



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 1, 2001

Ordinance 14094

Proposed No. 2001-0159.2

Sponsors Fimia

1 AN ORDINANCE relating to zoning, amending Ordinance
2 14045 to establish modifications to the enacted moratorium
3 and to add a new section to include findings on the need for
4 a moratorium on acceptance of new permit applications in
5 the RA zone for all new public schools (except for
6 remodels of existing facilities and provisions of portable
7 facilities) and public school facilities, private schools and
8 churches, synagogues and temples and schools related to
9 such religious facilities; amending Ordinance 14045,
10 Section 28 and adding a new section to Ordinance 14045.

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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SECTION 1. There is hereby added to Ordinance 14045 a new section to read as

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follows:

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Findings. The King County council makes the following findings of fact with

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regard to Ordinance 14045, Sections 28 and 29:

18 A. As urban land becomes more valuable, developments that are difficult to site
19 and use large amounts of land are moving to or proposing to develop in the rural area.

20 These developments may be inconsistent with rural character. Examples include:

21 1. Schools, which for public schools have state-mandated requirements that
22 affect site size, and which typically include sports fields and large parking lots;

23 2. Public school support facilities, such as bus bases, district administrative
24 offices and centralized district food preparation.

25 3. Churches, synagogues and temples, which may include affiliated schools and
26 facilities that are typically provided by such schools.

27 B. While these uses serve rural residents, they also serve urban residents and
28 sometimes require urban services and infrastructure. Facilities needed to serve the
29 developments may include sewers, parking lots, storm water detention facilities, urban
30 standard roads and lighting.

31 C. These developments can cause additional traffic on rural roads and increase
32 surface water storm flows.

33 D. Rural residents also cite concerns about the impact of such developments on
34 rural character and lifestyle and fear these urban-scale developments could preclude other
35 development more characteristic of the traditional rural area.

36 E. The Countywide Planning Policies (CPPs) call for protection of rural
37 character, and identify the basic elements of rural character based on the
38 recommendations of a rural character task force.

39 F. To implement the CPPs, policies in the King County Comprehensive Plan
40 regarding nonresidential uses in the rural residential area limit uses to "those that provide

41 convenient local services for nearby residents, require location in a rural area, or support
42 natural resource-based industries or adaptive reuse of significant historic resources."
43 Related polices have been amended over the years to specify a number of exceptions to
44 these listed limitations. In addition, the King County Zoning Code allows some uses that
45 may not be consistent with the intent of the policies.

46 G. A quality rural residential environment properly accommodates those facilities
47 and services needed to serve a stable rural population.

48 H. Rural residents have expressed concerns about the environmental, public
49 health, and public safety impacts of nonresidential uses that are out of scale with the
50 existing rural environment.

51 I. To protect public health and safety, infrastructure needed to appropriately serve
52 and adequately mitigate large nonresidential uses may include sewers, regional storm
53 water detention facilities, urban standard roads and roadway lighting, and enhanced
54 police and fire services. These infrastructure features are generally not provided in the
55 rural areas of King County.

56 J. The First Amendment of the Constitution of the United States states:
57 "Congress shall make no law respecting an establishment of religion, or prohibiting the
58 free exercise thereof; or abridging the freedom of speech, or of the press; or the right of
59 the people peaceably to assemble, and to petition the Government for a redress of
60 grievances."

61 K. Congress enacted the Religious Land Use and Institutionalized Persons Act of
62 2000, which declares that no government shall impose or implement a land use regulation
63 in a manner that imposes a substantial burden on the religious exercise of a person,

64 including a religious assembly or institution, unless the government demonstrates that
65 imposition of the burden on that person, assembly, or institution is in furtherance of a
66 compelling governmental interest and is the least restrictive means of furthering that
67 compelling governmental interest.

68 L. The Religious Land Use and Institutionalized Persons Act of 2000 also
69 declares that no local government may discriminate or exclude religious facilities, or
70 impose or implement a land use regulation in a manner that treats a religious assembly or
71 institution on less than equal terms with a nonreligious institution.

72 M. Members of the King County council have expressed grave concern over the
73 size and scale of nonresidential buildings in the Rural Area. Rural nonresidential
74 buildings of a certain size and scale are acknowledged to be compatible with the rural
75 environment. Such buildings generally do not exceed twenty thousand square feet, so
76 subjecting such developments to the moratorium would be a hardship.

77 N. Public schools regularly need to remodel existing facilities, to add portables,
78 and to construct new schools specifically funded by bonds, so subjecting such
79 developments to the moratorium would be a hardship.

80 O. Public and private schools regularly need to replace or expand existing
81 structures in order to meet the needs of their current student population, so subjecting
82 such developments to the moratorium would be a hardship.

83 P. To allow King County sufficient time to develop and adopt development
84 regulations consistent with countywide policies regarding protection of the county's rural
85 area, while respecting the rights and interests of those wishing to develop compatible
86 nonresidential uses in the rural area, it is necessary to adopt a moratorium on permit

87 applications on public schools and public school facilities, private schools and churches,
88 synagogues and temples and schools related to such religious facilities in the rural area.

89 Q. It is the intent of the King County council that the moratorium not be extended
90 beyond the eight months specified in Section 2 of this ordinance.

91 SECTION 2. Ordinance 14045, Section 28, is hereby amended to read as follows:

92 A moratorium on all new permit applications on ~~((all new))~~ public schools
93 ~~(((except for remodels of existing facilities and provisions of portable facilities and
94 except for public schools specifically funded by bonds approved by the voters in district
95 on or before February 12, 2001 and for which a pre-application meeting with King
96 county has already occurred)))~~ and public school facilities, private schools and churches,
97 synagogues and temples and schools related to such religious facilities in the RA zone is
98 hereby established for a period not to exceed ~~((ten))~~ eight months from the effective date
99 of ~~((this ordinance))~~ this ordinance (Ordinance No. 14094)~~((; unless extended by
100 additional council action as provided for by statute))~~. The purpose of the moratorium
101 shall be to allow time for the task force convened pursuant to ~~((section 29 of this
102 e))~~Ordinance 14045, Section 29, to complete its work and refer its recommendations to
103 the council for action.

104 A. The following permit applications are not subject to this moratorium, when
105 reviewed concurrently with or subsequent to approval of a Conditional Use Permit
106 (CUP):

107 1. Proposals for new buildings for which the total gross floor area of all new and
108 existing buildings on a single lot does not exceed twenty thousand square feet;

109 2. Remodels of existing facilities that do not add additional square footage;

110 3. Additions to existing facilities that do not result in a total gross floor area of
111 all additions and existing buildings of greater than twenty thousand square feet on a
112 single lot;

113 4. Portable facilities for public and private schools;

114 5. Construction of new public schools specifically funded by bonds approved by
115 the voters in the district on or before February 12, 2001, and for which a preapplication
116 meeting with King county has already occurred;

117 6. Replacement or expansion of existing structures for public or private schools
118 or public or private school facilities that are not proposed for the purpose of
119 accommodating increased student enrollment, that the total square footage of the
120 additions does not exceed twenty thousand square feet and [that] do not require urban
121 services, including, but not limited to, sewers; water extensions; either road
122 improvements or other transportation improvements, or both; and additional police, fire
123 or emergency services; and

124 7. A change of use of an existing building that creates a new public school,
125 public school facility, private school or church, synagogue or temple or a school related
126 to such a religious facility if the total gross floor area of the existing structure and any
127 new proposed buildings does not exceed twenty thousand square feet on a single lot.

128 B. Ancillary permits, such as fire sprinklers, fire alarms and signs, for all public
129 schools and public school facilities, private schools and churches, synagogues and
130 temples and schools related to such religious facilities in the RA zone, shall be allowed if
131 the building is constructed, under construction, is permitted but construction has not

132 started or for vested building permit applications for these uses under review with the
133 department of development and environmental services.

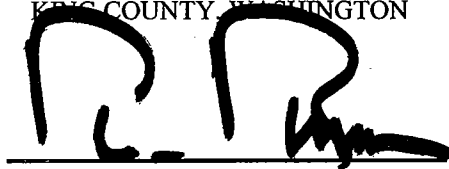
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Ordinance 14094 was introduced on 2/26/01 and passed as amended by the Metropolitan King County Council on 4/30/01, by the following vote:

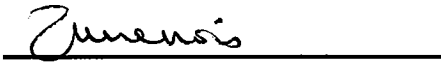
Yes: 8 - Ms. Miller, Ms. Fimia, Mr. Phillips, Mr. Pelz, Ms. Sullivan, Mr. Nickels, Mr. Gossett and Mr. Irons
No: 5 - Mr. von Reichbauer, Mr. McKenna, Mr. Pullen, Ms. Hague and Mr. Thomas
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



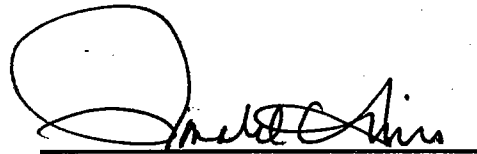
Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 3 day of May, 2001.



Ron Sims, County Executive

Attachments None