ORDINANCE NO. 180

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING BY REFERENCE THE KING COUNTY COMPREHENSIVE PLAN AND TITLE 20 OF THE KING COUNTY CODE FOR ANNEXATION AREA A-3 IN ACCORDANCE WITH THE INTERLOCAL AGREEMENT BETWEEN KING COUNTY AND THE CITY OF SHORELINE RELATING TO PROCESSING OF BUILDING PERMITS AND LAND USE APPLICATIONS

WHEREAS, the City of Shoreline has annexed an area of unincorporated King County commonly referred to as Annexation Area A-3; and

WHEREAS, all local government authority with respect to the annexation area is transferred from the County to the City upon the date of annexation; and

WHEREAS, prior to annexation, the County had received and begun processing a number of building and land use applications for property located in Annexation Area A-3, and those applications are legally vested under County laws and regulations; and

WHEREAS, to assist the orderly transition of the annexation area from the County to the City, the County and the City have entered into an interlocal agreement which provides that the County will continue to process those pre-annexation building permit and land use applications on behalf of the City; and

WHEREAS, King County has requested that the City adopt the County Comprehensive Plan and Title 20, Planning, of the King County Code in order to carry out the terms of the interlocal agreement;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of King County Regulations For Annexation Area. Pursuant to the interlocal agreement between King County and the City of Shoreline relating to processing of building permits and land use applications within Annexation Area A-3, a copy of which is attached hereto and incorporated herein, the City adopts by reference the King County Comprehensive Plan and Title 20 of the King County Code as presently constituted.

Section 2. Scope. This ordinance is enacted for the sole purpose of carrying out the terms of the interlocal agreement and shall have no other force or effect.

Section 3. Effective Date and Publication. This ordinance, or a summary thereof, shall be published in the official newspaper of the City, and shall take effect five days after the date of publication.

PASSED BY THE CITY COUNCIL ON NOVEMBER 23, 1998

Mayor Scott Jepsen

ATTEST:

Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

Bruce L. Disend
City Attorney

Date of Publication: November 27, 1998
Effective Date: December 2, 1998

ATTACHMENT TO
ORDINANCE NO. 180

Clerk's Receiving
No. 827
Date 2/2/99
R.A. Pace

INTERLOCAL AGREEMENT BETWEEN KING COUNTY AND THE CITY OF SHORELINE RELATING TO PROCESSING OF BUILDING PERMITS AND LAND USE APPLICATIONS

THIS AGREEMENT is made and entered into this day by and between King County, a home rule charter County in the State of Washington (hereinafter referred to as the "County") and the City of Shoreline, a municipal corporation in the State of Washington (hereinafter referred to as the "City").

WHEREAS the City intends to annex an area of unincorporated King County which is described in Attachments 1-A and 1-B and which is commonly referred to as the "Shoreline Annexation Area A-3" (hereinafter referred to collectively as the "Annexation Area"); and

WHEREAS all local government authority and jurisdiction with respect to the Annexation Area is transferred from the County to the City upon the date of Annexation; and

WHEREAS the County and City agree that having the County continue to process certain Annexation Area building permit applications and land use applications on behalf of the City for a transitional period will assist in an orderly transfer of authority and jurisdiction; and

WHEREAS, the City will adopt by ordinance the King County Comprehensive Plan, Zoning and other Development Regulations for the Shoreline Annexation Area A-3, specifically adopting the following: Comprehensive Plan Map designations for Annexation Area A-3; King County Code Title 21A, (King County Zoning Code); King County Code Title 16 (building and construction standards code); King County Code Title 19 (subdivision code); and King County Code 20.44 and King County Code 2.98 (SEPA regulations), and King County Code Title 27 (development permit fees); and

WHEREAS this Agreement is authorized by the Interlocal Agreement Act, RCW 39.34;

NOW, THEREFORE, in consideration of the terms and provisions herein, it is agreed by and between the City and County as follows:

1. Building-Related Applications Review.

1.1 Except as provided in section 1.2 below, the County shall continue to review and approve, approve with conditions, or deny all vested building-related permit applications filed with the County before the effective date of Annexation which involve property within the Annexation Area. Review shall occur in accordance with those County regulations under which

the application is vested, and in a manner consistent with sections 3 and 4 of this Agreement. Said review shall include follow-up inspections and enforcement of conditions of approval, issuance of extensions for completion of inspections, issuance of ancillary permits (for example, fire and mechanical) which are essential for completion of each original project permit, and issuance of certificates of occupancy at completion of the project. The types of building-related permits within this grant of authority include but are not necessarily limited to:

- building permits;
- mechanical permits;
- fire systems/fire sprinkler permits;
- hazardous material permits;
- building permit related grading and clearing permits.

1.2 At least 28 days before the effective date of Annexation as determined by the Shoreline City Council, the County will prepare and send to the City a list of all building-related permits and applications pending within the Annexation Area. The County will copy or otherwise make such listed permits and applications available to the City upon specific request. The City agrees to promptly reimburse the County for the cost of any file copies prepared at the City's request, except as otherwise noted in Section 14, below. The County further agrees to promptly notify the City of any applications received for the Annexation Area between the time a list of pending applications and permits is sent to the City and the effective date of annexation. Such applications will likewise be copied or made available to the City upon request. Following Annexation, the determination of whether a particular application has vested shall be made by the City. Following Annexation, those applications that the City determines have not vested shall be excluded from further County review. The City or County at any time may further exclude from this Agreement any additional permits or applications on the list upon providing written notice to the County or City.

2. Land Use Related Applications Review

2.1 Except as provided in section 2.5 below, the County shall continue to process those vested land use related applications filed with the County before the effective date of Annexation that involve property within the Annexation Area. Processing shall occur in accordance with

those County regulations under which the application is vested and in a manner consistent with sections 3 and 4 of this Agreement.

2.2 For those land use applications to be reviewed by the County pursuant to this Agreement, the County will prepare a report and recommendation to the City for use by its designated decisionmaker.

2.3 Following Annexation, the City shall be responsible for scheduling, providing notice of, and conducting any public hearings or appeals required in conjunction with an application. County staff will, at the request of City staff, attend the public hearing or appeal for the purpose of explaining any applicable County codes and policies, and any County staff findings of fact, analysis or recommendations. Nothing in this section is intended to limit the County's ability to otherwise participate in the City's public hearings or appeals in a manner independent of its role under this Agreement.

2.4 With regard to those subdivisions and short subdivisions that have been granted preliminary approval prior to Annexation, the County shall complete whatever phase of review the development is in on the date of Annexation and then turn the application over to the City for all further processing. For purposes of this Agreement, post-preliminary approval review phases include engineering plan approval, recommendation for final approval, construction inspection approval, and maintenance/defect approval. Nothing in this Agreement prohibits or limits the City from negotiating, on a case-by-case basis, with the County for additional work and completion of subsequent phases. All financial guarantees required of the applicant at completion of a current review phase to secure compliance with the requirements of subsequent phases shall be filed with or turned over to the City, which shall have sole discretion on the assessment of whether conditions guaranteed thereby have been satisfied and the release of said guarantees.

2.5 At least 28 days before the effective date of Annexation, the County will prepare and send to the City a list of all land use related permits and applications pending within the Annexation Area. The County will copy or otherwise make such listed permits and applications available to the City upon specific request. The City agrees to promptly reimburse the County for the cost of any file copies prepared at the City's request, except as otherwise noted in Section 14, below. The County further agrees to promptly notify the City of any applications received

for the Annexation Area between the time a list of pending applications and permits is sent to the City and the effective date of Annexation. Such applications will likewise be copied or made available to the City upon request. Following Annexation, the determination of whether a particular application has vested shall be made by the City. Following Annexation, those applications which the City determines have not vested shall be excluded from further County review. The City or County may further exclude from this Agreement any additional permits or applications on the list at any time upon providing written notice to the County or City.

3. SEPA Compliance.

3.1 In order to satisfy the procedural requirements of the State Environmental Policy Act ("SEPA"), following the effective date of Annexation, the City shall serve as lead agency for all applications identified in Sections 1 and 2 of this Agreement. SEPA determinations made and SEPA documents prepared by the County prior to Annexation shall continue in effect following transfer of lead agency status to the City, subject to the City's discretion to modify the same in accordance with applicable SEPA regulations. The City shall designate and identify a SEPA-responsible official to make threshold determinations and to supervise the preparation and content of environmental review for projects within the Annexation Area. The responsible official shall not be an employee, officer or agent of the County. Any and all pending or future administrative appeals from SEPA threshold determinations and other SEPA matters relating to projects within the Annexation Area shall be heard by the City. The County will notify the City's responsible official when a SEPA determination is required and will not take final action upon the application until the responsible official has acted. The County may, but is not required to, provide technical SEPA assistance to the City's responsible official if requested. Such technical assistance may include:

- review of an applicant's environmental checklist and collection of relevant comments and facts;
- preparation of a proposed SEPA threshold determination with supporting documentation for approval, publication and notice by the City's responsible official;
- preparation and submittal of a written review and comment on any appeal received on a SEPA threshold determination recommended by County staff to the City's designated appeal hearings officer;

- attendance at appeal hearings to testify with respect to analysis of environmental impacts, mitigation measures and the environmental review process;
- Preparation of any required draft, final, addendum or supplemental EIS for approval of the City's responsible official;
- coordination of adopted or required SEPA measures of mitigation with project staff.

Nothing in this section is intended to limit the County's ability to otherwise comment or participate in the City's SEPA processes in a manner independent of its role under this Agreement.

3.2 County staff will provide only such assistance as is requested by the City and will collect fees from the applicant for such services consistent with the County fee schedule. With respect to activity performed by the City, any applicable fees collected by the City shall be determined under City fee schedules.

4. Administrative and Ministerial Processing.

4.1 County review specified in this Agreement is intended to be of an administrative and ministerial nature only. Any and all legislative or quasi-judicial decisions, or decisions of a discretionary nature, shall be made by the City and/or its designated decisionmaker.

4.2 For purposes of this Agreement, discretionary decisions shall include, but are in no respect limited to, SEPA procedural determinations and decisions to condition or deny any permit approval on SEPA grounds.

5. Referral of New Requests. Following Annexation, the County agrees to advise permit applicants that any new building or land use application or permit requested within the boundaries of the Annexation Area must be submitted to the City. The County agrees to accept requests for permit renewals or extensions on behalf of the City only when construction has already begun and such renewal or extension is necessary to complete the project under the terms of this Agreement. The County agrees to accept requests for ancillary permits only for mechanical or fire systems for buildings under construction and when such ancillary permits are necessary to complete construction of the same project under terms of this Agreement.

6. Enforcement. Following Annexation, the County may, but is not required, to enforce on behalf of the City conditions of approval for those applications which the County has retained review authority pursuant to this Agreement. Following Annexation, the City shall be responsible for undertaking bond forfeiture and all other enforcement actions normally taken by the County's Code Enforcement Section pursuant to KCC Title 23, including those relating to applications processed by the County pursuant to this Agreement.

7. Processing Priority. The County agrees to process Annexation Area applications in accordance with the County's administrative procedures, at the same level of service as provided County applications. Fees for any services provided by the City shall be determined under the City's fee schedule.

8. Filing Fees.

8.1 In order to cover the costs of performing services pursuant to this Agreement, the County shall be authorized to collect and retain such application and other fees authorized by the County ordinances or as may be modified at some future date by the County and the City.

8.2 For all applications excluded from County processing or transferred to the City pursuant to terms of this Agreement, the County will retain the base permit fee and a percentage of fees equivalent to the percentage of permit processing and administration performed by the County on the application. Any remaining application fee amounts received by the County prior to exclusion or transfer shall be promptly forwarded to the City.

8.3 To the extent that King County incurs expenses performing activities pursuant to this Agreement which are not fully compensated for by fees collected, the City agrees to reimburse the County for such expenses upon receiving an invoice from the County specifying the activity performed and the associated unreimbursed cost to the County.

9. Termination. This is an interim agreement which is intended to coordinate the provision of permit services to the Annexation Area. Either party may terminate this Agreement upon providing at least thirty (30) days written notice to the other party.

10. Termination Procedures. Upon termination of this Agreement, the County shall cease further processing, enforcement, and related review functions with respect to Annexation Area applications identified in Sections 1 and 2 of this Agreement. The County shall within 30 days thereafter transfer to the City those application files and records, posted financial guarantee instruments, and unexpended portions of filing fees for pending land use and building related applications within the Annexation Area. Transfer documents shall be signed by the appropriate County official. Upon transfer, the City shall notify affected applicants that it has assumed all further processing responsibility.

11. Duration. This Agreement shall take effect upon the date of Annexation; provided that the County's obligation to list and copy or make available pending building and land use permits and applications under Sections 1.2 and 2.5 shall become effective upon execution of this Agreement by both parties. This Agreement will terminate two years following the date of Annexation, unless otherwise terminated in accordance with Section 9.

12. Application Process. The County and the City will each prepare and have available for applicants and other interested parties a document describing the handling of applications based on this Agreement.

13. Legal Representation. Except as set forth in Section 14 below, and except for such routine advice as may be provided to the County in furtherance of its services as described in this Agreement, the services to be provided by the County pursuant to this Agreement do not include legal services, which shall be provided by the City at its own expense. This limitation applies, but is not limited to legal services enforcing conditions of development-related financial guarantee instruments.

14. File Inspection and Copying Arrangements. To minimize costs, the County shall allow the City staff to use the County copying equipment at no cost to the City, when such arrangements do not present an unreasonable inconvenience to the County. The City shall use

City staff to operate the County's copying equipment and shall observe appropriate practices to secure and maintain County records copied under this Agreement.

15. Indemnification.

15.1 The County shall indemnify and hold harmless the City and its officers, agents and employees or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason or arising out of any negligent action or omission of the County, its officers, agents, and employees, or any of them, in performing obligations pursuant to this Agreement. In the event that any suit based upon such a claim, action, loss, or damage is brought against the City, the County shall defend the same at its sole cost and expense; provided, that the City retains the right to participate in said suit if any principal of governmental or public law is involved; and if final judgment be rendered against the City and its officers, agents, employees, or any of them, or jointly against the City and County and their respective officers, agents, and employees, or any of them, the County shall satisfy the same.

15.2 The City shall indemnify and hold harmless the County and its officers, agents and employees or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason or arising out of any negligent action or omission of the City, its officers, agents, and employees, or any of them, in performing obligations pursuant to this Agreement. In the event that any suit based upon such a claim, action, loss, or damage is brought against the County, the City shall defend the same at its sole cost and expense; provided, that the County retains the right to participate in said suit if any principal of governmental or public law is involved; and if final judgment be rendered against the County and its officers, agents, employees, or any of them, or jointly against County and their respective officers, agents, and employees, or any of them, the City shall satisfy the same.

15.3 The City and the County acknowledge and agree that if such claims, actions, suits, liability, loss, costs, expenses and damages are caused by or result from the concurrent negligence of the City, its agents, employees, and/or officers and the County, its agents, employees, and/or officers, this Section shall be valid and enforceable only to the extent of the negligence of each party, its agents, employees and/or officers.

15.4 In executing this Agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility that arises in whole or in part from the existence or effect of City ordinances, rules, regulations, policies or procedures. If any cause, claim, suit, action or proceeding (administrative or judicial), is initiated challenging the validity or applicability of any City ordinance, rule or regulation, the City shall defend the same at its sole expense and if judgment is entered or damages awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and attorneys' fees.

16. Administration. This Agreement shall be administered by the Director of the King County Department of Development and Environmental Services or his/her designee, and by the Director of the City of Shoreline Department of Community Development, or his/her designee.

17. Amendments. This Agreement is the complete expression of the terms hereto and any oral representation or understandings not incorporated herein are excluded. Any modifications to this Agreement shall be in writing and signed by both parties.

18. No Third Party Beneficiaries. This agreement is made and entered into for the sole protection and benefit of the parties hereto. No other person or entity shall have any right of action or interest in this Agreement based on any provisions set forth herein.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed.

KING COUNTY

Ron Sims
King County Executive

12-14-98
Date

CITY OF SHORELINE

City Manager

12.3.98
Date

Approved as to Form

Norm Maleng
King County Prosecuting Attorney

By:

12/7/98
Date

City Attorney
City of Shoreline

12/3/98
Date

Attachment to Ordinance No. 180 Title 20 King County Code

Title 20
PLANNING

Chapters:

20.04 General Provisions
20.08 Definitions
20.10 Countywide Planning Policies
20.12 Comprehensive Plan
20.14 Basin Plans
20.18 Procedures for Amendment of Comprehensive Plan or of Development Regulations-Public participation
20.20 Procedures for Land Use Permit Applications, Public Notice, Hearings and Appeals
20.24 Hearing Examiner
20.36 Open Space, Agricultural, and Timber Lands Current Use Assessment
20.44 County Environmental Procedures
20.54 Agricultural Lands Policy
20.62 Protection and Preservation of Landmarks, Landmark Sites and Districts
20.70 Critical Aquifer Recharge Areas

CROSS-REFERENCE:

For provisions regarding nondelinquent property tax certification, see Ch. 4.68 of this code.

Chapter 20.04
GENERAL PROVISIONS

Sections:

20.04.005 Relationship to Comprehensive Plan and Growth Management Act.
20.04.010 Catchline legality.
20.04.020 Severability.
20.04.030 Procedural conflicts.

20.04.005 Relationship to Comprehensive Plan and Growth Management Act. The provisions of Ordinance 11653 relating to zoning and development review are hereby enacted as a development regulation to be consistent with and implement the comprehensive plan in accordance with RCW 36.70A.120. (Ord. 11653 § 1, 1995).

20.04.010 Catchline legality. Section captions as used in this title do not constitute any part of the law. (Ord. 263 Art. 8 § 1, 1969).

20.04.020 Severability. If any provision of this title or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected. (Ord. 263 Art. 8 § 2, 1969).

20.04.030 Procedural conflicts. In case of conflict, provisions of this title take precedence over procedures presently contained in Title 19 and Title 21A. (Ord. 11653 § 2, 1995: Ord. 263 Art. 8 § 3, 1969).

Chapter 20.08
DEFINITIONS

Sections:

20.08.030 Area zoning.
20.08.035 Benchmarks.
20.08.060 Subarea plan.
20.08.070 Comprehensive plan.
20.08.090 Council.
20.08.100 Department.
20.08.105 Development regulations.
20.08.107 Docket.
20.08.120 Examiner.
20.08.132 Functional plans.
20.08.160 Reclassification.
20.08.170 Site-specific comprehensive plan land use map amendment.

20.08.030 Area zoning. "Area zoning" as used in this title is synonymous with the terms of "rezoning or original zoning" as used in the King County charter and means procedures initiated by King County which result in the adoption or amendment of zoning maps on an area wide basis. This type of zoning is characterized by being comprehensive in nature, deals with distinct communities, specific geographic areas and other types of districts having unified interests within the county. Area zoning, unlike a reclassification, usually involves many separate properties under various ownerships and utilizes several of the zoning classifications available to express the county's current comprehensive plan and subarea plan policies in zoning map form. (Ord. 13147 § 3, 1998: Ord. 3669 § 1, 1978: Ord. 263 Art. 1 § 3, 1969).

20.08.035 Benchmarks. "Benchmarks" means quantifiable measures used to monitor the outcomes of public policy. (Ord. 13147 § 11, 1998).

20.08.060 Subarea plan. "Subarea plan" means detailed local land use plan which implements and is an element of the comprehensive plan containing specific policies, guidelines and criteria adopted by the council to guide development and capital improvement decisions within specific subareas of the county. The subareas of the county shall consist of distinct communities, specific geographic areas or other types of districts having unified interests or similar characteristics within the county. Subarea plans may include: community plans, which have been prepared for large unincorporated areas; potential annexation area plans, which have been prepared for urban areas that are designated for future annexation to a city; neighborhood plans, which have been prepared for small unincorporated areas; and plans addressing multiple areas having common interests. The relationship between the 1994 King County Comprehensive Plan and subarea plans is established by K.C.C. 20.12.015. (Ord. 13147 § 5, 1998: Ord. 11653 § 3, 1995: Ord. 3669 § 2, 1978: Ord. 263 Art. 1 (part), 1969).

20.08.070 Comprehensive plan. "Comprehensive plan" means the principles, goals, objectives, policies and criteria approved by the council to meet the requirements of the Washington State Growth Management Act, and,

A. As a beginning step in planning for the development of the county;
B. As the means for coordinating county programs and services;

C. As policy direction for official regulations and controls; and

D. As a means for establishing an urban/rural boundary;

E. As a means of promoting the general welfare. (Ord. 11653 § 4, 1995: Ord. 263 Art. 1 § 7, 1969).

20.08.090 Council. "Council" means the metropolitan King County council. (Ord. 13147 § 6, 1998: Ord. 263 Art. 1 § 4, 1969).

20.08.100 Department. "Department" means the department or office responsible for comprehensive planning as provided in K.C.C. 2.16. (Ord. 13147 § 7, 1998: Ord. 3669 § 3, 1978: Ord. 263 Art. 1 § 9, 1969).

20.08.105 Development regulations. "Development regulations" means the controls placed on development or land use activities by the county including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances and binding site plan ordinances, together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in an ordinance by the county. (Ord. 13147 § 13, 1998).

20.08.107 Docket. "Docket" (noun) means the list of suggested changes to the comprehensive plan or development regulations maintained by the department. "Docket" (verb) means to record with the department a suggested change to the comprehensive plan or development regulations. (Ord. 13147 § 14, 1998).

20.08.120 Examiner. "Examiner" means the hearing examiner as established by K.C.C. chapter 20.24. (Ord. 13147 § 9, 1998: Ord. 263 Art. 1 § 11, 1969).

20.08.132 Functional plans. "Functional plans" are detailed plans for facilities and services and action plans for other governmental activities. Functional plans should be consistent with the Comprehensive Plan, define service levels, provide standards, specify financing methods which are adequate, stable and equitable, be the basis for scheduling facilities and services through capital improvement programs and plan for facility maintenance. Functional plans are not adopted to be part of the capital facilities plan element of the Comprehensive plan. (Ord. 11653 § 5, 1995).

20.08.160 Reclassification. "Reclassification" means a change in the zoning classification by procedures initiated by an individual or a group of individuals who, during the intervals between area zoning map adoptions, wishes to petition for a change in the zoning classification which currently applies to their individual properties. (Ord. 263 Art. 1 § 15, 1969).

20.08.170 Site-specific comprehensive plan land use map amendment. "Site-specific comprehensive plan land use map amendment" means an amendment to the comprehensive plan land use map which includes one property or a small group of specific properties. (Ord. 13147 § 12, 1998).

Chapter 20.10
COUNTYWIDE PLANNING POLICIES

Sections:

20.10.010 Phased implementation.
20.10.020 Phase I policies adopted.
20.10.030 Phase II.
20.10.040 Ratification for unincorporated King County.
20.10.050 Effective date - ratification.
20.10.060 Implementation.
20.10.065 Joint planning agreements.
20.10.070 Interlocal agreements.
20.10.075 Joint planning agreement - Black Diamond.
20.10.076 Joint planning agreement - Renton.
20.10.200 Severability.

20.10.010 Phased implementation. The county will implement the major planning requirements of the Growth Management Act (GMA) in three phases, each accompanied by the appropriate scope and level of environmental review pursuant to both the GMA and the State Environmental Policy Act (SEPA) and fiscal review. Phase I is the adoption of the Countywide Planning Policies for the purposes described in K.C.C. 20.10.020. Phase II is the process for refinement of Countywide Planning Policies through proposed amendments to them, and the preparation of an SEIS and a fiscal analysis. Phase II, which will begin upon adoption of the Countywide Planning Policies, is described in Section 20.10.030. Phase III is the review and adoption of amendments to the King County Comprehensive Plan. Phase III will incorporate any changes made to the Countywide Planning Policies in Phase II. (Ord. 10450 § 1, 1992).

20.10.020 Phase I policies adopted. A. The Countywide Planning Policies attached to Ordinance 10450* are hereby approved and adopted for purposes of complying with RCW 36.70A.210; to begin the process of city review and ratification; to provide a policy framework for developing and updating jurisdictions' comprehensive plans; to provide a policy framework for interim controls to the extent the policies expressly require them; and to establish a program for the additional work necessary to refine, amend and implement the Countywide Planning Policies, including SEIS review and fiscal analysis.

B. The Countywide Planning Policies are amended to remove Policy FW-2c, Policy LU-27 and Policy LU-59, as shown on Attachment A to Ordinance 10840*.

C. The Countywide Planning Policies are amended to include in the Urban Growth Area (UGA) the parcels adjacent to the city of Issaquah as shown in Attachment A to Ordinance 11061*. (Ord. 11061 § 1, 1993: Ord. 10840 § 1, 1993: Ord. 10450 § 2, 1992).

* Available in the office of the clerk of the council.

20.10.030 Phase II. A. The Phase II Amendments to the King County 2012 Countywide Planning Policies attached to Ordinance 11446 are hereby approved and adopted.

B. The Phase II Amendments to the King County 2012 - Countywide Planning Policies are amended, as shown by Attachment 1 to Ordinance 12027*.

C. The Phase II Amendments to the King County 2012 - Countywide Planning Policies are amended, as shown by Attachment 1 to Ordinance 12421*.

D. The Phase II Amendments to the King County 2012 - Countywide Planning Policies are amended, as shown by Attachments 1 and 2 to Ordinance 13260. (Ord. 13260 § 2, 1998: Ord. 12421 § 2, 1996: Ord. 12027 § 2, 1995: Ord. 11446 § 2, 1994: Ord. 10450 § 3, 1992).

20.10.040 Ratification for unincorporated King County. A. Countywide Planning Policies adopted by Ordinance 10450 for the purposes specified are hereby ratified on behalf of the population of unincorporated King County.

B. The amendments to the Countywide Planning Policies adopted by Ordinance 10840* are hereby ratified on behalf of the population of unincorporated King County.

C. The amendments to the Countywide Planning Policies adopted by Ordinance 11061* are hereby ratified on behalf of the population of unincorporated King County.

D. The Phase II Amendments to the King County 2012 Countywide Planning Policies adopted by Ordinance 11446 are hereby ratified on behalf of the population of unincorporated King County.

E. The amendments to the King County - 2012 Countywide Planning Policies, as shown by Attachment 1 to Ordinance 12027*, are hereby ratified on behalf of the population of unincorporated King County.

F. The amendments to the King County - 2012 Countywide Planning Policies, as shown by Attachment 1 to Ordinance 12421,* are hereby ratified on behalf of the population of unincorporated King County.

G. The amendments to the King County 2012 - Countywide Planning Policies, as shown by Attachments 1 and 2 to Ordinance 13260, are hereby ratified on behalf of the population of unincorporated King County. (Ord. 13260 § 3, 1998: Ord. 12421 § 3, 1996: Ord. 12027 § 3, 1995: Ord. 11446 § 3, 1994: Ord. 11061 § 2, 1993: Ord. 10840 § 2, 1993: Ord. 10450 §4, 1992).

20.10.050 Effective date - ratification. A. The Countywide Planning Policies adopted by Ordinance 10450* shall become effective when ratified by ordinance or resolution by at least thirty percent of the city and county governments representing seventy percent of the population of King County according to the interlocal agreement. A city shall be deemed to have ratified the Countywide Planning Policies unless, within ninety days of adoption by King County, the city by legislative action disapproves the Countywide Planning Policies. **[Editor's Note: Motion 8794 passed on September 28, 1992 found that the Countywide Planning Policies were ratified.]**

B. The Countywide Planning Policies adopted by Ordinance 10840* shall become effective when ratified by Ordinance or resolution by at least thirty percent of the city and county governments representing seventy percent of the population of King County according to the interlocal agreement. A city shall be deemed to have ratified the Countywide Planning Policies unless, within ninety days of adoption by King County, the city by legislative action disapproves the Countywide Planning Policies.

C. The Countywide Planning Policies adopted by Ordinance 11061* shall become effective when ratified by Ordinance or resolution by at least thirty percent of the city and county governments representing seventy percent of the population of King County according to the interlocal agreement. A city shall

*Available at the office of the clerk of the council.

be deemed to have ratified the Countywide Planning Policies unless, within ninety days of adoption by King County, the city by legislative action disapproves the Countywide Planning Policies.

D. The King County - 2012 Countywide Planning Policies adopted by Ordinance 11446* shall become effective when ratified by ordinance or resolution by at least thirty percent of the city and county governments, representing seventy percent of the population of King County according to the interlocal agreement. A city shall be deemed to have ratified the King County - 2012 Countywide Planning Policies unless, within ninety days of adoption by King County, the city by legislative action disapproves the King County 2012 Countywide Planning Policies. **[Editor's note: Motion 9424 passed on December 5, 1994 found that these policies were ratified.]**

E. The amendments to the King County - 2012 Countywide Planning Policies, adopted by Ordinance 12027 shall become effective when ratified by ordinance or resolution by at least thirty percent of the city and county governments representing seventy percent of the population of King County according to the interlocal agreement. A city shall be deemed to have ratified the King County - 2012 Countywide Planning Policies unless, within ninety days of adoption by King County, the city by legislative action disapproves the King County - 2012 Countywide Planning Policies. (Ord. 12027 § 4, 1995: Ord. 11446 § 4, 1994: Ord. 11061 § 3, 1993: Ord. 10840 § 3, 1993: Ord. 10450 § 5, 1992).

20.10.060 Implementation. Land capacity availability and redevelopment assumptions that underlie the recommended Urban Growth Area will be closely monitored by the metropolitan King County government subsequent to adoption of the final Urban Growth Area through annual benchmarking and monitoring reports. An affordable housing committee, a land capacity task force and a growth monitoring advisory committee have been called for by the Countywide Planning Policies and the county council intends to promptly convene such groups, the purpose of which is to review data on land capacity and housing affordability to ensure that the Growth Management Act requirements regarding Urban Growth Areas are being met. To further enhance those efforts a technical committee to facilitate environmental protection shall be established by January 1995 to serve as a depository of regulations and policies adopted by jurisdictions in King County. (Ord. 11446 § 5, 1994: Ord. 10450 § 6, 1992).

20.10.065 Joint planning agreements. A. Ordinance 11446, UGA map in Appendix 1 is hereby amended as shown on the attached recommendation (to Ordinance 11581) for the city of Renton and is further amended by Attachment 1 to Ordinance 12081.

B. Ordinance 11446, UGA map in Appendix 1 is hereby amended as shown on the attached recommendation (to Ordinance 11582) for the city of Snoqualmie.

C. Ordinance 11446, UGA map in Appendix 1 is hereby amended as shown on the attached recommendation (to Ordinance 11585) for the city of Redmond. Development of this site should be required to protect significant tree stands, views from the valley and maintain the current rural look of the site. Setbacks and development limitations on the western portion of the properties should be utilized to maintain a buffer from agricultural lands of the Sammamish Valley.

D. Ordinance 11446, UGA map in Appendix 1 is hereby amended as shown on the attached recommendation (to Ordinance 11593)* for the city of Issaquah. The overlay designation for the Issaquah Joint Planning Area (as shown in Attachment

*Available at the office of the clerk of the council.

1 to Ordinance 12062) shall be deleted from the Countywide Planning Policies UGA map and said area shall remain under King County jurisdiction with a KCCP "rural" land use designation.

E. Ordinance 11446, UGA map in Appendix 1 is hereby amended as shown in Attachment 1 to Ordinance 12535 for the city of North Bend. The joint planning area designation for the North Bend Planning Area shall be deleted from the Countywide Planning Policies UGA map and replaced with a UGA designation for all parcels except for the following eight parcels which shall be given a rural designation: 1423-089-019, 1423-089-029, 2323-089-033, 1423-089-020, 7334-601-410, 2323-089-004, 5703-010-240, and 2323-089-065. (Ord. 12535 § 2, 1996: Ord. 12081 § 2, 1995: Ord. 12062 § 1, 1995: Ord. 11593, 1994: Ord. 11585 § 1-2, 1994: Ord. 11582 § 1, 1994: Ord. 11581 § 1, 1994).

20.10.070 Interlocal agreements. The county executive shall develop and propose to the council a process to enter into interlocal agreements relating to each city's potential annexation area. The process shall include consultation with affected special purpose districts. (Ord. 10450 § 7, 1992).

20.10.075 Joint planning agreement - Black Diamond. A. Overlay Designation Deleted. The overlay designation for the Black Diamond Joint Planning Area (as shown on Attachment A to Ordinance 12065)* shall be deleted from the Countywide Growth Pattern map.

B. Comprehensive Plan Land Use Map and Zoning Map Amended. The King County Comprehensive Plan, King County Comprehensive Plan Land Use Map (Attachment B to Ordinance 12065)* and Zoning Map shall be amended as follows:

1.782.2 acres, shall be designated "Rural City Urban Growth Area" on the King County Comprehensive Plan Land Use Map as shown on Appendix A provided that no more than 597.2 acres, shall be designated for future urban development and the remainder shall be designated Open Space Lands consistent with the terms of the Black Diamond Urban Growth Area (UGA) Agreement adopted by Ordinance 12534.

2.Until annexation the Rural City Urban Growth Area shall be zoned UR-P Urban Reserve, with the p-suffix condition that requires development to be consistent with the terms of the Black Diamond UGA Agreement as shown on Appendix B.

3.The county in Ordinance 12534 has adopted the Black Diamond UGA agreement which when executed by the parties shall govern annexation of the Black Diamond UGA.

C. Development Proposal Within City Exempt. Nothing in this section shall affect the city's authority to review and act upon development proposals within the city's existing boundaries.

D. Non-Severability. Each provision of this section is integral with all provisions hereof, and if any provision of this section is determined to be invalid or unenforceable for any reason, then this section shall be invalid and unenforceable in its entirety. In such event, the UGA of the city will be limited to the 1995 incorporated boundaries of the city. (Ord. 12533 § 3, 1996: Ord. 12065, 1995).

20.10.076 Joint planning agreement - Renton. The Urban Growth Area as adopted by the Metropolitan King County Council in Ordinance 11575 adopting the 1994 King County Comprehensive Plan is hereby amended as follows:

*Available at the office of the clerk of the council.

A. Overlay Designation Deleted. The overlay designation of the Renton Joint Planning Area as shown on Attachment I to Ordinance 12081* shall be deleted from the Countywide Growth Pattern map and shall remain under King County jurisdiction with King County Comprehensive Plan land use designations and zoning.

B. Comprehensive Plan Land Use Map and Zoning Map Amended. Referencing Attachment I to Ordinance 12081, the King County Comprehensive Plan Land Use Map and Zoning Map each shall be amended as follows:

1.The Urban Growth Area (UGA) boundary shall be shifted eastward to include new land within the UGA totaling approximately 59 acres. The original Renton Joint Planning Area comprised 57 acres. Of that 57 acres, the westernmost 29 acres shall be included in the Urban Growth Area. The remaining, easternmost 28 acres of the original 57-acre Renton Joint Planning Area shall be designated as part of the Rural Area and approximately 30 acres between the existing and proposed new alignments of the Elliott Bridge and its road connection to the Maple Valley Highway shall be included in the Urban Growth Area. The inclusion of the 30-acre portion between the existing and new alignments of the Elliott Bridge in the UGA is hereby ratified on behalf of the population of unincorporated King County, and shall become effective when ratified by ordinance or resolution by at least thirty percent of the city and county governments representing seventy percent of the population of King County, as provided by the Countywide Planning Policies.

2. The new 59 acres within the UGA shall be designated "Greenbelt/Urban Separator" on the Land Use Plan Map and zoned "Urban Reserve" on the Zoning Map. (Ord. 12081 § 1, 1995).

20.10.200 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter or its application to any person or circumstance by declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter or its application to other persons or circumstances. (Ord. 10450 § 8, 1992).

Chapter 20.12
COMPREHENSIVE PLAN

Sections:

20.12.010 Comprehensive plan adopted.
20.12.015 Relationship of comprehensive plan to previously adopted plans, policies, and land use regulations.
20.12.017 Conversion and consolidation of zoning.
20.12.050 Zoning, potential zoning, property-specific development standards, special district overlays, regional use designations and interim zoning.
20.12.090 Park development policies.
20.12.100 County space plan.
20.12.150 Affordable housing capital facilities plan.
20.12.160 Sewerage general plan.
20.12.200 Shoreline management master program.
20.12.218 Burien parking and business improvement area.
20.12.240 White Center communities action plan.
20.12.325 Vashon Town Plan.
20.12.337 West Hill community plan.
20.12.380 King County open space plan.
20.12.410 Severability.
20.12.430 King County Transportation Plan.
20.12.433 King County Nonmotorized Transportation Plan.
20.12.435 King County Arterial HOV Transportation Plan.
20.12.458 Four to One Program - Amending the urban growth area to achieve open space.
20.12.460 Tahoma School District Capital Facilities Plan.
20.12.461 Federal Way School District Capital Facilities Plan.
20.12.462 Riverview School District Capital Facilities Plan.
20.12.463 Issaquah School District Capital Facilities Plan.
20.12.464 Snoqualmie Valley School District Capital Facilities Plan.
20.12.465 Highline School District Capital Facilities Plan.
20.12.466 Lake Washington School District Capital Facilities Plan.
20.12.467 Kent School District Capital Facilities Plan.
20.12.468 Northshore School District Capital Facilities Plan.
20.12.469 Enumclaw School District Capital Facilities Plan.
20.12.470 Fife School District Capital Facilities Plan.
20.12.480 King County Flood Hazard Reduction Plan Policies.
20.12.485 Potential Annexation Area Process.

[See Chap. 20.14 for Basin Plans]

20.12.010 Comprehensive plan adopted. A. Under the provisions of the King County Charter, King County's constitutional authority and pursuant to the Washington State Growth Management Act, chapter 36.70A RCW, the 1994 King County Comprehensive Plan is adopted and declared to be the comprehensive plan for King County until amended, repealed, or superseded. The comprehensive plan shall be the principal planning document for the orderly physical development of the county and shall be used to guide subarea plans, functional plans, provision of public facilities and services, review of proposed incorporations and annexations, development regulations, and land development decisions.

B. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 12061* (King County Comprehensive Plan 1995 amendments) are hereby adopted.

C. The amendments to the 1994 King County Comprehensive Plan contained in Attachment A to Ordinance 12170* are hereby adopted to comply with the Central Puget Sound Growth Management Hearings Board Decision and Order in Vashon-Maury Island, et. al. v. King County, Case No. 95-3-0008.

D. The Vashon Town Plan, contained in Attachment 1* to Ordinance 12395 is adopted as a subarea plan of the King County Comprehensive Plan and, as such, constitutes official county policy for the geographic area of unincorporated King County defined therein and amending the 1994 King County Comprehensive Plan Land Use Map.

E. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A* to Ordinance 12501 are hereby adopted to comply with the Order of the Central Puget Sound Growth Management Hearings Board in Case No. 96-3-0013 as amendments to the King County Comprehensive Plan.

F. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A* to Ordinance 12531 (King County Comprehensive Plan 1996 amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

G. The Black Diamond Urban Growth Area contained in Appendix A* to Ordinance 12533 is hereby adopted as an amendment to the King County Comprehensive Plan.

H. The 1994 King County Comprehensive Plan and Comprehensive Plan Land Use Map are amended to include the area shown in Appendix A* of Ordinance 12535 as Rural City Urban Growth Area. The language from Section 1D of Ordinance 12535 shall be placed on Comprehensive Plan Land Use Map page #32 with a reference marker on the area affected by Ordinance 12535.

I. The amendments to the 1994 King County Comprehensive Plan contained in the 1997 Transportation Needs report, contained in Appendix A* to Ordinance 12536 (1997 Transportation Need Report), are hereby adopted as amendments to the King County Comprehensive Plan.

J. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A* to Ordinance 12927 (King County Comprehensive Plan 1997 amendments) are hereby adopted as amendments to the King County Comprehensive Plan.

K. The amendments to the 1994 King County Comprehensive Plan contained in the 1998 Transportation Needs Report, contained in Appendices A and B* to Ordinance 12931 and in the supporting text, are hereby adopted as amendments to the King County Comprehensive Plan.

L. The amendments to the 1994 King County Comprehensive Plan contained in Appendix A to Ordinance 13273 (King County Comprehensive Plan 1998 amendments) are hereby adopted as amendments to the King County Comprehensive Plan. (Ord. 13273 § 1, 1998: Ord. 12931 § 2, 1997: Ord. 12927 § 1, 1997: Ord. 12824 § 1, 1997: Ord. 12536 § 2, 1996: Ord. 12535 § 3, 1996: Ord. 12533 § 1, 1996: Ord. 12531 § 1, 1996: Ord. 12501 § 2, 1996: Ord. 12395 § 2, 1996: Ord. 12170 § 1, 1995: Ord. 12061 § 1, 1995: Ord. 11575 § 1, 1994: Ord. 10237, 1992: Ord. 9490, 1990: Ord. 7178 § 1, 1985: Ord. 5319 §§ 2-4, 1981: Ord. 4686 § 2, 1980: Ord. 4305 § 1, 1979: Ord. 263 Art. 2 § 1, 1969).

*Available in the office of the clerk of the council.

20.12.015 Relationship of comprehensive plan to previously adopted plans, policies, and land use regulations. The 1994 King County Comprehensive Plan shall relate to previously adopted plans, policies and land use regulations as follows:

A. The previously adopted White Center Action Plan and West Hill Community Plan are consistent with the 1994 King County Comprehensive Plan and are adopted as elements of the comprehensive plan.

B. Where conflicts exist between community plans and the comprehensive plan, the comprehensive plan shall prevail.

C. Pending or proposed subarea plans or plan revisions and amendments to adopted land use regulations, which are adopted on or after November 21, 1994 shall conform to all applicable policies and land use designations of the 1994 King County Comprehensive Plan.

D. Unclassified use permits and zone reclassifications, which are pending or proposed on or after November 21, 1994, shall conform to the comprehensive plan and applicable adopted community plans as follows:

1.For aspects of proposals where both the comprehensive plan and a previously adopted community plan have applicable policies or land use plan map designations which do not conflict, and both the comprehensive plan and the community plan shall govern.

2.For aspects of proposals where both the comprehensive plan and a previously adopted community plan have applicable policies or plan map designations which conflict, the comprehensive plan shall govern.

3.For aspects of proposals where either the comprehensive plan or a previously adopted community plan, but not both, has applicable policies or plan map designations, the plan with the applicable policies or designations shall govern.

E. Vested applications subdivisions, short subdivisions and conditional uses for which significant adverse environmental impacts have not been identified may rely on existing zoning to govern proposed uses and densities; subdivisions, short subdivisions and conditional uses also may rely on specific facility improvement standards adopted by ordinance including but not limited to street improvement, sewage disposal and water supply standards, which conflict with the comprehensive plan but shall be conditioned to conform to all applicable comprehensive plan policies on environmental protection, open space, design, site planning, and adequacy of on-site and off-site public facilities and services, in cases where specific standards have not been adopted.

F. Vested permit applications for proposed buildings and grading and applications for variances, when categorically exempt from the procedural requirements of the state Environmental Policy Act, may rely on existing zoning and specific facility improvement standards adopted by ordinance.

G. Nothing in this section shall limit the county's authority to approve, deny or condition proposals in accordance with the state Environmental Policy Act. (Ord. 13273 § 3, 1998: Ord. 11575 § 2, 1994)

20.12.017 Conversion and consolidation of zoning. The following provisions complete the zoning conversion from Title 21 to Title 21A pursuant to Ordinance 10870, Section 5, as amended:

A. Ordinance 11653 adopts area zoning to implement the 1994 King County Comprehensive Plan pursuant to the Washington State Growth Management Act RCW 36.760A. Ordinance 11653 also converts existing zoning in unincorporated King County to the new zoning classifications in the 1993 Zoning Code, codified in Title 21A, pursuant to the area zoning conversion guidelines in K.C.C. 21A.01.070. The following are adopted as attachments* to Ordinance 11653:

Appendix A: 1994 Zoning Atlas, dated November 1994, as amended December 19, 1994.
Appendix B: Amendments to Bear Creek Community Plan P-Suffix Conditions.
Appendix C: Amendments to Federal Way Community Plan P-Suffix Conditions.
Appendix D: Amendments to Northshore Community Plan P-Suffix Conditions.
Appendix E: Amendments to Highline Community Plan P-Suffix Conditions.
Appendix F: Amendments to Soos Creek Community Plan P-Suffix Conditions.
Appendix G: Amendments to Vashon Community Plan P-Suffix Conditions.
Appendix H: Amendments to East Sammamish Community Plan P-Suffix Conditions.
Appendix I: Amendments to Snoqualmie Valley Community Plan P-Suffix Conditions.
Appendix J: Amendments to Newcastle Community Plan P-Suffix Conditions.
Appendix K: Amendments to Tahoma/Raven Heights Community Plan P-Suffix Conditions.
Appendix L: Amendments to Enumclaw Community Plan P-Suffix Conditions.
Appendix M: Amendments to West Hill Community Plan P-Suffix Conditions.
Appendix N: Amendments to Resource Lands Community Plan P-Suffix Conditions.
Appendix O: 1994 Parcel List, as amended December 19, 1994.
Appendix P: Amendments considered by the council January 9, 1995.

B. Area zoning adopted by Ordinance 11653, including potential zoning, is contained in Appendices A and O. Amendments to area-wide P-suffix conditions adopted as part of community plan area zoning are contained in Appendices B through N. Existing P-suffix conditions whether adopted through reclassifications or community plan area zoning are retained by Ordinance 11653 except as amended in Appendices B through N.

C. The department is hereby directed to correct the official zoning map in accordance with Appendices A through P of Ordinance 11653.

D. The 1995 area zoning amendments attached to Ordinance 12061 in Appendix A are adopted as the official zoning control for those portions of unincorporated King County defined therein.

E. Amendments to the 1994 King County Comprehensive Plan area zoning, Ordinance 11653 Appendices A through P, as contained in Attachment A* to Ordinance 12170 are hereby adopted to comply with the Decision and Order of the Central Puget Sound Growth Management Hearings Board in Vashon-Maury Island, et. al. v. King County, Case No. 95-3-0008.

*Available in the office of the clerk of the council.

F. The Vashon Town Plan Area Zoning, attached to Ordinance 12395 as Attachment 2*, is adopted as the official zoning control for that portion of unincorporated King County defined therein.

G. The 1996 area zoning amendments attached to Ordinance 12531 in Appendix A* are adopted as the official zoning control for those portions of unincorporated King County defined therein. Existing p-suffix conditions whether adopted through reclassifications or area zoning are retained by Ordinance 12531.

H. The Black Diamond Urban Growth Area Zoning Map attached to Ordinance 12533 as Appendix B* is adopted as the official zoning control for those portions of unincorporated King County defined therein. Existing p-suffix conditions whether adopted through reclassifications or area zoning are retained by Ordinance 12533.

I. The King County Zoning Atlas is amended to include the area shown in Appendix B* as UR - Urban Reserve, one DU per 5 acres. Existing p-suffix conditions whether adopted through reclassifications or area zoning are retained by Ordinance 12535. The language from Section 1.D of Ordinance 12535 shall be placed on the King County Zoning Atlas page #32 with a reference marker on the area affected by Ordinance 12535.

J. The Northshore Community Plan Area Zoning is amended to add the Suffix "-DPA, Demonstration Project Area", to the properties identified on Map A attached to Ordinance 12627.

K. The special district overlays, as designated on the map attached to Ordinance 12809 in Appendix A, are hereby adopted pursuant to K.C.C. 21A.38.020 and 21A.38.040.

L. The White Center Community Plan Area Zoning, as revised in the Attachments to Ordinance 11568, is the official zoning for those portions of White Center in unincorporated King County defined herein.

M. Ordinance 12824 completes the zoning conversion process begun in Ordinance 11653, as set forth in K.C.C. 21A.01.070, by retaining, repealing, replacing or amending previously adopted p-suffix conditions or property-specific development standards pursuant to K.C.C. 21A.38.020 and K.C.C. 21A.38.030 as follows:

1. Resolutions 31072, 32219, 33877, 33999, 34493, 34639, 35137, and 37156 adopting individual zone reclassifications are hereby repealed and p-suffix conditions are replaced by the property specific development standards as set forth in Appendix A to Ordinance 12824.

2. All ordinances adopting individual zone reclassifications effective prior to February 2, 1995, including but not limited to ordinances 43, 118, 148, 255, 633, 1483, 1543, 1582, 1584, 1728, 1788, 2487, 2508, 2548, 2608, 2677, 2701, 2703, 2765, 2781, 2840, 2884, 2940, 2958, 2965, 2997, 3239, 3262, 3313, 3360, 3424, 3494, 3496, 3501, 3557, 3561, 3641, 3643, 3744, 3779, 3901, 3905, 3953, 3988, 4008, 4043, 4051, 4053, 4082, 4094, 4137, 4289, 4290, 4418, 4560, 4589, 4703, 4706, 4764, 4767, 4867, 4812, 4885, 4888, 4890, 4915, 4933, 4956, 4970, 4978, 5087, 5114, 5144, 5148, 5171, 5184, 5242, 5346, 5353, 5378, 5453, 5663, 5664, 5689, 5744, 5752, 5755, 5765, 5854, 5984, 5985, 5986, 6059, 6074, 6113, 6151, 6275, 6468, 6497, 6618, 6671, 6698, 6832, 6885, 6916, 6966, 6993, 7008, 7087, 7115, 7207, 7328, 7375, 7382, 7396, 7583, 7653, 7677, 7694, 7705, 7757, 7758, 7821, 7831, 7868, 7944, 7972, 8158, 8307, 8361, 8375, 8427, 8452, 8465, 8571, 8573, 8603, 8718, 8733, 8786, 8796, 8825, 8858, 8863, 8865, 8866, 9030, 9095, 9189, 9276, 9295, 9476, 9622, 9656, 9823, 9991, 10033, 10194, 10287, 10419, 10598, 10668, 10781, 10813, 10970, 11024, 11025, 11271, and 11651, are hereby repealed and p-suffix conditions are replaced by the property specific development standards as set forth in Appendix A to Ordinance 12824.

*Available in the office of the clerk of the council.

3. All ordinances establishing individual reclassifications effective after February 2, 1995, are hereby amended, as set forth in Appendix C to Ordinance 12824, to retain, repeal or amend the property specific development standards (p-suffix conditions) contained therein.

4. All ordinances adopting area zoning pursuant to Resolution 25789 or converted by Ordinance 11653 are repealed as set forth in subsections a through n. All p-suffix conditions contained therein are repealed or replaced by adopting the property specific development standards as set forth in Appendix A to Ordinance 12824, the special district overlays as designated in Appendix B to Ordinance 12824 or the special requirements as designated in Appendix A to Ordinance 12822.

a. The Highline Area Zoning attached to Ordinance 3530, as amended, is hereby repealed.

b. The Shoreline Community Plan Area Zoning, attached to Ordinance 5080 as Appendix B, as amended, is hereby repealed.

c. The Newcastle Community Plan Area Zoning, attached to Ordinance 6422 as Appendix B, as amended is hereby repealed.

d. The Tahoma/Raven Heights Community Plan Area Zoning, attached to Ordinance 6986 as Appendix B, as amended, is hereby repealed.

e. The Revised Federal Way area zoning, adopted by Ordinance 7746, as amended, is hereby repealed.

f. The Revised Vashon Community Plan Area Zoning, attached to Ordinance 7837 as Appendix B, as amended, is hereby repealed.

g. The Bear Creek Community Plan Area Zoning, attached to Ordinance 8846 as Appendix B, as amended, is hereby repealed.

h. The Resource Lands Area Zoning, adopted by Ordinance 8848, as amended, is hereby repealed.

i. The Snoqualmie Valley Community Plan Area Zoning, as adopted by Ordinance 9118, is hereby repealed.

j. The Enumclaw Community Plan Area Zoning attached to Ordinance 9499, as amended, is hereby repealed.

k. The Soos Creek Community Plan Update Area Zoning, adopted by Ordinance 10197, Appendix B, as amended, is hereby repealed.

l. The Northshore Area Zoning adopted by Ordinance 10703 as Appendices B and E, as amended, is hereby repealed.

m. The East Sammamish Community Plan Update Area Zoning, as revised in Appendix B attached to Ordinance 10847, as amended, is hereby repealed.

n. The West Hill Community Plan Area Zoning adopted in Ordinance 11116, as amended, is hereby repealed.

5. All ordinances adopting area zoning pursuant to Title 21A and not converted by Ordinance 11653, including community or comprehensive plan area zoning and all subsequent amendments thereto, are amended as set forth in subsections a through f. All property specific development standards (p-suffix conditions) are retained, repealed, amended or replaced by the property specific development standards as set forth in Appendix A to Ordinance 12824*, the special district overlays as designated in Appendix B to Ordinance 12824 or the special requirements as designated in Appendix A to Ordinance 12822.

*Available in the office of the clerk of the council.

a. The White Center Community Plan Area Zoning, contained in the Attachments to Ordinance 11568, as subsequently amended, is hereby further amended as set forth in Appendix D.

b. All property specific development standards established in Ordinance 11653, as amended, are hereby amended as set forth in Appendix E.

c. All property specific development standards established in Attachment A to Ordinance 11747, as amended, are hereby amended as set forth in Appendix F.

d. All property specific development standards established in Ordinance 12061, as amended, are hereby amended as set forth in Appendix G.

e. All property specific development standards established in Ordinance 12065, as amended, are hereby amended as set forth in K.C.C. 20.12.170.

f. All property specific development standards established in Attachment A to Ordinance 12170, as amended, are hereby amended as set forth in Appendix H. (Ord. 12824 § 2, 1997: Ord. 12809 § 2, 1997: Ord. 12627 § 6, 1996: Ord. 12535 § 4, 1996: Ord. 12533 § 2, 1996: Ord, 12531 § 2, 1996: Ord. 12395 § 3, 1996: Ord. 12170 § 2, 1995: Ord. 12061 § 2, 1995: Ord. 11653 § 6, 1995).

20.12.050 Zoning, potential zoning, property-specific development standards, special district overlays, regional use designations and interim zoning. Zoning adopted pursuant to this section shall constitute official zoning for all of unincorporated King County.

A. Official zoning, including but not limited to p-suffix, so-suffix and potential zoning, is contained in the SITUS file and is depicted on the official zoning maps, as maintained by the department of development and environmental services.

B.Appendix A of Ordinance 12824 is hereby adopted to constitute and contain all property-specific development standards (p-suffix conditions) applicable in unincorporated King County. The property specific development standards (p-suffix conditions) in effect or hereinafter amended shall be maintained by the department of development and environmental services in the Property Specific Development Conditions notebook. Any adoption, amendment or repeal of property-specific development standards shall amend, pursuant to this section, Appendix A of Ordinance 12824 as currently in effect or hereinafter amended.

C.Appendix B of Ordinance 12824 is hereby adopted to constitute and contain special district overlays applied through Ordinance 12824. The special district overlays in effect or hereinafter amended shall be maintained by the department of development and environmental services in the Special District Overlay Application Maps notebook. Any adoption, amendment or repeal of special district overlays shall amend, pursuant to this section, Appendix B of Ordinance 12824 as currently in effect or hereinafter amended. (Ord. 12824 § 3, 1997).

20.12.090 Park development policies. "King County Park development policies," attached to Ordinance 3813* are adopted and serve as a general basis for a park and recreation facility development, except that the comprehensive plan shall prevail where conflicts, if any, occur. (Ord. 7178 § 6, 1985: Ord. 3813 § 1, 1978: Ord. 1096 § § 1, 2, 1972).

20.12.100 County space plan. The county space plan, consisting of space standards, current and future space needs, county facility development policy framework, previously adopted county facility master plans and the annual county facility planning work program and attached hereto as Attachment A,* is adopted as a subelement of the public facilities element of the comprehensive plan and the master plan for county facility development as defined in K.C.C. 4.04.020. The adopted space plan shall govern development of all facility master plans, facility program plans and CIP and lease requests for space housing county agency operations.

The executive shall update the current and future space needs and facility work program sections of the county space plan and submit them to the council as amendments to the county space plan by August 1 of each year. New facility master plans shall also be adopted by the council as amendments to the county space plan. (Ord. 10810 § 1, 1993).

*Available in the office of the clerk of the council.

20.12.150 Affordable housing capital facilities plan. A. The goals, policies, objectives and strategies and the short range work program and mid-range work program contained in the revised Executive Proposed Affordable Housing Policy Plan dated September, 1987* are adopted as a functional plan of the King County Comprehensive Plan. As an amplification and augmentation of the King County Comprehensive Plan they constitute official county policy which affect housing supply, conditions, occupancy, cost, design, mix and location.

B. The forecast of low-income housing needs, inventory of existing housing facilities, proposed locations of new facilities, and six-year financing plan contained in the Housing Capital Funding Plan set forth in Attachment A to Ordinance 10315 are adopted as the low-income housing capital facilities subelement of the capital facilities element of the King County Comprehensive Plan. As an amplification and augmentation of the King County Comprehensive Plan, the low-income housing subelement constitutes county policy guidance for selection and funding of low-income housing projects to be included in the annual, adopted capital improvement program. (Ord. 10315 § 1, 1992: Ord. 8279, 1987).

* Available in the office of the clerk of the council.

20.12.160 Sewerage general plan.* The "King County Sewerage general plan" attached to Ordinance 4035, is adopted as a functional plan, implementing the King County comprehensive plan.

A. As a functional plan, the sewerage general plan shall implement the comprehensive plan, which shall prevail where conflicts, if any, may occur. Boundary changes and expansions of local service areas shall conform to the criteria set forth in the comprehensive plan, which shall replace those set forth in sections 6.2(A) and 6.5 of the "King County Sewerage general plan".

B. Individual side sewer connections may be permitted to property within Agriculture Production Districts outside the Local Service Areas

Provided that:

1. The property's development rights have been transferred to and accepted by King County,

2. Covenants limiting the use of the land for agricultural and open space uses (using the covenants developed for King County's Farmlands Preservation Program) have been recorded,

3. The development to be served is consistent with the recorded restrictive covenants, and

4. The size of lots permitted and number of home site reservations are consistent with the following:

a. Prior to development rights transfer to King County, tax lots, short plat lots and formal plat lots, which fail to meet the lot standards of Title 21A (the zoning code), shall be vacated, amended and/or merged with other lots within the transfer. Lots that fail to meet the lot standards of Title 21A (the zoning code) will not be accepted unless they represent one hundred percent of the landowner's eligible ownership.

b. The landowner must specifically reserve the right to any single-family home site to an offer of development rights to King County. Offers containing one hundred percent of eligible contiguous land and containing less than thirty-five acres will be allowed to reserve the right for one dwelling unit, including existing dwelling units. Landowners will be allowed to reserve the right for one dwelling unit per each full thirty-five acres donated to King County. In either case, if more than the specified number of dwelling units already exists at the time of offer, then that number will be the maximum allowed. Only dwelling units existing at time of offer will be allowed in offers containing less than one hundred percent of eligible contiguous land in an ownership.

C. Owners of parcels of land that are located in the Agricultural Production Districts and outside of Local Service Areas may, in lieu of transferring the development rights to King County, propose other methods or mechanisms for transferring or limiting the development rights on the property in order to take advantage of the provisions of this section. Such a proposal shall comply with all of the terms of this section other than those addressing transfer of the development rights to King County. (Ord. 11792 § 14, 1995: Ord. 8846 § 3, 1989: Ord. 7805, 1986: Ord. 7178 § 14, 1985: Ord. 4035 §§ 1, 2, 3, 1979: Ord. 2707 § 1, 1976).

*Amended pursuant to depiction on Attachment A to Ordinance 9982 available in the office of the clerk of the council.

20.12.200 Shoreline management master program. The policies, objectives and goals of the shorelines management master program,** are adopted as an addendum to the comprehensive plan for King County. As an addendum to the comprehensive plan, such policy statement constitutes the official policy of King County regarding areas of the county subject to shoreline management jurisdiction. (Ord. 3692 § 2, 1978).

20.12.218 Burien Parking and Business Improvement Area. A. District Established. As authorized by RCW Chapter 35.87A, the county council held a public hearing on August 29, 1990 in Room 402 of the King County courthouse and voted to establish a Burien Parking and Business Improvement Area (BIA). Businesses listed on Attachment A to Ordinance 9612* and mapped on Attachment B to Ordinance 9612* shall be subject to special assessments authorized by RCW 35.87A.010.

The addresses listed in Attachment A to Ordinance 9612* have been identified as existing within the designated boundaries of the BIA at the time of the adoption of Ordinance 9612. Other addresses created at a later date within the boundaries shall be considered a part of the BIA.

B. Special Assessments. To finance the activities authorized in K.C.C. 20.12.218, there shall be levied and collected a special assessment upon the businesses within the BIA. It is anticipated that special assessments collected within the BIA will total approximately $86,500 annually.

1. Any retail business operating within the BIA, as determined by the King County planning and community development division manager, shall pay a special assessment equal to the net leasable square foot area of the business, excluding any space devoted exclusively to storage, multiplied by a factor of $0.12. No retail businesses shall be assessed more than $3,000 nor less than $180 per year. As determined by the King County planning and community development division manager, retail businesses include, but are not limited to, those operating within the BIA which depend primarily on walk-in traffic and which are engaged in the business of making retail sales of services, articles, commodities, or merchandise and includes those businesses rendering services incidental to the sale of goods. Businesses included in this category are those classified as retail under the most recent edition of the U.S. Standard Industrial Classification Manual, SIC codes 52-59. Also included in the $0.12 per square foot rate are financial institutions, including but not limited to, banks, credit unions, finance companies, establishments providing financial, insurance, and real estate services, hotels, and lodging places generally classified under SIC codes 60-67.

* Available in the office of the clerk of the council.

** Available in the department of development and environmental services.

2.Any wholesale business operating within the BIA which does not depend on walk-in traffic or is not engaged in the business of making retail sales of services, articles, commodities or merchandise shall be assessed at the minimum annual rate of $180. As determined by the planning and community development division manager, wholesale businesses include, but are not limited to, manufacturing, warehousing, exporting, freight forwarding, factory representatives, and construction. These businesses are generally included in SIC codes 15, 16, 17, 20-51.

3.All other businesses operating within the BIA, as determined by the King County planning and community development division manager, shall pay a special assessment equal to the net leasable square foot area of the business, excluding any space devoted exclusively to storage, multiplied by a factor of $0.10. No business shall be assessed more than $3,000 nor less than $180 per year. This category includes businesses operating in the BIA that do not meet the definition of retail business or wholesale business and includes, but is not limited to, attorneys, doctors, dentists, engineers, management consultants, accountants, architects, veterinarians, and other professional service providers, educational institutions, and membership organizations.

4.Commercial parking lots which rent spaces within the BIA shall be assessed at the annual rate of $4.00 per parking place. No commercial parking lot shall be assessed more than $3,000 nor less than $180 per year.

5.No special assessments shall be levied upon and collected from:

a.organizations to which a charitable contribution may be made under the U.S. Internal Revenue Code, 26 USC 170(c);

b.sponsors of and concessionaires at public events and vendors or entertainers in streets and parks who engage in business within the BIA less than thirty days a year;

c.governmental agencies and offices; and

d.residential dwelling units.

6.A business which can demonstrate to the King County planning and community development division manager that there is approximately a fifty percent split, plus or minus ten percent, between the square footage devoted to the $0.12 per square foot category of activities of that business versus the $0.10 per square foot category, shall be eligible for a special assessment rate which will be the average of the two assessment rates. A request for a special assessment rate must be filed with the King County planning and community development division manager at least thirty calendar days prior to the date that the assessment is due to be paid to the county. The request must be made each year that the business wishes to be assessed at the average assessment rate. The business which is determined by the King County planning and community development division manager to qualify for the special assessment rate shall pay an assessment equal to the net leasable area of the business, excluding any storage space, multiplied by the average assessment rate of $0.11 per square foot.

7.A new business which begins operating within the BIA after establishment of the BIA may be exempted from the special assessments pursuant to RCW 35.87A.170 for a period not exceeding one year from the date of establishment of the business in the BIA. Thereafter, the assessment shall be the same as for other businesses in the BIA.

C.Deposit and Use of Revenues. There shall be established in the office of finance a separate fund, designated the Burien Business Improvement Area Fund. All revenues from the special assessments levied pursuant to this section shall be deposited in the Burien Business Improvement Area Fund.

1.Expenditures from the Burien Business Improvement Area Fund shall be made upon vouchers approved by the planning and community development manager or his or her designee for the purpose of improving business and the general economic climate within the BIA and to support activities that benefit the district. The expenditures shall be for uses within the scope of activities listed in RCW 35.87A.010 or as it may be amended and can include marketing to encourage people to use shops and services in the BIA; promotion of public events which are to take place in the BIA; security and maintenance for common public areas within the BIA; professional management, planning, and promotion for the BIA, including the management and promotion of retail trade activities in the area; improving and enhancing the aesthetic appearance of the BIA, including capital expenditures and general maintenance; decoration of any public place in the BIA; furnishing music in any public place in the BIA; and advertising and promotion of business in the BIA, including special events and program management.

2.King County shall retain five percent of the BIA special assessments to partially recover the cost of billing and administration.

D.Advisory Board Established. An advisory board of nine voting members shall be established to develop the overall policy and program direction for the BIA. The board shall represent the geographic and business diversity of the BIA. Assessed operators, defined as the operators of businesses within the BIA who pay special assessments, shall elect eight board members from within the BIA. The president of the Southwest King County Chamber of Commerce shall appoint one chamber board member to the advisory board. The representative appointed by the chamber president must be an assessed operator. The advisory board shall be established within ninety days of the effective date of the Ordinance which establishes the BIA.

A representative of the King County planning and community development division as designated by the division's manager shall serve as a nonvoting member of the advisory board.

The advisory board shall annually formulate the budget and work program for its staff, committees and subcommittees. The advisory board shall present the budget and work program to the assessed operators at an annual meeting and submit the budget to the King County council for approval as provided for in RCW 35.87A.110 or as it may be amended.

The advisory board shall be responsible for carrying out the activities financed through the BIA special assessments and shall submit requests for the payment of bills for BIA activities to the planning and community development division manager and shall:

1.Develop a work program for the BIA and ensure its implementation;

2.Represent the interests and opinions of the assessed operators in all policy decisions affecting the BIA;

3.Provide timely information to assessed operators about BIA projects;

4.Adopt bylaws consistent with this section for conducting business and electing members;

5.Elect officers to the advisory board;

6.Investigate and respond to all the assessed operators' written complaints and grievances;

7.Pursue the collection of delinquent accounts; and

8.Maintain an up-to-date assessment roll and provide it to King County for billing purposes.

The advisory board shall incorporate or operate under the authority of an incorporated community organization in order to administer the projects and activities undertaken by the BIA.

E.Administration. After the election of the advisory board, the King County executive shall enter into a contract with the advisory board, if it is incorporated or operating under the authority of an incorporated community organization, to initially administer the operation of the BIA. If no organization is willing or available to administer the BIA, King County may be the initial administrator until an administrator is selected by the advisory board. The King County executive may initially contract with the Southwest King County Chamber of Commerce to implement and administer the projects and activities undertaken by the BIA. The contract shall be reviewed for renewal at least annually.

An annual report describing the projects and activities conducted during the previous year and an evaluation of the program successes and shortcomings shall be submitted by the advisory board to the King County planning and community development division manager on or before February 28 of each calendar year. It shall also contain an evaluation of the performance of the administrator/contractor during the previous year. The report shall be transmitted by the King County executive to the King County council for its information.

A proposed work program and budget shall be submitted to the King County planning and community development division manager in accordance with the county's normal budget process. The annual report, budget, and work program shall be prepared by the advisory board and/or its administrator.

F.Collection of Special Assessments. The King County finance division shall bill and receive the special assessments due on a semiannual basis. The initial six-month assessment shall be due on the first day of the first full month which is at least ninety days after the effective date of Ordinance 9612 (September 20, 1990). The second half of the special assessment shall be due on the first day of the month which is six months following the due date of the first-half assessment. King County may annually bring an action to collect any unpaid assessments in the appropriate district court as a civil action or use the services of a licensed collection agency. One delinquent notice per billing cycle for delinquent accounts shall be issued. Additional notice or collection efforts, not including civil action, shall be the responsibility of the advisory board.

G.Commencement of Assessments. Assessments shall commence as of the effective date of Ordinance 9612 (September 20, 1990).

H.Disestablishment of Area. The BIA may be disestablished by Ordinance after a hearing before the legislative authority. The hearing shall be scheduled after receipt of a valid disestablishment petition containing the signatures of the requisite percentage of people who operate businesses in the area in accordance with RCW 35.87A.190 or as it may be amended.

I.Contract Authorization. The King County executive shall be authorized to execute an initial contract to implement and administer the operation of the BIA and to facilitate the election of the advisory board. The contract shall outline the responsibilities of King County, the advisory board, and the contractor in accordance with the terms of the Ordinance which establishes the BIA and RCW 35.87A.

J.Implementation. The King County executive shall be authorized to implement such administrative procedures as may be necessary to carry out the provisions of this section in accordance with K.C.C. 2.98.

K.Penalties on Delinquent Assessments. Special assessments shall be considered delinquent on the day after the due date. Delinquent special assessments shall be charged a penalty of twelve percent on the amount billed. If the account continues to be delinquent, an additional twelve percent penalty for each subsequent billing cycle shall be charged for a maximum penalty of twenty-four percent on each delinquent assessment.

L. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this section be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 9612, 1990).

20.12.240 White Center communities action plan. The White Center Community Action Plan, a bound and published document (Attachment I), as revised in the Attachments to Ordinance 11568 is adopted as an amplification and augmentation of the Comprehensive Plan for King County and as such constitutes official county policy for the geographic area of unincorporated King County defined therein. (Ord. 13273 § 5, 1998: Ord 12824 § 7, 1997: Ord. 11553 § 10, 1995: Ord. 11568 § 1, 1994: Ord. 10430 § 1, 1992: Ord. 8996 § 1, 1989: Ord. 8922, 1989: Ord. 8863, 1989: Ord. 8822, 1989: Ord. 8251, 1987: Ord. 8138, 1987: Ord. 7640, 1986: Ord. 7490, 1986: Ord. 7291 § 1, 1985: Ord. 5453 § 2, 1981: Ord. 3530 §§ 1, 2, 3, 1977: Ord. 2883 § 1, 1976).

20.12.325 Vashon Town Plan. A. The Vashon Town Plan dated June 1994, a bound and published document, as revised by the Vashon Town Plan Committee through November 29, 1995 is to be reviewed by the Metropolitan King County Council and adopted as an initial subarea plan for the Vashon Town Planning Area by March 31, 1996. (Ord. 12061 § 4, 1995).

20.12.337 West Hill community plan. A. The West Hill Community Plan, a bound and published document, as revised in the Attachments* to Ordinance 11166 is adopted as an amplification and augmentation of the Comprehensive Plan for King County and as such constitutes official county policy for the geographic area of unincorporated King County defined therein. (Ord. 12824 § 11, 1997: Ord. 12061 § 3, 1995: Ord. 11653 § 20, 1995: Ord. 11166 § 2, 1993).

20.12.380 King County open space plan. The goals, maps, guidelines and strategies of the King County open space plan, attached to Ordinance 8657 as amended by Addendum 1[1], and Addendum 2[1], are adopted as a functional plan implementing the King County comprehensive plan. As such, they constitute official county policy for the evaluation, protection, acquisition and management of open space lands in King County. (Ord. 8657, 1988).

20.12.410 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remainder of this chapter. (Ord. 8848 § 9, 1989).

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[1]Attachments available in the clerk of council's office.

Editor's Note: Ordinance 2169, previously adopting the area zoning for Upper Skykomish, is hereby repealed and replaced by Ordinance 8848. (K.C.C. 20.12.390 was repealed by Ord. 12824 § 16).

Resolution 30981, previously adopting area zoning in unincorporated King County in the vicinity of Auburn, is hereby amended as shown in Appendix A as amended by Appendix B of Ordinance 8848. (K.C.C. 20.12.390 was repealed by Ord. 12824 § 16).

Resolution 31360, previously adopting area zoning in unincorporated King County in the vicinity of Kent, is hereby amended as shown in Appendix A as amended by Appendix B of Ordinance 8848. (K.C.C. 20.12.390 was repealed by Ord. 12824 § 16).

20.12.430 King County Transportation Plan. A. The King County Transportation Plan consists of the following elements:

1. Policy element, consisting of the transportation-related policies from the King County Comprehensive Plan 1985, and the transit/ridesharing/rail policy actions.

2. The arterial functional classification report changes [Exhibit A to Ordinance 11170].

3. The transportation priority process.

4. The annual transportation needs report.

5. The implementation strategy report, as amended.

B. The council finds that the King County Transportation Plan environmental impact statement is adequate to support adoption of the King County Transportation Plan.

C. The King County Transportation Plan, dated October 1989, is adopted as the functional plan implementing the transportation policies established by the King County Comprehensive Plan. As an amplification and augmentation of the King County Comprehensive Plan, it constitutes official county policy with regard to surface transportation issues.

D. The King County Transportation Plan's elements dealing with "Transportation Needs Report" and "Arterial Functional Classification" shall be subject to an annual review and update process preparatory to the capital improvement program budgeting process. Updates shall incorporate community plan revisions, additional functional plan elements, other local and regional transportation plans and studies, and other information available to the county road engineer, and shall include public review and information in the annual review of the updates. The department of public works shall provide an update report to the executive and council on these elements before finalization of the roads capital improvement program budget identifying possible changes to the needs lists or arterial classifications, and why these changes are needed.

E. The Transportation Plan shall be implemented through:

1. Adoption of an annual six year capital improvement program.

2. Application of the Road Adequacy Standards, K.C.C. Title 14.

3. Application of the mitigation payment system, K.C.C. Title 14.

4. Mitigation of transportation impacts as required and authorized under the State Environmental Policy Act.

5. Road maintenance and traffic operating improvements.

6. Pursuit of additional funding sources at the local, state and federal levels whenever possible.

7. Participation by the county in regional efforts to enhance bus transit usage and development of a rail/high capacity transit system.

8. Establishment of a system for reviewing proposed developments for their impacts on equestrian, pedestrian and bicycle traffic and requiring mitigation when adverse impacts will occur.

9. Development of transportation system management techniques, zoning code changes, and road improvements to enhance the use of transit and increase vehicle occupancy.

10. Coordination of plans, projects, programs and policies with other governments. (Ord. 11792 § 15, 1995: Ord. 11170 § 1, 1993: Ord. 10593 § 1, 1992: Ord. 10229, 1992: Ord. 9709, 1990: Ord. 9153, 1989).

20.12.433 King County Nonmotorized Transportation Plan. A. The King County Nonmotorized Transportation Plan, dated March 1993*, attached to Ordinance 10812, is adopted as the nonmotorized transportation functional plan implementing related policies established in the adopted King County Comprehensive Plan, and constitutes an amplification and augmentation of official county policy with regard to transportation issues.

B. The Nonmotorized Transportation Plan shall be implemented through:

1. Integration of nonmotorized projects into the annual transportation project priority process and the annual six year capital improvement program.

2. Updating the King County road standards.

3. County road maintenance, operating revisions and improvements.

4. Pursuit of additional public and private capital, maintenance and program funds at the local, regional, state and federal level for nonmotorized improvements.

5. Providing an overall guide for the coordination, development and implementation of the nonmotorized element of the county transportation system. (Ord. 11620 § 18, 1994)

20.12.435 King County Arterial HOV Transportation Plan. A. The King County Arterial HOV Transportation Plan, dated March 1993*, is adopted as the arterial HOV transportation functional plan implementing related policies established in the adopted King County Comprehensive Plan, and constitutes an amplification and augmentation of official county policy with regard to transportation issues.

B. The Arterial HOV Transportation Plan shall be implemented through:

1. Integration of HOV projects into the annual transportation project priority process and the annual six year capital improvement program.

2. Updating the King County road standards.

3. County road maintenance, operating revisions and improvements.

4. Pursuit of additional public and private capital, maintenance and program funds at the local, regional, state and federal level for HOV improvements.

5. Providing an overall guide for the coordination, development and implementation of the HOV element of the county transportation system. (Ord. 11620 § 19, 1994).

* Available in the office of the clerk of the council.

20.12.458 The Four to One Program - Amending the urban growth area to achieve open space. Rural area land may be added to the urban growth area in accordance with the following criteria in the following manner.

A. All proposals to add land to the urban growth area under this program shall meet the following criteria:

1. The land to be included is not zoned agriculture (A) or is in an area where a contiguous band of publicly dedicated open space currently exists along the urban growth area line;

2. A permanent dedication to the King County open space system of four acres of open space is required for every one acre of land added to the urban growth area;

3. The land added to the urban growth area must be physically contiguous to existing urban growth area and must be able to be served by sewers and other urban services;

4. The minimum depth of the open space buffer shall be one half of the property width;

5. The minimum size of the property to be considered is 20 acres. Smaller parcels can be combined to meet the 20-acre minimum;

6. Proposals for open space dedication and redesignation to the urban growth area must be received between July 1, 1994 and December 31, 2006;

7. The total area added to the urban growth area as a result of this program shall not exceed 4000 acres. The department shall keep a cumulative total for all parcels added under this section. Such total shall be updated annually through the plan amendment process;

8. Development under this section shall be residential development and shall be at a minimum density of 4 dwelling units per acre. Site suitability and development conditions for both the urban and rural portions of the proposal shall be established through the preliminary formal plat approval process.

B. Proposals which add 200 acres or more to the urban growth area shall also meet the following criteria:

1. Proposals shall include a mix of housing types including thirty percent below market rate units affordable to low, moderate and median income households;

2. In proposals where the thirty percent requirement is exceeded, the required open space dedication shall be reduced to 3.5 acres of open space for every one acre added to the urban growth area.

C. Proposals which add less than 200 acres to the urban growth area and which meet the affordable housing criteria in subsection B.1 above shall meet a reduced open space dedication requirement of 3.5 acres of open space for every one acre added to the urban growth area.

D. Requests for redesignation shall be evaluated to determine those which are the highest quality with regard to but not limited to, fish and wildlife habitat, regional open space connections, water quality protection, unique natural, cultural, historical or archeological resources, size of open space dedication, and the ability to provide efficient urban services to the redesignated areas.

E. Proposals adjacent to incorporated area or potential annexation areas shall be referred to the affected city for recommendations.

F. Proposals shall be processed as land use amendments to the comprehensive plan. The open space acquired through this program shall be considered primarily as natural areas or passive recreation sites. The following additional uses may be allowed only if located on a small portion of the open space and are found to be compatible with the site's open space values and functions such as those listed in I-204k:

1. Trails;
2. Natural appearing stormwater facilities;
3. Compensatory mitigation of wetland losses on the urban designated portion of the project, consistent with the King County Comprehensive Plan and the Sensitive Areas Ordinance; and
4. Active recreation uses which are compatible with the functions and values of the open space and are necessary to provide limited, low intensity recreational opportunities (such as mowed meadows) for the adjacent urban area, provided that: the active recreation is as near as possible based on site conditions to the Urban Growth Area; the physical characteristics of the site, such as topography, soils and hydrology are suitable for development of active facilities; the active recreation area does not exceed five percent of the total open space acreage; and provided that no roads, parking, or sanitary facilities are permitted. Development for active recreation allowed in the open space may not be used to satisfy the active recreation requirements in K.C.C. Title 21A. (Ord. 12531 § 3, 1996: Ord. 11620 § 2, 1994).

20.12.460 Tahoma School District Capital Facilities Plan. The Tahoma School District No. 409 Capital Facilities 1997-98 to 2002-03, May 1, 1997 which is included in Attachment A to Ordinance 12063* and incorporated herein by reference, is adopted as a subelement of the capital facilities element of the comprehensive plan for King County. (Ord. 12928 § 2, 1997: Ord. 12532 § 2, 1996: Ord. 12063 § 2, 1995: Ord. 11569 § 2, 1994: Ord. 11037 § 2, 1993: Ord. 10122 § 3, 1991).

20.12.461 Federal Way School District Capital Facilities Plan. The Federal Way School District No. 210 1996/97 Capital Facilities Plan April 14, 1997 which is included in Attachment B to Ordinance 12063* and incorporated herein by reference, is adopted as a subelement of the capital facilities element of the comprehensive plan for King County. (Ord. 12928 § 3, 1997: Ord. 12532 § 3, 1996: Ord. 12063 § 3, 1995: Ord. 11569 § 3, 1994: Ord. 11037 § 3, 1993: Ord. 10470 § 2, 1992).

20.12.462 Riverview School District Capital Facilities Plan. The Riverview School District No. 407 Capital Facilities Plan, dated April 1, 1997 adopted March 25, 1997, revised May 1, 1997, which is included in Attachment C to Ordinance 12063* and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the comprehensive plan for King County. (Ord. 12928 § 4, 1997: Ord. 12532 § 4, 1996: Ord. 12063 § 4, 1995: Ord. 11569 § 4, 1994: Ord. 11037 § 4, 1993: Ord. 10472 § 2, 1992).

20.12.463 Issaquah School District Capital Facilities Plan. The Issaquah School District No. 411 1997 Capital Facilities Plan, dated April 9, 1997, which is included in Attachment D to Ordinance 12063* and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the comprehensive plan for King County. (Ord. 12928 § 5, 1997: Ord. 12532 § 5, 1996: Ord. 12063 § 5, 1995: Ord. 11569 § 5, 1994: Ord. 11037 § 5, 1993: Ord. 10633 § 2, 1992)

20.12.464 Snoqualmie Valley School District Capital Facilities Plan. The Snoqualmie Valley School District No. 410 Capital Facilities Plan 1997, final approval May 22, 1997 which is included in Attachment E to Ordinance 12063* and is incorporated herein by reference, is adopted as a subelement of

* Available in the office of the clerk of the council.

the capital facilities element of the comprehensive plan for King County. (Ord. 12928 § 6, 1997: Ord. 12532 § 6, 1996: Ord. 12063 § 6, 1995: Ord. 11569 § 6, 1994: Ord. 10722 § 2, 1993).

20.12.465 Highline School District Capital Facilities Plan. The Highline School District No. 401 Capital Facilities Plan 1997-1998 - 2002-2003 April, 1997, which is included in Attachment F to Ordinance 12063* and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the comprehensive plan for King County. (Ord. 12928 § 7, 1997: Ord. 12532 § 7, 1996: Ord. 12063 § 7, 1995: Ord. 11569 § 7, 1994: Ord. 10722 § 3, 1993).

20.12.466 Lake Washington School District Capital Facilities Plan. The Lake Washington School District No. 414 Six-Year Capital Facilities Plan 1996/1997 - 2001/2002, Board Approved 3-17-97, which is included in Attachment G to Ordinance 12063* and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the comprehensive plan for King County. (Ord. 12928 § 8, 1997: Ord. 12532 § 8, 1996: Ord. 12063 § 8, 1995: Ord. 11569 § 8, 1994: Ord. 10790 § 2, 1993).

20.12.467 Kent School District Capital Facilities Plan. The Kent School District No. 415 Capital Facilities Plan 1997-1998 - 2002-2003, April 1997, which is included in Attachment H to Ordinance 12063* and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the comprehensive plan for King County. (Ord. 12928 § 9, 1997: Ord. 12532 § 9, 1996: Ord. 12063 § 9, 1995: Ord. 11569 § 9, 1994: Ord. 10982 § 2, 1993).

20.12.468 Northshore School District Capital Facilities Plan. The Northshore School District No. 417 Capital Facilities Plan adopted April 29, 1997, which is included in Attachment I to Ordinance 12063* and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the comprehensive plan for King County. (Ord. 12928 % 10, 1997: Ord. 12532 § 10, 1996: Ord. 12063 § 10, 1995: Ord. 11569 § 10, 1994: Ord. 11148 § 2, 1993).

20.12.469 Enumclaw School District Capital Facilities Plan. The Enumclaw School District No. 216 Capital Facilities Plan 1997-2002, May, 1997, which is included in Attachment J to Ordinance 12063* and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the comprehensive plan for King County. (Ord. 12928 % 11, 1997: Ord. 12532 § 11, 1996: Ord. 12063 § 11, 1995).

20.12.470 Fife School District Capital Facilities Plan. The Fife School District No. 417 Capital Facilities Plan, adopted May 27, 1997, which is included in Attachment K to Ordinance 12063* and is incorporated herein by reference, is adopted as a subelement of the capital facilities element of the comprehensive plan for King County. (Ord. 12928 § 12, 1997: Ord. 12532 § 12, 1996).

20.12.480 King County Flood Hazard Reduction Plan Policies. The King County Flood Hazard Reduction Plan policies, as shown in Attachment A* (to Ordinance 11112) and incorporated herein by reference, are adopted as operating principles to guide King County's flood hazard reduction programs and to meet the intent of the water and natural resource policies of the King County Comprehensive Plan.

* Available in the office of the clerk of the council.

As an amplification and augmentation of the King County Comprehensive Plan, the policies constitute official county policy with regard to flood hazard reduction and flood plain management in King County. (Ord. 11112 § 1, 1993).

20.12.485 Potential Annexation Area Process. The potential annexation area process involves two separate determinations: the boundaries of the PAA's, and how services within those PAA's are to be provided. Executive staff negotiating these issues with the relevant cities shall assure that residents and community groups in the affected areas are given meaningful opportunities to participate in the negotiation process. Executive staff shall keep councilmembers in whose districts the PAA's are located apprised of public participation processes undertaken by the executive, and provide them with notice of any public meetings on PAA's well in advance of the meetings. If executive staff relies on city planning processes in which the county has not participated, documentation of the processes used by the cities shall be transmitted with any recommended PAA agreements. Further, executive staff shall provide summaries of the processes it has used to achieve public participation in any transmittals of PAA agreements forwarded to the council. (Ord. 12061 § 5, 1995).

Chapter 20.14
BASIN PLANS

Sections:

20.14.010 Coal Creek Basin Plan.
20.14.020 Soos Creek Basin Plan.
20.14.025 Covington Master Drainage Plan.
20.14.030 Bear Creek Basin Plan.
20.14.040 Hylebos Creek and Lower Puget Sound Basin Plan.
20.14.050 East Lake Sammamish Basin Plan and Nonpoint Action Plan.
20.14.060 Issaquah Creek Basin and Nonpoint Action Plan
20.14.070 Lower Cedar River Basin Plan and Nonpoint Pollution Action Plan

20.14.010 Coal Creek Basin Plan. The Coal Creek Basin Plan, as revised, attached to Ordinance 8380 as Appendix A*, and the Capital Improvement Project schedule required for Plan implementation, attached to Ordinance 8380 as Appendix B*, is adopted as an amplification and augmentation of the Comprehensive Plan for King County, and as such, constitutes official county policy for the geographic area defined therein. (Ord. 8380 § 1, 1988).

20.14.020 Soos Creek Basin Plan. The Soos Creek Basin Plan, dated June 7, 1990, Attachment A to Ordinance 10238*, as amended by Appendix A of Ordinance 13190*, is adopted to implement surface water management and environmental policies of the King County Comprehensive Plan with the exception of those policies pertaining to density restrictions and clearing provisions which are set out in the adopted Soos Creek Community Plan Update and the updated Tahoma/Raven Heights Community Plan Amendment. The Soos Creek Basin Plan constitutes official county policy with regard to surface water management in the Soos Creek Basin and designates regionally significant resource areas and locally significant resource areas in the basin. (Ord. 13190 § 6, 1998: Ord. 10238, 1992).

20.14.025 Covington Master Drainage Plan. A. Adopted. The Covington Master Drainage Plan dated January 1992, Attachment A to Ordinance 10293*, as amended by Appendix B of Ordinance 13190, is hereby adopted, augmenting and amplifying county policy established in the Soos Creek Basin Plan with regard to surface water management within the boundaries of the Covington Master Drainage Plan area as designated by Ordinance 9772.

B. Special drainage conditions authorized. The water and land resources division is hereby authorized to revise the King County Surface Water Design Manual to include a new Appendix with the following special drainage provisions for development to be applied in the Covington Master Drainage Plan area:

1.Development proposals in the Covington Master Drainage Plan area are encouraged to submit plans for shared surface water management facilities, as defined in the Covington Master Drainage Plan under regional or subregional surface water management facilities, that treat and dispose of the runoff from more than one development. These shared surface water management facilities shall provide the same level of control and treatment of surface water as required by the King County Surface Water Design Manual and relevant sections of this section.

*Available at the office of the clerk of the council.

2.Development in the Covington Master Drainage Plan area that proposes to infiltrate stormwater generated by the project must submit a plan which includes an amendment to the off-site analysis pursuant to K.C.C. 9.04.050 identifying the location of domestic water supply wells within a one mile radius of the proposed infiltration facilities, and, if any wells are present, provides:

a. an assessment of human health risks from infiltration, and

b. recommendations for appropriate measures to mitigate identified health risks.

The plan shall be reviewed and approved by King County.

3.Development proposed in the areas with glacial till (Alderwood) soils identified on Attachment 2 to Ordinance 10293 shall be required to meet level two flow control when required to provide flow control under the Surface Water Design Manual.

4.All new commercial and industrial development in the Covington Master Drainage Plan Area shall be required to submit a plan identifying the appropriate source controls and best management practices in accordance with K.C.C. chapter 9.12 The plan shall be reviewed and approved by King County.

5.All commercial and industrial development proposals shall submit plans for secondary spill containment for all electrical and mechanical equipment mounted on rooftops and plans showing the use of relatively inert materials (i.e., vinyl) for roofing and gutter materials. The plan shall be reviewed and approved by King County.

6.Developments proposed in the Covington Master Drainage Plan area within one hundred feet of the edge of Jenkins Creek 25 or Soos Creek 77 wetlands shall have wetland buffers established using a sliding scale of buffer width defined as follows:

Buffer Composition % Forest	Buffer Width Feet
100	50
80	60
60	70
40	80
20	90
0	100

Forests are defined as the area covered by trees greater than four inches diameter at breast height and twenty feet in height.

7.Developments in the Covington Master Drainage Plan Area within one hundred feet of the ordinary high watermark of Jenkins and Little Soos Creeks shall be required to re-establish native vegetation in stream buffers where native vegetation has been destroyed or disturbed. A plan for revegetation shall be reviewed and approved by King County. Planting shall be complete before issuance of an occupancy permit for the development. If the department of development and environmental services determines that the season is inappropriate for planting, the occupancy permit can be granted, provided a bond is established for the costs of revegetation.

8.New stream or wetland crossings by roads or utilities within the Master Drainage Plan area shall not be permitted unless no practical alternative exists. Plans will be submitted to King County for review and approval. The adverse environmental effects of new crossings shall be mitigated in accordance with SEPA requirements.

9.New developments within one hundred feet of the ordinary high water mark of Jenkins and Little Soos Creek shall be required to submit plans to restrict access to the streams and their buffers using fences, barriers and other means consistent with the recommendations of the Sensitive Areas Ordinance fencing committee. The plan will be reviewed and approved by King County.

C. Conditions authorized. The water and land resources division is hereby authorized to attach such conditions of approval to any development as may be necessary to achieve the state standards for fecal coliform and copper loading, as set out in the Covington Master Drainage Plan. (Ord. 13190 § 7, 1998: Ord. 10732 § 1, 1993: Ord. 10293 §§ 1, 2, 6, 7, 9, 1992).

20.14.030 Bear Creek Basin Plan. The Bear Creek Basin Plan, dated July 1990, as amended by Attachment A to Ordinance 10513*, Appendix B to Ordinance 12015* and Appendix C of Ordinance 13190*, is adopted to implement the surface water management and environmental policies of the King County Comprehensive Plan. The Bear Creek Basin Plan constitutes official county policy with regard to surface water management in the Bear Creek Basin and designates regionally significant resource areas and locally significant resource areas depicted in the Bear Creek Basin Plan. Pursuant to policy NE-307 of the 1994 King County Comprehensive Plan the King County executive shall study the standards of protection needed for regionally significant resource areas and

* Available at the office of the clerk of the council.

locally significant resource areas and report the findings and recommendations to the council in 1995. Based on the report, the metropolitan King County council will review and may revise the regionally significant resource areas and locally significant resource areas designated in the Bear Creek Basin Plan. (Ord. 13190 § 8, 1998: 12015 §§ 5, 6, 1995: Ord. 10513, 1992).

20.14.040 Hylebos Creek and Lower Puget Sound Basin Plan. The executive Proposed Hylebos Creek and Lower Puget Sound Basin Plan, dated July 1991, Attachment A as amended in Attachment B to Ordinance 11087* and by Appendix D of Ordinance 13190*, is adopted to implement surface water management and environmental policies of the King County Comprehensive Plan. The executive Proposed Hylebos Creek and Lower Puget Sound Basin Plan constitutes official county policy with regard to surface water management in the Hylebos Creek and Lower Puget Sound Basins and designates regionally significant resource areas and locally significant resource areas in the basins. (Ord. 13190 § 9, 1998: Ord. 11087, 1993).

20.14.050 East Lake Sammamish Basin Plan and Nonpoint Action Plan. The East Lake Sammamish Basin Plan and Nonpoint Action Plan consisting of Volume 1, dated May 11, 1992 and Volume 2 dated December 1992 as shown in Attachment A to Ordinance 11111*, as amended in Attachment B to Ordinance 11111 and by Appendix E of Ordinance 13190*, is adopted to implement the surface water management and environmental policies of the King County Comprehensive Plan. The East Lake Sammamish Basin Plan and Nonpoint Action Plan constitutes official county policy with regard to surface water management in the East Lake Sammamish Basin and designates regionally significant resource areas and locally significant resource areas in the basin. (Ord. 13190 § 10, 1998: Ord. 11111, 1993).

20.14.060 Issaquah Creek Basin and Nonpoint Action Plan. The Watershed Management Committee - Proposed Issaquah Creek Basin and Nonpoint Action Plan, as shown in Attachment A to Ordinance 11886* and amended in Attachment B to Ordinance 11886 and Appendix F of Ordinance 13190*, is adopted to implement the surface water management and environmental policies of the King County Comprehensive Plan. The Watershed Management Committee - Proposed Issaquah Creek Basin and Nonpoint Action Plan constitutes official county policy with regard to surface water management in the Issaquah Creek basin and designates regionally significant resource areas and locally significant resources areas in the basin. Pursuant to the policy NE-307 of the 1994 King County Comprehensive Plan the King County executive shall study the standards of protection needed for regionally significant resource areas and locally significant resources areas and report the findings and recommendations to the council in 1995. Based on the report, the metropolitan King County council will review and may revise the regionally significant resource areas and locally significant resources areas designated in the Issaquah Creek Basin Plan. (Ord. 13190 § 11, 1998: Ord. 11886 §§ 1,4, 1995).

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* Available at the office of the clerk of the council.

20.14.070 Lower Cedar River Basin Plan and Nonpoint Pollution Action Plan. A. Ordinance 12809* and Appendix G of Ordinance 13190*, is adopted to implement the surface water management and environmental policies of the King County Comprehensive Plan, provided, however, the following conditions shall apply:

1.The executive shall transmit within thirty days from the council's adoption of the Lower Cedar River Basin and Nonpoint Pollution Action Plan, legislation which establishes a detailed work plan and any necessary code changes to implement the forest incentive program elements described in Chapter 4; and

2.The executive shall transmit to the council for review by the utilities and natural resources committee with sixty days of the council's adoption of the Lower Cedar River Basin and Nonpoint Pollution Action Plan, the base line data and the methodology for monitoring and evaluating the progress of the forest incentive program in the Cedar River Basin consistent with the indicators outlined in Chapter 4, and shall thereafter submit annual progress reports to the council consistent with that established methodology; and

3.The executive shall transmit to the council for review by the utilities and natural resources committee within sixty days of the council's adoption of the Lower Cedar River Basin and Nonpoint Pollution Action Plan, criteria for prioritizing future surface water CIP and bond program projects, and the process for early review by the Cedar River Council of projects proposed for funding in the Cedar River Basin.

The Watershed Management Committee - Proposed Lower Cedar River Basin and Nonpoint Pollution Action Plan constitutes official county policy with regard to surface water management in the Cedar River basin and designates regionally significant resource areas and locally significant resource areas in the basin. (Ord. 13190 § 12, 1998: Ord. 12809 § 1, 1997).

* Available at the office of the clerk of the council.

Chapter 20.18
PROCEDURES FOR AMENDMENT OF COMPREHENSIVE PLAN OR OF DEVELOPMENT REGULATIONS-PUBLIC PARTICIPATION

Sections:

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20.18.020 Purpose.
20.18.030 General procedures.
20.18.040 Site-specific land use map amendment initiation and classification.
20.18.050 Site-specific land use map amendments.
20.18.060 Four-year cycle process.
20.18.070 Annual cycle process.
20.18.080 Subarea plan procedures.
20.18.090 Development regulations preparation.
20.18.100 Description of the amendments.
20.18.110 Notice of public hearing for comprehensive plan amendments and development regulations.
20.18.120 Notice of public hearing for area zoning.
20.18.130 Amendment process following the conclusion of the public review and comment period.
20.18.140 Provision for receipt, review of and response to the docket.
20.18.150 Provision for notice of intent to amend, and post-adoption notice.
20.18.160 Public participation program, basic elements.
20.18.300 Severability.

20.18.010 Effective date. This chapter shall become effective on June 11, 1998. (Ord. 13147 § 38, 1998).

20.18.020 Purpose. The purpose of this chapter is to establish the procedures and review criteria for amending the county's comprehensive plan and development regulations and providing for public participation. Amendments to the comprehensive plan are the means by which the county may modify its twenty-year plan for land use, development or growth policies in response to changing county needs or circumstances. All plan and development regulation amendments will be reviewed in accordance with the state Growth Management Act (GMA) and other applicable state laws, the countywide planning policies, the adopted King County Comprehensive Plan, and applicable capital facilities plans. All plan and development regulation amendments will be afforded appropriate public review pursuant to the provisions of this ordinance. (Ord. 13147 § 18, 1998).

20.18.030 General procedures. A. The King County Comprehensive Plan shall be amended no more than once a year, except that it may be amended more frequently to address:

1. Emergencies;

2. An appeal of the plan filed with the Central Puget Sound Growth Management Hearings Board or with the court;

3. The initial adoption of a subarea plan;

4. The adoption or amendment of a shoreline master program pursuant to chapter 90.58 RCW; or

5.An amendment of the capital facilities element of the comprehensive plan that occurs in conjunction with the adoption of the county budget.

B.Every year the comprehensive plan may be amended to address technical updates and corrections and to consider changes which do not require substantive changes to policy language. This review may be referred to as the annual cycle. The comprehensive plan, including subarea plans, may be amended in the annual cycle only to consider the following:

1.Technical amendments;

2.The annual capital improvement plan;

3.The transportation needs report;

4.School capital facility plans;

5.Changes to the designations shown on the service and finance strategy map and any amendments required thereby;

6.Changes required by existing (as of December 31, 1997) comprehensive plan policies;

7.Changes to the technical appendices and any amendments required thereby;

8.Comprehensive updates of subarea plans initiated by motion;

9.Changes required by amendments to the countywide planning policies or state law;

10. Redesignation proposals under the 4 to 1 program pursuant to K.C.C. 20.12.458; and

11. The following site-specific comprehensive land use map amendments:

a.amendments to correct a technical error; and

b.land use amendments which do not require substantive change to comprehensive plan policy language nor alter the urban growth area boundary.

C.Every fourth year beginning in 2000, the county shall complete a comprehensive review to provide for a cumulative analysis of the twenty-year plan based upon official population growth forecasts, benchmarks and other relevant data in order to consider substantive changes to policy language and changes to the urban growth area (UGA). This comprehensive review will begin one year in advance of the transmittal and may be referred to as the four-year cycle. The urban growth area boundaries shall be reviewed in the context of the four-year cycle and in accordance with countywide planning policy FW-1 and RCW 36.70A.130. If the county determines that the purposes of the comprehensive plan are not being achieved as evidenced by official population growth forecasts, benchmarks, trends and other relevant data, substantive changes to the comprehensive plan may also be considered on even calendar years. This determination shall be authorized by motion. The motion shall specify the scope of the even-year amendment, and identify that the resources necessary to accomplish the work are available. An analysis of the motion's fiscal impact shall be provided to the council prior to adoption. The executive will determine if additional funds are necessary to complete the even-year amendment, and may transmit an ordinance requesting the appropriation of supplemental funds.

D. The executive will seek public comment on the comprehensive plan and any proposed comprehensive plan amendments in accordance with the procedures in K.C.C. 20.18.160 before making a recommendation, in addition to conducting the public review and comment procedures required by the state Environmental Policy Act (SEPA). The public, including unincorporated area councils, shall be afforded at least one official opportunity to record public comment prior to the transmittal of a recommendation by the executive to the council. County-sponsored councils and commissions may submit written position statements which will be considered by the executive prior to transmittal and

by the council prior to adoption, provided they are received in a timely manner. The executive's recommendations for changes to policies, text, and maps shall include the elements listed in comprehensive plan policy I-202 and analysis of their financial costs and public benefits. Proposed amendments to the comprehensive plan shall be accompanied by any development regulations or amendments thereto, including area zoning, necessary to implement the proposed amendments. (Ord. 13147 § 19, 1998).

20.18.040 Site-specific land use map amendment initiation and classification. A. Site-specific land use map amendments may be considered annually or during the four year review cycle, depending on the degree of change proposed.

B.The following categories of site-specific land use map amendments may be initiated by either the county or a property owner for consideration in the annual review cycle:

1.Amendments to correct a technical error; and

2.Amendments which do not require substantive change to comprehensive plan policy language nor alter the urban growth area boundary.

C.Site-specific land use map amendments which require substantive change to comprehensive plan policy language or the urban growth area boundary may only be initiated by the county and considered in the four-year cycle, except for 4 to 1 proposals which may be considered annually pursuant to the application process set out in K.C.C. 20.12.458. Property owners may complete an application and docket the recommended changes to policy and/or the urban boundary pursuant to K.C.C. 20.18.140. The application will be included in the docket and considered by the county in the four-year cycle and pursuant to K.C.C. 20.18.060.

D.No amendment to a land use designation for a property may be initiated unless at least three years have elapsed since council adoption or review of the current designation for the property. This time limit may be waived by the executive or the council if the proponent establishes that there exists either an obvious technical error or a change in circumstances justifying the need for the amendment.

1.A waiver by the executive shall be considered after the applicant has submitted information to the department in the requested format. The executive shall render a waiver decision within forty-five days of receiving a complete submittal and shall mail a copy of this decision to the applicant.

2.A waiver by the council shall be considered by motion. (Ord. 13147 § 20, 1998).

20.18.050 Site-specific land use map amendments. A. Site-specific land use map amendments are legislative actions which may be initiated at any time by property owner application or by motion.

1.If initiated by motion, the motion shall identify the resources and the work program required to provide the same level of review accorded to applicant-generated amendments. An analysis of the motion's fiscal impact shall be provided to the council prior to adoption. If the executive determines that additional funds are necessary to complete the work program, the executive may transmit an ordinance requesting the appropriation of supplemental funds.

2.Site-specific land use map amendments for which a completed recommendation by the hearing examiner has been submitted to the council by

January 15 will be considered concurrently with the annual amendment to the comprehensive plan. Applications for the annual review for which a recommendation has not been issued by January 15 will be included in the next appropriate review cycle following issuance of the examiner's recommendation.

3.Applications which require a substantive change to policy text or to the urban growth area boundary may be docketed by the applicant for consideration during the four-year cycle pursuant to K.C.C. 20.18.030.

B. Site-specific land use map amendment shall be reviewed based upon the requirements of comprehensive plan policy I-202 and the following additional standards:

1.The proposed change implements and supports the goals of the comprehensive plan; and

2.The amendment is not incompatible with adjacent and nearby existing and permitted land use and the surrounding development pattern.

C. Applications for site-specific land use map amendments shall be submitted to the department and shall include the following:

1.Application form signed by the owner(s) of record;

2.Description of the proposed amendment;

3.Property description, including parcel number, property street address and nearest cross street;

4.County assessor's map outlining the subject property;

5.Related or previous permit activity;

6.Applicant information, including signature, telephone number and address;

7.Applicant's interest in property (owner, buyer, consultant); and

8.Property owner concurrence, including signature, telephone number and address.

D. A preapplication conference will be scheduled by the department with the applicant upon receipt of a completed application form. At the preapplication conference, the department will review with the applicant the proposed amendment's consistency with applicable county policies or regulatory enactments including specific reference to comprehensive plan policies, countywide planning policies and state Growth Management Act requirements. The application will be classified pursuant to K.C.C. 20.18.040 and this information either will be provided at the preapplication conference or in writing to the applicant within thirty days. Applications requiring either a substantive change to policy language and/or a change to the urban growth area boundary are only appropriate for review in the four-year cycle, but may be docketed by the applicant pursuant to K.C.C. 20.18.140. Docketed amendments will be considered with the four-year cycle and pursuant to K.C.C. 20.18.060. The council may override the amendment classification determined by the department by motion.

E. After the preapplication conference, applicants shall submit the completed application including an application fee and an environmental checklist to the department of development and environmental services to proceed with an amendment. Following the submittal of the complete application, the department of development and environmental services shall submit a report including an executive recommendation on the proposed amendment to the hearing examiner within one hundred twenty days. The department of development and environmental services shall provide notice of a public hearing and notice of threshold determination pursuant to K.C.C. 20.20.060 F, G and H. The hearing will be conducted by the hearing examiner pursuant to K.C.C. 20.24.400. Following the public hearing, the hearing examiner shall prepare a report and recommendation on the proposed amendment pursuant to K.C.C. 20.24.400. A compilation of all completed reports will be considered by the council pursuant to K.C.C. 20.18.070.

F. An application for a site-specific land use map amendment may be accompanied by an application for a zone reclassification to implement the proposed amendment, in which case administrative review of the two applications shall be consolidated to the extent practical consistent with this ordinance and K.C.C. chapter 20.20. The council's consideration of a site-specific land use map amendment is a legislative decision which will be determined prior to and separate from their consideration of a zone reclassification which is a quasi-judicial decision. If a zone reclassification is not proposed in conjunction with an application for a site-specific land use map amendment and the amendment is adopted, the property shall be given potential zoning. A zone reclassification pursuant to K.C.C. 20.20.020 will be required in order to implement the potential zoning. (Ord. 13147 § 21, 1998).

20.18.060 Four-year cycle process. A. Beginning in 1999, and every fourth year thereafter:

1. The department will accept proposed amendments to the comprehensive plan no later than the first business day of January for consideration in the following year;

2. The department shall complete a review of all proposed amendments which incorporates analysis of official population growth forecasts and benchmarks;

3. No later than the first business day of March, the executive shall transmit to the council a proposed motion specifying the scope of work for proposed amendments to the comprehensive plan that will occur in the following year to include the following:

a. topical areas relating to amendments to policies, the land use map and/or implementing development regulations which the executive intends to consider for recommendation to the council;

b. an inventory and executive recommendation for all docketed items relating to the four year review; and

c. an attachment to the motion advising the council of the work program the executive intends to follow to accomplish SEPA review and public participation.

B. The council shall have until April 30 to approve the motion. In the absence of council approval, the executive shall proceed to implement the work program as proposed. If the motion is approved, the work program shall proceed as established by the approved motion.

C. Beginning in 2000 and every fourth year thereafter, the executive shall transmit to the council by the first business day of March a proposed ordinance amending the comprehensive plan, except that the capital improvement program and the ordinances adopting updates to the transportation needs report and the school capital facility plans shall be transmitted no later than the annual budget transmittal and shall be adopted in conjunction with the budget. All transmittals shall be accompanied by a public participation note, identifying the methods used by the executive to ensure early and continuous public participation in the preparation of amendments. The note shall specify how the unincorporated area councils were involved in the comment process. (Ord. 13147 § 22, 1998).

20.18.070 Annual cycle process. A. The deadline for submitting docketed comments is September 30 for consideration in the amendment cycle process for the following year. The department shall forward to the council a complete listing of all docketed amendments and comments with an initial executive response by the first business day of December each year.

B.The executive shall transmit to the council any proposed amendments for the annual cycle by the first business day of March, except that the capital improvement program and the ordinances adopting updates to the transportation needs report and the school capital facility plans shall be transmitted no later than the annual budget transmittal and shall be adopted in conjunction with the budget. All transmittals shall be accompanied by a public participation note, identifying the methods used by the executive to assure early and continuous public participation in the preparation of amendments. The note shall specify how the unincorporated area councils were involved in the comment process.

C. Proposed amendments, including site-specific land use map amendments, that are found to require preparation of an environmental impact statement shall be considered for inclusion in the next amendment cycle following completion of the appropriate environmental documents.

D. Site-specific land use map amendments for which recommendations have been issued by the hearing examiner by January 15 shall be submitted to the council by the hearing examiner by January 15. The department will provide for cumulative analysis of these recommendations and the determination will be included in the annual March transmittal. All such amendments will be considered concurrently by the council committee charged with the review of the comprehensive plan. Following this review, site-specific land use map amendments which are recommended by this committee will be incorporated as an attachment to the adopting ordinance transmitted by the executive for consideration by the full council. Final action by the council on these amendments will occur concurrently with the annual amendment to the comprehensive plan.

E.All amendments proposed in conjunction with the four-year cycle and those determined pursuant to K. C. C. 20.18.030 for inclusion in an even year review shall be coordinated with the amendments proposed for the annual cycle to ensure transmittal to the council of all proposed amendments by the first business day of March, except that the capital improvement program and the ordinances adopting updates to the transportation needs report and the school capital facility plans shall be transmitted no later than the annual budget transmittal and shall be adopted in conjunction with the budget. (Ord. 13147 § 23, 1998).

20.18.080 Subarea plan procedures. Initial subarea plans may be adopted by ordinance at any time. Subarea plans may be initiated by motion or by council action which preceded the adoption of this ordinance. If initiated by motion, the motion shall specify the scope of the plan, identify the completion date, and identify that the resources necessary to accomplish the work are available. The executive will determine if additional funds are necessary to complete the subarea plan, and may transmit an ordinance requesting the appropriation of supplemental funds. Amendments to or updates of existing subarea plans shall be considered in the same manner as amendments to the comprehensive plan and shall be classified pursuant to K.C.C. 20.18.040, except that comprehensive updates of subarea plans may be initiated by motion and the resulting amendments may be considered in the annual cycle. (Ord. 13147 § 24, 1998).

20.18.090 Development regulations preparation. The department of development and environmental services shall prepare implementing development regulations to accompany any proposed comprehensive plan amendments. In addition, from time to time, department of development and environmental services may propose development regulations to further implement the comprehensive plan, consistent with the requirements of the Washington State Growth Management Act. Notice of proposed amendments to development regulations shall be provided to the state and to the public pursuant to K.C.C. 20.18.150. (Ord. 13147 § 25, 1998).

20.18.100 Description of the amendments. All proposals for amendments to the comprehensive plan or development regulations shall include a detailed description of the proposed amendment in nontechnical terms. This description will be made publicly available by the responsible department or the council sponsor using one or more methods provided in K.C.C. 20.18.160B and upon request. This description will be posted on the internet. Internet posting of the description is supplemental to other required notice, and the county's failure in any particular case to provide notice via the internet shall not constitute a procedural violation. (Ord. 13147 § 26, 1998).

20.18.110 Notice of public hearing for comprehensive plan amendments and development regulations.

Notice of the time, place and purpose of a public hearing before the council to consider amendments to the comprehensive plan or development regulations, other than area zoning, shall at a minimum be given by one publication in a newspaper of general circulation in the county at least thirty days before the hearing. Notice for site-specific land use map amendments will also be provided pursuant K.C.C. 20.18.050. The county shall endeavor to provide such notice in nontechnical language. The notice shall indicate how the detailed description of the ordinance required by K.C.C. 20.18.100 can be obtained by a member of the public. (Ord. 13147 § 27, 1998).

20.18.120 Notice of public hearing for area zoning. A. Notice of the time, place and purpose of a public hearing before the council to consider changes to area zoning shall, at a minimum, include publication in the official county newspaper and another newspaper of general circulation in the area for which the area zoning is proposed at least thirty days before the hearing. The county shall endeavor to provide such notice in nontechnical language. The notice shall indicate how the detailed description of the ordinance required by K.C.C. 20.18.100 can be obtained by a member of the public.

B.Notice of the hearing shall also be given by mail to affected property owners, appropriate to the scope of the proposal, whose names appear on the rolls of the King County assessor and shall at a minimum include owners of properties within five hundred feet of affected property, at least twenty property owners in the vicinity of the property, and to any individuals or organizations that have formally requested to the department or department of development environmental services to be kept informed of applications in an identified area. Notice shall specifically be given to any unincorporated area council that includes the subject property in its territory. The county shall endeavor to provide such notice in nontechnical language. The mailed notice required herein shall be postmarked at least thirty days before the hearing. Failure to notify any specific property owner shall not invalidate an area zoning proceeding or any resulting reclassification of land. (Ord. 13147 § 28, 1998).

20.18.130 Amendment process following the conclusion of the public review and comment period.

A. When the council considers a change to an amendment to the comprehensive plan or development regulation, and the change is proposed after the opportunity for review and comment has concluded, an additional opportunity for review and comment on the proposed change shall be provided before the council votes on the proposed change.

B. An additional opportunity for public review and comment is not required if:

1. An environmental impact statement has been prepared under chapter 43.21C RCW for the pending ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;

2. The proposed change is within the scope of the alternatives available for public comment;

3. The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes or clarifies language of a proposed ordinance or resolution without changing its effect;

4. The proposed change is to an ordinance making a capital budget decision as provided in RCW 36.70A.120; or

5. The proposed change is to an ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390. (Ord. 13147 § 29, 1998).

20.18.140 Provision for receipt, review of and response to the docket.

A. Pursuant to RCW 36.70A.470, a docket containing written comments on suggested plan or development regulation amendments shall be coordinated by the department. The docket is the means to suggest a change and/or to identify a deficiency in the comprehensive plan or development regulation. A deficiency refers to the absence of required or potentially desirable contents of the comprehensive plan or development regulation and does not refer to whether a development regulation addressed a project's probable specific adverse environmental impacts which could be mitigated in the project review process. Any interested party, including applicants, citizens and government agencies, may submit items to the docket.

B. All agencies of county government having responsibility for elements of the comprehensive plan or implementing development regulations shall provide a means by which citizens may docket written comments on the plan or on development regulations. The department shall use public participation methods identified in K.C.C. 20.18.160 to solicit public use of the docket prior to the annual September 30 submittal deadline. The department shall provide a mechanism for docketing amendments through the internet.

1. All docketed comments relating to the comprehensive plan will be reviewed by the department and considered for an amendment the comprehensive plan.

2. Docketed comments relating to development regulations will be reviewed by the appropriate county agency. Those requiring a comprehensive plan amendment will be forwarded to the department and considered for an amendment to the comprehensive plan. Those not requiring a comprehensive plan amendment will be considered by the responsible county agency for amendments to the development regulations.

3. Each agency shall submit all docketed comments relating to the comprehensive plan in the requested format to the department by September 30 for amendment consideration. The department shall forward to the council a complete listing of all docketed items with an initial executive response by the first business day of December each year. This listing shall be made available through the internet within one week of transmittal to the council.

Internet posting of the listing is supplemental to other required notice, and the county's failure in any particular case to provide notice via the internet shall not constitute a procedural violation. The department shall include in the annual transmittal of the comprehensive plan amendment a final listing of all the docketed items relating to the comprehensive plan and development regulations with a recommendation on each item. This listing shall be made publicly available, including posting on the internet. Internet posting of the information is supplemental to other required notice, and the county's failure in any particular case to provide notice via the internet shall not constitute a procedural violation.

C. The docketing process is the official procedure for the public to initiate review and receive official response on an identified deficiency of, or a suggested improvement to, the comprehensive plan or development regulations. In addition to the docket, the department shall provide opportunities for general public comments both prior to the docketing deadline each year, and during the executive's review periods prior to transmittal to the council. Such methods may include, but are not limited to, the use of the following: comment cards, electronic or posted mail, internet, public meetings with opportunities for discussion and feedback, printed summaries of comments received and 24-hour telephone hotlines. The executive shall assure that the opportunities for public comment are provided as early as possible for each stage of the process, in order to assure timely opportunity for public input. (Ord. 13147 § 30, 1998).

20.18.150 Provision for notice of intent to amend, and post-adoption notice. A. Pursuant to RCW 36.70A.106 and WAC 365-195-620, the responsible department or the council sponsor of the amendment shall notify the state of its intent to adopt amendments to the comprehensive plan or to development regulations at least sixty days prior to anticipated legislative action on the proposal except for regulations or amendments which are procedural, ministerial or required to address an emergency. When the state is notified, the department or the council sponsor shall also provide notice to the public, using one or more methods provided in K.C.C. 20.18.160B, of the intent to amend the comprehensive plan and/or development regulations, if such notice has not already been provided. This information will be posted on the internet. Internet posting of the information is supplemental to other required notice, and the county's failure in any particular case to provide notice via the internet shall not constitute a procedural violation.

B.Within ten days of adoption, the clerk of the council shall transmit to the state any adopted plan, amendment to the comprehensive plan or development regulation. Pursuant to RCW 36.70A.160, within ten days of adoption, the clerk of the council shall provide published notice in the official county newspaper of adoption of or amendment to the comprehensive plan or any development regulation. The notice shall indicate how the detailed description of the ordinance required by K.C.C. 20.18.100 can be obtained by a member of the public. (Ord. 13147 § 31, 1998).

20.18.160 Public participation program, basic elements. A. Pursuant to RCW 36.70A.140, the county shall provide for early and continuous public participation in the development and amendment of the comprehensive plan and any implementing development regulations.

B.Public participation shall at a minimum include the following elements:

1.Annual dissemination of a schedule for public participation;

2.Issuance of a citizen's guide to the comprehensive plan process that provides information on citizen participation in the comprehensive plan process, a description of the procedure and schedule for amending the comprehensive plan and/or implementing development regulation(s), and a guide on how to use the docket;

3.Provision for broad dissemination of the proposal and alternatives appropriate to the scope and significance of the proposal. The county shall make available to the public printed and electronic information which clearly defines and visually portrays, when possible, the range of options under consideration by the county. This information shall also include a description of any policy considerations, the schedule for deliberation, opportunities for public participation, information on the submittal and review procedures for written comments and the name, address and telephone number of the responsible official(s). The methods employed may include, but are not limited to, the use of the following: published notice in the official county newspaper and other appropriate publications, news media notification, mailed notice to property owners and to citizens or groups with a known interest in the proposal, public education and government channel, electronic kiosks and the internet, transit advertising, telephone and fax information lines, public review documents and displays in public facilities, speakers bureau, and printed or computerized graphics depicting the effect of the proposal;

4.Public meetings to obtain comments from the public or other agencies on a proposed plan, amendment to the comprehensive plan or implementing development regulation. Public meeting means an informal meeting, hearing, workshop or other public gathering of people for the purpose of obtaining public comments and providing opportunities for open discussion. All public meetings associated with review of the comprehensive plan or development regulations shall provide a means for the public to submit items for the docket. A public record of each public meeting should be maintained to include documentation of attendance, record of any mailed notice and a record of public comments not incorporated in the docket;

5.The county shall provide mechanisms to enable public access to additional information. The county shall provide for publicly accessible and complete records of all applications, docketed amendment requests, and related background information during normal business hours. The public may seek assistance from the office of citizen complaints to obtain time sensitive information. Methods of disseminating information may include, but are not limited to, the following: published notice of location of public review documents, use of the public education and government channel, use of electronic kiosks and the internet, telephone information lines with or without fax options, placement of documents in public libraries and community centers, speakers bureau and public displays.

C. When technical matters are considered with regard to docketed issues, or to evaluate public testimony, due consideration shall be given to technical testimony from the public and third party analysis may be sought when appropriate. (Ord. 13147 § 32, 1998).

20.18.300 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decisions shall not affect the validity of the remaining portion of this chapter. (Ord. 13147 § 36, 1998).

Chapter 20.20
PROCEDURES FOR LAND USE PERMIT APPLICATIONS, PUBLIC NOTICE, HEARINGS AND APPEALS

Sections:

20.20.010 Chapter purpose.
20.20.020 Classifications of land use decision processes.
20.20.030 Pre-application conferences.
20.20.040 Application requirements.
20.20.050 Notice of complete application to applicant.
20.20.060 Notice of application.
20.20.070 Vesting.
20.20.080 Applications - modifications to proposal.
20.20.090 Notice of decision or recommendation - appeals.
20.20.100 Permit issuance.
20.20.110 Quarterly report.
20.20.120 Citizen's guide.
20.20.130 Citizen's oversight committee.

20.20.010 Chapter purpose. The purpose of this chapter is to establish standard procedures for land use permit applications, public notice, hearings and appeals in King County. These procedures are designed to promote timely and informed public participation in discretionary land use decisions; eliminate redundancy in the application, permit review, hearing and appeal processes; provide for uniformity in public notice procedures; minimize delay and expense; and result in development approvals that implement the policies of the Comprehensive Plan. These procedures also provide for an integrated and consolidated land use permit and environmental review process consistent with chapter 347, laws of 1995. (Ord. 12196 § 8, 1996).

20.20.020 Classifications of land use decision processes. A. Land use permit decisions are classified into four types, based on the amount of discretion associated with each decision. Procedures for the four different types are distinguished according to who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made and whether administrative appeals are provided. The types of land use decisions are listed in Exhibit A of this section.

1. Type 1 decisions are made by the director, or his or her designee, ("director") of the department of development and environmental services ("department"). Type 1 decisions are nonappealable administrative decisions which require the exercise of little or no administrative discretion, except for Type 1 decisions for which the department has issued a state Environmental Policy Act ("SEPA") threshold determination. Type 1 decisions for which the department has issued a SEPA threshold determination are appealable at the time of issuance of the SEPA threshold determination to the hearing examiner as a Type 2 decision, provided that the appeal is limited to the SEPA

threshold determination and issues relating to zoning code (K.C.C. Title 21A) compliance excluding compliance with permitted use provisions. However, the decision on the Type 1 permit, exclusive of SEPA threshold determinations issued by the department and issues relating to zoning code (K.C.C. Title 21A) compliance excluding compliance with permitted use provisions, is not appealable to the hearing examiner; rather it is appealable to superior court. For the purposes of appealing a Type 1 decision to superior court, the Type 1 decision shall not be considered final until any permitted appeal to the hearing examiner is decided. Public notice is not required for Type 1 decisions, except for Type 1 decisions for which the department has issued a SEPA threshold determination, which are treated like Type 2 decisions for the purposes of public notice.

2.Type 2 decisions are made by the director, or his or her designee. Type 2 decisions are discretionary decisions which are subject to administrative appeal in accordance with applicable provisions of law or ordinance.

3.Type 3 decisions are quasi-judicial decisions made by the hearing examiner following an open record hearing. Type 3 decisions may be appealed to the county council, based on the record established by the hearing examiner.

4.Type 4 decisions are quasi-judicial decisions made by the council based on the record established by the hearing examiner.

B.Except as provided in K.C.C. 20.44.120A.6 and 25.32.080 or unless otherwise agreed to by the applicant, all Type 2,3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest numbered land use decision type applicable to the project application.

C.Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.

D.Land use permits that are categorically exempt from review under the state Environmental Policy Act ("SEPA") will not require a threshold determination (determination of nonsignificance ("DNS") or determination of significance ("DS")). For all other projects, the SEPA review procedures codified in K.C.C. 20.44 are supplemental to the procedures set forth in this chapter.

Exhibit A

LAND USE DECISION TYPES

TYPE 1	(Decision by director, no administrative appeal)	Building; clearing and grading; boundary line adjustment; right of way; road variance except those rendered in conjunction with a short plat decision**; variance from the requirements of K.C.C. 9.04; shoreline exemption; approval of a conversion harvest plan.
TYPE 2	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; road variance decisions rendered in conjunction with a short plat decision; zoning variance; conditional use permit; temporary use; shoreline substantial development permit; Type 1 decision for which the department has issued a SEPA threshold determination****; procedural and substantive SEPA decision; site development permit; approval of residential density incentives or transfer of development credits; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070B; preliminary determinations under K.C.C.20.20.030B; sensitive areas exceptions and decisions to require studies or to approve, condition or deny a development proposal based on the requirements of K.C.C. 21A.24, extractive operations pursuant to K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special circumstances.
TYPE 3	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat, plat alterations; preliminary plat revisions
TYPE 4***	(Recommendation by director hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations

* When applications for shoreline permits are combined with other permits requiring Type 3 or 4 land use decisions pursuant to K.C.C. 25.32.080, the examiner (not the director) makes the decision. All shoreline permits, including shoreline variances and conditional uses, are appealable to the state Shorelines Hearings Board and not to the hearing examiner.

** The road variance process is administered by the county road engineer of the King County department of transportation pursuant to the King County road standards.

*** Approvals that are consistent with the Comprehensive Plan may be considered by the council at any time. Zone reclassifications which are not consistent with the comprehensive plan require a site-specific land use map amendment and the council's hearing and consideration will be scheduled with the amendment to the comprehensive plan pursuant to K.C.C. 20.18.040 and 20.18.060.

**** Only the SEPA threshold determination and issues relating to zoning code compliance, excluding compliance with permitted use provisions, may be appealed, upon issuance of the threshold determination; other issues, including those relating to building code compliance, are not appealable.

(Ord. 13147 § 33, 1998: Ord. 13131 § 1, 1998: Ord. 12878 § 2, 1997: Ord. 12196 § 9, 1996).

20.20.030 Pre-application conferences. A. Prior to filing a permit application for a Type 1 decision, the applicant shall contact the department to schedule a preapplication conference which shall be held prior to filing the application, if the property will have 5,000 square feet of development site or right-of-way improvements, the property is in a critical drainage basin, or the property has a wetland, steep slope, landslide hazard, erosion hazard, or coal mine on site. Exempt from this requirement are:

1. a single family residence and its accessory buildings;
2. other structures where all work is in an existing building and no parking is required or added.

Prior to filing a permit application requiring a Type 2, 3 or 4 decision, the applicant shall contact the department to schedule a pre-application conference which shall be held prior to filing the application, except as provided herein. The purpose of the pre-application conference is to review and discuss the application requirements with the applicant and provide comments on the development proposal. The pre-application conference shall be scheduled by the department, at the request of an applicant, and shall be held in a timely manner, within thirty days from the date of the applicant's request. The fee for the pre-application conference shall be credited in full against the permit application fee. A project coordinator shall be assigned by the department following the pre-application conference. The director may waive the requirement for a pre-application conference if it is determined to be unnecessary for review of an application. Nothing in this section shall be interpreted to require more than one pre-application conference or to prohibit the applicant from filing an application if the department is unable to schedule a pre-application conference within thirty days following the applicant's request.

Information presented at or required as a result of the pre-application conference shall be valid for a period of 180 days following the pre-application conference. An applicant wishing to submit a permit application more than 180 days following a preapplication for the same permit application shall be required to schedule another preapplication conference.

B. At or subsequent to a preapplication conference, the department may issue a preliminary determination that a proposed development is not permissible under applicable county policies or regulatory enactments. In that event, the applicant shall have the option to appeal the preliminary determination to the hearing examiner in the manner provided for a Type 2 permit, as an alternative to proceeding with a complete application. Mailed and published notice of the appeal shall be provided for as in K.C.C. 20.20.060G and H. (Ord. 12196 § 10, 1996).

20.20.040 Application requirements. A. The department shall not commence review of any application set forth in this chapter until the applicant has submitted the materials and fees specified for complete applications. Applications for land use permits requiring Type 1, 2, 3, or 4 decisions shall be considered complete as of the date of submittal upon determination by the department that the materials submitted meet the requirements of this section. Except as provided in subsection B of this section, all land use permit applications described in K.C.C. 20.20.020 Exhibit A shall include the following:

1. An application form provided by the department and completed by the applicant that allows the applicant to file a single application form for all land use permits requested by the applicant for the development proposal at the time the application is filed;

2. Designation of who the applicant is, except that this designation shall not be required as part of a complete application for purposes of this section when a public agency or public or private utility is applying for a permit for property on which the agency or utility does not own an easement or right-of-way and the following three requirements are met:

a. the name of the agency or private or public utility is shown on the application as the applicant;

b. the agency or private or public utility includes in the complete application an affidavit declaring that notice of the pending application has been given to all owners of property to which the application applies, on a form provided by the department; and

c. the form designating who the applicant is is submitted to the department prior to permit approval;

3. A Certificate of Sewer Availability or site percolation data with preliminary approval by the Seattle-King County department of public health; or for schools located in rural areas, a letter indicating compliance with the tightline sewer provisions in the zoning code, as required by K.C.C. chapter 13.08 or K.C.C. chapter 13.24;

4. A current Certificate of Water Availability, if required by K.C.C. chapter 13.24;

5. A fire district receipt pursuant to K.C.C. Title 17, if required by K.C.C. chapter 21A.40;

6. A site plan, prepared in a form prescribed by the director;

7. Proof that the lot or lots are recognized as separate lots pursuant to the provisions of K.C.C. chapter 19.04, if required by K.C.C. 21A.24.090;

8. A sensitive areas affidavit if required by K.C.C. chapter 21A.24;

9. A completed environmental checklist, if required by K.C.C. chapter 20.44, County Environmental Procedures;

10. Payment of any development permit review fees, excluding impact fees collectible pursuant to K.C.C. Title 27, Development Permit Fees;

11. A list of any permits or decisions applicable to the development proposal that have been obtained prior to filing the application or that are pending before the county or any other governmental entity;

12. Certificate of transportation concurrency from the department of public works, if required by K.C.C. chapter 14.70;

13. Certificate of future connection from the appropriate purveyor for lots located within the urban growth area which are proposed to be served by on-site or community sewage system and/or group B water systems or private well, if required by K.C.C. 13.24.136 through 13.24.140;

14. A determination if drainage review applies to the project pursuant to K.C.C. chapter 9.04, and, if applicable, all drainage plans and documentation required by the Surface Water Design Manual adopted pursuant to K.C.C. chapter 9.04;

15. Current assessor's maps and a list of tax parcels to which public notice must be given as provided in this chapter, for land use permits requiring a Type 2, 3 or 4 decision;

16. Legal description of the site;

17. Variances obtained or required under K.C.C. Title 21A to the extent known at the date of application; and

18. For commercial site development permits only, a phasing plan and a time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within three years.

A permit application is complete for purposes of this section when it meets the procedural submission requirements of the department and is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequently. The determination of completeness shall not preclude the department from requesting additional information or studies either at the time of notice of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the department.

B. Additional complete application requirements for the following land use permits are set forth in the following sections of the King County Code:

1. Clearing and grading permit, K.C.C. 16.82.060.
2. Construction permits, K.C.C. 16.04.052.
3. Mobile home permits, K.C.C. 16.04.093.

C. The director may specify the requirements of the site plan required to be submitted for various permits and may waive any of the specific submittal requirements listed herein that are determined to be unnecessary for review of an application.

D. The applicant shall attest by written oath to the accuracy of all information submitted for an application.

E. Applications shall be accompanied by the payment of the applicable filing fees, if any, as established by K.C.C. Title 27. (Ord. 13190 § 13, 1998: Ord. 12380 § 6, 1996: Ord. 12196 § 11, 1996).

20.20.050 Notice of complete application to applicant. A. Within twenty-eight days following receipt of a land use permit application, the department shall mail or provide written notice to the applicant that the application is either complete or incomplete. If the application is incomplete, the notice shall state with specificity what is necessary to make the application complete. To the extent known by the department, the notice shall identify other agencies of local, state, regional or federal governments that may have jurisdiction over some aspects of the development proposal.

B. An application shall be deemed complete under this section if the department does not provide written notice to the applicant that the application is incomplete within the twenty-eight day period as provided herein.

C. If the application is incomplete and the applicant submits the additional information requested by the department, the department shall notify the applicant in writing within fourteen days whether the application

is complete or what additional information specified by the department as provided in subsection A hereof is necessary to make the application complete. An application shall be deemed complete if the department fails to provide written notice to the applicant within the fourteen day period that the application is incomplete.

D. The date an application is deemed complete is the date of receipt by the department of all of the information necessary to make the application complete as provided in this chapter. The department's issuance of a notice of complete application as provided in subsections A or C hereof, or the failure of the department to provide such a notice as provided in subsections B or C hereof, shall cause an application to be conclusively deemed to be complete and vested as provided in this chapter.

E. The department may cancel an incomplete application if the applicant fails to submit the additional information required by this chapter within ninety days following notification from the department that the application is incomplete. (Ord. 12196 § 12, 1996).

20.20.060 Notice of application. A. A notice of application shall be provided to the public for all land use permit applications requiring Type 2, 3 or 4 decisions or Type 1 decisions subject to SEPA pursuant to this section.

B. Notice of the application shall be provided by the department within fourteen days following the department's determination that the application is complete. A public comment period of at least twenty-one days shall be provided, except as otherwise provided in chapter 90.58 RCW. The public comment period shall commence on the fifteenth day following the department's determination that the application is complete.

C. If the county has made a determination of significance ("DS") under chapter 43.21 RCW prior to the issuance of the notice of application, the notice of the DS shall be combined with the notice of application and the scoping notice.

D. All required notices of application shall contain the following information:

1. The file number;
2. The name of the applicant;
3. The date of application, the date of the notice of completeness and the date of the notice of application;
4. A description of the project, the location, a list of the permits included in the application and the location where the application and any environmental documents or studies can be reviewed;
5. A site plan on 8 1/2 x 14 inch paper, if applicable;
6. The procedures and deadline for filing comments, requesting notice of any required hearings and any appeal procedure.
7. The date, time, place and type of hearing, if applicable and scheduled at the time of notice.
8. The identification of other permits not included in the application to the extent known.
9. The identification of existing environmental documents that evaluate the proposed project.
10. A statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation and of consistency with applicable county plans and regulations.

E.Notice shall be provided in the following manner:

1.Posted at the project site as provided in subsections F and I hereof;

2.Mailed by first class mail as provided in subsection G hereof; and

3.Published as provided in subsection H hereof.

F.Posted notice for a proposal shall consist of one or more notice boards posted by the applicant within fourteen days following the department's determination of completeness as follows:

1.A single notice board shall be posted for a project. This notice board may also be used for the posting of the Notice of Decision and Notice of Hearing and shall be placed by the applicant:

a.at the midpoint of the site street frontage or as otherwise directed by the department for maximum visibility;

b.five feet inside the street property line except when the board is structurally attached to an existing building, provided that no notice board shall be placed more than five feet from the street property without approval of the department;

c.so that the top of the notice board is between seven to nine feet above grade; and

d.where it is completely visible to pedestrians.

2.Additional notice boards may be required when:

a.the site does not abut a public road;

b.a large site abuts more than one public road; or

c.the department determines that additional notice boards are necessary to provide adequate public notice.

3.Notice boards shall be:

a.maintained in good condition by the applicant during the notice period through the time of the final county decision on the proposal, including the expiration of any applicable appeal periods, and for decisions which are appealed, through the time of the final resolution of any appeal.

b.in place at least twenty-eight days prior to the date of any required hearing for a Type 3 or 4 decision, or at least fourteen days following the department's determination of completeness for any Type 2 decision; and

c.removed within fourteen days after the end of the notice period.

4.Removal of the notice board prior to the end of the notice period may be cause for discontinuance of county review until the notice board is replaced and remains in place for the specified time period.

5.An affidavit of posting shall be submitted to the department by the applicant within fourteen days following the department's determination of completeness to allow continued processing of the application by the department.

6.Notice boards shall be constructed and installed in accordance with subsection F, above, and any additional specifications promulgated by the department pursuant to K.C.C. chapter 2.98, Rules of County Agencies.

G.Mailed notice for a proposal shall be sent by the department within fourteen days after the department's determination of completeness:

1.By first class mail to owners of record of property in an area within five hundred feet of the site, provided such area shall be expanded as necessary to send mailed notices to at least twenty different property owners;

2.To any city with a utility which is intended to serve the site;

3.To the state Department of Transportation, if the site adjoins a state highway;

4.To the affected tribes;

5.To any agency or community group which the department may identify as having an interest in the proposal;

6.Be considered supplementary to posted notice and be deemed satisfactory despite the failure of one or more owners to receive mailed notice; and

7.For preliminary plats only, to all cities within one mile of the proposed preliminary plat, and to all airports within two miles of the proposed preliminary plat.

8.In those parts of the urban growth area designated by the King County Comprehensive Plan where King County and a city have adopted a memorandum of understanding and/or a potential annexation boundary agreement, the director shall ensure that the city receives notice of all applications for development subject to this chapter, and shall respond specifically in writing to any comments on proposed developments subject to this title.

H.Notice of a proposed action shall be published by the department within fourteen days after the department's determination of completeness in the official county newspaper and another newspaper of general circulation in the affected area.

I.Posted notice for approved formal subdivision engineering plan, clearing or grading permits subject to SEPA or building permits subject to SEPA. Posted notice for approved formal subdivision engineering plans, clearing or grading permits subject to SEPA or building permits subject to SEPA shall be a condition of the plan or permit approval and shall consist of a single notice board posted by the applicant at the project site, prior to constructions follows:

1.Notice boards shall comport with the size and placement provisions identified for construction signs in K.C.C. 21A.20.120B;

2.Notice boards shall include the following information:

a.permit number and description of the project;

b.projected completion date of the project;

c.a contact name and phone number for both the department and the applicant; and

d.hours of construction, if limited as a condition of the permit;

3.Notice boards shall be maintained in the same manner as identified above, in subsection F;

4.Notice boards shall remain in place until final construction approval is granted. Early removal of the notice board may preclude authorization of final construction approval; and

5.These provisions shall become effective 90 days following adoption of this ordinance. (Ord. 13131 § 2, 1998: Ord. 13097 § 1, 1998: Ord. 12884 § 1, 1997: Ord. 12196 § 13, 1996).

20.20.070Vesting. A. Applications for Type 1, 2, and 3 land use decisions, except those which seek variance from or exception to land use regulations and substantive and procedural SEPA decisions shall be considered under the zoning and other land use control ordinances in effect on the date a complete application is filed meeting all of the requirements of this chapter. The department's issuance of a notice of complete application as provided in this chapter, or the failure of the department to provide such a notice as provided in this chapter, shall cause an application to be conclusively deemed to be vested as provided herein.

B.Supplemental information required after vesting of a complete application shall not affect the validity of the vesting for such application.

C.Vesting of an application does not vest any subsequently required permits, nor does it affect the requirements for vesting of subsequent permits or approvals. (Ord. 12196 § 14, 1996).

20.20.080 Applications - modifications to proposal. A. Modifications required by the county to a pending application shall not be deemed a new application.

B. An applicant-requested modification occurring either before or after issuance of the permit shall be deemed a new application when such modification would result in a substantial change in a project's review requirements, as determined by the department. (Ord. 12196 § 15, 1996).

20.20.090 Notice of decision or recommendation - appeals. A. The department shall provide notice in a timely manner of its final decision or recommendation on permits requiring Type 2, 3 and 4 land use decisions and Type 1 decisions subject to SEPA, including the threshold determination, if any, the dates for any public hearings and the procedures for administrative appeals, if any. Notice shall be provided to the applicant, to the Department of Ecology and to agencies with jurisdiction if required by K.C.C. chapter 20.44, to the Department of Ecology and Attorney General as provided in chapter 90.58 RCW, and to any person who, prior to the decision or recommendation, had requested notice of the decision or recommendation or submitted comments. The notice shall also be provided to the public as provided in K.C.C. 20.20.060.

B. Except for shoreline permits which are appealable to the state Shorelines Hearings Board, all notices of appeal to the hearing examiner of Type 2 land use decisions made by the director shall be filed within fourteen calendar days from the date of issuance of the notice of decision as provided in K.C.C. 20.24.090; provided that the appeal period shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies. (Ord 13131 § 3, 1998: Ord. 13097 § 2, 1998: Ord. 12196 § 16, 1996).

20.20.100 Permit issuance. A. Final decisions by the county on all permits and approvals subject to the procedures of this chapter shall be issued within one hundred twenty days from the date the applicant is notified by the department pursuant to this chapter that the application is complete, provided that the following shorter time periods should apply for the type of land use permit indicated:

New residential building permits	**90 days**
Residential remodels	**40 days**
Residential appurtenances, such as decks and garages or 40 days for residential appurtenances which require substantial site review.	**15 days,**
SEPA exempt clearing and grading	**45 days**
SEPA clearing and grading	**90 days**
Health Department review (for projects pending a final department review and/or permit).	**40 days**

The following periods shall be excluded from this one hundred twenty-day period:

1. Any period of time during which the applicant has been requested by the department, hearing examiner or council to correct plans, perform required studies or provide additional information, including road variances and variances required under K.C.C. chapter 9.04. The period shall be calculated from the date of notice to the applicant of the need for additional information until the earlier of the date the county advises the applicant that the additional information satisfies the county's request, or fourteen days after the date the information has been provided. If the county determines that the correction, study or other information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures of this section shall apply as if a new request for information had been made.

a. The department shall set a reasonable deadline for the submittal of corrections, studies or other information when requested, and shall provide written notification to the applicant. An extension of such deadline may be granted upon submittal by an applicant of a written request providing satisfactory justification of an extension.

b. Failure by the applicant to meet such deadline shall be cause for the department to cancel/deny the application.

c. When granting a request for a deadline extension, the department shall give consideration to the number of days between receipt by the department of a written request for a deadline extension and the mailing to the applicant of the department's decision regarding that request.

2. The period of time, as set forth in K.C.C. 20.44.050, during which an environmental impact statement is being prepared following a determination of significance pursuant to chapter 43.21C RCW.

3. A period of no more than ninety days for an open record appeal hearing by the hearing examiner on a Type 2 land use decision, and no more than sixty days for a closed record appeal by the county council on a Type 3 land use decision appealable to the county council, except when the parties to an appeal agree to extend these time periods.

4. Any period of time during which an applicant fails to post the property, if required by this chapter, following the date notice is required until an affidavit of posting is provided to the department by the applicant.

5. Any time extension mutually agreed upon by the applicant and the department.

B. The time limits established in this section shall not apply if a proposed development:

1. Requires an amendment to the comprehensive plan or a development regulation, or modification or waiver of a development regulation as part of a demonstration project;

2. Requires approval of a new fully contained community as provided in RCW 36.70A.350 master planned resort as provided in RCW 36.70A.360 or the siting of an essential public facility as provided for RCW 36.70A.200; or

3. Is substantially revised by the applicant, when such revisions will result in a substantial change in a project's review requirements, as determined by the department, in which case the time period shall start from the date at which the revised project application is determined to be complete.

C. If the department is unable to issue its final decision within the time limits established by this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of final decision.

D. The department shall require that all plats, short plats, building permits, clearing and grading permits, conditional use permits, special use permits, site development permits, shoreline substantial development permits, binding site plans, urban planned development permits or fully contained community permits issued for development activities on or within five hundred feet of designated agricultural lands, forest lands or mineral resource lands shall contain a notice that the subject property is within or near designated agricultural lands, forest lands or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. (Ord. 13250 § 1, 1998: Ord. 13097 § 3, 1998: Ord. 12627 § 5, 1997: Ord. 12273 § 2, 1996: Ord. 12196 § 17, 1996).

20.20.110 Quarterly report. Beginning October 1, 1996 and continuing quarterly thereafter until October 1, 1998, the Director shall prepare a

quarterly report to the King County council detailing what measures the department has in place to assure that adequate environmental protections are

maintained, how the review process addresses these measures, and the length of time required to process applications for Type 1, 2, 3, and 4 land use decisions in the previous period, categorized both on average and by type of permit. The report shall provide commentary on department operations and identify any need for clarification of county policy or development regulations or process. (Ord. 12196 § 18, 1996).

20.20.120 Citizen's guide. The director shall issue a citizen's guide to permit processing including making an appeal or participating in a hearing. (Ord. 12196 § 19, 1996).

20.20.130 Citizen's oversight committee. The director shall create a Citizen's Oversight Committee, which shall represent a broad cross-section of constituencies. The oversight committee shall consist of six members to be appointed from the membership of The Forum for Regulatory Balance, and a representative from labor and a representative from small property owners groups. There shall be one member representing each of the following constituencies:

1. environmental
2. good government
3. affordable housing
4. building industry
5. business
6. neighborhood groups
7. labor
8. small property owners groups.

This committee shall serve a term of one year, to be appointed by June 1, 1996. The role of the committee will be to monitor and evaluate the county's implementation of Ordinance 12196. Their findings will be included in the director's quarterly report, required by K.C.C. 20.20.110. (Ord. 12196 § 20, 1996).

Chapter 20.24
HEARING EXAMINER

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20.24.010 Chapter purpose. The purpose of this chapter is to provide a system of considering and applying regulatory devices which will best satisfy the following basic needs:

A. The need to separate the application of regulatory controls to the land from planning;

B. The need to better protect and promote the interests of the public and private elements of the community;

C. The need to expand the principles of fairness and due process in public hearings. (Ord. 263 Art. 5 § 1, 1969).

20.24.020 Office created. The office of hearing examiner is created. The examiner shall act on behalf of the council in considering and applying adopted county policies and regulations as provided herein. (Ord. 11502 § 1, 1994: Ord. 263 Art. 5 § 2, 1969).

20.24.030 Appointment and terms. The council shall appoint the examiner to serve in said office for a term of four years. (Ord. 4481 § 1, 1979: Ord. 263 Art. 5 § 3, 1969).

20.24.040 Removal. The examiner or his or her deputy may be removed from office at any time by the affirmative vote of not less than eight members of the council for just cause. (Ord. 12196 § 21, 1996: Ord. 263 Art. 5 § 4, 1969).

20.24.050 Qualifications. The examiner and his or her deputy shall be appointed solely with regard to their qualifications for the duties of their office and shall have such training or experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred upon them, and shall hold no other appointive or elective public office or position in the county government except as provided herein. (Ord. 12196 § 22, 1996: Ord. 263 Art. 5 § 5, 1969).

20.24.060 Deputy examiner duties. The deputy shall assist the examiner in the performance of the duties conferred upon the examiner by ordinance and shall, in the event of the absence or the inability of the examiner to act, have all the duties and powers of the examiner. The deputy may also serve in other capacities as an employee of the council. (Ord. 12196 § 23, 1996: Ord. 263 Art. 5 § 6, 1969).

20.24.065 Pro tem examiners. The chief examiner may hire qualified persons to serve as examiner pro tempore, as needed, to expeditiously hear pending applications and appeals. (Ord. 11502 § 16, 1994).

20.24.070 Recommendations to the council. A. The examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof and issue recommendations, including findings and conclusions to the council based on the issues and evidence in the record in the following cases:

1. or new fully contained community permits;
2. All Type 4 land use decisions;
3. Applications to extend sewer service pursuant to K.C.C. 13.24;
4. Applications for agricultural land variances;
5. Applications for public benefit rating system assessed valuation on open space land and current use assessment on timber lands except as provided in K.C.C. 20.36.090;
6. Appeals from denials by the county assessor of applications for current use assessments on farm and agricultural lands;
7. Applications for the vacation of county roads;
8. Appeals of a recommendation by the department of public works to deny the petition for vacation of a county road;
9. Appeals of a recommendation by the department of public works of the compensation amount to be paid for vacation of a county road;
10. Proposals for establishment or modification of cable system rates;
11. Other applications or appeals which the council may prescribe by ordinance.

B. The examiner's recommendation may be to grant or deny the application or appeal, or the examiner may recommend that the council adopt the application or appeal with such conditions, modifications and restrictions as the examiner finds necessary to carry out applicable state laws and regulations and the regulations, including chapter 43.21C RCW, policies, objectives and goals of the comprehensive plan, the community plan, subarea or neighborhood plans, the zoning code, the subdivision code and other official laws, policies and objectives of King County. In case of any conflict between the King County Comprehensive Plan and a community, subarea or neighborhood plan, the Comprehensive Plan shall govern. (Ord. 12196 § 24, 1996: Ord. 12171 § 1, 1996: Ord. 11620 § 5, 1994: Ord. 11502 § 2, 1994: Ord. 10691 § 3, 1992: Ord. 10511 § 2, 1992: Ord. 9614 § 123, 1990: Ord. 8804 § 1, 1989: Ord. 6949 § 16, 1984: Ord. 6465 § 13, 1983: Ord. 4461 § 1, 1979).

20.24.072 Type 3 decisions by the examiner, appealable to the council.

A. The examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof, and issue decisions on Type 3 land use permit applications, including findings and conclusions, based on the issues and evidence in the record. The decision of the examiner on Type 3 land use permit applications shall be appealable to the Council on the record established by the examiner as provided by K.C.C. 20.24.210D.

B. The examiner's decision may be to grant or deny the application, or the examiner may grant the application with such conditions, modifications and restrictions as the examiner finds necessary to carry out applicable state laws and regulations, including chapter 43.21C RCW, and the regulations, policies, objectives and goals of the comprehensive plan, the community plan, subarea or neighborhood plans, the zoning code, the subdivision code and other official laws, policies and objectives of King County. In case of any conflict between the King County Comprehensive Plan and a community, subarea or neighborhood plan, the Comprehensive Plan shall govern. (Ord. 12196 § 25, 1996).

20.24.080 Final decisions by the examiner. A. The examiner shall receive and examine available information, conduct open record public hearings and prepare records and reports thereof, and issue final decisions, including findings and conclusions, based on the issues and evidence in the record, which shall be appealable to superior court as provided by K.C.C. 20.24.240, or to other designated authority in the following cases:

1. Appeals from the decisions of the administrator for short subdivisions, including those variance decisions of the road engineer made pursuant to K.C.C. 14.42.060 with regard to road circulation in the subject short divisions;

2. Appeals of all Type 2 land use decisions with the exception of appeals of shoreline permits including shoreline variances and conditional uses which are appealable to the state Shoreline Hearings Board;

3. Appeals from citations, notices and orders and stop work orders issued pursuant to Title 23 of this code or the Rules and Regulations VII of the King County department of public health;

4. Appeals from decisions regarding the abatement of a nonconformance;

5. Appeals from decisions of the director of the department of public works on requests for rate adjustments to surface and storm management rates and charges;

6. Appeals from department of public safety seizures and intended forfeitures, when properly designated by the chief law enforcement officer of that department as provided in RCW 69.50.505;

7. Appeals from notices and certifications of junk vehicles to be removed as a public nuisance as provided in K.C.C. Title 21A and K.C.C. chapter 23.10;

8. Appeals from the department's final decisions regarding transportation concurrency, mitigation payment system and intersection standards provisions of K.C.C. Title 14;

9. Appeals from decisions of the Interagency Review Committee regarding sending site applications for certification pursuant to K.C.C. chapter 21A.55, Transfer of Residential Development Credits.

10. Other applications or appeals which the council may prescribe by ordinance.

B. The examiner's decision may be to grant or deny the application or appeal, or the examiner may grant the application or appeal with such conditions, modifications and restrictions as the examiner finds necessary to make the application or appeal compatible with the environment and carry out applicable state laws and regulations, including chapter 43.21C RCW, and the regulations, policies, objectives and goals of the comprehensive plan, the community plans, subarea or neighborhood plans, the zoning code, the

subdivision code and other official laws, policies and objectives of King County. In case of any conflict between the King County Comprehensive Plan and a community, subarea or neighborhood plan, the King County Comprehensive Plan shall govern. (Ord. 13277 § 1, 1998: Ord. 13263 § 58, 1998: Ord. 12962 § 1, 1998: Ord. 12196 § 26, 1996: Ord. 11620 § 6, 1994: Ord. 11502 § 3, 1994: Ord. 11016 § 15, 1993: Ord. 9614 § 122, 1990: Ord. 8804 § 2, 1989: Ord. 7990 § 34, 1987: Ord. 7846 § 12, 1986: Ord. 7714 § 11, 1986: Ord. 7590 § 10, 1986: Ord. 7543 § 1, 1986: Ord. 7246 § 3, 1985: Ord. 6949 § 17, 1984: Ord. 5570 § 6, 1981: Ord. 5002 § 16, 1980: Ord. 4461 § 2, 1979).

20.24.090Notice of appeal to examiner - filing. A. Except as otherwise provided herein, all notices of appeal to the examiner shall be filed with the county department or division issuing the original decision with a copy provided by the department or division to the office of the hearing examiner. Except as otherwise provided herein, notice of appeal, together with the required appeal fee, shall be filed within fourteen calendar days from the date of issuance of such decisions. In cases of appeals of Type 2 land use decisions made by the director, the appeal period shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies.

B.Notices of appeal of the recommendation to deny vacation of a county road by the department of transportation, shall be filed along with the required two hundred dollar administrative fee with the clerk of the county council within thirty days of an issuance of said denial.

C.If a notice of appeal has been filed within the time period provided herein, the appellant shall file a statement of appeal with the county department or division issuing the original decision or action within twenty-one calendar days from the date of issuance of such decision or action. Department or division staff shall:

1.Be available within a reasonable time to persons wishing to file a statement of appeal subsequent to an agency ruling, and to respond to queries concerning the facts and process of the county decision; and

2.Make available within a reasonable time a complete set of files detailing the facts of the department or division ruling in question to persons wishing to file a statement of appeal, subsequent to an agency ruling. If a department or division is unable to comply with these provisions, the hearing examiner may authorize amendments to a statement of appeal to reflect information not made available to an appellant within a reasonable time due to a failure by a county agency to meet the foregoing requirements. The statement of appeal shall identify the decision being appealed and the alleged errors in that decision. Further, the statement of appeal shall state specific reasons why the decision should be reversed or modified; and the harm suffered or anticipated by the appellant, and the relief sought. The scope of an appeal shall be based principally on matters or issues raised in the statement of appeal. Failure to timely file a notice of appeal, appeal fee or statement of appeal deprives the examiner of jurisdiction to consider the appeal. (Ord. 12196 § 27, 1996: Ord. 11961 § 2, 1995: Ord. 11502 § 4, 1994: Ord. 10691 § 4, 1992: Ord. 6949 § 18, 1984: Ord. 4461 § 3, 1979).

20.24.095Dismissal of untimely appeals. On its own motion, or on the motion of a party, the examiner shall dismiss an appeal for untimeliness or lack of jurisdiction. (Ord. 11502 § 12, 1994).

20.24.097 Expeditious processing. A. Hearings shall be scheduled by the examiner to ensure that final decisions are issued within the time periods provided in K.C.C. 20.20.100. During periods of time when the volume of permit activity is high, the examiner shall retain one or more pro-tem examiners to ensure that the one hundred twenty day time period for final decisions is met.

B. Appeals shall be processed by the examiner as expeditiously as possible, giving appropriate consideration to the procedural due process rights of the parties. Unless a longer period is agreed to by the parties, or the examiner determines that the size and scope of the project is so compelling that a longer period is required, a pre-hearing conference or a public hearing shall occur within forty-five days from the date the office of the hearing examiner is notified that a complete statement of appeal has been filed. In such cases where the examiner has determined that the size and scope warrant such an extension, the reason for the deferral shall be stated in the examiner's recommendation or decision. The time period may be extended by the examiner at the examiner's discretion for not more than thirty days. (Ord. 12196 § 28, 1996: Ord. 11502 § 14, 1994).

20.24.098 Time limits. In all matters where the examiner holds a hearing on applications under K.C.C. 20.24.070, the hearing shall be completed and the examiner's written report and recommendations issued within twenty-one days from the date the hearing opens, excluding any time required by the applicant or the department to obtain and provide additional information requested by the hearing examiner and necessary for final action on the application consistent with applicable laws and regulations. In every appeal heard by the examiner pursuant to K.C.C. 20.24.080, the appeal process, including a written decision, shall be completed within ninety days from the date the examiner's office is notified of the filing of a notice of appeal pursuant to K.C.C. 20.24.090. When reasonably required to enable the attendance of all necessary parties at the hearing, or the production of evidence, or to otherwise assure that due process is afforded and the objectives of this chapter are met, these time periods may be extended by the examiner at the examiner's discretion for an additional thirty days. With the consent of all parties, the time periods may be extended indefinitely. In all such cases, the reason for such deferral shall be stated in the examiner's recommendation or decision. Failure to complete the hearing process within the stated time shall not terminate the jurisdiction of the examiner. (Ord. 13097 § 4, 1998: Ord. 11502 § 15, 1994).

20.24.100 Condition, modification and restriction examples. The examiner is authorized to impose conditions, modifications and restrictions, including but not limited to setbacks, screenings in the form of landscaping or fencing, covenants, easements, road improvements and dedications of additional road right-of-way and performance bonds as authorized by county ordinances. (Ord. 12196 § 30, 1996: Ord 263 Art. 5 § 7(part), 1969).

20.24.110 Quasi-judicial powers. The examiner may also exercise administrative powers and such other quasi-judicial powers as may be granted by county ordinance. (Ord. 163 Art. 5 § 8, 1969).

20.24.120 Freedom from improper influence. Individual councilmembers, county officials or any other person, shall not interfere with or attempt to interfere with the examiner or deputy examiner in the performance of his or her designated duties. (Ord. 12196 § 31, 1996: Ord. 263 Art. 5 § 9, 1969).

20.24.130 Public hearing. When it is found that an application meets the filing requirements of the responsible county department or an appeal meets the filing rules, it shall be accepted and a date assigned for public hearing. If for any reason testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the matter shall be continued to the soonest available date. A matter should be heard, to the extent practicable, on consecutive days until it is concluded. For purposes of proceedings identified in K.C.C. 20.24.070 and 20.24.072, the public hearing by the examiner shall constitute the hearing by the council. (Ord. 12196 § 32, 1996: Ord. 11502, § 5, 1994: Ord. 4461 § 4, 1979).

20.24.140 Consolidation of hearings. Whenever a project application includes more than one county permit, approval or determination for which a public hearing is required or for which an appeal is provided pursuant to this chapter, the hearings and any such appeals may be consolidated into a single proceeding before the hearing examiner pursuant to K.C.C. 20.20.020. (Ord. 12196 § 33, 1996: Ord. 11502 § 6, 1994: Ord. 4461 § 5, 1979).

20.24.145 Pre-hearing conference. A pre-hearing conference may be called by the examiner pursuant to this chapter upon the request of a party, or on the examiner's own motion. A pre-hearing conference shall be held in every appeal brought pursuant to this chapter if timely requested by any party.

The pre-hearing conference shall be held at such time as ordered by the examiner, but not less than fourteen days prior to the scheduled hearing on not less than seven days notice to those who are then parties of record to the proceeding. The purpose of a pre-hearing conference shall be to identify to the extent possible, the facts in dispute, issues, laws, parties and witnesses in the case. In addition the pre-hearing conference is intended to establish a timeline for the presentation of the case. The examiner shall establish rules for the conduct of pre-hearing conferences.

Any party who does not attend the pre-hearing conference, or anyone who becomes a party of record after notice of the pre-hearing conference has been sent to the parties, shall nevertheless be entitled to present testimony and evidence to the examiner at the hearing. (Ord. 12196 § 34, 1996: Ord. 11502 § 12, 1994)

20.24.150 Report by department. When an application or appeal has been set for public hearing, the responsible county department shall coordinate and assemble the reviews of other departments and governmental agencies having an interest in the application or appeal and shall prepare a report summarizing the factors involved and the department findings and recommendation or decision. At least fourteen calendar days prior to the scheduled hearing, the report, and in the case of appeals any written appeal arguments submitted to the county, shall be filed with the examiner and copies thereof shall be mailed to all persons of record who have not previously received said materials. (Ord. 12196 § 35, 1996: Ord. 4461 § 6, 1979: Ord. 263 Art. 5 § 11, 1969).

20.24.160 Notice. A. Notice of the time and place of any hearing on an application before the hearing examiner pursuant to this chapter shall be mailed by first class mail at least fourteen calendar days prior to the scheduled hearing date to all persons who commented or requested notice of the hearing. The notice of decision or recommendation required by K.C.C. Title 20 may be combined with the notice of hearing required hereby.

B. Notice of the time and place of any appeal hearing before the hearing examiner pursuant to this chapter shall be mailed to all parties of record by first class mail at least fourteen calendar days prior to the scheduled hearing date.

C. If testimony cannot be completed prior to adjournment on the date set for a hearing, the examiner shall announce prior to adjournment the time and place said hearing will be continued. (Ord. 12196 § 36, 1996: Ord. 11502 § 7, 1994) Ord. 4461 § 7, 1979: Ord. 263 Art. 5 § 12, 1969).

20.24.170 Rules and conduct of hearings. The examiner shall adopt rules for the conduct of hearings and for any mediation process consistent with this chapter, within ninety days of the effective date of Ordinance 11502. The rules shall be reviewed by the council, and remain in effect during this review. Any modifications made by the council by motion shall be incorporated by the hearing examiner, and shall become effective ten days after adoption of the motion. Such rules shall be published and available upon request to all interested parties. The examiner shall have the power to issue summons and subpoena to compel the appearance of witnesses and production of documents and materials, to order discovery, to administer oaths, and to preserve order.

To avoid unnecessary delay and to promote efficiency of the hearing process, the examiner shall limit testimony, including cross examination, to that which is relevant to the matter being heard, in light of adopted county policies and regulations, and shall exclude evidence and cross examination that is irrelevant, cumulative or unduly repetitious. The examiner may establish reasonable time limits for the presentation of direct oral testimony, cross examination and argument. Any written submittals will be admitted only when authorized by the examiner under pertinent and promulgated administrative rules. (Ord. 11502 § 8, 1994: Ord. 4461 § 8, 1979: Ord. 263 Art. 5 § 13, 1969).

20.24.175 Case management techniques. In all matters heard by the examiner, the examiner shall use case management techniques to the extent reasonable including: limiting testimony and argument to relevant issues and to matters identified in the pre-hearing order (if applicable); pre-hearing identification and submission of exhibits (if applicable); stipulated testimony or facts; pre-hearing dispositive motions (if applicable); use of pro tempore examiners; and other methods to promote efficiency and to avoid delay. (Ord. 11502 § 13, 1994).

20.24.180 Examiner findings. When the examiner renders a decision or recommendation, he or she shall make and enter findings of fact and conclusions from the record which support the decision and the findings and conclusions shall set forth and demonstrate the manner in which the decision or recommendation is consistent with, carries out and helps implement applicable state laws and regulations and the regulations, policies, objectives and goals of the comprehensive plan, subarea or community plans, the zoning code, the land segregation code and other official laws, policies and objectives of King County, and that the recommendation or decision will not be unreasonably incompatible with or detrimental to affected properties and the general public. (Ord. 12196 § 37, 1996: Ord. 4461 § 9, 1979).

20.24.190 Additional examiner findings - reclassifications and shoreline redesignations. When the examiner issues a recommendation regarding an application for a reclassification of property or for a shoreline environment redesignation, the recommendation shall include additional findings which support the conclusion that at least one of the following circumstances applies:

A. The property is potentially zoned for the reclassification being requested and conditions have been met which indicate the reclassification is appropriate; or

B. An adopted community plan or area zoning specifies that the property shall be subsequently considered through an individual reclassification application; or

C. Where a community plan has been adopted but subsequent area zoning has not been adopted, that the proposed reclassification or shoreline redesignation is consistent with the adopted community plan; or

D. The applicant has demonstrated with substantial evidence that:

1. Since the last previous area zoning or shoreline environment designation of the subject property, authorized public improvements, permitted private development or other conditions or circumstances affecting the subject property have undergone substantial and material change not anticipated or contemplated in the community plan or area zoning;

2. The impacts from the changed conditions or circumstances affect the subject property in a manner and to a degree different than other properties in the vicinity such that area rezoning or redesignation is not appropriate; and

3. The requested reclassification or redesignation is required in the public interest. (Ord. 4461 § 10, 1979).

20.24.195 Additional examiner findings - preliminary plats. When the examiner makes a decision regarding an application for a proposed preliminary plat, the decision shall include additional findings as to whether:

A. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

B. The public use and interest will be served by the platting of such subdivision and dedication. (Ord. 12196 § 38, 1996: Ord. 9544 § 16, 1990).

20.24.197 Additional examiner findings and recommendations - school capacities. Whenever the examiner in the course of conducting hearings or reviewing preliminary plat applications or actualization of potential multi-family zoning, receives documentation that the public schools in the district where the development is proposed would not meet the standards set out in K.C.C. 21A.28.160 if the development were approved, the examiner shall remand to the department of development and environmental services to require or recommend phasing or provision of the needed facilities and sites as appropriate to address the deficiency, or deny the proposal if required by the provisions of this chapter. The examiner shall prepare findings to document the facts which support the action taken. The examiner shall recommend such phasing as may be necessary to coordinate the development of the housing with the provision of sufficient school facilities, or in the alternative shall require the provision of the needed facilities. An offer of payment of a

school impact fee as required by ordinance shall not be a substitute for such phasing, but the fee is still assessable. The examiner shall recommend a payment schedule for the fee to coordinate the payment with the phasing of an impact mitigation fee if such provision or payment is satisfactory to the district. The examiner must determine independently that the conditions of approval and assessable fees will provide for adequate schools. (Ord. 11620 § 7, 1994: Ord. 9785 § 10, 1991).

20.24.210Written recommendation or decision. A. Within ten days of the conclusion of a hearing or rehearing, the examiner shall render a written recommendation or decision and shall transmit a copy thereof to all persons of record. The examiner's decision shall identify the applicant and/or the owner by name and address.

B.Recommendations of the examiner in cases identified in K.C.C. 20.24.070 may be appealed to the council by an aggrieved party by filing a notice of appeal with the clerk of the council within fourteen calendar days of the date the examiner's written recommendation is mailed.

C.If no appeal is filed within fourteen calendar days, the clerk of the council shall place a proposed ordinance which implements the examiner's recommended action on the agenda of the next available council meeting for adoption; provided, that no final action to amend or reverse the hearing examiner's recommendation shall be taken at that meeting and notice to parties shall be given before the adoption of a substitute or amended ordinance which amends or reverses the examiner's recommendation;

provided further, the council by motion may refer the matter to a council committee or remand to the examiner for the purpose of further hearing, receipt of additional information or further consideration when determined necessary prior to the council's taking final action thereon.

D. Decisions of the examiner, that are appealable to the council as provided in K.C.C. 20.24, shall be final unless appealed to the council by an aggrieved party of record by filing a notice of appeal with the clerk of the council within fourteen calendar days of the date the examiner's written decision is mailed.

E. Decisions of the examiner in cases identified in K.C.C. 20.24.080 shall be final and reviewable pursuant to K.C.C. 20.24.240B.. (Ord. 12196 § 39, 1996: Ord. 9306, 1990: Ord. 4461 § 11, 1979).

20.24.220 Appeal to council - recommendation. A. If an appeal has been filed pursuant to K.C.C. 20.24.210B, the appellant shall file with the office of the clerk of the county council within twenty-one calendar days of the date of the examiner's written recommendation a written appeal statement specifying the basis for the appeal and any arguments in support of the appeal. If no written appeal statement or arguments are filed within the twenty-one calendar days, the clerk of the council shall place a proposed ordinance which implements the examiner's recommended action on the agenda of the next available council meeting. If written appeal arguments are filed, the clerk of the council shall cause notice to be given to other parties of record that a notice of appeal and appeal statement have been filed and that written appeal statements or arguments in response thereto may be submitted to the clerk within fourteen calendar days of the date of such notification by the clerk.

B. Consideration by the council of the appeal, except for appeals of examiner recommendations on petitions for road vacations, shall be based upon the record as presented to the examiner at the public hearing and upon written appeal statements based upon the record; provided, the council also may allow parties a period of time for oral argument based on the record. The examiner may conduct a conference with all parties to the appeal for the purpose of clarifying or attempting to resolve certain issues on appeal; provided, that the deputy examiner who conducted the public hearing on the proposal may not conduct the conference. Such conference shall be informal and shall not be part of the public record.

C. If, after consideration of the record, written appeal statements and any oral argument the council determines that:

1. An error in fact or procedure may exist or additional information or clarification is desired, the council shall remand the matter to the examiner; or

2. The recommendation of the examiner is based on an error in judgment or conclusion, the council may modify or reverse the recommendation of the examiner; provided, the council's land use appeal committee may retain the matter, refer it to other council committee or remand to the examiner for the purpose of further hearing, receipt of additional information or further consideration when determined necessary prior to the council's taking final action thereon.

D. Subsections B and C above do not apply to an appeal of an examiner's recommendation on a petition for a road vacation. In such an appeal, the council is not bound by the record presented to the hearing examiner. Before acting on a proposed road vacation for which an appeal of the hearing examiner's recommendation has been filed, the council shall hold a legislative public

hearing to receive further information and testimony. (Ord. 12650 § 1, 1997: Ord. 12196 § 40, 1996: Ord. 11502 § 9, 1994: Ord. 4461 § 12, 1979).

20.24.222 Appeal to council - examiner's decision. If an appeal has been filed pursuant to K.C.C. 20.24.210D, the appellant shall file with the office of the clerk of the county council within twenty-one calendar days of the date of the examiner's written decision a written appeal statement specifying the basis for the appeal and any arguments in support of the appeal. If no written appeal statement or arguments are filed within the twenty-one calendar days, the hearing examiner's decision made pursuant to K.C.C. 20.24.070 shall be deemed final and conclusive action. If written appeal arguments are filed, the clerk of the council shall cause notice to be given to other parties of record that a notice of appeal and appeal statement have been filed and that written appeal statements or arguments in response thereto may be submitted to the clerk within fourteen calendar days of the date of such notification by the clerk.

Consideration by the council of the appeal shall be based upon the record as presented to the examiner at the public hearing and upon written appeal statements based upon the record; provided, the council also may allow parties a period of time for oral argument based on the record. The examiner may conduct a conference with all parties to the appeal for the purpose of clarifying or attempting to resolve certain issues on appeal, provided, that the deputy examiner who conducted the public hearing on the proposal may not conduct the conference. Such conference shall be informal and shall not be part of the public record.

If, after consideration of the record, written appeal statements and any oral argument the council determines that:

A. Additional information or clarification is required, the council shall remand the matter to the examiner; or

B. The decision of the examiner is based on an error in judgment or conclusion, the council may modify or reverse the recommendation of the examiner; provided, the council's land use appeal committee may retain the matter, refer it to another council committee or remand to the examiner for the purpose of further hearing, receipt of additional information or further consideration when determined necessary prior to the council's taking final action thereon.

Appeals shall be processed by the council as expeditiously as possible, giving appropriate consideration to the procedural due process rights of the parties. Consideration of the appeal by the council shall be scheduled to ensure that such appeals are processed within the time periods provided in K.C.C. 20.20.100. Failure of the council to determine an appeal within applicable time limits shall not terminate the jurisdiction of the council. (Ord. 12196 § 41, 1996).

20.24.230 Council action. The council shall take final action on any recommendation of the examiner or appeal from a decision by the examiner by ordinance and when so doing, it shall make and enter findings of fact and conclusions from the record of the public hearing conducted by the examiner. Said findings and conclusions shall set forth and demonstrate the manner in which the action is consistent with, carries out and helps implement applicable state laws and regulations and the regulations, policies, objectives and goals of the comprehensive plan, the community plans, the sewerage general plan, the zoning code, the subdivision code and other official laws, policies and objectives for the development of King County. The council may adopt as its own all or portions of the examiner's findings and conclusions.

Any ordinance may contain conditions regarding the manner of development or other aspects regarding use of the property including but not limited to dedication of land, provision of public improvements to serve the subdivision, and/or impact fees authorized by RCW 82.02.

Any ordinance also may contain reasonable conditions, in accordance with state law and county ordinances, which must be satisfied before the ordinance becomes effective and the official zoning maps shall not be amended until said conditions have been satisfied; provided, the ordinance shall also designate the time period within which any such conditions must be satisfied. All authority pursuant to such ordinance shall expire if any of said conditions are not satisfied within the designated time period and the property shall continue to be subject to all laws, regulations and zoning as if the ordinance had not been adopted; provided, the council may extend the period for satisfaction of said conditions if after a public hearing by the examiner the council finds an extension will be in the public interest and the extension was requested by applicant within the initial time period. As an alternative to the adoption of an ordinance containing conditions, the council may adopt an ordinance subject to the execution of a concomitant agreement between the county and the applicant regarding the manner of development of the property, any required improvements or any aspect regarding use of the property. (Ord. 12196 § 42, 1996: Ord. 9544 § 17, 1990: Ord. 4680 § 2, 1980: Ord. 4461 § 13, 1979: Ord. 263 Art. 5 § 18, 1969).

20.24.235 Findings - preliminary plats. A. In addition to the provisions of K.C.C. 20.24.230 King County shall not approve a proposed subdivision and dedication unless it finds that:

1. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

2. The public use and interest will be served by the platting of such subdivision and dedication.

B. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the council shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees may be required as a condition of subdivision approval. Dedications shall be clearly shown on the final plat.

The council may adopt as its own all or portions of the examiner's findings and conclusions. (Ord. 12196 § 43, 1996: Ord. 9544 § 18, 1990).

20.24.240 Judicial review of final decisions. A. Decisions of the council in cases identified in K.C.C. 20.24.070 or in cases appealed to the council as provided in K.C.C. 20.24.210D, shall be final and conclusive action unless within twenty-one calendar days from the date of the council's adoption of an ordinance an appeal is filed in superior court, state of Washington, for the purpose of review of the action taken; provided, no development or related action may occur during the twenty-one day appeal period.

B. Decisions of the examiner in cases identified in K.C.C. 20.24.080 shall be a final and conclusive action unless within twenty-one calendar days from the date of issuance of the examiner's decision an aggrieved person files an appeal in superior court, state of Washington, for the purpose of review of

the action taken; provided, no development or related action may occur during the twenty-one day appeal period; provided further, that the twenty-one day appeal period from examiner decisions on appeals of threshold determinations or the adequacy of a final EIS shall not commence until final action on the underlying proposal.

C. Prior to filing an appeal of a final decision for a conditional use permit or special use permit, requested by a party that is licensed or certified by the Washington state department of social and health services or the Washington state department of corrections, an aggrieved party (other than a county, city or town) must comply with the mediation requirements of chapter 35.63 RCW (chapter 119, Laws of 1998). The time limits for appealing a final decision are tolled during the mediation process. (Ord. 13250 § 2, 1998: Ord. 12196 § 44, 1996: Ord 11502 § 10, 1994: Ord. 4461 § 15, 1979).

20.24.250 Reconsideration of final action. A. Any final action by the county council or hearing examiner may be reconsidered by the council or examiner, respectively if:

1. The action was based in whole or in part on erroneous facts or information;

2. The action when taken failed to comply with existing laws or regulations applicable thereto; or

3. An error of procedure occurred which prevented consideration of the interests of persons directly affected by the action.

B. The council upon reconsideration shall refer the matter to the land use appeal committee to review the matter pursuant to the procedures and authority for appeals pursuant to K.C.C. 20.24.220.

C. The examiner shall reconsider a final decision pursuant to the rules of the hearing examiner.

D. Authority of the council and examiner to reconsider does not affect the finality of a decision when made. (Ord. 12196 § 45, 1996: Ord. 4461 § 14, 1979).

20.24.300 Digest of decisions. The examiner shall maintain and publish on a quarterly basis a digest of all decisions and recommendations of the examiner. Decisions reported in the digest shall not be construed to establish any legal precedent. (Ord. 11502 § 17, 1994).

20.24.310 Citizens guide. The examiner shall issue a citizen's guide on the office of hearing examiner including making an appeal or participating in a hearing. (Ord. 11502 § 18, 1994).

20.24.320 Semi-annual report. The chief examiner shall prepare a semi-annual report to the King County council detailing the length of time required for hearings in the previous six months, categorized both on average and by type of proceeding. The report shall provide commentary on examiner operations and identify any need for clarification of county policy or development regulations. The semi-annual report shall be presented to the council by March 1st and September 1st of each year. (Ord. 11502 § 1994).

20.24.330 Voluntary mediation. As to any application or appeal pursuant to K.C.C. 20.24 which is or could become the subject of a public hearing, the responsible county department, the council or the hearing examiner, may at their own discretion or at the request of the applicant or any person with standing to the application or appeal, at any state of the proceedings on the

application or appeal, initiate a mediation process to resolve disputes as to such application or appeal. The mediation process shall be voluntarily agreed to by all participants to the hearing process, and conducted by an independent impartial mediator who shall not be a county employee or any person who will have any role in making any recommendation or decision on the application or appeal. The mediation shall be conducted in accordance with rules of mediation prepared by the hearing examiner. (Ord. 11502 § 20, 1994).

20.24.400 Site-specific land use map amendment. Upon initiation of a site-specific land use map amendment to the comprehensive plan pursuant to K.C.C. 20.18.050, the hearing examiner shall conduct a public hearing to consider the report and recommendation of the department and to take testimony and evidence relating to the proposed amendment. The hearing examiner may consolidate hearings pursuant to K.C.C. 20.24.140 to the extent practical. Following the public hearing, the hearing examiner shall complete a report within thirty days which contains written findings and conclusions regarding the proposed amendment's qualification for annual review consideration, and consistency or lack of consistency with the applicable review criteria. An annual report containing all site specific land use map amendment reports which have been completed shall be compiled by the hearing examiner and submitted to the council by January 15 of the following year. (Ord. 13147 § 34, 1998).

20.24.500 Chapter re-enacted. Chapter 20.24, King County Code, as in effect on February 28, 1997, is hereby re-enacted. (Ord. 12649 § 1, 1997: Ord. 11502 § 21, 1994).

Chapter 20.36
OPEN SPACE, AGRICULTURAL, AND TIMBER LANDS CURRENT USE ASSESSMENT

Sections:

20.36.010 Purpose and intent.
20.36.020 Hearing examiner.
20.36.030 Applications.
20.36.040 Fees.
20.36.050 Time to file.
20.36.060 Notice of public hearing for open space and timber land applications.
20.36.070 Application filed after October 1st.
20.36.080 Effect of approval.
20.36.090 Open space and timber land applications in incorporated areas.
20.36.100 Criteria for approval-public benefit rating system for open space lands.
20.36.110 Current use taxation of timber land.
20.36.120 Assessor to approve or disapprove agricultural applications.
20.36.130 Time limit for form and agricultural appeals and removal appeals.
20.36.140 Pending applications.
20.36.150 Public benefit rating system report adopted.
20.36.160 Assessed valuation schedule - public benefit rating system for open space land.
20.36.165 Determination of public benefit values - split parcels.
20.36.170 Review of previously approved open space applications.
20.36.180 Report and evaluation.

20.36.010 Purpose and intent. It is in the best interest of the county to maintain, preserve, conserve and otherwise continue in existence adequate open space lands for the production of food, fiber and forest crops, and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the county and its citizens.

It is the intent of this chapter to implement RCW Chapter 84.34, as amended, by establishing procedures, rules and fees for the consideration of applications for public benefit rating system assessed valuation on "open space land" and for current use assessment on "farm and agricultural land" and "timber land" as those lands are defined in RCW 84.34.020. The provisions of RCW chapter 84.34, and the regulations adopted thereunder shall govern the matters not expressly covered in this chapter. (Ord. 10511 § 3, 1992: Ord. 1886 § 1, 1974: Ord. 1076 § 1, 1971).

20.36.020 Hearing examiner. The office of hearing examiner as established by K.C.C. 20.24 as amended, shall act in behalf of the council in considering applications for public benefit rating system assessed valuation on open space land and for current use assessments on timber land in an unincorporated area of the county or appeals from denials by the county assessor of applications for current use assessments on farm and agricultural land as provided herein. All such applications and appeals shall be processed pursuant to the procedures established in this chapter and K.C.C. 20.24. (Ord. 10511 § 4, 1992: Ord. 4462 § 6, 1979: Ord. 1886 § 2, 1974: Ord. 1076 § 2, 1971).

20.36.030 Applications. An owner of farm and agricultural land desiring current use assessment under chapter 84.34 RCW shall make application to the county assessor and an owner of open space land desiring assessed valuation under the public benefit rating system or an owner of timber land desiring current use assessment shall make application to the county council by filing an application with the department natural resources. The application shall be upon forms supplied by the county and shall include such information deemed reasonably necessary to properly classify an area of land under chapter 84.34 RCW with a notarized verification of the truth thereof. (Ord. 12969 § 2, 1998: Ord. 11796 § 2, 1995: Ord. 10778 § 2, 1993: Ord. 10511 § 5, 1992: Ord. 1886 § 3, 1974: Ord. 1076 § 3, 1971).

20.36.040 Fees. A. The applicant shall pay a filing fee as provided in K.C.C. 27.36.030, payable to the King County office of finance, for each open space, farm and agricultural, or timber land application filed in calendar year 1973 or thereafter.

B. In the case of all farm and agricultural land applications, whether the application is based on land within or outside of an incorporated area, the entire fee shall be collected and retained by the county. In the case of open space or timber land applications based on land in an incorporated area of the county, where the city legislative authority has set no filing fee, the county fee shall govern and the entire fee shall be collected and retained by the county. Where the city legislative authority has established a filing fee for open space or timber land applications based on land in an incorporated area of the county, fees as set forth in K.C.C. 27.36.030 shall be collected by the county from the applicant and the county shall pay the city one-half of the fee collected; provided, that in no event shall the amount paid to the city exceed the fee established by the city. (Ord. 9719 § 23, 1990: Ord. 1886 § 4, 1974; Ord. 1076 § 4, 1971).

20.36.050 Time to file. Applications shall be made by December 31st of the calendar year preceding that year in which such classification is to begin. (Ord. 1886 § 5, 1974: Ord. 1076 § 5, 1971).

20.36.060 Notice of public hearing for open space and timberland applications. Notice of the time, place and purpose of any such public hearing on an open space or timber land application based on land in unincorporated areas of the county shall be given by one publication in the official county newspaper at least twenty days before the hearing. (Ord. 4462 § 6A, 1979: Ord. 1886 § 7, 1974: Ord. 1076 § 7, 1971).

20.36.070 Applications filed after October 1st. In the case of open space and timber applications filed after October 1st of each calendar year, the examiner shall establish time periods for satisfaction of any conditions so as to enable the county assessor to make a timely notation on the assessment list and the tax roll for such land in the event of approval of such applications. (Ord. 4462 § 7, 1979).

20.36.080 Effect of approval. Any ordinance approving an application shall constitute authorization for the chairman of the council or his/her designee to sign the open space taxation agreement. (Ord. 11195 § 1, 1994: Ord. 4462 § 8, 1979).

20.36.090 Open space and timber land applications in incorporated areas.

A. In the case of open space and timber land applications received by the county based on land in incorporated areas of the county, the department of development and environmental services shall promptly transmit a copy of the application to the affected city.

B. Such an application shall be acted upon by a determining authority composed of three county council members designated by the county council and three city council members designated by the applicable city legislative body. The application shall be acted upon after a public hearing and after notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearings. (Ord. 11195 § 2, 1994: Ord. 1886 § 10, 1974).

20.36.100 Criteria for approval - public benefit rating system for open space land. A. Rating system. To be eligible for open space classification under the public benefit rating system, property must contain one or more priority open space resources. These resources are ranked as high priority, medium priority and low priority resources and are based on the adopted King County Open Space Plan referenced in K.C.C. 20.12.380. High priority resources receive five points each, medium priority resources receive three points each and low priority resources receive one point each. Property can receive a maximum of thirty points from no more than six open space priority resources. In addition, bonus points and super bonus points may be awarded pursuant to K.C.C. 20.36.100B and K.C.C. 20.36.100C and a property can achieve a maximum of fifty-two points through the rating system and the bonus system. Portions of property may also qualify for open space designation. Complete definitions of each resource, sources and eligibility standards are fully described in the summary report adopted by reference by K.C.C. 20.36.150. The department of natural resources shall have administrative authority to interpret issues relating to the priority resource definitions and eligibility standards outlined in the summary report.

1. High priority resources - five points each.
   a. Active or passive recreation area.
   b. Property under option for purchase as park, recreation, open space land or CIP mitigation site.
   c. Aquifer protection area.
   d. Shoreline: "Conservancy" environment.
   e. Scenic resource, viewpoint or view corridor.
   f. Surface water quality buffer area.
   g. Open space close to urban or growth area.
   h. Significant plant, wildlife or salmonid habitat area.
   i. Significant aquatic ecosystem.
   j. Historic landmark/archaeological site: designated site.
   k. Trail linkage.
   l. Urban or growth area open space.
   m. Farm and agricultural conservation land.
   n. Forest stewardship land.
2. Medium priority resources - three points each.
   a. Public land or right-of-way buffer.
   b. Special native plant site.
   c. Natural shoreline environment.
   d. Geological feature.
   e. Eligible historic landmark or archaeological site.
   f. Buffer to designated historic landmark/archaeological site.
   g. Special animal site.
3. Low priority resource - one point.
   a. Buffer to eligible historic/archaeological site.

B.Bonus System. Property qualifying in the specific high, medium or low priority categories may receive up to twenty-two bonus points if the following additional qualifications are met:

1.Resource restoration - five points.

2.Bonus surface water quality buffer - three or five points.

3.Contiguous parcels under separate ownership - two points.

4.Conservation or Historic Preservation Easement in perpetuity - five points.

5.Bonus public access points.

a.Unlimited public access - five points.

b.Limited public access - sensitive area - five points.

c.Limited public access - three points.

C.Super bonus system. Property with at least one high priority resource and which allows unlimited public access, or limited public access if due to resource sensitivity, and which conveys a conservation, historic preservation, or trail easement in perpetuity, in a form approved by the county, shall be automatically eligible for current use value at 10% of market value. (Ord. 12969 § 3, 1998: Ord. 11796 § 3, 1995: Ord. 10778 § 3, 1993: Ord. 10511 § 7, 1992).

20.36.110Current use taxation of timber land. Classification of timber land for current use taxation under the provisions of 84.34 RCW shall be in accordance with the following criteria:

A. The property to be classified shall contain not less than five and not more than twenty acres of timber land; and

B. The property must be within an established F (forest resource), A (agriculture) or RA (rural area) zone. (Ord. 11620 § 9, 1994: Ord. 9322, 1990: Ord. 2537 § 2, 1975).

20.36.120Assessor to approve or disapprove agricultural applications. The county assessor shall approve or disapprove all applications for farm and agricultural classification with due regard to all relevant evidence. These applications shall be deemed to have been approved unless, prior to the first of May of the year after such application was mailed or delivered to the assessor, he shall notify the applicant in writing to the extent to which the application is denied. (Ord. 1886 § 11, 1974).

20.36.130Time limit for farm and agricultural appeals and removal appeals.

A.An applicant for current assessment of farm and agricultural land who receives notice in writing from the county assessor that his application has been denied may appeal such denial to the county council by filing a written appeal with the clerk of the county council within twenty-one calendar days of the date of the assessor's written notice of denial.

B.An owner of classified land who receives notice in writing from the county assessor that all or a portion of such land has been removed from current use classification may appeal such removal to the county board of equalization by filing a written appeal with the clerk of the board of equalization within thirty calendar days of the date of the assessor's written notice of removal. (Ord. 1886 § 12, 1974).

20.36.140Pending applications. All applications for current use assessments made to the county during the first four calendar months of 1973, which have not been approved or disapproved by the county council prior to July 16, 1973, shall be treated as applications made under chapter 84.34 RCW, as amended in 1973 by Chapter 212, Laws of 1973 Ex. Sess. The applicant shall be required to supplement his original application, if necessary, in order to

provide the county with the information required by forms prepared by the State Department of Revenue for applications made after July 16, 1973. (Ord. 1886 § 13, 1974).

20.36.150 Public benefit rating system report adopted. The requirements and resources dated December 1997, detailing the public benefit rating system and attached to Ordinance 12969 is hereby approved and adopted and by this reference made a part hereof. A copy of this document may be obtained from the resource lands section of the department of natural resources. (Ord. 12969 § 1, 1998).

20.36.160 Assessed valuation schedule - public benefit rating system for open space land. The public benefit rating system for open space land bases the level of assessed fair market value reduction on the total number of awarded points. The market value reduction establishes the current use value. This current use value will be expressed as a percentage of market value based on the public benefit rating of the property and the valuation schedule below:

Public Benefit Rating	Current Use Value
0-4 points	100% of market value
5-10 points	50% of market value
11-15 points	40% of market value
16-20 points	30% of market value
21-34 points	20% of market value
35-52 points	10% of market value

(Ord. 10511 § 6, 1992).

20.36.165 Determination of public benefit values - split parcels. The public benefit value for those portions of parcels accepted into the open space program where no further subdivision is permitted due to minimum lot size requirements shall be equal to the same percentage of overall assessed value the portion represents of the total parcel size, further reduced by the current use assessed valuation schedule. (Ord. 11195 § 4, 1994).

20.36.170 Review of previously approved open space applications. Open space property which has been previously approved for current use assessment will be reassessed under the public benefit rating system, pursuant to the procedures outlined in this chapter. If this determination results in an assessment at 100% of market value for the property or a portion thereof, the property owner may request removal from open space classification of the property or that portion thereof, within thirty days of notification, without monetary penalty. (Ord. 10511 § 8, 1992).

20.36.180 Report and evaluation. The executive shall submit an annual report to the council with details the extent of participation in the public benefit rating system. The council shall reevaluate the public benefit rating system program two years from the date of adoption of this ordinance to assess the progress of the program. (Ord. 10511 § 9, 1992).

Chapter 20.44
COUNTY ENVIRONMENTAL PROCEDURES

Sections:

20.44.010 Definitions and abbreviations.
20.44.020 Lead agency.
20.44.030 Purpose and general requirements.
20.44.040 Categorical exemptions and threshold determinations.
20.44.042 Planned actions.
20.44.050 Environmental impact statements and other environmental documents.
20.44.060 Comments and public notice.
20.44.070 Use of existing environmental documents.
20.44.080 Substantive authority.
20.44.085 SEPA/GMA Integration.
20.44.090 On going actions.
20.44.100 Responsibility as consulted agency.
20.44.120 Appeals.
20.44.130 Department procedural rules.
20.44.140 Severability.
20.44.145 Effective date.

20.44.010 Definitions and abbreviations. A. King County adopts by reference the definitions contained in WAC 197-11-700 through 197-11-799. In addition, the following definitions are adopted for this chapter:

1. "County council" means the county council described in Article 2 of the Home Rule Charter for King County or its duly authorized designee.

2. "County department" means any administrative office or executive department of King County, as described in K.C.C. 2.16.

3. "County executive" means any county executive described in Article 3 of the Home Rule Charter for King County or his or her duly authorized designee.

B. The following abbreviations are used in this chapter:

1. SEPA -- State Environmental Policy Act
2. DNS -- Determination of Non-Significance
3. DS -- Determination of Significance
4. EIS -- Environmental Impact Statement

(Ord. 6949 § 3, 1984).

20.44.020 Lead agency. The procedures and standards regarding lead agency responsibility contained in WAC 197-11-050 and WAC 197-11-922 through 197-11-948 are adopted, subject to the following:

A. The county department exercising initial jurisdiction over a private proposal or sponsoring a county project shall be responsible for performing the duties of the lead agency. The director of such department shall serve as the responsible official. Department directors may transfer lead agency and responsible official responsibility to any county department which agrees to perform as lead agency or may delegate such responsibility to divisions within their own departments.

B. With respect to actions initiated by the county council, the council shall refer such proposals to the county executive for designation of a county department as lead agency.

C.In the event of uncertainty or disagreement regarding lead agency status, the county executive shall designate the county department responsible for performing the function of lead agency. (Ord. 6949 § 4, 1984).

20.44.030Purpose and general requirements. The procedures and standards regarding the timing and content of environmental review specified in WAC 197-11-055 through 197-11-100 are adopted subject to the following:

A.Pursuant to WAC 197-11-055(4), the building and land development division shall adopt rules and regulations pursuant to K.C.C. 2.98 establishing a process for environmental review at the conceptual stage of permit applications which require detailed project plans and specifications (i.e., building permits and PUD's). This process shall not become effective until it has been reviewed by the council.

B.The optional provision of WAC 197-11-060(3)(c) is adopted.

C.Under WAC 197-11-100, the applicant shall prepare the initial environmental checklist, unless the lead agency specifically elects to prepare the checklist. The lead agency shall make a reasonable effort to verify the information in the environmental checklist and shall have the authority to determine the final content of the environmental checklist.

D.The manager of the building and land development division may set reasonable deadlines for the submittal of information, studies, or documents necessary for, or subsequent to, threshold determinations. Failure to meet such deadlines shall cause the application to be deemed withdrawn, and plans or other data previously submitted for review may be returned to the applicant together with any unexpended portion of the application review fees. (Ord. 8998 § 1, 1989: Ord. 8236 § 1, 1987: Ord. 7990 § 35, 1987: Ord. 6949 § 5, 1984).

20.44.040Categorical exemptions and threshold determinations. A. King County adopts the standards and procedures specified in WAC 197-11-300 through 197-11-390 and 197-11-800 through 197-11-890 for determining categorical exemptions and making threshold determinations subject to the following:

1.The following exempt threshold levels are hereby established pursuant to WAC 197-11-800(1)(c) for the exemptions in WAC 197-11-800(1)(b):

a.The construction or location of any residential structures of eight dwelling units;

b.The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 30,000 square feet on land zoned agricultural, or 15,000 square feet in all other zones, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;

c.The construction of an office, school, commercial, recreational, service or storage building with 12,000 square feet of gross floor area, and with associated parking facilities designed for forty automobiles;

d.The construction of a parking lot designed for forty automobiles;

e.Any fill or excavation of 500 cubic yards throughout the total lifetime of the fill or excavation and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulation thereunder: provided, however, (i) that the categorical exemption threshold shall be 100 cubic yards for any fill or excavation that is in a sensitive area, and (ii) that if the proposed action is to remove from or replace fill in a sensitive area to correct a violation, the threshold shall be 500 cubic yards.

2.The determination of whether a proposal is categorically exempt shall be made by the county department that serves as lead agency for such proposal.

B.The mitigated DNS provision of WAC 197-11-350 shall be enforced as follows:

1.If the department issues a mitigated DNS, conditions requiring compliance with the mitigation measures which were specified in the application and environmental checklist shall be deemed conditions of any decision or recommendation of approval of the action.

2.If at any time the proposed mitigation measures are withdrawn or substantially changed, the responsible official shall review the threshold determination and, if necessary, may withdraw the mitigated DNS and issue a DS. (Ord. 12196 § 46, 1996: Ord. 11792 § 16, 1995: Ord. 9103, 1989: Ord. 8236 § 2, 1987: Ord. 6949 § 6, 1984).

20.44.042Planned actions. The procedures and standards of WAC 197-11-164 through WAC 197-11-172 are adopted regarding the designation of planned actions. (Ord. 13131 § 4, 1998: Ord. 12196 § 47, 1996).

20.44.050Environmental impact statements and other environmental documents. The procedures and standards for preparation of environmental impact statements and other environmental documents pursuant to WAC 197-11-400 through 197-11-460 and 197-11-600 through 197-11-640 are adopted, subject to the following:

A.Pursuant to WAC 197-11-408(2)(a), all comments on determinations of significance and scoping notices shall be in writing, except where a public meeting on EIS scoping occurs pursuant to WAC 197-11-410(1)(b).

B.Pursuant to WAC 197-11-420, 197-11-620, and 197-11-625, the county department acting as lead agency shall be responsible for preparation and content of EIS's and other environmental documents. The department shall contract with consultants as necessary for the preparation of environmental documents. The department may consider the opinion of the applicant regarding the qualifications of the consultant but the department shall retain sole authority for selecting persons or firms to author, co-author, provide special services or otherwise participate in the preparation of required environmental documents.

C.Consultants or subconsultants selected by King County to prepare environmental documents for a private development proposal shall not: act as agents for the applicant in preparation or acquisition of associated underlying permits; have a financial interest in the proposal for which the environmental document is being prepared; perform any work or provide any services for the applicant in connection with or related to the proposal.

D.The department shall establish and maintain one or more lists of qualified consultants who are eligible to receive contracts for preparation of environmental documents. Separate lists may be maintained to reflect specialized qualifications or expertise. When the department requires consultant services to prepare environmental documents, the department shall select a consultant from the lists and negotiate a contract for such services. The department director may waive these requirements as provided for in rules

adopted to implement this section. Subject to K.C.C. 20.44.145 and pursuant to K.C.C. 2.98, the department of development and environmental services shall promulgate administrative rules prior to the effective date of this section that establish processes to: create and maintain a qualified consultant list; select consultants from the list; remove consultants from the list; provide a method by which applicants may request a reconsideration of selected consultants based upon costs, qualifications, or timely production of the environmental document; and waive the consultant selection requirements of this chapter on any basis provided by K.C.C. 4.16.

E.All costs of preparing the environment document shall be borne by the applicant. Subject to K.C.C. 20.44.145 and pursuant to K.C.C. 2.98, the department of development and environmental services shall promulgate administrative rules which establish a trust fund for consultant payment purposes, define consultant payment schedules, prescribe procedures for treating interest from deposited funds, and develop other procedures necessary to implement this chapter.

F.In the event an applicant decides to suspend or abandon the project, the applicant must provide formal written notice to the department and consultant. The applicant shall continue to be responsible for all monies expended by the division or consultants to the point of receipt of notification to suspend or abandon, or other obligations or penalties under the terms of any contract let for preparation of the environmental documents.

G.The department shall only publish an environmental impact statement (EIS) when it believes that the EIS adequately disclose: the significant direct, indirect, and cumulative adverse impacts of the proposal and its alternatives; mitigation measures proposed and committed to by the applicant, and their effectiveness in significantly mitigating impacts; mitigation measures that could be implemented or required; and unavoidable significant adverse impacts. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the department within 270 days following the issuance of a DS for the proposal, except for public projects and nonproject actions, unless the department determines at the time of issuance of the DS that a longer time period will be required because of the extraordinary size of the proposal or the scope of the environmental impacts resulting therefrom; provided that the additional time shall not exceed ninety days unless agreed to by the applicant.

H.The following periods shall be excluded from the two hundred seventy day time period for issuing a final environmental impact statement:

1.Any time period during which the applicant has failed to pay required environmental review fees to the department;

2.Any period of time during which the applicant has been requested to provide additional information required for preparation of the environmental impact statement, and

3.Any period of time during which the applicant has not authorized the department to proceed with preparation of the environmental impact statement. (Ord. 12196 § 48, 1996: Ord. 8998 § 2, 1989: Ord. 6949 § 7, 1984).

20.44.060Comments and public notice. A. The procedures and standards of WAC 197-11-500 through 197-11-570 are adopted regarding public notice and comments.

B.For purposes of WAC 197-11-510, public notice shall be required as provided in K.C.C. Title 20. Publication of notice in a newspaper of general circulation in the area where the proposal is located also shall be required for all nonproject actions and for all other proposals that are subject to the provisions of this chapter but are not classified as land use permit decisions in K.C.C. Title 20.

C.The responsible official may require further notice if deemed necessary to provide adequate public notice of a pending action. Failure to require further or alternative notice shall not be a violation of any notice procedure. (Ord. 12196 § 49, 1996: Ord. 9540 § 3, 1990: Ord. 8998 § 3, 1989: Ord. 6949 § 8, 1984).

20.44.070Use of existing environmental documents. The procedures and standards of WAC 197-11-600 through 197-11-640 are adopted regarding use of existing environmental documents. (Ord. 6949 § 9, 1984).

20.44.080Substantive authority. A. The procedures and standards of WAC 197-11-650 through 197-11-660 regarding substantive authority and mitigation, and WAC 197-11-158, regarding reliance on existing plans, laws and regulations, are adopted.

B.For the purposes of RCW 43.21C.060 and WAC 197-11-660(a), the following policies, plans, rules and regulations, and all amendments thereto, are designated as potential bases for the exercise of King County's substantive authority under SEPA, subject to the provisions of RCW 43.21C.240 and subsection C of this section:

1.The policies of the State Environmental Policy Act, RCW 43.21C.020.

2.The King County Comprehensive Plan, its addenda, and revisions and community and subarea plans and housing report, and surface water management program basin plans, as specified in K.C.C. chapter 20.12.

3.The King County Zoning Code, as adopted in K.C.C. Title 21A.

4.The King County Agricultural Lands Policy, as adopted in K.C.C. chapter 20.54 and K.C.C. Title 26.

5.The King County Landmarks Preservation Code, as adopted in K.C.C. chapter 20.62.

6.The King County Shoreline Management Master Plan, as adopted in K.C.C. Title 25.

7.The King County Surface Water Runoff Policy, as adopted in K.C.C. chapter 9.04, including the Covington Master Drainage Plan, as adopted in K.C.C. chapter 20.14.

8.The King County Road Standards, 1986 Update, as adopted in K.C.C. chapter 14.42.

9.The Comprehensive Plan for Transportation adopted by Resolution No. 6617 of the council of the Municipality of Metropolitan Seattle and readopted and ratified by the county council in K.C.C. 28.01.030.

10. The Comprehensive Sewerage Disposal Plan adopted by Resolution No. 23 of the council of the Municipality of Metropolitan Seattle and readopted and ratified by the county council in K.C.C. 28.01.030.

11. The rules and regulations for construction and use of local sewage facilities set forth in K.C.C. chapters 28.81 through 28.84.

12. The rules and regulations on the consistency of sewer projects with local land use plans and policies set forth in Ordinance 11034, as amended.

13. The rules and regulations for the disposal of industrial waste into the sewerage system set forth in Ordinance 11034, as amended.

14. The Duwamish Clean Water Plan adopted by the council of the Municipality of Metropolitan Seattle and readopted and ratified by the county council by Ordinance 11032, section 28, as amended.

15. The Washington Department of Ecology's Best Management Practices for the Use of Municipal Sludge.

C.Within the urban growth boundary, substantive SEPA authority to condition or deny new development proposals or other actions shall be used only in cases where specific adverse environmental impacts are not addressed by regulations as set forth below or unusual circumstances exist. In cases where the county has adopted the following regulations to systematically avoid or mitigate adverse impacts [K.C.C. chapter 21A.12, Development Standards - Density and Dimensions, K.C.C. chapter 21A.14, Development Standards - Design Requirements, K.C.C. chapter 21A.16, Development Standards - Landscaping and Water Use, K.C.C. chapter 21A.18, Development Standards - Parking and Circulation, K.C.C. chapter 21A.20, Development Standards - Signs, K.C.C. chapter 21A.22, Development Standards - Mineral Extraction, K.C.C. chapter 21A.24, Development Standards - Environmentally Sensitive Areas, K.C.C. chapter 21A.26, Development Standards - Communication Facilities, K.C.C. chapter 21A.28, Development Standards - Adequacy of Public Facilities and Services], those standards and regulations will normally constitute adequate mitigation of the impacts of new development. Unusual circumstances related to a site or to a proposal, as well as environmental impacts not mitigated by the foregoing regulations, will be subject to site-specific or project-specific SEPA mitigation.

The provisions of this subsection shall not apply if the county's development regulations cited in this subsection are amended after April 22, 1996 unless the amending ordinance contains a finding, supported by documentation, that the requirements for environmental analysis, protections and mitigation measures in the code chapter, as amended, provide adequate analysis of and mitigation for the specific adverse environmental impacts to which the requirements apply.

D.Outside the urban growth boundary, in the course of project review, including any required environmental analysis, the responsible official may determine that requirements for environmental analysis, protection and mitigation measures in the county's development regulations or comprehensive plans adopted under chapter 36.70A RCW and in other applicable local, state or federal laws and rules provide adequate analysis and mitigation for specific adverse environmental impacts of the project, if the following criteria are met:

1.In the course of project review, the responsible official shall identify and consider the specific probable adverse environmental impacts of the proposed action and then make a determination whether these specific impacts are adequately addressed by the development regulations. If they are not, the responsible official shall apply mitigation consistent with the applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan or other local, state or federal rules or laws, and

2.The responsible official bases or conditions its approval on compliance with these requirements or mitigation measures.

E.Any decision to approve, deny or approve with conditions pursuant to RCW 43.21C.060 shall be contained in the responsible official's decision document. The written decision shall contain facts and conclusions based on the proposal's specific adverse environmental impacts (or lack thereof) as identified in an environmental checklist, EIS, threshold determination, other environmental document including an executive department's staff report and recommendation to a decision maker, or findings made pursuant to a public hearing authorized or required by law or ordinance. The decision document shall state the specific plan, policy or regulation which supports the SEPA decision and, if mitigation beyond existing development regulations is required, the specific adverse environmental impacts and the reasons why additional mitigation is needed to comply with SEPA.

F.This chapter shall not be construed as a limitation on the authority of King County to approve, deny or condition a proposal for reasons based upon other statutes, ordinances or regulations. (Ord. 13131 § 5, 1998: Ord. 12196 § 50, 1996: Ord. 11961 § 2, 1995: Ord. 11792 § 17, 1995: Ord. 10293 § 3, 1992: Ord. 9142, 1989: Ord. 8380 § 2, 1988: Ord. 6949 § 10, 1984).

20.44.085SEPA/GMA Integration. The procedures and standards regarding the timing and content of environmental review specified in WAC 197-11-210 through WAC 197-11-235 are hereby adopted. (Ord. 13131 § 7, 1998).

20.44.090Ongoing actions. Unless otherwise provided herein, the provisions of WAC 197-11 shall be applicable to all elements of SEPA compliance, including the modification or supplementation of an EIS, initiated after the effective date of the Ordinance. (Ord. 6949 § 11, 1984).

20.44.100Responsibility as consulted agency. All requests from other agencies that King County consult on threshold investigations, the scope process, EIS's or other environmental documents shall be submitted to the department of development and environmental services. The department shall be responsible for coordination with other affected county departments and for compiling and transmitting King County's response to such requests for consultation. (Ord. 12196 § 51, 1996: Ord. 6949 § 12, 1984).

20.44.120Appeals. A. Appeals of threshold determinations or the adequacy of a final EIS are procedural SEPA appeals which are conducted by the hearing examiner pursuant to the provisions of K.C.C. 20.24.080, subject to the following:

1.Only one appeal of each threshold determination shall be allowed on a proposal.

2.As provided in RCW 43.21C.075(3)(d), the decision of the responsible official shall be entitled to substantial weight.

3.An appeal of a DS must be filed within fourteen calendar days following issuance of the DS.

4.An appeal of a DNS for actions classified as land use permit decisions in K.C.C. 20.20.020 must be filed within fourteen calendar days following notice of the decision as provided in K.C.C. chapter 20.20.090, provided that the appeal period for a DNS for land use permit decisions shall be extended for an additional seven calendar days if WAC 197-11-340(2)(a) applies. For actions not classified as land use permit decisions in K.C.C. 20.20.020, no administrative appeal of a DNS is permitted.

5.Administrative appeals of the adequacy of a final EIS are permitted for actions classified as Type 2, 3 or 4 land use permit decisions in K.C.C. 20.20.020. except Type 1 decisions for which the department has issued a threshold determination.. Such appeals must be filed within fourteen calendar days following notice of the decision or recommendation as provided in K.C.C. 20.20.090.

6.The hearing examiner shall make a final decision on all procedural SEPA determinations. The hearing examiner's decision may be appealed to superior court as provided in K.C.C. 20.24.240B.

B.The hearing examiner's consideration of procedural SEPA appeals shall be consolidated in all cases with substantive SEPA appeals, if any, involving decisions to condition or deny an application pursuant to RCW 43.21C.060 and with the public hearing or appeal, if any, on the proposal, except for appeals of a DS.

C.Administrative appeals of decisions to condition or deny applications pursuant to RCW 43.21C.060 shall be consolidated in all cases with administrative appeals, if any, on the merits of a proposal. If proposals requiring Type 3 or 4 land use decisions are appealed to the county council as provided in K.C.C. 20.24.210B or D, the recommendation or decision of the examiner to condition or deny the proposal pursuant to RCW 43.21C.060 also may be appealed to the council, which shall make a final decision.

D.Notwithstanding the provisions of subsections A through C of this section, a department may adopt procedures under which an administrative appeal shall not be provided if the director of that department finds that consideration of an appeal would be likely to cause the department to violate a compliance, enforcement or other specific mandatory order or specific legal obligation. The director's determination shall be included in the notice of the SEPA determination, and the director shall provide a written summary upon which the determination is based within five days of receiving a written request. Because there would be no administrative appeal in such situations, review may be sought before a court of competent jurisdiction under RCW 43.21C.075 and applicable regulations, in connection with an appeal of the underlying governmental action. (Ord. 13131 § 6, 1998: Ord. 12196 § 52, 1996: Ord. 11961 § 4, 1995: Ord. 8998 § 4, 1989: Ord. 6949 § 14, 1984).

20.44.130Department procedural rules. A. County departments which administer activities subject to SEPA may prepare rules and regulations pursuant to K.C.C. 2.98 for the implementation of SEPA WAC ch. 197-11 and this chapter.

B.The rules and regulations prepared by the department of parks, planning and resources, which exercises initial jurisdiction over a private proposal, shall not become effective until approved by council motion. (Ord. 6949 § 15, 1984).

20.44.140Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 8998 § 7, 1989: Ord. 6949 § 19, 1984).

20.44.145Effective date. K.C.C. 20.44.030, .060, .120, .140 and .145 of this chapter shall become effective 10 days after enactment. K.C.C. 20.44.050 and K.C.C. 4.16.080 shall become effective January 1, 1990. Draft rules developed to implement this chapter shall be transmitted to the county council by September 15, 1989 for review and approval prior to filing with the clerk of the council. Subsequent modifications or amendments of the rules shall be in accordance with K.C.C. 2.98. (Ord. 8998 § 6, 1989).

Chapter 20.54
AGRICULTURAL LANDS POLICY*

Sections:

20.54.010 Findings and declaration of purpose.
20.54.020 Application of county policies.
20.54.030 King County agricultural districts and agricultural lands of county significance.
20.54.040 Designation of King County agricultural districts.
20.54.050 Application of policies for lands located within King County agricultural districts.
20.54.060 Designation of agricultural lands of county significance.
20.54.070 Application of policies concerning agricultural lands of county significance.
20.54.080 Exemptions from Section 20.54.070 provisions.
20.54.090 Variances.
20.54.100 Review and appeals.
20.54.110 Amendments to designations of King County agricultural districts or agricultural lands of county significance.
20.54.120 Development of agricultural protection program.
20.54.130 Duration.
20.54.140 Severability.

[*Attachments A-1, A-2 and B through G, attached to Ordinance 3064 as adopted on February 4, 1977, and amended by Ordinances 3760 and 3761, are on file and may be inspected in the office of the clerk of the council.]

[*For Sewerage General Plan Policy, See K.C.C. 20.12.160.]

20.54.010 Findings and declaration of purpose. A. The council finds that:

1.King County presently contains approximately fifty-five thousand acres of land which are being actively farmed.

2.King County's land in active agricultural use has declined by an average of three thousand five hundred acres per year since 1945.

3.The existence of agricultural lands in an urban county such as King County also provides citizens of King County opportunities to pursue livelihoods dependent upon this specialized land resource.

4.The existence of land in agricultural uses in an urban county such as King County provides unique open space and educational benefits and contributes to the quality of the life enjoyed by the citizens of the county.

5.King County's agricultural lands are a unique land resource which serve as an essential factor contributing to the viability of the agricultural industry in King County as well as provide open space benefits for the citizens of the county.

6.The continued viability of agriculture in King County is dependent upon combined agricultural land protection programs and agricultural support programs.

7.For certain areas within King County, an agricultural land protection program based upon both land-use regulations and compensation to property owners is the most effective means of protecting existing agricultural lands and private property rights.

8.The council declares that the purpose of this chapter is to protect specific agricultural lands in unincorporated King County by applying the open space and development policies of the King County comprehensive plan.

B.The council further finds that:

1.The policies of the King County comprehensive plan support the protection of existing agricultural lands in King County.

C.The council further finds, based upon a study completed by King County, that:

1.The input, market, and production sectors of the agricultural industry in King County currently provide approximately six thousand two hundred full-time jobs, one thousand four hundred part-time jobs, and seventeen thousand seasonal jobs annually.

2.The production sector of the agricultural industry in King County currently provides gross receipts in excess of forty million dollars annually.

3.Sewer and water local improvement district assessments on agricultural land are frequently detrimental to the operation of farms in King County.

4.There is a limited amount of land which is well-suited for horticultural or livestock-related agricultural uses and this land suitability is determined by specific factors which include, but are not limited to, soil capability, parcel size and the level of utility assessments.

5.More than sixty-five percent of Class II and Class III agricultural capability soils, approximately ninety percent of the lands in King County which are under the State Current Use Taxation Program, and approximately eighty percent of the lands currently in active farming, are located in four specific areas of the county: Snoqualmie Valley/Patterson Creek, Sammamish Valley/Bear Creek, Lower Green River Valley, and the Enumclaw Plateau/Green Valley.

6.Horticultural farming is the primary type of agricultural activity in the Sammamish Valley/Bear Creek area and the Lower Green River Valley area and viable horticultural farm operations in these areas utilize land parcels which have an average size of approximately ten acres. Livestock operations are the primary type of agricultural activity in the Snoqualmie Valley/Patterson Creek area and the Enumclaw/Green Valley area and viable livestock operations in these areas utilize land parcels which are forty acres or larger.

7.King County contains sufficient land to accommodate existing and projected commercial, residential and industrial development as well as to maintain existing agricultural land uses. In 1990, if all undeveloped land containing Class II and Class III soils remains undeveloped and urban development occurs at currently projected rates, more than one hundred forty-five thousand acres of land zoned for urban uses will remain available for development. (Ord. 7178 § 21, 1985: Ord. 3064 § 1, 1977).

20.54.020 Application of county policies. All agricultural lands in unincorporated King County both within and outside of King County agricultural districts shall continue to be subject to the existing agricultural, open space, and other comprehensive plan policies of King County. (Ord. 3064 § 2, 1977).

20.54.030 King County agricultural districts and agricultural lands of county significance. A. Agricultural districts and agricultural lands of county significance may be established as focal areas for county agricultural programs.

B.Areas of the county which contain prime agricultural soils, land being farmed, and lands under the Current Use Taxation Program may be designated by the council as agricultural districts; and in addition, specific lands within these districts which meet the criteria set forth in Attachment F, and commercial food producing horticultural farm lands may be designated as agricultural lands of county significance. (Ord. 3870 § 1, 1978: Ord. 3064 § 3, 1977).

20.54.040 Designation of King County agricultural districts. Based on the findings set forth in this chapter, the following seven areas defined by the agricultural district boundaries shown in Attachments A-E are designated King County agricultural districts: the Snoqualmie Valley/Patterson Creek agricultural district, the Upper Snoqualmie agricultural district, the Sammamish Valley/Bear Creek agricultural district, the Lower Green River Valley agricultural district, the Upper Green River Valley agricultural district, the Enumclaw Plateau agricultural district, and the Vashon Island agricultural district. These districts shall be made subject to the provisions of Section 20.54.050, provided that:

A. The specific boundaries of the Upper Snoqualmie agricultural district and the application of guidelines set forth in Section 20.54.050 shall coincide with the boundaries of the mediated comprehensive plan for flood damage reduction and land use within the Snohomish River basin. Should this plan be adopted, lands between North Bend and Snoqualmie receiving one-hundred-year-flood protection will be reconsidered without prejudice as part of the comprehensive land use plan required under the mediated agreement.

B. The legislative body of a city or town encompassed fully or in part by an agricultural district may be included only if a joint interlocal agreement is initiated and consummated by the city or town with King County.

C. For all lands designated as agricultural districts under the provisions of this section but not designated as agricultural lands of county significance under Section 20.54.060, the enactment of the Ordinance codified in this chapter shall not affect allowed uses as presently zoned. (Ord. 3326, 1977: Ord. 3064 § 4, 1977).

20.54.050 Application of policies for lands located within King County agricultural districts. A. King County shall review rezone, subdivision, planned unit development, and other permit applications for private projects located in unincorporated area of the district to ensure that to the fullest extent possible the agricultural potential of the district will not be adversely affected.

B. King County shall review those projects proposed by other governmental agencies which are normally reviewed by the county to ensure that, to the fullest extent possible, the agricultural potential of the district will not be adversely affected.

C. King County shall approve those connections to sewer interceptors normally reviewed by the county only when such action shall not adversely affect the agricultural potential of the district.

D. All public projects and programs initiated and/or sponsored by King County which are located within an agricultural district shall, to the fullest extent possible, not adversely affect the agricultural potential of the district. (Ord. 3064 § 5, 1977).

20.54.060 Designation of agricultural lands of county significance. A. Based on the findings set forth herein and the criteria set forth in Attachment F, the agricultural lands of unincorporated King County which are

so identified in Attachments A through D are designated as agricultural lands of county significance and shall be made subject to the provisions of Section 20.54.070, provided that:

1.The partial designation of an undivided parcel of land under a single ownership shall not be effective until determined by the council in accordance with the provisions of Section 20.54.100 A.

2.Where designation is appealed in accordance with Section 20.54.100 C., the designation shall not be effective until a final determination has been made by the council.

B.Based on the findings set forth herein, all lands in unincorporated and incorporated King County with commercial, food producing horticultural farm operation, which lands are not served by an existing installed public sewer facility, are designated as agricultural lands of county significance.

The term "food producing horticultural," as used in the Ordinance codified in this section, means the soil-dependent cultivation of plants for food, including vegetables, small fruits, large fruits, cereal grains and silage corn. (Ord. 3870 § 1, 1978: Ord. 3064 § 6, 1977).

20.54.070 Application of policies concerning agricultural lands of county significance. A. King County shall not approve rezone applications for more intensive use classifications for any of the agricultural lands of county significance shown on Attachments A through D.

B.King County shall not approve any subdivisions into parcels of less than ten acres for any of the agricultural lands of county significance identified on Attachment B, representing lands in the Sammamish Valley/Bear Creek agricultural district; or Attachment C, representing lands in the Lower Green River Valley agricultural district, except when it is determined that any parcel created by the subdivision which is less than ten acres will be consolidated with adjacent agricultural operations into agricultural land parcels of at least ten acres.

C.King County shall not approve any subdivision into parcels of less than forty acres or a fractional one-sixteenth part of a section for any of the agricultural lands of county significance identified on Attachment A, representing lands in the Snoqualmie Valley/Patterson Creek agricultural district, and those lands identified on Attachment D, representing lands within the Upper Green River Valley agricultural district, except when it is determined that any parcel created by the subdivision which is less than forty acres or a fractional one-sixteenth part of a section will be consolidated with adjacent agricultural operations into agricultural land parcels of at least forty acres.

D.King County shall not approve any subdivisions into parcels of less than ten acres for any of the agricultural lands of county significance identified on Attachment D, representing lands in the Enumclaw Plateau agricultural district except when it is determined that any parcel created by the subdivision which is less than ten acres will be consolidated with adjacent agricultural operations into agricultural land parcels of at least ten acres; provided, that further consideration shall be given to this guideline and revision made as a part of the agricultural land and support programs developed in accordance with Attachment F in order to provide a zoning classification that distinguishes large commercial dairy farms from other livestock or small "hobby farm" operations.

E.It shall be the policy of King County to find that any extension of boundaries by a governmental unit to include any of the agricultural lands of county significance identified on Attachments A through D is in the public

interest or for the public welfare only when the comprehensive plan or zoning for the area proposed for annexation is consistent with the provisions of this chapter.

F.King County shall not approve or support application for sewer or water district franchises or extension services by a governmental agency which include any portion of the lands designated on Attachments A through D as agricultural lands of county significance except when such action is consistent with the provisions of this chapter and benefits agricultural activities on these designated lands.

G.The provisions of this section apply to subdivision, rezone, variance, or other development permit applications submitted after the effective date of the Ordinance codified in this chapter. (Ord. 3110 § 2, 1977: Ord. 3064 § 7, 1977).

20.54.080 Exemptions from Section 20.54.070 provisions. The following shall be exempt from the provisions of Section 20.54.070:

A. A division of land to allow a landowner retiring from commercial agricultural operations to continue to retain and occupy the farm residence and accessory buildings; provided, that the owner has resided on the property for at least five years prior to such division, and further provided, that said landowner must be at least sixty-two years of age or older at the time of filing or retired by reason of physical disability;

B. A division of land to allow for an additional single-family dwelling to be occupied by members of the owner's family who are engaged in the farm operations; provided, that all land not occupied by the dwelling and accessory buildings shall be retained in agricultural use;

C. A division of land to provide sites for public utility facilities or communication and transmission towers and appurtenances;

D. Any parcel of land where the size of the entire parcel under single ownership is less than ten acres, and the land is not zoned either A or RA. (Ord. 11620 § 10, 1994: Ord. 3064 § 8, 1977).

20.54.090 Variances. A. A variance from the provisions of Section 20.54.070 of this chapter may be granted by the King County council where the applicant owner of agricultural land of county significance can demonstrate the following:

1.That if he complies with the provisions of Section 20.54.070 he cannot make any reasonable use of this property; and

2.That the hardship results from the application of the provisions of Section 20.54.070, and not from other causes; and

3.That the variance granted will be in harmony with the general purposes and intent of this chapter and that the public welfare and interest will be protected.

B.Variance applications shall be made to the Office of Agriculture and shall be heard by the zoning and subdivision examiner in accordance with the procedures in Chapter 20.24. (Ord. 3064 § 9, 1977).

20.54.100Review and appeals. A. For any rezone or subdivision application in which the subject property is an undivided parcel of land under a single ownership and is partially designated as agricultural land of county significance under Section 20.54.060, the King County hearing examiner shall determine the applicability of the provisions of Section 20.54.070.

B. Nothing in this chapter shall replace the procedures for the application, review and appeal of zoning reclassifications pursuant to Chapters 21A.40, 21A.42 and 20.24, or the application, review and appeal of

subdivision applications pursuant to Title 19 and Chapter 20.24.

C. Owners of land designated as agricultural land of county significance may appeal to the King County council for the purpose of contesting the appropriateness of the designation based on the criteria for designation described in Section 20.54.060. Such appeals shall be submitted in writing to the King County office of agriculture and shall be heard by the hearing examiner in accordance with the procedures in Chapter 20.24, and shall be commenced within one hundred twenty days of the effective date of any ordinance approving such designation. Appeals involving uncontested facts shall be submitted directly to the council for action by the office of agriculture.

D. Owners of land designated as part of a King County agricultural district may appeal to the King County council for the purpose of contesting the appropriateness of the designation. Such appeals shall be submitted in writing to the King County office of agriculture and shall be heard by the King County council and shall be commenced within one hundred twenty days of the effective date of any ordinance approving such designation. (Ord. 11620 § 11, 1994: Ord. 3870 § 3, 1978: Ord. 3064 § 10, 1977).

20.54.110 Amendments to designations of King County agricultural districts or agricultural lands of county significance. A. Applications to amend boundaries of King County agricultural districts and agricultural lands of county significance to include lands not so designated by this chapter shall be made to the office of agriculture in writing with such supporting evidence as required by the office of agriculture. Boundaries of agricultural districts or agricultural lands of county significance may be amended where lands are found to meet the criteria for designation contained in this chapter.

B.All applications to revise the boundaries of King County agricultural districts shall be heard directly by the King County council.

C.All applications to revise the boundaries of agricultural lands of county significance shall be heard by the zoning and subdivision examiner in accordance with the procedures in King County Code Chapter 20.24.

D.For applications to revise the boundaries of agricultural lands of county significance, the hearing examiner may consider special exceptions to the criteria set forth in Attachment F and to the procedures set forth in King County Code Chapter 20.24 for those lands producing horticultural crops which the producer sells directly to the public through public markets, u-pick operations, and roadside stands. (Ord. 3064 § 11, 1977).

20.54.120 Development of agricultural protection program. A. Agricultural land programs, and information for the purchase and trade of certain agricultural lands and other agricultural support programs, shall be developed in conjunction with agricultural district advisory committees as set forth in Ordinance 3074, and presented to the council by the King County office of agriculture as specified in Attachment G, which is incorporated by reference. The council intends that these programs shall be, to the fullest extent possible, implemented on a voluntary basis, based on the expressed interest of affected property owners.

B.The following criteria shall be considered in the development of priorities for the agricultural land program:

1.The criteria set forth on Attachment F;

2.Farmer-owned and operated agricultural land;

3.Farming activity on lands since 1970;

4.Lands producing horticultural crops which are sold directly by the producer to the public through public markets, u-pick operations, or roadside stands; and

5.Lands zoned in the agricultural zoning classifications. (Ord. 3064 § 12, 1977).

20.54.130 Duration. Continued application of the provisions of Section 20.54.070 beyond eighteen months from the effective date of the ordinance codified in this chapter shall require further council action by ordinance. Extension of the provisions of Section 20.54.070 or comparable provisions beyond such period shall not occur unless the agricultural land and support programs as set forth in Attachment G have been developed and approved by the council and the funding for such programs has been approved. (Ord. 3064 § 13, 1977).

20.54.140 Severability. If any provision of this chapter or its application to any person or property is held invalid, the remainder of the chapter or the application of the provisions to other persons or circumstances shall not be affected. (Ord. 3064 § 14, 1977).

Chapter 20.62
PROTECTION AND PRESERVATION OF LANDMARKS, LANDMARK SITES AND DISTRICTS

Sections:

20.62.010 Findings and declaration of purpose.
20.62.020 Definitions.
20.62.030 Landmarks and heritage commission created-Membership and organization.
20.62.040 Designation criteria.
20.62.050 Nomination procedure.
20.62.070 Designation procedure.
20.62.080 Certificate of appropriateness procedure.
20.62.100 Evaluation of economic impact.
20.62.110 Appeal procedure.
20.62.120 Funding.
20.62.130 Penalty for violation of Section 20.62.080.
20.62.140 Special valuation for historic properties.
20.62.150 Historic Resources - review process.
20.62.160 Administrative rules.
20.62.200 Severability

20.62.010 Findings and declaration of purpose. The King County council finds that:

A. The protection, enhancement, perpetuation and use of buildings, sites, districts, structures and objects of historical, cultural, architectural, engineering, geographic, ethnic and archaeological significance located in King County, and the collection, preservation, exhibition and interpretation of historic and prehistoric materials, artifacts, records and information pertaining to the heritage of King County are necessary in the interest of the prosperity, civic pride and general welfare of the people of King County.

B. Such cultural and historic resources are a significant part of the heritage, education and economic base of King County, and the economic, cultural and aesthetic well-being of the county cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources.

C. Present heritage and preservation programs and activities are inadequate for insuring present and future generations of King County residents and visitors a genuine opportunity to appreciate and enjoy our heritage.

D. The purposes of this chapter are to:

1. Designate, preserve, protect, enhance and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the county's, state's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;

2. Foster civic pride in the beauty and accomplishments of the past;

3. Stabilize and improve the economic values and vitality of landmarks;

4. Protect and enhance the county's tourist industry by promoting heritage-related tourism;

5. Promote the continued use, exhibition and interpretation of significant sites, districts, buildings, structures, objects, artifacts, materials and records for the education, inspiration and welfare of the people of King County;

6.Promote and continue incentives for ownership and utilization of landmarks;

7.Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects;

8.Assist, encourage and provide technical assistance to public agencies, public and private museums, archives and historic preservation associations and other organizations involved in the preservation, exhibition and interpretation of King County's heritage;

9.Work cooperatively with all local jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter. (Ord. 10474 § 1, 1992: Ord. 4828 § 1, 1980).

20.62.020 Definitions. The following words and terms shall, when used in this chapter, be defined as follows unless a different meaning clearly appears from the context:

A. "Alteration" is any construction, demolition, removal, modification, excavation, restoration or remodeling of a landmark.

B. "Building" is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to an historically related complex, such as a courthouse and jail or a house and barn.

C. "Certificate of appropriateness" is written authorization issued by the commission or its designee permitting an alteration to a significant feature of a designated landmark.

D. "Commission" is the landmarks and heritage commission created by this chapter.

E. "Community landmark" is an historic resource which has been designated pursuant to Section 20.62.040 of this chapter but which may be altered or changed without application for or approval of a certificate of appropriateness.

F. "Council" is the King County council.

G. "Designation" is the act of the commission determining that an historic resource meets the criteria established by this chapter.

H. "Designation report" is a report issued by the commission after a public hearing setting forth its determination to designate a landmark and specifying the significant feature or features thereof.

I. "Director" is the director of the King County department of development and environmental services or his or her designee.

J. "District" is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

K. "Heritage" is a discipline relating to history, ethnic history, traditional cultures, folklore, archaeology and historic preservation.

L. "Historic preservation officer" is the King County historic preservation officer or his or her designee.

M. "Historic Resource" is a district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.

N. "Historic resource inventory" is an organized compilation of information on historic resources considered to be significant according to the criteria listed in K.C.C. 20.62.040A. The historic resource inventory is kept on file by the historic preservation officer and is updated from time to time to include newly eligible resources and to reflect changes to resources.

O. "Incentives" are such compensation, rights or privileges or combination thereof, which the council, or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant to or obtain for the owner(s) of designated landmarks. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

P. "Interested person of record" is any individual, corporation, partnership or association which notifies the commission or the council in writing of its interest in any matter before the commission.

Q. "Landmark" is an historic resource designated as a landmark pursuant to Section 20.62.060 of this chapter.

R. "Nomination" is a proposal that an historic resource be designated a landmark.

S. "Object" is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

T. "Owner" is a person having a fee simple interest, a substantial beneficial interest of record or a substantial beneficial interest known to the commission in an historic resource. Where the owner is a public agency or government, that agency shall specify the person or persons to receive notices hereunder.

U. "Person" is any individual, partnership, corporation, group or association.

V. "Person in charge" is the person or persons in possession of a landmark including, but not limited to, a mortgagee or vendee in possession, an assignee of rents, a receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly in control of the landmark.

W. "Preliminary determination" is a decision of the commission determining that an historic resource which has been nominated for designation is of significant value and is likely to satisfy the criteria for designation.

X. "Significant feature" is any element of a landmark which the commission has designated pursuant to this chapter as of importance to the historic, architectural or archaeological value of the landmark.

Y. "Site" is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains an historical or archaeological value regardless of the value of any existing structures.

Z. "Structure" is any functional construction made usually for purposes other than creating human shelter. (Ord. 11620 § 13, 1994: Ord. 10474 § 2, 1992: Ord. 4828 § 2, 1980).

20.62.030 Landmarks and heritage commission created-Membership and organization. A. There is created the King County landmarks and heritage commission ("commission") which shall consist of nine regular members and special members selected as follows:

1.Of the nine regular members of the commission at least three shall be professionals who have experience in identification, evaluation, and protection of historic resources and have been selected from among the fields of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, landscape architecture, American studies, law, or other historic preservation related disciplines. The nine regular members of the commission shall be appointed by the King County executive, subject to confirmation by the council, provided

that no more than four members shall reside within any one municipal jurisdiction. All regular members shall have a demonstrated interest and competence in historic preservation.

2.The King County executive may solicit nominations for persons to serve as regular members of the commission from the Association of King County Historical Organizations, the American Institute of Architects (Seattle Chapter), the Seattle King County Bar Association, the Seattle Master Builders, the chambers of commerce, and other professional and civic organizations familiar with historic preservation.

3.One special member shall be appointed from each municipality within King County which has entered into an interlocal agreement with King County providing for the designation by the commission of landmarks within such municipality in accordance with the terms of such interlocal agreement and this chapter. Each such appointment shall be in accordance with the enabling Ordinance adopted by such municipality.

B.Appointments of regular members, except as provided in subsection C. below, shall be made for a three-year term. Each regular member shall serve until his or her successor is duly appointed and confirmed. Appointments shall be effective on June 1st of each year. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Any member may be reappointed, but may not serve more than two consecutive three-year terms. A member shall be deemed to have served one full term if such member resigns at any time after appointment or if such member serves more than two years of an unexpired term. The members of the commission shall serve without compensation except for out-of-pocket expenses incurred in connection with commission meetings or programs.

C.After May 4, 1992 the term of office of members becomes effective on the date the council confirms the appointment of commission members and King County executive shall appoint or reappoint three members for a three year term, three members for a two year term, and three members for a one year term. For purposes of the limitation on consecutive terms set forth in paragraph B, an appointment for a one or a two year term shall be deemed an appointment for an unexpired term.

D.For appointments made in 1992 the King County executive shall appoint or reappoint three members for a three-year term, three members for a two-year term, and three members for a one-year term. For purposes of the limitation on consecutive terms set forth in paragraph B, an appointment for a one- or a two-year term shall be deemed an appointment for an unexpired term.

E.The chairman shall be a member of the commission and shall be elected annually by the regular commission members. The commission shall adopt per K.C.C. Chapter 2.98 rules and regulations, including procedures consistent with this chapter. The members of the commission shall be governed by the King County code of ethics, K.C.C. Ch. 3.04 as hereafter amended. The commission shall not conduct any public hearing required under this chapter until rules and regulations have been filed with the council clerk.

F.A special member of the commission shall be a voting member solely on matters before the commission involving the designation of landmarks within the municipality from which such special member was appointed.

G.A majority of the current appointed and confirmed members of the commission shall constitute a quorum for the transaction of business. A special member shall count as part of a quorum for the vote on any matter involving the designation or control of landmarks within the municipality from which such special member was appointed. All official actions of the commission shall require a majority vote of the members present and eligible

to vote on the action voted upon. No member shall be eligible to vote upon any matter required by this chapter to be determined after a hearing unless that member has attended the hearing or familiarized him or herself with the record.

H.The commission may from time to time establish one or more committees to further the policies of the commission, each with such powers as may be lawfully delegated to it by the commission.

I.The director of the King County parks, planning and resources department shall provide staff support to the commission and shall assign a professionally qualified member of the department's staff to serve as a full-time historic preservation officer. The historic preservation officer shall be an employee of the parks, planning and resources division of cultural resources. Under the direction of the commission, the historic preservation officer shall be the custodian of the commission's records. The historic preservation officer or his or her designee shall conduct official correspondence, assist in organizing the commission, and organize and supervise the commission staff and the clerical and technical work of the commission to the extent required to administer this chapter.

J.The commission shall meet at least once each month for the purpose of considering and holding public hearings on nominations for designation and applications for certificates of appropriateness. Where no business is scheduled to come before the commission seven days before the scheduled monthly meeting, the chairman of the commission may cancel the meeting. All meetings of the commission shall be open to the public. The commission shall keep minutes of its proceedings, showing the action of the commission upon each question, and shall keep records of all official actions taken by it, all of which shall be filed in the office of the historic preservation officer and shall be public records.

K.At all hearings before and meetings of the commission, all oral proceedings shall be electronically recorded. Such proceedings may also be recorded stenographically by a court reporter if any interested person at his or her expense shall provide a court reporter for that purpose. A tape recorded copy of the electronic record of any hearing or part thereof shall be furnished to any person upon request and payment of the reasonable expense thereof.

L.The commission is authorized, subject to the availability of funds for that purpose, to expend monies to compensate experts, in whole or in part, to provide technical assistance to property owners in connection with requests for certificates of appropriateness upon a showing by the property owner that the need for such technical assistance imposes an unreasonable financial hardship on such property owner.

M.Commission records, maps, or other information identifying the location of archaeological sites and potential sites shall be exempt from public access as specified in RCW 42.17.310(1.c.), as amended, in order to avoid looting and depredation of such sites. (Ord. 10474 § 3, 1992: Ord. 10371 § 1, 1992: Ord. 4828 § 3, 1980).

20.62.040 Designation criteria. A. An historic resource may be designated as a King County landmark if it is more than forty years old or, in the case of a landmark district, contains resources that are more than forty years old, and possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:

1.Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or

2.Is associated with the lives of persons significant in national, state or local history; or

3.Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

4.Has yielded or may be likely to yield, information important in prehistory or history; or

5.Is an outstanding work of a designer or builder who has made a substantial contribution to the art.

B.An historic resource may be designated a community landmark because it is an easily identifiable visual feature of a neighborhood or the county and contributes to the distinctive quality or identity of such neighborhood or county or because of its association with significant historical events or historic themes, association with important or prominent persons in the community or county, or recognition by local citizens for substantial contribution to the neighborhood or community. An improvement or site qualifying for designation solely by virtue of satisfying criteria set out in this section shall be designated a community landmark and shall not be subject to the provisions of 20.62.080.

C.Cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past forty years shall not be considered eligible for designation. However, such a property shall be eligible for designation if they are:

1.An integral part of districts that meet the criteria set out in 20.62.040A or if it is:

2.A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

3.A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

4.A birthplace, grave or residence of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or

5.A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

6.A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner or as part of a restoration master plan, and when no other building or structure with the same association has survived; or

7.A property commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or

8.A property achieving significance within the past forty years if it is of exceptional importance. (Ord. 10474 § 4, 1992: Ord. 4828 § 4, 1980).

20.62.050 Nomination procedure. A. Any person, including the historic preservation officer and any member of the commission, may nominate an historic resource for designation as a landmark or community landmark. The procedures set forth in Sections 20.62.050 and 20.62.080 may be used to amend existing designations or to terminate an existing designation based on changes which affect the applicability of the criteria for designation set forth in Section 20.62.040. The nomination or designation of an historic resource as a landmark shall constitute nomination or designation of the land which is occupied by the historic resource unless the nomination provides otherwise.

Nominations shall be made on official nomination forms provided by the historic preservation officer, shall be filed with the historic preservation officer, and shall include all data required by the commission.

B.Upon receipt by the historic preservation officer of any nomination for designation, the officer shall review the nomination, consult with the person or persons submitting the nomination, and the owner, and prepare any amendments to or additional information on the nomination deemed necessary by the officer. The historic preservation officer may refuse to accept any nomination for which inadequate information is provided by the person or persons submitting the nomination. It is the responsibility of the person or persons submitting the nomination to perform such research as is necessary for consideration by the commission. The historic preservation officer may assume responsibility for gathering the required information or appoint an expert or experts to carry out this research in the interest of expediting the consideration.

C.When the historic preservation officer is satisfied that the nomination contains sufficient information and complies with the commission's regulations for nomination, the officer shall give notice in writing, certified mail/return receipt requested, to the owner of the property or object, to the person submitting the nomination and interested persons of record that a preliminary or a designation determination on the nomination will be made by the commission. The notice shall include:

1.The date, time, and place of hearing;

2.The address and description of the historic resource and the boundaries of the nominated resource;

3.A statement that, upon a designation or upon a preliminary determination of significance, the certificate of appropriateness procedure set out in Section 20.62.080 will apply;

4.A statement that, upon a designation or a preliminary determination of significance, no significant feature may be changed without first obtaining a certificate of appropriateness from the commission, whether or not a building or other permit is required. A copy of the provisions of Section 20.62.080 shall be included with the notice;

5.A statement that all proceedings to review the action of the commission at the hearing on a preliminary determination or a designation will be based on the record made at such hearing and that no further right to present evidence on the issue of preliminary determination or designation is afforded pursuant to this chapter.

D.The historic preservation officer shall, after mailing the notice required herein, refer the nomination and all supporting information to the commission for consideration on the date specified in the notice. No nomination shall be considered by the commission less than thirty nor more than forty five calendar days after notice setting the hearing date has been mailed except where the historic preservation officer or members of the commission have reason to believe that immediate action is necessary to prevent destruction, demolition or defacing of an historic resource, in which case the notice setting the hearing shall so state. (Ord. 10474 § 5, 1992: Ord. 4828 § 5, 1980).

20.62.070 Designation procedure. A. The commission may approve, deny, amend or terminate the designation of an historic resource as a landmark or community landmark only after a public hearing. At the designation hearing the commission shall receive evidence and hear argument only on the issues of whether the historic resource meets the criteria for designation of landmarks or community landmarks as specified in Section 20.62.040 of this chapter

and merits designation as a landmark or community landmark; and the significant features of the landmark. The hearing may be continued from time to time in the discretion of the commission. In the event the hearing is continued, the commission may make a preliminary determination of significance if the commission determines, based on the record before it that the historic resource is of significant value and likely to satisfy the criteria for designation set out in Section 20.62.040. Such preliminary determination shall be effective as of the date of the public hearing at which it is made. Where the commission makes a preliminary determination it shall specify the boundaries of the nominated resource, the significant features thereof, and such other description of the historic resource as it deems appropriate. Within five working days after the commission has made a preliminary determination, the historic preservation officer shall file a written notice of such action with the manager and mail copies of the same, certified mail/return receipt requested, to the owner, the person submitting the nomination and interested persons of record. Such notice shall include:

1.A copy of the commission's preliminary determination;

2.A statement that while proceedings pursuant to this chapter are pending, or six months from the date of the notice, whichever is shorter, and thereafter if the designation is approved by the commission, the certificate of appropriateness procedures set out in Section 20.62.080, a copy of which shall be enclosed, shall apply to the described historic resource whether or not a building or other permit is required. The decision of the commission shall be made after the close of the public hearing or at the next regularly scheduled public meeting of the commission thereafter.

B. Whenever the commission approves the designation of an historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written designation report which shall include:

1.The boundaries of the nominated resource and such other description of the resource sufficient to identify its ownership and location;

2.The significant features and such other information concerning the historic resource as the commission deems appropriate;

3.Findings of fact and reasons supporting the designation with specific reference to the criteria for designation set forth in Section 20.62.040;

4.A statement that no significant feature may be changed, whether or not a building or other permit is required, without first obtaining a certificate of appropriateness from the commission pursuant to the provisions of Section 20.62.080, a copy of which shall be included in the designation report. This subsection shall not apply to historic resources designated as community landmarks.

C. Whenever the commission rejects the nomination of an historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written decision including findings of fact and reasons supporting its determination that the criteria set forth in Section 20.62.040 have not been met. If an historic resource has been nominated as a land-mark and the commission designates such historic resource as a community landmark, such designation shall be treated as a rejection of the nomination for King County landmark status and the foregoing requirement for a written decision shall apply. Nothing contained herein shall prevent renominating any historic resource rejected under this subsection as a King County landmark at a future time.

D. A copy of the commission's designation report or decision rejecting a nomination shall be delivered or mailed to the owner, to interested persons of

record and the director within five working days after it is issued. If the commission rejects the nomination and it has made a preliminary determination of significance with respect to such nomination, it shall include in the notice to the director a statement that the provisions of Section 20.62.080 no longer apply to the subject historic resources.

E. If the commission approves, or amends a landmark designation, the provisions of Section 20.62.080 shall apply as approved or amended. A copy of the commission's designation report or designation amendment shall be filed with the division of records and elections together with a legal description of the designated resource and notification that the provisions of Sections 20.62.080 and 20.62.130 apply. If the commission terminates the designation of an historic resource, the provisions of Section 20.62.080 shall no longer apply to said historic resource. (Ord. 11620 § 14, 1994: Ord. 10474 § 6, 1992: Ord. 4828 § 7, 1980).

20.62.080 Certificate of appropriateness procedure. A. At any time after a designation report and notice has been filed with the director and for a period of six months after notice of a preliminary determination of significance has been mailed to the owner and filed with the director, a certificate of appropriateness must be obtained from the commission before any alterations may be made to the significant features of the landmark identified in the preliminary determination report or thereafter in the designation report. The designation report shall supersede the preliminary determination report. This requirement shall apply whether or not the proposed alteration also requires a building or other permit. The requirements of this section shall not apply to any historic resource located within incorporated cities or towns in King County, except as provided by applicable interlocal agreement.

B. Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials do not require a certificate of appropriateness. Repairs to or replacement of utility systems do not require a certificate of appropriateness provided that such work does not alter an exterior significant feature.

C. There shall be three types of certificates of appropriateness, as follows:

1. Type I, for restorations and major repairs which utilize in-kind materials.

2. Type II, for alterations in appearance, replacement of historic materials and new construction.

3. Type III, for demolition, moving and excavation of archaeological sites.

In addition, the commission shall establish and adopt an appeals process concerning Type I decisions made by the historic preservation officer with respect to the applications for certificates of appropriateness.

The historic preservation officer may approve Type I certificates of appropriateness administratively without public hearing, subject to procedures adopted by the commission. Alternatively the historic preservation officer may refer applications for Type I certificates of appropriateness to the commission for decision. The commission shall adopt an appeals procedure concerning Type I decisions made by the historic preservation officer.

Type II and III certificates of appropriateness shall be decided by the commission and the following general procedures shall apply to such commission actions:

1. Application for a certificate of appropriateness shall be made by filing an application for such certificate with the historic preservation officer on forms provided by the commission.

2.If an application is made to the director for a permit for any action which affects a landmark, the director shall promptly refer such application to the historic preservation officer, and such application shall be deemed an application for a certificate of appropriateness if accompanied by the additional information required to apply for such certificate. The director may continue to process such permit application, but shall not issue any such permit until the time has expired for filing with the director the notice of denial of a certificate of appropriateness or a certificate of appropriateness has been issued pursuant to this chapter.

3.After the commission has commenced proceedings for the consideration of any application for a certificate of appropriateness by giving notice of a hearing pursuant to subsection 3 of this section, no other application for the same or a similar alteration may be made until such proceedings and all administrative appeals therefrom pursuant to this chapter have been concluded.

4.Within forty five calendar days after the filing of an application for a certificate of appropriateness with the commission or the referral of an application to the commission by the director except those decided administratively by the historic preservation officer pursuant to subsection 2 of this section, the commission shall hold a public hearing thereon. The historic preservation officer shall mail notice of the hearing to the owner, the applicant, if the applicant is not the owner, and parties of record at the designation proceedings, not less than ten calendar days before the date of the hearing. No hearing shall be required if the commission, the owner and the applicant, if the applicant is not the owner, agree in writing to a stipulated certificate approving the requested alterations thereof. This agreement shall be ratified by the commission in a public meeting and reflected in the commission meeting minutes. If the commission grants a certificate of appropriateness, such certificate shall be issued forthwith and the historic preservation officer shall promptly file a copy of such certificate with the director.

5.If the commission denies the application for a certificate of appropriateness, in whole or in part, it shall so notify the owner, the person submitting the application and interested persons of record setting forth the reasons why approval of the application is not warranted.

D. The commission shall adopt such other supplementary procedures consistent with K.C.C. 2.98 as it determines are required to carry out the intent of this section. (Ord. 11620 § 15, 1994: Ord. 10474 § 7, 1992: Ord. 4828 § 8, 1980).

20.62.100 Evaluation of economic impact. A. At the public hearing on any application for a Type II or Type III certificate of appropriateness, or Type I if referred to the commission by the historic preservation officer, the commission shall, when requested by the property owner, consider evidence of the economic impact on the owner of the denial or partial denial of a certificate. In no case may a certificate be denied, in whole or in part, when it is established that the denial or partial denial will, when available incentives are utilized, deprive the owner of a reasonable economic use of the landmark and there is no viable and reasonable alternative which would have less impact on the features of significance specified in the preliminary determination report or the designation report.

B.To prove the existence of a condition of unreasonable economic return, the applicant must establish and the commission must find, both of the following:

1.The landmark is incapable of earning a reasonable economic return without making the alterations proposed. This finding shall be made by considering and the applicant shall submit to the commission evidence establishing each of the following factors:

a.The current level of economic return on the landmark as considered in relation to the following:

(1) The amount paid for the landmark, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the landmark was purchased;

(2) The annual gross and net income, if any, from the landmark for the previous five (5) years; itemized operating and maintenance expenses for the previous five (5) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

(3) The remaining balance on any mortgage or other financing secured by the landmark and annual debt service, if any, during the prior five (5) years;

(4) Real estate taxes for the previous four (4) years and assessed value of the landmark according to the two (2) most recent assessed valuations;

(5) All appraisals obtained within the previous three (3) years by the owner in connection with the purchase, financing or ownership of the landmark;

(6) The fair market value of the landmark immediately prior to its designation and the fair market value of the landmark (in its protected status as a designated landmark) at the time the application is filed;

(7) Form of ownership or operation of the landmark, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or both;

(8) Any state or federal income tax returns on or relating to the landmark for the past two (2) years.

b.The landmark is not marketable or able to be sold when listed for sale or lease. The sale price asked, and offers received, if any, within the previous two (2) years, including testimony and relevant documents shall be submitted by the property owner. The following also shall be considered:

(1) Any real estate broker or firm engaged to sell or lease the landmark;

(2) Reasonableness of the price or lease sought by the owner;

(3) Any advertisements placed for the sale or lease of the landmark.

c.The unfeasibility of alternative uses that can earn a reasonable economic return for the landmark as considered in relation to the following:

(1) A report from a licensed engineer or architect with experience in historic restoration or rehabilitation as to the structural soundness of the landmark and its suitability for restoration or rehabilitation;

(2) Estimates of the proposed cost of the proposed alteration and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of the proposed alteration;

(3) Estimated market value of the landmark in the current condition after completion of the proposed alteration; and, in the case of proposed demolition, after renovation of the landmark for continued use;

(4) In the case of proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in historic restoration or rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing landmark;

(5) The unfeasibility of new construction around, above, or below the historic resource.

d.Potential economic incentives and/or funding available to the owner through federal, state, county, city or private programs.

2.The owner has the present intent and the secured financial ability, demonstrated by appropriate documentary evidence to complete the alteration.

C.Notwithstanding the foregoing enumerated factors, the property owner may demonstrate other appropriate factors applicable to economic return.

D.Upon reasonable notice to the owner, the commission may appoint an expert or experts to provide advice and/or testimony concerning the value of the landmark, the availability of incentives and the economic impacts of approval, denial or partial denial of a certificate of appropriateness.

E.Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a certificate of appropriateness. (Ord. 10474 § 8, 1992: Ord. 4828 § 10, 1980).

20.62.110Appeal procedure. A. Any person aggrieved by a decision of the commission designating or rejecting a nomination for designation of a landmark or issuing or denying a certificate of appropriateness may, within thirty-five calendar days of mailing of notice of such designation or rejection of nomination, or of such issuance or denial or approval of a certificate of appropriateness appeal such decision in writing to the council. The written notice of appeal shall be filed with the historic preservation officer and the clerk of the council and shall be accompanied by a statement setting forth the grounds for the appeal, supporting documents, and argument.

B.If, after examination of the written appeal and the record, the council determines, that: 1. An error in fact may exist in the record, it shall remand the proceeding to the commission for reconsideration or, if the council determines that: 2. the decision of the commission is based on an error in judgment or conclusion, it may modify or reverse the decision of the commission.

C.The council's decision shall be based solely upon the record, provided that, the council may at its discretion publicly request additional information of the appellant, the commission or the historic preservation officer.

D.The council shall take final action on any appeal from a decision of the commission by adoption of an Ordinance, and when so doing, it shall make and enter findings of fact from the record and reasons therefrom which support its action. The council may adopt all or portions of the commission's findings and conclusions.

E.The action of the council sustaining, reversing, modifying or remanding a decision of the commission shall be final unless within twenty calendar days from the date of the action an aggrieved person obtains a writ of certiorari from the superior court of King County, state of Washington, for the purpose of review of the action taken. (Ord. 10474 § 9, 1992: Ord. 4828 § 11, 1980).

20.62.120 Funding. A. The commission shall have the power to make and administer grants of funds received by it from private sources and from local, state and federal programs for purposes of:

1.Maintaining, purchasing or restoring historic resources located within King County which it deems significant pursuant to the goals, objectives and criteria set forth in this chapter if such historic resources have been nominated or designated as landmarks pursuant to this chapter or have been designated as landmarks by municipalities within King County or by

the State of Washington, or are listed on the National Historic Landmarks Register, the National Register of Historic Places; and

2.Developing and conducting programs relating to archaeology, cultural heritage and technical assistance to heritage museums, heritage organizations and public agencies. The commission shall establish rules andregulations consistent with K.C.C. 2.98 governing procedures for applying for and awarding of grant moneys pursuant to this section.

B.The commission may, at the request of the historic preservation officer and King County department of parks, planning and resources, review proposals submitted to that department for funds made available for grants to be made by the department through the Housing and Community Development Act of 1974, 42 U.S.C., § 5301 et seq., the State and Local Fiscal Assistance Act of 1972, 31 U.S.C., § 1221 et seq., the Museum Assistance Program and other applicable local, state and federal funding programs. Upon review of such grant proposals, the commission shall make recommendations to the department concerning which proposals should be funded, the amount of the grants that should be awarded, the conditions that should be placed on the grant, and such other matters as the commission deems appropriate. The historic preservation officer shall keep the commission apprised of the status of grant proposals, deadlines for submission of proposals and the recipients of grant funds. (Ord. 10474 § 10, 1992: Ord. 4828 § 12, 1980).

20.62.130 Penalty for violation of Section 20.62.080. Any person violating or failing to comply with the provisions of Section 20.62.080 of this chapter shall incur a civil penalty of up to five hundred dollars per day and each day's violation or failure to comply shall constitute a separate offense; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal proceedings filed in any court challenging the validity of the provision or provisions of this chapter, as to which such violations or failure to comply is charged. (Ord. 4828 § 13, 1980).

20.62.140 Special valuation for historic properties. A. There is hereby established and implemented a special valuation for historic properties as provided in Chapter 221, 1986 Laws of Washington and Chapter 84.26 RCW.

B.The King County landmarks and heritage commission is hereby designated as the "Local Review Board" for the purposes related to Chapter 221, 1986 Laws of Washington, and is authorized to perform all functions required by Chapter 221, 1986 Laws of Washington, Chapter 84.26 RCW, and Chapter 254.20 WAC.

C. All King County landmarks designated and protected under authority of Ordinance 4828 and K.C.C. 20.62 shall be eligible for special valuation as set forth in Chapter 221, 1986 Laws of Washington and Chapter 84.26 RCW. (Ord. 10474 § 12, 1992: Ord. 9237, 1989).

20.62.150 Historic Resources - review process. A. King County shall not approve any development proposal or otherwise issue any authorization to alter, demolish, or relocate any historic resource identified in the King County Historic Resource Inventory, pursuant to the requirements of this chapter. The standards contained in K.C.C. 21A.12, Development Standards - Density and Dimensions and K.C.C. 21A.16, Development Standards - Landscaping and Water Use shall be expanded, when necessary, to preserve the aesthetic, visual and historic integrity of the historic resource from the impacts of development on adjacent properties.

B. Upon receipt of an application for a development proposal located on or adjacent to a historic resource listed in the King County Historic Resource Inventory, the director shall follow the following procedure:

1.The development proposal application shall be circulated to the King County historic preservation officer for comment on the impact of the project on historic resources and for recommendation on mitigation. This includes all permits for alterations to historic buildings, alteration to landscape elements, new construction on the same or abutting lots, or any other action requiring a permit which might affect the historic character of the resource. Information required for a complete permit application to be circulated to the historic preservation officer shall include:

a.a vicinity map;

b.a site plan showing the location of all buildings, structures, and landscape features;

c.a brief description of the proposed project together with architectural drawings showing the existing condition of all buildings, structures, landscape features and any proposed alteration to them;

d.photographs of all buildings, structures, or landscape features on the site; and

e.an environmental checklist, except where categorically exempt under King County SEPA guidelines.

2.Upon request, the historic preservation officer shall provide information about available grant assistance and tax incentives for historic preservation. The officer may also provide the owner, developer, or other interested party with examples of comparable projects where historic resources have been restored or rehabilitated.

3.In the event of a conflict between the development proposal and preservation of an historic resource, the historic preservation officer shall:

a.suggest appropriate alternatives to the owner/developer which achieve the goals of historic preservation.

b.recommend approval, or approval with conditions to the director of the department of development and environmental services; or

c.propose that a resource be nominated for county landmark designation according to procedures established in the landmarks preservation ordinance (K.C.C. 20.62).

4.The director may continue to process the development proposal application, but shall not issue any development permits or issue a SEPA threshold determination until receiving a recommendation from the historic preservation officer. In no event shall review of the proposal by the historic preservation officer delay permit processing beyond any period required by law. Permit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to K.C.C. 20.62.080.

5.On known archaeological sites, before any disturbance of the site, including, but not limited to test boring, site clearing, construction, grading or revegetation, the State Office of Archaeology and Historic Preservation (OAHP), and the King County historic preservation officer, and appropriate Native American tribal organizations must be notified and state permits obtained, if required by law. The officer may require that a professional archaeological survey be conducted to identify site boundaries, resources and mitigation alternatives prior to any site disturbance and that a technical report be provided to the officer, OAHP and appropriate tribal organizations. The officer may approve, disapprove or require permits conditions, including professional archeological surveys, to mitigate adverse impacts to known archeological sites.

C. Upon receipt of an application for a development proposal which affects a King County landmark or an historic resource that has received a preliminary determination of significance as defined by K.C.C. 20.62.020V, the application circulated to the King County historic preservation officer shall be deemed an application for a certificate of appropriateness pursuant to K.C.C. 20.62.080 if accompanied by the additional information required to apply for such certificate. (Ord. 11620 § 12, 1994).

20.62.160 Administrative rules. The director may promulgate administrative rules and regulations pursuant to K.C.C. 2.98, to implement the provisions and requirements of this chapter. (Ord. 11620 § 16, 1994).

20.62.200 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 10474 § 14, 1992).

Chapter 20.70
CRITICAL AQUIFER RECHARGE AREAS

20.70.010 Definition.
20.70.020 Maps adopted.
20.70.030 King County Code provisions adopted.
20.70.040 Board of Health regulations adopted.
20.70.050 Clearing restrictions adopted.
20.70.060 Evaluation and implementation.
20.70.200 Severability.

20.70.010 Definition. Critical Aquifer Recharge Areas means areas that have been identified as sole source aquifers, areas that have a high susceptibility to ground water contamination, or areas that have been approved pursuant to WAC 246-290 as wellhead protection areas for municipal or district drinking water systems. Areas with high susceptibility to ground water contamination occur where aquifers are used for drinking water and there is a combination of permeable soils, permeable subsurface geology, and ground water close to the ground surface. (Ord. 11481 § 1, 1994).

20.70.020 Maps adopted. The map entitled Areas Highly Susceptible to Ground Water Contamination, attached to Ordinance 11481 as Exhibit A*, and the map entitled Sole Source Aquifers, attached to Ordinance 11481 as Exhibit B*, are hereby adopted as the designation of critical aquifer recharge areas in King County pursuant to RCW 36.70A.170. (Ord. 11481 § 2, 1994).

20.70.030 King County Code provisions adopted. In order to protect critical aquifer recharge areas, K.C.C. Chapter 9.04 is hereby adopted in accordance with RCW 36.70A.060.

The following elements of the King County Code are hereby adopted in accordance with RCW 36.70A.060 to protect critical aquifer recharge areas: K.C.C. 8.12, K.C.C. 16.82, K.C.C. 17.04.01, K.C.C. 21.42, K.C.C. 21.51, K.C.C. 21A.16, and K.C.C. 21A.22. (Ord. 11481 §§ 3, 5, 1994).

*Available at the office of the clerk of the council.

20.70.040 Board of Health regulations adopted. The following Titles of the Code of King County Board of Health are hereby adopted in accordance with RCW 36.70A.060 to protect critical aquifer recharge areas: Title 10 "King County Solid Waste Regulations", Title 12 "King County Public Water System Rules and Regulations", and Title 13 "On-Site Sewage Disposal Systems." (Ord. 11481 § 4, 1994).

20.70.050 Clearing restrictions adopted. The clearing restrictions in the area zoning in the following community planning areas, as such zoning restrictions may be amended, are hereby adopted in accordance with RCW 36.70A.060 to protect critical aquifer recharge areas: Northshore, Bear Creek, Soos Creek, Tahoma/Raven Heights, and East Sammamish. (Ord. 11481 § 6, 1994).

20.70.060 Evaluation and implementation. King County will evaluate and implement, as appropriate, ground water management plans and wellhead protection programs to further protect ground water resources. King County will also revise, as appropriate, the map of critical aquifer areas, adopted in Section 20.70.020, to include areas of high recharge to ground water as identified in ground water management plans and wellhead protection programs. (Ord. 11481 § 7, 1994).

20.70.200 Severability. The provisions of this chapter are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the application of any other clause, sentence, paragraph, subdivision, section or portion of this chapter to other persons or circumstances. (Ord. 11481 § 8, 1994).