



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 9, 2015

Ordinance 18107

Proposed No. 2015-0351.1

Sponsors Dunn

1 AN ORDINANCE renewing for six months an existing
2 moratorium on acceptance of applications for new
3 development on isolated industrial zoned parcels; and
4 declaring an emergency.

5 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6 **SECTION 1. Findings:**

7 A. King County has authority, under constitutional police powers, home rule
8 authority and the Washington state Growth Management Act, chapter 36.70A RCW ("the
9 GMA"), to establish a moratorium to preclude the acceptance of certain new development
10 applications while the county studies related land use issues.

11 B. In 1990, the Washington state Legislature adopted the GMA in order to, in
12 part, control intensive, urban development and facilitate the preservation of rural
13 character.

14 C. Subsequent to the adoption of the GMA, King County updated the King
15 County Comprehensive Plan ("KCCP") in Ordinance 11575 in 1994 and unincorporated
16 area zoning designations in Ordinance 11653 in 1995 in order to be to be compliant with
17 and implement the GMA. Some rural parcels were given an industrial zoning
18 classification in recognition of historic, ongoing uses that were present at the time. A p-

19 suffix condition was placed on many, but not all, of these parcels, precluding a change in
20 use without subsequent county approval.

21 D. It is in the public interest that any zoning and development regulations are
22 consistent with the KCCP and the GMA.

23 E. The KCCP, as updated in June 2014 by Ordinance 17842, defines "rural
24 growth" as "growth that is scaled to be compatible with and maintains the traditional
25 character of the Rural Area."

26 F. The KCCP states that "new rural industrial development in the Rural Area
27 needs to be of a scale and nature that is distinct from urban industrial development."

28 G. KCCP policy R-514 identifies regulations for new industrial development in
29 the Rural Area to ensure that industrial growth meets rural character standards. These
30 development regulations include: "f. Industrial uses requiring substantial investments in
31 infrastructure such as water, sewers or transportation facilities shall be scaled to avoid the
32 need for public funding of the infrastructure."

33 H. The roads services division is experiencing a two-hundred-fifty-million-dollar
34 annual shortfall and is thus imposing reductions in service and maintenance levels,
35 particularly on Tier 4 and 5 local residential roadways. As a result, there are not public
36 funds available for improvements to local residential roadways in order to accommodate
37 new industrial development.

38 I. KCCP policy U-173 states that "industrial development should have direct
39 access from arterials or freeways... Access through residential areas should be avoided."
40 Rural areas that are largely residential in character need particular protection from the
41 traffic impacts of industrial development.

42 J. The KCCP identifies three accepted industrial areas in the Rural Area: the
43 southwest portion of the Town of Vashon; a designated area adjacent to the Rural
44 Neighborhood Commercial Center of Preston; and an area located along SR-169 on lands
45 that have been and continue to be used as industrial purposes and have a designation as a
46 King County Historic site.

47 K. As a consequence of its past planning decision to assign zoning based on
48 historic uses, King County also has had industrial zoned parcels not located in Rural
49 Towns or existing industrial areas identified in subsection J. of this section. Some of
50 these industrial zoned parcels had access from local residential roadways. Additionally,
51 absent the limitation of a p-suffix condition, some of the on-the-ground property uses
52 occurring on these isolated industrial zoned parcels changed over time. For purposes of a
53 later study, these types of industrial zoned parcels have been referred to as "isolated
54 industrial zoned parcels." As to such parcels in the Rural Area, the KCCP provides that
55 they are not appropriate for new industrial uses. Specifically, KCCP policy R-515 states
56 that "existing industrial uses in the Rural Area outside of Rural Towns, the industrial area
57 on the King County-designated historic site along SR169 or the designated industrial area
58 adjacent to the Rural Neighborhood Commercial Center of Preston shall be zoned rural
59 residential but may continue if they qualify as legal, nonconforming uses."

60 L. In September 2014, the council enacted Ordinance 17893, which
61 commissioned a study to identify isolated industrial zoned parcels within unincorporated
62 King County, the access points and road classification of those access points for
63 identified parcels, the impacts on adjacent rural lands from development of identified
64 parcels and what zoning or other ordinance changes would address the impacts and

65 concerns of development identified regarding isolated industrial zoned parcels. In order
66 to allow the study of isolated industrial parcels to be completed, the council adopted a
67 moratorium as part of Ordinance 17893.

68 M. As required by Ordinance 17893, the executive transmitted a report, 2015-
69 RPT0028, which identified one parcel in unincorporated King County that met the
70 definition of "isolated industrial zoned parcel," and recommended changing the zoning
71 for that parcel, from Industrial to Rural Area, 5 acre minimum (RA-5) in accordance with
72 KCCP policy R-515. The report also recommended that the council initiate an ordinance
73 that would complete the rezone.

74 N. The council initiated Proposed Ordinance 2015-0170, which would rezone
75 Parcel No. 2033069011 from Industrial to Rural Area, 5 acre minimum (RA-5), and
76 referred the proposed ordinance to the King County hearing examiner for a public
77 hearing and recommendation on the rezone proposal.

78 O. The hearing examiner held a public hearing on July 16, 2015, and transmitted
79 his recommendation on July 31, 2015.

80 P. On August 14 2015, an appeal of the recommendation for this rezone was filed
81 with the clerk of the council.

82 Q. Acceptance of development applications proposing development on isolated
83 industrial zoned parcels would risk frustrating consideration and implementation of the
84 results of the study described in subsection L. of this section. Therefore, it is in the
85 public interest to renew the existing moratorium on acceptance of applications for new
86 development on isolated industrial zoned parcels for a six-month period.

87 R. It is necessary that this ordinance go into effect immediately in order to avoid
88 inappropriate applications for new development on isolated industrial zoned parcels.

89 SECTION 2. A. A six-month moratorium commencing on September 22, 2015,
90 is declared prohibiting King County from accepting applications for development on
91 isolated industrial zoned parcels. Applications covered by this moratorium include, but
92 are not limited to, those for public health approval or development permit or approval of
93 any kind. Any applications for land use approvals or other permits that are accepted as a
94 result of error or by use of vague or deceptive descriptions during the moratorium are null
95 and void and without legal force or effect.

96 SECTION 3. For the purposes of this ordinance, "isolated industrial zoned
97 parcels" means industrial zoned parcels in the Rural Area that are:

98 A. Not located in a Rural Town, in a designated area adjacent to the Rural
99 Neighborhood Commercial Center of Preston, or an area located along SR-169 on lands
100 that have been and continue to be used for industrial purposes and have a designation as a
101 King County Historic site;

102 B. Not located in or directly adjacent to the urban growth boundary; and

103 C. Without direct access from arterials or freeways.

104 SECTION 4. Severability. If any provision of this ordinance or its application to
105 any person or circumstance is held invalid or should any portion of this ordinance be pre-
106 empted by state or federal law or regulation, the remainder of the ordinance or the
107 application of the provision to other persons or circumstances is not affected.

108 SECTION 5. The county council finds as a fact and declares that an emergency
109 exists and that this ordinance is necessary for the immediate preservation of public peace,

110 health or safety or for the support of county government and its existing public
111 institutions.
112

Ordinance 18107 was introduced on 8/31/2015 and passed by the Metropolitan King County Council on 9/8/2015, by the following vote:

Yes: 8 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Lambert,
Mr. Dunn, Mr. McDermott, Mr. Dembowski and Mr. Upthegrove
No: 0
Excused: 1 - Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: None