

Testimony - Port of Seattle

I am Oris Dunham, Director of Aviation, Sea-Tac International Airport. The Port of Seattle is the major property owner in the community affected by the proposed Highline area zoning. For the most part, the Port believes the proposed area zoning reflects proper efforts to insure compatible land use of the property surrounding the Airport. However, one aspect of the Highline Area Zoning Panel's recommendation--the S-R zoning of an area north of the Airport--totally disregards the notion of compatible land use and, therefore, must be opposed. The Port also objects, as beyond the County's jurisdiction, to certain proposed zoning and a previously imposed rezone condition relating to Port-owned property on the west side of the Airport.

1. 35-Acre North-End Area: North Issues #15 and #23 (blue)  
South Issue #33(A) (yellow)  
North Issue #38 (yellow)

15-Acre North-End Area: South Issue #33B (blue)

At the north end of the Airport there is a 35-acre area bounded by 24th Avenue South, South 146th Street, and South 142nd Street. The Port owns approximately 9 acres in this area (plus a 120-foot buffer strip along 24th Avenue South and South 142nd Street) and the remainder of the 35 acres is in private ownership. Under the criteria established in the Sea-Tac/Communities Plan, this area is within the highest noise-impact zone. The Port

acquired its approximately 9 acres in 1976-1977 in order to convert the property from residential to a more compatible use with the Airport. Given the S-R with potential M-L zoning which had been in existence since 1968, the Port paid M-L value for all of this approximately 9 acres (one parcel was already M-L) with the intent of developing the property for the higher and more compatible use. RCW Chapter 53.54 specifically authorizes port districts to acquire noise-impacted properties, to redevelop them for compatible land use, and to subsequently sell such redeveloped properties to private parties.

The total 35-acre area is currently zoned either M-L or S-R with M-L potential. The Port and other property owners in this area have requested a rezone from potential M-L to M-L. The Highline Area Zoning Panel appears to be recommending that the entire 35-acre area either remain, or be rezoned, S-R (North Issues #15 and #23) and that the Port's requested actualization of potential M-L zoning be denied (South Issue #33(A)). It should be noted that although South Issue #33(A) appears in the "no change" yellow sheets, denial of the Port's request is a deviation from the Highline Communities Plan and the 1980 Proposed Area Zoning.

In close proximity to the 35-acre area discussed above, the Port owns approximately 15 acres bounded by 24th Avenue South, S.R. No. 518, 22nd Avenue South, and about South 148th extended. Again, this area is currently zoned S-R with M-L potential and the Panel is recommending single family residential zoning and elimination of the M-L potential (South Issue #33B). The Port's concerns here are basically the same as with regard to the larger 35-acre parcel.

The Port contends that the imposition of residential zoning in this area is illegal. In Colella v. King County, 14 Wn. App. 247, 539 P. 2d 693 (1975), the court found that the County's denial of a rezone of certain property from S-R to M-L was arbitrary and capricious because noise impact precluded the property from ever being developed as residential. Both the Port's property and the private property in the area are in the same situation as the property in the Colella case. As mentioned previously, this property is in the highest noise-impact area as identified in the Sea-Tac/Communities Plan (dark blue area on Noise Remedy Program map in Attachment 1). Because of the noise impact, the property is within the U.S. Department of Housing and Urban Development's Zone C and therefore ineligible for residential development with FHA mortgage financing and, presumably, other financing as well (Attachment 2). Since this property cannot be developed as residential, mandating an S-R zone for this area would be, as the court stated in the Colella case, "not only arbitrary and capricious and unrealistic, but also 'not even in good common sense'."

S-R zoning is also completely contrary to the relevant planning documents. In the Sea-Tac/Communities Plan, the Port, the County, and the community addressed appropriate land use of this area. In Section 6.6.3 of the Plan, light manufacturing and office use, accompanied by adequate buffering, is identified as the proper land use for the 35 acres and Airport use/buffer as the appropriate use for the 15-acre site (Attachment 3). Although a 50-foot wide buffer strip between the M-L area and the residential uses east of 24th Avenue South was originally contemplated, the Port has acquired property sufficient to provide a 115-120-foot buffer strip. Using the Westside Buffer Zone Landscape Management Plan, completed by Edward McLeod and

Associates in 1977, as a model, the Port's intended program for the buffer in this area includes a cleanup, "naturalizing process," and selected planting and seeding. Agreements with adjacent property owners could permit even more intense planting adjacent to M-L-developed property. On June 24, 1980, the Port Commission authorized \$200,000 for landscaping, fencing and cleanup in the North Sea-Tac Park area. The buffer area around the 35-acre site was a specific item in this authorization. The Port's commitment to providing an adequate buffer zone between the M-L and residential area is clear. With appropriate buffering, commercial land use of this area can be compatible with both the Airport and the surrounding residential community.

Subsequent to the adoption of this Sea-Tac/Communities Plan, the County developed the Highline Communities Plan. This latter document also shows M-L and potential M-L as the existing and proper zoning for this area. That document reflects what has been the County's continuing concern for compatible land use between the Airport and the surrounding communities. Even more recently, the County reaffirmed that light industrial was the proper land use for this area. In 1980, the County Council adopted in concept the North Sea-Tac Park Plan. This Plan clearly excludes the subject area from open space park use and recognizes M-L as the land use for the area (Attachment 4). It should be recognized that this Plan, which confirms the feasibility of mixed land use in the Airport community, was formulated with extensive community involvement.

The County's concern about compatible land uses has not been limited to the Sea-Tac Airport vicinity. Only recently, County Executive Ron Dunlap

expressed his concern to Mayor Royer that any changes to the Comprehensive Plan for Georgetown from industrial use to residential use be fully evaluated to insure compatible land use between Georgetown and Boeing Field/King County International Airport (Attachment 5). S-R zoning in the area north of Sea-Tac Airport would fly in the face of previous County commitments to compatible land use zoning.

If the County proceeds with S-R zoning in this area, there is also a question as to compliance with SEPA. The August 25, 1980 Draft Environmental Impact Statement prepared on the Highline Communities Plan - Proposed Area Zoning makes no reference to changing the zoning within the subject area from M-L or S-R with M-L potential to S-R, nor contains any general discussion of the impacts of changing to the less-intense single family residential use. Failure to prepare and recirculate a revised Draft EIS, which addresses this proposed zoning change, would violate WAC 197-10-495 which requires a new or amended draft EIS whenever "substantial changes have been made in the proposal."

2. Westside Airport Property: Revised Burien Issue #16 (white)

Revised Burien Issue No. 16 addresses the zoning of certain property on the west side of Sea-Tac Airport. To the extent the County is proposing to rezone property intended to remain within Port ownership (Parcel B and Parcel C) and which are devoted to Airport purposes, the action is inappropriate. Parcel B includes a portion of the 55 acres which the Port has committed to open space buffer and some amount of airfield. Both uses are

Airport-related and as such, under the zoning jurisdiction of the Port of Seattle. The County's authority to zone this property would only arise should the Port ever seek to develop this property for a non-Airport-related use. Similarly, Parcel C includes property the Port has developed for corporate and general aviation facilities--an Airport-related use and, hence, outside the zoning jurisdiction of the County.

The Port supports the rezone of Parcel A to RM-900-P (for which The Boeing Company is the real party in interest). However, as stated in previous correspondence from the Port Commission (letter dated January 8, 1980 from Merle Adlum, President of the Port Commission, to the King County Council), the terms of Pre-Ordinance Condition No. 2 imposed on that rezone are unacceptable to the Port (Attachment 6). As outlined in that letter, the Port is willing to work with the County to preserve the 55-acre buffer zone, but the Port cannot delegate its Airport-related land use authority to another jurisdiction.

**Memo**

DATE

4/20

TO:

Virginia Dana

FROM:

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EXT.

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Per Zone 3's request  
at the hearing.