



Legislation Details (With Text)

File #:	2023-0202	Version:	2
Type:	Ordinance	Status:	Passed
File created:	5/23/2023	In control:	Local Services and Land Use Committee
On agenda:		Final action:	11/14/2023
Enactment date:	11/21/2023	Enactment #:	19690
Title:	AN ORDINANCE declaring a thirteen-month interim zoning ordinance regulating residentially zoned land in the Rural Town of Fall City; and amending Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030.		
Sponsors:	Sarah Perry		
Indexes:	Fall City, Town of, Zoning		
Code sections:	21A.12.030 -		
Attachments:	1. Ordinance 19690, 2. 2023-0202_SR, 3. PO 2023-0202 SEPA Follow up memo, 4. 08-16-23 Order #61380 #306 KC DLS Permitting, 5. PO 2023-0202 Draft Checklist signed, 6. PO2023-0202-SEPA-TD-Fall-City-Interim-Zoning, 7. 2023-0202_AMD1, 8. 2023-0202_AMDT1_Title Amd, 9. Affidavit of publication		

Date	Ver.	Action By	Action	Result
11/14/2023	1	Metropolitan King County Council	Passed as Amended	Pass
8/22/2023	1	Local Services and Land Use Committee	Passed Out of Committee Without a Recommendation	Pass
5/23/2023	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE declaring a thirteen-month interim zoning ordinance
regulating residentially zoned land in the Rural Town of Fall City; and amending
Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. 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.

B. 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 an interim zoning ordinance while the county studies related land use issues.

C. 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.

D. The Countywide Planning Policies state the following goal: "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 one percent or less annually.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. On May 16, 2023, the King County council enacted an emergency moratorium on subdivisions in the residentially zoned area of the Rural Town of Fall City. That moratorium will pause subdivision applications as King County evaluates development standards in this interim zoning ordinance as well as potential changes associated with the Snoqualmie Valley/Northeast King County Subarea Plan for consistency with rural character.

K. 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 acres into lots in the Rural Town of Fall City. Past land segregation in the R-4 zone included lots that were distributed evenly across the project area with less space devoted to common infrastructure. In contrast to past land segregations, those subdivisions now rely on the use of large shared on-site sewage systems, which necessitate administration by the state of Washington, and shared stormwater tracts, which in those cases, is resulting in much smaller residential lots and houses tightly clustered to one area of the subdivision. Those houses are also sited ten feet from the street and

five feet from interior lot lines, facing inwards towards themselves rather than facing outward to community. 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.

L. King County finds that the provisions outlined in this ordinance, including a ten-thousand-square-foot minimum lot size, twenty-foot minimum street setback and ten-foot interior setback for the rural town of Fall City, represent the standards necessary to assure the creation of new residential lots that are consistent with rural character on an interim basis with minimal impacts to the surrounding rural town.

M. It is in the public interest to establish an interim zoning ordinance of residentially zoned land in the Rural Town of Fall City for a thirteen-month period in order to investigate whether additional regulation is necessary.

N. This ordinance will go into effect in order to address land segregation of residentially zoned land in the Rural Town of Fall City.

SECTION 2. A thirteen-month interim zoning control commencing upon the effective date of this ordinance is declared on residentially zoned land in the Rural Town of Fall City.

SECTION 3. Ordinance 10870, Section 340, as amended, and K.C.C. 21A.12.030 are hereby amended to read as follows:

A. Densities and dimensions - residential and rural zones.

RURAL					RESIDENTIAL								
STANDARD	RA-2.5	RA-5	RA-10	RA-20	UR	R-1 (17)	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density Unit/Acre	0.2 du/ac	0.2 du/ac	0.1 du/ac	0.05 du/ac	0.2 du/a (21)	1 du/ ac	4 du/ ac (6)	6 du/ac	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Maximum Dwelling Units	0.4 du/ac (20)						6 du/ ac (22) 8 du/ ac (27)	9 du/ac 12 du/ac (27)	12 du/ac 16 du/ac (27)	18 du/ac 24 du/ac (27)	27 du/ac 36 du/ac (27)	36 du/ac 48 du/ac (27)	72 du/ac 96 du/ac (27)
Minimum Density							85% (12) (18) (23) (18)	85% (12) (18)	85% (12) (18)	80% (18)	75% (18)	70% (18)	65% (18)
Minimum Lot Size	1.875 ac	3.75 ac	7.5 ac	15 ac			10,000 sf (30)						
Minimum Lot Width	135 ft	135 ft	135 ft	135 ft	35 ft (7)	35 ft (7)	30 ft	30 ft	30 ft	30 ft	30ft	30 ft	30 ft
Minimum Street Setback	30 ft (9)	30 ft (9)	30ft (9)	30 ft (9)	30 ft (7)	20 ft (7) (29)	10 ft (8) 20 ft (30)	10 ft (8)	10 ft (8)	10 ft (8)	10 ft (8)	10ft (8)	10 ft (8)

Minimum Interior Setback (3)	5 ft (9)	10 ft (9)	10 ft (9)	10 ft (9)	5 ft (7)	5 ft (7) (29)	5 ft 10 ft (30)	5 ft	5 ft	5 ft (10)	5 ft (10)	5 ft (10)	5 ft (10)
Base Height	40 ft	40 ft	40 ft	40 ft	35 ft	35 ft (29)	35 ft 25 ft (25a)	35 ft 25 ft (25a)	35 ft 25 ft (25a)	60 ft	60 ft	60 ft	60 ft
Maximum Height (4)	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4)	75 ft (4)	30 ft (25b) 75 ft (4)	45 ft (14) 30 ft (25b) 75 ft (4)	45 ft (14) 30 ft (25b) 75 ft (4)	75 ft (4)	75 ft (4) 80 ft (14)	75 ft (4) 80 ft (14)	75 ft (4) 80 ft (14)
Maximum Interior Surface: Per (11) (19) (26)	25% (11) (19) (26)	20% (11) (19) (26)	15% (11) (19) (24) (26)	12.5% (11) (19) (26)	30% (11) (26)	30% (11) (26)	55% (26)	70% (26)	75% (26)	85% (26)	85% (26)	85% (26)	90% (26)

B. Development conditions.

1. This maximum density may be achieved only through the application of:

a. residential density incentives in accordance with K.C.C. chapter 21A.34 or transfers of development rights in accordance with K.C.C. chapter 21A.37, or any combination of density incentive or density transfer; or

b. For properties within the Skyway-West Hill or North Highline community service area subarea geographies, only as provided in the inclusionary housing regulations in K.C.C. chapter 21A.48.

2. Also see K.C.C. 21A.12.060.

3. These standards may be modified under the provisions for zero-lot-line and townhouse developments.

4.a. Portions of a structure may exceed the base height if one additional foot of street and interior setback is provided for each foot above the base height limit. The following restrictions apply:

(1) for netting or fencing and support structures for the netting or fencing used to contain golf balls in the operation of golf courses or golf driving ranges, the maximum height shall not exceed seventy-five feet, except for recreation or multiuse parks, where the maximum height shall not exceed one hundred twenty-five feet, unless a golf ball trajectory study requires a higher fence. All such netting, fencing and support structures are exempt from the additional interior setback requirement, regardless of whether located in a recreation or multiuse park;

(2) properties within the Skyway-West Hill or North Highline community service area subarea geographies shall not increase height through this method; and

(3) for all other structures, the maximum height achieved through this method shall not exceed seventy-five feet.

b. Accessory dwelling units and accessory living quarters shall not exceed base heights, except that this requirement shall not apply to accessory dwelling units constructed wholly within an existing dwelling unit.

5. Applies to each individual lot. Impervious surface area standards for:

a. Regional uses shall be established at the time of permit review;

b. Nonresidential uses in rural area and residential zones shall comply with K.C.C. 21A.12.120 and 21A.12.220;

c. Individual lots in the R-4 through R-6 zones that are less than nine thousand seventy-six square feet in area shall be subject to the applicable provisions of the nearest comparable R-6 or R-8 zone; and

d. A lot may be increased beyond the total amount permitted in this chapter subject to approval of a conditional use permit.

6. Mobile home parks shall be allowed a base density of six dwelling units per acre.

7. The standards of the R-4 zone apply if a lot is less than fifteen thousand square feet in area.

8. At least twenty linear feet of driveway shall be provided between any garage, carport or other fenced parking area and the street property line. The linear distance shall be measured along the center line of the driveway from the access point to such garage, carport or fenced area to the street property line.

9.a. Residences shall have a setback of at least one hundred feet from any property line adjoining A, M or F zones or existing extractive operations. However, residences on lots less than one hundred fifty feet in width adjoining A, M or F zones or existing extractive operations shall have a setback from the rear property line equal to fifty percent of the lot width and a setback from the side property equal to twenty-five percent of the lot width.

b. Except for residences along a property line adjoining A, M or F zones or existing extractive operations, lots between one acre and two and one-half acres in size shall conform to the requirements of the R-

1 zone and lots under one acre shall conform to the requirements of the R-4 zone.

10.a. For developments consisting of three or more single-detached dwellings located on a single parcel, the setback shall be ten feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet.

b. For townhouse and apartment development, the setback shall be twenty feet along any property line abutting R-1 through R-8, RA and UR zones, except for structures in on-site play areas required in K.C.C. 21A.14.190, which shall have a setback of five feet, unless the townhouse or apartment development is adjacent to property upon which an existing townhouse or apartment development is located.

11. Lots smaller than one-half acre in area shall comply with standards of the nearest comparable R-4 through R-8 zone. For lots that are one-half acre in area or larger, the maximum impervious surface area allowed shall be at least ten thousand square feet. On any lot over one acre in area, an additional five percent of the lot area may be used for buildings related to agricultural or forestry practices. For lots smaller than two acres but larger than one-half acre, an additional ten percent of the lot area may be used for structures that are determined to be medically necessary, if the applicant submits with the permit application a notarized affidavit, conforming with K.C.C. 21A.32.170A.2.

12. For purposes of calculating minimum density, the applicant may request that the minimum density factor be modified based upon the weighted average slope of the net buildable area of the site in accordance with K.C.C. 21A.12.087.

13. The minimum lot area does not apply to lot clustering proposals as provided in K.C.C. chapter 21A.14, except in the Rural Town of Fall City between the effective date of this ordinance and thirteen months after the effective date of this ordinance.

14. This maximum height is only allowed as follows:

a. in R-6 and R-8 zones, for a building with a footprint built on slopes exceeding a fifteen percent finished grade; and

b. in R-18, R-24 and R-48 zones:

(1) for properties within the Skyway-West Hill or North Highline community service area subarea geographies, only if meeting the requirements of K.C.C. chapter 21A.48; or

(2) for all other properties, using residential density incentives and transfer of density credits in accordance with this title.

15. Density applies only to dwelling units and not to sleeping units.

16. Vehicle access points from garages, carports or fenced parking areas shall be set back from the property line on which a joint use driveway is located to provide a straight line length of at least twenty-six feet as measured from the center line of the garage, carport or fenced parking area, from the access point to the opposite side of the joint use driveway.

17.a. All subdivisions and short subdivisions in the R-1 zone shall be required to be clustered if the property is located within or contains:

(1) a floodplain;

(2) a critical aquifer recharge area;

(3) a regionally or locally significant resource area;

(4) existing or planned public parks or trails, or connections to such facilities;

(5) a category type S or F aquatic area or category I or II wetland;

(6) a steep slope; or

(7) an urban separator or wildlife habitat network designated by the Comprehensive Plan or a community plan.

b. The development shall be clustered away from critical areas or the axis of designated corridors such as urban separators or the wildlife habitat network to the extent possible and the open space shall be placed in a separate tract that includes at least fifty percent of the site. Open space tracts shall be permanent and shall be dedicated to a homeowner's association or other suitable organization, as determined by the director, and meet

the requirements in K.C.C. 21A.14.040. On-site critical area and buffers and designated urban separators shall be placed within the open space tract to the extent possible. Passive recreation, with no development of recreational facilities, and natural-surface pedestrian and equestrian trails are acceptable uses within the open space tract.

18. See K.C.C. 21A.12.085.

19. All subdivisions and short subdivisions in R-1 and RA zones within the North Fork and Upper Issaquah Creek subbasins of the Issaquah Creek Basin (the North Fork and Upper Issaquah Creek subbasins are identified in the Issaquah Creek Basin and Nonpoint Action Plan) and the portion of the Grand Ridge subarea of the East Sammamish Community Planning Area that drains to Patterson Creek shall have a maximum impervious surface area of eight percent of the gross acreage of the plat. Distribution of the allowable impervious area among the platted lots shall be recorded on the face of the plat. Impervious surface of roads need not be counted towards the allowable impervious area. Where both lot- and plat-specific impervious limits apply, the more restrictive shall be required.

20. This density may only be achieved on RA 2.5 zoned parcels receiving density from rural forest focus areas through a transfer of density credit pursuant to K.C.C. chapter 21A.37.

21. Base density may be exceeded, if the property is located in a designated rural city urban growth area and each proposed lot contains an occupied legal residence that predates 1959.

22.a. The maximum density is four dwelling units per acre for properties zoned R-4 when located in the Rural Town of Fall City.

b. For properties within the Skyway-West Hill or North Highline community service area subarea geographies, only as provided in the inclusionary housing regulations in K.C.C. chapter 21A.48.

23. ~~((The minimum density requirement does not apply to properties located within the Rural Town of Fall City.))~~ The subdivision or short subdivision of property within the Rural Town of Fall City is not required to meet with the minimum density requirements of this chapter.

24. The impervious surface standards for the county fairground facility are established in the King County Fairgrounds Site Development Plan, Attachment A to Ordinance 14808* on file at the department of natural resources and parks and the department of local services, permitting division. Modifications to that standard may be allowed provided the square footage does not exceed the approved impervious surface square footage established in the King County Fairgrounds Site Development Plan Environmental Checklist, dated September 21, 1999, Attachment B to Ordinance 14808*, by more than ten percent.

25. For cottage housing developments only:

- a. The base height is twenty-five feet.
- b. Buildings that have pitched roofs with a minimum slope of six over twelve may achieve a maximum height of thirty feet at the ridge of the roof.

26. Impervious surface does not include access easements serving neighboring property and driveways to the extent that they extend beyond the street setback due to location within an access panhandle or due to the application of King County Code requirements to locate features over which the applicant does not have control.

27. a. For properties within the Skyway-West Hill or North Highline community service area subarea geographies, only in accordance with the inclusionary housing regulations in K.C.C. chapter 21A. 48.

b. For all other properties, only in accordance with K.C.C. 21A.34.040.F.1.g., F.6. or K.C.C. 21A.37.130.A.2.

28. On a site zoned RA with a building listed on the national register of historic places, additional dwelling units in excess of the maximum density may be allowed under K.C.C. 21A.12.042.

29. Height and setback requirements shall not apply to regional transit authority facilities.

30. Applies only in the Rural Town of Fall City between the effective date of this ordinance and thirteen months after the effective date of this ordinance.

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 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 5. This ordinance expires thirteen months after the effective date of this ordinance.