

MOTION NO. 2593

1
2
3 A MOTION directing the Office of Zoning and
4 Subdivision Examiner to reopen the public
5 hearing on the reclassification of property
6 from S-R to M-L petitioned by Tony Colella
7 under Division of Building and Land Develop-
8 ment File No. 400-72-P.

8 WHEREAS, the King County Council by Motion No. 897 denied the
9 reclassification of property from S-R(Suburban Residential) to
10 M-L(Light Manufacturing) petitioned by Tony Colella under Division
11 of Building and Land Development File No. 400-72-P; and

12 WHEREAS, the Superior Court for King County, under Cause
13 No. 756814, declared the S-R classification to be an unreasonable
14 zoning for the subject property, declared the refusal to reclass-
15 ify the property to be an arbitrary, capricious and unreasonable
16 act, and granted the property owner the right to conduct commer-
17 cial operations thereon; and

18 WHEREAS, the Washington Court of Appeals, under Cause
19 No. 3188-42999-I(Colella V. King County 14 Washington Appeals 247),
20 affirmed the decision of the Superior Court; and

21 WHEREAS, the Supreme Court of the State of Washington refused
22 to review the decision of the Court of Appeals; and

23 WHEREAS the decision of the Superior Court did not change
24 the Suburban Residential classification of this property, the
25 Court having stated that it could not rezone property; and

26 WHEREAS, the property owner has petitioned the King County
27 Council to reconsider the decision to deny the reclassification
28 from S-R to M-L under Building and Land Development File No.
29 400-72-P;

30 NOW THEREFORE be it moved by the Council of King County:

- 31 1. The applicant shall submit to the Division of Building
32 and Land Development such supplements to the application
33

1 for reclassification under File No. 400-72-P as he may
 2 desire and such information as the Division of Building
 3 and Land Development may require in order to prepare an
 Environmental Assessment.

4 2. The Division of Building and Land Development shall
 5 prepare an addendum to their preliminary report on
 6 File No. 400-72-P. The addendum report shall include
 7 an Environmental Assessment and shall reflect such
 8 changes in circumstances as have occurred subsequent
 9 to the preliminary report. The Division shall consider
 10 the ML classification and alternative classifications
 for the purpose of determining a classification and
 conditions which will permit a reasonable use of the
 subject property, protect affected properties and
 implement the King County Comprehensive Plan.

11 3. The Office of Zoning and Subdivision Examiner shall
 12 reopen the public hearing on File No. 400-72-P and
 13 prepare a report of recommendation on the reconsidera-
 tion of this application.

14 PASSED at a regular meeting of the King County Council this
 15 19TH day of JULY, 1976.

17 KING COUNTY COUNCIL
 18 KING COUNTY, WASHINGTON

19 
 20
 21 Chairman

22 ATTEST:

23 
 24 John J. Hammond
 25 ACTING Clerk of the Council

25

26

27

28

29

30

31

32

33