

## Legislation Text

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File #: 2015-0351, Version: 1

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

A. King County has authority, under constitutional police powers, home rule authority and the Washington state Growth Management Act, chapter 36.70A RCW ("the GMA"), 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 GMA in order to, in part, control intensive, urban development and facilitate the preservation of rural character.

C. Subsequent to the adoption of the GMA, King County updated the King County Comprehensive Plan ("KCCP") in Ordinance 11575 in 1994 and unincorporated area zoning designations in Ordinance 11653 in 1995 in order to be to be compliant with and implement the GMA. Some rural parcels were given an industrial zoning classification in recognition of historic, ongoing uses that were present at the time. A p-suffix condition was placed on many, but not all, of these parcels, precluding a change in use without subsequent county approval.

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

E. The KCCP, as updated in June 2014 by Ordinance 17842, defines "rural growth" as "growth that is

scaled to be compatible with and maintains the traditional character of the Rural Area."

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

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

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

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

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

K. As a consequence of its past planning decision to assign zoning based on historic uses, King County also has had industrial zoned parcels not located in Rural Towns or existing industrial areas identified in subsection J. of this section. Some of these industrial zoned parcels had access from local residential roadways. Additionally, absent the limitation of a p-suffix condition, some of the on-the-ground property uses occurring on these isolated industrial zoned parcels changed over time. For purposes of a later study, these types of industrial zoned parcels have been referred to as "isolated industrial zoned parcels." As to such parcels in the

Rural Area, the KCCP provides that they are not appropriate for new industrial uses. Specifically, KCCP policy R-515 states that "existing industrial uses in the Rural Area outside of Rural Towns, the industrial area on the King County-designated historic site along SR169 or the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston shall be zoned rural residential but may continue if they qualify as legal, nonconforming uses."

L. In September 2014, the council enacted Ordinance 17893, which commissioned a study to identify isolated industrial zoned parcels within unincorporated King County, the access points and road classification of those access points for identified parcels, the impacts on adjacent rural lands from development of identified parcels and what zoning or other ordinance changes would address the impacts and concerns of development identified regarding isolated industrial zoned parcels. In order to allow the study of isolated industrial parcels to be completed, the council adopted a moratorium as part of Ordinance 17893.

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

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

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

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

Q. Acceptance of development applications proposing development on isolated industrial zoned parcels

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

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

SECTION 2. A. A six-month moratorium commencing on September 22, 2015, is declared prohibiting King County from accepting applications for development on isolated industrial zoned parcels. Applications covered by this moratorium include, but are not limited to, those for public health approval or development permit or approval of any kind. Any applications for 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.

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

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

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

C. Without direct access from arterials or freeways.

SECTION 4. 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 pre-empted 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 5. 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.