where sewers were unnecessary.

More intense development proposals, beyond UR-P zoning, would be made to the City in line the City's procedures, codes and standards.

In recognition of the Jenkins Creek stream critical area corridor, together with associated wetlands in the Notch, the owners propose to dedicate approximately nine acres of their site to the City as the beginning of Jenkins Creek Linear Park. That land dedication would occur when zoning and permit entitlements are received from the City. Jenkins Creek Linear Park site plans, access and maintenance arrangements would be developed through the City/developer entitlement process.

ANDERSON, BAUGH & ASSOCIATES, LLC.

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AREA DESCRIPTIONS

Re-Designation and Rezone Area

All that area lying between 180th Avenue SE on the West, SE Wax Road on the North, State Road 18 on the South and 196th Avenue SE on the East, except State and local roads.

Subject Property Parcels

192206-9200

192206-9199

192206-9014

192206-9039

192206-9201

192206-9202

192206-9203

Covington's Northern Notch Interchange Center Property

Background:

State Highway SR-18 is a four lane divided limited access State bypass connecting I-5 in Federal Way at the south end and I-90 near Snoqualmie to the north. The City of Covington (City) straddles this highway about midpoint between these two Interstates. Another State Highway #516 (Kent-Kangley also known as SE 272nd St. running east/west) intersects SR-18 serving as the primary connection to the City of Kent on the west and Maple Valley to the east.

The subject property is located on the northwest quadrant of another SR-18 highway interchange at SE 256th St. The approximately 61-acre subject property fronts along the northern margin of SR-18 north of the interchange for some 3,500 feet (see attached site map). Jenkins Creek, flowing westerly under SR-18, is just at the northeastern boundary of the subject property as it flows west which then crosses the subject site's northern margin before heading back under SR-18 further south. Extensive study of this creek and associated buffers has been completed previously. The critical stream and buffer system will be protected by dedication to the appropriate jurisdiction (assumed the City) following annexation and site development approval.

The subject property occupies the entire NW quadrant of the SE 256th St/SR-18 interchange. The land is comprised of both open and timbered areas on two level benched sections. Open portions are located near the access road (186th Avenue SE) while sparse stands of second growth timber are further north and east including along the Jenkins Creek corridor and buffer. Ten to fifteen feet of elevation separate the upper and lower benches. The entire site, except the stream corridor and wetland system is comprised of well-drained soils. Other than Jenkins Creek, with its associated wetlands, there are no other drainage swales, ponds or wetlands present on the site.

Growth Management Act (GMA):

GMA, (RCW 36.70A), requires urban counties and cities to create, adopt and maintain comprehensive plans. Effective since 1990 its primarily goal, in addition to requiring urban counties and cities to create comprehensive plans for managing the spread of urban development, is to channel new growth to existing urban areas and cities where urban services can be provided at

reasonable cost. Seen as a tool to limit the spread of urban uses to rural areas, GMA gave local decision makers necessary provisions to concentrate new development in areas already served by urban services. Policies adopted in comprehensive plans by local jurisdictions provide direction to property owners regarding any future development they might expect on their own site and within local communities. The Urban Growth Area (UGA) is where all new development requiring urban services would be expected.

The bright line boundary created between urban and rural areas under GMA put all stakeholders on notice to what could be expected concerning the expansion of urban services like sewer and water, where urban standards would be enforced with new development including street improvements and to where the public in rural areas should feel safe from development pressure.

This boundary between the UGA and rural area is where all discussions begin concerning possible urban expansion.

The subject property is a good example of where previously efforts were made to extend the UGA (unsuccessful). Failure was due in large part to misunderstanding the policy basis for deciding what should be made urban and what should be retained as rural. The primary purpose of this paper is to understand that defect and present a more comprehensive analysis of the policies involved.

Both GMA and the King County Code speak to the periodic process of considering UGA boundary modifications. In this case, adopted definitions of "Rural" and "Urban" areas help create a more clear picture of what should be suitable for inclusion in the UGA and where the County should provide support for the longer term or permanent protection of rural areas.

Rural Designation of Covington's Northern Notch (Notch):

This paper analyzes GMA and King County Comprehensive Plan (Plan) sections highlighting areas where policies and standards support modifying GMA boundaries, including the subject property.

The Revised Code of Washington (RCW) 36.70A.070 (5) requires agencies planning under the act to include "rural" elements. Understanding the application of GMA rural requirements in King County's Comprehensive Plan as related to the Notch is critical for accepting the argument that this 270 acre area is not "rural".

"Rural Character", as defined in RCW 36.70A.030 (15), promotes rural area county plans and policies which favor:

- *open space, natural landscapes and vegetative predominance over the built environment;*
- *traditional life styles, rural-based economies and opportunities to both live and work in the rural area;*
- *uses preserving visual landscapes found traditionally in rural areas and communities;*
- *uses compatible with wildlife, fish and habitat retention;*
- *prevention of inappropriate undeveloped land conversion into sprawling, low-density development;*
- *uses that do not require the extension of urban governmental services generally; and*
- *uses that are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.*

Very few, if any, of these goals and objective (paraphrased, not quoted) compare favorably with the Notch, see more discussion below.

“Rural development” is defined further in RCW 36.70A.030 (16), as regions outside the urban growth areas and outside agriculture, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.”-emphasis added

Although the RCW emphasizes the idea that residential development, including clustered projects, should be permitted, they would be allowed only on the basis that rural area characteristics are not compromised. It should be said too that any development, regardless of type, not in keeping with rural qualities should be avoided; assuming maintaining these areas as rural that is the ultimate goal.

Why does the idea of permitting only those uses in rural areas that won't risk compromising the long-term area stability make sense? Perhaps because once development trends toward higher densities and other non-rural uses, preserving a rural character grows more impossible. It would be very difficult to reverse urbanizing characteristics in rural areas once the balance shifts in that direction.

The discussion below illustrates clearly those necessary characteristics missing from the Notch as described by RCW 36.70A.030 (16) that are required for maintaining its rural character. A strong, rational and well-designed comprehensive plan should guard against the kinds of weaknesses found in designating this area as rural. Adopted Comprehensive Plan policies point clearly at many obvious weaknesses the area has that would otherwise support a rural designation. Surrounding and intruding incorporated urban areas block any sheltering effect vast adjacent rural lands might afford this area under different circumstances.

Further emphasizing this point, the Notch consists of just 270 acres. This area is a relatively small size if compared to other identifiable rural sections of King County. Further, at least half of those 270 acres either belong to the applicant, State DOT or are in urban use currently, (RV and trailer storage). With more than half the 270 acres fractured or impacted by uses inconsistent with rural goals and objectives, it's difficult to understand how the County can continue supporting this designation.

Additionally, the smothering effect of surrounding city neighborhoods on sewer and smaller urban-size residential lots within the rural area make for a difficult comparison with RCW 36.70A.030 (16) or County rural policies (see below).

Except for the thin northerly connection to a wider rural area, the Notch is isolated. Notch residents must share urban streets, highways, shopping opportunities, medical facilities and so on with adjacent urban dwellers. When Notch residents travel to other parts of rural King County for sharing of common values, driving through urban cities to get there is unavoidable.

Notch residents must shop, work and play outside their "rural" area. Retail stores or businesses at any scale, rural or urban, don't exist in the Notch. It is probably safe to say, Notch residents get nothing in the way of support for their rural life style from the area where they live, (other than those pumping well water). Even considering the domestic water source, some Notch residents drink water provided by an urban utility district.

Numerous examples exist in rural King County where the population can find employment, home based industry opportunities, fire, police, medical and retail services all scaled to their needs within the area where they live. Not in the Notch, however. Just the opposite is true. All necessary services are provided by the adjacent urban areas. Even the County Sheriff serving this rural King County comes from space rented at City Hall.

The interchange/overpass complex at SR-18 and SE 256th St. is a major opportunity for the applicants. This intersection gives them direct freeway access via 186th Avenue SE. The subject property fronts the SR-18 right-of-

way for a distance of approximately 3,500 feet. After reviewing listed "rural" uses as potential development options for this site, none seem suitable or economically viable. This is not a good location for considering rural residential development due to high freeway traffic volumes and noise generated by SR-18.

Based just on the above discussion concerning "what is rural", there is a huge problem justifying a rural designation on the 270 acre Notch site. The entire area should be changed to an urban Comprehensive Plan designation with an application of Urban Reserve (UR) zoning. The UR zoning can be conditioned by a P-Suffix extension allowing higher density residential or commercial uses only after a parcel by parcel annexation to the City and permit approvals in that jurisdiction. This area is already slated for annexation to the City under the City's Comprehensive Plan. Changing the rural to urban designation in the County Comprehensive Plan would establish an orderly transition to urban uses in this area under the control of the City, [Planned Annexation Area #4 (PAA#4)].

King County's Comprehensive Plan, 2008 with 2010 Update:

Comparing or matching required rural policy elements of the County's Comprehensive Plan (Plan) to Notch characteristics is the best way to measure whether this area should continue being considered rural. As shown above, a rural designation for this area already seems inconsistent with GMA.

The "Rural Area and Natural Resource Lands", specifically section "II Rural Designation" of the Plan contains policies that focus on rural area characteristics. Demonstrating how the Notch is inconsistent with these policies should open for question changing this area to an urban designation.

The following short text piece and policies R-201 & R-202 (italics and bold) were copied directly from the 2010 version of the King County Comprehensive Plan.

The criteria set forth in this section were used to draw the boundaries of the Rural Area designated by this plan.

Policy R-201

It is a fundamental objective of the King County Comprehensive Plan to maintain the character of its designated Rural Area. The GMA specifies the rural element of comprehensive plans include measures that apply to rural development and protect the rural character of the area (RCW 36.70A.070 (5)). The GMA defines rural character as

it relates to land use and development patterns (RCW 6.70A.030 (15)). This definition can be found in the Glossary of this Plan. Rural development can consist of a variety of uses that are consistent with the preservation of rural character and the requirements of the rural element. In order to implement GMA, it is necessary to define the development patterns that are considered rural, historical or traditional and do not encourage urban growth or create pressure for urban facilities and service. Therefore, King County's land use regulations and development standards shall protect and enhance the following components of the Rural Area:

- a. The natural environment, particularly as evidenced by the health of wildlife and fisheries (especially salmon and trout), aquifers used for potable water, surface water bodies including Puget Sound and natural drainage systems and their riparian corridors;***
- b. Commercial and noncommercial farming, forestry, fisheries, mining and cottage industries;***
- c. Historic resources, historical character and continuity, including archaeological and cultural sites important to tribes;***
- d. Community small-town atmosphere, safety, and locally owned small businesses;***
- e. Economically and fiscally healthy Rural Towns and Rural Neighborhood Commercial Centers with clearly defined identities compatible with adjacent rural, agricultural, forestry and mining uses;***
- f. Regionally significant parks, trails and open space;***
- g. A variety of low-density housing choices compatible with adjacent farming, forestry and mining and not needing urban facilities and services; and***
- h. Traditional rural land uses of a size and scale that blend with historic rural development.***

R-201 Comment and Analysis:

Critical riparian corridors, referenced in sub policy (a.), exist throughout urban and rural King County. Protecting these habitat features, regardless of location, relies on KCC 21A.24 (Critical Areas) language. There is no particular advantage by designating an area as rural to protecting the resource values. Rural activities are responsible for damaging resources

frequently. There is nothing unique or special about the Notch requiring extra protection beyond the City's existing critical area code. Jenkins Creek is the only stream located in the Notch. It traverses urban areas above and below the subject property. All of Jenkins Creek should be afforded the same level of protection as that portion within the Notch.

Jenkins Creek is as "natural" on the subject property as can be along any other stretch of its length still flanked by maturing second growth timber. The applicant will dedicate Jenkins Creek and together with associated wetlands to an appropriate entity or public agency for creating Jenkins Creek Linear Park when site development permits are received from the City.

By observation, it is likely there have been and will continue to be significant negative adverse impacts to Jenkins Creek from: active recreation within the stream channel and across its banks, logging, residential pond construction, industrial activity and agricultural livestock intrusions all unrelated to the applicant's proposal. So far it appears the existing rural designation or KCC 21A.24 affords Jenkins Creek little, if any, protection of its habitat values.

None of these issues exist along that portion of creek owned by the applicant. Planned subject property development will avoid, by careful design, any impacts to Jenkins Creek Linear Park.

It's unnecessary, therefore, to maintain a rural designation simply as a means of protecting the fragile natural, features, habitats or functions of this creek. Efforts to make a public park dedication beginning an open space/stream corridor should be recognized as the best permanent solution for this creek. The applicant is willing to work with other area property owners along the creek toward this goal.

Regarding the other sub-policies, (b. - h.), neither listed uses nor historic qualities can be found in this area.

Policy R-202

- a. The Rural Area designations 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:***
- b. Opportunities exist for significant commercial or noncommercial farming and forestry (large-scale farms and forest lands are designated as Resource Lands);***
- c. The area will help buffer nearby Resource Lands from conflicting urban uses;***

- d. The area is contiguous to other lands in the Rural Area, Resource Lands or large, predominantly environmentally critical areas;***
- e. 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;***
- f. 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;***
- g. The area has outstanding scenic, historic, environmental, resource or aesthetic values that can best be protected by a Rural Area designation; or***
- h. Significant environmental constraints make the area generally unsuitable for intensive urban development.***

R-202 Comment and Analysis:

Similarly as in policy R-201, policy R-202 provides little, if any, justification for maintaining a rural designation in this area.

Opportunities for commercial or non-commercial farming or forestry don't exist.

Nearby designated Resource Lands that might be related to a rural area are non-existent, just the opposite. This area is surrounded by urban uses and Covington.

Taken as a whole, the Notch is not surrounded by other rural lands for support, but instead large residential subdivisions at urban densities, industrial mining and materials processing all served off SR-18 and interchange.

If Jenkins Creek could be termed a "large, predominantly environmentally critical area", the applicant's proposal will afforded permanent protection for at least that creek environment crossing the site. This proposal will accomplish what the rural designation and adopted codes have failed to do either up or down stream. Some sections of Jenkins Creek have been affected significantly by clearing and pond creation right down to the bank. The rural designation is not accomplishing its intended habitat protection.

Concerning forecast growth in Covington and the need for local jobs and retail space (translating to sales taxes revenues for Covington), please note the December 2010 Covington Comprehensive Land Use Plan element

designates the Notch as PAA#4. The City's goal is to accomplish annexation of PAA#4 before 2020. The applicant wants to be first in line.

The scenic, historic, environmental, resource or aesthetic features of this area don't seem distinctly unique or different from other adjacent areas already within the city. They do not stand out in any significant way.

Even with Jenkins Creek, this area should be no more or less difficult to provide with urban services than other sections of the same creek within the City.

Both King County and Covington have adopted similar critical area codes designed specifically for protecting sensitive areas. If those critical area requirements weren't in the City's code, maybe there would be room to argue for special additional protections, but that is not the case.

Conclusions:

It is clear after comparing Comprehensive Plan Policies R-201 and R-202 elements to physical, use and economic characteristics of the Notch that the basis for continuing a rural designation in this area is without merit.

Rural images as portrayed by GMA and Comprehensive Plan elements are inconsistent with the actual character of the Notch. Rural definitions and policies (State and County) describe a more cohesive and self-sufficient vision generally than is the actual case for the Notch.

Covington, as an urban center, is growing much more rapidly than forecast just a few years ago. Perhaps the economic importance of this center and its rapid growth rate are due to its strategic location and distance from Kent, Auburn and Renton plus being at the intersection of SR-18 and Kent/Kangley Road, two major state highways. Actual causes of this urban growth magnet effect are beyond the scope of this paper, however, recent population counts show unmistakably the population is growing much more rapidly than experts thought possible. Covington's population is ten years ahead of forecast. Expanding Covington into designated PAAs to accommodate this growth will be necessary sooner rather than later.

Characteristics of Jenkins Creek exhibit both natural, relatively undisturbed reaches like along that piece which flows through the subject site, and disturbed sections upstream and downstream where the native vegetation and soils have been highly modified or disturbed. It's not as pristine as might be expected of creeks and water bodies in rural areas where relatively few effects of urbanization are evident. Both King County and Covington enforce codes designed to protecting critical areas. Regardless of an urban or rural designation for the surrounding landscape, Jenkins Creek and

associated wetlands will be protected as much as any other stream by this code. It is unlikely that changing the UGA boundary to include the Notch will have a further degrading effect on Jenkins Creek's existing condition and may even help to protect it in a permanent way through dedications to park use as proposed by the applicant.

Therefore, converting the Notch to urban and including that area in the UGA will allow Covington to infill by annexation parcel by parcel. Covington can grow as envisioned in their Comprehensive Plan.

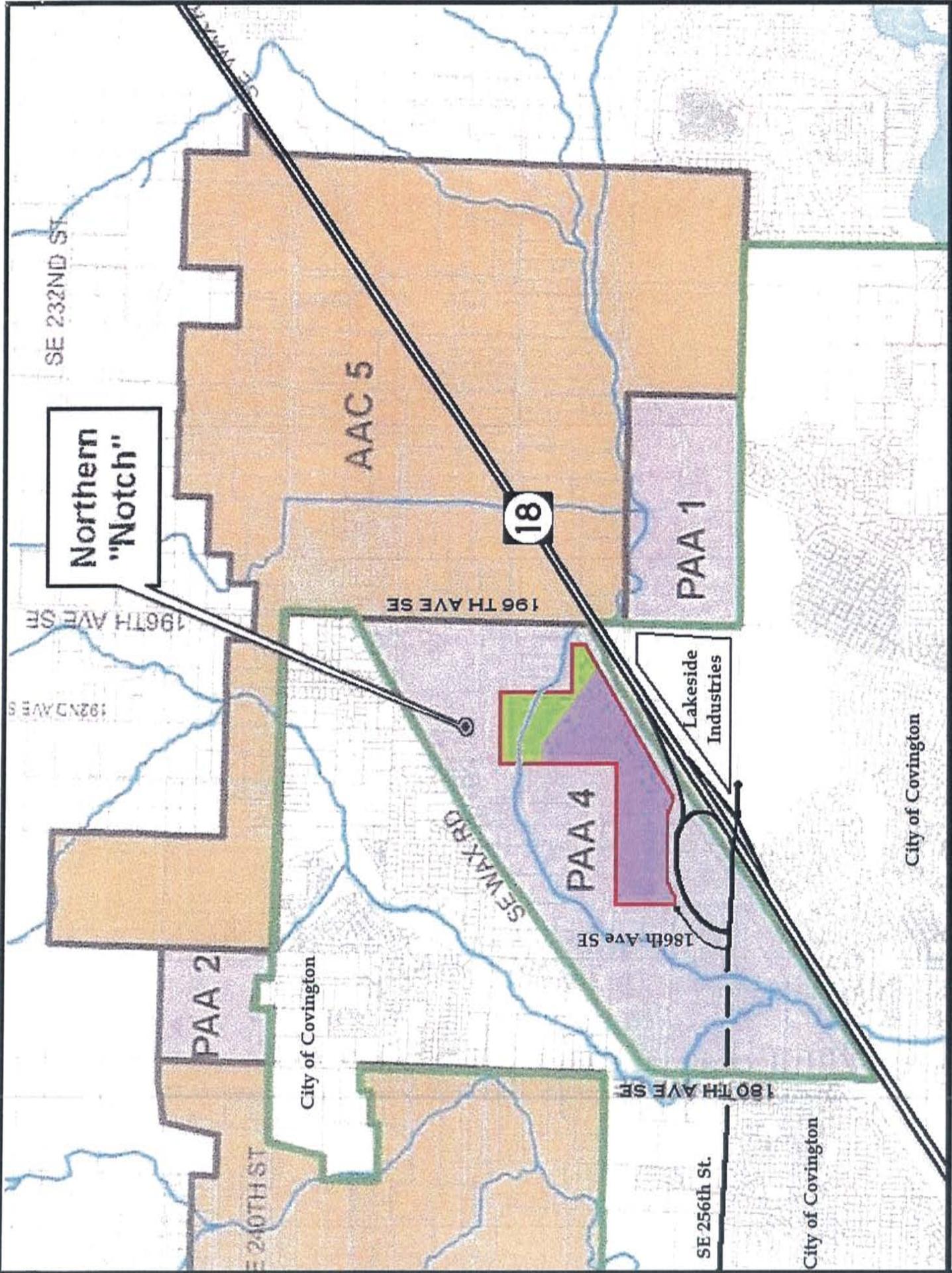
From the perspective of creating the first link in a linear public park system along Jenkins Creek, changing the designation to urban will further that process.

Converting the Comprehensive Plan for the Notch to urban with UR-P zoning will remove current barriers blocking the orderly transition to higher density residential and commercial use in Covington giving the rapidly expanding population room to grow.

Recommendation:

Change this area to urban from rural in the 2012 Comprehensive Plan update and rezone the entire area to UR-P.

Condition future uses proposals requiring urban services, such as sewer and transportation improvements, to make discretionary and entitlement requests to Covington when annexing to the City.

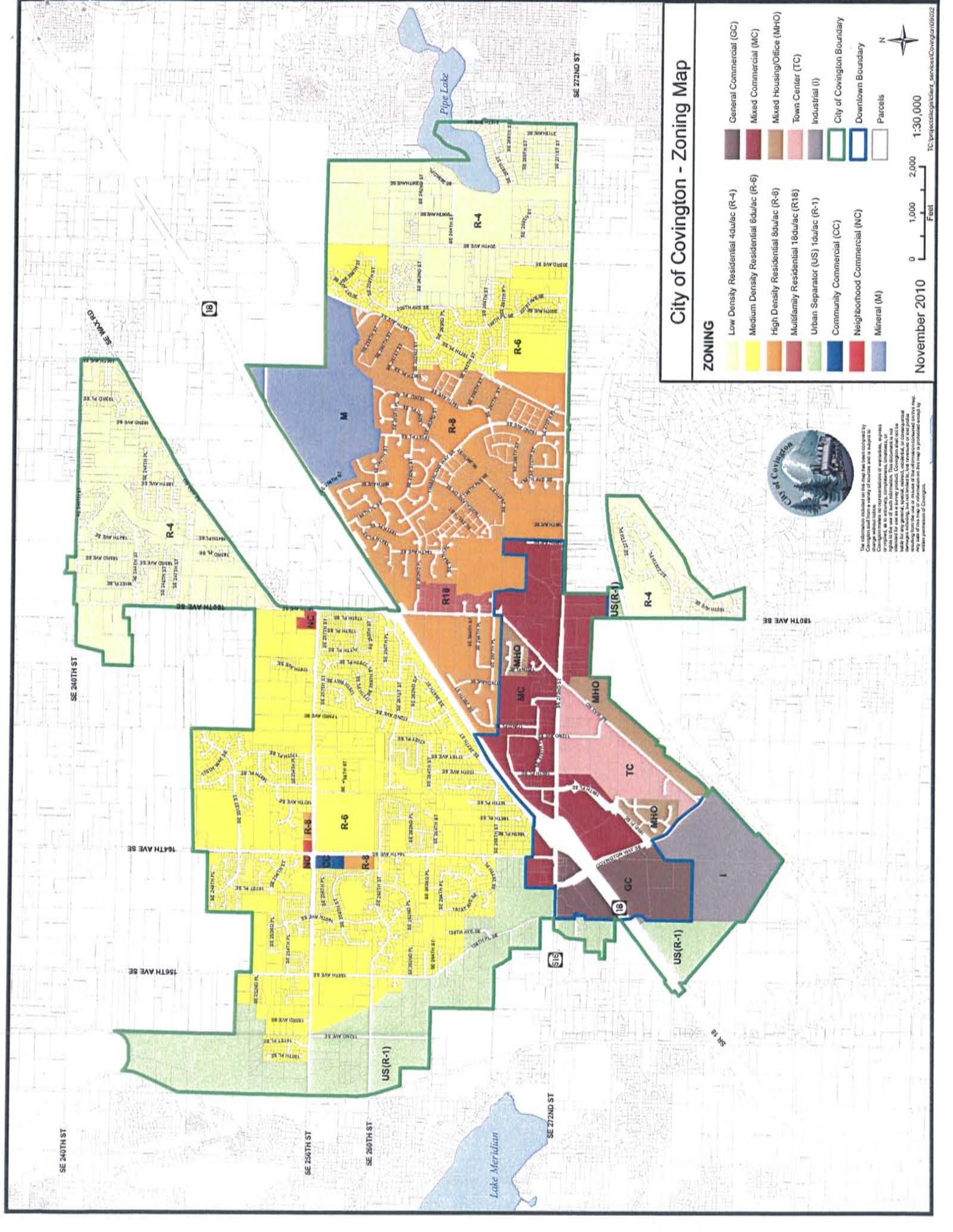


POTENTIAL DEVELOPMENT SITE AREA

61 ACRE SUBJECT PROPERTY BOUNDARY

LEGEND

PROPOSED 9 ACRE JENKINS CREEK DEDICATION AREA (APPROX)



City of Covington - Zoning Map

ZONING

Low Density Residential 4du/ac (R-4)	General Commercial (GC)
Medium Density Residential 6du/ac (R-6)	Mixed Commercial (MC)
High Density Residential 8du/ac (R-8)	Mixed Housing/Office (MHO)
Multifamily Residential 18du/ac (R18)	Town Center (TC)
Urban Separator (US) 1du/ac (R-1)	Industrial (I)
Community Commercial (CC)	City of Covington Boundary
Neighborhood Commercial (NC)	Downtown Boundary
Mineral (M)	Parcels

November 2010 0 1,000 2,000 Feet 1:30,000



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Covington City Council / Planning Commission Presentation April 12, 2011

Northern Notch Comprehensive Plan Update

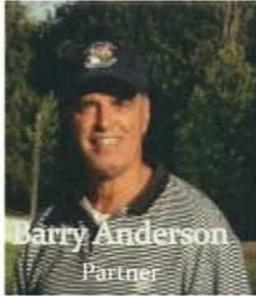
Anderson, Baugh & Associates, LLC

Mailing Address: P.O. Box 58792, Tukwila WA 98138

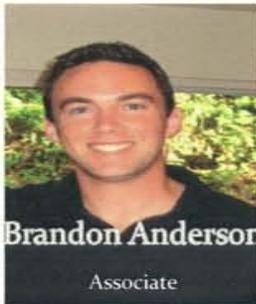
Street Address: 7115 182nd Street Suite 127, Kent WA 98032

Office Phone: 425-656-7491 Email: anderson.baugh@gmail.com

Anderson, Baugh & Associates – Bio's



- General manager BranBar, LLC (Covington, WA)
- 10 year member of the Covington Economic & Development Council and Covington Chamber of Commerce.
- 40+ years Architecture, Engineering, & Professional Service Consultant for land use.



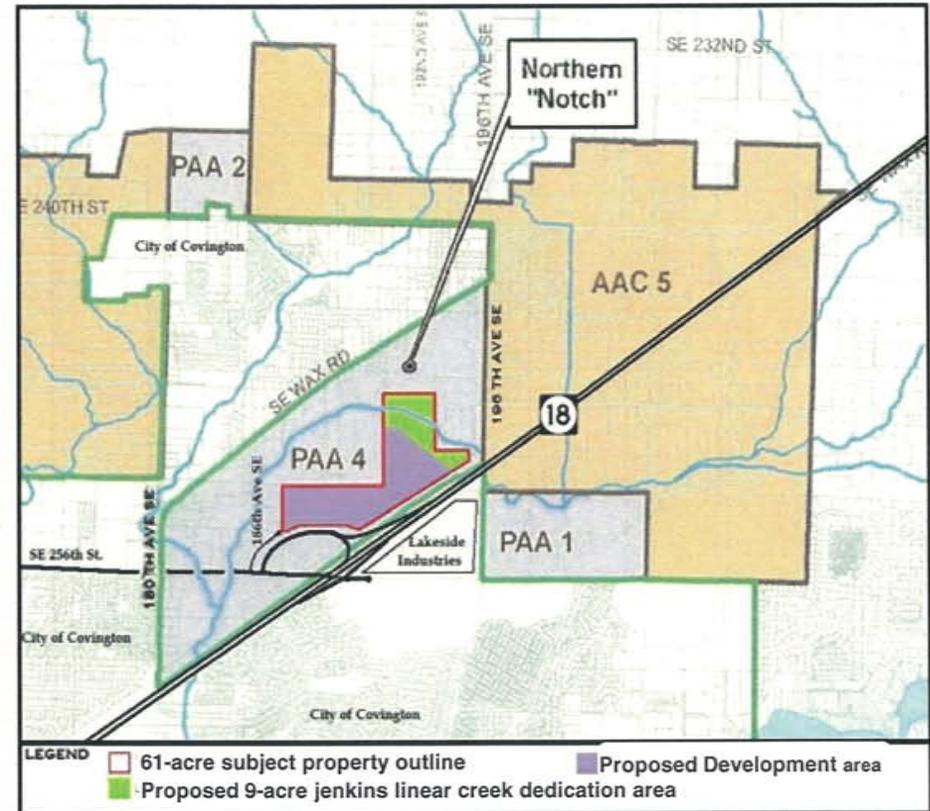
- Joined BranBar, LLC in 1996 as managing member, current President.
- 15+ years Coordinating consultant – focus in commercial land use permitting & zoning.
- University of Washington 2003.



- Urban Planner with 40 years local government and private sector experience all facets.
- Focus in community and commercial project development review and approval within King County last 20 years (retired 2010).
- University of Washington 1970.

Objectives

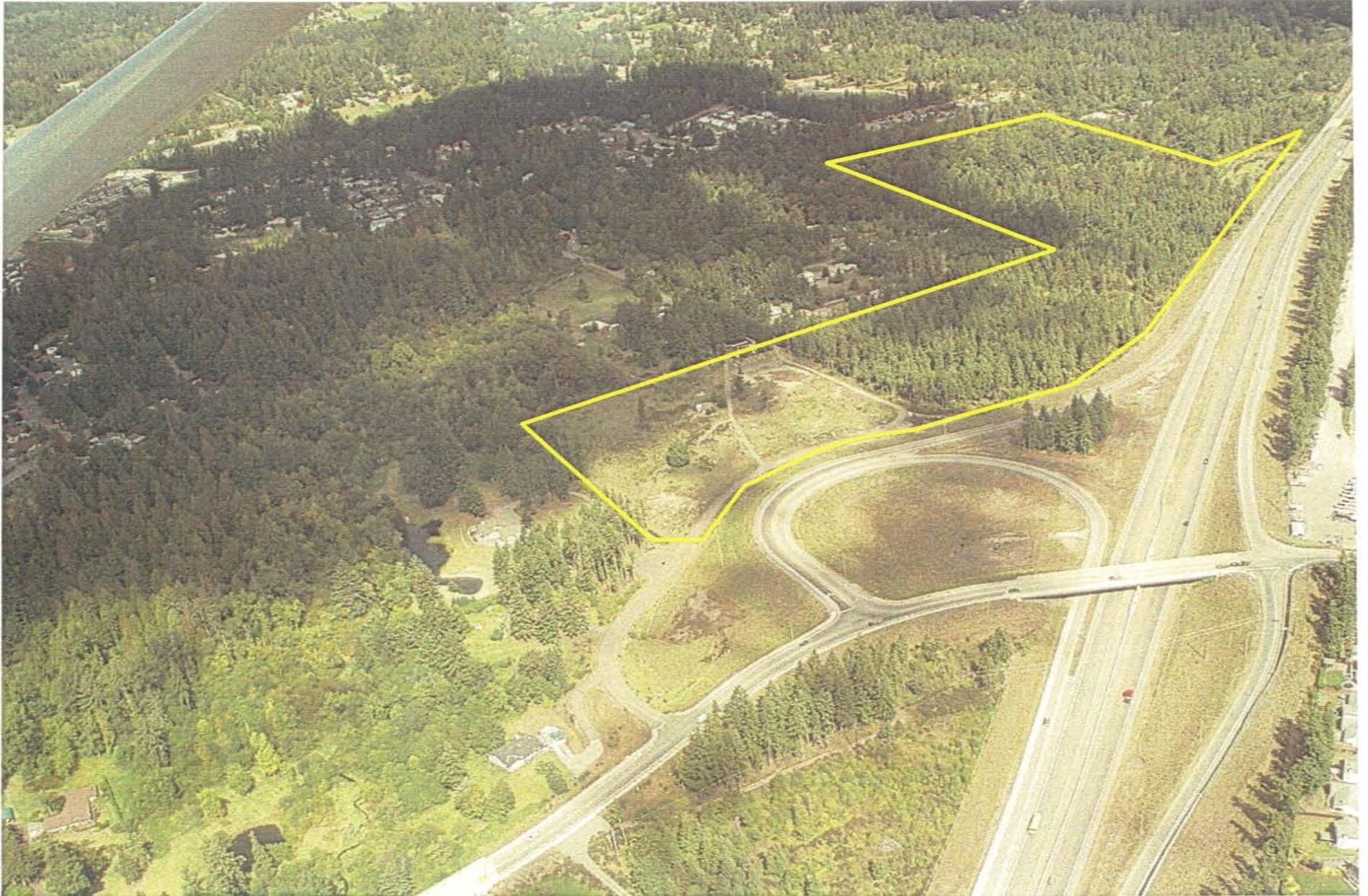
- Presentation of the owners' future plans for the "Northern Notch."
- Important decisions regarding respective comprehensive plans and zoning need to be determined before land owner can proceed with commercial interests.
 - Covington
 - King County
- Letters have been prepared for King County (3/16/2011) and Covington (3/24/2011) describing actions necessary to move owners' proposal forward, (copies provided).
- Questions are welcome anytime.



RE-DESIGNATION PROPOSAL

Our proposal is for the County to re-designate all of the Notch area from "Rural" to "Urban" during the 2012 King County Comprehensive Plan update. We propose also the County rezone that same area from the current AR-5 zone classification to Urban Reserve, "UR", with a P-Suffix condition. The P-Suffix would require property owners within the re-designated Notch to seek higher density residential and commercial zoning only from the City through an annexation/rezone process. Further, the P-Suffix would prohibit parcel by parcel sewer expansion to this area without first receiving appropriate zoning and site plan approvals from the City following annexation.

Site Aerial



King County - District Growth

Council District Growth 2000-2010

District #9

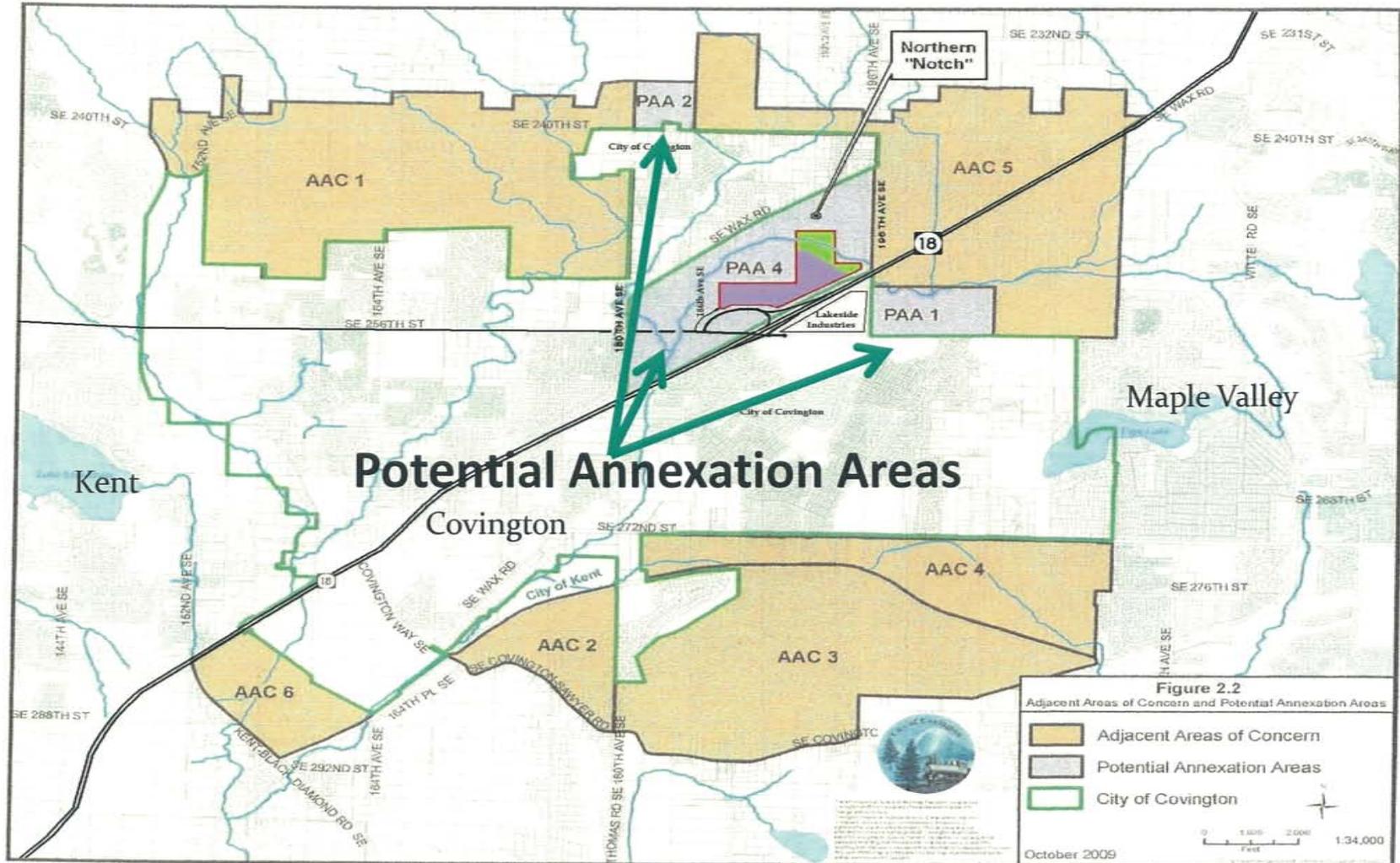
-Includes the cities of: Covington, Maple Valley, Renton, Newcastle, Black Diamond, and Enumclaw.

-The two Districts showing the most accelerated growth in the county for this period are #3, and ours, #9. These two districts are mostly rural areas, and show an increased need to look into expanding current area boundaries.

Council District	2000 Population	2010 Population	2000-2010 Growth	2000-2010 Growth %
1	192,873	203,340	10,467	5.4%
2	192,931	207,760	14,829	7.7%
3	193,062	244,945	51,883	26.9%
4	193,122	212,888	19,766	10.2%
5	192,689	215,241	22,552	11.7%
6	193,487	207,639	14,152	7.3%
7	192,971	210,984	18,013	9.3%
8	193,111	202,346	9,235	4.8%
9	192,788	226,106	33,318	17.3%
	1,737,034	1,931,249	194,215	11.2%

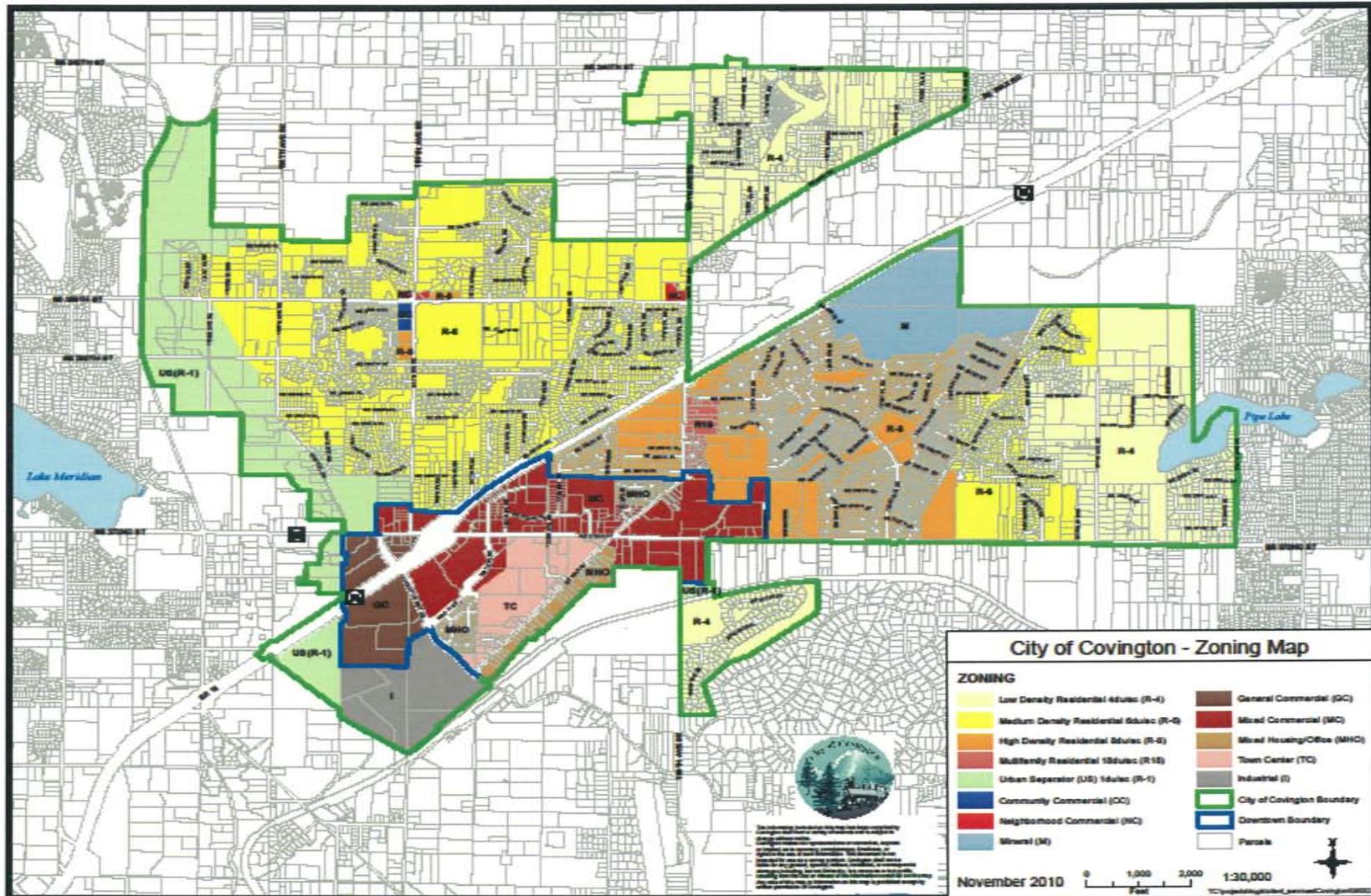
* from King County 2010 Census Data

Adjacent Areas of Concern



Owners' Propose 9 acre Dedication for Jenkins Creek Linear Park

Covington's Zoning Map



“Northern Notch”, Covington’s Missing Link

Requested Actions for 2011

- **Add Northern Notch to City Comprehensive Plan in 2011**
 - We are requesting special consideration by City Council to approve "Notch" study area in 2011 Comprehensive Plan work program pursuant to CC 14.25 & RCW 36.70A.130; and
 - City Correspondence in the form of letters to King County Executive Dow Constantine and Council Chair Larry Gossett endorsing owners' proposal to modify UGA boundaries for Notch, including zoning change to Urban Reserve (UR-P) conditioned proposals which require sewer to first annex to Covington and develop pursuant to City Codes and Standards.
- **Perform land use and zoning study for the Notch**
 - Anderson, Baugh & Associates, LLC, offer to help with City costs for conducting required land use and zoning studies within the Notch.
- **Approve an annexation ordinance for the subject property to be effective upon approval by King County of UGA boundary and zoning modifications**
 - Owners' are prepared for subject property annexation immediately after the UGA boundary and zoning decision by King County becomes effective; and
 - It is our intent to develop the subject property with similar uses allowed in the "General Commercial" zone; and
 - Development proposal will follow normal City review process and standards.