



Legislation Text

File #: 2015-0171, **Version:** 2

A MOTION providing direction to the King County hearing examiner regarding review of Proposed Ordinance 2015-0170.

WHEREAS, Ordinance 17893 declared an emergency and established a one-year moratorium on the acceptance of applications for new development on isolated industrial parcels expiring September 22, 2015, and

WHEREAS, Ordinance 17893 required a report from the executive identifying all isolated industrial zoned parcels in unincorporated King County and any proposals for zoning changes, and

WHEREAS, Ordinance 17893 defined "isolated industrial zoned parcels" as "industrial [(I)] 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," and

WHEREAS, on March 11, 2015, the executive transmitted "Isolated Industrial Parcels in Unincorporated King County ", 2015-RPT0028 ("Report"), which analyzed the location of all the industrial zoned parcels in unincorporated King County. Out of twenty-nine identified industrial zoned parcels, only Parcel No. 2022069011 met the criteria of an "isolated industrial parcel" as defined in the development moratorium, and

WHEREAS, the Report analyzed the zoning history, use and adjacent zoning of Parcel No. 2022069011 and found the property is surrounded by rural residential properties and is without direct access to an arterial

roadway. The Report also notes that while the zoning for this parcel is "Industrial" (I), the Comprehensive Plan land use designation is "Rural Area," and

WHEREAS, the Report recommends the council initiate a change of zoning designation of this isolated industrial parcel to Rural Area with a 5 acre minimum (RA-5), and

WHEREAS, Proposed Ordinance 2015-0170 would rezone Parcel No. 2022069011 to RA-5, and

WHEREAS, the King County hearing examiner routinely holds hearings on behalf of the council and issues findings, conclusions and recommendations on proposed rezones;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

A. Once Proposed Ordinance 2015-0170 is referred to the hearing examiner, the hearing examiner is requested to:

1. Conduct a quasi-judicial hearing process and hearing on the proposed rezone;
2. Review whether any of the immediately abutting property, including public rights-of-way, should

also be rezoned from I to RA-5;

3. As part of the quasi-judicial hearing, hold the charter-required public hearing on Proposed Ordinance 2015-0170; and

4. Within ninety days of referral of Proposed Ordinance 2015-0170, issue a recommendation to the council supported by findings of fact and conclusions of law from the record. The examiner may take longer than ninety days only if necessary to satisfy any mandatory legal requirements. The findings and conclusions should address, but are not limited to:

- a. the proposed rezone's consistency with the King County Comprehensive Plan and other applicable laws, policies and objectives of King County;

- b. the impact of the proposed rezone on the health, safety, interest, morals or general welfare of the public; and

- c. whether there are changed of circumstances since the original zoning of Parcel No. 2022069011.

B.1. The clerk of the council is directed to issue notice for the hearing examiner's public hearing on the proposed rezone, including the time, place and purpose of the public hearing, at least thirty days before the hearing.

2.a. Notice of the hearing shall be provided by:

(1) mailing the notice to the property owner of Parcel No. 2022069011;

(2) mailing the notice to property owners within five hundred feet of the Parcel No. 2022069011, including at least twenty property owners in the vicinity of the property; and

(3) mailing the notice to any person who provided comment at the public hearing for Ordinance 17893, or who is an interested party and has provided a mailing address for pending county land use permit applications on Parcel No. 2022069011.

b. Failure of any person to receive the notice described in subsection B.2.a.(2) and (3) of this motion shall not constitute a procedural violation.