



Legislation Text

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AN ORDINANCE renewing for six months an existing moratorium on the acceptance of applications for development of rural industrial uses in close proximity to the Cedar river; 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, including chapter 36.70A RCW ("the GMA"), to establish and renew 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. The King County Comprehensive Plan ("KCCP"), as updated in December 2016 by Ordinance 18427, defines "rural growth" as "...growth that is scaled to be compatible with, and maintains the traditional character of the Rural Area."

D. 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."

E. The KCCP has identified three existing industrial areas within the Rural Area geography: the southwest portion of the Rural Town of Vashon, a designated area adjacent to the Rural Neighborhood Commercial Center of Preston, and an area zoned Industrial located along SR-169 on lands that have been used for industrial purposes and had a designation as a King County Historic site.

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

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

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

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

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

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

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

M. For these reasons and others, Ordinance 18611 established a moratorium on the acceptance of applications for development of rural industrial uses in close proximity to the Cedar river; this moratorium is currently scheduled to expire on May 13, 2018.

N. In response to the study requirements of Ordinance 18611, the executive transmitted a report

regarding rural industrial uses permitted in close proximity to the Cedar river.

O. Subsequent to the completion of that report, other local governments, community groups including the Cedar River Council and residents have raised additional concerns regarding groundwater impacts and the compatibility of rural industrial uses with surrounding residential properties.

P. The executive's report transmitted in response to Ordinance 18611 does not adequately address the concerns raised by the District's letter and resolution, including the potential impacts of contamination from industrial uses on water quality in close proximity to the Cedar River.

Q. In order to further investigate whether existing regulations and policies are sufficient to protect groundwater and surface water quality, and whether additional regulation is necessary to properly mitigate such impacts, it is in the public interest to renew the moratorium on acceptance of applications for development of rural industrial uses in close proximity to the Cedar river for a six-month period.

R. It is necessary that this ordinance go into effect immediately in order to avoid a rush of applications for new development on rural industrial-zoned parcels in close proximity to the Cedar river.

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

SECTION 3. A. A six-month renewed moratorium commencing on May 13, 2018 is declared prohibiting King County from accepting applications for development of rural industrial uses in close proximity to the Cedar river, and prohibiting the location, establishment or expansion of any rural industrial uses in close proximity to the Cedar river. No building permit, occupancy permit, public health approval or development permit or approval of any kind shall be accepted or issued for any of the purposes or activities prohibited by this section. 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. During the moratorium, the executive shall further study the rural industrial uses permitted in close proximity to the Cedar river, and:

1. Coordinate with the appropriate community service areas on identified impacts and concerns with rural industrial uses, and evaluate whether adopted policies and development regulations adequately address the impacts and concerns;

2. Coordinate with the appropriate local governments utility purveyors, on identified impacts and concerns with rural industrial uses, and evaluate whether adopted policies and development regulations adequately address the impacts and concerns;

3. Identify what combination of policy, development regulation or map changes are needed to adequately address the impacts and concerns identified in section 1 of this ordinance.

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

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.