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

Sponsors: Sarah Perry

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Clerk 05/16/2023

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

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

B. In 1990, the Washington state Legislature adopted the Growth Management Act in order to, in part, facilitate the preservation of rural character. Rural character, in part, refers to patterns of land use and

development in which open space, the natural landscape and vegetation predominate over the built environment, that fosters traditional rural lifestyles and rural-based economies, that provide visual landscapes that are traditionally found in rural areas and communities, and that reduces the inappropriate conversion of undeveloped land into sprawling, low-density development.

C. The Countywide Planning Policies states that the goal as follows "the Rural Area Geography is stable and the level and pattern of growth within it provide for a variety of landscapes and open space, maintains diverse low-density communities, and supports rural economic activities based on sustainable stewardship of land." Although there are no growth targets identified in the countywide planning policies for the rural area, King County's rural area is anticipated to grow minimally, by 1 percent or less annually.

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

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

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

historic resources and community character.

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

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

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

J. King County is reviewing several applications for residential subdivisions in the Rural Town of Fall City and has received notice that property owners seek to subdivide additional lots in the Rural Town of Fall City. In contrast to past land segregations, those subdivisions now rely on the use of large on-site sewage systems and shared stormwater tracts, which is resulting in smaller residential lots and houses tightly clustered to one area of the subdivision. Those developments place a great deal of pressure on the intended rural character of the area, which is what the Growth Management Act was established, in part, to protect.

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

L. It is in the public interest to establish a moratorium on acceptance of applications for the subdivision

of residentially zoned land in the Rural Town of Fall City for a seven-month period in order to investigate whether additional regulation is necessary.

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

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

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

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

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

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

2. Evaluate the rural character, consistent with the Growth Management Act definition, of the Rural Town of Fall City through an evaluation of typical land use patterns, architectural and natural features, and

community-identified cultural assets;

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

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

5. Propose as part of the Snoqualmie Valley/Northeast King County subarea plan, any recommended amendments to development regulations, the Snoqualmie Valley/Northeast King County subarea plan, King County Comprehensive Plan policies, zoning, or any combination thereof, that would address the impacts and concerns identified in section 1 of this ordinance.

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

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

SECTION 4. A. The 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 its existing public institutions.

B. Enactment of this temporary moratorium as an emergency under Section 230.30 of the King County Charter waives certain procedural requirements, including SEPA review under chapter 43.21C RCW and K.C.C. chapter 20.44, notice to the state under RCW 36.70A.106 and published notice under K.C.C. 20.18.110.