

December 19, 1994  
12/19/94 clerk

Introduced by: Vance

Proposed No.: 94-827

ORDINANCE NO. **11638**

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2  
3 AN ORDINANCE extending the establishment  
4 of interim development regulations on  
5 properties outside the interim urban  
6 growth areas in Ordinance 11110 and  
7 amending ORDINANCE 11110, Section 3 and  
8 declaring an emergency.  
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13 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

14 SECTION 1. Ordinance 11110, Section 3 is amended to read  
15 as follows: Limit of interim controls. The controls specified  
16 in Section 2 shall expire (~~December 31, 1994~~) March 1, 1995  
17 unless earlier repealed by the King County council upon its  
18 adoption of (~~permanent urban growth areas and development~~  
19 ~~regulations~~) zoning to implement the 1994 King County  
20 Comprehensive Plan as (~~part of the comprehensive plan~~)  
21 required by the Growth Management Act.  
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23 SECTION 2. The King County council adopts and  
24 incorporates by reference the findings on pages one through  
25 four in Ordinance 11110 as shown in Attachment A to this  
26 ordinance and makes the following additional findings:  
27

28 A. The Washington State Growth Management Act (GMA)  
29 requires King County to adopt interim and final urban growth  
30 areas pursuant to RCW 36.70A.110. King County adopted interim  
31 urban growth areas in Ordinance 11110 on November 8, 1993. In  
32 Ordinance 11110 the county also established interim controls on

1 areas outside of the interim urban growth area that were  
2 previously designated and zoned urban under the 1985 King  
3 County Comprehensive Plan. Interim controls were deemed  
4 necessary to protect planning options for this approximately 49  
5 square mile area of King county proposed for rural designation.

6 B. The interim controls in Ordinance 11110 were set to  
7 expire on December 31, 1994. Permanent controls are scheduled  
8 to be adopted in early January, 1995, as part of the  
9 implementation of the 1994 King County Comprehensive Plan.

10 C. Final designation of urban growth areas as required  
11 by the GMA occurred with the adoption of the 1994 King County  
12 Comprehensive Plan on November 18, 1994. However, King County  
13 has yet to adopt development regulations including zoning to  
14 implement the 1994 King County Comprehensive Plan.

15 D. The King County council held a public hearing on  
16 December 9, 1994 to consider proposed Ordinance 94-737 which  
17 would adopt zoning to implement the 1994 King County  
18 Comprehensive Plan and continued consideration of proposed  
19 Ordinance 94-737 to December 19, 1994. Based on the extensive  
20 public testimony from this hearing, councilmembers have  
21 requested staff to prepare amendments to proposed Ordinance 94-  
22 737. Due to the extensive time necessary to prepare supporting  
23 analysis including zoning maps, the proposed amendments will  
24 not be ready for consideration at the December 19, 1994 council  
25 meeting.

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SECTION 3. The council shall hold a public hearing on this ordinance pursuant to RCW 36.70A.390 within 60 days of adoption of this ordinance.

SECTION 4. If this ordinance is not enacted as an emergency, the interim controls previously adopted by ordinance 11110 will expire and this poses the risk that there will not be in effect regulations consistent with county land use plans and policies. Accordingly, the King County council finds as a fact and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public peace, health, or safety or for the support of county government and existing public institutions.

INTRODUCED AND READ for the first time this 19<sup>th</sup> day of December, 1994.

PASSED this 19<sup>th</sup> day of December, 1994.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

Passed by a vote of 12-1.

Kent Pullen  
Chair

ATTEST:

Gerald A. Peterson  
Clerk of the Council

APPROVED this 30<sup>th</sup> day of December, 1994.

Sam Loh  
King County Executive

# ATTACHMENT A

ORDINANCE NO. 11110 **11638**

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AN ORDINANCE designating interim urban growth areas under RCW 36.70A.110 as amended and establishing interim development regulations on properties outside the interim urban growth areas.

**PREAMBLE:**

For the purpose of meeting the requirements of the State of Washington Growth Management Act (GMA) to designate interim urban growth areas under RCW 36.70A.110 as amended by Engrossed Substitute House Bill 1761, Section 2 (4), 1993 First Special Session of the Washington State Legislature, the King County Council makes the following findings:

1. The GMA, as amended in 1991, required the preparation and adoption of Countywide Planning Policies based on a cooperative process between King County and its cities. The Countywide Planning Policies were to be adopted no later than July 1, 1992. The Growth Management Planning Council (GMPC), a formal body of elected officials from Seattle, the suburban cities and King County, was established by interlocal agreement to develop countywide policies.

2. GMPC work has been progressing in phases. In Phase I, an initial set of framework policies meeting the GMA requirements was developed by the GMPC and recommended to the King County council. These policies were adopted and ratified by the King County council through Ordinance 10450 and signed by the county executive on July 6, 1992. They were then sent to the cities for ratification. The King County council recognized ratification of the policies by Motion #8766 on September 28, 1992. Passage of Motion #8766 formally completed Phase I work on the Countywide Planning Policies (CPPs). Phase II work includes additional environmental and fiscal/economic impact analysis for any refinements to the CPPs, as outlined in Ordinance 10450.

3. The Phase I Countywide Planning Policies call for most population and employment growth to occur within urban areas and for the establishment of an urban growth area to receive that growth. This policy direction is consistent with the GMA, which calls for urban growth areas to include cities and allows urban growth areas to include territory outside cities "only if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth." Countywide Planning Policy LU-14 sets criteria for lands within the urban growth area. These include lands within existing cities, areas characterized by urban development which can receive urban services within the next 20 years, and areas sufficiently free of environmental constraints to be able to support urban growth without major environmental impacts. Further, the policies state that urban growth areas should not extend beyond natural boundaries and should respect topographic features.

4. In arriving at its recommendations on the urban growth area, the GMPC concluded that jurisdictions within a smaller urban area could provide land capacity

1 sufficient to accommodate growth expected to occur in King  
2 County during the next 20 years. The GMPC also concluded  
3 that necessary urban services and infrastructure could not  
4 be provided to the entire area designated urban in the  
5 1985 King County Comprehensive Plan due to the high cost  
6 of serving certain low-density development patterns.

7 5. Final designation of urban growth areas as required  
8 by GMA will occur with the adoption of the Comprehensive  
9 Plan, to be updated by July 1994.

10 6. The council finds that for the purpose of  
11 designating interim urban growth areas in compliance with  
12 RCW 36.70A.110 King County will designate as its urban  
13 growth areas the same areas adopted as framework policies  
14 in the 1992 Countywide Planning Policies, except for a  
15 technical area east of the City of Issaquah, and the East  
16 Sammamish Community Plan Area.

17 7. RCW 36.70A.110 (2) requires the county to consult  
18 with each city on the location of an urban growth area  
19 within which the city is located. Through adoption of the  
20 Countywide Planning Policies the county consulted with  
21 cities within the countywide urban growth area and has  
22 continued consulting with the cities in the rural area. A  
23 status report on the progress of discussions with the  
24 rural cities is presented in Attachment B.

25 8. It is the intention of the county to continue to  
26 collaborate with cities on the final designation of urban  
27 growth areas, and then to enter into agreements regarding  
28 the transition of the these urban growth areas to the  
29 cities, in order for the county to support annexation  
30 proposals at the Washington State Boundary Review Board  
31 for King County.

32 9. The interim UGA designation for cities in the rural  
33 area is not intended to foreclose the analysis of  
34 alternatives a city may evaluate in developing its  
35 comprehensive plan. The county's environmental review for  
36 its 1994 updated comprehensive plan will include possible  
37 alternative UGAs for cities in the rural area.

38 10. For the Snoqualmie joint planning area, King County  
39 has executed an interlocal agreement with the City of  
40 Snoqualmie and Snoqualmie Ridge Associates which in part  
41 establishes a joint planning area. This joint planning  
42 area is unique in King County, having been established by  
43 the parties in 1990 as part of a community planning  
44 process. The interim urban growth area designated through  
45 this action, which excludes the Snoqualmie joint planning  
46 area, shall not be construed to limit any possible options  
47 in this joint planning area or predetermine any outcomes  
48 of the future joint planning process. All provisions of  
49 the interlocal agreement shall remain in full effect.

50 11. For the technical review areas east of the City of  
51 Issaquah, the GMPC recommended to the county that these  
52 areas be added to the urban growth area adopted in the  
53 1992 Countywide Planning Policies. The council adopted  
54 this recommendation. It is now to be circulated for  
55 ratification by the cities.

56 12. For the East Sammamish planning area, the GMPC had  
57 determined that this boundary should be further evaluated  
58 and possibly revised based on the East Sammamish Community  
59 Plan Update process. That process was completed with  
60 adoption of the East Sammamish Community Plan on May 25,  
61 1993. The East Sammamish Community Plan identified an

1 urban/rural line different than the one adopted in the  
2 Countywide Planning Policies.

3 Pursuant to East Sammamish Community Plan policy GM-7, if  
4 the urban growth areas identified in the plan conflict  
5 with the urban growth areas adopted in Ordinance 10450,  
6 changes for the adopted urban growth area shall be  
7 recommended to the GMPC by King County. King County staff  
8 has made recommendations to the GMPC which will be made  
9 part of the Phase II proposed amendments to the Countywide  
10 Planning Policies still being analyzed by the GMPC as part  
11 of the Phase II environmental review.

12 The King County Council, in its adoption of the East  
13 Sammamish Community Plan, acknowledged that certain  
14 planning activities then underway might lead to revised  
15 land use designations and development regulations within  
16 the planning area. The County Council indicated that the  
17 western portion of the Grand Ridge Sub Area may be  
18 redesignated urban if compatible with the findings of the  
19 Issaquah Wellhead Protection Study and the groundwater  
20 management program for the area. The Council further  
21 called for future consideration of a density transfer  
22 program within the Grand Ridge Sub Area.

23 In the meantime, King County proposes the urban growth  
24 area in the East Sammamish Community Plan as the interim  
25 urban growth area for the East Sammamish Community Plan  
26 Area.

27 13. King County has designated expansion areas for rural  
28 area cities, which were included in the urban growth area  
29 adopted by the 1992 Countywide Planning Policies. An  
30 exception is the City of Black Diamond. King County never  
31 designated an expansion area for the City of Black Diamond  
32 as part of a community plan update process. The City of  
33 Black Diamond desires King County to designate an interim  
34 urban growth area to enable the City to proceed with its  
35 GMA-mandated comprehensive planning process. The interim  
36 UGA in this ordinance does not conform with that proposed  
37 by the City of Black Diamond, requiring the county per RCW  
38 36.70A.110 (2) to "...justify in writing why it so  
39 designated the area an urban growth area..." The smaller  
40 designated interim UGA recognizes only the long-standing  
41 vision of the City, reflected in its 1980 plan, to expand  
42 to the east for, among other reasons, protection of water  
43 quality in the drainage basin. Additional work to be done  
44 will enable the county to make a final designation of the  
45 City's UGA.

46 14. The council finds that, for a substantial portion of  
47 the county not in the urban growth areas, development  
48 regulations are in place to prohibit urban development  
49 (1985 King County Comprehensive Plan as amended by adopted  
50 Community Plans for Vashon - October 27, 1986, Bear Creek  
51 - January 30, 1989, Snoqualmie - August 29, 1989, Enumclaw  
52 - June 12, 1990, Soos Creek - December 17, 1990, Tahoma  
53 Raven Heights - December 18, 1991, Northshore - January  
54 19, 1993, and East Sammamish - May 25, 1993.)

55 15. For the East Sammamish Community Planning Area, a  
56 water moratorium on certificates of water availability  
57 adopted by Northeast Lake Sammamish Water and Sewer  
58 District is currently in effect. A new source for this  
59 area must be approved by the State Department of Ecology  
60 prior to the lifting of this moratorium by the District.

61 16. The council finds that interim controls are  
62 necessary to preserve planning options and carry out the  
63 vision of the Countywide Planning Policies. Without

1 interim controls a subdivision pattern contrary to  
 2 planning undertaken through the Growth Management Act  
 3 could result.

4 Current subdivision patterns and development applications  
 5 in the pipeline show this to be true. Subdivision  
 6 applications in the pipeline for the area proposed to be  
 7 rural rather than urban total approximately 2,300 units on  
 8 3,300 acres, for an average density of 0.70 units per  
 9 gross acre. Continuation of this development pattern in  
 10 applications not yet submitted would be inconsistent with  
 11 the adopted density guidelines for rural areas in the King  
 12 County Comprehensive Plan (and in the vision of the  
 13 Countywide Planning Policies) which call for densities in  
 14 the range of 1 unit per 5 to 10 acres for all rural areas  
 15 not already developed at higher densities.

16 17. The council finds that the existing environmental  
 17 documents adopted by King County on May 5, 1992, addendum  
 18 issued on June 18, 1992, the environmental review  
 19 completed for the Issaquah technical review areas, and the  
 20 supporting addendum which was prepared for this action are  
 21 adequate under SEPA for the purposes of the county's  
 22 designation of these interim urban growth areas and  
 23 interim development regulations.

24 18. The council finds that work in progress will produce  
 25 a fiscal analysis adequate for the purposes of the adopted  
 26 Countywide Planning Policies which must be completed by  
 27 the time the county designates its permanent urban growth  
 28 areas or revises its comprehensive land use plan as  
 29 required by the Growth Management Act.

30 19. Designation of these interim urban growth areas and  
 31 placing of interim land use controls provide for the  
 32 coordination and regulation of public and private  
 33 development and bear a substantial relationship to, and  
 34 are necessary for, the public health, safety and general  
 35 welfare of King County and its residents.

36 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

37 SECTION 1. Designation of interim urban growth areas.

38 The interim urban growth areas for King County are shown on the  
 39 map in Attachments A, A-1, and A-2, provided that, upon  
 40 completion of the planning committed to in the 1990 agreement  
 41 between the City of Snoqualmie and the county, the county will  
 42 designate as part of the City of Snoqualmie's UGA any area in  
 43 the Joint Planning Area agreed to be urban by the county and  
 44 the City.

45 SECTION 2. A. Interim residential development controls  
 46 in "Areas Under Interim Controls." The subdivision and short  
 47 subdivision of land within the "Areas Under Interim Controls"  
 48 as shown in Attachment A shall be limited to the creation of  
 49 lots no smaller than five acres in size except for the GR-5 and  
 50 GR-2.5 zones. In the GR-5 and GR-2.5 zones, the subdivision

1 and short subdivision of properties in the "Areas Under Interim  
2 Controls" shall be limited to the creation of lots no smaller  
3 than 5 acres or to clustered subdivisions or short subdivisions  
4 at a density of one home per 5 acres subject to the provisions  
5 of KCC 21.21A.080. Common open space created by clustering  
6 shall be designated a permanent rural open tract pursuant to  
7 KCC 21.21A.070. Planned unit developments shall not be  
8 permitted.

9 B. King County shall not approve or support applications  
10 for new sewer or water district franchises or sewer service  
11 extensions which include any properties within the "Areas Under  
12 Interim Controls" as shown in Attachment A.

13 SECTION 3. Limit of interim controls. The controls  
14 specified in Section 2 shall expire December 31, 1994 unless  
15 earlier repealed by the King County council upon its adoption  
16 of permanent urban growth areas and development regulations as  
17 part of the comprehensive plan required by the growth  
18 management act.

19 INTRODUCED AND READ for the first time this 23<sup>rd</sup> day  
20 of August, 1993.

21 PASSED this 8<sup>th</sup> day of November, 1993.

22 KING COUNTY COUNCIL  
23 KING COUNTY, WASHINGTON

24 Audrey Griger  
25 Chair  
26

27 ATTEST:

28 Gerald A. Peterson  
Clerk of the Council

29 APPROVED this 22<sup>nd</sup> day of November, 1993

30 [Signature]  
31 King County Executive

32 Attachments:  
33 A, A-1, A-2. Interim Urban Growth Area Maps  
34 B. Rural Cities Urban Growth Areas, Preliminary  
35 Recommendations of the King County Planning and Community  
36 Development Staff