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Title: AN ORDINANCE declaring a one-year moratorium on acceptance of applications for new development on isolated industrial zoned parcels; and declaring an emergency.

Sponsors: Reagan Dunn, Pete von Reichbauer

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Attachments: 1. Ordinance 17893.pdf, 2. PH notice - Ord 17893 (isolated industrial development moratorium).doc, 3. Affidavit Sea Times 10-1-14 re receiving public testimony on ordinance 17893, already adopted.pdf

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9/22/2014	1	Metropolitan King County Council	Passed	Pass

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.

D. 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."

E. 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."

F. 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."

G. 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.

H. 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. Thus, development regulations to impose similar access requirements are necessary.

I. The KCCP has identified three existing 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. The KCCP also identifies that there are existing, isolated industrial sites in the Rural Area, but 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.”

J. As a consequence of its past planning decision to assign zoning based on historic uses, King County isolated industrial zoned parcels that are not located in Rural Towns or existing industrial areas, identified in subsection I. of this section and are adjacent to rural residential and/or resource lands. Some of these isolated industrial zoned parcels only have 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 could change over time.

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

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

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

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

SECTION 2. A. A one-year moratorium commencing upon the effective date of this ordinance 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.

B. The executive shall develop a work plan for a study that includes:

1. Identification of all isolated industrial zoned parcels in unincorporated King County. Individual parcel information shall include, at a minimum: parcel number, acreage, land use designation, any associated development conditions, current owner, currently known property use and any pertinent historical property uses, and a map of the parcel and surrounding area zoning;

2. Identification of legal access points for each isolated industrial zoned parcel, including the road classification and service level tier for each access point;

3. Review of the impacts on adjacent rural lands from development of any of the isolated industrial zoned parcels; and

4. Identification of ordinance or zoning changes, or both, that would address the impacts and concerns identified in section 1 of this ordinance.

C. The executive shall transmit the results of its study to the council within six months after the effective date of this ordinance, by filing a paper copy and an electronic copy of the study and associated proposed ordinance or zoning changes, or both, with the clerk of the council, who shall retain the paper copy and forward electronic copies to all councilmembers.

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.