



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19613

Proposed No. 2023-0201.1

Sponsors Perry

1 AN ORDINANCE declaring a seven-month moratorium
 2 prohibiting subdivisions of residentially zoned land in the
 3 Rural Town of Fall City; directing the executive to produce
 4 a work plan to address the issues and circumstances
 5 necessitating the moratorium; and declaring an emergency.

6 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

7 **SECTION 1. Findings:**

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

12 B. In 1990, the Washington state Legislature adopted the Growth Management
 13 Act in order to, in part, facilitate the preservation of rural character. Rural character, in
 14 part, refers to patterns of land use and development in which open space, the natural
 15 landscape and vegetation predominate over the built environment, that fosters traditional
 16 rural lifestyles and rural-based economies, that provide visual landscapes that are
 17 traditionally found in rural areas and communities, and that reduces the inappropriate
 18 conversion of undeveloped land into sprawling, low-density development.

19 C. The Countywide Planning Policies states that the goal as follows "the Rural
 20 Area Geography is stable and the level and pattern of growth within it provide for a

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21 variety of landscapes and open space, maintains diverse low-density communities, and
22 supports rural economic activities based on sustainable stewardship of land." Although
23 there are no growth targets identified in the countywide planning policies for the rural
24 area, King County's rural area is anticipated to grow minimally, by 1 percent or less
25 annually.

26 D. The King County Comprehensive Plan, as amended by Ordinance 19555,
27 defines "rural growth" as "growth that is scaled to be compatible with, and maintains the
28 traditional character of the Rural Area." King County Comprehensive Plan Policy R-301
29 states that a low growth rate is desirable for the Rural Area including Rural Towns to
30 comply with the Growth Management Act, continue preventing sprawl and the
31 overburdening of rural services, reduce need for capital expenditures, maintain rural
32 character, protect the environment, and reduce transportation-related gas emissions.

33 E. The King County Comprehensive Plan identifies three rural towns within the
34 Rural Area geography: Vashon, Fall City, and Snoqualmie Pass. The King County
35 Comprehensive Plan states the purposes of Rural Town designations are "to recognize
36 existing concentrations of higher density and economic activity in Rural Areas and to
37 allow modest growth of residential and economic uses to keep them economically viable
38 into the future." Rural towns are considered part of the rural area for the purposes of the
39 Growth Management Act, do not provide significant growth capacity, and are not subject
40 to the growth targets adopted for the Urban Growth Area.

41 F. Consistent with King County Comprehensive Plan Policy R-302, residential
42 development in Rural Towns should occur at a variety of densities and housing types that
43 are compatible with the maintenance of historic resources and community character.

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44 G. King County is preparing the Snoqualmie Valley/Northeast King County
45 Subarea Plan as well as an update of the King County Comprehensive Plan, scheduled to
46 be adopted in December 2024. As part of those updates, King County is interested in
47 evaluating the size and scale of residential development in the Fall City Rural Town to
48 ensure that the range of development is compatible with the county's goals for the Rural
49 Area and is consistent with rural character.

50 H. King County is completing an environmental impact statement with the 2024
51 King County Comprehensive Plan update to identify and analyze environmental impacts,
52 alternatives, and potential mitigation associated with policy and code changes. The
53 environmental impact statement will evaluate options that address the issues necessitating
54 the interim zoning ordinance.

55 I. King County is contemplating the adoption of an interim zoning ordinance,
56 which would commence at the expiration of this moratorium and end at the adoption of
57 the Snoqualmie Valley/Northeast King County Subarea Plan and King County
58 Comprehensive Plan update. The interim zoning ordinance includes provisions for
59 minimum lot size and setbacks that are intended to ensure consistency with rural
60 character on an interim basis while the County studies whether additional regulation is
61 necessary.

62 J. King County is reviewing several applications for residential subdivisions in
63 the Rural Town of Fall City and has received notice that property owners seek to
64 subdivide additional lots in the Rural Town of Fall City. In contrast to past land
65 segregations, those subdivisions now rely on the use of large on-site sewage systems and
66 shared stormwater tracts, which is resulting in smaller residential lots and houses tightly

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67 clustered to one area of the subdivision. Those developments place a great deal of
68 pressure on the intended rural character of the area, which is what the Growth
69 Management Act was established, in part, to protect.

70 K. It is in the public interest that any zoning and development regulations are
71 consistent with the Growth Management Act, the King County Comprehensive Plan, and
72 other environmental land use laws.

73 L. It is in the public interest to establish a moratorium on acceptance of
74 applications for the subdivision of residentially zoned land in the Rural Town of Fall City
75 for a seven-month period in order to investigate whether additional regulation is
76 necessary.

77 M. Under RCW 36.70A.390, King County is authorized to adopt a moratorium to
78 implement the Growth Management Act.

79 N. It is necessary that this ordinance go into effect immediately in order to avoid
80 a rush of applications for new subdivisions on residentially zoned land in the Rural Town
81 of Fall City.

82 SECTION 2. A. A seven-month moratorium commencing upon the effective
83 date of this ordinance is declared on the acceptance of applications for the subdivision of
84 residentially zoned land in the Rural Town of Fall City. Any land use approvals or other
85 permits that are accepted as a result of error or by use of vague or deceptive descriptions
86 during the moratorium are null and void and without legal force or effect. Applications
87 for alteration of final plats may continue be accepted consistent with K.C.C. 19A.16.070.

88 B. Within sixty days of the effective date of this ordinance, the council shall hold
89 a public hearing on the moratorium.

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90 C. During the moratorium, the executive shall complete a work plan for
91 residential lots in the Rural Town of Fall City and attach the findings to the ordinance
92 adopting the Snoqualmie Valley/Northeast King County subarea plan. The work plan
93 shall, at a minimum:

94 1. Describe all development regulations that affect lot dimensions and building
95 size and bulk for residentially zoned properties in the Rural Town of Fall City. Lot
96 dimensions may include but are not limited to: minimum building lot size, lot width, and
97 minimum and maximum density. Building size and bulk may include but are not limited
98 to: base and maximum height, impervious surface maximums, on-site septic standards,
99 or landscaping or stormwater requirements that affect the overall size and scale of
100 buildings and structures;

101 2. Evaluate the rural character, consistent with the Growth Management Act
102 definition, of the Rural Town of Fall City through an evaluation of typical land use
103 patterns, architectural and natural features, and community-identified cultural assets;

104 3. Analyze whether development regulations in subsection B.1. of this section
105 are appropriate and consistent with adopted policies regarding rural character and rural
106 growth;

107 4. Complete, as part of the Snoqualmie Valley/Northeast King County subarea
108 plan, community engagement specific to the Rural Town of Fall City on rural character
109 and community identity and implementing policies and development regulations; and

110 5. Propose as part of the Snoqualmie Valley/Northeast King County subarea
111 plan, any recommended amendments to development regulations, the Snoqualmie
112 Valley/Northeast King County subarea plan, King County Comprehensive Plan policies,

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113 zoning, or any combination thereof, that would address the impacts and concerns
114 identified in section 1 of this ordinance.

115 C. The executive shall electronically transmit the work plan as an attachment to
116 the ordinance adopting the Snoqualmie Valley/Northeast King County subarea plan, and
117 proposed amendments to the Snoqualmie Valley/Northeast King County subarea plan,
118 the King County Comprehensive Plan, development regulations, zoning, or any
119 combination thereof, no later than December 31, 2023, as part of the 2024 King County
120 Comprehensive Plan update, with the clerk of the council who shall retain the original
121 and provide an electronic copy to all councilmembers, the council chief of staff, the chief
122 policy officer and the lead staff for the local services and land use committee, or its
123 successor.

124 SECTION 3. Severability. If any provision of this ordinance or its application to
125 any person or circumstance is held invalid or should any portion of this ordinance be
126 preempted by state or federal law or regulation, the remainder of the ordinance or the
127 application of the provision to other persons or circumstances is not affected.

128 SECTION 4. A. The county council finds as a fact and declares that an
129 emergency exists and that this ordinance is necessary for the immediate preservation of
130 public peace, health or safety or for the support of county government and its existing
131 public institutions.

132 B. Enactment of this temporary moratorium as an emergency under Section
133 230.30 of the King County Charter waives certain procedural requirements, including

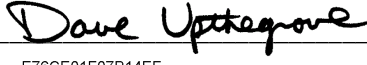
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- 134 SEPA review under chapter 43.21C RCW and K.C.C. chapter 20.44, notice to the state
135 under RCW 36.70A.106 and published notice under K.C.C. 20.18.110.

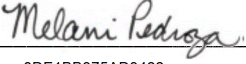
Ordinance 19613 was introduced on 5/16/2023 and passed by the Metropolitan King County Council on 5/16/2023, by the following vote:

Yes: 6 - Balducci, Dunn, Kohl-Welles, Perry, McDermott and Upthegrove
No: 3 - Dembowski, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

E76CE01F07B14EF...
Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Pedroza, Clerk of the Council

Attachments: None

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Signer Events

Dave Upthegrove
dave.upthegrove@kingcounty.gov
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Melani Pedroza
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Clerk of the Council
King County Council
Security Level: Email, Account Authentication (None)

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Intermediary Delivery Events	Status	Timestamp
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Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps

Envelope Summary Events	Status	Timestamps
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Completed	Security Checked	5/17/2023 1:05:24 PM

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