

D# 34 COUNTY VESTING

General Description

The City of Renton Planning Division made this docket item request. It proposes to amend Title IV to remove code section RMC 4-7-090, *Property Annexed into the City with Preliminary Plat Approval in County*. RMC 4-7-090.B.1 requires an applicant to go through a preliminary plat hearing process with the City's Hearing Examiner, for a County approved preliminary plat, if the overall density of the subdivision exceeds the maximum density allowed pursuant to the City's Zoning Code. RMC 4-7-090.B.2 states that the City may add conditions to the preliminary plat in order to ensure adequate provision of drainage, streets, alleys, public ways, water, and sanitary wastes conforming with City standards. The remainder of the section seeks to re-review a King County approved plat in order to ensure conformance with the City of Renton policies and codes. The section is not enforceable as it seeks to consider City land use statutes not applicable to the proposal. Annexed properties with land use applications vested to King County standards are required to be considered only under the land use statutes and ordinances in effect at the time of the application's submission to the County (Schneider Homes, Inc. v. The City of Kent). As a result, RMC 4-7-090 is an unnecessary section in our Code. The proposed amendment would remove this portion of the code in order to preserve the right to develop a parcel under the vested densities of an approved King County application once annexed into the City.

Impact Analysis

Effect on rate of growth, development, and conversion of land as envisioned in the Plan

The proposed amendment would not affect the rate of growth or development as envisioned in the Comprehensive Plan.

Effect on the City's capacity to provide adequate public facilities

The proposed amendment may affect the City's capacity to provide adequate public facilities as densities of certain proposals may exceed those allowed by the City Zoning Ordinance. However, these applications are vested to King County densities regardless of the the City's density allowances and the City must acknowledge those proposals with vesting rights.

Effect on the rate of population and employment growth

The proposed amendment would not affect the rate of population and employment growth.

Whether Plan objectives are being met as specified or remain valid and desirable

The Plan is a broad statement of community goals, objectives, and policies that directs the orderly and coordinated physical development of the City.

The Renton Business Plan Mission states, unequivocally, the responsibility of the City, "in partnership and communication with residents, businesses, and schools" to take the steps necessary to fulfill the Vision. These include:

- Promoting citywide economic development
- Promoting neighborhood revitalization

- Managing growth through sound urban planning
- Meeting service demands that contribute to the livability of the community
- Influencing decisions that impact the City.

This amendment would help to facilitate orderly and coordinated development within the City, by providing a measure of certainty to applicants for land use permits and to protect their expectations against fluctuating land use policy due to annexation into the City. Currently, an applicant would be required to go through a secondary hearing in the City if they intend on using the vested densities of King County that exceed densities allowed in the City.

Effect on general land values or housing costs

The City is not anticipating an affect on general land values or housing costs as a result of the proposed amendment.

Whether capital improvements or expenditures are being made or completed as expected

The City is not anticipating capital improvements or expenditures as a result of the proposed amendment.

Consistency with GMA, the Plan, and Countywide Planning Policies

See the discussion above under whether Plan objectives are being met as specified or remain valid and desirable.

Effect on critical areas and natural resource lands

The proposed amendment would not affect critical areas and/or natural resource lands.

Effect on other considerations

In many cases, City zoning is very similar to that of King County. When rezoning properties that will annex into the City, staff considers existing King County zoning while acknowledging the existing land uses and land use patterns of the surrounding area. A distinction in density occurs due typically to the difference in calculation methods by the City and King County. The City uses a net area calculation and deducts areas for right-of-way, access easements, and critical areas from the gross area of a particular site in order to calculate density. King County uses a gross area method and does not deduct those areas that are not livable space.

For example, a one acre property zoned Residential-8 dwelling units per acre (R-8) in the City that has 50 percent of the site comprised of wetlands, would only allow a maximum of four residences. The same one acre property, zoned R-8 in the County, would be allowed to develop with eight residences because no areas were deducted from the one acre site for critical areas.

Staff Recommendation

Staff recommends approval of the docket request. Currently, the code provision does not comply with recent case law. The request would bring into compliance the City's Code for King County vested projects and preserve the right to develop a parcel under the vested densities of an approved King County application once annexed into the City.

Implementation Requirements

Changes are needed to the Site Development Plan Review Applicability section within the Procedures Chapter of Title IV. Specifically:

- 4-7-090, Property Annexed to the City with Preliminary Plat Approval in County
 - Attachment A