

# Land Use Element

## Introduction

### Purpose and Relationship to GMA

The purpose of the Land Use Element is to provide the goals and policies for directing the City of Newcastle's spatial growth in order to accommodate the mix of land uses necessary for urban activities. This Element also provides for the protection, enhancement, and restoration of natural features that are distinctive of the City of Newcastle.

The Land Use Element is developed in accordance with the Growth Management Act to direct the City of Newcastle's land use decisions, including any potential annexations that may be proposed within the Urban Growth Area over the next 20 years. RCW 36.70A.070 requires the City to plan, scheme or design all of the following:

*A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses;*

*The land use element shall include population densities, building intensities, and estimates of future population growth;*

*The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies;*

*Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.*

The Land Use Element is consistent with the King County Countywide Planning Policies and with the elements of the Comprehensive Plan. The Countywide Planning Policies direct jurisdictions within the County to focus growth in the cities and within the Urban Growth Area.

The City of Newcastle's current planning area is defined by the City limits. This area encompasses approximately 4.4 square miles or 2,865 acres. The Comprehensive Plan Designations can be found in Figures LU-1. Based on the King County Countywide Planning Policies, the City of Newcastle must:

- Develop a phasing strategy that identifies areas for growth for the next ten and 20 years;
- Define the growth it intends to accommodate over the next 20 years;
- Plan for 20 year population and employment growth target ranges;
- Limit growth where services are not yet available.

## Organization of the Element

This Element begins by listing the Goals for the City of Newcastle. The Goals are followed by Policies necessary to support the City's responsibility for managing land resources and guiding development through the implementing regulations, guidelines, and standards. The Land Use Element is closely linked to the Transportation Element and Parks, Trails, and Recreation Element.

The Land Use Appendix provides further information on land use supply and demand, capacity for growth, land use issues and natural features. The Appendix addresses the City's strategies for implementing the Land Use Goals.

## Land Use Goals

- LU-G1 The City of Newcastle should plan current and future land uses in accordance with the values and vision of Newcastle residents and business people and consistent with the Growth Management Act.
- LU-G2 The City of Newcastle should encourage development that creates and maintains a safe, healthy, and diverse community providing affordable housing and reasonable employment opportunities, and protecting the natural environment and significant cultural resources.
- LU-G3 The City of Newcastle should strive to preserve the existing character, scale, and neighborhood quality as new development occurs.
- LU-G4 The City of Newcastle's zoning and other development regulations for commercial and retail developments should foster community, create enjoyable outdoor areas, and balance needs of automobile movement with pedestrian and bicycle mobility and comfort
- LU-G5 The City of Newcastle should work to implement the Community Business Center/ Lake Boren Corridor (CBC/LBC) Master Plan and associated design guidelines.
- LU-G6 The City of Newcastle should identify and preserve open space, natural and scenic resources, and shoreline areas.
- LU-G7 The City of Newcastle should maintain, preserve, and enhance the historic, cultural, and archaeological resources to provide a sense of local identity and history to the visitors and residents of the community.
- LU-G8 The City of Newcastle should strive to preserve and enhance the natural environment, including air quality, water resources, natural features that contribute to the City's scenic beauty, and critical areas as defined by the Growth Management Act.
- LU-G9 The City of Newcastle should, through the use of Best Available Science and the application of Best Management Practices, manage the natural and built environments to preserve, enhance and sustain environmental quality while minimizing public and private costs.
- LU-G10 The City of Newcastle should promote community-wide stewardship of the natural environment to preserve environmental quality for future generations.
- LU-G11 The City of Newcastle should protect and enhance habitat that contributes to the maintenance and restoration of threatened or endangered species.

- LU-G12 The City of Newcastle should encourage the elimination of coal mine hazard areas and the return of lands affected by such hazards to their highest productive value, consistent with city policies on historic preservation.

## Land Use Policies

### General

- LU-P1 New development within the City of Newcastle shall comply with adopted zoning and subdivision regulations.
- LU-P2 The City of Newcastle shall designate the Southeast May Valley area between the current city limits of Newcastle and King County as a potential annexation area. (See figure LU-1)
- LU-P3 The City of Newcastle shall coordinate future planning and interlocal agreements for annexation areas with the appropriate agencies including, but not limited to, the City of Renton and King County.
- LU-P4 Growth should be directed as follows: a) first, to areas with existing infrastructure capacity; b) second, to areas where infrastructure improvements can be easily extended; and c) last, to areas requiring major infrastructure improvements.
- LU-P5 Density incentives should encourage innovative low cost housing, additional open space, and historic preservation.
- LU-P6 The City of Newcastle may use incentives to encourage preferred development through a variety of regulatory and financial strategies.
- LU-P7 Landscaping shall be required to buffer more intensive uses from less intensive uses.
- LU-P8 Development standards should emphasize ways to allow maximum permitted densities and uses of urban land.
- LU-P9 Mitigating measures should be encouraged to serve multiple purposes, such as habitat, drainage control, ground water recharge, stream protection, open space, cultural and historic resource protection and landscaping.
- LU-P10 Development standards should be simple, measurable, and implemented through expeditious public review.
- LU-P11 The City of Newcastle and other service providers shall adopt and coordinate capital improvement programs to remedy identified infrastructure deficiencies in functional areas such as city, county, and state transportation facilities, public water supply, and wastewater collection and treatment.

### Residential Land Use

- LU-P12 The City of Newcastle shall seek to achieve a citywide minimum average net zoning density of at least four homes per acre through a mix of densities and housing types.
- LU-P13 High-density housing shall be concentrated in areas along Coal Creek Parkway or near the Community Business Center, where public facilities, services, and amenities exist to support the most intensive urban uses.

- LU-P14 The City of Newcastle shall use innovative land development techniques such as “density averaging” or “clustering” to preserve open space, and critical areas, and allow for more efficient land use patterns.
- LU-P15 Transfer of residential density shall be allowed only from one portion of a proposed residential development site to another portion of the same site. A residential development site shall consist of contiguous property. Transfer of residential density shall not be allowed from a proposed residential development site to another non-contiguous property.
- LU-P16 In order to promote infill development, accessory units, carriage houses, and townhouses should be encouraged in areas that have appropriate levels of public facilities and services.
- LU-P17 Non-residential uses may be allowed in new residential developments when proposed uses are determined to be both viable and beneficial to the surrounding neighborhood.
- LU-P18 Home businesses may be allowed if they are resident owned and operated and compatible with residential uses.
- LU-P19 Design guidelines shall be used to promote the aesthetic vision of the community and shall encourage pedestrian scale architectural forms and site design in multi-family developments. The guidelines may address specific neighborhoods and subareas with different approaches to design features.
- LU-P20 Development standards and zoning and subdivision regulations should encourage and facilitate the following:
- a. Preservation of historic and natural features;
  - b. Privacy;
  - c. Pedestrian safety and accessibility;
  - d. Reducing the impact of motorized transportation;
  - e. Creation of useable open space, community space and community facilities.
- LU-P21 Community design techniques such as lot clustering, flexible setback requirements, and mixing attached and detached housing are strongly encouraged to achieve design variety in new single-family projects.
- LU-P22 Multi-family residential development should be designed to provide both common open space and private open space for each dwelling unit.
- LU-P23 Requirements for pedestrian-accessible recreational space should be greater for higher density multi-family development than for lower density single-family development.
- LU-P24 The Community Business Center should primarily provide shopping and other services for residents of Newcastle and the surrounding area. The Community Business Center should include the following mix of uses:
- a. Retail stores and services;
  - b. Professional offices;
  - c. Community services;
  - d. Multi-family housing associated with mixed-use developments;

e. Public facilities and public open spaces.

LU-P25 The City of Newcastle shall reduce and ultimately eliminate pollution from malfunctioning on-site septic systems.

**Commercial Land Use**

LU-P26 Flexible application of development standards should promote implementation of the commercial design guidelines.

LU-P27 Commercial uses requiring heavy trucking and handling of materials (such as assembly, fabrication, heavy repair, storage or outside sales) should be carefully controlled. New commercial uses, which require additional heavy trucking should be discouraged due to potential conflicts with retail and office use.

LU-P28 Pedestrian and bicycle travel to and within the Community Business Center should be encouraged by safe and attractive walkways and bicycle lanes and close grouping of stores. The City of Newcastle shall promote a town center and business area that is accessible for vehicles but has an emphasis on the needs of pedestrians, senior citizens, youths and physically challenged persons.

**Open Space**

LU-P29 The City of Newcastle should encourage the preservation of open space through the Current Use Taxation - Open Space program, consistent with the Parks, Trails, and Recreation Element.

LU-P30 The City of Newcastle shall use a variety of land development techniques including density averaging or clustering to preserve open space, maintain open space corridors that define urban growth boundaries, and use open space to provide separation between communities and between differing land use densities.

LU-P31 The City of Newcastle shall coordinate its open space program with adjacent jurisdictions.

LU-P32 The City of Newcastle shall review private development covenants and deed restrictions on new development to assure that the security, maintenance, and operation of private open space is guaranteed so that the City does not become responsible for their future management.

LU-P33 The City of Newcastle shall seek to preserve and enhance open space throughout the City.

**Historic Preservation**

LU-P34 The City of Newcastle shall encourage the protection, preservation, recovery, and rehabilitation of significant archaeological resources and historic sites including those sites and areas designated as King County landmarks.

LU-P35 The City of Newcastle shall develop a Historic Preservation Plan, including a historic site and building inventory, to identify and protect historic City resources and the Old Newcastle townsite.

LU-P36 The City of Newcastle shall consider the impacts of new development on historical resources as part of its environmental review process and require mitigating measures.

- LU-P37 The City of Newcastle should encourage appropriate efforts to rehabilitate sites and buildings with unique or significant historic characteristics.
- LU-P38 In accordance with specific criteria identified in the Historic Preservation Plan, the City of Newcastle shall identify historic properties and sites as locally significant and worthy of protection from commercial development and other incompatible land uses and activities. The City will take all reasonable actions within its means to preserve and protect these locally significant historic properties and sites from inconsistent and incompatible land uses.
- LU-P39 The pioneering history of Newcastle may be reflected in public buildings and facilities.

**Natural Features**

- LU-P40 Areas where natural features and resources are fragile or development would pose hazards to health or property are designated critical areas (RCW 36.70A.060) Critical areas include:
  - a. Fish and wildlife conservation areas;
  - b. Wetlands;
  - c. Areas with a critical recharging affect on groundwater used for water supply;
  - d. Frequently flooded areas;
  - e. Geologically hazardous areas, including erosion hazard areas, landslide hazard areas, seismic hazard areas, and coal mine hazard areas.
- LU-P41 With City of Newcastle oversight, developers shall be responsible for determining whether there are critical areas on proposed project sites, and for identifying the nature and extent of the critical areas.
- LU-P42 It shall be the developer’s responsibility to demonstrate that any impacts on critical areas will not result in significant risk to public health or safety, public or private property, or the environment
- LU-P43 The City of Newcastle shall use acquisition, enhancement, incentive programs, and appropriate regulations to protect land where development would pose hazards to health, property, important ecological functions, or environmental quality. Incentives may include buffer averaging, density credit transfers, and appropriate non-regulatory measures.
- LU-P44 The City of Newcastle shall promote environmental stewardship by educating its citizens and establishing partnerships with other entities that share similar environmental concerns or stewardship opportunities.
- LU-P45 The City of Newcastle shall coordinate with its citizens and with other jurisdictions (federal, tribal, state, and local) in protecting and enhancing the natural environment.
- LU-P46 The City of Newcastle’s regulations to protect natural features shall be based on the importance of the features’ functions and values as well as their sensitivity to human activity.
- LU-P47 The City of Newcastle shall promote efficient provision of utilities and public services by exempting necessary minor activities from its critical areas regulations, provided the utility or service provider has a Best

Management Practices Plan approved by the City, and that any impacts on habitats will be mitigated.

**Water Resources**

- LU-P48 The City of Newcastle shall manage its water resources to protect and enhance their multiple beneficial uses. Use of water resources for one purpose should, to the fullest extent possible, preserve opportunities for other uses.
- LU-P49 Development in the City of Newcastle shall occur in a manner that supports the continued ecological and hydrologic functioning of water resources and avoids significant adverse impacts on water quality and quantity.
- LU-P50 The City of Newcastle shall promote conservation of water resources. To the maximum extent practicable, water conservation measures shall be incorporated in new development, including city parks and other civic projects.
- LU-P51 The City of Newcastle shall consider the potential impacts of its land use actions on aquifers that serve as potable water supplies. The depletion or degradation of aquifers needed for potable water supply shall be avoided or mitigated; otherwise, a proven, feasible replacement source of potable water supply shall be planned and developed to compensate for potential lost supplies.
- LU-P52 The City of Newcastle shall protect groundwater recharge quality by cooperating with groundwater users and purveyors (including cities, water districts and the County) to implement appropriate wellhead protection programs.
- LU-P53 The City of Newcastle shall protect groundwater recharge quantity by promoting infiltration where site conditions permit and where potential groundwater contamination can be avoided through pollution source controls and stormwater pretreatment.
- LU-P54 The City of Newcastle shall consider the potential impacts of future groundwater withdrawals and surface water diversions on in-stream flows necessary to support threatened or endangered salmonid stocks.
- LU-P55 Stream channels shall be protected and enhanced for their hydraulic, ecological functions and aesthetic value. Stream channels shall not be placed in culverts unless absolutely necessary for property access.
- LU-P56 The City of Newcastle, in partnership with King County and other jurisdictions, shall promote restoration of stream channels and associated riparian areas to enhance water quality and fish and wildlife habitat and to mitigate flooding and erosion. The City shall require such restoration as a condition of development adjacent to streams, as appropriate.
- LU-P57 The City of Newcastle shall participate in implementing the May Creek Action Plan.
- LU-P58 Stream crossings for streets, utilities, and other development shall be avoided where reasonable alternatives have lesser impacts on habitats. Where no reasonable alternatives are possible, impacts on habitats shall be minimized with compensatory mitigation provided as appropriate.

- LU-P59 Hardening and armoring of stream banks shall be avoided unless necessary for the protection of existing legal structures that are subject to imminent threat of damage and where no reasonable alternative measures with lesser impacts on habitats are available. The City of Newcastle shall encourage the use of vegetation for stream bank stabilization.
- LU-P60 The City of Newcastle shall protect Lake Boren through management of its watershed and associated shoreline habitats, including control of nutrients that stimulate algae growth and aquatic plant growth.

**Wetlands**

- LU-P61 The City of Newcastle shall adopt the most current version of the Federal Manual for Identifying and Delineating Jurisdictional Wetlands in conjunction with the Washington State Wetlands Identification and Delineation Manual and the Washington State Wetlands Rating System for Western Washington, or its successor.
- LU-P62 The City of Newcastle shall strive for no net loss of wetland functions or values within each drainage basin.
- LU-P63 Acquisition, enhancement, regulations, and incentive programs shall be used independently or in combination to protect and enhance wetland functions and values.
- LU-P64 Development adjacent to wetlands shall be designed such that buffers protect wetland functions and significant adverse impacts to wetlands are prevented.
- LU-P65 Wetland alternations shall be allowed when all wetland functions are evaluated, the least harmful reasonable alternatives are pursued, and affected significant functions are appropriately mitigated. Alterations to wetlands may be allowed to:
  - a. Accomplish a public agency or utility development;
  - b. Provide necessary utility and road crossings
  - c. Avoid denial of reasonable use of the property.
- LU-P66 Access to public wetlands may be allowed for scientific, educational, and recreational use, provided the public access trails are carefully sited, sensitive habitats and species are protected, and hydrological continuity is maintained.
- LU-P67 Areas of native vegetation that connect wetland systems shall be protected, preferably through incentives and appropriate non-regulatory mechanisms.
- LU-P68 Mitigation for impacts on wetland functions shall replace or enhance the lost functions. Mitigation sites shall be located strategically to alleviate habitat fragmentation.
- LU-P69 Mitigation shall contribute to an existing wetland system or restore an area that was historically a wetland. Where restoration or enhancement of an existing degraded wetland system is proposed, it must result in a net increase in the functions of the wetland system.
- LU-P70 The City of Newcastle shall provide flexibility in its wetland mitigation requirements to encourage protection of systems or corridors of connected wetlands.

- LU-P71 The City of Newcastle shall require developers to monitor and maintain wetland mitigation until the City determines that the mitigation is successful. Land used for wetland mitigation shall be preserved in perpetuity as open space.
- LU-P72 The City of Newcastle shall participate with King County, other jurisdictions, and interested parties in developing a wetland mitigation banking program.

**Floodplains**

- LU-P73 The existing hydraulic (flood storage and conveyance) and ecological functions of floodplains shall be protected, and where possible, enhanced or restored.
- LU-P74 The City of Newcastle's floodplain land use and floodplain management activities shall be carried out in accordance with the King County Flood Hazard Reduction Plan or its successor.

**Vegetation**

- LU-P75 The City of Newcastle shall strive to preserve, replace, or enhance native vegetation that contributes to the City's scenic beauty. The City shall preserve its visual identity as a small town situated in a lush green setting.
- LU-P76 The City of Newcastle shall encourage the use, where appropriate, of native plants in new landscaping, erosion control projects, restoration of stream banks, lakes, shorelines, and wetlands.
- LU-P77 The City of Newcastle shall protect existing native plant communities by encouraging management and control of non-native invasive plants, including aquatic plants.
- LU-P78 The City of Newcastle shall actively encourage the use of environmentally safe methods of vegetation control. Herbicide use shall be minimized.
- LU-P79 The City of Newcastle shall encourage the use of drought resistant vegetation.

**Erosion, Steep Slope, and Landslide Hazard Areas**

- LU-P80 Development shall be allowed in Erosion Hazard Areas provided clearing, grading and construction activities incorporate erosion control Best Management Practices and other development controls as necessary to reduce sediment discharge from construction sites to minimal levels. Development controls shall include seasonal restrictions on clearing and grading.
- LU-P81 Land uses permitted in erosion, steep slope, and landslide hazard areas and their buffers shall minimize soil disturbance and maximize retention and replacement of native vegetative cover.
- LU-P82 Landslide hazard areas and areas with slopes of 40 percent or greater and their buffers shall not be developed unless the risks and adverse impacts associated with such development can be reduced to a non-significant level.
- LU-P83 Development within landslide hazard areas with slopes less than 40 percent and their buffers shall not decrease slope stability on contiguous properties. Mitigation shall be based on the best available engineering and geological practices in order to eliminate or minimize the risk of landslide damage to public welfare or property or to salmonid habitats.

**Seismic Hazard Areas**

LU-P84 In areas with severe seismic hazards, special building design and construction measures shall be used to minimize the risk of structural damage, fire, and injury to occupants during a seismic event and to prevent post-seismic collapse.

**Fish and Wildlife Habitat**

LU-P85 The City of Newcastle shall strive to maintain habitats that support the greatest diversity of fish and wildlife species consistent with the City's land use objectives. Habitats for species identified as endangered, threatened, or sensitive by the state or federal government shall not be reduced and shall be preserved. Stream and wetland buffer requirements may be increased to protect such habitats.

LU-P86 The City of Newcastle shall designate and protect Fish and Wildlife Conservation Areas found within the City.

LU-P87 Public access may be allowed to fish and wildlife conservation areas for scientific, educational, and recreational use is desirable providing the public access trails are carefully sited, sensitive habitats and species are protected, and hydrologic continuity is maintained.

LU-P88 The identification of species that need protection shall occur one time during the development review process. The identification shall be completed and established in a single set of study guidelines.

LU-P89 The City of Newcastle shall protect salmonid habitats by ensuring that land and infrastructure development (transportation, water, sewer, electricity, gas) includes practicable riparian and stream habitat conservation measures developed by the city and service providers, the County, tribes, or state and federal agencies.

LU-P90 Any habitat areas supporting state or federally designated threatened, endangered, and sensitive species or species of local importance, shall be designated and mapped. The City of Newcastle shall coordinate with adjacent jurisdictions, the state and federal governments, and tribes during the designation process.

LU-P91 The City of Newcastle shall be a good steward of public lands, and shall incorporate measures to protect and restore fish and wildlife habitats into capital improvement projects whenever feasible, especially where necessary or productive to maintain critical salmonid habitats.

LU-P92 The City of Newcastle shall promote voluntary wildlife habitat enhancement projects by private individuals and businesses through educational and incentive programs.

**Coal Mine Hazard Areas**

LU-P93 Development may occur in coal mine hazard areas following study and engineering reports by developers that detail the extent of the hazards, if any, and mitigation.

LU-P94 Developers shall eliminate or mitigate significant hazards associated with abandoned coal mine workings so the site is safe, using appropriate criteria to evaluate the subsequent use.

**List of Land Use Figures**

LU-1 Comprehensive Plan Map