King County

KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 23, 2014

Ordinance 17893

Proposed No. 2014-0393.1 **Sponsors** Dunn and von Reichbauer

AN ORDINANCE declaring a one-year 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, pursuant to 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, 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.

19 D. The KCCP, as updated in June 2014 by Ordinance 17842, defines "rural
20 growth" as "...growth that is scaled to be compatible with and maintains the traditional
21 character of the Rural Area."
22 E. The KCCP states that "new rural industrial development in the Rural Area
23 needs to be of a scale and nature that is distinct from urban industrial development."
24 F. KCCP policy R-514 identifies regulations for new industrial development in
25 the Rural Area to ensure that industrial growth meets rural character standards. These
26 development regulations include: "f. Industrial uses requiring substantial investments in
27 infrastructure such as water, sewers or transportation facilities shall be scaled to avoid the
28 need for public funding of the infrastructure."
29 G. The roads services division is experiencing a two-hundred-fifty-million-dollar
30 annual shortfall and is thus imposing reductions in service and maintenance levels,
31 particularly on Tier 4 and 5 local residential roadways. As a result, there are not public
32 funds available for improvements to local residential roadways in order to accommodate
33 new industrial development.
34 H. KCCP policy U-173 states that "industrial development should have direct
35 access from arterials or freeways ... Access through residential areas should be avoided."
36 Rural areas that are largely residential in character need particular protection from the
37 traffic impacts of industrial development. Thus, development regulations to impose
38 similar access requirements are necessary.
39 I. The KCCP has identified three existing industrial areas in the Rural Area: the
40 southwest portion of the Town of Vashon, a designated area adjacent to the Rural
41 Neighborhood Commercial Center of Preston, and an area located along SR-169 on lands

42 that have been and continue to be used as industrial purposes and have a designation as a
43 King County Historic site. The KCCP also identifies that there are existing, isolated
44 industrial sites in the Rural Area, but that they are not appropriate for new industrial uses.
45 Specifically, KCCP policy R-515 states that "existing industrial uses in the Rural Area
46 outside of Rural Towns, the industrial area on the King County-designated historic site
47 along SR169 or the designated industrial area adjacent to the Rural Neighborhood
48 Commercial Center of Preston shall be zoned rural residential but may continue if they
49 qualify as legal, nonconforming uses."

50 J. As a consequence of its past planning decision to assign zoning based on
51 historic uses, King County isolated industrial zoned parcels that are not located in Rural
52 Towns or existing industrial areas, identified in subsection I. of this section and are
53 adjacent to rural residential and/or resource lands. Some of these isolated industrial
54 zoned parcels only have access from local residential roadways. Additionally, absent the
55 limitation of a p-suffix condition, some of the on-the-ground property uses occurring on
56 these isolated industrial zoned parcels could change over time.

57 K. Acceptance of development applications proposing development on isolated
58 industrial zoned parcels may allow growth that is incompatible with nearby existing rural
59 land uses in unincorporated King County.

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

62 M. It is in the public interest to establish a moratorium on acceptance of
63 applications for new development on isolated industrial zoned parcels for a twelve-month
64 period in order to investigate whether additional regulation is necessary.

65 N. It is necessary that this ordinance go into effect immediately in order to avoid
66 a rush of applications for new development on isolated industrial zoned parcels.
67 SECTION 2. A. A one-year moratorium commencing upon the effective date of
68 this ordinance is declared prohibiting King County from accepting applications for
69 development on isolated industrial zoned parcels. Applications covered by this
70 moratorium include, but are not limited to, those for public health approval or
71 development permit or approval of any kind. Any applications for land use approvals or
72 other permits that are accepted as a result of error or by use of vague or deceptive
73 descriptions during the moratorium are null and void and without legal force or effect.
74 B. The executive shall develop a work plan for a study that includes:
75 1. Identification of all isolated industrial zoned parcels in unincorporated King
76 County. Individual parcel information shall include, at a minimum: parcel number,
77 acreage, land use designation, any associated development conditions, current owner,
78 currently known property use and any pertinent historical property uses, and a map of the
79 parcel and surrounding area zoning;
80 2. Identification of legal access points for each isolated industrial zoned parcel,
81 including the road classification and service level tier for each access point;
82 3. Review of the impacts on adjacent rural lands from development of any of the
83 isolated industrial zoned parcels; and
84 4. Identification of ordinance or zoning changes, or both, that would address the
85 impacts and concerns identified in section 1 of this ordinance.
86 C. The executive shall transmit the results of its study to the council within six
87 months after the effective date of this ordinance, by filing a paper copy and an electronic

88 copy of the study and associated proposed ordinance or zoning changes, or both, with the
89 clerk of the council, who shall retain the paper copy and forward electronic copies to all
90 councilmembers.

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

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

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

98 C. Without direct access from arterials or freeways.

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

103 SECTION 5. The county council finds as a fact and declares that an emergency
104 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.

Ordinance 17893 was introduced on 9/22/2014 and passed by the Metropolitan King County Council on 9/22/2014, by the following vote:

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

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Larry Phillips, Chair

ATTEST:

Anne Noris, Clerk of the Council

Attachments: None