



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

November 14, 2017

Ordinance 18611

Proposed No. 2017-0488.1

Sponsors Dunn

1 AN ORDINANCE declaring a six-month moratorium on
2 the acceptance of applications for development of rural
3 industrial uses in close proximity to the Cedar river; and
4 declaring an emergency.

5 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

6 SECTION 1. Findings:

7 A. King County has authority, pursuant to constitutional police powers, home
8 rule authority and the Washington state Growth Management Act, including chapter
9 36.70A RCW ("the GMA"), to establish a moratorium to preclude the acceptance of
10 certain new development applications while the county studies related land use issues.

11 B. In 1990, the Washington state Legislature adopted the GMA in order to, in
12 part, facilitate the preservation of rural character.

13 C. The King County Comprehensive Plan ("KCCP"), as updated in December
14 2016 by Ordinance 18427, defines "rural growth" as "...growth that is scaled to be
15 compatible with, and maintains the traditional character of the Rural Area."

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

18 E. The KCCP has identified three existing industrial areas within the Rural Area
19 geography: the southwest portion of the Rural Town of Vashon, a designated area

20 adjacent to the Rural Neighborhood Commercial Center of Preston, and an area zoned
21 Industrial located along SR-169 on lands that have been used for industrial purposes and
22 had a designation as a King County Historic site.

23 F. The properties along SR-169 that are zoned Industrial are in close proximity,
24 and in one case within the shoreline jurisdiction of, the Cedar river.

25 G. The Cedar river is located in Water Resource Inventory Area 8, the Cedar-
26 Sammamish Watershed. The upper part of the Cedar river is the source for drinking
27 water for the 1.4 million people in the greater Seattle area, and the Cedar river provides
28 aquatic habitat for chinook salmon, coho salmon, sockeye salmon, kokanee, winter
29 steelhead, bull trout and coastal cutthroat.

30 H. Residential properties surrounding these industrial parcels rely on
31 groundwater for potable water sources.

32 I. King County has received notice that property owners seek to locate industrial
33 uses in close proximity to the Cedar river. The permitted uses within the Industrial zone
34 in close proximity to the Cedar river and along SR-169 have not recently been reviewed
35 within the context of the impacts on drinking water supply and aquatic habitat for
36 endangered salmonid species.

37 J. In accordance with KCCP policy R-515, existing industrial uses along SR-169
38 shall be zoned rural residential but may continue if they qualify as legal, nonconforming
39 uses.

40 K. There is interest in reviewing King County's adopted zoning regulations to
41 ensure that they sufficiently address the impacts of the allowed Industrial zone uses on
42 the surrounding environment, adjacent communities and the local road network.

43 L. King County is interested in reviewing industrial uses in this area and
44 associated development regulations to determine if they are compatible with surrounding
45 communities, impacts on groundwater quality, potable water supplies, and aquatic habitat
46 for endangered salmonid species.

47 M. It is in the public interest that any zoning and development regulations are
48 consistent with the KCCP, the Shoreline Management Act and the GMA.

49 N. It is in the public interest to establish a moratorium on acceptance of
50 applications for development of rural industrial uses in close proximity to the Cedar river
51 for a six-month period in order to investigate whether additional regulation is necessary.

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

54 SECTION 2. For the purposes of this ordinance, "rural industrial uses in close
55 proximity to the Cedar river" means those parcels outside of the urban growth boundary
56 that are zoned Industrial and are within one quarter mile of the ordinary high water mark
57 of the Cedar river.

58 SECTION 3. A. A six-month moratorium commencing upon the effective date
59 of this ordinance is declared prohibiting King County from accepting applications for
60 development of rural industrial uses in close proximity to the Cedar river, and prohibiting
61 the location, establishment or expansion of any rural industrial uses in close proximity to
62 the Cedar river. No building permit, occupancy permit, public health approval or
63 development permit or approval of any kind shall be accepted or issued for any of the
64 purposes or activities prohibited by this section. Any applications for land use approvals
65 or other permits that are accepted as a result of error or by use of vague or deceptive

66 descriptions during the moratorium are null and void and without legal force or effect.

67 B. During the moratorium, the executive shall study the rural industrial uses
68 permitted in close proximity to the Cedar river, and:

69 1. Identify all parcels that meet the criteria for rural industrial uses in close
70 proximity to the Cedar river in unincorporated King County. Individual parcel
71 information shall include, at a minimum: parcel number, acreage; land use designation;
72 any associated development conditions; current owner; currently known property use and
73 any pertinent historical property uses; and a map of the parcel and surrounding area land
74 use designation and zoning;

75 2. Evaluation of whether the land use designation and zoning for identified rural
76 industrial land use parcels is still appropriate and consistent with applicable laws,
77 regulations and adopted policies and adequately addresses the impacts and concerns
78 identified in section 1 of this ordinance;

79 3. Evaluation of whether the permitted uses in the Industrial zone adequately
80 address the impacts and concerns identified in section 1 of this ordinance; and

81 4. Identification of development regulation or map changes, or both, that would
82 address the impacts and concerns identified in section 1 of this ordinance.

83 C. The executive shall transmit the results of its study, and a proposed ordinance
84 with any recommended development regulation or map changes, or both, to the council
85 within three months after the effective date of this ordinance, in the form of a paper
86 original and an electronic copy with the clerk of the council, who shall retain the original
87 and provide an electronic copy to all councilmembers, the council chief of staff, the
88 policy staff director and the lead staff for the transportation, economy and environment

89 committee, or its successor.

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

94 **SECTION 5.** The county council finds as a fact and declares that an emergency
95 exists and that this ordinance is necessary for the immediate preservation of public peace,
96 health or safety or for the support of county government and its existing public
97 institutions.

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Ordinance 18611 was introduced on 11/13/2017 and passed by the Metropolitan King
County Council on 11/13/2017, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles
and Ms. Balducci

No: 0

Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



ATTEST:

Melani Pedroza

Melani Pedroza, Clerk of the Council

Attachments: None